
By: **Senators Hollinger, Blount, Bromwell, Forehand, Hoffman, Kelley,
Lawlah, Roesser, Ruben, and Sfikas**

Introduced and read first time: January 26, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 21, 2001

CHAPTER _____

1 AN ACT concerning

2 **Health Care - Programs and Facilities - Pain Management**

3 FOR the purpose of establishing a State Advisory Council on Pain Management;
4 specifying the membership, terms, and purpose of the Advisory Council;
5 authorizing the Advisory Council to consult with certain individuals or
6 organization representatives; requiring the Advisory Council to issue certain
7 reports on or before certain dates; requiring certain health care facilities to
8 establish certain procedures for the routine monitoring of patient pain;
9 ~~requiring the Department of Health and Mental Hygiene to adopt certain~~
10 ~~regulations~~; providing for the termination of a portion of this Act; generally
11 relating to a State Advisory Council on Pain Management; and generally
12 relating to the monitoring of patient pain by certain health care facilities.

13 BY adding to
14 Article - Health - General
15 Section 13-1601 through 13-1605, inclusive, to be under the new subtitle
16 "Subtitle 16. Advisory Council on Pain Management"; and 19-348.1
17 Annotated Code of Maryland
18 (2000 Replacement Volume)

19 Preamble

20 WHEREAS, Estimates indicate that as many as 34 million people nationwide
21 suffer from chronic intractable pain; and

22 WHEREAS, Experts acknowledge that patients may be victims of inadequate
23 pain management as their needs are not met with proper treatment; and

1 WHEREAS, Not only is chronic intractable pain a life debilitating condition, it is
2 a costly epidemic facing our nation; and

3 WHEREAS, The field of medicine is constantly evolving, and continuing
4 education in pain management is essential to ensure a patient is receiving the best
5 care possible; and

6 WHEREAS, State law and policy could play a role in facilitating effective pain
7 management, thus serving the needs of the citizens of the State; now, therefore,

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

10 **Article - Health - General**

11 SUBTITLE 16. ADVISORY COUNCIL ON PAIN MANAGEMENT.

12 13-1601.

13 THERE IS A STATE ADVISORY COUNCIL ON PAIN MANAGEMENT.

14 13-1602.

15 (A) (1) THE ADVISORY COUNCIL CONSISTS OF ~~24~~ 13 MEMBERS.

16 (2) OF THE ~~24~~ 13 MEMBERS:

17 (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND
18 APPOINTED BY THE PRESIDENT OF THE SENATE;

19 (II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES
20 APPOINTED BY THE SPEAKER OF THE HOUSE; AND

21 (III) ~~22~~ 11 SHALL BE APPOINTED BY THE GOVERNOR. OF THE ~~22~~ 11
22 MEMBERS APPOINTED BY THE GOVERNOR:

23 1. ONE SHALL BE A REPRESENTATIVE OF THE ~~AARP~~
24 DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

25 2. ONE SHALL BE A REPRESENTATIVE OF THE ATTORNEY
26 GENERAL;

27 ~~3. ONE SHALL BE AN INDIVIDUAL WITH KNOWLEDGE AND~~
28 ~~EXPERTISE IN THE FIELD OF BIOETHICS;~~

29 ~~4. ONE SHALL BE A REPRESENTATIVE OF THE BOARD OF~~
30 ~~PHYSICIAN QUALITY ASSURANCE;~~

31 ~~5. ONE SHALL BE A REPRESENTATIVE OF THE DEPARTMENT~~
32 ~~OF AGING;~~

1 (D) THE SECRETARY SHALL DESIGNATE THE STAFF NECESSARY TO CARRY
2 OUT THIS SUBTITLE.

3 13-1605.

