

# SENATE BILL 516

J1

(5lr1588)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Klausmeier, Currie, Eckardt, Ferguson, Madaleno, ~~and Middleton~~ Middleton, Astle, Benson, Feldman, Hershey, Jennings, Kelley, Mathias, Pugh, and Reilly**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Public Health – Overdose Response Program**

3 FOR the purpose of authorizing certain advanced practice nurses, in addition to certain  
4 nurse practitioners and pharmacists to conduct certain overdose prevention  
5 educational training programs; altering the circumstances under which certain  
6 employees or volunteers may conduct the training programs; authorizing certain  
7 advanced practice nurses, ~~in addition to certain nurse practitioners,~~ to prescribe and  
8 dispense naloxone to certain certificate holders; authorizing certain licensed  
9 physicians and advanced practice nurses to prescribe and dispense naloxone to  
10 certain certificate holders ~~directly or under~~ by issuing a certain standing order under  
11 certain circumstances; authorizing certain licensed health care providers to  
12 prescribe naloxone to certain patients under certain circumstances; providing for a  
13 certain exception to certain training requirements; authorizing a pharmacist to

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 dispense naloxone in accordance with a certain therapy management contract;  
 2 providing that certain individuals who administer naloxone or provide naloxone to  
 3 certain certificate holders under certain circumstances may not be considered to be  
 4 practicing certain health occupations; providing that an advanced practice nurse who  
 5 prescribes or dispenses naloxone to a certificate holder in a certain manner may not  
 6 be subject to certain disciplinary actions; providing immunity from liability for  
 7 certain persons under certain circumstances; exempting certain persons who are  
 8 authorized to dispense naloxone from certain prescription drug dispensing permit  
 9 requirements; providing for the construction of this Act; defining certain terms;  
 10 making clarifying and conforming changes; and generally relating to the Overdose  
 11 Response Program.

12 BY repealing and reenacting, with amendments,  
 13 Article – Health – General  
 14 Section 13–3101, 13–3104, 13–3107, 13–3108, and 13–3109  
 15 Annotated Code of Maryland  
 16 (2009 Replacement Volume and 2014 Supplement)

17 BY adding to  
 18 Article – Health – General  
 19 Section 13–3110 and 13–3111  
 20 Annotated Code of Maryland  
 21 (2009 Replacement Volume and 2014 Supplement)

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

24 **Article – Health – General**

25 13–3101.

26 (a) In this subtitle the following words have the meanings indicated.

27 **(B) “ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8–101**  
 28 **OF THE HEALTH OCCUPATIONS ARTICLE.**

29 **[(b)] (C)** “Certificate” means a certificate issued by a private or public entity to  
 30 administer naloxone.

31 **(D) “LICENSED PHYSICIAN” HAS THE MEANING STATED IN § 14–101 OF THE**  
 32 **HEALTH OCCUPATIONS ARTICLE.**

33 **(E) “PHARMACIST” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH**  
 34 **OCCUPATIONS ARTICLE.**

1            [(c)] (F)        “Private or public entity” means a health care provider, local health  
2 department, community–based organization, substance abuse treatment organization, or  
3 other person that addresses medical or social issues related to drug addiction.

4            [(d)] (G)        “Program” means an Overdose Response Program.

5            (H)    “STANDING ORDER” MEANS A WRITTEN INSTRUCTION FOR THE  
6 PRESCRIBING AND DISPENSING OF NALOXONE TO A CERTIFICATE HOLDER IN  
7 ACCORDANCE WITH § 13–3108 OF THIS SUBTITLE.

8 13–3104.

9            (a)    To qualify for a certificate, an individual shall meet the requirements of this  
10 section.

11            (b)    The applicant shall be at least 18 years old.

12            (c)    The applicant shall have, or reasonably expect to have, as a result of the  
13 individual’s occupation or volunteer, family, or social status, the ability to assist an  
14 individual who is experiencing an opioid overdose.

15            (d)    (1)    The applicant shall successfully complete an educational training  
16 program offered by a private or public entity authorized by the Department.

