

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1662 Session of 2019

INTRODUCED BY DiGIROLAMO, KINSEY, ZABEL, SCHLOSSBERG, MILLARD, HOHENSTEIN, HOWARD, DeLUCA, SAYLOR, T. DAVIS, FREEMAN, NEILSON, SIMS, MOUL, HILL-EVANS, WEBSTER, POLINCHOCK, ROZZI, NELSON, STRUZZI, PASHINSKI, RIGBY, SCHLEGEL CULVER, COMMITTA, GREGORY AND MIHALEK, JUNE 19, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 19, 2019

AN ACT

1 Amending the act of October 24, 2012 (P.L.1198, No.148),
2 entitled "An act establishing the Methadone Death and
3 Incident Review Team and providing for its powers and duties;
4 and imposing a penalty," further providing for title of act,
5 for short title, for definitions, for establishment of
6 Methadone Death and Incident Review Team, for team duties,
7 for duties of coroner and medical examiner, for review
8 procedures and for confidentiality.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. The title and sections 1, 2, 3 heading, (a) and
12 (b) (3), 4, 5, 6 and 8(a) and (f) of the act of October 24, 2012
13 (P.L.1198, No.148), known as the Methadone Death and Incident
14 Review Act, are amended to read:

15 An Act

16 Establishing the [Methadone] and ~~Buprenorphine~~ MEDICATION Death <--
17 and Incident Review Team and providing for its powers and
18 duties; and imposing a penalty.

19 Section 1. Short title.

1 This act shall be known and may be cited as the [Methadone] <--  
2 and Buprenorphine MEDICATION Death and Incident Review Act. <--

3 Section 2. Definitions.

4 The following words and phrases when used in this act shall  
5 have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Department." The Department of Drug and Alcohol Programs of  
8 the Commonwealth.

9 ["Methadone-related] or buprenorphine-related "MEDICATION- <--  
10 RELATED death." A death where [methadone] or buprenorphine A <--  
11 MEDICATION APPROVED BY THE UNITED STATES FOOD AND DRUG  
12 ADMINISTRATION FOR THE TREATMENT OF OPIOID USE DISORDER was:

- 13 (1) a primary or secondary cause of death; or  
14 (2) may have been a contributing factor.

15 ["Methadone-related] or buprenorphine-related "MEDICATION- <--  
16 RELATED incident." A situation where [methadone] or <--  
17 buprenorphine A MEDICATION APPROVED BY THE UNITED STATES FOOD <--  
18 AND DRUG ADMINISTRATION FOR THE TREATMENT OF OPIOID USE DISORDER  
19 may be a contributing factor which:

- 20 (1) does not involve a fatality; and  
21 (2) involves:  
22 (i) a serious injury; or  
23 (ii) unreasonable risk of death or serious injury.

24 ["Narcotic treatment program.]" "Opioid-assisted treatment  
25 program." A program licensed and approved by the Department of  
26 Drug and Alcohol Programs for chronic opiate drug users that  
27 administers or dispenses agents under a narcotic treatment  
28 physician's order, either for detoxification purposes or for  
29 maintenance.

30 "OPIOID USE DISORDER." A PROBLEMATIC PATTERN OF OPIOID USE <--

1 LEADING TO CLINICALLY SIGNIFICANT IMPAIRMENT OR DISTRESS.

2 "Secretary." The Secretary of Drug and Alcohol Programs of  
3 the Commonwealth.

4 "Team." The [Methadone] and Buprenorphine MEDICATION Death <--  
5 and Incident Review Team established under section 3.

6 Section 3. Establishment of [Methadone] and Buprenorphine <--  
7 MEDICATION Death and Incident Review Team. <--

8 (a) Team established.--The department shall establish a  
9 [Methadone] and Buprenorphine MEDICATION Death and Incident <--  
10 Review Team and conduct a review and shall examine the  
11 circumstances surrounding [methadone-related] or buprenorphine <--  
12 related MEDICATION-RELATED deaths and [methadone-related] or <--  
13 buprenorphine-related MEDICATION-RELATED incidents in this <--  
14 Commonwealth for the purpose of promoting safety, reducing <--  
15 [methadone-related] or buprenorphine-related MEDICATION-RELATED <--  
16 deaths and [methadone-related] or buprenorphine-related <--  
17 MEDICATION-RELATED incidents and improving treatment practices. <--

18 (b) Composition.--The team shall consist of the following  
19 individuals:

20 \* \* \*

21 (3) The following individuals appointed by the  
22 secretary:

23 (i) A representative from [narcotic treatment  
24 programs as defined in 28 Pa. Code § 701.1 (relating to  
25 definitions)] an opioid-assisted treatment program.

