

SENATE BILL 296

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CF HB 255

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 17, 2014

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2014

CHAPTER _____

1 AN ACT concerning

2 **Prescription Drug Monitoring Program – Sunset Extension and Program**
3 **Evaluation**

4 FOR the purpose of continuing the Prescription Drug Monitoring Program in
5 accordance with the provisions of the Maryland Program Evaluation Act
6 (Sunset Law) by extending to a certain date the termination provisions relating
7 to the statutory and regulatory authority of the Program; requiring the
8 Department of Legislative Services to conduct a certain evaluation of the
9 Program on or before a certain date and to prepare and submit a certain report
10 in accordance with certain statutory requirements; requiring the Program to
11 submit a certain report to the Governor, the General Assembly, and the
12 Department of Legislative Services on or before a certain date; ~~repealing the~~
13 ~~requirement that the technical advisory committee to~~ authorizing the Program
14 ~~review requests for to disclose~~ certain information ~~before the Program discloses~~
15 ~~the information to a certain person~~ persons under certain circumstances;
16 requiring the Advisory Board on Prescription Drug Monitoring to include
17 certain information in a certain report; repealing an obsolete reporting
18 requirement; and generally relating to the Prescription Drug Monitoring
19 Program.

20 BY repealing and reenacting, without amendments,
21 Article – Health – General
22 Section 21–2A–05(a), 21–2A–06(b), (g), and (h), and 21–2A–07(a) and (b)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2013 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 21–2A–05(f)(3), 21–2A–06(c), ~~21–2A–07(b)~~, and 21–2A–10
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2013 Supplement)

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

8 **Article – Health – General**

9 21–2A–05.

10 (a) There is an Advisory Board on Prescription Drug Monitoring in the
 11 Department.

12 (f) The Board shall:

13 (3) [(i) Provide within 180 days after its first meeting, in
 14 accordance with § 2–1246 of the State Government Article, an interim report to the
 15 General Assembly setting forth the Board’s analysis and recommendations under item
 16 (2) of this subsection relating to the design, implementation, and funding of the
 17 Program; and

18 (ii)] Provide annually to the Governor and, in accordance with §
 19 2–1246 of the State Government Article, the General Assembly [an analysis] A
 20 **REPORT THAT INCLUDES:**

21 **(I) THE NUMBER OF PRESCRIBERS REGISTERED WITH AND**
 22 **USING THE PROGRAM;**

23 **(II) THE NUMBER OF DISPENSERS REGISTERED WITH AND**
 24 **USING THE PROGRAM;**

25 **(III) THE NUMBER OF DISCLOSURES MADE TO FEDERAL LAW**
 26 **ENFORCEMENT AGENCIES OR STATE OR LOCAL LAW ENFORCEMENT AGENCIES;**

27 ~~(IV)~~ **(IV) AN ANALYSIS** of the impact of the Program on patient
 28 access to pharmaceutical care and on curbing prescription drug diversion in the State[,
 29 including any]; **AND**

30 ~~(V)~~ **(V) ANY** recommendations related to modification or
 31 continuation of the Program; and

32 21–2A–06.

1 (b) The Program shall disclose prescription monitoring data, in accordance
2 with regulations adopted by the Secretary, to:

3 (1) A prescriber, or a licensed health care practitioner authorized by
4 the prescriber, in connection with the medical care of a patient;

5 (2) A dispenser, or a licensed health care practitioner authorized by
6 the dispenser, in connection with the dispensing of a monitored prescription drug;

7 (3) A federal law enforcement agency or a State or local law
8 enforcement agency, on issuance of a subpoena, for the purpose of furthering an
9 existing bona fide individual investigation;

10 (4) A licensing entity, on issuance of an administrative subpoena voted
11 on by a quorum of the board of the licensing entity, for the purposes of furthering an
12 existing bona fide individual investigation;

13 (5) A rehabilitation program under a health occupations board, on
14 issuance of an administrative subpoena;

15 (6) A patient with respect to prescription monitoring data about the
16 patient;

17 (7) Subject to subsection (g) of this section, the authorized
18 administrator of another state's prescription drug monitoring program;

19 (8) The following units of the Department, on approval of the
20 Secretary, for the purpose of furthering an existing bona fide individual investigation:

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

22 (ii) The Maryland Medical Assistance Program;

23 (iii) The Office of the Inspector General;

24 (iv) The Office of Health Care Quality; and

25 (v) The Division of Drug Control; or

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

28 (c) **(1)** Before the Program discloses information under subsection (b)(3),
29 (4), (5), ~~¶(7),~~ or (8) of this section, the technical advisory committee to the Program
30 shall:

1 ~~(1)~~ **(I)** Review the requests for information;

2 ~~(2)~~ **(II)** Provide clinical guidance and interpretation of the
3 information requested to the Secretary to assist in the Secretary's decision on how to
4 respond to a judicial subpoena, administrative subpoena, or other request; and

5 ~~(3)~~ **(III)** Provide clinical guidance and interpretation of the
6 information requested to the authorized recipient of the information.

7 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,**
8 **THE PROGRAM MAY DISCLOSE INFORMATION TO THE AUTHORIZED**
9 **ADMINISTRATOR OF ANOTHER STATE'S PRESCRIPTION DRUG MONITORING**
10 **PROGRAM FOR DISCLOSURE TO THE PERSONS LISTED IN SUBSECTION (B)(1),**
11 **(2), AND (6) OF THIS SECTION WITHOUT THE REVIEW, CLINICAL GUIDANCE, AND**
12 **INTERPRETATION OF THE TECHNICAL ADVISORY COMMITTEE.**

13 (g) The Program may provide prescription monitoring data to another state's
14 prescription drug monitoring program only if the other state's prescription drug
15 monitoring program agrees to use the prescription monitoring data in a manner
16 consistent with the provisions of this subtitle.

17 (h) The Program may:

18 (1) Request and receive prescription monitoring data from another
19 state's prescription drug monitoring program and use the prescription monitoring data
20 in a manner consistent with the provisions of this subtitle; and

21 (2) Develop the capability to transmit prescription monitoring data to
22 and receive prescription monitoring data from other prescription drug monitoring
23 programs employing the standards of interoperability.

24 21-2A-07.

25 (a) There is a technical advisory committee to the Program.

26 (b) The purpose of the technical advisory committee is to review requests for
27 information from the Program under § 21-2A-06(b)(3), (4), (5), ~~(7),~~ and (8) of this
28 subtitle.

29 21-2A-10.

30 Subject to the evaluation and reestablishment provisions of the Maryland
31 Program Evaluation Act, this subtitle and all regulations adopted under this subtitle
32 shall terminate and be of no effect after July 1, [2016] **2019**.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
2 2015, the Prescription Drug Monitoring Program shall submit a report to the Governor
3 and, in accordance with § 2–1246 of the State Government Article, the General
4 Assembly, and the Department of Legislative Services that:

5 (1) describes efforts to collect and make available, in real–time,
6 prescription monitoring data;

7 (2) includes recommendations for a long–term funding source to
8 support the Program;

9 (3) provides the status of the Department of Health and Mental
10 Hygiene’s independent evaluation of the Program; and

11 (4) discusses the status of any plans to pursue unsolicited reporting or
12 mandatory utilization of prescription monitoring data by health care providers.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
14 Legislative Services shall:

15 (1) conduct a direct full evaluation of the Prescription Drug
16 Monitoring Program on or before December 1, 2017; and

17 (2) prepare and submit a full evaluation report in accordance with the
18 requirements established under § 8–405(e) and (f) of the State Government Article.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.