

HOUSE BILL 752

J2

EMERGENCY BILL

6lr2172
CF SB 647

By: **Delegate Cullison**

Introduced and read first time: February 8, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Physicians – Prescriptions Written by Physician Assistants or Nurse**
3 **Practitioners – Preparing and Dispensing**

4 FOR the purpose of providing that certain provisions of law do not prohibit a licensed
5 physician who complies with certain requirements from personally preparing and
6 dispensing a prescription written by a physician assistant in accordance with a
7 certain delegation agreement or a nurse practitioner who is authorized to practice
8 under a certain provision of law and is working with the physician in a certain setting
9 ~~if the physician complies with certain requirements~~; making this Act an emergency
10 measure; and generally relating to ~~delegation agreements between physicians and~~
11 ~~physician assistants and~~ the preparing and dispensing by physicians of prescriptions
12 ~~by physicians~~ written by physician assistants or nurse practitioners.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 12–102(c)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2015 Supplement)

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

20 **Article – Health Occupations**

21 12–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) (1) This subsection does not apply to a licensed dentist who obtains a
2 permit from the State Board of Dental Examiners under subsection (h) of this section.

3 (2) This title does not prohibit:

4 (i) A licensed veterinarian from personally preparing and
5 dispensing the veterinarian's prescriptions;

6 (ii) A licensed dentist, physician, or podiatrist from personally
7 preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

8 1. The dentist, physician, or podiatrist:

9 A. Has applied to the board of licensure in this State which
10 licensed the dentist, physician, or podiatrist;

11 B. Has demonstrated to the satisfaction of that board that the
12 dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the
13 public interest;

14 C. Has received a written permit from that board to dispense
15 prescription drugs or devices except that a written permit is not required in order to
16 dispense starter dosages or samples without charge; and

17 D. Posts a sign conspicuously positioned and readable
18 regarding the process for resolving incorrectly filled prescriptions or includes written
19 information regarding the process with each prescription dispensed;

20 2. The person for whom the drugs or devices are prescribed
21 is a patient of the prescribing dentist, physician, or podiatrist;

22 3. The dentist, physician, or podiatrist does not have a
23 substantial financial interest in a pharmacy; and

24 4. The dentist, physician, or podiatrist:

25 A. Complies with the dispensing and labeling requirements
26 of this title;

27 B. Records the dispensing of the prescription drug or device
28 on the patient's chart;

29 C. Allows the Division of Drug Control to enter and inspect
30 the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance
31 with § 12-102.1 of this subtitle;

1 D. On inspection by the Division of Drug Control, signs and
2 dates an acknowledgment form provided by the Division of Drug Control relating to the
3 requirements of this section;

4 E. Except for starter dosages or samples without charge,
5 provides the patient with a written prescription, maintains prescription files in accordance
6 with § 12–403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;

7 F. Does not direct patients to a single pharmacist or
8 pharmacy in accordance with § 12–403(c)(8) of this title;

9 G. Does not receive remuneration for referring patients to a
10 pharmacist or pharmacy;

11 H. Complies with the child resistant packaging requirements
12 regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

13 I. Complies with drug recalls;

14 J. Maintains biennial inventories and complies with any
15 other federal and State record-keeping requirements relating to controlled dangerous
16 substances;

17 K. Purchases prescription drugs from a pharmacy or
18 wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by
19 the Board of Pharmacy;

20 L. Annually reports to the respective board of licensure
21 whether the dentist, physician, or podiatrist has personally prepared and dispensed
22 prescription drugs within the previous year; and

23 M. Completes ten continuing education credits over a 5-year
24 period relating to the preparing and dispensing of prescription drugs, offered by the
25 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in
26 consultation with each respective board of licensure, as a condition of permit renewal; [or]

27 **(III) A LICENSED PHYSICIAN WHO COMPLIES WITH THE**
28 **REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH FROM PERSONALLY PREPARING**
29 **AND DISPENSING A PRESCRIPTION WRITTEN BY A:**

30 **1. A PHYSICIAN ASSISTANT IN ACCORDANCE WITH A**
31 **DELEGATION AGREEMENT THAT COMPLIES WITH TITLE 15, SUBTITLE 3 OF THIS**
32 **ARTICLE ~~IF THE PHYSICIAN COMPLIES WITH THE REQUIREMENTS OF ITEM (II) OF~~**
33 **~~THIS PARAGRAPH; OR~~**

1 2. A NURSE PRACTITIONER WHO IS AUTHORIZED TO
 2 PRACTICE UNDER TITLE 8, SUBTITLE 3 OF THIS ARTICLE AND IS WORKING WITH THE
 3 PHYSICIAN IN THE SAME OFFICE SETTING; OR

4 [(iii)] (IV) A hospital-based clinic from dispensing prescriptions to
 5 its patients.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 7 measure, is necessary for the immediate preservation of the public health or safety, has
 8 been passed by a ye and nay vote supported by three-fifths of all the members elected to
 9 each of the two Houses of the General Assembly, and shall take effect from the date it is
 10 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.