

Chapter 565

(House Bill 1218)

AN ACT concerning

State Board of Pharmacy – Registered Pharmacy Interns

FOR the purpose of establishing a system of registration for pharmacy interns; requiring the State Board of Pharmacy to keep certain records; exempting certain pharmacy interns from certain provisions of law; altering certain grounds for discipline of certain applicants or licensees of the Board; authorizing certain appeals and judicial review under certain circumstances; altering the scope of certain rehabilitation committees; authorizing the Board to require a certain examination under certain circumstances; deeming certain pharmacy interns to have consented to submit to certain examinations and to have waived certain claims of privilege; specifying that certain refusals are prima facie evidence of certain incompetence under certain circumstances, subject to a certain exception; prohibiting certain pharmacies from participating in certain activities or allowing certain individuals to make certain representations; authorizing the Board to waive certain requirements for certain programs; altering the scope of a certain requirement for licensure; requiring certain individuals to register and be approved by the Board before practicing pharmacy as a pharmacy intern under the direct supervision of a certain pharmacist; providing the qualifications for a certain pharmacy intern registration; requiring certain pharmacy interns to submit to a certain criminal history records check; requiring certain applicants to the Board to submit certain sets of fingerprints and a certain fee to the Central Repository of the Criminal Justice Information System under certain circumstances; requiring the Central Repository to forward certain information to the Board and certain applicants; requiring the Board to make certain assurances regarding certain information; authorizing certain individuals to contest certain information; requiring certain applicants to provide certain information to the Board and pay a certain fee; requiring the Board to register certain individuals as pharmacy interns under certain circumstances; authorizing the Board to set certain fees under certain circumstances; prohibiting a certain pharmacist from supervising more than a certain number of pharmacy interns; requiring certain pharmacy interns to provide the Board with certain notifications within a certain number of days of a certain conviction or entry of a certain plea; providing for the scope of a pharmacy intern registration; specifying certain duties that a certain pharmacy intern may not delegate or perform; providing for the expiration and renewal of the registration of a pharmacy intern; requiring the Board to send certain notices by certain methods within a certain period of time under certain circumstances; requiring certain pharmacy interns to display certain registrations and wear certain identification; authorizing the Board to deny

certain applicants a registration, reprimand or place on probation certain pharmacy interns, or suspend or revoke certain registrations under certain circumstances; authorizing the Board to impose certain penalties under certain circumstances; requiring the Board to adopt certain regulations for certain purposes; requiring the Board to pay certain penalties into the General Fund under certain circumstances; prohibiting the surrender of certain registrations under certain circumstances; authorizing the Board to set certain conditions on certain surrenders under certain circumstances; prohibiting certain individuals from practicing, attempting to practice, or offering to practice as a certain pharmacy intern unless registered by the Board; prohibiting certain individuals from making certain representations unless registered by the Board; prohibiting the use of certain terms unless registered by the Board; subjecting certain persons to certain penalties under certain circumstances; defining certain terms; altering a certain definition; making a certain technical correction; and generally relating to the registration of pharmacy interns.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–101(g) and (t), 12–205(b), 12–301, 12–313(b)(3), (13), (31), and (32), 12–316, 12–317(b), 12–320, 12–403(b)(9) and (19) and (c)(1), 12–6B–01, and 12–707

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY adding to

Article – Health Occupations

Section 12–101(t–1) and 12–313(b)(33); and 12–6D–01 through 12–6D–15 to be under the new subtitle “Subtitle 6D. Registered Pharmacy Interns”

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – Health Occupations

12–101.

(g) “Direct supervision” means that a licensed pharmacist is physically available, **NOTWITHSTANDING APPROPRIATE BREAKS,** on-site **AND IN THE PRESCRIPTION AREA OR IN AN AREA WHERE PHARMACY SERVICES ARE PROVIDED** to supervise the [performance] **PRACTICE** of **PHARMACY AND** delegated pharmacy acts.

