

MARYLAND BOARD OF PHYSICIANS

PO Box 37217, Baltimore, MD 21297
410-764-4705 or 1-800-492-6836, ext 4705

APPLICATION FOR PHYSICIAN'S PERMIT TO DISPENSE PRESCRIPTION DRUGS

INSTRUCTIONS	FOR BANK USE ONLY
<p>Review the FAQs to determine whether you need a dispensing permit.</p> <ul style="list-style-type: none">• Complete this form, read and initial each letter after the certification; and sign and date the application.• If prescriptions will be dispensed in more than one location, a copy of the dispensing permit is required at each location.• Permit is valid for 5 years from the date of issue.• Submit the completed, signed form with a check or money order for \$1,050.00* payable to the Maryland Board of Physicians. Mail to above address. <p>* <u>Note</u>: Fee increase effective July 1, 2013.</p>	<p>Date: ___/___/20__</p> <p>Check number: _____</p> <p>Amount Paid: _____</p> <p>Name Code: _____</p> <p>APPID: 32</p>

Application for (check one) Initial Renewal

If renewal, Permit # _____ Expiration Date ___/___/___

1. Physician license number _____ Email address: _____

2. Physician name _____
Last First Middle

3. Is the dispensing permit "in the public interest" as defined in Health Occupation Article (H.O.A.) § 12-102(a)(2) and Code of Maryland Regulations (COMAR) 10.13.03.B? Please explain.

4. **Primary Practice** address where drugs will be dispensed.

Facility Name and Street Address City State Zip Code Telephone #

5. **Additional Practice** address(es) where drugs will be dispensed.

Facility Name and Street Address City State Zip Code Telephone #

Facility Name and Street Address City State Zip Code Telephone #

Facility Name and Street Address City State Zip Code Telephone #

Facility Name and Street Address City State Zip Code Telephone #

NOTE: Documentation of completed CEs must be submitted with Dispensing Permit Renewal Application

**Please read and initial the space on the left of each lettered paragraph as acknowledgment.
I HEREBY CERTIFY THAT:**

- ___ A. I am thoroughly familiar with the statutes and regulations which govern physician dispensing of prescription drugs, including (H.O.A.)§§12-102, 12-505, and 12-604, and COMAR 10.13.01, 10.19.03.04, 10.19.03.05, and 10.19.03.07.
- ___ B. I have read and understood the enclosed information sheet for physicians who are dispensing drugs.
- ___ C. I will comply with the dispensing requirements set forth in COMAR 10.13.01, Regulations .01--.05 and the above-referenced statutes and regulations.
- ___ D. I understand that I must follow the requirements listed in COMAR 10.13.01.04 regarding dispensing, labeling, record keeping, and patient notifications in order to receive and maintain a permit to dispense. Failure to comply with these requirements or other conditions included in the laws and regulations may be considered a violation of H.O.A. §14-404(a)(28).
- ___ E. I will annually report to the Board on my anniversary date, whether I have personally prepared and dispensed prescription drugs within the previous year.
- ___ F. With the exceptions below, I have completed ten continuing education (CE) credits over a 5 year period relating to the preparing and dispensing of prescription drugs, offered by the Accreditation Council for Pharmacy Education (ACPE) or as approved by the Secretary of the Department of Health and Mental Hygiene. Documentation of CE credits is attached to this application. The required continuing education credits will be phased in as follows:
 - a. For permits that expire in 2014, the physician shall complete two continuing education credits;
 - b. For permits that expire in 2015, the physician shall complete four continuing education credits;
 - c. For permits that expire in 2016, the physician shall complete six continuing education credits;
 - d. For permits that expire in 2017, the physician shall complete eight continuing education credits;
 - e. For permits that expire in 2018, the physician shall complete ten continuing education credits.

I understand that I must submit documentation of completed CE's with my Drug Dispensing Permit Renewal Application

- ___ G. I do not have a substantial financial interest in a pharmacy.
- ___ H. I do not direct patients to a single pharmacist or pharmacy in accordance with H.O.A. §12-403(b)(8).
- ___ I. I personally prepare and dispense as defined in H.O.A. § 12-102(3)(i) and (ii).
- ___ J. I ensure that signs are posted at each dispensing location (H.O.A. §12-102(2)(i)(4)).
- ___ K. I will allow the Division of Drug Control to enter and inspect the dispensing office at all reasonable hours and in accordance with H.O.A. §12-102.1.

Physician's Signature

Date

**Senate Bill 603 (Chapter 267): Health Care Practitioners – Licensed Dentists, Physicians, and Podiatrists –
Personally Preparing and Dispensing Prescription Drugs and Devices**

SB 603: New Dispensing Provider Requirements:

FREQUENTLY ASKED QUESTIONS

1. Are all physicians, dentists and podiatrists licensed in Maryland required to hold a dispensing permit?

No. There is no requirement or expectation that a physician, dentist or podiatrist dispense pharmaceuticals. In addition, a physician, dentist or podiatrist without a dispensing permit may dispense non chargeable pharmaceutical samples and starter dosages to patients under certain conditions. See Health Occupations Article, 12-102(d) and (f), Annotated Code of Maryland.

2. What is the difference between administering and dispensing?

Administering is treating the patient in the prescriber's office with the medication. Dispensing is giving the prescription drug to the patient to take home. As noted above, giving samples and starter doses to patients to take home does not require a dispensing permit.

