



Maryland

State-Specific Controlled Substance Requirements

Updated 6/27/23

<p>Biennial Inventory (DEA):</p>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [21 CFR 1304.11]</p> <p>NOTE:</p> <ul style="list-style-type: none"> • Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances. • Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state. • Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness. <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p>Maryland follows the same biennial inventory guidelines as the DEA.</p>
<p>CE:</p>	<p><u>Veterinarian</u>: 18 hours every 1 year General medicine topics: 12 hours if approved by AVMA or MVMA Online or home study: 6 hours allowed</p> <p><u>Registered Veterinarian Tech</u>: 24 hours every 3 years General medicine topics: 24 hours if approved by AVMA Online or home study: 8 hours allowed, no more than 4 hours per year</p> <p>Effective October 1, 2018, all providers who are applying for a new or renewal registration to dispense or prescribe controlled dangerous substances (CDS) from OCSA must attest to the completion of 2 hours of continuing education (CE) in prescribing or dispensing of controlled substances: OCSA CE Requirement. The CE course must be either recognized by the authorized provider's professional board, or accredited by the Accreditation Council for Continuing Medical Education. This mandate is met after attesting to the completion of the required CE.</p> <p>This is a one-time requirement. If you already have a CDS permit, you only have to take these 2 CEs the first time you renew after October 1, 2018. These CEs may be used toward your annual CE requirement for license registration.</p>
<p>Compounding:</p>	<p>"8.2.10 Compounding of a controlled substance by a practitioner is permitted as long as the United States Pharmacopoeia (USP) 795 and 797 standards and guidelines are followed." 24 Del. Admin. Code § 8.0</p> <p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> • Mixing two injectable drugs in the same syringe • Creating an oral suspension from crushed tablets or an injectable solution • Adding flavoring to a commercially available drug • Creating a transdermal gel for a drug typically taken through other routes • Mixing two solutions for instilling into the ear <p><u>MD Compounding</u>: (f)(1) "<u>Compounding</u>" means the preparation, mixing, assembling, packaging, or labeling of a drug or device:</p>



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	<p>(i) As the result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice; or</p> <p>(ii) For the purpose of, or incident to, research, teaching, or chemical analysis and not for the sale or dispensing of the drug or device.</p> <p>(2) "<u>Compounding</u>" includes the preparation of drugs or devices in anticipation of a prescription drug order based on routine, regularly observed prescribing patterns. Md. Code, Health Occ. § 12-101</p> <p>A certified veterinarian can compound the drugs after having a detailed checkup of an animal; however if he/she has not an adequate knowledge of compounding then he/may suggest the customized prescription to any authorized compounding pharmacist who can then compound those drugs for a specific animal.</p> <p>Remember: the source of the active ingredient should be a finished FDA approved drug and it should not be a bulk drug substance. So, overall we also need to take care of federal laws as well as the Maryland state laws to compound the veterinarian compounded drugs. Maryland veterinary compounding laws PDF information about what the veterinary compounding is and what are the examples of compounded medications under the laws of Maryland board of veterinary medicine.</p>
<p>Dispensing:</p>	<p>"<u>Dispense</u>" or "<u>dispensing</u>" means the procedure which results in the receipt of a prescription or nonprescription drug or device by a patient or the patient's agent and which entails the:</p> <ol style="list-style-type: none"> (1) Interpretation of an authorized prescriber's prescription for a drug or device; (2) Selection and labeling of the drug or device prescribed pursuant to that prescription; and (3) Measuring and packaging of the prescribed drug or device in accordance with State and federal laws. <p><u>Veterinary Dispensing:</u></p> <p>A veterinarian may dispense a prescription drug only if a veterinarian-client-patient relationship exists.</p> <p>B. A veterinarian shall ensure that all federal legend drugs and veterinary prescription drugs are maintained, administered, prescribed, dispensed, and destroyed in compliance with all State and federal laws.</p> <p>C. A veterinarian shall dispense prescription drugs only to the clients of the veterinarian or to clients of other veterinarians at the same hospital if there is an agreement with the need to continue treatment.</p> <p>D. A veterinarian or authorized employee may not dispense a quantity of drug that is greater than that needed for the treatment of an animal, herd, or flock.</p> <p>E. Nonprofessional staff may dispense prescription drugs only after specific instructions have been provided by a staff veterinarian.</p> <p>F. A veterinarian or authorized employee shall include the following information on the labels of dispensed drugs:</p> <ol style="list-style-type: none"> (1) Hospital name, address, and telephone number; (2) Name of prescribing veterinarian; (3) Name of client and animal; (4) Name, quantity, and strength of the drug; (5) Directions for usage; (6) Route of administration; (7) Length of treatment; (8) Appropriate cautionary statements including, if applicable, slaughter withdrawal or milk withholding times, or both; (9) Date of dispensation; and (10) Expiration date. <p><u>G. Returned Prescriptions.</u></p> <p>(1) A veterinarian or authorized individual may not place a prescription returned by a client back into inventory unless:</p>



