Unofficial Copy J2 1998 Regular Session 8lr1572 CF 8lr1625

By: Senator Collins

Introduced and read first time: February 5, 1998 Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

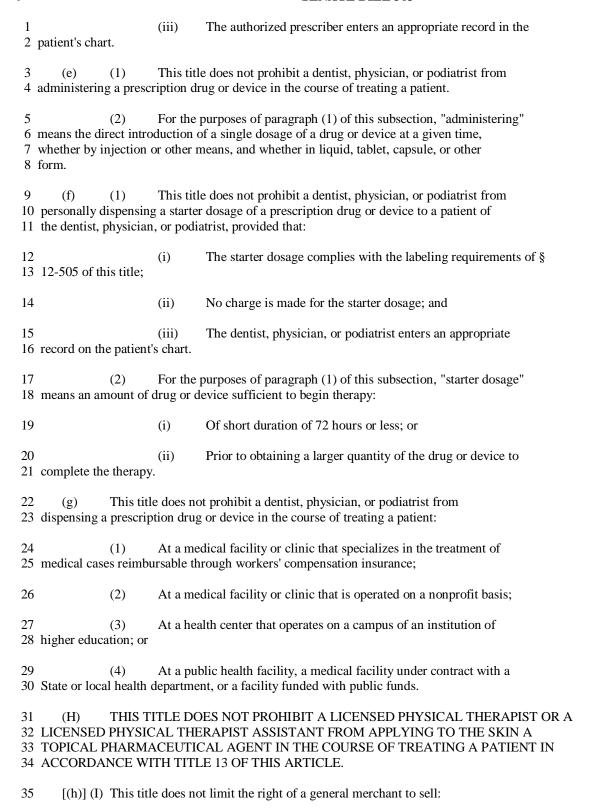
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	ΔN	A("I	concerning

2	Licensed Physical Therapists and Licensed Physical Therapist Assistants -
3	Scope of Practice - Topical Pharmaceutical Agents

- 4 FOR the purpose of authorizing licensed physical therapists and licensed physical
- 5 therapist assistants to apply to the skin of a patient certain topical
- 6 pharmaceutical agents in a certain manner and in accordance with certain
- standards; including within the practice of physical therapy the procurement of
- 8 a topical pharmaceutical agent, but excluding that procurement from the
- 9 practice of limited physical therapy; providing that this Act may not be
- 10 construed to authorize certain physical therapy licensees to prescribe or to
- dispense topical pharmaceutical agents; requiring the procurement of a topical
- pharmaceutical agent to be made from a certain distribution permit holder;
- specifying certain requirements concerning the use of a topical pharmaceutical
- agent by certain physical therapy licensees; providing that the State Pharmacy
- Act does not prohibit certain physical therapy licensees from applying a topical
- pharmaceutical agent in accordance with certain requirements; authorizing
- 17 certain distribution permit holders to distribute a prescription drug or device to
- a licensed physical therapist under certain conditions; requiring the State Board
- of Physical Therapy Examiners, in consultation with the State Board of
- 20 Pharmacy, to adopt certain regulations; defining a certain term; and generally
- 21 relating to certain physical therapy licensees and topical pharmaceutical agents.
- 22 BY repealing and reenacting, without amendments,
- 23 Article Health Occupations
- 24 Section 1-101 (a) and (d)
- 25 Annotated Code of Maryland
- 26 (1994 Replacement Volume and 1997 Supplement)
- 27 BY repealing and reenacting, with amendments,
- 28 Article Health Occupations
- 29 Section 12-102, 12-602, and 13-101
- 30 Annotated Code of Maryland
- 31 (1994 Replacement Volume and 1997 Supplement)

