

# SENATE BILL 647

J2

EMERGENCY BILL  
**ENROLLED BILL**

(6lr2173)

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senators Klausmeier, Conway, Nathan-Pulliam, and Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## 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

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### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 12–102(c)  
2 Annotated Code of Maryland  
3 (2014 Replacement Volume and 2015 Supplement)

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

6 **Article – Health Occupations**

7 12–102.

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

10 (2) This title does not prohibit:

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

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

15 1. The dentist, physician, or podiatrist:

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

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

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

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

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

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

31 4. The dentist, physician, or podiatrist:

- 1                                   A.    Complies with the dispensing and labeling requirements  
2 of this title;
- 3                                   B.    Records the dispensing of the prescription drug or device  
4 on the patient's chart;
- 5                                   C.    Allows the Division of Drug Control to enter and inspect  
6 the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance  
7 with § 12–102.1 of this subtitle;
- 8                                   D.    On inspection by the Division of Drug Control, signs and  
9 dates an acknowledgment form provided by the Division of Drug Control relating to the  
10 requirements of this section;
- 11                                  E.    Except for starter dosages or samples without charge,  
12 provides the patient with a written prescription, maintains prescription files in accordance  
13 with § 12–403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;
- 14                                  F.    Does not direct patients to a single pharmacist or  
15 pharmacy in accordance with § 12–403(c)(8) of this title;
- 16                                  G.    Does not receive remuneration for referring patients to a  
17 pharmacist or pharmacy;
- 18                                  H.    Complies with the child resistant packaging requirements  
19 regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;
- 20                                  I.    Complies with drug recalls;
- 21                                  J.    Maintains biennial inventories and complies with any  
22 other federal and State record-keeping requirements relating to controlled dangerous  
23 substances;
- 24                                  K.    Purchases prescription drugs from a pharmacy or  
25 wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by  
26 the Board of Pharmacy;
- 27                                  L.    Annually reports to the respective board of licensure  
28 whether the dentist, physician, or podiatrist has personally prepared and dispensed  
29 prescription drugs within the previous year; and
- 30                                  M.    Completes ten continuing education credits over a 5–year  
31 period relating to the preparing and dispensing of prescription drugs, offered by the  
32 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in  
33 consultation with each respective board of licensure, as a condition of permit renewal; [or]

1 (iii) A LICENSED PHYSICIAN WHO COMPLIES WITH THE  
2 REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH FROM PERSONALLY PREPARING  
3 AND DISPENSING A PRESCRIPTION WRITTEN BY A:

4 1. A PHYSICIAN ASSISTANT IN ACCORDANCE WITH A  
5 DELEGATION AGREEMENT THAT COMPLIES WITH TITLE 15, SUBTITLE 3 OF THIS  
6 ARTICLE ~~IF THE PHYSICIAN COMPLIES WITH THE REQUIREMENTS OF ITEM (II) OF~~  
7 ~~THIS PARAGRAPH; OR~~

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

11 [(iii)] (iv) A hospital-based clinic from dispensing prescriptions to  
12 its patients.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.