

**ENROLLED BILL**

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Delegates Rudolph, Benson, Bozman, Elliott, Kullen, Morhaim, Murray, Oaks, Sophocleus, ~~and Weldon~~ Weldon, Hammen, Goldwater, Barve, Boteler, Bromwell, Costa, Donoghue, Frank, Hubbard, Kach, Kohl, Mandel, McDonough, Nathan-Pulliam, Pendergrass, and V. Turner**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Pharmacy - Registration of Pharmacy Technicians**

3 FOR the purpose of authorizing the State Board of Pharmacy to regulate pharmacy  
4 technicians; requiring the Board to adopt certain standards for approving  
5 certain examinations; authorizing a licensed pharmacist to delegate certain  
6 pharmacy acts to certain individuals under certain circumstances; altering the  
7 grounds for disciplinary action; altering certain labeling requirements;  
8 establishing that certain pharmacy students may participate in certain  
9 programs without a license; authorizing the Board to establish certain fees;  
10 requiring certain individuals to be registered as pharmacy technicians on or  
11 after a certain date; providing that certain provisions do not apply to certain  
12 pharmacy students, pharmacy technician trainees, and applicants for a license  
13 to practice pharmacy; establishing qualifications, waiver requirements,

1 application requirements, continuing education requirements, terms of  
2 registration, renewal procedures, causes for disciplinary action, certain  
3 reporting requirements, certain representation requirements, and certain  
4 penalties for registered pharmacy technicians; altering certain definitions;  
5 defining certain terms; requiring the Board to review certain fees and  
6 expenditures and report to certain committees of the General Assembly by a  
7 certain date; providing for the effective date of certain provisions of this Act;  
8 providing for the termination of certain provisions of this Act; and generally  
9 relating to the registration and regulation of pharmacy technicians by the State  
10 Board of Pharmacy.

11 BY repealing and reenacting, with amendments,  
12 Article - Health Occupations  
13 Section 12-101  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article - Health Occupations  
18 Section 12-101  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume)  
21 (As enacted by Chapter 249 of the Acts of the General Assembly of 2002)

22 BY repealing and reenacting, with amendments,  
23 Article - Health Occupations  
24 Section 12-205, 12-206, 12-301(b), 12-307, 12-313, 12-315(a), 12-316, 12-317,  
25 12-319, 12-320, 12-403, 12-505, and 12-707  
26 Annotated Code of Maryland  
27 (2005 Replacement Volume)

28 BY adding to  
29 Article - Health Occupations  
30 Section 12-6B-01 through 12-6B-14, inclusive, to be under the new subtitle  
31 "Subtitle 6B. Registered Pharmacy Technicians"  
32 Annotated Code of Maryland  
33 (2005 Replacement Volume)

34 BY repealing and reenacting, with amendments,  
35 Article - Health Occupations  
36 Section 12-6B-06  
37 Annotated Code of Maryland  
38 (2005 Replacement Volume)  
39 (As enacted by Section 3 of this Act)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health Occupations**

4 12-101.

5 (a) In this title the following words have the meanings indicated.

6 (b) "Authorized prescriber" means any licensed dentist, licensed physician,  
7 licensed podiatrist, licensed veterinarian, certified nurse midwife to the extent  
8 permitted in § 8-601 of this article, certified nurse practitioner to the extent  
9 permitted in § 8-508 of this article, or other individual authorized by law to prescribe  
10 prescription or nonprescription drugs or devices.

11 (c) "Board" means the State Board of Pharmacy.

12 (d) (1) "Compounding" means the preparation, mixing, assembling,  
13 packaging, or labeling of a drug or device:

14 (i) As the result of a practitioner's prescription drug order or  
15 initiative based on the practitioner/patient/pharmacist relationship in the course of  
16 professional practice; or

17 (ii) For the purpose of, or incident to, research, teaching, or  
18 chemical analysis and not for the sale or dispensing of the drug or device.

19 (2) "Compounding" includes the preparation of drugs or devices in  
20 anticipation of a prescription drug order based on routine, regularly observed  
21 prescribing patterns.

22 (E) (1) "DELEGATED PHARMACY ACT" MEANS AN ACTIVITY THAT  
23 CONSTITUTES THE PRACTICE OF PHARMACY DELEGATED BY A LICENSED  
24 PHARMACIST UNDER THIS TITLE AND REGULATIONS ADOPTED BY THE BOARD.

25 (2) "DELEGATED PHARMACY ACT" DOES NOT INCLUDE:

26 (I) AN ACT WITHIN THE PARAMETERS OF A THERAPY  
27 MANAGEMENT CONTRACT AS PROVIDED UNDER SUBTITLE 6A OF THIS TITLE;

28 (II) THE ADMINISTRATION OF AN INFLUENZA VACCINATION IN  
29 ACCORDANCE WITH § 12-508 OF THIS TITLE;

30 (III) THE DELEGATION OF A PHARMACY ACT BY A REGISTERED  
31 PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY TECHNICIAN  
32 TRAINEE;

33 (IV) A PHARMACY ACTIVITY ~~OF~~ PERFORMED BY A PHARMACY  
34 STUDENT IN ACCORDANCE WITH § 12-301(B) OF THIS TITLE; ~~OR~~

1                   (V)    A PHARMACY ACTIVITY PERFORMED BY AN APPLICANT FOR A  
2 LICENSE TO PRACTICE PHARMACY IN ACCORDANCE WITH REGULATIONS ADOPTED  
3 BY THE BOARD; OR

4                   ~~(V)~~   (VI)   THE PERFORMANCE OF OTHER FUNCTIONS PROHIBITED  
5 IN REGULATIONS ADOPTED BY THE BOARD.

6       [e]   (F)   (1)    "Device" means a device used in the diagnosis, treatment, or  
7 prevention of disease.

8                   (2)    "Device" does not include any:

9                   (i)     Surgical or dental instrument;

10                  (ii)    Physical therapy equipment;

11                  (iii)   X-ray apparatus; or

12                  (iv)    Component part or accessory of any of these items.

13       (G)    "DIRECT SUPERVISION" MEANS THAT A LICENSED PHARMACIST IS  
14 PHYSICALLY AVAILABLE ON-SITE TO SUPERVISE THE PERFORMANCE OF  
15 DELEGATED PHARMACY ACTS.

16       [f]    (H)    "Dispense" or "dispensing" means the procedure which results in the  
17 receipt of a prescription or nonprescription drug or device by a patient or the patient's  
18 agent and which entails the:

19                  (1)     Interpretation of an authorized prescriber's prescription for a drug or  
20 device;

21                  (2)     Selection and labeling of the drug or device prescribed pursuant to  
22 that prescription; and

23                  (3)     Measuring and packaging of the prescribed drug or device in  
24 accordance with State and federal laws.

25       [g]    (I)    (1)    "Distribute" means the process resulting in the provision of a  
26 prescription or nonprescription drug or device to a separate, intervening individual,  
27 licensed and practicing under this article, prior to administration of the provided drug  
28 or device to the patient pursuant to a prescription issued by an authorized prescriber.

29                  (2)     "Distribute" does not include the operations of a person who holds a  
30 permit issued under § 12-602 of this title.

31       [h]    (J)    "License" means, unless the context requires otherwise, a license  
32 issued TO A PHARMACIST by the Board to practice pharmacy.

33       [i]    (K)    "Licensed pharmacist" means, unless the context requires otherwise,  
34 a pharmacist who is licensed by the Board to practice pharmacy.

1 [(j)] (L) "Nonprescription drug" means a drug which may be sold without a  
2 prescription and which is labeled for use by the consumer in accordance with the  
3 requirements of the laws and regulations of this State and the federal government.

4 [(k)] (M) "Nonresident pharmacy" means a pharmacy located outside this  
5 State that, in the normal course of business, as determined by the Board, ships, mails,  
6 or delivers drugs or devices to a person in this State pursuant to a prescription.

7 [(l)] (N) "Pharmaceutical care" means the provision of a patient's drug  
8 regimen for the purpose of achieving definite outcomes related to the cure or  
9 prevention of a disease, elimination or reduction of a patient's symptoms, or arresting  
10 or slowing of a disease process by identifying, resolving, or preventing actual or  
11 potential drug therapy problems and which may include patient counseling and  
12 providing information to licensed and certified health care providers.

13 [(m)] (O) "Pharmacist" means an individual who practices pharmacy  
14 regardless of the location where the activities of practice are performed.

15 [(n)] (P) "Pharmacy" means an establishment in which prescription or  
16 nonprescription drugs or devices are compounded, dispensed, or distributed.

17 [(o)] (Q) "Pharmacy permit" means a permit issued by the Board to establish  
18 and operate a pharmacy.

19 (R) "PHARMACY STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED AS A  
20 STUDENT IN A SCHOOL OR COLLEGE OF PHARMACY APPROVED BY THE BOARD OR  
21 ACCREDITED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION.

