

# HOUSE BILL 745

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CF SB 516

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By: ~~Delegates Bromwell, Barron, Morales, Morhaim, Reznik, and Valentino Smith~~  
Valentino Smith, Hammen, Hayes, McMillan, Oaks, Pena-Melnyk, Miele,  
Saab, Kelly, McDonough, Morgan, Kipke, Cullison, Sample-Hughes, West,  
Rose, Hill, Krebs, and K. Young

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Health – Overdose Response Program**

3 FOR the purpose of authorizing certain advanced practice nurses, in addition to certain  
4 nurse practitioners and pharmacists to conduct certain overdose prevention  
5 educational training programs; altering the circumstances under which certain  
6 employees or volunteers may conduct the training programs; authorizing certain  
7 advanced practice nurses, ~~in addition to certain nurse practitioners,~~ to prescribe and  
8 dispense naloxone to certain certificate holders; authorizing certain licensed  
9 physicians and advanced practice nurses to prescribe and dispense naloxone to  
10 certain certificate holders ~~directly or under~~ by issuing a certain standing order under  
11 certain circumstances; authorizing certain licensed health care providers to  
12 prescribe naloxone to certain patients under certain circumstances; authorizing a  
13 pharmacist to dispense naloxone in accordance with a certain therapy management  
14 contract; providing that certain individuals who administer naloxone or provide  
15 naloxone to certain certificate holders under certain circumstances may not be  
16 considered to be practicing certain health occupations; providing that an advanced  
17 practice nurse who prescribes or dispenses naloxone to a certificate holder in a  
18 certain manner may not be subject to certain disciplinary actions; providing  
19 immunity from liability for certain persons under certain circumstances; exempting  
20 certain persons who are authorized to dispense naloxone from certain prescription  
21 drug dispensing permit requirements; providing for the construction of this Act;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 defining certain terms; making clarifying and conforming changes; and generally  
2 relating to the Overdose Response Program.

3 BY repealing and reenacting, with amendments,  
4 Article – Health – General  
5 Section 13–3101, 13–3104, 13–3107, 13–3108, and 13–3109  
6 Annotated Code of Maryland  
7 (2009 Replacement Volume and 2014 Supplement)

8 BY adding to  
9 Article – Health – General  
10 Section 13–3110 and 13–3111  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2014 Supplement)

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

15 **Article – Health – General**

16 13–3101.

17 (a) In this subtitle the following words have the meanings indicated.

18 **(B) “ADVANCED PRACTICE NURSE” HAS THE MEANING STATED IN § 8–101**  
19 **OF THE HEALTH OCCUPATIONS ARTICLE.**

20 **[(b)] (C) “Certificate” means a certificate issued by a private or public entity to**  
21 **administer naloxone.**

22 **(D) “LICENSED PHYSICIAN” HAS THE MEANING STATED IN § 14–101 OF THE**  
23 **HEALTH OCCUPATIONS ARTICLE.**

24 **(E) “PHARMACIST” HAS THE MEANING STATED IN § 12–101 OF THE HEALTH**  
25 **OCCUPATIONS ARTICLE.**

26 **[(c)] (F) “Private or public entity” means a health care provider, local health**  
27 **department, community–based organization, substance abuse treatment organization, or**  
28 **other person that addresses medical or social issues related to drug addiction.**

29 **[(d)] (G) “Program” means an Overdose Response Program.**

30 **(H) “STANDING ORDER” MEANS A WRITTEN INSTRUCTION FOR THE**  
31 **PRESCRIBING AND DISPENSING OF NALOXONE TO A CERTIFICATE HOLDER IN**  
32 **ACCORDANCE WITH § 13–3108 OF THIS SUBTITLE.**

1 13-3104.

2 (a) To qualify for a certificate, an individual shall meet the requirements of this  
3 section.

4 (b) The applicant shall be at least 18 years old.

5 (c) The applicant shall have, or reasonably expect to have, as a result of the  
6 individual's occupation or volunteer, family, or social status, the ability to assist an  
7 individual who is experiencing an opioid overdose.

