

July 5, 2018

Mr. William Melofchik
Legislative Director
NCOIL National Office
2317 Route 34, Suite 2B
Manasquan, New Jersey 08736
Sent Via Email to wmelofchik@Ncoil.org

Dear Mr. Melofchik:

MedChi, The Maryland State Medical Society, (MedChi) is comprised of over 8,000 Maryland physicians. It was chartered by the Maryland General Assembly in 1799 and it has represented Maryland physicians since that time.

MedChi writes this letter to express its strong opposition to the NCOIL Workers' Compensation Committee's proposed model bill on physician dispensing which will effectively end the ability of pain management doctors (and other specialties) to treat both acute and chronic pain by dispensing medicines from their offices.

The limitation on physician dispensing contained in the model bill is similar to a Pennsylvania law, but the model bill is even more restrictive. The Chair of the NCOIL Workers' Compensation Committee is Representative Marguerite Quinn of Pennsylvania who was the sponsor of the Pennsylvania legislation. This legislation was being considered at the same time that similar legislation was pending in neighboring Maryland. Pennsylvania enacted its proposal but Maryland refused to do the same with the result that Pennsylvania doctors no longer dispense while Maryland doctors are free to do so.

MedChi notes that the NCOIL Workers' Compensation Committee heard testimony from the Workers' Compensation Research Institute (WCRI) and from a representative of Pharmacy Benefit Managers (PBMs). These witnesses were apparently invited by Chair Marguerite Quinn and introduced by her at the November 2017 meeting of the Workers' Compensation Committee.

The WCRI written presentation included information on Maryland which was totally discredited by the Maryland Workers' Compensation Commission and led to a "moratorium" on physician dispensing legislation in Maryland. In a nutshell, WCRI maintained that physician dispensing constituted almost 40% of all medicines dispensed to workers' compensation patients in Maryland and was increasing; the Maryland Workers' Compensation Commission determined that the true number was 15.7% and that it was decreasing. MedChi believes the WCRI Report presented to the NCOIL Committee is riddled with such inaccuracies for the other states.

Included as Attachment 1 is the 2015 statement from the Maryland Joint Committee on Workers' Compensation Insurance which imposed a moratorium on physician dispensing legislation when the WCRI information was discredited; Attachment 2 is a recent letter from Maryland House Speaker Michael E. Bush to Chairman Karl Aumann of the Maryland Workers' Compensation Commission; Attachment 3 is Chairman Aumann's response.

MedChi believes that the WCRI research is fatally flawed and was obviously relied upon by the NCOIL Committee. It was also relied upon by the Pennsylvania legislature but the Maryland legislature discovered the WCRI bias in time.

MedChi would respectfully request an unfavorable vote on this so called model bill.

Sincerely,



Gene M. Ransom, III
Chief Executive Officer

Cc: Daniel Blaney-Koen, American Medical Association

Attachments