
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**

Introduced and read first time: January 30, 2006
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 1, 2006

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,
14 application requirements, continuing education requirements, terms of
15 registration, renewal procedures, causes for disciplinary action, certain
16 reporting requirements, certain representation requirements, and certain
17 penalties for registered pharmacy technicians; altering certain definitions;
18 defining certain terms; requiring the Board to review certain fees and
19 expenditures and report to certain committees of the General Assembly by a
20 certain date; providing for the effective date of certain provisions of this Act;
21 providing for the termination of certain provisions of this Act; and generally
22 relating to the registration and regulation of pharmacy technicians by the State
23 Board of Pharmacy.

24 BY repealing and reenacting, with amendments,

1 Article - Health Occupations
2 Section 12-101
3 Annotated Code of Maryland
4 (2005 Replacement Volume)

5 BY repealing and reenacting, with amendments,
6 Article - Health Occupations
7 Section 12-101
8 Annotated Code of Maryland
9 (2005 Replacement Volume)
10 (As enacted by Chapter 249 of the Acts of the General Assembly of 2002)

11 BY repealing and reenacting, with amendments,
12 Article - Health Occupations
13 Section 12-205, 12-206, 12-301(b), 12-307, 12-313, 12-315(a), 12-316, 12-317,
14 12-319, 12-320, 12-403, 12-505, and 12-707
15 Annotated Code of Maryland
16 (2005 Replacement Volume)

17 BY adding to
18 Article - Health Occupations
19 Section 12-6B-01 through 12-6B-14, inclusive, to be under the new subtitle
20 "Subtitle 6B. Registered Pharmacy Technicians"
21 Annotated Code of Maryland
22 (2005 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article - Health Occupations
25 Section 12-6B-06
26 Annotated Code of Maryland
27 (2005 Replacement Volume)
28 (As enacted by Section 3 of this Act)

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

31 **Article - Health Occupations**

32 12-101.

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

34 (b) "Authorized prescriber" means any licensed dentist, licensed physician,
35 licensed podiatrist, licensed veterinarian, certified nurse midwife to the extent
36 permitted in § 8-601 of this article, certified nurse practitioner to the extent

1 permitted in § 8-508 of this article, or other individual authorized by law to prescribe
2 prescription or nonprescription drugs or devices.

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

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

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

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

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

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

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

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

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

22 (III) THE DELEGATION OF A PHARMACY ACT BY A REGISTERED
23 PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY TECHNICIAN
24 TRAINEE;

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

27 (V) A PHARMACY ACTIVITY PERFORMED BY AN APPLICANT FOR A
28 LICENSE TO PRACTICE PHARMACY IN ACCORDANCE WITH REGULATIONS ADOPTED
29 BY THE BOARD; OR

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

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

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

35 (i) Surgical or dental instrument;

- 1 (ii) Physical therapy equipment;
- 2 (iii) X-ray apparatus; or
- 3 (iv) Component part or accessory of any of these items.

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

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

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

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

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

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

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

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

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

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

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

32 [(l)] (N) "Pharmaceutical care" means the provision of a patient's drug
33 regimen for the purpose of achieving definite outcomes related to the cure or
34 prevention of a disease, elimination or reduction of a patient's symptoms, or arresting
35 or slowing of a disease process by identifying, resolving, or preventing actual or

1 potential drug therapy problems and which may include patient counseling and
2 providing information to licensed and certified health care providers.

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

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

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

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

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

14 (i) Providing pharmaceutical care;

15 (ii) Compounding, dispensing, or distributing prescription drugs or
16 devices;

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

18 (iv) Monitoring prescriptions for prescription and nonprescription
19 drugs or devices;

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

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

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

27 (viii) Administering an influenza vaccination in accordance with §
28 12-508 of this title;

29 (IX) DELEGATING A PHARMACY ACT TO A REGISTERED PHARMACY
30 TECHNICIAN, PHARMACY STUDENT, OR AN INDIVIDUAL ENGAGED IN A BOARD
31 APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM; OR

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

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

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

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

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

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

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

14 **Article - Health Occupations**

15 12-101.