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	<p>(a) The prescription container is unopened; (b) The prescription has not expired; and (c) It can be readily determined that the drug was properly stored, labeled, and sealed to preserve strength, quality, purity, and identity during the time between sale of the drug and return to the veterinarian.</p> <p>Sec. 15.14.01.12-2.</p>
Diversion Reporting:	<p>(4) Report theft of non-controlled prescription drugs or devices to the Board.</p> <p>B. In determining whether a loss is significant pursuant to §A(3) of this regulation, the pharmacy permit holder shall consider at least the following factors:</p> <ol style="list-style-type: none"> (1) The actual quantity of controlled dangerous substances lost in relation to the type of business; (2) The specific controlled dangerous substances lost; (3) Whether the loss of the controlled dangerous substances can be associated with access to those controlled dangerous substances by specific individuals, or whether the loss can be attributed to unique activities that may take place involving controlled dangerous substances; (4) A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses; (5) Whether the specific controlled dangerous substances are likely candidates for diversion, if known; and (6) Local trends and other indicators of the diversion potential of the missing controlled dangerous substances, if known. <p>CLICK HERE to report Lost or Stolen Prescription Pads to the Maryland Board of Pharmacy</p>
Euthanasia:	Euthanasia may be performed by licensed veterinarians and designated employee of an animal control facility
Ownership:	Non-veterinarian ownership is not conclusive at this time.
Power of Attorney:	In Maryland a valid power of attorney must be executed in the presence of two witnesses and a notary public.
Prescribing:	<p>(b) "Authorized prescriber" means any licensed dentist, licensed dental hygienist with prescriptive authority under § 4-206.4 of this article, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority under § 8-508 of this article, licensed nurse anesthetist, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.</p> <p>Md. Code, Health Occ. § 12-101</p> <p>A veterinarian or employee approved by a veterinarian may transmit prescriptions that are not controlled dangerous substances from the prescriber to a pharmacy chosen by a client and note such action in the record of the animal belonging to the client. Acceptable methods of transmission include but are not limited to: Facsimile; or encrypted computer transmission.</p> <p><u>E-prescribing:</u> e-prescribing was mandated for schedule II controlled substances since January 1, 2022.</p> <p><u>A. A veterinarian may issue a prescription only under the following conditions:</u></p> <ol style="list-style-type: none"> (1) A veterinarian-client-patient relationship exists; and (2) The veterinarian is willing to dispense the drug for the patient. <p>B. A licensed veterinarian authorizing a pharmacist to dispense a veterinary prescription drug shall include the following in the prescription:</p>



