

# HOUSE BILL 922

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By: **Delegates Kipke, Afzali, Aumann, Barron, Bromwell, Buckel, Carey, Carozza, Chang, Cluster, Corderman, Flanagan, Frick, Frush, Grammer, C. Howard, S. Howard, Kelly, Kittleman, Krebs, Krimm, Long, Luedtke, Malone, McComas, McConkey, Metzgar, Miele, Morales, Morgan, Platt, Rose, Shoemaker, Simonaire, Sophocleus, Szeliga, Vogt, West, Wivell, ~~and K. Young~~ K. Young, Morhaim, Pendergrass, Angel, Cullison, Hayes, Hill, Pena-Melnyk, Rosenberg, Saab, and Sample-Hughes**

Introduced and read first time: February 5, 2018

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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

1 AN ACT concerning

2 **Maryland Department of Health – “Pill Mill” Tip Line and Overdose Report**

3 FOR the purpose of requiring the Maryland Department of Health, on or before a certain  
4 date, to ~~establish~~ identify a method for establishing a certain tip line through which  
5 a person may report a certain individual who the reporting person suspects is  
6 prescribing medication or overprescribing medication in violation of certain  
7 provisions of law; ~~requiring the Department to endeavor to ensure that a certain~~  
8 ~~phone number translates alphanumerically in a certain manner;~~ establishing that  
9 the Department is responsible for ensuring that certain reports are investigated by  
10 forwarded to the appropriate licensing board; ~~requiring the Department to report to~~  
11 ~~certain committees of the General Assembly on or before a certain date~~ requiring, on  
12 or before a certain date each year, the Secretary of Health to examine the  
13 prescription and treatment history of certain individuals who suffered fatal  
14 overdoses involving opiates and other controlled dangerous substances; requiring the  
15 Secretary to collaborate with certain entities when conducting the examination;  
16 requiring the Secretary to provide a certain report to the Governor and the General  
17 Assembly on or before a certain date each year; requiring a certain assessment to  
18 include accessing certain data sets; requiring, on or before a certain date, certain  
19 entities to share data with the Department and enter into a certain agreement with

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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 the Department; providing that certain records and information are not public  
 2 records and are not subject to discovery, subpoena, or other means of legal  
 3 compulsion in civil or criminal litigation; requiring the Department to seek certain  
 4 funding for a certain purpose; requiring the Department to examine the feasibility  
 5 to establishing a certain program, develop a certain model, and determine a certain  
 6 cost; requiring, on or before a certain date, the Department to report to certain  
 7 committees of the General Assembly on certain findings; providing for the  
 8 termination of this Act; and generally relating to a “pill mill” tip line the  
 9 inappropriate prescribing of medication and the assessment and reporting of  
 10 overdose data.

11 BY adding to  
 12 Article – Health Occupations  
 13 Section 1–224  
 14 Annotated Code of Maryland  
 15 (2014 Replacement Volume and 2017 Supplement)

16 BY adding to  
 17 Article – Health – General  
 18 Section 7.5–701 to be under the new subtitle “Subtitle 7.5 Overdose Report”  
 19 Annotated Code of Maryland  
 20 (2015 Replacement Volume and 2017 Supplement)

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

23 **Article – Health Occupations**

24 **1–224.**

25 (A) ~~(1)~~ ON OR BEFORE DECEMBER 1, 2018, THE DEPARTMENT SHALL  
 26 ~~ESTABLISH A~~ IDENTIFY A METHOD FOR ESTABLISHING A TIP LINE THROUGH WHICH  
 27 A PERSON MAY REPORT AN INDIVIDUAL LICENSED UNDER THIS ARTICLE WHO THE  
 28 REPORTING PERSON SUSPECTS IS PRESCRIBING MEDICATION OR  
 29 OVERPRESCRIBING MEDICATION IN VIOLATION OF ANY PROVISION OF THIS  
 30 ARTICLE.

31 ~~(2) IN ESTABLISHING THE TIP LINE UNDER THIS SUBSECTION, THE~~  
 32 ~~DEPARTMENT SHALL ENDEAVOR TO ENSURE THAT THE PHONE NUMBER~~  
 33 ~~ASSOCIATED WITH THE TIP LINE TRANSLATES ALPHANUMERICALLY TO A~~  
 34 ~~MEMORABLE WORD OR PHRASE.~~

35 (B) THE DEPARTMENT SHALL BE RESPONSIBLE FOR ENSURING THAT  
 36 REPORTS TO THE TIP LINE ARE ~~INVESTIGATED BY~~ FORWARDED TO THE  
 37 APPROPRIATE LICENSING BOARD.

