



2020 SESSION
MARYLAND BOARD OF PHARMACY
POSITION PAPER

BILL NO: HB 664
COMMITTEE: Health and Government Operations
POSITION: Support with Amendments

TITLE: Pharmacists - Required Notification and Authorized Substitution - Lower-Costing Drugs, Medical Devices, and Biological Products

BILL ANALYSIS: House Bill 664 (HB 664) amends Section 12-504 of the Health Occupations Article of the Maryland Code (hereinafter “Section 12-504” or “§12-504”). Section 12-504 allows pharmacists to substitute a generic drug or device product for a prescribed brand name drug or device product when the generic alternative is less expensive.

As it is currently written, §12-504 does *not* allow for a brand name drug to be substituted for a brand name drug that is less expensive to the patient. HB 664 ameliorates this oversight by amending § 12-504 to allow pharmacists to substitute a “therapeutically equivalent brand name drug or device product” for the originally prescribed drug or device product when the consumer is charged less for the brand name drug or device substituted.

POSITION AND RATIONALE: The Board of Pharmacy supports House Bill 664 with amendments.

HB 664 is very similar to House Bill 1119 - Pharmacists - Required Notification and Authorized Substitution - Lower-Cost Brand Name Drug or Device Product. The Board respectfully requests that the Committee conform this bill to HB 1119. The Board worked closely with Delegate Shetty, HB 1119’s sponsor, to develop a bill that is agreeable to all parties. Amending §12-504 to allow less expensive brand name drugs and devices to be substituted for more expensive generics in the same way that less expensive generics may be substituted for brand name products under current law is a legislative goal of the Board of Pharmacy. HB 664 accomplishes this goal efficiently. By allowing for therapeutically equivalent brand name drugs and devices to be substituted for more expensive generic drugs and devices, this bill ensures patients receive the most cost-effective drug treatments possible. By guaranteeing that patients have access to the least expensive equivalent drugs and devices, HB 664 promotes increased access to care and the Board’s mission of providing quality healthcare in the field of pharmacy. The Board of Pharmacy thus supports this measure, with the amendments the Board has proposed.

The Board's proposed amendments to HB 664 are technical and seek to ensure that the bill's goal is fully implemented. The Board remains committed to developing a bill that is acceptable to all parties involved. As such, the Board respectfully requests that the Committee conforms this bill to HB 1119.

For more information, please contact the Board's Legislative Liaison, Brad Clark, at 410-764-4709 or Bradley.Clark@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.