

# HOUSE BILL 1088

J2

(4lr2787)

## ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by ~~Delegate Morhaim~~ Delegates Morhaim, Bromwell, Costa, Cullison, Donoghue, Elliott, Hammen, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Murphy, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – ~~Ophthalmologists Who Store and Administer Drugs –~~**  
3 **~~Exclusion From Maryland Pharmacy Act~~ Compound Drugs – Provision to**  
4 **Ophthalmologists for Office Use**

5 FOR the purpose of ~~providing that the Maryland Pharmacy Act does not limit the~~  
6 ~~right of ophthalmologists to store in a certain office and administer to a certain~~  
7 ~~patient, without a prescription, certain drugs for the emergency treatment of~~  
8 ~~certain eye conditions; and generally relating to the exclusion of~~  
9 ~~ophthalmologists from the Maryland Pharmacy Act~~ authorizing a pharmacy for  
10 which a pharmacy permit has been issued by the State Board of Pharmacy and  
11 a sterile compounding facility to provide to an ophthalmologist for office use.

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 without a certain prescription, certain compound drugs for certain purposes;  
 2 requiring the pharmacy or sterile compounding facility to require the  
 3 ophthalmologist to provide certain information to the pharmacy or sterile  
 4 compounding facility; requiring the Board to monitor changes in certain federal  
 5 law, regulation, and guidance and report to the Governor and General Assembly  
 6 on those changes on or before a certain date; and generally relating to the  
 7 provision of compound drugs to ophthalmologists.

8 ~~BY adding to~~

9 ~~Article – Health Occupations~~  
 10 ~~Section 12-102(h)~~  
 11 ~~Annotated Code of Maryland~~  
 12 ~~(2009 Replacement Volume and 2013 Supplement)~~

13 BY repealing and reenacting, with amendments,

14 Article – Health Occupations  
 15 Section ~~12-102(h), (i), and (j)~~ 12-403(b)(20) and (21)  
 16 Annotated Code of Maryland  
 17 (2009 Replacement Volume and 2013 Supplement)

18 BY adding to

19 Article – Health Occupations  
 20 Section 12-403(b)(22) and 12-4A-12  
 21 Annotated Code of Maryland  
 22 (2009 Replacement Volume and 2013 Supplement)

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

### 25 Article – Health Occupations

26 ~~12-102.~~

27 ~~(h) THIS TITLE DOES NOT LIMIT THE RIGHT OF AN OPHTHALMOLOGIST~~  
 28 ~~TO STORE IN THE OFFICE OF THE OPHTHALMOLOGIST AND ADMINISTER TO A~~  
 29 ~~PATIENT OF THE OPHTHALMOLOGIST, WITHOUT A PRESCRIPTION, THE~~  
 30 ~~FOLLOWING:~~

31 ~~(1) ANTIBIOTICS FOR THE EMERGENCY TREATMENT OF~~  
 32 ~~BACTERIAL ENDOPHTHALMITIS AND VIRAL RETINITIS; AND~~

33 ~~(2) ANTIVASCULAR ENDOTHELIAL GROWTH FACTOR AGENTS FOR~~  
 34 ~~THE EMERGENCY TREATMENT OF NEOVASCULAR GLAUCOMA, WET MACULAR~~  
 35 ~~DEGENERATION, AND MACULAR EDEMA.~~

36 ~~[(h)] (i) This title does not limit the right of a general merchant to sell:~~

- 1           (1) ~~Any nonprescription drug or device;~~  
 2           (2) ~~Any commonly used household or domestic remedy; or~~  
 3           (3) ~~Any farm remedy or ingredient for a spraying solution, in bulk or~~  
 4 ~~otherwise.~~

5           ~~[(i)] (J) The Board of Pharmacy, the Board of Dental Examiners, the Board~~  
 6 ~~of Physicians, and the Board of Podiatric Medical Examiners annually shall report to~~  
 7 ~~the Division of Drug Control:~~

8           (1) ~~The names and addresses of its licensees who are authorized to~~  
 9 ~~personally prepare and dispense prescription drugs; and~~

10           (2) ~~The names and addresses of its licensees who have reported, in~~  
 11 ~~accordance with subsection (e)(2)(iv)12 of this section, that they have personally~~  
 12 ~~prepared and dispensed prescription drugs within the previous year.~~

13           ~~[(j)] (K) A dentist, physician, or podiatrist who fails to comply with the~~  
 14 ~~provisions of this section governing the dispensing of prescription drugs or devices~~  
 15 ~~shall:~~

16           (1) ~~Have the dispensing permit revoked; and~~

17           (2) ~~Be subject to disciplinary actions by the appropriate licensing~~  
 18 ~~board.~~

19 12-403.

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

22           (20) Shall provide information regarding the process for resolving  
 23 incorrectly filled prescriptions in accordance with existing regulations by:

24           (i) Posting a sign that is conspicuously positioned and readable  
 25 by consumers at the point where prescription drugs are dispensed to consumers; or

26           (ii) Including written information regarding the process with  
 27 each prescription dispensed; [and]

28           (21) Shall dispense or dispose of prescription drugs or medical supplies  
 29 in accordance with Title 15, Subtitle 6 of the Health – General Article; AND

1           (22) (I) SUBJECT TO § 12-4A-02 OF THIS TITLE, MAY PROVIDE  
2 TO AN OPHTHALMOLOGIST FOR OFFICE USE, WITHOUT A PATIENT-SPECIFIC  
3 PRESCRIPTION:

4                   1. COMPOUND ANTIBIOTICS FOR THE EMERGENCY  
5 TREATMENT OF BACTERIAL ENDOPHTHALMITIS OR VIRAL RETINITIS; AND

6                   2. COMPOUND ANTIVASCULAR ENDOTHELIAL  
7 GROWTH FACTOR AGENTS FOR THE EMERGENCY TREATMENT OF NEOVASCULAR  
8 GLAUCOMA, WET MACULAR DEGENERATION, OR MACULAR EDEMA; AND

9                   (II) SHALL REQUIRE THE OPHTHALMOLOGIST TO INFORM  
10 THE PHARMACY OF THE IDENTITY OF ANY PATIENT TO WHOM THE DRUGS ARE  
11 ADMINISTERED.

12 12-4A-12.

13           (A) A STERILE COMPOUNDING FACILITY MAY PROVIDE TO AN  
14 OPHTHALMOLOGIST FOR OFFICE USE, WITHOUT A PATIENT-SPECIFIC  
15 PRESCRIPTION:

16                   (1) COMPOUND ANTIBIOTICS FOR THE EMERGENCY TREATMENT  
17 OF BACTERIAL ENDOPHTHALMITIS OR VIRAL RETINITIS; AND

18                   (2) COMPOUND ANTIVASCULAR ENDOTHELIAL GROWTH FACTOR  
19 AGENTS FOR THE EMERGENCY TREATMENT OF NEOVASCULAR GLAUCOMA, WET  
20 MACULAR DEGENERATION, OR MACULAR EDEMA.

21           (B) A STERILE COMPOUNDING FACILITY SHALL REQUIRE THE  
22 OPHTHALMOLOGIST TO INFORM THE ~~PHARMACY~~ STERILE COMPOUNDING  
23 FACILITY OF THE IDENTITY OF ANY PATIENT TO WHOM THE DRUGS ARE  
24 ADMINISTERED.

25           SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
26 Pharmacy shall:

27                   (1) monitor any changes to the federal Drug Quality and Security Act,  
28 federal regulations proposed or adopted under the Act, and federal guidance provided  
29 under the Act as those changes relate to the authority of a sterile compounding facility  
30 to provide prescription drugs to ophthalmologists for office use, as authorized under  
31 Section 1 of this Act; and

32                   (2) on or before January 1, 2015, report to the Governor and, in  
33 accordance with § 2-1246 of the State Government Article, the General Assembly, on  
34 those changes.

1           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect ~~October~~ July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.