

HOUSE BILL 918

J3

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By: **Delegate Kullen**

Introduced and read first time: February 10, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Monitoring Program**

3 FOR the purpose of establishing the Prescription Drug Monitoring Program in the
4 Department of Health and Mental Hygiene; establishing the mission of the
5 Program; requiring the Program to carry out its mission by monitoring the
6 prescribing and dispensing of certain substances by certain prescribers and
7 dispensers; establishing the powers and duties of the Department and the
8 Secretary of Health and Mental Hygiene under the Program; requiring
9 dispensers to submit electronically certain information to the Program except in
10 certain circumstances; requiring prescription monitoring data to be destroyed
11 after a certain time period unless a certain request for retention of certain
12 information is submitted to the Department; creating a certain Advisory Board
13 on Prescription Drug Monitoring to assist in the design, implementation, and
14 evaluation of the Program; establishing the membership, chair, terms of
15 members, staff support, reimbursement, and responsibilities of the Board;
16 requiring the Secretary to appoint a multidisciplinary consultation team to
17 assist in the interpretation of prescription monitoring data; making prescription
18 monitoring data confidential and privileged and not subject to certain means of
19 legal compulsion except under certain circumstances; requiring the Program to
20 disclose prescription monitoring data to certain agencies and persons under
21 certain circumstances; establishing immunity from liability for certain agencies
22 and persons relating to the operation and use of the Program; establishing
23 penalties and disciplinary action for violations of the requirements of the
24 Program; defining certain terms; and generally relating to the creation and
25 operation of the Prescription Drug Monitoring Program.

26 BY adding to

27 Article – Health – General

28 Section 21–2B–01 through 21–2B–09 to be under the new subtitle “Subtitle 2B.
29 Prescription Drug Monitoring Program”

30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume)

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

4 **Article – Health – General**

5 **SUBTITLE 2B. PRESCRIPTION DRUG MONITORING PROGRAM.**

6 **21-2B-01.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “AUTHORIZED RECIPIENT” MEANS:

10 (1) A DISPENSER;

11 (2) A PRESCRIBER;

12 (3) A FEDERAL LAW ENFORCEMENT AGENCY;

13 (4) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;

14 (5) A LICENSING ENTITY;

15 (6) A PATIENT WITH RESPECT TO INFORMATION ABOUT THE
16 PATIENT;

17 (7) ANY UNIT IN THE DEPARTMENT ASSIGNED RESPONSIBILITY
18 FOR THE OPERATION OF THE PROGRAM BY THE SECRETARY; OR

19 (8) ANY PERSON UNDER CONTRACT WITH THE DEPARTMENT
20 CONCERNING THE OPERATION OF THE PROGRAM.

21 (C) “BOARD” MEANS THE ADVISORY BOARD ON PRESCRIPTION DRUG
22 MONITORING.

23 (D) (1) “DISPENSE” HAS THE MEANING STATED IN § 12-101 OF THE
24 HEALTH OCCUPATIONS ARTICLE.

25 (2) “DISPENSE” DOES NOT INCLUDE:

26 (I) DIRECTLY ADMINISTERING A MONITORED
27 PRESCRIPTION DRUG TO A PATIENT; OR

1 **(II) GIVING OUT PRESCRIPTION DRUG SAMPLES.**

2 **(E) (1) “DISPENSER” MEANS A PERSON AUTHORIZED BY LAW TO**
3 **DISPENSE A MONITORED PRESCRIPTION DRUG TO A PATIENT OR THE PATIENT’S**
4 **AGENT IN THE STATE.**

5 **(2) “DISPENSER” INCLUDES:**

6 **(I) A NONRESIDENT PHARMACY; AND**

7 **(II) A LICENSED VETERINARIAN.**

8 **(3) “DISPENSER” DOES NOT INCLUDE A LICENSED HOSPITAL**
9 **PHARMACY THAT ONLY DISPENSES A MONITORED PRESCRIPTION DRUG FOR**
10 **DIRECT ADMINISTRATION TO AN INPATIENT OF THE HOSPITAL.**

