

SENATE BILL 242

J2
SB 433/08 – EHE

9lr1110

By: **Senators Pugh, Garagiola, Harrington, King, Lenett, Muse, ~~and Raskin~~
Raskin, and Klausmeier**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Pharmacy Permit Holders – Signs for Reporting~~ **Dispensation of Prescription**
3 **Medication – Provision of Information Relating to Incorrectly Filled**
4 **Prescriptions**

5 FOR the purpose of specifying that certain dentists, physicians, and podiatrists are
6 not prohibited from preparing and dispensing certain prescriptions when the
7 dentists, physicians, and podiatrists post certain signs or include certain
8 information with certain prescriptions; requiring pharmacy permit holders to
9 ~~post certain signs that include~~ provide certain information regarding the
10 process for resolving incorrectly filled prescriptions in accordance with certain
11 regulations by posting certain signs or including certain information with
12 certain prescriptions; ~~requiring that certain signs be positioned and readable at~~
13 ~~certain points where certain drugs are dispensed to consumers;~~ requiring the
14 State Board of Pharmacy to waive certain requirements of this Act for certain
15 pharmacies; requiring certain pharmacies to comply with certain provisions of
16 this Act; and generally relating to ~~pharmacy permit holders and signs~~ the
17 provision of information relating to the process for resolving incorrectly filled
18 prescriptions.

19 BY repealing and reenacting, with amendments,
20 Article – Health Occupations
21 Section 12–102(c)(2)(i) and 12–403(b)(18) and (19) and (f)(9)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Health Occupations
 3 Section 12–403(b)(20) and (c)(3)
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2008 Supplement)

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

8 **Article – Health Occupations**

9 12–102.

10 (c) This title does not prohibit:

11 (2) A licensed dentist, physician, or podiatrist from personally
 12 preparing and dispensing the dentist’s, physician’s, or podiatrist’s prescriptions when:

13 (i) The dentist, physician, or podiatrist:

14 1. Has applied to the board of licensure in this State
 15 which licensed the dentist, physician, or podiatrist;

16 2. Has demonstrated to the satisfaction of that board
 17 that the dispensing of prescription drugs or devices by the dentist, physician, or
 18 podiatrist is in the public interest; [and]

19 3. Has received a written permit from that board to
 20 dispense prescription drugs or devices except that a written permit is not required in
 21 order to dispense starter dosages or samples without charge; AND

22 4. **POSTS A SIGN CONSPICUOUSLY POSITIONED AND**
 23 **READABLE REGARDING THE PROCESS FOR RESOLVING INCORRECTLY FILLED**
 24 **PRESCRIPTIONS OR INCLUDES WRITTEN INFORMATION REGARDING THE**
 25 **PROCESS WITH EACH PRESCRIPTION DISPENSED;**

26 12–403.

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

29 (18) (i) May maintain a record log of any prescription that is
 30 requested to be filled or refilled by a patient in accordance with the provisions of Title
 31 4, Subtitle 3 of the Health – General Article;

32 (ii) If the prescription record of a patient includes the patient’s
 33 Social Security number, shall keep the Social Security number confidential;

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

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

7 (19) May not allow an unauthorized individual to represent that the
 8 individual is a pharmacist or registered pharmacy technician[.]; AND

9 (20) ~~SHALL POST A SIGN THAT:~~

10 ~~(I) INCLUDES PROVIDE INFORMATION REGARDING THE~~
 11 ~~PROCESS FOR RESOLVING INCORRECTLY FILLED PRESCRIPTIONS IN~~
 12 ~~ACCORDANCE WITH EXISTING REGULATIONS; AND~~

13 ~~(H) IS BY:~~

14 (I) POSTING A SIGN THAT IS CONSPICUOUSLY POSITIONED
 15 AND READABLE BY CONSUMERS AT THE POINT WHERE PRESCRIPTION DRUGS
 16 ARE DISPENSED TO CONSUMERS; OR

17 (II) INCLUDING WRITTEN INFORMATION REGARDING THE
 18 PROCESS WITH EACH PRESCRIPTION DISPENSED.

19 (c) (3) THE BOARD SHALL WAIVE THE REQUIREMENTS OF
 20 SUBSECTION (B)(20) OF THIS SECTION FOR A PHARMACY OWNED AND
 21 OPERATED BY A HOSPITAL, NURSING FACILITY, OR CLINIC TO WHICH THE
 22 PUBLIC DOES NOT HAVE ACCESS TO PURCHASE PHARMACEUTICALS ON A
 23 RETAIL BASIS.

24 (f) A nonresident pharmacy shall:

25 (9) Comply with the requirements of subsection (b)(17) AND (20) of
 26 this section.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 October 1, 2009.