1 Article – Health – General

2 SUBTITLE 7.5. OVERDOSE REPORT.

3 7.5-701.

4 (A) ON OR BEFORE JULY 1 EACH YEAR, THE SECRETARY SHALL EXAMINE  
5 THE PRESCRIPTION AND TREATMENT HISTORY, INCLUDING COURT-ORDERED  
6 TREATMENT OR TREATMENT PROVIDED THROUGH THE CRIMINAL JUSTICE SYSTEM,  
7 OF INDIVIDUALS IN THE STATE WHO SUFFERED FATAL OVERDOSES INVOLVING  
8 OPIATES AND OTHER CONTROLLED DANGEROUS SUBSTANCES IN THE IMMEDIATELY  
9 PRECEDING 4 CALENDAR YEARS.

10 (B) IN CONDUCTING THE EXAMINATION REQUIRED UNDER SUBSECTION (A)  
11 OF THIS SECTION, THE SECRETARY SHALL COLLABORATE WITH THE DEPARTMENT  
12 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE DEPARTMENT OF HUMAN  
13 SERVICES, THE DEPARTMENT OF JUVENILE SERVICES, THE MARYLAND INSTITUTE  
14 FOR EMERGENCY MEDICAL SERVICES SYSTEMS, THE DEPARTMENT OF HOUSING  
15 AND COMMUNITY DEVELOPMENT, AND ANY OTHER STATE AND LOCAL AGENCY  
16 THAT THE SECRETARY CONSIDERS NECESSARY.

17 (C) (1) BEGINNING JULY 1, 2019, AND EACH YEAR THEREAFTER, THE  
18 SECRETARY SHALL PROVIDE A REPORT ON THE FINDINGS OF THE EXAMINATION  
19 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN  
20 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL  
21 ASSEMBLY.

22 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS  
23 SUBSECTION SHALL:

24 (i) INCLUDE AN ASSESSMENT OF THE FACTORS ASSOCIATED  
25 WITH FATAL AND NONFATAL OPIOID OVERDOSE RISK AND AN ASSESSMENT OF THE  
26 PROGRAMS TARGETED AT OPIOID USE AND MISUSE, INCLUDING:

27 1. UTILIZATION OF MENTAL HEALTH AND SUBSTANCE  
28 USE DISORDER TREATMENT AND RECOVERY SUPPORT SERVICES, INCLUDING  
29 CLAIMS DATA FROM THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

30 2. UTILIZATION OF HOSPITAL SERVICES;

31 3. UTILIZATION OF EMERGENCY MEDICAL SERVICES;

32 4. UTILIZATION OF CONTROLLED PRESCRIPTION DRUGS  
33 AND ANTIDOTES;

1                   **5. INVOLVEMENT WITH THE STATE AND LOCAL**  
2 **CRIMINAL JUSTICE SYSTEM, INCLUDING ARREST, INCARCERATION, AND**  
3 **COMMUNITY SUPERVISION;**

4                   **6. INVOLVEMENT WITH SOCIAL SERVICES AGENCIES;**

5                   **7. SOCIOECONOMIC STATUS, RACE, AGE, ETHNICITY,**  
6 **LOCATION OF OVERDOSE, MARITAL STATUS, AND EMPLOYMENT STATUS;**

7                   **8. EDUCATION STATUS; AND**

8                   **9. ACCESS TO PUBLIC OR PRIVATE HEALTH INSURANCE**  
9 **COVERAGE;**

10                   **(II) IDENTIFY AND ASSESS METHODS OF INTERVENING WITH**  
11 **POPULATIONS FOUND TO BE AT RISK OF OVERDOSE OR A SUBSTANCE USE**  
12 **DISORDER; AND**

13                   **(III) INCLUDE RECOMMENDATIONS FOR IMPROVING AND**  
14 **PROVIDING STATEWIDE PREVENTION, RESPONSE, AND DATA COLLECTION EFFORTS**  
15 **RELATED TO SUBSTANCE USE DISORDER.**

16                   **(3) THE ASSESSMENT REQUIRED UNDER PARAGRAPH (2) OF THIS**  
17 **SUBSECTION SHALL INCLUDE ACCESSING, AND WHERE FEASIBLE LINKS TO, THE**  
18 **FOLLOWING DATA SETS:**

