

HOUSE BILL 517

J1, J2, J3

8lr1170

By: **Delegates Hill, Cullison, Ebersole, Krimm, Lam, Morhaim, and Turner**

Introduced and read first time: January 26, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2018

CHAPTER _____

1 AN ACT concerning

2 **Pharmacy Drug Monitoring Program – Data Request Exemption – ~~Regional~~**
3 **~~Anesthesia Patients~~ Surgical Procedures**

4 FOR the purpose of altering a certain provision of law to exempt a prescriber from being
5 required to request certain data from the Pharmacy Drug Monitoring Program if the
6 opioid or benzodiazepine is prescribed or dispensed to an individual to treat or
7 prevent acute pain for a certain period of time following ~~a~~ any surgical procedure in
8 ~~which regional anesthesia, including certain techniques, was used, rather than only~~
9 surgical procedures in which general anesthesia was used; making this Act subject
10 to a certain contingency; and generally relating to the Pharmacy Drug Monitoring
11 Program.

12 BY repealing and reenacting, without amendments,

13 Article – Health – General

14 Section 21–2A–04.2(a)

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2017 Supplement)

17 (As enacted by Chapter 147 of the Acts of the General Assembly of 2016)

18 BY repealing and reenacting, with amendments,

19 Article – Health – General

20 Section 21–2A–04.2(b)

21 Annotated Code of Maryland

22 (2015 Replacement Volume and 2017 Supplement)

23 (As enacted by Chapter 147 of the Acts of the General Assembly of 2016)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 21–2A–04.2.

5 (a) (1) Beginning July 1, 2018, a prescriber:

6 (i) Shall request at least the prior 4 months of prescription
7 monitoring data for a patient before initiating a course of treatment for the patient that
8 includes prescribing or dispensing an opioid or a benzodiazepine;

9 (ii) Shall, if a patient’s course of treatment continues to include
10 prescribing or dispensing an opioid or a benzodiazepine for more than 90 days after the
11 initial request for prescription monitoring data, request prescription monitoring data for
12 the patient at least every 90 days until the course of treatment has ended; and

13 (iii) Shall assess prescription monitoring data requested from the
14 Program before deciding whether to prescribe or dispense or continue prescribing or
15 dispensing an opioid or a benzodiazepine.

16 (2) If a prescriber decides to prescribe or continue to prescribe an opioid or
17 a benzodiazepine after requesting prescription monitoring data from the Program and
18 assessing the prescription monitoring data, the prescriber shall document in the patient’s
19 medical record that the prescription monitoring data was requested and assessed.

20 (b) A prescriber is not required to request prescription monitoring data from the
21 Program if the opioid or benzodiazepine is prescribed or dispensed to an individual:

22 (1) In an amount indicated for a period not to exceed 3 days;

23 (2) For the treatment of cancer or cancer–related pain;

24 (3) Who is:

25 (i) A patient receiving treatment in an inpatient unit of a hospital;

26 (ii) 1. A patient in a general hospice care program as defined in
27 § 19–901 of this article; or

28 2. Any other patient diagnosed with a terminal illness;

29 (iii) A patient who resides in:

30 1. An assisted living facility;

1 2. A long-term care facility;

2 3. A comprehensive care facility; or

3 4. A developmental disabilities facility; or

4 (4) To treat or prevent acute pain for a period of not more than 14 days
5 following:

6 (i) A surgical procedure ~~in which general anesthesia OR REGIONAL~~
7 ~~ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES, was used;~~

8 (ii) A fracture;

9 (iii) Significant trauma; or

10 (iv) Childbirth.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2018, contingent on the taking effect of Chapter 147 of the Acts of the General Assembly
13 of 2016, and if Chapter 147 does not become effective, this Act, with no further action
14 required by the General Assembly, shall be null and void.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.