

HOUSE BILL 613

J2, J1, C3

7lr0591
CF SB 363

By: **Delegates Hettleman, Barron, Barkley, B. Barnes, Barve, Clippinger, Ebersole, Frick, Kelly, Korman, Kramer, Lierman, A. Miller, Moon, Morales, Patterson, Pena–Melnyk, Platt, Queen, Robinson, Rosenberg, Sanchez, Tarlau, Waldstreicher, M. Washington, K. Young, P. Young, and R. Lewis**
R. Lewis, Angel, and Cullison

Introduced and read first time: January 30, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Pharmacists – Contraceptives – Prescribing and Dispensing**

3 FOR the purpose of authorizing a pharmacist who meets the requirements of certain
4 regulations to prescribe and dispense certain contraceptives; requiring the State
5 Board of Pharmacy, on or before a certain date and in consultation with the State
6 Board of Physicians, the State Board of Nursing, and certain stakeholders, to adopt
7 regulations for pharmacists to prescribe and dispense certain contraceptives;
8 establishing certain requirements for the regulations; requiring the Maryland
9 Medical Assistance Program and the Maryland Children’s Health Program to
10 provide coverage for certain contraceptive services rendered by a licensed
11 pharmacist to the same extent as the contraceptive services rendered by any other
12 licensed health care practitioner; ~~requiring certain insurers, nonprofit health service~~
13 ~~plans, and health maintenance organizations to provide coverage for certain~~
14 ~~contraceptive services rendered by a licensed pharmacist to the same extent as the~~
15 ~~contraceptive services rendered by any other licensed health care practitioner;~~
16 altering and adding certain definitions; providing for a delayed effective date; and
17 generally relating to the prescribing and dispensing of contraceptives by
18 pharmacists.

19 BY repealing and reenacting, without amendments,

20 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 15–101(a), (b), and (h)
 2 Annotated Code of Maryland
 3 (2015 Replacement Volume and 2016 Supplement)

4 BY adding to
 5 Article – Health – General
 6 Section 15–148(c)
 7 Annotated Code of Maryland
 8 (2015 Replacement Volume and 2016 Supplement)
 9 (As enacted by Chapters 436 and 437 of the Acts of the General Assembly of 2016)

10 BY repealing and reenacting, with amendments,
 11 Article – Health Occupations
 12 Section 12–101(u)
 13 Annotated Code of Maryland
 14 (2014 Replacement Volume and 2016 Supplement)

15 BY adding to
 16 Article – Health Occupations
 17 Section 12–511
 18 Annotated Code of Maryland
 19 (2014 Replacement Volume and 2016 Supplement)

20 ~~BY adding to~~
 21 ~~Article – Insurance~~
 22 ~~Section 15–716~~
 23 ~~Annotated Code of Maryland~~
 24 ~~(2011 Replacement Volume and 2016 Supplement)~~

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

27 **Article – Health – General**

28 15–101.

29 (a) In this title the following words have the meanings indicated.

30 (b) “Enrollee” means a program recipient who is enrolled in a managed care
 31 organization.

32 (h) “Program” means the Maryland Medical Assistance Program.

33 15–148.

34 **(C) THE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM**
 35 **SHALL PROVIDE COVERAGE FOR SERVICES RENDERED TO AN ENROLLEE BY A**

1 LICENSED PHARMACIST UNDER § 12–511 OF THE HEALTH OCCUPATIONS ARTICLE,
2 TO THE SAME EXTENT AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH
3 CARE PRACTITIONER, IN SCREENING AN ENROLLEE AND PRESCRIBING
4 CONTRACEPTIVES FOR THE ENROLLEE.

5 **Article – Health Occupations**

6 12–101.

