



Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

January 31, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 64 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements – Letter of Concern

Dear Chair Griffith and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of concern for Senate Bill (SB) 64 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements. This bill allows pharmacists to prescribe and dispense post – exposure prophylaxis to patients under certain circumstances; requires the Maryland Medical Assistance Program to provide drugs that are approved by the United State Food and Drug Administration for HIV prevention; and prohibits managed care organizations, insurers, nonprofit health service plans, and health maintenance organizations from requiring prior authorization for pre–exposure prophylaxis, step therapy, or cost–sharing prophylaxis for HIV prevention.

The Board believes it is necessary to expand access to prophylaxis medications for HIV prevention to patients who are in need of this service and is appreciative of the legislatures' collective response to address obstacles in the healthcare field exacerbated by the coronavirus pandemic. The Board, however, is not in favor of restricting practitioners, through additional training or administrative burdens, from prescribing these medications. Pharmacists are educationally prepared to prescribe and dispense HIV prophylaxis and do not need further training on the availability or use of these medications. In the state of Maryland, pharmacists are required to: (1) complete a rigorous four – to – six year education and residency program; (2) successfully pass the national certification test; and (3) obtain an unencumbered license in good standing from the board of pharmacy. Pharmacists are one of the most readily accessible health care practitioners in the community and often do not require patients to schedule an appointment for a brief consultation.

The Board is additionally concerned about the consequences for patient safety as there are no existing mechanisms to track non–controlled dangerous substance prescriptions. The bill would not prevent a patient from obtaining prophylaxis medications from multiple retail pharmacies, as the current legislation does not include a requirement to monitor or share this information with other health care professionals. An individual could also experience severe adverse drug reactions due to polypharmacy if they do not inform the pharmacist of other medications prescribed by their primary care provider. A retail or hospital–based pharmacist would only be able to access medical histories that are self–reported and not through an electronic health

record. The Board of Nursing respectfully defers to the Board of Pharmacy for their thoughts and expertise.

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of concern for SB 64.

I hope this information is useful. For more information, please contact Ms. Iman Farid, Health Planning and Development Administrator, at iman.farid@maryland.gov or Ms. Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", with a stylized flourish at the end.

Gary N. Hicks
Board President

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