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By: Chairman, Environmental Matters Committee

Introduced and read first time: January 30, 2002

Assigned to: Environmental Matters

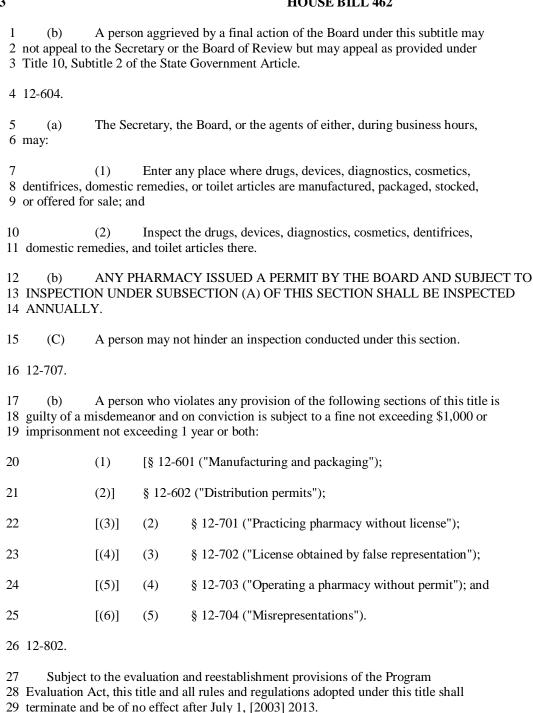
A BILL ENTITLED

4	4 % T	1	•
1	AN	ACT	concerning

2	Health Occupations -	- State Board of	Pnarmacy - Sunse	t Extension

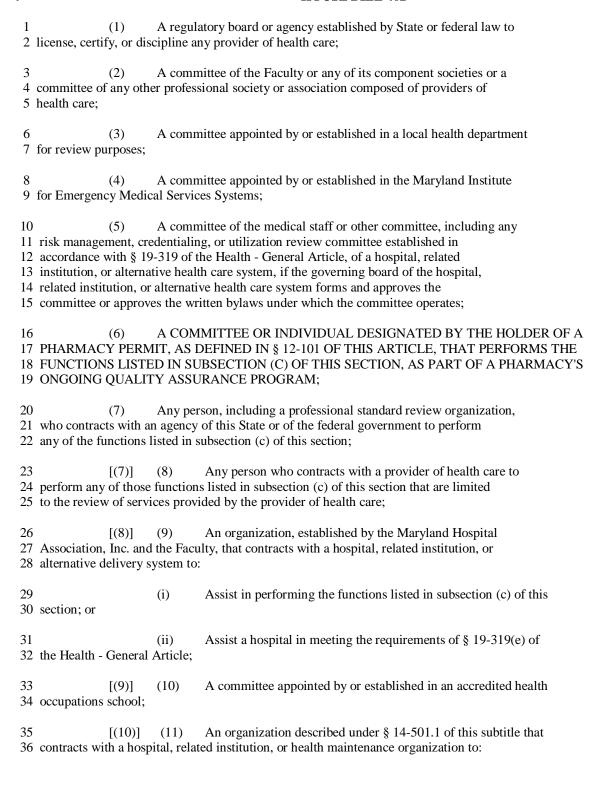
- 3 FOR the purpose of continuing the State Board of Pharmacy in accordance with the
- 4 provisions of the Maryland Program Evaluation Act (Sunset Law) by extending
- 5 to a certain date the termination provisions relating to the statutory and
- 6 regulatory authority of the Board; repealing a certain requirement for a certain
- 7 manufacturing permit and related provisions of law; making certain technical
- 8 changes; requiring an annual inspection of each pharmacy that holds a
- 9 pharmacy permit issued by the Board; limiting discovery by establishing that a
- 10 certain committee or individual be considered a medical review committee;
- requiring that an evaluation of the Board and the statutes and regulations that
- relate to the Board be performed on or before a certain date; requiring the Board
- to submit a certain report to certain committees on or before a certain date; and
- 14 generally relating to the State Board of Pharmacy.
- 15 BY repealing
- 16 Article Health Occupations
- 17 Section 12-601
- 18 Annotated Code of Maryland
- 19 (2000 Replacement Volume and 2001 Supplement)
- 20 BY repealing and reenacting, without amendments,
- 21 Article Health Occupations
- 22 Section 12-201 and 14-501(c) through (g)
- 23 Annotated Code of Maryland
- 24 (2000 Replacement Volume and 2001 Supplement)
- 25 BY repealing and reenacting, with amendments,
- 26 Article Health Occupations
- 27 Section 12-101(g)(2) and (p)(2), 12-601.1, 12-604, 12-707(b), 12-802, and
- 28 14-501(b)
- 29 Annotated Code of Maryland
- 30 (2000 Replacement Volume and 2001 Supplement)

