Unofficial Copy J2 2002 Regular Session 2lr0688 CF 2lr1826

By: Chairman, Environmental Matters Committee Introduced and read first time: January 30, 2002 Assigned to: Environmental Matters		
Committee Report: Favorable House action: Adopted Read second time: March 5, 2002		
1	AN ACT concerning	
2	Health Occupations - State Board of Pharmacy - Sunset Extension	
3 4 5 6 7 8 9 10 11 12 13 14	FOR the purpose of continuing the State Board of Pharmacy in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; repealing a certain requirement for a certain manufacturing permit and related provisions of law; making certain technical changes; requiring an annual inspection of each pharmacy that holds a pharmacy permit issued by the Board; limiting discovery by establishing that a 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 generally relating to the State Board of Pharmacy.	
16 17 18 19	BY repealing Article - Health Occupations Section 12-601 Annotated Code of Maryland (2000 Replacement Volume and 2001 Supplement) BY repealing and reenacting, without amendments, Article - Health Occupations	
22 23 24	Section 12-201 and 14-501(c) through (g) Annotated Code of Maryland (2000 Replacement Volume and 2001 Supplement)	

HOUSE BILL 462 1 BY repealing and reenacting, with amendments, Article - Health Occupations 2 3 Section 12-101(g)(2) and (p)(2), 12-601.1, 12-604, 12-707(b), 12-802, and 14-501(b) 4 5 Annotated Code of Maryland 6 (2000 Replacement Volume and 2001 Supplement) 7 BY repealing and reenacting, without amendments, Article - State Government 8 9 Section 8-403(a) 10 Annotated Code of Maryland (1999 Replacement Volume and 2001 Supplement) 11 12 BY repealing and reenacting, with amendments, 13 Article - State Government 14 Section 8-403(b)(47) 15 Annotated Code of Maryland (1999 Replacement Volume and 2001 Supplement) 16 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 MARYLAND, That Section(s) 12-601 of Article - Health Occupations of the 19 Annotated Code of Maryland be repealed. 20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland 21 read as follows: 22 **Article - Health Occupations** 23 12-101. 24 (g) (2) "Distribute" does not include the operations of a person who holds a 25 permit issued under [§§ 12-601 and] § 12-602 of this title. "Practice pharmacy" does not include the operations of a person who 26 (p) (2) 27 holds a permit issued under [§§ 12-601 and] § 12-602 of this title. 28 12-201. 29 There is a State Board of Pharmacy in the Department. 30 [12-601.1.] 12-601. Subject to the hearing provisions of § 12-315 of this title, for a violation of 31

32 this subtitle or any regulation adopted under [§ 12-601 or] § 12-602 of this subtitle,

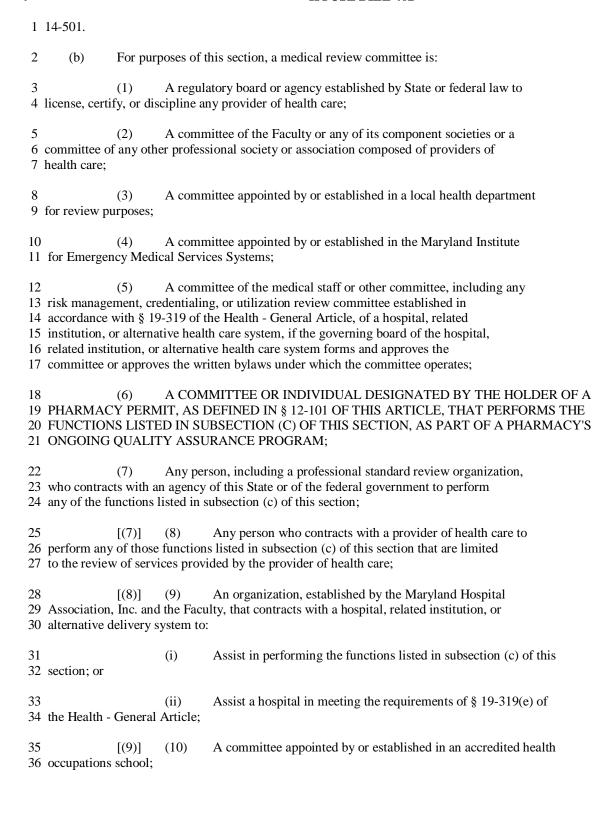
Deny a permit to an applicant;

