
By: **Delegate Owings**

Introduced and read first time: January 28, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy - Administration of Drugs**

3 FOR the purpose of authorizing a pharmacist to administer a prescription or
4 nonprescription drug to a patient under certain circumstances; requiring a
5 pharmacist to be certified by the State Board of Pharmacy before administering
6 drugs; requiring a pharmacist to successfully complete a certain course of study
7 before being certified; requiring that the course of study include certain topics;
8 requiring the Board to certify a pharmacist after the pharmacist successfully
9 completes a certain course of study; providing for the term and renewal of
10 certificates; requiring a pharmacist to follow certain procedures when
11 administering a drug and after the drug is administered; requiring a pharmacist
12 to maintain competency in certain subjects; prohibiting a certain act;
13 authorizing a pharmacist to administer a prescription drug without a
14 prescription under certain circumstances; altering certain definitions; and
15 generally relating to the administration of drugs to patients by pharmacists.

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 300(b)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

21 BY adding to
22 Article - Health Occupations
23 Section 12-508
24 Annotated Code of Maryland
25 (1994 Replacement Volume and 1997 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Health Occupations
28 Section 12-101(p)
29 Annotated Code of Maryland
30 (1994 Replacement Volume and 1997 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 300.

5 (b) [Any] EXCEPT AS PROVIDED IN § 12-508(F) OF THE HEALTH OCCUPATIONS
6 ARTICLE, ANY drug which bears a cautionary label warning against dispensing
7 without a prescription under federal law shall be dispensed only:

8 (1) Upon the written prescription of a practitioner licensed by law to
9 administer such drugs, or

10 (2) Upon the oral prescription of such practitioner, which shall be
11 reduced to writing and filed by the pharmacist, or

12 (3) By refilling any such written or oral prescription if such refilling is
13 authorized by the prescriber, either in the original prescription or by oral direction.
14 Such authorization must be reduced to writing and filed by the pharmacist.

15 **Article - Health Occupations**

16 12-101.

17 (p) (1) "Practice pharmacy" means to engage in any of the following
18 activities:

19 (i) Providing pharmaceutical care;

20 (ii) Compounding, dispensing, or distributing prescription drugs or
21 devices;

22 (iii) Compounding or dispensing nonprescription drugs or devices;

23 (iv) Monitoring [prescriptions for prescription and nonprescription
24 drugs or devices] A PATIENT'S DRUG OR DEVICE THERAPY BY:

25 1. OBTAINING AND REVIEWING DATA PERTINENT TO A
26 PATIENT'S DRUG OR DEVICE THERAPY; AND

27 2. EVALUATING A PATIENT'S RESPONSE TO DRUG OR DEVICE
28 THERAPY;

29 (v) Providing information, explanation, or recommendations to
30 patients and health care practitioners about the safe and effective use of prescription
31 or nonprescription drugs or devices; [or]

32 (vi) Identifying and appraising problems concerning the use or
33 monitoring of therapy with drugs or devices; OR

1 (VII) ADMINISTERING PRESCRIPTION OR NONPRESCRIPTION DRUGS
2 BY DIRECT APPLICATION TO THE BODY OF A PATIENT BY ANY MEANS, INCLUDING
3 INJECTION, INHALATION, AND TOPICAL APPLICATION.

4 (2) "Practice pharmacy" does not include the operations of a person who
5 holds a permit issued under §§ 12-601 and 12-602 of this title.

6 12-508.

7 (A) (1) A PHARMACIST SHALL BE CERTIFIED BY THE BOARD UNDER THIS
8 SECTION BEFORE THE PHARMACIST MAY ADMINISTER A PRESCRIPTION OR
9 NONPRESCRIPTION DRUG TO A PATIENT.

10 (2) TO BE CERTIFIED BY THE BOARD, A PHARMACIST SHALL
11 SUCCESSFULLY COMPLETE A COURSE OF STUDY THAT THE BOARD APPROVES IN
12 CONSULTATION WITH THE STATE BOARD OF NURSING AND THAT IS CONSISTENT
13 WITH NATIONAL STANDARDS.

14 (3) THE COURSE OF STUDY SHALL REQUIRE A PHARMACIST TO
15 DEMONSTRATE COMPETENCY IN:

16 (I) PATIENT ASSESSMENT TECHNIQUES;

17 (II) ADMINISTRATION METHODS AND SITES;

18 (III) EMERGENCY PROCEDURES;

19 (IV) PATIENT MONITORING PROCEDURES;

20 (V) THE COLLECTION AND DISPOSAL OF MEDICAL WASTE;

21 (VI) THE USE OF UNIVERSAL PRECAUTIONS; AND

22 (VII) ANY OTHER SUBJECT THAT THE BOARD REQUIRES.

