



Date: February 11, 2025

To: The Honorable Pamela Beidle, Chair

From: Aliyah N. Horton, FASAE, CAE, Executive Director, MPhA, 240-688-7808

Cc: Members, Senate Finance Committee

Re: **UNFAVORABLE - SB 539 – Prescriptions for Children Subject to Shared Custody or Visitation Schedules**

The Maryland Pharmacists Association (MPhA) urges an **UNFAVORABLE** report on **SB 539 – Prescription for Children Subject to Shared Custody or Visitation Schedules**.

- MPhA has significant concerns about having a statutory requirement on pharmacists in a space where they don't belong. The pharmacy counter is not a space for reviewing and interpreting legal documents outside pharmacy expertise.
- We feel strongly that custody orders should require the parent to share medication as part of the transfer of custody process.
- **The pharmacist can provide additional labeled vials or blister packs, upon request. The parent(s) can then facilitate the distribution of the medication.**
- A child being harmed due to one of the custodial parents not cooperating in the medication treatment plan for their child, should be addressed by a judge or child protective services, not the pharmacist.

Below are specific concerns raised by MPhA members in the retail, independent and out-patient hospital pharmacy settings.

1. Insurance Processing Complications
 - Insurance will not process the prescriptions as defined in the bill. Insurance plans have specific fill requirements and limitations.
 - Violating these increases scrutiny and PBM audits.
2. Multiple Scripts for the Same Medication
 - The requirement to split prescriptions based on custody schedules creates medication management challenges when they are processed in different pharmacies.
 - With the uncertainty about a perceived problematic prescription, a pharmacist may use their discretion and simply refuse to fill.
3. Controlled Substance Compliance Issues
 - This bill raises concerns about the handling of controlled substances.
 - Many medications, especially those for children (like ADHD medications), are controlled substances with strict DEA regulations. Having multiple prescriptions for controlled substances for the same patient raises regulatory compliance concerns and potentially red flags in the Prescription Drug Monitoring Program
 - The flags bring greater scrutiny from the Office of Controlled Substances Administration.
4. Legal Liability Concerns
 - There could be a liability on the pharmacist if medications are dispensed incorrectly between parents.