11 **(F) “FEDERAL LAW ENFORCEMENT AGENCY” MEANS:**

12 **(1) ANY ENTITY WITHIN THE UNITED STATES DEPARTMENT OF**
13 **JUSTICE, INCLUDING:**

14 **(I) THE DRUG ENFORCEMENT ADMINISTRATION;**

15 **(II) THE FEDERAL BUREAU OF INVESTIGATION; AND**

16 **(III) THE UNITED STATES ATTORNEY’S OFFICE; OR**

17 **(2) THE OFFICE OF THE INSPECTOR GENERAL OF THE**
18 **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

19 **(G) “HEALTH INFORMATION EXCHANGE” HAS THE MEANING STATED IN**
20 **§ 19–142 OF THIS ARTICLE.**

21 **(H) “LICENSING ENTITY” MEANS AN ENTITY AUTHORIZED UNDER THE**
22 **HEALTH OCCUPATIONS ARTICLE TO LICENSE, REGULATE, OR DISCIPLINE A**
23 **PRESCRIBER OR DISPENSER.**

24 **(I) “MONITORED PRESCRIPTION DRUG” MEANS A PRESCRIPTION DRUG**
25 **THAT CONTAINS A SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR SCHEDULE**
26 **V CONTROLLED DANGEROUS SUBSTANCE DESIGNATED UNDER TITLE 5,**
27 **SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE.**

1 **(J) “PRESCRIBER” MEANS A LICENSED HEALTH CARE PROFESSIONAL**
2 **AUTHORIZED BY LAW TO PRESCRIBE A MONITORED PRESCRIPTION DRUG.**

3 **(K) “PRESCRIPTION DRUG” HAS THE MEANING STATED IN § 21-201 OF**
4 **THIS TITLE.**

5 **(L) “PRESCRIPTION MONITORING DATA” MEANS THE INFORMATION**
6 **SUBMITTED TO THE PROGRAM FOR A MONITORED PRESCRIPTION DRUG.**

7 **(M) “PROGRAM” MEANS THE PRESCRIPTION DRUG MONITORING**
8 **PROGRAM ESTABLISHED UNDER THIS SUBTITLE.**

9 **(N) “STATE OR LOCAL LAW ENFORCEMENT AGENCY” MEANS:**

10 **(1) A STATE, COUNTY, OR MUNICIPAL POLICE DEPARTMENT OR**
11 **AGENCY;**

12 **(2) A SHERIFF’S OFFICE;**

13 **(3) A STATE’S ATTORNEY’S OFFICE; OR**

14 **(4) THE OFFICE OF THE ATTORNEY GENERAL.**

15 **21-2B-02.**

16 **(A) THERE IS A PRESCRIPTION DRUG MONITORING PROGRAM IN THE**
17 **DEPARTMENT.**

18 **(B) THE MISSION OF THE PROGRAM IS TO:**

19 **(1) ASSIST PRESCRIBERS, DISPENSERS, AND LAW ENFORCEMENT**
20 **PROFESSIONALS IN:**

21 **(I) THE IDENTIFICATION, TREATMENT, AND PREVENTION**
22 **OF PRESCRIPTION DRUG ABUSE; AND**

23 **(II) THE IDENTIFICATION AND INVESTIGATION OF**
24 **UNLAWFUL PRESCRIPTION DRUG DIVERSION; AND**

25 **(2) PROMOTE A BALANCED USE OF PRESCRIPTION MONITORING**
26 **DATA TO ASSIST APPROPRIATE LAW ENFORCEMENT ACTIVITIES WHILE**
27 **PRESERVING THE PROFESSIONAL PRACTICE OF HEALTH CARE PROVIDERS AND**
28 **THE ACCESS OF PATIENTS TO OPTIMAL PHARMACEUTICAL CARE.**

1 (C) TO CARRY OUT ITS MISSION, THE PROGRAM SHALL MONITOR THE
2 PRESCRIBING AND DISPENSING OF ALL SCHEDULE II, SCHEDULE III,
3 SCHEDULE IV, AND SCHEDULE V CONTROLLED DANGEROUS SUBSTANCES BY
4 ALL PRESCRIBERS AND DISPENSERS IN THE STATE.

