

HOUSE BILL 1764

J2, J1

8lr3627

By: **Delegates Kipke and Pena-Melnyk**

Introduced and read first time: February 22, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Overdose Response Program – Dispensing of Naloxone by**
3 **Paramedics**

4 FOR the purpose of authorizing a paramedic, subject to certain rules, regulations, protocols,
5 orders, and standards, to dispense naloxone in a nonemergency environment in
6 accordance with the Overdose Response Program; providing that a paramedic who
7 dispenses naloxone in accordance with the Program is not subject to certain
8 disciplinary actions; authorizing a paramedic to dispense naloxone to certain
9 individuals; providing that a certain cause of action may not arise against a
10 paramedic under certain circumstances; providing that the Maryland Pharmacy Act
11 does not prohibit certain paramedics from dispensing naloxone in accordance with
12 the Program; defining a certain term; and generally relating to paramedics
13 dispensing naloxone in accordance with the Overdose Response Program.

14 BY repealing and reenacting, without amendments,
15 Article – Education
16 Section 13–516(a)(1) and (12) and (h)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2017 Supplement)

19 BY adding to
20 Article – Education
21 Section 13–516(g–1)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2017 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Health – General
26 Section 13–3101, 13–3106(a), and 13–3108(b)
27 Annotated Code of Maryland
28 (2015 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Health – General
3 Section 13–3102
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2017 Supplement)

6 BY adding to
7 Article – Health Occupations
8 Section 12–102(k)
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 12–102(k), (l), and (m)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2017 Supplement)

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

18 **Article – Education**

19 13–516.

20 (a) (1) In this section the following words have the meanings indicated.

21 (12) “Paramedic” means an individual who has:

22 (i) Completed a paramedic course approved by the EMS Board;

23 (ii) Been examined and registered by the National Registry of
24 Emergency Medical Technicians, Inc. as a paramedic;

25 (iii) Demonstrated competence in medical protocols within this State
26 as determined by the EMS Board; and

27 (iv) Been licensed as a paramedic by the EMS Board.

28 **(G–1) (1) SUBJECT TO THE RULES, REGULATIONS, PROTOCOLS, ORDERS,**
29 **AND STANDARDS OF THE EMS BOARD, A PARAMEDIC MAY DISPENSE NALOXONE IN**
30 **A NONEMERGENCY ENVIRONMENT IN ACCORDANCE WITH THE OVERDOSE**
31 **RESPONSE PROGRAM ESTABLISHED UNDER TITLE 13, SUBTITLE 31 OF THE**
32 **HEALTH – GENERAL ARTICLE.**

1 **(2) A PARAMEDIC WHO DISPENSES NALOXONE IN ACCORDANCE WITH**
2 **THE OVERDOSE RESPONSE PROGRAM MAY NOT BE SUBJECT TO ANY DISCIPLINARY**
3 **ACTION BY THE EMS BOARD UNDER SUBSECTION (H) OF THIS SECTION SOLELY FOR**
4 **THE ACT OF DISPENSING NALOXONE.**

5 (h) (1) Subject to the hearing provisions of subsection (i) of this section and as
6 a result of any conduct of an emergency medical services provider or an applicant for a
7 license or certificate under this section that is prohibited under the provisions of this section
8 or any regulations adopted under this section, the EMS Board may:

9 (i) Reprimand or place an emergency medical services provider on
10 probation;

11 (ii) Suspend or revoke the license or certificate of an emergency
12 medical services provider;

13 (iii) Deny a license or certificate to an applicant; or

14 (iv) Refuse to renew an applicant's license or certificate.

15 (2) On the application of an individual whose license or certificate has been
16 suspended or revoked, the EMS Board may reinstate a suspended or revoked license or
17 certificate.

18 (3) (i) Unless the EMS Board agrees to accept the surrender of a license
19 or certificate, a holder of a license or certificate may not surrender the license or certificate.

20 (ii) A license or certificate may not lapse by operation of law while
21 the holder of the license or certificate is under investigation or while charges are pending
22 against the holder of the license or certificate.

23 (4) The EMS Board may set conditions on its agreement with the holder of
24 the license or certificate under investigation or against whom charges are pending to accept
25 surrender of the license or certificate.