- 7 (u) (1) “Practice pharmacy” means to engage in any of the following activities:
- 8 (i) Providing pharmaceutical care;
 - 9 (ii) Compounding, dispensing, or distributing prescription drugs or
10 devices;
 - 11 (iii) Compounding or dispensing nonprescription drugs or devices;
 - 12 (iv) Monitoring prescriptions for prescription and nonprescription
13 drugs or devices;
 - 14 (v) Providing information, explanation, or recommendations to
15 patients and health care practitioners about the safe and effective use of prescription or
16 nonprescription drugs or devices;
 - 17 (vi) Identifying and appraising problems concerning the use or
18 monitoring of therapy with drugs or devices;
 - 19 (vii) Acting within the parameters of a therapy management contract,
20 as provided under Subtitle 6A of this title;
 - 21 (viii) Administering vaccinations in accordance with § 12–508 of this
22 title or self-administered drugs in accordance with § 12–509 of this title;
 - 23 (ix) Delegating a pharmacy act to a registered pharmacy technician,
24 pharmacy student, or an individual engaged in a Board approved pharmacy technician
25 training program;
 - 26 (x) Supervising a delegated pharmacy act performed by a registered
27 pharmacy technician, pharmacy student, or an individual engaged in a Board approved
28 pharmacy technician training program; [or]
 - 29 (xi) Providing drug therapy management in accordance with §
30 19–713.6 of the Health – General Article; **OR**

1 (XII) PRESCRIBING AND DISPENSING CONTRACEPTIVE
2 MEDICATIONS AND SELF-ADMINISTERED CONTRACEPTIVE DEVICES APPROVED BY
3 THE U.S. FOOD AND DRUG ADMINISTRATION.

4 (2) "Practice pharmacy" does not include the operations of a person who
5 holds a permit issued under § 12-6C-03 of this title.

6 12-511.

7 (A) IN THIS SECTION, "CONTRACEPTIVES" MEANS CONTRACEPTIVE
8 MEDICATIONS AND SELF-ADMINISTERED CONTRACEPTIVE DEVICES APPROVED BY
9 THE U.S. FOOD AND DRUG ADMINISTRATION.

10 (B) A PHARMACIST WHO MEETS THE REQUIREMENTS OF THE REGULATIONS
11 ADOPTED UNDER THIS SECTION MAY PRESCRIBE AND DISPENSE CONTRACEPTIVES.

12 (C) (1) ~~THE~~ ON OR BEFORE SEPTEMBER 1, 2018, THE BOARD, IN
13 CONSULTATION WITH THE STATE BOARD OF PHYSICIANS, THE STATE BOARD OF
14 NURSING, THE MARYLAND CHAPTER OF THE AMERICAN COLLEGE OF
15 OBSTETRICIANS AND GYNECOLOGISTS, THE MARYLAND CHAPTER OF THE
16 AMERICAN ACADEMY OF PEDIATRICS, THE MARYLAND PHARMACISTS
17 ASSOCIATION, THE MARYLAND AFFILIATE OF THE AMERICAN COLLEGE OF
18 NURSE-MIDWIVES, THE MARYLAND NURSES ASSOCIATION, PLANNED
19 PARENTHOOD OF MARYLAND, AND OTHER INTERESTED HEALTH PROFESSIONAL
20 ASSOCIATIONS AND STAKEHOLDERS, SHALL ADOPT REGULATIONS ESTABLISHING
21 ~~THE~~;

22 (I) STANDARD PROCEDURES THAT A PHARMACIST MUST USE
23 TO SELECT THE APPROPRIATE CONTRACEPTIVE TO PRESCRIBE FOR A PATIENT OR
24 TO REFER THE PATIENT TO A PRIMARY CARE PRACTITIONER OR REPRODUCTIVE
25 HEALTH CARE PRACTITIONER FOR TREATMENT; AND

26 (II) THE CONDITIONS UNDER WHICH A PHARMACIST MAY
27 PRESCRIBE AND DISPENSE CONTRACEPTIVES.

