

HOUSE BILL 1278

J1, J3

7lr1803

By: **Delegates Pena–Melnyk, Angel, Barron, Kelly, and Tarlau**

Introduced and read first time: February 10, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Health Care Facilities and Health Care Systems – Availability of**
3 **Buprenorphine Prescribers**

4 FOR the purpose of requiring certain health care facilities and health care systems to make
5 available to patients the services of at least one health care provider who is
6 authorized to prescribe buprenorphine under federal law for every certain number
7 of patients; requiring the health care facilities and health care systems to use a
8 certain average number for the purpose of calculating the number of health care
9 providers required under a certain provision of this Act; authorizing certain health
10 care facilities and health care systems to contract with certain health care providers
11 to comply with a certain provision of this Act; defining a certain term; and generally
12 relating to the availability of buprenorphine prescribers in health care facilities and
13 health care systems.

14 BY adding to

15 Article – Health – General

16 Section 8–1101 to be under the new subtitle “Subtitle 11. Availability of
17 Buprenorphine Prescribers”

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2016 Supplement)

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

22 **Article – Health – General**

23 **SUBTITLE 11. AVAILABILITY OF BUPRENORPHINE PRESCRIBERS.**

24 **8–1101.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, “HEALTH CARE FACILITY” MEANS:**

2 **(1) A HOSPITAL;**

3 **(2) A FEDERALLY QUALIFIED HEALTH CENTER;**

4 **(3) AN OUTPATIENT MENTAL HEALTH CLINIC;**

5 **(4) AN OUTPATIENT ADDICTION TREATMENT PROVIDER; AND**

6 **(5) A LOCAL HEALTH DEPARTMENT.**

7 **(B) EACH HEALTH CARE FACILITY THAT IS NOT PART OF A HEALTH CARE**
8 **SYSTEM AND EACH HEALTH CARE SYSTEM SHALL MAKE AVAILABLE TO PATIENTS**
9 **THE SERVICES OF AT LEAST ONE HEALTH CARE PROVIDER WHO IS AUTHORIZED**
10 **UNDER FEDERAL LAW TO PRESCRIBE BUPRENORPHINE FOR EVERY 100 PATIENTS.**

11 **(C) FOR THE PURPOSE OF CALCULATING THE NUMBER OF HEALTH CARE**
12 **PROVIDERS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE HEALTH**
13 **CARE FACILITY OR HEALTH CARE SYSTEM SHALL USE THE AVERAGE NUMBER OF**
14 **PATIENTS PROVIDED HEALTH CARE SERVICES PER DAY IN THE IMMEDIATELY**
15 **PRECEDING CALENDAR YEAR.**

16 **(D) TO COMPLY WITH SUBSECTION (B) OF THIS SECTION, THE HEALTH CARE**
17 **FACILITY OR THE HEALTH CARE SYSTEM MAY CONTRACT WITH A HEALTH CARE**
18 **PROVIDER WHO IS AUTHORIZED UNDER FEDERAL LAW TO PRESCRIBE**
19 **BUPRENORPHINE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2017.