

SENATE BILL 757

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5lr0126

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

AN ACT concerning

Public Health – Drug Overdose Prevention

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

BY repealing

Article – Criminal Law

Section 5–302

Annotated Code of Maryland

(2012 Replacement Volume and 2014 Supplement)

BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

Article – Criminal Law

[5–302.

- (a) A registration expires on the date set by the Department unless it is renewed for an additional term as provided in this section.
- (b) A registration may not be renewed for more than 2 years.]

5–302.

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

Article – Health – General

13–3101.

- (a) In this subtitle the following words have the meanings indicated.
- (B) **“ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8–101 OF THE HEALTH OCCUPATIONS ARTICLE.**

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

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

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

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

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

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

13–3104.

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

(i) Be conducted by:

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

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

3. A PHARMACIST; OR

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

A. Procedures for providing patient overdose information;

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

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

(ii) Include training in:

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

13-3107.

An individual who is certified may:

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

13-3108.

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

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

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

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

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

(I) A LICENSED REGISTERED NURSE WHO:

1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;
- AND
2. COMPLETES A TRAINING PROGRAM APPROVED BY THE DEPARTMENT; AND

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

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

13-3109.

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

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

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

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

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

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

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

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

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

13-3110.

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

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

13-31A-01.

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

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

(C) “LICENSED PHYSICIAN” HAS THE MEANING STATED IN § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE.

13-31A-02.

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

13-31A-03.

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

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) THE STATE BOARD OF PHYSICIANS, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA VOTED ON BY A QUORUM OF A DISCIPLINARY PANEL, AS DEFINED IN § 14-101 OF THE HEALTH OCCUPATIONS ARTICLE, FOR THE PURPOSES OF FURTHERING AN EXISTING BONA FIDE INVESTIGATION OF AN INDIVIDUAL;

[(4)] (5) A licensing entity **OTHER THAN THE STATE BOARD OF PHYSICIANS**, 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)] (6) A rehabilitation program under a health occupations board, on issuance of an administrative subpoena;

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

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

[(8)] (9) 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)] (10) The technical advisory committee established under § 21–2A–07 of this subtitle for the purposes set forth in subsections (c) and (d) of this section; **OR**

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

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

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

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

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

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