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

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

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

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

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

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

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

33 (E) (1) "DELEGATED PHARMACY ACT" MEANS ACTIVITY THAT CONSTITUTES
34 THE PRACTICE OF PHARMACY DELEGATED BY A LICENSED PHARMACIST UNDER THIS
35 TITLE AND REGULATIONS ADOPTED BY THE BOARD.

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

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

6 (III) THE DELEGATION OF A PHARMACY ACT BY A REGISTERED
7 PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY TECHNICIAN
8 TRAINEE;

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

11 (V) A PHARMACY ACTIVITY PERFORMED BY AN APPLICANT FOR A
12 LICENSE TO PRACTICE PHARMACY IN ACCORDANCE WITH REGULATIONS ADOPTED
13 BY THE BOARD; OR

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

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

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

19 (i) Surgical or dental instrument;

20 (ii) Physical therapy equipment;

21 (iii) X-ray apparatus; or

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

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24 PHYSICALLY AVAILABLE ON-SITE TO SUPERVISE THE PERFORMANCE OF
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26 [(f)] (H) "Dispense" or "dispensing" means the procedure which results in the
27 receipt of a prescription or nonprescription drug or device by a patient or the patient's
28 agent and which entails the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) Providing pharmaceutical care;

35 (ii) Compounding, dispensing, or distributing prescription drugs or
36 devices;

- 1 (iii) Compounding or dispensing nonprescription drugs or devices;
- 2 (iv) Monitoring prescriptions for prescription and nonprescription
- 3 drugs or devices;
- 4 (v) Providing information, explanation, or recommendations to
- 5 patients and health care practitioners about the safe and effective use of prescription
- 6 or nonprescription drugs or devices;
- 7 (vi) Identifying and appraising problems concerning the use or
- 8 monitoring of therapy with drugs or devices; [or]
- 9 (vii) Administering an influenza vaccination in accordance with §
- 10 12-508 of this title;

11 (VIII) DELEGATING A PHARMACY ACT TO A REGISTERED PHARMACY
 12 TECHNICIAN, PHARMACY STUDENT, OR AN INDIVIDUAL ENGAGED IN A BOARD
 13 APPROVED PHARMACY TECHNICIAN TRAINING PROGRAM; OR

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

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

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

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

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

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

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

30 **Article - Health Occupations**

31 12-205.

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

- 34 (1) Rules and bylaws that are necessary to do its business;

1 (2) Rules and regulations to carry out the provisions of this title;

2 (3) Rules and regulations that are necessary to protect the public health,
3 safety, and welfare and that establish standards for practicing pharmacy and
4 operating pharmacies, including rules and regulations that govern:

5 (i) Methods of advertising and promotion; and

6 (ii) Standards for filling and refilling prescriptions; and

7 (4) A code of conduct that specifies which behaviors are either required
8 or prohibited in the practice of pharmacy.

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

10 (1) Keep a record that includes:

11 (i) The name and place of the business or the home address of each
12 licensed pharmacist AND EACH REGISTERED PHARMACY TECHNICIAN; [and]

13 (ii) The facts concerning the issuance of that pharmacist's license;
14 and

15 (III) THE FACTS CONCERNING THE ISSUANCE OF THAT PHARMACY
16 TECHNICIAN'S REGISTRATION;

17 (2) Prepare and deliver to the Governor, the Secretary, and the Maryland
18 Pharmacists Association an annual report that:

19 (i) Summarizes the condition of pharmacy in this State; and

20 (ii) Includes a record of the proceedings of the Board; and

21 (3) Disclose any information contained in a record to any health
22 occupations regulatory board or agency of this State or another state if the health
23 occupations regulatory board or agency of this State or another state requests the
24 information in writing.

