

HOUSE BILL 1229

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11r0170
CF SB 883

By: **The Speaker (By Request – Administration)**

Introduced and read first time: February 18, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Monitoring Program**

3 FOR the purpose of establishing the Prescription Drug Monitoring Program in the
4 Department of Health and Mental Hygiene; establishing the mission of the
5 Program; requiring the Program to carry out its mission by monitoring the
6 prescribing and dispensing of certain substances by certain prescribers and
7 dispensers; establishing the powers and duties of the Department and the
8 Secretary of Health and Mental Hygiene under the Program; requiring
9 dispensers to submit electronically certain information to the Program except in
10 certain circumstances; establishing the Advisory Board on Prescription Drug
11 Monitoring to assist in the design, implementation, and evaluation of the
12 Program; establishing the membership, chair, terms of members, staff support,
13 reimbursement, and responsibilities of the Board; requiring the Secretary by
14 regulation to establish training protocols and guidelines to assist in the
15 interpretation and evaluation of prescription monitoring data; providing that
16 prescription monitoring data are confidential and privileged and not subject to
17 certain means of legal compulsion except under certain circumstances; requiring
18 the Program to disclose prescription monitoring data to certain agencies and
19 persons under certain circumstances; authorizing the Program to disclose
20 prescription monitoring data for certain purposes under certain circumstances;
21 authorizing the Office of the Attorney General to seek certain relief to maintain
22 the confidentiality of prescription monitoring data; authorizing the Program to
23 provide prescription monitoring data to another state's prescription drug
24 monitoring program under certain circumstances; authorizing the Program to
25 request, receive, and use prescription monitoring data from another state's
26 prescription drug monitoring program; authorizing the Program to enter into
27 certain agreements with other states' prescription drug monitoring programs;
28 establishing immunity from liability for certain agencies and persons relating to
29 the operation and use of the Program; establishing penalties and disciplinary
30 action for violations of the requirements of the Program; providing for the
31 termination of certain provisions of this Act and certain regulations, subject to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the evaluation and reestablishment provisions of the Maryland Program
2 Evaluation Act; requiring a certain evaluation of the Program to be made on or
3 before a certain date; defining certain terms; and generally relating to the
4 establishment and operation of the Prescription Drug Monitoring Program.

5 BY renumbering

6 Article – State Government
7 Section 8–403(b)(54) through (68), respectively
8 to be Section 8–403(b)(55) through (69), respectively
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2010 Supplement)

11 BY adding to

12 Article – Health – General
13 Section 21–2A–01 through 21–2A–09 to be under the new subtitle “Subtitle 2A.
14 Prescription Drug Monitoring Program”
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – State Government
19 Section 8–403(a)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2010 Supplement)

22 BY adding to

23 Article – State Government
24 Section 8–403(b)(54)
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2010 Supplement)

27 Preamble

28 WHEREAS, Thousands of Marylanders suffer from chronic pain and other
29 conditions that make access to pain medications and other pharmaceutical therapies
30 necessary and beneficial; and

31 WHEREAS, Increasing numbers of Maryland adults and adolescents are
32 engaging in prescription drug abuse and diversion to the detriment of their health and
33 welfare; and

34 WHEREAS, Maryland should have a Prescription Drug Monitoring Program
35 that supports the lawful use of controlled substances without interfering with
36 legitimate professional practice and patient care; and

37 WHEREAS, A Prescription Drug Monitoring Program should assist health care,
38 public health, and law enforcement professionals in the identification, treatment, and

1 prevention of prescription drug abuse and in the identification and investigation of
2 unlawful prescription drug diversion; and

3 WHEREAS, Data concerning monitored prescription drugs under a Prescription
4 Drug Monitoring Program would be available for research purposes, including
5 research about the effects of the Prescription Drug Monitoring Program; now,
6 therefore,

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 8-403(b)(54) through (68), Respectively, of
9 Article – State Government of the Annotated Code of Maryland be renumbered to be
10 Section(s) 8-403(b)(55) through (69), respectively.

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

13 **Article – Health – General**

14 **SUBTITLE 2A. PRESCRIPTION DRUG MONITORING PROGRAM.**

15 **21-2A-01.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) “BOARD” MEANS THE ADVISORY BOARD ON PRESCRIPTION DRUG
19 MONITORING.

