

HOUSE BILL 693

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CF SB 647

By: **Delegate Kipke**

Introduced and read first time: February 6, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Pharmacy – Board Membership and Delegated Pharmacy Acts**

3 FOR the purpose of altering the membership of the State Board of Pharmacy to include a
4 registered pharmacy technician; authorizing a licensed pharmacist, under certain
5 circumstances, to delegate pharmacy acts to be performed at a remote location to a
6 registered pharmacy technician and a registered pharmacy intern; repealing the
7 prohibition on a registered pharmacy technician administering influenza vaccines;
8 prohibiting registered pharmacy technicians and pharmacy technician trainees from
9 making decisions that require the professional judgment of a pharmacist; continuing
10 the Board in accordance with the provisions of the Maryland Program Evaluation
11 Act (sunset law) by extending to a certain date the termination provisions relating
12 to certain statutory and regulatory authority of the Board; and generally relating to
13 the State Board of Pharmacy.

14 BY repealing and reenacting, without amendments,
15 Article – Health Occupations
16 Section 12–101(a) and 12–307(d)
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health Occupations
21 Section 12–101(g), 12–202(a) and (b), 12–6B–06, and 12–802
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2022 Supplement)

24 BY adding to
25 Article – Health Occupations
26 Section 12–307(e)
27 Annotated Code of Maryland
28 (2021 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health Occupations**

4 12–101.

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

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

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

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

12 [(ii) The administration of an influenza vaccination in accordance
13 with § 12–508 of this title;]

14 [(iii) (II) The delegation of a pharmacy act by a registered
15 pharmacy technician, pharmacy student, or pharmacy technician trainee;

16 [(iv) (III) A pharmacy activity performed by a pharmacy student in
17 accordance with § 12–301(b) of this title;

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

20 (V) A DECISION–MAKING TASK THAT REQUIRES THE
21 PROFESSIONAL JUDGMENT OF A PHARMACIST; AND

22 (vi) The performance of other functions prohibited in regulations
23 adopted by the Board.

24 12–202.

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

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

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

- 1 1. Two who at the time of appointment practice primarily in
2 chain store pharmacies;
- 3 2. Two who at the time of appointment practice primarily in
4 independent pharmacies;
- 5 3. Two who at the time of appointment practice primarily in
6 an acute-care hospital;
- 7 4. One who at the time of appointment practices primarily in
8 a pharmacy that provides services to a long-term care facility;
- 9 5. One who at the time of appointment practices primarily in
10 a pharmacy that specializes in the provision of home infusion/home care services; and
- 11 6. Two pharmacists at-large; [and]

12 **(II) ONE SHALL BE A REGISTERED PHARMACY TECHNICIAN;**

13 **AND**

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

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

18 (ii) The Governor shall appoint the independent pharmacist
19 members, with the advice of the Secretary, from a list of names submitted to the Secretary
20 and the Governor by the Maryland Pharmacists Association and the Maryland
21 Pharmaceutical Society.

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

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

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

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

1 **(VII) THE GOVERNOR SHALL APPOINT THE REGISTERED**
2 **PHARMACY TECHNICIAN MEMBER, WITH THE ADVICE OF THE SECRETARY, FROM A**
3 **LIST OF ALL NAMES SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY THE**
4 **MARYLAND SOCIETY OF HEALTH–SYSTEM PHARMACISTS AND THE MARYLAND**
5 **PHARMACISTS ASSOCIATION.**

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

9 (4) For each pharmacist vacancy **AND EACH REGISTERED PHARMACY**
10 **TECHNICIAN VACANCY:**

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

16 (ii) Except for the at–large vacancies, each association that is
17 responsible for submitting a list of nominees to the Secretary and the Governor under this
18 section shall:

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

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

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

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

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

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

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

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

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

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

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

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

8 12-307.

9 (d) A licensed pharmacist may delegate pharmacy acts to a registered pharmacy
10 technician, pharmacy student, or pharmacy technician trainee provided that the delegated
11 pharmacy acts:

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

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

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

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

18 **(E) A LICENSED PHARMACIST MAY DELEGATE PHARMACY ACTS, INCLUDING**
19 **ENTERING PRESCRIPTION-RELATED DATA INTO DATABASES OR PATIENT CHARTS,**
20 **TO BE PERFORMED AT A REMOTE LOCATION TO A REGISTERED PHARMACY**
21 **TECHNICIAN OR A REGISTERED PHARMACY INTERN PROVIDED THAT THE**
22 **DELEGATED PHARMACY ACTS:**

23 **(1) ARE SUPERVISED BY A LICENSED PHARMACIST;**

24 **(2) ARE NOT REQUIRED TO BE PERFORMED BY A LICENSED**
25 **PHARMACIST;**

26 **(3) DO NOT INVOLVE THE COMPOUNDING, DISTRIBUTION, OR**
27 **DISPENSING OF PRESCRIPTION OR NONPRESCRIPTION DRUGS;**

28 **(4) ARE WITHIN THE EDUCATION, TRAINING, EXPERIENCE, AND AREA**
29 **OF PRACTICE OF THE DELEGATING LICENSED PHARMACIST;**

1 **(5) ARE APPROPRIATE TO THE EDUCATION, TRAINING, AND**
2 **EXPERIENCE OF THE REGISTERED PHARMACY TECHNICIAN OR THE REGISTERED**
3 **PHARMACY INTERN; AND**

4 **(6) IF THE DELEGATED ACT INVOLVES ACCESS TO PROTECTED**
5 **PATIENT INFORMATION UNDER THE FEDERAL HEALTH INSURANCE PORTABILITY**
6 **AND ACCOUNTABILITY ACT OF 1996, CAN BE PERFORMED IN A MANNER THAT**
7 **MAINTAINS THE CONFIDENTIALITY OF PATIENT INFORMATION.**

8 12-6B-06.

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

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

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

15 (2) [Administer an influenza vaccination in accordance with § 12-508 of
16 this title] **MAKE DECISIONS THAT REQUIRE THE PROFESSIONAL JUDGMENT OF A**
17 **PHARMACIST;**

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

20 (4) Perform other functions prohibited by regulations adopted by the
21 Board.

22 **(C) A PHARMACY TECHNICIAN TRAINEE MAY NOT ADMINISTER A**
23 **VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE.**

24 12-802.

25 Subject to the evaluation and reestablishment provisions of the Program Evaluation
26 Act, this title and all rules and regulations adopted under this title shall terminate and be
27 of no effect after July 1, [2023] **2033**.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.