

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1287
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Kullen” and substitute “Delegates Kullen, Barve, Benson, Boteler, Bromwell, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kohl, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon”; in line 3, strike “establishing” and substitute “requiring the Department of Health and Mental Hygiene to establish and maintain”; in line 4, strike “of Health and Mental Hygiene”; in line 5, after “Program;” insert “requiring prescription monitoring data to be destroyed after a certain time period unless a certain request for retention of certain information is submitted to the Department;”; in line 8, strike “creating” and substitute “requiring the Secretary to appoint”; in line 11, after “circumstances;” insert “prohibiting the Board and the Secretary from charging a fee or imposing an assessment on certain persons for certain purposes;”; in line 12, after “confidential” insert “and privileged and not subject to certain means of legal compulsion”; in line 14, strike “civil”; and in line 18, after “terms;” insert “providing that implementation of the Program is contingent on the Board obtaining certain federal, State, or private funds; prohibiting the Program from collecting prescription monitoring data before a certain date;”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 12 through 16, inclusive; in lines 17, 22, 25, 29, and 31, strike “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively, and substitute “(F)”, “(G)”, “(H)”, “(I)”, and “(J)”, respectively; in line 20, strike “AND”; in line 21, after “OFFICE” insert “; AND”

(4) THE OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES;

in lines 25 and 26, strike “: (1)”; and strike beginning with “; OR” in line 27 down through “CONCERN” in line 28.

(Over)

On page 4, in lines 1, 3, 5, 7, 9, and 11, strike “(L)”, “(M)”, “(N)”, “(O)”, “(P)”, and “(Q)”, respectively, and substitute “(K)”, “(L)”, “(M)”, “(N)”, “(O)”, and “(P)”, respectively.

AMENDMENT NO. 3

On page 4, after line 29, insert:

“(1) ASSIST HEALTH CARE PROVIDERS AND LAW ENFORCEMENT PROFESSIONALS IN:

(I) THE IDENTIFICATION, TREATMENT, AND PREVENTION OF PRESCRIPTION DRUG ABUSE; AND

(II) THE IDENTIFICATION AND INVESTIGATION OF UNLAWFUL PRESCRIPTION DRUG DIVERSION;”;

and in line 30, strike “(1)” and substitute “(2)”.

On page 5, in lines 1, 6, 9, 14, 19, and 26, strike “(2)”, “(3)”, “(4)”, “(5)”, “(7)”, and “(8)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(8)”, and “(9)”, respectively.

AMENDMENT NO. 4

On page 5, in line 13, after the second “THE” insert “PRESCRIPTION MONITORING”; in line 14, after “APPROPRIATE” insert “AND REAL-TIME, IF FEASIBLE,”; strike in their entirety lines 17 and 18 and substitute:

“(7) REQUIRE THE BOARD TO APPLY FOR FEDERAL GRANT MONEY, AS APPROPRIATE;”;

in line 20, strike “MINIMIZE” and substitute “PREVENT”; in line 23, strike “PROMOTE SUBMISSION OF” and substitute “RECEIVE”; strike beginning with “ENSURE” in line 26 down through “PROTECTED” in line 27 and substitute “ENSURE THAT:

(I) CONFIDENTIAL OR PRIVILEGED PATIENT INFORMATION IS KEPT CONFIDENTIAL; AND

(II) RECORDS OR INFORMATION PROTECTED BY THE PRIVILEGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT, OR OTHERWISE REQUIRED BY LAW TO BE HELD CONFIDENTIAL, IS FILED IN A MANNER THAT, EXCEPT AS OTHERWISE PROVIDED IN § 21-2A-06 OF THIS SUBTITLE, DOES NOT DISCLOSE THE IDENTITY OF THE PERSON PROTECTED”;

after line 27, insert:

“(E) PRESCRIPTION MONITORING DATA SHALL BE DESTROYED AFTER 2 YEARS, UNLESS A LAW ENFORCEMENT AGENCY OR A HEALTH OCCUPATIONS BOARD HAS SUBMITTED A WRITTEN REQUEST TO THE DEPARTMENT FOR RETENTION OF SPECIFIC INFORMATION.”;

in line 31, strike “15” and substitute “21”; and in lines 32, 33, and 34, in each instance, before “OR” insert a comma.

AMENDMENT NO. 5

On page 6, in lines 1 and 3, in each instance, before “OR” insert a comma; after line 2, insert:

“(5) THE PRESIDENT OF THE MARYLAND BOARD OF NURSING, OR THE PRESIDENT’S DESIGNEE;”;

in lines 3, 5, 9, 14, 17, 19, 22, and 24, strike “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively, and substitute “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively; in line 5, strike “TWO” and substitute “FOUR”; in the same line, after “PHYSICIANS” insert “AND ONE NURSE PRACTITIONER”; strike beginning with “PHYSICAL” in line 5 down through “REHABILITATION” in line 6 and substitute “AREAS OF PRACTICE THAT INVOLVE PAIN MANAGEMENT”; in line 7, after “WITH” insert “:

