



Maryland's Office of Overdose Response

Wes Moore, Governor • Aruna Miller, Lt. Governor • Emily Keller, Special Secretary of Overdose Response

Policy Bulletin: Use of Opioid Restitution Fund for Purchasing Naloxone or Drug Test Strips

The Maryland Department of Health (MDH) operates the Overdose Response Program, which authorizes government agencies and community-based organizations to provide overdose education and dispense naloxone and drug testing strips, free of charge.

Maryland [State Finance and Procurement Article §7–331](#) prohibits Opioid Restitution Funds from replacing, or supplanting, other funding sources: *“(ii) Money expended from the Fund for the programs and services described under subsection (f) of this section is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the programs and services.”*

Maryland's Office of Overdose Response (MOOR) finds that the purchase of naloxone or drug testing strips that are otherwise available to access free of cost to be in violation of State Finance and Procurement Article Section 7-331, which prohibits supplanting of funds. This bulletin serves as notice that MOOR has determined this to be unallowable spending under the applicable laws governing spending of settlement funds. All local subdivisions receiving ORF dollars must apply to become an ORP instead of using ORF to purchase these materials.

Steps to Become an ORP

[To become certified as an Overdose Response Program](#), follow the steps below provided by the MDH Office of Overdose Prevention and Education (OPE):

1. Start an [ORP Application](#). Save the link to your entry so that you can continue working on it later.
2. Find a nurse practitioner or doctor with prescribing authority to serve as your Licensed Health Care Provider (LHCP). Your LHCP will need to sign documents (i) and (ii) below.
3. Prepare supporting documents.
 1. [Naloxone Standing Order](#): allows individuals without prescribing privileges to dispense naloxone under the LHCP's license.
 2. [Licensed Health Care Provider Agreement](#): a commitment from your LHCP to provide naloxone and provide oversight.
 3. [Dispensing Protocol](#): outlines how naloxone will be distributed at your organization.
 4. Required only if you will ship naloxone to a private residential address:

- i. 501(c)(3) documentation.
 - ii. [MMCAP waiver](#).
4. Attach supporting documents to your ORP application and submit the application. OPE will reach out with any questions regarding your application as necessary. Once your application is approved, you will receive an email from mdh.naloxone@maryland.gov with your ORP certificate attached.
5. OPE will email you to set up a ship point and attend an online ORP orientation. You must do both before naloxone can be ordered.

For questions about becoming an ORP, please email mdh.naloxone@maryland.gov. They can also assist you with identifying an LHCP if necessary.

If the ORP program can no longer meet demand, or is facing significant delays in shipments, please contact MOOR. It is possible that MOOR may consider an exception and allow ORF funding in a situation where there is a lack of availability due to unforeseen circumstances.

Please reach out to orf.moor@maryland.gov with any questions about this policy.