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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 866 Session of  
2023

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INTRODUCED BY D. WILLIAMS, BOROWSKI, BRENNAN, GIRAL, GUENST,  
HANBIDGE, HILL-EVANS, HOWARD, KINSEY, KRAJEWSKI, MADDEN,  
OTTEN, RABB, SANCHEZ AND SCHLOSSBERG, APRIL 10, 2023

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REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 10, 2023

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in public safety, providing for study  
3 of barriers to substance use disorder treatment; and imposing  
4 powers and duties on the Department of Health.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 52C

10 STUDY OF BARRIERS TO SUBSTANCE USE DISORDER TREATMENT

11 Sec.

12 52C01. Definitions.

13 52C02. Studies.

14 52C03. Submission of report.

15 § 52C01. Definitions.

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

1 "Controlled substance." As defined in section 2 of the act  
2 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
3 Substance, Drug, Device and Cosmetic Act.

4 "Department." The Department of Drug and Alcohol Programs of  
5 the Commonwealth.

6 "Medication-assisted treatment." The use of medication, in  
7 combination with counseling and behavioral therapies, to provide  
8 a whole-patient approach to the treatment of substance use  
9 disorder.

10 "Secretary." The Secretary of Drug and Alcohol Programs of  
11 the Commonwealth.

12 "Substance use disorder." A disease that affects an  
13 individual's brain and behavior and which results in the  
14 person's inability to control the use of a controlled substance  
15 or of a legally prescribed drug or medication.

16 "Whole-patient approach." Accounting for, or at least  
17 recognizing, previous life experience, expectations, education,  
18 beliefs, stress, personality, support networks, social impact  
19 and financial circumstances, which are inherent to the patient  
20 and which are essential to the delivery of substance use  
21 disorder treatment and the continuity of care.

22 § 52C02. Studies.

23 (a) Departmental study.--The secretary, in consultation with  
24 the Department of Health and the Insurance Department, shall  
25 study and report on existing barriers to effective treatment for  
26 and recovery from substance use disorder, including addictions  
27 to opioids, opiates and other controlled substances, that may be  
28 the result of the current payment structures for treatment and  
29 recovery services in both publicly and privately funded health  
30 systems in this Commonwealth. The study shall include, but may

1 not be limited to, the following:

2 (1) The impact of reimbursement systems, rules and  
3 requirements established by managed care organizations and  
4 third-party payers on access to treatment and recovery  
5 services for substance use disorders, including access to  
6 evidence-based treatment and medication-assisted treatment.

7 (2) Existing structures for reimbursement for substance  
8 use disorder treatment, including the use of the least costly  
9 treatment option before any other treatment options.

10 (3) The classification of substance use disorder as an  
11 acute illness rather than a chronic illness.

12 (4) Access to medication-assisted treatment for the  
13 treatment of substance use disorder in urban, rural and other  
14 underserved areas of this Commonwealth.

15 (5) Substance use disorder treatment options other than  
16 medication-assisted treatment.

17 (b) Additional study.--

18 (1) The secretary, in consultation with the Department  
19 of Corrections, shall study the ease of and barriers to  
20 access to medication-assisted treatment for individuals  
21 entering into and leaving custody of the Department of  
22 Corrections.

23 (2) The findings of the study conducted in accordance  
24 with this subsection shall be included in the report  
25 conducted under subsection (a).

26 § 52C03. Submission of report.

27 (a) Submission of report.--No later than December 31, 2023,  
28 the department shall compile the findings of the report under  
29 section 52C02 (relating to studies).

30 (b) Content of report.--The report shall include, but not be

1 limited to, the following:

2 (1) A detailed summary of the findings of the studies  
3 conducted under section 52C02.

4 (2) Identification of policies and regulations that  
5 could be adopted and implemented to ease or eliminate  
6 administrative and regulatory barriers to substance use  
7 disorder treatment, if any.

8 (3) Identification of departmental regulations which:

9 (i) adversely impact access to substance use  
10 disorder treatment; and

11 (ii) could be modified or rescinded to improve  
12 access to substance use disorder treatment, including  
13 access to medication-assisted treatment.

14 (4) Identification of any statutory barriers to  
15 substance use disorder treatment and recommendations for  
16 legislation to eliminate statutory barriers, if any.

17 (5) Geographic and demographic data on individuals who  
18 encounter or who may encounter barriers of access to  
19 substance use disorder treatment, including medication-  
20 assisted treatment.

21 (6) Any other information that the department determines  
22 necessary and appropriate to eliminate or at least ease  
23 barriers to substance use disorder treatment.

24 (c) Distribution.--The following shall apply:

25 (1) An executive summary of the report, consisting of no  
26 more than two pages, shall be distributed to every member of  
27 the General Assembly by electronic mail.

28 (2) One copy of a full version of the report shall be  
29 submitted to:

30 (i) The Chief Clerk of the Senate and the Chief

1 Clerk of the House of Representatives.

2 (ii) The chair and minority chair of the Health and  
3 Human Services Committee of the Senate.

4 (iii) The chair and minority chair of the Health  
5 Committee of the House of Representatives.

6 (iv) The chair and minority chair of the Human  
7 Services Committee of the House of Representatives.

8 (3) The executive summary under paragraph (1) shall  
9 include an explanation of how a member of the General  
10 Assembly may obtain a full version of the report.

11 (4) The department shall:

12 (i) Post the report on the department's publicly  
13 accessible Internet website.

14 (ii) Include a link to the online location of the  
15 report in the executive summary.

16 (iii) Transmit a copy of the report to the  
17 Legislative Reference Bureau for publication in the  
18 Pennsylvania Bulletin.

19 (5) Notwithstanding paragraph (1), if a member of the  
20 General Assembly requests a full version of the report or  
21 executive summary, the department shall supply a full version  
22 of the report or executive summary to the member.

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