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

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

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

32 (I) EMPLOYER BASED PHARMACY TECHNICIAN EXAMINATIONS;

1 (II) NATIONALLY RECOGNIZED PHARMACY TECHNICIAN
2 EXAMINATIONS; AND

3 (IV) EXAMINATIONS FOR CERTIFICATION AS A PHARMACY
4 TECHNICIAN.

5 12-206.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 12-301.

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

7 12-307.

8 (a) A license authorizes the licensee to practice pharmacy while the license is
9 effective.

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

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

16 (D) A LICENSED PHARMACIST MAY DELEGATE PHARMACY ACTS TO A
17 REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY
18 TECHNICIAN TRAINEE PROVIDED THAT THE DELEGATED PHARMACY ACTS:

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

20 (2) ARE NOT REQUIRED TO BE PERFORMED BY A LICENSED
21 PHARMACIST;

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

24 (4) ARE APPROPRIATE TO THE EDUCATION, TRAINING, AND
25 EXPERIENCE OF THE REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT,
26 OR PHARMACY TECHNICIAN TRAINEE.

27 12-313.

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

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

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

- 1 (2) Fraudulently or deceptively uses a license;
- 2 (3) Aids an unauthorized individual to practice pharmacy or to represent
3 that the individual is a pharmacist OR A REGISTERED PHARMACY TECHNICIAN;
- 4 (4) DELEGATES PHARMACY ACTS TO AN UNAUTHORIZED INDIVIDUAL;
- 5 [(4)] (5) Provides professional services while:
- 6 (i) Under the influence of alcohol; or
- 7 (ii) Using any narcotic or controlled dangerous substance, as
8 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
9 therapeutic amounts or without valid medical indication;
- 10 [(5)] (6) Submits a false statement to collect a fee;
- 11 [(6)] (7) Willfully makes or files a false report or record as part of
12 practicing pharmacy;
- 13 [(7)] (8) Willfully fails to file or record any report that is required by law;
- 14 [(8)] (9) Willfully impedes or obstructs the filing or recording of any
15 report that is required by law;
- 16 [(9)] (10) Willfully induces another to fail to file or record any report that
17 is required by law;
- 18 [(10)] (11) Provides or causes to be provided to any authorized prescriber
19 prescription forms that bear the name, address, or other means of identification of a
20 pharmacist or pharmacy;
- 21 [(11)] (12) Provides remuneration to an authorized prescriber for referring
22 an individual to a pharmacist or pharmacy for a product or service to be provided by
23 that pharmacist or pharmacy;
- 24 [(12)] (13) Agrees with an authorized prescriber OR REGISTERED
25 PHARMACY TECHNICIAN to prepare or dispense a secret formula prescription;
- 26 [(13)] (14) Except as to an association that has remained in continuous
27 existence since July 1, 1963, associates as a partner, coowner, or employee of a
28 pharmacy that is owned wholly or substantially by an authorized prescriber or group
29 of authorized prescribers;
- 30 [(14)] (15) Dispenses any drug, device, or diagnostic for which a
31 prescription is required without a written, oral, or electronically transmitted
32 prescription from an authorized prescriber;
- 33 [(15)] (16) Except as provided in § 12-506 of this title, unless an
34 authorized prescriber authorizes the refill, refills a prescription for any drug, device,
35 or diagnostic for which a prescription is required;

1 [(16)] (17) Violates any provision of § 12-505 of this title, which concerns
2 the labeling requirements for prescriptions for drugs, devices, or diagnostics;

3 [(17)] (18) Violates any provision of § 12-603 of this title, which concerns
4 the home dialysis distribution program;

5 [(18)] (19) Advertises or otherwise publicly claims to dispense
6 prescriptions or practice pharmacy in a superior manner;

7 [(19)] (20) Advertises in a manner that tends to deceive or defraud the
8 public;

9 [(20)] (21) Is professionally, physically, or mentally incompetent;

10 [(21)] (22) Is convicted of or pleads guilty or nolo contendere to a felony or
11 to a crime involving moral turpitude, whether or not any appeal or other proceeding is
12 pending to have the conviction or plea set aside;

13 [(22)] (23) Is convicted of a violation of this title;

14 [(23)] (24) Is disciplined by a licensing or disciplinary authority of any
15 state or country or convicted or disciplined by a court of any state or country for an act
16 that would be grounds for disciplinary action under the Board's disciplinary statutes;

17 [(24)] (25) Violates any rule or regulation adopted by the Board;

18 [(25)] (26) Refuses, withholds from, denies, or discriminates against an
19 individual with regard to the provision of professional services for which the licensee
20 is licensed and qualified to render because the individual is HIV positive;

21 [(26)] (27) Violates any provision of § 12-507 of this title;

22 [(27)] (28) Provides or causes to be provided confidential patient
23 information to any person without first having obtained the patient's consent, as
24 required by § 12-403(b)(13) of this title and by Title 4, Subtitle 3 of the Health -
25 General Article; [or]

26 [(28)] (29) Fails to cooperate with a lawful investigation conducted by the
27 Board or the Division of Drug Control;

28 (30) DELEGATES PHARMACY ACTS TO A REGISTERED PHARMACY
29 TECHNICIAN, PHARMACY STUDENT, OR A PHARMACY TECHNICIAN TRAINEE
30 OUTSIDE THE SCOPE OF EDUCATION, TRAINING, EXPERIENCE, AND AREA OF
31 PRACTICE OF A LICENSED PHARMACIST; OR

32 (31) DELEGATES PHARMACY ACTS THAT ARE INAPPROPRIATE FOR A
33 REGISTERED PHARMACY TECHNICIAN, PHARMACY STUDENT, OR PHARMACY
34 TECHNICIAN TRAINEE WHO DOES NOT HAVE THE EDUCATION, TRAINING, OR
35 EXPERIENCE TO PERFORM THE DELEGATED PHARMACY ACTS.

1 12-315.

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

6 12-316.

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

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

11 (2) Then take any further appeal allowed by the Administrative
12 Procedure Act.

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

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

18 12-317.

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

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

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

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

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

34 (d) A person who acts in good faith and within the scope of jurisdiction of a
35 pharmacist rehabilitation committee is not civilly liable for any action as a member of

1 the pharmacist rehabilitation committee or for giving information to, participating in,
2 or contributing to the function of the pharmacist rehabilitation committee.

3 12-319.

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

6 (1) The unauthorized practice of pharmacy; or

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

9 (b) An action may be brought by:

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

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

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

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

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

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

20 12-320.

21 (a) In investigating an allegation brought against a licensee OR REGISTERED
22 PHARMACY TECHNICIAN under this title, if the Board has reason to believe that a
23 licensee OR REGISTERED PHARMACY TECHNICIAN may cause harm to a person
24 affected by the licensee's practice OR THE ACTS OF A REGISTERED PHARMACY
25 TECHNICIAN, the Board on its own initiative may direct the licensee OR REGISTERED
26 PHARMACY TECHNICIAN to submit to an appropriate examination by a health care
27 provider designated by the Board.

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

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

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

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

7 (d) The Board shall pay the cost of any examination made under this section.
8 12-403.

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

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

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

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

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

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

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

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

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

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

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

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

36 1. The practice specialty of that pharmacy; and

1 TECHNICIAN to comply with the labeling requirements specified in § 12-505 of this
2 title;

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

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

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

15 (18) (i) May maintain a record log of any prescription that is requested
16 to be filled or refilled by a patient in accordance with the provisions of Title 4, Subtitle
17 3 of the Health - General Article;

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

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

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

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

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

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

34 (d) A nonresident pharmacy shall hold a pharmacy permit issued by the
35 Board.

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

- 1 (i) Submit an application to the Board on the form that the Board
2 requires;
- 3 (ii) Pay to the Board an application fee set by the Board;
- 4 (iii) Submit a copy of the most recent inspection report resulting
5 from an inspection conducted by the regulatory or licensing agency of the state in
6 which the nonresident pharmacy is located; and
- 7 (iv) On the required permit application, identify the name and
8 current address of an agent located in this State officially designated to accept service
9 of process.
- 10 (2) A nonresident pharmacy shall report a change in the name or address
11 of the resident agent in writing to the Board 30 days prior to the change.
- 12 (f) A nonresident pharmacy shall:
- 13 (1) Comply with the laws of the state in which it is located;
- 14 (2) On an annual basis and within 30 days after a change of office,
15 corporate officer, or pharmacist, disclose to the Board the location, names, and titles
16 of all principal corporate officers and all pharmacists who are dispensing
17 prescriptions for drugs or devices to persons in this State;
- 18 (3) Comply with all lawful directions and requests for information from
19 the regulatory or licensing agency of the state in which it is located and all requests
20 for information made by the Board pursuant to this section;
- 21 (4) Maintain at all times a valid, unexpired permit to conduct a
22 pharmacy in compliance with the laws of the state in which it is located;
- 23 (5) Maintain its records of prescription drugs or devices dispensed to
24 patients in this State so that the records are readily retrievable;
- 25 (6) During its regular hours of operation, but not less than 6 days a
26 week, and for a minimum of 40 hours per week, provide toll-free telephone service to
27 facilitate communication between patients in this State and a pharmacist who has
28 access to the patient's prescription records;
- 29 (7) Disclose its toll-free telephone number on a label affixed to each
30 container of drugs or devices;
- 31 (8) Comply with the laws of this State relating to the confidentiality of
32 prescription records if there are no laws relating to the confidentiality of prescription
33 records in the state in which the nonresident pharmacy is located; and
- 34 (9) Comply with the requirements of subsection (b)(17) of this section.
- 35 (g) Subject to the hearing provisions of § 12-411 of this subtitle, if a pharmacy
36 or a nonresident pharmacy is operated in violation of this section, the Board may

1 suspend the applicable pharmacy permit until the pharmacy complies with this
2 section.

3 12-505.

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

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

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

11 (2) Unless otherwise required by the prescriber:

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

14 1. 1 year from the date of dispensing;

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

16 3. The appropriate expiration date for repackaged drugs or
17 devices; or

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

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

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

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

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

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

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

- 1 (i) The name and strength of the drug or device;
- 2 (ii) The date the prescription is dispensed;
- 3 (iii) An expiration date of the drug or device which shall be the
4 lesser of:
- 5 1. 1 year from the date of dispensing;
- 6 2. The month and year when the drug or device expires; or
- 7 3. A shorter period as determined by the authorized
8 prescriber; and
- 9 (iv) Any appropriate special handling instructions regarding proper
10 storage of the drug or device.
- 11 (3) The labeling requirements of this subsection do not apply if the
12 authorized prescriber dispenses the drug or device:
- 13 (i) To an inpatient in a hospital or related institution;
- 14 (ii) In an emergency situation; or
- 15 (iii) As a sample drug or device dispensed in the regular course of
16 the authorized prescriber's practice.
- 17 (e) So long as any of the original contents remain in the container, a person
18 may not alter, deface, or remove any label required by this section.

19 SUBTITLE 6B. REGISTERED PHARMACY TECHNICIANS.

20 12-6B-01.

21 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ON OR AFTER JANUARY
22 1, 2007, AN INDIVIDUAL SHALL BE REGISTERED AND APPROVED BY THE BOARD AS A
23 PHARMACY TECHNICIAN BEFORE THE INDIVIDUAL MAY PERFORM DELEGATED
24 PHARMACY ACTS.

