

HEALTH - GENERAL
TITLE 13. MISCELLANEOUS HEALTH CARE PROGRAMS
SUBTITLE 31. OVERDOSE RESPONSE PROGRAM.

Md. HEALTH-GENERAL Code Ann. § 13-3101 (2016)

§ 13-3101. Definitions.

- (a) In general. -- In this subtitle the following words have the meanings indicated.
- (b) Advanced practice nurse. -- "Advanced practice nurse" has the meaning stated in § 8-101 of the Health Occupations Article.
- (c) Certificate. -- "Certificate" means a certificate issued by a private or public entity to administer naloxone.
- (d) Licensed physician. -- "Licensed physician" has the meaning stated in § 14-101 of the Health Occupations Article.
- (e) Pharmacist. -- "Pharmacist" has the meaning stated in § 12-101 of the Health Occupations Article.
- (f) Private or public entity. -- "Private or public entity" means a health care provider, local health department, community-based organization, substance abuse treatment organization, or other person that addresses medical or social issues related to drug addiction.
- (g) Program. -- "Program" means an Overdose Response Program.
- (h) Standing order. -- "Standing order" means a written instruction for the prescribing and dispensing of naloxone to a certificate holder in accordance with § 13-3108 of this subtitle.

§ 13-3102. Purpose.

An Overdose Response Program is a program overseen by the Department for the purpose of providing a means of authorizing certain individuals to administer naloxone to an individual experiencing, or believed to be experiencing, opioid overdose to help prevent a fatality when medical services are not immediately available.

§ 13-3103. Powers and duties of Department.

- (a) Regulations. -- The Department shall adopt regulations necessary for the administration of the Program.

(b) Powers of Department. -- The Department may:

(1) Collect fees necessary for the administration of the Program;

(2) Authorize private or public entities to issue and renew certificates to persons meeting the requirements of this subtitle;

(3) (i) Authorize private or public entities to conduct educational training programs described in § 13-3104 of this subtitle; and

(ii) Develop guidance regarding the content of educational training programs conducted by private or public entities; and

(4) Collect and report data on the operation and results of the programs.

§ 13-3104. Qualifications for certification.

(a) In general. -- To qualify for a certificate, an individual shall meet the requirements of this section.

(b) Age. -- The applicant shall be at least 18 years old.

(c) Abilities. -- The applicant shall have, or reasonably expect to have, as a result of the individual's occupation or volunteer, family, or social status, the ability to assist an individual who is experiencing an opioid overdose.

(d) Educational training program. --

(1) The applicant shall successfully complete an educational training program offered by a private or public entity authorized by the Department.

(2) An educational training program required under this subsection shall:

(i) Be conducted by:

1. A licensed physician;

2. An advanced practice nurse;

3. A pharmacist; or

4. An employee or a volunteer of a private or public entity who is supervised in accordance with a written agreement between the private or public entity and a supervisory licensed physician, advanced practice nurse, or pharmacist that includes:

A. Procedures for providing patient overdose information;

B. Information as to how the employee or volunteer providing the information will be trained; and

C. Standards for documenting the provision of patient overdose information to patients; and

(ii) Include training in:

1. The recognition of the symptoms of opioid overdose;
2. The proper administration of naloxone;
3. The importance of contacting emergency medical services;
4. The care of an individual after the administration of naloxone; and
5. Any other topics required by the Department.

§ 13-3105. Application.

An applicant for a certificate shall submit an application to a private or public entity authorized by the Department on the form that the Department requires.

§ 13-3106. Issuance of certificate.

(a) In general. -- A private or public entity authorized by the Department shall issue a certificate to any applicant who meets the requirements of this subtitle.

(b) Contents. -- Each certificate shall include:

(1) A statement that the holder is authorized to administer naloxone in accordance with this subtitle;

(2) The full name of the certificate holder; and

(3) A serial number.

(c) Replacement certificates. -- A replacement certificate may be issued to replace a lost, destroyed, or mutilated certificate.

(d) Term; renewal. --

(1) The certificate shall be valid for 2 years and may be renewed.

(2) In order to renew a certificate, the certificate holder shall:

(i) Successfully complete a refresher training program conducted by an authorized private or public entity; or

(ii) Demonstrate proficiency to the private or public entity issuing certificates under this subtitle.

§ 13-3107. Powers of certified individual.

An individual who is certified may:

(1) On presentment of a certificate, receive from any licensed physician or advanced practice nurse with prescribing authority a prescription for naloxone and the necessary supplies for the administration of naloxone;

(2) Possess prescribed naloxone and the necessary supplies for the administration of naloxone; and

(3) In an emergency situation when medical services are not immediately available, administer naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid overdose.

