

SENATE BILL 84

J2, C3

(PRE-FILED)

1r0522
CF HB 135

By: **Senators Young and Waldstreicher**

Requested: September 14, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Administration of Self-Administered Medications and**
3 **Maintenance Injectable Medications**

4 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
5 regulations to administer maintenance injectable medications to a patient under
6 certain circumstances; prohibiting a pharmacist from administering an initial dose
7 of a maintenance injectable medication under a certain provision of this Act except
8 under certain circumstances; requiring the State Board of Pharmacy, on or before a
9 certain date and in consultation with the State Board of Physicians and the State
10 Board of Nursing, to adopt certain regulations for pharmacists to administer a
11 maintenance injectable medication; establishing certain requirements for the
12 regulations; requiring the Maryland Medical Assistance Program and the Maryland
13 Children’s Health Program to provide coverage for the administering of certain
14 self-administered medications and maintenance injectable medications rendered by
15 a licensed pharmacist to the same extent as the services rendered by any other
16 licensed health care practitioner; requiring certain insurers, nonprofit health service
17 plans, and health maintenance organizations to provide coverage for the
18 administering of certain self-administered medications and maintenance injectable
19 medications rendered by a licensed pharmacist to the same extent as the services
20 rendered by any other licensed health care practitioner; altering a certain definition;
21 defining a certain term; providing for the application of certain provisions of this Act;
22 and generally relating to the administering of self-administered medications and
23 maintenance injectable medications by pharmacists.

24 BY repealing and reenacting, with amendments,
25 Article – Health – General
26 Section 15–148(c)
27 Annotated Code of Maryland
28 (2019 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
 2 Article – Health Occupations
 3 Section 12–101(a) and (c)
 4 Annotated Code of Maryland
 5 (2014 Replacement Volume and 2020 Supplement)

6 BY adding to
 7 Article – Health Occupations
 8 Section 12–101(o–1)
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Health Occupations
 13 Section 12–101(x)(1)(viii) and 12–509
 14 Annotated Code of Maryland
 15 (2014 Replacement Volume and 2020 Supplement)

16 BY adding to
 17 Article – Insurance
 18 Section 15–716
 19 Annotated Code of Maryland
 20 (2017 Replacement Volume and 2020 Supplement)

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

23 **Article – Health – General**

24 15–148.

25 (c) The Program and the Maryland Children’s Health Program shall provide
 26 coverage for services, **TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER**
 27 **LICENSED HEALTH CARE PRACTITIONER**, rendered to an enrollee by a licensed
 28 pharmacist under:

29 **(1) § 12–509 OF THE HEALTH OCCUPATIONS ARTICLE IN**
 30 **ADMINISTERING SELF-ADMINISTERED MEDICATIONS OR MAINTENANCE**
 31 **INJECTABLE MEDICATIONS; OR**

32 **(2) § 12–511 of the Health Occupations Article**[, to the same extent as
 33 services rendered by any other licensed health care practitioner,] in screening an enrollee
 34 and prescribing contraceptives for the enrollee.

35 **Article – Health Occupations**

1 12-101.

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

3 (c) “Biological product” has the meaning stated in 42 U.S.C. § 262.

4 **(O-1) (1) “MAINTENANCE INJECTABLE MEDICATION” MEANS A**
5 **MEDICATION THAT:**

6 **(I) IS ADMINISTERED BY INJECTION OTHER THAN**
7 **INTRAVENOUSLY; AND**

8 **(II) TREATS A CHRONIC NEED, CONDITION, OR DISORDER.**

9 **(2) “MAINTENANCE INJECTABLE MEDICATION” INCLUDES A**
10 **MEDICATION FOR THE TREATMENT OF A PSYCHIATRIC DISORDER OR SUBSTANCE**
11 **USE DISORDER, CONTRACEPTION, AND VITAMINS.**

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

13 (viii) Administering vaccinations in accordance with § 12-508 of this
14 title or self-administered drugs **OR MAINTENANCE INJECTABLE MEDICATIONS** in
15 accordance with § 12-509 of this title;

16 12-509.

17 **(A)** In addition to the authority granted to a pharmacist under § 12-508 of this
18 subtitle, a pharmacist, in accordance with regulations adopted by the Board, may
19 administer **[a]:**

20 **(1)** A self-administered drug to a patient that is prescribed by an
21 authorized prescriber; **AND**

22 **(2)** **SUBJECT TO SUBSECTION (B) OF THIS SECTION, A MAINTENANCE**
23 **INJECTABLE MEDICATION THAT IS NOT A BIOLOGICAL PRODUCT TO A PATIENT:**

24 **(I) THAT IS PRESCRIBED BY AN AUTHORIZED PRESCRIBER;**

25 **(II) IN ACCORDANCE WITH A STANDING ORDER ISSUED BY AN**
26 **AUTHORIZED PUBLIC HEALTH OFFICIAL; OR**

27 **(III) IN ACCORDANCE WITH A PROTOCOL UNDER SUBTITLE 6A**
28 **OF THIS TITLE.**

29 **(B)** A PHARMACIST MAY NOT ADMINISTER AN INITIAL DOSE OF A

1 MAINTENANCE INJECTABLE MEDICATION PRODUCT UNDER SUBSECTION (A)(2) OF
2 THIS SECTION UNLESS THE PHARMACIST RECEIVES WRITTEN APPROVAL FROM THE
3 PRESCRIBER.

4 (C) (1) ON OR BEFORE SEPTEMBER 1, 2022, THE BOARD, IN
5 CONSULTATION WITH THE STATE BOARD OF PHYSICIANS AND THE STATE BOARD
6 OF NURSING, SHALL ADOPT REGULATIONS ESTABLISHING STANDARD PROCEDURES:

7 (I) THAT A PHARMACIST MUST USE TO ADMINISTER A
8 MAINTENANCE INJECTABLE MEDICATION AFTER AN INITIAL DOSE IS ADMINISTERED
9 BY THE PRESCRIBER;

10 (II) THAT A PHARMACIST MUST USE TO ADMINISTER AN INITIAL
11 DOSE OF A MAINTENANCE INJECTABLE MEDICATION IF THE ADMINISTRATION OF
12 THE INITIAL DOSE IS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION; AND

13 (III) FOR COMMUNICATING TO THE PRESCRIBER WHETHER A
14 MEDICATION WAS ADMINISTERED TO A SPECIFIC PATIENT AND RELEVANT
15 INFORMATION ABOUT THE PATIENT'S CONDITION.

16 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

17 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
18 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR:

19 1. ADMINISTERING MAINTENANCE INJECTABLE
20 MEDICATIONS; AND

21 2. MANAGING THE POPULATIONS THE PHARMACIST
22 SERVES, THE MEDICATIONS BEING ADMINISTERED, AND THE CURRENT GUIDELINES
23 RELATING TO THESE POPULATIONS AND MEDICATIONS;

24 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
25 THE BOARD; AND

26 (III) AFTER ADMINISTERING A MAINTENANCE INJECTABLE
27 MEDICATION:

28 1. NOTIFY THE PRESCRIBER THAT THE MAINTENANCE
29 INJECTABLE MEDICATION WAS ADMINISTERED AND OF ANY RELEVANT DETAILS
30 ABOUT THE PATIENT'S CONDITION;

31 2. PROVIDE THE PATIENT WITH A WRITTEN RECORD OF
32 THE MAINTENANCE INJECTABLE MEDICATION ADMINISTERED;

