

Chapter 44

(Senate Bill 626)

AN ACT concerning

Registered Nurses – Local Health Departments – Requirements for Personally Preparing and Dispensing Drugs and Devices

FOR the purpose of requiring certain registered nurses who personally prepare and dispense certain drugs and devices in local health departments in accordance with certain provisions of law or to certain patients to comply with a certain formulary and certain requirements; establishing the Committee on Personally Preparing and Dispensing Drugs and Devices by Registered Nurses in Local Health Departments; providing for the composition, terms, chair, and staffing of the Committee; prohibiting a member of the Committee from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Committee to develop and approve a certain formulary and provide a certain review; requiring certain local health departments to be subject to inspection by the Department of Health and Mental Hygiene; requiring the Department to establish and administer a certain training program for certain registered nurses; requiring that a certain training program be jointly developed and reviewed on a certain basis by the Department, the State Board of Nursing, and the State Board of Pharmacy; authorizing a registered nurse to dispense naloxone to certain certificate holders if the registered nurse complies with a certain formulary and certain provisions of law; authorizing a registered nurse to dispense or otherwise provide certain antibiotic therapy in a certain public health clinic if the registered nurse complies with a certain formulary and certain provisions of law; authorizing a registered nurse to personally prepare and dispense certain drugs and devices in accordance with certain provisions of law or to certain patients if the registered nurse complies with certain requirements; establishing certain requirements that certain registered nurses must comply with to personally prepare and dispense certain drugs and devices; defining certain terms; and generally relating to registered nurses and requirements for personally preparing and dispensing drugs and devices in local health departments.

BY adding to

Article – Health – General

Section 3–401 through 3–405 to be under the new subtitle “Subtitle 4. Registered Nurses Personally Preparing and Dispensing Drugs and Devices in Local Health Departments”

Annotated Code of Maryland

(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3108 and 18–214.1(d)

Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY adding to
Article – Health Occupations
Section 8–512
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health – General

**SUBTITLE 4. REGISTERED NURSES PERSONALLY PREPARING AND DISPENSING
DRUGS AND DEVICES IN LOCAL HEALTH DEPARTMENTS.**

3–401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “AUTHORIZED PRESCRIBER” MEANS A LICENSED REGISTERED NURSE, LICENSED DENTIST, LICENSED PHYSICIAN, LICENSED PHYSICIAN’S ASSISTANT, LICENSED PODIATRIST, OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION OR NONPRESCRIPTION DRUGS OR DEVICES.

(C) “COMMITTEE” MEANS THE COMMITTEE ON REGISTERED NURSES PERSONALLY PREPARING AND DISPENSING DRUGS AND DEVICES IN LOCAL HEALTH DEPARTMENTS.

(D) (1) “DEVICE” MEANS AN ITEM USED IN THE DIAGNOSIS, TREATMENT, OR PREVENTION OF DISEASE.

(2) “DEVICE” DOES NOT INCLUDE:

(I) SURGICAL OR DENTAL INSTRUMENTS;

(II) PHYSICAL THERAPY EQUIPMENT;

(III) X-RAY APPARATUSES; OR

(IV) COMPONENT PARTS OF OR ACCESSORIES FOR ANY OF THE ITEMS DESCRIBED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

(E) (1) “DISPENSE” MEANS A PROCEDURE THAT RESULTS IN THE RECEIPT OF A DRUG OR DEVICE BY A PATIENT OR A PATIENT’S AGENT.

(2) “DISPENSE” INCLUDES:

(I) INTERPRETING AN AUTHORIZED PRESCRIBER’S PRESCRIPTION FOR A DRUG OR DEVICE;

(II) SELECTING AND LABELING THE DRUG OR DEVICE PRESCRIBED;

(III) MEASURING AND PACKAGING THE DRUG OR DEVICE IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND

(IV) DOCUMENTING THE TRANSACTION IN THE PATIENT’S MEDICAL RECORD.

(F) “DRUG” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A PRESCRIPTION OR NONPRESCRIPTION DRUG.

(G) “FORMULARY” MEANS A LIST OF DRUGS AND DEVICES.

(H) “NONPRESCRIPTION DRUG” MEANS A DRUG THAT:

(1) MAY BE SOLD WITHOUT A PRESCRIPTION; AND

(2) IS LABELED FOR USE BY A CONSUMER IN ACCORDANCE WITH STATE AND FEDERAL LAW.

(I) “PERSONALLY PREPARE AND DISPENSE” MEANS TO:

(1) PHYSICALLY PREPARE A PRESCRIPTION;

(2) PERFORM A FINAL CHECK OF THE PRESCRIPTION BEFORE DISPENSING IT TO A PATIENT; AND

(3) NOT DELEGATE ANY STEP OF THE DISPENSING PROCESS.

(J) “PRESCRIPTION DRUG” MEANS A DRUG THAT, UNDER § 21-220 OF THIS ARTICLE, MAY BE DISPENSED ONLY ON THE PRESCRIPTION OF AN AUTHORIZED PRESCRIBER.