§ 13-3108. Prescribing and dispensing naloxone.

(a) Who may prescribe. -- A licensed physician or an advanced practice nurse with prescribing authority may prescribe and dispense naloxone to a certificate holder.

(b) Dispensing to local health department. -- A registered nurse may dispense naloxone to a certificate holder in a local health department if the registered nurse complies with:

(1) The formulary developed and approved under § 3-403(b) of this article; and

(2) The requirements established under § 8-512 of the Health Occupations Article.

(c) Standing orders. --

(1) A licensed physician or an advanced practice nurse with prescribing authority may

prescribe and dispense naloxone to a certificate holder by issuing a standing order if the licensed physician or advanced practice nurse:

(i) Is employed by the Department or a local health department; or

(ii) Supervises or conducts an educational training program under § 13-3104(d) of this subtitle.

(2) A licensed physician or an advanced practice nurse with prescribing authority who issues a standing order under paragraph (1) of this subsection may delegate to the following persons the authority for dispensing naloxone to a certificate holder:

(i) A licensed registered nurse who:

1. Is employed by a local health department; and

2. Completes a training program approved by the Department; and

(ii) An employee or a volunteer of a private or public entity who is authorized to conduct an educational training program in accordance with § 13-3104(d) of this subtitle.

(3) Any licensed health care provider who has dispensing authority also may dispense naloxone to a certificate holder in accordance with a standing order issued by a licensed physician.

(d) Patients receiving prescription. --

(1) Any licensed health care provider who has prescribing authority may prescribe naloxone to a patient who is believed by the licensed health care provider to be at risk of experiencing an opioid overdose or in a position to assist an individual at risk of experiencing an opioid overdose.

(2) A patient who receives a naloxone prescription under paragraph (1) of this subsection is not subject to the training requirements under § 13-3104(d) of this subtitle.

(e) Pharmacists. -- A pharmacist may dispense naloxone in accordance with a therapy management contract under Title 12, Subtitle 6A of the Health Occupations Article.

§ 13-3109. Immunity -- Not deemed to be practicing medicine, registered nursing, or pharmacy.

(a) In general. --

(1) A certificate holder who, in accordance with this subtitle, is administering naloxone to an individual experiencing or believed by the certificate holder to be experiencing an opioid

overdose may not be considered to be practicing:

- (i) Medicine for the purposes of Title 14 of the Health Occupations Article; or
- (ii) Registered nursing for the purposes of Title 8 of the Health Occupations Article.

(2) An employee or volunteer of a private or public entity who, in accordance with this subtitle, provides naloxone to a certificate holder in accordance with a standing order may not be considered to be practicing:

- (i) Medicine for the purposes of Title 14 of the Health Occupations Article;
- (ii) Registered nursing for the purposes of Title 8 of the Health Occupations Article; or
- (iii) Pharmacy for the purposes of Title 12 of the Health Occupations Article.

(b) Disciplinary action prohibited. --

(1) A licensed physician who prescribes or dispenses naloxone to a certificate holder in a manner consistent with the protocol established by the authorized private or public entity may not be subject to any disciplinary action under Title 14 of the Health Occupations Article solely for the act of prescribing or dispensing naloxone to the certificate holder.

(2) An advanced practice nurse with prescribing authority who prescribes or dispenses naloxone to a certificate holder in a manner consistent with the protocol established by the authorized private or public entity may not be subject to any disciplinary action under Title 8 of the Health Occupations Article solely for the act of prescribing or dispensing naloxone to the certificate holder.

§ 13-3110. Immunity -- Individuals and medical providers.

(a) Individuals. -- An individual who administers naloxone to an individual who is or in good faith is believed to be experiencing an opioid overdose shall have immunity from liability under §§ 5-603 and 5-629 of the Courts and Judicial Proceedings Article.

(b) Medical providers. -- A cause of action may not arise against any licensed physician, advanced practice nurse with prescribing authority, or pharmacist for any act or omission when the physician, advanced practice nurse with prescribing authority, or pharmacist in good faith prescribes or dispenses naloxone and the necessary paraphernalia for the administration of naloxone to a certificate holder or patient under § 13-3108 of this subtitle.

(c) Subtitle not construed to create duties. -- This subtitle may not be construed to create a duty on any individual to:

- (1) Obtain a certificate under this subtitle, and an individual may not be held civilly liable

for failing to obtain a certificate under this subtitle; or

(2) Administer naloxone to an individual who is experiencing or believed by the individual to be experiencing an opioid overdose.

§ 13-3111. Exemption from permit requirements.

A person who dispenses naloxone in accordance with this subtitle is exempt from any laws that require a person to maintain a permit to dispense prescription drugs.