HOUSE BILL 517

J1, J2, J3   (8lr1170)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by **Delegates Hill, Cullison, Ebersole, Krimm, Lam, Morhaim, and Turner**

Read and Examined by Proofreaders:

_____
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____M.

_____
Speaker.

CHAPTER _____

1   AN ACT concerning

2   ~~Pharmacy~~ *Prescription* **Drug Monitoring Program – Data Request Exemption –**
3   ~~**Regional Anesthesia Patients**~~ **Surgical Procedures**

4   FOR the purpose of altering a certain provision of law to exempt a prescriber from being
5   required to request certain data from the ~~Pharmacy~~ *Prescription* Drug Monitoring
6   Program if the opioid or benzodiazepine is prescribed or dispensed to an individual
7   to treat or prevent acute pain for a certain period of time following ~~a~~ any surgical
8   procedure ~~in which regional anesthesia, including certain techniques, was used,~~
9   rather than only surgical procedures in which general anesthesia was used; making
10   this Act subject to a certain contingency; and generally relating to the ~~Pharmacy~~
11   *Prescription* Drug Monitoring Program.

12 BY repealing and reenacting, without amendments,
13   Article – Health – General

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
   [Brackets**]** indicate matter deleted from existing law.
   <u>Underlining</u> indicates amendments to bill.
   ~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by
    amendment.
   Italics indicate opposite chamber/conference committee amendments.

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1   Section 21–2A–04.2(a)
2   Annotated Code of Maryland
3   (2015 Replacement Volume and 2017 Supplement)
4   (As enacted by Chapter 147 of the Acts of the General Assembly of 2016)

5   BY repealing and reenacting, with amendments,
6   Article – Health – General
7   Section 21–2A–04.2(b)
8   Annotated Code of Maryland
9   (2015 Replacement Volume and 2017 Supplement)
10   (As enacted by Chapter 147 of the Acts of the General Assembly of 2016)

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

Article – Health – General

21–2A–04.2.

(a)   (1)   Beginning July 1, 2018, a prescriber:

(i)   Shall request at least the prior 4 months of prescription monitoring data for a patient before initiating a course of treatment for the patient that includes prescribing or dispensing an opioid or a benzodiazepine;

(ii)   Shall, if a patient's course of treatment continues to include prescribing or dispensing an opioid or a benzodiazepine for more than 90 days after the initial request for prescription monitoring data, request prescription monitoring data for the patient at least every 90 days until the course of treatment has ended; and

(iii)   Shall assess prescription monitoring data requested from the Program before deciding whether to prescribe or dispense or continue prescribing or dispensing an opioid or a benzodiazepine.

(2)   If a prescriber decides to prescribe or continue to prescribe an opioid or a benzodiazepine after requesting prescription monitoring data from the Program and assessing the prescription monitoring data, the prescriber shall document in the patient's medical record that the prescription monitoring data was requested and assessed.

(b)   A prescriber is not required to request prescription monitoring data from the Program if the opioid or benzodiazepine is prescribed or dispensed to an individual:

(1)   In an amount indicated for a period not to exceed 3 days;

(2)   For the treatment of cancer or cancer–related pain;

(3)   Who is:

1   (i)   A patient receiving treatment in an inpatient unit of a hospital;

2   (ii)   1.   A patient in a general hospice care program as defined in
3   § 19–901 of this article; or

4   2.   Any other patient diagnosed with a terminal illness;

5   (iii)   A patient who resides in:

6   1.   An assisted living facility;

7   2.   A long–term care facility;

8   3.   A comprehensive care facility; or

9   4.   A developmental disabilities facility; or

10   (4)   To treat or prevent acute pain for a period of not more than 14 days
11   following:

12   (i)   A surgical procedure ~~in which general anesthesia~~ **OR REGIONAL**
13   **ANESTHESIA, INCLUDING SPINAL AND EPIDURAL TECHNIQUES,** ~~was used~~;

14   (ii)   A fracture;

15   (iii)   Significant trauma; or

16   (iv)   Childbirth.

17   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18   1, 2018, contingent on the taking effect of Chapter 147 of the Acts of the General Assembly
19   of 2016, and if Chapter 147 does not become effective, this Act, with no further action
20   required by the General Assembly, shall be null and void.

Approved:

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                                                   Governor.

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                                    Speaker of the House of Delegates.

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                                           President of the Senate.