

**Department of Legislative Services**  
Maryland General Assembly  
2015 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 945

(Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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**Registered Nurses - Local Health Departments - Requirements for Personally  
Preparing and Dispensing Drugs and Devices**

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This bill authorizes a registered nurse who complies with a specific formulary and other specified requirements to personally prepare and dispense prescription drugs and devices in a local health department (1) in accordance with the Overdose Response Program or the Expedited Partner Therapy Pilot Program or (2) to patients in need of communicable disease, alcohol and drug abuse, family planning, or reproductive health services.

A local health department that employs a registered nurse must be subject to inspection by the department. The bill also establishes the Committee on Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments to develop, approve, and annually review a formulary for use by registered nurses.

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**Fiscal Summary**

**State Effect:** Any additional workload to establish and administer training and develop, approve, and annually review a formulary can be handled by the Department of Health and Mental Hygiene (DHMH) with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill may result in some operational efficiencies at local health departments; however, it generally codifies current practice.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** “Personally prepare and dispense” means to physically prepare a prescription, perform a final check of the prescription before dispensing it to a patient, and not delegate any step of the dispensing process.

A registered nurse may dispense naloxone to a certificate holder in a local health department under the Overdose Response Program. A registered nurse may also, under the Baltimore City Expedited Partner Therapy Pilot Program, provide antibiotic therapy to any sexual partner of a patient diagnosed with chlamydia or gonorrhea without making a personal physical assessment of the patient’s partner.

In order to personally prepare and dispense drugs and devices, a registered nurse must (1) comply with the formulary developed by the committee; (2) successfully complete a DHMH training program; (3) maintain the patient’s health record in a manner that ensures the confidentiality of the patient’s drug and device medication record in accordance with State and federal laws; (4) comply with drug and device storage and inventory procedures in accordance with DHMH policy; and (5) have received a prescription from an authorized prescriber employed at a local health department.

DHMH must establish and administer a training program for registered nurses. The training program must be jointly developed and annually reviewed to ensure compliance with current prescribing standards.

A member of the Committee on Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments may not receive compensation but is entitled to reimbursement for standard travel expenses. The Secretary of Health and Mental Hygiene must designate the chair of the committee and DHMH must provide staff for it.

**Current Law:** Only a physician or nurse practitioner may prescribe and dispense naloxone to a certificate holder under the Overdose Response Program. Under the Expedited Partner Therapy Pilot Program, only physicians, certified nurse practitioners, and authorized physician assistants may dispense or provide antibiotic therapy to any sexual partner of a patient diagnosed with chlamydia or gonorrhea without making a personal physical assessment of the patient’s partner.

**Background:** In 1999, the State Board of Physicians issued a declaratory ruling that a physician employed by DHMH or a local health department may delegate dispensing authority to registered nurses who have received approved training to dispense drugs on an approved formulary in a safe and legal manner. Under the declaratory ruling, local health departments file applications with the board for review and approval of the delegation of

authority from physicians to nurses. As nurses are under the jurisdiction of the State Board of Nursing, this bill removes the review and approval duties from the State Board of Physicians and instead provides authorization for personally preparing and dispensing drugs and devices in local health departments under the Nurse Practice Act.

One substantive change from the declaratory ruling is that the bill requires an annual review of the formulary by the Committee on Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 626 (Senators Montgomery and Lee) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Association of County Health Officers, Department of Health and Mental Hygiene, Department of Legislative Services

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