26 (ii) A representative from a licensed drug and  
27 alcohol addiction treatment program that is not defined  
28 as [a narcotic treatment program] an opioid-assisted  
29 treatment program.

30 (iii) A representative from law enforcement

1 recommended by a Statewide association representing  
2 members of law enforcement.

3 (iv) A representative from the medical community  
4 recommended by a Statewide association representing  
5 physicians.

6 (v) A district attorney recommended by a Statewide  
7 association representing district attorneys.

8 (vi) A coroner or medical examiner recommended by a  
9 Statewide association representing county coroners and  
10 medical examiners.

11 (vii) A member of the public.

12 (viii) A patient or family advocate.

13 (ix) A representative from a recovery organization.

14 (X) AN OFFICE-BASED AGONIST TREATMENT PROVIDER WHO <--  
15 IS ASSIGNED A WAIVER FROM THE DRUG ENFORCEMENT  
16 ADMINISTRATION, INCLUDING A SPECIAL IDENTIFICATION  
17 NUMBER, COMMONLY REFERRED TO AS THE "X" DEA NUMBER, TO  
18 PROVIDE OFFICE-BASED PRESCRIBING OF BUPRENORPHINE.

19 (XI) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH  
20 WHO IS AFFILIATED WITH THE ACHIEVING BETTER CARE BY  
21 MONITORING ALL PRESCRIPTIONS PROGRAM (ABC-MAP)  
22 ESTABLISHED UNDER THE ACT OF OCTOBER 27, 2014 (P.L.2911,  
23 NO.191), KNOWN AS THE ACHIEVING BETTER CARE BY MONITORING  
24 ALL PRESCRIPTIONS PROGRAM (ABC-MAP) ACT.

25 (XII) A TOXICOLOGIST.

26 \* \* \*

27 Section 4. Team duties.

28 The team shall:

29 (1) Review each MEDICATION-RELATED death where <--

30 [methadone] or buprenorphine A MEDICATION APPROVED BY THE <--

1 UNITED STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT  
2 OF OPIOID USE DISORDER was either the primary or a secondary  
3 cause of death and review [methadone-related] or <--  
4 buprenorphine-related MEDICATION-RELATED incidents. <--

5 (2) Determine the role that [methadone] or buprenorphine <--  
6 A MEDICATION APPROVED BY THE UNITED STATES FOOD AND DRUG <--  
7 ADMINISTRATION FOR THE TREATMENT OF OPIOID USE DISORDER  
8 played in each death and [methadone-related] or <--  
9 buprenorphine-related MEDICATION-RELATED incident. <--

10 (3) Communicate concerns to regulators and facilitate  
11 communication within the health care and legal systems about  
12 issues that could threaten health and public safety.

13 (4) Develop best practices to prevent future [methadone- <--  
14 related] or buprenorphine-related MEDICATION-RELATED deaths <--  
15 and [methadone-related] or buprenorphine-related MEDICATION- <--  
16 RELATED incidents. The best practices shall be:

17 (i) Promulgated by the department as regulations.

18 (ii) Posted on the department's Internet website.

19 (5) Collect and store data on the number of [methadone- <--  
20 related] or buprenorphine-related MEDICATION-RELATED deaths <--  
21 and [methadone-related] or buprenorphine-related MEDICATION- <--  
22 RELATED incidents and provide a brief description of each  
23 death and incident. The aggregate statistics shall be posted  
24 on the department's Internet website. [The team may collect <--  
25 and store data concerning deaths and incidents related to  
26 other drugs used in opiate treatment.] <--

27 (6) Develop a form for the submission of [methadone- <--  
28 related] or buprenorphine-related MEDICATION-RELATED deaths <--  
29 and [methadone-related] or buprenorphine-related MEDICATION- <--  
30 RELATED incidents to the team by any concerned party.

1 (7) Develop, in consultation with a Statewide  
2 association representing county coroners and medical  
3 examiners, a model form for county coroners and medical  
4 examiners to use to report and transmit information regarding  
5 ~~[methadone-related] or buprenorphine-related~~ MEDICATION- <--  
6 RELATED deaths to the team. The team and the Statewide  
7 association representing county coroners and medical  
8 examiners shall collaborate to ensure that all ~~[methadone-~~ <--  
9 ~~related] or buprenorphine-related~~ MEDICATION-RELATED deaths <--  
10 are, to the fullest extent possible, identified by coroners  
11 and medical examiners.

12 (8) Develop and implement any other strategies that the  
13 team identifies to ensure that the most complete collection  
14 of ~~[methadone-related] or buprenorphine-related~~ MEDICATION- <--  
15 RELATED death and ~~[methadone-related] or buprenorphine-~~ <--  
16 ~~related~~ MEDICATION-RELATED serious incident cases reasonably <--  
17 possible is created.

