

**House Bill 1486 Public Health – Non-Controlled Dangerous Substance (NCDS)
Prescription Record System Program**

Health and Government Operations Committee

March 6, 2020

Position: LETTER OF INFORMATION

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. We appreciate the opportunity to present this letter of information regarding House Bill 1486.

HB 1486 establishes a registry through which health care practitioners can access the NCDS prescription drug history of their patients. This would significantly expand the existing Prescription Drug Registry Program, which provides access only to prescriptions that include controlled substances.

An NCDS registry makes sense from a care coordination standpoint. Access to a comprehensive medication history can minimize medication errors and improve efficiencies. However, MHAMD is concerned that such a registry could increase instances of diagnostic overshadowing, a form of discrimination that leads health professionals to assume incorrectly that their patient's present physical symptoms are a consequence of their mental illness.¹ This marginalization or dismissal of a patient's medical symptoms happens all too often, and it can lead to inadequate treatment and poor health outcomes. People with mental illness suffer higher rates of physical illness and undiagnosed disorders than members of the general population, and as a result they are more likely to die prematurely.

This committee must work to balance care coordination goals with patient privacy rights. HB 1486 does include language requiring that individuals be allowed to opt out of the NCDS registry, but we are not convinced these provisions go far enough. We should not presume that patients across Maryland are comfortable with their prescription information being shared in this way. MHAMD recommends an affirmative approach that gives health care consumers the option to opt in.

Additionally, should the committee be inclined to pass HB 1486, we encourage additional language requiring the Maryland Health Care Commission to engage in a campaign of outreach and education that ensures Maryland consumers have the information necessary to make an informed decision about their participation in this program.

Thank you for your attention to and consideration of these concerns.

¹ <https://www.psychologytoday.com/us/blog/two-takes-depression/201510/depression-and-diagnostic-overshadowing>