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;
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](http://www.mbp.state.md.us), 410-764-4777

Maryland Board of Podiatry: [http://www.mbpme.org](http://www.mbpme.org), 410-764-4785

Maryland Board of Dental Examiners: [http://dhmh.state.md.us/dental/](http://dhmh.state.md.us/dental/), 410-402-8501