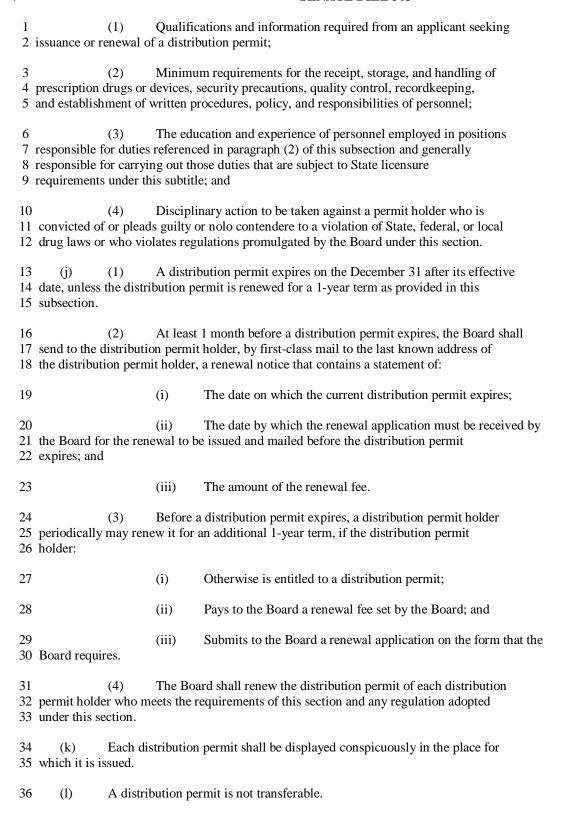
•				SERVITE BILL 303
1 2 3 4 5	Section Annotate	Health (13-310.1) and Code	of Maryla	
6 7				CTED BY THE GENERAL ASSEMBLY OF of Maryland read as follows:
8				Article - Health Occupations
9	1-101.			
10	(a)	In this a	rticle the	following words have the meanings indicated.
11	(d)	"Depart	ment" me	eans the Department of Health and Mental Hygiene.
12	12-102.			
13	(a)	(1)	In this s	ection the following terms have the meanings indicated.
			sician, or	public interest" means the dispensing of drugs or devices by a podiatrist to a patient when a pharmacy is not patient.
17 18	dentist, phys	(3) ician, or		ally preparing and dispensing" means that the licensed t:
19 20	filled; and		(i)	Is physically present on the premises where the prescription is
21 22	the patient.		(ii)	Performs a final check of the prescription before it is provided to
23 24				t limit the right of an individual to practice a health is authorized to practice under this article.
25	(c)	This titl	e does no	t prohibit:
26 27	veterinarian'	(1) s prescri		ed veterinarian from personally preparing and dispensing the
28 29	and dispensi	(2) ng the de		ned dentist, physician, or podiatrist from personally preparing hysician's, or podiatrist's prescriptions when:
30			(i)	The dentist, physician, or podiatrist:
31 32	licensed the	dentist, j	physician	1. Has applied to the board of licensure in this State which, or podiatrist;

	the dispensing of pres is in the public interes		2. drugs or (devices by the dentist, physician, or podiatrist
	prescription drugs or dispense starter dosag			Has received a written permit from that board to dispense at a written permit is not required in order to hout charge;
7 8	patient of the prescrib	(ii) ing denti		son for whom the drugs or devices are prescribed is a cian, or podiatrist;
9 10	financial interest in a	(iii) pharmac		atist, physician, or podiatrist does not have a substantial
11		(iv)	The den	tist, physician, or podiatrist:
12 13	this title;		1.	Complies with the labeling requirements of § 12-505 of
14 15	on the patient's chart	;	2.	Records the dispensing of the prescription drug or device
16 17		n's, or po	3. odiatrist's	Allows the Division of Drug Control to enter and inspect office at all reasonable hours;
20		-403(b)(Except for starter dosages or samples without charge, scription, maintains prescription files in a stitle, and maintains a separate file for
22 23	pharmacy IN ACCO	RDANCI	5. E WITH	Does not direct patients to a single pharmacist or § 12-403(b)(8) of this title; and
24 25	pharmacist or pharma	acy; or	6.	Does not receive remuneration for referring patients to a
26	(3)	A hospi	tal-based	clinic from dispensing prescriptions to its patients.
27	(d) This titl	e does no	t prohibi	t:
28 29	(1) sample to a patient of			narian from personally dispensing a drug or device or
	(2) personally dispensing licensed physician, o	g a drug o	or device	st, licensed physician, or licensed podiatrist from sample to a patient of the licensed dentist, st if:
33 34	12-505 of this title;	(i)	The san	nple complies with the labeling requirements of §
35		(ii)	No char	ge is made for the sample; and