25 (B) THIS SECTION DOES NOT APPLY TO:

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

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

1 (1) THE APPLICANT HAS WORKED IN THE PHARMACY AREA OF A
2 PHARMACY OPERATED BY THE SAME PHARMACY PERMIT HOLDER SINCE JANUARY 1,
3 2004;

4 (2) THE PHARMACY PERMIT HOLDER FOR WHOM THE APPLICANT
5 WORKS ATTESTS IN WRITING THAT THE APPLICANT HAS WORKED IN THE PHARMACY
6 AREA OPERATED BY THE PHARMACY PERMIT HOLDER CONTINUOUSLY SINCE
7 JANUARY 1, 2004;

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

11 (4) THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF
12 SUBSECTION (B) OF THIS SECTION.

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

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

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

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

23 (II) 1. PROVIDES SUFFICIENT EVIDENCE THAT THE APPLICANT
24 WAS REGISTERED IN A STATE WITH REGISTRATION OR LICENSING REQUIREMENTS
25 THAT ARE SUBSTANTIALLY SIMILAR TO THE REGISTRATION REQUIREMENTS OF THIS
26 SUBTITLE; OR

27 2. HAS WORKED AS A PHARMACY TECHNICIAN IN ANOTHER
28 STATE AND SATISFIES ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE
29 BOARD IN REGULATION.

30 12-6B-03.

31 (A) AN APPLICANT FOR REGISTRATION SHALL:

32 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
33 BOARD REQUIRES;

34 (2) PROVIDE DOCUMENTATION OF THE COMPLETION OF A PHARMACY
35 TECHNICIAN TRAINING PROGRAM UNDER § 12-6B-02(B)(5) OF THIS SUBTITLE;

1 (3) PROVIDE DOCUMENTATION OF HAVING SUCCESSFULLY COMPLETED
2 AN EXAMINATION APPROVED BY THE BOARD;

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

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

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

7 12-6B-04.

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

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

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

14 12-6B-05.

15 (A) A REGISTERED PHARMACY TECHNICIAN SHALL NOTIFY THE BOARD OF
16 EACH PLEA OF GUILTY FOR, CONVICTION OF, OR ENTRY OF A PLEA OF NOLO
17 CONTENDERE FOR A FELONY OR A CRIME INVOLVING MORAL TURPITUDE,
18 REGARDLESS OF WHETHER:

19 (1) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION OF
20 SENTENCE IS WITHHELD; OR

21 (2) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING THE
22 MATTER.

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

25 12-6B-06.

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

29 (B) A REGISTERED PHARMACY TECHNICIAN OR A PHARMACY TECHNICIAN
30 TRAINEE MAY NOT:

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

33 (2) ADMINISTER AN INFLUENZA VACCINATION IN ACCORDANCE WITH §
34 12-508 OF THIS TITLE;

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

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

6 12-6B-07.

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

10 (2) THE ABILITY OF A REGISTERED PHARMACY TECHNICIAN TO
11 FUNCTION AS A PHARMACY TECHNICIAN TERMINATES ON THE DATE OF EXPIRATION
12 OF THE PHARMACY TECHNICIAN'S REGISTRATION UNLESS RENEWED.

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

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

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

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

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

28 (3) THE AMOUNT OF THE RENEWAL FEE.

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

32 (1) OTHERWISE IS ENTITLED TO BE REGISTERED AS A PHARMACY
33 TECHNICIAN;

34 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
35 THAT THE BOARD REQUIRES;

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

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

4 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
5 ESTABLISHED BY THE BOARD, THE BOARD SHALL ESTABLISH CONTINUING
6 EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF REGISTRATIONS
7 UNDER THIS SECTION.

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

10 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
11 REGISTRATION OF A PHARMACY TECHNICIAN WHO QUALIFIED FOR REGISTRATION
12 UNDER § 12-6B-02(D) OF THIS SUBTITLE PERMANENTLY EXPIRES ON THE DATE THE
13 REGISTERED PHARMACY TECHNICIAN'S EMPLOYMENT TERMINATES WITH THE
14 PHARMACY PERMIT HOLDER THAT MADE THE ATTESTATION REQUIRED UNDER §
15 12-6B-02(D) OF THIS SUBTITLE.

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

18 (I) AT THE TIME OF TERMINATION, NOTIFIES THE BOARD OF THE
19 TERMINATION DATE;

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

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

24 12-6B-08.

25 (A) EACH REGISTERED PHARMACY TECHNICIAN SHALL:

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

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

31 (B) WHEN PERFORMING DELEGATED PHARMACY ACTS, THE REGISTERED
32 PHARMACY TECHNICIAN SHALL WEAR IDENTIFICATION THAT CONSPICUOUSLY
33 IDENTIFIES THE REGISTERED PHARMACY TECHNICIAN AS A REGISTERED
34 PHARMACY TECHNICIAN.

1 12-6B-09.

2 SUBJECT TO THE HEARING PROVISION OF § 12-315 OF THIS TITLE, THE BOARD
3 MAY DENY A PHARMACY TECHNICIAN'S REGISTRATION TO ANY APPLICANT,
4 REPRIMAND A REGISTERED PHARMACY TECHNICIAN, PLACE ANY PHARMACY
5 TECHNICIAN'S REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A
6 PHARMACY TECHNICIAN'S REGISTRATION IF THE APPLICANT OR PHARMACY
7 TECHNICIAN REGISTRANT:

8 (1) PERFORMS AN ACT THAT IS RESTRICTED TO A LICENSED
9 PHARMACIST;

10 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
11 OBTAIN A PHARMACY TECHNICIAN'S REGISTRATION FOR THE APPLICANT OR ASSISTS
12 OR ATTEMPTS TO ASSIST ANOTHER IN FRAUDULENTLY OR DECEPTIVELY OBTAINING
13 A PHARMACY TECHNICIAN'S REGISTRATION;

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

15 (4) KNOWINGLY AIDS AN UNAUTHORIZED INDIVIDUAL TO PRACTICE
16 PHARMACY OR TO REPRESENT THAT THE INDIVIDUAL IS A LICENSED PHARMACIST
17 OR REGISTERED PHARMACY TECHNICIAN;

18 (5) PERFORMS DELEGATED PHARMACY ACTS WHILE:

19 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

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

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

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

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

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

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

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

1 (12) PROVIDES REMUNERATION TO AN AUTHORIZED PRESCRIBER FOR
2 REFERRING AN INDIVIDUAL TO A LICENSED PHARMACIST, REGISTERED PHARMACY
3 TECHNICIAN, OR PHARMACY FOR A PRODUCT OR SERVICE TO BE PROVIDED BY THAT
4 LICENSED PHARMACIST, REGISTERED PHARMACY TECHNICIAN, OR PHARMACY;

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

7 (14) EXCEPT AS TO AN ASSOCIATION THAT HAS REMAINED IN
8 CONTINUOUS EXISTENCE SINCE JULY 1, 1963, ASSOCIATES AS A PARTNER,
9 CO-OWNER, OR EMPLOYEE OF A PHARMACY THAT IS OWNED WHOLLY OR
10 SUBSTANTIALLY BY AN AUTHORIZED PRESCRIBER OR GROUP OF AUTHORIZED
11 PRESCRIBERS;

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

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

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

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

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

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

26 (21) IS PHYSICALLY OR MENTALLY INCOMPETENT;

27 (22) PLEADED GUILTY OR NOLO CONTENDERE TO, OR HAS BEEN FOUND
28 GUILTY OF, A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, REGARDLESS OF
29 WHETHER:

30 (I) AN ADJUDICATION OF GUILT OR SENTENCING OR IMPOSITION
31 OF SENTENCE IS WITHHELD; OR

32 (II) ANY APPEAL OR OTHER PROCEEDING IS PENDING REGARDING
33 THE MATTER;

34 (23) VIOLATES ANY PROVISION OF THIS TITLE;

35 (24) IS DISCIPLINED BY A LICENSING, REGISTERING, OR DISCIPLINARY
36 AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A

1 COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR
2 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

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

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

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

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

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

16 (30) PERFORMS DELEGATED PHARMACY ACTS IN AN INCOMPETENT
17 MANNER; OR

18 (31) PERFORMS DELEGATED PHARMACY ACTS THAT ARE INAPPROPRIATE
19 BASED ON THE REGISTERED PHARMACY TECHNICIAN'S EDUCATION, TRAINING, AND
20 EXPERIENCE.

