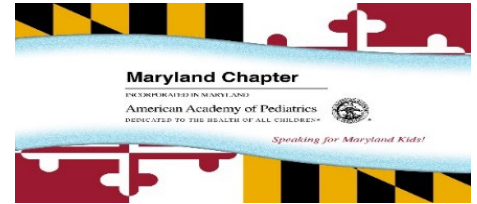




The Maryland State Medical Society
1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915
1.800.492.1056
www.medchi.org



TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Jim Rosapepe

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone

DATE: March 2, 2022

RE: **SUPPORT ONLY IF AMENDED** – Senate Bill 840 – *COVID-19 Response Act of 2022*

On behalf of the Maryland State Medical Society and the Maryland Chapter of the American Academy of Pediatrics, we submit this letter of **support** for Senate Bill 840, **only if the legislation is amended**.

Senate Bill 840 is an emergency bill that includes a number of requirements for action by the Maryland Department of Health, Medicaid, assisted living, home health agencies, nursing homes and higher education institutions relative to Maryland’s COVID-19 response. MedChi and MDAAP have no objection to these COVID-19 provisions. However, there are three new initiatives included in the bill and outlined below that are not COVID-19 specific policies and that either have the potential for significant unintended consequences and/or require more careful consideration. MedChi and MDAAP are opposed to these provisions.

Pharmacists Administration of Vaccines:

Senate Bill 840 removes the current sunset on a pharmacist’s authority to administer vaccines to minors age 3 and older without a prescription. Pharmacist administration of vaccines to children was addressed through legislation enacted last year (Senate Bill 736/House Bill 1040) that authorized the administration for two years and required a comprehensive study of issues relative to vaccine access by children, including the impact on well child visit rates. Removing the sunset provisions enacted negates the study and removes the ability of the State to determine whether current pharmacist authorization should be continued, modified, or permanently sunset based on the findings of the study. Senate Bill 840 should be amended to remove these provisions and retain the statutory structure enacted in 2021, pending the outcome and evaluation of the study.

Expansion of Scope of Practice for Pharmacists and Pharmacy Technicians:

Senate Bill 840 provides an expansion of scope for pharmacists and a significant expansion of scope for pharmacy technicians. These scope of practice expansions create significant risks for patient safety, given adverse reactions and other patient safety issues associated with delegation of vaccine administration and permitting unauthorized refills of prescriptions,

The provisions of concern include:

- Deletion of the administration of the flu vaccine from the list of actions precluded from delegation by a pharmacist.
- Including in the definition of “direct supervision” the ability to supervise via technology, therefore supervision does not need to be on site.
- Broadening the circumstances/provisions under which a prescription can be refilled without authorization from the prescriber.
- Increasing the number of days from 14 days to a 30-day supply that a pharmacist can renew a prescription that is not authorized and from 30 days to 90 days under a state of emergency.
- Very limited training requirements for a pharmacy technician to whom a pharmacist can delegate administration of vaccines.

These provisions should be deleted from the legislation, given the patient safety and over-utilization concerns and the fact that they are not tied to COVID-19 specific initiatives.

Emergency Medical Facilities:

Senate Bill 840 proposes a new section of law that defines “hospital-adjacent urgent care center” and addresses their authority to set rates and receive reimbursement on an unregulated basis. While MedChi and MDAAP do not have a position on this provision, it is not COVID-19 related and should be evaluated independently from a legislative initiative that is focused on COVID -19 response. This section should be removed from the legislation.

MedChi and MDAAP support the COVID-19 related provisions of this legislation, however that support is contingent on the adoption of amendments that remove the provisions outlined above.

For more information call:

Pamela Metz Kasemeyer

J. Steven Wise

Danna L. Kauffman

Christine K. Krone

410-244-7000