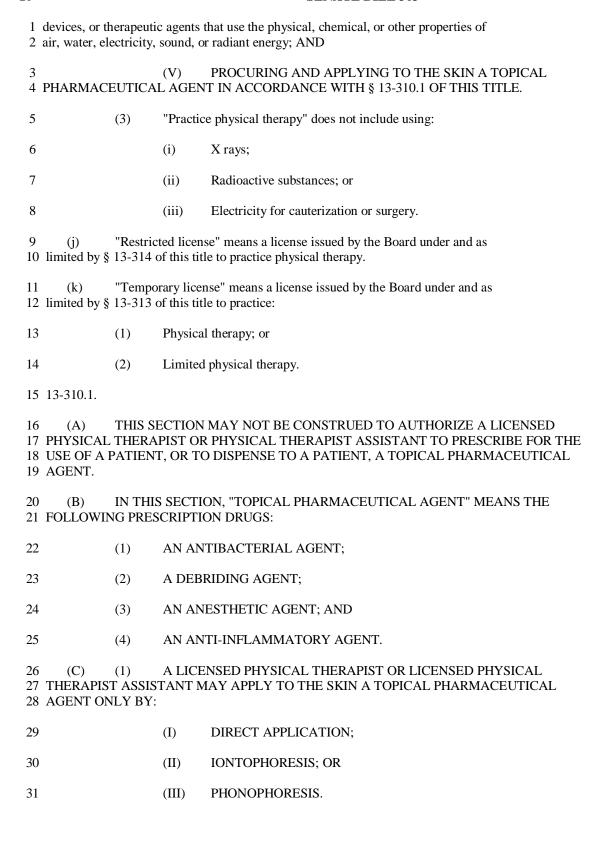
1		(1)	Any nonprescription drug or device;
2		(2)	Any commonly used household or domestic remedy; or
3 4	otherwise.	(3)	Any farm remedy or ingredient for a spraying solution, in bulk or
			st, physician, or podiatrist who fails to comply with the ion governing the dispensing of prescription drugs or devices
8		(1)	Have the dispensing permit revoked; and
9 10	12-602.	(2)	Be subject to disciplinary actions by the appropriate licensing board.
11	(a)	(1)	In this section, the following words have the meanings indicated.
	section to di		"Distribution permit" means a permit issued by the Board under this prescription drugs or devices into, out of, or within the State as a anufacturer, or wholesaler, wherever located.
17 18 19	because of it the collatera cautionary la by the Depa	l measure abel warr rtment as	"Prescription drugs or devices" means any drug or device that, y or other potential for harmful effect, the method of its use, or es necessary for its use, is required by federal law to bear a ning against dispensing without a prescription or is designated a not safe for use except under the supervision of a practitioner or drugs or devices of this nature.
21	(b)	This sec	tion does not affect any person while distributing:
22		(1)	Feed for livestock or poultry;
23		(2)	Fertilizers;
24		(3)	Fungicides;
25		(4)	Insecticide;
26		(5)	Land plaster;
27		(6)	Lime;
28		(7)	Seeds; or
29 30	of farm anin	(8) nals.	Devices, drugs, or supplies of any kind for the treatment, care, or cure

