HOUSE BILL 847

J1 9lr2204
CF SB 498

By: **Delegates R. Lewis and Cullison**
Introduced and read first time: February 8, 2019
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Prescription Drug Monitoring Program – Disclosure of Data – Managed Care Organizations

FOR the purpose of requiring the Prescription Drug Monitoring Program to disclose prescription monitoring data, in accordance with certain regulations, to the medical director or the designee of the medical director of certain managed care organizations for the purpose of complying with certain program requirements or standards; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–2A–06(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

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

Article – Health – General

21–2A–06.

(a) Prescription monitoring data:

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

(1) Are confidential and privileged, and not subject to discovery, subpoena, or other means of legal compulsion in civil litigation;

(2) Are not public records; and

(3) Except as provided in subsections (b), (c), (d), and (f) of this section or as otherwise provided by law, may not be disclosed to any person.

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

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

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

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

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

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

(6) A rehabilitation program under a health occupations board, on issuance of an administrative subpoena;

(7) A patient with respect to prescription monitoring data about the patient;

(8) Subject to subsection (i) of this section, the authorized administrator of another state's prescription drug monitoring program;

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

(i) The Office of the Chief Medical Examiner;

(ii) The Maryland Medical Assistance Program;

(iii) The Office of the Inspector General;

(iv) The Office of Health Care Quality; and

(v) The Office of Controlled Substances Administration;

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

(11) THE MEDICAL DIRECTOR OF A MANAGED CARE ORGANIZATION OPERATING IN ACCORDANCE WITH TITLE 15 OF THIS ARTICLE, OR THE MEDICAL DIRECTOR'S DESIGNEE, FOR THE PURPOSE OF COMPLYING WITH:

(I) THE CORRECTIVE MANAGED CARE PROGRAM OF THE MARYLAND MEDICAID PHARMACY PROGRAM; OR

(II) THE STANDARDS DEVELOPED BY THE MARYLAND MEDICAID OPIOID DRUG UTILIZATION REVIEW WORKGROUP; OR

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.