5 **21-2B-03.**

6 (A) THE DEPARTMENT SHALL IMPLEMENT THE PROGRAM, SUBJECT TO
7 THE AVAILABILITY OF FUNDS.

8 (B) THE SECRETARY MAY:

9 (1) ASSIGN RESPONSIBILITY FOR THE OPERATION OF THE
10 PROGRAM TO ANY UNIT IN THE DEPARTMENT; AND

11 (2) CONTRACT WITH ANY QUALIFIED PERSON FOR THE
12 EFFICIENT AND ECONOMICAL OPERATION OF THE PROGRAM.

13 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, EACH
14 DISPENSER SHALL SUBMIT PRESCRIPTION MONITORING DATA TO THE
15 PROGRAM BY ELECTRONIC MEANS, IN ACCORDANCE WITH REGULATIONS
16 ADOPTED BY THE SECRETARY.

17 (D) THE SECRETARY, FOR GOOD CAUSE SHOWN, MAY AUTHORIZE A
18 DISPENSER TO SUBMIT PRESCRIPTION MONITORING DATA BY AN ALTERNATIVE
19 FORM OF SUBMISSION.

20 (E) THE SECRETARY, IN CONSULTATION WITH THE BOARD AND THE
21 MARYLAND HEALTH CARE COMMISSION, SHALL DESIGN THE PROGRAM TO BE
22 COMPATIBLE WITH THE REQUIREMENTS OF A HEALTH INFORMATION
23 EXCHANGE FOR THE ELECTRONIC SUBMISSION AND DISCLOSURE OF
24 PRESCRIPTION MONITORING DATA.

25 (F) THE SECRETARY, IN CONSULTATION WITH THE BOARD, SHALL:

26 (1) ESTABLISH A WEBSITE FOR THE PROGRAM; AND

27 (2) EDUCATE DISPENSERS, PRESCRIBERS, AND CONSUMERS
28 REGARDING THE PURPOSE AND OPERATION OF THE PROGRAM.

29 **21-2B-04.**

30 (A) THE SECRETARY, IN CONSULTATION WITH THE BOARD, SHALL
31 ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

1 **(B) THE REGULATIONS ADOPTED BY THE SECRETARY SHALL:**

2 **(1) SPECIFY THE PRESCRIPTION MONITORING DATA REQUIRED**
3 **TO BE SUBMITTED UNDER § 21-2B-03 OF THIS SUBTITLE;**

4 **(2) SPECIFY THE ELECTRONIC OR OTHER MEANS BY WHICH**
5 **INFORMATION IS TO BE SUBMITTED:**

6 **(I) WITHOUT UNDULY INCREASING THE WORKLOAD AND**
7 **EXPENSE ON DISPENSERS AND PRESCRIBERS; AND**

8 **(II) IN A MANNER AS COMPATIBLE AS POSSIBLE WITH**
9 **EXISTING DATA SUBMISSION PRACTICES OF DISPENSERS;**

10 **(3) SPECIFY THAT A PRESCRIBER OR DISPENSER IS NOT**
11 **REQUIRED OR OBLIGATED TO ACCESS OR USE PRESCRIPTION MONITORING**
12 **DATA AVAILABLE UNDER THE PROGRAM;**

13 **(4) IDENTIFY THE MECHANISM BY WHICH PRESCRIPTION**
14 **MONITORING DATA ARE DISCLOSED TO AUTHORIZED RECIPIENTS AND OTHERS,**
15 **IN ACCORDANCE WITH § 21-2B-07 OF THIS SUBTITLE;**

16 **(5) IDENTIFY THE CIRCUMSTANCES UNDER WHICH AN**
17 **AUTHORIZED RECIPIENT MAY DISCLOSE PRESCRIPTION MONITORING DATA**
18 **RECEIVED UNDER THE PROGRAM;**

19 **(6) IDENTIFY THE CIRCUMSTANCES AND PROCESS UNDER WHICH**
20 **A FEDERAL LAW ENFORCEMENT AGENCY, A STATE OR LOCAL LAW**
21 **ENFORCEMENT AGENCY, OR A LICENSING ENTITY THAT HAS RECEIVED**
22 **PRESCRIPTION MONITORING DATA SHALL CONSULT WITH THE**
23 **MULTIDISCIPLINARY CONSULTATION TEAM ESTABLISHED UNDER § 21-2B-06**
24 **OF THIS SUBTITLE ABOUT THE INTERPRETATION OF THE PRESCRIPTION**
25 **MONITORING DATA;**

