

HOUSE BILL 1278

J2, J5, J1

3lr2993

By: **Delegate Bhandari**

Introduced and read first time: February 24, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Status as Health Care Providers and Reimbursement**

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

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–2A–01(a)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 3–2A–01(f)(1)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2022 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Health – General
23 Section 15–148(c), 18–336(a)(3), 18–337(a), and 18–338.2(a)(3)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2022 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 18–336(a)(1) and 18–338.2(a)(1)
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2022 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Insurance
6 Section 15–716
7 Annotated Code of Maryland
8 (2017 Replacement Volume and 2022 Supplement)

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

11 **Article – Courts and Judicial Proceedings**

12 3–2A–01.

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

15 (f) (1) “Health care provider” means a hospital, a related institution as defined
16 in § 19–301 of the Health – General Article, a medical day care center, a hospice care
17 program, an assisted living program, a freestanding ambulatory care facility as defined in
18 § 19–3B–01 of the Health – General Article, a physician, an osteopath, an optometrist, a
19 chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist,
20 a licensed certified social worker–clinical, [and] a physical therapist, **AND A PHARMACIST**,
21 licensed or authorized to provide one or more health care services in Maryland.

22 **Article – Health – General**

23 15–148.

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

28 [(1) § 12–509 of the Health Occupations Article in administering
29 self-administered medications, maintenance injectable medications, or injectable
30 medications for treatment of sexually transmitted infections; or

31 (2) § 12–511 of the Health Occupations Article in screening an enrollee and
32 prescribing contraceptives for the enrollee.]

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

4 **(2) THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE**
5 **LICENSED PHARMACIST.**

6 18–336.

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

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

10 18–337.

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

14 18–338.2.

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

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

18 **Article – Insurance**

19 15–716.

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

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

30 **(1) COVERAGE IS PROVIDED UNDER THE POLICY OR CONTRACT FOR**
31 **THE SAME** services rendered by any other licensed health care practitioner[, for patient
32 assessment regarding and in administering self–administered medications, maintenance

1 injectable medications, or injectable medications for treatment of sexually transmitted
2 infections]; AND

3 **(2) THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE**
4 **LICENSED PHARMACIST.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That, to implement § 15–148(c) of
6 the Health – General Article, as enacted by Section 1 of this Act, on or before January 1,
7 2024, the Maryland Department of Health shall apply for and obtain from the U.S.
8 Department of Health and Human Services any necessary amendments to or waivers for
9 the Maryland Medical Assistance Program or the Maryland Children’s Health Program.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2023.