

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 992 (Delegate Angel)
Health and Government Operations

Natalie M. LaPrade Medical Cannabis Commission - Definitions

This bill defines “bona fide provider-patient relationship” and “telehealth” as they relate to the State’s medical cannabis program. It also establishes that a provider assessment of a patient can be conducted either (1) in person or (2) through telehealth if the provider determines the patient or caregiver has a hardship preventing an in-person assessment.

Fiscal Summary

State Effect: The commission can update regulations with existing budgeted staff and resources. There is no impact on revenues.

Local Effect: None.

Small Business Effect: Minimal, as discussed below.

Analysis

Bill Summary: “Bona fide provider-patient relationship” means a treatment or counseling relationship between a provider and a patient in which the provider has (1) reviewed the patient’s relevant medical records and completed an assessment of the patient’s medical history and current medical condition either in person *or, if the patient or caregiver has a hardship preventing an in-person assessment, as determined by the provider, through telehealth*; (2) created and maintained records of the patient’s condition in accordance with medically accepted standards; and (3) a reasonable expectation that the provider will monitor the progress of the patient while using medical cannabis and take any of three specified medically indicated actions. “Telehealth” means the use of telecommunications and information technologies for the exchange of information from

one site to another for the provision of health care to a patient from a provider through hardware or Internet connection. The definition of “bona fide provider-patient relationship” largely codifies the existing definition of bona fide *physician*-patient relationship found in Maryland regulations, with the addition of the telehealth provision.

Current Law: 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 (including physicians, dentists, podiatrists, nurse practitioners, and nurse midwives), qualifying patients, and their caregivers to provide qualifying patients with medical cannabis legally under State law via written certification.

“Bona fide *physician*-patient relationship” is defined in Maryland regulations as a treatment or counseling relationship between a *physician* and a patient in which the physician has (1) reviewed the patient’s relevant medical records and completed an in-person assessment of the patient’s medical history and current medical condition; (2) created and maintained records of the patient’s condition in accordance with medically accepted standards; and (3) a reasonable expectation that the physician will monitor the progress of the patient while using medical cannabis and take any of three medically indicated actions, as specified.

Current law is silent with regard to the adequacy of a provider-patient relationship based on telehealth. A “qualifying patient” is an individual who (1) has been provided with a written certification by a certifying provider in accordance with a bona fide provider-patient relationship and (2) has a caregiver if the individual is younger than age 18. Similarly, a “written certification” (1) must be issued by a certifying provider to a qualifying patient with whom the provider has a bona fide provider-patient relationship and (2) includes a written statement certifying that, in the provider’s professional opinion, after having completed an assessment of the patient’s medical history and current medical condition, the patient has a qualifying condition, as specified.

Small Business Effect: Minimal increase in potential business opportunities for a medical provider to the extent that the provider is able to treat additional patients using medical cannabis through telehealth than otherwise would be allowed under current law.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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