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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1515 Session of  
2023

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INTRODUCED BY MADDEN, SCHLOSSBERG, BRENNAN, CEPEDA-FREYTIZ,  
T. DAVIS, GALLAGHER, GUENST, HANBIDGE, HILL-EVANS, KAZEEM,  
KHAN, MALAGARI, RABB, ROZZI AND SANCHEZ, JUNE 26, 2023

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REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 26, 2023

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AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania  
2 Consolidated Statutes, in Nonnarcotic Medication-assisted  
3 Substance Abuse Treatment Grant Pilot Program, further  
4 providing for definitions, repealing provisions relating to  
5 establishment of pilot program, providing for establishment  
6 and further providing for county participation requirements,  
7 for use of grant funding, for powers and duties of  
8 department, for prior authorization, for report to General  
9 Assembly and for construction; imposing duties on the  
10 Pennsylvania Commission on Crime and Delinquency; and making  
11 an editorial change.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Chapter 46 heading of Title 61 of the  
15 Pennsylvania Consolidated Statutes is amended to read:

16 CHAPTER 46

17 [NONNARCOTIC MEDICATION ASSISTED]

18 MEDICATION-ASSISTED SUBSTANCE ABUSE TREATMENT GRANT [PILOT]

19 PROGRAM

20 Section 2. The definition of "pilot program" in section 4601  
21 of Title 61 is amended and the section is amended by adding  
22 definitions to read:

1 § 4601. Definitions.

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

5 "Commission." The Pennsylvania Commission on Crime and  
6 Delinquency.

7 \* \* \*

8 "Medication-assisted treatment." The use of United States  
9 Food and Drug Administration-approved medications, in  
10 combination with counseling and behavioral therapies, to provide  
11 a whole patient approach to the treatment of substance use  
12 disorders.

13 "[Pilot program] Program." The [Nonnarcotic Medication  
14 Assisted] Medication-assisted Substance Abuse Treatment Grant  
15 [Pilot] Program established under [this chapter] section 4602.1  
16 (relating to establishment).

17 Section 3. Section 4602 of Title 61 is repealed:

18 [§ 4602. Establishment of pilot program.

19 The Nonnarcotic Medication Assisted Substance Abuse Treatment  
20 Grant Pilot Program is established in the department to increase  
21 opportunities for counties to provide long-acting nonnarcotic,  
22 nonaddictive medication combined with comprehensive substance  
23 abuse treatment to eligible offenders upon release from county  
24 correctional institutions. Grants shall be limited to fiscal  
25 year 2015-2016 and awarded to counties eligible to participate  
26 in the pilot program within six months of the effective date of  
27 this section.]

28 Section 4. Title 61 is amended by adding a section to read:

29 § 4602.1. Establishment.

30 The Medication-assisted Substance Abuse Treatment Grant

1 Program is established in the commission to increase  
2 opportunities for counties to provide medication-assisted  
3 treatment combined with comprehensive substance use treatment to  
4 eligible offenders while incarcerated and upon release from  
5 county correctional institutions.

6 Section 5. Sections 4603, 4604, 4605, 4606, 4607 and 4608 of  
7 Title 61 are amended to read:

8 § 4603. County participation requirements.

9 In order to be eligible for grant funding under the [pilot]  
10 program, a county must:

11 (1) Make application to the [department] commission in a  
12 form and manner as provided by the [department] commission.

13 (2) Have a county correctional institution with an  
14 institutional substance abuse treatment program that supports  
15 offenders while incarcerated or transitioning from a county  
16 correctional institution to the community or offenders who  
17 are sentenced to serve [county intermediate punishment  
18 sentences] probation with restrictive conditions.

19 (3) Be able to contract with a provider as required  
20 under section 4604 (relating to use of grant funding).

21 (4) Meet any other requirements established by the  
22 [department] commission.

23 § 4604. Use of grant funding.

24 (a) County.--A county awarded a grant under the [pilot]  
25 program shall do all of the following or contract with an  
26 entity, provider or organization that shall:

27 (1) Assess each offender, prior to reentry into the  
28 community, and determine if the offender is a candidate to  
29 whom should be administered medication that prevents relapse  
30 to drug dependence or alcohol dependence, or both.

1 (2) Create an individualized program for each offender  
2 identified under paragraph (1).

3 (3) Provide access to and administer [long-acting  
4 nonnarcotic, nonaddictive medication assisted treatment]  
5 medication-assisted treatment.

6 (4) Provide clinically appropriate inpatient or  
7 outpatient services determined as necessary to support each  
8 individual's treatment plan.

