

SENATE BILL 610

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3lr1063
CF 3lr2091

By: **Senators Klausmeier, Brinkley, Madaleno, and Montgomery**

Introduced and read first time: February 1, 2013

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Overdose Response Program – Establishment**

3 FOR the purpose of providing for an Overdose Response Program overseen by the
4 Department of Health and Mental Hygiene; stating the purpose of the Program;
5 authorizing the Department to adopt certain regulations and take certain other
6 action regarding the Program; specifying the requirements an individual must
7 meet to qualify for a certain certificate; requiring that a certain educational
8 training program be conducted by a physician or nurse practitioner or certain
9 other individuals and include certain training; requiring an applicant for a
10 certificate to submit a certain application; requiring a certain public or private
11 entity to issue a certificate to an applicant under certain circumstances;
12 requiring that a certificate contain certain information; providing that a
13 replacement certificate may be issued under certain circumstances; providing
14 for the term and renewal of a certain certificate; authorizing an individual who
15 is certified to receive from a certain individual a prescription for naloxone and
16 certain supplies, possess prescribed naloxone and certain paraphernalia, and
17 administer naloxone, under certain circumstances, to certain individuals;
18 authorizing a physician or nurse practitioner to prescribe and dispense naloxone
19 to a certificate holder; prohibiting a certain cause of action from arising against
20 a certificate holder, physician, or nurse practitioner under certain
21 circumstances; prohibiting a certificate holder, physician, and nurse
22 practitioner from being held civilly or criminally liable for certain actions;
23 providing that a certificate holder, under certain circumstances, may not be
24 considered to be practicing medicine for the purposes of a certain provision of
25 law; providing that a certain provision of this Act does not affect certain
26 immunities or defenses; prohibiting an individual from being held civilly liable
27 in certain actions under certain circumstances; providing for the construction of
28 this Act; defining certain terms; and generally relating to the Overdose
29 Response Program.

30 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General
2 Section 13–3101 through 13–3110 to be under the new subtitle “Subtitle 31.
3 Overdose Response Program”
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2012 Supplement)

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

8 **Article – Health – General**

9 **SUBTITLE 31. OVERDOSE RESPONSE PROGRAM.**

10 **13–3101.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) “CERTIFICATE” MEANS A CERTIFICATE ISSUED BY A PRIVATE OR
14 PUBLIC ENTITY TO ADMINISTER NALOXONE.

15 (C) “PRIVATE OR PUBLIC ENTITY” MEANS A HEALTH CARE PROVIDER,
16 LOCAL HEALTH DEPARTMENT, COMMUNITY–BASED ORGANIZATION, SUBSTANCE
17 ABUSE TREATMENT ORGANIZATION, OR OTHER PERSON THAT ADDRESSES
18 MEDICAL OR SOCIAL ISSUES RELATED TO DRUG ADDICTION.

19 (D) “PROGRAM” MEANS AN OVERDOSE RESPONSE PROGRAM.

20 **13–3102.**

21 AN OVERDOSE RESPONSE PROGRAM IS A PROGRAM OVERSEEN BY THE
22 DEPARTMENT FOR THE PURPOSE OF PROVIDING A MEANS OF AUTHORIZING
23 CERTAIN INDIVIDUALS TO ADMINISTER NALOXONE TO AN INDIVIDUAL
24 EXPERIENCING, OR BELIEVED TO BE EXPERIENCING, OPIOID OVERDOSE TO
25 HELP PREVENT A FATALITY WHEN MEDICAL SERVICES ARE NOT IMMEDIATELY
26 AVAILABLE.

27 **13–3103.**

28 **THE DEPARTMENT MAY:**

29 (1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE
30 PROGRAM;

1 **(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF**
2 **THE PROGRAM;**

3 **(3) AUTHORIZE PRIVATE OR PUBLIC ENTITIES TO ISSUE AND**
4 **RENEW CERTIFICATES TO PERSONS MEETING THE REQUIREMENTS OF THIS**
5 **SUBTITLE;**

6 **(4) (I) AUTHORIZE PRIVATE OR PUBLIC ENTITIES TO CONDUCT**
7 **EDUCATIONAL TRAINING PROGRAMS DESCRIBED IN § 13-3104 OF THIS**
8 **SUBTITLE; AND**

9 **(II) DEVELOP GUIDANCE REGARDING THE CONTENT OF**
10 **EDUCATIONAL TRAINING PROGRAMS CONDUCTED BY PRIVATE OR PUBLIC**
11 **ENTITIES; AND**

