Department of Legislative Services

Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1338 (Delegate Barron)
Rules and Executive Nominations

Prescription Monitoring Data - Health Care Facility

This bill expands the entities to which the Prescription Drug Monitoring Program (PDMP) must disclose prescription monitoring data to include the medical director or authorized administrator of a health care facility, or the designee of either, for the purpose of providing medical or pharmaceutical treatment to a patient or prospective patient of the health care facility.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: "Health care facility" means a hospital, a limited service hospital, a related institution, an ambulatory surgical facility, a home health agency, a hospice, a freestanding medical facility, an inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals through an integrated program of medical and other services provided under competent professional supervision, and any other health institution, service, or program for which a certificate of need is required, with limited exceptions as specified in statute.

Prescription Drug Monitoring Program

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). As of July 1, 2017, all CDS dispensers are required to register with PDMP. As of July 1, 2018, prescribers are required to (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. A prescriber is not required to request prescription monitoring data if the opioid or benzodiazepine is prescribed or dispensed to specified individuals and in other specified circumstances.

Prescription monitoring data is not a public record and may not be disclosed to any person except as specifically authorized under law. However, the program must disclose data, in accordance with regulations adopted by the Secretary of Health, to:

- a prescriber, or a licensed health care practitioner authorized by the prescriber, in connection with the medical care of a patient;
- a dispenser, or a licensed health care practitioner authorized by the dispenser, in connection with the dispensing of a monitored prescription drug;
- a federal, State, or local law enforcement agency, on issuance of a subpoena, for an existing *bona fide* individual investigation;
- a licensing entity, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for purposes of a *bona fide* individual investigation;
- a rehabilitation program under a health occupations board on issuance of an administrative subpoena;
- a patient with respect to prescription monitoring data about the patient;
- the authorized administrator of another state's prescription drug monitoring program;
- specific units of the Maryland Department of Health on approval of the Secretary of Health for the purpose of furthering an existing *bona fide* individual investigation;
- the Technical Advisory Committee;
- the State Child Fatality Review Team or a local child fatality review team, on request from the chair of the State or local team;

- a local drug overdose fatality review team, on request from the chair of the local team;
- the Maternal Mortality Review Program, on request from the program; or
- a medical review committee, on request from the committee.

The program *may* disclose prescription drug monitoring data for research, analysis, public reporting, and education but only after redacting all information that could identify a patient, prescriber, dispenser, or other individual, and only in accordance with regulations.

Additional Information

Prior Introductions: None.

Cross File: SB 992 (Senator Klausmeier) - Finance.

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

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