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

- (i) Providing pharmaceutical care;
 - (ii) Compounding, dispensing, or distributing prescription drugs or devices;
 - (iii) Compounding or dispensing nonprescription drugs or devices;
 - (iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;
 - (v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;
 - (vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;
 - (vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;
 - (viii) Administering [an influenza vaccination, a vaccination for pneumococcal pneumonia or herpes zoster, or any vaccination that has been determined by the Board, with the agreement of the Board of Physicians and the Board of Nursing, to be in the best health interests of the community] **VACCINATIONS** in accordance with § 12-508 of this title;
 - (ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;
 - (x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; or
 - (xi) Providing drug therapy management in accordance with § 19-713.6 of the Health – General Article.
- (2) “Practice pharmacy” does not include the operations of a person who holds a permit issued under § 12-6C-03 of this title.

(T-1) “REGISTERED PHARMACY INTERN” MEANS AN INDIVIDUAL WHO IS REGISTERED WITH THE BOARD TO PRACTICE PHARMACY UNDER THE DIRECT SUPERVISION OF A PHARMACIST.

12-205.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Keep a record that includes:

(i) The name and place of the business or the home address of each licensed pharmacist [and], each registered pharmacy technician, **AND EACH REGISTERED PHARMACY INTERN;**

(ii) The facts concerning the issuance of that pharmacist's license; [and]

(iii) The facts concerning the issuance of that pharmacy technician's registration; **AND**

(IV) THE FACTS CONCERNING THE ISSUANCE OF THAT PHARMACY INTERN'S REGISTRATION;

(2) Prepare and deliver to the Governor, the Secretary, and the Maryland Pharmacists Association an annual report that:

(i) Summarizes the condition of pharmacy in this State; and

(ii) Includes a record of the proceedings of the Board; and

(3) Disclose any information contained in a record to any health occupations regulatory board or agency of this State or another state if the health occupations regulatory board or agency of this State or another state requests the information in writing.

12-301.

(a) Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice pharmacy in this State.

(b) This section does not apply to a pharmacy student participating in an experiential learning program of a college or school of pharmacy under the supervision of a licensed pharmacist.

(C) THIS SECTION DOES NOT APPLY TO A REGISTERED PHARMACY INTERN PRACTICING UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST.

12-313.

(b) Subject to the hearing provisions of § 12–315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist, **A REGISTERED PHARMACY INTERN**, or a registered pharmacy technician;

(13) Agrees with an authorized prescriber, **A REGISTERED PHARMACY INTERN**, or registered pharmacy technician to prepare or dispense a secret formula prescription;

(31) Delegates pharmacy acts that are inappropriate for a registered pharmacy technician, pharmacy student, or pharmacy technician trainee who does not have the education, training, or experience to perform the delegated pharmacy acts; **[or]**

(32) Fails to dispense or dispose of prescription drugs or medical supplies in accordance with Title 15, Subtitle 6 of the Health – General Article; **OR**

(33) FAILS TO APPROPRIATELY SUPERVISE A REGISTERED PHARMACY INTERN.

12–316.

(a) Except as provided in this section for an action under § 12–313 of this subtitle or § 12–6B–09 **OR § 12–6D–11** of this title, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 12–313 of this subtitle or § 12–6B–09 **OR § 12–6D–11** of this title may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

12–317.

(b) For purposes of this section, a pharmacist rehabilitation committee evaluates and provides assistance to any pharmacist, **REGISTERED PHARMACY INTERN**, or registered pharmacy technician in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

12-320.

(a) In investigating an allegation brought against a licensee, **REGISTERED PHARMACY INTERN**, or registered pharmacy technician under this title, if the Board has reason to believe that a licensee, **REGISTERED PHARMACY INTERN**, or registered pharmacy technician may cause harm to a person affected by the licensee's practice, **THE ACTS OF A REGISTERED PHARMACY INTERN**, or the acts of a registered pharmacy technician, the Board on its own initiative may direct the licensee, **REGISTERED PHARMACY INTERN**, or registered pharmacy technician to submit to an appropriate examination by a health care provider designated by the Board.