17            (2)    An educational training program required under this subsection shall:

18                    (i)    Be conducted by:

19                            1.    A LICENSED physician [licensed to practice medicine  
20 under Title 14 of the Health Occupations Article];

21                            2.    [A nurse practitioner licensed to practice registered  
22 nursing under Title 8 of the Health Occupations Article and certified as a nurse practitioner  
23 by the State Board of Nursing] AN ADVANCED PRACTICE NURSE; [or]

24                            3.    A PHARMACIST; OR

25                            [3.] 4. An employee or a volunteer of a private or public entity  
26 [that maintains] WHO IS SUPERVISED IN ACCORDANCE WITH a written agreement  
27 [with] BETWEEN THE PRIVATE OR PUBLIC ENTITY AND a supervisory LICENSED  
28 physician, [or nurse practitioner] ADVANCED PRACTICE NURSE, OR PHARMACIST that  
29 includes:

30                            A.    Procedures for providing patient overdose information;

1 B. Information as to how the employee or volunteer providing  
2 the information will be trained; and

3 C. Standards for documenting the provision of patient  
4 overdose information to patients; and

5 (ii) Include training in:

6 1. The recognition of the symptoms of opioid overdose;

7 2. The proper administration of naloxone;

8 3. The importance of contacting emergency medical services;

9 4. The care of an individual after the administration of  
10 naloxone; and

11 5. Any other topics required by the Department.

12 13-3107.

13 An individual who is certified may:

14 (1) On presentment of a certificate, receive from any **LICENSED** physician  
15 [licensed to practice medicine in the State, or any nurse practitioner licensed to practice  
16 nursing in the State,] **OR ADVANCED PRACTICE NURSE WITH PRESCRIBING**  
17 **AUTHORITY** a prescription for naloxone and the necessary supplies for the administration  
18 of naloxone;

19 (2) Possess prescribed naloxone and the necessary supplies for the  
20 administration of naloxone; and

21 (3) In an emergency situation when medical services are not immediately  
22 available, administer naloxone to an individual experiencing or believed by the certificate  
23 holder to be experiencing an opioid overdose.

24 13-3108.

25 (A) A **LICENSED** physician or [nurse practitioner] **AN ADVANCED PRACTICE**  
26 **NURSE WITH PRESCRIBING AUTHORITY** may prescribe and dispense naloxone to a  
27 certificate holder.

28 ~~(B) A LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE WHO~~  
29 ~~SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER §~~  
30 ~~13-3104(D) OF THIS SUBTITLE MAY PRESCRIBE AND DISPENSE NALOXONE TO A~~  
31 ~~CERTIFICATE HOLDER DIRECTLY OR UNDER A STANDING ORDER.~~

1           **(B) (1) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH**  
2 **PRESCRIBING AUTHORITY MAY PRESCRIBE AND DISPENSE NALOXONE TO A**  
3 **CERTIFICATE HOLDER BY ISSUING A STANDING ORDER IF THE LICENSED PHYSICIAN**  
4 **OR ADVANCED PRACTICE NURSE:**

5                   **(I) IS EMPLOYED BY THE DEPARTMENT OR A LOCAL HEALTH**  
6 **DEPARTMENT; OR**

7                   **(II) SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING**  
8 **PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE.**

9           **(2) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH**  
10 **PRESCRIBING AUTHORITY WHO ISSUES A STANDING ORDER UNDER PARAGRAPH (1)**  
11 **OF THIS SUBSECTION MAY DELEGATE TO THE FOLLOWING PERSONS THE AUTHORITY**  
12 **FOR DISPENSING NALOXONE TO A CERTIFICATE HOLDER:**

13                   **(I) A LICENSED REGISTERED NURSE WHO:**

14                           **1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;**  
15 **AND**

16                           **2. COMPLETES A TRAINING PROGRAM APPROVED BY**  
17 **THE DEPARTMENT; AND**

18                   **(II) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC**  
19 **ENTITY WHO IS AUTHORIZED TO CONDUCT AN EDUCATIONAL TRAINING PROGRAM IN**  
20 **ACCORDANCE WITH § 13-3104(D) OF THIS SUBTITLE.**

21           **(3) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING**  
22 **AUTHORITY ALSO MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN**  
23 **ACCORDANCE WITH A STANDING ORDER ISSUED BY A LICENSED PHYSICIAN.**

24           **(C) (1) ANY LICENSED HEALTH CARE PROVIDER WHO HAS PRESCRIBING**  
25 **AUTHORITY MAY PRESCRIBE NALOXONE TO A PATIENT WHO IS BELIEVED BY THE**  
26 **LICENSED HEALTH CARE PROVIDER TO BE AT RISK OF EXPERIENCING AN OPIOID**  
27 **OVERDOSE OR IN A POSITION TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING**  
28 **AN OPIOID OVERDOSE.**

29                   **(2) A PATIENT WHO RECEIVES A NALOXONE PRESCRIPTION UNDER**  
30 **PARAGRAPH (1) OF THIS SUBSECTION IS NOT SUBJECT TO THE TRAINING**  
31 **REQUIREMENTS UNDER § 13-3104(D) OF THIS SUBTITLE.**

1           **(D) A PHARMACIST MAY DISPENSE NALOXONE IN ACCORDANCE WITH A**  
2 **THERAPY MANAGEMENT CONTRACT UNDER TITLE 12, SUBTITLE 6A OF THE**  
3 **HEALTH OCCUPATIONS ARTICLE.**

4 13-3109.