22 [(p)] (S) (1) "Practice pharmacy" means to engage in any of the following  
23 activities:

24 (i) Providing pharmaceutical care;

25 (ii) Compounding, dispensing, or distributing prescription drugs or  
26 devices;

27 (iii) Compounding or dispensing nonprescription drugs or devices;

28 (iv) Monitoring prescriptions for prescription and nonprescription  
29 drugs or devices;

30 (v) Providing information, explanation, or recommendations to  
31 patients and health care practitioners about the safe and effective use of prescription  
32 or nonprescription drugs or devices;

33 (vi) Identifying and appraising problems concerning the use or  
34 monitoring of therapy with drugs or devices;

35 (vii) Acting within the parameters of a therapy management  
36 contract, as provided under Subtitle 6A of this title; [or]

1 (viii) Administering an influenza vaccination in accordance with §  
2 12-508 of this title;

3 (IX) DELEGATING A PHARMACY ACT TO A REGISTERED PHARMACY  
4 TECHNICIAN, PHARMACY STUDENT, OR AN INDIVIDUAL ENGAGED IN A BOARD  
5 APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM; OR

6 (X) SUPERVISING A DELEGATED PHARMACY ACT PERFORMED BY A  
7 REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT, OR AN INDIVIDUAL  
8 ENGAGED IN A BOARD APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM.

9 (2) "Practice pharmacy" does not include the operations of a person who  
10 holds a permit issued under § 12-602 of this title.

11 (T) "PHARMACY TECHNICIAN TRAINEE" MEANS AN INDIVIDUAL ENGAGED IN  
12 A BOARD APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM.

13 (U) "REGISTERED PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS  
14 REGISTERED WITH THE BOARD TO PERFORM DELEGATED PHARMACY ACTS.

15 (V) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A  
16 REGISTRATION ISSUED BY THE BOARD TO PERFORM DELEGATED PHARMACY ACTS  
17 UNDER THE SUPERVISION OF A LICENSED PHARMACIST.

18 (W) "SUPERVISION" MEANS REVIEWING THE WORK, GUIDING AND DIRECTING  
19 THE ACTIVITIES, AND MONITORING THE PERFORMANCE OF AN INDIVIDUAL.

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 (a) In this title the following words have the meanings indicated.

25 (b) "Authorized prescriber" means any licensed dentist, licensed physician,  
26 licensed podiatrist, licensed veterinarian, certified nurse midwife to the extent  
27 permitted in § 8-601 of this article, certified nurse practitioner to the extent  
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30 (c) "Board" means the State Board of Pharmacy.

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34 initiative based on the practitioner/patient/pharmacist relationship in the course of  
35 professional practice; or

1 (ii) For the purpose of, or incident to, research, teaching, or  
2 chemical analysis and not for the sale or dispensing of the drug or device.

3 (2) "Compounding" includes the preparation of drugs or devices in  
4 anticipation of a prescription drug order based on routine, regularly observed  
5 prescribing patterns.

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8 TITLE AND REGULATIONS ADOPTED BY THE BOARD.

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16 TRAINEE;

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20 LICENSE TO PRACTICE PHARMACY IN ACCORDANCE WITH REGULATIONS ADOPTED  
21 BY THE BOARD; OR

22 ~~(VI)~~ (VI) THE PERFORMANCE OF OTHER FUNCTIONS PROHIBITED  
23 IN REGULATIONS ADOPTED BY THE BOARD.

24 [(e)] (F) (1) "Device" means a device used in the diagnosis, treatment, or  
25 prevention of disease.

26 (2) "Device" does not include any:

27 (i) Surgical or dental instrument;

28 (ii) Physical therapy equipment;

29 (iii) X-ray apparatus; or

30 (iv) Component part or accessory of any of these items.

31 (G) "DIRECT SUPERVISION" MEANS THAT A LICENSED PHARMACIST IS  
32 PHYSICALLY AVAILABLE ON-SITE TO SUPERVISE THE PERFORMANCE OF  
33 DELEGATED PHARMACY ACTS.

1 [(f)] (H) "Dispense" or "dispensing" means the procedure which results in the  
2 receipt of a prescription or nonprescription drug or device by a patient or the patient's  
3 agent and which entails the:

4 (1) Interpretation of an authorized prescriber's prescription for a drug or  
5 device;

6 (2) Selection and labeling of the drug or device prescribed pursuant to  
7 that prescription; and

8 (3) Measuring and packaging of the prescribed drug or device in  
9 accordance with State and federal laws.

10 [(g)] (I) (1) "Distribute" means the process resulting in the provision of a  
11 prescription or nonprescription drug or device to a separate, intervening individual,  
12 licensed and practicing under this article, prior to administration of the provided drug  
13 or device to the patient pursuant to a prescription issued by an authorized prescriber.

14 (2) "Distribute" does not include the operations of a person who holds a  
15 permit issued under § 12-602 of this title.

16 [(h)] (J) "License" means, unless the context requires otherwise, a license  
17 issued TO A PHARMACIST by the Board to practice pharmacy.

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21 prescription and which is labeled for use by the consumer in accordance with the  
22 requirements of the laws and regulations of this State and the federal government.

23 [(k)] (M) "Nonresident pharmacy" means a pharmacy located outside this  
24 State that, in the normal course of business, as determined by the Board, ships, mails,  
25 or delivers drugs or devices to a person in this State pursuant to a prescription.

26 [(l)] (N) "Pharmaceutical care" means the provision of a patient's drug  
27 regimen for the purpose of achieving definite outcomes related to the cure or  
28 prevention of a disease, elimination or reduction of a patient's symptoms, or arresting  
29 or slowing of a disease process by identifying, resolving, or preventing actual or  
30 potential drug therapy problems and which may include patient counseling and  
31 providing information to licensed and certified health care providers.

32 [(m)] (O) "Pharmacist" means an individual who practices pharmacy  
33 regardless of the location where the activities of practice are performed.

34 [(n)] (P) "Pharmacy" means an establishment in which prescription or  
35 nonprescription drugs or devices are compounded, dispensed, or distributed.

36 [(o)] (Q) "Pharmacy permit" means a permit issued by the Board to establish  
37 and operate a pharmacy.

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3 ACCREDITED BY THE ACCREDITATION COUNCIL FOR PHARMACY EDUCATION.

4 [(p)] (S) (1) "Practice pharmacy" means to engage in any of the following  
5 activities:

6 (i) Providing pharmaceutical care;

7 (ii) Compounding, dispensing, or distributing prescription drugs or  
8 devices;

9 (iii) Compounding or dispensing nonprescription drugs or devices;

10 (iv) Monitoring prescriptions for prescription and nonprescription  
11 drugs or devices;

12 (v) Providing information, explanation, or recommendations to  
13 patients and health care practitioners about the safe and effective use of prescription  
14 or nonprescription drugs or devices;

15 (vi) Identifying and appraising problems concerning the use or  
16 monitoring of therapy with drugs or devices; [or]

17 (vii) Administering an influenza vaccination in accordance with §  
18 12-508 of this title;

19 (VIII) DELEGATING A PHARMACY ACT TO A REGISTERED PHARMACY  
20 TECHNICIAN, PHARMACY STUDENT, OR AN INDIVIDUAL ENGAGED IN A BOARD  
21 APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM; OR

22 (IX) SUPERVISING A DELEGATED PHARMACY ACT PERFORMED BY A  
23 REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT, OR AN INDIVIDUAL  
24 ENGAGED IN A BOARD APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM.

25 (2) "Practice pharmacy" does not include the operations of a person who  
26 holds a permit issued under § 12-602 of this title.

27 (T) "PHARMACY TECHNICIAN TRAINEE" MEANS AN INDIVIDUAL ENGAGED IN  
28 A BOARD APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM.

29 (U) "REGISTERED PHARMACY TECHNICIAN" MEANS AN INDIVIDUAL WHO IS  
30 REGISTERED WITH THE BOARD TO PERFORM DELEGATED PHARMACY ACTS.

31 (V) "REGISTRATION" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A  
32 REGISTRATION ISSUED BY THE BOARD TO PERFORM DELEGATED PHARMACY ACTS  
33 UNDER THE SUPERVISION OF A LICENSED PHARMACIST.

34 (W) "SUPERVISION" MEANS REVIEWING THE WORK, GUIDING AND DIRECTING  
35 THE ACTIVITIES, AND MONITORING THE PERFORMANCE OF AN INDIVIDUAL.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article - Health Occupations**

4 12-205.

5 (a) In addition to the powers set forth elsewhere in this title, the Board may  
6 adopt:

- 7 (1) Rules and bylaws that are necessary to do its business;
- 8 (2) Rules and regulations to carry out the provisions of this title;
- 9 (3) Rules and regulations that are necessary to protect the public health,  
10 safety, and welfare and that establish standards for practicing pharmacy and  
11 operating pharmacies, including rules and regulations that govern:
- 12 (i) Methods of advertising and promotion; and
- 13 (ii) Standards for filling and refilling prescriptions; and
- 14 (4) A code of conduct that specifies which behaviors are either required  
15 or prohibited in the practice of pharmacy.

