

HOUSE BILL 135

J2, C3

EMERGENCY BILL
(PRE-FILED)

11r0520
CF SB 84

By: **Delegate K. Young**

Requested: September 14, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2021

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – Administration of Self-Administered Medications and**
3 **Maintenance Injectable Medications**
4 **(Christopher King Access to Treatment Act)**

5 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
6 regulations to administer maintenance injectable medications to a patient under
7 certain circumstances; prohibiting a pharmacist from administering an initial dose
8 of a maintenance injectable medication under a certain provision of this Act except
9 under certain circumstances; requiring the State Board of Pharmacy, on or before a
10 certain date and in consultation with the State Board of Physicians and the State
11 Board of Nursing, to adopt certain regulations for pharmacists to administer a
12 maintenance injectable medication; establishing certain requirements for the
13 regulations; requiring the Maryland Medical Assistance Program and the Maryland
14 Children’s Health Program to provide coverage for the administering of certain
15 self-administered medications and maintenance injectable medications rendered by
16 a licensed pharmacist to the same extent as the services rendered by any other
17 licensed health care practitioner; requiring certain insurers, nonprofit health service
18 plans, and health maintenance organizations to provide coverage for the
19 administering of certain self-administered medications and maintenance injectable
20 medications rendered by a licensed pharmacist to the same extent as the services
21 rendered by any other licensed health care practitioner; altering a certain definition;
22 defining a certain term; providing for the application of certain provisions of this Act;
23 making this Act an emergency measure; and generally relating to the administering

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 of self-administered medications and maintenance injectable medications by
2 pharmacists.

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 15–148(c)
6 Annotated Code of Maryland
7 (2019 Replacement Volume and 2020 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – Health Occupations
10 Section 12–101(a) and (c)
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2020 Supplement)

13 BY adding to
14 Article – Health Occupations
15 Section 12–101(o–1)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 12–101(x)(1)(viii) and 12–509
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2020 Supplement)

23 BY adding to
24 Article – Insurance
25 Section 15–716
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2020 Supplement)

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

30 **Article – Health – General**

31 15–148.

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

1 (I) THAT IS PRESCRIBED BY AN AUTHORIZED PRESCRIBER;

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

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

6 (B) A PHARMACIST MAY NOT ADMINISTER AN INITIAL DOSE OF A
7 MAINTENANCE INJECTABLE MEDICATION PRODUCT UNDER SUBSECTION (A)(2) OF
8 THIS SECTION UNLESS THE PHARMACIST RECEIVES WRITTEN APPROVAL FROM THE
9 PRESCRIBER.

10 (C) (1) ON OR BEFORE SEPTEMBER 1, ~~2022~~ 2021, THE BOARD, JOINTLY
11 WITH THE STATE BOARD OF PHYSICIANS AND THE STATE BOARD OF NURSING,
12 SHALL ADOPT REGULATIONS ESTABLISHING STANDARD PROCEDURES:

13 (I) FOR NOTIFYING A PATIENT ABOUT PAYMENT FOR SERVICES
14 BEFORE THE PHARMACIST ADMINISTERS A MAINTENANCE INJECTABLE
15 MEDICATION;

16 ~~(II)~~ (II) THAT A PHARMACIST MUST USE TO ADMINISTER A
17 MAINTENANCE INJECTABLE MEDICATION AFTER AN INITIAL DOSE IS ADMINISTERED
18 BY THE PRESCRIBER;

19 ~~(III)~~ (III) THAT A PHARMACIST MUST USE TO ADMINISTER AN
20 INITIAL DOSE OF A MAINTENANCE INJECTABLE MEDICATION IF THE
21 ADMINISTRATION OF THE INITIAL DOSE IS AUTHORIZED UNDER SUBSECTION (B) OF
22 THIS SECTION; AND

23 ~~(IV)~~ (IV) FOR COMMUNICATING TO THE PRESCRIBER
24 WHETHER A MEDICATION WAS ADMINISTERED TO A SPECIFIC PATIENT AND
25 RELEVANT INFORMATION ABOUT THE PATIENT'S CONDITION.

26 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

27 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
28 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR:

29 1. ADMINISTERING MAINTENANCE INJECTABLE
30 MEDICATIONS; AND

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

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

6 **(III) AFTER ADMINISTERING A MAINTENANCE INJECTABLE**
7 **MEDICATION:**

8 **1. NOTIFY THE PRESCRIBER THAT THE MAINTENANCE**
9 **INJECTABLE MEDICATION WAS ADMINISTERED AND OF ANY RELEVANT DETAILS**
10 **ABOUT THE PATIENT’S CONDITION;**

11 **2. PROVIDE THE PATIENT WITH A WRITTEN RECORD OF**
12 **THE MAINTENANCE INJECTABLE MEDICATION ADMINISTERED;**

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

15 **A. THE ADMINISTERING OF THE MAINTENANCE**
16 **INJECTABLE MEDICATION; AND**

17 **B. ANY PERTINENT DETAILS ABOUT THE PATIENT’S**
18 **CONDITION; AND**

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

21 **(3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO**
22 **COMPLETE A TRAINING PROGRAM FOR A PHARMACIST WHO ALREADY HAS**
23 **UNDERGONE THE TRAINING AS PART OF THE PHARMACIST’S FORMAL EDUCATIONAL**
24 **PROGRAM.**

25 **Article – Insurance**

26 **15-716.**

27 **(A) THIS SECTION APPLIES TO INDIVIDUAL, GROUP, OR BLANKET HEALTH**
28 **INSURANCE POLICIES AND CONTRACTS DELIVERED OR ISSUED FOR DELIVERY IN**
29 **THE STATE BY INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH**
30 **MAINTENANCE ORGANIZATIONS ~~FOR~~ THAT PROVIDE COVERAGE FOR PATIENT**
31 **ASSESSMENT REGARDING, AND ADMINISTRATION OF, SELF-ADMINISTERED**
32 **MEDICATIONS AND MAINTENANCE INJECTABLE MEDICATIONS.**

1 **(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR**
 2 **SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12-509 OF THE**
 3 **HEALTH OCCUPATIONS ARTICLE TO AN INDIVIDUAL WHO IS COVERED UNDER A**
 4 **POLICY OR CONTRACT ISSUED OR DELIVERED BY THE ENTITY, TO THE SAME EXTENT**
 5 **AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER,**
 6 **FOR PATIENT ASSESSMENT REGARDING AND IN ADMINISTERING**
 7 **SELF-ADMINISTERED MEDICATIONS OR MAINTENANCE INJECTABLE MEDICATIONS.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That § 15-716 of the Insurance
 9 Article, as enacted by Section 1 of this Act, shall apply to all policies and contracts issued,
 10 delivered, or renewed in the State on or after January 1, 2022.

11 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 12 ~~October 1, 2021.~~

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 14 measure, is necessary for the immediate preservation of the public health or safety, has
 15 been passed by a ye and nay vote supported by three-fifths of all the members elected to
 16 each of the two Houses of the General Assembly, and shall take effect from the date it is
 17 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.