26 **(7) ESTABLISH REQUIREMENTS FOR PROGRAM RETENTION OF**
27 **PRESCRIPTION MONITORING DATA; AND**

28 **(8) REQUIRE THAT:**

29 **(I) CONFIDENTIAL OR PRIVILEGED PATIENT INFORMATION**
30 **BE KEPT CONFIDENTIAL; AND**

1 **(II) RECORDS OR INFORMATION PROTECTED BY A**
2 **PRIVILEGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT, OR**
3 **OTHERWISE REQUIRED BY LAW TO BE HELD CONFIDENTIAL, BE FILED IN A**
4 **MANNER THAT, EXCEPT AS OTHERWISE PROVIDED IN § 21-2B-07 OF THIS**
5 **SUBTITLE, DOES NOT DISCLOSE THE IDENTITY OF THE PERSON PROTECTED.**

6 **21-2B-05.**

7 **(A) THERE IS AN ADVISORY BOARD ON PRESCRIPTION DRUG**
8 **MONITORING IN THE DEPARTMENT.**

9 **(B) THE SECRETARY SHALL APPOINT MEMBERS TO THE BOARD,**
10 **INCLUDING MEMBERS REPRESENTING THE PERSPECTIVE OF:**

11 **(1) PRESCRIBERS;**

12 **(2) DISPENSERS;**

13 **(3) LICENSING ENTITIES;**

14 **(4) HEALTH CARE PRACTITIONERS WITH EXPERTISE IN THE**
15 **AREAS OF PAIN MANAGEMENT, SUBSTANCE ABUSE TREATMENT, AND ADDICTION**
16 **TREATMENT;**

17 **(5) LAW ENFORCEMENT; AND**

18 **(6) PAIN PATIENTS.**

19 **(C) THE SECRETARY SHALL:**

20 **(1) DESIGNATE THE CHAIR OF THE BOARD;**

21 **(2) DETERMINE THE TERMS OF BOARD MEMBERS;**

22 **(3) FILL VACANCIES ON THE BOARD; AND**

23 **(4) PROVIDE STAFF SUPPORT FOR THE BOARD.**

24 **(D) A MEMBER OF THE BOARD:**

25 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
26 **BOARD; BUT**

1 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
2 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
3 **BUDGET.**

4 **(E) THE BOARD SHALL:**

5 **(1) MEET NOT FEWER THAN THREE TIMES ANNUALLY;**

6 **(2) MAKE RECOMMENDATIONS TO THE SECRETARY REGARDING**
7 **THE DESIGN AND IMPLEMENTATION OF THE PROGRAM, INCLUDING**
8 **RECOMMENDATIONS REGARDING:**

9 **(I) REGULATIONS;**

10 **(II) LEGISLATION; AND**

11 **(III) SOURCES OF FUNDING, INCLUDING GRANT FUNDS**
12 **UNDER THE HAROLD ROGERS PRESCRIPTION DRUG MONITORING PROGRAM**
13 **AND OTHER SOURCES OF FEDERAL, PRIVATE, OR STATE FUNDS;**

14 **(3) (I) PROVIDE WITHIN 180 DAYS AFTER ITS FIRST MEETING,**
15 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN**
16 **INTERIM REPORT TO THE GENERAL ASSEMBLY SETTING FORTH THE BOARD'S**
17 **ANALYSIS AND RECOMMENDATIONS UNDER ITEM (2) OF THIS SUBSECTION**
18 **REGARDING THE DESIGN, IMPLEMENTATION, AND FUNDING OF THE PROGRAM;**
19 **AND**

20 **(II) PROVIDE ANNUALLY TO THE GOVERNOR AND, IN**
21 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
22 **GENERAL ASSEMBLY AN ANALYSIS OF THE IMPACT OF THE PROGRAM ON**
23 **PATIENT ACCESS TO PHARMACEUTICAL CARE AND ON CURBING PRESCRIPTION**
24 **DRUG DIVERSION IN THE STATE, INCLUDING ANY RECOMMENDATIONS RELATED**
25 **TO MODIFICATION OR CONTINUATION OF THE PROGRAM; AND**