21 12-6B-10.

22 (A) IF AFTER A HEARING UNDER § 12-315 OF THIS TITLE, THE BOARD FINDS
23 THAT THERE IS A GROUND UNDER § 12-6B-09 OF THIS SUBTITLE TO REPRIMAND A
24 REGISTERED PHARMACY TECHNICIAN, PLACE A PHARMACY TECHNICIAN'S
25 REGISTRATION ON PROBATION, OR SUSPEND OR REVOKE A PHARMACY
26 TECHNICIAN'S REGISTRATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING
27 \$2,500:

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

31 (2) IN ADDITION TO REPRIMANDING THE REGISTERED PHARMACY
32 TECHNICIAN, PLACING THE REGISTERED PHARMACY TECHNICIAN ON PROBATION,
33 OR SUSPENDING OR REVOKING THE PHARMACY TECHNICIAN'S REGISTRATION.

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

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

1 12-6B-11.

2 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
3 PHARMACY TECHNICIAN'S REGISTRATION, A REGISTERED PHARMACY TECHNICIAN
4 MAY NOT SURRENDER THE PHARMACY TECHNICIAN'S REGISTRATION NOR MAY THE
5 PHARMACY TECHNICIAN'S REGISTRATION LAPSE BY OPERATION OF LAW WHILE THE
6 REGISTERED PHARMACY TECHNICIAN IS UNDER INVESTIGATION OR WHILE
7 CHARGES ARE PENDING AGAINST A REGISTERED PHARMACY TECHNICIAN.

8 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
9 REGISTERED PHARMACY TECHNICIAN UNDER INVESTIGATION OR AGAINST WHOM
10 CHARGES ARE PENDING TO ACCEPT THE SURRENDER OF THE PHARMACY
11 TECHNICIAN'S REGISTRATION.

12 12-6B-12.

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

16 12-6B-13.

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

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

22 12-6B-14.

23 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
24 MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES,
25 METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS REGISTERED
26 TO WORK AS A REGISTERED PHARMACY TECHNICIAN UNLESS REGISTERED IN
27 ACCORDANCE WITH THIS SUBTITLE.

28 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL
29 MAY NOT USE THE TERMS "REGISTERED PHARMACY TECHNICIAN" OR "PHARMACY
30 TECHNICIAN" WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL IS
31 AUTHORIZED TO WORK AS A REGISTERED PHARMACY TECHNICIAN UNLESS
32 REGISTERED AS A PHARMACY TECHNICIAN UNDER THIS SUBTITLE.

33 12-707.

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

37 (1) § 12-311 ("Display of licenses");

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

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

- 9 (1) § 12-602 ("Distribution permits");
10 (2) § 12-701 ("Practicing pharmacy without license");
11 (3) § 12-702 ("License obtained by false representation");
12 (4) § 12-703 ("Operating a pharmacy without permit"); [and]
13 (5) § 12-704 ("Misrepresentations"); AND
14 (6) § 12-6B-12 ("WORKING AS AN UNREGISTERED PHARMACY
15 TECHNICIAN").

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

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

- 21 (1) Any crime regarding the pharmacy or drug laws that involves
22 professional misconduct; or
23 (2) Any crime that involves the State law regarding controlled dangerous
24 substances or the federal narcotic laws.

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

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

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

1

Article - Health Occupations

2 12-6B-06.

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

6 (b) A registered pharmacy technician or a pharmacy technician trainee may
7 not:

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

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

12 [(3)] (2) Delegate a pharmacy act that was delegated to the registered
13 pharmacy technician or individual engaging in a Board approved technician training
14 program; or

15 [(4)] (3) Perform other functions prohibited by regulations adopted by
16 the Board.

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

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

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