

SENATE BILL 647

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EMERGENCY BILL

6lr2173
CF 6lr2172

By: **Senators Klausmeier, Conway, Nathan–Pulliam, and Young**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Physicians – Prescriptions Written by Physician Assistants – Preparing and**
3 **Dispensing**

4 FOR the purpose of providing that certain provisions of law do not prohibit a licensed
5 physician from personally preparing and dispensing a prescription written by a
6 physician assistant in accordance with a certain delegation agreement if the
7 physician complies with certain requirements; making this Act an emergency
8 measure; and generally relating to delegation agreements between physicians and
9 physician assistants and the preparing and dispensing of prescriptions by
10 physicians.

11 BY repealing and reenacting, with amendments,
12 Article – Health Occupations
13 Section 12–102(c)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – Health Occupations**

19 12–102.

20 (c) (1) This subsection does not apply to a licensed dentist who obtains a
21 permit from the State Board of Dental Examiners under subsection (h) of this section.

22 (2) This title does not prohibit:

23 (i) A licensed veterinarian from personally preparing and
24 dispensing the veterinarian's prescriptions;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) A licensed dentist, physician, or podiatrist from personally
2 preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

3 1. The dentist, physician, or podiatrist:

4 A. Has applied to the board of licensure in this State which
5 licensed the dentist, physician, or podiatrist;

6 B. Has demonstrated to the satisfaction of that board that the
7 dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the
8 public interest;

9 C. Has received a written permit from that board to dispense
10 prescription drugs or devices except that a written permit is not required in order to
11 dispense starter dosages or samples without charge; and

12 D. Posts a sign conspicuously positioned and readable
13 regarding the process for resolving incorrectly filled prescriptions or includes written
14 information regarding the process with each prescription dispensed;

15 2. The person for whom the drugs or devices are prescribed
16 is a patient of the prescribing dentist, physician, or podiatrist;

17 3. The dentist, physician, or podiatrist does not have a
18 substantial financial interest in a pharmacy; and

19 4. The dentist, physician, or podiatrist:

20 A. Complies with the dispensing and labeling requirements
21 of this title;

22 B. Records the dispensing of the prescription drug or device
23 on the patient's chart;

24 C. Allows the Division of Drug Control to enter and inspect
25 the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance
26 with § 12-102.1 of this subtitle;

27 D. On inspection by the Division of Drug Control, signs and
28 dates an acknowledgment form provided by the Division of Drug Control relating to the
29 requirements of this section;

30 E. Except for starter dosages or samples without charge,
31 provides the patient with a written prescription, maintains prescription files in accordance
32 with § 12-403(c)(13) of this title, and maintains a separate file for Schedule II prescriptions;

1 F. Does not direct patients to a single pharmacist or
2 pharmacy in accordance with § 12–403(c)(8) of this title;

3 G. Does not receive remuneration for referring patients to a
4 pharmacist or pharmacy;

5 H. Complies with the child resistant packaging requirements
6 regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

7 I. Complies with drug recalls;

8 J. Maintains biennial inventories and complies with any
9 other federal and State record–keeping requirements relating to controlled dangerous
10 substances;

11 K. Purchases prescription drugs from a pharmacy or
12 wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by
13 the Board of Pharmacy;

14 L. Annually reports to the respective board of licensure
15 whether the dentist, physician, or podiatrist has personally prepared and dispensed
16 prescription drugs within the previous year; and

17 M. Completes ten continuing education credits over a 5–year
18 period relating to the preparing and dispensing of prescription drugs, offered by the
19 Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in
20 consultation with each respective board of licensure, as a condition of permit renewal; [or]

21 **(III) A LICENSED PHYSICIAN FROM PERSONALLY PREPARING**
22 **AND DISPENSING A PRESCRIPTION WRITTEN BY A PHYSICIAN ASSISTANT IN**
23 **ACCORDANCE WITH A DELEGATION AGREEMENT THAT COMPLIES WITH TITLE 15,**
24 **SUBTITLE 3 OF THIS ARTICLE IF THE PHYSICIAN COMPLIES WITH THE**
25 **REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH; OR**

26 [(iii)] **(IV)** A hospital–based clinic from dispensing prescriptions to
27 its patients.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a ye and nay vote supported by three–fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.