



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

MARYLAND BOARD OF PHARMACY
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
Kevin M. Morgan, Board President

February 16, 2021

The Honorable Paul G. Pinsky, Chair
Senate Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 0537 – Pharmacists – Required Notification and Authorized Substitution – Lower-Cost Drug or Device Product - Letter of Information

Dear Chair Pinsky and Committee Members:

The Maryland Board of Pharmacy (the “Board”) is submitting this letter of information for Senate Bill 0537 – Pharmacists – Required Notification and Authorized Substitution – Lower-Cost Drug or Device Product

This letter is to inform the Committee that retail pharmacies do not have access to all information contained in the consumer’s prescription drug benefit and formulary, and therefore could not effectively uphold new language proposed on page 3- line 17(copied below).

17 (2) IF A RETAIL CONSUMER IS USING PRESCRIPTION DRUG COVERAGE FOR THE PRESCRIPTION, THE DETERMINATION OF WHETHER THE CONSUMER WOULD BE CHARGED LESS FOR THE SUBSTITUTED DRUG OR DEVICE OR INTERCHANGEABLE BIOLOGICAL PRODUCT SHALL BE BASED ON THE CONSUMER’S PRESCRIPTION DRUG BENEFIT AND FORMULARY.

Though the board is broadly in favor of measures that lower health care costs and increase access, the bill as written is not something that retail pharmacists can implement nor do they have direct access to. Eligibility and copay information is determined by the Pharmacy Benefits Manager when a pharmacy submits a claim through a switch vendor who ensures the information being transmitted conforms to the National Council for Prescription Drug Programs standards.

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.

Sincerely,

DEENA SPEIGHTS-NAPATA

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