

HOUSE BILL 115

J2, J1

8lr1134
CF SB 13

By: **Delegates Morhaim and Pena–Melnyk**
Introduced and read first time: January 15, 2018
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Prescription Records Cost Saving Act of 2018**

3 FOR the purpose of requiring a dispenser of a prescription drug to submit certain
4 prescription information to a certain health information exchange; requiring certain
5 prescription information to be submitted in a certain manner; prohibiting a certain
6 health information exchange from imposing certain fees or assessments; requiring a
7 certain health information exchange to make certain prescription information
8 available to a health care provider for certain purposes; requiring the Maryland
9 Health Care Commission to adopt certain regulations; requiring that certain
10 regulations include certain provisions; stating the purpose of this Act; defining
11 certain terms; and generally relating to electronic prescription information and the
12 health information exchange.

13 BY adding to
14 Article – Health – General
15 Section 19–145
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2017 Supplement)

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

20 **Article – Health – General**

21 **19–145.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) (I) “DISPENSE” HAS THE MEANING STATED IN § 12–101 OF THE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **HEALTH OCCUPATIONS ARTICLE.**

2 (II) **“DISPENSE” DOES NOT INCLUDE:**

3 1. **DIRECTLY ADMINISTERING A PRESCRIPTION DRUG**
4 **TO A PATIENT; OR**

5 2. **GIVING OUT PRESCRIPTION DRUG SAMPLES.**

6 (3) (I) **“DISPENSER” MEANS A PERSON AUTHORIZED BY LAW TO**
7 **DISPENSE A PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT’S AGENT IN THE**
8 **STATE.**

9 (II) **“DISPENSER” INCLUDES A NONRESIDENT PHARMACY.**

10 (III) **“DISPENSER” DOES NOT INCLUDE A PERSON DESCRIBED IN**
11 **§ 21–2A–01(D)(3) OF THIS ARTICLE.**

12 (4) **“PRESCRIPTION DRUG” HAS THE MEANING STATED IN § 21–201**
13 **OF THIS ARTICLE.**

14 (B) **THE PURPOSE OF THIS SECTION IS TO ALLOW A HEALTH CARE**
15 **PROVIDER TO ACCESS A PATIENT’S MEDICATION HISTORY, INCLUDING**
16 **MEDICATIONS PRESCRIBED FOR THE PATIENT BY ANOTHER HEALTH CARE**
17 **PROVIDER.**

18 (C) (1) **AFTER DISPENSING A PRESCRIPTION DRUG, A DISPENSER SHALL**
19 **SUBMIT PRESCRIPTION INFORMATION TO THE HEALTH INFORMATION EXCHANGE**
20 **DESIGNATED FOR THE STATE UNDER § 19–143(A) OF THIS SUBTITLE.**

21 (2) **THE PRESCRIPTION INFORMATION SHALL BE SUBMITTED:**

22 (I) **BY ELECTRONIC MEANS;**

23 (II) **WITHOUT UNDULY INCREASING THE WORKLOAD AND**
24 **EXPENSE ON A DISPENSER;**

25 (III) **IN A MANNER AS COMPATIBLE AS POSSIBLE WITH EXISTING**
26 **DATA SUBMISSION PRACTICES OF DISPENSERS;**

27 (IV) **USING INFORMATION TECHNOLOGY SOFTWARE PROVIDED**
28 **TO THE DISPENSER BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE;**
29 **AND**

1 **(V) AS OTHERWISE REQUIRED THROUGH REGULATIONS**
2 **ADOPTED BY THE COMMISSION.**

3 **(3) THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE MAY**
4 **NOT IMPOSE ANY FEES OR OTHER ASSESSMENTS TO SUPPORT THE OPERATION OF**
5 **THE EXCHANGE ON PRESCRIBERS OR DISPENSERS.**

6 **(D) THE STATE-DESIGNATED HEALTH INFORMATION EXCHANGE SHALL**
7 **MAKE PRESCRIPTION INFORMATION SUBMITTED UNDER SUBSECTION (C) OF THIS**
8 **SECTION AVAILABLE TO A HEALTH CARE PROVIDER FOR PURPOSES OF TREATMENT**
9 **AND CARE COORDINATION OF A PATIENT.**

10 **(E) THE COMMISSION, IN CONSULTATION WITH STAKEHOLDERS, SHALL**
11 **ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

12 **(F) THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION**
13 **(E) OF THIS SECTION SHALL INCLUDE:**

14 **(1) THE SPECIFIC PRESCRIPTION INFORMATION REQUIRED TO BE**
15 **SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;**

16 **(2) THE TIME FRAME FOR SUBMITTING PRESCRIPTION INFORMATION**
17 **UNDER SUBSECTION (C) OF THIS SECTION;**

18 **(3) THE ELECTRONIC MEANS AND MANNER BY WHICH PRESCRIPTION**
19 **INFORMATION IS TO BE SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;**

20 **(4) WHO MAY ACCESS PRESCRIPTION INFORMATION AFTER IT IS**
21 **SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION;**

22 **(5) PERMISSIBLE USES OF PRESCRIPTION INFORMATION SUBMITTED**
23 **UNDER THIS SECTION; AND**

24 **(6) PRESCRIPTION INFORMATION SUBMISSION REQUIREMENTS THAT**
25 **ALIGN WITH THE DATA SUBMISSION REQUIREMENTS ON DISPENSERS OF**
26 **MONITORED PRESCRIPTION DRUGS UNDER TITLE 21, SUBTITLE 2A OF THIS**
27 **ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2018.