

Chapter 290

(House Bill 663)

AN ACT concerning

Prescription Drug Monitoring Program – Out-of-State Pharmacists and Discipline for Noncompliance

FOR the purpose of altering the definition of the term “pharmacist” in provisions of law regarding the Prescription Drug Monitoring Program to include pharmacists licensed in other states to dispense monitored prescription drugs; altering the grounds for which a certain health occupations board and certain disciplinary panels are authorized to take disciplinary action against certain licensed dentists or applicants for a license to practice dentistry, certain licensed physician assistants, and certain licensed physicians for failing to comply with the requirements of the Program; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, without amendments,

Article – Health – General
Section 21–2A–01(a)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 21–2A–01(i)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 4–315(a)(34) and (35), 14–404(a)(44) and (45), and 15–314(a)(42) and (43)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Health Occupations
Section 4–315(a)(36), 14–404(a)(46), and 15–314(a)(44)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

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

Article – Health – General

21–2A–01.

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

(i) “Pharmacist” means an individual who is licensed under Title 12 of the Health Occupations Article, **OR BY ANOTHER STATE**, to dispense a monitored prescription drug.

Article – Health – Occupations

4–315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher’s license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board; [or]

(35) Fails to comply with § 1–223 of this article; **OR**

(36) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(44) Fails to meet the qualifications for licensure under Subtitle 3 of this title; [or]

(45) Fails to comply with § 1–223 of this article; **OR**

(46) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE.

15–314.

(a) Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary

panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

(42) Performs delegated medical acts without the supervision of a physician;
[or]

(43) Fails to submit to a criminal history records check under § 14–308.1 of this article; **OR**

(44) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.