20 (C) (1) “DISPENSE” HAS THE MEANING STATED IN § 12-101 OF THE
21 HEALTH OCCUPATIONS ARTICLE.

22 (2) “DISPENSE” DOES NOT INCLUDE:

23 (I) DIRECTLY ADMINISTERING A MONITORED
24 PRESCRIPTION DRUG TO A PATIENT; OR

25 (II) GIVING OUT PRESCRIPTION DRUG SAMPLES.

26 (D) (1) “DISPENSER” MEANS A PERSON AUTHORIZED BY LAW TO
27 DISPENSE A MONITORED PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT’S
28 AGENT IN THE STATE.

29 (2) “DISPENSER” INCLUDES A NONRESIDENT PHARMACY.

30 (3) “DISPENSER” DOES NOT INCLUDE:

1 **(I) A LICENSED HOSPITAL PHARMACY THAT ONLY**
2 **DISPENSES A MONITORED PRESCRIPTION DRUG FOR DIRECT ADMINISTRATION**
3 **TO AN INPATIENT OF THE HOSPITAL; AND**

4 **(II) AN OPIOID MAINTENANCE PROGRAM.**

5 **(E) “LICENSING ENTITY” MEANS AN ENTITY AUTHORIZED UNDER THE**
6 **HEALTH OCCUPATIONS ARTICLE TO LICENSE, REGULATE, OR DISCIPLINE A**
7 **PRESCRIBER OR DISPENSER.**

8 **(F) “MONITORED PRESCRIPTION DRUG” MEANS A PRESCRIPTION DRUG**
9 **THAT CONTAINS A SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR SCHEDULE**
10 **V CONTROLLED DANGEROUS SUBSTANCE DESIGNATED UNDER TITLE 5,**
11 **SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE.**

12 **(G) “PRESCRIBER” MEANS A LICENSED HEALTH CARE PROFESSIONAL**
13 **AUTHORIZED BY LAW TO PRESCRIBE A MONITORED PRESCRIPTION DRUG.**

14 **(H) “PRESCRIPTION DRUG” HAS THE MEANING STATED IN § 21–201 OF**
15 **THIS TITLE.**

16 **(I) “PRESCRIPTION MONITORING DATA” MEANS THE INFORMATION**
17 **SUBMITTED TO THE PROGRAM FOR A MONITORED PRESCRIPTION DRUG.**

18 **(J) “PROGRAM” MEANS THE PRESCRIPTION DRUG MONITORING**
19 **PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

20 **21–2A–02.**

21 **(A) THERE IS A PRESCRIPTION DRUG MONITORING PROGRAM IN THE**
22 **DEPARTMENT.**

23 **(B) THE MISSION OF THE PROGRAM IS TO:**

24 **(1) ASSIST PRESCRIBERS, DISPENSERS, AND PUBLIC HEALTH**
25 **PROFESSIONALS IN:**

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

28 **(II) THE IDENTIFICATION AND INVESTIGATION OF**
29 **UNLAWFUL PRESCRIPTION DRUG DIVERSION; AND**

1 **(2) PROMOTE A BALANCED USE OF PRESCRIPTION MONITORING**
2 **DATA TO ASSIST APPROPRIATE LAW ENFORCEMENT ACTIVITIES WHILE**
3 **PRESERVING THE PROFESSIONAL PRACTICE OF HEALTH CARE PROVIDERS AND**
4 **THE ACCESS OF PATIENTS TO OPTIMAL PHARMACEUTICAL CARE.**

5 **(C) TO CARRY OUT ITS MISSION, THE PROGRAM SHALL MONITOR THE**
6 **PRESCRIBING AND DISPENSING OF ALL SCHEDULE II, SCHEDULE III,**
7 **SCHEDULE IV, AND SCHEDULE V CONTROLLED DANGEROUS SUBSTANCES BY**
8 **ALL PRESCRIBERS AND DISPENSERS IN THE STATE.**

9 **21-2A-03.**

10 **(A) THE DEPARTMENT SHALL IMPLEMENT THE PROGRAM, SUBJECT TO**
11 **THE AVAILABILITY OF FUNDS.**

12 **(B) THE SECRETARY MAY:**

13 **(1) ASSIGN RESPONSIBILITY FOR THE OPERATION OF THE**
14 **PROGRAM TO ANY UNIT IN THE DEPARTMENT; AND**

15 **(2) CONTRACT WITH ANY QUALIFIED PERSON FOR THE**
16 **EFFICIENT AND ECONOMICAL OPERATION OF THE PROGRAM.**

17 **(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, EACH**
18 **DISPENSER SHALL SUBMIT PRESCRIPTION MONITORING DATA TO THE**
19 **PROGRAM BY ELECTRONIC MEANS, IN ACCORDANCE WITH REGULATIONS**
20 **ADOPTED BY THE SECRETARY.**