26 **(4) PROVIDE ONGOING ADVICE AND CONSULTATION ON THE**
27 **IMPLEMENTATION AND OPERATION OF THE PROGRAM, INCLUDING**
28 **RECOMMENDATIONS REGARDING:**

29 **(I) CHANGES IN THE PROGRAM TO REFLECT ADVANCES IN**
30 **TECHNOLOGY AND BEST PRACTICES IN THE FIELD OF ELECTRONIC HEALTH**
31 **RECORDS AND ELECTRONIC PRESCRIPTION MONITORING;**

32 **(II) CHANGES TO STATUTORY REQUIREMENTS; AND**

1 (III) THE DESIGN AND IMPLEMENTATION OF AN ONGOING
2 EVALUATION COMPONENT OF THE PROGRAM.

3 **21-2B-06.**

4 (A) THE SECRETARY SHALL APPOINT A MULTIDISCIPLINARY
5 CONSULTATION TEAM COMPOSED OF PRESCRIBERS AND DISPENSERS ENGAGED
6 IN ACTIVE PRACTICE.

7 (B) IN ACCORDANCE WITH REGULATIONS, THE MULTIDISCIPLINARY
8 CONSULTATION TEAM SHALL ASSIST A FEDERAL LAW ENFORCEMENT AGENCY, A
9 STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR A LICENSING ENTITY THAT
10 HAS RECEIVED PRESCRIPTION MONITORING DATA FROM THE PROGRAM IN:

11 (1) INTERPRETING THE DATA; AND

12 (2) CONSIDERING WHETHER THE DATA, IN THE CONTEXT OF THE
13 NATURE OF A PRESCRIBER'S OR A DISPENSER'S PRACTICE, A PATIENT'S
14 MEDICAL CONDITION, OR ANY OTHER RELEVANT FACTS, SUGGEST THE NEED
15 FOR FURTHER INVESTIGATION OR ADDITIONAL EDUCATION FOR THE
16 PRESCRIBER OR DISPENSER.

17 **21-2B-07.**

18 (A) PRESCRIPTION MONITORING DATA:

19 (1) ARE CONFIDENTIAL AND PRIVILEGED, AND NOT SUBJECT TO
20 DISCOVERY, SUBPOENA, OR OTHER MEANS OF LEGAL COMPULSION IN CIVIL
21 LITIGATION;

22 (2) ARE NOT PUBLIC RECORDS; AND

23 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS
24 SECTION OR AS OTHERWISE PROVIDED BY LAW, MAY NOT BE DISCLOSED TO ANY
25 PERSON.

26 (B) THE PROGRAM SHALL DISCLOSE PRESCRIPTION MONITORING
27 DATA, IN ACCORDANCE WITH REGULATIONS, TO:

28 (1) A PRESCRIBER IN CONNECTION WITH THE MEDICAL CARE OF
29 A PATIENT;

30 (2) A DISPENSER IN CONNECTION WITH THE DISPENSING OF A
31 MONITORED PRESCRIPTION DRUG;

1 **(3) A FEDERAL LAW ENFORCEMENT AGENCY OR A STATE OR**
2 **LOCAL LAW ENFORCEMENT AGENCY, ON ISSUANCE OF A SUBPOENA, FOR THE**
3 **PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL**
4 **INVESTIGATION;**

5 **(4) A LICENSING ENTITY, ON ISSUANCE OF A SUBPOENA;**

6 **(5) THE MULTIDISCIPLINARY CONSULTATION TEAM, FOR THE**
7 **PURPOSE OF FULFILLING THE REQUIREMENTS OF § 21-2B-06(B) OF THIS**
8 **SUBTITLE; OR**

9 **(6) A PATIENT WITH RESPECT TO PRESCRIPTION MONITORING**
10 **DATA ABOUT THE PATIENT.**

11 **(C) EXCEPT AS PROVIDED BY REGULATIONS, AN AUTHORIZED**
12 **RECIPIENT WHO RECEIVES PRESCRIPTION MONITORING DATA FROM THE**
13 **PROGRAM MAY NOT DISCLOSE THE DATA.**

