



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

MARYLAND BOARD OF PHARMACY
4201 Patterson Avenue,
Baltimore, Maryland 21215-2299
Kevin M. Morgan, PharmD., Board
President
Deena Speights-Napata, Executive
Director

February 3, 2021

Delegate Shane Pendergrass
Chair, Health and Government Operations
Room 241, House Office Building
Annapolis, MD 21401

RE: House Bill 429 – Pharmacists – Required Notification and Authorized Substitution – Lower-Cost Drug or Device Product

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Pharmacy (the “Board”) is submitting this letter of information for House Bill 429 (HB 429) – Pharmacists – Required Notification and Authorized Substitution – Lower-Cost Drug or Device Product

This letter is to inform the Committee that retail pharmacies do not have access to all information contained in the consumer’s prescription drug benefit and formulary, and therefore could not effectively uphold new language proposed on page 3- line 17 (copied below).

17 (2) IF A RETAIL CONSUMER IS USING PRESCRIPTION DRUG COVERAGE FOR THE PRESCRIPTION, THE DETERMINATION OF WHETHER THE CONSUMER WOULD BE CHARGED LESS FOR THE SUBSTITUTED DRUG OR DEVICE OR INTERCHANGEABLE BIOLOGICAL PRODUCT SHALL BE BASED ON THE CONSUMER’S PRESCRIPTION DRUG BENEFIT AND FORMULARY.

Though the board is broadly in favor of measures that lower health care costs and increase access, the bill as written is not something that retail pharmacists can implement, nor do they have direct access to. Eligibility and copay information is determined by the Pharmacy Benefits Manager when a pharmacy submits a claim through a switch vendor who ensures the information being transmitted conforms to the National Council for Prescription Drug Programs standards.

I hope this information is useful. If you would like to discuss this further, please contact me at 410-764-4753 or deena.speights-napata@maryland.gov.

Sincerely,

Deena Speights-Napata

Deena Speights-Napata, M.A.
Executive Director
Maryland Board of Pharmacy

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