		A person shall hold a distribution permit issued by the Board before the on may distribute prescription drugs or devices as a distributor, jobber, afacturer, or wholesaler.				
4	(d)	To quali	o qualify for a distribution permit, an applicant shall:			
	drugs or devisection; and	(1) ices in co	Satisfy the Board that the applicant will distribute prescription in compliance with the restrictions specified in subsection (e) of this			
8 9	of this sectio	(2) on.	Comply with any pertinent regulations adopted under subsection (i)			
10 11	(e) only:	A distrib	oution permit holder may distribute prescription drugs or devices			
12		(1)	To the following persons:			
13			(i) An authorized prescriber;			
14			(ii) A pharmacy permit holder;			
15			(iii) A distribution permit holder; [or]			
16 17	SPECIFIED) IN § 13-	(IV) A LICENSED PHYSICAL THERAPIST UNDER THE CONDITIONS 310.1 OF THIS ARTICLE; OR			
18			[(iv)] (V) Any other person approved by the Board; and			
19 20	section.	(2)	In compliance with any rules and regulations adopted under this			
21	(f)	To apply	y for a distribution permit, an applicant shall:			
22 23	provides; an	(1) ad	Submit an application to the Board on the form that the Board			
24		(2)	Pay to the Board an application fee set by the Board.			
25 26	(g) requirement		ard shall issue a distribution permit to any applicant who meets the section.			
		er to distr	bution permit issued under this section authorizes the distribution ibute prescription drugs or devices as a distributor, jobber, olesaler while the distribution permit is effective.			
	(i) To protect the public health and safety, the Board may adopt rules and regulations regarding the distribution of prescription drugs or devices including regulations regarding:					



3		obtain any	to any other restriction provided by law, a person may not y prescription drugs or devices unless the drug or device is oution permit holder, a licensed pharmacist, or an authorized			
5	(n)	A person	A person may not violate any rule or regulation adopted under this section.			
6 7	(o) for any viola		oution permit is void on conviction of the distribution permit holder			
8		(1)	This section; or			
9		(2)	Any rule or regulation adopted by the Board under this section.			
10	13-101.					
11	(a)	In this ti	tle the following words have the meanings indicated.			
12	(b)	"Board"	means the State Board of Physical Therapy Examiners.			
13 14	(c) the Board to		" means, unless the context requires otherwise, a license issued by			
15		(1)	Physical therapy; or			
16		(2)	Limited physical therapy.			
	(d) otherwise, a therapy.		ed physical therapist" means, unless the context requires therapist who is licensed by the Board to practice physical			
	(e) otherwise, a limited phys	physical	ed physical therapist assistant" means, unless the context requires therapist assistant who is licensed by the Board to practice py.			
25		erapy Exa	al therapist" means an individual, licensed by the State Board of aminers, who practices physical therapy and who has passed the apy licensing examination administered or accepted by the			
		rapy and	al therapist assistant" means an individual who practices limited who has passed the national physical therapy licensing ered or accepted by the Board.			
30 31	(h) specialty con	(1) ncerned w	"Practice limited physical therapy" means to practice the health with:			
32			(i) The prevention of disability in individuals; and			
33 34	acquired dis	ability.	(ii) The physical rehabilitation of individuals with a congenital or			

