

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date February 6, 1976

To Richard O. Campbell, Secretary

Dept. Commission of Pharmacy

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Hospital Pharmacies

In answer to your recent inquiry regarding the proposed dispensing of prescription drugs by a hospital pharmacy to non-patients, it remains our firm opinion that hospital pharmacies may dispense drugs only to patients entrusted to the care of the institution in which they are located. Employees of hospitals and members of their immediate family clearly do not qualify as patients eligible to purchase drugs at hospital pharmacies. (See detailed opinion of the Attorney General's Office dated April 7, 1972).

As to the narrow question as to whether or not hospital pharmacies may dispense prescription drugs only to so-called "in-patients," I would answer reservedly in the negative.

A person who has been discharged from confinement in a hospital but who must return to said hospital for periodic medical treatment relating to the illness or malady for which he was originally hospitalized, may still be considered a patient of said hospital, and thus eligible to renew prescriptions at a hospital pharmacy.

On the other hand, a dischargee who requires no additional hospital medical services, but who remains under the care of a physician, is a patient only of his attending physician, and would no longer be eligible to purchase prescription drugs at a hospital pharmacy.

I note in closing that since the date of the opinion of the Attorney General's Office (April 7, 1972) alluded to above, the Board of Commissioners of the Profession of Pharmacy adopted Rule 31, which reads as follows:

"Institutional pharmacy is a pharmacy that shall be confined to an institution dispensing medications only to those patients in said institution with no broader rights to practice or engage in the practice of retail pharmacy."

I do not read the above-quoted regulation as precluding the dispensing of prescription drugs by hospital pharmacies to duly qualified "out-patients," however.


PHILLIP M. KILMISTER
Assistant Attorney General

PMK:mfe