

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 363

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

Pharmacists - Contraceptives - Prescribing and Dispensing

This bill expands the scope of practice for a licensed pharmacist, who meets specified requirements, to include prescribing and dispensing contraceptive medications and self-administered contraceptive devices approved by the U.S. Food and Drug Administration (FDA). By September 1, 2018, the State Board of Pharmacy, in consultation with specified stakeholders, must adopt final regulations establishing (1) standard procedures a pharmacist must use to select the appropriate contraceptive to prescribe or to refer a patient to a health care practitioner for treatment and (2) the conditions under which a pharmacist may prescribe and dispense contraceptives. The regulations must prohibit a pharmacist from prescribing contraceptives before January 1, 2019.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: The State Board of Pharmacy can adopt the required regulations using existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not affect the finances or operations of local governments.

Small Business Effect: Potential meaningful for small business pharmacies that may prescribe and dispense specified contraceptive medications and devices.

Analysis

Bill Summary: The regulations adopted by the board must require a pharmacist to (1) complete a training program approved by the board; (2) provide a self-screening risk

assessment tool that a patient must use before a pharmacist may prescribe contraceptives for the patient; (3) follow the standard procedures established by the board; and (4) perform specified duties after prescribing and dispensing contraceptives. The training program requirement may be waived for a pharmacist who has already undergone such training as part of the pharmacist's formal educational program.

After prescribing and dispensing contraceptives, a pharmacist must (1) refer the patient for any additional care; (2) provide the patient with a written record of the contraceptives dispensed and written information about the importance of seeing a health care practitioner to obtain recommended tests and screenings; (3) record the prescribing and dispensing in any electronic health record maintained on the patient by the pharmacist; and (4) provide the patient with a copy of the record of the encounter.

Current Law: An individual must be licensed by the State Board of Pharmacy to practice pharmacy in the State. The practice of pharmacy includes compounding, dispensing, or distributing prescription drugs or devices; monitoring prescriptions; providing information, explanation, and recommendations to patients and health care practitioners about the safe and effective use of prescription drugs or devices; providing drug therapy management; and administering vaccinations. To administer vaccinations, a pharmacist must submit a registration form to the board that includes verification that the pharmacist has successfully completed a specified certification course and is certified in cardiopulmonary resuscitation. A pharmacist may also administer a self-administered drug to a patient in accordance with regulations adopted by the board.

Background: Pharmacists in several states can prescribe certain drugs under the supervision of a physician. However, two states (California and Oregon) specifically authorize pharmacists to prescribe contraceptives. Similar legislation has been considered in Hawaii, Missouri, South Carolina, Tennessee, and Washington.

Additional Information

Prior Introductions: None.

Cross File: HB 613 (Delegate Hettleman, *et al.*) - Health and Government Operations.

Information Source(s): The Pew Charitable Trusts; Department of Budget and Management; Department of Health and Mental Hygiene; Maryland Health Benefit Exchange; Maryland Insurance Administration; Department of Legislative Services

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