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MID-ATLANTIC
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Hospice & Palliative Care Network
OF MARYLAND

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

FROM: Pamela Metz Kasemeyer
Danna L. Kauffman

DATE: March 5, 2020

RE: **OPPOSE** – Senate Bill 710 – *Health – General – Prescription Drug Monitoring Program – County Health Officer*

On behalf of the Maryland State Medical Society, the Maryland Chapter of the American Academy of Pediatrics, the Mid-Atlantic Association of Community Health Centers, and the Hospice & Palliative Care Network of Maryland, we submit this letter of **opposition** for Senate Bill 710.

Senate Bill 710 requires the Prescription Drug Monitoring Program (PDMP) to disclose prescription drug monitoring data to local health departments or local health officers for the purpose of evaluating the distribution or abuse of a monitored prescription drug. Allowing access to PDMP data to local health officers will not advance legitimate enforcement activities and has the potential to create an untenable chilling effect on legitimate prescribing practices, thereby denying patients appropriate medical care and, in many instances, forcing patients to seek illicit drugs.

This Committee has done a remarkable job over the last few years strengthening the PDMP program. In 2018, legislation was passed that mandates, rather than authorizes, the PDMP to perform data analysis on the misuse/abuse of a prescription drug and to provide outreach and education to the provider community regarding the misuse/abuse as well as prescribing practices that may indicate possible violations of law or standards of care. However, the legislation also required the PDMP, in determining whether its prescription monitoring data methodology appropriately identifies a possible violation of law/ breach of professional standards, to obtain clinical guidance from the TAC and to consider the specialty, circumstances, patient type, and location of the prescriber or dispenser. This level of analysis could not be done by a local health department or local health officer as it requires the complex algorithms designed by the PDMP to appropriately review prescriber data.

The current law is reflective of Maryland's commitment to ensure that the PDMP remains a clinical tool to provide valuable information to assist clinical decisions by prescribers and dispensers. It is not a tool for law enforcement or local health departments who are not able to appropriately review the raw data they would have access to as proposed in Senate Bill 710. Furthermore, local health officers have access to the data currently if it is pursuant to a bona fide investigation which is the only circumstance for which access to raw data is justified.

Senate Bill 710 erodes the current principles of why the PDMP was established. Passage of Senate Bill 710 would create an unnecessary chilling effect on the prescribing community that could further escalate the

growing access to care challenges that are becoming evident as providers choose to quit prescribing controlled dangerous substance medications, out of a fear of being stigmatized or unreasonably targeted for investigation. The PDMP must remain a health care tool to inform the prescribing practices of physicians and not a tool for enforcement or profiling by local health officers. An unfavorable report is requested.

For more information call:

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