

April 7, 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:

Thank you for the reconsideration of MedChi's request to waive the requirement contained in COMAR 10.32.23.06 regarding the prohibition against dispensing medications by mail order. You requested information on the following: *Please explain why a pharmacy is not conveniently available for obtaining prescriptions via mail order and refills? How will this waiver augment the healthcare workforce and allow it to respond to the catastrophic health emergency? Please provide some scenarios where this waiver would be necessary?*

However, since our letter on March 23rd, three important actions have occurred demonstrating the urgency of our request. On March 30th, the Governor issued a "Stay at Home" order; on April 1st, the Governor issued an Executive Order to broaden the use of telehealth; and on April 3rd, the Governor signed *House Bill 448/Senate Bill 502: Health Care Practitioners – Telehealth and Shortage*. Together, these actions very clearly emphasize the need for patients to remain at home to limit the spread of COVID-19 but ensure that patients still have access to timely medical services. MedChi's waiver request accomplishes both tasks, and we again request approval.

It goes without saying that these are unprecedented times, which are reflected in the Governor's executive orders and actions. Physicians and other health care providers are being asked and expected to practice in ways that were unimaginable just a few months ago. Suspending the regulation that prohibits dispensing physicians from mailing medications to patients in their home lessens the need for patients to go to a physician's office or a pharmacy to obtain medications, especially given the greater emphasis on physicians to utilize telehealth. In addition, it maintains the cohesive treatment and medication protocol that current exists between patients and dispensing physicians.

Now is not the time to introduce a third-party into this relationship. During this uncertain time, patients need consistency and trust in their health care delivery. Physician dispensing ensures timely delivery of medications, which we do not anticipate changing even though the medications are mailed

to the patient's home by the physician dispenser. Also, physician dispensing eliminates the delays that often can occur when mail order pharmacies are used because of prior authorization and other requirements that may be needed through an outside entity.

Therefore, for the reasons currently provided and those stated in this letter, we again request reconsideration of our request to suspend the prohibition against a dispensing physician mailing the patient's medication to their home. Thank you for your consideration.

Sincerely,

Gene M. Ransom, III
Chief Executive Officer

cc: Robert Neall, Secretary, Maryland Department of Health