

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 647

(Senator Klausmeier, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

Physicians - Prescriptions Written by Physician Assistants or Nurse Practitioners
- Preparing and Dispensing

This emergency bill clarifies that a licensed physician may personally prepare and dispense a prescription written by a physician assistant in accordance with an authorized delegation agreement or a prescription written by a certified nurse practitioner who works with the physician in the same office setting, if the physician otherwise complies with dispensing requirements.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Under the Health Occupations Article, a person must be licensed by the State Board of Pharmacy in order to practice pharmacy in the State, which includes the dispensing of prescription drugs. “Dispensing” means the procedure that results in the receipt of a prescription or nonprescription drug or device by a patient or the patient’s agent and that entails (1) the interpretation of an authorized prescriber’s prescription for a drug or device; (2) the selection and labeling of the drug or device prescribed pursuant to that prescription; and (3) measuring and packaging of the prescribed drug or device in accordance with State and federal laws. This requirement does not prohibit specified individuals from personally preparing and dispensing prescriptions under specified

circumstances, including a licensed physician who personally prepares and dispenses *the physician's* prescriptions.

A physician may delegate medical acts to a physician assistant by filing and executing a delegation agreement with the State Board of Physicians (MBP). Physician assistants may only practice under the supervision of a licensed physician and may only perform tasks that are authorized in a delegation agreement. Delegation agreements that include specified tasks require approval by MBP. A primary supervising physician may delegate the prescribing, dispensing, or administering of controlled dangerous substances, prescription drugs, or medical devices if the delegation agreement includes specified information.

A certified nurse practitioner may prescribe drugs in accordance with State Board of Nursing (BON) regulations. A certified nurse practitioner may personally prepare and dispense (1) any drug that the nurse practitioner may prescribe to the extent permitted by law in the course of treating a patient at specified medical facilities and (2) a starter dosage of any drug the nurse practitioner is authorized to prescribe to a patient if additional requirements are met.

Background: According to MBP, there are 29,787 licensed physicians and 3,275 licensed physician assistants in the State. BON advises there are 5,112 certified nurse practitioners in the State.

Additional Information

Prior Introductions: None.

Cross File: HB 752 (Delegate Cullison) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2016
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