8 (d) (1) The applicant shall successfully complete an educational training  
9 program offered by a private or public entity authorized by the Department.

10 (2) An educational training program required under this subsection shall:

11 (i) Be conducted by:

12 1. A **LICENSED** physician [licensed to practice medicine  
13 under Title 14 of the Health Occupations Article];

14 2. [A nurse practitioner licensed to practice registered  
15 nursing under Title 8 of the Health Occupations Article and certified as a nurse practitioner  
16 by the State Board of Nursing] **AN ADVANCED PRACTICE NURSE**; [or]

17 3. **A PHARMACIST; OR**

18 [3.] 4. An employee or a volunteer of a private or public  
19 entity [that maintains] **WHO IS SUPERVISED IN ACCORDANCE WITH** a written  
20 agreement [with] **BETWEEN THE PRIVATE OR PUBLIC ENTITY AND** a supervisory  
21 **LICENSED** physician, [or nurse practitioner] **ADVANCED PRACTICE NURSE, OR**  
22 **PHARMACIST** that includes:

23 A. Procedures for providing patient overdose information;

24 B. Information as to how the employee or volunteer providing  
25 the information will be trained; and

26 C. Standards for documenting the provision of patient  
27 overdose information to patients; and

28 (ii) Include training in:

29 1. The recognition of the symptoms of opioid overdose;

30 2. The proper administration of naloxone;



1                   **(II) SUPERVISES OR CONDUCTS AN EDUCATIONAL TRAINING**  
2 **PROGRAM UNDER § 13-3104(D) OF THIS SUBTITLE.**

3                   **(2) A LICENSED PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH**  
4 **PRESCRIBING AUTHORITY WHO ISSUES A STANDING ORDER UNDER PARAGRAPH (1)**  
5 **OF THIS SUBSECTION MAY DELEGATE TO THE FOLLOWING PERSONS THE AUTHORITY**  
6 **FOR DISPENSING NALOXONE TO A CERTIFICATE HOLDER:**

7                   **(I) A LICENSED REGISTERED NURSE WHO:**

8                   **1. IS EMPLOYED BY A LOCAL HEALTH DEPARTMENT;**  
9 **AND**  
10                   **2. COMPLETES A TRAINING PROGRAM APPROVED BY**  
11 **THE DEPARTMENT; AND**

12                   **(II) AN EMPLOYEE OR A VOLUNTEER OF A PRIVATE OR PUBLIC**  
13 **ENTITY WHO IS AUTHORIZED TO CONDUCT AN EDUCATIONAL TRAINING PROGRAM IN**  
14 **ACCORDANCE WITH § 13-3104(D) OF THIS SUBTITLE.**

15                   **(3) ANY LICENSED HEALTH CARE PROVIDER WHO HAS DISPENSING**  
16 **AUTHORITY ALSO MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN**  
17 **ACCORDANCE WITH A STANDING ORDER ISSUED BY A LICENSED PHYSICIAN.**

18                   **(C) ANY LICENSED HEALTH CARE PROVIDER WHO HAS PRESCRIBING**  
19 **AUTHORITY MAY PRESCRIBE NALOXONE TO A PATIENT WHO IS BELIEVED BY THE**  
20 **LICENSED HEALTH CARE PROVIDER TO BE AT RISK OF EXPERIENCING AN OPIOID**  
21 **OVERDOSE OR IN A POSITION TO ASSIST AN INDIVIDUAL AT RISK OF EXPERIENCING**  
22 **AN OPIOID OVERDOSE.**

23                   **(D) A PHARMACIST MAY DISPENSE NALOXONE IN ACCORDANCE WITH A**  
24 **THERAPY MANAGEMENT CONTRACT UNDER TITLE 12, SUBTITLE 6A OF THE**  
25 **HEALTH OCCUPATIONS ARTICLE.**

26 13-3109.

