Chapter 364

(House Bill 466)

AN ACT concerning

Prescription Drug Monitoring Program – Program Evaluation

FOR the purpose of requiring the Prescription Drug Monitoring Program to provide prescription monitoring data to the Office of the Attorney General on issuance of a subpoena for a certain purpose; requiring the Program to provide prescription monitoring data to authorized users, rather than the authorized administrator, of another state's prescription drug monitoring program or any other authorized local, state, territorial, or federal agency in connection with the provision of medical care; requiring the Program to provide prescription monitoring data to the medical director of a certain health care facility, or the medical director's designee, for a certain purpose; requiring the Program to provide prescription monitoring data to the Office of the Chief Medical Examiner in accordance with a certain provision of law; repealing the requirement that the issuance of a certain administrative subpoena be voted on by a quorum of the board of a licensing entity, or for the State Board of Physicians, a disciplinary panel, for the Program to be required to disclose prescription monitoring data to the licensing entity; repealing the termination date of the Program; repealing the requirement that the Department of Legislative Services conduct a certain evaluation of the Program under the Maryland Program Evaluation Act; requiring the Advisory Board on Prescription Drug Monitoring to include certain information in certain annual reports; and generally relating to the program evaluation of the Prescription Drug Monitoring Program.

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

BY repealing
Article – Health – General
Section 21–2A–10
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing

Article – State Government
Section 8–403(b)(44)
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(45) through (56)
Annotated Code of Maryland
(2014 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.

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

[(7)**] (6)** A patient with respect to prescription monitoring data about the patient;

(7) THE OFFICE OF THE ATTORNEY GENERAL, ON ISSUANCE OF A SUBPOENA FOR THE PURPOSE OF FURTHERING A BONA FIDE EXISTING INVESTIGATION;

[(8)**]** ~~**(7)**~~ Subject to subsection (i) of this section, **[**the authorized administrator**]** **AUTHORIZED USERS** of another state's prescription drug monitoring program **OR ANY OTHER AUTHORIZED LOCAL, STATE, TERRITORIAL, OR FEDERAL AGENCY IN CONNECTION WITH THE PROVISION OF MEDICAL CARE**;

[(9)**]** ~~**(8)**~~ 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)~~ **(I)** The Maryland Medical Assistance Program;

~~(iii)~~ **(II)** The Office of the Inspector General;

~~(iv)~~ **(III)** The Office of Health Care Quality; and

~~(v)~~ **(IV)** The Office of Controlled Substances Administration;

[(10)**]** ~~**(9)**~~ 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 HEALTH CARE FACILITY, AS DEFINED IN § 19–114 OF THIS ARTICLE, OR THE MEDICAL DIRECTOR'S DESIGNEE, FOR THE PURPOSE OF PROVIDING HEALTH CARE PRACTITIONERS EMPLOYED OR CONTRACTUALLY EMPLOYED AT THE HEALTH CARE FACILITY ACCESS TO THE PRESCRIPTION MONITORING DATA IN CONNECTION WITH THE PROVISION OF MEDICAL CARE OR THE DISPENSING OF A MONITORED PRESCRIPTION DRUG TO A PATIENT OF THE HEALTH CARE FACILITY;

(12) THE OFFICE OF THE CHIEF MEDICAL EXAMINER IN ACCORDANCE WITH § 5–309 OF THIS ARTICLE; OR

[(11)**]** ~~**(10)**~~ **(13)** 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.

[21–2A–10.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, 2019.**]**

Article – State Government

8–403.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 30, 2019.