

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 35 (Delegate Glenn)  
Health and Government Operations

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Public Health - Opioid Maintenance Therapy Programs - Medical Director  
Requirement and Qualifications

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This bill requires an “opioid maintenance therapy program” to have a medical director who (1) is a physician and (2) has two years of experience providing addiction services, including at least one year of experience providing opioid maintenance therapy.

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Fiscal Summary

**State Effect:** None. The bill does not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** An “opioid maintenance therapy program” is a program that uses pharmacological interventions, including full and partial opiate agonist treatment medications, to provide treatment, support, and recovery to opioid-addicted individuals.

**Current Law:** Under Maryland regulation (COMAR 10.47.02.11), an “opioid maintenance therapy program” uses pharmacological interventions, including full and partial opiate agonist treatment medications, to provide treatment, support, and recovery to opioid-addicted patients. That regulation also requires such a program to have a medical director who is a physician and who has *three years* documented experience providing services to persons who are addicted to alcohol or other drugs, including at least one year of experience in the treatment of opioid addiction with opioid maintenance therapy.

The medical director must also meet at least one of the following criteria: (1) have been continuously employed as the medical director for opioid maintenance therapy programs from or before August 1, 2002; (2) be certified in addiction medicine by the American Society of Addiction Medicine; (3) be certified in added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.; or (4) be certified in added qualifications in addiction medicine by the appropriate specialty boards of the American Osteopathic Association. In addition, a medical director must take an active part in interdisciplinary team meetings at least every two weeks. A program unable to hire a medical director who meets these criteria may hire an interim medical director under specified conditions.

Chapter 469 of 2015 defines a “behavioral health program” as a substance-related disorders program, a mental health program, or an addictive disorders program, or a program that consists of more than one of these programs. A behavioral health program must be licensed by the Secretary of Health before the program may provide service in the State, except under specified circumstances.

Under Maryland regulation (COMAR 10.63.03.19), an “opioid treatment service” is one that (1) complies with the requirements of 42 CFR 8; (2) is under the direction of a medical director who meets specified qualifications; (3) uses pharmacological interventions, including dispensing of full and partial opiate agonist treatment medications as part of treatment, support, and recovery services to an individual with an opioid addiction; (4) provides clinical services to each patient at a frequency based on the patient’s clinical stability level; (5) arranges for any opioid maintenance medication dispensed to a patient to be transported to specified service sites; (6) arranges transportation of opioid maintenance medication from the specified service sites or confirms the disposal of such medication when a patient leaves residential levels of care; (7) conducts random drug testing on each patient at least monthly; (8) conducts such drug testing for specified substances; (9) develops a taper schedule at least 21 days long with specified daily dosage reductions; (10) nonvoluntarily tapers or transfers a patient only in specified circumstances; (11) requires that a patient show evidence of the availability of locked storage before a patient may take home any dose of medication; and (12) provides clinical services addressing any substance-use disorders to each patient.

Under that regulation, the medical director of an opioid treatment service is a physician who either (1) has *at least three years* of documented experience providing services to persons with substance-related disorders and opioid use disorders, including at least one year of experience in the treatment of opioid use disorder with opioid maintenance therapy, *and* is board-certified in addiction medicine or addiction psychiatry *or* (2) is certified in added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.

**Background:** The bill is intended to reduce from three to two the number of years of experience required for a medical director of an opioid maintenance therapy program.

**Additional Comments:** The Behavioral Health Administration (BHA) advises that COMAR 10.47.02.11 has been phased out and that opioid treatment programs, with limited exceptions, should comply with COMAR 10.63.03.19. BHA notes that the bill may inadvertently eliminate the requirement that a medical director be board-certified in addictions medicine or addiction psychiatry, which would negatively impact the standard of care for opioid maintenance therapy programs. Further, the bill may inadvertently eliminate the alternative path of becoming a medical director through certification in added qualifications in addiction psychiatry by the American Board of Psychiatry and Neurology, Inc.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2019  
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