27                   **(a) (1) A certificate holder who, in accordance with this subtitle, is**  
28 **administering naloxone to an individual experiencing or believed by the certificate holder**  
29 **to be experiencing an opioid overdose may not be considered to be practicing:**

30                   **(I) [medicine] MEDICINE for the purposes of Title 14 of the Health**  
31 **Occupations Article; OR**

1 (II) REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF  
2 THE HEALTH OCCUPATIONS ARTICLE.

3 (2) AN EMPLOYEE OR VOLUNTEER OF A PRIVATE OR PUBLIC ENTITY  
4 WHO, IN ACCORDANCE WITH THIS SUBTITLE, PROVIDES NALOXONE TO A  
5 CERTIFICATE HOLDER IN ACCORDANCE WITH A STANDING ORDER MAY NOT BE  
6 CONSIDERED TO BE PRACTICING:

7 (I) MEDICINE FOR THE PURPOSES OF TITLE 14 OF THE  
8 HEALTH OCCUPATIONS ARTICLE;

9 (II) REGISTERED NURSING FOR THE PURPOSES OF TITLE 8 OF  
10 THE HEALTH OCCUPATIONS ARTICLE; OR

11 (III) PHARMACY FOR THE PURPOSES OF TITLE 12 OF THE  
12 HEALTH OCCUPATIONS ARTICLE.

13 (b) (1) A LICENSED physician who prescribes or dispenses naloxone to a  
14 certificate holder in a manner consistent with the protocol established by the authorized  
15 private or public entity may not be subject to any disciplinary action under Title 14 of the  
16 Health Occupations Article solely for the act of prescribing or dispensing naloxone to the  
17 certificate holder.

18 (2) AN ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY  
19 WHO PRESCRIBES OR DISPENSES NALOXONE TO A CERTIFICATE HOLDER IN A  
20 MANNER CONSISTENT WITH THE PROTOCOL ESTABLISHED BY THE AUTHORIZED  
21 PRIVATE OR PUBLIC ENTITY MAY NOT BE SUBJECT TO ANY DISCIPLINARY ACTION  
22 UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE SOLELY FOR THE ACT OF  
23 PRESCRIBING OR DISPENSING NALOXONE TO THE CERTIFICATE HOLDER.

24 13-3110.

25 (A) AN INDIVIDUAL WHO ADMINISTERS NALOXONE TO AN INDIVIDUAL WHO  
26 IS OR IN GOOD FAITH IS BELIEVED TO BE EXPERIENCING AN OPIOID OVERDOSE  
27 SHALL HAVE IMMUNITY FROM LIABILITY UNDER §§ 5-603 AND 5-629 OF THE  
28 COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

29 (B) A CAUSE OF ACTION MAY NOT ARISE AGAINST ANY LICENSED PHYSICIAN  
30 ~~OR~~, ADVANCED PRACTICE NURSE WITH PRESCRIBING AUTHORITY, OR PHARMACIST  
31 FOR ANY ACT OR OMISSION WHEN THE PHYSICIAN ~~OR~~, ADVANCED PRACTICE NURSE  
32 WITH PRESCRIBING AUTHORITY, OR PHARMACIST IN GOOD FAITH PRESCRIBES OR  
33 DISPENSES NALOXONE AND THE NECESSARY PARAPHERNALIA FOR THE  
34 ADMINISTRATION OF NALOXONE TO A CERTIFICATE HOLDER OR PATIENT UNDER §  
35 13-3108 OF THIS SUBTITLE.

1 (C) THIS SUBTITLE MAY NOT BE CONSTRUED TO CREATE A DUTY ON ANY  
2 INDIVIDUAL TO:

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

6 (2) ADMINISTER NALOXONE TO AN INDIVIDUAL WHO IS  
7 EXPERIENCING OR BELIEVED BY THE INDIVIDUAL TO BE EXPERIENCING AN OPIOID  
8 OVERDOSE.

9 13-3111.

10 A PERSON WHO DISPENSES NALOXONE IN ACCORDANCE WITH THIS SUBTITLE  
11 IS EXEMPT FROM ANY LAWS THAT REQUIRE A PERSON TO MAINTAIN A PERMIT TO  
12 DISPENSE PRESCRIPTION DRUGS.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.