



## **SB 661 – Reimbursement of Pharmacist for Services Rendered FAVORABLE WITH AMENDMENTS**

Senate Bill 661 makes amendments throughout the Maryland Annotated Code to the definition of “health care provider” to make certain statutory provisions explicitly applicable to pharmacists. SB 661 also makes a more substantial amendment to Md. Ins. Code § 15-716, to require reimbursement for health care services rendered by pharmacists.

The Maryland Association for Justice does not oppose amending the Code to require reimbursement for health care services rendered by pharmacists.

However, SB 661 would also amend the definition of “health care provider” within the Maryland Health Care Malpractice Claims Act, a statute granting special tort protection to health care providers who historically have had difficulty buying affordable insurance. Pharmacists have never enjoyed protection under the MHCMCA, because their insurance has always been affordable. For this reason, bills to add pharmacists to the MHCMCA have failed in the past (*see, e.g.*, 2014 HB 395).

Amending the MHCMCA would not affect pharmacists’ reimbursement for health care services. Extending tort protections to pharmacists, however, would diminish the rights of people harmed by pharmacy negligence, in favor of giant pharmacy chains such as Walgreen’s and CVS (which have never had difficulty accessing the insurance market).

**Accordingly, MAJ requests striking page 2, lines 16-25 from Senate Bill 661.**

***Beginning on Page 2, Line 16 of SB 661 strike the following:***

16 — 3-2A-01.

17 — (a) In this subtitle the following terms have the meanings indicated unless the  
18 — context of their use requires otherwise.

19 — (f) (1) “Health care provider” means a hospital, a related institution as defined  
20 — in § 19-301 of the Health General Article, a medical day care center, a hospice care  
21 — program, an assisted living program, a freestanding ambulatory care facility as defined in  
22 — § 19-3B-01 of the Health General Article, a physician, an osteopath, an optometrist, a  
23 — chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist,  
24 — a licensed certified social worker clinical, [and] a physical therapist, AND A PHARMACIST,  
25 — licensed or authorized to provide one or more health care services in Maryland.

### **MAJ respectfully urges a Favorable with Amendments Report on SB 661**

The Maryland Association for Justice (MAJ) envisions a fair and impartial legal system that protects the rights and safety of all people. MAJ is dedicated to improving and protecting the civil justice system through legislative advocacy and the professional development of trial lawyers.