(b) In return for the privilege given to a licensee to practice pharmacy, **A REGISTERED PHARMACY INTERN TO PRACTICE PHARMACY UNDER THE DIRECT SUPERVISION OF A PHARMACIST**, or a registered pharmacy technician to perform delegated pharmacy acts in the State, the licensee, **REGISTERED PHARMACY INTERN**, or registered pharmacy technician is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or examination reports of a health care provider.

(c) The failure or refusal of a licensee, **A REGISTERED PHARMACY INTERN**, or registered pharmacy technician to submit to an examination required under this section is prima facie evidence of the licensee's inability to practice pharmacy competently, **THE REGISTERED PHARMACY INTERN'S INABILITY TO PRACTICE PHARMACY COMPETENTLY UNDER THE DIRECT SUPERVISION OF A PHARMACIST**, or the registered pharmacy technician's inability to perform delegated pharmacy acts, unless the Board finds that the failure or refusal was beyond the control of the licensee, **REGISTERED PHARMACY INTERN**, or registered pharmacy technician.

(d) The Board shall pay the cost of any examination made under this section.

12-403.

(b) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

(9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title [or], a registered pharmacy technician under § 12-6B-09 of this title, **OR A REGISTERED PHARMACY INTERN UNDER § 12-6D-11 OF THIS TITLE;**

(19) May not allow an unauthorized individual to represent that the individual is a pharmacist, **A REGISTERED PHARMACY INTERN**, or registered pharmacy technician;

(c) (1) The Board may waive any of the requirements of this section for [the University of Maryland School of Pharmacy,] **A SCHOOL OF PHARMACY LOCATED IN THE STATE, ACCREDITED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION (ACPE)**, for nuclear pharmacy and dental pharmacy experimental and teaching programs.

12-6B-01.

(a) Except as otherwise provided in this title, on or after January 1, 2007, an individual shall be registered and approved by the Board as a pharmacy technician before the individual may perform delegated pharmacy acts.

(b) This section does not apply to[:

(1) A pharmacy student performing delegated pharmacy acts under the direct supervision of a licensed pharmacist and in accordance with regulations adopted by the Board;

(2) **A]** A pharmacy technician trainee under the direct supervision of a licensed pharmacist provided that the individual does not perform delegated pharmacy acts for more than 6 months[; or

(3) An applicant for a license to practice pharmacy under the direct supervision of a licensed pharmacist provided that the applicant does not perform delegated pharmacy acts for more than 10 months].

SUBTITLE 6D. REGISTERED PHARMACY INTERNS.

12-6D-01.

IN THIS SUBTITLE, "ACPE" MEANS THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION.

12-6D-02.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL BE REGISTERED AND APPROVED BY THE BOARD AS A REGISTERED PHARMACY INTERN BEFORE THE INDIVIDUAL MAY PRACTICE PHARMACY UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST IN ACCORDANCE WITH THIS SUBTITLE.

12-6D-03.

(A) TO QUALIFY FOR REGISTRATION AN APPLICANT SHALL BE AN INDIVIDUAL WHO:

(1) IS CURRENTLY ENROLLED AND HAS COMPLETED 1 YEAR OF PROFESSIONAL PHARMACY EDUCATION IN A DOCTOR OF PHARMACY PROGRAM ACCREDITED BY THE ACPE;

(2) IS CURRENTLY ENROLLED AND HAS COMPLETED 1 YEAR OF PROFESSIONAL PHARMACY EDUCATION IN A DOCTOR OF PHARMACY PROGRAM UNDER ACCREDITATION REVIEW BY THE ACPE;

(3) HAS GRADUATED FROM A DOCTOR OF PHARMACY PROGRAM ACCREDITED BY THE ACPE AND HAS APPLIED FOR LICENSURE WITH THE BOARD; OR

(4) IS A GRADUATE OF A FOREIGN SCHOOL OF PHARMACY WHO:

(I) HAS ESTABLISHED EDUCATIONAL EQUIVALENCY AS DETERMINED BY THE BOARD; AND

(II) HAS PASSED AN EXAMINATION OF ORAL ENGLISH APPROVED BY THE BOARD.

