

SB 196

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 196

(Chair, Finance Committee)(By Request - Departmental -
Health)

Finance

Health and Government Operations

Maryland Department of Health - Overdose Report

This departmental bill alters the requirements for the Data-Informed Overdose Risk Mitigation (DORM) report by removing and amending specified terminology. Uncodified language amends Chapter 211 of 2018 to extend the termination date for the report under § 7.5-701 of the Health-General Article from July 31, 2022, to July 31, 2024. Uncodified language preserves the July 1, 2022 termination date for § 1-224 of the Health Occupations Article, which requires establishing a tip line for the reporting of licensed prescribers suspected of prescribing medication in violation of the Health Occupations Article. **The bill takes effect July 1, 2022, and terminates July 31, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$500,000 in FY 2023 and 2024, with the potential to continue at a lesser amount in early FY 2025. To the extent federal funding is obtained for the report, federal fund revenues and expenditures increase by an indeterminate amount in FY 2023 through 2025.

| (in dollars) | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
|----------------|-------------|-------------|---------|---------|---------|
| FF Revenue | - | - | - | \$0 | \$0 |
| GF Expenditure | \$500,000 | \$500,000 | - | \$0 | \$0 |
| FF Expenditure | - | - | - | \$0 | \$0 |
| Net Effect | (\$500,000) | (\$500,000) | \$- | \$0 | \$0 |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local government operations or finances.

Small Business Effect: The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Chapter 211 of 2018 requires the DORM report. By July 1 of each year, the Secretary of Health must examine the specified prescription and treatment history of individuals in the State who suffered fatal overdoses involving opiates and other controlled dangerous substances in the immediately preceding four calendar years. In conducting these examinations, the Secretary must collaborate with specified State and local agencies, including the Department of Public Safety and Correctional Services, the Department of Human Services, the Department of Juvenile Services, the Maryland Institute for Emergency Medical Services Systems, and the Department of Housing and Community Development.

Beginning July 1, 2019, and annually through July 1, 2022, the Secretary must provide a report on the findings of the required examinations to the Governor and the General Assembly. The reports must (1) include an assessment of the factors associated with fatal and nonfatal opioid overdose risk and an assessment of the programs targeted at opioid use and misuse, as specified; (2) identify and assess methods of intervening with populations found to be at risk of overdose or a substance use disorder; and (3) include recommendations for improving and providing statewide prevention, response, and data collection efforts related to substance use disorder. The assessments must include accessing and, where feasible, links to specified data sets.

By September 1, 2018, the agencies listed above, as well as any other State or local agency that the Secretary considers necessary, must provide data to and enter into a data sharing use agreement with MDH. Any records and information provided to MDH that could identify any individual are not public records and are not subject to discovery, subpoena, or other means of legal compulsion in civil or criminal litigation.

Background: MDH advises that the purpose of the DORM report is to link individual-level death records from overdose decedents to various system-level records to develop overdose risk profiles. The risk profiles are intended to help the State better understand who is at greatest risk for an overdose to strategically provide resources to areas of greatest need. However, the Opioid Operational Command Center (OOCC) advises that, due to technical and operational challenges, it was unable to fulfill the requirements of Chapter 211 of 2018 relating until 2021. A copy of the 2020 annual DORM report (published in June 2021 and updated in September 2021) can be found [here](#).

State Fiscal Effect: OOCC advises that the annual cost to produce the DORM report is \$500,000, which includes (1) a \$200,000 contract with Chesapeake Regional Information System for Our Patients to support data linkage and management and (2) a \$300,000 contract with Johns Hopkins Bloomberg School of Public Health to perform measure construction and analysis. Thus, general fund expenditures increase by \$500,000 annually in fiscal 2023 and 2024 for ongoing contract expenses. General fund expenditures may increase by a lesser amount in fiscal 2025, reflecting the bill's July 1, 2024 termination date.

To the extent that OOCC obtains federal funding for the report, federal fund revenues and expenditures increase, while general fund expenditures decline.

This analysis does not reflect any additional costs for various State agencies to continue data sharing use agreements with MDH or to provide MDH with access to specified data sets. However, any increase in expenditures is anticipated to be minimal.

Additional Comments: OOCC advises that specified terminology under current law contains indicators that cannot be linked on the individual level; thus, the bill removes or amends reference to such indicators.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Maryland Department of Health; Department of Human Services; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2022
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Third Reader - February 22, 2022

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

Bill Title: Maryland Department of Health – Overdose Report

BILL Number: SB0196

Prepared by:

(Program\Unit): Opioid Operational Command Center

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON
MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND

— SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

There will be no economic impact.