



2020 SESSION
MARYLAND BOARD OF PHARMACY
POSITION PAPER

BILL NO: HB 1119
COMMITTEE: Health and Government Operations
POSITION: Support with Amendments

TITLE: Pharmacists – Required Notification and Authorized Substitution – Lower-Cost Brand Name Drug or Device Product

BILL ANALYSIS: House Bill 1119 amends Section 12-504 of the Health Occupations Article of the Maryland Code (hereinafter “Section 12-504” or “§ 12-504”). Section 12-504 allows pharmacists to substitute a generic drug or device product for a prescribed brand name drug or device product when the generic alternative is less expensive.

As it is currently written, § 12-504 does *not* allow for a brand name drug to be substituted for a brand name drug that is less expensive to the patient. House Bill 1119 ameliorates this oversight by amending § 12-504 to allow pharmacists to substitute a “therapeutically equivalent brand name drug or device product” for the originally prescribed drug or device product when the consumer is charged less for the brand name drug or device substituted.

POSITION AND RATIONALE: The Board of Pharmacy supports House Bill 1119 with amendments that were proposed by the Board of Pharmacy and accepted by the bill’s sponsor.

Amending § 12-504 to allow less expensive brand name drugs and devices to be substituted for more expensive generics in the same way that less expensive generics may be substituted for brand name products under current law is a legislative goal of the Board of Pharmacy. House Bill 1119 accomplishes this goal efficiently. By allowing for therapeutically equivalent brand name drugs and devices to be substituted for more expensive generic drugs and devices, House Bill 1119 ensures that patients receive the most cost-effective drug treatments possible. By ensuring that patients have access to the least expensive equivalent drugs and devices, House Bill 1119 promotes increased access to care and the Board’s mission of providing quality healthcare in the field of pharmacy. The Board of Pharmacy thus supports this measure, with the amendments that the Board has proposed.

The Board’s proposed amendments to House Bill 1119 are technical and seek to ensure that the bill’s goal is fully implemented. First, the Board’s amendments would strike the term “brand name” in 6 places to reflect the fact that, under House Bill 1119, § 12-504 would allow the substitution of the most cost-effective drug or device available, regardless of whether it is a generic or brand name product. Second, the Board’s amendments remove a provision in the existing statute that made the drug substitution provision of § 12-504 inapplicable to prescriptions written for generic drugs or devices. Incorporating these amendments will ensure that the bill’s goal is fully realized.

For more information, please contact the Board's Legislative Liaison, Brad Clark, at 410-764-4709 or Bradley.Clark@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.