(I)”;

in line 8, after “SOCIETY” insert “, THE MARYLAND PHYSICAL MEDICINE AND REHABILITATION SOCIETY, AND THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS”

(Over)

WITH RESPECT TO THE PHYSICIAN APPOINTMENTS; AND

(II) THE MARYLAND NURSES ASSOCIATION WITH RESPECT TO THE NURSE PRACTITIONER APPOINTMENT”;

in line 9, strike “TWO” and substitute “FOUR”; strike beginning with “WHO” in line 9 down through “PHARMACISTS” in line 10; and in line 13, after “ORGANIZATION” insert “:

(I) THREE OF WHOM REPRESENT THE PERSPECTIVE OF INDEPENDENT AND CHAIN PHARMACIES AND PHARMACISTS; AND

(II) ONE OF WHOM REPRESENTS THE PERSPECTIVE OF HOSPITAL OUTPATIENT PHARMACIES”.

AMENDMENT NO. 6

On page 7, in line 6, after “OTHER” insert “SOURCES OF”; in line 7, after “FEDERAL” insert “, PRIVATE,”; in the same line, strike “PROGRAMS” and substitute “FUNDS”; in line 8, after “(3)” insert “(I) PROVIDE WITHIN 180 DAYS AFTER ITS FIRST MEETING, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN INTERIM REPORT TO THE GENERAL ASSEMBLY SETTING FORTH THE BOARD’S ANALYSIS AND RECOMMENDATIONS UNDER ITEM (2) OF THIS SUBSECTION REGARDING THE DESIGN, IMPLEMENTATION, AND FUNDING OF THE PROGRAM; AND

(II)”;

in the same line, after “AND” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”; in line 18, after “MONITORING;” insert “AND”; strike in their entirety lines 19 and 20; in line 21, strike “(III)” and substitute “(II)”; in line 25, strike “WITHIN THE PROGRAM”; after line 25, insert:

“(B) THE MULTIDISCIPLINARY CONSULTATION TEAM SHALL REFLECT THE DIVERSITY AND BALANCE OF PERSPECTIVES REPRESENTED ON THE BOARD.”;

in lines 26 and 32, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; and strike beginning with “PROVIDE” in line 30 down through “DIVERSION” in line 31 and substitute “HELP ACHIEVE THE DIVERSITY AND BALANCE OF PERSPECTIVES

REPRESENTED ON THE BOARD”.

AMENDMENT NO. 7

On page 8, in line 12, after “PRESCRIBER;” insert “AND”; strike beginning with “; AND” in line 13 down through “DISPENSER” in line 15; after line 24, insert:

“(D) THE BOARD AND THE SECRETARY MAY NOT CHARGE A FEE OR IMPOSE AN ASSESSMENT ON A HOSPITAL, DISPENSER, OR PRESCRIBER FOR:

(1) THE ESTABLISHMENT, MAINTENANCE, OR ADMINISTRATION OF THE PROGRAM; OR

(2) THE TRANSMISSION OF INFORMATION TO OR FROM THE PROGRAM.”;

in line 27, after “CONFIDENTIAL” insert “AND PRIVILEGED, AND NOT SUBJECT TO DISCOVERY, SUBPOENA, OR OTHER MEANS OF LEGAL COMPULSION IN CIVIL LITIGATION”; in line 28, strike “RECORD” and substitute “RECORDS”; and in line 32, after “RECIPIENT” insert “;

(1) IN CONNECTION WITH THE MEDICAL CARE OF A PATIENT;

(2) IN CONNECTION WITH THE DISPENSING OF A MONITORED PRESCRIPTION DRUG; OR

(3) FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION”.

AMENDMENT NO. 8

On page 9, in line 15, after “FROM” insert “;

(1) REQUESTING OR RECEIVING, OR FAILING TO REQUEST OR RECEIVE, PRESCRIPTION MONITORING DATA FROM THE PROGRAM; OR

(Over)

(2) ACTING, OR FAILING TO ACT, ON THE BASIS OF PRESCRIPTION MONITORING DATA PROVIDED BY THE PROGRAM”;

strike beginning with “FAILURE” in line 15 down through “PROGRAM” in line 16; in line 26, strike “AND”; and in line 28, after “ADDICTION” insert “; AND”

(4) THE ROLE OF MONITORED PRESCRIPTION DRUGS IN THE MANAGEMENT OF PAIN, INCLUDING THE DISTINCTION BETWEEN ADDICTION AND PHYSICAL DEPENDENCE”.

AMENDMENT NO. 9

On page 10, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That implementation of the Prescription Drug Monitoring Program to be established under § 21-2A-02 of the Health - General Article, as enacted by Section 1 of this Act, is contingent on the Advisory Board on Prescription Drug Monitoring established under § 21-2A-03 of the Health - General Article, as enacted by Section 1 of this Act, obtaining federal, private, or State funds to carry out the purposes of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Prescription Drug Monitoring Program to be established under § 21-2A-02 of the Health - General Article, as enacted by Section 1 of this Act, may not collect prescription monitoring data before June 1, 2007.”;

and in line 3, strike “2.” and substitute “4.”.