16 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

- 17 (1) Keep a record that includes:
- 18 (i) The name and place of the business or the home address of each  
19 licensed pharmacist AND EACH REGISTERED PHARMACY TECHNICIAN; [and]
- 20 (ii) The facts concerning the issuance of that pharmacist's license;  
21 and
- 22 (III) THE FACTS CONCERNING THE ISSUANCE OF THAT PHARMACY  
23 TECHNICIAN'S REGISTRATION;
- 24 (2) Prepare and deliver to the Governor, the Secretary, and the Maryland  
25 Pharmacists Association an annual report that:
- 26 (i) Summarizes the condition of pharmacy in this State; and
- 27 (ii) Includes a record of the proceedings of the Board; and
- 28 (3) Disclose any information contained in a record to any health  
29 occupations regulatory board or agency of this State or another state if the health  
30 occupations regulatory board or agency of this State or another state requests the  
31 information in writing.

1 (c) In addition to the duties set forth elsewhere in this title, the Board may  
2 initiate such programs and projects as deemed necessary to inform or protect the  
3 public.

4 (D) (1) THE BOARD SHALL ADOPT STANDARDS FOR APPROVING  
5 EXAMINATIONS UNDER § 12-6B-02(B)(4) OF THIS TITLE.

6 (2) THE BOARD SHALL APPROVE ANY EXAMINATION THAT MEETS THE  
7 STANDARDS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION INCLUDING:

8 (I) EMPLOYER BASED PHARMACY TECHNICIAN EXAMINATIONS;

9 (II) NATIONALLY RECOGNIZED PHARMACY TECHNICIAN  
10 EXAMINATIONS; AND

11 ~~(IV)~~ (III) EXAMINATIONS FOR CERTIFICATION AS A PHARMACY  
12 TECHNICIAN.

13 12-206.

14 (a) There is a State Board of Pharmacy Fund.

15 (b) (1) The Board may set reasonable fees for the issuance and renewal of  
16 licenses AND REGISTRATIONS and its other services.

17 (2) The fees charged shall be set so as to produce funds to approximate  
18 the cost of maintaining the Board.

19 (3) Funds to cover the compensation and expenses of the Board members  
20 shall be generated by fees set under this section.

21 (c) (1) The Board shall pay all funds collected under this title to the  
22 Comptroller of the State.

23 (2) The Comptroller shall distribute the fees to the State Board of  
24 Pharmacy Fund.

25 (d) (1) The Fund shall be used to cover the actual documented direct and  
26 indirect costs of fulfilling the statutory and regulatory duties of the Board as provided  
27 by the provisions of this article.

28 (2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of  
29 the State Finance and Procurement Article.

30 (3) Any unspent portions of the Fund may not be transferred or revert to  
31 the General Fund of the State, but shall remain in the Fund to be used for the  
32 purposes specified in this article.

33 (4) No other State money may be used to support the Fund.

34 (e) (1) A designee of the Board shall administer the Fund.

1 (2) Moneys in the Fund may be expended only for any lawful purpose  
2 authorized under the provisions of this article.

3 (f) The Board may allocate moneys from the Fund to a pharmacist  
4 rehabilitation committee described in § 12-317 of this title.

5 (g) The Legislative Auditor shall audit the accounts and transactions of the  
6 Fund as provided in § 2-1220 of the State Government Article.

7 12-301.

8 (b) This section does not apply to [an individual while engaging in a  
9 professional experience program under the direct supervision of a licensed  
10 pharmacist] A PHARMACY STUDENT PARTICIPATING IN AN EXPERIENTIAL  
11 LEARNING PROGRAM OF A COLLEGE OR SCHOOL OF PHARMACY UNDER THE  
12 SUPERVISION OF A LICENSED PHARMACIST.

13 12-307.

14 (a) A license authorizes the licensee to practice pharmacy while the license is  
15 effective.

16 (b) Except as otherwise provided in this section, a pharmacist may engage in  
17 dispensing or distributing only from a pharmacy holding a pharmacy permit issued  
18 by the Board.

19 (c) Pursuant to regulations adopted by the Board, a licensed pharmacist may  
20 engage in dispensing or distributing from a setting not holding a pharmacy permit  
21 only upon receiving the prior approval of the Board.

22 (D) A LICENSED PHARMACIST MAY DELEGATE PHARMACY ACTS TO A  
23 REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY  
24 TECHNICIAN TRAINEE PROVIDED THAT THE DELEGATED PHARMACY ACTS:

25 (1) ARE DIRECTLY SUPERVISED BY A LICENSED PHARMACIST;

26 (2) ARE NOT REQUIRED TO BE PERFORMED BY A LICENSED  
27 PHARMACIST;

28 (3) ARE WITHIN THE EDUCATION, TRAINING, EXPERIENCE, AND AREA  
29 OF PRACTICE OF THE DELEGATING LICENSED PHARMACIST; AND

30 (4) ARE APPROPRIATE TO THE EDUCATION, TRAINING, AND  
31 EXPERIENCE OF THE REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT,  
32 OR PHARMACY TECHNICIAN TRAINEE.

33 12-313.

34 (a) In this section, "convicted" includes a determination of guilt, a guilty plea,  
35 or a plea of nolo contendere followed by a sentence.

1 (b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on  
2 the affirmative vote of a majority of its members then serving, may deny a license to  
3 any applicant FOR A PHARMACIST'S LICENSE, reprimand any licensee, place any  
4 licensee on probation, or suspend or revoke a license OF A PHARMACIST if the  
5 applicant or licensee:

6 (1) Fraudulently or deceptively obtains or attempts to obtain a license  
7 for the applicant or licensee or for another;

8 (2) Fraudulently or deceptively uses a license;

9 (3) Aids an unauthorized individual to practice pharmacy or to represent  
10 that the individual is a pharmacist OR A REGISTERED PHARMACY TECHNICIAN;

11 (4) DELEGATES PHARMACY ACTS TO AN UNAUTHORIZED INDIVIDUAL;

12 [(4)] (5) Provides professional services while:

13 (i) Under the influence of alcohol; or

14 (ii) Using any narcotic or controlled dangerous substance, as  
15 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of  
16 therapeutic amounts or without valid medical indication;

17 [(5)] (6) Submits a false statement to collect a fee;

18 [(6)] (7) Willfully makes or files a false report or record as part of  
19 practicing pharmacy;

20 [(7)] (8) Willfully fails to file or record any report that is required by law;

21 [(8)] (9) Willfully impedes or obstructs the filing or recording of any  
22 report that is required by law;

23 [(9)] (10) Willfully induces another to fail to file or record any report that  
24 is required by law;

25 [(10)] (11) Provides or causes to be provided to any authorized prescriber  
26 prescription forms that bear the name, address, or other means of identification of a  
27 pharmacist or pharmacy;

28 [(11)] (12) Provides remuneration to an authorized prescriber for referring  
29 an individual to a pharmacist or pharmacy for a product or service to be provided by  
30 that pharmacist or pharmacy;

31 [(12)] (13) Agrees with an authorized prescriber OR REGISTERED  
32 PHARMACY TECHNICIAN to prepare or dispense a secret formula prescription;

33 [(13)] (14) Except as to an association that has remained in continuous  
34 existence since July 1, 1963, associates as a partner, coowner, or employee of a

1 pharmacy that is owned wholly or substantially by an authorized prescriber or group  
2 of authorized prescribers;

3 [(14)] (15) Dispenses any drug, device, or diagnostic for which a  
4 prescription is required without a written, oral, or electronically transmitted  
5 prescription from an authorized prescriber;

6 [(15)] (16) Except as provided in § 12-506 of this title, unless an  
7 authorized prescriber authorizes the refill, refills a prescription for any drug, device,  
8 or diagnostic for which a prescription is required;

9 [(16)] (17) Violates any provision of § 12-505 of this title, which concerns  
10 the labeling requirements for prescriptions for drugs, devices, or diagnostics;

11 [(17)] (18) Violates any provision of § 12-603 of this title, which concerns  
12 the home dialysis distribution program;

13 [(18)] (19) Advertises or otherwise publicly claims to dispense  
14 prescriptions or practice pharmacy in a superior manner;

15 [(19)] (20) Advertises in a manner that tends to deceive or defraud the  
16 public;

17 [(20)] (21) Is professionally, physically, or mentally incompetent;

18 [(21)] (22) Is convicted of or pleads guilty or nolo contendere to a felony or  
19 to a crime involving moral turpitude, whether or not any appeal or other proceeding is  
20 pending to have the conviction or plea set aside;

21 [(22)] (23) Is convicted of a violation of this title;

22 [(23)] (24) Is disciplined by a licensing or disciplinary authority of any  
23 state or country or convicted or disciplined by a court of any state or country for an act  
24 that would be grounds for disciplinary action under the Board's disciplinary statutes;

25 [(24)] (25) Violates any rule or regulation adopted by the Board;

26 [(25)] (26) Refuses, withholds from, denies, or discriminates against an  
27 individual with regard to the provision of professional services for which the licensee  
28 is licensed and qualified to render because the individual is HIV positive;

29 [(26)] (27) Violates any provision of § 12-507 of this title;

30 [(27)] (28) Provides or causes to be provided confidential patient  
31 information to any person without first having obtained the patient's consent, as  
32 required by § 12-403(b)(13) of this title and by Title 4, Subtitle 3 of the Health -  
33 General Article; [or]

34 [(28)] (29) Fails to cooperate with a lawful investigation conducted by the  
35 Board or the Division of Drug Control;

1 (30) DELEGATES PHARMACY ACTS TO A REGISTERED PHARMACY  
2 TECHNICIAN, PHARMACY STUDENT, OR A PHARMACY TECHNICIAN TRAINEE  
3 OUTSIDE THE SCOPE OF EDUCATION, TRAINING, EXPERIENCE, AND AREA OF  
4 PRACTICE OF A LICENSED PHARMACIST; OR

5 (31) DELEGATES PHARMACY ACTS THAT ARE INAPPROPRIATE FOR A  
6 REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY  
7 TECHNICIAN TRAINEE WHO DOES NOT HAVE THE EDUCATION, TRAINING, OR  
8 EXPERIENCE TO PERFORM THE DELEGATED PHARMACY ACTS.