(B) AN APPLICANT SHALL SUBMIT A REQUEST FOR A STATE CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 12-6D-04 OF THIS SUBTITLE.

(C) THE BOARD MAY NOT APPROVE AN APPLICATION UNTIL THE STATE CRIMINAL HISTORY RECORDS CHECK IS COMPLETED.

(D) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

12-6D-04.

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE CRIMINAL HISTORY RECORDS CHECK, THE APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY; AND

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS.

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD THE CRIMINAL HISTORY RECORDS INFORMATION OF THE APPLICANT TO THE BOARD AND THE APPLICANT.

(D) THE BOARD SHALL ENSURE THAT INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(1) IS KEPT CONFIDENTIAL;

(2) IS NOT REDISSEMINATED; AND

(3) IS USED ONLY FOR THE REGISTRATION PURPOSE AUTHORIZED BY THIS SUBTITLE.

(E) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

12-6D-05.

(A) AN APPLICANT FOR REGISTRATION SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES;

(2) PROVIDE DOCUMENTATION OF:

- (I) ENROLLMENT IN A DOCTOR OF PHARMACY PROGRAM;
- (II) GRADUATION FROM AN APPROVED COLLEGE OF PHARMACY; OR
- (III) FOR AN APPLICANT WHO SATISFIES THE REQUIREMENTS UNDER § 12-6D-02(A)(4) OF THIS SUBTITLE, PROOF OF:

 - 1. EDUCATIONAL EQUIVALENCY; AND
 - 2. ORAL ENGLISH COMPETENCY;
- (3) SUBMIT TO A REQUEST FOR A STATE CRIMINAL HISTORY RECORDS CHECK; AND
- (4) PAY THE APPLICATION FEES SET BY THE BOARD.
- (B) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT.

12-6D-06.

- (A) THE BOARD SHALL REGISTER AS A PHARMACY INTERN ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.
- (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF REGISTRATIONS AND OTHER SERVICES.

(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE COST OF REGISTERING PHARMACY INTERNS.
- (C) A LICENSED PHARMACIST MAY NOT DIRECTLY SUPERVISE MORE THAN TWO REGISTERED PHARMACY INTERNS AT ONE TIME.

12-6D-07.

- (A) A REGISTERED PHARMACY INTERN SHALL NOTIFY THE BOARD OF EACH PLEA OF GUILTY FOR, CONVICTION OF, OR ENTRY OF A PLEA OF NOLO CONTENDERE FOR A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, REGARDLESS OF WHETHER:

 - (1) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION OF SENTENCE IS WITHHELD; OR

(2) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING THE MATTER.

(B) THE REGISTERED PHARMACY INTERN SHALL NOTIFY THE BOARD WITHIN 7 DAYS OF THE CONVICTION OR ENTRY OF THE PLEA.

12-6D-08.

(A) REGISTRATION AUTHORIZES A REGISTERED PHARMACY INTERN TO PRACTICE PHARMACY UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST WHILE THE REGISTRATION IS EFFECTIVE.

(B) A REGISTERED PHARMACY INTERN MAY ADMINISTER VACCINATIONS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

(C) A REGISTERED PHARMACY INTERN MAY NOT:

(1) DELEGATE A PHARMACY ACT;

(2) PERFORM A FINAL VERIFICATION OF A PRESCRIPTION DRUG OR DEVICE BEFORE DISPENSING; OR

(3) PERFORM OTHER DUTIES PROHIBITED BY REGULATIONS ADOPTED BY THE BOARD.

12-6D-09.

(A) (1) REGISTRATION EXPIRES ON THE DATE SET BY THE BOARD.

(2) REGISTRATION IS VALID FOR UP TO 2 YEARS FROM THE DATE OF ISSUE.

