

Chapter 399

(House Bill 1156)

AN ACT concerning

Pharmacists – Therapy Management Contract – Form

FOR the purpose of providing that a therapy management contract may be entered into in writing or orally; requiring, if a therapy management contract is entered into orally, the parties to a the therapy management contract to reduce the contract to writing if it is entered into orally within a certain time period; providing that a therapy management contract may be in electronic form; and generally relating to therapy management contracts.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 12–6A–01(a)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 12–6A–01(h) and 12–6A–07
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

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

Article – Health Occupations

12–6A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (h) “Therapy management contract” means a voluntary **[, written]** arrangement that is:
- (1) Disease–state specific;
 - (2) **[Signed] AGREED ON** by:
 - (i) One licensed pharmacist and the licensed pharmacist’s designated alternate licensed pharmacists;

(ii) One authorized prescriber and alternate designated authorized prescribers involved directly in patient care; and

(iii) One patient receiving care from an authorized prescriber and a licensed pharmacist pursuant to a prescriber–pharmacist agreement and protocol under this subtitle; and

(3) Related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations for the purpose of improving patient outcomes.

12–6A–07.

(a) A therapy management contract shall apply only to conditions for which protocols have been agreed to by an authorized prescriber and a licensed pharmacist in accordance with the regulations adopted under this subtitle.

(b) A therapy management contract shall include:

(1) A statement that none of the parties involved in the therapy management contract have been coerced, given economic incentives, excluding normal reimbursement for services rendered, or involuntarily required to participate;

(2) Notice to the patient indicating:

(i) That the patient may terminate the therapy management contract at any time; and

(ii) The procedure by which the patient may terminate the therapy management contract;

(3) A procedure for periodic review by the authorized prescriber, of the drugs modified pursuant to the agreement or changed with the consent of the authorized prescriber; and

(4) Reference to a protocol, which will be provided to the patient on request.

(C) (1) A THERAPY MANAGEMENT CONTRACT MAY BE ENTERED INTO IN WRITING OR ORALLY.

(2) IF A THERAPY MANAGEMENT CONTRACT IS ENTERED INTO ORALLY, THE PARTIES TO THE THERAPY MANAGEMENT CONTRACT SHALL REDUCE THE AGREEMENT TO WRITING WITHIN 30 DAYS AFTER ENTERING INTO THE THERAPY MANAGEMENT CONTRACT.

(3) A THERAPY MANAGEMENT CONTRACT MAY BE IN ELECTRONIC FORM.

[(c)] (D) Any party to the therapy management contract may terminate the contract at any time.

[(d)] (E) The Board may assess a fee, as established in regulation, for approval of a pharmacist to enter into a prescriber–pharmacist agreement.

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

Approved by the Governor, May 3, 2023.