

SENATE BILL 296

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CF HB 255

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 17, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Monitoring Program – Sunset Extension and Program**
3 **Evaluation**

4 FOR the purpose of continuing the Prescription Drug Monitoring Program in
5 accordance with the provisions of the Maryland Program Evaluation Act
6 (Sunset Law) by extending to a certain date the termination provisions relating
7 to the statutory and regulatory authority of the Program; requiring the
8 Department of Legislative Services to conduct a certain evaluation of the
9 Program on or before a certain date and to prepare and submit a certain report
10 in accordance with certain statutory requirements; requiring the Program to
11 submit a certain report to the Governor, the General Assembly, and the
12 Department of Legislative Services on or before a certain date; repealing the
13 requirement that the technical advisory committee to the Program review
14 requests for certain information before the Program discloses the information to
15 a certain person; requiring the Advisory Board on Prescription Drug Monitoring
16 to include certain information in a certain report; repealing an obsolete
17 reporting requirement; and generally relating to the Prescription Drug
18 Monitoring Program.

19 BY repealing and reenacting, without amendments,
20 Article – Health – General
21 Section 21–2A–05(a), 21–2A–06(b), and 21–2A–07(a)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2013 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Health – General
26 Section 21–2A–05(f)(3), 21–2A–06(c), 21–2A–07(b), and 21–2A–10
27 Annotated Code of Maryland
28 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 21–2A–05.

5 (a) There is an Advisory Board on Prescription Drug Monitoring in the
6 Department.

7 (f) The Board shall:

8 (3) [(i) Provide within 180 days after its first meeting, in
9 accordance with § 2–1246 of the State Government Article, an interim report to the
10 General Assembly setting forth the Board’s analysis and recommendations under item
11 (2) of this subsection relating to the design, implementation, and funding of the
12 Program; and

13 (ii)] Provide annually to the Governor and, in accordance with §
14 2–1246 of the State Government Article, the General Assembly [an analysis] **A**
15 **REPORT THAT INCLUDES:**

16 **(I) THE NUMBER OF PRESCRIBERS REGISTERED WITH AND**
17 **USING THE PROGRAM;**

18 **(II) THE NUMBER OF DISPENSERS REGISTERED WITH AND**
19 **USING THE PROGRAM;**

20 **(III) AN ANALYSIS** of the impact of the Program on patient
21 access to pharmaceutical care and on curbing prescription drug diversion in the State[,
22 including any]; **AND**

23 **(IV) ANY** recommendations related to modification or
24 continuation of the Program; and

25 21–2A–06.

26 (b) The Program shall disclose prescription monitoring data, in accordance
27 with regulations adopted by the Secretary, to:

28 (1) A prescriber, or a licensed health care practitioner authorized by
29 the prescriber, in connection with the medical care of a patient;

30 (2) A dispenser, or a licensed health care practitioner authorized by
31 the dispenser, in connection with the dispensing of a monitored prescription drug;

1 (3) A federal law enforcement agency or a State or local law
2 enforcement agency, on issuance of a subpoena, for the purpose of furthering an
3 existing bona fide individual investigation;

4 (4) A licensing entity, on issuance of an administrative subpoena voted
5 on by a quorum of the board of the licensing entity, for the purposes of furthering an
6 existing bona fide individual investigation;

7 (5) A rehabilitation program under a health occupations board, on
8 issuance of an administrative subpoena;

9 (6) A patient with respect to prescription monitoring data about the
10 patient;

11 (7) Subject to subsection (g) of this section, the authorized
12 administrator of another state's prescription drug monitoring program;

13 (8) The following units of the Department, on approval of the
14 Secretary, for the purpose of furthering an existing bona fide individual investigation:

15 (i) The Office of the Chief Medical Examiner;

16 (ii) The Maryland Medical Assistance Program;

17 (iii) The Office of the Inspector General;

18 (iv) The Office of Health Care Quality; and

19 (v) The Division of Drug Control; or

20 (9) The technical advisory committee established under § 21-2A-07 of
21 this subtitle for the purposes set forth in subsection (c) of this section.

22 (c) Before the Program discloses information under subsection (b)(3), (4), (5),
23 [(7),] or (8) of this section, the technical advisory committee to the Program shall:

24 (1) Review the requests for information;

25 (2) Provide clinical guidance and interpretation of the information
26 requested to the Secretary to assist in the Secretary's decision on how to respond to a
27 judicial subpoena, administrative subpoena, or other request; and

28 (3) Provide clinical guidance and interpretation of the information
29 requested to the authorized recipient of the information.

30 21-2A-07.

1 (a) There is a technical advisory committee to the Program.

2 (b) The purpose of the technical advisory committee is to review requests for
3 information from the Program under § 21–2A–06(b)(3), (4), (5), [(7),] and (8) of this
4 subtitle.

5 21–2A–10.

6 Subject to the evaluation and reestablishment provisions of the Maryland
7 Program Evaluation Act, this subtitle and all regulations adopted under this subtitle
8 shall terminate and be of no effect after July 1, [2016] **2019**.

9 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
10 2015, the Prescription Drug Monitoring Program shall submit a report to the Governor
11 and, in accordance with § 2–1246 of the State Government Article, the General
12 Assembly, and the Department of Legislative Services that:

13 (1) describes efforts to collect and make available, in real–time,
14 prescription monitoring data;

15 (2) includes recommendations for a long–term funding source to
16 support the Program;

17 (3) provides the status of the Department of Health and Mental
18 Hygiene’s independent evaluation of the Program; and

19 (4) discusses the status of any plans to pursue unsolicited reporting or
20 mandatory utilization of prescription monitoring data by health care providers.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
22 Legislative Services shall:

23 (1) conduct a direct full evaluation of the Prescription Drug Monitoring
24 Program on or before December 1, 2017; and

25 (2) prepare and submit a full evaluation report in accordance with the
26 requirements established under § 8–405(e) and (f) of the State Government Article.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2014.