4 (A) THE PURPOSE OF THE ADVISORY COUNCIL SHALL BE TO PROVIDE ADVICE
5 AND RECOMMENDATIONS WITH RESPECT TO PAIN MANAGEMENT POLICY,
6 INCLUDING THE FOLLOWING:

7 (1) ACUTE AND CHRONIC PAIN MANAGEMENT TREATMENT PRACTICES
8 BY HEALTH CARE PROVIDERS IN MARYLAND;

9 (2) STATE STATUTES AND REGULATIONS RELATING TO PAIN
10 MANAGEMENT THERAPIES;

11 (3) THE SANCTION AND USE OF ALTERNATIVE THERAPIES;

12 (4) ACUTE AND CHRONIC PAIN MANAGEMENT EDUCATION PROVIDED
13 BY MEDICAL, NURSING, PHARMACY, AND DENTAL SCHOOLS IN THIS STATE;

14 (5) ACUTE AND CHRONIC PAIN MANAGEMENT NEEDS OF BOTH ADULTS
15 AND CHILDREN;

16 (6) DEVELOPMENT OF A PAIN MANAGEMENT RESOURCE COMPENDIUM
17 AND A PALLIATIVE CARE HOT LINE; AND

18 (7) OTHER ISSUES RELATING TO PAIN MANAGEMENT THAT THE
19 ADVISORY COUNCIL DEEMS APPROPRIATE.

20 (B) IN ACHIEVING ITS PURPOSE, THE ADVISORY COUNCIL MAY, AS
21 APPROPRIATE, CONSULT WITH THE FOLLOWING INDIVIDUALS OR ORGANIZATION
22 REPRESENTATIVES:

23 (1) THE AARP;

24 (2) AN ACUPUNCTURIST;

25 (3) THE DEPARTMENT OF AGING;

26 (4) AN AIDS SPECIALIST;

27 (5) THE AMERICAN CANCER SOCIETY;

28 (6) THE ASSOCIATION OF MARYLAND HOSPITALS AND HEALTH
29 SYSTEMS;

30 (7) A CAREGIVER FOR AN INDIVIDUAL CURRENTLY BEING TREATED FOR
31 CHRONIC PAIN;

32 (8) A COMMUNITY PHARMACIST;

- 1 (9) THE HEALTH CARE FACILITIES ASSOCIATION OF MARYLAND;
- 2 (10) A HOME HEALTH REGISTERED NURSE;
- 3 (11) THE HOSPICE NETWORK OF MARYLAND;
- 4 (12) AN INDIVIDUAL CURRENTLY BEING TREATED FOR CHRONIC PAIN;
- 5 (13) THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE;
- 6 (14) A LONG-TERM CARE REGISTERED NURSE;
- 7 (15) THE MARYLAND AMBULATORY SURGICAL ASSOCIATION;
- 8 (16) THE MARYLAND PATIENT ADVOCACY GROUP;
- 9 (17) THE MARYLAND PHARMACISTS ASSOCIATION;
- 10 (18) THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;
- 11 (19) THE MID ATLANTIC NONPROFIT HEALTH AND HOUSING
12 ASSOCIATION;
- 13 (20) A NURSE ADMINISTRATOR;
- 14 (21) AN ONCOLOGIST;
- 15 (22) A PAIN SPECIALIST;
- 16 (23) THE PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF
17 AMERICA;
- 18 (24) A PHYSICAL THERAPIST;
- 19 (25) A PSYCHIATRIST;
- 20 (26) A PSYCHOLOGIST;
- 21 (27) A RESPIRATORY THERAPIST;
- 22 (28) THE STATE ACUPUNCTURE BOARD;
- 23 (29) THE STATE BOARD OF NURSING;
- 24 (30) THE STATE BOARD OF PHARMACY;
- 25 (31) THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE;
- 26 (32) A SOCIAL WORKER;
- 27 (33) A SURGEON;

- 1 (5) ~~THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;~~
2 (6) ~~THE MARYLAND NURSES ASSOCIATION; AND~~
3 (7) ~~THE MARYLAND PHARMACISTS ASSOCIATION.~~

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2001. Section 1 of this Act shall remain effective for a period of 2 years and,
6 at the end of September 30, 2003, with no further action required by the General
7 Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.