HOUSE BILL 419

J2 9lr0913
CF 9lr2900

By: **Delegates K. Young, Johnson, Kipke, Pena–Melnyk, and Shetty**
Introduced and read first time: January 31, 2019
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Pharmacists – Administering Injectable Medications and Biological Products

FOR the purpose of authorizing a pharmacist who meets the requirements of certain regulations to administer an injectable medication or a biological product to a patient under certain circumstances; requiring the State Board of Pharmacy, on or before a certain date and in consultation with the State Board of Physicians and the State Board of Nursing, to adopt certain regulations for pharmacists to administer an injectable medication or a biological product; establishing certain requirements for the regulations; requiring the Maryland Medical Assistance Program and the Maryland Children's Health Program to provide coverage for the administering of certain self–administered medications, injectable medications, or biological products rendered by a licensed pharmacist to the same extent as the services rendered by any other licensed health care practitioner; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for the administering of certain self–administered medications, injectable medications, or biological products rendered by a licensed pharmacist to the same extent as the services rendered by any other licensed health care practitioner; altering a certain definition; providing for the application of certain provisions of this Act; and generally relating to the administering of injectable medications and biological products by pharmacists.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–148(c)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–101(a) and (c)
Annotated Code of Maryland

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

(2014 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–101(x)(1)(viii) and 12–509
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)

BY adding to
Article – Insurance
Section 15–716
Annotated Code of Maryland
(2017 Replacement Volume and 2018 Supplement)

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

Article – Health – General

15–148.

(c) The Program and the Maryland Children's Health Program shall provide coverage for services**, TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER,** rendered to an enrollee by a licensed pharmacist under**:**

(1) § 12–509 OF THE HEALTH OCCUPATIONS ARTICLE IN ADMINISTERING SELF–ADMINISTERED MEDICATIONS, INJECTABLE MEDICATIONS, OR BIOLOGICAL PRODUCTS; OR

(2) § 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.

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

(c) "Biological product" has the meaning stated in 42 U.S.C. § 262.

(x) (1) "Practice pharmacy" means to engage in any of the following activities:

(viii) Administering vaccinations in accordance with § 12–508 of this title or self–administered drugs**, INJECTABLE MEDICATIONS, OR BIOLOGICAL**

PRODUCTS in accordance with § 12–509 of this title;

12–509.

(A) In addition to the authority granted to a pharmacist under § 12–508 of this subtitle, a pharmacist, in accordance with regulations adopted by the Board, may administer **[**a**]:**

(1) A self–administered drug to a patient that is prescribed by an authorized prescriber**; AND**

(2) AN INJECTABLE MEDICATION OR A BIOLOGICAL PRODUCT TO A PATIENT:

(I) THAT IS PRESCRIBED BY AN AUTHORIZED PRESCRIBER;

(II) IN ACCORDANCE WITH A STANDING ORDER ISSUED BY AN AUTHORIZED PUBLIC HEALTH OFFICIAL; OR

(III) IN ACCORDANCE WITH A PROTOCOL UNDER SUBTITLE 6A OF THIS TITLE.

(B) (1) ON OR BEFORE SEPTEMBER 1, 2020, THE BOARD, IN CONSULTATION WITH THE STATE BOARD OF PHYSICIANS AND THE STATE BOARD OF NURSING, SHALL ADOPT REGULATIONS ESTABLISHING STANDARD PROCEDURES:

(I) THAT A PHARMACIST MUST USE TO ADMINISTER AN INJECTABLE MEDICATION OR A BIOLOGICAL PRODUCT; AND

(II) FOR COMMUNICATING TO THE PRESCRIBER WHETHER A MEDICATION WAS ADMINISTERED TO A SPECIFIC PATIENT AND PERTINENT INFORMATION ABOUT THE PATIENT'S CONDITION.

(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:

1. ADMINISTERING INJECTABLE MEDICATIONS AND BIOLOGICAL PRODUCTS; AND

2. MANAGING THE POPULATIONS THE PHARMACIST SERVES, THE MEDICATIONS BEING ADMINISTERED, AND THE CURRENT GUIDELINES RELATING TO THESE POPULATIONS AND MEDICATIONS;

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

(III) AFTER ADMINISTERING AN INJECTABLE MEDICATION OR A BIOLOGICAL PRODUCT:

1. NOTIFY THE PRESCRIBER THAT THE INJECTABLE MEDICATION OR BIOLOGICAL PRODUCT WAS ADMINISTERED AND OF ANY PERTINENT DETAILS ABOUT THE PATIENT'S CONDITION;

2. PROVIDE THE PATIENT WITH A WRITTEN RECORD OF THE INJECTABLE MEDICATION OR BIOLOGICAL PRODUCT ADMINISTERED;

3. RECORD IN ANY ELECTRONIC OR WRITTEN HEALTH RECORD ON THE PATIENT MAINTAINED BY THE PHARMACIST:

A. THE ADMINISTERING OF THE INJECTABLE MEDICATION OR BIOLOGICAL PRODUCT; AND

B. ANY PERTINENT DETAILS ABOUT THE PATIENT'S CONDITION; AND

4. NOTIFY THE PATIENT OF THE NEED TO ATTEND ANY UPCOMING APPOINTMENTS THE PATIENT HAS SCHEDULED WITH THE PRESCRIBER.

(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.

Article – Insurance

15–716.

(A) THIS SECTION APPLIES TO INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES AND CONTRACTS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE BY INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS FOR COVERAGE FOR SELF–ADMINISTERED MEDICATIONS, INJECTABLE MEDICATIONS, AND BIOLOGICAL PRODUCTS.

(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12–509 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 ADMINISTERING SELF–ADMINISTERED MEDICATIONS, INJECTABLE MEDICATIONS, OR BIOLOGICAL PRODUCTS.

SECTION 2. AND BE IT FURTHER ENACTED, That § 15–716 of the Insurance Article, as enacted by Section 1 of this Act, shall apply to all policies and contracts issued, delivered, or renewed in the State on or after January 1, 2020.

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