21 **(D) THE SECRETARY, FOR GOOD CAUSE SHOWN, MAY AUTHORIZE A**
22 **DISPENSER TO SUBMIT PRESCRIPTION MONITORING DATA BY AN ALTERNATIVE**
23 **FORM OF SUBMISSION.**

24 **(E) THE SECRETARY, IN CONSULTATION WITH THE BOARD, SHALL:**

25 **(1) ESTABLISH A WEB SITE FOR THE PROGRAM; AND**

26 **(2) EDUCATE DISPENSERS, PRESCRIBERS, AND CONSUMERS**
27 **ABOUT THE PURPOSE AND OPERATION OF THE PROGRAM.**

28 **21-2A-04.**

29 **(A) THE SECRETARY, IN CONSULTATION WITH THE BOARD, SHALL**
30 **ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

1 **(B) THE REGULATIONS ADOPTED BY THE SECRETARY SHALL:**

2 **(1) SPECIFY THE PRESCRIPTION MONITORING DATA REQUIRED**
3 **TO BE SUBMITTED UNDER § 21-2A-03 OF THIS SUBTITLE;**

4 **(2) SPECIFY THE ELECTRONIC OR OTHER MEANS BY WHICH**
5 **INFORMATION IS TO BE SUBMITTED:**

6 **(I) WITHOUT UNDULY INCREASING THE WORKLOAD AND**
7 **EXPENSE ON DISPENSERS AND PRESCRIBERS; AND**

8 **(II) IN A MANNER AS COMPATIBLE AS POSSIBLE WITH**
9 **EXISTING DATA SUBMISSION PRACTICES OF DISPENSERS;**

10 **(3) SPECIFY THAT A PRESCRIBER OR DISPENSER IS NOT**
11 **REQUIRED OR OBLIGATED TO ACCESS OR USE PRESCRIPTION MONITORING**
12 **DATA AVAILABLE UNDER THE PROGRAM;**

13 **(4) IDENTIFY THE MECHANISM BY WHICH PRESCRIPTION**
14 **MONITORING DATA ARE DISCLOSED TO A PERSON, IN ACCORDANCE WITH §**
15 **21-2A-07 OF THIS SUBTITLE;**

16 **(5) IDENTIFY THE CIRCUMSTANCES UNDER WHICH A PERSON**
17 **MAY DISCLOSE PRESCRIPTION MONITORING DATA RECEIVED UNDER THE**
18 **PROGRAM;**

19 **(6) ESTABLISH TRAINING PROTOCOLS AND GUIDELINES TO**
20 **ASSIST LAW ENFORCEMENT AGENCIES AND LICENSING ENTITIES IN THE**
21 **APPROPRIATE INTERPRETATION AND EVALUATION OF PRESCRIPTION**
22 **MONITORING DATA IN THE CONTEXT OF THE NATURE OF:**

23 **(I) A PRESCRIBER'S OR DISPENSER'S PRACTICE;**

24 **(II) A PATIENT'S MEDICAL CONDITION; OR**

25 **(III) ANY OTHER RELEVANT FACTS;**

26 **(7) ESTABLISH REQUIREMENTS FOR PROGRAM RETENTION OF**
27 **PRESCRIPTION MONITORING DATA; AND**

28 **(8) REQUIRE THAT:**

29 **(I) CONFIDENTIAL OR PRIVILEGED PATIENT INFORMATION**
30 **BE KEPT CONFIDENTIAL; AND**

1 **(II) RECORDS OR INFORMATION PROTECTED BY A**
2 **PRIVILEGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT, OR**
3 **OTHERWISE REQUIRED BY LAW TO BE HELD CONFIDENTIAL, BE FILED IN A**
4 **MANNER THAT, EXCEPT AS OTHERWISE PROVIDED IN § 21-2A-07 OF THIS**
5 **SUBTITLE, DOES NOT DISCLOSE THE IDENTITY OF THE PERSON PROTECTED.**

