

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 298

(Senator Reilly)

Education, Health, and Environmental Affairs

Health and Government Operations

**State Board of Pharmacy – Pharmacy Closure – Notice to Customers (The
Dennis Robin Act)**

This bill specifies the customer notification procedures the owner of a pharmacy must follow prior to closing a pharmacy for more than 7 consecutive days. At least 14 days before the anticipated closing of the pharmacy, the pharmacy owner must (1) post a specified notice in the pharmacy and on the pharmacy’s website and (2) provide written and verbal notice to each client who picks up a prescription or refill. Each notice must indicate (1) the date of the anticipated closing; (2) the name of the pharmacy to which the closing pharmacy will transfer customers’ prescriptions and records; and (3) that a customer may request the closing pharmacy to send the customer’s prescriptions and records to another pharmacy. The State Board of Pharmacy must adopt specified regulations to define “closing of a pharmacy” and provide exceptions.

Fiscal Summary

State Effect: The State Board of Pharmacy can adopt the required regulations and monitor closings using existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A person must hold a pharmacy permit from the board to establish or operate a pharmacy in the State. Under the Code of Maryland Regulations, at least 14 days before a location’s anticipated date of ceasing to operate as a licensed pharmacy (the date

on which the last prescription is filled or refilled by a licensed pharmacist), the pharmacy permit holder must (1) notify both the board and the Division of Drug Control in writing of the day on which the licensed pharmacy will cease to operate as a pharmacy and (2) request a closing inspection date.

In addition, the pharmacy permit holder must notify the public of (1) the date that the pharmacy will cease to operate as a pharmacy *by that date* and (2) either the location to which the patients' records have been transferred or the location of the patient records, the method by which the patient records must be maintained, and the procedure by which patients and other authorized individuals may access the records.

The board (or the board's agent) must perform a closing inspection within 72 hours of the pharmacy ceasing to operate. At the closing inspection, the pharmacy permit holder must provide specified information and documentation, including (1) a copy of the inventory required by the federal Drug Enforcement Administration; (2) the pharmacy permit and controlled dangerous substance registration for cancellation; (3) information about any prescription drugs in stock that were returned or transferred and for any prescription files or patient records transferred; (4) information about any destroyed prescription drugs; (5) information about any patient records not required to be maintained by law or other documents containing patient information that are destroyed; and (6) information about any patient records or other documents containing patient information that are transferred.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: rh/ljm
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