

SB647.pdf

Uploaded by: Aliyah Horton

Position: FAV



Date: March 13, 2023

To: The Honorable Melony Griffith, Chair

From: Aliyah N. Horton, CAE, Executive Director, MPhA, 240-688-7808

Cc: Members, Senate Finance Committee

Re: FAVORABLE SB 647 – State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts

The Maryland Pharmacists Association (MPhA) urges a favorable report for **SB 647 – State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts.**

Founded in 1882, MPhA is the only state-wide professional society representing all practicing pharmacists, pharmacy technicians and student pharmacists in Maryland. Our mission is to strengthen the profession of pharmacy, advocate for all Maryland pharmacists and promote excellence in pharmacy practice. MPhA fully supports the ability for technicians to administer vaccinations; complete remote non-drug handling tasks under supervision; and be included as a voting member of the Maryland Board of Pharmacy.

Technician Administration of vaccinations- SUPPORT

- The bill authorizes the continued ability for pharmacy technicians to do the technical act of administering a vaccine. All clinical counseling remains with the pharmacist.
- The bill is backed by the Board of Pharmacy.
- This bill aligns with the PREP act by maintaining all training requirements.
- Impact of the bill would improve access to vaccinations for Maryland residents and add flexibility in the ability to offer additional healthcare services.
- No changes to parental consent requirements or barriers to the patient to requesting a pharmacist to administer the vaccine.
- This authority has been codified across the country; including: Alaska, Florida, Iowa, Wisconsin, Missouri, Indiana, Virginia, Wyoming, Colorado, New Mexico, Rhode Island, Utah, North Dakota, Nevada, Arkansas, Tennessee, Michigan, Kentucky and New Hampshire.

Remote non-drug handling tasks under supervision – SUPPORT

- Amends the phrasing “directly supervised” to “supervision”.
- “Supervision” is defined as reviewing the work, guiding and directing the activities, and monitoring the performance of an individual.
- Allows technicians to perform non-drug handling tasks remotely, including prescription entry, order entry, data entry, insurance processing, and other administrative functions offsite.
- Benefits of this change allows access to pharmacy technicians in growing virtual work environments.

Pharmacy Technician seat on Board of Pharmacy – SUPPORT

- This bill expands the Board of Pharmacy to include representation of a registered pharmacy technician.
- This would facilitate the appropriate representation of more than 10,000 registered pharmacy technicians in Maryland.

Page 2 - SB 647– State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts.

A favorable report of SB 647 is also supported by the full Maryland Pharmacy Coalition.

Maryland Pharmacy Coalition

Full members:

- Maryland Pharmacists Association
- American Society of Consultant Pharmacists - Maryland Chapter
- Maryland Pharmaceutical Society
- Maryland Society of Health System Pharmacists
- University of Maryland Baltimore School of Pharmacy Student Government Association
- University of Maryland Eastern Shore School of Pharmacy Student Government Association
- Notre Dame of Maryland University School of Pharmacy Student Government Association

Affiliate members:

- University of Maryland Baltimore School of Pharmacy
- University of Maryland Eastern Shore School of Pharmacy
- Notre Dame of Maryland University School of Pharmacy
- Maryland Association of Chain Drug Stores

SB647_HB693__Board of Pharmacy Bill_ FAV Supportiv

Uploaded by: Gina Bazemore

Position: FAV



MARYLAND SOCIETY OF
HEALTH-SYSTEM PHARMACY

March 213, 2023

The Honorable Melony Griffith
Chair, Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

FAVORABLE SUPPORT: SB647/HB693 State Board of Pharmacy - Board Membership and Delegated Pharmacy Acts

Dear Chair Griffith and Committee Members:

The Maryland Society of Health-System Pharmacists is writing to express **FAVORABLE SUPPORT** for bill **SB647/HB693**.

