HOUSE BILL 255

J1 4lr1355
CF SB 296

By: **The Speaker (By Request – Department of Legislative Services)**
Introduced and read first time: January 20, 2014
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 26, 2014

CHAPTER _____

AN ACT concerning

Prescription Drug Monitoring Program – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Prescription Drug Monitoring Program in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Program; requiring the Department of Legislative Services to conduct a certain evaluation of the Program on or before a certain date and to prepare and submit a certain report in accordance with certain statutory requirements; requiring the Program to submit a certain report to the Governor, the General Assembly, and the Department of Legislative Services on or before a certain date; ~~repealing the requirement that the technical advisory committee to~~ authorizing the Program ~~review requests for~~ to disclose certain information ~~before the Program discloses the information~~ to ~~a~~ certain ~~person~~ persons under certain circumstances; requiring the Advisory Board on Prescription Drug Monitoring to include certain information in a certain report; repealing an obsolete reporting requirement; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–2A–05(a), 21–2A–06(b), (g), and (h), and 21–2A–07(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–2A–05(f)(3), 21–2A–06(c), ~~21–2A–07(b),~~ and 21–2A–10
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

21–2A–05.

(a) There is an Advisory Board on Prescription Drug Monitoring in the Department.

(f) The Board shall:

(3) **[**(i) Provide within 180 days after its first meeting, in accordance with § 2–1246 of the State Government Article, an interim report to the General Assembly setting forth the Board's analysis and recommendations under item (2) of this subsection relating to the design, implementation, and funding of the Program; and

(ii)**]** Provide annually to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly **[**an analysis**]** **A REPORT THAT INCLUDES:**

(I) THE NUMBER OF PRESCRIBERS REGISTERED WITH AND USING THE PROGRAM;

(II) THE NUMBER OF DISPENSERS REGISTERED WITH AND USING THE PROGRAM;

(III) THE NUMBER OF DISCLOSURES MADE TO FEDERAL LAW ENFORCEMENT AGENCIES OR STATE OR LOCAL LAW ENFORCEMENT AGENCIES;

~~(III)~~ **(IV) AN ANALYSIS** of the impact of the Program on patient access to pharmaceutical care and on curbing prescription drug diversion in the State**[**, including any**]; AND**

~~(IV)~~ **(V) ANY** recommendations related to modification or continuation of the Program; and

21–2A–06.

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

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

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

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

(4) A licensing entity, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for the purposes of furthering an existing bona fide individual investigation;

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

(6) A patient with respect to prescription monitoring data about the patient;

(7) Subject to subsection (g) of this section, the authorized administrator of another state's prescription drug monitoring program;

(8) The following units of the Department, on approval of the Secretary, for the purpose of furthering an existing bona fide individual investigation:

(i) The Office of the Chief Medical Examiner;

(ii) The Maryland Medical Assistance Program;

(iii) The Office of the Inspector General;

(iv) The Office of Health Care Quality; and

(v) The Division of Drug Control; or

(9) The technical advisory committee established under § 21–2A–07 of this subtitle for the purposes set forth in subsection (c) of this section.

(c) **(1)** Before the Program discloses information under subsection (b)(3), (4), (5), ~~[~~(7),~~]~~ or (8) of this section, the technical advisory committee to the Program shall:

~~(1)~~ **(I)** Review the requests for information;

~~(2)~~ **(II)** Provide clinical guidance and interpretation of the information requested to the Secretary to assist in the Secretary's decision on how to respond to a judicial subpoena, administrative subpoena, or other request; and

~~(3)~~ **(III)** Provide clinical guidance and interpretation of the information requested to the authorized recipient of the information.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE PROGRAM MAY DISCLOSE INFORMATION TO THE AUTHORIZED ADMINISTRATOR OF ANOTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM FOR DISCLOSURE TO THE PERSONS LISTED IN SUBSECTION (B)(1), (2), AND (6) OF THIS SECTION WITHOUT THE REVIEW, CLINICAL GUIDANCE, AND INTERPRETATION OF THE TECHNICAL ADVISORY COMMITTEE.

(g) The Program may provide prescription monitoring data to another state's prescription drug monitoring program only if the other state's prescription drug monitoring program agrees to use the prescription monitoring data in a manner consistent with the provisions of this subtitle.

(h) The Program may:

(1) Request and receive prescription monitoring data from another state's prescription drug monitoring program and use the prescription monitoring data in a manner consistent with the provisions of this subtitle; and

(2) Develop the capability to transmit prescription monitoring data to and receive prescription monitoring data from other prescription drug monitoring programs employing the standards of interoperability.

21–2A–07.

(a) There is a technical advisory committee to the Program.

(b) The purpose of the technical advisory committee is to review requests for information from the Program under § 21–2A–06(b)(3), (4), (5), ~~[~~(7),~~]~~ and (8) of this subtitle.

21–2A–10.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, **[**2016**]** **2019**.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2015, the Prescription Drug Monitoring Program shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, and the Department of Legislative Services that:

(1) describes efforts to collect and make available, in real–time, prescription monitoring data;

(2) includes recommendations for a long–term funding source to support the Program;

(3) provides the status of the Department of Health and Mental Hygiene's independent evaluation of the Program; and

(4) discusses the status of any plans to pursue unsolicited reporting or mandatory utilization of prescription monitoring data by health care providers.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Legislative Services shall:

(1) conduct a direct full evaluation of the Prescription Drug Monitoring Program on or before December 1, 2017; and

(2) prepare and submit a full evaluation report in accordance with the requirements established under § 8–405(e) and (f) of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.