

# SENATE BILL 1053

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CF HB 1089

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By: **Senator Klausmeier**

Introduced and read first time: February 26, 2010

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Pharmacists – Laboratory Tests**

3 FOR the purpose of including the performance of certain laboratory tests as within the  
4 scope of practice of certain pharmacists; and generally relating to the  
5 performance of laboratory tests by pharmacists.

6 BY repealing and reenacting, with amendments,  
7 Article – Health Occupations  
8 Section 12–101(t)  
9 Annotated Code of Maryland  
10 (2009 Replacement Volume)

11 BY repealing and reenacting, with amendments,  
12 Article – Health Occupations  
13 Section 12–101(t)  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume)  
16 (As enacted by Chapter 249 of the Acts of the General Assembly of 2002)

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

19 **Article – Health Occupations**

20 12–101.

21 (t) (1) “Practice pharmacy” means to engage in any of the following  
22 activities:

23 (i) Providing pharmaceutical care;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Compounding, dispensing, or distributing prescription drugs  
2 or devices;

3 (iii) Compounding or dispensing nonprescription drugs or  
4 devices;

5 (iv) Monitoring prescriptions for prescription and  
6 nonprescription drugs or devices;

7 (v) Providing information, explanation, or recommendations to  
8 patients and health care practitioners about the safe and effective use of prescription  
9 or nonprescription drugs or devices;

10 (vi) Identifying and appraising problems concerning the use or  
11 monitoring of therapy with drugs or devices;

12 (vii) Acting within the parameters of a therapy management  
13 contract, as provided under Subtitle 6A of this title;

14 (viii) Administering an influenza vaccination, a vaccination for  
15 pneumococcal pneumonia or herpes zoster, or any vaccination that has been  
16 determined by the Board, with the agreement of the Board of Physicians and the  
17 Board of Nursing, to be in the best health interests of the community in accordance  
18 with § 12-508 of this title;

19 (ix) Delegating a pharmacy act to a registered pharmacy  
20 technician, pharmacy student, or an individual engaged in a Board approved  
21 pharmacy technician training program;

22 (x) Supervising a delegated pharmacy act performed by a  
23 registered pharmacy technician, pharmacy student, or an individual engaged in a  
24 Board approved pharmacy technician training program; [or]

25 (xi) Providing drug therapy management in accordance with §  
26 19-713.6 of the Health – General Article; **OR**

27 **(XII) PERFORMING LABORATORY TESTS THAT ARE WAIVED**  
28 **FROM THE REQUIREMENTS OF THE FEDERAL CLINICAL LABORATORY**  
29 **IMPROVEMENT AMENDMENTS (CLIA).**

30 (2) “Practice pharmacy” does not include the operations of a person  
31 who holds a permit issued under § 12-6C-03 of this title.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
33 read as follows:

**Article – Health Occupations**

12–101.

(t) (1) “Practice pharmacy” means to engage in any of the following activities:

(i) Providing pharmaceutical care;

(ii) Compounding, dispensing, or distributing prescription drugs or devices;

(iii) Compounding or dispensing nonprescription drugs or devices;

(iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;

(v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;

(vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;

(vii) Administering an influenza vaccination, a vaccination for pneumococcal pneumonia or herpes zoster, or any vaccination that has been determined by the Board, with the agreement of the Board of Physicians and the Board of Nursing, to be in the best health interests of the community in accordance with § 12–508 of this title;

(viii) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program;

(ix) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; [or]

(x) Providing drug therapy management in accordance with § 19–713.6 of the Health – General Article; OR

**(XI) PERFORMING LABORATORY TESTS THAT ARE WAIVED FROM THE REQUIREMENTS OF THE FEDERAL CLINICAL LABORATORY IMPROVEMENT AMENDMENTS (CLIA).**

1                   (2)     “Practice pharmacy” does not include the operations of a person  
2 who holds a permit issued under § 12–6C–03 of this title.

3                   SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
4 take effect on the taking effect of the termination provision specified in Section 5 of  
5 Chapter 249 of the Acts of the General Assembly of 2002. If that termination provision  
6 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.  
7 This Act may not be interpreted to have any effect on that termination provision.

8                   SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2010.