(K) “REGISTERED NURSE” MEANS AN INDIVIDUAL WHO:

(1) IS LICENSED BY THE STATE BOARD OF NURSING TO PRACTICE REGISTERED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) PERSONALLY PREPARES AND DISPENSES DRUGS AND DEVICES IN A LOCAL HEALTH DEPARTMENT:

(I) IN ACCORDANCE WITH THE OVERDOSE RESPONSE PROGRAM UNDER TITLE 13, SUBTITLE 31 OF THIS ARTICLE OR THE EXPEDITED PARTNER THERAPY PILOT PROGRAM UNDER § 18-214.1 OF THIS ARTICLE; OR

(II) TO PATIENTS IN NEED OF COMMUNICABLE DISEASE, ALCOHOL AND DRUG ABUSE, FAMILY PLANNING, OR REPRODUCTIVE HEALTH SERVICES.

3-402.

A REGISTERED NURSE SHALL COMPLY WITH:

(1) THE FORMULARY DEVELOPED AND APPROVED UNDER § 3-403(B) OF THIS SUBTITLE; AND

(2) THE REQUIREMENTS OF § 8-512 OF THE HEALTH OCCUPATIONS ARTICLE.

3-403.

(A) (1) THERE IS A COMMITTEE ON REGISTERED NURSES PERSONALLY PREPARING AND DISPENSING DRUGS AND DEVICES IN LOCAL HEALTH DEPARTMENTS.

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) A REPRESENTATIVE OF THE DEPARTMENT, APPOINTED BY THE DEPARTMENT;

(II) A REPRESENTATIVE OF THE STATE BOARD OF NURSING, APPOINTED BY THE STATE BOARD OF NURSING;

(III) A REPRESENTATIVE OF THE STATE BOARD OF PHARMACY, APPOINTED BY THE STATE BOARD OF PHARMACY;

(IV) A REPRESENTATIVE OF THE STATE BOARD OF PHYSICIANS, APPOINTED BY THE STATE BOARD OF PHYSICIANS;

(V) A PHARMACIST WHO PRACTICES IN THE STATE, APPOINTED BY THE STATE BOARD OF PHARMACY;

(VI) A REGISTERED NURSE WHO PRACTICES IN THE STATE, APPOINTED BY THE STATE BOARD OF NURSING;

(VII) A REPRESENTATIVE OF THE DIVISION OF DRUG CONTROL, APPOINTED BY THE DIVISION; AND

(VIII) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT, APPOINTED BY THE DEPARTMENT.

(3) (I) THE TERM OF A MEMBER IS 4 YEARS.

(II) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(4) A MEMBER OF THE COMMITTEE:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(5) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE COMMITTEE.

(6) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.

(B) THE COMMITTEE SHALL:

(1) DEVELOP AND APPROVE A FORMULARY FOR USE BY REGISTERED NURSES; AND

(2) ANNUALLY REVIEW THE FORMULARY TO ENSURE COMPLIANCE WITH CURRENT PRESCRIBING STANDARDS.

3-404.

A LOCAL HEALTH DEPARTMENT THAT EMPLOYS A REGISTERED NURSE SHALL BE SUBJECT TO INSPECTION BY THE DEPARTMENT.

3-405.

(A) THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A TRAINING PROGRAM FOR REGISTERED NURSES.

(B) THE TRAINING PROGRAM SHALL BE JOINTLY DEVELOPED AND ANNUALLY REVIEWED TO ENSURE COMPLIANCE WITH CURRENT PRESCRIBING STANDARDS BY:

- (1) THE DEPARTMENT;**
- (2) THE STATE BOARD OF NURSING; AND**
- (3) THE STATE BOARD OF PHARMACY.**

13-3108.

(A) A physician or nurse practitioner may prescribe and dispense naloxone to a certificate holder.

(B) A REGISTERED NURSE MAY DISPENSE NALOXONE TO A CERTIFICATE HOLDER IN A LOCAL HEALTH DEPARTMENT IF THE REGISTERED NURSE COMPLIES WITH:

- (1) THE FORMULARY DEVELOPED AND APPROVED UNDER § 3-403(B) OF THIS ARTICLE; AND**
- (2) THE REQUIREMENTS ESTABLISHED UNDER § 8-512 OF THE HEALTH OCCUPATIONS ARTICLE.**

18-214.1.

(d) Notwithstanding any other provision of law, in a public health clinic established by the Commissioner in Baltimore City, the following health care providers may dispense or otherwise provide antibiotic therapy to any sexual partner of a patient

diagnosed with chlamydia or gonorrhea without making a personal physical assessment of the patient’s partner:

(1) A physician licensed under Title 14 of the Health Occupations Article;

(2) A certified nurse practitioner in accordance with § 8–508 of the Health Occupations Article; [and]

(3) An authorized physician assistant in accordance with § 15–302.2 of the Health Occupations Article; AND

(4) A REGISTERED NURSE EMPLOYED BY A LOCAL HEALTH DEPARTMENT WHO COMPLIES WITH:

(I) THE FORMULARY DEVELOPED AND APPROVED UNDER § 3–403(B) OF THIS ARTICLE; AND

(II) THE REQUIREMENTS ESTABLISHED UNDER § 8–512 OF THE HEALTH OCCUPATIONS ARTICLE.