28 (2) THE REGULATIONS SHALL REQUIRE A PHARMACIST TO:

29 (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
30 SUBSECTION, COMPLETE A TRAINING PROGRAM APPROVED BY THE BOARD FOR
31 PRESCRIBING AND DISPENSING CONTRACEPTIVES;

32 (II) PROVIDE A SELF-SCREENING RISK ASSESSMENT TOOL
33 THAT A PATIENT MUST USE BEFORE A PHARMACIST MAY PRESCRIBE
34 CONTRACEPTIVES FOR THE PATIENT;

1 (III) FOLLOW THE STANDARD PROCEDURES ESTABLISHED BY
2 THE BOARD; AND

3 (III) (IV) AFTER PRESCRIBING AND DISPENSING
4 CONTRACEPTIVES FOR A PATIENT:

5 1. REFER THE PATIENT FOR ANY ADDITIONAL CARE TO:

6 A. THE PATIENT'S PRIMARY CARE PRACTITIONER OR
7 REPRODUCTIVE HEALTH CARE PRACTITIONER; OR

8 B. IF THE PATIENT DOES NOT HAVE A PRIMARY CARE
9 PRACTITIONER OR REPRODUCTIVE HEALTH CARE PRACTITIONER, A FAMILY
10 PLANNING PROVIDER OR A LICENSED CLINICIAN WHO PROVIDES REPRODUCTIVE
11 HEALTH CARE SERVICES;

12 2. PROVIDE THE PATIENT WITH:

13 A. A WRITTEN RECORD OF THE CONTRACEPTIVES
14 DISPENSED; AND

15 B. WRITTEN INFORMATION ABOUT THE IMPORTANCE OF
16 SEEING THE PATIENT'S PRIMARY CARE PRACTITIONER OR REPRODUCTIVE HEALTH
17 CARE PRACTITIONER TO OBTAIN RECOMMENDED TESTS AND SCREENINGS; AND

18 3. RECORD THE PRESCRIBING AND DISPENSING OF THE
19 CONTRACEPTIVES IN ANY ELECTRONIC HEALTH RECORD MAINTAINED ON THE
20 PATIENT BY THE PHARMACIST; AND

21 4. PROVIDE THE PATIENT WITH A COPY OF THE RECORD
22 OF THE ENCOUNTER THAT INCLUDES THE PATIENT'S COMPLETED
23 SELF-ASSESSMENT TOOL AND THE CONTRACEPTIVE PRESCRIBED AND DISPENSED
24 OR THE BASIS FOR NOT PRESCRIBING AND DISPENSING A CONTRACEPTIVE.

25 (3) THE REGULATIONS SHALL WAIVE THE REQUIREMENT TO
26 COMPLETE A TRAINING PROGRAM FOR A PHARMACIST WHO ALREADY HAS
27 UNDERGONE THE TRAINING AS PART OF THE PHARMACIST'S FORMAL EDUCATIONAL
28 PROGRAM.

29 ~~Article Insurance~~

30 ~~15-716.~~

31 (A) ~~THIS SECTION APPLIES TO:~~

1 ~~(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT~~
 2 ~~PROVIDE COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER~~
 3 ~~INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS~~
 4 ~~THAT ARE ISSUED OR DELIVERED IN THE STATE; AND~~

5 ~~(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE~~
 6 ~~COVERAGE FOR CONTRACEPTIVE DRUGS AND DEVICES UNDER INDIVIDUAL OR~~
 7 ~~GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.~~

8 ~~(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR~~
 9 ~~SERVICES RENDERED BY A LICENSED PHARMACIST UNDER § 12-511 OF THE~~
 10 ~~HEALTH OCCUPATIONS ARTICLE TO AN INDIVIDUAL WHO IS COVERED UNDER A~~
 11 ~~POLICY OR CONTRACT ISSUED OR DELIVERED BY THE ENTITY, TO THE SAME EXTENT~~
 12 ~~AS SERVICES RENDERED BY ANY OTHER LICENSED HEALTH CARE PRACTITIONER, IN~~
 13 ~~SCREENING AN INDIVIDUAL AND PRESCRIBING CONTRACEPTIVES FOR THE~~
 14 ~~INDIVIDUAL.~~

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 January 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.