9 12-315.

10 (a) Except as otherwise provided in the Administrative Procedure Act, before  
11 the Board takes any action under § 12-313 of this subtitle OR § 12-6B-09 OF THIS  
12 TITLE, it shall give the individual against whom the action is contemplated an  
13 opportunity for a hearing before the Board.

14 12-316.

15 (a) Except as provided in this section for an action under § 12-313 of this  
16 subtitle OR § 12-6B-09 OF THIS TITLE, any person aggrieved by a final decision of the  
17 Board in a contested case, as defined in the Administrative Procedure Act, may:

18 (1) Appeal that decision to the Board of Review; and

19 (2) Then take any further appeal allowed by the Administrative  
20 Procedure Act.

21 (b) (1) Any person aggrieved by a final decision of the Board under § 12-313  
22 of this subtitle OR § 12-6B-09 OF THIS TITLE may not appeal to the Secretary or Board  
23 of Review but may take a direct judicial appeal.

24 (2) The appeal shall be made as provided for judicial review of final  
25 decisions in the Administrative Procedure Act.

26 12-317.

27 (a) In this section, "pharmacist rehabilitation committee" means a group, the  
28 majority of which is comprised of pharmacists, that is recognized by the Board.

29 (b) For purposes of this section, a pharmacist rehabilitation committee  
30 evaluates and provides assistance to any pharmacist OR REGISTERED PHARMACY  
31 TECHNICIAN in need of treatment and rehabilitation for alcoholism, drug abuse,  
32 chemical dependency, or other physical, emotional, or mental condition.

33 (c) (1) Except as otherwise provided in this section, the proceedings,  
34 records, and files of a pharmacist rehabilitation committee are not discoverable and  
35 are not admissible in evidence in any civil action arising out of matters that are being  
36 or have been reviewed and evaluated by the pharmacist rehabilitation committee.

1 (2) Paragraph (1) of this subsection does not apply to any record or  
2 document that is considered by the pharmacist rehabilitation committee and that  
3 otherwise would be subject to discovery and introduction into evidence in a civil trial.

4 (3) For purposes of this subsection, civil action does not include a  
5 proceeding before the Board or judicial review of a proceeding before the Board.

6 (d) A person who acts in good faith and within the scope of jurisdiction of a  
7 pharmacist rehabilitation committee is not civilly liable for any action as a member of  
8 the pharmacist rehabilitation committee or for giving information to, participating in,  
9 or contributing to the function of the pharmacist rehabilitation committee.

10 12-319.

11 (a) An action may be maintained in the name of this State or the Board to  
12 enjoin:

13 (1) The unauthorized practice of pharmacy; or

14 (2) Conduct that is a ground for disciplinary action under § 12-313 of  
15 this subtitle OR § 12-6B-09 OF THIS TITLE.

16 (b) An action may be brought by:

17 (1) The Board, in its own name;

18 (2) The Attorney General, in the name of the State; or

19 (3) The State's Attorney, in the name of the State.

20 (c) An action under this section shall be brought in the county where the  
21 defendant resides or engages in the actions sought to be enjoined.

22 (d) Proof of actual damages or that a person will sustain damage if an  
23 injunction is not granted is not required for an action under this section.

24 (e) An action under this section is in addition to and not instead of criminal  
25 prosecution for unauthorized practice of pharmacy under § 12-701 of this title or  
26 disciplinary action under § 12-313 of this subtitle OR § 12-6B-09 OF THIS TITLE.

27 12-320.

28 (a) In investigating an allegation brought against a licensee OR REGISTERED  
29 PHARMACY TECHNICIAN under this title, if the Board has reason to believe that a  
30 licensee OR REGISTERED PHARMACY TECHNICIAN may cause harm to a person  
31 affected by the licensee's practice OR THE ACTS OF A REGISTERED PHARMACY  
32 TECHNICIAN, the Board on its own initiative may direct the licensee OR REGISTERED  
33 PHARMACY TECHNICIAN to submit to an appropriate examination by a health care  
34 provider designated by the Board.

1 (b) In return for the privilege given to a licensee to practice pharmacy OR A  
2 REGISTERED PHARMACY TECHNICIAN TO PERFORM DELEGATED PHARMACY ACTS in  
3 the State, the licensee OR REGISTERED PHARMACY TECHNICIAN is deemed to have:

4 (1) Consented to submit to an examination under this section, if  
5 requested by the Board in writing; and

6 (2) Waived any claim of privilege as to the testimony or examination  
7 reports of a health care provider.

8 (c) The failure or refusal of a licensee OR REGISTERED PHARMACY  
9 TECHNICIAN to submit to an examination required under this section is prima facie  
10 evidence of the licensee's inability to practice pharmacy competently OR THE  
11 REGISTERED PHARMACY TECHNICIAN'S INABILITY TO PERFORM DELEGATED  
12 PHARMACY ACTS, unless the Board finds that the failure or refusal was beyond the  
13 control of the licensee OR REGISTERED PHARMACY TECHNICIAN.

14 (d) The Board shall pay the cost of any examination made under this section.  
15 12-403.

16 (a) This section does not require a nonresident pharmacy to violate the laws or  
17 regulations of the state in which it is located.

18 (b) Except as otherwise provided in this section, a pharmacy for which a  
19 pharmacy permit has been issued under this title:

20 (1) Shall be operated in compliance with the law and with the rules and  
21 regulations of the Board;

22 (2) Shall be located and equipped so that the pharmacy may be operated  
23 without endangering the public health or safety;

24 (3) Shall ensure that a licensed pharmacist be immediately available on  
25 the premises to provide pharmacy services at all times the pharmacy is in operation;

26 (4) Shall be supervised by a licensed pharmacist who is responsible for  
27 the operations of the pharmacy at all times the pharmacy is in operation;

28 (5) Shall provide complete pharmaceutical service by preparing and  
29 dispensing all prescriptions that reasonably may be expected of a pharmacist;

30 (6) Shall provide services to the general public and may not restrict or  
31 limit its services to any group of individuals unless granted a waiver from this  
32 requirement by the Board;

33 (7) May not offer pharmaceutical services under any term or condition  
34 that tends to interfere with or impair the free and complete exercise of professional  
35 pharmaceutical judgment or skill;

1 (8) May not make any agreement that denies a patient a free choice of  
2 pharmacist or pharmacy services;

3 (9) May not participate in any activity that is a ground for Board action  
4 against a licensed pharmacist under § 12-313 OR A REGISTERED PHARMACY  
5 TECHNICIAN UNDER § 12-6B-09 of this title;

6 (10) (i) Shall maintain at all times a current reference library that is  
7 appropriate to meet the needs of:

8 1. The practice specialty of that pharmacy; and

9 2. The consumers the pharmacy serves; and

10 (ii) Shall comply with any regulations adopted by the Board  
11 establishing the types of texts required to be included in the reference libraries in  
12 each of the various practice specialty pharmacies;

13 (11) (i) Shall maintain at all times the minimum professional and  
14 technical equipment and sanitary appliances that are necessary in a pharmacy:

15 1. To prepare and dispense prescriptions properly; and

16 2. To otherwise operate a pharmacy; and

17 (ii) Shall:

18 1. Be equipped with the minimum equipment and appliances  
19 specified by the Board under this section; and

20 2. Be kept in a clean and orderly manner;

21 (12) Shall store all prescription or nonprescription drugs or devices  
22 properly and safely subject to the rules and regulations adopted by the Board;

23 (13) Shall:

24 (i) Make and keep on file for at least 5 years a record of each  
25 prescription prepared or dispensed in the pharmacy;

26 (ii) Disclose the records and files maintained of prescriptions for  
27 drugs or devices that identify or may be readily associated with the identity of a  
28 patient only in accordance with the provisions of Title 4, Subtitle 3 of the Health -  
29 General Article; and

30 (iii) Keep additional records as required by the rules and  
31 regulations adopted by the Board;

32 (14) Except as otherwise provided under federal law, shall establish and  
33 maintain mechanisms to ensure that all prescription drugs or devices used within  
34 institutions that provide acute, subacute, or long-term care, or within their related

