

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Maryland Department of Health  
(DLS Control No. 24-011)**

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## **Overview and Legal and Fiscal Impact**

These regulations implement Chapter 218 of 2023 by (1) removing the prohibition on the administration of an influenza vaccine by a registered pharmacy technician; (2) providing a framework for the administration of certain vaccines by a registered pharmacy technician; and (3) providing for a framework for the performance of off-site prescription data entry by a registered pharmacy technician. These regulations also (1) clarify that a registered pharmacy technician's scope of practice does not include the administration of an injectable medication; and (2) update standards of pharmacy technician training programs and continuing education requirements for registered pharmacy technicians.

These regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Maryland Department of Health:**

Board of Pharmacy: Pharmacy Technicians: COMAR 10.34.34.02, .03, .07, and .10

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## **Legal Analysis**

### **Summary of Regulations**

The regulations implement Chapter 218 of 2023. In accordance with Chapter 218, a registered pharmacy technician may administer (1) an influenza, COVID-19, or pneumonia vaccination to an individual at least 18 years old; and (2) a respiratory syncytial virus or shingles vaccination to an individual at least 50 years old. Additionally, Chapter 218, authorizes a licensed pharmacist to delegate entry of prescription-related data into databases or patient charts to be performed at a remote location to a registered pharmacy technician under specified circumstances, including for example, if the data entry is not required to be performed by a licensed pharmacist.

The regulations also (1) clarify that a registered pharmacy technician's scope of practice does not include the administration of an injectable medication; and (2) update standards of pharmacy technician training programs and continuing education requirements for registered pharmacy technicians. The regulations require a certain amount of work experience to be

completed within six months of the date of the pharmacy technician trainee’s enrollment in a training program and specify certain pharmacy technician training program requirements. The regulations update the continuing education requirements such that if a registered pharmacy technician administers a vaccine, they are required to earn two hours of continuing pharmaceutical education focused on vaccination.

### **Legal Issues**

These regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The Maryland Department of Health cites §§ 12-101, 12-205, 12-6B-02, and 12-6B-07 of the Health Occupations Article as statutory authority for the regulations. Section 12-101 provides definitions applicable to the provisions of law governing pharmacists and pharmacies. More specifically, § 12-101(g) defines “delegated pharmacy act.” Section 12-205(a) authorizes the Board of Pharmacy to adopt regulations to carry out the provisions of Title 12 of the Health Occupations Article, which governs pharmacists and pharmacies. Section 12-6B-02 includes the registration requirements for a pharmacy technician. Section 12-6B-07 includes the registration renewal provisions for pharmacy technicians.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local governments, as they primarily implement House Bill 693 of 2023 (enacted as Chapter 218 of 2023). The Department of Legislative Services concurs.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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