(B) (1) A REGISTERED PHARMACY INTERN WHO QUALIFIED FOR REGISTRATION UNDER § 12-6D-03(A)(1) AND (2) OF THIS SUBTITLE MAY RENEW THE REGISTRATION ONE TIME IF THE REGISTERED PHARMACY INTERN IS:

(I) OTHERWISE ENTITLED TO BE REGISTERED AS A PHARMACY INTERN;

(II) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(III) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.

(2) A REGISTERED PHARMACY INTERN WHO QUALIFIED FOR REGISTRATION UNDER § 12-6D-03(A)(3) AND (4) OF THIS SUBTITLE MAY NOT RENEW THE REGISTRATION.

(C) THE REGISTRATION OF A PHARMACY INTERN REGISTERED UNDER THIS SUBTITLE EXPIRES AND MAY NOT BE RENEWED ON THE DATE THAT THE REGISTERED PHARMACY INTERN BECOMES A LICENSED PHARMACIST.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL SEND TO EACH REGISTERED PHARMACY INTERN, AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, A RENEWAL NOTICE BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE REGISTERED PHARMACY INTERN.

(2) IF REQUESTED BY A REGISTERED PHARMACY INTERN, THE BOARD SHALL SEND TO THE REGISTERED PHARMACY INTERN, AT LEAST TWO TIMES WITHIN THE MONTH BEFORE A PHARMACY INTERN REGISTRATION EXPIRES, A RENEWAL NOTICE BY ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC ADDRESS OF THE REGISTERED PHARMACY INTERN.

(3) IF A RENEWAL NOTICE SENT BY ELECTRONIC MEANS UNDER PARAGRAPH (2) OF THIS SUBSECTION IS RETURNED TO THE BOARD AS UNDELIVERABLE, THE BOARD SHALL SEND THE REGISTERED PHARMACY INTERN A RENEWAL NOTICE BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE REGISTERED PHARMACY INTERN.

(4) A RENEWAL NOTICE SENT UNDER THIS SUBSECTION SHALL STATE:

(I) THE DATE ON WHICH THE CURRENT REGISTRATION EXPIRES;

(II) THE DATE BY WHICH THE RENEWAL APPLICATION SHALL BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE REGISTRATION EXPIRES; AND

(III) THE AMOUNT OF THE RENEWAL FEE.

(E) THE BOARD SHALL RENEW THE REGISTRATION OF EACH PHARMACY INTERN WHO MEETS THE REQUIREMENTS OF THIS SECTION.

12-6D-10.

(A) EACH REGISTERED PHARMACY INTERN SHALL:

(1) DISPLAY THE PHARMACY INTERN'S REGISTRATION IN THE OFFICE OR PLACE OF BUSINESS IN WHICH THE PHARMACY INTERN IS PRACTICING PHARMACY UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST; OR

(2) HAVE THE REGISTRATION ON THE PHARMACY INTERN'S PERSON AVAILABLE FOR VIEWING.

(B) WHEN PRACTICING PHARMACY UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST, THE REGISTERED PHARMACY INTERN SHALL WEAR IDENTIFICATION THAT CONSPICUOUSLY IDENTIFIES THE REGISTERED PHARMACY INTERN AS A REGISTERED PHARMACY INTERN.

12-6D-11.

SUBJECT TO THE HEARING PROVISION OF § 12-315 OF THIS TITLE, THE BOARD MAY DENY A PHARMACY INTERN'S REGISTRATION TO ANY APPLICANT, REPRIMAND A REGISTERED PHARMACY INTERN, PLACE ANY PHARMACY INTERN'S REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A PHARMACY INTERN'S REGISTRATION IF THE APPLICANT OR PHARMACY INTERN REGISTRANT:

(1) PERFORMS AN ACT THAT IS RESTRICTED TO A LICENSED PHARMACIST;

(2) PRACTICES PHARMACY WITHOUT THE DIRECT SUPERVISION OF A LICENSED PHARMACIST;

(3) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PHARMACY INTERN'S REGISTRATION FOR THE APPLICANT OR ASSISTS OR ATTEMPTS TO ASSIST ANOTHER IN FRAUDULENTLY OR DECEPTIVELY OBTAINING A PHARMACY INTERN'S REGISTRATION;

(4) FRAUDULENTLY USES A PHARMACY INTERN'S REGISTRATION;

(5) KNOWINGLY AIDS AN UNAUTHORIZED INDIVIDUAL TO PRACTICE PHARMACY OR TO REPRESENT THAT THE INDIVIDUAL IS A LICENSED PHARMACIST OR REGISTERED PHARMACY INTERN;

- (6) PRACTICES PHARMACY WHILE:**
- (i) UNDER THE INFLUENCE OF ALCOHOL; OR**
- (ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;**
- (7) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD AS PART OF THE REGISTERED PHARMACY INTERN'S DUTIES OR EMPLOYMENT;**
- (8) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT THAT IS REQUIRED BY LAW;**
- (9) WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF ANY REPORT THAT IS REQUIRED BY LAW;**
- (10) WILLFULLY INDUCES ANOTHER TO FAIL TO FILE OR RECORD ANY REPORT THAT IS REQUIRED BY LAW;**
- (11) PROVIDES OR CAUSES TO BE PROVIDED TO ANY AUTHORIZED PRESCRIBER PRESCRIPTION FORMS THAT BEAR THE NAME, ADDRESS, OR OTHER MEANS OF IDENTIFICATION OF A LICENSED PHARMACIST OR PHARMACY;**
- (12) KNOWINGLY AIDS A LICENSED PHARMACIST IN DISPENSING ANY DRUG, DEVICE, OR DIAGNOSTIC FOR WHICH A PRESCRIPTION IS REQUIRED WITHOUT A WRITTEN, ORAL, OR ELECTRONICALLY TRANSMITTED PRESCRIPTION FROM AN AUTHORIZED PRESCRIBER;**
- (13) UNLESS AN AUTHORIZED PRESCRIBER AUTHORIZES THE REFILL, REFILLS A PRESCRIPTION FOR ANY DRUG, DEVICE, OR DIAGNOSTIC FOR WHICH A PRESCRIPTION IS REQUIRED;**
- (14) IS PHYSICALLY OR MENTALLY INCOMPETENT;**
- (15) PLEADED GUILTY OR NOLO CONTENDERE TO, OR HAS BEEN FOUND GUILTY OF, A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, REGARDLESS OF WHETHER:**
- (i) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION OF SENTENCE IS WITHHELD; OR**

(II) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING THE MATTER;

(16) VIOLATES ANY PROVISION OF THIS TITLE;

(17) IS DISCIPLINED BY A LICENSING, REGISTERING, OR DISCIPLINARY AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

(18) VIOLATES ANY REGULATION ADOPTED BY THE BOARD;

(19) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE REGISTERED PHARMACY INTERN IS REGISTERED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(20) PARTICIPATES IN ANY ACTIVITY THAT IS GROUNDS FOR BOARD ACTION UNDER § 12-313, § 12-409, OR §12-6B-09 OF THIS TITLE;

(21) PROVIDES OR CAUSES TO BE PROVIDED CONFIDENTIAL PATIENT INFORMATION TO ANY PERSON WITHOUT FIRST HAVING OBTAINED THE PATIENT'S CONSENT, AS REQUIRED BY § 12-403(B)(13) OF THIS TITLE AND BY TITLE 4, SUBTITLE 3 OF THE HEALTH - GENERAL ARTICLE; OR

(22) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD OR THE DIVISION OF DRUG CONTROL.

12-6D-12.

(A) IF AFTER A HEARING UNDER § 12-315 OF THIS TITLE, THE BOARD FINDS THAT THERE IS A GROUND UNDER § 12-6D-11 OF THIS SUBTITLE TO REPRIMAND A REGISTERED PHARMACY INTERN, PLACE A PHARMACY INTERN'S REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A PHARMACY INTERN'S REGISTRATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$2,500:

(1) INSTEAD OF REPRIMANDING THE REGISTERED PHARMACY INTERN, PLACING THE REGISTERED PHARMACY INTERN ON PROBATION, OR SUSPENDING OR REVOKING THE PHARMACY INTERN'S REGISTRATION; OR

(2) IN ADDITION TO REPRIMANDING THE REGISTERED PHARMACY INTERN, PLACING THE REGISTERED PHARMACY INTERN ON

PROBATION, OR SUSPENDING OR REVOKING THE PHARMACY INTERN'S REGISTRATION.

(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

12-6D-13.

(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A PHARMACY INTERN'S REGISTRATION, A REGISTERED PHARMACY INTERN MAY NOT SURRENDER THE PHARMACY INTERN'S REGISTRATION NOR MAY THE PHARMACY INTERN'S REGISTRATION LAPSE BY OPERATION OF LAW WHILE THE REGISTERED PHARMACY INTERN IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE REGISTERED PHARMACY INTERN.

(B) THE BOARD MAY SET CONDITIONS ON THE BOARD'S AGREEMENT WITH THE REGISTERED PHARMACY INTERN UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT THE SURRENDER OF THE PHARMACY INTERN'S REGISTRATION.

12-6D-14.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A REGISTERED PHARMACY INTERN IN THE STATE UNLESS REGISTERED WITH THE BOARD.

12-6D-15.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS REGISTERED TO PRACTICE AS A REGISTERED PHARMACY INTERN UNLESS REGISTERED IN ACCORDANCE WITH THIS SUBTITLE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL MAY NOT USE THE TERMS "REGISTERED PHARMACY INTERN" OR "PHARMACY INTERN" WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE AS A REGISTERED PHARMACY INTERN UNLESS REGISTERED AS A PHARMACY INTERN UNDER THIS SUBTITLE.

12-707.

(a) A person who violates any provision of the following subtitles or sections of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000:

- (1) § 12-311 (“Display of licenses”);
- (2) Subtitle 4 (“Pharmacy permits”);
- (3) § 12-502(b) (“Pharmaceutical information”);
- (4) § 12-505 (“Labeling requirements for prescription medicines”); and
- (5) § 12-604 (“General power to inspect drugs, devices, and other products”).

(b) A person who violates any provision of the following sections of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both:

- (1) § 12-4A-10 (“Operating a sterile compounding facility without permit”);
- (2) § 12-701 (“Practicing pharmacy without license”);
- (3) § 12-702 (“License obtained by false representation”);
- (4) § 12-703 (“Operating a pharmacy without permit”);
- (5) § 12-704 (“Misrepresentations”); [and]
- (6) § 12-6B-12 (“Working as an unregistered pharmacy technician”);

AND

- (7) **§ 12-6D-15 (“PRACTICING AS AN UNREGISTERED PHARMACY INTERN”)**.

(c) Each day that a violation of any section of Subtitle 4 of this title continues constitutes a separate offense.

(d) Within 10 days after a court renders the conviction, the court shall report to the Board each conviction of a pharmacist or registered pharmacy technician for:

(1) Any crime regarding the pharmacy or drug laws that involves professional misconduct; or

(2) Any crime that involves the State law regarding controlled dangerous substances or the federal narcotic laws.

(e) (1) Any person who violates § 12-4A-10 (“Operating a sterile compounding facility without permit”), § 12-701 (“Practicing pharmacy without a license”), § 12-703 (“Operating a pharmacy without a permit”), [or] § 12-6B-12 (“Working as an unregistered pharmacy technician”), **OR § 12-6D-15 (“PRACTICING AS AN UNREGISTERED PHARMACY INTERN”)** of this title is subject to a civil fine of not more than \$50,000 to be assessed by the Board.

(2) The Board shall pay any penalty collected under this subsection into the State Board of Pharmacy Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, May 15, 2014.