

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 661

(Senator Benson, *et al.*)

Finance

Health and Government Operations

Pharmacists - Status as Health Care Providers and Study on Reimbursement

This bill alters the definition of “health care provider” to include a pharmacist in provisions of law regarding the maintenance and destruction of medical records. The bill also requires the Insurance Commissioner to establish a workgroup with specified stakeholders to identify options and requirements necessary for the reimbursement of pharmacists who provide medical services within their scope of practice and work setting. By December 31, 2022, the Commissioner must report findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: The Maryland Insurance Administration can establish the workgroup and submit the required report using existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law:

Pharmacists

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; administering vaccinations; prescribing and dispensing certain contraceptive medications and devices; and administering a self-administered drug to a patient.

Under § 15-716 of the Insurance Article, for health insurance policies that provide coverage for patient assessment regarding, and administration of, self-administered medications and maintenance injectable medications, a carrier must provide coverage for services rendered by a licensed pharmacist to the same extent as services rendered by any other licensed health care practitioner, for patient assessment regarding and in administering self-administered medications or maintenance injectable medications.

Maintenance and Destruction of Medical Records

For purposes of the maintenance and destruction of medical records, a “health care provider” means an acupuncturist, audiologist, chiropractor, dietitian, dentist, electrologist, specified health care facilities, massage therapist, mortician, nurse, nutritionist, occupational therapist, optometrist, physical therapist, physician, podiatrist, professional counselor, psychologist, social worker, and speech-language pathologist. A health care provider included in this definition is subject to the following requirements.

Except for a minor patient, unless a patient is notified, a health care provider may not destroy a medical record or laboratory or X-ray report about a patient for five years after the record or report is made. For a minor patient, a medical record or laboratory or X-ray report may not be destroyed until the patient attains the age of majority plus three years or for five years after the record or report is made, whichever is later, unless specified notification is provided.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Budget and Management; Maryland Department of Health; Maryland Health Benefit Exchange; Maryland Health Care Alternative Dispute Resolution Office; Maryland Insurance Administration; Department of Legislative Services

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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510