

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 423

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “Care” insert “- Programs and”; in line 10, after “distributed;” insert “establishing a State Advisory Council on Pain Management; specifying the membership, terms, and purpose of the Advisory Council; authorizing the Advisory Council to consult with certain individuals and organization representatives; requiring the Advisory Council to issue certain reports on or before certain dates; providing for the termination of a portion of this Act;”; in line 14, after “and” insert “a State Advisory Council on Pain Management”; in the same line, strike “health care facilities”; and in line 22, after “19-353” insert “; and 13-601 through 13-605, inclusive, to be under the new subtitle “Subtitle 16. Advisory Council on Pain Management””.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“Preamble

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

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

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

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

(Over)

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

AMENDMENT NO. 3

On page 3, after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health - General

SUBTITLE 16. ADVISORY COUNCIL ON PAIN MANAGEMENT.

13-1601.

THERE IS A STATE ADVISORY COUNCIL ON PAIN MANAGEMENT.

13-1602.

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

(2) OF THE 13 MEMBERS:

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

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

(III) 11 SHALL BE APPOINTED BY THE GOVERNOR.

(3) OF THE 11 MEMBERS APPOINTED BY THE GOVERNOR:

(I) ONE SHALL BE A REPRESENTATIVE OF THE DEPARTMENT

OF HEALTH AND MENTAL HYGIENE;

GENERAL; (II) ONE SHALL BE A REPRESENTATIVE OF THE ATTORNEY

MANAGEMENT; (III) ONE SHALL BE A PHYSICIAN CERTIFIED IN PAIN

(IV) ONE SHALL BE A CONSUMER;

(V) ONE SHALL BE A DENTIST;

(VI) ONE SHALL BE AN ETHICIST;

MEDICINE; (VII) ONE SHALL BE A PHYSICIAN CERTIFIED IN GERIATRIC

(VIII) ONE SHALL BE A PEDIATRICIAN;

(IX) ONE SHALL BE A PHARMACIST; AND

(X) TWO SHALL BE REGISTERED NURSES WITH EXPERTISE IN HOSPICE, ONCOLOGY, LONG-TERM CARE, ANESTHESIA, OR PAIN MANAGEMENT.

(B) (1) THE TERM OF A MEMBER IS 2 YEARS.

(2) IF A VACANCY OCCURS DURING THE TERM OF A MEMBER, THE GOVERNOR SHALL APPOINT A SUCCESSOR WHO WILL SERVE ONLY FOR THE REST OF THE TERM AND UNTIL ANOTHER SUCCESSOR IS APPOINTED AND QUALIFIES.

(C) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

THE ADVISORY COUNCIL SHALL ELECT A CHAIRMAN FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL.

13-1604.

(A) A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COUNCIL REPRESENTS A QUORUM TO DO BUSINESS.

(B) (1) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR, AT THE TIMES AND PLACES THAT IT DETERMINES.

(2) THE DEPARTMENT SHALL PUBLISH NOTIFICATION OF THE MEETINGS.

(C) A MEMBER OF THE ADVISORY COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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

13-1605.

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

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

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

(3) THE SANCTION AND USE OF ALTERNATIVE THERAPIES;

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

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

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

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

(B) IN ACHIEVING ITS PURPOSE, THE ADVISORY COUNCIL MAY, AS APPROPRIATE, CONSULT WITH THE FOLLOWING INDIVIDUALS, ORGANIZATIONS, OR ENTITIES:

(1) AN ACUPUNCTURIST;

(2) THE AMERICAN ASSOCIATION OF RETIRED PERSONS;

(3) THE DEPARTMENT OF AGING;

(4) AN AIDS SPECIALIST;

(5) THE AMERICAN CANCER SOCIETY;

(6) THE ASSOCIATION OF MARYLAND HOSPITALS AND HEALTH

(Over)

SYSTEMS;

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

(8) A COMMUNITY PHARMACIST;

(9) THE HEALTH CARE FACILITIES ASSOCIATION OF MARYLAND;

(10) A HOME HEALTH REGISTERED NURSE;

(11) THE HOSPICE NETWORK OF MARYLAND;

(12) AN INDIVIDUAL CURRENTLY BEING TREATED FOR CHRONIC PAIN;

(13) THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE;

(14) A LONG-TERM CARE REGISTERED NURSE;

(15) THE MARYLAND AMBULATORY SURGICAL ASSOCIATION;

(16) THE MARYLAND PATIENT ADVOCACY GROUP;

(17) THE MARYLAND PHARMACISTS ASSOCIATION;

(18) THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;

(19) THE MID-ATLANTIC NONPROFIT HEALTH AND HOUSING ASSOCIATION;

(20) A NURSE ADMINISTRATOR;

(21) AN ONCOLOGIST;

- (22) A PAIN SPECIALIST;
- (23) THE PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA;
- (24) A PHYSICAL THERAPIST;
- (25) A PSYCHIATRIST;
- (26) A PSYCHOLOGIST;
- (27) A RESPIRATORY THERAPIST;
- (28) THE STATE ACUPUNCTURE BOARD;
- (29) THE STATE BOARD OF NURSING;
- (30) THE STATE BOARD OF PHARMACY;
- (31) THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE;
- (32) A SOCIAL WORKER;
- (33) A SURGEON;
- (34) THE UNITED SENIORS OF MARYLAND;
- (35) THE UNIVERSITY OF MARYLAND DENTAL SCHOOL;
- (36) A MARYLAND LAW SCHOOL;
- (37) THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE;
- (38) THE UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY;

(39) THE AMERICAN PAIN FOUNDATION;

(40) A PHYSICIAN WHO SPECIALIZES IN EMERGENCY MEDICINE;

(41) A NURSE WHO SPECIALIZES IN EMERGENCY ROOM MEDICINE;

AND

(42) ANY OTHER INDIVIDUAL OR GROUP KNOWLEDGEABLE IN PAIN MANAGEMENT.

(C) (1) ON OR BEFORE SEPTEMBER 30, 2003, THE ADVISORY COUNCIL SHALL ISSUE AN INTERIM REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT INCLUDES RECOMMENDATIONS ON PAIN MANAGEMENT ISSUES IN MARYLAND.

(2) ON OR BEFORE SEPTEMBER 30, 2004, THE ADVISORY COUNCIL SHALL ISSUE A FINAL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT INCLUDES RECOMMENDATIONS ON PAIN MANAGEMENT ISSUES IN MARYLAND.”.

AMENDMENT NO. 4

On page 4, strike lines 35 and 36 in their entirety; and after line 36, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of September 30, 2004, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.