

HOUSE BILL 1288

J2
HB 1063/18 – HGO

9lr3043
CF SB 916

By: **Delegate Barron**

Introduced and read first time: February 11, 2019

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 8, 2019

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

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

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

11 BY adding to

12 Article – Health Occupations

13 Section 12–102(c)(2)(iii) and 14–509

14 Annotated Code of Maryland

15 (2014 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – Health Occupations

18 Section ~~12–102(c)(2)(ii) 1.C. and (k) through (m)~~ 12–102(c)(2)(iii) and (iv)

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2018 Supplement)

21 ~~BY adding to~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Health Occupations~~
 2 ~~Section 12–102(k)~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2014 Replacement Volume and 2018 Supplement)~~

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

7 **Article – Health Occupations**

8 12–102.

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

10 (ii) ~~A licensed dentist, physician, or podiatrist from personally~~
 11 ~~preparing and dispensing the dentist’s, physician’s, or podiatrist’s prescriptions when:~~

12 ~~1. The dentist, physician, or podiatrist:~~

13 ~~C. Has received a written permit from that board to dispense~~
 14 ~~prescription drugs or devices except that a written permit is not required in order to~~
 15 ~~dispense starter dosages or samples without charge OR FOR A PHYSICIAN TO DISPENSE~~
 16 ~~A PREPACKAGED TOPICAL UNDER SUBSECTION (K) OF THIS SECTION; and~~

17 **(iii) A LICENSED PHYSICIAN WHO COMPLIES WITH THE**
 18 **REQUIREMENTS OF ITEM (II) OF THIS PARAGRAPH FROM DISPENSING A TOPICAL**
 19 **MEDICATION IN ACCORDANCE WITH THE REQUIREMENTS OF § 14–509 OF THIS TITLE**
 20 **THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE**
 21 **TREATMENT OF HYPOTICHOSIS;**

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

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

27 **2. A nurse practitioner who is authorized to practice under**
 28 **Title 8, Subtitle 3 of this article and is working with the physician in the same office setting;**
 29 **or**

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

32 **14–509.**

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

3 ~~(I) IS PACKAGED AT THE SITE OF PRODUCTION; AND~~

4 ~~(II) REQUIRES NO PREPARATION PRIOR TO DISPENSING.~~

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

8 (B) A PHYSICIAN MAY DISPENSE A TOPICAL MEDICATION THAT IS
9 APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE
10 TREATMENT OF HYPOTICHOSIS IF THE PHYSICIAN:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.