The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-05-19-01

AUTHORIZING COVID-19 TESTING BY LICENSED PHARMACISTS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, and May 6, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, Testing for COVID-19 is critical in disease surveillance, treatment, and suppression efforts;

WHEREAS, It is necessary to control, regulate, use, and/or ration, and/or take other appropriate actions with respect to, COVID-19 testing in Maryland to respond to the catastrophic health emergency; and

WHEREAS, Authorizing licensed pharmacists to support COVID-19 testing efforts will expand Marylanders' access to COVID-19 testing;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions. As used herein:

a. "CDC Screening Guidance" means guidance published from time to time by the U.S. Centers for Disease Control and Prevention regarding the evaluation and

testing of persons for COVID-19.

b. "COVID-19 Test" means a laboratory test approved by the U.S. Food and Drug Administration to detect SARS-CoV-2 or its antibodies.

c. "Licensed Pharmacist" has the meaning provided in Section 12-101 of the Health Occupations Article of the Maryland Code.

d. "Secretary" means the Secretary of Health of the State of Maryland.

II. Authorizations Regarding COVID-19 Tests.

a. A Licensed Pharmacist may:

i. order COVID-19 Tests for patients, in accordance with CDC Screening Guidance and all Secretary's Directives (defined below); and

ii. collect or supervise the collection of specimens from patients for the purpose of COVID-19 Testing, in accordance with all Secretary's Directives.

b. A laboratory may perform a COVID-19 Test based on the written or electronic authorization of a Licensed Pharmacist.

III. Secretary's Orders. The Secretary is hereby authorized to issue directives under this Order ("Secretary's Directives"), as the Secretary deems necessary to (i) ration, control, and regulate access to COVID-19 Testing; and (ii) ensure the safe collection of specimens by Licensed Pharmacists for the purpose of COVID-19 Testing. Secretary's Directives may supersede CDC Screening Guidance in whole or in part. In the event of any conflict between a Secretary's Directive and CDC Screening Guidance, the Secretary's Directive shall govern and control.

IV. General Provisions.

a. This Order remains effective until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

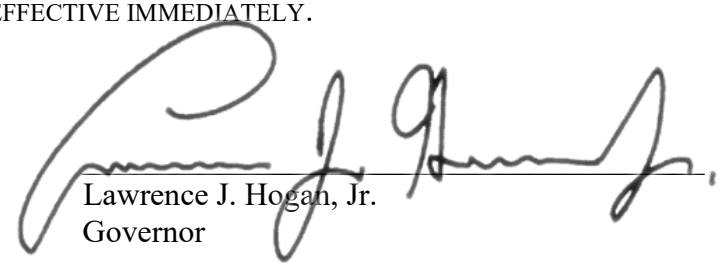
b. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended to the extent of the inconsistency.

c. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

d. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible

without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 19TH DAY OF MAY, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor