



Board of Pharmacy

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Jennifer L. Hardesty, Board President – Deena Speights-Napata, Executive Director

March 24, 2022

The Honorable Shane Pendergrass, Chair
House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401

RE: Senate Bill 355 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements - Letter of Concern

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Pharmacy (the Board) is submitting this letter of concern for Senate Bill (SB) 355 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements.

SB 355 will authorize a Maryland-licensed pharmacist to prescribe and dispense preexposure prophylaxis (PrEP) and postexposure prophylaxis (PEP) for HIV prevention to patients under certain circumstances. SB 355 will require the Board to approve and/or develop a training program on the use of PrEP and PEP, and require a pharmacist to complete the training program prior to prescribing and dispensing PrEP or PEP. SB 355 will also require the Board to adopt regulations mandating a pharmacist to create and disseminate information regarding a federal program.

The Board of Pharmacy is supportive of the appropriate expansion of the practice of pharmacy; however, the Board has concerns regarding provisions contained in SB 355.

SB 355 will require the Board to develop and/or approve an appropriate training program on the use of PrEP and PEP that includes information regarding financial assistance programs. *See* § 12-514(D)(2). While the Board provides guidance regarding the practice of pharmacy, it is not an educational institution. The Board ensures that pharmacy is practiced safely, but it is not equipped to develop a training program on the use of PrEP and PEP. The Board submits that a pharmacist should receive education regarding the use of all pharmaceuticals, including PrEP and PEP, under the supervision of a qualified instructor at a school of pharmacy.

SB 355 will require a Maryland-licensed pharmacist to complete an additional training program on the use of PrEP and PEP prior to prescribing and dispensing the aforementioned HIV prevention pharmaceuticals. *See* § 12-514(D)(1)(I). The Board understands that healthcare practitioners must be highly skilled and qualified to ensure public safety; however, requiring a

pharmacist to complete an additional training program to engage in a task covered as part of their core curriculum is unnecessary to protect public health and neglects to value the competence that a pharmacist has demonstrated by obtaining a degree from a school of pharmacy, completing an internship, and passing the NAPLEX and MPJE. The Board suggests removing the mandatory training provision from SB 355, as Maryland-licensed pharmacists are required to complete a rigorous curriculum and achieve certain testing criteria prior to successfully obtaining a license from the Board.

The Board would like to inform the Committee that certain Maryland-licensed pharmacists manage drug therapy pursuant to a prescriber-pharmacist agreement, drug therapy protocol, and therapy management contract. *See* Md. Code Ann., Health Occ., §§ 12-6A-01 – 12-6A-10; COMAR 10.34.29. Many pharmacists that practice pharmacy pursuant to a drug therapy protocol have obtained postgraduate education and training in specialized areas, including infectious diseases. The Board requires a pharmacist that desires to practice pursuant to a drug therapy protocol to possess a (1) Doctor of Pharmacy or Bachelor of Science in Pharmacy combined with additional clinical training, (2) Board of Pharmacy Specialties certificate, American Society of Consultant Pharmacist's Certified Geriatric Practitioner certificate, or complete a residency offered by a body accredited by the Accreditation on Pharmacy Education, and (3) experiential learning hours. The Board submits that Maryland-licensed pharmacists that have been approved to practice pharmacy pursuant to a drug therapy protocol are highly competent and should be exempt from additional training requirements.

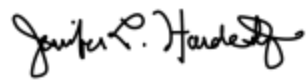
SB 355 will allow a pharmacist to order an HIV test. *See* § 12-514(B)(3)(I)(2). The Board notes that a Maryland-license pharmacist does not have the ability to order an HIV test currently. It is the Board's understanding that the Laboratories Administration of the Maryland Department of Health will need to approve and supply testing materials. The Board suggests that SB 355 is amended to include a provision for access to testing materials.

SB 355 will require a dispensing pharmacist to maintain records regarding a patient and limit subsequent prescriptions without documentation of a physician's visit. *See* §§ 12-514(B)(1)(III)(2), 12-514(B)(1)(IV), 12-514(B)(2)(II). The Board is concerned that SB 355 will not prevent a patient from obtaining PrEP and/or PEP from multiple pharmacists, as the legislation does not include a requirement or mechanism to monitor and share the information with other health care professionals.

Finally, SB 355 will require the Board to adopt regulations mandating a pharmacist to create and disseminate information regarding the operations of a healthcare facility with which they are not freely associated. *See* §§ 12-514(B)(1)(VI), 12-514(B)(3)(II)(2), 12-514(C)(1)(IV)(2), 12-514(D)(1)(II), 12-514(E). SB 355 will require a dispensing pharmacist to provide certain patients "with a list of physicians, clinics, or other health care providers in the area that receive funding...from the Ryan White HIV/AIDS Program..." The requirement to maintain current information regarding the operations of a different healthcare provider and provide patients with a list of healthcare options may be burdensome to an individual pharmacist. The Board would suggest that a pharmacist could include general information, in the form of a link to QR code, regarding the Ryan White HIV/AIDS Program on the copy of the medical record that is provided to the patient or provide verbal notice. The Board does not support regulations that would create unnecessary administrative burdens in the practice of pharmacy.

If you would like to discuss this further, please do not hesitate to contact Executive Director of the Board, Deena Speights-Napata, at deena.speights-napata@maryland.gov or (410) 764-4753.

Sincerely,

A handwritten signature in black ink that reads "Jennifer L. Hardesty". The signature is written in a cursive style with a large initial "J" and a distinct "H".

Jennifer L. Hardesty,
PharmD, FASCP
President