

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 783 (Delegate Reznik, *et al.*)
Health and Government Operations

**State Board of Pharmacy - Jurisdiction over Dentists Who Prepare and Dispense
Dental Products and Antibiotics**

This bill specifies that a licensed dentist may personally prepare and dispense, without being subject to dispensing permit requirements, a (1) prescription-strength home fluoride product, dentin/enamel remineralizing product, or antimicrobial rinse or (2) full course of treatment of antibiotics for infection control for a patient who is receiving the dental care *pro bono* if there is no charge for the antibiotics. A dentist who dispenses a product or drug under the bill must enter an appropriate record on the patient's chart.

Fiscal Summary

State Effect: Potential minimal reduction in special fund revenues and expenditures for the State Board of Dental Examiners beginning in FY 2014 to the extent that the number of dispensing permits declines under the bill. Given that the number of dispensing permits held by dentists is already small, any impact on the board and inspections is likely negligible.

Local Effect: None.

Small Business Effect: Potential minimal for small business dental practices.

Analysis

Current Law: A licensed dentist, physician, or podiatrist may personally prepare and dispense prescription drugs or devices if he or she holds a written dispensing permit from his or her respective licensing board and meets other specified criteria.

Under existing regulations, a dispensing permit is valid for five years and subject to a fee of \$75 for dentists and \$50 for physicians and podiatrists, payable to the respective board. In addition to these requirements, a practitioner who dispenses controlled dangerous substances (CDS) must have a permit from the U.S. Drug Enforcement Agency and register with the Division of Drug Control (DDC). A registration certificate to dispense CDS costs \$120 and is renewable every two years.

Chapter 267 of 2012 (SB 603), which takes effect July 1, 2013, will require DDC to inspect the office of a dentist, physician, or podiatrist who holds an initial dispensing permit within six months of receiving notice of the initial licensure and at least one more time within the duration of the permit. With respect to a holder of a renewal permit, DDC must inspect the office of the holder at least two times within the duration of the permit. DDC must promptly report the results of these inspections to the respective licensing boards.

A dentist, physician, or podiatrist who dispenses prescription drugs or devices must comply with prescription drug labeling requirements, record the dispensing on a patient's chart, allow DDC to enter and inspect the practitioner's office at all reasonable hours, provide the patient with a written prescription, and maintain prescription files in a specified manner. A dentist, physician, or podiatrist who dispenses may not have a substantial financial interest in a pharmacy, direct patients to a single pharmacist or pharmacy, or receive remuneration for referring patients to a pharmacist or pharmacy.

Effective July 1, 2013, a dentist, physician, or podiatrist who dispenses must also (1) comply with drug recalls and child-resistant packaging requirements; (2) maintain biennial inventories and comply with recordkeeping requirements relating to CDS; (3) purchase prescription drugs from a pharmacy or wholesale distributor that holds a permit issued by the State Board of Pharmacy; (4) report annually to the respective board of licensure whether he or she has personally prepared and dispensed prescription drugs within the previous year; (5) complete 10 continuing education credits as a condition of permit renewal; and (6) on inspection by DDC, sign and date an acknowledgement form relating to these and other requirements.

Background: According to the board, 52 dentists currently hold a dispensing permit. The bill allows dentists who only prepare and dispense specific dental products, or antibiotics in the course of *pro bono* work, to do so without the need to apply for a dispensing permit and be inspected by DDC. According to the Department of Health and Mental Hygiene, the bill may ensure better access to dental products and antibiotics for infection control following dental work, particularly in rural areas where traveling to a pharmacy might otherwise disrupt patient compliance.

Additional Information

Prior Introductions: None.

Cross File: None designated; however, SB 515 (Senator Middleton – Education, Health, and Environmental Affairs) is identical.

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

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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510