Article – Health Occupations

8–512.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AUTHORIZED PRESCRIBER” MEANS A LICENSED REGISTERED NURSE, LICENSED DENTIST, LICENSED PHYSICIAN, LICENSED PHYSICIAN’S ASSISTANT, LICENSED PODIATRIST, OR OTHER INDIVIDUAL AUTHORIZED BY LAW TO PRESCRIBE PRESCRIPTION OR NONPRESCRIPTION DRUGS OR DEVICES.

(3) (I) “DEVICE” MEANS AN ITEM USED IN THE DIAGNOSIS, TREATMENT, OR PREVENTION OF DISEASE.

(II) “DEVICE” DOES NOT INCLUDE:

- 1. SURGICAL OR DENTAL INSTRUMENTS;**
- 2. PHYSICAL THERAPY EQUIPMENT;**
- 3. X–RAY APPARATUSES; OR**

4. COMPONENT PARTS OF OR ACCESSORIES FOR ANY OF THE ITEMS DESCRIBED IN ITEMS 1 THROUGH 3 OF THIS SUBPARAGRAPH.

(4) (I) “DISPENSE” MEANS A PROCEDURE THAT RESULTS IN THE RECEIPT OF A DRUG OR DEVICE BY A PATIENT OR A PATIENT’S AGENT.

(II) “DISPENSE” INCLUDES:

1. INTERPRETING AN AUTHORIZED PRESCRIBER’S PRESCRIPTION FOR A DRUG OR DEVICE;

2. SELECTING AND LABELING THE DRUG OR DEVICE PRESCRIBED;

3. MEASURING AND PACKAGING THE DRUG OR DEVICE IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND

4. DOCUMENTING THE TRANSACTION IN THE PATIENT’S MEDICAL RECORD.

(5) “DRUG” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A PRESCRIPTION OR NONPRESCRIPTION DRUG.

(6) “FORMULARY” MEANS A LIST OF DRUGS AND DEVICES.

(7) “NONPRESCRIPTION DRUG” MEANS A DRUG THAT:

(I) MAY BE SOLD WITHOUT A PRESCRIPTION; AND

(II) IS LABELED FOR USE BY A CONSUMER IN ACCORDANCE WITH STATE AND FEDERAL LAW.

(8) “PERSONALLY PREPARE AND DISPENSE” MEANS TO:

(I) PHYSICALLY PREPARE A PRESCRIPTION;

(II) PERFORM A FINAL CHECK OF THE PRESCRIPTION BEFORE DISPENSING IT TO A PATIENT; AND

(III) NOT DELEGATE ANY STEP OF THE DISPENSING PROCESS.

(9) “PRESCRIPTION DRUG” MEANS A DRUG THAT, UNDER § 21–220 OF THE HEALTH – GENERAL ARTICLE, MAY BE DISPENSED ONLY ON THE PRESCRIPTION OF AN AUTHORIZED PRESCRIBER.

(B) IF A REGISTERED NURSE COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE REGISTERED NURSE MAY PERSONALLY PREPARE AND DISPENSE DRUGS AND DEVICES IN A LOCAL HEALTH DEPARTMENT:

(1) IN ACCORDANCE WITH THE OVERDOSE RESPONSE PROGRAM UNDER TITLE 13, SUBTITLE 31 OF THE HEALTH – GENERAL ARTICLE OR THE EXPEDITED PARTNER THERAPY PILOT PROGRAM UNDER § 18–214.1 OF THE HEALTH – GENERAL ARTICLE; OR

(2) TO PATIENTS IN NEED OF COMMUNICABLE DISEASE, ALCOHOL AND DRUG ABUSE, FAMILY PLANNING, OR REPRODUCTIVE HEALTH SERVICES.

(C) A REGISTERED NURSE MAY PERSONALLY PREPARE AND DISPENSE DRUGS AND DEVICES IF THE REGISTERED NURSE:

(1) COMPLIES WITH THE FORMULARY DEVELOPED AND APPROVED UNDER § 3–403(B) OF THE HEALTH – GENERAL ARTICLE;

(2) HAS SUCCESSFULLY COMPLETED A TRAINING PROGRAM ADMINISTERED BY THE DEPARTMENT IN ACCORDANCE WITH § 3–405 OF THE HEALTH – GENERAL ARTICLE;

(3) MAINTAINS THE PATIENT’S HEALTH RECORD IN A MANNER THAT ENSURES THE CONFIDENTIALITY OF THE PATIENT’S DRUG AND DEVICE MEDICATION RECORD IN ACCORDANCE WITH STATE AND FEDERAL LAWS;

(4) COMPLIES WITH DRUG AND DEVICE STORAGE AND INVENTORY PROCEDURES IN ACCORDANCE WITH DEPARTMENT POLICY; AND

(5) HAS RECEIVED A PRESCRIPTION FROM AN AUTHORIZED PRESCRIBER EMPLOYED AT A LOCAL HEALTH DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, April 14, 2015.