

SENATE BILL 549

J2

8lr2798
CF HB 591

By: **Senators Zucker and Conway**

Introduced and read first time: January 31, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Physician Assistants – Dispensing of Drugs Under a**
3 **Delegation Agreement**

4 FOR the purpose of altering the required contents of a certain delegation agreement in
5 order for a primary supervising physician to delegate to a certain physician assistant
6 the dispensing of certain substances, drugs, and devices; prohibiting a primary
7 supervising physician from delegating the dispensing of certain controlled dangerous
8 substances identified as Schedule I under a certain provision of law; authorizing a
9 primary supervising physician to delegate the dispensing of certain controlled
10 dangerous substances to a physician assistant who holds certain registrations;
11 repealing a provision of law that authorizes a physician assistant to personally
12 dispense a starter dose or drug samples under certain circumstances; making
13 conforming changes; altering a certain definition; and generally relating to the
14 dispensing of drugs by physician assistants.

15 BY repealing and reenacting, without amendments,
16 Article – Health Occupations
17 Section 15–101(a)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 15–101(j) and 15–302.2
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2017 Supplement)

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

27 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-101.

2 (a) In this title the following words have the meanings indicated.

3 (j) "Dispense" OR "**DISPENSING**" [means to dispense drug samples or starter
4 dosages] **HAS THE MEANING STATED IN § 12-101 OF THIS ARTICLE.**

5 15-302.2.

6 (a) A primary supervising physician may not delegate prescribing, dispensing,
7 and administering of controlled dangerous substances, prescription drugs, or medical
8 devices unless the primary supervising physician and physician assistant include in the
9 delegation agreement:

10 (1) A notice of intent to delegate prescribing **AND, IF APPLICABLE,**
11 **DISPENSING** of controlled dangerous substances, prescription drugs, or medical devices;

12 (2) An attestation that all prescribing **AND, IF APPLICABLE, DISPENSING**
13 activities of the physician assistant will comply with applicable federal and State
14 regulations;

15 (3) An attestation that all medical charts or records will contain a notation
16 of any prescriptions written **OR DISPENSED** by a physician assistant in accordance with
17 this section;

18 (4) An attestation that all prescriptions written **OR DISPENSED** under this
19 section will include the physician assistant's name and the supervising physician's name,
20 business address, and business telephone number legibly written or printed;

21 (5) An attestation that the physician assistant has:

22 (i) Passed the physician assistant national certification exam
23 administered by the National Commission on the Certification of Physician Assistants
24 within the previous 2 years; or

25 (ii) Successfully completed 8 category 1 hours of pharmacology
26 education within the previous 2 years; and

27 (6) An attestation that the physician assistant has:

28 (i) A bachelor's degree or its equivalent; or

29 (ii) Successfully completed 2 years of work experience as a physician
30 assistant.

1 (b) (1) A primary supervising physician may not delegate the prescribing **OR**
2 **DISPENSING** of substances that are identified as Schedule I controlled dangerous
3 substances under § 5–402 of the Criminal Law Article.

4 (2) A primary supervising physician may delegate the prescribing **OR**
5 **DISPENSING** of substances that are identified as Schedules II through V controlled
6 dangerous substances under § 5–402 of the Criminal Law Article, including legend drugs
7 as defined under § 503(b) of the Federal Food, Drug, and Cosmetic Act.

8 (3) A primary supervising physician may not delegate the prescribing **OR**
9 **DISPENSING** of controlled dangerous substances to a physician assistant unless the
10 physician assistant has a valid:

11 (i) State controlled dangerous substance registration; and

12 (ii) Federal Drug Enforcement Agency (DEA) registration.

13 [(c) A physician assistant personally may dispense a starter dosage or dispense
14 drug samples of any drug the physician assistant is authorized to prescribe to a patient of
15 the physician assistant if:

16 (1) The starter dosage or drug sample complies with the labeling
17 requirements of § 12–505 of this article;

18 (2) No charge is made for the starter dosage; and

19 (3) The physician assistant enters an appropriate record in the patient’s
20 medical record.

21 (d) A physician assistant who personally dispenses a drug sample or starter
22 dosage in the course of treating a patient as authorized under subsection (c) of this section
23 shall comply with the requirements under Titles 12 and 14 of this article and applicable
24 federal law and regulations.]

25 [(e)] (C) Before a physician assistant may renew a license for an additional
26 2–year term under § 15–307 of this subtitle, the physician assistant shall submit evidence
27 to the Board of successful completion of 8 category 1 hours of pharmacology education
28 within the previous 2 years.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2018.