

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 433

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Mandel” and substitute “, Mandel, Benson, Boteler, Bromwell, Donoghue, Elliott, Goldwater, Hammen, Hubbard, Hurson, Kach, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon”; strike beginning with “certain” in line 3 down through “prescriptions” in line 8 and substitute “prescriptions to be legible; providing that certain penalties do not apply to a violation of this Act; requiring the Secretary of Health and Mental Hygiene, in conjunction with certain other groups, to convene a certain workgroup to study the legibility of prescriptions and report to certain committees on or before a certain date in a certain manner on the recommendations of the workgroup; requiring the study to include certain items; and generally relating to legibility of prescriptions”; and in line 11, after “21-220” insert “and 21-1215”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 5 on page 3, inclusive, and substitute:

“(4) A PRESCRIPTION SHALL BE LEGIBLE.”.

On page 3, strike in their entirety lines 29 through 31, inclusive, and substitute:

“21-1215.

(a) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 21-220(B)(4) OF THIS TITLE.

(B) A person who violates any provision of Subtitle 2 of this title or any regulation adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject to:

(Over)

(1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both;
or

(2) If the person has been convicted once of violating Subtitle 2 of this title, a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.

[(b)] (C) In addition to any criminal penalties imposed under this section, a person who violates any provision of Subtitle 2 of this title, any rule or regulation adopted under Subtitle 2 of this title, or any term, condition, or limitation of any license or registration issued under Subtitle 2 of this title;

(1) Is subject to a civil penalty not exceeding \$5,000, in an action in any District Court; and

(2) May be enjoined from continuing the violation.

[(c)] (D) Each day on which a violation occurs is a separate violation under this section.”.

AMENDMENT NO. 3

On page 3, in line 32, after “That” insert “:

(a) The Secretary of Health and Mental Hygiene, in conjunction with the Maryland Health Care Commission, the Board of Physicians, and the Board of Pharmacy, shall convene a workgroup of authorized prescribers, including physicians, dentists, and nurses; pharmacists; hospitals; long-term care facilities; and local health departments to study the issue of legibility of prescriptions and make recommendations for any statutory or regulatory changes needed to improve prescription legibility in order to enhance patient safety.

(b) The study shall include:

(1) The appropriate content and format of a prescription;

(2) The best means to inform and educate prescribers if changes in prescription format or content are enacted;

(3) The appropriate time frame and procedures for implementation of any changes

enacted;

(4) Mechanisms for enforcement of any changes enacted;

(5) The impact of any changes in the content or format of prescriptions on oral prescriptions;

(6) Whether pharmacists should be prohibited by statute from dispensing illegible prescriptions; and

(7) The use and cost of computerized physician order entry and the feasibility of eliminating handwritten prescriptions after a specified date.

(c) The workgroup shall report its recommendations on or before November 1, 2004, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That”;

and in line 33, strike “October” and substitute “July”.