



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

**Board of Pharmacy
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2021 SESSION
POSITION PAPER

BILL NO: SB 567

COMMITTEE: Health and Government Operations

POSITION: Support with amendments

TITLE: Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners

BILL ANALYSIS: This bill authorizes out-of-state health care practitioners to provide telehealth services to patients located in Maryland, provided the health care practitioner is licensed and in good standing in another state and registers with the appropriate health occupations board in Maryland. The bill further sets forth the requirements an out-of-state practitioner must meet in order to register with the relevant board, including completion of an application, completion of a criminal history records check, and payment of a fee. The bill establishes that an out-of-state health care practitioner must practice in accordance with the laws, rules, regulations, scope of practice, and standard of practice set forth by the appropriate board; provides a mechanism for potential discipline of an out-of-state practitioner registered to practice telehealth in Maryland; and requires each board to publish information regarding out-of-state practitioners registered with the board.

POSITION AND RATIONALE:

The Maryland Board of Pharmacy (the “Board”) supports the underlying purpose of SB 567– to increase access to care, particularly telehealth services, for patients in Maryland. The Board knows that lack of access to affordable, quality health care is a significant issue throughout the country, especially during the ongoing pandemic. Because of the particulars of the practice of pharmacy, however, the Board does not believe the bill can be applied to pharmacists and pharmacies engaged in the practice of pharmacy in Maryland.

Specifically, the majority of pharmaceutical services take place in a pharmacy – a facility which must, by law, hold a permit issued by the Board, whether located in or outside of Maryland. Md. Code Ann., Health Occ. § 12-401. Maryland law, however, does not require every pharmacist, pharmacy technician, or intern working at a non-resident pharmacy to obtain licensure or registration in Maryland; rather, a non-resident pharmacy must have one pharmacist on staff licensed to practice pharmacy in Maryland and “designated as the pharmacist responsible for providing pharmaceutical services to patients in [Maryland].” Md. Code Ann.,

Health Occ. § 12-403(e). Arguably, SB 567 would require **every** pharmacist, pharmacy technician, and intern working in non-resident pharmacy to register with the Board, which would impose more of a burden on non-resident practitioners than current law.

Accordingly, although it supports the intent and aims of SB 567, the Board respectfully requests two amendments to the bill, both of which clarify that it does not apply to the practice of pharmacy.

Amendment Number 1:

On page 6, in line 12, after “1996,” insert:

“(8) THIS SECTION DOES NOT APPLY TO ANY INDIVIDUALS OR ENTITIES LICENSED, REGISTERED, OR PERMITTED TO PRACTICE PHARMACY IN ACCORDANCE WITH TITLE 13 OF THIS ARTICLE.”

Amendment Number 2:

On pages 11-12, strike lines 26 through 5, beginning with “12-301” and ending with “TELEHEALTH.”

Thank you for your consideration of this testimony. The Board respectfully requests a favorable report on SB 567 including the proposed amendments. If you have any additional questions, please contact the Board’s Executive Director, Deena Speights-Napata, at deena.speights-napata@maryland.gov or (410) 764-4753.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration