6lr3071 J1SB 541/05 - EHE CF SB 297

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Introduced and read first time: February 8, 2006 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 Public Health - Licensed Pharmacists - Contraception Dispensing Program

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- FOR the purpose of establishing the Contraception Dispensing Program in the 3
- Department of Health and Mental Hygiene; providing for the purpose of the 4
- Program; authorizing the Department to adopt certain regulations, collect 5
- certain fees, issue and renew certificates to certain licensed pharmacists, and 6
- conduct and approve certain educational training programs; requiring that 7
- 8 licensed pharmacists, to qualify for a certificate, complete certain educational
- 9 training programs; requiring applicants for certificates to submit certain
- 10 applications and pay a certain application fee; requiring the Department or
- certain entities to issue a certificate to certain licensed pharmacists; requiring 11
- 12 the certificates to include certain information; providing for the replacement,
- 13 duration, and renewal process of the certificates; authorizing licensed
- 14 pharmacists who are certified to dispense emergency contraception without a
- 15 certain prescription in accordance with certain procedures; requiring certain
- licensed pharmacists and the Department to develop a written protocol 16
- authorizing certain licensed pharmacists to dispense emergency contraception; 17
- 18 requiring certain licensed pharmacists to follow a certain procedure prior to
- dispensing emergency contraception; requiring the Department to develop 19
- certain fact sheets, in consultation with certain entities, to distribute to certain 20
- individuals; requiring certain licensed pharmacists to record the number of 21
- 22 individuals receiving emergency contraception and to report the number at
- 23 certain times to the Department; requiring review and modification of the
- 24 protocol by the Department at certain times; providing that this Act does not
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- affect, and may not be construed as affecting, the requirements of existing law 26 relating to maintaining the confidentiality of medical records; prohibiting a
- 27 cause of action to arise against certain licensed pharmacists except under
- 28 certain circumstances; providing that this Act does not affect, and may not be
- 29 construed as affecting, certain immunities or defenses to which licensed
- 30 pharmacists may be entitled; providing that this Act may not be construed to

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- require a licensed pharmacist to obtain a certain certificate or participate in a
- 2 certain program; requiring certain regulations be adopted within a certain
- 3 period of time; defining certain terms; and generally relating to licensed
- 4 pharmacists and the Contraception Dispensing Program.
- 5 BY adding to
- 6 Article Health General
- 7 Section 13-2301 through 13-2308, inclusive, to be under the new subtitle
- 8 "Subtitle 23. Contraception Dispensing Program"
- 9 Annotated Code of Maryland
- 10 (2005 Replacement Volume and 2005 Supplement)
- 11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 12 MARYLAND, That the Laws of Maryland read as follows:
- 13 Article Health General
- 14 SUBTITLE 23. CONTRACEPTION DISPENSING PROGRAM.
- 15 13-2301.
- 16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS 17 INDICATED.
- 18 (B) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE DEPARTMENT OR A
- 19 PRIVATE OR PUBLIC ENTITY TO DISPENSE EMERGENCY CONTRACEPTION.
- 20 (C) (1) "EMERGENCY CONTRACEPTION" MEANS MEDICATION THAT
- 21 PREVENTS PREGNANCY AFTER SEXUAL INTERCOURSE.
- 22 (2) "EMERGENCY CONTRACEPTION" DOES NOT INCLUDE
- 23 ABORTIFACIENTS.
- 24 (D) "PROGRAM" MEANS THE CONTRACEPTION DISPENSING PROGRAM.
- 25 13-2302.
- 26 (A) THERE IS A CONTRACEPTION DISPENSING PROGRAM IN THE
- 27 DEPARTMENT.
- 28 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF
- 29 AUTHORIZING LICENSED PHARMACISTS TO DISPENSE EMERGENCY
- 30 CONTRACEPTION.
- 31 13-2303.
- 32 THE DEPARTMENT SHALL:
- 33 (1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;

