

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 135

(Delegate K. Young)

Health and Government Operations

Education, Health, and Environmental Affairs

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

This emergency bill authorizes a licensed pharmacist to administer a “maintenance injectable medication” that is not a biological product to a patient under specified circumstances. By September 1, 2021, the State Board of Pharmacy, along with the State Board of Physicians and the State Board of Nursing, must adopt regulations establishing specified standard procedures. Specified insurers, nonprofit health service plans, and health maintenance organizations, as well as Medicaid and the Maryland Children’s Health Program (MCHP), must provide coverage for the administration of a self-administered medication or maintenance injectable medication rendered by a licensed pharmacist to the same extent as services rendered by any other licensed health care practitioner for patient assessment regarding and administration of self-administered or maintenance injectable medications. **The bill’s insurance provisions apply to all policies and contracts issued, delivered, or renewed in the State on or after January 1, 2022.**

Fiscal Summary

State Effect: Minimal increase in special fund revenues for the Maryland Insurance Administration (MIA) in FY 2022 from the \$125 rate and form filing fee. MIA can likely review additional filings with existing resources. The State Board of Pharmacy can adopt and implement regulations with existing budgeted resources. No impact on Medicaid/MCHP or the State Employee and Retiree Health and Welfare Benefits Program.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Maintenance injectable medication” means a medication that (1) is administered by injection other than intravenously and (2) treats a chronic need, condition, or disorder. “Maintenance injectable medication” includes a medication for the treatment of a psychiatric or substance use disorder, contraception, and vitamins.

A licensed pharmacist may administer a maintenance injectable medication that is not a biological product to a patient (1) that is prescribed by an authorized prescriber; (2) in accordance with a standing order issued by an authorized public health official; or (3) in accordance with a drug therapy management protocol. A pharmacist may not administer an initial dose of a maintenance injectable medication product without written approval from the prescriber.

The boards must adopt regulations establishing standard procedures (1) for notifying a patient about payment for services before the pharmacist administers a maintenance injectable medication; (2) that a pharmacist must use to administer a maintenance injectable medication; and (3) for communicating to the prescriber whether a medication was administered and relevant information about the patient’s condition.

Regulations establishing standard procedures for the administration of a maintenance injectable medication must require a pharmacist to (1) complete a board-approved training program (unless the pharmacist has received this training as part of the pharmacist’s formal educational training); (2) follow the standard procedures established by the board; (3) after administering a maintenance injectable medication, notify the prescriber, provide the patient with a written record, and record specified information in the patient’s health record; and (4) notify the patient of the need to attend any upcoming appointments the patient has scheduled with the prescriber.

Current Law: An individual must be licensed by the State Board of Pharmacy to practice pharmacy in the State. The practice of pharmacy includes compounding, dispensing, or distributing prescription drugs or devices; monitoring prescriptions; providing information, explanation, and recommendations to patients and health care practitioners about the safe and effective use of prescription drugs or devices; providing drug therapy management; administering vaccinations; and administering a self-administered drug to a patient in accordance with regulations adopted by the board.

To administer vaccinations, a pharmacist must submit a registration form to the board that includes verification that the pharmacist has successfully completed a specified certification course and is certified in cardiopulmonary resuscitation.

Chapters 820 and 821 of 2017 expanded the scope of practice for a licensed pharmacist, who meets specified requirements, to include prescribing and dispensing contraceptive medications and self-administered contraceptive devices approved by the U.S. Food and Drug Administration.

The Drug Therapy Management Program authorizes physicians and pharmacists to enter into a therapy management contract that specifies treatment protocols for patient care. An authorized prescriber who has entered into such an agreement must submit specified documentation to the State Board of Pharmacy.

Small Business Effect: Small business pharmacies may administer maintenance injectable medications and receive reimbursement under the bill.

Additional Information

Prior Introductions: Similar legislation, HB 656 of 2020, passed the House but received no further action from the Senate Education, Health, and Environmental Affairs and Finance committees. Its cross file, SB 545, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Similar legislation, HB 419 of 2019, received a hearing in the House Health and Government Operations Committee, but no further action was taken. Its cross file, SB 577, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: SB 84 (Senators Young and Waldstreicher) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Budget and Management; Maryland Insurance Administration; Department of Legislative Services

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