Healthcare is rapidly changing, and we must adapt to better support patients' healthcare decisions. With recent changes in the healthcare landscape, including the implementation of the Affordable Care Act, the challenges faced through the COVID pandemic as well as efforts to improve the provision of equitable quality care, sustainable changes are needed in the healthcare delivery system. In recent years, more Marylanders are insured¹ and seeking accessible care in their communities with flexibility of scheduling that suits busy lives. Pharmacy professionals are well trained and qualified, are highly accessible² and have demonstrated the ability to safely meet the medication related needs of Marylanders. The elements of this bill, including pharmacy technician representation on the board of pharmacy, the ability to delegate administrative tasks to remote staff and the allowance of mechanical administration of vaccines by trained pharmacy technicians and interns serves the growing and changing health care needs of Marylanders in innovative and sustainable ways.

Board of Pharmacy Membership: Pharmacy technicians have served as the backbone for pharmacy operations and clinical care over the last several decades in the state of Maryland. Pharmacy technicians are seated on the pharmacy boards in Arizona, Illinois, Iowa, Massachusetts, Michigan, Montana, North Dakota, Oregon, Rhode Island, Texas, Utah, Vermont, and Washington.³ Pharmacy board activities that affect technicians include establishing registration and certification requirements, taking disciplinary actions, and defining technicians' scope of practice—including advanced roles such as administering vaccines, product verification (tech-check-tech), and obtaining medication histories from patients. The addition of a pharmacy technician to the Maryland Board of Pharmacy membership will help promote and engage pharmacy technicians across the state for continued growth in the profession.

Delegation of Remote Administrative Tasks: Allowing flexible work schedules for pharmacy technicians, will enhance healthcare efficiency and improve patient outcomes. Furthermore, with several lifestyle changes and options for remote work in the post-pandemic world, pharmacy technicians are able to fulfill many administrative tasks while being offsite. The addition of offsite data entry will allow flexibility for pharmacy technicians to support multiple pharmacies, rather than just one when completing prescription entry, order entry, insurance processing, adjudicating claims, and other administrative functions.

Delegation of Mechanical Administration of Vaccines: In October 2020, federal guidance allowed pharmacy technicians across the nation to administer vaccinations under the supervision of a pharmacist,



MARYLAND SOCIETY OF
HEALTH-SYSTEM PHARMACY

and since then several states have adopted similar guidance. During the COVID-19 pandemic, the ability for trained pharmacy technicians to administer vaccinations contributed to the overall goal of public health efforts to increase vaccination rates across the state. Pharmacy technicians undergo specific hands-on training to provide immunizations to the Maryland population and are already doing so under the PREP act.⁴ We support the ability of trained pharmacy technicians to provide the mechanical administration of any vaccine permitted to be administered by pharmacists, with clinical decisions regarding vaccines residing with the pharmacist. This represents an additional opportunity for pharmacy technicians to assume an advanced role that improves overall health outcomes.

We are confident that this bill promotes the health and well-being of Maryland constituents. We hope to gain your support on bill **SB647/HB693**. Thank you for your consideration and do not hesitate to reach out with any questions.

Sincerely,

Dorela Priftanji, PharmD, MBA, BCPS
President, Maryland Society of Health-System Pharmacy
Email: MSHPRx@gmail.com

References:

1. Cohn, M. Record number of Marylanders Enroll in (ACA) Obamacare. The Baltimore Banner. 2023; Jan 24.
2. Berenbrok LA, Tang S, Gabriel N, et al. Access to community pharmacies: A nationwide geographic information systems cross-sectional analysis. *J Am Pharm Assoc* (2003). 2022;62(6):1816-1822.e2.
3. Traynor K. Pharmacy technicians find influence, acceptance as pharmacy board members. *Am J Health Syst Pharm*. 2022;79(15):1221-1222. doi:10.1093/ajhp/zxac174
4. HHS.gov. Public Readiness and Emergency Preparedness (PREP) Act. <https://aspr.hhs.gov/legal/PREPAct/Pages/default.aspx>

HB0693-SB0647.pdf

Uploaded by: Kelly Kline

Position: FAV

My name is Kelly Kline. *I was recently named Pharmacy Technician of the Year (2023) by Maryland Pharmacists Association!*

I am a Certified Pharmacy Technician, Advanced (CPhT.-Adv.) and buyer at the Atlantic General Hospital inpatient pharmacy. My opinions do not necessarily represent those of my employer.

I have been a CPhT for 20 years. While I began my career in the retail pharmacy arena, (and have worked retail PRN a few years ago), I've spent the majority of my career in the community hospital setting. I earned my Advanced status through the Pharmacy Technician Certification Board (PTCB) in the fall of 2022. I have the following PTCB advanced certifications: Medication History, Vaccine Administration, Hazardous Medication Management, Regulatory Compliance, and Supply Chain and Inventory Management. Through the National Pharmacy Technician Association, I've earned the Technician Product Verification certificate and through Board of Pharmacy Technician Specialties, I've earned Controlled Substance Diversion Prevention certificate.

Over the last couple decades, I have witness first-hand the enhancement of healthcare, overall, due to the direct and indirect actions of pharmacy technicians.

I am highly in favor of HB 0693: SB0647

“Altering the membership of the State Board of Pharmacy to include a registered pharmacy technician; authorizing a licensed pharmacist, under certain circumstances, to delegate pharmacy acts to be performed at a remote location to a registered pharmacy technician and a registered pharmacy intern; repealing the prohibition on a registered pharmacy technician administering influenza vaccines; etc.”

Specifically, I HUGELY support adding a registered pharmacy technician to the state board of pharmacy membership. CPhT's, as a whole, are highly-trained, highly intelligent people who really build the bridge and fill in the gaps between the pharmacists and the patients. The Covid crisis really propelled us to a level the likes of which we hadn't seen before, but we rose to the challenge with grace and gusto! It became abundantly clear CPhT's are the backbone of the pharmacy and there's no turning back now.

By putting a CPhT. on the Board of Pharmacy you allow a vital and eclectic wave of opinions, knowledge and expertise to fortify and elevate discussions and decision-making like never before. We really are the 'missing' piece of the puzzle; a border piece, providing the framework for all things pharmacy.

The opportunities for advanced certifications are ever-growing, and require an extraordinary level of commitment, maturity and dedication. By earning these credentials, we become an absolutely necessary component clinically supporting pharmacists and other healthcare professionals, alike. Our advancing presence allows for an additional layer of patient safety and satisfaction.

Please consider elevating the Maryland Board of Pharmacy by creating a technician seat, as we are not only the face of pharmacy, but the heart soul.

Respectfully submitted,

Kelly Kline

SB0647_FAV_LifeSpan_State Board of Pharmacy - Boar

Uploaded by: Kevin Heffner

Position: FAV



*Keeping You Connected...Expanding Your Potential...
In Senior Care and Services*

TO: The Honorable Melony Griffith, Chair
Members, Senate Finance Committee
The Honorable Mary Beth Carozza

FROM: Kevin Heffner, CEO

DATE: March 14, 2023

RE: **SUPPORT** – Senate Bill 647 – *State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities and other home and community-based services, we **support** the provision in Senate Bill 647 related to the ability of a pharmacist to delegate to a registered pharmacy technician or a registered pharmacy intern the act of entering prescription-related data into databases or patient charts when the technician or intern is working at a remote location.

Our members work in partnership with long-term care pharmacies to ensure our residents receive timely pharmaceutical services. Like all areas of health care, part of this service involves administrative tasks, such as entering prescription-related data into databases (such as CRISP) or into patient charts. During the COVID-19 pandemic, the Maryland Board of Pharmacy waived the requirement that a licensed pharmacist be present during the task of “data-entry.” After Maryland lifted its State of Emergency and this regulation once again became enforceable, it has been very difficult for our long-term care pharmacy partners to retain or hire individuals for this role. Many have simply found jobs that have allowed them to maintain working from home or a hybrid work environment.

