The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

No. 20-04-14-01

PRESERVING THE SUPPLY OF NECESSARY DRUGS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, Interest has increased in possibly preventing or treating COVID-19 with drugs commonly prescribed to treat malaria, lupus, rheumatoid arthritis, HIV, bacterial infections, and other medical conditions;

WHEREAS, The surge in demand for these drugs in Maryland has led to the increased prescribing and dispensing of them;

WHEREAS, Increased prescribing and dispensing of these drugs has resulted in an inadequate supply for their intended use as potentially life-sustaining treatment for chronic and acute conditions, as well as for hospitalized patients with COVID-19 within facility-specific protocols while research studies are ongoing;

WHEREAS, In response to the medical consequences of the catastrophic health emergency, supplies of certain drugs and medications may be procured, seized, or otherwise taken for emergency use;

WHEREAS, Assuring an adequate supply of these drugs requires current control, restriction, and regulation of their use, sale, and dispensing, including through rationing, quotas, and stockpiles;

WHEREAS, Health care providers have a duty pursuant to federal and State law to prescribe and dispense medications solely for a legitimate medical purpose and consistent with the evidence for its use; and

WHEREAS, It is necessary during the state of emergency and catastrophic health emergency that the supply of these drugs is maintained;

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 PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

1. Definitions.

    a. "COVID-19" means an infection of the virus known as SARS-CoV-2 or the 2019 novel coronavirus.

    b. "Dispenser" means a pharmacy, pharmacist, or other person authorized by law to dispense a prescription drug in Maryland.

    c. "Restricted Drug" means a medication, including chloroquine, hydroxychloroquine, and azithromycin, that:

        i. is approved for medical use in treatment of certain immunological, inflammatory, or infectious diseases; and

        ii. the Secretary of Health has determined:

            1. is being prescribed to treat the symptoms of or as a prophylaxis for COVID-19; and

            2. for which preservation is necessary to ensure an adequate supply for approved medical uses.

2. A dispenser shall fill or refill a prescription for a Restricted Drug only if:

    a. the prescription:

        i. is not intended for a patient as:

            1. treatment for the symptoms of undiagnosed COVID-19; or

            2. as a prophylaxis for undiagnosed COVID-19;

        ii. includes written documentation of a diagnosis that the dispenser determines, based on generally accepted professional standards, and after consultation with the health care practitioner if necessary:

1. indicates a legitimate medical purpose for the prescription; and

2. is consistent with the evidence for the Restricted Drug's use; and

iii. is issued by a health care practitioner:

1. authorized to prescribe in Maryland; and

2. has a bona fide practitioner-patient relationship with the patient; or

b. the Restricted Drug had been dispensed to the patient on or before March 5, 2020, for an approved medical use in ongoing treatment or care.

3. For a patient that has been diagnosed with COVID-19, any prescription of a Restricted Drug for treatment of COVID-19:

a. shall include written documentation that the patient has been diagnosed with COVID-19; and

b. shall not:

i. exceed a 14-day supply; or

ii. whether authorized or unauthorized, be refilled without a new prescription order issued in conformance with this Order.

4. An oral prescription for a Restricted Drug must provide the dispenser with all information required by this Order.

5. This Order does not prevent Restricted Drugs from being:

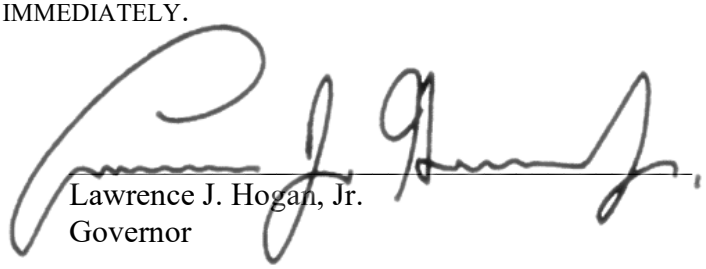
a. administered to patients in accordance with the protocols of a health care facility as defined in § 19-114(d) of the Health-General Article of the Maryland Code ("HG"); or

b. used pursuant to the protocol of a clinical trial approved by an institutional review board as defined by HG § 13-2001.

6. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent orders.

7. 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.

ISSUED UNDER MY HAND THIS 14TH DAY OF APRIL, 2020, AND EFFECTIVELY IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor