

SENATE BILL 757

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

Introduced and read first time: February 16, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Drug Overdose Prevention**

3 FOR the purpose of authorizing an advanced nurse practitioner, instead of a certain nurse
4 practitioner, and a pharmacist to conduct certain overdose prevention educational
5 training programs; altering the circumstances under which certain employees or
6 volunteers may conduct the training programs; authorizing certain individuals to
7 prescribe and dispense naloxone to certain certificate holders by issuing a certain
8 standing order under certain circumstances; authorizing certain individuals to
9 prescribe and dispense naloxone to certain individuals, under certain circumstances,
10 even if the individuals have not completed a certain training program; providing that
11 an advanced practice nurse who prescribes or dispenses naloxone to a certificate
12 holder in a certain manner may not be subject to certain disciplinary action under
13 certain circumstances; exempting certain persons who are authorized to dispense
14 naloxone from certain prescription drug dispensing permit requirements;
15 authorizing the Department of Health and Mental Hygiene, in consultation with
16 certain health occupations boards, to adopt certain regulations; repealing certain
17 provisions of law relating to the renewal period for registration with the Department
18 to manufacture, distribute, or dispense controlled dangerous substances; requiring
19 the Department to adopt regulations establishing the initial term and any renewal
20 term for a registration; requiring the Prescription Drug Monitoring Program to
21 disclose certain data to certain entities; defining certain terms; making conforming,
22 clarifying, and stylistic changes; and generally relating to drug overdose prevention.

23 BY repealing

24 Article – Criminal Law

25 Section 5–302

26 Annotated Code of Maryland

27 (2012 Replacement Volume and 2014 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Law
2 Section 5–302
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Health – General
7 Section 13–3101, 13–3104(d)(2), 13–3107(1), 13–3108, 13–3109, and 21–2A–06(b)
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2014 Supplement)

10 BY adding to
11 Article – Health – General
12 Section 13–3110; and 13–31A–01 through 13–31A–03 to be under the new subtitle
13 “Subtitle 31A. Additional Third Party Naloxone Prescriptions in Overdose
14 Response Prevention”
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2014 Supplement)

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

19 **Article – Criminal Law**

20 **[5–302.**

21 (a) A registration expires on the date set by the Department unless it is renewed
22 for an additional term as provided in this section.

23 (b) A registration may not be renewed for more than 2 years.]

24 **5–302.**

25 **THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING THE INITIAL**
26 **TERM AND ANY RENEWAL TERM FOR A REGISTRATION.**

27 **Article – Health – General**

28 13–3101.

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

30 **(B) “ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8–101**
31 **OF THE HEALTH OCCUPATIONS ARTICLE.**

1 **[(b)] (C)** “Certificate” means a certificate issued by a private or public entity to
2 administer naloxone.

3 **(D)** “**LICENSED PHYSICIAN**” HAS THE MEANING STATED IN **§ 14–101 OF THE**
4 **HEALTH OCCUPATIONS ARTICLE.**

5 **(E)** “**PHARMACIST**” HAS THE MEANING STATED IN **§ 12–101 OF THE HEALTH**
6 **OCCUPATIONS ARTICLE.**

7 **[(c)] (F)** “Private or public entity” means a health care provider, local health
8 department, community–based organization, substance [abuse] **USE DISORDER** treatment
9 organization, or other person that addresses medical or social issues related to drug
10 addiction.

11 **[(d)] (G)** “Program” means an Overdose Response Program.

12 **(H)** “**STANDING ORDER**” MEANS A WRITTEN INSTRUCTION FOR THE
13 **PRESCRIBING AND DISPENSING OF NALOXONE ISSUED TO A CERTIFICATE HOLDER**
14 **IN ACCORDANCE WITH § 13–3108(B) OF THIS SUBTITLE.**

15 13–3104.

16 (d) (2) An educational training program required under this subsection shall:

17 (i) Be conducted by:

18 1. A **LICENSED** physician [licensed to practice medicine
19 under Title 14 of the Health Occupations Article];

20 2. **[A] AN ADVANCED PRACTICE** nurse [practitioner
21 licensed to practice registered nursing under Title 8 of the Health Occupations Article and
22 certified as a nurse practitioner by the State Board of Nursing; or];

23 **3. A PHARMACIST; OR**

24 **[3.] 4.** An employee or a volunteer of a private or public entity
25 [that maintains] **WHO IS SUPERVISED IN ACCORDANCE WITH** a written agreement
26 [with] **BETWEEN THE PRIVATE OR PUBLIC ENTITY AND** a supervisory **LICENSED**
27 physician, [or] **ADVANCED PRACTICE** nurse [practitioner], **OR PHARMACIST** that
28 includes:

