

CF 7r2523

By: Delegate Guns

Introduced and read first time: February 13, 1997

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 1997

CHAPTER ____

1 AN ACT concerning

2 **State Board of Pharmacy - Composition**

3 FOR the purpose of altering the composition and increasing the membership of the State
4 Board of Pharmacy; altering the procedure for filling vacancies on the Board;
5 requiring the Board to provide a certain notice and other information to all licensed
6 pharmacists and certain other interested parties concerning vacancies on the Board;
7 requiring certain Board members to be recused from all aspects of the licensing
8 exam; altering certain practice qualifications for membership on the Board;
9 providing a rule of construction for this Act; authorizing the Governor to make a
10 certain determination in making certain initial appointments to the Board as
11 authorized by this Act; and generally relating to the State Board of Pharmacy.

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 12-202
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1996 Supplement)

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

19 **Article - Health Occupations**

20 12-202.

21 (a) (1) The Board consists of [eight] TWELVE members.

22 (2) Of the [eight] TWELVE Board members:

2

1 (i) [Six] TEN shall be licensed pharmacists, [of whom at least five
2 are actively engaged in practicing pharmacy; and] INCLUDING:

3 1. TWO WHO AT THE TIME OF APPOINTMENT PRACTICE
4 PRIMARILY IN CHAIN STORE PHARMACIES;

5 2. TWO WHO AT THE TIME OF APPOINTMENT PRACTICE
6 PRIMARILY IN INDEPENDENT PHARMACIES;

7 3. TWO WHO AT THE TIME OF APPOINTMENT PRACTICE
8 PRIMARILY IN AN ACUTE-CARE HOSPITAL;

9 4. ONE WHO AT THE TIME OF APPOINTMENT PRACTICES
10 PRIMARILY IN A PHARMACY THAT PROVIDES SERVICES TO A LONG-TERM CARE
11 FACILITY;

12 5. ONE WHO AT THE TIME OF APPOINTMENT PRACTICES
13 PRIMARILY IN A PHARMACY THAT SPECIALIZES IN THE PROVISION OF HOME
14 INFUSION/HOME CARE SERVICES; AND

15 6. TWO PHARMACISTS AT-LARGE; AND

16 (ii) Two shall be consumer members.

17 (3) (i) The Governor shall appoint the CHAIN STORE pharmacist
18 members, with the advice of the Secretary, from a list of names submitted to the Secretary
19 and the Governor by [the Maryland Pharmacists Association] THE MARYLAND
20 ASSOCIATION OF CHAIN DRUG STORES.

21 (II) THE GOVERNOR SHALL APPOINT THE INDEPENDENT
22 PHARMACIST MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF
23 NAMES SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE MARYLAND
24 PHARMACISTS ASSOCIATION AND THE MARYLAND PHARMACEUTICAL SOCIETY.

25 (III) THE GOVERNOR SHALL APPOINT THE ACUTE-CARE HOSPITAL
26 PHARMACIST MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF
27 NAMES SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE MARYLAND
28 SOCIETY OF HEALTH-SYSTEM PHARMACISTS.

29 (IV) THE GOVERNOR SHALL APPOINT THE LONG-TERM CARE
30 FACILITY PHARMACIST MEMBER, WITH THE ADVICE OF THE SECRETARY, FROM A
31 LIST OF NAMES SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE
32 MARYLAND CHAPTER OF THE AMERICAN SOCIETY OF CONSULTANT PHARMACISTS.

33 (V) THE GOVERNOR SHALL APPOINT THE HOME INFUSION/HOME
34 CARE PHARMACIST MEMBER, WITH THE ADVICE OF THE SECRETARY, FROM A LIST
35 OF NAMES SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE
36 MARYLAND SOCIETY OF HEALTH-SYSTEM PHARMACISTS.

37 (VI) THE GOVERNOR SHALL APPOINT THE AT-LARGE PHARMACIST
38 MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST OF ALL NAMES
39 SUBMITTED TO THE MARYLAND PHARMACISTS ASSOCIATION, AND THEN
40 FORWARDED TO THE SECRETARY AND THE GOVERNOR.

3

1 [(ii) (VII) [The] EXCEPT FOR THE AT-LARGE VACANCIES, THE
2 number of names on [the] EACH list submitted [by the Maryland Pharmacists
3 Association] TO THE SECRETARY AND THE GOVERNOR UNDER THIS PARAGRAPH
4 shall be three times the number of vacancies.

