

SENATE BILL 412

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4lr2067
CF HB 303

By: **Senator Dyson**

Introduced and read first time: January 24, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Licensed Dentists Who ~~Prepare and~~ Dispense**
3 **Antibiotics – Exclusion From Maryland Pharmacy Act**

4 FOR the purpose of providing that the Maryland Pharmacy Act does not prohibit,
5 under certain circumstances, a licensed dentist from ~~personally preparing and~~
6 dispensing a full course of treatment of antibiotics to a patient for infection
7 control; and generally relating to the exclusion of licensed dentists from the
8 Maryland Pharmacy Act.

9 BY repealing and reenacting, without amendments,
10 Article – Health Occupations
11 Section 12–102(a)(1) and (3)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY adding to
15 Article – Health Occupations
16 Section 12–102(h)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health Occupations
21 Section 12–102(h), (i), and (j)
22 Annotated Code of Maryland

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.



(2009 Replacement Volume and 2013 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.

(a) (1) In this section the following terms have the meanings indicated.

(3) “Personally preparing and dispensing” means that the licensed dentist, physician, or podiatrist:

(i) Is physically present on the premises where the prescription is filled; and

(ii) Performs a final check of the prescription before it is provided to the patient.

(H) THIS TITLE DOES NOT PROHIBIT A LICENSED DENTIST FROM ~~PERSONALLY PREPARING AND~~ DISPENSING A FULL COURSE OF ANTIBIOTICS TO A PATIENT FOR INFECTION CONTROL IF:

(1) THE PATIENT IS RECEIVING PRO BONO DENTAL CARE;

(2) THERE IS NO CHARGE FOR THE ANTIBIOTICS; ~~AND~~

(3) THE LICENSED DENTIST ENTERS AN APPROPRIATE RECORD OF THE TREATMENT IN THE PATIENT’S CHART; AND

(4) THE LICENSED DENTIST AFFIXES A LABEL ON THE ANTIBIOTIC CONTAINER THAT INCLUDES:

(I) THE NAME OF THE PATIENT; AND

(II) UNLESS ALREADY PRINTED ON THE CONTAINER:

1. THE EXPIRATION DATE OF THE ANTIBIOTIC; AND

2. THE INSTRUCTIONS FOR TAKING THE ANTIBIOTIC.

[h] (I) This title does not limit the right of a general merchant to sell:

(1) Any nonprescription drug or device;

1 (2) Any commonly used household or domestic remedy; or

2 (3) Any farm remedy or ingredient for a spraying solution, in bulk or
3 otherwise.

4 **[(i)] (J)** The Board of Pharmacy, the Board of Dental Examiners, the Board
5 of Physicians, and the Board of Podiatric Medical Examiners annually shall report to
6 the Division of Drug Control:

7 (1) The names and addresses of its licensees who are authorized to
8 personally prepare and dispense prescription drugs; and

9 (2) The names and addresses of its licensees who have reported, in
10 accordance with subsection (c)(2)(iv)12 of this section, that they have personally
11 prepared and dispensed prescription drugs within the previous year.

12 **[(j)] (K)** A dentist, physician, or podiatrist who fails to comply with the
13 provisions of this section governing the dispensing of prescription drugs or devices
14 shall:

15 (1) Have the dispensing permit revoked; and

16 (2) Be subject to disciplinary actions by the appropriate licensing
17 board.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.