

BY: Education, Health, and Environmental Affairs 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”; strike beginning with “adding” in line 7 down through “distributed;” in line 10; strike beginning with “and” in line 13 down through “facilities” in line 14, and substitute “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 or organization representatives; requiring the Advisory Council to issue certain reports on or before certain dates; requiring certain health care facilities to establish certain procedures for the routine monitoring of patient pain; providing for the termination of a portion of this Act; and generally relating to a State Advisory Council on Pain Management and to the monitoring of patient pain by certain health care facilities”; and strike in their entirety lines 15 through 22, inclusive.

AMENDMENT NO. 2

On page 2, strike lines 2 and 3 in their entirety; after line 3, insert:

“BY adding to

Article - Health - General

Section 13-1601 through 13-1605, inclusive, to be under the new subtitle “Subtitle 16.

Advisory Council on Pain Management”; and 19-348.1

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

Preamble

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

(Over)

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

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,”.

On page 2, after line 6, insert:

“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;

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

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

(IV) ONE SHALL BE A CONSUMER;

(V) ONE SHALL BE A DENTIST;

(VI) ONE SHALL BE AN ETHICIST;

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

(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

(Over)

MISCONDUCT.

13-1603.

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 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 NON-PROFIT 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; AND

(40) 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.

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

Article - Health - General

19-348.1.

EACH HEALTH CARE FACILITY, AS DEFINED IN § 19-114 OF THIS TITLE, SHALL PROVIDE FOR THE ROUTINE MONITORING OF PATIENT PAIN BY ESTABLISHING AND MAINTAINING POLICIES AND PROCEDURES FOR:

(1) INQUIRING WHETHER A PATIENT IS IN PAIN;

(2) ASKING A PATIENT TO RATE THE PATIENT'S DEGREE OF PAIN FOR A SPECIFIED PERIOD OF TIME AND TO RECORD THE PATIENT'S RESPONSES; AND



(3) ROUTINELY RECORDING LEVELS OF PAIN INTENSITY ON PATIENT CHARTS.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002. Section 1 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 1 of this Act shall be abrogated and of no further force and effect.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 23 on page 3, inclusive.

On page 4, strike lines 35 and 36 in their entirety.