



Board of Nursing

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

February 12, 2024

The Honorable Joseline Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241
House Office Building
Annapolis, MD 21401

RE: HB0676 – Right to Try Act - Individualized Investigational Treatments - Letter of Concern

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of concern for House Bill (HB) 676 – Right to Try Act - Individualized Investigational Treatments. This bill alters certain provisions of law authorizing certain activity by manufacturers of investigational drugs, biological products, or devices under the Right to Try Act to apply to manufacturers of certain individualized investigational treatments; and alters the definition of "eligible patient" under the Right to Try Act to include individuals who have life-threatening or severely debilitating illnesses, rather than only individuals who have terminal illnesses; etc.

The Board believes this legislation is unclear concerning the providers making decisions about individualized investigational treatments. In the bill, "eligible patient" is defined as an individual who has received a recommendation from their physician for an "individualized investigational treatment" based on the individual's genetic profile. This language does not explicitly identify which treating physician makes or receives this recommendation. Given the vulnerable state of these patients, this lack of specificity is of particular consequence. A physician with experience in this area of specialty would be best made responsible for the progress and process of the treatment.

I hope this information is useful. For more information, please contact Ms. Mitzi Fishman, Director of Legislative Affairs, at mitzi.fishman@maryland.gov or Ms. Rhonda Scott, Executive Director, at rhonda.scott2@maryland.gov, or call (410) 585 – 2049.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Hicks", written in a cursive style.

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.