19                   **(I) OVERDOSE DEATHS AND OTHER FATAL DRUG POISONINGS;**

20                   **(II) SUBSTANCE USE TREATMENT;**

21                   **(III) PRESCRIPTION DRUG MONITORING PROGRAM;**

22                   **(IV) EMERGENCY MEDICAL SERVICES DATABASE;**

23                   **(V) SELECT BIRTH INFORMATION FOR CHILDREN EXPOSED TO**  
24 **OPIOIDS DURING GESTATION;**

25                   **(VI) CANCER REGISTRY;**

26                   **(VII) CAUSE AND MANNER OF DEATH AND TOXICOLOGY;**

27                   **(VIII) HOSPITAL CASE MIX, EMERGENCY DEPARTMENT AND**  
28 **INPATIENT RECORDS ASSOCIATED WITH SUBSTANCE USE DISORDER AND NONFATAL**  
29 **CONTROLLED DANGEROUS SUBSTANCE-RELATED POISONINGS;**

1           **(IX) ALL PAYER CLAIMS DATABASE;**

2           **(X) CORRECTIONS MENTAL HEALTH AND SUBSTANCE USE**  
3 **DISORDER DATA AND INCARCERATIONS IN CORRECTIONAL FACILITIES INCLUDING**  
4 **COUNTY DETENTION CENTERS;**

5           **(XI) NEEDLE EXCHANGE PROGRAM;**

6           **(XII) DRUG SEIZURES;**

7           **(XIII) INDEX OF CONCENTRATION AT THE EXTREMES;**

8           **(XIV) MARYLAND VIOLENT DEATH RECORDS SYSTEM;**

9           **(XV) ELECTRONIC SURVEILLANCE SYSTEM FOR THE EARLY**  
10 **NOTIFICATION OF COMMUNITY-BASED EPIDEMICS;**

11           **(XVI) VITAL STATISTICS;**

12           **(XVII) STATE AND LOCAL FATALITY REVIEW RECORDS; AND**

13           **(XVIII) MARYLAND MEDICAL ASSISTANCE PROGRAM**  
14 **PHARMACY CLAIMS.**

15           **(4) ON OR BEFORE SEPTEMBER 1, 2018, EACH ENTITY IDENTIFIED**  
16 **UNDER SUBSECTION (B) OF THIS SECTION SHALL PROVIDE DATA TO THE**  
17 **DEPARTMENT IN ACCORDANCE WITH THIS SECTION AND ENTER INTO A DATA**  
18 **SHARING USE AGREEMENT WITH THE DEPARTMENT.**

19           **(D) ANY RECORDS AND INFORMATION PROVIDED TO THE DEPARTMENT IN**  
20 **ACCORDANCE WITH THIS SECTION THAT COULD IDENTIFY ANY INDIVIDUAL ARE NOT**  
21 **PUBLIC RECORDS AND ARE NOT SUBJECT TO DISCOVERY, SUBPOENA, OR OTHER**  
22 **MEANS OF LEGAL COMPULSION IN CIVIL OR CRIMINAL LITIGATION.**

23           **(E) THE DEPARTMENT SHALL SEEK ANY AVAILABLE FEDERAL FUNDING TO**  
24 **IMPLEMENT THE REQUIREMENTS OF THIS SECTION.**

25           ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,~~  
26 ~~2019, the Maryland Department of Health shall report to the Senate Education, Health,~~  
27 ~~and Environmental Affairs Committee and the House Health and Government Operations~~  
28 ~~Committee, in accordance with § 2-1246 of the State Government Article, on the status of~~  
29 ~~the tip-line required under § 1-224(a)(1) of the Health General Article, as enacted by~~  
30 ~~Section 1 of this Act, including:~~

1 ~~(1) the Department's attempts to identify a tip line phone number that~~  
2 ~~translates alphanumerically as required;~~

3 ~~(2) the number of calls received by the tip line and the disposition of any~~  
4 ~~investigations resulting from the calls; and~~

5 ~~(3) any recommendations relating to the tip line.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That, the Maryland Department of  
7 Health shall:

8 (1) examine the feasibility of establishing a Hub and Spoke model program  
9 in the State;

10 (2) develop a proposed model for the State and determine the cost of the  
11 model; and

12 (3) on or before January 1, 2019, report to the Senate Finance Committee,  
13 the House Health and Government Operations Committee, and the Joint Committee on  
14 Behavioral Health and Opioid Use Disorders, in accordance with § 2-1246 of the State  
15 Government Article, on the findings of the examination.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~  
17 June 1, 2018. It shall remain effective for a period of 4 years and 2 months and, at the end  
18 of July 31, 2022, this Act, with no further action required by the General Assembly, shall  
19 be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.