

HB1088/286180/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1088

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Morhaim” and substitute “Delegates Morhaim, Bromwell, Costa, Cullison, Donoghue, Elliott, Hammen, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Murphy, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner”; strike beginning with “Ophthalmologists” in line 2 down through “Act” in line 3 and substitute “Compound Drugs – Provision to Ophthalmologists for Office Use”; strike beginning with “providing” in line 4 down through “Act” in line 8 and substitute “authorizing a pharmacy for which a pharmacy permit has been issued by the State Board of Pharmacy and a sterile compounding facility to provide to an ophthalmologist for office use, without a certain prescription, certain compound drugs for certain purposes; requiring the pharmacy or sterile compounding facility to require the ophthalmologist to provide certain information to the pharmacy or sterile compounding facility; requiring the Board to monitor changes in certain federal law, regulation, and guidance and report to the Governor and General Assembly on those changes on or before a certain date; and generally relating to the provision of compound drugs to ophthalmologists”; strike in their entirety lines 9 through 13, inclusive; in line 16, strike “12-102(h), (i), and (j)” and substitute “12-403(b)(20) and (21)”; and after line 18, insert:

“BY adding to

Article – Health Occupations

Section 12-403(b)(22) and 12-4A-12

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

(Over)

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 26 on page 2, inclusive, and substitute:

“12-403.

(b) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

(20) Shall provide information regarding the process for resolving incorrectly filled prescriptions in accordance with existing regulations by:

(i) Posting a sign that is conspicuously positioned and readable by consumers at the point where prescription drugs are dispensed to consumers; or

(ii) Including written information regarding the process with each prescription dispensed; [and]

(21) Shall dispense or dispose of prescription drugs or medical supplies in accordance with Title 15, Subtitle 6 of the Health – General Article; AND

(22) (i) SUBJECT TO § 12-4A-02 OF THIS TITLE, MAY PROVIDE TO AN OPHTHALMOLOGIST FOR OFFICE USE, WITHOUT A PATIENT-SPECIFIC PRESCRIPTION:

1. COMPOUND ANTIBIOTICS FOR THE EMERGENCY TREATMENT OF BACTERIAL ENDOPHTHALMITIS OR VIRAL RETINITIS; AND

2. COMPOUND ANTIVASCULAR ENDOTHELIAL GROWTH FACTOR AGENTS FOR THE EMERGENCY TREATMENT OF NEOVASCULAR GLAUCOMA, WET MACULAR DEGENERATION, OR MACULAR EDEMA; AND

(II) SHALL REQUIRE THE OPHTHALMOLOGIST TO INFORM THE PHARMACY OF THE IDENTITY OF ANY PATIENT TO WHOM THE DRUGS ARE ADMINISTERED.

12-4A-12.

(A) A STERILE COMPOUNDING FACILITY MAY PROVIDE TO AN OPHTHALMOLOGIST FOR OFFICE USE, WITHOUT A PATIENT-SPECIFIC PRESCRIPTION:

(1) COMPOUND ANTIBIOTICS FOR THE EMERGENCY TREATMENT OF BACTERIAL ENDOPHTHALMITIS OR VIRAL RETINITIS; AND

(2) COMPOUND ANTIVASCULAR ENDOTHELIAL GROWTH FACTOR AGENTS FOR THE EMERGENCY TREATMENT OF NEOVASCULAR GLAUCOMA, WET MACULAR DEGENERATION, OR MACULAR EDEMA.

(B) A STERILE COMPOUNDING FACILITY SHALL REQUIRE THE OPHTHALMOLOGIST TO INFORM THE PHARMACY OF THE IDENTITY OF ANY PATIENT TO WHOM THE DRUGS ARE ADMINISTERED.”.

AMENDMENT NO. 3

On page 2, after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Pharmacy shall:

(1) monitor any changes to the federal Drug Quality and Security Act, federal regulations proposed or adopted under the Act, and federal guidance provided under the Act as those changes relate to the authority of a sterile compounding facility

(Over)

to provide prescription drugs to ophthalmologists for office use, as authorized under Section 1 of this Act; and

(2) on or before January 1, 2015, report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on those changes.”;

in line 27, strike “2.” and substitute “3.”; and in line 28, strike “October” and substitute “July”.