

Chapter 535

(House Bill 1288)

AN ACT concerning

Physicians – Dispensing Permit Exemption – ~~Prepackaged~~ Topical Medication

FOR the purpose of providing that certain provisions of law do not prohibit a certain physician from ~~personally~~ dispensing a ~~prepackaged~~ certain topical medication; ~~establishing a certain exception to the requirement to receive a certain written permit~~; authorizing a physician to dispense a certain topical medication if the physician meets certain requirements; authorizing the State Board of Physicians to issue a certain written permit to certain physicians under certain circumstances; defining a certain term; and generally relating to the dispensing of a ~~prepackaged topical~~ topical medication by a physician.

~~BY adding to~~

~~Article – Health Occupations
Section 12-102(c)(2)(iii) and 14-509
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)~~

BY renumbering

Article – Health Occupations
Section 12-102(c)(2)(iii) and (iv), respectively
to be Section 12-102(c)(2)(iv) and (v), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,

Article – Health Occupations
Section ~~12-102(c)(2)(ii)1.C. and (k) through (m)~~ 12-102(c)(2)(iii) and (iv)
12-102(c)(2)(ii)1.C. and 4.M.
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY adding to

Article – Health Occupations
Section 12-102(c)(2)(iii) and 14-509
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article – Health Occupations
Section 12-102(k)
Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2018 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12-102(c)(2)(iii) and (iv), respectively, of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) 12-102(c)(2)(iv) and (v), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

12-102.

(c) (2) This title does not prohibit:

~~(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:~~

~~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 OR FOR A PHYSICIAN TO DISPENSE A PREPACKAGED TOPICAL UNDER SUBSECTION (K) OF THIS SECTION; and~~

~~(iii) A LICENSED PHYSICIAN WHO COMPLIES WITH THE REQUIREMENTS OF ITEM (ii) OF THIS PARAGRAPH FROM DISPENSING A TOPICAL MEDICATION IN ACCORDANCE WITH THE REQUIREMENTS OF § 14-509 OF THIS TITLE THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF HYPOTICHOSIS;~~

(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:

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

4. The dentist, physician, or podiatrist:

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;

(III) A LICENSED PHYSICIAN FROM DISPENSING A TOPICAL MEDICATION WITHOUT OBTAINING THE PERMIT REQUIRED UNDER ITEM (II)1C OF THIS PARAGRAPH OR COMPLETING THE CONTINUING EDUCATION REQUIRED UNDER ITEM (II)4M OF THIS PARAGRAPH WHEN THE PHYSICIAN:

1. OTHERWISE COMPLIES WITH ITEM (II) OF THIS PARAGRAPH; AND

2. HAS OBTAINED A SPECIAL WRITTEN PERMIT UNDER § 14-509 OF THIS ARTICLE;

~~**[(iii)] (IV) A licensed physician who complies with the requirements of item (ii) of this paragraph from personally preparing and dispensing a prescription written by:**~~

~~**1. A physician assistant in accordance with a delegation agreement that complies with Title 15, Subtitle 3 of this article; 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**~~

~~**[(iv)] (V) A hospital-based clinic from dispensing prescriptions to its patients.**~~

14-509.

~~**(K) (1) (A) IN THIS SUBSECTION, “PREPACKAGED TOPICAL” MEANS A PRESCRIPTION STRENGTH CREAM, LOTION, OR SOLUTION THAT:**~~

~~**(i) IS PACKAGED AT THE SITE OF PRODUCTION; AND**~~

~~**(ii) REQUIRES NO PREPARATION PRIOR TO DISPENSING.**~~

~~**(2) THIS TITLE DOES NOT PROHIBIT A PHYSICIAN FROM PERSONALLY DISPENSING A PREPACKAGED TOPICAL. SECTION, “ACCME” MEANS THE ACCREDITING COUNCIL FOR CONTINUING MEDICAL EDUCATION.**~~

(B) A PHYSICIAN MAY DISPENSE A TOPICAL MEDICATION THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF HYPOTICHOSIS WITHOUT OBTAINING A DISPENSING PERMIT OR

COMPLETING THE CONTINUING EDUCATION REQUIRED UNDER § 12-102(C)(2)(II) OF THIS ARTICLE IF THE PHYSICIAN:

(1) ~~COMPLIES~~ OTHERWISE COMPLIES WITH THE REQUIREMENTS OF § 12-102(C)(2)(II) OF THIS ARTICLE; AND

(2) HAS RECEIVED A SPECIAL CLASS OF WRITTEN PERMIT FROM THE BOARD.

(C) THE BOARD MAY ISSUE A SPECIAL CLASS OF WRITTEN PERMIT TO A PHYSICIAN UNDER SUBSECTION (B) OF THIS SECTION IF THE PHYSICIAN:

(1) COMPLETES 1 HOUR OF CONTINUING MEDICAL EDUCATION PER YEAR ON THE DISPENSING OF TOPICAL MEDICATIONS DEVELOPED BY AN ACCME-ACCREDITED MARYLAND NONPROFIT OR GOVERNMENTAL ENTITY; AND

(2) PAYS TO THE BOARD A \$100 PERMIT FEE.

~~[(k)] (L) This title does not limit the right of a general merchant to sell:~~

~~(1) Any nonprescription drug or device;~~

~~(2) Any commonly used household or domestic remedy; or~~

~~(3) Any farm remedy or ingredient for a spraying solution, in bulk or otherwise.~~

~~[(l)] (M) The Board of Pharmacy, the Board of Dental Examiners, the Board of Physicians, and the Board of Podiatric Medical Examiners annually shall report to the Office of Controlled Substances Administration:~~

~~(1) The names and addresses of its licensees who are authorized to personally prepare and dispense prescription drugs; and~~

~~(2) The names and addresses of its licensees who have reported, in accordance with subsection (e)(2)(i)4L of this section, that they have personally prepared and dispensed prescription drugs within the previous year.~~

~~[(m)] (N) A dentist, physician, or podiatrist who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:~~

~~(1) Have the dispensing permit revoked; and~~

~~(2) Be subject to disciplinary actions by the appropriate licensing board.~~

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.