
**2020 SESSION
POSITION PAPER**

BILL NO: SB 304

COMMITTEE: Finance

POSITION: Support with Amendment

TITLE: Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers

BILL ANALYSIS: Senate Bill 304, authorizes physician assistants to be “certifying providers” under the Maryland Medical Cannabis Program. The bill also alters 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.

POSITION AND RATIONALE: The Maryland Medical Cannabis Commission (Commission) supports Senate Bill 304 with one technical amendment.

Health-General Article §13-3301 authorizes any physician, dentist, podiatrist, nurse practitioner, and certified nurse midwife who is (1) licensed in Maryland, (2) in good standing with their respective professional board, and (3) has a State controlled dangerous substances (CDS) registration to certify a patient to obtain medical cannabis. The Commission supports the bill’s expansion of certifying providers to include physician assistants. Physician assistants are authorized to certify patients to obtain medical cannabis in a number of other states and Washington, D.C. (See Attachment entitled “Medical Providers Authorized to Certify Medical Cannabis Patients, by Jurisdiction.”) Since physician assistants already have CDS registration along with prescribing authority under their delegation agreements, permitting physician assistants to be certifying providers would be consistent with the current statutory approach.

Recent data published by the Association of American Medical Colleges (AAMC) projects that the U.S. could experience a shortage of up to 122,000 physicians by 2032. In this era of physician shortages, physician assistants are increasingly critical health care providers, particularly in rural areas. There is a strong demand from patients seeking to ease chronic pain and other severe conditions in a way that is both effective and safer than the long-term use of opioids and other prescription drugs. In 2019, the total medical cannabis retail sales was \$252,234,530 which is more than double the amount from 2018. As of December 31, 2019, the medical cannabis program had a patient to provider ratio of 55:1, with 93,265 certified patients compared to only 1,705 certifying

providers. Moreover, the Commission receives an average of more than 175 patient applications each day. Given the increasing patient need, and that most certifying providers practice in the Baltimore region or the Washington, D.C. suburbs, authorizing physician assistants to be certifying providers would increase access to care. (See the Commission's website at <https://mmcc.maryland.gov> for a listing of registered medical cannabis providers sorted by location under the "Industry Directory" section.)

The expansion to include physician assistants as certifying providers is consistent with national trends. Thirty-four states and the District of Columbia have adopted comprehensive medical cannabis programs. With the exception of Utah, which legalized medical cannabis in 2018, each state initially restricted medical cannabis certifications to physicians. However, over the past several years, certifying authority has expanded to other provider types who have CDS registration and prescribing authority. Since 2014, at least 12 states and the District of Columbia have authorized physician assistants to certify patients to obtain medical cannabis. SB 304 would add Maryland to the growing number of states that have prioritized access to care by authorizing physician assistants to certify patients for medical cannabis.

The Commission would like to offer a technical amendment (See Attachment entitled "SB 304 Proposed Amendment"), clarifying that the delegation agreement must be between the physician assistant and their "primary supervising physician." The reason is that while physician assistants are permitted to practice under delegation agreements with primary and alternate supervising physicians, the Maryland Board of Physicians only maintains a record of the delegation agreement between the physician assistant and the primary supervising physician. Copies of the delegation agreements between alternate supervising physicians are stored on the site at which the physician assistant is practicing, and are only in place for a limited period, not to exceed 45 consecutive days at any one time.

This is significant because the Commission is required to verify the credentials of all certifying providers, and doing so for delegation agreements with alternate supervising physicians could be problematic. In order to verify an alternate supervising physician delegation agreement, a Commission staff member would have to physically travel to various locations throughout the state (wherever the alternate supervising physician is practicing) and request a copy of the delegation agreement. Given that the alternate supervising physician delegation agreement is only in place for a period of 45-days, there is the potential for a multitude of administrative and operational issues.

For these reasons, the Commission requests a favorable report with the proposed amendment on SB 304.

For more information, please contact Will Tilburg, Executive Director, (410) 487-8069 or william.tilburg@maryland.gov.

As of February 10, 2020

Table 1. Medical Providers Authorized to Certify Medical Cannabis Patients, by Jurisdiction

State	Physician	Physician's Assistant	APRN	Dentist	Podiatrist	Psychologist	Physical Therapist
AK	X						
AZ	X						
AR	X						
CA	X						
CO	X						
CT	X		X				
DE	X						
FL	X						
HI	X		X				
IL	X	X	X				
LA	X						
ME	X	X	X				
MD	X		X	X	X		
MA	X	X	X				
MI	X						
MN	X	X	X				
MO	X						
MT	X						
NV	X	X	X	X			
NH	X	X	X				
NJ	X						
NM	X	X	X	X			
NY	X	X	X				
ND	X		X				
OH	X						
OK	X				X		
OR	X						
PA	X						
RI	X	X	X				
UT	X	X	X				
VT	X	X	X				
WA	X	X	X				
D.C.	X	X	X	X			
WV	X						
Total	34	13	17	4	2	0	0

ANPR = Advanced Practice Registered Nurse

AMENDMENT TO SENATE BILL 304
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 23, before “PHYSICIAN” insert “PRIMARY SUPERVISING”.