



Board of Physicians

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

Damean W.E. Freas Board Chair – Christine Farrelly, Executive Director
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2022 SESSION POSITION PAPER

BILL NO.: SB 159 – Health Occupations – Authorized Prescribers – Reporting of Financial Gratuities or Incentives
COMMITTEE: Education, Health, and Environmental Affairs
POSITION: Support with Amendments

TITLE: Health Occupations – Authorized Prescribers – Reporting of Financial Gratuities or Incentives

BILL ANALYSIS: Requires authorized prescribers to report all financial gratuities or incentives received from pharmaceutical distributors or manufacturers to file a disclosure form with the relevant health occupations board within 30 days.

POSITION & RATIONALE:

The Maryland Board of Physicians (the Board) is submitting this letter of support with amendments for Senate Bill (SB) 159 – Health Occupations – Authorized Prescribers – Reporting of Financial Gratuities or Incentives.

The Board currently licenses and regulates physicians and physician assistants, both of whom have prescriptive authority and who would be required to submit financial disclosures under SB 159. The Board is also the state agency that would be responsible for investigating a complaint that a physician or a physician assistant was inappropriately prescribing drugs or devices due to a financial conflict of interest.

Any information that could reveal a potential conflict of interest could prove useful in a Board investigation. However, the information being reported under SB 159 is already publicly available. Section 6002 of the Affordable Care Act, also known as the Physician Payments Sunshine Act, requires all manufacturers and distributors of medical products to disclose to the Centers for Medicare and Medicaid Services (“CMS”) all payments or financial incentives made to physicians or teaching hospitals. This information is available online in a searchable database known as the CMS OpenPayments database. Since its implementation, the OpenPayments database has also expanded to include other provider types with prescriptive authority, including physician assistants. Creating a separate state requirement for authorized prescribers to report this data would be duplicative and unnecessary.

All Board investigations are initiated by complaints. Any complaint received by the Board receives a full and thorough investigation. However, the Board appreciates that many patients may be unaware that their physician has received financial gratuities or incentives from pharmaceutical companies, or that they can visit the CMS website to find this information, which in turn could prevent complaints from being filed. Therefore, the Board proposes including this information on the public practitioner profile pages, as is currently done with medical malpractice information. This change would make the information more publicly accessible and facilitate complaints and investigations without introducing a costly and duplicative secondary reporting requirement.

Therefore, the Board recommends striking the language found on page 2, line 19 through page 3, line 9. In addition, the Board recommends adding language to Health Occupations Article § 14-411.1(c) to include links to the CMS OpenPayments database.

Thank you for your consideration. For more information, please contact Matthew Dudzic, Health Policy Analyst, Maryland Board of Physicians, 410-764-5042.

Sincerely,



Damean W. E. Freas, D.O.
Chair, Maryland Board of Physicians

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