

HB0525/486782/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 525

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Benson, Elliott, Hammen, Kach, Kipke, McDonough, Montgomery, Oaks, and Riley”; strike in its entirety line 2 and substitute:

“Advisory Council on Prescription Drug Monitoring – Study”;

strike in their entirety lines 3 through 28, inclusive, and substitute:

“FOR the purpose of establishing an Advisory Council on Prescription Drug Monitoring in the Department of Health and Mental Hygiene; establishing the membership and chair of the Council; requiring the Council to study the establishment of a certain prescription drug monitoring program; requiring the study to make recommendations to the Secretary of Health and Mental Hygiene for establishing a prescription drug monitoring program for certain purposes; requiring the Council to include certain items in its study and recommendations; requiring the Council to submit a certain interim report and a certain final report on or before certain dates; defining a certain term; providing for the termination of this Act; and generally relating to an Advisory Council on Prescription Drug Monitoring and a study of a prescription drug monitoring program.”.

On page 2, in lines 2 and 3, strike beginning with “through” in line 2 down through “Program” in line 3 and substitute “to be under the new subtitle “Subtitle 2A. Advisory Council on Prescription Drug Monitoring””.

AMENDMENT NO. 2

(Over)

On page 2, in line 27, strike “**PRESCRIPTION DRUG MONITORING PROGRAM**” and substitute “**ADVISORY COUNCIL ON PRESCRIPTION DRUG MONITORING**”.

On pages 2 through 7, strike in their entirety the lines beginning with line 29 on page 2 through line 1 on page 7, inclusive, and substitute:

“(A) IN THIS SUBTITLE, “COUNCIL” MEANS THE ADVISORY COUNCIL ON PRESCRIPTION DRUG MONITORING.”.

AMENDMENT NO. 3

On page 7, in lines 2 and 4, strike “(A)” and “(B)”, respectively, and substitute “(B)” and “(C)”, respectively; in lines 2 and 4, in each instance, strike “**BOARD**” and substitute “**COUNCIL**”; in line 4, strike “**21**”; in line 25, after “**THE**” insert “**MARYLAND NURSES COALITION, THE MARYLAND COALITION OF NURSE PRACTITIONERS, THE NURSE PRACTITIONER ASSOCIATION OF MARYLAND, THE MARYLAND ASSOCIATION OF NURSE ANESTHETISTS, AND THE**”; and in line 29, strike “**EPIC PHARMACIES**” and substitute “**UNIVERSITY OF MARYLAND SCHOOL OF PHARMACY**”.

On page 8, strike in their entirety lines 5 through 7, inclusive; in lines 8, 10, 13, and 15, strike “(10)”, “(11)”, “(12)”, and “(13)”, respectively, and substitute “(9)”, “(10)”, “(11)”, and “(12)”, respectively; in line 14, strike “**AND**”; in line 17, after “**INITIATIVE**” insert “**; AND**”

(13) ANY OTHER INDIVIDUAL OR REPRESENTATIVE AT THE SECRETARY’S DISCRETION”;

in line 18, strike “(C)” and substitute “(D)”; in lines 18 and 24, in each instance, strike “**BOARD**” and substitute “**COUNCIL**”; strike in their entirety lines 19 through 23,

inclusive; and strike beginning with the colon in line 24 down through “AND” in line 30 and substitute “STUDY THE ESTABLISHMENT OF A PRESCRIPTION DRUG MONITORING PROGRAM THAT ELECTRONICALLY COLLECTS AND STORES DATA CONCERNING MONITORED PRESCRIPTION DRUGS.

(F) THE COUNCIL SHALL MAKE RECOMMENDATIONS TO THE SECRETARY FOR ESTABLISHING A PRESCRIPTION DRUG MONITORING PROGRAM THAT:

(1) ASSISTS 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;

(2) PROMOTES A BALANCED USE OF PRESCRIPTION DRUG MONITORING DATA TO ASSIST APPROPRIATE LAW ENFORCEMENT ACTIVITIES WHILE PRESERVING THE PROFESSIONAL PRACTICE OF HEALTH CARE PROVIDERS AND THE ACCESS OF PATIENTS TO OPTIMAL PHARMACEUTICAL CARE; AND

(3) PROMOTES APPROPRIATE AND REAL-TIME ACCESS TO PRESCRIPTION DRUG MONITORING DATA BY DISPENSERS AND PRESCRIBERS TO HELP PREVENT SUBSTANCE ABUSE AND PRESCRIPTION DRUG DIVERSION.