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	<p>(1) The name, address, telephone number, and license number of the veterinarian; (2) The name and address of the client; (3) Identification of the animal, through either name or number; (4) The species of the animal; (5) The name, quantity, and strength of the drug; (6) Directions for use; (7) Cautionary statements including, if applicable, expiration date and withdrawal time for slaughter or milk withholding, or both; (8) Date of issue; (9) Number of refills; and (10) The signature of the veterinarian.</p> <p>C. When issuing a prescription or dispensing a drug to a client, a veterinarian shall inform the client of the most common known side effects of the drug.</p> <p>D. A veterinarian or employee approved by a veterinarian may transmit prescriptions that are not controlled dangerous substances from the prescriber to a pharmacy chosen by a client, and note such action in the record of the animal belonging to the client. Acceptable methods of transmission include but are not limited to:</p> <p style="padding-left: 20px;">(1) Facsimile; or (2) Encrypted computer transmission.</p> <p><u>Renewals:</u></p> <p>E. A veterinarian may renew a prescription issued by another veterinarian from the same hospital for a client of that hospital if the veterinarian issuing the prescription renewal is in agreement with the need to continue treatment.</p> <p>F. A veterinarian may supply a veterinarian at a different veterinary hospital with a prescription drug to alleviate a shortage or supply a need, but may not fill a prescription for a client that has been written by a veterinarian who is not an employee of that hospital.</p> <p>G. A veterinarian shall have examined a patient at least once during the preceding 12 months period before renewing any prescription medication for a chronic condition. If an examination has not occurred, a prescription may not be renewed.</p> <p>Md. Code Regs. 15.14.01.12-1</p>
PDMP:	<p>Enrollment in the Maryland PDMP and its use is required for prescribers and dispensers. Veterinarians are required to enroll with the PDMP as data requesters.</p> <p>Veterinarians are currently exempt from reporting to the PDMP, but you must register. You will not be able to obtain a CDS permit without registering. For info & to register.</p>
Premises (Hospital) License:	<p><u>Veterinary Hospital License</u></p> <p>All veterinary hospitals, including mobile units and limited use facilities, must be licensed by July 1 every year. A house call or farm call-only practice does not need a hospital license.</p> <p>Online Application</p> <ul style="list-style-type: none"> ▪ Application fee: \$225 ▪ Renewal Fee: \$150 ▪ Late Fee: \$100 (if a hospital renews after July 1) <p>Hospitals must conform to all sanitation regulations and pass all inspections, which are conducted at least once every 18 months.</p> <p>https://mda.maryland.gov/vetboard/Documents/InstructsNewOwnerHosp.pdf</p>
Recordkeeping:	<p><u>Patient records:</u> must retain for three years after the last visit.</p>



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	<p><u>Controlled substance records</u>: Maintain records of all Schedule II prescriptions for a period of 5 years, and maintain records of all Schedule III—V prescriptions for a period of 2 years. https://mda.maryland.gov/vetboard/Documents/Laws-Regs/Chapter%201.pdf</p>
State-Scheduled CS's:	<p>Schedule III:</p> <ul style="list-style-type: none"> ▪ Chlorotestosterone ▪ Dihydrotestosterone ▪ Fioricet ▪ Methandrostenolone ▪ Mazindol ▪ Pentazocine
State CS License:	<p>Maryland does require DEA registrant practitioners to obtain a second state controlled substance license prior to a DEA registration and an active Veterinary Medical Professional License to practice in Maryland.</p>
Supervision:	<p><u>"Direct supervision"</u> means that a licensed pharmacist is physically available, notwithstanding appropriate breaks, on-site and in the prescription area or in an area where pharmacy services are provided to supervise the practice of pharmacy and delegated pharmacy acts.</p> <p><u>"Supervision"</u> means reviewing the work, guiding and directing the activities, and monitoring the performance of an individual.</p> <p>A veterinarian giving responsible direct supervision to the work of a technician or registered veterinary technician shall be:</p> <p>(1) In the immediate vicinity of where the work is being performed; and</p> <p>(2) Actively engaged in supervising this work throughout the entire period it is being performed, including:</p> <ul style="list-style-type: none"> (a) Providing clear and specific directions on what work is to be done, (b) Being cognizant of how the assigned work is being performed, and (c) Being immediately available to provide advice when the assigned work is being performed. <p>Md. Code Regs. 15.14.01.17</p> <p><u>A registered veterinary technician may not:</u></p> <p>(1) Diagnose;</p> <p>(2) Offer prognosis;</p> <p>(3) Prescribe:</p> <ul style="list-style-type: none"> (a) Drugs; (b) Medication; (c) Appliances; <p>(4) Perform surgery; or</p> <p>(5) Initiate treatment without prior instruction by a veterinarian.</p> <p>Md. Code Regs. 15.14.13.13</p> <p>Sec. 15.14.13.13. Duties and Restrictions on Registered Veterinary Technicians</p>
Telemedicine:	<p>No existing law. Where telemedicine occurs is not defined.</p>
Veterinary Professional License:	<p><u>Veterinarian</u> Online Application</p> <ul style="list-style-type: none"> ▪ Application Fee: \$225 ▪ Licensing & Registration Fee: \$150 between July 1 and Dec. 31 \$75 between Jan. 1 and June 30. <p><u>Renewal</u>: period is annually between July 1 – June 30 Renew Online</p>



