

# 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~~ K. Young, Bhandari, Carr, Charles, Cullison, Hill, Kipke, Metzgar, and Rosenberg**

Introduced and read first time: February 1, 2019

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

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

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 the Office of the Attorney General on issuance of a  
5 subpoena for a certain purpose; requiring the Program to provide prescription  
6 monitoring data to authorized users, rather than the authorized administrator, of  
7 another state’s prescription drug monitoring program or any other authorized local,  
8 state, territorial, or federal agency in connection with the provision of medical care;  
9 requiring the Program to provide prescription monitoring data to the medical  
10 director of a certain health care facility, or the medical director’s designee, for a  
11 certain purpose; requiring the Program to provide prescription monitoring data to  
12 the Office of the Chief Medical Examiner in accordance with a certain provision of  
13 law; repealing the requirement that the issuance of a certain administrative  
14 subpoena be voted on by a quorum of the board of a licensing entity, or for the State  
15 Board of Physicians, a disciplinary panel, for the Program to be required to disclose  
16 prescription monitoring data to the licensing entity; repealing the termination date  
17 of the Program; repealing the requirement that the Department of Legislative  
18 Services conduct a certain evaluation of the Program under the Maryland Program  
19 Evaluation Act; requiring the Advisory Board on Prescription Drug Monitoring to  
20 include certain information in certain annual reports; and generally relating to the  
21 program evaluation of the Prescription Drug Monitoring Program.

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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 BY repealing and reenacting, with amendments,  
2 Article – Health – General  
3 Section 21–2A–06(b)  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2018 Supplement)

6 BY repealing  
7 Article – Health – General  
8 Section 21–2A–10  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2018 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – State Government  
13 Section 8–403(a)  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2018 Supplement)

16 BY repealing  
17 Article – State Government  
18 Section 8–403(b)(44)  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – State Government  
23 Section 8–403(b)(45) through (56)  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2018 Supplement)

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

28 **Article – Health – General**

29 21–2A–06.

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

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

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

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

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

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

11 [(6)] (5) A rehabilitation program under a health occupations board, on  
12 issuance of an administrative subpoena;

13 [(7)] (6) A patient with respect to prescription monitoring data about the  
14 patient;

15 **(7) THE OFFICE OF THE ATTORNEY GENERAL, ON ISSUANCE OF A**  
16 **SUBPOENA FOR THE PURPOSE OF FURTHERING A BONA FIDE EXISTING**  
17 **INVESTIGATION;**

18 ~~[(8)]~~ (7) Subject to subsection (i) of this section, [the authorized  
19 administrator] **AUTHORIZED USERS** of another state's prescription drug monitoring  
20 program **OR ANY OTHER AUTHORIZED LOCAL, STATE, TERRITORIAL, OR FEDERAL**  
21 **AGENCY IN CONNECTION WITH THE PROVISION OF MEDICAL CARE;**

22 [(9)] (8) The following units of the Department, on approval of the  
23 Secretary, for the purpose of furthering an existing bona fide individual investigation:

24 ~~(i)~~ ~~The Office of the Chief Medical Examiner;~~

25 ~~(ii)~~ (I) The Maryland Medical Assistance Program;

26 ~~(iii)~~ (II) The Office of the Inspector General;

27 ~~(iv)~~ (III) The Office of Health Care Quality; and

28 ~~(v)~~ (IV) The Office of Controlled Substances Administration;

29 [(10)] (9) The technical advisory committee established under § 21–2A–07  
30 of this subtitle for the purposes set forth in subsections (c), (d), and (e) of this section; ~~or~~



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

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

6 [(45)] (44) Psychologists, State Board of Examiners of (§ 18–201 of the  
7 Health Occupations Article: 2020);

8 [(46)] (45) Public Accountancy, State Board of (§ 2–201 of the Business  
9 Occupations and Professions Article: 2022);

10 [(47)] (46) Racing Commission, State (§ 11–201 of the Business Regulation  
11 Article: 2021);

12 [(48)] (47) Real Estate Appraisers, Appraisal Management Companies, and  
13 Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and  
14 Professions Article: 2020);

15 [(49)] (48) Real Estate Commission, State (§ 17–201 of the Business  
16 Occupations and Professions Article: 2019);

17 [(50)] (49) Residential Child Care Program Professionals, State Board for  
18 Certification of (§ 20–202 of the Health Occupations Article: 2021);

19 [(51)] (50) security systems technicians, licensing and regulation of (§  
20 18–201 of the Business Occupations and Professions Article: 2018);

21 [(52)] (51) Social Work Examiners, State Board of (§ 19–201 of the Health  
22 Occupations Article: 2021);

23 [(53)] (52) Standardbred Race Fund Advisory Committee, Maryland (§  
24 11–625 of the Business Regulation Article: 2021);

25 [(54)] (53) Veterinary Medical Examiners, State Board of (§ 2–302 of the  
26 Agriculture Article: 2018);

27 [(55)] (54) Waterworks and Waste Systems Operators, State Board of (§  
28 12–201 of the Environment Article: 2018); and

29 [(56)] (55) Well Drillers, State Board of (§ 13–201 of the Environment  
30 Article: 2018).

31 SECTION 2. AND BE IT FURTHER ENACTED, That, in the annual report required  
32 to be provided under § 21–2A–05(f)(3) of the Health – General Article for 2019, the Advisory

1 Board on Prescription Drug Monitoring shall report on the technical advisory committee,  
2 including:

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

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

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That, in the annual report required  
10 to be provided under § 21-2A-05(f)(3) of the Health – General Article for 2020, the Advisory  
11 Board on Prescription Drug Monitoring shall report on the recommendations not enacted  
12 by Section 1 of this Act made by the Department of Legislative Services in the December  
13 2018 publication “Sunset Review: Evaluation of the Prescription Drug Monitoring  
14 Program”.

15 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 ~~October~~ June 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.