



The Maryland State Medical Society

1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915

1.800.492.1056

www.medchi.org



Senate Finance Committee

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Senate Bill 539 – *Health Occupations – Prescriptions for Children Subject to Shared Custody or Visitation Schedules*

POSITION: OPPOSE

The Maryland State Medical Society (MedChi) and the Maryland Chapter of the American Academy of Pediatrics (MDAAP) **oppose** Senate Bill 539. Senate Bill 539 would mandate that if a minor patient is subject to a court order of shared custody or a visitation schedule, a healthcare provider must issue two prescriptions for each drug the provider prescribes for the parent's child.

MedChi and MDAAP are concerned about the bill and believe it creates many unintended consequences. This bill would require the health care provider to write each prescription for an amount of the drug that is proportionate to the amount of time the parent spends with the child under the court-ordered or court-approved shared custody or visitation schedule. Healthcare providers should not have to interpret a shared custody or visitation schedule or determine the “proportionate amount of time” that the parent spends with the child, especially when the healthcare provider’s role should be on treatment. This requirement welcomes medication errors. In addition, this can easily lead to the failure to adhere to medication treatment plans when parents may unilaterally change the time being spent or when there is an unplanned change. Adhering to a medication regime, especially antibiotics, is critical for the health and safety of pediatric patients. Moreover, in some settings, prescription drugs may be pre-packaged, which would prevent compliance with this law. Lastly, there is a strong risk that health insurers will not cover two prescriptions and will see this as duplicative, resulting in pediatric patients either not receiving necessary medications or being delayed in receiving the care or parents having to pay out of pocket, adding a significant financial burden.

For these reasons, MedChi and MDAAP urge an unfavorable report.

For more information call:

Danna L. Kauffman

J. Steven Wise

Andrew G. Vetter

Christine K. Krone

410-244-7000