

HOUSE BILL 1088

J2

4lr2787

By: ~~Delegate Morhaim~~ 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

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – ~~Ophthalmologists Who Store and Administer Drugs –~~**
3 **~~Exclusion From Maryland Pharmacy Act~~ Compound Drugs – Provision to**
4 **Ophthalmologists for Office Use**

5 FOR the purpose of ~~providing that the Maryland Pharmacy Act does not limit the~~
6 ~~right of ophthalmologists to store in a certain office and administer to a certain~~
7 ~~patient, without a prescription, certain drugs for the emergency treatment of~~
8 ~~certain eye conditions; and generally relating to the exclusion of~~
9 ~~ophthalmologists from the Maryland Pharmacy Act~~ authorizing a pharmacy for
10 which a pharmacy permit has been issued by the State Board of Pharmacy and
11 a sterile compounding facility to provide to an ophthalmologist for office use,
12 without a certain prescription, certain compound drugs for certain purposes;
13 requiring the pharmacy or sterile compounding facility to require the
14 ophthalmologist to provide certain information to the pharmacy or sterile
15 compounding facility; requiring the Board to monitor changes in certain federal
16 law, regulation, and guidance and report to the Governor and General Assembly
17 on those changes on or before a certain date; and generally relating to the
18 provision of compound drugs to ophthalmologists.

19 ~~BY adding to~~
20 ~~Article – Health Occupations~~
21 ~~Section 12-102(h)~~

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 ~~Annotated Code of Maryland~~
 2 ~~(2009 Replacement Volume and 2013 Supplement)~~

3 BY repealing and reenacting, with amendments,
 4 Article – Health Occupations
 5 Section ~~12-102(h), (i), and (j)~~ 12-403(b)(20) and (21)
 6 Annotated Code of Maryland
 7 (2009 Replacement Volume and 2013 Supplement)

8 BY adding to
 9 Article – Health Occupations
 10 Section 12-403(b)(22) and 12-4A-12
 11 Annotated Code of Maryland
 12 (2009 Replacement Volume and 2013 Supplement)

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

15 **Article – Health Occupations**

16 ~~12-102.~~

17 ~~(H) THIS TITLE DOES NOT LIMIT THE RIGHT OF AN OPHTHALMOLOGIST~~
 18 ~~TO STORE IN THE OFFICE OF THE OPHTHALMOLOGIST AND ADMINISTER TO A~~
 19 ~~PATIENT OF THE OPHTHALMOLOGIST, WITHOUT A PRESCRIPTION, THE~~
 20 ~~FOLLOWING:~~

21 ~~(1) ANTIBIOTICS FOR THE EMERGENCY TREATMENT OF~~
 22 ~~BACTERIAL ENDOPHTHALMITIS AND VIRAL RETINITIS; AND~~

23 ~~(2) ANTIVASCULAR ENDOTHELIAL GROWTH FACTOR AGENTS FOR~~
 24 ~~THE EMERGENCY TREATMENT OF NEOVASCULAR GLAUCOMA, WET MACULAR~~
 25 ~~DEGENERATION, AND MACULAR EDEMA.~~

26 ~~[(h)] (I) This title does not limit the right of a general merchant to sell:~~

27 ~~(1) Any nonprescription drug or device;~~

28 ~~(2) Any commonly used household or domestic remedy; or~~

29 ~~(3) Any farm remedy or ingredient for a spraying solution, in bulk or~~
 30 ~~otherwise.~~

31 ~~[(i)] (J) The Board of Pharmacy, the Board of Dental Examiners, the Board~~
 32 ~~of Physicians, and the Board of Podiatric Medical Examiners annually shall report to~~
 33 ~~the Division of Drug Control.~~

1 ~~(1) The names and addresses of its licensees who are authorized to~~
2 ~~personally prepare and dispense prescription drugs; and~~

3 ~~(2) The names and addresses of its licensees who have reported, in~~
4 ~~accordance with subsection (e)(2)(iv)12 of this section, that they have personally~~
5 ~~prepared and dispensed prescription drugs within the previous year.~~

6 ~~[(j)] (K) A dentist, physician, or podiatrist who fails to comply with the~~
7 ~~provisions of this section governing the dispensing of prescription drugs or devices~~
8 ~~shall:~~

9 ~~(1) Have the dispensing permit revoked; and~~

10 ~~(2) Be subject to disciplinary actions by the appropriate licensing~~
11 ~~board.~~

12 12-403.

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

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

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

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

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

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

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

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

1 **(ii) SHALL REQUIRE THE OPHTHALMOLOGIST TO INFORM**
2 **THE PHARMACY OF THE IDENTITY OF ANY PATIENT TO WHOM THE DRUGS ARE**
3 **ADMINISTERED.**

4 **12-4A-12.**

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

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

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

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

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

18 **(1) monitor any changes to the federal Drug Quality and Security Act,**
19 **federal regulations proposed or adopted under the Act, and federal guidance provided**
20 **under the Act as those changes relate to the authority of a sterile compounding facility**
21 **to provide prescription drugs to ophthalmologists for office use, as authorized under**
22 **Section 1 of this Act; and**

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

26 **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take**
27 **effect ~~October~~ July 1, 2014.**