



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 18, 2020

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

RE: Letter of Support with Amendments - HB 692 - Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH) is submitting this letter of support with amendments for HB 692 - Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances. HB 692 allows providers to issue electronic prescriptions for controlled dangerous substances under state law as permitted under federal law. MDH worked closely with Delegate Barron, HB 512’s sponsor, and stakeholders to rework this bill from last session and come to a consensus.

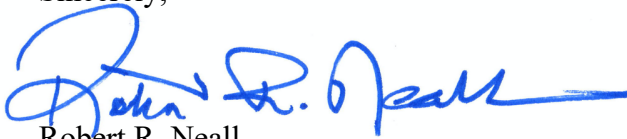
HB 692 is very similar to Delegate Barron’s bill, House Bill 512 - Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances as well as Senate Bill 166. The attached chart compares the bills and their differences.

Differences in the Bills	SB166	HB512	HB692
CR 5-101	Not incorporated	Defines “electronic prescribing”	Defines “electronic prescribing” with more detail.
HG 21-220(E)	Health Occupations “ shall ” take action	Health Occupations “ may ” take action	Health Occupations “ may ” take action
HG 21-220(b)(1)	Not incorporated	Adds language “or made through an electronic prescription”	Not incorporated
HG 21-220(c)	Not incorporated	Not incorporated	Adds incarcerated individuals
HG 21-220	Not incorporated	Defines “electronic prescribing”	Defines “electronic prescribing”
Work Group	Requires a work group	Not incorporated	Not incorporated

MDH remains committed to developing a bill that is acceptable to all parties involved. As such, MDH respectfully supports HB 692 with the attached amendments. The proposed amendments below are all considered technical in nature.

If you have additional questions, please contact the Director of Governmental Affairs, Webster Ye, at (410) 260-3190 or webster.ye@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Robert R. Neall". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

Robert R. Neall
Secretary

MDH Proposed Amendments

Amendment 1:

On page 6, in line 24 – after “oral”, insert “**OR MADE THROUGH AN ELECTRONIC PRESCRIPTION**”

RATIONALE: Aligns HB 692 with HB 512.

Amendment 2:

On page 6, in line 30 – after “PRESCRIPTION”, insert “**FOR A CONTROLLED DANGEROUS SUBSTANCE**”.

RATIONALE: As drafted, the provision mandates e-prescribing of all prescriptions issued by a prescriber with a CDS registration, not just the CDS prescriptions written by that individual.

Amendment 3:

On page 7, after line 5 – insert “**(III) – THE PRESCRIPTION IS ISSUED BY A HEALTH CARE PRACTITIONER OUTSIDE THE STATE;**” and renumber accordingly.

RATIONALE: If a prescription is valid in the state in which it is created, such as D.C., then a Maryland pharmacy should be able to fill it.

Amendment 4:

On page 7, in line 6 – strike “**(III) THE PRESCRIBING ENTITY AND DISPENSING ENTITY OF THE DRUG OR DEVICE ARE THE SAME;**” and substitute “**(IV) THE PRESCRIBING HEALTH CARE PRACTITIONER ALSO DISPENSES THE DRUG;**”.

RATIONALE: Technical amendment suggested by the MDH’s Attorney General.

Amendment 5:

On pages 7 and 8, strike in their entirety lines 27 through lines 5, inclusive.

RATIONALE: The DEA regulations require a prescription for CDS to specifically state a patient's name and address (21 CFR 1306.05(a)). Therefore, this exception would never be applicable and probably should be removed.

Amendment 6:

On page 10, strike line 29 – Strike this line.

RATIONALE: It is not necessary or appropriate, as lines 25 through 26 already address the issue. If the provision is retained, change “order” to “prescription” because "electronic prescription" is the defined term.