

# HOUSE BILL 653

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CF SB 522

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By: Delegates K. Young, Angel, Barron, Cullison, Fraser-Hidalgo, Gibson, Kelly, Lafferty, Mautz, McMillan, Metzgar, Morales, Platt, Robinson, Sample-Hughes, Tarlau, Turner, ~~and Vogt~~ Vogt, Pena-Melnyk, West, Kipke, Krebs, McDonough, and Morgan

Introduced and read first time: January 29, 2018

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Care Providers – Opioid and Benzodiazepine Prescriptions – Discussion**  
3 **of ~~Information~~ Benefits and Risks**

4 FOR the purpose of requiring ~~that certain health care providers to discuss certain~~  
5 ~~information~~ patients be advised of the benefits and risks associated with the  
6 prescription of certain opioids ~~with certain patients or,~~ and benzodiazepines under  
7 certain circumstances, ~~certain parents or guardians at certain times; requiring~~  
8 ~~certain health care providers to obtain a certain written acknowledgment and~~  
9 ~~include the acknowledgment in certain patients' medical records; requiring the~~  
10 ~~Maryland Department of Health to develop and make available a certain model form~~  
11 ~~that includes certain guidelines; making the failure to provide certain patients,~~  
12 ~~parents, and guardians with certain information and obtain a certain written~~  
13 ~~acknowledgment a violation for which certain health occupations boards are~~  
14 ~~authorized to take certain disciplinary actions against certain individuals; making~~  
15 ~~conforming changes; providing that a violation of this Act is grounds for disciplinary~~  
16 ~~action by a certain health occupations board; and generally relating to the discussion~~  
17 ~~of information and advice regarding benefits and~~ risks associated with opioids and  
18 benzodiazepines that are controlled dangerous substances.

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations

21 Section 1–223

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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 Annotated Code of Maryland  
2 (2014 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – Health Occupations  
5 Section 4–315(a)(35), 8–316(a)(36), 14–404(a)(43), and 16–311(a)(8)  
6 Annotated Code of Maryland  
7 (2014 Replacement Volume and 2017 Supplement)

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

10 **Article – Health Occupations**

11 1–223.

12 (a) In this section, “controlled dangerous substance” has the meaning stated in §  
13 5–101 of the Criminal Law Article.

14 ~~(b) (1) BEFORE PRESCRIBING AN OPIOID THAT IS A CONTROLLED~~  
15 ~~DANGEROUS SUBSTANCE AS TREATMENT FOR PAIN, A HEALTH CARE PROVIDER~~  
16 ~~SHALL DISCUSS WITH THE PATIENT OR, IF THE PATIENT IS A MINOR, THE PARENT OR~~  
17 ~~GUARDIAN OF THE PATIENT;~~

18 ~~(i) THE REASONS WHY THE PRESCRIPTION IS NECESSARY;~~

19 ~~(ii) THE RISKS ASSOCIATED WITH THE USE OF THE OPIOID,~~  
20 ~~INCLUDING THE RISK OF:~~

21 ~~1. ADDICTION AND OVERDOSE, EVEN WHEN TAKEN AS~~  
22 ~~PRESCRIBED;~~

23 ~~2. DEVELOPING A PHYSICAL OR PSYCHOLOGICAL~~  
24 ~~DEPENDENCE ON THE OPIOID; AND~~

25 ~~3. TAKING MORE OPIOIDS THAN PRESCRIBED;~~

26 ~~(iii) THE DANGERS OF TAKING OPIOIDS WITH ALCOHOL,~~  
27 ~~BENZODIAZEPINES, AND OTHER CENTRAL NERVOUS SYSTEM DEPRESSANTS,~~  
28 ~~INCLUDING THE DANGER OF FATAL RESPIRATORY DEPRESSION; AND~~

29 ~~(iv) ALTERNATIVE TREATMENTS THAT MAY BE AVAILABLE.~~

~~(2) A HEALTH CARE PROVIDER SHALL DISCUSS THE INFORMATION AND RISKS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE ISSUING:~~

~~(I) AN INITIAL PRESCRIPTION FOR AN OPIOID THAT IS A CONTROLLED DANGEROUS SUBSTANCE; AND~~

~~(II) A THIRD PRESCRIPTION FOR AN OPIOID THAT IS A CONTROLLED DANGEROUS SUBSTANCE IN THE SAME COURSE OF TREATMENT.~~

~~(3) (I) A HEALTH CARE PROVIDER SHALL OBTAIN A WRITTEN ACKNOWLEDGMENT FROM THE PATIENT OR, IF THE PATIENT IS A MINOR, THE PARENT OR GUARDIAN OF THE PATIENT THAT THE PATIENT OR PARENT OR GUARDIAN HAS DISCUSSED THE INFORMATION AND RISKS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITH THE HEALTH CARE PROVIDER.~~

