

SENATE BILL 516

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CF 5lr1926

By: **Senators Klausmeier, Currie, Eckardt, Ferguson, Madaleno, and Middleton**
Introduced and read first time: February 6, 2015
Assigned to: Finance

A BILL ENTITLED

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 a certain standing order under certain
11 circumstances; authorizing certain licensed health care providers to prescribe
12 naloxone to certain patients under certain circumstances; authorizing a pharmacist
13 to dispense naloxone in accordance with a certain therapy management contract;
14 providing that certain individuals who administer naloxone or provide naloxone to
15 certain certificate holders under certain circumstances may not be considered to be
16 practicing certain health occupations; providing that an advanced practice nurse who
17 prescribes or dispenses naloxone to a certificate holder in a certain manner may not
18 be subject to certain disciplinary actions; providing immunity from liability for
19 certain persons under certain circumstances; providing for the construction of this
20 Act; defining certain terms; making clarifying and conforming changes; and
21 generally relating to the Overdose Response Program.

22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 13–3101, 13–3104, 13–3107, 13–3108, and 13–3109
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2014 Supplement)

27 BY adding to
28 Article – Health – General
29 Section 13–3110

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2014 Supplement)

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

5 **Article – Health – General**

6 13–3101.

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

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

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

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

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

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

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

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

23 13–3104.

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

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

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

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

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

4 (i) Be conducted by:

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

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

10 **3. A PHARMACIST; OR**

11 [3.] **4.** An employee or a volunteer of a private or public entity
12 [that maintains] **WHO IS SUPERVISED IN ACCORDANCE WITH** a written agreement
13 [with] **BETWEEN THE PRIVATE OR PUBLIC ENTITY AND** a supervisory **LICENSED**
14 physician, [or nurse practitioner] **ADVANCED PRACTICE NURSE, OR PHARMACIST** that
15 includes:

16 A. Procedures for providing patient overdose information;

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

19 C. Standards for documenting the provision of patient
20 overdose information to patients; and

21 (ii) Include training in:

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

23 2. The proper administration of naloxone;

24 3. The importance of contacting emergency medical services;

25 4. The care of an individual after the administration of
26 naloxone; and

27 5. Any other topics required by the Department.

28 13-3107.

29 An individual who is certified may:

1 (1) On presentment of a certificate, receive from any **LICENSED** physician
2 [licensed to practice medicine in the State, or any nurse practitioner licensed to practice
3 nursing in the State,] **OR ADVANCED PRACTICE NURSE** a prescription for naloxone and
4 the necessary supplies for the administration of naloxone;

5 (2) Possess prescribed naloxone and the necessary supplies for the
6 administration of naloxone; and

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

10 13–3108.

11 (A) A **LICENSED** physician or [nurse practitioner] **AN ADVANCED PRACTICE**
12 **NURSE** may prescribe and dispense naloxone to a certificate holder.

13 (B) A **LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE WHO**
14 **SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING PROGRAM UNDER §**
15 **13–3104(D) OF THIS SUBTITLE MAY PRESCRIBE AND DISPENSE NALOXONE TO A**
16 **CERTIFICATE HOLDER DIRECTLY OR UNDER A STANDING ORDER.**

17 (C) **ANY LICENSED HEALTH CARE PROVIDER WHO HAS PRESCRIBING**
18 **AUTHORITY MAY PRESCRIBE NALOXONE TO A PATIENT WHO IS BELIEVED BY THE**
19 **LICENSED HEALTH CARE PROVIDER TO BE AT RISK OF EXPERIENCING AN OPIOID**
20 **OVERDOSE OR IN A POSITION TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING**
21 **AN OPIOID OVERDOSE.**

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

25 13–3109.

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

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

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

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

5 **(I) MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE**
6 **HEALTH OCCUPATIONS ARTICLE;**

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

9 **(III) PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE**
10 **HEALTH OCCUPATIONS ARTICLE.**

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

16 **(2) AN ADVANCED PRACTICE NURSE WHO PRESCRIBES OR DISPENSES**
17 **NALOXONE TO A CERTIFICATE HOLDER IN A MANNER CONSISTENT WITH THE**
18 **PROTOCOL ESTABLISHED BY THE AUTHORIZED PRIVATE OR PUBLIC ENTITY MAY**
19 **NOT BE SUBJECT TO ANY DISCIPLINARY ACTION UNDER TITLE 8 OF THE HEALTH**
20 **OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF PRESCRIBING OR DISPENSING**
21 **NALOXONE TO THE CERTIFICATE HOLDER.**

22 **13-3110.**

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

27 **(B) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY LICENSED PHYSICIAN**
28 **OR ADVANCED PRACTICE NURSE FOR ANY ACT OR OMISSION WHEN THE PHYSICIAN**
29 **OR ADVANCED PRACTICE NURSE IN GOOD FAITH PRESCRIBES OR DISPENSES**
30 **NALOXONE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF**
31 **NALOXONE TO A CERTIFICATE HOLDER OR PATIENT UNDER § 13-3108 OF THIS**
32 **SUBTITLE.**

33 **(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY**
34 **INDIVIDUAL TO:**

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

4 **(2) ADMINISTER NALOXONE TO AN INDIVIDUAL WHO IS**
5 **EXPERIENCING OR BELIEVED BY THE INDIVIDUAL TO BE EXPERIENCING AN OPIOID**
6 **OVERDOSE.**

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