



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

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### **MARYLAND BOARD OF PHARMACY**

4201 Patterson Avenue, Baltimore, Maryland 21215-2299

Kevin M. Morgan, Board President | Deena Speights-Napata, Executive Director

March 4, 2020

The Honorable Delores G. Kelley, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401-1991

### **RE: Senate Bill 871– Mail Order and Specialty Drugs – Physician Dispensing – Letter of Concern**

Dear Chair Kelley and Committee Members:

The Maryland Board of Pharmacy (the “Board”) is submitting this letter of concern for Senate Bill 871 – Mail Order and Specialty Drugs – Physician Dispensing.

Physicians who are duly permitted to do so may personally prepare and dispense prescriptions to patients under Md. Code Ann., Health Occ. § 12-102(c)(2)(ii). By allowing dispensing physicians to dispense drugs via mail order, including refilling prescriptions, Senate Bill 871 creates a scenario where dispensing physicians are functionally indistinguishable from a mail order pharmacy.

Health Occ. § 12-102(c)(2)(ii)(4)(F) prohibits a physician from directing patients to a single pharmacist or pharmacy. Under Senate Bill 871, physicians may operate as though they were a pharmacy. Because they are not identified as a pharmacy under the law, these physicians may refer patients to themselves for prescription dispensing without recourse.

For these reasons, the Board of Pharmacy is concerned that this bill threatens patient choice of pharmacy and creates a loophole allowing dispensing physicians to bypass existing laws and regulations addressing pharmacy ownership by authorized prescribers.

I hope this information is useful. If you would like to discuss this further, please contact me at 410-764-4753 or [deena.speights-napata@maryland.gov](mailto:deena.speights-napata@maryland.gov).

Sincerely,

Deena Speights-Napata, M.A.  
Executive Director  
Maryland Board of Pharmacy