

**HB1387/936986/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1387  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Riley” and substitute “Riley, Benson, Hammen, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pendergrass, Reznik, Tarrant, V. Turner, and Weldon”; in line 4, strike “authorizing” and substitute “requiring the Board of Pharmacy to adopt regulations to authorize”; in line 7, after “of,” insert “bar coding, transaction records, dispensation records, labeling”; in line 8, after “systems;” insert “requiring certain pharmacists to have certain access to certain systems under certain circumstances;”; in line 9, strike “before” and substitute “after”; in line 10, strike “placed” and substitute “entered”; in line 14, after “programs;” insert “requiring certain pharmacists to limit certain access to certain systems by requiring individual security codes for certain functions; requiring certain records to be kept; requiring certain pharmacists to maintain certain logs and repair records; requiring certain pharmacists to ensure a certain back-up power source and that only certain individuals have access to certain systems under certain circumstances;”; in the same line, after “terms;” insert “requiring the Board of Pharmacy to monitor the experience of remote automated medication systems in nursing homes in the State and to report to specified legislative committees on the effect of remote automated medication systems on patient safety in nursing homes;”; and after line 15, insert:

“BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 12-307(b)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(Over)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12-307(c)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“12-307.

(b) Except as otherwise provided in this section, a pharmacist may engage in dispensing or distributing only from a pharmacy holding a pharmacy permit issued by the Board.

(c) (1) Pursuant to regulations adopted by the Board, a licensed pharmacist may engage in dispensing or distributing from a setting not holding a pharmacy permit only upon receiving the prior approval of the Board.

**(2) THE BOARD SHALL ADOPT REGULATIONS THAT AUTHORIZE A PHARMACIST TO DISPENSE OR DISTRIBUTE FROM A REMOTE LOCATION FOR THE BENEFIT OF A HEALTH CARE FACILITY THAT USES A REMOTE AUTOMATED MEDICATION SYSTEM IN ACCORDANCE WITH § 12-605 OF THIS TITLE.”;**

strike beginning with “A” in line 16 down through “OR” in line 17; strike in their entirety lines 26 through 29, inclusive; in line 30, strike “(C)” and substitute “(B)(1)”; and in line 31, after “CONTROL,” insert **“BAR CODING, TRANSACTION RECORDS, DISPENSATION RECORDS, LABELING,”**.

On page 3, after line 2, insert:

**“(2) IF A PHARMACIST IS NOT PHYSICALLY PRESENT WHERE THE REMOTE AUTOMATED MEDICATION SYSTEM IS LOCATED IN A HEALTH CARE FACILITY, THE PHARMACIST SHALL HAVE ACCESS TO THE SYSTEM BY ELECTRONIC AND VISUAL MEANS IN ORDER TO ENSURE THE SAFE AND EFFICIENT DISPENSING, REPACKAGING, DELIVERY, CONTROL, BAR CODING, TRANSACTION RECORDS, DISPENSATION RECORDS, LABELING, AND ACCOUNTABILITY FOR ALL MEDICATIONS IN THE SYSTEM.”**

AMENDMENT NO. 3

On page 3, in lines 3 and 7, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; in line 5, strike “BEFORE” and substitute “**AFTER**”; in line 8, strike “COMPANY” and substitute “**PHARMACY PERMIT HOLDER**”; in line 14, strike “A” and substitute “**IF THE STARTER DOSE IS REVIEWED BY A PHARMACIST WITHIN 24 HOURS OF DELIVERY FROM A SYSTEM, A**”; in line 17, after “ENTITIES” insert “**IF CONTAINED WITHIN A PATIENT-SPECIFIC PACKAGE**”; in line 26, after “PATIENT” insert “**BY AN INDIVIDUAL AUTHORIZED TO ADMINISTER MEDICATION UNDER THIS ARTICLE**”; strike beginning with “A” in line 27 down through “2.” in line 29; and in line 29, after “MEDICATION” insert “**IF AVAILABLE; OR**

**2. IF A PICTURE IS NOT AVAILABLE, A WRITTEN REPORT THAT DESCRIBES THE MEDICATION**”.

AMENDMENT NO. 4

On page 4, in line 6, strike “(F)” and substitute “(E)”; in line 7, strike “A COMPANY” and substitute “**THE PHARMACY PERMIT HOLDER**”; in line 10, strike “(F)” and substitute “(E)”; in line 13, strike “THIS SUBSECTION” and substitute “**REGULATIONS ADOPTED BY THE BOARD**”; in line 25, strike the second “AND”; in line 27, after “MEDICATIONS” insert “**; AND**

(VII) ANY OTHER REQUIREMENTS DETERMINED BY THE BOARD AND SET FORTH IN REGULATIONS.

(F) (1) A PHARMACIST THAT OPERATES A REMOTE AUTOMATED MEDICATION SYSTEM SHALL LIMIT ACCESS TO THE SYSTEM TO INDIVIDUALS AUTHORIZED TO ACCESS THE SYSTEM BY REQUIRING INDIVIDUAL SECURITY CODES FOR ALL FUNCTIONS.

(2) A RECORD SHALL BE KEPT OF EACH TRANSACTION CONTAINING USER IDENTIFICATION INFORMATION.

(G) (1) A PHARMACIST WHO OPERATES A REMOTE AUTOMATED MEDICATION SYSTEM SHALL MAINTAIN MAINTENANCE LOGS AND REPAIR RECORDS FOR THE SYSTEM.

(2) IN A POWER OUTAGE OR OTHERWISE UNFORESEEN SITUATION, A PHARMACIST SHALL ENSURE THAT:

(I) A BACK-UP POWER SOURCE FOR THE SYSTEM IS AVAILABLE BY A CONNECTION WITH THE HEALTH CARE FACILITY'S GENERATOR; AND

(II) ONLY A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE HAS ACCESS TO THE MEDICATIONS CONTAINED WITHIN THE SYSTEM";

in line 29, strike "October" and substitute "June".

AMENDMENT NO. 5

On page 4, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Pharmacy shall monitor the experience of remote automated medication systems in nursing homes in the State and shall report on or before January 1, 2009 and on or before January 1, 2010, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on the effect of remote automated medication systems on patient safety in nursing homes.”;

and in line 28, strike “2.” and substitute “3.”.