14 **(D) (1) IN ADDITION TO THE DISCLOSURES AUTHORIZED UNDER**
15 **SUBSECTION (B) OF THIS SECTION, THE PROGRAM MAY DISCLOSE**
16 **PRESCRIPTION MONITORING DATA FOR RESEARCH, ANALYSIS, PUBLIC**
17 **REPORTING, AND EDUCATION:**

18 **(I) AFTER REDACTION OF ALL INFORMATION THAT COULD**
19 **IDENTIFY A PATIENT, PRESCRIBER, DISPENSER, OR OTHER INDIVIDUAL; AND**

20 **(II) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**
21 **SECRETARY.**

22 **(2) THE SECRETARY MAY REQUIRE SUBMISSION OF AN ABSTRACT**
23 **EXPLAINING THE SCOPE AND PURPOSE OF THE RESEARCH, ANALYSIS, PUBLIC**
24 **REPORTING, OR EDUCATION BEFORE DISCLOSING PRESCRIPTION MONITORING**
25 **DATA UNDER THIS SUBSECTION.**

26 **(E) THE OFFICE OF THE ATTORNEY GENERAL MAY SEEK APPROPRIATE**
27 **INJUNCTIVE OR OTHER RELIEF TO MAINTAIN THE CONFIDENTIALITY OF**
28 **PRESCRIPTION MONITORING DATA AS REQUIRED UNDER THIS SECTION.**

29 **21-2B-08.**

30 **(A) THE DEPARTMENT AND ITS AGENTS AND EMPLOYEES ARE NOT**
31 **SUBJECT TO LIABILITY ARISING FROM:**

1 **(1) THE INACCURACY OF ANY INFORMATION SUBMITTED TO THE**
2 **PROGRAM IN ACCORDANCE WITH THIS SUBTITLE; OR**

3 **(2) THE UNAUTHORIZED USE OR DISCLOSURE OF PRESCRIPTION**
4 **MONITORING DATA PROVIDED TO AN AUTHORIZED RECIPIENT.**

5 **(B) A PRESCRIBER OR DISPENSER, ACTING IN GOOD FAITH, IS NOT**
6 **SUBJECT TO LIABILITY OR DISCIPLINARY ACTION ARISING SOLELY FROM:**

7 **(1) REQUESTING OR RECEIVING, OR FAILING TO REQUEST OR**
8 **RECEIVE, PRESCRIPTION MONITORING DATA FROM THE PROGRAM; OR**

9 **(2) ACTING, OR FAILING TO ACT, ON THE BASIS OF PRESCRIPTION**
10 **MONITORING DATA PROVIDED BY THE PROGRAM.**

11 **21-2B-09.**

12 **(A) A DISPENSER WHO KNOWINGLY FAILS TO SUBMIT PRESCRIPTION**
13 **MONITORING DATA TO THE PROGRAM AS REQUIRED UNDER THIS SUBTITLE**
14 **SHALL BE SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH**
15 **FAILURE TO SUBMIT REQUIRED INFORMATION.**

16 **(B) A PRESCRIBER OR DISPENSER WHO KNOWINGLY VIOLATES ANY**
17 **PROVISION OF THIS SUBTITLE IS LIABLE FOR:**

18 **(1) ACTUAL DAMAGES; AND**

19 **(2) REASONABLE ATTORNEY'S FEES.**

20 **(C) (1) AN AUTHORIZED RECIPIENT WHO KNOWINGLY DISCLOSES OR**
21 **USES PRESCRIPTION MONITORING DATA IN VIOLATION OF THIS SUBTITLE**
22 **SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
23 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$10,000 OR**
24 **BOTH.**

25 **(2) IN ADDITION TO THE PENALTIES UNDER PARAGRAPH (1) OF**
26 **THIS SUBSECTION, A PRESCRIBER OR DISPENSER WHO KNOWINGLY DISCLOSES**
27 **OR USES PRESCRIPTION MONITORING DATA IN VIOLATION OF THIS SUBTITLE**
28 **SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE APPROPRIATE LICENSING**
29 **ENTITY.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.