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STATE OF MARYLAND
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CONSUMER PROTECTION DIVISION

March 18, 2022

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

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

Re: Senate Bill 159 (Health Occupations – Authorized Prescribers – Reporting of Financial Gratuities or Incentives): Support

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports Senate Bill 159 as amended. The bill requires certain prescribers who receive financial gratuities or incentives from pharmaceutical manufacturers or distributors, or companies that sell medical equipment, to file financial reports with their licensing board within 30 days after the date the gratuity or incentive is received. The boards shall review each year (1) all the financial gratuities and incentives received by a prescriber that exceed a cumulative amount of \$5,000 per year, and (2) the prescribing history and patterns of the prescriber regarding all their patients and determine whether to take action against the prescriber, taking into consideration the prescriber's specialty.

Regarding physicians, the Board of Physicians shall post a link to the Open Payments website on each physician's profile and shall develop a nonpublic database of information about licensees collected from the Open Payments website. The Board of Physicians shall use that database to perform the same annual review described in the previous paragraph.

We support the definition of "authorized prescriber" which is more inclusive than the "covered recipients" subject to reporting by pharmaceutical manufacturers under the Physician Payments Sunshine Act, *see* [42 USC § 1320a-7h\(e\)\(6\)](#). As different licensees are granted prescription authority, it is important that all prescribers be subject to these safeguards that will protect patients from adverse influences on prescribing practices. We urge a favorable report.

cc: Senator Kelley, Sponsor