26 **Article – Health – General**

27 13–3101.

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

29 **(B) “PARAMEDIC” HAS THE MEANING STATED IN § 13–516 OF THE**
30 **EDUCATION ARTICLE.**

31 **[(b)] (C)** “Pharmacist” has the meaning stated in § 12–101 of the Health
32 Occupations Article.

1 [(c)] (D) “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)] (E) “Program” means the Overdose Response Program.

5 [(e)] (F) “Standing order” means a written instruction for the prescribing and
6 dispensing of naloxone in accordance with § 13–3106 of this subtitle.

7 13–3102.

8 The Overdose Response Program is a program administered by the Department for
9 the purpose of providing a means of authorizing certain individuals to administer naloxone
10 to an individual experiencing, or believed to be experiencing, opioid overdose to help
11 prevent a fatality when medical services are not immediately available.

12 13–3106.

13 (a) (1) A licensed health care provider with prescribing authority may
14 prescribe and dispense naloxone to an individual who:

15 [(1)] (I) Is believed by the licensed health care provider to be at risk of
16 experiencing an opioid overdose; or

17 [(2)] (II) Is in a position to assist an individual at risk of experiencing an
18 opioid overdose.

19 (2) **A PARAMEDIC MAY DISPENSE NALOXONE TO AN INDIVIDUAL WHO:**

20 (I) **IS BELIEVED BY THE PARAMEDIC TO BE AT RISK OF**
21 **EXPERIENCING AN OPIOID OVERDOSE; OR**

22 (II) **IS IN A POSITION TO ASSIST AN INDIVIDUAL AT RISK OF**
23 **EXPERIENCING AN OPIOID OVERDOSE.**

24 13–3108.

25 (b) (1) A cause of action may not arise against any licensed health care
26 provider with prescribing authority or pharmacist for any act or omission when the health
27 care provider with prescribing authority or pharmacist in good faith prescribes or dispenses
28 naloxone and the necessary paraphernalia for the administration of naloxone to an
29 individual under § 13–3106 of this subtitle.

30 (2) **A CAUSE OF ACTION MAY NOT ARISE AGAINST A PARAMEDIC FOR**
31 **ANY ACT OR OMISSION WHEN THE PARAMEDIC IN GOOD FAITH DISPENSES**

1 NALOXONE AND THE NECESSARY PARAPHERNALIA FOR THE ADMINISTRATION OF
2 NALOXONE TO AN INDIVIDUAL UNDER § 13-3106 OF THIS SUBTITLE.

3 **Article – Health Occupations**

4 12-102.

5 **(K) THIS TITLE DOES NOT PROHIBIT A PARAMEDIC LICENSED UNDER §**
6 **13-516 OF THE EDUCATION ARTICLE FROM DISPENSING NALOXONE IN**
7 **ACCORDANCE WITH THE OVERDOSE RESPONSE PROGRAM ESTABLISHED UNDER**
8 **TITLE 13, SUBTITLE 31 OF THE HEALTH – GENERAL ARTICLE.**

9 **[(k)] (L)** This title does not limit the right of a general merchant to sell:

10 (1) Any nonprescription drug or device;

11 (2) Any commonly used household or domestic remedy; or

12 (3) Any farm remedy or ingredient for a spraying solution, in bulk or
13 otherwise.

14 **[(l)] (M)** The Board of Pharmacy, the Board of Dental Examiners, the Board of
15 Physicians, and the Board of Podiatric Medical Examiners annually shall report to the
16 Office of Controlled Substances Administration:

17 (1) The names and addresses of its licensees who are authorized to
18 personally prepare and dispense prescription drugs; and

19 (2) The names and addresses of its licensees who have reported, in
20 accordance with subsection (c)(2)(ii)4L of this section, that they have personally prepared
21 and dispensed prescription drugs within the previous year.

22 **[(m)] (N)** A dentist, physician, or podiatrist who fails to comply with the
23 provisions of this section governing the dispensing of prescription drugs or devices shall:

24 (1) Have the dispensing permit revoked; and

25 (2) Be subject to disciplinary actions by the appropriate licensing board.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.