



## BILL SUMMARY

		<b><u>DATE:</u></b>	1/17/12
<b><u>COMMITTEE:</u></b>	Human Services	<b><u>BILL NO.:</u></b>	HB 1651
<b><u>PRIME SPONSOR:</u></b>	DiGirolamo	<b><u>PRINTER'S NO.:</u></b>	2830
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### A. **SYNOPSIS:**

Establishes a database for prescription drug monitoring.

### B. **BILL SUMMARY:**

HB 1651 amends Title 44 (Law and Justice) to add a new Chapter 27, entitled Pharmaceutical Accountability Monitoring System (PAMS). The bill establishes a database in the Department of Drug and Alcohol Programs to monitor the prescription and disbursement of Schedule II, III, IV and V drugs.

An advisory committee is created to provide input and advice to the department regarding the establishment and maintenance of PAMS.

All dispensers of such drugs will be required to input data for each disbursement, while practitioners will have access to the data. The database will be accessed securely by dispensers and practitioners, as all those licensed to practice in Pennsylvania who are registered by the state to prescribe or dispense controlled substances will be required to establish a username and PIN with the secure website that holds the database. This information will be confidential and accessible only by the following groups and individuals:

1. Personnel of the department specifically assigned to investigate in regards to controlled substance laws
2. Personnel of the department specifically assigned to analyze data
3. Personnel conducting research. In this instance, identifying information will be deleted before it is obtained by such personnel.
4. Licensed practitioners with usernames and PINs
5. Licensed dispensers with usernames and PINs
6. Federal or State law enforcement authorities

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7. Personnel responsible for licensing or certifying prescribers and dispensers who are involved in an investigation regarding professional practice
8. A medical examiner investigating cause of death
9. A prescription monitoring official
10. An individual whose information is entered into the database, given the ability to positively prove identity
11. The Attorney General of Pennsylvania and a similar law enforcement official from another state conducting a bona fide investigation or prosecution of a criminal offense involving the use of controlled substances.

The data required for entry includes the following:

- Full name of the prescribing practitioner
- Prescriber Drug Enforcement Agency (DEA) number
- Date the prescription was written
- Date the prescription was dispensed
- Patient information, including full name, date of birth, gender and address
- Name of the controlled substance
- Quantity prescribed
- Strength of the controlled substance
- Quantity dispensed
- Dosage quantity and frequency prescribed
- Name of the pharmacy or other entity dispensing the controlled substance

The purpose of the database is to maintain records of the dispensing of controlled substances in order to identify instances of unusual or unacceptable practices in the prescription, disbursement or procurement of controlled substances. With this information, early detection of addiction may be possible. Those individuals identified through the database as potentially addicted will be referred to alcohol and other drug addiction treatment programs.

Evaluation and analysis of the reported data will identify the costs and benefits of the database; its impact on efforts to reduce misuse, or abuse of, or addiction to, controlled substances; its impact on prescribing practices of such controlled substances; the number of patients identified as potentially addicted by the database; the number of patients that received addiction treatment as a result of such identification; the progress made on implementing real-time reporting, and other relevant information.

Obtaining or attempting to obtain information from the database through misrepresentation or fraud, or for an unauthorized purpose, will be a felony of the third degree, punishable by up to 90 day's imprisonment, and/or a fine of up to \$5,000 for each offense. Professional Licensing Board disciplinary actions may be taken against those dispensers who knowingly fail to submit the required information.

All costs associated with recording and submitting data will be assumed by the submitting pharmacy. However, a practitioner or pharmacist will not be required to pay a fee or tax

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dedicated to establishing, operating or maintaining the system. These activities, as well as staff training and pursuit of grants and matching funds, will be paid for by the General Fund.

Effective date: 60 days

**C. CURRENT LAW:**

The Controlled Substances Drug Device and Cosmetic Act (Act 64 of 1972) identifies the medications to be tracked by the database established by HB 1651.

Regulations promulgated under the Controlled Substance Act, found at 28 Pa. Code Chapter 25, authorize the Attorney General to collect data regarding the dispensation of Schedule II controlled substances.

The Pharmacy Act (Act 699 of 1961) contains the disciplinary measures that may be taken if dispensers fail to comply with the provisions of HB 1651.

The Right to Know Law (Act 3 of 2008) shall not apply to information stored in the database or for information on requests to query the data.

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