

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 18

(Delegate Glenn, *et al.*)

Health and Government Operations

Judicial Proceedings

Natalie M. LaPrade Medical Cannabis Commission - Certifying Providers

This bill authorizes physician assistants to be “certifying providers” under the State’s medical cannabis program. The bill also amends the composition of the Natalie M. LaPrade Medical Cannabis Commission to include physician assistants on the list of professions from which the two licensed noncertified provider commission members must be selected.

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Physician assistants are authorized to discuss medical cannabis with a patient, complete an assessment of a patient’s medical condition, and certify that the patient qualifies for medical cannabis. Physician assistants are generally subject to the same processes for registration, restrictions, and protections that are required for certifying physicians, dentists, podiatrists, nurse practitioners, and nurse midwives under current law.

To become a certifying provider, a physician assistant must have an active, unrestricted license, be in good standing with the State Board of Physicians, and have an active delegation agreement with a physician who is a certifying provider. Finally, a physician assistant must have a State controlled dangerous substances (CDS) registration.

The bill generally takes effect October 1, 2019, unless the effective date for Chapter 598 of 2018 is amended, in which case the bill takes effect when Chapter 598 takes effect.

Current Law/Background: The Natalie M. LaPrade Medical Cannabis Commission is responsible for implementation of the State’s medical cannabis program, which is intended to make medical cannabis available to qualifying patients in a safe and effective manner. The program allows for the licensure of growers, processors, and dispensaries and the registration of their agents, as well as registration of independent testing laboratories and their agents. There is a framework to certify health care providers, qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification. As of January 9, 2019, there were 79,427 registered patients, 54,236 certified patients, 4,890 caregivers, and 1,243 certifying providers.

Under Chapter 598 of 2018, effective October 1, 2019, commission membership is reduced from 16 to 13 members. The Secretary of Health (or designee) continues to serve; the other members must include:

- 9 members appointed by the Governor with the advice and consent of the Senate, including 2 licensed noncertified providers (who are physicians, dentists, podiatrists, nurse practitioners, or nurse midwives), 1 nurse or health care provider with experience in hospice, 1 pharmacist, and 1 scientist, as specified;
- 1 member appointed by the Governor from a list of 3 individuals recommended by the President of the Senate;
- 1 member appointed by the Governor from a list of 3 individuals recommended by the Speaker of the House; and
- 1 member appointed by the Governor from either of the lists from the President or the Speaker.

A “certifying provider” must have an active, unrestricted license, and be in good standing with their respective board, and have a State CDS registration. A registered nurse must also have an active, unrestricted State Board of Nursing-issued certification to practice as a nurse practitioner or a nurse midwife. The commission must register a certifying provider that meets the requirements of the statute and may *not* require a certifying provider to meet requirements beyond those delineated in specified provisions of statute to be registered. A certifying provider may renew a registration biennially.

In order to qualify as a certifying provider, the provider must submit a proposal that includes the reasons for including a patient under the care of the provider; an attestation that a standard patient evaluation will be completed (including a history, a physical

examination, a review of symptoms, and other pertinent medical information); and the provider's plan for the ongoing assessment and follow-up care of a patient.

The commission is encouraged to approve provider applications for chronic or debilitating diseases or medical conditions that result in a patient being admitted into hospice or receiving palliative care or diseases or conditions that produce (1) cachexia, anorexia, or wasting syndrome; (2) severe or chronic pain; (3) severe nausea; (4) seizures; or (5) severe or persistent muscle spasms. Regulations also encourage the commission to approve provider applications for patients who have glaucoma or post-traumatic stress disorder. The commission is authorized to approve applications for other conditions as well – if the condition is severe, is one for which other medical treatments have been ineffective, and the symptoms can reasonably be expected to be relieved by the medical use of cannabis. Moreover, in its approval of applications, the commission may not limit treatment of a particular medical condition to one class of providers.

A certifying provider is not subject to arrest, prosecution, or any civil or administrative penalty (including action by a professional licensing board) and may not be denied any right or privilege for the medical use of cannabis.

Physician assistants have prescriptive authority and can obtain a State CDS registration if they have CDS prescriptive authority from their supervising physician.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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