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COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE 1 2 PROGRAM: ISSUE AND RENEW CERTIFICATES TO LICENSED PHARMACISTS WHO 4 MEET THE REQUIREMENTS OF THIS SUBTITLE; AND CONDUCT EDUCATIONAL TRAINING PROGRAMS DESCRIBED (I) 6 UNDER § 13-2304 OF THIS SUBTITLE; AND APPROVE EDUCATIONAL TRAINING PROGRAMS CONDUCTED BY 7 8 OTHER STATE AGENCIES OR PRIVATE ENTITIES. 9 13-2304. 10 (A) TO QUALIFY FOR A CERTIFICATE, A LICENSED PHARMACIST SHALL 11 SUCCESSFULLY COMPLETE AN EDUCATIONAL TRAINING PROGRAM APPROVED BY 12 THE DEPARTMENT. EDUCATIONAL TRAINING PROGRAMS REQUIRED UNDER THIS SECTION 13 (B) 14 SHALL INCLUDE: CONDUCT OF SENSITIVE COMMUNICATIONS: 15 (1) 16 (2) QUALITY ASSURANCE; 17 REFERRAL TO ADDITIONAL SERVICES; AND (3) 18 (4) DOCUMENTATION. 19 13-2305. AN APPLICANT FOR A CERTIFICATE SHALL: 20 SUBMIT AN APPLICATION TO THE DEPARTMENT OR A PRIVATE OR 21 (1) 22 PUBLIC ENTITY ON THE FORM THAT THE DEPARTMENT REQUIRES; AND PAY TO THE DEPARTMENT OR A PRIVATE OR PUBLIC ENTITY THE 23 (2)24 APPLICATION FEE SET BY THE DEPARTMENT. 25 13-2306. THE DEPARTMENT OR A PRIVATE OR PUBLIC ENTITY SHALL ISSUE A 26 (A) 27 CERTIFICATE TO ANY LICENSED PHARMACIST WHO MEETS THE REQUIREMENTS OF 28 THIS SUBTITLE. 29 (B) EACH CERTIFICATE SHALL INCLUDE: 30 (1) THE FULL NAME OF THE CERTIFICATE HOLDER; AND A SERIAL NUMBER. 31 (2)

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33 INCLUDES:

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INFORMATION ON:

UNOFFICIAL COPY OF HOUSE BILL 828 1 (C) A REPLACEMENT CERTIFICATE MAY BE ISSUED TO REPLACE A LOST, 2 DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE 3 CERTIFICATE REPLACEMENT FEE. THE CERTIFICATE SHALL BE VALID FOR 3 YEARS. 4 (D) (1) (2) IN ORDER TO RENEW THE CERTIFICATE FOR AN ADDITIONAL 3 6 YEARS, THE APPLICANT SHALL: 7 (I) SUCCESSFULLY COMPLETE A REFRESHER TRAINING PROGRAM 8 APPROVED BY THE DEPARTMENT; OR (II)DEMONSTRATE PROFICIENCY TO THE DEPARTMENT OR A 10 PRIVATE OR PUBLIC ENTITY ISSUING CERTIFICATES UNDER THIS SUBTITLE. 11 13-2307. 12 A LICENSED PHARMACIST WHO IS CERTIFIED MAY DISPENSE EMERGENCY (A) 13 CONTRACEPTION WITHOUT A PRESCRIPTION FROM A LICENSED PHYSICIAN, IF THE 14 PHARMACIST FOLLOWS A WRITTEN PROTOCOL DEVELOPED BY THE DEPARTMENT. THE PROTOCOL DEVELOPED UNDER SUBSECTION (A)(1) OF THIS SECTION 15 (B) 16 SHALL: 17 (1) AUTHORIZE THE PHARMACIST TO DISPENSE EMERGENCY 18 CONTRACEPTION TO WOMEN WHO HAVE RECENTLY HAD UNPROTECTED SEXUAL 19 INTERCOURSE OR CONTRACEPTIVE FAILURE, AND WHO WISH TO PREVENT 20 PREGNANCY; AND 21 (2)DEFINE THE MAXIMUM NUMBER OF DAYS AFTER UNPROTECTED 22 SEXUAL INTERCOURSE OR CONTRACEPTIVE FAILURE THAT THE PHARMACIST MAY 23 DISPENSE EMERGENCY CONTRACEPTION. THE PHARMACIST SHALL MAINTAIN A COPY OF THE WRITTEN PROTOCOL 24 (C) 25 IN THE PHARMACIST'S OFFICE FILES. 26 (D) PRIOR TO DISPENSING EMERGENCY CONTRACEPTION, THE PHARMACIST 27 SHALL: SCREEN THE WOMAN FOR APPROPRIATENESS OF EMERGENCY 28 (1) 29 CONTRACEPTION IN ACCORDANCE WITH THE WRITTEN PROTOCOL; PROVIDE THE WOMAN WITH ANY PRINTED MATERIALS AND 30 (2)31 PACKAGE INSERTS THAT ACCOMPANY THE EMERGENCY CONTRACEPTION;

PROVIDE THE WOMAN WITH A STANDARDIZED FACT SHEET THAT

INDICATIONS FOR USE OF THE DRUG;

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- 1 2. APPROPRIATE METHODS FOR USING THE DRUG; AND
- 2 3. THE NEED FOR MEDICAL FOLLOW-UP; AND
- 3 (II) TO THE EXTENT PRACTICABLE, A LIST, PROVIDED BY THE
- 4 STATE BOARD OF PHYSICIANS, OF THE NAMES OF THE PRACTICING GYNECOLOGISTS
- 5 IN THE COUNTY IN WHICH THE WOMAN IS RECEIVING THE EMERGENCY
- 6 CONTRACEPTION; AND
- 7 (4) PROVIDE THE WOMAN WITH A STANDARDIZED FACT SHEET THAT
- 8 INCLUDES INFORMATION ON THE RISKS AND EFFECTS OF SEXUALLY TRANSMITTED
- 9 DISEASES.
- 10 (E) (1) THE DEPARTMENT SHALL DEVELOP THE FACT SHEETS REQUIRED
- 11 UNDER SUBSECTION (D)(3) AND (4) OF THIS SECTION IN CONSULTATION WITH THE
- 12 STATE BOARD OF PHARMACY, THE AMERICAN COLLEGE OF OBSTETRICIANS AND
- 13 GYNECOLOGISTS, THE MARYLAND PHARMACISTS ASSOCIATION, AND OTHER HEALTH
- 14 CARE ORGANIZATIONS.
- 15 (2) THIS SUBSECTION DOES NOT PRECLUDE THE USE OF EXISTING
- 16 PUBLICATIONS DEVELOPED BY NATIONALLY RECOGNIZED MEDICAL
- 17 ORGANIZATIONS.
- 18 (F) THE PHARMACIST SHALL RECORD THE NUMBER OF WOMEN RECEIVING
- 19 EMERGENCY CONTRACEPTION FROM THE PHARMACIST, AND SHALL FORWARD
- 20 THOSE NUMBERS QUARTERLY TO THE DEPARTMENT.
- 21 (G) (1) THE DEPARTMENT SHALL MODIFY THE PROTOCOL AS NEEDED.
- 22 (2) THE DEPARTMENT SHALL REVIEW THE PROTOCOL AT LEAST
- 23 ANNUALLY TO DETERMINE WHETHER MODIFICATIONS ARE APPROPRIATE.
- 24 13-2308.
- 25 (A) A CAUSE OF ACTION MAY NOT ARISE AGAINST A LICENSED PHARMACIST
- 26 CERTIFIED UNDER THIS SUBTITLE FOR ANY ACT OR OMISSION WHEN THE LICENSED
- 27 PHARMACIST IS ACTING IN GOOD FAITH WHILE DISPENSING EMERGENCY
- 28 CONTRACEPTION, EXCEPT WHERE THE CONDUCT OF THE CERTIFIED LICENSED
- 29 PHARMACIST AMOUNTS TO GROSS NEGLIGENCE, WILLFUL OR WANTON
- 30 MISCONDUCT, OR INTENTIONALLY TORTIOUS CONDUCT.
- 31 (B) THIS SUBTITLE DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS
- 32 AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED
- 33 BY ANY OTHER PROVISIONS OF THE CODE OR BY COMMON LAW TO WHICH A
- 34 LICENSED PHARMACIST MAY BE ENTITLED.
- 35 (C) THIS SUBTITLE DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS
- 36 AFFECTING, THE REQUIREMENTS OF EXISTING LAW RELATING TO MAINTAINING
- 37 THE CONFIDENTIALITY OF MEDICAL RECORDS.
- 38 SECTION 2. AND BE IT FURTHER ENACTED, That the regulations
- 39 required by this Act shall be adopted within 6 months of the effective date of this Act.
- 40 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
- 41 effect October 1, 2006.