SENATE BILL 549

By: Senators Zucker and Conway
Introduced and read first time: January 31, 2018
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(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.

(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) A physician assistant who personally dispenses a drug sample or starter dosage in the course of treating a patient as authorized under subsection (c) of this section shall comply with the requirements under Titles 12 and 14 of this article and applicable federal law and regulations.

(e) 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.