29 A. Procedures for providing patient overdose information;

30 B. Information as to how the employee or volunteer providing
31 the information will be trained; and

1 C. Standards for documenting the provision of patient
2 overdose information to patients; and

3 (ii) Include training in:

- 4 1. The recognition of the symptoms of opioid overdose;
- 5 2. The proper administration of naloxone;
- 6 3. The importance of contacting emergency medical services;
- 7 4. The care of an individual after the administration of
8 naloxone; and
- 9 5. Any other topics required by the Department.

10 13-3107.

11 An individual who is certified may:

12 (1) On presentment of a certificate, receive from any LICENSED physician
13 [licensed to practice medicine in the State,] or [any] ADVANCED PRACTICE nurse
14 [practitioner licensed to practice nursing in the State,] a prescription for naloxone and the
15 necessary supplies for the administration of naloxone;

16 13-3108.

17 (A) A LICENSED physician or AN ADVANCED PRACTICE nurse [practitioner]
18 may prescribe and dispense naloxone to a certificate holder.

19 (B) (1) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE MAY
20 PRESCRIBE AND DISPENSE NALOXONE TO A CERTIFICATE HOLDER BY ISSUING A
21 STANDING ORDER IF THE LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE:

22 (I) IS EMPLOYED BY THE DEPARTMENT OR A LOCAL HEALTH
23 DEPARTMENT; OR

24 (II) SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING
25 PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE.

26 (2) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WHO
27 ISSUES A STANDING ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY
28 DELEGATE TO THE FOLLOWING PERSONS THE AUTHORITY FOR DISPENSING
29 NALOXONE TO A CERTIFICATE HOLDER:

1 **(I) A LICENSED REGISTERED NURSE WHO:**

2 **1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;**

3 **AND**

4 **2. COMPLETES A TRAINING PROGRAM APPROVED BY**
5 **THE DEPARTMENT; AND**

6 **(II) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC**
7 **ENTITY WHO IS AUTHORIZED TO CONDUCT AN EDUCATIONAL TRAINING PROGRAM IN**
8 **ACCORDANCE WITH § 13-3104(D) OF THIS SUBTITLE.**

9 **(3) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING**
10 **AUTHORITY ALSO MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN**
11 **ACCORDANCE WITH A STANDING ORDER ISSUED BY A LICENSED PHYSICIAN.**

12 13-3109.

13 (a) **(1) A certificate holder who, in accordance with this subtitle, is**
14 **administering naloxone to an individual experiencing or believed by the certificate holder**
15 **to be experiencing an opioid overdose may not be considered to be practicing [medicine]:**

16 **(I) MEDICINE for the purposes of Title 14 of the Health Occupations**
17 **Article; OR**

18 **(II) ADVANCED PRACTICE NURSING FOR THE PURPOSES OF**
19 **TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.**

20 **(2) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY**
21 **WHO, IN ACCORDANCE WITH THIS SUBTITLE, PROVIDES NALOXONE TO A**
22 **CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER ISSUED UNDER §**
23 **13-3108(B) OF THIS SUBTITLE MAY NOT BE CONSIDERED TO BE PRACTICING:**

24 **(I) MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE**
25 **HEALTH OCCUPATIONS ARTICLE;**

26 **(II) ADVANCED PRACTICE NURSING FOR THE PURPOSES OF**
27 **TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; OR**

28 **(III) PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE**
29 **HEALTH OCCUPATIONS ARTICLE.**

1 (b) (1) A LICENSED physician who prescribes or dispenses naloxone to a
2 certificate holder in a manner consistent with the protocol established by the authorized
3 private or public entity may not be subject to any disciplinary action under Title 14 of the
4 Health Occupations Article solely for the act of prescribing or dispensing naloxone to the
5 certificate holder.

6 (2) AN ADVANCED PRACTICE NURSE WHO PRESCRIBES OR DISPENSES
7 NALOXONE TO A CERTIFICATE HOLDER IN A MANNER CONSISTENT WITH THE
8 PROTOCOL ESTABLISHED BY THE AUTHORIZED PRIVATE OR PUBLIC ENTITY MAY
9 NOT BE SUBJECT TO ANY DISCIPLINARY ACTION UNDER TITLE 8 OF THE HEALTH
10 OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF PRESCRIBING OR DISPENSING
11 NALOXONE TO THE CERTIFICATE HOLDER.