Senate Bill 647 will afford our long-term care pharmacy partners with the hiring flexibility needed to ensure a continued, high rate of service to our member facilities and the residents cared for by them. The COVID-19 pandemic changed the work landscape and Maryland’s law must accommodate for it, provided these changes can be done in a safe manner. Senate Bill 647 accomplishes both goals, and we urge a favorable vote.

SB647_FAV_MACDS.pdf

Uploaded by: Sarah Price

Position: FAV



NATIONAL ASSOCIATION OF
CHAIN DRUG STORES



MARYLAND ASSOCIATION
OF CHAIN DRUG STORES

NACDS and MACDS Testimony to the Maryland General Assembly Senate Finance Committee
Tuesday, March 14, 2023

Support SB647 – State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts

Chair Griffith and members of the Senate Finance Committee, thank you for the opportunity to testify in support of SB647. Senator Carozza, thank you for sponsoring this bill. SB647 is critical to patients, pharmacies, and Maryland’s hard-working and dedicated pharmacy technicians, as it would allow these healthcare workers to continue to assist pharmacists with administering vaccines after temporary, COVID-era federal allowances for this expire. The legislation would also allow pharmacy technicians to continue to perform data entry tasks remotely.

From the early days of the pandemic, pharmacy technicians served as frontline responders alongside pharmacists, helping to make it possible for pharmacies to provide needed care to the public – all at a time when many other healthcare providers were not open or had cut down the number of appointment slots for patients seeking care. The COVID-related federal and state flexibilities and waivers for pharmacy technicians bolstered pharmacies’ capacity to serve the public in this way, helping to connect you and your constituents to vaccines, testing and other critical healthcare services.

As you are aware, pharmacies played a central role in public health initiatives to get “shots in arms”, and pharmacy technicians helped to make this possible. With the essential support of pharmacy technicians, pharmacies were able to provide more than 3.6 million COVID vaccines to Marylanders. Notably, an internal survey of NACDS members conducted in March 2022 found that up to 38% of all COVID vaccine doses provided by pharmacies were administered by pharmacy

technicians.ⁱ Remarkably, with the support of the full pharmacy team, pharmacies have provided 2 out of every 3 COVID vaccinations across the country.ⁱⁱ

As trained and experienced vaccinators, pharmacy technicians have a proven record of administering vaccines safely and effectively. In fact, pharmacy technicians who participate in vaccine administration under the federal COVID-era allowances have completed an accredited training program. That program teaches important skills like administration technique and how to handle an emergency reaction to a vaccine. By maintaining requirements for pharmacy technicians to have “appropriate [...] education, training, and experience” when performing “delegated acts” such as administering immunizations under a pharmacist’s supervision, this bill will continue that level of training and skill.

It is also important to account for the time and personal sacrifice that Maryland’s pharmacy technicians took to serve the state during the pandemic by completing an accredited vaccine training program and then jumping into the vaccinator workforce. If we do not pass this bill, they will no longer be able put these skills to use. That would not only be a disservice to Maryland’s technician workforce, but a disservice to patients who now expect to receive the level of vaccine services at local pharmacies that were made possible in part by the contributions of pharmacy technicians.

Additionally, pharmacists appreciate the option of being able to delegate the task of vaccine administration to a pharmacy technician. One study found that community pharmacists who supervise pharmacy technicians trained to administer immunizations were receptive to technicians taking on this new role, and that utilizing technicians in this way positively affects the morale of the pharmacy team, while helping to increase the number of vaccinations given by the pharmacy.ⁱⁱⁱ

The other portion of the bill allows pharmacy technicians to continue to perform remote data entry – a COVID-related state allowance that made it possible for pharmacies to meet patient demand. The ability for pharmacy technicians to perform remote data entry gave pharmacies the flexibility to shift data entry work offsite when needed, freeing up onsite pharmacy staff to focus on activities that can only be completed in-person. Many states already allowed this prior to the pandemic because it helps improve efficiency to better serve patients, and provides technicians an environment more conducive to the tasks.

Rolling back allowances for pharmacy technicians to administer vaccines and for remote data entry would strip away the professional advancement that pharmacy technicians have experienced in recent years. Such a setback would be hard felt by these frontline healthcare workers and could discourage individuals from pharmacy technician careers into the future. SB647 will help to ensure this does not happen.

In conclusion, your constituents have come to rely on and expect a greater level of access to care at neighborhood pharmacies. A poll commissioned by NACDS and conducted by Morning Consult December 7-12, 2022, found that 69% of Maryland adults believe “learning the lessons of the pandemic means keeping in place policies that make it easier for patients to access services from pharmacists and other pharmacy team members.” We urge Maryland lawmakers to do just that – learn from the lessons of the pandemic and maintain the policies for pharmacy technicians that have allowed pharmacies the capacity to continue to deliver patient care services in your communities. Please support SB647.

ⁱ NACDS conducted a survey of their chain pharmacy membership via an established workgroup in late March 2022. The workgroup is comprised of more than 60 individuals representing about 30 chain pharmacy organizations. The purpose of the

survey was to begin estimating pharmacies' impact in responding to the COVID-19 pandemic in topic areas where data was not readily available. The survey response rate was 40%.

ⁱⁱ <https://www.cdc.gov/vaccines/covid-19/retail-pharmacy-program/index.html>

ⁱⁱⁱ <https://pubmed.ncbi.nlm.nih.gov/31036525/>

Amendment to Conform to House Bill.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV



SB0647/543326/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

13 MAR 23
13:52:28

BY: Senator Carozza

(To be offered in the Education, Energy, and the Environment
Committee)

AMENDMENTS TO SENATE BILL 647

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike “**and**” and substitute a comma; in the same line, after “**Acts**” insert “**, and Sunset Extension**”; in line 5, strike “pharmacy acts” and substitute “the entry of certain data into databases or patient charts”; strike beginning with “repealing” in line 6 down through “vaccines;” in line 7; in line 9, after “pharmacist;” insert “prohibiting a registered pharmacy technician from administering a vaccination except under certain circumstances;”; in line 16, strike “and 12–307(d)”; and in line 21, after “(b),” insert “12–307(d).”.

AMENDMENT NO. 2

On page 2, in lines 12, 13, 14, 16, and 18, in each instance, strike the brackets; in line 12, strike “The” and substitute “**EXCEPT AS PROVIDED IN § 12–6B–06 OF THIS TITLE, THE**”; in the same line, strike “an influenza” and substitute “**A**”; in lines 14, 16, and 18, strike “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; in lines 20 and 22, strike “**(V)**” and “(vi)”, respectively, and substitute “**(VI)**” and “**(VII)**”, respectively.

On page 5, in line 10, strike “provided that” and substitute “**ONLY IF**”; in lines 18 and 19, strike “**PHARMACY ACTS, INCLUDING**” and substitute “**THE**”; in line 19, strike “**ENTERING**” and substitute “**ENTRY OF**”; in line 20, strike the comma; in lines 21 and 22, strike “**PROVIDED THAT THE DELEGATED PHARMACY ACTS**” and substitute “**IF**”; strike line 23 in its entirety and substitute:

“(1) THE REGISTERED PHARMACY TECHNICIAN OR REGISTERED PHARMACY INTERN HAS IMMEDIATE ELECTRONIC ACCESS TO A PHARMACIST WHO CAN PROVIDE ASSISTANCE AS NEEDED; AND

(2) THE DATA ENTRY:”;

in line 24, strike “(2) ARE” and substitute “(I) IS”; strike in their entirety lines 26 and 27; and in line 28, strike “(4) ARE” and substitute “(II) IS”.

