

MedChi

The Maryland State Medical Society

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TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee

FROM: Danna L. Kauffman
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DATE: February 20, 2020

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 166 – *Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports with an amendment**. Senate Bill 166, which mandates that controlled dangerous substances (CDS) must be prescribed using an electronic prescription. The bill includes several exemptions for when an electronic prescription is not required and, instead, can be prescribed either through verbal or written means.

Approximately twenty-one states mandate e-prescribing for CDS (some are in effect; others have a future effective date). Several others have legislation pending to require it for CDS. MedChi supports e-prescribing for CDS and believes that it will further assist in efforts to curb opioid abuse and diversion.

MedChi, however, does request that the effective date be moved to January 1, 2022. Allowing additional time will lessen the burden on physicians and other providers who may not already be e-prescribing CDS. It would also allow the Secretary of Health and the Maryland Health Care Commission the opportunity to establish a waiver process and determine the exemptions for low-volume prescribing. It is important to note that e-prescribing of CDS is not equivalent to non-CDS e-prescribing. Physicians and other providers who do not currently have an electronic health record (EHR) will need to purchase one. In addition, the federal Drug Enforcement Agency has established a multi-step process prior to a physician or other provider e-prescribing a CDS. This process requires ID proofing, two-way authentication, and a secure access control, all which can be time consuming.

On page 11, line 15, strike “2021” and substitute “2022”.