12 **(5) COLLECT AND REPORT DATA ON THE OPERATION AND**
13 **RESULTS OF THE PROGRAMS.**

14 **13-3104.**

15 **(A) TO QUALIFY FOR A CERTIFICATE, AN INDIVIDUAL SHALL MEET THE**
16 **REQUIREMENTS OF THIS SECTION.**

17 **(B) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.**

18 **(C) THE APPLICANT SHALL HAVE, OR REASONABLY EXPECT TO HAVE,**
19 **AS A RESULT OF THE INDIVIDUAL'S OCCUPATION OR VOLUNTEER, FAMILY, OR**
20 **SOCIAL STATUS, THE ABILITY TO ASSIST AN INDIVIDUAL WHO IS EXPERIENCING**
21 **AN OPIOID OVERDOSE.**

22 **(D) (1) THE APPLICANT SHALL SUCCESSFULLY COMPLETE AN**
23 **EDUCATIONAL TRAINING PROGRAM APPROVED BY THE DEPARTMENT.**

24 **(2) AN EDUCATIONAL TRAINING PROGRAM REQUIRED UNDER**
25 **THIS SUBSECTION SHALL:**

26 **(I) BE CONDUCTED BY:**

27 **1. A PHYSICIAN LICENSED TO PRACTICE MEDICINE**
28 **UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;**

29 **2. A NURSE PRACTITIONER LICENSED TO PRACTICE**
30 **REGISTERED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS**

1 ARTICLE AND CERTIFIED AS A NURSE PRACTITIONER BY THE STATE BOARD OF
2 NURSING; OR

3 3. AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR
4 PUBLIC ENTITY THAT MAINTAINS A WRITTEN AGREEMENT WITH A SUPERVISORY
5 PHYSICIAN OR NURSE PRACTITIONER THAT INCLUDES:

6 A. PROCEDURES FOR PROVIDING PATIENT
7 OVERDOSE INFORMATION;

8 B. INFORMATION AS TO HOW THE EMPLOYEE OR
9 VOLUNTEER PROVIDING THE INFORMATION WILL BE TRAINED; AND

10 C. STANDARDS FOR DOCUMENTING THE PROVISION
11 OF PATIENT OVERDOSE INFORMATION TO PATIENTS; AND

12 (II) INCLUDE TRAINING IN:

13 1. THE RECOGNITION OF THE SYMPTOMS OF OPIOID
14 OVERDOSE;

15 2. THE PROPER ADMINISTRATION OF NALOXONE;

16 3. THE IMPORTANCE OF CONTACTING EMERGENCY
17 MEDICAL SERVICES;

18 4. THE CARE OF AN INDIVIDUAL AFTER THE
19 ADMINISTRATION OF NALOXONE; AND

20 5. ANY OTHER TOPICS REQUIRED BY THE
21 DEPARTMENT.

22 13-3105.

23 AN APPLICANT FOR A CERTIFICATE SHALL SUBMIT AN APPLICATION TO A
24 PRIVATE OR PUBLIC ENTITY AUTHORIZED BY THE DEPARTMENT ON THE FORM
25 THAT THE DEPARTMENT REQUIRES.

26 13-3106.

27 (A) A PRIVATE OR PUBLIC ENTITY AUTHORIZED BY THE DEPARTMENT
28 SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE
29 REQUIREMENTS OF THIS SUBTITLE.

1 **(B) EACH CERTIFICATE SHALL INCLUDE:**

2 **(1) A STATEMENT THAT THE HOLDER IS AUTHORIZED TO**
3 **ADMINISTER NALOXONE IN ACCORDANCE WITH THIS SUBTITLE;**

4 **(2) THE FULL NAME OF THE CERTIFICATE HOLDER; AND**

5 **(3) A SERIAL NUMBER.**

6 **(C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST,**
7 **DESTROYED, OR MUTILATED CERTIFICATE.**

8 **(D) (1) THE CERTIFICATE SHALL BE VALID FOR 2 YEARS AND MAY BE**
9 **RENEWED.**

10 **(2) IN ORDER TO RENEW A CERTIFICATE, THE CERTIFICATE**
11 **HOLDER SHALL:**

12 **(I) SUCCESSFULLY COMPLETE A REFRESHER TRAINING**
13 **PROGRAM CONDUCTED BY AN AUTHORIZED PRIVATE OR PUBLIC ENTITY; OR**

14 **(II) DEMONSTRATE PROFICIENCY TO THE PRIVATE OR**
15 **PUBLIC ENTITY ISSUING CERTIFICATES UNDER THIS SUBTITLE.**

16 **13-3107.**

17 **AN INDIVIDUAL WHO IS CERTIFIED MAY:**

18 **(1) ON PRESENTMENT OF A CERTIFICATE, RECEIVE FROM ANY**
19 **PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE, OR ANY NURSE**
20 **PRACTITIONER LICENSED TO PRACTICE NURSING IN THE STATE, A**
21 **PRESCRIPTION FOR NALOXONE AND THE NECESSARY SUPPLIES FOR THE**
22 **ADMINISTRATION OF NALOXONE;**

