

March 24, 2020

Damean W. Freas, D.O.
Chair, Maryland Board of Physicians
Kure Pain Management
116 Defense Highway
Suite 403
Annapolis, MD 21401

Email: Christine.farrelly@maryland.gov
Christine Farrelly
Executive Director, Maryland Board of Physicians
4201 Patterson Avenue
Baltimore, Maryland 21215

Dear Chairman Freas and Executive Director Farrelly:

On behalf of MedChi, the Maryland State Medical Society, we are writing to urge the Maryland Board of Physicians (“Board”), pursuant to Governor Hogan’s March 16th Executive Order, to waive the requirement contained in COMAR 10.32.23.06, which states:

- C. *A permit holder may not dispense medications by:*
- (1) *Mail order; or*
 - (2) *A Refill.*

The Governor’s Executive Order specifically states that “[a]fter notice to the Governor, the Maryland Board of Physicians (“the BoP”) may suspend any provision of Titles 14 and 15 of the Health Occupation Article and their implementing regulations in COMAR 10.32 if the BoP finds that the suspension will not endanger the public health, welfare or safety and will augment the healthcare workforce and allow it to respond to the catastrophic health emergency.” Moreover, Secretary Neall yesterday issued an Order instructing that elective and non-urgent medical procedures and appointments should be delayed until the conclusion of the catastrophic health emergency.

Consequently, as Governor Hogan continues to urge social distancing and for Marylanders to stay at home in the ongoing battle to reduce COVID-19 exposure, it is essential that individuals can continue to receive their medication from their dispensing physician. MedChi strongly believes that the waiver of the mail order prohibition is an example of the type of suspension envisioned by the Executive Order. Physicians would still be required to report to the PDMP in the requisite timeframe and comply with all other dispensing requirements. However, the suspension of this requirement only

during this catastrophic health emergency will satisfy the overarching need to limit person-to-person contact. Thank you for your consideration.

Sincerely,

Gene Ransom
Chief Executive Officer
MedChi, The Maryland State Medical Society

cc: Robert Neall, Secretary, Maryland Department of Health