

MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

Resolution 5-18

INTRODUCED BY: Baltimore County Medical Association

SUBJECT: Oposing NCOIL Attempts to Stop Physician Dispensing

Whereas, the National Conference of Insurance Legislators (NCOIL) is an organization that convenes legislators from around the United States who are involved with insurance legislation; and

Whereas, NCOIL is dominated by legislators who are connected to the insurance industry; and

Whereas, NCOIL is considering endorsing legislation entitled “Workers’ Compensation Pharmaceutical Reimbursement Rates Model Act” (“Model Act”); and

Whereas, this “Model Act” would disallow physician dispensing after seven days from the injury to a worker except in very limited circumstances; and

Whereas, this “Model Act” would not allow a physician dispenser to charge his or her normal reimbursement and would limit that reimbursement to that charged by a chain pharmacy; and

Whereas, if enacted, this “Model Act” would effectively end the ability of pain management practices and orthopedic practices from dispensing medicines to their patients as well as any other physician practices which are currently dispensing medicines to their patients; and

Whereas, this “Model Act” was developed without any physician input in that only representatives from the Workers’ Compensation Research Institute (WCRI) and a representative of Pharmacy Benefit Managers (PBMs) presented testimony; and

Whereas, the work product of WCRI is well known to MedChi because of legislative debates on physician dispensing from 2010 to 2015; and

Whereas, the work product of WCRI was totally discredited by the Maryland Workers’ Compensation Commission with the result that the Legislature refused to consider any limitation on physician dispensing in the 2015 and 2016 Sessions of the General Assembly; and

Whereas, physician dispensing has not been the subject matter of any legislation introduced in the 2017 or the 2018 General Assembly; and

Whereas, the full details of the Maryland Workers’ Compensation Commission’s repudiation of WCRI data may be found at www.physiciansresearchinstitute.org by clicking on “Insurance Funded Studies;” and

Whereas, WCRI is the primary data source for proponents who seek to limit or end physician dispensing and was the primary data source for the NCOIL “Model Act;” and

Whereas, any “Model Act,” even from a group such as NCOIL, is not in the interest of the physician community; therefore be it

Resolved, that our MedChi delegation to the American Medical Association seeks a resolution opposing the National Conference of Insurance Legislators “Workers’ Compensation Pharmaceutical Reimbursement Rates Model Act;” and be it further

Resolved, that MedChi send a letter to the National Conference of Insurance Legislators opposing the “Workers’ Compensation Pharmaceutical Reimbursement Rates Model Act” and pointing out the known problems with the Workers’ Compensation Research Institute Reports.

As amended and adopted by the House of Delegates at its meeting on April 29, 2018.