9 (5) Cooperate with the county probation and parole  
10 office as to the use of any drug under paragraph (1) by any  
11 eligible offender.

12 (6) Create a discharge plan for each offender under  
13 paragraph (1).

14 (b) Requirement of participants.--Each participant must  
15 agree to waive the privacy requirements of the Health Insurance  
16 Portability and Accountability Act of 1996 (Public Law 104-191,  
17 110 Stat. 1936) to the extent needed for the county to have  
18 access to the information required under this section.

19 § 4605. Powers and duties of [department] commission.

20 (a) General rule.--The [department] commission, in  
21 collaboration with the department, shall:

22 (1) Establish a form for counties to apply for grant  
23 funding under the [pilot] program.

24 (2) Establish criteria for counties making application  
25 for grant funding under the [pilot] program.

26 (3) Develop or approve training and instructional  
27 materials for the law enforcement community about opioid and  
28 alcohol addiction and the proper and effective use of  
29 [nonnarcotic medication assisted substance abuse treatment]  
30 medication-assisted treatment in consultation with the

1 appropriate State agencies, including, but not limited to,  
2 the Department of Drug and Alcohol Programs, the Department  
3 of Human Services, the Department of Health[, the  
4 Pennsylvania Board of Probation and Parole and the  
5 Pennsylvania Commission on Crime and Delinquency] and the  
6 board.

7 (4) Make a form available to providers to be used to  
8 confirm that an offender is eligible for and enrolled in the  
9 [pilot] program.

10 (5) Set forth the basis for medical providers to be  
11 reimbursed and for [medical] substance use treatment  
12 providers to be reimbursed for counseling services.

13 (6) Promulgate any rules and regulations necessary to  
14 implement this chapter.

15 (b) Limitation on grant awards.--Grant awards shall be at  
16 the discretion of the [department] commission and shall be  
17 limited to amounts annually appropriated to the [department]  
18 commission for the [pilot] program.

19 § 4606. Prior authorization.

20 [Long-acting injectable naltrexone] The following apply:

21 (1) Medication-assisted treatment shall be approved as  
22 part of a prior authorization process by any Medicaid managed  
23 care plan operating under contract with the Commonwealth for  
24 eligible offenders enrolled in the [pilot] program and  
25 receiving comprehensive substance [abuse] disorder treatment  
26 which includes the monitoring of medication adherence upon  
27 [their] release from county correctional institutions.

28 (2) Within 90 days of the effective date of this  
29 [section] paragraph, the Department of Human Services shall  
30 issue a bulletin notice to instruct Medicaid managed care

1 plans that approval for the use of [long-acting injectable  
2 naltrexone] medication-assisted treatment must be granted if  
3 the eligible offenders are enrolled in the [pilot] program  
4 upon [their] release from county correctional institutions.  
5 § 4607. Report to General Assembly.

6 [Within 18 months of the effective date of this section, the  
7 department] (a) Issuance.--Beginning two years after the  
8 effective date of this subsection, the commission shall issue a  
9 biennial report to the Judiciary Committee of the Senate and the  
10 Appropriations Committee of the Senate and the Judiciary  
11 Committee of the House of Representatives and the Appropriations  
12 Committee of the House of Representatives evaluating the  
13 effectiveness of the [pilot] program. The report shall include:

14 (1) The number of eligible offenders to whom [long-  
15 acting nonnarcotic, nonaddictive medication assisted]  
16 medication-assisted treatment was administered.

17 (2) The number of eligible offenders who completed the  
18 program of [long-acting nonnarcotic, nonaddictive medication  
19 assisted] medication-assisted treatment.

20 (3) Recidivism rates of eligible offenders to whom  
21 [long-acting nonnarcotic, nonaddictive medication assisted]  
22 medication-assisted treatment was administered.

23 (4) [The average amount of] A summary of the grants  
24 awarded to counties and the amounts awarded.

25 [(5) The number of providers available to meet the  
26 requirements provided in section 4603 (relating to county  
27 participation requirements) on a county-by-county basis.]

28 (6) The impact of the use of [long-acting nonnarcotic,  
29 nonaddictive medication assisted] medication-assisted  
30 treatment on treatment outcomes and any potential cost

1 savings.

2 (b) (Reserved).

3 § 4608. Construction.

4 Nothing in this act shall be construed to create an  
5 entitlement or a right of an eligible offender to receive  
6 medication-assisted treatment while incarcerated or upon release  
7 from a county correctional institution.

8 Section 6. This act shall take effect in 60 days.