



DEPARTMENT OF HEALTH

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

2025 SESSION MARYLAND BOARD OF PHARMACY POSITION PAPER

BILL NO: SB 539 – Health Occupations – Prescriptions for Children Subject to Shared Custody of Visitation Schedules

COMMITTEE: Finance Committee
POSITION: Opposition

TITLE: Health Occupations – Prescriptions for Children Subject to Shared Custody of Visitation Schedules

The State Board of Pharmacy and the Maryland Board of Nursing (the “Boards”) respectfully submit this opposition for Senate Bill 539 – Health Occupations – Prescriptions for Children Subject to Joint Custody (“SB 539”). Although the purpose of the bill is well-intended, the Board is concerned that it would be difficult to implement and may have unintended negative consequences for the patient and prescriber.

From a practical perspective, prescription insurance companies generally reimburse claims for prescriptions written for a specific patient, for a specific drug, and issued on a specific date. Therefore, if each parent presents a prescription for his or her “portion” of the prescribed medication to their respective pharmacy to fill for their child, only the first prescription submitted as a claim may be reimbursed, whereas the second parent may have to pay cash.

In addition, the federal law does not specifically permit prescribers to “split” prescriptions for controlled substances into two simultaneous prescriptions. Therefore, to the extent that this bill is intended to address children treated with ADHD medication, which are controlled substances, it may be unenforceable. And, even if permitted, this may cause both the prescriber and the patient to be flagged in various controlled substance monitoring systems, including Maryland’s Prescription Drug Monitoring Program (PDMP), because it would appear that the prescriber and patient may be prescribing and filling, respectively, duplicate prescriptions for a controlled substance.

Lastly, the bill imposes an impossible and inappropriate responsibility on both the prescriber and pharmacist to review and evaluate complex legal custody documents to ensure that the prescription drug quantity issued accurately reflects the percentage of custody awarded to each parent. Prescribers and pharmacists are already practicing under high stress, high volume conditions, and do not have the time, resources, or legal expertise to review legal documents solely for the purpose of allocating prescription amounts to each parent.

Currently, a parent may request that a pharmacy provide an extra labeled vial when filling a medication for her child. The parents can then split the quantity of medications as appropriate. If there are issues regarding a child accessing medications when in the custody of a parent, this should be resolved through the court system similar to issues regarding a child's access to any other type of medical treatment.

Therefore, the Boards would urge the Committee to submit an unfavorable report unless SB 539. For more information, please contact Julie Gaskins, Legislative Liaison, at 410-764-4709 or julie.gaskins2@maryland.gov, or Deena Speights-Napata, MA, Executive Director, Maryland Board of Pharmacy at (410) 764-4753 or deena.speights-napata@maryland.gov and for the Maryland Board of Nursing, please contact Ms. Mitzi Fishman, Director of Legislative Affairs, at 410-585-2049 or mitzi.fishman@maryland.gov or Ms. Rhonda Scott, Executive Director, at 410-585-1953 or rhonda.scott2@maryland.gov

Respectfully,



Deena Speights-Napata, MA
Executive Director
Maryland Board of Pharmacy



Rhonda Scott, JD, BSN, CRNI, SD-CLTC
Executive Director
Maryland Board of Nursing

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