

Chapter 442

(House Bill 591)

AN ACT concerning

Health Occupations – Physician Assistants – Dispensing of Drugs Under a Delegation Agreement

FOR the purpose of altering the required contents of a certain delegation agreement in order for a primary supervising physician to delegate to a certain physician assistant the dispensing of certain substances, drugs, and devices; prohibiting a primary supervising physician from delegating the dispensing of certain controlled dangerous substances identified as Schedule I under a certain provision of law; authorizing a primary supervising physician to delegate the dispensing of certain controlled dangerous substances to a physician assistant who holds certain registrations; repealing a provision of law that authorizes a physician assistant to personally dispense a starter dose or drug samples under certain circumstances; authorizing a ~~physicians~~ physician assistant, under certain circumstances, to personally prepare and dispense a drug that the ~~physicians~~ physician assistant is authorized to prescribe under a delegation agreement; making conforming changes; altering a certain definition; and generally relating to the dispensing of drugs by physician assistants.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–101(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 15–101(j) and 15–302.2
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

Article – Health Occupations

15–101.

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

(j) “Dispense” **OR** “**DISPENSING**” [means to dispense drug samples or starter dosages] **HAS THE MEANING STATED IN § 12–101 OF THIS ARTICLE.**

15–302.2.

(a) A primary supervising physician may not delegate prescribing, dispensing, and administering of controlled dangerous substances, prescription drugs, or medical devices unless the primary supervising physician and physician assistant include in the delegation agreement:

(1) A notice of intent to delegate prescribing **AND, IF APPLICABLE, DISPENSING** of controlled dangerous substances, prescription drugs, or medical devices;

(2) An attestation that all prescribing **AND, IF APPLICABLE, DISPENSING** activities of the physician assistant will comply with applicable federal and State regulations;

(3) An attestation that all medical charts or records will contain a notation of any prescriptions written **OR DISPENSED** by a physician assistant in accordance with this section;

(4) An attestation that all prescriptions written **OR DISPENSED** under this section will include the physician assistant’s name and the supervising physician’s name, business address, and business telephone number legibly written or printed;

(5) An attestation that the physician assistant has:

(i) Passed the physician assistant national certification exam administered by the National Commission on the Certification of Physician Assistants within the previous 2 years; or

(ii) Successfully completed 8 category 1 hours of pharmacology education within the previous 2 years; and

(6) An attestation that the physician assistant has:

(i) A bachelor’s degree or its equivalent; or

(ii) Successfully completed 2 years of work experience as a physician assistant.

(b) (1) A primary supervising physician may not delegate the prescribing **OR DISPENSING** of substances that are identified as Schedule I controlled dangerous substances under § 5–402 of the Criminal Law Article.

(2) A primary supervising physician may delegate the prescribing **OR DISPENSING** of substances that are identified as Schedules II through V controlled dangerous substances under § 5–402 of the Criminal Law Article, including legend drugs as defined under § 503(b) of the Federal Food, Drug, and Cosmetic Act.

(3) A primary supervising physician may not delegate the prescribing **OR DISPENSING** of controlled dangerous substances to a physician assistant unless the physician assistant has a valid:

- (i) State controlled dangerous substance registration; and
- (ii) Federal Drug Enforcement Agency (DEA) registration.

[(c) A physician assistant personally may dispense a starter dosage or dispense drug samples of any drug the physician assistant is authorized to prescribe to a patient of the physician assistant if:

- (1) The starter dosage or drug sample complies with the labeling requirements of § 12–505 of this article;
- (2) No charge is made for the starter dosage; and
- (3) The physician assistant enters an appropriate record in the patient’s medical record.]

~~(D)~~ **(C)** A PHYSICIAN ASSISTANT PERSONALLY MAY PREPARE AND DISPENSE A DRUG THAT THE PHYSICIAN ASSISTANT IS AUTHORIZED TO PRESCRIBE UNDER A DELEGATION AGREEMENT IF:

- (1) EXCEPT AS OTHERWISE PROVIDED UNDER § 12–102(G) OF THIS ARTICLE, THE SUPERVISING PHYSICIAN POSSESSES A DISPENSING PERMIT; AND**
- (2) THE PHYSICIAN ASSISTANT DISPENSES DRUGS ONLY WITHIN:**
 - (I) THE SUPERVISING PHYSICIAN’S SCOPE OF PRACTICE; AND**
 - (II) THE SCOPE OF THE DELEGATION AGREEMENT.**

~~[(d)]~~ ~~(E)~~ A physician assistant who personally dispenses a drug [sample or starter dosage] in the course of treating a patient as authorized under ~~subsection (e)~~ **SUBSECTIONS (B) AND ~~(D)~~ (C)** of this section shall comply with the requirements under Titles 12 and 14 of this article and applicable federal law and regulations.

~~[(e)]~~ ~~(F)~~ Before a physician assistant may renew a license for an additional 2–year term under § 15–307 of this subtitle, the physician assistant shall submit evidence

to the Board of successful completion of 8 category 1 hours of pharmacology education within the previous 2 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 8, 2018.