

Chapter 821

(Senate Bill 363)

AN ACT concerning

Pharmacists – Contraceptives – Prescribing and Dispensing

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

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–101(a), (b), and (h)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health – General

Section 15–148(c)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)

(As enacted by Chapters 436 and 437 of the Acts of the General Assembly of 2016)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–101(u)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY adding to

Article – Health Occupations

Section 12–511

Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

~~BY adding to~~

~~Article – Insurance~~

~~Section 15-716~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2016 Supplement)~~

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

Article – Health – General

15–101.

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

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

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

15–148.

(c) THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A LICENSED PHARMACIST UNDER § 12–511 OF THE HEALTH OCCUPATIONS ARTICLE, TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER, IN SCREENING AN ENROLLEE AND PRESCRIBING CONTRACEPTIVES FOR THE ENROLLEE.

Article – Health Occupations

12–101.

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

(i) Providing pharmaceutical care;

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

(iii) Compounding or dispensing nonprescription drugs or devices;

- (iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;
- (v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;
- (vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;
- (vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;
- (viii) Administering vaccinations in accordance with § 12–508 of this title or self-administered drugs in accordance with § 12–509 of this title;
- (ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;
- (x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; [or]
- (xi) Providing drug therapy management in accordance with § 19–713.6 of the Health – General Article; **OR**

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

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

12–511.

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

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

(C) (1) THE ON OR BEFORE SEPTEMBER 1, 2018, THE BOARD, IN CONSULTATION WITH THE STATE BOARD OF PHYSICIANS, THE STATE BOARD OF

NURSING, THE MARYLAND CHAPTER OF THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS, THE MARYLAND PHARMACISTS ASSOCIATION, THE MARYLAND AFFILIATE OF THE AMERICAN COLLEGE OF NURSE-MIDWIVES, THE MARYLAND NURSES ASSOCIATION, PLANNED PARENTHOOD OF MARYLAND, THE MARYLAND ASSOCIATION OF CHAIN DRUG STORES, AND OTHER INTERESTED HEALTH PROFESSIONAL ASSOCIATIONS AND STAKEHOLDERS, SHALL ADOPT FINAL REGULATIONS ESTABLISHING ~~THE~~:

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

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

(2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

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

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

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

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

1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO:

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

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

2. PROVIDE THE PATIENT WITH:

A. A WRITTEN RECORD OF THE CONTRACEPTIVES DISPENSED; AND

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

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

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

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

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

~~Article Insurance~~

~~15-716.~~

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

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

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

~~(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12-511 OF THE HEALTH OCCUPATIONS ARTICLE TO AN INDIVIDUAL WHO IS COVERED UNDER A~~

~~POLICY OR CONTRACT ISSUED OR DELIVERED BY THE ENTITY, TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER, IN SCREENING AN INDIVIDUAL AND PRESCRIBING CONTRACEPTIVES FOR THE INDIVIDUAL.~~

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.