6 **21-2A-05.**

7 **(A) THERE IS AN ADVISORY BOARD ON PRESCRIPTION DRUG**
8 **MONITORING IN THE DEPARTMENT.**

9 **(B) THE SECRETARY SHALL APPOINT MEMBERS TO THE BOARD,**
10 **INCLUDING MEMBERS REPRESENTING THE PERSPECTIVE OF:**

11 **(1) PRESCRIBERS;**

12 **(2) DISPENSERS;**

13 **(3) LICENSING ENTITIES;**

14 **(4) HEALTH CARE PRACTITIONERS WITH EXPERTISE IN THE**
15 **AREAS OF PAIN MANAGEMENT, SUBSTANCE ABUSE TREATMENT, AND ADDICTION**
16 **TREATMENT;**

17 **(5) LAW ENFORCEMENT;**

18 **(6) PAIN PATIENTS; AND**

19 **(7) ANY OTHER INDIVIDUAL OR REPRESENTATIVE AT THE**
20 **SECRETARY'S DISCRETION.**

21 **(C) THE SECRETARY SHALL:**

22 **(1) DESIGNATE THE CHAIR OF THE BOARD;**

23 **(2) DETERMINE THE NUMBER OF BOARD MEMBERS AND ENSURE**
24 **BALANCED REPRESENTATION ON THE BOARD OF THE GROUPS DESCRIBED IN**
25 **SUBSECTION (B) OF THIS SECTION;**

26 **(3) DETERMINE THE TERMS OF BOARD MEMBERS;**

27 **(4) FILL VACANCIES ON THE BOARD; AND**

1 **(5) PROVIDE STAFF SUPPORT FOR THE BOARD.**

2 **(D) A MEMBER OF THE BOARD:**

3 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
4 **BOARD; BUT**

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

8 **(E) THE BOARD SHALL:**

9 **(1) MEET NOT FEWER THAN THREE TIMES ANNUALLY;**

10 **(2) MAKE RECOMMENDATIONS TO THE SECRETARY RELATING TO**
11 **THE DESIGN AND IMPLEMENTATION OF THE PROGRAM, INCLUDING**
12 **RECOMMENDATIONS RELATING TO:**

13 **(I) REGULATIONS;**

14 **(II) LEGISLATION; AND**

15 **(III) SOURCES OF FUNDING, INCLUDING GRANT FUNDS**
16 **UNDER THE HAROLD ROGERS PRESCRIPTION DRUG MONITORING PROGRAM**
17 **AND OTHER SOURCES OF FEDERAL, PRIVATE, OR STATE FUNDS;**

18 **(3) (I) PROVIDE WITHIN 180 DAYS AFTER ITS FIRST MEETING,**
19 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN**
20 **INTERIM REPORT TO THE GENERAL ASSEMBLY SETTING FORTH THE BOARD'S**
21 **ANALYSIS AND RECOMMENDATIONS UNDER ITEM (2) OF THIS SUBSECTION**
22 **RELATING TO THE DESIGN, IMPLEMENTATION, AND FUNDING OF THE**
23 **PROGRAM; AND**

24 **(II) PROVIDE ANNUALLY TO THE GOVERNOR AND, IN**
25 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
26 **GENERAL ASSEMBLY AN ANALYSIS OF THE IMPACT OF THE PROGRAM ON**
27 **PATIENT ACCESS TO PHARMACEUTICAL CARE AND ON CURBING PRESCRIPTION**
28 **DRUG DIVERSION IN THE STATE, INCLUDING ANY RECOMMENDATIONS RELATED**
29 **TO MODIFICATION OR CONTINUATION OF THE PROGRAM; AND**

30 **(4) PROVIDE ONGOING ADVICE AND CONSULTATION ON THE**
31 **IMPLEMENTATION AND OPERATION OF THE PROGRAM, INCLUDING**
32 **RECOMMENDATIONS RELATING TO:**

1 **(I) CHANGES IN THE PROGRAM TO REFLECT ADVANCES IN**
2 **TECHNOLOGY AND BEST PRACTICES IN THE FIELD OF ELECTRONIC HEALTH**
3 **RECORDS AND ELECTRONIC PRESCRIPTION MONITORING;**

