

# HOUSE BILL 1276

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By: **Delegates Barron, Bromwell, Kipke, and B. Wilson**

Introduced and read first time: February 10, 2017

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Patient–Centered Opioid Addiction Treatment Act**

3 FOR the purpose of requiring, on or before a certain date, certain opioid treatment  
4 programs to meet certain requirements; requiring an opioid treatment program to  
5 establish certain treatment protocols; requiring an opioid treatment program to  
6 provide a copy of certain protocols to the Office of Health Care Quality before being  
7 licensed by the Behavioral Health Administration; defining a certain term; and  
8 generally relating to patient–centered opioid addiction treatment.

9 BY repealing and reenacting, with amendments,  
10 Article – Health – General  
11 Section 8–101  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2016 Supplement)

14 BY adding to  
15 Article – Health – General  
16 Section 8–407  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2016 Supplement)

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

21 **Article – Health – General**

22 8–101.

23 (a) In this title the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) “Addictive disorder” means a chronic disorder of the brain’s  
2 reward–activation system in which the individual pathologically pursues reward or relief  
3 by substance abuse or other behaviors, with diminished control, and the individual persists  
4 in the behavior despite adverse consequences.

5 (2) “Addictive disorder” includes gambling, which is the only  
6 nonsubstance–related addictive disorder recognized by Maryland law.

7 (c) “Administration” means the Behavioral Health Administration.

8 (d) “Administrator” means the program director or the clinical director of an  
9 alcohol or drug abuse treatment facility or a health care facility.

10 (e) “Alcohol abuse” means a disease that is characterized by a pattern of  
11 pathological use of alcohol with repeated attempts to control its use, and with significant  
12 negative consequences in at least one of the following areas of life: medical, legal, financial,  
13 or psycho–social.

14 (f) “Alcohol dependence” means a disease characterized by:

15 (1) Alcohol abuse; and

16 (2) Physical symptoms of withdrawal or tolerance.

17 (g) “Alcohol misuse” means:

18 (1) Unlawful use of alcohol;

19 (2) Alcohol abuse; or

20 (3) Alcohol dependence.

21 (h) “Director” means the Director of the Administration.

22 (i) “Drug” means:

23 (1) A controlled dangerous substance that is regulated under the Maryland  
24 Controlled Dangerous Substances Act;

25 (2) A prescription medication; or

26 (3) A chemical substance when used for unintended and harmful purposes.

27 (j) “Drug abuse” means a disease which is characterized by a pattern of  
28 pathological use of a drug with repeated attempts to control the use, and with significant  
29 negative consequences in at least one of the following areas of life: medical, legal, financial,  
30 or psycho–social.

1 (k) “Drug dependence” means a disease characterized by:

2 (1) Drug abuse; and

3 (2) Physical symptoms of withdrawal or tolerance.

4 (l) “Drug misuse” means:

5 (1) Unlawful use of a drug;

6 (2) Drug abuse; or

7 (3) Drug dependence.

8 (m) “Halfway house” means a clinically managed, low intensity residential  
9 treatment service for individuals with substance-related disorders who are capable of  
10 self-care but are not ready to return to independent living.

11 (n) “Large halfway house” means a halfway house that admits at least 9 but not  
12 more than 16 individuals.

13 (o) (1) “Mental disorder” means a behavioral or emotional illness that results  
14 from a psychiatric disorder.

15 (2) “Mental disorder” includes a mental illness that so substantially  
16 impairs the mental or emotional functioning of an individual as to make care or treatment  
17 necessary or advisable for the welfare of the individual or for the safety of the person or  
18 property of another.

19 (3) “Mental disorder” does not include an intellectual disability.

20 (P) “OPIOID TREATMENT PROGRAM” HAS THE MEANING STATED IN 42  
21 C.F.R. § 10.09.33.01.

22 [(p)] (Q) “Recovery residence” means a service that:

23 (1) Provides alcohol-free and illicit-drug-free housing to individuals with  
24 substance-related disorders or addictive disorders or co-occurring mental disorders and  
25 substance-related disorders or addictive disorders; and

26 (2) Does not include clinical treatment services.

27 [(q)] (R) “Small halfway house” means a halfway house that admits at least 4  
28 but not more than 8 individuals.

1            ~~[(r)]~~ (S)        (1)        “Substance–related disorder” means:

2                            (i)        Alcohol use disorder, alcohol abuse, alcohol dependence, alcohol  
3 misuse, alcohol intoxication, or alcohol withdrawal;

4                            (ii)       Nonalcohol substance use disorder, drug dependence, drug  
5 misuse, nonalcohol substance induced intoxication, or nonalcohol substance withdrawal; or

6                            (iii)      Any combination of the disorders listed in items (i) and (ii) of this  
7 paragraph.

