

SENATE BILL 577

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CF HB 419

By: **Senators Young and Rosapepe**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Administering Injectable Medications and Biological Products**

3 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
4 regulations to administer an injectable medication or a biological product to a patient
5 under certain circumstances; requiring the State Board of Pharmacy, on or before a
6 certain date and in consultation with the State Board of Physicians and the State
7 Board of Nursing, to adopt certain regulations for pharmacists to administer an
8 injectable medication or a biological product; establishing certain requirements for
9 the regulations; requiring the Maryland Medical Assistance Program and the
10 Maryland Children’s Health Program to provide coverage for the administering of
11 certain self-administered medications, injectable medications, or biological products
12 rendered by a licensed pharmacist to the same extent as the services rendered by
13 any other licensed health care practitioner; requiring certain insurers, nonprofit
14 health service plans, and health maintenance organizations to provide coverage for
15 the administering of certain self-administered medications, injectable medications,
16 or biological products rendered by a licensed pharmacist to the same extent as the
17 services rendered by any other licensed health care practitioner; altering a certain
18 definition; providing for the application of certain provisions of this Act; and
19 generally relating to the administering of injectable medications and biological
20 products by pharmacists.

21 BY repealing and reenacting, with amendments,
22 Article – Health – General
23 Section 15–148(c)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Health Occupations
28 Section 12–101(a) and (c)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2014 Replacement Volume and 2018 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – Health Occupations
 4 Section 12–101(x)(1)(viii) and 12–509
 5 Annotated Code of Maryland
 6 (2014 Replacement Volume and 2018 Supplement)

7 BY adding to
 8 Article – Insurance
 9 Section 15–716
 10 Annotated Code of Maryland
 11 (2017 Replacement Volume and 2018 Supplement)

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

14 **Article – Health – General**

15 15–148.

16 (c) The Program and the Maryland Children’s Health Program shall provide
 17 coverage for services, **TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER**
 18 **LICENSED HEALTH CARE PRACTITIONER**, rendered to an enrollee by a licensed
 19 pharmacist under:

20 **(1) § 12–509 OF THE HEALTH OCCUPATIONS ARTICLE IN**
 21 **ADMINISTERING SELF–ADMINISTERED MEDICATIONS, INJECTABLE MEDICATIONS,**
 22 **OR BIOLOGICAL PRODUCTS; OR**

23 **(2) § 12–511 of the Health Occupations Article**[, to the same extent as
 24 services rendered by any other licensed health care practitioner,] in screening an enrollee
 25 and prescribing contraceptives for the enrollee.

26 **Article – Health Occupations**

27 12–101.

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

29 (c) “Biological product” has the meaning stated in 42 U.S.C. § 262.

30 (x) (1) “Practice pharmacy” means to engage in any of the following activities:

31 (viii) Administering vaccinations in accordance with § 12–508 of this
 32 title or self–administered drugs, **INJECTABLE MEDICATIONS, OR BIOLOGICAL**

1 **PRODUCTS** in accordance with § 12–509 of this title;
2 12–509.

3 **(A)** In addition to the authority granted to a pharmacist under § 12–508 of this
4 subtitle, a pharmacist, in accordance with regulations adopted by the Board, may
5 administer [a]:

6 **(1)** A self-administered drug to a patient that is prescribed by an
7 authorized prescriber; AND

8 **(2)** AN INJECTABLE MEDICATION OR A BIOLOGICAL PRODUCT TO A
9 PATIENT:

10 **(I)** THAT IS PRESCRIBED BY AN AUTHORIZED PRESCRIBER;

11 **(II)** IN ACCORDANCE WITH A STANDING ORDER ISSUED BY AN
12 AUTHORIZED PUBLIC HEALTH OFFICIAL; OR

13 **(III)** IN ACCORDANCE WITH A PROTOCOL UNDER SUBTITLE 6A
14 OF THIS TITLE.

15 **(B)** **(1)** ON OR BEFORE SEPTEMBER 1, 2020, THE BOARD, IN
16 CONSULTATION WITH THE STATE BOARD OF PHYSICIANS AND THE STATE BOARD
17 OF NURSING, SHALL ADOPT REGULATIONS ESTABLISHING STANDARD PROCEDURES:

18 **(I)** THAT A PHARMACIST MUST USE TO ADMINISTER AN
19 INJECTABLE MEDICATION OR A BIOLOGICAL PRODUCT; AND

20 **(II)** FOR COMMUNICATING TO THE PRESCRIBER WHETHER A
21 MEDICATION WAS ADMINISTERED TO A SPECIFIC PATIENT AND PERTINENT
22 INFORMATION ABOUT THE PATIENT'S CONDITION.

23 **(2)** THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

24 **(I)** EXCEPT AS PROVIDED IN PARAGRAPH **(3)** OF THIS
25 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR:

26 1. ADMINISTERING INJECTABLE MEDICATIONS AND
27 BIOLOGICAL PRODUCTS; AND

28 2. MANAGING THE POPULATIONS THE PHARMACIST
29 SERVES, THE MEDICATIONS BEING ADMINISTERED, AND THE CURRENT GUIDELINES
30 RELATING TO THESE POPULATIONS AND MEDICATIONS;

1 (II) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
2 THE BOARD; AND

3 (III) AFTER ADMINISTERING AN INJECTABLE MEDICATION OR A
4 BIOLOGICAL PRODUCT:

5 1. NOTIFY THE PRESCRIBER THAT THE INJECTABLE
6 MEDICATION OR BIOLOGICAL PRODUCT WAS ADMINISTERED AND OF ANY
7 PERTINENT DETAILS ABOUT THE PATIENT'S CONDITION;

8 2. PROVIDE THE PATIENT WITH A WRITTEN RECORD OF
9 THE INJECTABLE MEDICATION OR BIOLOGICAL PRODUCT ADMINISTERED;

10 3. RECORD IN ANY ELECTRONIC OR WRITTEN HEALTH
11 RECORD ON THE PATIENT MAINTAINED BY THE PHARMACIST:

12 A. THE ADMINISTERING OF THE INJECTABLE
13 MEDICATION OR BIOLOGICAL PRODUCT; AND

14 B. ANY PERTINENT DETAILS ABOUT THE PATIENT'S
15 CONDITION; AND

16 4. NOTIFY THE PATIENT OF THE NEED TO ATTEND ANY
17 UPCOMING APPOINTMENTS THE PATIENT HAS SCHEDULED WITH THE PRESCRIBER.

18 (3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO
19 COMPLETE A TRAINING PROGRAM FOR A PHARMACIST WHO ALREADY HAS
20 UNDERGONE THE TRAINING AS PART OF THE PHARMACIST'S FORMAL EDUCATIONAL
21 PROGRAM.

22 Article – Insurance

23 15-716.

24 (A) THIS SECTION APPLIES TO INDIVIDUAL, GROUP, OR BLANKET HEALTH
25 INSURANCE POLICIES AND CONTRACTS DELIVERED OR ISSUED FOR DELIVERY IN
26 THE STATE BY INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH
27 MAINTENANCE ORGANIZATIONS FOR COVERAGE FOR SELF-ADMINISTERED
28 MEDICATIONS, INJECTABLE MEDICATIONS, AND BIOLOGICAL PRODUCTS.

29 (B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR
30 SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12-509 OF THE
31 HEALTH OCCUPATIONS ARTICLE TO AN INDIVIDUAL WHO IS COVERED UNDER A

1 **POLICY OR CONTRACT ISSUED OR DELIVERED BY THE ENTITY, TO THE SAME EXTENT**
2 **AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER, IN**
3 **ADMINISTERING SELF-ADMINISTERED MEDICATIONS, INJECTABLE MEDICATIONS,**
4 **OR BIOLOGICAL PRODUCTS.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That § 15-716 of the Insurance
6 Article, as enacted by Section 1 of this Act, shall apply to all policies and contracts issued,
7 delivered, or renewed in the State on or after January 1, 2020.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.