

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1712 Session of
2017

INTRODUCED BY NEILSON, READSHAW, SANTORA, TAYLOR, DRISCOLL,
PASHINSKI, O'BRIEN, McNEILL, A. HARRIS, DONATUCCI, W. KELLER
AND KAUFER, AUGUST 16, 2017

REFERRED TO COMMITTEE ON HEALTH, AUGUST 16, 2017

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in prescribing opioids to minors,
3 providing for prescribing opioids to individuals and further
4 providing for definitions, for prohibition and for procedure.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The heading of Chapter 52A of Title 35 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 CHAPTER 52A

10 PRESCRIBING OPIOIDS TO [MINORS] INDIVIDUALS

11 Section 2. The definition of "medical emergency" in section
12 52A01 of Title 35 is amended and the section is amended by
13 adding definitions to read:

14 § 52A01. Definitions.

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

18 * * *

1 "Conservative care management." An approach to treating back
2 pain, neck pain and related spinal conditions utilizing
3 nonpharmacological and nonsurgical treatment options.

4 "Conservative care management specialist." A medical
5 professional that administers conservative care management
6 treatment that is either licensed by the State Board of Medicine
7 or the State Board of Chiropractic.

8 * * *

9 "Medical emergency." A situation which, in a prescriber's
10 good faith professional judgment, creates an immediate threat of
11 serious risk to the life or physical health of [a minor] an
12 individual.

13 * * *

14 Section 3. Sections 52A03 and 52A04 of Title 35 are amended
15 to read:

16 § 52A03. Prohibition.

17 (a) Proscription.--A prescriber may not do any of the
18 following:

19 (1) Prescribe to [a minor] an individual a controlled
20 substance containing an opioid unless the prescriber complies
21 with section 52A04 (relating to procedure).

22 (2) Except as set forth in subsection (b) and subject to
23 section 52A04(c)(1), prescribe to [a minor] an individual
24 more than a seven-day supply of a controlled substance
25 containing an opioid.

26 (b) Exception.--Notwithstanding subsection (a)(1), a
27 prescriber may prescribe to [a minor] an individual more than a
28 seven-day supply of a controlled substance containing an opioid
29 if any of the following apply:

30 (1) In the professional medical judgment of the

prescriber, more than a seven-day supply of a controlled substance containing an opioid is required to stabilize the [minor's] individual's acute medical condition. In order for this paragraph to apply, the prescriber must:

(i) document the acute medical condition in the [minor's] individual's record with the prescriber; and

(ii) indicate the reason why a non-opioid alternative is not appropriate to address the acute medical condition.

(2) The prescription is for:

(i) management of pain associated with cancer;

(ii) use in palliative or hospice care; or

(iii) management of chronic pain not associated with cancer.

§ 52A04. Procedure.

(a) Requirements.--Except as set forth in subsection (b), before issuing [a minor] an individual the first prescription in a single course of treatment for a controlled substance containing an opioid, regardless of whether the dosage is modified during that course of treatment, a prescriber shall do all of the following:

(1) Assess whether the [minor] individual has taken or is currently taking prescription drugs for treatment of a substance use disorder.

(1.1) Assess whether or not the individual has completed a 12-week conservative care management treatment regimen administered by a doctor of chiropractic or other licensed physical medicine and rehabilitation professional. The following shall apply:

(i) If it is determined that the individual has not

1 completed a 12-week conservative care management
2 treatment regimen, the prescriber shall refer the
3 individual to a conservative care management treatment
4 specialist to complete a 12-week conservative care
5 management treatment regimen before issuing a
6 prescription.

7 (ii) If the individual has completed a 12-week
8 conservative care management treatment regimen, the
9 prescriber shall consult with the individual's
10 conservative care management treatment specialist as soon
11 as practicable to determine if a prescription should be
12 issued. The reasons provided by the conservative care
13 management treatment specialist as to why a prescription
14 should be issued shall be documented by the prescriber.

15 (2) Discuss with the [minor and] individual or, if the
16 individual is a minor, with the minor's parent or guardian or
17 with an authorized adult, all of the following:

18 (i) The risks of addiction and overdose associated
19 with the controlled substance containing an opioid.

20 (ii) The increased risk of addiction to controlled
21 substances to individuals suffering from mental or
22 substance use disorders.

23 (iii) The dangers of taking a controlled substance
24 containing an opioid with benzodiazepines, alcohol or
25 other central nervous system depressants.

26 (iv) Other information in the patient counseling
27 information section of the labeling for controlled
28 substances containing an opioid required under 21 C.F.R.
29 201.57(c)(18) (relating to specific requirements on
30 content and format of labeling for human prescription

1 drug and biological products described in § 201.56(b)(1))
2 deemed necessary by the prescriber.

3 (3) Obtain written consent for the prescription from the
4 [minor's] individual or, if the individual is a minor, from
5 the minor's parent or guardian or from an authorized adult.
6 The prescriber shall record the consent on the form under
7 section 52A02(b)(1) (relating to administration). The
8 following apply:

9 (i) The form must contain all of the following:

10 (A) The brand name or generic name and quantity
11 of the controlled substance containing an opioid
12 being prescribed and the amount of the initial dose.

13 (B) A statement indicating that a controlled
14 substance is a drug or other substance that the
15 United States Drug Enforcement Administration has
16 identified as having a potential for abuse.

17 (C) A statement certifying that the prescriber
18 engaged in the discussion under paragraph (2).

19 (D) The number of refills authorized by the
20 prescription under section 52A03(b) (relating to
21 prohibition).

22 (E) The signature of the [minor's] individual
23 or, if the individual is a minor, the signature of
24 the parent or guardian or of an authorized adult, and
25 the date of signing.

26 (ii) The form shall be maintained in the [minor's]
27 individual's record with the prescriber.

28 (b) Exception.--Subsection (a) does not apply if the
29 [minor's] individual's treatment with a controlled substance
30 containing an opioid meets any of the following criteria:

1 (1) The treatment is associated with or incident to a
2 medical emergency as documented in the [minor's] individual's
3 medical record.

4 (2) In the prescriber's professional judgment, complying
5 with subsection (a) with respect to the [minor's]
6 individual's treatment would be detrimental to the [minor's]
7 individual's health or safety. The prescriber shall document
8 in the [minor's] individual's medical record the factor or
9 factors which the prescriber believed constituted cause for
10 not fulfilling the requirements of subsection (a).

11 (3) A conservative care management specialist recommends
12 to the prescriber the issuance of a prescription for an
13 individual under subsection (a)(1.1)(ii).

14 (c) Limited prescription.--If the individual who signs the
15 consent form under subsection (a)(3) is an authorized adult, the
16 prescriber:

17 (1) may prescribe not more than a single, 72-hour
18 supply; and

19 (2) shall indicate on the prescription the quantity that
20 is to be dispensed pursuant to the prescription.

21 Section 4. This act shall take effect in 180 days.