



# Board of Pharmacy

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

Jennifer L. Hardesty, Board President · Deena Speights-Napata, Executive Director

February 8, 2022

The Honorable Shane E. Pendergrass  
Chair, Health and Government Operations Committee  
House Office Building, Room 241  
Annapolis, MD 21401

**RE: House Bill 292 – Occupational Licensing Boards and Commission on Judicial Disabilities – Reporting Disciplinary Activities - Letter of Information**

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Pharmacy (the Board) is submitting this Letter of Information for House Bill (HB) 292 – Occupational Licensing Boards and Commission on Judicial Disabilities – Reporting Disciplinary Activities.

HB 292 would require the Board to modify its initial and renewal applications for a license, registration, or permit to include an entry for the applicant’s gender and encourage an applicant to specify the gender category they identify with. Additionally, HB 292 would create a new annual reporting requirement and obligate the Board to associate an individual’s demographic information (gender, race, and county of practice) with any disciplinary action (type of disciplinary action, length of disciplinary period, and amount of monetary fine) imposed on that individual by the Board.

The Board would like to inform the Health and Government Operations Committee (Committee) that all investigations are complaint driven, and thus, an individual’s gender classification has no bearing on the Board’s initial investigation. If an investigation is pursued by the Board, it is based on documented conduct, not gender classification.

The Board has conducted a preliminary review of potential gender classifications and would like to inform the Committee that “gender” is a social construct. While the major gender classifications are “man” and “woman,” “gender” is a fluid term based on an individual’s biological sex, body, and belief system. In fact, some individuals would describe themselves as “genderless.” If the Board modifies its forms to include a predefined number of gender categories, some applicants may not associate with a listed category; however, if the Board includes an open “gender” field, applicants may submit a wide variety of “gender” and the aggregated data would become useless. Additionally, when a disciplinary action is published, demographic information is not associated with the individual.

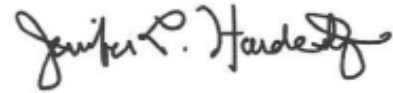
Finally, the Board would only report the requested gender information in the aggregate, which may not be useful for further analysis.

I hope this information is useful. If you would like to discuss this further, please do not hesitate to contact me at [deena.speights-napata@maryland.gov](mailto:deena.speights-napata@maryland.gov) / (410) 764-4753.

Sincerely,



Deena Speights-Napata, MA  
Executive Director



Jennifer L. Hardesty,  
PharmD, FASCP  
President

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