1 corporate subsidiaries, but stored outside a pharmacy, are stored properly and safely,  
2 subject to rules and regulations adopted by the Board and policies established by the  
3 institution;

4 (15) Shall provide such personnel, automation, and technology as are  
5 necessary to allow the licensed pharmacist employee sufficient time to utilize the  
6 pharmacist's knowledge and training and to perform competently the functions of a  
7 licensed pharmacist as required by law;

8 (16) Shall provide such personnel, automation, and technology as are  
9 necessary to allow the licensed pharmacist employee OR REGISTERED PHARMACY  
10 TECHNICIAN to comply with the labeling requirements specified in § 12-505 of this  
11 title;

12 (17) With regard to a prescription drug that is delivered in this State by  
13 the United States mail, a common carrier, or a delivery service and is not personally  
14 hand delivered directly to a patient or to the agent of the patient at the residence of  
15 the patient or at another location designated by the patient, shall:

16 (i) Provide a general written notice in each shipment of a  
17 prescription drug that alerts a consumer that, under certain circumstances, a  
18 medication's effectiveness may be affected by exposure to extremes of heat, cold, or  
19 humidity; and

20 (ii) Provide a specific written notice in each shipment of a  
21 prescription drug that provides a consumer with a toll-free or local consumer access  
22 telephone number accessible during regular hours of operation, which is designed to  
23 respond to consumer questions pertaining to medications; [and]

24 (18) (i) May maintain a record log of any prescription that is requested  
25 to be filled or refilled by a patient in accordance with the provisions of Title 4, Subtitle  
26 3 of the Health - General Article;

27 (ii) If the prescription record of a patient includes the patient's  
28 Social Security number, shall keep the Social Security number confidential;

29 (iii) May not list in the record log the type of illness, disability, or  
30 condition that is the basis of any dispensing or distribution of a drug by a pharmacist;  
31 and

32 (iv) May not list a patient's Social Security number, illness,  
33 disability, or condition, or the name and type of drug received in the record log if the  
34 log is available to other pharmacy customers; AND

35 (19) MAY NOT ALLOW AN UNAUTHORIZED INDIVIDUAL TO REPRESENT  
36 THAT THE INDIVIDUAL IS A PHARMACIST OR REGISTERED PHARMACY TECHNICIAN.

37 (c) (1) The Board may waive any of the requirements of this section for the  
38 University of Maryland School of Pharmacy, for nuclear pharmacy and dental  
39 pharmacy experimental and teaching programs.

1           (2)     The Board may waive the requirements of subsection (b)(5) and (6) of  
2 this section for pharmacies that are engaged in pharmaceutical specialties which are  
3 recognized by the Board under rules and regulations adopted by the Board.

4     (d)     A nonresident pharmacy shall hold a pharmacy permit issued by the  
5 Board.

6     (e)     (1)     In order to obtain a pharmacy permit from the Board, a nonresident  
7 pharmacy shall:

8           (i)     Submit an application to the Board on the form that the Board  
9 requires;

10          (ii)    Pay to the Board an application fee set by the Board;

11          (iii)   Submit a copy of the most recent inspection report resulting  
12 from an inspection conducted by the regulatory or licensing agency of the state in  
13 which the nonresident pharmacy is located; and

14          (iv)    On the required permit application, identify the name and  
15 current address of an agent located in this State officially designated to accept service  
16 of process.

17          (2)     A nonresident pharmacy shall report a change in the name or address  
18 of the resident agent in writing to the Board 30 days prior to the change.

19     (f)     A nonresident pharmacy shall:

20          (1)     Comply with the laws of the state in which it is located;

21          (2)     On an annual basis and within 30 days after a change of office,  
22 corporate officer, or pharmacist, disclose to the Board the location, names, and titles  
23 of all principal corporate officers and all pharmacists who are dispensing  
24 prescriptions for drugs or devices to persons in this State;

25          (3)     Comply with all lawful directions and requests for information from  
26 the regulatory or licensing agency of the state in which it is located and all requests  
27 for information made by the Board pursuant to this section;

28          (4)     Maintain at all times a valid, unexpired permit to conduct a  
29 pharmacy in compliance with the laws of the state in which it is located;

30          (5)     Maintain its records of prescription drugs or devices dispensed to  
31 patients in this State so that the records are readily retrievable;

32          (6)     During its regular hours of operation, but not less than 6 days a  
33 week, and for a minimum of 40 hours per week, provide toll-free telephone service to  
34 facilitate communication between patients in this State and a pharmacist who has  
35 access to the patient's prescription records;

1 (7) Disclose its toll-free telephone number on a label affixed to each  
2 container of drugs or devices;

3 (8) Comply with the laws of this State relating to the confidentiality of  
4 prescription records if there are no laws relating to the confidentiality of prescription  
5 records in the state in which the nonresident pharmacy is located; and

6 (9) Comply with the requirements of subsection (b)(17) of this section.

7 (g) Subject to the hearing provisions of § 12-411 of this subtitle, if a pharmacy  
8 or a nonresident pharmacy is operated in violation of this section, the Board may  
9 suspend the applicable pharmacy permit until the pharmacy complies with this  
10 section.

11 12-505.

12 (a) Except for a drug or device dispensed to an inpatient in a hospital or  
13 related institution, [a pharmacist shall label each container of drugs or devices that  
14 the pharmacist dispenses] EACH CONTAINER OF A DRUG OR DEVICE DISPENSED  
15 SHALL BE LABELED IN ACCORDANCE WITH THIS SECTION.

16 (b) In addition to any other information required by law, [the pharmacist  
17 shall include on the label] THE LABEL SHALL INCLUDE:

18 (1) The date the prescription is filled; and

19 (2) Unless otherwise required by the prescriber:

20 (i) An expiration date of the drugs or devices which shall be the  
21 lesser of:

22 1. 1 year from the date of dispensing;

23 2. The month and year when the drugs or devices expire;

24 3. The appropriate expiration date for repackaged drugs or  
25 devices; or

26 4. A shorter period as determined by the pharmacist;

27 (ii) Any appropriate special handling instructions regarding proper  
28 storage of the drugs or devices; and

29 (iii) Subject to the provisions of subsection (c) of this section, the  
30 name and strength of the drugs or devices.

31 (c) (1) Except as provided in paragraph (2) of this subsection, the  
32 [pharmacist] LABEL shall indicate [on the label] the same name for the drug or  
33 device as that used by the authorized prescriber.

1 (2) If, under § 12-504 of this subtitle, the pharmacist substitutes a drug  
2 or device product for that named by the authorized prescriber, [the pharmacist shall  
3 indicate on] the label SHALL INDICATE both the name of the drug or device product  
4 and the name of the manufacturer or distributor of the drug or device dispensed.

5 (d) (1) Except as provided in this subsection, if an authorized prescriber  
6 dispenses a drug or device, the prescriber shall label each container of the drug or  
7 device.

8 (2) In addition to any other information required by law, the authorized  
9 prescriber shall include on the label:

10 (i) The name and strength of the drug or device;

11 (ii) The date the prescription is dispensed;

12 (iii) An expiration date of the drug or device which shall be the  
13 lesser of:

14 1. 1 year from the date of dispensing;

15 2. The month and year when the drug or device expires; or

16 3. A shorter period as determined by the authorized  
17 prescriber; and

18 (iv) Any appropriate special handling instructions regarding proper  
19 storage of the drug or device.

20 (3) The labeling requirements of this subsection do not apply if the  
21 authorized prescriber dispenses the drug or device:

22 (i) To an inpatient in a hospital or related institution;

23 (ii) In an emergency situation; or

24 (iii) As a sample drug or device dispensed in the regular course of  
25 the authorized prescriber's practice.

26 (e) So long as any of the original contents remain in the container, a person  
27 may not alter, deface, or remove any label required by this section.

28 SUBTITLE 6B. REGISTERED PHARMACY TECHNICIANS.

29 12-6B-01.

30 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ON OR AFTER JANUARY  
31 1, 2007, AN INDIVIDUAL SHALL BE REGISTERED AND APPROVED BY THE BOARD AS A  
32 PHARMACY TECHNICIAN BEFORE THE INDIVIDUAL MAY PERFORM DELEGATED  
33 PHARMACY ACTS.

1 (B) THIS SECTION DOES NOT APPLY TO:

2 (1) A PHARMACY STUDENT PERFORMING DELEGATED PHARMACY ACTS  
3 UNDER THE DIRECT SUPERVISION OF A LICENSED PHARMACIST AND IN  
4 ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD; ~~OR~~

5 (2) A PHARMACY TECHNICIAN TRAINEE UNDER THE DIRECT  
6 SUPERVISION OF A LICENSED PHARMACIST PROVIDED THAT THE INDIVIDUAL DOES  
7 NOT PERFORM DELEGATED PHARMACY ACTS FOR MORE THAN 6 MONTHS; OR

8 (3) AN APPLICANT FOR A LICENSE TO PRACTICE PHARMACY UNDER THE  
9 DIRECT SUPERVISION OF A LICENSED PHARMACIST PROVIDED THAT THE APPLICANT  
10 DOES NOT PERFORM DELEGATED PHARMACY ACTS FOR MORE THAN 6 10 MONTHS.

11 12-6B-02.

12 (A) TO QUALIFY FOR REGISTRATION AN APPLICANT SHALL BE AN INDIVIDUAL  
13 WHO:

14 (1) IS CURRENTLY CERTIFIED BY A NATIONAL PHARMACY TECHNICIAN  
15 CERTIFICATION PROGRAM AND COMPLIES WITH SUBSECTION (B)(6) OF THIS  
16 SECTION; OR

17 (2) MEETS THE REQUIREMENTS OF THIS SECTION.

18 (B) THE APPLICANT SHALL:

19 (1) BE OF GOOD MORAL CHARACTER;

20 (2) BE AT LEAST 17 YEARS OLD;

21 (3) (I) 1. BE A HIGH SCHOOL GRADUATE OR HAVE ATTAINED A  
22 HIGH SCHOOL EQUIVALENCY; OR

23 2. BE ENROLLED AND IN GOOD STANDING AT A HIGH  
24 SCHOOL; OR

25 (II) MEET THE REQUIREMENTS IN SUBSECTION (D) OF THIS  
26 SECTION;

27 (4) HAVE SUCCESSFULLY PASSED AN EXAMINATION APPROVED BY THE  
28 BOARD;

29 (5) COMPLETE A PHARMACY TECHNICIAN TRAINING PROGRAM  
30 APPROVED BY THE BOARD THAT:

31 (I) INCLUDES 160 HOURS OF WORK EXPERIENCE; AND

32 (II) IS NO LONGER THAN 6 MONTHS' DURATION; AND

1 (6) SUBMIT A REQUEST FOR A STATE CRIMINAL HISTORY RECORDS  
2 CHECK.

3 (C) THE BOARD MAY NOT APPROVE AN APPLICATION UNTIL THE STATE  
4 CRIMINAL HISTORY RECORDS CHECK IS COMPLETED.

5 (D) IF AN APPLICANT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION  
6 (B)(3) ~~AND (4)~~ THROUGH (5) OF THIS SECTION, THE APPLICANT QUALIFIES FOR  
7 REGISTRATION IF:

8 (1) THE APPLICANT HAS WORKED IN THE PHARMACY AREA OF A  
9 PHARMACY OPERATED BY THE SAME PHARMACY PERMIT HOLDER SINCE JANUARY 1,  
10 ~~2004~~ 2006;

11 (2) THE PHARMACY PERMIT HOLDER FOR WHOM THE APPLICANT  
12 WORKS ATTESTS IN WRITING THAT THE APPLICANT HAS WORKED IN THE PHARMACY  
13 AREA OPERATED BY THE PHARMACY PERMIT HOLDER CONTINUOUSLY SINCE  
14 JANUARY 1, ~~2004~~ 2006;

15 (3) A PHARMACIST WHO HAS SUPERVISED THE APPLICANT FOR AT  
16 LEAST 6 MONTHS ATTESTS IN WRITING THAT THE INDIVIDUAL HAS PERFORMED  
17 COMPETENTLY; AND

18 (4) THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF  
19 SUBSECTION (B) OF THIS SECTION.

20 (E) AN INDIVIDUAL, AT LEAST 16 YEARS AND 6 MONTHS OLD, MAY BEGIN  
21 FULFILLING THE PHARMACY TECHNICIAN REGISTRATION REQUIREMENTS UNDER  
22 THIS SUBTITLE.

23 (F) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE BOARD  
24 MAY WAIVE ANY REQUIREMENT OF THIS SUBTITLE FOR AN INDIVIDUAL WHO IS  
25 REGISTERED AS OR HAS WORKED AS A PHARMACY TECHNICIAN IN ANOTHER STATE.

26 (2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION ONLY  
27 IF THE APPLICANT:

28 (I) PAYS THE APPLICATION FEE REQUIRED UNDER § 12-6B-03 OF  
29 THIS SUBTITLE; AND

30 (II) 1. PROVIDES SUFFICIENT EVIDENCE THAT THE APPLICANT  
31 WAS REGISTERED IN A STATE WITH REGISTRATION OR LICENSING REQUIREMENTS  
32 THAT ARE SUBSTANTIALLY SIMILAR TO THE REGISTRATION REQUIREMENTS OF THIS  
33 SUBTITLE; OR

34 2. HAS WORKED AS A PHARMACY TECHNICIAN IN ANOTHER  
35 STATE AND SATISFIES ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE  
36 BOARD IN REGULATION.

1 12-6B-03.

2 (A) AN APPLICANT FOR REGISTRATION SHALL:

3 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
4 BOARD REQUIRES;

5 (2) UNLESS OTHERWISE QUALIFIED UNDER § 12-6B-02(A) OR (D) OF THIS  
6 SUBTITLE, PROVIDE DOCUMENTATION OF THE COMPLETION OF A PHARMACY  
7 TECHNICIAN TRAINING PROGRAM UNDER § 12-6B-02(B)(5) OF THIS SUBTITLE;

8 (3) UNLESS OTHERWISE QUALIFIED UNDER § 12-6B-02(A) OR (D) OF THIS  
9 SUBTITLE, PROVIDE DOCUMENTATION OF HAVING SUCCESSFULLY COMPLETED AN  
10 EXAMINATION APPROVED BY THE BOARD;

11 (4) SUBMIT TO A REQUEST FOR A STATE CRIMINAL HISTORY RECORDS  
12 CHECK; AND

13 (5) PAY THE APPLICATION FEES SET BY THE BOARD.

14 (B) THE APPLICATION SHALL BE SIGNED BY THE APPLICANT.

15 12-6B-04.

16 (A) THE BOARD SHALL REGISTER AS A PHARMACY TECHNICIAN ANY  
17 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

18 (B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND  
19 RENEWAL OF REGISTRATIONS AND OTHER SERVICES.

20 (2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE  
21 COST OF REGISTERING PHARMACY TECHNICIANS.

22 12-6B-05.

23 (A) A REGISTERED PHARMACY TECHNICIAN SHALL NOTIFY THE BOARD OF  
24 EACH PLEA OF GUILTY FOR, CONVICTION OF, OR ENTRY OF A PLEA OF NOLO  
25 CONTENDERE FOR A FELONY OR A CRIME INVOLVING MORAL TURPITUDE,  
26 REGARDLESS OF WHETHER:

27 (1) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION OF  
28 SENTENCE IS WITHHELD; OR

29 (2) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING THE  
30 MATTER.

31 (B) THE REGISTERED PHARMACY TECHNICIAN SHALL NOTIFY THE BOARD  
32 WITHIN 7 DAYS OF THE CONVICTION OR ENTRY OF THE PLEA.

1 12-6B-06.

2 (A) REGISTRATION AUTHORIZES A REGISTERED PHARMACIST TECHNICIAN TO  
3 PERFORM DELEGATED PHARMACY ACTS AS DEFINED IN § 12-101 OF THIS TITLE  
4 WHILE THE REGISTRATION IS EFFECTIVE.

5 (B) A REGISTERED PHARMACY TECHNICIAN OR A PHARMACY TECHNICIAN  
6 TRAINEE MAY NOT:

7 (1) ACT WITHIN THE PARAMETERS OF A THERAPY MANAGEMENT  
8 CONTRACT AS PROVIDED UNDER SUBTITLE 6A OF THIS TITLE;

9 (2) ADMINISTER AN INFLUENZA VACCINATION IN ACCORDANCE WITH §  
10 12-508 OF THIS TITLE;

11 (3) DELEGATE A PHARMACY ACT THAT WAS DELEGATED TO THE  
12 REGISTERED PHARMACY TECHNICIAN OR INDIVIDUAL ENGAGING IN A BOARD  
13 APPROVED TECHNICIAN TRAINING PROGRAM; OR

14 (4) PERFORM OTHER FUNCTIONS PROHIBITED BY REGULATIONS  
15 ADOPTED BY THE BOARD.

16 12-6B-07.

17 (A) (1) UNLESS THE REGISTRATION IS RENEWED FOR AN ADDITIONAL TERM  
18 AS PROVIDED IN THIS SECTION, REGISTRATION EXPIRES ON THE DATE SET BY THE  
19 BOARD.

20 (2) THE ABILITY OF A REGISTERED PHARMACY TECHNICIAN TO  
21 FUNCTION AS A PHARMACY TECHNICIAN TERMINATES ON THE DATE OF EXPIRATION  
22 OF THE PHARMACY TECHNICIAN'S REGISTRATION UNLESS RENEWED.

23 (3) REGISTRATION MAY NOT BE RENEWED FOR A TERM LONGER THAN 2  
24 YEARS.

25 ~~(4) THE REGISTRATION OF A PHARMACY TECHNICIAN WHO QUALIFIED~~  
26 ~~FOR REGISTRATION UNDER § 12-6B-02(D) OF THIS TITLE PERMANENTLY EXPIRES ON~~  
27 ~~THE DATE THE REGISTERED PHARMACY TECHNICIAN'S EMPLOYMENT TERMINATES~~  
28 ~~WITH THE PHARMACY PERMIT HOLDER THAT MADE THE ATTESTATION REQUIRED~~  
29 ~~UNDER § 12-6B-02(D) OF THIS SUBTITLE.~~

30 (B) AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, THE BOARD SHALL  
31 SEND TO THE REGISTERED PHARMACY TECHNICIAN, BY FIRST-CLASS MAIL TO THE  
32 LAST KNOWN ADDRESS OF THE REGISTERED PHARMACY TECHNICIAN, A RENEWAL  
33 NOTICE THAT STATES:

34 (1) THE DATE ON WHICH THE REGISTRATION EXPIRES;

1 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
2 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
3 THE PHARMACY TECHNICIAN'S REGISTRATION EXPIRES; AND

4 (3) THE AMOUNT OF THE RENEWAL FEE.

5 (C) A REGISTERED PHARMACY TECHNICIAN PERIODICALLY MAY RENEW A  
6 PHARMACY TECHNICIAN'S REGISTRATION FOR AN ADDITIONAL 2-YEAR TERM, IF THE  
7 REGISTERED PHARMACY TECHNICIAN:

8 (1) OTHERWISE IS ENTITLED TO BE REGISTERED AS A PHARMACY  
9 TECHNICIAN;

10 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM  
11 THAT THE BOARD REQUIRES;

12 (3) MEETS THE CONTINUING EDUCATION REQUIREMENTS SET BY THE  
13 BOARD UNDER THIS SECTION; AND

14 (4) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD.

15 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS  
16 ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING  
17 EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF REGISTRATIONS  
18 UNDER THIS SECTION.

19 (E) THE BOARD SHALL RENEW THE REGISTRATION OF EACH PHARMACY  
20 TECHNICIAN WHO MEETS THE REQUIREMENTS OF THIS SECTION.

21 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
22 REGISTRATION OF A PHARMACY TECHNICIAN WHO QUALIFIED FOR REGISTRATION  
23 UNDER § 12-6B-02(D) OF THIS SUBTITLE PERMANENTLY EXPIRES ON THE DATE THE  
24 REGISTERED PHARMACY TECHNICIAN'S EMPLOYMENT TERMINATES WITH THE  
25 PHARMACY PERMIT HOLDER THAT MADE THE ATTESTATION REQUIRED UNDER §  
26 12-6B-02(D) OF THIS SUBTITLE.

27 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE  
28 REGISTRATION OF A PHARMACY TECHNICIAN WHO:

29 (I) AT THE TIME OF TERMINATION, NOTIFIES THE BOARD OF THE  
30 TERMINATION DATE;

31 (II) RESUMES WORKING AS A PHARMACY TECHNICIAN WITHIN 1  
32 YEAR OF THE TERMINATION DATE; AND

33 (III) NOTIFIES THE BOARD OF THE DATE THE REGISTERED  
34 PHARMACY TECHNICIAN BEGINS EMPLOYMENT AFTER THE TERMINATION DATE.

35 12-6B-08.

36 (A) EACH REGISTERED PHARMACY TECHNICIAN SHALL:

1 (1) DISPLAY THE PHARMACY TECHNICIAN'S REGISTRATION IN THE  
2 OFFICE OR PLACE OF BUSINESS IN WHICH THE PHARMACY TECHNICIAN IS  
3 WORKING; OR

4 (2) HAVE THE REGISTRATION ON THE PHARMACY TECHNICIAN'S  
5 PERSON AVAILABLE FOR VIEWING.

6 (B) WHEN PERFORMING DELEGATED PHARMACY ACTS, THE REGISTERED  
7 PHARMACY TECHNICIAN SHALL WEAR IDENTIFICATION THAT CONSPICUOUSLY  
8 IDENTIFIES THE REGISTERED PHARMACY TECHNICIAN AS A REGISTERED  
9 PHARMACY TECHNICIAN.

10 12-6B-09.

11 SUBJECT TO THE HEARING PROVISION OF § 12-315 OF THIS TITLE, THE BOARD  
12 MAY DENY A PHARMACY TECHNICIAN'S REGISTRATION TO ANY APPLICANT,  
13 REPRIMAND A REGISTERED PHARMACY TECHNICIAN, PLACE ANY PHARMACY  
14 TECHNICIAN'S REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A  
15 PHARMACY TECHNICIAN'S REGISTRATION IF THE APPLICANT OR PHARMACY  
16 TECHNICIAN REGISTRANT:

17 (1) PERFORMS AN ACT THAT IS RESTRICTED TO A LICENSED  
18 PHARMACIST;

19 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
20 OBTAIN A PHARMACY TECHNICIAN'S REGISTRATION FOR THE APPLICANT OR ASSISTS  
21 OR ATTEMPTS TO ASSIST ANOTHER IN FRAUDULENTLY OR DECEPTIVELY OBTAINING  
22 A PHARMACY TECHNICIAN'S REGISTRATION;

23 (3) FRAUDULENTLY USES A PHARMACY TECHNICIAN'S REGISTRATION;

24 (4) KNOWINGLY AIDS AN UNAUTHORIZED INDIVIDUAL TO PRACTICE  
25 PHARMACY OR TO REPRESENT THAT THE INDIVIDUAL IS A LICENSED PHARMACIST  
26 OR REGISTERED PHARMACY TECHNICIAN;

27 (5) PERFORMS DELEGATED PHARMACY ACTS WHILE:

28 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

29 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
30 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER  
31 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL  
32 INDICATION;

33 (6) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

34 (7) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD AS PART  
35 OF THE REGISTERED PHARMACY TECHNICIAN'S DUTIES OR EMPLOYMENT;

1 (8) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT THAT IS  
2 REQUIRED BY LAW;

3 (9) WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF  
4 ANY REPORT THAT IS REQUIRED BY LAW;

5 (10) WILLFULLY INDUCES ANOTHER TO FAIL TO FILE OR RECORD ANY  
6 REPORT THAT IS REQUIRED BY LAW;

7 (11) PROVIDES OR CAUSES TO BE PROVIDED TO ANY AUTHORIZED  
8 PRESCRIBER PRESCRIPTION FORMS THAT BEAR THE NAME, ADDRESS, OR OTHER  
9 MEANS OF IDENTIFICATION OF A PHARMACIST OR PHARMACY;

10 (12) PROVIDES REMUNERATION TO AN AUTHORIZED PRESCRIBER FOR  
11 REFERRING AN INDIVIDUAL TO A LICENSED PHARMACIST, REGISTERED PHARMACY  
12 TECHNICIAN, OR PHARMACY FOR A PRODUCT OR SERVICE TO BE PROVIDED BY THAT  
13 LICENSED PHARMACIST, REGISTERED PHARMACY TECHNICIAN, OR PHARMACY;

14 (13) AGREES WITH AN AUTHORIZED PRESCRIBER OR PHARMACIST TO  
15 PREPARE OR DISPENSE A SECRET FORMULA PRESCRIPTION;

16 (14) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN  
17 CONTINUOUS EXISTENCE SINCE JULY 1, 1963, ASSOCIATES AS A PARTNER,  
18 CO-OWNER, OR EMPLOYEE OF A PHARMACY THAT IS OWNED WHOLLY OR  
19 SUBSTANTIALLY BY AN AUTHORIZED PRESCRIBER OR GROUP OF AUTHORIZED  
20 PRESCRIBERS;

21 (15) KNOWINGLY AIDS A PHARMACIST IN DISPENSING ANY DRUG,  
22 DEVICE, OR DIAGNOSTIC FOR WHICH A PRESCRIPTION IS REQUIRED WITHOUT A  
23 WRITTEN, ORAL, OR ELECTRONICALLY TRANSMITTED PRESCRIPTION FROM AN  
24 AUTHORIZED PRESCRIBER;

25 (16) UNLESS AN AUTHORIZED PRESCRIBER AUTHORIZES THE REFILL,  
26 REFILLS A PRESCRIPTION FOR ANY DRUG, DEVICE, OR DIAGNOSTIC FOR WHICH A  
27 PRESCRIPTION IS REQUIRED;

28 (17) VIOLATES ANY LABELING REQUIREMENTS IN THIS TITLE;

29 (18) VIOLATES ANY PROVISION OF § 12-603 OF THIS TITLE, WHICH  
30 CONCERNS THE HOME DIALYSIS DISTRIBUTION PROGRAM;

31 (19) ADVERTISES OR OTHERWISE PUBLICLY CLAIMS TO DISPENSE  
32 PRESCRIPTIONS IN A SUPERIOR MANNER;

33 (20) ADVERTISES IN A MANNER THAT TENDS TO DECEIVE OR FRAUD  
34 THE PUBLIC;

35 (21) IS PHYSICALLY OR MENTALLY INCOMPETENT;

1 (22) PLEADED GUILTY OR NOLO CONTENDERE TO, OR HAS BEEN FOUND  
2 GUILTY OF, A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, REGARDLESS OF  
3 WHETHER:

