



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 13, 2024

The Honorable Joseline A. Peña-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, MD 21401-1991

### **RE: House Bill 790 – Medical Cannabis - Employees in Health Care Settings Caring for Qualifying Patients – Letter of Concern**

Dear Chair Peña-Melnyk and Committee Members,

The Maryland Department of Health (Department) respectfully submits this letter of concern for House Bill (HB) 790 entitled “Medical Cannabis - Employees in Health Care Settings Caring for Qualifying Patients.” HB 790 will allow a qualified patient to obtain medical cannabis through medical personnel who are employed by medical agencies and healthcare facilities.

The provisions of HB 790 could jeopardize receipt of federal funds and certification through the Centers for Medicare & Medicaid Services (CMS) for healthcare facilities and certain community providers. Currently, under federal law, cannabis remains illegal while many states including Maryland have legalized it in certain forms. The conflict between state and federal law places healthcare facilities and community providers in a unique situation as the use or administration of cannabis within the enumerated healthcare facilities could violate conditions of participation with CMS, impacting certification, and possibly leading to loss of federal funding.

As a result, the Department is concerned that HB 790 could jeopardize the Department’s CMS certification and federal funding for its operated healthcare facilities<sup>1</sup>, as well as Medicaid waiver funding for home and community based services. In part, federal funding for certain residential provider services offered under the State’s Medicaid waiver programs through the Developmental Disabilities Administration may be impacted. Loss of Federal funding could

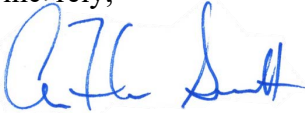
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<sup>1</sup> The Department operates two Intermediate Care Facilities for individuals with developmental or intellectual disabilities - The Holly Center located in Salisbury, Maryland and The Potomac Center located in Hagerstown, Maryland. Additionally, the Department believes up to eight other facilities operated by the Department’s Healthcare System may be considered “related institutions” under the bill.

result in an additional General Funds burden for the Healthcare System and for the Department generally. Additionally, individual healthcare providers in the State who bill CMS for services provided under Medicare, Medicaid, or related programs are also subject to these conditions of participation and would jeopardize their own federal funding.

If you would like to discuss this further, please contact Sarah Case-Herron, Director of Governmental Affairs, at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,



Laura Herrera Scott, M.D., M.P.H.  
Secretary