8                            (2)        “Substance–related disorder” includes substance use disorders and  
9 substance induced disorders.

10            ~~[(s)]~~ (T)        “Withdrawal management” means direct or indirect services for an  
11 acutely intoxicated individual to fulfill the physical, social, and emotional needs of an  
12 individual by:

13                            (1)        Monitoring the amount of alcohol and other toxic agents in the body of  
14 the individual;

15                            (2)        Managing withdrawal symptoms; and

16                            (3)        Motivating an individual to participate in the appropriate  
17 substance–related disorder programs.

18        **8–407.**

19            **(A)    ON OR BEFORE JANUARY 1, 2018, AN OPIOID TREATMENT PROGRAM**  
20 **CERTIFIED BY THE ADMINISTRATION SHALL MEET THE REQUIREMENTS OF THIS**  
21 **SECTION AND TITLE 7.5 OF THIS ARTICLE.**

22            **(B)    IN ADDITION TO THE REQUIREMENTS OF TITLE 7.5 OF THIS ARTICLE, AN**  
23 **OPIOID TREATMENT PROGRAM SHALL ESTABLISH TREATMENT PROTOCOLS THAT:**

24                            **(1)    ARE CONSISTENT WITH § 303 OF THE FEDERAL COMPREHENSIVE**  
25 **ADDICTION AND RECOVERY ACT AND STANDARD MEDICAL PRACTICES FOR OPIOID**  
26 **TREATMENT PROGRAMS; AND**

27                            **(2)    INCLUDE:**

28                            **(I)    A REQUIREMENT THAT THE OPIOID TREATMENT PROGRAM**  
29 **CONDUCT A PERIODIC REVIEW OF A PATIENT’S TREATMENT PLAN WITH THE**  
30 **PATIENT, INCLUDING CONSIDERATION OF OPIOID ABSTINENCE WHEN**  
31 **APPROPRIATE;**

1                   **(II) APPROPRIATE CLINICAL USE OF ANY DRUG OR TREATMENT**  
2 **APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE**  
3 **TREATMENT OF OPIOID ADDICTION, INCLUDING:**

4                   **1. OPIOID MAINTENANCE THERAPY;**

5                   **2. DETOXIFICATION;**

6                   **3. OVERDOSE REVERSAL;**

7                   **4. RELAPSE PREVENTION; AND**

8                   **5. LONG-ACTING, NONADDICTIVE MEDICATION-ASSISTED**  
9 **TREATMENT MEDICATIONS;**

10                   **(III) APPROPRIATE USE OF OVERDOSE REVERSAL, RELAPSE**  
11 **PREVENTION, COUNSELING, AND ANCILLARY SERVICES;**

12                   **(IV) SUBMISSION OF A PLAN REGARDING TRAINING AND**  
13 **EXPERIENCE REQUIREMENTS FOR PROVIDERS WHO TREAT AND MANAGE**  
14 **OPIATE-DEPENDENT PATIENTS, INCLUDING TRAINING ON HOW TO REDUCE ABUSE**  
15 **AND DIVERSION AND HOW TO HANDLE ABUSE AND DIVERSION THROUGH PROPER**  
16 **EDUCATION;**

17                   **(V) A REQUIREMENT THAT A PROVIDER WHO PRESCRIBES**  
18 **OPIOID MEDICATION FOR A PATIENT PERIODICALLY QUERY THE PRESCRIPTION**  
19 **DRUG MONITORING PROGRAM FOR PRESCRIPTION MONITORING DATA FOR THE**  
20 **PATIENT; AND**

21                   **(VI) A REQUIREMENT TO INFORM A PATIENT ABOUT ALL**  
22 **AVAILABLE FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED OPIOID**  
23 **TREATMENT MEDICATION OPTIONS, INCLUDING EACH OPTION'S POTENTIAL RISKS**  
24 **AND BENEFITS, AND OBTAIN THE PATIENT'S INFORMED CONSENT BEFORE**  
25 **PRESCRIBING A MEDICATION.**

26                   **(C) AN OPIOID TREATMENT PROGRAM SHALL PROVIDE A COPY OF THE**  
27 **PROTOCOLS REQUIRED BY SUBSECTION (B) OF THIS SECTION TO THE OFFICE OF**  
28 **HEALTH CARE QUALITY BEFORE BEING LICENSED BY THE ADMINISTRATION.**

29                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
30 **October 1, 2017.**