

Chapter 116

**(House Bill 752)**

AN ACT concerning

**Physicians – Prescriptions Written by Physician Assistants or Nurse Practitioners – Preparing and Dispensing**

FOR the purpose of providing that certain provisions of law do not prohibit a licensed physician who complies with certain requirements from personally preparing and dispensing a prescription written by a physician assistant in accordance with a certain delegation agreement or a nurse practitioner who is authorized to practice under a certain provision of law and is working with the physician in a certain setting ~~if the physician complies with certain requirements~~; making this Act an emergency measure; and generally relating to ~~delegation agreements between physicians and physician assistants and~~ the preparing and dispensing by physicians of prescriptions ~~by physicians~~ written by physician assistants or nurse practitioners.

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

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

**Article – Health Occupations**

12–102.

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

(2) This title does not prohibit:

(i) A licensed veterinarian from personally preparing and dispensing the veterinarian’s prescriptions;

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

1. The dentist, physician, or podiatrist:

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

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

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

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

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

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

4. The dentist, physician, or podiatrist:

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

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

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

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

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

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

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

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

I. Complies with drug recalls;

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

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

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

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

**(III) A LICENSED PHYSICIAN WHO COMPLIES WITH THE REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH FROM PERSONALLY PREPARING AND DISPENSING A PRESCRIPTION WRITTEN BY A:**

**1. A PHYSICIAN ASSISTANT IN ACCORDANCE WITH A DELEGATION AGREEMENT THAT COMPLIES WITH TITLE 15, SUBTITLE 3 OF THIS ARTICLE ~~IF THE PHYSICIAN COMPLIES WITH THE REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH; OR~~**

**2. A NURSE PRACTITIONER WHO IS AUTHORIZED TO PRACTICE UNDER TITLE 8, SUBTITLE 3 OF THIS ARTICLE AND IS WORKING WITH THE PHYSICIAN IN THE SAME OFFICE SETTING; OR**

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

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

**Approved by the Governor, April 12, 2016.**