

HOUSE BILL 1219

J2, J5, J1

2lr2020

By: **Delegate Bhandari**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Pharmacists – Status as Health Care Providers and Reimbursement**

3 FOR the purpose of altering certain definitions of “health care provider” to include
4 pharmacists for the purposes of provisions of law related to health care malpractice
5 claims, destruction of medical records, and HIV testing; requiring the Maryland
6 Medical Assistance Program, the Maryland Children’s Health Program, and certain
7 insurers, nonprofit health service plans, and health maintenance organizations to
8 provide coverage for certain services rendered by a licensed pharmacist if the
9 coverage is provided for the same services rendered by any other health care
10 practitioner and the services are within the scope of practice of the licensed
11 pharmacist; and generally relating to pharmacists.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–2A–01(a)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–2A–01(f)(1)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 4–403(a)(1)(xix) and (xx), 15–148(c), 18–336(a)(3), 18–337(a), and
25 18–338.2(a)(3)
26 Annotated Code of Maryland
27 (2019 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Health – General

Section 4–403(a)(1)(xxi)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 18–336(a)(1) and 18–338.2(a)(1)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–716

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–2A–01.

(a) In this subtitle the following terms have the meanings indicated unless the context of their use requires otherwise.

(f) (1) “Health care provider” means a hospital, a related institution as defined in § 19–301 of the Health – General Article, a medical day care center, a hospice care program, an assisted living program, a freestanding ambulatory care facility as defined in § 19–3B–01 of the Health – General Article, a physician, an osteopath, an optometrist, a chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist, a licensed certified social worker–clinical, [and] a physical therapist, **AND A PHARMACIST**, licensed or authorized to provide one or more health care services in Maryland.

Article – Health – General

4–403.

(a) (1) In this section, a “health care provider” means:

(xix) A social worker; [and]

(xx) A speech–language pathologist; **AND**

(XXI) A PHARMACIST.

1 15–148.

2 (c) The Program and the Maryland Children’s Health Program shall provide
3 coverage for services[, to the same extent as services rendered by any other licensed health
4 care practitioner,] rendered to an enrollee by a licensed pharmacist [under] **IN ANY**
5 **SETTING IF:**

6 [(1) § 12–509 of the Health Occupations Article in administering
7 self-administered medications or maintenance injectable medications; or

8 (2) § 12–511 of the Health Occupations Article in screening an enrollee and
9 prescribing contraceptives for the enrollee.]

10 **(1) THE PROGRAM AND MARYLAND CHILDREN’S HEALTH PROGRAM**
11 **PROVIDES COVERAGE FOR THE SAME SERVICES RENDERED BY ANY OTHER**
12 **LICENSED HEALTH CARE PRACTITIONER; AND**

13 **(2) THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE**
14 **LICENSED PHARMACIST.**

15 18–336.

16 (a) (1) In this section the following words have the meanings indicated.

17 (3) “Health care provider” means a physician, nurse, **PHARMACIST**, or
18 designee of a health care facility.

19 18–337.

20 (a) In this section, “health care provider” means a physician, a physician’s
21 designee, **A PHARMACIST**, or a designee of a health care facility licensed or otherwise
22 authorized to provide health care services.

23 18–338.2.

24 (a) (1) In this section the following words have the meanings indicated.

25 (3) “Health care provider” means a physician, nurse, licensed direct–entry
26 midwife, **PHARMACIST**, or designee of a health care facility.

27 **Article – Insurance**

28 15–716.

(a) This section applies to individual, group, or blanket health insurance policies and contracts delivered or issued for delivery in the State by insurers, nonprofit health service plans, and health maintenance organizations [that provide coverage for patient assessment regarding, and administration of, self-administered medications and maintenance injectable medications].

(b) An entity subject to this section shall provide coverage for services rendered **IN ANY SETTING** by a licensed pharmacist [under § 12–509 of the Health Occupations Article] to an individual who is covered under a policy or contract issued or delivered by the entity, [to the same extent as] **IF:**

(1) COVERAGE IS PROVIDED UNDER THE POLICY OR CONTRACT FOR THE SAME services rendered by any other licensed health care practitioner[, for patient assessment regarding and in administering self-administered medications or maintenance injectable medications]; **AND**

(2) THE SERVICES ARE WITHIN THE SCOPE OF PRACTICE OF THE LICENSED PHARMACIST.

SECTION 2. AND BE IT FURTHER ENACTED, That, to implement § 15–148(c) of the Health – General Article as enacted by Section 1 of this Act, on or before January 1, 2023, the Department of Health shall apply for and obtain from the United States Department of Health and Human Services any necessary amendments to or waivers for the State Medical Assistance Program or the Maryland Children’s Health Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.