On page 6, in line 1, strike “(5) ARE” and substitute “(III) IS”; in line 4, strike “(6)” and substitute “(IV)”;

in the same line, strike “DELEGATED ACT” and substitute “DATA ENTRY”; in line 23, after “(C)” insert “(1) A REGISTERED PHARMACY TECHNICIAN MAY ADMINISTER AN INFLUENZA VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE TO AN INDIVIDUAL AT LEAST 18 YEARS OLD.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A REGISTERED PHARMACY TECHNICIAN MAY NOT ADMINISTER A VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE.

(D)”;

and strike in their entirety lines 29 and 30 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.

SB0647/543326/01
Amendments to SB 647
Page 3 of 3

Carozza

SB 647 Testimony - Carozza_FINAL.pdf

Uploaded by: Senator Mary Beth Carozza

Position: FAV

MARY BETH CAROZZA
Legislative District 38
Somerset, Wicomico,
and Worcester Counties

Education, Energy, and
the Environment Committee

Executive Nominations Committee



Annapolis Office
James Senate Office Building
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 14, 2023

The Senate Finance Committee

**SB 647 – State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts
Statement of Support by Bill Sponsor Senator Mary Beth Carozza**

Thank you, Chair Griffith, Vice Chair Klausmeier, and members of the distinguished Senate Finance Committee for allowing me to present Senate Bill 647 – State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts as amended.

This bill would codify provisions in the Public Readiness and Emergency Preparedness Act, or PREP Act, that enabled the COVID-19 vaccine to be widely distributed and administered. The compromise amendments being offered have been worked through with MedChi and would conform to the House version of this bill. The bill would cover four areas:

- 1) This bill would extend the sunset of the Maryland Board of Pharmacy to July 1, 2033. The Maryland Board of Pharmacy protects Maryland consumers, ensures standards for pharmaceutical services, authorizes licensure of pharmacists and pharmacy technicians, and resolves complaints. Without passage of SB 647, the Maryland Board of Pharmacy would expire July 1, 2023.
- 2) As amended, licensed pharmacists would be authorized to delegate the mechanical act of administering a flu vaccine to adults to one of their registered pharmacy technicians on site. Qualified pharmacy technicians have been successfully administering vaccines since August 2020 under the supervision of a licensed pharmacist and this has enabled wider distribution of vaccines, especially in rural areas.
- 3) Pharmacy technicians would be allowed to work remotely. Pharmacy technicians would be allowed to perform administrative work from a remote location. This would greatly assist the industry with recruitment and retention.
- 4) A registered pharmacy technician would be added to the Maryland State Board of Pharmacy. Pharmacy technicians play a critical role and should have a seat at the table.

Pharmacists are a linchpin in our communities as they are uniquely positioned to provide health care services to a wide swath of the population. With 88.9 percent of people within the United States living within five miles of their friendly neighborhood pharmacy, the bill would reduce barriers to health care such as reduction in travel time, prompt medical interventions, and more availability to services. This is especially important in rural areas where pharmacies are more likely to serve as the primary place of access to health care services for their communities.

I truly appreciate your kind attention and consideration, and I respectfully ask for a swift and favorable report on SB 647.

6 - X - SB 647 - FIN - PHARM - LOS.pdf

Uploaded by: State of Maryland (MD)

Position: FAV



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

MARYLAND BOARD OF PHARMACY

Jennifer L. Hardesty, PharmD, FASCP, Board President — Deena Speights-Napata, MA, Executive Director

March 14, 2023

The Honorable Melony Griffith
Chair, Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 647 – Board Membership and Delegated Pharmacy Acts

Dear Chairwoman Griffith and Committee Members:

The Maryland Board of Pharmacy (Board) respectfully submits this letter of support for Senate Bill (SB) 647 – Board Membership and Delegated Pharmacy Acts.

