

# HOUSE BILL 693

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EMERGENCY BILL  
ENROLLED BILL

(3lr1518)

— *Health and Government Operations/Finance* —

Introduced by ~~Delegate Kipke~~ Delegates Kipke, Alston, Bagnall, Bhandari, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Martinez, Pena-Melnyk, Rosenberg, Taveras, White, and Woods

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Pharmacy – Board Membership ~~and~~, Delegated Pharmacy Acts,**  
3 **and Sunset Extension**

4 FOR the purpose of altering the membership of the State Board of Pharmacy to include a  
5 registered pharmacy technician; authorizing a licensed pharmacist, under certain  
6 circumstances, to delegate ~~pharmacy acts~~ the entry of certain data into databases or  
7 patient charts to be performed at a remote location to a registered pharmacy  
8 technician and a registered pharmacy intern; ~~repealing the prohibition on a~~  
9 ~~registered pharmacy technician administering influenza vaccines~~; prohibiting  
10 registered pharmacy technicians and pharmacy technician trainees from making  
11 decisions that require the professional judgment of a pharmacist; prohibiting a  
12 registered pharmacy technician from administering a vaccination except under  
13 certain circumstances; continuing the Board in accordance with the provisions of the

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### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Maryland Program Evaluation Act (sunset law) by extending to a certain date the  
 2 termination provisions relating to certain statutory and regulatory authority of the  
 3 Board; and generally relating to the State Board of Pharmacy.

4 BY repealing and reenacting, without amendments,  
 5 Article – Health Occupations  
 6 Section 12–101(a) ~~and 12–307(d)~~  
 7 Annotated Code of Maryland  
 8 (2021 Replacement Volume and 2022 Supplement)

9 BY repealing and reenacting, with amendments,  
 10 Article – Health Occupations  
 11 Section 12–101(g), 12–202(a) and (b), 12–307(d), 12–6B–06, and 12–802  
 12 Annotated Code of Maryland  
 13 (2021 Replacement Volume and 2022 Supplement)

14 BY adding to  
 15 Article – Health Occupations  
 16 Section 12–307(e)  
 17 Annotated Code of Maryland  
 18 (2021 Replacement Volume and 2022 Supplement)

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

### 21 Article – Health Occupations

22 12–101.

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

24 (g) (1) “Delegated pharmacy act” means an activity that constitutes the  
 25 practice of pharmacy delegated by a licensed pharmacist under this title and regulations  
 26 adopted by the Board.

27 (2) “Delegated pharmacy act” does not include:

28 (i) An act within the parameters of a therapy management contract  
 29 as provided under Subtitle 6A of this title;

30 ~~[(ii) The~~ **EXCEPT AS PROVIDED IN § 12–6B–06 OF THIS TITLE,**  
 31 **THE** administration of ~~an influenza A~~ vaccination in accordance with § 12–508 of this title;~~]~~

32 ~~[(iii) (H)]~~ The delegation of a pharmacy act by a registered  
 33 pharmacy technician, pharmacy student, or pharmacy technician trainee;

1 ~~[(iv)]~~ ~~(III)~~ A pharmacy activity performed by a pharmacy student in  
 2 accordance with § 12-301(b) of this title;

3 ~~[(v)]~~ ~~(IV)~~ A pharmacy activity performed by an applicant for a  
 4 license to practice pharmacy in accordance with regulations adopted by the Board; [or]

5 ~~(v)~~ (VI) A DECISION-MAKING TASK THAT REQUIRES THE  
 6 PROFESSIONAL JUDGMENT OF A PHARMACIST; AND

7 ~~(vi)~~ (VII) The performance of other functions prohibited in  
 8 regulations adopted by the Board.

9 12-202.

10 (a) (1) The Board consists of [twelve] **13** members.

11 (2) Of the [twelve] **13** Board members:

12 (i) Ten shall be licensed pharmacists, including:

13 1. Two who at the time of appointment practice primarily in  
 14 chain store pharmacies;

15 2. Two who at the time of appointment practice primarily in  
 16 independent pharmacies;

17 3. Two who at the time of appointment practice primarily in  
 18 an acute-care hospital;

19 4. One who at the time of appointment practices primarily in  
 20 a pharmacy that provides services to a long-term care facility;

21 5. One who at the time of appointment practices primarily in  
 22 a pharmacy that specializes in the provision of home infusion/home care services; and

23 6. Two pharmacists at-large; [and]

24 **(II) ONE SHALL BE A REGISTERED PHARMACY TECHNICIAN;**  
 25 **AND**

26 ~~[(ii)]~~ **(III)** Two shall be consumer members.

27 (3) (i) The Governor shall appoint the chain store pharmacist members,  
 28 with the advice of the Secretary, from a list of names submitted to the Secretary and the  
 29 Governor by the Maryland Association of Chain Drug Stores.