-	HOUSE BILL 402				
1 2 3 4 5	BY repealing and reenacting, without amendments, Article - State Government Section 8-403(a) Annotated Code of Maryland (1999 Replacement Volume and 2001 Supplement)				
6 7 8 9 10	Section 8-403(b)(47) Annotated Code of Maryland				
	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 12-601 of Article - Health Occupations of the Annotated Code of Maryland be repealed.				
14 15	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:				
16	Article - Health Occupations				
17	12-101.				
18 19	(g) (2) "Distribute" does not include the operations of a person who holds a permit issued under [§§ 12-601 and] § 12-602 of this title.				
20 21	(p) (2) "Practice pharmacy" does not include the operations of a person who holds a permit issued under [§§ 12-601 and] § 12-602 of this title.				
22	12-201.				
23	There is a State Board of Pharmacy in the Department.				
24	[12-601.1.] 12-601.				
	(a) Subject to the hearing provisions of § 12-315 of this title, for a violation of this subtitle or any regulation adopted under [§ 12-601 or] § 12-602 of this subtitle, the Board may:				
28	(1) Deny a permit to an applicant;				
29	(2) Reprimand a permit holder;				
30	(3) Place a permit holder on probation; or				
31	(4) Suspend or revoke a permit.				



- 30 14-501.
- For purposes of this section, a medical review committee is: 31 (b)

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1 2	section; or	(i)	Assist in performing the functions listed in subsection (c) of this
5			Assist a health maintenance organization in meeting the tle 7 of the Health - General Article, the National ace (NCQA), or any other applicable credentialing law
7 8	[(11)] subtitle; or	(12)	An accrediting organization as defined in § 14-501.1 of this
9 10	[(12)] Health - General Art	(13) icle.	A Mortality Review Committee established under § 5-801 of the
11	(c) For pur	poses of the	nis section, a medical review committee:
12 13	(1) providers of health c		es and seeks to improve the quality of health care provided by
14 15	(2) provided by provider		es the need for and the level of performance of health care h care;
16 17	(3) providers of health c		es the qualifications, competence, and performance of
18 19	(4) provider of health ca		es and acts on matters that relate to the discipline of any
	` ' ' ' '	a medical	as otherwise provided in this section, the proceedings, review committee are not discoverable and are not civil action.
25	confidential and are	not discov	ceedings, records, and files of a medical review committee are verable and are not admissible in evidence in any civil nat are being reviewed and evaluated by the medical by the following:
27 28		(i) provision	The Department of Health and Mental Hygiene to ensure s of § 19-319 of the Health - General Article;
		(ii) e 19, Sub	A health maintenance organization to ensure compliance with title 7 of the Health - General Article and applicable
	the National Commit	(iii) tee for Q	A health maintenance organization to ensure compliance with uality Assurance (NCQA) credentialing requirements;

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	(iv) An accrediting organization to ensure compliance with accreditation requirements or the procedures and policies of the accrediting organization.
	(3) If the proceedings, records, and files of a medical review committee are requested by any person from any of the entities in paragraph (2) of this subsection:
9	(i) The person shall give the medical review committee notice by certified mail of the nature of the request and the medical review committee shall be granted a protective order preventing the release of its proceedings, records, and files; and
11 12	(ii) The entities listed in paragraph (2) of this subsection may not release any of the proceedings, records, and files of the medical review committee.
13	(e) Subsection (d)(1) of this section does not apply to:
	(1) A civil action brought by a party to the proceedings of the medical review committee who claims to be aggrieved by the decision of the medical review committee; or
	(2) Any record or document that is considered by the medical review committee and that otherwise would be subject to discovery and introduction into evidence in a civil trial.
22	(f) A person shall have the immunity from liability described under § 5-637 of the Courts and Judicial Proceedings Article for any action as a member of the medical review committee or for giving information to, participating in, or contributing to the function of the medical review committee.
24	(g) Notwithstanding this section, §§ 14-410 and 14-412 of this title apply to:
25	(1) The Board; and
26 27	(2) Any other entity, to the extent that it is acting in an investigatory capacity for the Board.
28	Article - State Government
29	8-403.
32	(a) On or before December 15 of the 2nd year before the evaluation date of a governmental activity or unit, the Legislative Policy Committee, based on a preliminary evaluation, may waive as unnecessary the evaluation required under this section.
34 35	(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation

- 1 shall be made of the following governmental activities or units and the statutes and
- 2 regulations that relate to the governmental activities or units:
- 3 (47) Pharmacy, State Board of (§ 12-201 of the Health Occupations
- 4 Article: July 1, [2002] 2012);
- 5 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
- 6 Pharmacy shall report to the Senate Education, Health, and Environmental Affairs
- 7 Committee and the House Environmental Matters Committee on or before October 1,
- 8 2002, in accordance with § 2-1246 of the State Government Article, on the
- 9 implementation of the recommendations of the Department of Legislative Services
- 10 contained in the sunset evaluation report dated October 2001.
- 11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 12 July 1, 2002.