Whereas, the Maryland Pharmacy Act states that a person must be licensed by the State Board of Pharmacy in order to practice pharmacy in the State, which includes the dispensing of prescription drugs; and

Whereas, “dispensing” means the procedure that results in the receipt of a prescription or nonprescription drug or device by a patient or the patient’s agent and that entails (1) the interpretation of an authorized prescriber’s prescription for a drug or device; (2) the selection and labeling of the drug or device prescribed pursuant to that prescription; and (3) measuring and packaging of the prescribed drug or device in accordance with State and federal laws; and

Whereas, the requirement does not prohibit specified individuals from personally preparing and dispensing prescriptions under specified circumstances, including a licensed physician who personally prepares and dispenses the physician’s prescriptions; and

Whereas, Chapter 116 of the 2016 Laws of the State of Maryland clarified that a licensed physician may personally prepare and dispense a prescription written by a physician assistant, in accordance with an authorized delegation agreement, or a prescription written by a certified nurse practitioner who works with the physician in the same office setting, if the physician otherwise complies with dispensing requirements; and

Whereas, the Office of Controlled Substances Administration (OCSA) advises that only a small number of physicians dispense prepackaged topical products; and

Whereas, authorizing these physicians to dispense such products without dispensing permits does not materially affect OCSA; and

Whereas, the Maryland Board of Physicians similarly advises that any decrease in fee revenue as a result of this policy is expected to be minimal; therefore be it

Resolved, that MedChi support Maryland legislation that would: (1) provide that certain provisions of the law do not prohibit a physician from personally dispensing a prepackaged topical; (2) establish an exception to the requirement to receive a written permit to dispense prepackaged topicals; and (3) define the term “prepackaged topical.”

As adopted by the House of Delegates at its meeting on September 22, 2018.