SENATE BILL 13

J2, J1 8lr0353
(PRE–FILED) CF 8lr1134

By: **Senator Rosapepe**
Requested: June 9, 2017
Introduced and read first time: January 10, 2018
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Electronic Prescription Records Cost Saving Act of 2018

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

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

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

Article – Health – General

19–145.

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

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

(2) (I) "DISPENSE" HAS THE MEANING STATED IN § 12–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(II) "DISPENSE" DOES NOT INCLUDE:

1. DIRECTLY ADMINISTERING A PRESCRIPTION DRUG TO A PATIENT; OR

2. GIVING OUT PRESCRIPTION DRUG SAMPLES.

(3) (I) "DISPENSER" MEANS A PERSON AUTHORIZED BY LAW TO DISPENSE A PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT'S AGENT IN THE STATE.

(II) "DISPENSER" INCLUDES A NONRESIDENT PHARMACY.

(III) "DISPENSER" DOES NOT INCLUDE A PERSON DESCRIBED IN § 21–2A–01(D)(3) OF THIS ARTICLE.

(4) "PRESCRIPTION DRUG" HAS THE MEANING STATED IN § 21–201 OF THIS ARTICLE.

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

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

(2) THE PRESCRIPTION INFORMATION SHALL BE SUBMITTED:

(I) BY ELECTRONIC MEANS;

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

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

(IV) USING INFORMATION TECHNOLOGY SOFTWARE PROVIDED TO THE DISPENSER BY THE STATE–DESIGNATED HEALTH INFORMATION EXCHANGE;

AND

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

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

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

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

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

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

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

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

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

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

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

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