

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 757

(Chair, Finance Committee)(By Request - Departmental -
Health and Mental Hygiene)

Finance

Health and Government Operations

Public Health - Prescription Drug Monitoring Program - Required Disclosures

This departmental bill expands the entities to which the Prescription Drug Monitoring Program (PDMP) must disclose prescription drug monitoring data to include, on approval of the Secretary of Health and Mental Hygiene and for the purpose of furthering an existing bona fide individual case review, (1) the State Child Fatality Review Team or a Local Child Fatality Review Team; (2) a Local Drug Overdose Fatality Review Team; (3) the Maternal Mortality Review Program; or (4) a medical review committee appointed by or established in the Department of Health and Mental Hygiene (DHMH) or a local health department. Prescription drug monitoring information is provided on request of the entity. The bill also clarifies that PDMP must disclose data to the State Board of Physicians (MBP), on issuance of an administrative subpoena voted on by a quorum of *a disciplinary panel* of the board, for the purposes of furthering an existing bona fide investigation of an individual.

Fiscal Summary

State Effect: None. The changes are primarily procedural in nature and do not directly affect governmental finances.

Local Effect: None.

Small Business Effect: DHMH has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill).

Analysis

Current Law/Background: Maryland's PDMP was established by Chapter 166 of 2011 to address issues of prescription drug abuse and drug diversion by monitoring all

Schedule II through V controlled dangerous substances by all prescribers and dispensers in the State. For each monitored prescription drug dispensed, a dispenser must electronically submit data to PDMP. Dispensers include not only pharmacies but also physicians, podiatrists, and dentists holding a dispensing permit from their respective licensing board. Prescribers, including physicians and other health care practitioners authorized to prescribe drugs, are encouraged *but not required* to query PDMP regarding a patient's history of prescribed CDS before prescribing a monitored drug.

Prescription monitoring data is not a public record and may not be disclosed to any person except as specifically authorized under law. PDMP must disclose prescription monitoring data, in accordance with regulations adopted by the Secretary, to:

- a prescriber, or a licensed health care practitioner authorized by the prescriber, in connection with the medical care of a patient;
- a dispenser, or a licensed health care practitioner authorized by the dispenser, in connection with the dispensing of a monitored prescription drug;
- a federal, State, or local law enforcement agency, on issuance of a subpoena, for an existing bona fide individual investigation;
- a licensing entity, on issuance of an administrative subpoena voted on by a quorum of the board of the licensing entity, for purposes of a bona fide individual investigation;
- a rehabilitation program under a health occupations board on issuance of an administrative subpoena;
- a patient with respect to prescription monitoring data about the patient;
- an authorized administrator of another state PDMP;
- specific units of DHMH on approval of the Secretary for the purpose of furthering an existing bona fide individual investigation; or
- the technical advisory committee of the program.

MBP and other health occupations boards (and the boards' respective rehabilitation committees) are eligible to request prescription drug monitoring data from PDMP under current law. However, unlike other health occupations boards, MBP is divided into two disciplinary panels. Thus, the bill clarifies that PDMP must provide data to MBP based on an administrative subpoena voted on by a quorum of *a disciplinary panel* rather than from a quorum of the board.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Maryland Association of Counties, Maryland Association of County Health Officers, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2015
md/ljm Revised - Senate Third Reader - March 31, 2015

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