23 **(2) POSSESS PRESCRIBED NALOXONE AND THE NECESSARY**
24 **SUPPLIES FOR THE ADMINISTRATION OF NALOXONE; AND**

25 **(3) IN AN EMERGENCY SITUATION WHEN MEDICAL SERVICES ARE**
26 **NOT IMMEDIATELY AVAILABLE, ADMINISTER NALOXONE TO AN INDIVIDUAL**
27 **EXPERIENCING OR BELIEVED BY THE CERTIFICATE HOLDER TO BE**
28 **EXPERIENCING AN OPIOID OVERDOSE.**

1 **13-3108.**

2 A PHYSICIAN OR NURSE PRACTITIONER MAY PRESCRIBE AND DISPENSE
3 NALOXONE TO A CERTIFICATE HOLDER.

4 **13-3109.**

5 (A) (1) A CAUSE OF ACTION MAY NOT ARISE AGAINST A CERTIFICATE
6 HOLDER AUTHORIZED UNDER THIS SUBTITLE FOR ANY ACT OR OMISSION WHEN
7 THE CERTIFICATE HOLDER IS ACTING IN GOOD FAITH WHILE RENDERING
8 EMERGENCY TREATMENT TO AN INDIVIDUAL EXPERIENCING OR BELIEVED BY
9 THE CERTIFICATE HOLDER TO BE EXPERIENCING AN OPIOID OVERDOSE,
10 UNLESS THE CONDUCT OF THE CERTIFICATE HOLDER AMOUNTS TO GROSS
11 NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY
12 TORTIOUS CONDUCT.

13 (2) A CERTIFICATE HOLDER WHO IS IN POSSESSION OF OR IS
14 ADMINISTERING NALOXONE TO AN INDIVIDUAL EXPERIENCING OR BELIEVED BY
15 THE CERTIFICATE HOLDER TO BE EXPERIENCING AN OPIOID OVERDOSE MAY
16 NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ACTIONS AUTHORIZED BY
17 THIS SUBTITLE.

18 (3) A CERTIFICATE HOLDER WHO, IN ACCORDANCE WITH THIS
19 SUBTITLE, IS ADMINISTERING NALOXONE TO AN INDIVIDUAL EXPERIENCING OR
20 BELIEVED BY THE CERTIFICATE HOLDER TO BE EXPERIENCING AN OPIOID
21 OVERDOSE MAY NOT BE CONSIDERED TO BE PRACTICING MEDICINE FOR THE
22 PURPOSES OF TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

23 (B) (1) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY PHYSICIAN
24 OR NURSE PRACTITIONER FOR ANY ACT OR OMISSION WHEN THE PHYSICIAN OR
25 NURSE PRACTITIONER IN GOOD FAITH PRESCRIBES, TO AN INDIVIDUAL
26 CERTIFIED UNDER § 13-3106 OF THIS SUBTITLE, NALOXONE AND THE
27 NECESSARY SUPPLIES FOR THE ADMINISTRATION OF NALOXONE.

28 (2) A PHYSICIAN OR NURSE PRACTITIONER MAY NOT BE HELD
29 CIVILLY OR CRIMINALLY LIABLE FOR ACTIONS AUTHORIZED BY THIS SUBTITLE.

30 (C) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED TO
31 AFFECT, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED
32 BY ANY OTHER PROVISION OF STATE LAW OR BY COMMON LAW TO WHICH A
33 VOLUNTEER, PHYSICIAN, OR NURSE PRACTITIONER MAY BE ENTITLED.

34 **13-3110.**

1 **(A) THIS SUBTITLE MAY NOT BE CONSTRUED TO:**

2 **(1) CREATE A DUTY ON ANY INDIVIDUAL TO OBTAIN A**
3 **CERTIFICATE UNDER THIS SUBTITLE, AND AN INDIVIDUAL MAY NOT BE HELD**
4 **CIVILLY LIABLE FOR FAILING TO OBTAIN A CERTIFICATE UNDER THIS SUBTITLE;**
5 **OR**

6 **(2) CREATE A DUTY ON A CERTIFICATE HOLDER TO ADMINISTER**
7 **NALOXONE TO AN INDIVIDUAL EXPERIENCING, OR BELIEVED BY THE**
8 **CERTIFICATE HOLDER TO BE EXPERIENCING, AN OPIOID OVERDOSE.**

9 **(B) AN INDIVIDUAL MAY NOT BE HELD CIVILLY LIABLE IN ANY ACTION**
10 **ARISING FROM OR IN CONNECTION WITH THE ADMINISTRATION OF NALOXONE**
11 **BY THE INDIVIDUAL SOLELY BECAUSE THE INDIVIDUAL DID NOT POSSESS A**
12 **CERTIFICATE ISSUED UNDER THIS SUBTITLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2013.