18 (9) Prepare an annual report that shall be posted on the  
19 department's Internet website and distributed to the chairman  
20 and minority chairman of the Judiciary Committee of the  
21 Senate, the chairman and minority chairman of the ~~[Public~~ <--  
22 ~~Health and Welfare]~~ HEALTH AND HUMAN SERVICES Committee of <--  
23 the Senate, the chairman and minority chairman of the  
24 Judiciary Committee of the House of Representatives and the  
25 chairman and minority chairman of the Human Services  
26 Committee of the House of Representatives. Each report shall:

27 (i) Provide public information regarding the number  
28 and causes of ~~[methadone-related] or buprenorphine-~~ <--  
29 ~~related~~ MEDICATION-RELATED deaths and ~~[methadone-related]~~ <--  
30 ~~or buprenorphine-related~~ MEDICATION-RELATED incidents. <--

1 (ii) Provide aggregate data on five-year trends on  
2 ~~[methadone-related] or buprenorphine-related~~ MEDICATION- <--  
3 ~~RELATED~~ deaths and ~~[methadone-related] or buprenorphine-~~ <--  
4 ~~related~~ MEDICATION-RELATED incidents when such <--  
5 information is available.

6 (iii) Make recommendations to prevent future  
7 ~~[methadone-related] or buprenorphine-related~~ MEDICATION- <--  
8 ~~RELATED~~ deaths, ~~[methadone-related] or buprenorphine-~~ <--  
9 ~~related~~ MEDICATION-RELATED incidents and abuse and set <--  
10 forth the department's plan for implementing the  
11 recommendations.

12 (iv) Recommend changes to statutes and regulations  
13 to decrease ~~[methadone-related] or buprenorphine-related~~ <--  
14 ~~MEDICATION-RELATED~~ deaths and ~~[methadone-related] or-~~ <--  
15 ~~buprenorphine-related~~ MEDICATION-RELATED incidents. <--

16 (v) Provide a report on ~~[methadone-related] or-~~ <--  
17 ~~buprenorphine-related~~ MEDICATION-RELATED deaths and <--  
18 ~~[methadone-related] or buprenorphine-related~~ MEDICATION- <--  
19 ~~RELATED~~ incidents and concerns regarding [narcotic]  
20 opioid-assisted treatment programs.

21 (10) Develop and publish on the department's Internet  
22 website a list of meetings for each year.

23 Section 5. Duties of coroner and medical examiner.

24 A county coroner or medical examiner shall forward all  
25 ~~[methadone-related] or buprenorphine-related~~ MEDICATION-RELATED <--  
26 death cases to the team for review. The county coroner and  
27 medical examiner shall use the model form developed by the team  
28 to transmit the data.

29 Section 6. Review procedures.

30 The team may review the following information:

1 (1) Coroner's reports or postmortem examination records  
2 unless otherwise prohibited by Federal or State laws,  
3 regulations or court decisions.

4 (2) Death certificates and birth certificates.

5 (3) Law enforcement records and interviews with law  
6 enforcement officials as long as the release of such records  
7 will not jeopardize an ongoing criminal investigation or  
8 proceeding.

9 (4) Medical records from hospitals, other health care  
10 providers and [narcotic treatment programs] opioid-assisted  
11 treatment programs.

12 (5) Information and reports made available by the county  
13 children and youth agency in accordance with 23 Pa.C.S. Ch.  
14 63 (relating to child protective services).

15 (6) Information made available by firefighters or  
16 emergency services personnel.

17 (7) Reports and records made available by the court to  
18 the extent permitted by law or court rule.

19 (8) EMS records.

20 (9) Traffic fatality reports.

21 (10) [Narcotic treatment program] Opioid-assisted  
22 treatment program incident reports.

23 (11) [Narcotic treatment program] Opioid-assisted  
24 treatment program licensure surveys from the program  
25 licensure division.

26 (12) Any other records necessary to conduct the review.

27 Section 8. Confidentiality.

28 (a) Maintenance.--The team shall maintain the  
29 confidentiality of any identifying information obtained relating  
30 to the death of an individual or adverse incidents regarding



1 [methadone] or buprenorphine MEDICATION, including the name of <--  
2 the individual, guardians, family members, caretakers or alleged  
3 or suspected perpetrators of abuse, neglect or a criminal act.

4 \* \* \*

5 (f) Attendance.--Nothing in this act shall prevent the team  
6 from allowing the attendance of a person with information  
7 relevant to a review at a [methadone] or buprenorphine <--  
8 MEDICATION death and incident team review meeting. <--

9 \* \* \*

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