

MedChi

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

TO: The Honorable Peter A. Hammen, Chairman
Members, House Health & Government Operations Committee
The Honorable Eric Bromwell

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: March 17, 2011

RE: **OPPOSE** – House Bill 1268 – *Prescription Drugs – Dispensing Permits*

The Maryland State Medical Society (MedChi), which represents over 7,300 Maryland physicians and their patients, opposes House Bill 1268.

House Bill 1268 attempts to implement a series of major changes to the dispensing of prescription drugs in Maryland, some of which were contained in regulations drafted by the Board of Pharmacy in 2010 but never adopted.

Most substantial among the provisions of House Bill 1268 is that a physician, podiatrist, or dentist, all of whom may currently dispense, are prohibited from dispensing a prescription drug if pharmacy services are “conveniently available” to a patient within 10 miles of the patient’s home. Current regulations allow the patient to determine what is “convenient,” COMAR 10.13.01.04(K), but House Bill 1268 presumes to do so for the patient. Typically, physicians dispense when the circumstances warrant, such as with an injury that requires immediate treatment and with cancer patients, but under House Bill 1268 the patient would require transportation to a pharmacy that is perhaps miles and a great deal of difficulty away.

Not only is this proposal self-serving for the pharmacies and pharmacists that support the bill by ensuring that prescriptions be filled only at the pharmacy, but it contradicts the premise of “convenience” upon which these same groups have supported other legislation. Namely, these groups have supported bills (House Bill 986, Senate Bill 845) that allow additional vaccinations to be done by pharmacists at the pharmacy – all in the

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name of “convenience”. But there is absolutely *nothing* convenient about the policies embraced by House Bill 1268, unless you are the pharmacy or pharmacists to whom patients will be forced to come if this legislation passes.

The legislation does allow “starter dosages” of drugs, which cover a period of up to 72 hours, to be dispensed by physicians, dentists and podiatrists. However, House Bill 1268 requires that the physician obtain a “dispensing permit” from the Board of Pharmacy before giving a patient any drugs. This is a substantial change in two respects from existing law. First, physicians currently obtain such a permit from the Board of Physicians, which is in the best position to know which physicians should be permitted to obtain such a permit. Second, a physician is not required to obtain a permit under current regulations if they intend only to dispense such starter dosages and do not charge for them. In short, the Board of Pharmacy is taking control of the issuance of all dispensing permits, and requiring them for all physicians, in every instance, rather than only in those where a physician intends to dispense on a regular basis.

The Board of Physicians advises that there are currently 1175 dispensing permits issued to physicians. There are over 27,228 physicians in the State, so only 4% of physicians dispense anything more than starter dosages currently. Moreover, a recent study relied upon by the Workers’ Compensation Commission revealed that physicians dispense fewer pills and more closely monitor the effect of the medicine on their patients than the pharmacy which carries out a doctor’s prescription. *See* “Prescription Benchmarks for Maryland”, Worker’s Compensation Research Institute, March 2010. This bill moves almost all dispensing to the pharmacy, which would seem counter to cost-effectiveness.

For these reasons, MedChi strongly opposes House Bill 1268.

For more information call:

Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise
410-269-1618