
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1358 Session of
2019

INTRODUCED BY BENNINGHOFF, BARRAR, BERNSTINE, T. DAVIS, DeLUCA,
HEFFLEY, HERSHEY, KAUFER, KIRKLAND, McCLINTON, MILLARD, MURT,
NEILSON, NELSON, RYAN, SIMMONS, STRUZZI AND ZIMMERMAN,
MAY 1, 2019

REFERRED TO COMMITTEE ON HUMAN SERVICES, MAY 1, 2019

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in powers and duties of the Department of Drug
22 and Alcohol Programs, providing for medication-assisted
23 treatment.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
27 as The Administrative Code of 1929, is amended by adding a

1 section to read:

2 Section 2302-A. Medication-assisted treatment.

3 (a) Rules and regulations.--The Department of Drug and
4 Alcohol Programs, in consultation with the Department of Health
5 and the Department of Human Services, shall promulgate rules and
6 regulations for medication-assisted treatment. The rules and
7 regulations shall include a requirement that if a patient
8 receives medication-assisted treatment from a prescriber, the
9 patient shall enroll at a facility licensed by the Department of
10 Drug and Alcohol Programs for counseling as follows:

11 (1) An average of 2.5 hours of psychotherapy per month
12 during a patient's first two years of medication-assisted
13 treatment, one hour of which shall be individual
14 psychotherapy. Additional psychotherapy may be provided as
15 dictated by ongoing assessment of a patient.

16 (2) At least one hour per month of group or individual
17 psychotherapy during the third and fourth year of medication-
18 assisted treatment. Additional psychotherapy may be provided
19 as dictated by ongoing assessment of a patient.

20 (3) After four years of medication-assisted treatment,
21 at least one hour of group or individual psychotherapy every
22 two months. Additional psychotherapy may be provided as
23 dictated by ongoing assessment of a patient.

24 (4) A prescriber shall document the counseling in the
25 medical record of a patient.

26 (b) Reduction and removal plan.--A patient receiving
27 medication-assisted treatment shall be provided with a plan for
28 gradual reduction and eventual removal from medication-assisted
29 treatment. The prescriber shall document the plan in the
30 patient's medical record. The Department of Drug and Alcohol

1 Programs may create a process for a waiver of the requirement
2 under this subsection in cases where the patient is not a
3 candidate for a reduction and removal plan, as determined by the
4 prescriber.

5 (c) Penalties.--The Department of Drug and Alcohol Programs
6 shall impose an administrative penalty on a prescriber for a
7 violation of the rules and regulations under subsection (a) as
8 follows:

9 (1) For a first violation, \$1,000.

10 (2) For a second violation, \$3,000.

11 (3) For a third violation, the Department of Drug and
12 Alcohol Programs shall notify the prescriber's licensure
13 board of the violation and the licensure board shall review
14 the violation for consideration as unprofessional conduct by
15 the prescriber.

16 (d) Emergency-certified regulations.--The regulations
17 required under subsection (a) may be promulgated as emergency-
18 certified regulations under section 6(d) of the act of June 25,
19 1982 (P.L.633, No.181), known as the Regulatory Review Act.

20 (e) Definitions.--The following words and phrases when used
21 in this section shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

23 "Counseling." Individualized psychotherapy services provided
24 by a facility licensed by the Department of Drug and Alcohol
25 Programs that are clinically appropriate for each patient.

26 "Medication-assisted treatment." The use of medication for
27 the treatment of a substance use disorder. The term shall
28 include, but not be limited to, office-based addiction
29 treatment.

30 "Prescriber." An individual who is licensed, registered or

1 otherwise lawfully authorized to distribute, dispense or
2 administer a controlled substance, other drug or device in the
3 course of professional practice or research in this
4 Commonwealth, including an individual operating under a waiver
5 to practice opioid dependency treatment with approved
6 buprenorphine medications under the Controlled Substances Act
7 (Public Law 91-513, 84 Stat. 1236). The term does not include a
8 veterinarian.

9 Section 2. This act shall take effect in 60 days.