

SENATE BILL 269

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SB 289/01 - EEA

2002 Regular Session
2lr0865
CF 2lr0864

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

Introduced and read first time: January 23, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 providing for the termination of a portion of this Act; generally relating to a
10 State Advisory Council on Pain Management; and to the monitoring of patient
11 pain by certain health care facilities.

12 BY adding to
13 Article - Health - General
14 Section 13-1601 through 13-1605, inclusive, to be under the new subtitle
15 "Subtitle 16. Advisory Council on Pain Management"; and 19-348.1
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2001 Supplement)

18 **Preamble**

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

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

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

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

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

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

5 **Article - Health - General**

6 SUBTITLE 16. ADVISORY COUNCIL ON PAIN MANAGEMENT.

7 13-1601.

8 THERE IS A STATE ADVISORY COUNCIL ON PAIN MANAGEMENT.

9 13-1602.

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

11 (2) OF THE 13 MEMBERS:

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

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

16 (III) 11 SHALL BE APPOINTED BY THE GOVERNOR.

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

18 (I) ONE SHALL BE A REPRESENTATIVE OF THE DEPARTMENT OF
19 HEALTH AND MENTAL HYGIENE;

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

22 (III) ONE SHALL BE AN ANESTHESIOLOGIST;

23 (IV) ONE SHALL BE A CERTIFIED REGISTERED NURSE
24 ANESTHETIST;

25 (V) ONE SHALL BE A CONSUMER;

26 (VI) ONE SHALL BE A DENTIST;

27 (VII) ONE SHALL BE AN ETHICIST;

28 (VIII) ONE SHALL BE A GERIATRICIAN;

29 (IX) ONE SHALL BE A PEDIATRICIAN;

1 (X) ONE SHALL BE A PHARMACIST; AND

2 (XI) ONE SHALL BE A REGISTERED NURSE WITH EXPERTISE IN
3 HOSPICE, ONCOLOGY, OR PAIN MANAGEMENT.

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

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

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

10 13-1603.

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

13 13-1604.

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

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

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

20 (C) A MEMBER OF THE ADVISORY COUNCIL:

21 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

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

26 13-1605.

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

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

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

- 1 (3) THE SANCTION AND USE OF ALTERNATIVE THERAPIES;
- 2 (4) ACUTE AND CHRONIC PAIN MANAGEMENT EDUCATION PROVIDED
3 BY MEDICAL, NURSING, PHARMACY, AND DENTAL SCHOOLS IN THIS STATE;
- 4 (5) ACUTE AND CHRONIC PAIN MANAGEMENT NEEDS OF BOTH ADULTS
5 AND CHILDREN;
- 6 (6) DEVELOPMENT OF A PAIN MANAGEMENT RESOURCE COMPENDIUM
7 AND A PALLIATIVE CARE HOT LINE; AND
- 8 (7) OTHER ISSUES RELATING TO PAIN MANAGEMENT THAT THE
9 ADVISORY COUNCIL DEEMS APPROPRIATE.

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

- 13 (1) AN ACUPUNCTURIST;
- 14 (2) THE AMERICAN ASSOCIATION OF RETIRED PERSONS;
- 15 (3) THE DEPARTMENT OF AGING;
- 16 (4) AN AIDS SPECIALIST;
- 17 (5) THE AMERICAN CANCER SOCIETY;
- 18 (6) THE ASSOCIATION OF MARYLAND HOSPITALS AND HEALTH
19 SYSTEMS;
- 20 (7) A CAREGIVER FOR AN INDIVIDUAL CURRENTLY BEING TREATED FOR
21 CHRONIC PAIN;
- 22 (8) A COMMUNITY PHARMACIST;
- 23 (9) THE HEALTH CARE FACILITIES ASSOCIATION OF MARYLAND;
- 24 (10) A HOME HEALTH REGISTERED NURSE;
- 25 (11) THE HOSPICE NETWORK OF MARYLAND;
- 26 (12) AN INDIVIDUAL CURRENTLY BEING TREATED FOR CHRONIC PAIN;
- 27 (13) THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE;
- 28 (14) A LONG-TERM CARE REGISTERED NURSE;
- 29 (15) THE MARYLAND AMBULATORY SURGICAL ASSOCIATION;
- 30 (16) THE MARYLAND PATIENT ADVOCACY GROUP;

- 1 (17) THE MARYLAND PHARMACISTS ASSOCIATION;
- 2 (18) THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;
- 3 (19) THE MID-ATLANTIC NON-PROFIT HEALTH AND HOUSING
4 ASSOCIATION;
- 5 (20) A NURSE ADMINISTRATOR;
- 6 (21) AN ONCOLOGIST;
- 7 (22) A PAIN SPECIALIST;
- 8 (23) THE PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF
9 AMERICA;
- 10 (24) A PHYSICAL THERAPIST;
- 11 (25) A PSYCHIATRIST;
- 12 (26) A PSYCHOLOGIST;
- 13 (27) A RESPIRATORY THERAPIST;
- 14 (28) THE STATE ACUPUNCTURE BOARD;
- 15 (29) THE STATE BOARD OF NURSING;
- 16 (30) THE STATE BOARD OF PHARMACY;
- 17 (31) THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE;
- 18 (32) A SOCIAL WORKER;
- 19 (33) A SURGEON;
- 20 (34) THE UNITED SENIORS OF MARYLAND;
- 21 (35) THE UNIVERSITY OF MARYLAND DENTAL SCHOOL;
- 22 (36) A MARYLAND LAW SCHOOL;
- 23 (37) THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE; AND
- 24 (38) THE UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY.

25 (C) (1) ON OR BEFORE SEPTEMBER 30, 2003, THE ADVISORY COUNCIL SHALL
26 ISSUE AN INTERIM REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §
27 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT INCLUDES RECOMMENDATIONS
28 ON PAIN MANAGEMENT ISSUES IN MARYLAND.

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

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

7 **Article - Health - General**

8 19-348.1.

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

12 (1) INQUIRING WHETHER A PATIENT IS IN PAIN;

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

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

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