

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1532 Session of 2017

INTRODUCED BY PHILLIPS-HILL, BARBIN, COX, DRISCOLL, GROVE, JAMES, MILLARD, ORTITAY, READSHAW, ROTHMAN, SANTORA, SAYLOR, WHEELAND, NEILSON AND RYAN, JUNE 12, 2017

SENATOR BAKER, HEALTH AND HUMAN SERVICES, IN SENATE, AS AMENDED, SEPTEMBER 26, 2018

AN ACT

1 Amending the act of October 27, 2014 (P.L.2911, No.191),
2 entitled "An act providing for prescription drug monitoring;
3 creating the ABC-MAP Board; establishing the Achieving Better
4 Care by Monitoring All Prescriptions Program; and providing
5 for unlawful acts and penalties," further providing for
6 access to prescription information.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Section 9(b) of the act of October 27, 2014~~ <--
10 ~~(P.L.2911, No.191), known as the Achieving Better Care by~~
11 ~~Monitoring All Prescriptions Program (ABC-MAP) Act, is amended~~
12 ~~by adding a paragraph to read:~~

13 SECTION 1. SECTION 9(B)(7) OF THE ACT OF OCTOBER 27, 2014 <--
14 (P.L.2911, NO.191), KNOWN AS THE ACHIEVING BETTER CARE BY
15 MONITORING ALL PRESCRIPTIONS PROGRAM (ABC-MAP) ACT, IS AMENDED
16 AND THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

17 Section 9. Access to prescription information.

18 \* \* \*

1 (b) Authorized users.--The following individuals may query  
2 the system according to procedures determined by the board and  
3 with the following limitations:

4 \* \* \*

5 ~~(12) A Medicaid managed care organization, as defined <--~~  
6 ~~under section 1903(m)(1)(A) of the Social Security Act (49-~~  
7 ~~Stat. 620, 42 U.S.C. § 1396b(m)(1)(A)), that is a party to a~~  
8 ~~Medicaid managed care contract with the Department of Human~~  
9 ~~Services. The following shall apply:~~

10 ~~(i) The Medicaid managed care organization may query~~  
11 ~~the system to review the requested dispensing or~~  
12 ~~prescribing of a controlled substance under this act to~~  
13 ~~an individual to whom the organization provides services~~  
14 ~~under the State's plan for medical assistance under Title~~  
15 ~~XIX of the Social Security Act.~~

16 ~~(ii) The Medicaid managed care organization shall~~  
17 ~~notify the Department of Human Services and the Office of~~  
18 ~~Attorney General if the organization has reason to~~  
19 ~~believe that a controlled substance prescribed or~~  
20 ~~dispensed to an enrollee under the State's plan for~~  
21 ~~medical assistance under Title XIX of the Social Security~~  
22 ~~Act is fraudulent.~~

23 (7) DESIGNATED COMMONWEALTH PERSONNEL AND CONTRACTED <--  
24 STAFF WHO ARE RESPONSIBLE FOR THE DEVELOPMENT AND EVALUATION  
25 OF QUALITY IMPROVEMENT STRATEGIES, PROGRAM INTEGRITY  
26 INITIATIVES OR CONDUCTING INTERNAL COMPLIANCE REVIEWS AND  
27 DATA REPORTING FOR THE MEDICAL ASSISTANCE PROGRAM, CHILDREN'S  
28 HEALTH INSURANCE PROGRAM (CHIP), PHARMACEUTICAL ASSISTANCE  
29 CONTRACT FOR THE ELDERLY (PACE) OR PHARMACEUTICAL ASSISTANCE  
30 CONTRACT FOR THE ELDERLY NEEDS ENHANCEMENT TIER (PACENET).

1 \* \* \*

2 (12) PERSONNEL OF AN ORGANIZATION THAT HAS AN AGREEMENT  
3 TO BE PAID ON A CAPITATED BASIS TO PROVIDE SERVICES TO  
4 MEDICAL ASSISTANCE BENEFICIARIES, WHO ARE ENGAGED IN CARE  
5 MANAGEMENT, THE DEVELOPMENT AND EVALUATION OF QUALITY  
6 IMPROVEMENT STRATEGIES, PROGRAM INTEGRITY INITIATIVES OR  
7 CONDUCTING INTERNAL COMPLIANCE REVIEWS AND DATA REPORTING FOR  
8 THE MEDICAL ASSISTANCE PROGRAM. PERSONNEL ENGAGED IN THESE  
9 ACTIVITIES:

10 (I) MAY QUERY THE SYSTEM TO REVIEW THE REQUESTED  
11 DISPENSING OR PRESCRIBING OF A CONTROLLED SUBSTANCE UNDER  
12 THIS ACT TO AN INDIVIDUAL TO WHOM THE ORGANIZATION  
13 PROVIDES SERVICES UNDER TITLE XIX OF THE SOCIAL SECURITY  
14 ACT.

15 (II) SHALL NOTIFY THE DEPARTMENT OF HUMAN SERVICES  
16 AND THE OFFICE OF ATTORNEY GENERAL IF FRAUD IS SUSPECTED  
17 BASED ON THE RESULTS OF THE QUERY AND REVIEW OF THE  
18 DATABASE.

19 \* \* \*

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