



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor

Joshua M. Sharfstein, M.D., Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Michael N. Souranis, Board President - LaVerne G. Naesea, Executive Director

August 2, 2012

Dear Nonresident Pharmacy Permit Holder,

Please be advised that §§ 12-403 and 12-609 of the Maryland Pharmacy Act were amended during the 2012 Maryland Legislative Session. The new law includes requirements that will affect nonresident pharmacy permit holders. Specifically, **effective October 1, 2012**, nonresident pharmacies will be required to:

- 1) Have a pharmacist on staff who is licensed by the Maryland Board of Pharmacy and is designated as “the pharmacist responsible for providing pharmaceutical services to patients in” Maryland, Md. Code Ann., Health Occ. § 12-403(d), and refer all Maryland patients who call with inquiries to that pharmacist, as appropriate, Md. Code Ann., Health Occ. § 12-403(f)(6); and
- 2) Comply with certain provisions of Maryland law – specifically Md. Code Ann., Health Occ. § 12-403(b)(2), (7)-(12), and (19) – when dispensing prescription drugs or devices to patients in Maryland or “[o]therwise engaging in the practice of pharmacy” in Maryland. Md. Code Ann., Health Occ. § 12-403(f)(1). Thus, effective October 1, 2012, a nonresident pharmacy performing pharmacy services in Maryland:
 - (2) Shall be located and equipped so that the pharmacy may be operated without endangering the public health or safety; . . .
 - (7) May not offer pharmaceutical services under any term or condition that tends to interfere with or impair the free and complete exercise of professional pharmaceutical judgment or skill;
 - (8) May not make any agreement that denies a patient a free choice of pharmacist or pharmacy services;
 - (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 or a registered pharmacy technician under § 12-6B-09 of this title;
 - (10) (i) Shall maintain at all times a current reference library that is appropriate to meet the needs of:
 - (1) The practice specialty of that pharmacy; and
 - (2) The consumers the pharmacy serves; and

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(ii) Shall comply with any regulations adopted by the Board establishing the types of texts required to be included in the reference libraries in each of the various practice specialty pharmacies;

(11) (i) Shall maintain at all times the minimum professional and technical equipment and sanitary appliances that are necessary in a pharmacy:

(1) To prepare and dispense prescriptions properly;

and

(2) To otherwise operate a pharmacy; and

(ii) Shall:

(1) Be equipped with the minimum equipment and appliances specified by the Board in this section; and

(2) Be kept in a clean and orderly manner;

(12) Shall store all prescription or nonprescription drugs or devices properly and safely subject to the rules and regulations adopted by the Board; . . . [and]

(19) May not allow an unauthorized individual to represent that the individual is a pharmacist or registered pharmacy technician.

Md. Code Ann., Health Occ. § 12-403(b).

In addition, the new law grants the authority to inspect nonresident pharmacies to the Secretary of the Maryland Department of Health and Mental Hygiene, the Board, or the agents of either, and requires nonresident pharmacies to submit, on initial application for, and renewal of, their permits, a copy of the most recent inspection report from the regulatory body of their home state. Md. Code Ann., Health Occ. § 12-604(b)(2).

Please access the pharmacist reciprocity application from the Board's website at: <http://dhmh.maryland.gov/pharmacy/SitePages/pharmacist.aspx> . If you have any questions after reviewing the Board's website, please contact Doris James, Licensing Specialist, at (410) 764-4756 for application requirements or Anna Jeffers, Legislation/Regulations Manager, at (410) 764-4794 for questions related to the new law.

Sincerely,



LaVerne G. Naesea
Executive Director

C: Licensing Manager