4 (I) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION  
5 OF SENTENCE IS WITHHELD; OR

6 (II) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING  
7 THE MATTER;

8 (23) VIOLATES ANY PROVISION OF THIS TITLE;

9 (24) IS DISCIPLINED BY A LICENSING, REGISTERING, OR DISCIPLINARY  
10 AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A  
11 COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR  
12 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

13 (25) VIOLATES ANY REGULATION ADOPTED BY THE BOARD;

14 (26) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST  
15 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR  
16 WHICH THE REGISTERED PHARMACY TECHNICIAN IS REGISTERED AND QUALIFIED  
17 TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

18 (27) PARTICIPATES IN ANY ACTIVITY THAT IS GROUNDS FOR BOARD  
19 ACTION UNDER § 12-313 OR § 12-409 OF THIS TITLE;

20 (28) PROVIDES OR CAUSES TO BE PROVIDED CONFIDENTIAL PATIENT  
21 INFORMATION TO ANY PERSON WITHOUT FIRST HAVING OBTAINED THE PATIENT'S  
22 CONSENT, AS REQUIRED BY § 12-403(B)(13) OF THIS TITLE AND BY TITLE 4, SUBTITLE  
23 3 OF THE HEALTH - GENERAL ARTICLE;

24 (29) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED  
25 BY THE BOARD OR THE DIVISION OF DRUG CONTROL;

26 (30) PERFORMS DELEGATED PHARMACY ACTS IN AN INCOMPETENT  
27 MANNER; OR

28 (31) PERFORMS DELEGATED PHARMACY ACTS THAT ARE INAPPROPRIATE  
29 BASED ON THE REGISTERED PHARMACY TECHNICIAN'S EDUCATION, TRAINING, AND  
30 EXPERIENCE.

31 12-6B-10.

32 (A) IF AFTER A HEARING UNDER § 12-315 OF THIS TITLE, THE BOARD FINDS  
33 THAT THERE IS A GROUND UNDER § 12-6B-09 OF THIS SUBTITLE TO REPRIMAND A  
34 REGISTERED PHARMACY TECHNICIAN, PLACE A PHARMACY TECHNICIAN'S  
35 REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A PHARMACY  
36 TECHNICIAN'S REGISTRATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING  
37 \$2,500:

1 (1) INSTEAD OF REPRIMANDING THE REGISTERED PHARMACY  
2 TECHNICIAN, PLACING THE REGISTERED PHARMACY TECHNICIAN ON PROBATION,  
3 OR SUSPENDING OR REVOKING THE PHARMACY TECHNICIAN'S REGISTRATION; OR

4 (2) IN ADDITION TO REPRIMANDING THE REGISTERED PHARMACY  
5 TECHNICIAN, PLACING THE REGISTERED PHARMACY TECHNICIAN ON PROBATION,  
6 OR SUSPENDING OR REVOKING THE PHARMACY TECHNICIAN'S REGISTRATION.

7 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE  
8 IMPOSITION OF PENALTIES UNDER THIS SECTION.

9 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION  
10 INTO THE GENERAL FUND OF THIS STATE.

11 12-6B-11.

12 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A  
13 PHARMACY TECHNICIAN'S REGISTRATION, A REGISTERED PHARMACY TECHNICIAN  
14 MAY NOT SURRENDER THE PHARMACY TECHNICIAN'S REGISTRATION NOR MAY THE  
15 PHARMACY TECHNICIAN'S REGISTRATION LAPSE BY OPERATION OF LAW WHILE THE  
16 REGISTERED PHARMACY TECHNICIAN IS UNDER INVESTIGATION OR WHILE  
17 CHARGES ARE PENDING AGAINST A REGISTERED PHARMACY TECHNICIAN.

18 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE  
19 REGISTERED PHARMACY TECHNICIAN UNDER INVESTIGATION OR AGAINST WHOM  
20 CHARGES ARE PENDING TO ACCEPT THE SURRENDER OF THE PHARMACY  
21 TECHNICIAN'S REGISTRATION.

22 12-6B-12.

23 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT  
24 WORK, ATTEMPT TO WORK, OR OFFER TO WORK AS A REGISTERED PHARMACY  
25 TECHNICIAN IN THIS STATE UNLESS REGISTERED WITH THE BOARD.

26 12-6B-13.

27 (A) AN INDIVIDUAL MAY NOT OBTAIN A PHARMACY TECHNICIAN'S  
28 REGISTRATION BY MAKING A FALSE REPRESENTATION.

29 (B) ON CONVICTION OF AN INDIVIDUAL FOR MAKING A FALSE  
30 REPRESENTATION TO THE BOARD IN ORDER TO REGISTER AS A PHARMACY  
31 TECHNICIAN, THE PHARMACY TECHNICIAN'S REGISTRATION IS VOID.

32 12-6B-14.

33 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL  
34 MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES,  
35 METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS REGISTERED  
36 TO WORK AS A REGISTERED PHARMACY TECHNICIAN UNLESS REGISTERED IN  
37 ACCORDANCE WITH THIS SUBTITLE.

1 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL  
2 MAY NOT USE THE TERMS "REGISTERED PHARMACY TECHNICIAN" OR "PHARMACY  
3 TECHNICIAN" WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL IS  
4 AUTHORIZED TO WORK AS A REGISTERED PHARMACY TECHNICIAN UNLESS  
5 REGISTERED AS A PHARMACY TECHNICIAN UNDER THIS SUBTITLE.

6 12-707.

7 (a) A person who violates any provision of the following subtitles or sections of  
8 this title is guilty of a misdemeanor and on conviction is subject to a fine not  
9 exceeding \$1,000:

- 10 (1) § 12-311 ("Display of licenses");
- 11 (2) Subtitle 4 ("Pharmacy permits");
- 12 (3) § 12-502(b) ("Pharmaceutical information");
- 13 (4) § 12-505 ("Labeling requirements for prescription medicines"); and
- 14 (5) § 12-604 ("General power to inspect drugs, devices, and other  
15 products").

16 (b) A person who violates any provision of the following sections of this title is  
17 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or  
18 imprisonment not exceeding 1 year or both:

- 19 (1) § 12-602 ("Distribution permits");
- 20 (2) § 12-701 ("Practicing pharmacy without license");
- 21 (3) § 12-702 ("License obtained by false representation");
- 22 (4) § 12-703 ("Operating a pharmacy without permit"); [and]
- 23 (5) § 12-704 ("Misrepresentations"); AND
- 24 (6) § 12-6B-12 ("WORKING AS AN UNREGISTERED PHARMACY  
25 TECHNICIAN").

26 (c) Each day that a violation of any section of Subtitle 4 of this title continues  
27 constitutes a separate offense.

28 (d) Within 10 days after a court renders the conviction, the court shall report  
29 to the Board each conviction of a pharmacist OR REGISTERED PHARMACY  
30 TECHNICIAN for:

- 31 (1) Any crime regarding the pharmacy or drug laws that involves  
32 professional misconduct; or

1 (2) Any crime that involves the State law regarding controlled dangerous  
2 substances or the federal narcotic laws.

3 (e) (1) Any person who violates § 12-701 ("Practicing pharmacy without a  
4 license"), [or] § 12-703 ("Operating a pharmacy without a permit"), OR § 12-6B-12  
5 ("WORKING AS AN UNREGISTERED PHARMACY TECHNICIAN") of this [subtitle] TITLE  
6 is subject to a civil fine of not more than \$50,000 to be assessed by the Board.

7 (2) The Board shall pay any penalty collected under this subsection into  
8 the State Board of Pharmacy Fund.

9 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
10 read as follows:

11 **Article - Health Occupations**

12 12-6B-06.

13 (a) Registration authorizes a registered pharmacist technician to perform  
14 delegated pharmacy acts as defined in § 12-101 of this title while the registration is  
15 effective.

16 (b) A registered pharmacy technician or a pharmacy technician trainee may  
17 not:

18 (1) [Act within the parameters of a therapy management contract as  
19 provided under Subtitle 6A of this title;

20 (2)] Administer an influenza vaccination in accordance with § 12-508 of  
21 this title;

22 [(3)] (2) Delegate a pharmacy act that was delegated to the registered  
23 pharmacy technician or individual engaging in a Board approved technician training  
24 program; or

25 [(4)] (3) Perform other functions prohibited by regulations adopted by  
26 the Board.

27 SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of  
28 Pharmacy shall review its fees and expenditures for the registration of pharmacy  
29 technicians and report to the Senate Education, Health, and Environmental Affairs  
30 Committee and the House Health and Government Operations Committee by  
31 January 1, 2009, on the reasonableness of the fees to cover the expenditures.

32 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this  
33 Act shall take effect on the taking effect of the termination provision specified in  
34 Section 5 of Chapter 249 of the Acts of the General Assembly of 2002. If that  
35 termination provision takes effect, Section 1 of this Act shall be abrogated and of no  
36 further force and effect. This Act may not be interpreted to have any effect on that  
37 termination provision.

1 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions  
2 of Section 6 of this Act, this Act shall take effect July 1, 2006.