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MARYLAND

HEALTH CARE

COMMISSION

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February 17, 2020

The Honorable Shane E. Pendergrass
Chair, Health Government and Operations Committee
Room 241 House Office Building
Annapolis, MD 21401-1991

RE: HB 692 – Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances - SUPPORT

Dear Chair Pendergrass:

The Maryland Health Care Commission (the “Commission”) submits this letter of support on HB 692 – Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances.

HB 692 requires a health practitioner authorized by law to issue a prescription for a controlled dangerous substance (CDS) electronically, except under certain circumstances. It requires the Secretary of Health (Secretary), in collaboration with the Commission, to adopt regulations to establish a process for the Department to issue a waiver, and for the Secretary to adopt regulations for circumstances that exempt a health practitioner from the requirements. The bill allows a health occupations board to take disciplinary action against a health care practitioner under certain circumstances. The bill authorizes a pharmacist to dispense a drug on a prescription transmitted electronically, and alters the circumstances under which a pharmacist may refill and dispense a prescription.

The U.S. Drug Enforcement Agency (DEA) gave health practitioners permission to transmit CDS prescriptions electronically in 2010. In 2017, the current Administration declared the opioid addiction epidemic a nationwide public health emergency. One year later, Congress passed the Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (H.R.6 - 115th Congress). The SUPPORT for Patients and Communities Act requires electronic prescribing for CDS under Medicare Part D by January 1, 2021. Many states have implemented mandates that require CDS prescriptions to be transmitted electronically. New York first mandated electronic CDS in 2016, followed by Pennsylvania, Arizona, Iowa, Massachusetts, North Carolina, Oklahoma, and Rhode Island. In September 2018, California passed a law that requires electronic prescribing for all medications, which takes effect on January 1, 2022.

All hospitals and pharmacies have adopted electronic prescribing; however, around 15 percent of physicians have not adopted the technology. Many of the physicians that have not adopted electronic prescribing practice in small or solo practices. A sizeable number are near retirement or provide

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psychiatric treatment where electronic prescribing has been slower to take root. HB 692 allows the Secretary to adopt regulations to address concerns related to physicians that have exceptional circumstances.

The Commission recommends a favorable report of House Bill 692. Please feel free to contact me at (410) 764-3566 or ben.steffen@maryland.gov, or Megan Renfrew, Government Affairs and Special Projects, at (410) 764-3483 or megan.renfrew@maryland.gov if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Ben Steffen". The signature is written in a cursive, slightly slanted style.

Ben Steffen
Executive Director

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