

SENATE BILL 498

J1

9lr3011
CF 9lr2204

By: **Senator Hayes**

Introduced and read first time: February 4, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Monitoring Program – Disclosure of Data – Managed Care**
3 **Organizations**

4 FOR the purpose of requiring the Prescription Drug Monitoring Program to disclose
5 prescription monitoring data, in accordance with certain regulations, to the medical
6 director or the designee of the medical director of certain managed care organizations
7 for the purpose of complying with certain program requirements or standards; and
8 generally relating to the Prescription Drug Monitoring Program.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 21–2A–06(a)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 21–2A–06(b)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2018 Supplement)

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

21 **Article – Health – General**

22 21–2A–06.

23 (a) Prescription monitoring data:

24 (1) Are confidential and privileged, and not subject to discovery, subpoena,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or other means of legal compulsion in civil litigation;

2 (2) Are not public records; and

3 (3) Except as provided in subsections (b), (c), (d), and (f) of this section or
4 as otherwise provided by law, may not be disclosed to any person.

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

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

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

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

14 (4) The State Board of Physicians, on issuance of an administrative
15 subpoena voted on by a quorum of a disciplinary panel, as defined in § 14–101 of the Health
16 Occupations Article, for the purposes of furthering an existing bona fide investigation of an
17 individual;

18 (5) A licensing entity other than the State Board of Physicians, on issuance
19 of an administrative subpoena voted on by a quorum of the board of the licensing entity,
20 for the purposes of furthering an existing bona fide individual investigation;

21 (6) A rehabilitation program under a health occupations board, on issuance
22 of an administrative subpoena;

23 (7) A patient with respect to prescription monitoring data about the
24 patient;

25 (8) Subject to subsection (i) of this section, the authorized administrator of
26 another state's prescription drug monitoring program;

27 (9) The following units of the Department, on approval of the Secretary, for
28 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;

31 (iii) The Office of the Inspector General;

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

2 (v) The Office of Controlled Substances Administration;

3 (10) The technical advisory committee established under § 21–2A–07 of this
4 subtitle for the purposes set forth in subsections (c), (d), and (e) of this section; [or]

5 **(11) THE MEDICAL DIRECTOR OF A MANAGED CARE ORGANIZATION**
6 **OPERATING IN ACCORDANCE WITH TITLE 15 OF THIS ARTICLE, OR THE MEDICAL**
7 **DIRECTOR’S DESIGNEE, FOR THE PURPOSE OF COMPLYING WITH:**

8 **(I) THE CORRECTIVE MANAGED CARE PROGRAM OF THE**
9 **MARYLAND MEDICAID PHARMACY PROGRAM; OR**

10 **(II) THE STANDARDS DEVELOPED BY THE MARYLAND**
11 **MEDICAID OPIOID DRUG UTILIZATION REVIEW WORKGROUP; OR**

12 **[(11)] (12)** The following entities, on approval of the Secretary and for the
13 purpose of furthering an existing bona fide individual case review:

14 (i) The State Child Fatality Review Team or a local child fatality
15 review team established under Title 5, Subtitle 7 of this article, on request from the chair
16 of the State or local team;

17 (ii) A local drug overdose fatality review team established under §
18 5–902 of this article, on request from the chair of the local team;

19 (iii) The Maternal Mortality Review Program established under §
20 13–1203 of this article, on request from the Program; and

21 (iv) A medical review committee described in § 1–401(b)(3) of the
22 Health Occupations Article, on request from the committee.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.