

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 1 (Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

**Health Occupations - Pharmacists - Refills of Prescriptions During State of
Emergency**

This bill expands the authority for a pharmacist to refill prescriptions without an authorization. Thus, a pharmacist working *in Maryland*, during a state of emergency declared by the federal government or *any state* government, may provide up to a *30-day* supply of a prescription drug for which the refill has not been authorized.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: If the federal or *Maryland State* government declares a state of emergency, a pharmacist working *in the area declared an emergency* may refill a prescription for which the refill has not been authorized if (1) as a result of the emergency, the pharmacist is unable to obtain an authorization from the authorized prescriber; (2) the refill is not for a controlled dangerous substance (CDS); (3) the quantity dispensed does not exceed a *14-day* supply; and (4) the pharmacist notifies the authorized prescriber within seven days of dispensing the drug.

Generally, a pharmacist may refill a prescription without authorization if the refill is not for a CDS and the pharmacist (1) attempts but is not readily able to obtain authorization; (2) determines that the prescription is essential to the maintenance of life or the

continuation of therapy in chronic conditions; (3) creates a readily retrievable record of the date and the quantity of the drug dispensed; and (4) notifies the authorized prescriber of the refill within 72 hours of dispensing. A pharmacist may only provide one refill without authorization, in conformity with the prescriber's directions for use, and the refill may not exceed a 14-day supply.

Background: The *Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy* includes provisions that authorize a pharmacist, during a state of emergency, to dispense up to a 30-day supply of a prescription drug without prescriber authorization. The pharmacist must (1) determine that the prescription drug is essential to the maintenance of the patient's life or to the continuation of therapy; (2) maintain a record of the emergency refill; and (3) inform the patient that the refill is being provided without prescriber authorization and that authorization is required for future refills.

Emergency prescription refill protocols vary widely across the 50 states and the District of Columbia: 12 states authorize refills during a specified public health emergency, 23 allow them during nonspecified emergencies, and 16 have no laws authorizing emergency refills. Of the 35 states that authorize emergency refills, 8 allow for dispensing of a 30-day supply or greater (Arizona, Florida, Louisiana, Kentucky, North Carolina, Oklahoma, Oregon, and Texas), 5 allow for a 7- to 15-day supply, 16 limit refills to a 72-hour supply only, and 6 states authorize refills of a "reasonable quantity."

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *A Review of State Emergency Prescription Refill Protocols*, Jane Kim, Rx Response, November 5, 2014; National Association of Boards of Pharmacy; Department of Health and Mental Hygiene; Department of Legislative Services

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