

CHAPTER 45

(Senate Bill 242)

AN ACT concerning

Pharmacy Permit Holders – Signs for Reporting Dispensation of Prescription Medication – Provision of Information Relating to Incorrectly Filled Prescriptions

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

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

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

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

Article – Health Occupations

12–102.

(c) This title does not prohibit:

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

(i) The dentist, physician, or podiatrist:

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

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

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

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

12-403.

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

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

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

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

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

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

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

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

~~(II) IS BY:~~

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

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

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

(f) A nonresident pharmacy shall:

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

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

Approved by the Governor, April 14, 2009.