

~~(3) AN OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED CONSEQUENCE; OR~~

(4) (III) CORRECTIVE ACTION, IF APPROPRIATE.

(2) IF A RESIDENTIAL TREATMENT CENTER SENDS A NOTICE TO AN INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL MAY SEND A WRITTEN RESPONSE TO THE RESIDENTIAL TREATMENT CENTER INSTRUCTING THE RESIDENTIAL TREATMENT CENTER THAT:

(I) THE INDIVIDUAL WAIVES THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(II) THE INDIVIDUAL ONLY REQUIRES NOTIFICATION UNDER THE CIRCUMSTANCES SPECIFIED IN WRITING BY THE INDIVIDUAL.

(C) A RESIDENTIAL TREATMENT CENTER SHALL DOCUMENT THE NOTIFICATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION AND THE RESPONSE OF THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN IN THE RESIDENT'S MEDICAL RECORD.

(D) IF THE DEPARTMENT DETERMINES THAT A RESIDENTIAL TREATMENT CENTER FAILED TO NOTIFY A RESIDENT AND A RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN UNDER SUBSECTION (B)(1) OF THIS SECTION, THE DEPARTMENT SHALL REQUIRE THE RESIDENTIAL TREATMENT CENTER, AS PART OF A PLAN OF CORRECTION, TO NOTIFY THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE, FAMILY MEMBER, LEGAL GUARDIAN, OR CUSTODIAN AS SOON AS POSSIBLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

May 26, 2006

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1287 - *Prescription Drug Monitoring Program*.

This bill requires the Department of Health and Mental Hygiene (DHMH), in consultation with a newly established Advisory Board on Prescription Drug Monitoring, to establish a centralized prescription drug monitoring program that electronically collects and stores data concerning controlled prescription drugs. Pharmacists dispensing Schedule I through IV controlled substances in the State would be required to submit to the program data regarding each prescription including the date and quantity of the drug dispensed, the prescribing physician, and a patient identifier.