

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1230 (Delegate Guns)
Environmental Matters

State Board of Pharmacy - Disciplinary and Regulatory Authority

This bill authorizes the State Board of Pharmacy to (1) adopt a code of conduct that specifies which behaviors are required or prohibited in the practice of pharmacy; (2) discipline a licensee under certain circumstances; and (3) direct a licensee to submit to examination by a health care provider if the board has reason to believe that a licensee, in the practice of pharmacy, may cause harm to a person. The board is required to pay the cost of the examination. The bill creates a Pharmacy Review Committee to evaluate the quality of pharmaceutical care provided by pharmacists. It establishes a civil fine of up to \$50,000 for a person who practices pharmacy without a license or operates a pharmacy without a permit. The bill also increases the monetary penalty the board may impose to (1) discipline a licensee or a pharmacy from a maximum of \$5,000 to a maximum of \$50,000; and (2) fine a person who violates various provisions of the health occupations law from a maximum of \$100 to a maximum of \$1,000.

Fiscal Summary

State Effect: Potential minimal increase in general and special fund revenues due to the bill's penalty provisions. Expenditures could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal effect on small businesses as discussed below.

Fiscal Analysis

State Revenues: General and special fund revenues could increase depending on the magnitude of any monetary penalties imposed by the State Board of Pharmacy. Any such increase is assumed to be minimal. Although disciplinary fines collected by health

occupational boards are normally distributed to the State general fund, the bill specifies that civil fine penalties collected for a person who practices pharmacy without a license or operates a pharmacy without a permit be distributed to the State Board of Pharmacy Fund.

Small Business Effect: Increasing the penalty provisions could increase the cost to the small business pharmacist and pharmacy. However, it is assumed that the number of penalties relative to the number of pharmacists and pharmacies is small. Therefore, the impact on small businesses is minimal.

Information Source(s): Department of Health and Mental Hygiene (State Board of Pharmacy), Office of Administrative Hearings

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