

HOUSE BILL 663

J1, J2

01r0099

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Health)**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Prescription Drug Monitoring Program – Out-of-State Pharmacists and**
3 **Discipline for Noncompliance**

4 FOR the purpose of altering the definition of the term “pharmacist” in provisions of law
5 regarding the Prescription Drug Monitoring Program to include pharmacists
6 licensed in other states to dispense monitored prescription drugs; altering the
7 grounds for which a certain health occupations board and certain disciplinary panels
8 are authorized to take disciplinary action against certain licensed dentists or
9 applicants for a license to practice dentistry, certain licensed physician assistants,
10 and certain licensed physicians for failing to comply with the requirements of the
11 Program; and generally relating to the Prescription Drug Monitoring Program.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 21–2A–01(a)
15 Annotated Code of Maryland
16 (2019 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 21–2A–01(i)
20 Annotated Code of Maryland
21 (2019 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Health Occupations
24 Section 4–315(a)(34) and (35), 14–404(a)(44) and (45), and 15–314(a)(42) and (43)
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Health Occupations
3 Section 4–315(a)(36), 14–404(a)(46), and 15–314(a)(44)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2019 Supplement)

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

8 **Article – Health – General**

9 21–2A–01.

10 (a) In this subtitle the following words have the meanings indicated.

11 (i) “Pharmacist” means an individual who is licensed under Title 12 of the Health
12 Occupations Article, **OR BY ANOTHER STATE**, to dispense a monitored prescription drug.

13 **Article – Health – Occupations**

14 4–315.

15 (a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may
16 deny a general license to practice dentistry, a limited license to practice dentistry, or a
17 teacher’s license to practice dentistry to any applicant, reprimand any licensed dentist,
18 place any licensed dentist on probation, or suspend or revoke the license of any licensed
19 dentist, if the applicant or licensee:

20 (34) Willfully and without legal justification, fails to cooperate with a lawful
21 investigation conducted by the Board; [or]

22 (35) Fails to comply with § 1–223 of this article; **OR**

23 **(36) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE**
24 **PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE**
25 **HEALTH – GENERAL ARTICLE.**

26 14–404.

27 (a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary
28 panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may
29 reprimand any licensee, place any licensee on probation, or suspend or revoke a license if
30 the licensee:

31 (44) Fails to meet the qualifications for licensure under Subtitle 3 of this
32 title; [or]

1 (45) Fails to comply with § 1–223 of this article; OR

2 (46) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE
3 PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE
4 HEALTH – GENERAL ARTICLE.

5 15–314.

6 (a) Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary
7 panel, on the affirmative vote of a majority of the quorum, may reprimand any physician
8 assistant, place any physician assistant on probation, or suspend or revoke a license if the
9 physician assistant:

10 (42) Performs delegated medical acts without the supervision of a physician;
11 [or]

12 (43) Fails to submit to a criminal history records check under § 14–308.1 of
13 this article; OR

14 (44) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE
15 PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE
16 HEALTH – GENERAL ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.