

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland Department of Health
(DLS Control No. 18-209)**

Overview and Legal and Fiscal Impact

The regulation requires a pharmacist administering a vaccination to have proof of active certification in basic cardiopulmonary resuscitation readily available.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland Department of Health:

Board of Pharmacy: Pharmacist Administration of Vaccinations: COMAR 10.34.32.03

Legal Analysis

Background

The practice of pharmacy may include the administering of vaccinations under certain circumstances. Licensed pharmacists may administer an influenza vaccination to an individual who is at least nine years old, provided the vaccination is administered in accordance with regulations adopted by the State Board of Pharmacy in consultation with the Maryland Department of Health. For individuals age 11 to 17, a pharmacist may administer a vaccination listed in the U.S. Centers for Disease Control and Prevention's (CDC) Recommended Immunization Schedule if the individual has a prescription from an authorized prescriber. For adults, a pharmacist may administer a vaccination listed in CDC's Recommended Immunization Schedule or Health Information for International Travel if the vaccination is administered under a written protocol that (1) is vaccine specific and (2) meets criteria established in regulation by the department, in consultation with the boards of pharmacy, physicians, and nursing. A prescription is not required to administer these vaccinations to an individual age 18 or older.

To qualify to administer vaccinations, a pharmacist must (1) submit a registration form to the State Board of Pharmacy that verifies that the pharmacist has successfully completed a certification course approved by the board that included instruction in the guidelines and CDC recommendations regarding vaccinations and (2) be certified in basic cardiopulmonary resuscitation through in-person classroom instruction.

Summary of Regulation

The regulation requires a pharmacist administering a vaccination to have proof of active certification in basic cardiopulmonary resuscitation readily available.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 12-205 and 12-508 of the Health Occupations Article as statutory authority for the regulation. Section 12-205 authorizes the board to adopt regulations to carry out the provisions of Title 12 of the Health Occupations Article, which governs pharmacists and pharmacies. Section 12-508(a) authorizes pharmacists to administer certain vaccinations under certain circumstances. Section 12-508(b) requires the Board of Pharmacy to adopt regulations that require a pharmacist to submit a registration form to the board that includes verification that the pharmacist is certified in basic cardiopulmonary resuscitation and obtained the certification through in-person classroom instruction.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Lindsay Rowe – (410) 946/(301) 970-5350

Fiscal Analysis: Jennifer B. Chasse – (410) 946/(301) 970-5510