

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1227

(Chair, Health and Government Operations  
Committee)(By Request - Departmental - Health)

Health and Government Operations

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Prescription Drug Monitoring Program - Dispensers - Veterinarians

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This departmental bill alters the definition of “dispenser” for purposes of reporting data to the Prescription Drug Monitoring Program (PDMP) to include a licensed veterinarian when dispensing controlled substances for animals in the usual course of providing professional services. The bill excludes a veterinarian from the dispensers to whom PDMP must disclose prescription monitoring data in connection with the dispensing of a monitored prescription drug.

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Fiscal Summary

**State Effect:** The bill’s requirements, including enforcement, can be handled with existing budgeted resources for the Maryland Department of Health (MDH) and the State Board of Veterinary Examiners. Revenues are not materially affected.

**Local Effect:** The bill’s requirements can likely be handled with existing budgeted resources. Revenues are not affected.

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

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Analysis

**Current Law:** Chapter 166 of 2011 established PDMP to assist with the identification and prevention of prescription drug abuse and the identification and investigation of unlawful prescription drug diversion. PDMP must monitor the prescribing and dispensing

of controlled dangerous substances (CDS) Schedules II through V and naloxone medication. In general, PDMP data (1) are confidential, privileged, and not subject to discovery, subpoena, or other means of legal compulsion in civil litigation; (2) are not public records; and (3) may not be disclosed to any person, subject to specified exceptions. One of the specified exceptions requires that PDMP disclose prescription monitoring data to a dispenser, or a licensed health care practitioner authorized by the dispenser, in connection with the dispensing of a monitored prescription drug.

Each dispenser must submit prescription monitoring data and naloxone medication data to PDMP by electronic means, in accordance with regulations adopted by the Secretary of Health. A dispenser who knowingly fails to submit data to PDMP as required is subject to a civil penalty of up to \$500 for each failure. Under Maryland regulations (COMAR 10.47.07.03), each dispenser must report the identifying information for the prescription issued and drug dispensed, as specified, as well as, identifying information for the patient and prescriber.

“Dispenser” means a person authorized by law to dispense a monitored prescription drug to a patient or a patient’s agent in the State, including a nonresident pharmacy. “Dispenser” does not include (1) a licensed hospital pharmacy that only dispenses a monitored prescription drug for direct administration to an inpatient of the hospital; (2) an opioid treatment services program; (3) a licensed veterinarian when prescribing controlled substances for animals in the usual course of providing professional services; (4) a pharmacy issued a specified waiver permit for providing pharmaceutical specialty services exclusively to persons living in assisted living facilities, comprehensive care facilities, and developmental disabilities facilities; or (5) a pharmacy issued a specified waiver from reporting dispensing of monitored drugs to hospice inpatients.

State law prohibits a person from practicing veterinary medicine unless the person is licensed, registered, and authorized to practice under provisions of State law that regulate the practice of veterinary medicine. “Veterinary practitioner” means a licensed and registered veterinarian engaged in the practice of veterinary medicine. The “practice of veterinary medicine” includes practice by any person who (1) diagnoses, advises, prescribes, or administers a drug, medicine, biological product, appliance, application, or treatment of any nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal; (2) performs a surgical operation, dentistry, or manual procedure for diagnosis or treatment of sterility or infertility upon any animal; (3) represents himself as engaged in the practice of veterinary medicine; (4) offers, undertakes, or holds himself out as being able to diagnose, treat, operate, vaccinate, or prescribe for any animal disease, pain, injury, deformity, or physical condition; or (5) uses any words, letters, or titles in connection or under circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine (any such use is *prima facie* evidence of the intention to represent himself as engaged in the practice of veterinary medicine). However,

there are also several specific functions excluded from the definition of “practice of veterinary medicine”, as detailed in statute.

**Background:** Information from the Training and Technical Assistance Center for Prescription Drug Monitoring Programs indicates that it is a recommended best practice to include veterinarians among dispensing practitioners required to register with and report on dispensed CDS to a prescription drug monitoring program. As of January 2022, 19 states required dispensing veterinarians to report to a prescription drug monitoring program.

MDH advises that when veterinarians write prescriptions that patients fill at retail pharmacies, the dispensing pharmacist must report the data to PDMP. However, when a veterinarian dispenses a CDS directly to a patient, that dispensing is not currently reported to PDMP. MDH further advises that there are 1,549 veterinarians in Maryland who hold CDS registrations to prescribe CDS, of which some subset may also dispense CDS.

**Small Business Effect:** There may be a minimal operational impact on a small business veterinarian that dispenses CDS to report data to PDMP. MDH advises that veterinarians who dispense CDS can input data manually to report to PDMP through RxGov, a free platform that Maryland’s PDMP uses to collect dispenser data.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture; Maryland Department of Health; Training and Technical Assistance Center for Prescription Drug Monitoring Programs; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2023  
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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Controlled Substances - Veterinarian Reporting of Controlled Substances Dispensing**

BILL NUMBER: **HB 1227**

PREPARED BY: Department of Health

### 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