

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 15-296)**

Overview and Legal and Fiscal Impact

The regulation implements Chapter 381 of 2015, expanding the entities to which the Prescription Drug Monitoring Program (PDMP) may disclose prescription monitoring data and modifying the process under which the State Board of Physicians may obtain such data.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Alcohol and Drug Abuse Administration: Prescription Drug Monitoring Program:
COMAR 10.47.07.05

Legal Analysis

Background

The PDMP was established by Chapter 166 of 2011 to address issues of prescription drug abuse and drug diversion by monitoring all Schedule II through V controlled dangerous substances by all prescribers and dispensers in the State. Chapter 381 of 2015 expanded the entities to which the PDMP must disclose prescription monitoring data to include, on approval of the Secretary of Health and Mental Hygiene and for the purpose of furthering an existing bona fide individual case review: (1) the State Child Fatality Review Team or a Local Child Fatality Review Team; (2) a Local Drug Overdose Fatality Review Team; (3) the Maternal Mortality Review Program; or (4) a medical review committee appointed by or established in the Department of Health and Mental Hygiene or a local health department. Prescription monitoring data is provided on request of the entity. The law also clarified that PDMP must disclose data to the board, on issuance of an administrative subpoena voted on by a quorum of a disciplinary panel of the board, for the purposes of furthering an existing bona fide investigation of an individual.

Summary of Regulation

The regulation implements Chapter 381 of 2015, expanding the entities to which the PDMP is authorized to disclose prescription monitoring data and requiring the PDMP to disclose data to the board on issuance of an administrative subpoena voted on by a quorum of a disciplinary panel

of the board. The regulation also specifies the information that must be provided by a case review entity to obtain prescription monitoring data.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites Title 21, Subtitle 2A of the Health – General Article as statutory authority for the regulation. More specifically, § 21-2A-06(b) requires the PDMP to disclose prescription monitoring data to specified entities, in accordance with regulations adopted by the Secretary. The remaining cited authority is not relevant to this regulation.

The relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation implements Chapter 381 of 2015 (Senate Bill 757), which expanded the entities to which the Prescription Drug Monitoring Program must disclose prescription drug monitoring data. The department advises that requests for information from additional entities can be handled within existing resources; thus, the regulation has no impact on State or local governments. The Department of Legislative Services concurs and notes that the fiscal and policy note for Senate Bill 757 of 2015 estimated that the bill's changes were primarily procedural in nature and did not directly affect governmental finances.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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