A BILL ENTITLED

AN ACT concerning

Pharmacists—Status as Health Care Providers and Reimbursement

FOR the purpose of altering certain definitions of “health care provider” to include pharmacists for the purposes of provisions of law related to health care malpractice claims, destruction of medical records, and HIV testing; requiring the Maryland Medical Assistance Program, the Maryland Children’s Health Program, and certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for certain services rendered by a licensed pharmacist if the coverage is provided for the same services rendered by any other health care practitioner and the services are within the scope of practice of the licensed pharmacist; and generally relating to pharmacists.

BY repealing and reenacting, without amendments,

Article—Courts and Judicial Proceedings
Section 3–2A–01(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article—Courts and Judicial Proceedings
Section 3–2A–01(f)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article—Health—General
Section 4–403(a)(1)(xix) and (xx), 15–148(c), 18–336(a)(3), 18–337(a), and 18–338.2(a)(3)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
BY adding to
Article – Health – General
Section 4–403(a)(1)(xxi)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–336(a)(1) and 18–338.2(a)(1)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–716
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings
3–2A–01.

(a) In this subtitle the following terms have the meanings indicated unless the
context of their use requires otherwise.

(f) (1) “Health care provider” means a hospital, a related institution as defined
in § 19–301 of the Health – General Article, a medical day care center, a hospice care
program, an assisted living program, a freestanding ambulatory care facility as defined in
§ 19–3B–01 of the Health – General Article, a physician, an osteopath, an optometrist, a
chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist,
a licensed certified social worker–clinical, and a physical therapist, AND A PHARMACIST,
licensed or authorized to provide one or more health care services in Maryland.

Article – Health – General
4–403.

(a) (1) In this section, a “health care provider” means:

(xix) A social worker; [and]

(xx) A speech–language pathologist; AND

(XXI) A PHARMACIST.
The Program and the Maryland Children’s Health Program shall provide coverage for services to the same extent as services rendered by any other licensed health care practitioner, rendered to an enrollee by a licensed pharmacist [under] IN ANY SETTING IF:

[(1) § 12–509 of the Health Occupations Article in administering self–administered medications or maintenance injectable medications; or
(2) § 12–511 of the Health Occupations Article in screening an enrollee and prescribing contraceptives for the enrollee.]

(1) THE PROGRAM AND MARYLAND CHILDREN’S HEALTH PROGRAM PROVIDES COVERAGE FOR THE SAME SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER; AND

(2) THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE LICENSED PHARMACIST.
(a) This section applies to individual, group, or blanket health insurance policies and contracts delivered or issued for delivery in the State by insurers, nonprofit health service plans, and health maintenance organizations [that provide coverage for patient assessment regarding, and administration of, self–administered medications and maintenance injectable medications].

(b) An entity subject to this section shall provide coverage for services rendered in any setting by a licensed pharmacist [under § 12–509 of the Health Occupations Article] to an individual who is covered under a policy or contract issued or delivered by the entity, [to the same extent as] IF:

(1) Coverage is provided under the policy or contract for the same services rendered by any other licensed health care practitioner[, for patient assessment regarding and in administering self–administered medications or maintenance injectable medications]; and

(2) The services are within the scope of practice of the licensed pharmacist.

SECTION 2. AND BE IT FURTHER ENACTED, That, to implement § 15–148(c) of the Health – General Article as enacted by Section 1 of this Act, on or before January 1, 2023, the Department of Health shall apply for and obtain from the United States Department of Health and Human Services any necessary amendments to or waivers for the State Medical Assistance Program or the Maryland Children’s Health Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.