23 (B) (1) ON RECEIPT OF EVIDENCE THAT A PHARMACIST HAS SUCCESSFULLY
24 COMPLETED THE COURSE OF STUDY REQUIRED UNDER SUBSECTION (A) OF THIS
25 SECTION, THE BOARD SHALL CERTIFY THE PHARMACIST TO ADMINISTER
26 PRESCRIPTION OR NONPRESCRIPTION DRUGS.

27 (2) THE CERTIFICATION TO ADMINISTER PRESCRIPTION OR
28 NONPRESCRIPTION DRUGS SHALL SPECIFY EACH DRUG OR DRUG CLASS THAT THE
29 PHARMACIST MAY ADMINISTER AND THE SITE AT WHICH THE ADMINISTRATION MAY
30 OCCUR.

31 (3) THE BOARD MAY REQUIRE A PHARMACIST TO ENTER INTO A
32 COLLABORATIVE PRACTICE AGREEMENT BEFORE THE PHARMACIST ADMINISTERS A
33 SPECIFIED DRUG.

1 (C) UNLESS A CERTIFICATION TO ADMINISTER PRESCRIPTION OR
2 NONPRESCRIPTION DRUGS IS RENEWED FOR A 2-YEAR TERM AS PROVIDED BY
3 REGULATION, THE CERTIFICATION EXPIRES:

4 (1) TWO YEARS AFTER THE DATE THE CERTIFICATION IS ISSUED; OR

5 (2) IF EARLIER, THE EXPIRATION DATE OF THE LICENSE OF THE
6 PHARMACIST.

7 (D) (1) A PHARMACIST WHO HAS BEEN CERTIFIED UNDER THIS SECTION
8 SHALL MAINTAIN COMPETENCY IN THE SUBJECTS LISTED UNDER SUBSECTION (A)
9 OF THIS SECTION AND SHALL DEMONSTRATE THAT COMPETENCY TO THE BOARD
10 BEFORE THE CERTIFICATION IS RENEWED.

11 (2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS
12 SUBSECTION.

13 (E) (1) WHEN ADMINISTERING A PRESCRIPTION OR NONPRESCRIPTION
14 DRUG TO A PATIENT, A PHARMACIST SHALL:

15 (I) ENSURE THAT THE DRUG BE ADMINISTERED IN PRIVATE;

16 (II) MAINTAIN ADEQUATE EMERGENCY EQUIPMENT, SUPPLIES,
17 AND SERVICES TO ENSURE PATIENT SAFETY;

18 (III) ENSURE THE SAFE COLLECTION AND DISPOSAL OF MEDICAL
19 WASTE;

20 (IV) COMPLY WITH THE CENTERS FOR DISEASE CONTROL
21 GUIDELINES ON UNIVERSAL PRECAUTIONS; AND

22 (V) COMPLY WITH ANY OTHER REQUIREMENTS THAT THE BOARD
23 ESTABLISHES.

24 (2) AFTER ADMINISTERING A PRESCRIPTION OR NONPRESCRIPTION
25 DRUG TO A PATIENT, A PHARMACIST SHALL:

26 (I) IN A READILY RETRIEVABLE FORM, MAKE A RECORD OF THE
27 ADMINISTRATION OF THE DRUG AND ENSURE THAT THE RECORD REMAIN PRIVATE;

28 (II) PROVIDE THE PATIENT WITH A WRITTEN RECORD OF THE
29 ADMINISTRATION OF THE DRUG; AND

30 (III) MONITOR THE PATIENT FOR AN APPROPRIATE PERIOD OF TIME.

31 (F) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, A
32 PHARMACIST MAY NOT ADMINISTER A PRESCRIPTION DRUG UNLESS A VALID
33 PRESCRIPTION FOR THE DRUG EXISTS.

34 (G) A PHARMACIST MAY ADMINISTER A PRESCRIPTION DRUG TO A PATIENT
35 WITHOUT A PRESCRIPTION ONLY IF:

1 (1) THE PHARMACIST HAS WRITTEN, SIGNED AUTHORIZATION FROM A
2 PRESCRIBER THAT SPECIFIES:

3 (I) THE DRUG TO BE ADMINISTERED; AND

4 (II) THE CRITERIA THAT A PATIENT MUST MEET BEFORE THE
5 PHARMACIST MAY ADMINISTER THE DRUG TO THE PATIENT; AND

6 (2) THE DRUG WAS DISPENSED FOR IMMEDIATE ADMINISTRATION TO
7 THE PATIENT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1998.