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	<ul style="list-style-type: none"> ▪ Renewal Fee: \$150 ▪ Late Fee: \$100 (renewing after July 1st) <p>Veterinarians applying for, or renewing, an individual CDS prescribing permit must register with the Prescription Drug Monitoring Program.</p> <p><u>Veterinary Technicians</u> Online Application</p> <ul style="list-style-type: none"> ▪ Fee: \$85 <p>Renewal: every three years</p> <ul style="list-style-type: none"> ▪ Renewal Fee: \$60 ▪ Reinstatement Fee: \$75 <p>CEs must be uploaded with the renewal application.</p>
<p>VCPR:</p>	<p>VCPR must be established in-person with a physical exam and only applies to one veterinarian.</p> <p>A veterinarian shall act in relation to the public, the veterinarian's colleagues, and their patients, and the allied professions so as to merit their full confidence and respect. Examples of conduct which are prohibited by this standard include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Prescribing or dispensing veterinary prescription drugs outside of a veterinarian-client-patient relationship (COMAR 15.14.01.04). <p>Maryland regulations differentiate the requirement of establishing a VCPR in emergency and non-emergency situations as follows:</p> <p><u>Non-emergency presentation.</u> A veterinarian may choose whom he will serve. Once a veterinarian has undertaken care of a patient, and a veterinarian-client-patient relationship has been established, the veterinarian may not neglect the patient.</p> <p><u>Emergency Presentation.</u> In an emergency, a veterinarian should render service to the best of the veterinarian's ability, but this does not require a veterinarian to accept financial responsibility for the care and treatment of any animal. The following procedures may be performed during an emergency without such actions constituting the establishment of a veterinarian-client-patient relationship:</p> <ul style="list-style-type: none"> ▪ Initial evaluation ▪ Diagnostics to assist in the initial ▪ evaluation; or ▪ Initial treatments to stabilize a patient <p>(COMAR 15.14.01.05)</p>

Information and Resources

FEDERAL:

Drug Enforcement Administration, Washington, D.C. Division
 800 K Street, N.W
 Suite 500
 Washington, DC 20001
 Phone: (202) 305-8500



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Local DEA Offices:

- Baltimore - (410) 244-3500
- Hagerstown - (301) 223-1997
- Salisbury - (410) 860-4800

Federal Law: www.deadiversion.usdoj.gov

Controlled Substances Act: 21 USC 801 – 904

Code of Federal Regulations: 21 CFR Part 1300 – 1399

NDC drug: www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

STATE:

Maryland Board of Veterinary Medical Examiners and Horse Industry website:

<https://portal.mda.maryland.gov/>

Maryland Board of Pharmacy website: <https://www.maryland.gov/Pages/default.aspx>