

# SENATE BILL 647

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CF HB 693

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By: **Senators Carozza, Lam, Mautz, and Lewis Young**

Introduced and read first time: February 6, 2023

Assigned to: Finance

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## 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  
9 from making decisions that require the professional judgment of a pharmacist;  
10 continuing the Board in accordance with the provisions of the Maryland Program  
11 Evaluation Act (sunset law) by extending to a certain date the termination  
12 provisions relating to certain statutory and regulatory authority of the Board; and  
13 generally relating to 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)

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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  
11 contract 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  
8 in a pharmacy that provides services to a long-term care facility;
- 9                                    5.     One who at the time of appointment practices primarily  
10 in 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  
16 members, with the advice of the Secretary, from a list of names submitted to the  
17 Secretary and the 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  
20 Secretary 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  
24 Secretary 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  
27 the 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  
31 the 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  
7 on each list submitted to the Secretary and the Governor under this paragraph shall be  
8 three 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  
15 paragraph (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  
25 Governor; 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  
33 licensing 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  
11 delegated 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,**  
19 **INCLUDING ENTERING PRESCRIPTION-RELATED DATA INTO DATABASES OR**  
20 **PATIENT CHARTS, TO BE PERFORMED AT A REMOTE LOCATION TO A REGISTERED**  
21 **PHARMACY TECHNICIAN OR A REGISTERED PHARMACY INTERN PROVIDED THAT**  
22 **THE 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**  
29 **AREA 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  
19 pharmacy technician or individual engaging in a Board approved technician training  
20 program; or

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

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

25 12-802.

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

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