



Senate Public Health and Welfare Committee

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Summary SB 1180 PN 1573

This legislation creates the Achieving Better Care by Monitoring All Prescriptions (ABC-MAP) Program within the Department of Health for the purpose of improving patient care and preventing drug abuse. The ABC-MAP Program will consist of an electronic data system listing controlled substances that are prescribed and dispensed in the Commonwealth.

- An ABC-MAP Board is created within the Department of Health for the purpose of establishing and overseeing the program. The Board is chaired by the Secretary of Health. The following individuals or their designees will also serve:
 - Secretary of Public Welfare
 - Secretary of Drug and Alcohol Programs
 - Secretary of State
 - Insurance Commissioner
 - Secretary of Aging
 - State Police Commissioner
 - Attorney General

Members shall serve for the duration of their elected or appointed position and shall meet at least yearly for the purpose of assessing the costs and benefits of the program and making any necessary changes.

The board shall have the following responsibilities:

- Secure a vendor of an electronic prescription monitoring system
- Appoint an advisory group
- Phase in the enforcement process so dispensers and prescribers have adequate time to transition
- Develop policies and protocols to access, evaluate, release and secure the information in the database
- Train and educate prescribers and dispensers on the use of the database
- Aid prescribers in identifying at-risk individuals and referring them to drug addiction professionals
- Keep pace with technological advancements

The advisory group appointed by the board shall consist of no more than twelve members and shall be convened at least annually. It shall be comprised of

dispensers, prescribers, law enforcement and individuals with expertise considered important to the operation of the program.

The ABC-MAP Program shall be administered on a daily basis by the Department of Health and shall be easily accessible by prescribers, dispensers and patients. The Program shall:

- provide training and support for those using the database;
- contain processes for referral of prescribers, dispensers or patients to law enforcement or the appropriate licensing board; and
- maintain a record of database queries that identifies each person requesting or receiving information, the information provided and the date and time of these activities.

The board shall remove all identifying information from the program more than seven years old unless retention is requested by law enforcement or a licensing board for prescribers or dispensers. The program shall also allow for dispensers and prescribers who are unable to submit data electronically to do so manually.

Dispenser Requirements:

Dispensers shall electronically submit information regarding each controlled substance that is dispensed that identifies the prescriber, the patient, the dispenser, the drug and method of payment. This information must be submitted no later than 72 hours after dispensing. Dispenser includes mail order and internet pharmacies.

Specifically excluded from the definition of dispenser is:

- a licensed health care facility as defined in the Health Care Facilities Act and the Public Welfare Code,
- a correctional facility,
- an authorized person who administers the drug,
- a wholesale distributor,
- a licensed life provider,
- a hospice provider, a prescriber if the amount dispensed is limited to an amount to treat the patient for a maximum of 24 hours with not more than two 24-hour cycles within a 15-day period and
- a veterinarian.

Prescriber Requirements:

A prescriber shall query the program for each new patient and if the prescriber believes, using sound clinical judgment, a patient may be abusing or diverting drugs.

A prescriber shall indicate in the patient's medical record the information obtained from the program if the patient is new or the prescriber determines a drug should not be prescribed or furnished.

Program Access: The following may query the program:

- Prescribers for existing patients and prescriptions written using the prescriber's Drug Enforcement Agency number
- Dispensers for a current patient to whom the dispenser is dispensing or considering dispensing
- Federal and state law enforcement
 - Schedule II as indicated in The Controlled Substance, Drug, Device and Cosmetic Act and in the manner determined by the Attorney General
 - All other schedules as long as a search warrant is provided
- A grand jury investigating a criminal violation of a law governing controlled substances
- Department personnel who are conducting internal reviews and data analysis
- Designated representatives from the Commonwealth or out-of-state agency or board responsible for licensing or certifying prescribers or dispensers for the purpose of conducting administrative investigations or proceedings
- Personnel from the following agencies for the purpose of administering their pharmacy programs
 - The Department of Public Welfare
 - The Insurance Department
 - The Department of Aging
- Medical examiner or county coroner for the purpose of investigating a death
- A prescription drug monitoring official of a state with an interoperability agreement with the Commonwealth
- Patients or their parent, guardian or health care power of attorney upon proof of identity and within six months from the date of request

Unlawful acts and penalties:

An individual who obtains, or knowingly or intentionally releases, publishes or makes the data available for purposes other than those specified will be guilty of a third degree misdemeanor. Prescribers and dispensers in violation of the act shall also be subject to sanctions under their professional practice acts.

A civil penalty of not less than \$2,500 for each offense may also be assessed.

The department may collect reasonable attorney fees and costs for successful actions.

Program Funding:

Civil penalties shall be deposited in the General Fund and appropriated to the department to implement the program. All costs associated with submitting and recording the data shall be assumed by the submitting dispenser. Any fees or taxes associated with the program are prohibited. Any funds currently appropriated shall be redirected and used for this program. Licensing boards may also transfer funds for operation of the program.

Admissibility:

Information in the program shall not be admissible unless it is for a criminal proceeding or an action brought to enforce the provisions of this act.

Annual report:

Within two years of the effective date of the act and annually thereafter, the board shall submit a report to the General Assembly that indicates:

- The number of times the program is legally and illegally accessed
- Rate by which prescribers are utilizing the program
- Any impact on prescribing practices
- Cost effectiveness of the frequency of data submission
- Effectiveness of the interoperability with other states and electronic medical records

The Attorney General shall have concurrent prosecutorial jurisdiction with the county district attorney for violations.

Effective Date

Section 4 regarding organization and meetings of the board shall take effect in 90 days.

Section 16 pertaining to the effective date shall take effect immediately.

The balance of the bill shall take effect June 30, 2015.