

# HOUSE BILL 466

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CF SB 342

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By: **Delegates Kerr, Bagnall, Barron, Cain, Chisholm, Cox, Feldmark, Jalisi, Johnson, Kelly, Krebs, Krimm, Lafferty, R. Lewis, Morgan, Pena–Melnyk, Pendergrass, Saab, Sample–Hughes, Shetty, Solomon, Szeliga, C. Watson, and K. Young**

Introduced and read first time: February 1, 2019  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Monitoring Program – Program Evaluation**

3 FOR the purpose of requiring the Prescription Drug Monitoring Program to provide  
4 prescription monitoring data to authorized users, rather than the authorized  
5 administrator, of another state’s prescription drug monitoring program; repealing  
6 the requirement that the issuance of a certain administrative subpoena be voted on  
7 by a quorum of the board of a licensing entity, or for the State Board of Physicians,  
8 a disciplinary panel, for the Program to be required to disclose prescription  
9 monitoring data to the licensing entity; repealing the termination date of the  
10 Program; repealing the requirement that the Department of Legislative Services  
11 conduct a certain evaluation of the Program under the Maryland Program  
12 Evaluation Act; requiring the Advisory Board on Prescription Drug Monitoring to  
13 include certain information in certain annual reports; and generally relating to the  
14 program evaluation of the Prescription Drug Monitoring Program.

15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 21–2A–06(b)  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2018 Supplement)

20 BY repealing  
21 Article – Health – General  
22 Section 21–2A–10  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2018 Supplement)

25 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Article – State Government  
2 Section 8–403(a)  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2018 Supplement)

5 BY repealing  
6 Article – State Government  
7 Section 8–403(b)(44)  
8 Annotated Code of Maryland  
9 (2014 Replacement Volume and 2018 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article – State Government  
12 Section 8–403(b)(45) through (56)  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2018 Supplement)

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

17 **Article – Health – General**

18 21–2A–06.

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

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

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

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

28 (4) [The State Board of Physicians, on issuance of an administrative  
29 subpoena voted on by a quorum of a disciplinary panel, as defined in § 14–101 of the Health  
30 Occupations Article, for the purposes of furthering an existing bona fide investigation of an  
31 individual;

32 (5) A licensing entity [other than the State Board of Physicians], on  
33 issuance of an administrative subpoena [voted on by a quorum of the board of the licensing  
34 entity], for the purposes of furthering an existing bona fide individual investigation;

1            **[(6)] (5)**     A rehabilitation program under a health occupations board, on  
2 issuance of an administrative subpoena;

3            **[(7)] (6)**     A patient with respect to prescription monitoring data about the  
4 patient;

5            **[(8)] (7)**     Subject to subsection (i) of this section, [the authorized  
6 administrator] **AUTHORIZED USERS** of another state's prescription drug monitoring  
7 program;

8            **[(9)] (8)**     The following units of the Department, on approval of the  
9 Secretary, for the purpose of furthering an existing bona fide individual investigation:

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

11                    (ii)    The Maryland Medical Assistance Program;

12                    (iii)   The Office of the Inspector General;

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

14                    (v)     The Office of Controlled Substances Administration;

15            **[(10)] (9)**     The technical advisory committee established under § 21-2A-07  
16 of this subtitle for the purposes set forth in subsections (c), (d), and (e) of this section; or

17            **[(11)] (10)**    The following entities, on approval of the Secretary and for the  
18 purpose of furthering an existing bona fide individual case review:

19                    (i)     The State Child Fatality Review Team or a local child fatality  
20 review team established under Title 5, Subtitle 7 of this article, on request from the chair  
21 of the State or local team;

22                    (ii)    A local drug overdose fatality review team established under §  
23 5-902 of this article, on request from the chair of the local team;

24                    (iii)   The Maternal Mortality Review Program established under §  
25 13-1203 of this article, on request from the Program; and

26                    (iv)    A medical review committee described in § 1-401(b)(3) of the  
27 Health Occupations Article, on request from the committee.

28    **[21-2A-10.**

1 Subject to the evaluation and reestablishment provisions of the Maryland Program  
2 Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate  
3 and be of no effect after July 1, 2019.]

4 **Article – State Government**

5 8–403.

6 (a) On or before December 15 of the evaluation year specified, the Department  
7 shall:

8 (1) conduct a preliminary evaluation of each governmental activity or unit  
9 to be evaluated under this section; and

10 (2) prepare a report on each preliminary evaluation conducted.

11 (b) Each of the following governmental activities or units and the statutes and  
12 regulations that relate to the governmental activities or units are subject to preliminary  
13 evaluation in the evaluation year specified:

14 [(44) Prescription Drug Monitoring Program in the Maryland Department of  
15 Health (§ 21–2A–02 of the Health – General Article: 2013);]

16 [(45) (44) Psychologists, State Board of Examiners of (§ 18–201 of the  
17 Health Occupations Article: 2020);

18 [(46) (45) Public Accountancy, State Board of (§ 2–201 of the Business  
19 Occupations and Professions Article: 2022);

20 [(47) (46) Racing Commission, State (§ 11–201 of the Business Regulation  
21 Article: 2021);

22 [(48) (47) Real Estate Appraisers, Appraisal Management Companies, and  
23 Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and  
24 Professions Article: 2020);

25 [(49) (48) Real Estate Commission, State (§ 17–201 of the Business  
26 Occupations and Professions Article: 2019);

27 [(50) (49) Residential Child Care Program Professionals, State Board for  
28 Certification of (§ 20–202 of the Health Occupations Article: 2021);

29 [(51) (50) security systems technicians, licensing and regulation of (§  
30 18–201 of the Business Occupations and Professions Article: 2018);

1           **[(52)] (51)** Social Work Examiners, State Board of (§ 19–201 of the Health  
2 Occupations Article: 2021);

3           **[(53)] (52)** Standardbred Race Fund Advisory Committee, Maryland (§  
4 11–625 of the Business Regulation Article: 2021);

5           **[(54)] (53)** Veterinary Medical Examiners, State Board of (§ 2–302 of the  
6 Agriculture Article: 2018);

7           **[(55)] (54)** Waterworks and Waste Systems Operators, State Board of (§  
8 12–201 of the Environment Article: 2018); and

9           **[(56)] (55)** Well Drillers, State Board of (§ 13–201 of the Environment  
10 Article: 2018).

11           SECTION 2. AND BE IT FURTHER ENACTED, That, in the annual report required  
12 to be provided under § 21–2A–05(f)(3) of the Health – General Article for 2019, the Advisory  
13 Board on Prescription Drug Monitoring shall report on the technical advisory committee,  
14 including:

15           (1) the written protocols for technical advisory committee meetings and the  
16 procedures for reviewing unsolicited reports and investigative data requests;

17           (2) a summary of technical advisory committee meetings since the  
18 implementation of Chapter 147 of the Acts of the General Assembly of 2016; and

19           (3) recommendations on any changes necessary for the technical advisory  
20 committee to meet the needs of the Prescription Drug Monitoring Program.

21           SECTION 3. AND BE IT FURTHER ENACTED, That, in the annual report required  
22 to be provided under § 21–2A–05(f)(3) of the Health – General Article for 2020, the Advisory  
23 Board on Prescription Drug Monitoring shall report on the recommendations not enacted  
24 by Section 1 of this Act made by the Department of Legislative Services in the December  
25 2018 publication “Sunset Review: Evaluation of the Prescription Drug Monitoring  
26 Program”.

27           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2019.