Department of Legislative Services

Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 577 (Senators Young and Rosapepe)

Education, Health, and Environmental Affairs and Finance

Pharmacists - Administering Injectable Medications and Biological Products

This bill authorizes a licensed pharmacist to administer an injectable medication or a biological product to a patient under specified circumstances. By September 1, 2020, the State Board of Pharmacy, in consultation with specified stakeholders, must adopt regulations establishing standard procedures. Specified insurers, nonprofit health service plans, and health maintenance organizations, as well as Medicaid and the Maryland Children's Health Program (MCHP), must provide coverage for the administration of a self-administered drug, injectable medication, or biological product rendered by a licensed pharmacist to the same extent as services rendered by any other licensed health care practitioner. The bill's insurance provisions apply to all policies and contracts issued, delivered, or renewed in the State on or after January 1, 2020.

Fiscal Summary

State Effect: Minimal increase in special fund revenues for the Maryland Insurance Administration (MIA) in FY 2020 from the $125 rate and form filing fee. MIA can likely review additional filings with existing resources. The State Board of Pharmacy can adopt and implement regulations with existing resources. No impact on Medicaid/MCHP or the State Employee and Retiree Health and Welfare Benefits Program.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A licensed pharmacist may administer an injectable medication or a biological product (1) that is prescribed by an authorized prescriber; (2) in accordance with a standing order issued by an authorized public health official; or (3) in accordance with a drug therapy management protocol.

By September 1, 2020, the State Board of Pharmacy, in consultation with the State Board of Physicians and the State Board of Nursing, must adopt regulations establishing specified standard procedures. The regulations must require a pharmacist to (1) complete a board-approved training program (unless the pharmacist has received this training as part of the pharmacist's formal educational training); (2) follow the standard procedures established by the board; and (3) after administering an injectable medication or biological product, notify the prescriber, provide the patient with a written record, and record specified information in the patient's health record.

Current Law/Background: An individual must be licensed by the State Board of Pharmacy to practice pharmacy in the State. The practice of pharmacy includes compounding, dispensing, or distributing prescription drugs or devices; monitoring prescriptions; providing information, explanation, and recommendations to patients and health care practitioners about the safe and effective use of prescription drugs or devices; providing drug therapy management; administering vaccinations; and administering a self-administered drug to a patient in accordance with regulations adopted by the board.

To administer vaccinations, a pharmacist must submit a registration form to the board that includes verification that the pharmacist has successfully completed a specified certification course and is certified in cardiopulmonary resuscitation.

Chapters 820 and 821 of 2017 expanded the scope of practice for a licensed pharmacist, who meets specified requirements, to include prescribing and dispensing contraceptive medications and self-administered contraceptive devices approved by the U.S. Food and Drug Administration.

The Drug Therapy Management Program authorizes physicians and pharmacists to enter into a therapy management contract that specifies treatment protocols for patient care. An authorized prescriber who has entered into such an agreement must submit specified documentation to the State Board of Pharmacy.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein (except any chemically synthesized polypeptide), or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the

prevention, treatment, or cure of a disease or condition of human beings. Examples of biological products include Lantus (a long-acting form of insulin), Humira and Embrel (used to treat rheumatoid arthritis), and Botox.

Many medications may be prescribed in an injectable form, including long-acting antipsychotic medications, anticoagulants, hormones, contraceptives, and vitamins.

Small Business Effect: Small business pharmacies may administer injectable medications or biological products.

Additional Information

Prior Introductions: None.

Cross File: HB 419 (Delegate K. Young, *et al.*) - Health and Government Operations.

Information Source(s): Department of Budget and Management; Maryland Department of Health; Maryland Insurance Administration; Department of Legislative Services

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