

SENATE BILL 661

J2, J5

2lr2074

By: **Senators Benson, Beidle, and Smith**

Introduced and read first time: February 4, 2022

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~**Reimbursement of Pharmacist for Services Rendered**~~
3 **Pharmacists – Status as Health Care Providers and Study on Reimbursement**

4 FOR the purpose of altering a ~~certain definitions~~ definition of “health care provider” to
5 include pharmacists for the purposes of provisions of law related to ~~health care~~
6 ~~malpractice claims, the destruction of medical records, and HIV testing; requiring~~
7 ~~certain insurers, nonprofit health service plans, and health maintenance~~
8 ~~organizations to provide reimbursement for certain health care services provided by~~
9 ~~a pharmacist at the same rate as the same services provided by a physician,~~
10 ~~physician’s assistant, or nurse practitioner; requiring the Maryland Insurance~~
11 Commissioner to establish a workgroup to identify options and requirements
12 necessary for the reimbursement of pharmacists and submit a report to certain
13 committees on or before a certain date; and generally relating to pharmacists.

14 ~~BY repealing and reenacting, without amendments,~~
15 ~~Article – Courts and Judicial Proceedings~~
16 ~~Section 3-2A-01(a)~~
17 ~~Annotated Code of Maryland~~
18 ~~(2020 Replacement Volume and 2021 Supplement)~~

19 ~~BY repealing and reenacting, with amendments,~~
20 ~~Article – Courts and Judicial Proceedings~~
21 ~~Section 3-2A-01(f)(1)~~
22 ~~Annotated Code of Maryland~~
23 ~~(2020 Replacement Volume and 2021 Supplement)~~

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.



1 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 4–403(a)(1)(xix) and (xx), ~~18–336(a)(3), 18–337(a), and 18–338.2(a)(3)~~
 4 Annotated Code of Maryland
 5 (2019 Replacement Volume and 2021 Supplement)

6 BY adding to
 7 Article – Health – General
 8 Section 4–403(a)(1)(xxi)
 9 Annotated Code of Maryland
 10 (2019 Replacement Volume and 2021 Supplement)

11 ~~BY repealing and reenacting, without amendments,
 12 Article – Health – General
 13 Section 18–336(a)(1) and 18–338.2(a)(1)
 14 Annotated Code of Maryland
 15 (2019 Replacement Volume and 2021 Supplement)~~

16 ~~BY repealing and reenacting, with amendments,
 17 Article – Insurance
 18 Section 15–716
 19 Annotated Code of Maryland
 20 (2017 Replacement Volume and 2021 Supplement)~~

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

23 ~~**Article – Courts and Judicial Proceedings**~~

24 ~~§ 2A-01.~~

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

27 ~~(f) (1) “Health care provider” means a hospital, a related institution as defined
 28 in § 19–301 of the Health – General Article, a medical day care center, a hospice care
 29 program, an assisted living program, a freestanding ambulatory care facility as defined in
 30 § 19–3B–01 of the Health – General Article, a physician, an osteopath, an optometrist, a
 31 chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist,
 32 a licensed certified social worker clinical, [and] a physical therapist, AND A PHARMACIST,
 33 licensed or authorized to provide one or more health care services in Maryland.~~

34 **Article – Health – General**

35 4–403.

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

2 (xix) A social worker; [and]

3 (xx) A speech–language pathologist; AND

4 (XXI) A PHARMACIST.

5 ~~18–336.~~

6 (a) (1) ~~In this section the following words have the meanings indicated.~~

7 (3) ~~“Health care provider” means a physician, nurse, PHARMACIST, or~~
8 ~~designee of a health care facility.~~

9 ~~18–337.~~

10 (a) ~~In this section, “health care provider” means a physician, a physician’s~~
11 ~~designee, A PHARMACIST, or a designee of a health care facility licensed or otherwise~~
12 ~~authorized to provide health care services.~~

13 ~~18–338.2.~~

14 (a) (1) ~~In this section the following words have the meanings indicated.~~

15 (3) ~~“Health care provider” means a physician, nurse, licensed direct–entry~~
16 ~~midwife, PHARMACIST, or designee of a health care facility.~~

17 **~~Article–Insurance~~**

18 ~~15–716.~~

19 (a) ~~This section applies to individual, group, or blanket health insurance policies~~
20 ~~and contracts delivered or issued for delivery in the State by insurers, nonprofit health~~
21 ~~service plans, and health maintenance organizations [that provide coverage for patient~~
22 ~~assessment regarding, and administration of, self-administered medications and~~
23 ~~maintenance injectable medications].~~

24 (b) ~~An entity subject to this section shall provide coverage for services rendered~~
25 ~~by a licensed pharmacist [under § 12–509 of the Health Occupations Article] to an~~
26 ~~individual who is covered under a policy or contract issued or delivered by the entity, to the~~
27 ~~same extent as **COVERAGE IS PROVIDED UNDER THE POLICY OR CONTRACT FOR THE**~~
28 ~~**SAME** services rendered by [any other licensed health care practitioner, for patient~~
29 ~~assessment regarding and in administering self-administered medications or maintenance~~
30 ~~injectable medications] **A PHYSICIAN, PHYSICIAN ASSISTANT, OR CERTIFIED NURSE**~~
31 ~~**PRACTITIONER, IF THE SERVICES ARE:**~~

1 ~~(1) WITHIN THE SCOPE OF PRACTICE OF THE PHARMACIST; AND~~

2 ~~(2) RENDERED BY THE PHARMACIST IN COMPLIANCE WITH THE LAWS~~
3 ~~AND REGULATIONS RELATING TO THE PHARMACIST'S LICENSE.~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance
5 Commissioner shall:

6 (1) establish a workgroup with representatives of pharmacists, carriers,
7 managed care organizations, and other stakeholders, as appropriate, to identify options
8 and requirements necessary for the reimbursement of pharmacists who provide medical
9 services within their:

10 (i) scope of practice as provided for in Title 12 of the Health
11 Occupations Article; and

12 (ii) work setting; and

13 (2) on or before December 31, 2022, report to the Senate Finance
14 Committee and the House Health and Government Operations Committee, in accordance
15 with § 2-1257 of the State Government Article, on the Commissioner's findings and
16 recommendations.

17 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 ~~October~~ July 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.