The State Department of Health and the physicians and pharmacists services subcommittees of the Maryland medical assistance program advisory committee shall meet jointly to determine which drugs shall be listed in a formulary system; and after such meetings, the Department shall publish [such] THE formulary, which shall include those generic drugs having clinical equivalency. The above subcommittees shall take due recognition of studies and recommendations of the U.S. Food and Drug Administration and shall consult with various schools of pharmacy and [such] other medical and pharmacological experts as it shall deem advisable.

A reimbursement form will be used for prescribing all drugs under the medicaid program in Maryland and it shall include the following statement: This prescription shall be filled by a generic equivalent from the State Health Department formulary, unless checked by the prescribing physician.

Unless the [physician] PRESCRIBER indicates otherwise on the form OR ON AN ATTACHED SIGNED CERTIFICATION OF NEED, it is understood that the generic form of the drug from the State Health Department formulary OR THE LIST PREPARED ACCORDING TO FEDERAL REGULATION 45CFR PART 19 (MAXIMUM ALLOWABLE COST) will be utilized in filling the prescription.

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Whenever a pharmacist sells or dispenses any medications on prescription issued by a physician or a dentist, he shall affix to the container in which the medication is sold or dispensed, unless the prescriber indicates that he should not, a label showing the name and strength of medication prescribed, in addition to all other information required by law. In listing the established or trade name, the label shall conform to the name used by the practitioner in his prescription, EXCEPT WHEN UNDER THE PROVISIONS OF SECTION 273A OF THIS ARTICLE THE PHARMACIST DISPENSES A DRUG PRODUCT DIFFERENT THAN THAT ORDERED BY THE PRESCRIBER, IN WHICH CASE THE LABEL MUST CONTAIN THE ESTABLISHED NAME OF THE DRUG PRESCRIBED AND THE NAME OF THE MANUFACTURER OR DISTRIBUTOR OF THE DRUG PRODUCT DISPENSED. No person shall alter, deface, or remove any label so affixed so long as any of the original contents remain. Any person failing to observe the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be fined [fifty dollars ($50.00)] $50. Pharmacists violating this section shall be subject to disciplinary action by the Board of Pharmacy.

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