

# HOUSE BILL 1392

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CF SB 820

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By: **Delegates Ciliberti, Cox, Krimm, McComas, McKay, and Pippy**

Introduced and read first time: February 25, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Co–Prescribing, Prescribing and Dispensing Opioid Overdose**  
3 **Reversal Drugs**

4 FOR the purpose of requiring that certain guidelines for the co–prescribing of opioid  
5 overdose reversal drugs be consistent with certain requirements; authorizing the  
6 Secretary of Health to post on the Maryland Department of Health’s website certain  
7 guidelines and clinical guidance; authorizing a prescribing licensed health care  
8 provider to co–prescribe or prescribe or a pharmacist to dispense an opioid overdose  
9 reversal drug to certain individuals under certain circumstances; requiring a  
10 prescribing licensed health care provider to routinely assess a patient’s risk of being  
11 likely to experience or witness an opioid overdose; authorizing a prescribing licensed  
12 health care provider or a pharmacist to use certain information to determine a  
13 patient’s risk of being likely to experience or witness an opioid overdose; requiring a  
14 prescribing licensed health care provider or pharmacist to provide certain  
15 information to certain patients on certain matters under certain circumstances;  
16 prohibiting a prescribing licensed health care provider and pharmacist from taking  
17 certain actions until the prescribing licensed health care provider or pharmacist  
18 completes certain training; authorizing certain licensing boards to enforce this Act;  
19 requiring a prescribing licensed health care provider to document in a patient’s  
20 medical record certain services provided; making conforming changes; altering a  
21 certain definition; defining certain terms; and generally relating to co–prescribing,  
22 prescribing, and dispensing opioid overdose reversal drugs.

23 BY repealing and reenacting, with amendments,  
24 Article – Health – General  
25 Section 13–3501 and 13–3502  
26 Annotated Code of Maryland  
27 (2015 Replacement Volume and 2018 Supplement)

28 BY adding to  
29 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 13–3503  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2018 Supplement)

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

6 **Article – Health – General**

7 13–3501.

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

9 (b) “Co–prescribing” means, with respect to an opioid overdose reversal drug, the  
10 practice of prescribing the drug in conjunction with an opioid prescription for a patient at  
11 an elevated risk of overdose.

12 (C) **“MONITORED PRESCRIPTION DRUG” HAS THE MEANING STATED IN §**  
13 **21–2A–01 OF THIS ARTICLE.**

14 [(c)] (D) “Opioid overdose reversal drug” means naloxone or [a similarly acting  
15 and equally safe] **ANY OTHER** drug that **RAPIDLY REVERSES THE RESPIRATORY**  
16 **DEPRESSANT EFFECTS OF AN OPIOID MEDICATION AND** is approved by the federal Food  
17 and Drug Administration for the treatment of a known or suspected opioid overdose.

18 (E) **“PHARMACIST” MEANS AN INDIVIDUAL WHO IS AUTHORIZED BY LAW TO**  
19 **DISPENSE A MONITORED PRESCRIPTION DRUG.**

20 (F) **“PRESCRIBING LICENSED HEALTH CARE PROVIDER” MEANS AN**  
21 **INDIVIDUAL WHO IS AUTHORIZED BY LAW TO PRESCRIBE A MONITORED**  
22 **PRESCRIPTION DRUG.**

23 13–3502.

24 (a) The Secretary shall establish guidelines for the co–prescribing **AND**  
25 **PRESCRIBING** of opioid overdose reversal drugs that are applicable to all licensed health  
26 care providers in the State who are authorized by law to prescribe a monitored prescription  
27 drug[, as defined in § 21–2A–01 of this article].

28 (b) The guidelines established under subsection (a) of this section shall address  
29 the co–prescribing of opioid overdose reversal drugs for patients who are:

30 (1) At an elevated risk of overdose; and

31 (2) (i) Receiving opioid therapy for chronic pain;

1 (ii) Receiving a prescription for benzodiazepines; or

2 (iii) Being treated for opioid use disorders.

3 (C) THE GUIDELINES ESTABLISHED UNDER SUBSECTION (A) OF THIS  
4 SECTION SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THIS SUBTITLE.

5 (D) THE SECRETARY MAY POST ON THE DEPARTMENT'S WEBSITE THE  
6 GUIDELINES ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION OR ANY  
7 RELATED CLINICAL GUIDANCE, INCLUDING GUIDANCE ON AVAILABLE OPIOID  
8 OVERDOSE REVERSAL DRUG FORMULATIONS, PRESCRIBING TEMPLATES, AND  
9 STANDING ORDERS FOR THE OPIOID OVERDOSE REVERSAL DRUGS.

10 **13-3503.**

11 (A) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A PRESCRIBING  
12 LICENSED HEALTH CARE PROVIDER MAY CO-PRESCRIBE OR A PHARMACIST MAY  
13 DISPENSE WITHOUT A PRESCRIPTION FROM A LICENSED HEALTH CARE PROVIDER  
14 AN OPIOID OVERDOSE REVERSAL DRUG IF THE PRESCRIBING HEALTH CARE  
15 PROVIDER OR PHARMACIST DETERMINES THAT A PATIENT IS AT A HIGH RISK OF  
16 EXPERIENCING AN OPIOID OVERDOSE BECAUSE THE INDIVIDUAL IS:

17 (I) PRESCRIBED OPIOIDS FOR ACUTE OR CHRONIC PAIN;

18 (II) BEING TREATED FOR AN OPIOID USE DISORDER; OR

19 (III) PRESCRIBED AN OPIOID AND A BENZODIAZEPINE.

20 (2) THE DEPARTMENT SHALL ENCOURAGE A PRESCRIBING  
21 LICENSED HEALTH CARE PROVIDER OR PHARMACIST TO CO-PRESCRIBE OR  
22 DISPENSE AN OPIOID OVERDOSE REVERSAL DRUG UNDER PARAGRAPH (1) OF THIS  
23 SUBSECTION.

24 (3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A PRESCRIBING  
25 LICENSED HEALTH CARE PROVIDER MAY PRESCRIBE OR A PHARMACIST MAY  
26 DISPENSE WITHOUT A PRESCRIPTION FROM A LICENSED HEALTH CARE PROVIDER  
27 AN OPIOID OVERDOSE REVERSAL DRUG IF THE PRESCRIBING HEALTH CARE  
28 PROVIDER OR PHARMACIST DETERMINES THAT A PATIENT IS AT A HIGH RISK OF  
29 WITNESSING AN OPIOID OVERDOSE BECAUSE THE INDIVIDUAL RESIDES OR SPENDS  
30 TIME WITH AN INDIVIDUAL WHO:

31 (I) IS PRESCRIBED AN OPIOID;

32 (II) MISUSES OPIOIDS; OR

1 (III) HAS AN OPIOID USE DISORDER.

2 (B) (1) A PRESCRIBING LICENSED HEALTH CARE PROVIDER SHALL  
3 ROUTINELY ASSESS A PATIENT'S RISK OF BEING LIKELY TO EXPERIENCE OR  
4 WITNESS AN OPIOID OVERDOSE.

5 (2) A PRESCRIBING LICENSED HEALTH CARE PROVIDER OR  
6 PHARMACIST MAY USE INFORMATION AVAILABLE TO THE PRESCRIBING LICENSED  
7 HEALTH CARE PROVIDER OR PHARMACIST TO DETERMINE A PATIENT'S RISK OF  
8 BEING LIKELY TO EXPERIENCE AN OPIOID OVERDOSE, INCLUDING INFORMATION  
9 FROM:

10 (I) THE MARYLAND PRESCRIPTION DRUG MONITORING  
11 PROGRAM;

12 (II) THE PATIENT'S MEDICAL RECORD; AND

13 (III) IF APPROPRIATE AND TO THE EXTENT ALLOWED BY LAW,  
14 THE PATIENT'S FAMILY.

15 (C) IF THE PRESCRIBING LICENSED HEALTH CARE PROVIDER OR  
16 PHARMACIST DETERMINES THAT A PATIENT IS AT RISK OF HAVING OR WITNESSING  
17 AN OPIOID OVERDOSE, THE PRESCRIBING LICENSED HEALTH CARE PROVIDER OR  
18 PHARMACIST SHALL:

19 (1) EDUCATE THE PATIENT ON THE RISKS OF AN OPIOID OVERDOSE,  
20 INCLUDING THAT:

21 (I) THE MEDICATION BEING PRESCRIBED OR DISPENSED IS  
22 ADDICTIVE AND MAY CAUSE RESPIRATORY DEPRESSION OR AN OVERDOSE WHEN  
23 COMBINED WITH OTHER DRUGS; AND

24 (II) AN ANTIDOTE OR OPIOID OVERDOSE REVERSAL DRUG IS  
25 AVAILABLE AND MAY BE PRESCRIBED OR DISPENSED WITH AN OPIOID OF 50  
26 MORPHINE MILLIGRAM EQUIVALENTS OR HIGHER;

27 (2) OFFER TO PRESCRIBE OR DISPENSE AN OPIOID OVERDOSE  
28 REVERSAL DRUG;

29 (3) ENCOURAGE THE PATIENT TO FOLLOW ANY DIRECTIONS FOR  
30 USING THE DRUG BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; AND

1           **(4) STATE THAT TAKING AN OPIOID OVERDOSE REVERSAL DRUG IS**  
2 **NOT A REPLACEMENT FOR CALLING 9-1-1 IN THE EVENT OF AN OVERDOSE.**

3           **(D) A PRESCRIBING LICENSED HEALTH CARE PROVIDER OR PHARMACIST**  
4 **MAY NOT PRESCRIBE OR DISPENSE AN OPIOID OVERDOSE REVERSAL DRUG UNDER**  
5 **THIS SECTION UNTIL THE PRESCRIBING LICENSED HEALTH CARE PROVIDER OR**  
6 **PHARMACIST HAS COMPLETES 1 HOUR OF TRAINING ON THE USE OF AN OPIOID**  
7 **OVERDOSE REVERSAL DRUG.**

8           **(E) THE APPROPRIATE LICENSING BOARD MAY ENFORCE THIS SECTION**  
9 **AGAINST A PRESCRIBING LICENSED HEALTH CARE PROVIDER OR PHARMACIST.**

10           **(F) A PRESCRIBING LICENSED HEALTH CARE PROVIDER SHALL DOCUMENT**  
11 **IN A PATIENT’S MEDICAL RECORD ANY SERVICES PROVIDED RELATED TO:**

12                   **(1) CO-PRESCRIBING OR PRESCRIBING AN OPIOID OVERDOSE**  
13 **REVERSAL DRUG; OR**

14                   **(2) EDUCATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2019.