4 **(II) CHANGES TO STATUTORY REQUIREMENTS; AND**

5 **(III) THE DESIGN AND IMPLEMENTATION OF AN ONGOING**
6 **EVALUATION COMPONENT OF THE PROGRAM.**

7 **21-2A-06.**

8 **(A) PRESCRIPTION MONITORING DATA:**

9 **(1) ARE CONFIDENTIAL AND PRIVILEGED, AND NOT SUBJECT TO**
10 **DISCOVERY, SUBPOENA, OR OTHER MEANS OF LEGAL COMPULSION IN CIVIL**
11 **LITIGATION;**

12 **(2) ARE NOT PUBLIC RECORDS; AND**

13 **(3) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS**
14 **SECTION OR AS OTHERWISE PROVIDED BY LAW, MAY NOT BE DISCLOSED TO ANY**
15 **PERSON.**

16 **(B) THE PROGRAM SHALL DISCLOSE PRESCRIPTION MONITORING**
17 **DATA, IN ACCORDANCE WITH REGULATIONS, TO:**

18 **(1) A PRESCRIBER, OR ANY OTHER PERSON AUTHORIZED BY THE**
19 **PRESCRIBER, IN CONNECTION WITH THE MEDICAL CARE OF A PATIENT;**

20 **(2) A DISPENSER, OR ANY OTHER PERSON AUTHORIZED BY THE**
21 **DISPENSER, IN CONNECTION WITH THE DISPENSING OF A MONITORED**
22 **PRESCRIPTION DRUG;**

23 **(3) A FEDERAL LAW ENFORCEMENT AGENCY OR A STATE OR**
24 **LOCAL LAW ENFORCEMENT AGENCY, ON ISSUANCE OF A SUBPOENA, FOR THE**
25 **PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL**
26 **INVESTIGATION;**

27 **(4) A LICENSING ENTITY;**

28 **(5) A PATIENT WITH RESPECT TO PRESCRIPTION MONITORING**
29 **DATA ABOUT THE PATIENT;**

1 **(6) AN AUTHORIZED ADMINISTRATOR OF ANOTHER STATE'S**
2 **PRESCRIPTION DRUG MONITORING PROGRAM; OR**

3 **(7) A UNIT OF THE DEPARTMENT.**

4 **(C) EXCEPT AS PROVIDED BY REGULATIONS, A PERSON WHO RECEIVES**
5 **PRESCRIPTION MONITORING DATA FROM THE PROGRAM MAY NOT DISCLOSE**
6 **THE DATA.**

7 **(D) (1) IN ADDITION TO THE DISCLOSURES REQUIRED UNDER**
8 **SUBSECTION (B) OF THIS SECTION, THE PROGRAM MAY DISCLOSE**
9 **PRESCRIPTION MONITORING DATA FOR RESEARCH, ANALYSIS, PUBLIC**
10 **REPORTING, AND EDUCATION:**

11 **(I) AFTER REDACTION OF ALL INFORMATION THAT COULD**
12 **IDENTIFY A PATIENT, PRESCRIBER, DISPENSER, OR ANY OTHER INDIVIDUAL;**
13 **AND**

14 **(II) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**
15 **SECRETARY.**

16 **(2) THE SECRETARY MAY REQUIRE SUBMISSION OF AN ABSTRACT**
17 **EXPLAINING THE SCOPE AND PURPOSE OF THE RESEARCH, ANALYSIS, PUBLIC**
18 **REPORTING, OR EDUCATION BEFORE DISCLOSING PRESCRIPTION MONITORING**
19 **DATA UNDER THIS SUBSECTION.**

20 **(E) THE OFFICE OF THE ATTORNEY GENERAL MAY SEEK APPROPRIATE**
21 **INJUNCTIVE OR OTHER RELIEF TO MAINTAIN THE CONFIDENTIALITY OF**
22 **PRESCRIPTION MONITORING DATA AS REQUIRED UNDER THIS SECTION.**

23 **(F) THE PROGRAM MAY:**

24 **(1) PROVIDE PRESCRIPTION MONITORING DATA TO ANOTHER**
25 **STATE'S PRESCRIPTION DRUG MONITORING PROGRAM, PROVIDED THE OTHER**
26 **STATE'S PRESCRIPTION DRUG MONITORING PROGRAM AGREES TO USE THE**
27 **PRESCRIPTION MONITORING DATA IN A MANNER CONSISTENT WITH THE**
28 **PROVISIONS OF THIS SUBTITLE;**

