

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 624

(Senator Colburn)

Finance

Health and Government Operations

Maryland Medical Assistance Program - Prescriptions

This bill specifies that a prescription may be written or oral under the Medicaid program, except for a drug that contains a substance listed on Schedule II or that is determined by the Secretary of Health and Mental Hygiene to present an emerging threat because of increased abuse or diversion. A pharmacist may not dispense a drug on an oral prescription unless the pharmacist promptly writes out and files the prescription.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing Medicaid resources. No effect on revenues.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Under the Maryland Food, Drug, and Cosmetic Act, a prescription may be written or oral. However, a pharmacist may not dispense a drug on an oral prescription unless the pharmacist promptly writes out and files the prescription.

State regulations provide that a person may not dispense a controlled dangerous substance without a written prescription from an authorized provider if the substance is: (1) listed in Schedule II; and (2) a drug limited to prescription use under the Health – General Article. These drugs may only be dispensed without a written prescription by:

(1) an authorized provider who is not a pharmacist and who dispenses the controlled dangerous substance directly to an ultimate user; or (2) a pharmacist if an emergency exists, the pharmacist dispenses the drug under regulations of the Department of Health and Mental Hygiene on an oral prescription that the pharmacist reduces promptly to writing and keeps on file, and federal law authorizes the oral prescription.

Medicaid does not currently provide coverage for oral prescriptions. Federal Medicaid regulations require that a written record of a prescription be maintained on file with a pharmacist. Medicare does not provide coverage for oral prescriptions for pain medications.

Background: Schedule II drugs include certain narcotic, stimulant, and depressant drugs. Some examples are morphine, cocaine, and oxycodone.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Medicaid), Maryland Insurance Administration, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2006
mll/jr Revised - Senate Third Reader - March 24, 2006

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