

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 433

(Delegate Boutin, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Prescription Drug Safety Act

This bill requires written prescriptions by a health care practitioner prescribing a drug to be legible. Health care practitioners who write illegible prescriptions are not guilty of a misdemeanor. They are not subject to criminal fines and/or imprisonment nor are they subject to civil penalties, as specified for violations of the Maryland Food, Drug, and Cosmetic Act. Additionally, the Secretary of Health and Mental Hygiene – with the Maryland Health Care Commission, the State Board of Physicians, and the State Board of Pharmacy – must convene a workgroup of authorized prescribers to study the issue of prescription legibility and make recommendations for statutory or regulatory changes. A report is due by November 1, 2004 to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: There are not any requirements that prescriptions must be legible under State statute. A prescription may be written or oral. Before dispensing a drug on an oral prescription, a pharmacist must write out and file the prescription.

Background: Florida and Washington have enacted laws requiring prescriptions to be legible. To reduce medication errors, the American Medical Association encourages physicians with poor handwriting to print or type medication orders if a computerized system is not available.

The Institute for Safe Medication Practices urges physicians to use electronic prescribing systems to prevent medication errors. According to the institute, physicians in this country handwrite nearly every prescription. As a result of poor handwriting, pharmacists make more than 150 million calls to physicians annually to clarify what the doctor prescribed. The institute called for the elimination of handwritten prescriptions by 2003.

A 1999 Institute of Medicine report showed prescription medication errors kill up to 7,000 people in the United States annually. Drug-related morbidity and mortality costs almost \$77 billion each year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; *Medication (Drug) Errors in Hospitals*, American Medical Association; *Florida tells doctors: Print clearly or else*, amednews.com; *A Call to Action: Eliminate Handwritten Prescriptions Within 3 Years*, Institute for Safe Medication Practices; Department of Legislative Services

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