~~(II) THE HEALTH CARE PROVIDER SHALL INCLUDE A COPY OF THE WRITTEN ACKNOWLEDGMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN THE PATIENT'S MEDICAL RECORD.~~

~~(III) 1. THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A MODEL FORM FOR HEALTH CARE PROVIDERS TO USE AS THE WRITTEN ACKNOWLEDGMENT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~2. THE FORM DEVELOPED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE GUIDELINES FOR HEALTH CARE PROVIDERS FOR ENGAGING IN THE DISCUSSION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(b) (c) (1)~~ On treatment for pain, a health care provider, based on the clinical judgment of the health care provider, shall prescribe:

~~(1) (i)~~ The lowest effective dose of an opioid; and

~~(2) (ii)~~ A quantity that is no greater than the quantity needed for the expected duration of pain severe enough to require an opioid that is a controlled dangerous substance unless the opioid is prescribed to treat:

~~(i) 1.~~ A substance-related disorder;

~~(ii) 2.~~ Pain associated with a cancer diagnosis;

~~(iii) 3.~~ Pain experienced while the patient is receiving end-of-life, hospice, or palliative care services; or

1                                    ~~[(iv)]~~ ~~4~~      Chronic pain.

2                    ~~[(c)]~~ ~~(2)~~      The dosage, quantity, and duration of an opioid prescribed under  
3 ~~[(subsection (b))]~~ ~~PARAGRAPH (1)~~ of this ~~[(section)]~~ ~~SUBSECTION~~ shall be based on an  
4 evidence-based clinical guideline for prescribing controlled dangerous substances that is  
5 appropriate for:

6                    ~~[(1)]~~ ~~(I)~~      The health care service delivery setting for the patient;

7                    ~~[(2)]~~ ~~(II)~~      The type of health care services required by the patient; and

8                    ~~[(3)]~~ ~~(III)~~      The age and health status of the patient.

9                    **(D) (1) WHEN A PATIENT IS PRESCRIBED AN OPIOID UNDER SUBSECTION**  
10 **(B) OF THIS SECTION, THE PATIENT SHALL BE ADVISED OF THE BENEFITS AND RISKS**  
11 **ASSOCIATED WITH THE OPIOID.**

12                    **(2) WHEN A PATIENT IS CO-PRESCRIBED A BENZODIAZEPINE WITH**  
13 **AN OPIOID THAT IS PRESCRIBED UNDER SUBSECTION (B) OF THIS SECTION, THE**  
14 **PATIENT SHALL BE ADVISED OF THE BENEFITS AND RISKS ASSOCIATED WITH THE**  
15 **BENZODIAZEPINE AND THE CO-PRESCRIPTION OF THE BENZODIAZEPINE.**

16                    ~~(d)~~ **(E)**      A violation of ~~[(subsection (b))]~~ **OR (D)** of this section is grounds for  
17 disciplinary action by the health occupations board that regulates the health care provider  
18 who commits the violation.

19 4-315.

20                    (a)      Subject to the hearing provisions of § 4-318 of this subtitle, the Board may  
21 deny a general license to practice dentistry, a limited license to practice dentistry, or a  
22 teacher's license to practice dentistry to any applicant, reprimand any licensed dentist,  
23 place any licensed dentist on probation, or suspend or revoke the license of any licensed  
24 dentist, if the applicant or licensee:

25                    (35)      Fails to comply with § 1-223 of this article.

26 8-316.

27                    (a)      Subject to the hearing provisions of § 8-317 of this subtitle, the Board may  
28 deny a license or grant a license, including a license subject to a reprimand, probation, or  
29 suspension, to any applicant, reprimand any licensee, place any licensee on probation, or  
30 suspend or revoke the license of a licensee if the applicant or licensee:

31                    (36)      Fails to comply with § 1-223 of this article.

32 14-404.

1 (a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary  
2 panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may  
3 reprimand any licensee, place any licensee on probation, or suspend or revoke a license if  
4 the licensee:

5 (43) Fails to comply with § 1–223 of this article.  
6 16–311.

7 (a) Subject to the hearing provisions of § 16–313 of this subtitle, the Board, on the  
8 affirmative vote of a majority of its members then serving, may deny a license or a limited  
9 license to any applicant, reprimand any licensee or holder of a limited license, impose an  
10 administrative monetary penalty not exceeding \$50,000 on any licensee or holder of a  
11 limited license, place any licensee or holder of a limited license on probation, or suspend or  
12 revoke a license or a limited license if the applicant, licensee, or holder:

13 (8) Prescribes or distributes a controlled dangerous substance to any other  
14 person in violation of the law, including in violation of § 1–223 of this article;

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.