

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1279

(Delegate Johnson, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Pharmacists - Refills of Prescriptions - Dispensing Requirements

This emergency bill requires a pharmacist who refills a prescription for a drug or device for which a refill has not been authorized to dispense the drug or device in the smallest commercially available package if the prescription cannot be dispensed or sold in a 14-day or less supply or unit of use.

Fiscal Summary

State Effect: Potential increase in Medicaid expenditures beginning in FY 2020 to the extent Medicaid enrollees have additional prescriptions refilled that would not otherwise have been able to be provided. Federal fund matching revenues increase accordingly. No impact on the State Employee and Retiree Health and Welfare Benefits Program.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A pharmacist may refill a prescription for a drug or device for which the refill has not been authorized under specified circumstances: (1) the pharmacist attempts to obtain an authorization from the prescriber and is not able to readily obtain the authorization; (2) the refill is not for a controlled dangerous substance; (3) the drug or device is essential to the maintenance of life; (4) the drug or device is essential to the continuation of therapy in chronic conditions and, in the pharmacist's professional judgment, interruption might produce an undesirable health consequence, be detrimental to the patient's welfare, or cause physical or mental discomfort; (5) the pharmacist enters

on the back of the prescription the date and quantity of the drug dispensed and signs or initials the record; and (6) the pharmacist notifies the authorized prescriber of the refill within 72 hours of dispensing. Only one refill may be provided under these circumstances, and the quantity dispensed must conform to the prescriber's directions for use and may not exceed a 14-day supply or unit of use.

Background: Although a pharmacist can currently refill a prescription without authorization under certain circumstances, the refill may not exceed a 14-day supply or unit of the drug. However, some prescriptions are not sold in quantities that small, such as insulin. Similar legislation has been enacted in at least 10 states, including Pennsylvania.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Maryland Department of Health; Maryland Health Benefit Exchange; Maryland Insurance Administration; Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2020
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