

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 301

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Reznik” and substitute “Delegates Reznik, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Ready, Tarrant, and V. Turner”; in line 2, strike “Prepare and”; in line 6, strike “personally prepares and”; and in line 23, strike “12-102(h),” and substitute “12-102(c), (h)”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“(c) **(1)** THIS SUBSECTION DOES NOT APPLY TO A LICENSED DENTIST WHO OBTAINS A PERMIT FROM THE STATE BOARD OF DENTAL EXAMINERS UNDER SUBSECTION (H) OF THIS SECTION.

(2) This title does not prohibit:

[(1)] (I) A licensed veterinarian from personally preparing and dispensing the veterinarian’s prescriptions;

[(2)] (II) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist’s, physician’s, or podiatrist’s prescriptions when:

[(i)] 1. The dentist, physician, or podiatrist:

[1.] A. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;

(Over)

[2.] B. Has demonstrated to the satisfaction of that board that the dispensing of prescription drugs or devices by the dentist, physician, or podiatrist is in the public interest;

[3.] C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples without charge; and

[4.] D. Posts a sign conspicuously positioned and readable regarding the process for resolving incorrectly filled prescriptions or includes written information regarding the process with each prescription dispensed;

[(ii)] 2. The person for whom the drugs or devices are prescribed is a patient of the prescribing dentist, physician, or podiatrist;

[(iii)] 3. The dentist, physician, or podiatrist does not have a substantial financial interest in a pharmacy; and

[(iv)] 4. The dentist, physician, or podiatrist:

[1.] A. Complies with the dispensing and labeling requirements of this title;

[2.] B. Records the dispensing of the prescription drug or device on the patient's chart;

[3.] C. Allows the Division of Drug Control to enter and inspect the dentist's, physician's, or podiatrist's office at all reasonable hours and in accordance with § 12-102.1 of this subtitle;

[4.] D. On inspection by the Division of Drug Control, signs and dates an acknowledgment form provided by the Division of Drug Control relating to the requirements of this section;

[5.] E. Except for starter dosages or samples without charge, provides the patient with a written prescription, maintains prescription files in accordance with § 12-403(b)(13) of this title, and maintains a separate file for Schedule II prescriptions;

[6.] F. Does not direct patients to a single pharmacist or pharmacy in accordance with § 12-403(b)(8) of this title;

[7.] G. Does not receive remuneration for referring patients to a pharmacist or pharmacy;

[8.] H. Complies with the child resistant packaging requirements regarding prescription drugs under Title 22, Subtitle 3 of the Health – General Article;

[9.] I. Complies with drug recalls;

[10.] J. Maintains biennial inventories and complies with any other federal and State record-keeping requirements relating to controlled dangerous substances;

[11.] K. Purchases prescription drugs from a pharmacy or wholesale distributor who holds a permit issued by the Board of Pharmacy, as verified by the Board of Pharmacy;

[12.] L. Annually reports to the respective board of licensure whether the dentist, physician, or podiatrist has personally prepared and dispensed prescription drugs within the previous year; and

[13.] M. Completes ten continuing education credits over a 5-year period relating to the preparing and dispensing of prescription drugs, offered by the Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary, in consultation with each respective board of licensure, as a condition of permit renewal; or

[(3)] (III) A hospital-based clinic from dispensing prescriptions to its patients.”;

in line 14, strike “PERSONALLY PREPARING AND”; in line 17, strike “AND”; and in line 20, after “PATIENT” insert “;AND”

(3) THE LICENSED DENTIST AFFIXES A LABEL ON THE PRODUCT OR RINSE CONTAINER THAT INCLUDES:

(I) THE NAME OF THE PATIENT; AND

(II) UNLESS ALREADY PRINTED ON THE CONTAINER:

1. THE EXPIRATION DATE OF THE PRODUCT OR RINSE; AND

2. THE INSTRUCTIONS FOR USING THE PRODUCT OR RINSE”.