

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1156

(Delegate R. Lewis, *et al.*)

Health and Government Operations

Finance

Pharmacists - Therapy Management Contract - Form

This bill authorizes a therapy management contract to be entered into orally or in writing (including in electronic form) and stipulates that, if entered into orally, the contract must be reduced to writing by the parties within 30 days. In accordance with these changes, the bill modifies the definition of “therapy management contract” by (1) repealing the requirement that a contract be written and (2) replacing the requirement that a contract must be signed by the parties with a requirement that a contract must be agreed upon by the parties.

Fiscal Summary

State Effect: The bill does not materially affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Chapter 249 of 2002 created the Drug Therapy Management Program, which authorizes a physician and a pharmacist to enter into a therapy management contract that specifies treatment protocols that may be used to provide care to a patient. An authorized prescriber who has entered into such an agreement must submit specified documentation to the State Board of Pharmacy.

A “therapy management contract” is a voluntary, written arrangement that is (1) disease-state specific; (2) signed by a licensed pharmacist, an authorized prescriber, and

the patient receiving care from the physician and pharmacist; and (3) related to treatment using drug therapy, laboratory tests, or medical devices, as specified, for the purpose of improving patient outcomes.

A therapy management contract must include (1) a statement that none of the parties involved have been coerced, given economic incentives (excluding normal reimbursement for services rendered), or involuntarily required to participate; (2) notice to the patient that the patient may terminate the contract at any time and the procedures for doing so; (3) a procedure for the authorized prescriber to periodically review the drugs modified pursuant to the contract or changed with the consent of the prescriber; and (4) reference to a protocol, which must be provided to the patient on request.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2023
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