

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

House Bill 517

(Delegate Hill, *et al.*)

Health and Government Operations

Finance

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**Prescription Drug Monitoring Program – Data Request Exemption – Surgical Procedures**

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This bill expands an exemption from the requirement to query the Prescription Drug Monitoring Program (PDMP). A prescriber is not required to request data from PDMP when prescribing or dispensing an opioid or benzodiazepine to treat or prevent acute pain, for a period of up to 14 days, following a surgical procedure (rather than only surgical procedures in which general anesthesia was used). **The bill takes effect July 1, 2018, contingent on the taking effect of Chapter 147 of 2016.**

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**Fiscal Summary**

**State Effect:** The bill does not substantively change State activities or operations.

**Local Effect:** None. The bill does not affect local government operations or finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Chapter 166 of 2011 established PDMP to assist with the identification and prevention of prescription drug abuse and the identification and investigation of unlawful prescription drug diversion. PDMP must monitor the prescribing and dispensing of Schedule II through V controlled dangerous substances (CDS). Since July 1, 2017, all CDS dispensers have been required to register with PDMP.

Under Chapter 147 of 2016, beginning July 1, 2018, a prescriber must (1) request at least the prior four months of prescription monitoring data for a patient before initiating a course

of treatment that includes prescribing or dispensing an opioid or a benzodiazepine; (2) request prescription monitoring data for the patient at least every 90 days until the course of treatment has ended; and (3) assess prescription monitoring data before deciding whether to prescribe or dispense – or continue prescribing or dispensing – an opioid or a benzodiazepine. Specified documentation by a prescriber in the patient’s medical record is required.

A prescriber is not required to request prescription monitoring data from PDMP if the opioid or benzodiazepine is prescribed or dispensed to an individual:

- in an amount indicated for a period not to exceed 3 days;
- for the treatment of cancer or cancer-related pain;
- to a patient receiving treatment in an inpatient unit of a hospital;
- to a patient in a general hospice care program;
- to any other patient diagnosed with a terminal illness;
- to a patient who resides in an assisted living facility, long-term care facility, comprehensive care facility, or developmental disabilities facility; or
- to treat or prevent acute pain for a period of up to 14 days following (1) a surgical procedure *in which general anesthesia was used*; (2) a fracture; (3) significant trauma; or (4) childbirth.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2018  
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