

SENATE BILL 363

J2, J1, C3

7lr2568
CF HB 613

By: **Senator Conway**

Introduced and read first time: January 25, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2017

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – Contraceptives – Prescribing and Dispensing**

3 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
4 regulations to prescribe and dispense certain contraceptives; requiring the State
5 Board of Pharmacy, on or before a certain date and in consultation with the State
6 Board of Physicians, the State Board of Nursing, and certain stakeholders, to adopt
7 regulations for pharmacists to prescribe and dispense certain contraceptives;
8 establishing certain requirements for the regulations; requiring the Maryland
9 Medical Assistance Program and the Maryland Children’s Health Program to
10 provide coverage for certain contraceptive services rendered by a licensed
11 pharmacist to the same extent as the contraceptive services rendered by any other
12 licensed health care practitioner; ~~requiring certain insurers, nonprofit health service~~
13 ~~plans, and health maintenance organizations to provide coverage for certain~~
14 ~~contraceptive services rendered by a licensed pharmacist to the same extent as the~~
15 ~~contraceptive services rendered by any other licensed health care practitioner;~~
16 altering and adding certain definitions; ~~providing for a delayed effective date;~~ and
17 generally relating to the prescribing and dispensing of contraceptives by
18 pharmacists.

19 BY repealing and reenacting, without amendments,
20 Article – Health – General
21 Section 15–101(a), (b), and (h)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2016 Supplement)

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.



1 BY adding to
 2 Article – Health – General
 3 Section 15–148(c)
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2016 Supplement)
 6 (As enacted by Chapters 436 and 437 of the Acts of the General Assembly of 2016)

7 BY repealing and reenacting, with amendments,
 8 Article – Health Occupations
 9 Section 12–101(u)
 10 Annotated Code of Maryland
 11 (2014 Replacement Volume and 2016 Supplement)

12 BY adding to
 13 Article – Health Occupations
 14 Section 12–511
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2016 Supplement)

17 ~~BY adding to~~
 18 ~~Article – Insurance~~
 19 ~~Section 15–716~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2011 Replacement Volume and 2016 Supplement)~~

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

24 **Article – Health – General**

25 15–101.

26 (a) In this title the following words have the meanings indicated.

27 (b) “Enrollee” means a program recipient who is enrolled in a managed care
 28 organization.

29 (h) “Program” means the Maryland Medical Assistance Program.

30 15–148.

31 **(C) THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM**
 32 **SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A**
 33 **LICENSED PHARMACIST UNDER § 12–511 OF THE HEALTH OCCUPATIONS ARTICLE,**
 34 **TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH**

1 CARE PRACTITIONER, IN SCREENING AN ENROLLEE AND PRESCRIBING
2 CONTRACEPTIVES FOR THE ENROLLEE.

3 **Article – Health Occupations**

4 12–101.

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

6 (i) Providing pharmaceutical care;

7 (ii) Compounding, dispensing, or distributing prescription drugs or
8 devices;

9 (iii) Compounding or dispensing nonprescription drugs or devices;

10 (iv) Monitoring prescriptions for prescription and nonprescription
11 drugs or devices;

12 (v) Providing information, explanation, or recommendations to
13 patients and health care practitioners about the safe and effective use of prescription or
14 nonprescription drugs or devices;

15 (vi) Identifying and appraising problems concerning the use or
16 monitoring of therapy with drugs or devices;

17 (vii) Acting within the parameters of a therapy management contract,
18 as provided under Subtitle 6A of this title;

19 (viii) Administering vaccinations in accordance with § 12–508 of this
20 title or self-administered drugs in accordance with § 12–509 of this title;

21 (ix) Delegating a pharmacy act to a registered pharmacy technician,
22 pharmacy student, or an individual engaged in a Board approved pharmacy technician
23 training program;

24 (x) Supervising a delegated pharmacy act performed by a registered
25 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
26 pharmacy technician training program; [or]

27 (xi) Providing drug therapy management in accordance with §
28 19–713.6 of the Health – General Article; **OR**

29 **(XII) PRESCRIBING AND DISPENSING CONTRACEPTIVE**
30 **MEDICATIONS AND SELF-ADMINISTERED CONTRACEPTIVE DEVICES APPROVED BY**
31 **THE U.S. FOOD AND DRUG ADMINISTRATION.**

1 (2) "Practice pharmacy" does not include the operations of a person who
2 holds a permit issued under § 12-6C-03 of this title.

3 12-511.

4 (A) IN THIS SECTION, "CONTRACEPTIVES" MEANS CONTRACEPTIVE
5 MEDICATIONS AND SELF-ADMINISTERED CONTRACEPTIVE DEVICES APPROVED BY
6 THE U.S. FOOD AND DRUG ADMINISTRATION.

7 (B) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS
8 ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE CONTRACEPTIVES.

