

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 549

(Senators Zucker and Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

Health Occupations - Physician Assistants - Dispensing of Drugs Under a
Delegation Agreement

This bill authorizes a physician assistant to personally prepare and dispense a drug that the physician assistant is authorized to prescribe under a delegation agreement if (1) the supervising physician possesses a dispensing permit and (2) the physician assistant only dispenses drugs within the supervising physician's scope of practice and within the scope of the delegation agreement. The bill repeals authorization for a physician assistant to personally dispense a starter dosage or samples of a drug. The bill further establishes that a delegation agreement must include specified provisions relating to dispensing authorization and makes a series of conforming changes.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Under the Maryland Pharmacy Act, a person must be licensed by the State Board of Pharmacy in order to practice pharmacy in the State, which includes the dispensing of prescription drugs. "Dispensing" means the procedure that results in the receipt of a prescription or nonprescription drug or device by a patient or the patient's agent and that entails (1) the interpretation of an authorized prescriber's prescription for a drug

or device; (2) the selection and labeling of the drug or device prescribed pursuant to that prescription; and (3) measuring and packaging of the prescribed drug or device in accordance with State and federal laws. This requirement does not prohibit specified individuals from personally preparing and dispensing prescriptions under specified circumstances, including a licensed physician who personally prepares and dispenses the physician's prescriptions.

Chapter 116 of 2016 clarified that a licensed physician may personally prepare and dispense a prescription written by a physician assistant in accordance with an authorized delegation agreement or a prescription written by a certified nurse practitioner who works with the physician in the same office setting, if the physician otherwise complies with dispensing requirements.

A physician may delegate medical acts to a physician assistant by filing and executing a delegation agreement with the State Board of Physicians (MBP). A physician assistant may only practice under the supervision of a licensed physician and may only perform tasks that are authorized in a delegation agreement. A delegation agreement that includes specified tasks requires approval by MBP. A primary supervising physician may delegate the prescribing, dispensing, or administering of controlled dangerous substances, prescription drugs, or medical devices if the delegation agreement includes specified information.

State Fiscal Effect: MBP advises that in order to implement the bill, a new “dispensing authority” application must be created and that other modifications to delegation agreement applications must be made. MBP must also modify its information technology system to accommodate new statistical data regarding dispensing authority. MBP advises that such changes can be absorbed within existing budgeted resources. MBP further advises that it does not anticipate any change in dispensing permit fee revenue, as the bill does not require physician assistants to obtain their own dispensing permits.

The Office of Controlled Substances Administration (OCSA) similarly advises that, as the bill does not require physician assistants to obtain their own dispensing permits, OCSA does not anticipate any additional inspections as a result of the bill.

Additional Information

Prior Introductions: HB 1124 of 2017, a bill with similar provisions, was withdrawn after receiving a hearing in the House Health and Government Operations Committee.

Cross File: HB 591 (Delegate Platt) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2018
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Analysis by: Sasika Subramaniam

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