5           **(a) (1)** A certificate holder who, in accordance with this subtitle, is  
6 administering naloxone to an individual experiencing or believed by the certificate holder  
7 to be experiencing an opioid overdose may not be considered to be practicing:

8                           **(I) [medicine] MEDICINE** for the purposes of Title 14 of the Health  
9 Occupations Article; **OR**

10                           **(II) REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF**  
11 **THE HEALTH OCCUPATIONS ARTICLE.**

12           **(2) AN EMPLOYEE OR VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY**  
13 **WHO, IN ACCORDANCE WITH THIS SUBTITLE, PROVIDES NALOXONE TO A**  
14 **CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER MAY NOT BE**  
15 **CONSIDERED TO BE PRACTICING:**

16                           **(I) MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE**  
17 **HEALTH OCCUPATIONS ARTICLE;**

18                           **(II) REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF**  
19 **THE HEALTH OCCUPATIONS ARTICLE; OR**

20                           **(III) PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE**  
21 **HEALTH OCCUPATIONS ARTICLE.**

22           **(b) (1)** A **LICENSED** physician who prescribes or dispenses naloxone to a  
23 certificate holder in a manner consistent with the protocol established by the authorized  
24 private or public entity may not be subject to any disciplinary action under Title 14 of the  
25 Health Occupations Article solely for the act of prescribing or dispensing naloxone to the  
26 certificate holder.

27                           **(2) AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY**  
28 **WHO PRESCRIBES OR DISPENSES NALOXONE TO A CERTIFICATE HOLDER IN A**  
29 **MANNER CONSISTENT WITH THE PROTOCOL ESTABLISHED BY THE AUTHORIZED**  
30 **PRIVATE OR PUBLIC ENTITY MAY NOT BE SUBJECT TO ANY DISCIPLINARY ACTION**  
31 **UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF**  
32 **PRESCRIBING OR DISPENSING NALOXONE TO THE CERTIFICATE HOLDER.**

33 13-3110.

1 (A) AN INDIVIDUAL WHO ADMINISTERS NALOXONE TO AN INDIVIDUAL WHO  
2 IS OR IN GOOD FAITH IS BELIEVED TO BE EXPERIENCING AN OPIOID OVERDOSE  
3 SHALL HAVE IMMUNITY FROM LIABILITY UNDER §§ 5-603 AND 5-629 OF THE  
4 COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

5 (B) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY LICENSED PHYSICIAN  
6 ~~OR~~, ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY, OR PHARMACIST  
7 FOR ANY ACT OR OMISSION WHEN THE PHYSICIAN ~~OR~~, ADVANCED PRACTICE NURSE  
8 WITH PRESCRIBING AUTHORITY, OR PHARMACIST IN GOOD FAITH PRESCRIBES OR  
9 DISPENSES NALOXONE AND THE NECESSARY PARAPHERNALIA FOR THE  
10 ADMINISTRATION OF NALOXONE TO A CERTIFICATE HOLDER OR PATIENT UNDER §  
11 13-3108 OF THIS SUBTITLE.

12 (C) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY  
13 INDIVIDUAL TO:

14 (1) OBTAIN A CERTIFICATE UNDER THIS SUBTITLE, AND AN  
15 INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE FOR FAILING TO OBTAIN A  
16 CERTIFICATE UNDER THIS SUBTITLE; OR

17 (2) ADMINISTER NALOXONE TO AN INDIVIDUAL WHO IS  
18 EXPERIENCING OR BELIEVED BY THE INDIVIDUAL TO BE EXPERIENCING AN OPIOID  
19 OVERDOSE.

20 13-3111.

21 A PERSON WHO DISPENSES NALOXONE IN ACCORDANCE WITH THIS SUBTITLE  
22 IS EXEMPT FROM ANY LAWS THAT REQUIRE A PERSON TO MAINTAIN A PERMIT TO  
23 DISPENSE PRESCRIPTION DRUGS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.