9 (C) (1) ~~THE~~ ON OR BEFORE SEPTEMBER 1, 2018, THE BOARD, IN
10 CONSULTATION WITH THE STATE BOARD OF PHYSICIANS, THE STATE BOARD OF
11 NURSING, THE MARYLAND CHAPTER OF THE AMERICAN COLLEGE OF
12 OBSTETRICIANS AND GYNECOLOGISTS, THE MARYLAND CHAPTER OF THE
13 AMERICAN ACADEMY OF PEDIATRICS, THE MARYLAND PHARMACISTS
14 ASSOCIATION, THE MARYLAND AFFILIATE OF THE AMERICAN COLLEGE OF
15 NURSE-MIDWIVES, THE MARYLAND NURSES ASSOCIATION, PLANNED
16 PARENTHOOD OF MARYLAND, THE MARYLAND ASSOCIATION OF CHAIN DRUG
17 STORES, AND OTHER INTERESTED HEALTH PROFESSIONAL ASSOCIATIONS AND
18 STAKEHOLDERS, SHALL ADOPT FINAL REGULATIONS ESTABLISHING ~~THE~~:

19 (I) STANDARD PROCEDURES THAT A PHARMACIST MUST USE
20 TO SELECT THE APPROPRIATE CONTRACEPTIVE TO PRESCRIBE FOR A PATIENT OR
21 TO REFER THE PATIENT TO A PRIMARY CARE PRACTITIONER OR REPRODUCTIVE
22 HEALTH CARE PRACTITIONER FOR TREATMENT; AND

23 (II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY
24 PRESCRIBE AND DISPENSE CONTRACEPTIVES.

25 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

26 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
27 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR
28 PRESCRIBING AND DISPENSING CONTRACEPTIVES;

29 (II) PROVIDE A SELF-SCREENING RISK ASSESSMENT TOOL
30 THAT A PATIENT MUST USE BEFORE A PHARMACIST MAY PRESCRIBE
31 CONTRACEPTIVES FOR THE PATIENT;

32 (III) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
33 THE BOARD; AND

1 ~~(III)~~ (IV) AFTER PRESCRIBING AND DISPENSING
 2 CONTRACEPTIVES FOR A PATIENT:

3 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO:

4 A. THE PATIENT'S PRIMARY CARE PRACTITIONER OR
 5 REPRODUCTIVE HEALTH CARE PRACTITIONER; OR

6 B. IF THE PATIENT DOES NOT HAVE A PRIMARY CARE
 7 PRACTITIONER OR REPRODUCTIVE HEALTH CARE PRACTITIONER, A FAMILY
 8 PLANNING PROVIDER OR A LICENSED CLINICIAN WHO PROVIDES REPRODUCTIVE
 9 HEALTH CARE SERVICES;

10 2. PROVIDE THE PATIENT WITH:

11 A. ~~A~~ A WRITTEN RECORD OF THE CONTRACEPTIVES
 12 DISPENSED; AND

13 B. WRITTEN INFORMATION ABOUT THE IMPORTANCE OF
 14 SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER OR REPRODUCTIVE HEALTH
 15 CARE PRACTITIONER TO OBTAIN RECOMMENDED TESTS AND SCREENINGS;

16 3. RECORD THE PRESCRIBING AND DISPENSING OF THE
 17 CONTRACEPTIVES IN ANY ELECTRONIC HEALTH RECORD MAINTAINED ON THE
 18 PATIENT BY THE PHARMACIST; AND

19 4. PROVIDE THE PATIENT WITH A COPY OF THE RECORD
 20 OF THE ENCOUNTER THAT INCLUDES THE PATIENT'S COMPLETED
 21 SELF-ASSESSMENT TOOL AND THE CONTRACEPTIVE PRESCRIBED AND DISPENSED
 22 OR THE BASIS FOR NOT PRESCRIBING AND DISPENSING A CONTRACEPTIVE.

23 (3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO
 24 COMPLETE A TRAINING PROGRAM FOR A PHARMACIST WHO ALREADY HAS
 25 UNDERGONE THE TRAINING AS PART OF THE PHARMACIST'S FORMAL EDUCATIONAL
 26 PROGRAM.

27 (4) THE REGULATIONS SHALL PROHIBIT A PHARMACIST FROM
 28 PRESCRIBING CONTRACEPTIVES BEFORE JANUARY 1, 2019.

29 ~~Article—Insurance~~

30 ~~15-716.~~

1 (A) ~~THIS SECTION APPLIES TO:~~

2 (1) ~~INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT~~
3 ~~PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER~~
4 ~~INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS~~
5 ~~THAT ARE ISSUED OR DELIVERED IN THE STATE; AND~~

6 (2) ~~HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE~~
7 ~~COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL OR~~
8 ~~GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.~~

9 (B) ~~AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR~~
10 ~~SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12-511 OF THE~~
11 ~~HEALTH OCCUPATIONS ARTICLE TO AN INDIVIDUAL WHO IS COVERED UNDER A~~
12 ~~POLICY OR CONTRACT ISSUED OR DELIVERED BY THE ENTITY, TO THE SAME EXTENT~~
13 ~~AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER, IN~~
14 ~~SCREENING AN INDIVIDUAL AND PRESCRIBING CONTRACEPTIVES FOR THE~~
15 ~~INDIVIDUAL.~~

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 ~~January 1, 2018~~ July 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.