



Board of Nursing

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

March 22, 2022

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

RE: SB 159 – Health Occupations – Authorized Prescribers – Financial Reporting – Letter of Opposition

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of opposition for Senate Bill (SB) 159 – Health Occupations – Authorized Prescribers – Financial Reporting. This bill establishes requirements related to the disclosure of financial gratuities or incentives by authorized prescribers and the review and use of the disclosures by health occupations boards and requires the State Board of Physicians to post a link to the open payments website on each physician’s profile and to take certain other actions related to the use of data.

The Board finds the provisions of SB 159 to be cumbersome and duplicative of the efforts of the Centers for Medicare & Medicaid Services (CMS) Open Payments program. Open Payments serves as a national disclosure program that promotes a more financially transparent and accountable healthcare system. Effective January 1, 2021, the definition of a covered recipient was expanded to include new advanced practice registered nurse (APRN) provider types to include nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives.¹ As such, all practitioners with prescriptive authority are federally required to submit documentation of any financial incentive or gratuity received from a pharmaceutical entity. It is both unreasonable and cumbersome for nurses to submit documentation to the Board within 30 days after receiving a financial gratuity or incentive.

The Board strongly opposes the provisions related to the yearly review of all financial gratuities and incentives that an authorized prescriber receives that exceeds an amount of \$5,000 per year, and the prescribing history and patterns of the authorized prescriber regarding all patients of the prescriber and determining whether to take action against the authorized prescriber. The Board regulates approximately 10,465 active APRNs in the state of Maryland,² It would take a tremendous amount of resources and a significant financial impact to (1) compile all financial disclosure forms submitted to the Board; (2) create an annual report for the purposes of internal

¹ Open Payments Changes for Reporting Entities. Centers for Medicare & Medicaid Services.

² Active Status Licenses & Certifications by Type. Maryland Board of Nursing. Feb 11, 2022.

review; (3) investigate authorized prescribers that received gratuities exceeding \$5,000; and (4) administer disciplinary actions that fall outside of current complaint and investigatory processes.

For the reasons discussed above, the Board of Nursing respectfully submits this letter of opposition for SB 159.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", written in a cursive style.

Gary N. Hicks
Board President

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