1 (2) 2 paragraph (3) of this		ce limited physical therapy" includes, except as provided in on,] SUBSECTION:
		[administering] ADMINISTERING treatment with therapeutic mechanical devices, or therapeutic agents that use the roperties of air, water, electricity, sound, or radiant
7 8 ACCORDANCE WI	(II) TH § 13-	APPLYING TO THE SKIN TOPICAL PHARMACEUTICAL AGENTS IN 310.1 OF THIS TITLE.
9 (3)	"Practio	ce limited physical therapy" does not include:
10 11 neuromuscular and i	(i) nusculos	Performing and interpreting tests and measurements of keletal functions to aid treatment;
12 13 [or]	(ii)	Planning treatment programs that are based on test findings;
14 15 OR	(III)	THE PROCUREMENT OF A TOPICAL PHARMACEUTICAL AGENT;
16	[(iii)]	IV) Using:
17		1. X rays;
18		2. Radioactive substances; or
19		3. Electricity for cauterization or surgery.
20 (i) (1) 21 concerned with:	"Practio	ce physical therapy" means to practice the health specialty
22	(i)	The prevention of disability in individuals; and
2324 acquired disability.	(ii)	The physical rehabilitation of individuals with a congenital or
25 (2)	"Practio	ce physical therapy" includes:
2627 individuals;	(i)	Performing an evaluation of the physical therapy needs of
28 29 neuromuscular and i	(ii) nusculos	Performing and interpreting tests and measurements of keletal functions to aid treatment;
30 31 [and]	(iii)	Planning treatment programs that are based on test findings;
32 33 administering treatm	(iv) nent with	Except as provided in paragraph (3) of this subsection, therapeutic exercise, therapeutic massage, mechanical



- 1 (2) A LICENSED PHYSICAL THERAPIST OR LICENSED PHYSICAL
- 2 THERAPIST ASSISTANT SHALL APPLY TO THE SKIN A TOPICAL PHARMACEUTICAL
- 3 AGENT IN ACCORDANCE WITH GENERALLY ACCEPTED PRACTICES AND THE
- 4 EDUCATIONAL TECHNIQUES IN USE AT SCHOOLS ACCREDITED BY THE COMMISSION
- 5 ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION.
- 6 (D) A TOPICAL PHARMACEUTICAL AGENT PROCURED UNDER THIS SECTION
- 7 SHALL BE OBTAINED FROM A PERSON THAT HOLDS A DISTRIBUTION PERMIT ISSUED
- 8 UNDER § 12-602 OF THIS ARTICLE.
- 9 (E) TO USE A TOPICAL PHARMACEUTICAL AGENT UNDER THIS SECTION, A
- 10 LICENSED PHYSICAL THERAPIST OR A LICENSED PHYSICAL THERAPIST ASSISTANT
- 11 SHALL ENSURE THAT THE ORIGINAL LABEL OF THE MANUFACTURER:
- 12 (1) IS AFFIXED TO THE TOPICAL PHARMACEUTICAL AGENT; AND
- 13 (2) INCLUDES:
- 14 (I) THE NAME OF THE MANUFACTURER;
- 15 (II) THE NAME AND STRENGTH OF THE TOPICAL PHARMACEUTICAL
- 16 AGENT;
- 17 (III) THE LOT NUMBER; AND
- 18 (IV) THE EXPIRATION DATE OF THE TOPICAL PHARMACEUTICAL
- 19 AGENT.
- 20 (F) A LICENSED PHYSICAL THERAPIST OR A LICENSED PHYSICAL THERAPIST
- 21 ASSISTANT:
- 22 (1) SHALL HAVE APPROPRIATE DOCUMENTATION IN THE PATIENT'S
- 23 MEDICAL RECORD CONCERNING THE APPLICATION OF A TOPICAL PHARMACEUTICAL
- 24 AGENT: AND
- 25 (2) SHALL ALLOW THE OFFICE OF DRUG CONTROL OF THE
- 26 DEPARTMENT TO ENTER AND INSPECT THE OFFICE OF THE LICENSED PHYSICAL
- 27 THERAPIST OR THE LICENSED PHYSICAL THERAPIST ASSISTANT AT ALL
- 28 REASONABLE HOURS.
- 29 (G) IN CONSULTATION WITH THE STATE BOARD OF PHARMACY, THE BOARD
- 30 SHALL ADOPT REGULATIONS CONCERNING THE STORAGE OF TOPICAL
- 31 PHARMACEUTICAL AGENTS PROCURED UNDER THIS SECTION.
- 32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 33 October 1, 1998.