

SENATE BILL 363

J2, J1, C3

7lr2568
CF 7lr0591

By: **Senator Conway**

Introduced and read first time: January 25, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Contraceptives – Prescribing and Dispensing**

3 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
4 regulations to prescribe and dispense certain contraceptives; requiring the State
5 Board of Pharmacy to adopt regulations for pharmacists to prescribe and dispense
6 certain contraceptives; establishing certain requirements for the regulations;
7 requiring the Maryland Medical Assistance Program and the Maryland Children’s
8 Health Program to provide coverage for certain contraceptive services rendered by a
9 licensed pharmacist to the same extent as the contraceptive services rendered by any
10 other licensed health care practitioner; requiring certain insurers, nonprofit health
11 service plans, and health maintenance organizations to provide coverage for certain
12 contraceptive services rendered by a licensed pharmacist to the same extent as the
13 contraceptive services rendered by any other licensed health care practitioner;
14 altering and adding certain definitions; providing for a delayed effective date; and
15 generally relating to the prescribing and dispensing of contraceptives by
16 pharmacists.

17 BY repealing and reenacting, without amendments,
18 Article – Health – General
19 Section 15–101(a), (b), and (h)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2016 Supplement)

22 BY adding to
23 Article – Health – General
24 Section 15–148(c)
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2016 Supplement)
27 (As enacted by Chapters 436 and 437 of the Acts of the General Assembly of 2016)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health Occupations
 2 Section 12–101(u)
 3 Annotated Code of Maryland
 4 (2014 Replacement Volume and 2016 Supplement)

5 BY adding to
 6 Article – Health Occupations
 7 Section 12–511
 8 Annotated Code of Maryland
 9 (2014 Replacement Volume and 2016 Supplement)

10 BY adding to
 11 Article – Insurance
 12 Section 15–716
 13 Annotated Code of Maryland
 14 (2011 Replacement Volume and 2016 Supplement)

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

17 **Article – Health – General**

18 15–101.

19 (a) In this title the following words have the meanings indicated.

20 (b) “Enrollee” means a program recipient who is enrolled in a managed care
 21 organization.

22 (h) “Program” means the Maryland Medical Assistance Program.

23 15–148.

24 **(c) THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM**
 25 **SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A**
 26 **LICENSED PHARMACIST UNDER § 12–511 OF THE HEALTH OCCUPATIONS ARTICLE,**
 27 **TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH**
 28 **CARE PRACTITIONER, IN SCREENING AN ENROLLEE AND PRESCRIBING**
 29 **CONTRACEPTIVES FOR THE ENROLLEE.**

30 **Article – Health Occupations**

31 12–101.

32 (u) (1) “Practice pharmacy” means to engage in any of the following activities:

- 1 (i) Providing pharmaceutical care;
- 2 (ii) Compounding, dispensing, or distributing prescription drugs or
3 devices;
- 4 (iii) Compounding or dispensing nonprescription drugs or devices;
- 5 (iv) Monitoring prescriptions for prescription and nonprescription
6 drugs or devices;
- 7 (v) Providing information, explanation, or recommendations to
8 patients and health care practitioners about the safe and effective use of prescription or
9 nonprescription drugs or devices;
- 10 (vi) Identifying and appraising problems concerning the use or
11 monitoring of therapy with drugs or devices;
- 12 (vii) Acting within the parameters of a therapy management contract,
13 as provided under Subtitle 6A of this title;
- 14 (viii) Administering vaccinations in accordance with § 12–508 of this
15 title or self-administered drugs in accordance with § 12–509 of this title;
- 16 (ix) Delegating a pharmacy act to a registered pharmacy technician,
17 pharmacy student, or an individual engaged in a Board approved pharmacy technician
18 training program;
- 19 (x) Supervising a delegated pharmacy act performed by a registered
20 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
21 pharmacy technician training program; [or]
- 22 (xi) Providing drug therapy management in accordance with §
23 19–713.6 of the Health – General Article; **OR**

24 **(XII) PRESCRIBING AND DISPENSING CONTRACEPTIVE**
25 **MEDICATIONS AND SELF-ADMINISTERED CONTRACEPTIVE DEVICES APPROVED BY**
26 **THE U.S. FOOD AND DRUG ADMINISTRATION.**

27 (2) “Practice pharmacy” does not include the operations of a person who
28 holds a permit issued under § 12–6C–03 of this title.

29 **12–511.**

30 **(A) IN THIS SECTION, “CONTRACEPTIVES” MEANS CONTRACEPTIVE**
31 **MEDICATIONS AND SELF-ADMINISTERED CONTRACEPTIVE DEVICES APPROVED BY**
32 **THE U.S. FOOD AND DRUG ADMINISTRATION.**

1 **(B) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS**
2 **ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE CONTRACEPTIVES.**

3 **(C) (1) THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING THE**
4 **CONDITIONS UNDER WHICH A PHARMACIST MAY PRESCRIBE AND DISPENSE**
5 **CONTRACEPTIVES.**

6 **(2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:**

7 **(I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
8 **SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR**
9 **PRESCRIBING AND DISPENSING CONTRACEPTIVES;**

10 **(II) PROVIDE A SELF-SCREENING RISK ASSESSMENT TOOL**
11 **THAT A PATIENT MUST USE BEFORE A PHARMACIST MAY PRESCRIBE**
12 **CONTRACEPTIVES FOR THE PATIENT; AND**

13 **(III) AFTER PRESCRIBING AND DISPENSING CONTRACEPTIVES**
14 **FOR A PATIENT:**

15 **1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO:**

16 **A. THE PATIENT'S PRIMARY CARE PRACTITIONER OR**
17 **REPRODUCTIVE HEALTH CARE PRACTITIONER; OR**

18 **B. IF THE PATIENT DOES NOT HAVE A PRIMARY CARE**
19 **PRACTITIONER OR REPRODUCTIVE HEALTH CARE PRACTITIONER, A FAMILY**
20 **PLANNING PROVIDER OR A LICENSED CLINICIAN WHO PROVIDES REPRODUCTIVE**
21 **HEALTH CARE SERVICES;**

22 **2. PROVIDE THE PATIENT WITH A WRITTEN RECORD OF**
23 **THE CONTRACEPTIVES DISPENSED; AND**

24 **3. RECORD THE PRESCRIBING AND DISPENSING OF THE**
25 **CONTRACEPTIVES IN ANY ELECTRONIC HEALTH RECORD MAINTAINED ON THE**
26 **PATIENT BY THE PHARMACIST.**

27 **(3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO**
28 **COMPLETE A TRAINING PROGRAM FOR A PHARMACIST WHO ALREADY HAS**
29 **UNDERGONE THE TRAINING AS PART OF THE PHARMACIST'S FORMAL EDUCATIONAL**
30 **PROGRAM.**

Article – Insurance

15-716.

(A) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12-511 OF THE HEALTH OCCUPATIONS ARTICLE TO AN INDIVIDUAL WHO IS COVERED UNDER A POLICY OR CONTRACT ISSUED OR DELIVERED BY THE ENTITY, TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER, IN SCREENING AN INDIVIDUAL AND PRESCRIBING CONTRACEPTIVES FOR THE INDIVIDUAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.