

HOUSE BILL 716

J4, J2

3lr2147
CF SB 617

By: **Delegates Tarrant, Costa, Cullison, Elliott, Hubbard, A. Kelly, Kipke, Krebs, Nathan-Pulliam, Pena-Melnyk, Ready, and V. Turner**

Introduced and read first time: February 4, 2013

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2013

CHAPTER _____

1 AN ACT concerning

2 **Drug Therapy Management – Physician–Pharmacist Agreements**

3 FOR the purpose of repealing certain provisions of law requiring certain
4 physician–pharmacist agreements to be approved by the State Board of
5 Pharmacy and the State Board of Physicians; requiring, in a group model health
6 maintenance organization, a licensed physician who has entered into a certain
7 physician–pharmacist agreement to provide drug therapy management to
8 submit a copy of the agreement, certain modifications to the agreement, and
9 certain protocols to the State Board of Physicians; requiring, in a group model
10 health maintenance organization, a licensed pharmacist who has entered into a
11 certain physician–pharmacist agreement to provide drug therapy management
12 to submit a copy of the agreement, certain modifications to the agreement, and
13 certain protocols to the State Board of Pharmacy; repealing certain provisions of
14 law relating to the approval, term, and renewal of certain physician–pharmacist
15 agreements; altering a certain definition; making stylistic and conforming
16 changes; and generally relating to physician–pharmacist agreements for drug
17 therapy management in a group model health maintenance organization.

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 19–713.6
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 19–713.6.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Documented informed consent” means:

7 (i) A written consent form signed by a patient; or

8 (ii) Verbal or otherwise communicated consent signified by a
9 notation in a patient’s electronic medical record maintained by a group model health
10 maintenance organization.

11 (3) “Drug therapy management” means treatment of a patient using
12 drug therapy, laboratory tests, or medical devices under conditions or limitations set
13 forth in a protocol specified in a physician–pharmacist agreement for the purpose of
14 improving patient outcome.

15 (4) “Group model health maintenance organization” means a health
16 maintenance organization that:

17 (i) Contracts with one multispecialty group of physicians who
18 are employed by and shareholders of the multispecialty group; and

19 (ii) Provides and arranges for the provision of physician services
20 to patients at medical facilities operated by the health maintenance organization.

21 (5) “Licensed pharmacist” means an individual who is licensed to
22 practice pharmacy under Title 12 of the Health Occupations Article.

23 (6) “Licensed physician” means an individual who is licensed to
24 practice medicine under Title 14 of the Health Occupations Article.

25 (7) “Patient” means:

26 (i) A patient who is a member of a group model health
27 maintenance organization; or

28 (ii) An individual to whom the group model health maintenance
29 organization is contractually or legally obligated to provide, or arrange to provide,
30 health care services.

1 (8) “Physician–pharmacist agreement” means an [approved]
2 agreement between a licensed physician and a licensed pharmacist that is
3 disease–state specific and specifies the protocols that may be used.

4 (9) “Protocol” means a course of treatment predetermined by the
5 licensed physician and licensed pharmacist according to generally accepted medical
6 practice for the proper completion of a particular therapeutic or diagnostic
7 intervention.

8 (b) (1) In a group model health maintenance organization, a licensed
9 physician and a licensed pharmacist who wish to provide drug therapy management to
10 patients shall have a physician–pharmacist agreement [that is approved by the State
11 Board of Pharmacy and the State Board of Physicians].

12 (2) Drug therapy management shall be provided under this section
13 only:

14 (i) In accordance with a physician–pharmacist agreement; and

15 (ii) Through the internal pharmacy operations of the group
16 model health maintenance organization.

17 **(3) A LICENSED PHYSICIAN WHO HAS ENTERED INTO A**
18 **PHYSICIAN–PHARMACIST AGREEMENT SHALL SUBMIT TO THE STATE BOARD OF**
19 **PHYSICIANS A COPY OF THE PHYSICIAN–PHARMACIST AGREEMENT AND ANY**
20 **SUBSEQUENT MODIFICATIONS MADE TO THE PHYSICIAN–PHARMACIST**
21 **AGREEMENT OR THE PROTOCOLS SPECIFIED IN THE PHYSICIAN–PHARMACIST**
22 **AGREEMENT.**

23 **(4) A LICENSED PHARMACIST WHO HAS ENTERED INTO A**
24 **PHYSICIAN–PHARMACIST AGREEMENT SHALL SUBMIT TO THE STATE BOARD OF**
25 **PHARMACY A COPY OF THE PHYSICIAN–PHARMACIST AGREEMENT AND ANY**
26 **SUBSEQUENT MODIFICATIONS MADE TO THE PHYSICIAN–PHARMACIST**
27 **AGREEMENT OR THE PROTOCOLS SPECIFIED IN THE PHYSICIAN–PHARMACIST**
28 **AGREEMENT.**

29 (c) A licensed pharmacist is authorized to enter into a physician–pharmacist
30 agreement if the licensed pharmacist:

31 (1) Has a Doctor of Pharmacy Degree or equivalent training as
32 established in regulations adopted by the State Board of Pharmacy;

33 (2) Is approved by the State Board of Pharmacy to enter into a
34 physician–pharmacist agreement with a licensed physician; and

1 (3) Meets any other requirements established by regulation by the
2 State Board of Pharmacy.

3 (d) A physician–pharmacist agreement shall prohibit the substitution of a
4 chemically dissimilar drug product by the pharmacist for the product prescribed by the
5 physician, unless permitted in the protocol specified in the physician–pharmacist
6 agreement.

7 (e) [The Board of Physicians and the Board of Pharmacy may not approve a
8 physician–pharmacist agreement if the boards find that there is:

9 (1) Inadequate training, experience, or education of the physicians or
10 pharmacists to implement the protocol or protocols specified in the
11 physician–pharmacist agreement; or

12 (2) A failure to satisfy the requirements of:

13 (i) This section or Title 14 of the Health Occupations Article; or

14 (ii) Any regulations adopted by the Board of Physicians and the
15 Board of Pharmacy under this section.

16 (f) A physician–pharmacist agreement under this section shall be valid for 2
17 years from the date of its final approval by the Board of Physicians and the Board of
18 Pharmacy and may be renewed for additional 2–year terms with approval from the
19 Board of Physicians and the Board of Pharmacy.

20 (g) A patient may decline to participate or withdraw from participating in
21 drug therapy management in a group model health maintenance organization at any
22 time.

23 [(h)] (F) A licensed physician or licensed pharmacist or both shall inform a
24 patient:

25 (1) Regarding the procedures that will be utilized for drug therapy
26 management under the associated protocols;

27 (2) That the patient may decline to participate or withdraw from
28 participating in the drug therapy management at any time; and

29 (3) That neither the physician nor the pharmacist has been coerced,
30 given economic incentives, excluding normal reimbursement for services rendered, or
31 involuntarily required to participate.

32 [(i)] (G) A licensed physician or a licensed pharmacist or both shall obtain
33 documented informed consent from a patient after disclosing the information required
34 to be disclosed under subsection [(h)] (F) of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.