5 (4) For each pharmacist vacancy[, the Maryland Pharmacists Association
6 shall]:

7 (i) THE BOARD SHALL [Notify] NOTIFY all licensed pharmacists
8 AND OTHER INTERESTED PARTIES OF RECORD in the State of the vacancy to solicit
9 nominations to fill the vacancy AND PROVIDE INFORMATION FOR CONTACTING A
10 REPRESENTATIVE OF THE GROUP THAT SUBMITS THE LIST OF NAMES TO THE
11 GOVERNOR UNDER PARAGRAPH (3) OF THIS SUBSECTION; and

12 (ii) [Conduct a balloting process where every licensed pharmacist is
13 eligible to vote to select the names of the licensed pharmacists that will be submitted to
14 the Governor] EXCEPT FOR THE AT-LARGE VACANCIES, EACH ASSOCIATION THAT IS
15 RESPONSIBLE FOR SUBMITTING A LIST OF NOMINEES TO THE SECRETARY AND THE
16 GOVERNOR UNDER THIS SECTION SHALL:

17 1. ISSUE A NOMINATION FORM UPON THE REQUEST OF ANY
18 LICENSED PHARMACIST AND CONSIDER ALL NOMINATIONS RECEIVED BY THE
19 ASSOCIATION'S DEADLINE;

20 2. FORM A COMMITTEE, WHICH RECOGNIZES DIVERSITY
21 WITHIN THE STATE IN GEOGRAPHIC DISTRIBUTION, SEX, RACE, AND AGE,
22 COMPRISED OF AT LEAST FIVE PHARMACISTS TO REVIEW NOMINATIONS,
23 INTERVIEW ALL QUALIFIED NOMINEES IN A MEETING OPEN TO THE PUBLIC, AND
24 SELECT THREE NAMES FOR EACH VACANCY TO BE SUBMITTED TO THE SECRETARY
25 AND THE GOVERNOR; AND

26 3. IN THE EVENT THAT LESS THAN THREE QUALIFIED
27 NOMINEES ARE SUBMITTED TO THE ASSOCIATION, SELECT ANY ADDITIONAL
28 NAMES THAT ARE NEEDED TO COMPLETE THE LIST REQUIRED TO BE SUBMITTED
29 TO THE SECRETARY AND THE GOVERNOR UNDER THIS SECTION.

30 (5) The Governor shall appoint the consumer members with the advice of
31 the Secretary and the advice and consent of the Senate.

32 (6) Each member of the Board shall be a resident of this State.

33 (7) A member of the Board [may not be a member of the board of trustees
34 of or a teacher at any school of pharmacy] SHALL BE RECUSED FROM ALL ASPECTS OF
35 THE LICENSING EXAM IF THAT BOARD MEMBER:

36 (I) IS A MEMBER OF THE BOARD OF TRUSTEES AT A SCHOOL OF
37 PHARMACY;

38 (II) IS A TEACHER AT A SCHOOL OF PHARMACY; OR

39 (III) ACQUIRES THE MEMBER'S PRIMARY SOURCE OF INCOME
40 THROUGH EMPLOYMENT BY A SCHOOL OF PHARMACY.

4

1 (b) Each pharmacist member of the Board shall:

2 (1) Be skilled and competent in practicing pharmacy; and

3 (2) Have at least 5 years of active [pharmaceutical experience in preparing
4 and dispensing prescriptions of authorized prescribers] PHARMACY PRACTICE.

5 (c) Each consumer member of the Board:

6 (1) Shall be a member of the general public;

7 (2) May not be or ever have been a pharmacist or in training to become a
8 pharmacist;

9 (3) May not have a household member who is a pharmacist or in training to
10 become a pharmacist;

11 (4) May not participate or ever have participated in a commercial or
12 professional field related to practicing pharmacy;

13 (5) May not have a household member who participates in a commercial or
14 professional field related to practicing pharmacy; and

15 (6) May not have had within 2 years before appointment a substantial
16 financial interest in a person regulated by the Board.

17 (d) While a member of the Board, a consumer member may not have a substantial
18 financial interest in a person regulated by the Board.

19 (e) Before taking office, each appointee to the Board shall take the oath required
20 by Article I, § 9 of the State Constitution.

21 (f) (1) The term of a member is 4 years.

22 (2) The terms of members are staggered as required by the terms provided
23 for members of the Board on July 1, 1981.

24 (3) At the end of a term, a member continues to serve until a successor is
25 appointed and qualifies.

26 (4) A member who is appointed after a term has begun serves only for the
27 rest of the term and until a successor is appointed and qualifies.

28 (5) To the extent practicable, the Governor shall fill any vacancy on the
29 Board within 60 days of the date of the vacancy.

30 (6) A member may not serve more than 2 consecutive full terms.

31 (g) (1) The Governor may remove a member for incompetence or misconduct.

32 (2) Upon the recommendation of the Secretary, the Governor may remove a
33 member whom the Secretary finds to have been absent from 2 successive Board meetings
34 without adequate reason.

5

1 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may
2 be construed to affect the term of any member of the State Board of Pharmacy who is
3 serving on the Board on the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor, in making
5 the four initial professional member appointments to the State Board of Pharmacy
6 authorized under § 12-202(a) of the Health Occupations Article, as enacted by Section 1
7 of this Act, may stagger those appointments and determine the associational groups from
8 which those appointments are to be made.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.