

SENATE BILL 342

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9lr0863
CF 9lr2967

By: **Chair, Finance Committee**

Introduced and read first time: January 30, 2019

Assigned to: Finance

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,
26 Article – State Government
27 Section 8–403(a)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2014 Replacement Volume and 2018 Supplement)

2 BY repealing

3 Article – State Government

4 Section 8–403(b)(44)

5 Annotated Code of Maryland

6 (2014 Replacement Volume and 2018 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 8–403(b)(45) through (56)

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2018 Supplement)

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

14 **Article – Health – General**

15 21–2A–06.

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

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

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

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

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

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

32 [(6) (5) A rehabilitation program under a health occupations board, on
33 issuance of an administrative subpoena;

1 8–403.

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

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

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

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

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

12 [(45)] (44) Psychologists, State Board of Examiners of (§ 18–201 of the
13 Health Occupations Article: 2020);

14 [(46)] (45) Public Accountancy, State Board of (§ 2–201 of the Business
15 Occupations and Professions Article: 2022);

16 [(47)] (46) Racing Commission, State (§ 11–201 of the Business Regulation
17 Article: 2021);

18 [(48)] (47) Real Estate Appraisers, Appraisal Management Companies, and
19 Home Inspectors, State Commission of (§ 16–201 of the Business Occupations and
20 Professions Article: 2020);

21 [(49)] (48) Real Estate Commission, State (§ 17–201 of the Business
22 Occupations and Professions Article: 2019);

23 [(50)] (49) Residential Child Care Program Professionals, State Board for
24 Certification of (§ 20–202 of the Health Occupations Article: 2021);

25 [(51)] (50) security systems technicians, licensing and regulation of (§
26 18–201 of the Business Occupations and Professions Article: 2018);

27 [(52)] (51) Social Work Examiners, State Board of (§ 19–201 of the Health
28 Occupations Article: 2021);

29 [(53)] (52) Standardbred Race Fund Advisory Committee, Maryland (§
30 11–625 of the Business Regulation Article: 2021);

1 **[(54)] (53)** Veterinary Medical Examiners, State Board of (§ 2–302 of the
2 Agriculture Article: 2018);

3 **[(55)] (54)** Waterworks and Waste Systems Operators, State Board of (§
4 12–201 of the Environment Article: 2018); and

5 **[(56)] (55)** Well Drillers, State Board of (§ 13–201 of the Environment
6 Article: 2018).

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

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

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

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

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

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