

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 242

(Senator Pugh, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

**Dispensation of Prescription Medication - Provision of Information Relating to
Incorrectly Filled Prescriptions**

This bill requires pharmacies in the State to either post a sign or include written information with each prescription dispensed that includes information regarding the process for resolving incorrectly filled prescriptions. If a sign is posted, it must be in a conspicuous place and readable by consumers at the point where prescription drugs are dispensed. The bill does not apply to a pharmacy that is 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. However, nonresident pharmacies must comply. Finally, the bill specifies that a licensed dentist, physician, or podiatrist who prepares and dispenses his or her own prescriptions meet the bill's requirements.

Fiscal Summary

State Effect: The bill's requirements do not affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person must hold a pharmacy permit issued by the State Board of Pharmacy in order to establish or operate a pharmacy in Maryland. Drugs that are dispensed under a prescription have to include certain label information including the name and address of the dispenser; the serial number of the prescription; the date of the

prescription; the name of the prescriber; and if stated in the prescription, the name of the patient, directions for use, and cautionary statements.

If a pharmacy or nonresident pharmacy operates in violation of statute, the board can suspend the pharmacy permit until compliance is met.

Regulations require a pharmacy permit holder to provide patients with information regarding the patient's role and responsibility in preventing medication errors. Information provided to patients has to include, among other things, how to report a suspected medication error to the board, permit holder, pharmacist, health care facility, or health care provider.

A licensed dentist, physician, or podiatrist may personally prepare and dispense a prescription if he or she has applied to the appropriate State licensure board; demonstrated to the board's satisfaction that the dispensing is in the public interest; and received a permit from the appropriate board to dispense the prescription drugs or devices. A permit is not required to dispense free samples.

Background: According to the board, there are 1,219 pharmacies and 341 nonresident pharmacies holding Maryland permits.

Additional Information

Prior Introductions: SB 433 of 2008 passed the Senate as amended but received an unfavorable report from the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2009
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