12 13-3110.

13 A PERSON WHO DISPENSES NALOXONE IN ACCORDANCE WITH THIS SUBTITLE
14 IS EXEMPT FROM ANY LAWS THAT REQUIRE A PERSON TO MAINTAIN A PERMIT TO
15 DISPENSE PRESCRIPTION DRUGS.

16 SUBTITLE 31A. ADDITIONAL THIRD PARTY NALOXONE PRESCRIPTIONS IN
17 OVERDOSE RESPONSE PREVENTION.

18 13-31A-01.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) "ADVANCED PRACTICE NURSE" HAS THE MEANING STATED IN §
22 8-101 OF THE HEALTH OCCUPATIONS ARTICLE.

23 (C) "LICENSED PHYSICIAN" HAS THE MEANING STATED IN § 14-101 OF THE
24 HEALTH OCCUPATIONS ARTICLE.

25 13-31A-02.

26 A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE MAY PRESCRIBE
27 AND DISPENSE NALOXONE TO ANY INDIVIDUAL WHO THE LICENSED PHYSICIAN OR
28 ADVANCED PRACTICE NURSE REASONABLY BELIEVES MAY BE IN A POSITION TO
29 ASSIST ANOTHER INDIVIDUAL WHO IS EXPERIENCING AN OPIOID-RELATED
30 OVERDOSE, EVEN IF THE INDIVIDUAL HAS NOT COMPLETED AN EDUCATIONAL
31 TRAINING PROGRAM UNDER § 13-3104(D) OF THIS TITLE.

32 13-31A-03.

1 **THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF**
2 **PHYSICIANS, THE STATE BOARD OF NURSING, AND THE STATE BOARD OF**
3 **PHARMACY, MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

4 21-2A-06.

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**
15 **ADMINISTRATIVE SUBPOENA VOTED ON BY A QUORUM OF A DISCIPLINARY PANEL,**
16 **AS DEFINED IN § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE, FOR THE**
17 **PURPOSES OF FURTHERING AN EXISTING BONA FIDE INVESTIGATION OF AN**
18 **INDIVIDUAL;**

19 **[(4)] (5)** A licensing entity **OTHER THAN THE STATE BOARD OF**
20 **PHYSICIANS**, on issuance of an administrative subpoena voted on by a quorum of the board
21 of the licensing entity, for the purposes of furthering an existing bona fide individual
22 investigation;

23 **[(5)] (6)** A rehabilitation program under a health occupations board, on
24 issuance of an administrative subpoena;

25 **[(6)] (7)** A patient with respect to prescription monitoring data about the
26 patient;

27 **[(7)] (8)** Subject to subsection (h) of this section, the authorized
28 administrator of another state's prescription drug monitoring program;

29 **[(8)] (9)** The following units of the Department, on approval of the
30 Secretary, for the purpose of furthering an existing bona fide individual investigation:

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

32 (ii) The Maryland Medical Assistance Program;

- 1 (iii) The Office of the Inspector General;
- 2 (iv) The Office of Health Care Quality; and
- 3 (v) The Division of Drug Control; [or]

4 **[(9)] (10)** The technical advisory committee established under § 21–2A–07
5 of this subtitle for the purposes set forth in subsections (c) and (d) of this section; **OR**

6 **(11) THE FOLLOWING ENTITIES, ON APPROVAL OF THE SECRETARY**
7 **AND FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL CASE**
8 **REVIEW:**

9 **(I) THE STATE CHILD FATALITY REVIEW TEAM OR A LOCAL**
10 **CHILD FATALITY REVIEW TEAM ESTABLISHED UNDER TITLE 5, SUBTITLE 7 OF THIS**
11 **ARTICLE, ON REQUEST FROM THE CHAIR OF THE STATE OR LOCAL TEAM;**

12 **(II) A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM**
13 **ESTABLISHED UNDER § 5–902 OF THIS ARTICLE, ON REQUEST FROM THE CHAIR OF**
14 **THE LOCAL TEAM;**

15 **(III) THE MATERNAL MORTALITY REVIEW PROGRAM**
16 **ESTABLISHED UNDER § 13–1203 OF THIS ARTICLE, ON REQUEST FROM THE**
17 **PROGRAM; AND**

18 **(IV) A MEDICAL REVIEW COMMITTEE DESCRIBED IN §**
19 **1–401(B)(3) OF THE HEALTH OCCUPATIONS ARTICLE, ON REQUEST FROM THE**
20 **COMMITTEE.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.