

SENATE BILL 80

J1

3lr0014

(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 4, 2012

Introduced and read first time: January 9, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Prescription Drug Monitoring Program – Disclosure of**
3 **Prescription Monitoring Data**

4 FOR the purpose of adding the Division of Drug Control of the Department of Health
5 and Mental Hygiene to the list of certain entities to which the Prescription Drug
6 Monitoring Program must disclose prescription monitoring data under certain
7 circumstances; and generally relating to the Prescription Drug Monitoring
8 Program.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 21–2A–06(a)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 21–2A–06(b)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2012 Supplement)

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

21 **Article – Health – General**

22 21–2A–06.

23 (a) Prescription monitoring data:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Are confidential and privileged, and not subject to discovery,
2 subpoena, or other means of legal compulsion in civil litigation;

3 (2) Are not public records; and

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

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

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

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

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

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

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

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

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

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

26 (i) The Office of the Chief Medical Examiner;

27 (ii) The Maryland Medical Assistance Program;

28 (iii) The Office of the Inspector General; [and]

29 (iv) The Office of Health Care Quality; AND

30 (v) **THE DIVISION OF DRUG CONTROL;** or

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.