29 **(2) REQUEST AND RECEIVE PRESCRIPTION MONITORING DATA**
30 **FROM ANOTHER STATE'S PRESCRIPTION DRUG MONITORING PROGRAM AND USE**
31 **THE PRESCRIPTION MONITORING DATA IN A MANNER CONSISTENT WITH THE**
32 **PROVISIONS OF THIS SUBTITLE; AND**

1 **(3) DEVELOP THE CAPABILITY TO TRANSMIT PRESCRIPTION**
2 **MONITORING DATA TO AND RECEIVE PRESCRIPTION MONITORING DATA FROM**
3 **OTHER PRESCRIPTION DRUG MONITORING PROGRAMS EMPLOYING THE**
4 **STANDARDS OF INTEROPERABILITY.**

5 **(G) THE PROGRAM MAY ENTER INTO WRITTEN AGREEMENTS WITH**
6 **OTHER STATES' PRESCRIPTION DRUG MONITORING PROGRAMS FOR THE**
7 **PURPOSE OF ESTABLISHING THE TERMS AND CONDITIONS FOR SHARING**
8 **PRESCRIPTION MONITORING DATA UNDER THIS SECTION.**

9 **21-2A-07.**

10 **(A) THE DEPARTMENT AND ITS AGENTS AND EMPLOYEES ARE NOT**
11 **SUBJECT TO LIABILITY ARISING FROM:**

12 **(1) THE INACCURACY OF ANY INFORMATION SUBMITTED TO THE**
13 **PROGRAM IN ACCORDANCE WITH THIS SUBTITLE; OR**

14 **(2) THE UNAUTHORIZED USE OR DISCLOSURE OF PRESCRIPTION**
15 **MONITORING DATA PROVIDED TO A PERSON.**

16 **(B) A PRESCRIBER OR DISPENSER, ACTING IN GOOD FAITH, IS NOT**
17 **SUBJECT TO LIABILITY OR DISCIPLINARY ACTION ARISING SOLELY FROM:**

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

20 **(2) ACTING, OR FAILING TO ACT, ON THE BASIS OF PRESCRIPTION**
21 **MONITORING DATA PROVIDED BY THE PROGRAM.**

22 **21-2A-08.**

23 **(A) A DISPENSER WHO KNOWINGLY FAILS TO SUBMIT PRESCRIPTION**
24 **MONITORING DATA TO THE PROGRAM AS REQUIRED UNDER THIS SUBTITLE**
25 **SHALL BE SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH**
26 **FAILURE TO SUBMIT REQUIRED INFORMATION.**

27 **(B) A PRESCRIBER OR DISPENSER WHO KNOWINGLY VIOLATES ANY**
28 **PROVISION OF THIS SUBTITLE IS LIABLE FOR:**

29 **(1) ACTUAL DAMAGES; AND**

30 **(2) REASONABLE ATTORNEY'S FEES.**

1 **(C) (1) A PERSON WHO KNOWINGLY DISCLOSES OR USES**
2 **PRESCRIPTION MONITORING DATA IN VIOLATION OF THIS SUBTITLE SHALL BE**
3 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
4 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR**
5 **BOTH.**

6 **(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF**
7 **THIS SUBSECTION, A PRESCRIBER OR DISPENSER WHO KNOWINGLY DISCLOSES**
8 **OR USES PRESCRIPTION MONITORING DATA IN VIOLATION OF THIS SUBTITLE**
9 **SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE LICENSING**
10 **ENTITY.**

11 **21-2A-09.**

12 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
13 **THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL**
14 **REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF**
15 **NO EFFECT AFTER JULY 1, 2016.**

16 **Article – State Government**

17 **8-403.**

18 (b) On or before December 15 of the 2nd year before the evaluation date of a
19 governmental activity or unit, the Legislative Policy Committee, based on a
20 preliminary evaluation, may waive as unnecessary the evaluation required under this
21 section.

22 (b) Except as otherwise provided in subsection (a) of this section, on or before
23 the evaluation date for the following governmental activities or units, an evaluation
24 shall be made of the following governmental activities or units and the statutes and
25 regulations that relate to the governmental activities or units:

26 **(54) PRESCRIPTION DRUG MONITORING PROGRAM IN THE**
27 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE (§ 21-2A-02 OF THE**
28 **HEALTH – GENERAL ARTICLE: JULY 1, 2015);**

29 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
30 **October 1, 2011.**