(G) IN ITS STUDY AND RECOMMENDATIONS, THE COUNCIL SHALL:

(Over)

- (1) IDENTIFY THE PRESCRIPTION DRUGS TO BE MONITORED;**
- (2) IDENTIFY THE TYPES OF DISPENSERS THAT SHALL BE REQUIRED TO SUBMIT INFORMATION TO A PRESCRIPTION DRUG MONITORING PROGRAM;**
- (3) DETERMINE THE DATA A DISPENSER MUST SUBMIT TO A PRESCRIPTION DRUG MONITORING PROGRAM FOR A MONITORED PRESCRIPTION DRUG;**
- (4) DETERMINE THE PROCESS FOR SUBMITTING PRESCRIPTION DRUG MONITORING DATA TO A PRESCRIPTION DRUG MONITORING PROGRAM;**
- (5) SPECIFY RECIPIENTS AUTHORIZED TO RECEIVE PRESCRIPTION DRUG MONITORING DATA FROM A PRESCRIPTION DRUG MONITORING PROGRAM;**
- (6) IDENTIFY THE CIRCUMSTANCES UNDER WHICH PRESCRIPTION DRUG MONITORING DATA ARE PROVIDED TO AN AUTHORIZED RECIPIENT;**
- (7) IDENTIFY THE CIRCUMSTANCES UNDER WHICH AN AUTHORIZED RECIPIENT MAY DISCLOSE PRESCRIPTION DRUG MONITORING DATA PROVIDED BY A PRESCRIPTION DRUG MONITORING PROGRAM;**
- (8) DETERMINE HOW TO ENSURE THAT CONFIDENTIAL OR PRIVILEGED PATIENT INFORMATION IS KEPT CONFIDENTIAL;**

(9) DEFINE THE PROCESS FOR INTERPRETING PRESCRIPTION DRUG MONITORING DATA FOR DISCIPLINARY OR LAW ENFORCEMENT PURPOSES;

(10) DETERMINE THE MOST EFFICIENT AND EFFECTIVE OPERATION OF A PRESCRIPTION DRUG MONITORING PROGRAM;

(11) DETERMINE THE COST OF AND SOURCES OF FUNDS FOR ESTABLISHING AND OPERATING A PRESCRIPTION DRUG MONITORING PROGRAM, INCLUDING THE COST OF AND SOURCES OF FUNDS FOR SUBMITTING AND RECEIVING PRESCRIPTION DRUG MONITORING DATA TO AND FROM THE PROGRAM;

(12) DETERMINE WHETHER THE ESTABLISHMENT AND OPERATION OF A PRESCRIPTION DRUG MONITORING PROGRAM IS FEASIBLE WITHOUT ADDITIONAL COST TO DISPENSERS AND AUTHORIZED RECIPIENTS;

(13) DETERMINE A TIMELINE FOR ESTABLISHING AND IMPLEMENTING A PRESCRIPTION DRUG MONITORING PROGRAM;

(14) IDENTIFY THE TYPES OF EDUCATION AND TRAINING NEEDED TO IMPLEMENT A PRESCRIPTION DRUG MONITORING PROGRAM;

(15) DETERMINE THE NEED FOR IMMUNITY FROM LIABILITY IN CONNECTION WITH THE SUBMISSION OR RECEIPT OF PRESCRIPTION DRUG MONITORING DATA; AND

(16) DETERMINE THE NEED FOR PENALTIES FOR IMPROPER SUBMISSION OR USE OF PRESCRIPTION DRUG MONITORING DATA.

(Over)

(H) THE COUNCIL SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN INTERIM REPORT ON OR BEFORE DECEMBER 31, 2008, AND A FINAL REPORT ON OR BEFORE DECEMBER 31, 2009 ON THE COUNCIL'S STUDY AND RECOMMENDATIONS."

AMENDMENT NO. 4

On pages 9 through 13, strike in their entirety the lines beginning with line 1 on page 9 through line 20 on page 13, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of 2 years and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect."