SENATE BILL 440

By: Senators Hayes, Benson, Ellis, Kramer, Patterson, and Washington
Introduced and read first time: January 27, 2020
Assigned to: Education, Health, and Environmental Affairs and Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 11, 2020

CHAPTER ______

AN ACT concerning

Pharmacists – Aids for the Cessation of Tobacco Product Use

FOR the purpose of authorizing a pharmacist who meets the requirements of certain regulations to prescribe and dispense certain aids for the cessation of the use of tobacco products; requiring the State Board of Pharmacy, on or before a certain date, to adopt regulations establishing certain procedures and conditions relating to the prescribing and dispensing of certain aids for the cessation of the use of tobacco products; requiring the Maryland Medical Assistance Program and the Maryland Children’s Health Program to provide coverage for certain services rendered by a licensed pharmacist under this Act to the same extent as certain services rendered by any other licensed health care practitioner; altering a certain definition; and generally relating to the prescribing and dispensing of aids for the cessation of the use of tobacco products.

BY repealing and reenacting, without amendments,
Article Health General
Section 15–101(a), (b), and (h)
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to
Article Health General
Section 15–150
Annotated Code of Maryland
(2019 Replacement Volume)

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.
BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–101(a) and (b)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–101(x)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY adding to
Article – Health Occupations
Section 12–513
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

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

Article – Health – General

15–101.

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

(b) “Enrollee” means a program recipient who is enrolled in a managed care organization.

(h) “Program” means the Maryland Medical Assistance Program.

15–150.

The Program and the Maryland Children’s Health Program shall provide coverage for services rendered to an enrollee by a licensed pharmacist under § 12–513 of the Health Occupations Article, to the same extent as services rendered by any other licensed health care practitioner, in screening an enrollee and prescribing medications approved by the U.S. Food and Drug Administration as an aid for the cessation of the use of tobacco products for the enrollee.

Article – Health Occupations

12–101.
(a) In this title the following words have the meanings indicated.

(b) “Authorized prescriber” means any licensed dentist, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority under § 8–508 of this article, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

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

(i) Providing pharmaceutical care;

(ii) Compounding, dispensing, or distributing prescription drugs or devices;

(iii) Compounding or dispensing nonprescription drugs or devices;

(iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;

(v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;

(vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;

(vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;

(viii) Administering vaccinations in accordance with § 12–508 of this title or self–administered drugs in accordance with § 12–509 of this title;

(ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(xi) Providing drug therapy management in accordance with § 19–713.6 of the Health – General Article; [or]

(xii) Prescribing and dispensing contraceptive medications and self–administered contraceptive devices approved by the U.S. Food and Drug Administration; OR
(XIII) Prescribing and dispensing nicotine replacement therapy medications approved by the U.S. Food and Drug Administration as an aid for the cessation of the use of tobacco products.

(2) “Practice pharmacy” does not include the operations of a person who holds a permit issued under § 12–6C–03 of this title.

12–513.

(A) A pharmacist who meets the requirements of the regulations adopted under this section may prescribe and dispense nicotine replacement therapy medications approved by the U.S. Food and Drug Administration as an aid for the cessation of the use of tobacco products.

(B) (1) On or before September 1, 2021, the Board shall adopt regulations establishing:

(i) Standard procedures that a pharmacist shall use to:

1. Prescribe and dispense to a patient the appropriate aid for the cessation of the use of tobacco products by the patient; and

2. Refer the patient to a primary care practitioner for treatment; and

(ii) The conditions under which a pharmacist may prescribe and dispense an aid for the cessation of the use of tobacco products.

(2) The regulations shall require a pharmacist to:

(i) Except as provided in paragraph (3) of this subsection, complete a training program approved by the Board for prescribing and dispensing aids for the cessation of the use of tobacco products;

(ii) Follow the standard procedures established by the Board; and
(III)  AFTER PRESCRIBING AND DISPENSING TO A PATIENT AN AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS:

1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO THE PATIENT’S PRIMARY CARE PRACTITIONER;

2. PROVIDE THE PATIENT WITH:
   A. A WRITTEN RECORD OF THE MEDICATION DISPENSED; AND
   B. INFORMATION ON THE IMPORTANCE OF THE PATIENT SEEING THE PATIENT’S PRIMARY CARE PRACTITIONER; AND

3. RECORD THE PRESCRIBING AND DISPENSING OF THE AID FOR THE CESSATION OF THE USE OF TOBACCO PRODUCTS IN ANY ELECTRONIC HEALTH RECORD MAINTAINED FOR THE PATIENT BY THE PHARMACIST.

(3)  THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO COMPLETE THE TRAINING PROGRAM UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION FOR A PHARMACIST WHO ALREADY HAS UNDERGONE THE TRAINING AS PART OF THE PHARMACIST’S FORMAL EDUCATIONAL PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.