3. Which providers are required to hold a dispensing permit?

Any provider who dispenses prescription drugs to a patient for a fee or receives compensation or reimbursement from an insurance company or a third party, must have a dispensing permit.

4. Is a Dispensing Permit required for the dispensing practitioner for each location where prescription drugs are dispensed?

No. Professional Boards issue Dispensing Permits to the practitioner and not the practice location. If prescriptions will be dispensed in more than one location, a dispensing permit is required to be displayed at each location where prescription drugs are dispensed. A copy of the dispensing permit is acceptable to display where there are multiple practice addresses.

5. What is the definition of public interest?

Public interest means the dispensing of prescription drugs by a licensee to a patient when a pharmacy is not conveniently available to the patient. COMAR 10.13.01.02(B)(3).

6. Are there certain items patients receive by prescription that do not require a dispensing permit?

A dispensing permit is NOT required for the dispensing of devices, fluorides and OTC anti-fungals. However, products bearing the label "Federal law prohibits dispensing without a prescription" will be treated as prescription items.

7. Under what circumstances is a dispenser required to hold a permit?

Licensed dentists, physicians, and podiatrists are required to obtain a dispensing permit if they dispense prescription drugs to patients under their direct care who have informed the provider that a pharmacy is not conveniently available. The licensee shall maintain documentation that should include a single form in each patient's chart for each patient to whom prescription drugs are dispensed. At a minimum, the form shall:

- (1) Indicate the reason, as stated by the patient, that a pharmacy is not conveniently available to that patient;
- (2) Include a statement signed by the patient indicating that the patient understands that the determination that a pharmacy is not conveniently available is made solely by the patient; and
- (3) Be signed and dated by the patient before dispensing prescription drugs to the patient for the first time. See COMAR 10.13.01.04

8. How does a licensee obtain a dispensing permit?

A licensee obtains a dispensing permit from the appropriate Board.

The application shall require the following information to indicate that the licensee is dispensing in the public interest:

- The name, address, and license number of the applicant;
- A certificate by the applicant that the applicant;
- Shall comply with the dispensing regulations in COMAR 10.13.01.04 and;

- Is thoroughly familiar with the statute and regulations which govern dispensing of prescription drugs set forth in Health Occupations Article, Title 12, Annotated Code of Maryland, and COMAR 10.34.

9. Dispensing Requirements

The dispensing requirements are set forth in COMAR 10.13.01.04 as follows:

- A licensee shall submit an application to the appropriate Board on the form that the Board requires.
- A licensee may not dispense prescription drugs until a written permit is received from the appropriate Board, except that a written permit is not required in order to dispense starter dosages or samples provided without charge.
- A licensee shall dispense prescription drugs only to the patients of the licensee.
- A licensee shall comply with the labeling requirements of Health Occupations Article, §12-509, Annotated Code of Maryland.
- A licensee shall record the dispensing of the prescription drug on the patient's chart.
- A licensee may not have a substantial financial interest in a pharmacy.
- A licensee shall allow the Division of Drug Control to enter and inspect the licensee's office at all reasonable hours.
- A licensee shall, except for starter dosages or samples provided without charge, provide the patient with a written prescription.
- A licensee shall maintain a separate file for Schedule II prescriptions. All other prescriptions shall be kept:
 - (1) In another file and
 - (2) For 5 years.
- A licensee shall dispense prescription drugs to a patient only when a pharmacy is not conveniently available to the patient. The decision whether a pharmacy is conveniently available shall be made by the patient based upon factors to be determined solely at the discretion of the patient.
- A licensee shall display prominently a sign which informs the patient that prescription drugs can be purchased from the permit holder only if the patient determines that a pharmacy is not conveniently available to the patient. COMAR 10.13.01.04
- The sign must also describe the process for resolving incorrectly filed prescriptions, unless this information is provided in writing with each prescription Health Occupations Article, 12-102 (c)(1)(i)(4).

10. Will I be required to meet the new continuing education requirement in order to renew my dispensing permit when my current permit expires?

Yes. Under the new law the dentist, physician and podiatrist is required to complete 10 Continuing Education Credits over a 5-year period relating to the preparing and dispensing of prescription drugs as a condition of permit renewal. See Health Occupations Article, 12-102, Annotated Code of Maryland, effective July 1, 2013.

11. What happens if a licensee fails to comply with the dispensing regulations in COMAR 10.13.01.04?

A licensee who fails to comply with the requirements governing dispensing of prescription drugs may be subject to disciplinary action by the practitioner's licensing Board.

12. What is the fee for a dispensing Permit?

On July 1, 2013, a new law went into effect. Chapter 267 of 2012 requires the Board to charge a fee to approximate, but not to exceed the documented costs for inspections of dispensing permit holders. The total fee is \$1,050 (\$1,000 is collected for the Division of Drug Control (DDC) inspections. \$50 is retained by the Board as a processing fee).

Professional Boards Contact Information:

Maryland Board of Physicians: <http://www.mbp.state.md.us> , 410-764-4777

Maryland Board of Podiatry: <http://www.mbpme.org>, 410-764-4785

Maryland Board of Dental Examiners: <http://dhmh.state.md.us/dental/>, 410-402-8501