

# SENATE BILL 80

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3lr0014

(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 4, 2012

Introduced and read first time: January 9, 2013

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 22, 2013

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Health – Prescription Drug Monitoring Program – Disclosure of**  
3 **Prescription Monitoring Data**

4 FOR the purpose of adding the Division of Drug Control of the Department of Health  
5 and Mental Hygiene to the list of certain entities to which the Prescription Drug  
6 Monitoring Program must disclose prescription monitoring data under certain  
7 circumstances; and generally relating to the Prescription Drug Monitoring  
8 Program.

9 BY repealing and reenacting, without amendments,  
10 Article – Health – General  
11 Section 21–2A–06(a)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 21–2A–06(b)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2012 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health – General**

2 21–2A–06.

3 (a) Prescription monitoring data:

4 (1) Are confidential and privileged, and not subject to discovery,  
5 subpoena, or other means of legal compulsion in civil litigation;

6 (2) Are not public records; and

7 (3) Except as provided in subsections (b) and (d) of this section or as  
8 otherwise provided by law, may not be disclosed to any person.9 (b) The Program shall disclose prescription monitoring data, in accordance  
10 with regulations adopted by the Secretary, to:11 (1) A prescriber, or a licensed health care practitioner authorized by  
12 the prescriber, in connection with the medical care of a patient;13 (2) A dispenser, or a licensed health care practitioner authorized by  
14 the dispenser, in connection with the dispensing of a monitored prescription drug;15 (3) A federal law enforcement agency or a State or local law  
16 enforcement agency, on issuance of a subpoena, for the purpose of furthering an  
17 existing bona fide individual investigation;18 (4) A licensing entity, on issuance of an administrative subpoena voted  
19 on by a quorum of the board of the licensing entity, for the purposes of furthering an  
20 existing bona fide individual investigation;21 (5) A rehabilitation program under a health occupations board, on  
22 issuance of an administrative subpoena;23 (6) A patient with respect to prescription monitoring data about the  
24 patient;25 (7) Subject to subsection (g) of this section, the authorized  
26 administrator of another state's prescription drug monitoring program;27 (8) The following units of the Department, on approval of the  
28 Secretary, for the purpose of furthering an existing bona fide individual investigation:

29 (i) The Office of the Chief Medical Examiner;

30 (ii) The Maryland Medical Assistance Program;

1 (iii) The Office of the Inspector General; [and]

2 (iv) The Office of Health Care Quality; AND

3 (v) **THE DIVISION OF DRUG CONTROL**; or

4 (9) The technical advisory committee established under § 21-2A-07 of  
5 this subtitle for the purposes set forth in subsection (c) of this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.