SB 647 would remove “administration of an influenza vaccination” from the list pharmacy acts that a pharmacist may not delegate to a pharmacy technician. § 12-101(g). This change would permit a pharmacist to delegate the mechanical administration of any CDC-approved or FDA-approved vaccine to an appropriately trained pharmacy technician. SB 647 would further clarify that a pharmacy technician is not permitted to engage in a decision-making task that requires the professional judgement of a pharmacist. §§ 12-101(g), 12-6B-06. This clarification would guarantee that a pharmacist is ultimately responsible for exercising discretion when providing care, completing ImmuNet reporting, obtaining informed consent, and adhering to all statutory and regulatory requirements.

SB 647 would expand membership of the Board to include one pharmacy technician. § 12-202. The expansion would provide an opportunity for an essential, but currently unrepresented, member of pharmacy operations to voice their concerns and provide their experiences within the Board.

SB 647 would authorize a pharmacist to delegate the performance of a suitable, non-drug handling task to a pharmacy technician who is not physically located in the prescription area of a pharmacy. § 12-307(e). A pharmacy technician would be permitted to engage in a variety of administrative functions, including prescription order entry, from an off-site location as a result of this change.

The Board has considered, developed, and approved the provisions presented in SB 647 over the last 12 months. It is the Board’s position that SB 647 will optimize pharmacy operations for supervising, responsible pharmacists, enhance work-life balance for pharmacy technicians, and increase options that Marylanders may access when seeking health care services.

The Board enthusiastically supports SB 647 and respectfully requests a favorable report.

If you would like to discuss this further, please do not hesitate to contact Deena Speights-Napata, MA, Executive Director at deena.speights-napata@maryland.gov or (410) 764-4753.

Sincerely,



Deena Speights-Napata, MA
Executive Director

SB647.LOSWA.pdf

Uploaded by: Heather Forsyth

Position: FWA

ANTHONY G. BROWN
Attorney General

CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN QUATTROCKI
Deputy Attorney General

Writer's Fax No.
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WILLIAM D. GRUHN
Chief
Consumer Protection Division

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
410.576.6513

March 13, 2023

TO: Melony Griffith, Chair
Senate Finance Committee

FROM: Office of the Attorney General, Health Education and Advocacy Unit

RE: SB647 - State Board of Pharmacy – Board Membership and Delegated
Pharmacy Acts: **Letter of Support with Amendments**

The Health Education and Advocacy Unit of the Office of the Attorney General supports Senate Bill 647 with suggested amendments. This bill adds a person who is a licensed pharmacy technician to the composition of the Board of Pharmacy and sets standards for the member's selection. It also seeks to permit a licensed pharmacist to delegate certain administrative tasks that can be performed remotely by a pharmacy technician or trainee or pharmacy student with general, offsite supervision. Additionally, it removes the prohibition on a registered pharmacy technician administering an influenza vaccination.

Unfortunately, as currently drafted, the bill appears to allow more acts than intended to be delegated with general offsite supervision to registered pharmacy technicians and interns. For example, § 12-101(g) (2)(ii) removes the administration of the influenza vaccine from the prior definition of what delegable acts could not include, seemingly allowing a pharmacy technician or intern to administer an influenza vaccination with general, rather than direct supervision. Moreover, the bill introduces inconsistencies with other statutory provisions. While § 12-307(d) requires acts delegated to registered pharmacy technician, trainee or pharmacy students to be directly supervised, (E) permits the delegation of pharmacy acts with indirect supervision, which if read too broadly could include vaccine administration.

Of additional note, a "Registered pharmacy intern" is defined in the statute as an individual who is registered with the Board to practice pharmacy *under the direct supervision* of a pharmacist, which is inconsistent with proposed § 12-307(E), allowing

interns to perform delegated pharmacy acts under indirect supervision.

