

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

Resolution 24-18

INTRODUCED BY: Maryland Society of Plastic Surgeons

SUBJECT: Physician Office-Based Dispensing

1 Whereas, the Maryland Pharmacy Act states that a person must be licensed by the State Board of
2 Pharmacy in order to practice pharmacy in the State, which includes the dispensing of
3 prescription drugs; and
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5 Whereas, “dispensing” means the procedure that results in the receipt of a prescription or
6 nonprescription drug or device by a patient or the patient’s agent and that entails (1) the
7 interpretation of an authorized prescriber’s prescription for a drug or device; (2) the selection and
8 labeling of the drug or device prescribed pursuant to that prescription; and (3) measuring and
9 packaging of the prescribed drug or device in accordance with State and federal laws; and
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11 Whereas, the requirement does not prohibit specified individuals from personally preparing and
12 dispensing prescriptions under specified circumstances, including a licensed physician who
13 personally prepares and dispenses the physician’s prescriptions; and
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15 Whereas, Chapter 116 of the 2016 Laws of the State of Maryland clarified that a licensed
16 physician may personally prepare and dispense a prescription written by a physician assistant, in
17 accordance with an authorized delegation agreement, or a prescription written by a certified
18 nurse practitioner who works with the physician in the same office setting, if the physician
19 otherwise complies with dispensing requirements; and
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21 Whereas, the Office of Controlled Substances Administration (OCSA) advises that only a small
22 number of physicians dispense prepackaged topical products; and
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24 Whereas, authorizing these physicians to dispense such products without dispensing permits does
25 not materially affect OCSA; and
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27 Whereas, the Maryland Board of Physicians similarly advises that any decrease in fee revenue as
28 a result of this policy is expected to be minimal; therefore be it
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30 Resolved, that MedChi support Maryland legislation that would: (1) provide that certain
31 provisions of the law do not prohibit a physician from personally dispensing a prepackaged
32 topical; (2) establish an exception to the requirement to receive a written permit to dispense
33 prepackaged topicals; and (3) define the term “prepackaged topical.”
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36 As adopted by the House of Delegates at its meeting on September 22, 2018.