1 (ii) The Governor shall appoint the independent pharmacist  
2 members, with the advice of the Secretary, from a list of names submitted to the Secretary  
3 and the Governor by the Maryland Pharmacists Association and the Maryland  
4 Pharmaceutical Society.

5 (iii) The Governor shall appoint the acute-care hospital pharmacist  
6 members, with the advice of the Secretary, from a list of names submitted to the Secretary  
7 and the Governor by the Maryland Society of Health-System Pharmacists.

8 (iv) The Governor shall appoint the long-term care facility  
9 pharmacist member, with the advice of the Secretary, from a list of names submitted to the  
10 Secretary and the Governor by the Maryland Chapter of the American Society of  
11 Consultant Pharmacists.

12 (v) The Governor shall appoint the home infusion/home care  
13 pharmacist member, with the advice of the Secretary, from a list of names submitted to the  
14 Secretary and the Governor by the Maryland Society of Health-System Pharmacists.

15 (vi) The Governor shall appoint the at-large pharmacist members,  
16 with the advice of the Secretary, from a list of all names submitted to the Maryland  
17 Pharmacists Association, and then forwarded to the Secretary and the Governor.

18 **(VII) THE GOVERNOR SHALL APPOINT THE REGISTERED**  
19 **PHARMACY TECHNICIAN MEMBER, WITH THE ADVICE OF THE SECRETARY, FROM A**  
20 **LIST OF ALL NAMES SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE**  
21 **MARYLAND SOCIETY OF HEALTH-SYSTEM PHARMACISTS AND THE MARYLAND**  
22 **PHARMACISTS ASSOCIATION.**

23 **[(vii)] (VIII) Except for the at-large vacancies, the number of names on**  
24 **each list submitted to the Secretary and the Governor under this paragraph shall be three**  
25 **times the number of vacancies.**

26 (4) For each pharmacist vacancy **AND EACH REGISTERED PHARMACY**  
27 **TECHNICIAN VACANCY:**

28 (i) The Board shall notify all licensed pharmacists, **REGISTERED**  
29 **PHARMACY TECHNICIANS**, and other interested parties of record in the State of the  
30 vacancy to solicit nominations to fill the vacancy and provide information for contacting a  
31 representative of the group that submits the list of names to the Governor under paragraph  
32 (3) of this subsection; and

33 (ii) Except for the at-large vacancies, each association that is  
34 responsible for submitting a list of nominees to the Secretary and the Governor under this  
35 section shall:

1                   1.     Issue a nomination form upon the request of any licensed  
2 pharmacist and consider all nominations received by the association's deadline;

3                   2.     Form a committee, which recognizes diversity within the  
4 State in geographic distribution, sex, race, and age, comprised of at least five pharmacists  
5 to review nominations, interview all qualified nominees in a meeting open to the public,  
6 and select three names for each vacancy to be submitted to the Secretary and the Governor;  
7 and

8                   3.     In the event that fewer than three qualified nominees are  
9 submitted to the association, select any additional names that are needed to complete the  
10 list required to be submitted to the Secretary and the Governor under this section.

11                 (5)     The Governor shall appoint the consumer members with the advice of  
12 the Secretary and the advice and consent of the Senate.

13                 (6)     Each member of the Board shall be a resident of this State.

14                 (7)     A member of the Board shall be recused from all aspects of the licensing  
15 exam if that Board member:

16                     (i)     Is a member of the board of trustees at a school of pharmacy;

17                     (ii)    Is a teacher at a school of pharmacy; or

18                     (iii)  Acquires the member's primary source of income through  
19 employment by a school of pharmacy.

20                 (b)     Each pharmacist member **AND EACH REGISTERED PHARMACY**  
21 **TECHNICIAN MEMBER** of the Board shall:

22                     (1)     Be skilled and competent in practicing pharmacy; and

23                     (2)     Have at least 5 years of active pharmacy practice.

24 12-307.

25                 (d)     A licensed pharmacist may delegate pharmacy acts to a registered pharmacy  
26 technician, pharmacy student, or pharmacy technician trainee ~~provided that~~ **ONLY IF** the  
27 delegated pharmacy acts:

28                     (1)     Are directly supervised by a licensed pharmacist;

29                     (2)     Are not required to be performed by a licensed pharmacist;

1 (3) Are within the education, training, experience, and area of practice of  
2 the delegating licensed pharmacist; and

3 (4) Are appropriate to the education, training, and experience of the  
4 registered pharmacy technician, pharmacy student, or pharmacy technician trainee.

5 (E) A LICENSED PHARMACIST MAY DELEGATE ~~PHARMACY ACTS, INCLUDING~~  
6 ~~THE ENTERING ENTRY OF~~ PRESCRIPTION-RELATED DATA INTO DATABASES OR  
7 PATIENT CHARTS, TO BE PERFORMED AT A REMOTE LOCATION TO A REGISTERED  
8 PHARMACY TECHNICIAN OR A REGISTERED PHARMACY INTERN ~~PROVIDED THAT~~  
9 ~~THE DELEGATED PHARMACY ACTS IF:~~

10 ~~(1) ARE SUPERVISED BY A LICENSED PHARMACIST;~~

11 (1) THE REGISTERED PHARMACY TECHNICIAN OR REGISTERED  
12 PHARMACY INTERN HAS IMMEDIATE ELECTRONIC ACCESS TO A PHARMACIST WHO  
13 CAN PROVIDE ASSISTANCE AS NEEDED; AND

14 (2) THE DATA ENTRY:

15 ~~(2) (I) ARE IS~~ NOT REQUIRED TO BE PERFORMED BY A LICENSED  
16 PHARMACIST;

17 ~~(3) DO NOT INVOLVE THE COMPOUNDING, DISTRIBUTION, OR~~  
18 ~~DISPENSING OF PRESCRIPTION OR NONPRESCRIPTION DRUGS;~~

19 ~~(4) (II) ARE IS~~ WITHIN THE EDUCATION, TRAINING, EXPERIENCE,  
20 AND AREA OF PRACTICE OF THE DELEGATING LICENSED PHARMACIST;

21 ~~(5) (III) ARE IS~~ APPROPRIATE TO THE EDUCATION, TRAINING, AND  
22 EXPERIENCE OF THE REGISTERED PHARMACY TECHNICIAN OR THE REGISTERED  
23 PHARMACY INTERN; AND

24 ~~(6) (IV) IF THE DELEGATED ACT~~ DATA ENTRY INVOLVES ACCESS TO  
25 PROTECTED PATIENT INFORMATION UNDER THE FEDERAL HEALTH INSURANCE  
26 PORTABILITY AND ACCOUNTABILITY ACT OF 1996, CAN BE PERFORMED IN A  
27 MANNER THAT MAINTAINS THE CONFIDENTIALITY OF PATIENT INFORMATION.

28 12-6B-06.

29 (a) Registration authorizes a registered [pharmacist] PHARMACY technician to  
30 perform delegated pharmacy acts as defined in § 12-101 of this title while the registration  
31 is effective.

32 (b) A registered pharmacy technician or a pharmacy technician trainee may not:

1 (1) Act within the parameters of a therapy management contract as  
2 provided under Subtitle 6A of this title;

3 (2) [Administer an influenza vaccination in accordance with § 12–508 of  
4 this title] **MAKE DECISIONS THAT REQUIRE THE PROFESSIONAL JUDGMENT OF A  
5 PHARMACIST;**

6 (3) Delegate a pharmacy act that was delegated to the registered pharmacy  
7 technician or individual engaging in a Board approved technician training program; or

8 (4) Perform other functions prohibited by regulations adopted by the  
9 Board.

10 **(C) (1) A REGISTERED PHARMACY TECHNICIAN MAY ADMINISTER AN, IN**  
11 **ACCORDANCE WITH § 12–508 OF THIS TITLE:**

12 **(I) AN INFLUENZA, COVID–19, OR PNEUMONIA VACCINATION**  
13 **IN ACCORDANCE WITH § 12–508 OF THIS TITLE TO AN INDIVIDUAL AT LEAST 18**  
14 **YEARS OLD; AND**

15 **(II) A RESPIRATORY SYNCYTIAL VIRUS OR SHINGLES**  
16 **VACCINATION TO AN INDIVIDUAL AT LEAST 50 YEARS OLD.**

17 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A**  
18 **REGISTERED PHARMACY TECHNICIAN MAY NOT ADMINISTER A VACCINATION IN**  
19 **ACCORDANCE WITH § 12–508 OF THIS TITLE.**

20 **(D) A PHARMACY TECHNICIAN TRAINEE MAY NOT ADMINISTER A**  
21 **VACCINATION IN ACCORDANCE WITH § 12–508 OF THIS TITLE.**

22 12–802.

23 Subject to the evaluation and reestablishment provisions of the Program Evaluation  
24 Act, this title and all rules and regulations adopted under this title shall terminate and be  
25 of no effect after July 1, [2023] ~~2023~~ **2025**.

26 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
27 ~~October 1, 2023.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
29 measure, is necessary for the immediate preservation of the public health or safety, has  
30 been passed by a ye and nay vote supported by three–fifths of all the members elected to  
31 each of the two Houses of the General Assembly, and shall take effect from the date it is  
32 enacted.