

(PRE-FILED)

By: Chairman, Economic and Environmental Affairs Committee (Departmental - Health and Mental Hygiene)

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Nurse Practice Act - Dispensing of Drugs or Devices by Health Department Nurses**

3 FOR the purpose of allowing nurses employed by the Department of Health and Mental
4 Hygiene or by local health departments to dispense drugs or devices to certain
5 individuals under certain circumstances; defining certain terms; establishing certain
6 requirements for dispensing certain drugs or devices; and generally relating to the
7 Nurse Practice Act.

8 BY adding to

9 Article - Health Occupations

10 Section 8-509

11 Annotated Code of Maryland

12 (1994 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health Occupations**

16 8-509.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

18 INDICATED.

19 (2) (I) "DISPENSE" OR "DISPENSING" MEANS THE PROCEDURE
20 REQUIRING THE INTERPRETATION OF A LICENSED HEALTH CARE PRACTITIONER'S
21 PRESCRIPTION ORDER FOR A NONSCHEDULED, LEGEND DRUG OR DEVICE, AND
22 UNDER THAT ORDER, SELECTING THE DRUG PRESCRIBED, LABELING IN

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1 ACCORDANCE WITH § 12-509 OF THIS ARTICLE, AND, IF THE DRUG OR DEVICE HAS
2 NOT BEEN PREPACKAGED BY THE MANUFACTURER OR A LICENSED PHARMACIST IN
3 THE CORRECT DOSAGE AND AMOUNT PRESCRIBED, MEASURING, AND PACKAGING
4 IN ACCORDANCE WITH STATE AND FEDERAL LAW.

5 (II) "DISPENSING" INCLUDES A PERSONAL EXPLANATION TO THE
6 PATIENT, OR, IF NECESSARY, TO THE PATIENT'S AGENT, OF THE PROPER USE AND
7 ADMINISTRATION OF THE DRUG OR DEVICE AND OF POTENTIAL ADVERSE
8 REACTIONS AND DRUG INTERACTIONS.

9 (3) "HEALTH DEPARTMENT NURSE" MEANS A REGISTERED NURSE WHO
10 IS EMPLOYED BY THE DEPARTMENT OR A LOCAL HEALTH DEPARTMENT IN A
11 COUNTY.

12 (4) "PERSONALLY PREPARE AND DISPENSE" MEANS THAT THE HEALTH
13 DEPARTMENT NURSE:

14 (I) MAY NOT DELEGATE ANY ACTS RELATED TO DISPENSING; AND

15 (II) PERFORMS A FINAL CHECK ON THE PRESCRIPTION BEFORE IT
16 IS PROVIDED TO THE PATIENT.

17 (B) A HEALTH DEPARTMENT NURSE SHALL DISPENSE A DRUG OR DEVICE
18 ONLY:

19 (1) AT A PUBLIC HEALTH FACILITY OR OTHER FIXED SITE WHERE
20 PUBLIC HEALTH SERVICES ARE BEING RENDERED UNDER THE AUSPICES OF THE
21 STATE OR A LOCAL HEALTH DEPARTMENT;

22 (2) TO PATIENTS REGISTERED WITH THE STATE OR A LOCAL HEALTH
23 DEPARTMENT;

24 (3) IF THE DRUGS APPEAR ON THE FORMULARY APPROVED FOR THE
25 STATE OR LOCAL HEALTH DEPARTMENT; AND

26 (4) IN ACCORDANCE WITH THE PRACTICE GUIDELINES SIGNED BY AN
27 AUTHORIZED PRESCRIBER.

28 (C) A HEALTH DEPARTMENT NURSE WHO PERSONALLY PREPARES AND
29 DISPENSES A DRUG AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION
30 SHALL:

31 (1) COMPLY WITH THE PACKAGING REQUIREMENTS OF TITLE 22,
32 SUBTITLE 3 OF THE HEALTH - GENERAL ARTICLE AND THE LABELING
33 REQUIREMENTS OF § 12-509 OF THIS ARTICLE; AND

34 (2) COMPLY WITH THE RECORD KEEPING REQUIREMENTS OF § 12-505
35 OF THIS ARTICLE AND RECORD THE DISPENSING OF THE PRESCRIPTION DRUG ON
36 THE PATIENT'S MEDICAL RECORD.

37 (D) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD OF
38 NURSING AND THE STATE BOARD OF PHARMACY, SHALL ADOPT REGULATIONS TO
39 IMPLEMENT THIS SECTION.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.