33 the Board may:

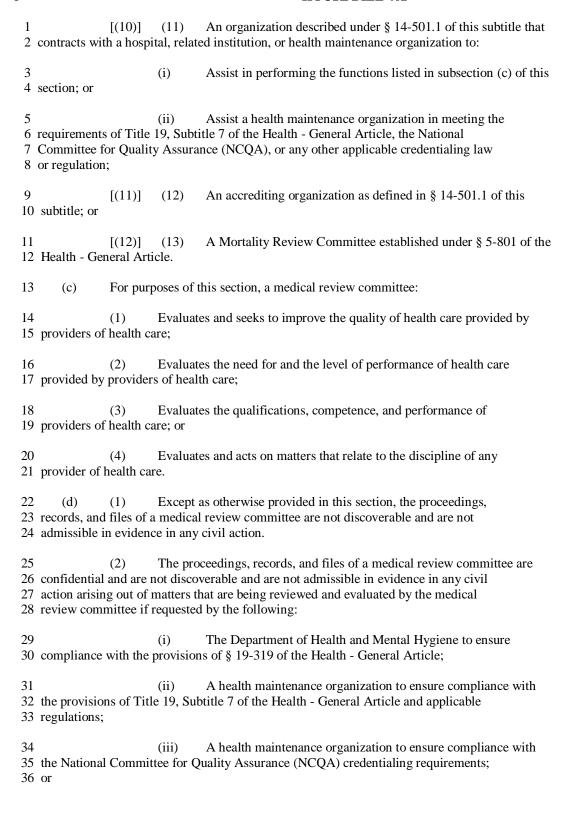
(1)

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- **HOUSE BILL 462** 1 (2) Reprimand a permit holder; 2 (3) Place a permit holder on probation; or 3 (4) Suspend or revoke a permit. 4 A person aggrieved by a final action of the Board under this subtitle may 5 not appeal to the Secretary or the Board of Review but may appeal as provided under 6 Title 10, Subtitle 2 of the State Government Article. 7 12-604. 8 (a) The Secretary, the Board, or the agents of either, during business hours, 9 may: 10 (1) Enter any place where drugs, devices, diagnostics, cosmetics, 11 dentifrices, domestic remedies, or toilet articles are manufactured, packaged, stocked, 12 or offered for sale; and 13 Inspect the drugs, devices, diagnostics, cosmetics, dentifrices, (2) 14 domestic remedies, and toilet articles there. 15 ANY PHARMACY ISSUED A PERMIT BY THE BOARD AND SUBJECT TO (b) 16 INSPECTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INSPECTED 17 ANNUALLY. 18 (C) A person may not hinder an inspection conducted under this section. 19 12-707. 20 (b) A person who violates any provision of the following sections of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or 22 imprisonment not exceeding 1 year or both: 23 (1) [§ 12-601 ("Manufacturing and packaging"); 24 (2)] § 12-602 ("Distribution permits"); [(3)]§ 12-701 ("Practicing pharmacy without license"); 25 (2) [(4)]§ 12-702 ("License obtained by false representation"); 26 (3) [(5)]27 (4) § 12-703 ("Operating a pharmacy without permit"); and 28 [(6)](5) § 12-704 ("Misrepresentations").
- 29 12-802.
- Subject to the evaluation and reestablishment provisions of the Program
- 31 Evaluation Act, this title and all rules and regulations adopted under this title shall
- 32 terminate and be of no effect after July 1, [2003] 2013.



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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.