

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

Writer's Direct Fax No.
(410) 576-6571

Writer's Direct Email:
pocconnor@oag.state.md.us



WILLIAM D. GRUHN
Chief
Consumer Protection Division

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
(410) 576-6515

March 25, 2021

To: The Honorable Shane E. Pendergrass
Chair, Health and Government Operations

From: The Office of the Attorney General's Health Education and Advocacy Unit

Re: Senate Bill 84 (Pharmacists - Administration of Self-Administered Medications and Maintenance Injectable Medications): Support

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports Senate Bill 84 because the bill contains clear pre-service notification and billing protections (p. 4, l. 18-30 through p. 7, l. 1-25) that will protect patients from surprise bills for medical services provided by pharmacists.

According to favorable testimony in the record, this bill is intended for patients in treatment for mental illness and addiction disorders, among others, who would benefit from additional access to maintenance injectable medications by expansion of the Pharmacy Practice Act.

However, the bill does not mandate coverage for pharmacist injection administration fees. State-regulated plans may or may not cover injection administration fees generally, and any such coverage would also be dependent on the network status of the pharmacy and pharmacist. Moreover, most Marylanders are insured by non-state regulated plans that are unlikely to cover pharmacist injection administration fees.¹

¹MIA, 2020 Report on the Number of Insured and Self-Insured Lives, <https://insurance.maryland.gov/Consumer/Appeals%20and%20Grievances%20Reports/2020-Report-on-the-Number-of-Insured-and-Self-Insured-Lives.pdf> (the MIA regulates and Maryland state law applies to commercial health benefit plans for approximately 29.9% of all covered lives).

Pharmacists are not recognized as medical billing providers by the Centers for Medicare & Medicaid Services (CMS), and private insurance often defaults to Medicare coverage rules increasing the need for patients to have pre-service notification of whether their plans will pay the pharmacist's injection administration fee. The foreseeable lack of coverage for many Marylanders raises unexpected financial risk for patients offered injection administration services by pharmacists.

The General Assembly recently enacted the Facility Fee Right to Know Act which is the model for this bill's preventive measures against surprise bills. *See* Md. Code Ann., Health-Gen. § 19-349.2. This approach conserves enforcement resources for the State, especially at this time of budgetary pressures, and simplifies enforcement actions when they are taken.

While we believe all patients deserve pre-service disclosures about the out-of-pocket costs of medical services delivered by providers whose services are likely not to be covered by insurance, we think there is a heightened need for disclosures to patients being treated for mental illness and substance use disorders - the patients who are the intended beneficiaries of this bill.

We ask the committee to give Senate Bill 84 a favorable report.

cc: Sponsor
