



# Board of Physicians

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

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## 2021 SESSION POSITION PAPER

**BILL NO:** SB 537 – Pharmacists – Required Notification and Authorized Substitution – Lower Cost Drug or Device Product  
**COMMITTEE:** Education, Health, and Environmental Affairs  
**POSITION:** Information

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**TITLE:** Pharmacists – Required Notification and Authorized Substitution – Lower Cost Drug or Device Product

**BILL ANALYSIS:** Requires pharmacists to inform certain consumers of the availability of a therapeutically equivalent brand name drug that is the lowest cost alternative to the originally prescribed drug or device and the cost difference between the therapeutically equivalent drug or device and the prescribed drug.

### **POSITION AND RATIONALE:**

The Maryland Board of Physicians (the “Board”) is respectfully submitting this letter of information for Senate Bill (SB) 537 – Pharmacists – Required Notification and Authorized Substitution – Lower Cost Drug or Device Product.

As written, SB 537 requires a pharmacist, or the pharmacist’s designee, to inform a retail consumer to the best of their knowledge of therapeutically equivalent drugs and devices that are lower-cost alternatives to the originally prescribed drug. However, this bill does not clarify whether its provisions also apply to other professions authorized to dispense drugs or devices under Title 12 of the Health Occupations Article.

As physicians and other health professions also have dispensing authority under §12-102(c)(2)(ii), the Board recommends expanding the language in SB 537 to incorporate these additional professions.

For more information, please contact Wynee Hawk, Manager, Policy and Legislation, Maryland Board of Physicians, 410-764-3786.

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