



MARYLAND HEALTH CARE COMMISSION

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**Friday, February 8, 2019
Via Teleconference**

Minutes

Commissioners present: Hammersla, Moffit, O’Grady, Peters, Pollak, Rymer, Sergeant, Thomas, and Tomarchio.

AGENDA ITEM 1.

Update of Activities

David Sharp, Principal Deputy and Director of the Center of Health Information Technology and Innovated Care Delivery, reviewed legislative activities over the past two weeks. He noted that the Maryland Health Care Commission (MHCC) did not hold a legislative policy call last week. MHCC had a briefing before the House Health and Government Operations Committee on February 6, 2019, regarding the Certificate of Need (CON) Modernization Report, which was similar the briefing before the Senate Finance Committee in December 2018. He stated that the MHCC also had a budget briefing before the House Appropriations Committee on February 7, 2019. Commission staff continue to work with members of the Maryland General Assembly and stakeholders on potential bills that support the recommendations in the CON report.

AGENDA ITEM 2.

ACTION: Discussion of Positions on Bills with Hearings during Week of February 11

Megan Renfrew, Chief of Government Affairs and Special Projects, reviewed possible positions that the Commission could take on bills.

HB 247 (SB 445) Maryland Health Care Commission-Surgical Birth Rate Study - Letter of Information

Ms. Renfrew provided an overview of the bill and the draft letter of information shared with Commissioners before the meeting. The draft letter focuses on work already being done within MHCC, the Maryland Department of Health, and the Maryland Patient Safety Center on related topics, as well as concerns about staff resources and expertise. The Commissioners requested that the draft be revised to focus on expertise that exists in the State (and outside the Commission), the need to narrowly identify the gaps in existing efforts that this bill seeks to fill, and the potential for

unintended consequences. Ms. Renfrew said that MHCC staff will revise the letter and share the final letter with Commissioners.

ACTION: The Commission will submit a Letter of Information for HB 247.

HB 409 (SB 469) Drugs and Devices- Electronic Prescriptions- Requirements – Letter of Information

Mr. Sharp described the bill and provided an overview of concerns that could be raised in a letter of information. He stated that electronic prescription capabilities are normally within an Electronic Health Record system (EHR). Only 72 percent of physicians in Maryland have adopted an EHR, which means more than a quarter of physicians would need to make significant investment to comply if this bill became law, making its requirement premature. There is also a concern about consumer choice: some patient may prefer paper. It is also hard to know when prescribers could use discretion, what would happen if there was a failure of the technology, and tracking compliance would be complicated. Commissioners added general concerns about mandates, intrusion into the physician/patient relationship, and unintended consequences. It was noted that paper prescriptions can be particularly important to consumers (including the uninsured) who want to shop around for the best price for a prescription, and that a sizable minority of patients seem to prefer paper prescriptions. Although the technology/market is making an inevitable move in the direction of electronic prescribing, a mandate both feels premature and unnecessary at this time. Policies that help support and facilitate adoption of these technologies might be a better approach. This does not seem to impact opioids, for which electronic prescriptions are limited. Commissioners agreed that a letter of opposition was appropriate, given their concerns about this bill.

ACTION: The Commission will submit a Letter of Opposition for HB 409.

AGENDA ITEM 3.

Overview of Upcoming Activities

Ms. Renfrew noted that the Senate's bill introduction deadline had passed and that the House deadline was February 8, so that the pace of work would pick up over the next month. She noted that two bills have been introduced in the House (with Senate bills cross-filed) that support the Commission's CON recommendations. She said that these bills will be discussed in a future week, and that there is also a bill related to reporting of financial payments and gifts to providers from pharmaceutical companies that staff will discuss with Commissioners at a later meeting. *[Note that these bills are listed in the table that accompanied the agenda]*

AGENDA ITEM 4.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 a.m. by consensus.