In conversation with a Board of Pharmacy representative, we understand the intent was to permit only data entry tasks to be performed under remote supervision. The Board’s representative suggested the inclusion of the word “administration” at (E)(3) to resolve the concern. We suggest further amending (E) to clarify the specific delegable acts permitted at remote locations as follows:

On page 5, at line 18,

18 **(E) A LICENSED PHARMACIST MAY DELEGATE ~~PHARMACY ACTS,~~**
19 **~~INCLUDING~~**
20 **ENTERING PRESCRIPTION-RELATED DATA INTO DATABASES OR**
21 **PATIENT CHARTS,**
22 **TO BE PERFORMED AT A REMOTE LOCATION TO A REGISTERED**
23 **PHARMACY**
24 **TECHNICIAN OR A REGISTERED PHARMACY INTERN PROVIDED THAT**
25 **THESE TASKS:**
26 **~~DELEGATED PHARMACY ACTS:~~**
27 **(1) ARE SUPERVISED BY A LICENSED PHARMACIST;**
28 **(2) ARE NOT REQUIRED TO BE PERFORMED BY A LICENSED**
29 **PHARMACIST;**
30 **(3) DO NOT INVOLVE THE COMPOUNDING, DISTRIBUTION, OR**
31 **DISPENSING, OR ADMINISTRATION OF PRESCRIPTION OR**
32 **PRESCRIPTION OR NONPRESCRIPTION DRUGS;**

With this friendly amendment to prevent creating an inconsistency in the statute, the HEAU supports a favorable report for SB647.

SB0647_UNF_Medchi, MDAAP, MACHC_State Board of Pha

Uploaded by: Pam Kasemeyer

Position: UNF



MID-ATLANTIC ASSOCIATION OF
COMMUNITY HEALTH CENTERS

The Maryland State Medical Society
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TO: The Honorable Melony Griffith, Chair
Members, Senate Finance Committee
The Honorable Mary Beth Carozza

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
Christine K. Krone
410-244-7000

DATE: March 14, 2023

RE: **OPPOSE UNLESS AMENDED** – Senate Bill 647 – *State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts*

On behalf of the Maryland State Medical Society, the Maryland Chapter of the American Academy of Pediatrics, and the Mid-Atlantic Association of Community Health Centers, we **oppose** Senate Bill 647, **unless the legislation is amended**.

Senate Bill 647 proposes changes to the State Board of Pharmacy and the scope of practice of a pharmacy technician and pharmacy technician trainee. These include altering the membership of the State Board of Pharmacy to include a registered pharmacy technician; authorizing a pharmacist, under certain circumstances, to delegate pharmacy acts to be performed at a remote location to a registered pharmacy technician and registered pharmacy intern; and repeals the prohibition on a registered pharmacy technician to administer the flu vaccine.

The above-named organizations have no position on the provisions that alter the membership of the State Board of Pharmacy. However, they strongly oppose the repeal of the prohibition on pharmacy technicians administering flu vaccines as proposed by the bill. Vaccine administration, including the flu vaccine, requires a higher level of training and education than that of a pharmacy technician, given the potential for an adverse reaction to the vaccine and the need for associated patient communication. The above-named organizations would request the bill be amended to retain the prohibition on pharmacy technicians administering the flu vaccine.

In addition, while these organizations do not object to pharmacy technicians and interns performing data entry at a remote location as the bill allows, this should only be permitted if they have immediate access to a pharmacist and are required to use that access if questions arise. In discussing this legislation, several physicians complained that they had serious delays and difficulty with pharmacy technicians or interns processing prescriptions at remote locations, and asking questions of the physician that were later quickly resolved with the intervention of a pharmacist. Whatever efficiency the pharmacy gains from using pharmacy technicians at a remote location should not be at the expense of the patient in the form of delayed prescriptions. An amendment to this effect should be made.

With the adoption of these two amendments, the opposition to the bill would be removed.