

STATE OF MARYLAND



Andrew N. Pollak
CHAIR

Ben Steffen
EXECUTIVE DIRECTOR

MARYLAND HEALTH CARE COMMISSION

4160 PATTERSON AVENUE – BALTIMORE, MARYLAND 21215
TELEPHONE: 410-764-3460 FAX: 410-358-1236

February 20, 2020

The Honorable Delores G. Kelley
Chair, Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 166 – Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances - INFORMATION

Dear Chair Kelley:

The Maryland Health Care Commission (Commission) would like to provide the Senate Finance Committee with information related to Senate Bill 166. The Commission recognizes the importance of electronic prescriptions. The Commission encourages the Senate Finance Committee to conform this bill with the text of HB 692 Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances (with the amendments recommended by the Maryland Department of Health).

The U.S. Drug Enforcement Agency gave health practitioners permission to transmit controlled dangerous substance (CDS) prescriptions electronically in 2010. In 2017, the Federal Government declared the opioid addiction epidemic a nationwide public health emergency. In 2018, Congress passed the Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (H.R.6 - 115th Congress). The SUPPORT for Patients and Communities Act requires electronic prescribing for CDS under Medicare Part D by January 1, 2021. A number of states have implemented mandates that require CDS prescriptions to be transmitted electronically. New York first mandated electronic CDS in 2016, followed by Pennsylvania, Arizona, Iowa, Massachusetts, North Carolina, Oklahoma, and Rhode Island. In September 2018, California passed a law that requires electronic prescribing for all medications, which takes effect on January 1, 2022.

All hospitals and pharmacies in Maryland have adopted electronic prescribing; however, around 15 percent of physicians have not adopted the technology. Many of the physicians that have not adopted electronic prescribing practice in small or solo practices. A sizeable number are near retirement or provide psychiatric treatment where electronic prescribing has been slower to take root. SB 166 allows the Secretary to adopt regulations to provide waivers for physicians with exceptional circumstances. The

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Commission does not believe that a formal stakeholder workgroup is required to study, evaluate, and make recommendations relating to the implementation of the electronic prescriptions given the high rate of adoption of this technology. The Commission's long-standing history of collaborating with stakeholders in regulation development enable it to engage stakeholders as needed to identify challenges and solutions related to electronic prescribing. The Commission has submitted a \$50,000 fiscal note on this bill for a contract to support a formal stakeholder workgroup.

I hope you find this information useful. Please feel free to contact me at (410) 764-3566 or Ben.Steffen@maryland.gov, or Megan Renfrew, Government Affairs and Special Projects, at (410) 764-3483 or Megan.Renfrew@maryland.gov if you have any questions.

Sincerely,



Ben Steffen
Executive Director
Maryland Health Care Commission

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