STANDING ORDERS: Health Professionals & Immunization Practice
MARYLAND

<table>
<thead>
<tr>
<th>Health Professional</th>
<th>Assessment</th>
<th>Prescription</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Own Authority</td>
<td>Delegated Authority</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Medical Assistant</td>
<td></td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Midwife</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Advanced Practice</td>
<td></td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Clinical Nurse Spec.</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Vocational</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>

NOTES:
1. Immunization Practice: Includes the assessment of patient status, the prescription of appropriate vaccines, and the administration of vaccines

2. Delegated Authority: May include the following terms: standing orders, protocol, collaborative agreement, direct or indirect supervision, at the direction of another provider, as ordered by another provider, or as prescribed by another provider

3. Legal Interpretation—Nurses: Registered Nurses retain all authority granted to Practical Nurses and Vocational Nurses. Nurses engaging in advanced practice (Advanced Practice, Clinical Nurse Spec., and Nurse Practitioner) retain all authority granted to Registered Nurses, Practical Nurses, and Vocational Nurses.

4. Legal Interpretation—Midwives: Because midwives are not nurses in all states, they are identified as a separate professional category. When midwives are nurses, the following interpretations apply: Midwives who are identified as Registered Nurses retain all authority granted to Practical Nurses and Vocational Nurses. Midwives who engage in advanced practice retain all authority granted to Registered Nurses, Practical Nurses, and Vocational Nurses.

5. Gray box: Provider practices within the state, however the state has no relevant law addressing this element

MEDICAL ASSISTANT
A. A physician may not delegate to an assistant technical acts which are exclusively limited to any individual required to be licensed, certified, registered, or otherwise recognized pursuant to any provision of the Health Occupations Article and the Education Article, Annotated Code of Maryland. B. A physician may delegate technical acts consistent with national standards in the medical community and the approved policies and procedures of the sites for the delivery of health services in the following categories . . . (2) Nonsurgical technical acts while the assistant is under the physician's direct supervision or on-site supervision if the assistant performs the act in accordance with procedures of the site . . .

C. At sites including ambulatory surgical facility, freestanding ambulatory facility, freestanding birth center, freestanding endoscopy, freestanding facility operating major medical equipment, health care facility, health service area, local health planning agency, a physician may delegate technical acts in compliance with State regulations and the policies, procedures, and supervisory structure of those sites.
D. At sites not including ambulatory surgical facility, freestanding ambulatory facility, freestanding birth center, freestanding endoscopy, freestanding facility operating major medical equipment, health care facility, health service area, local health planning agency], when providing the following specified levels of supervision, a physician may delegate to an assistant technical acts which include but are not limited to: (1) Without on-site supervision: (a) Patient preparation for physician examination; (b) Patient history interview . . . (g) Transmitting prescriptions to a pharmacy . . . (i) Preparing and administering oral drugs; (2) With on-site supervision: (a) Preparing and administering injections limited to intradermal, subcutaneous, and intramuscular (deltoid, gluteal, vastus lateralis) to include small amounts of local anesthetics. . . . (3) With direct supervision, injecting intravenous drugs or contrast materials.

E. A physician may not delegate to an assistant acts which include but are not limited to: (1) Conducting physical examinations . . . Code of Md. Regs. 10.32.12.04 (2012) Scope of Delegation; Code of Md. § 19-114 (2013) Definitions; Code of Md. § 19-3B-01 (2013) Definitions

. . . “17. Community formerly employed nurse managers but no longer employs nurses, as it can not afford to pay the higher salaries. Instead, Community relies on medical assistants who work under the direct supervision of a physician and are trained in phlebotomy, taking vital signs, and administering immunizations. “18. A national model used by non-profit health centers employs two medical assistants per physician, a patient representative (receptionist) and a manager. Community has at least one physician at each center but if a center has more than one physician the center does not increase the number of medical assistants. . . . Cmtly. Clinic, Inc. v. Dep’t of Health & Mental Hygiene, 922 A.2d 607, 613 (Md. 2007)

MIDWIFE
. . . (2) “Practice of midwifery” includes: . . . (ii) The prescribing of substances commonly used in the practice of nurse midwifery as determined by the Board in consultation with the State Board of Pharmacy and the State Board of Physicians. . . . Code of Md. § 8-601 (2012) Definitions


A. . . . [A] certified nurse midwife may: (1) Prescribe substances included in the formulary developed by the Board in consultation with the MBP and Pharmacy Board. . . . Code of Md. Regs. 10.27.05.13 (2012) Prescribing of Substances by a Certified Nurse Midwife

NURSES
Advanced Practice
. . . (b) “Advanced practice nurse” means an individual who: (1) Is licensed by the Board to practice registered nursing; and (2) Is certified by the Board to practice as: (i) A nurse practitioner . . . (iii) A nurse midwife . . . (v) A clinical nurse specialist. . . . Code of Md. § 8-101 (2013) Definitions

Nurse Practitioner

(a) . . . (2) “Nurse practitioner” means a registered nurse who is . . . (ii) Authorized to prescribe drugs under regulations adopted by the State Board of Nursing. . . . Code of Md. § 8-508 (2012) Certified nurse practitioners; dispensing of drugs

A. A nurse practitioner may perform independently the following functions: (1) A comprehensive physical assessment of patients . . . (12) Prescribe drugs . . . . Code of Md. Regs. 10.27.07.02 (2012) Nurse Practitioner—Scope and Standards of Practice

Practical Nurse
. . . (g) “Practice of licensed practical nursing” means to . . . (1) Administer treatment or medication to an individual . . . (3) Promote preventive measures in community health . . . Code of Md. § 8-101 (2012) Definitions

. . . (c) A licensed practical nurse may administer treatment or medication only if the treatment or medication is prescribed by an individual who is authorized by law to prescribe medication or treatment . . . Code of Md. § 8-311 (2012) Licensed practical nursing license, authorized activities

Registered Nurse
. . . (h)(1) Practice registered nursing” means. . . assessment, nursing diagnosis, planning, implementation, and evaluation of the practice of nursing in order to (i) Maintain health; (ii) Prevent illness . . . (2) For these purposes, “practice registered nursing” includes: (i) Administration . . . (v) Execution of therapeutic regimen, including the administration of medication and treatment . . . Code of Md. § 8-101 (2012) Definitions

A. The following nursing functions require nursing knowledge, judgment, and skill and may not be delegated: (1) The nursing assessment including, but not limited to, the admission, shift, transfer, or discharge assessment; (2) Development of the nursing diagnosis . . . F. Administration of medication is a nursing function. As such, the nurse retains full responsibility for medication administration. G. The following activities related to medication administration may not be delegated except as provided in §§H and I of this regulation . . . (2) Administration of medications by injection route . . . . Code of Md. Regs. 10.27.11.05 (2012) Nursing Functions

PHARMACIST
. . . (t)(1) “Practice pharmacy” means to engage in any of the following activities . . . (viii) Administering an influenza vaccination, a vaccination for pneumococcal pneumonia or herpes zoster, or any vaccination that has been determined by the Board, with the agreement of the Board of Physicians and the Board of Nursing, to be in the best health interests of the community . . . Code of Md. § 12-101 (2012) Definitions

In general--(a)(1) A pharmacist may administer an influenza vaccination to an individual who is at least 9 years old, in accordance with regulations adopted by the Board, in consultation with the Department. (2) A pharmacist may administer a vaccination for pneumococcal pneumonia or herpes zoster, or any vaccination that has been determined by the Board, with the agreement of the Board of Physicians and the Board of Nursing to be in the best health interests of the community, to an individual if: (i) The individual is an adult; (ii) The individual has a prescription from a physician; (iii) The pharmacist informs the prescribing physician that the vaccination has been administered; (iv) If the prescribing physician is not the patient's primary care physician, the pharmacist has made a reasonable effort to inform the patient's primary care physician that the vaccination has been administered; and (v) The vaccination is administered in accordance with regulations adopted under subsection (c)(1) of this section. (3) A pharmacist shall report to the Maryland Immunization Registry an influenza vaccination administered by the pharmacist to individuals who are from 9 to 18 years of age . . . . Code of Md. § 12-508 (2012) Influenza vaccinations

. . . B. Terms Defined. . . (6) Practice Pharmacy. (a) “Practice pharmacy” means to engage in any of the following activities . . . (viii) Administering vaccinations . . . . 7) “Vaccination” means a herpes zoster, influenza, or pneumococcal pneumonia vaccination . . . Code of Md. Regs. 10.34.32.02 (2012) Definitions
B. A licensed pharmacist may not administer: (1) An influenza vaccination to an individual who is younger than 9 years old; or (2) Vaccinations, other than influenza, to any individual younger than 18 years old.  

C. A pharmacist shall report to the Maryland Immunization Registry an influenza vaccination administered by the pharmacist to individuals who are from 9 to 18 years old.

A. The pharmacist shall administer vaccinations only within a protocol signed and dated by a licensed Maryland physician. A copy of that protocol shall be maintained by the administering pharmacist and permit holder of the pharmacy site at which the vaccination is administered, if applicable.  

B. The pharmacist shall review the protocol annually with the physician.  

C. The pharmacist shall provide the physician-established protocol for vaccinations to the Board on request.

A. In addition to the requirements set forth in this chapter, a pharmacist may administer a vaccination for herpes zoster or pneumococcal pneumonia to an individual if the individual has a prescription from a physician.  

B. Once the pharmacist has administered the vaccination, the pharmacist shall: (1) Inform the prescribing physician by reasonable means within 7 days of the following: (a) The identity of the patient; (b) The identity of the vaccination; (c) The route of administration; (d) The site of administration; (e) The dose administered; and (f) The date of administration; and (2) If the prescribing physician is not the patient's primary care physician, make a reasonable effort to provide the patient's primary care physician with the information set forth in §B(1) of this regulation.

A. In addition to the requirements set forth in this chapter, a pharmacist may administer a vaccination for herpes zoster or pneumococcal pneumonia to an individual if the individual has a prescription from a physician.  

B. Once the pharmacist has administered the vaccination, the pharmacist shall: (1) Inform the prescribing physician by reasonable means within 7 days of the following: (a) The identity of the patient; (b) The identity of the vaccination; (c) The route of administration; (d) The site of administration; (e) The dose administered; and (f) The date of administration; and (2) If the prescribing physician is not the patient's primary care physician, make a reasonable effort to provide the patient's primary care physician with the information set forth in §B(1) of this regulation.
A. In order for a primary supervising physician to delegate prescriptive authority, the primary supervising physician shall ensure that the delegation agreement includes: (1) A statement describing whether the physician intends to delegate any of the following: (a) Prescribing of . . . (ii) Prescription drugs . . . (b) Giving verbal, written, or electronic orders for medications . . .

*Code of Md. Regs. 10.32.03.08 (2012) Prescriptive Authority and Dispensing Starter Dosage or Drug Samples*
<table>
<thead>
<tr>
<th>Health Professional</th>
<th>Practice Setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Assistant</td>
<td>Ambulatory surgical facility, freestanding ambulatory facility, freestanding birth center, freestanding endoscopy, freestanding facility operating major medical equipment, health care facility, health service area, local health planning agency, and sites other than these with the specified level of supervision.</td>
</tr>
<tr>
<td>Advanced Practice Nurse</td>
<td>Reviewed immunization practice laws did not address practice settings.</td>
</tr>
<tr>
<td>Clinical Nurse Specialist</td>
<td>Reviewed immunization practice laws did not address practice settings.</td>
</tr>
<tr>
<td>Midwife</td>
<td>Nonprofit medical facility or clinic; health center operating on the campus of an institution of higher learning; public health facility; medical facility under contract with a State or local health department; facility funded with public funds.</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td>Medical facility or clinic that specializes in the treatment of medical cases reimbursable through workers’ compensation insurance; medical facility or clinic that is operated on a nonprofit basis; health center that operates on a campus of an institution of higher education; public health facility, a medical facility under contract with a State or local health department, or a facility funded with public funds; nonprofit hospital or a nonprofit hospital outpatient facility as authorized under the policies established by the hospital.</td>
</tr>
<tr>
<td>Practical Nurse</td>
<td>Reviewed immunization practice laws did not address practice settings.</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Supervised group living settings; supervised or sheltered work settings; independent living settings; schools; correctional institutions; hospice care; adult medical day care centers; child care centers established for children with health or medical conditions or both.</td>
</tr>
<tr>
<td>Vocational Nurse</td>
<td>Reviewed immunization practice laws did not address practice settings.</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Facilities without a pharmacy permit if: “(1) The dispensing or distribution occurs while the pharmacist is providing drug therapy management services in: (a) The office of a licensed physician; (b) A clinic; or (c) A medical facility; or (2) The setting is: (a) Operated or funded by a public health authority of the State; (b) A medical facility or clinic that is operated on a nonprofit basis and is not otherwise required to possess a pharmacy permit; or (c) A health center that operates on a campus of an institution of higher education.”</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Patient’s home; health care institutions; hospital; correctional facility; detention center; public health facility;</td>
</tr>
</tbody>
</table>

**MEDICAL ASSISTANT**

... C. At sites including ambulatory surgical facility, freestanding ambulatory facility, freestanding birth center, freestanding endoscopy, freestanding facility operating major medical equipment, health care facility, health service area, local health planning agency, a physician may delegate technical acts in compliance with State regulations and the policies, procedures, and supervisory structure of those sites.
D. At sites not including ambulatory surgical facility, freestanding ambulatory facility, freestanding birth center, freestanding endoscopy, freestanding facility operating major medical equipment, health care facility, health service area, local health planning agency, when providing the following specified levels of supervision, a physician may delegate to an assistant technical acts which include but are not limited to: (1) Without on-site supervision: (a) Patient preparation for physician examination; (b) Patient history interview . . . (g) Transmitting prescriptions to a pharmacy . . . (i) Preparing and administering oral drugs; (2) With on-site supervision: (a) Preparing and administering injections limited to intradermal, subcutaneous, and intramuscular (deltoid, gluteal, vastus lateralis) to include small amounts of local anesthetics. . . . (3) With direct supervision, injecting intravenous drugs or contrast materials. . . . Code of Md. Regs. 10.32.12.04 (2012); Scope of Delegation Code of Md. § 19-114 (2013) Definitions; Code of Md. § 19-3B-01 (2013) Definitions

NURSES
Midwife
A. Pursuant to Health Occupations Article, § 8-601, Annotated Code of Maryland, a certified nurse midwife may: . . . (3) Dispense substances prescribed in accordance with §A(1) and (2) of this regulation in the course of treating a patient at a: (a) Nonprofit medical facility or clinic; (b) Health center operating on the campus of an institution of higher learning; (c) Public health facility; (d) Medical facility under contract with a State or local health department; or (e) Facility funded with public funds. . . . Code of Md. Regs. 10.27.05.13 (2012) Prescribing of Substances by a Certified Nurse Midwife

Nurse Practitioner
A. A nurse practitioner may personally prepare and dispense any drug that a nurse practitioner is authorized to prescribe in the course of treating a patient at: (1) A medical facility or clinic that specializes in the treatment of medical cases reimbursable through workers’ compensation insurance; (2) A medical facility or clinic that is operated on a nonprofit basis; (3) A health center that operates on a campus of an institution of higher education; (4) A public health facility, a medical facility under contract with a State or local health department, or a facility funded with public funds; or (5) A nonprofit hospital or a nonprofit hospital out-patient facility as authorized under the policies established by the hospital . . . . Code of Md. Regs. 10.27.07.10 (2012) Prescribing and Dispensing

. . . (c) In accordance with the provisions of subsection (d) of this section, a nurse practitioner may personally prepare and dispense any drug that a nurse practitioner may prescribe to the extent permitted by law in the course of treating a patient at: (1) A medical facility or clinic that specializes in the treatment of medical cases reimbursable through workers’ compensation insurance; (2) A medical facility or clinic that is operated on a nonprofit basis; (3) A health center that operates on a campus of an institution of higher education; (4) A public health facility, a medical facility under contract with a State or local health department, or a facility funded with public funds; or (5) A nonprofit hospital or a nonprofit hospital outpatient facility as authorized under the policies established by the hospital . . . . Code of Md. § 8-508 (2012) Certified nurse practitioners; dispensing of drugs

Registered Nurse
. . . . H. Delegation of Medication Administration. (1) The administration of medication as listed in §H(3) of this regulation may be delegated to certified medicine aides and medication technicians only in compliance with . . . this regulation and when clients meet the requirements . . . of this chapter in the following situations: (1) Supervised group living settings; (b) Supervised or sheltered work settings; (c) Independent living settings; (d) Schools; (e) Correctional institutions; (f) Hospice care; (g) Adult medical day care centers; and (h) Child care centers established for children with health or medical conditions or both. . . . Code of Md. Regs. 10.27.11.05 (2012) Nursing Functions
PHARMACIST
A. If a setting otherwise complies with State and federal laws, a pharmacist may request Board approval to dispense or distribute at a setting that does not possess a pharmacy permit if: (1) The dispensing or distribution occurs while the pharmacist is providing drug therapy management services in: (a) The office of a licensed physician; (b) A clinic; or (c) A medical facility; or (2) The setting is: (a) Operated or funded by a public health authority of the State; (b) A medical facility or clinic that is operated on a nonprofit basis and is not otherwise required to possess a pharmacy permit; or (c) A health center that operates on a campus of an institution of higher education. . . . C. If a pharmacist seeks to obtain Board approval to dispense or distribute at a setting that is not set forth in §A of this regulation, the pharmacist shall apply to the Board for a waiver permit. . . .

Code of Md. Regs. 10.34.31.01 (2012)  Settings

PHYSICIAN ASSISTANT
. . . (c) Patient services that may be provided by a physician assistant include . . . 6) Assisting the primary or alternate supervising physician in the delivery of services to patients who require medical care in the home and in health care institutions.

. . . Code of Md. § 15-301 (2012)  License requirements

. . . (h) A primary supervising physician may not delegate medical acts under a delegation agreement to more than four physician assistants at any one time, except in a hospital or in the following nonhospital settings: (1) A correctional facility; (2) A detention center; or (3) A public health facility. . . .

Code of Md. § 15-302 (2012)  Physician delegations to physician assistants; delegation agreements

Source: GWU/SPHIS STANDING ORDERS:  Health Professionals & Immunization Practice—Summer 2013
CITED AUTHORITIES
MARYLAND


Cmty. Clinic, Inc. v. Dep’t of Health & Mental Hygiene, 922 A.2d 607, 613 (Md. 2007)

Code of Md. § 8-601 (2012) Definitions


Code of Md. Regs. 10.27.05.13 (2012) Prescribing of Substances by a Certified Nurse Midwife


Code of Md. § 8-508 (2012) Certified nurse practitioners; dispensing of drugs

Code of Md. Regs. 10.27.07.02 (2012) Nurse Practitioner—Scope and Standards of Practice

Code of Md. § 8-311 (2012) Licensed practical nursing license, authorized activities

Code of Md. Regs. 10.27.11.05 (2012) Nursing Functions

Code of Md. § 12-508 (2012) Influenza vaccinations

Code of Md. Regs. 10.34.32.02 (2012) Definitions

Code of Md. Regs. 10.34.32.03 (2012) Requirements to Administer Vaccinations

Code of Md. Regs. 10.34.32.07 (2012) Approved Protocols

Code of Md. Regs. 10.34.32.09 (2012) Requirements for Administration of Herpes Zoster or Pneumococcal Pneumonia Vaccine


Code of Md. § 15-301 (2012) License requirements

Code of Md. Regs. 10.32.03.02 (2012) Definitions

Code of Md. Regs. 10.32.03.08 (2012) Prescriptive Authority and Dispensing Starter Dosage or Drug Samples

Code of Md. Regs. 10.27.07.10 (2012) Prescribing and Dispensing

Code of Md. Regs. 10.34.31.01 (2012) Settings

Code of Md. § 15-302 (2012) Physician delegations to physician assistants; delegation agreements
Code of Md. § 19-114 (2013) Definitions

Code of Md. § 19-3B-01 (2013) Definitions