



Maryland Chamber of Commerce

Legislative Position

**SB 417
OPPOSE**

**Finance
Committee
2/18/09**

SB 417

Prescription Privacy Act

Bill Summary: This bill would limit the transfer of physician prescriber data and impose significant fines and criminal penalties for the unauthorized transfer of such data.

Chamber Position: The Maryland Chamber of Commerce opposes this bill because it would do nothing to improve the privacy of patient prescription data, while causing significant patient safety problems resulting from the loss of an efficient data collection and notification process.

Federal law, under HIPPA, already bans any use of patient identifiable information. Since prescription data is not currently compiled at a patient level basis, this bill does nothing to improve the security of patient prescription data.

This bill would create new patient safety problems by banning companies from compiling prescription data at the prescriber level. Such data is used by pharmaceutical companies to assist with drug recalls, risk management plans, and alerts to physicians when new information becomes available regarding drug risks. Studies that are currently conducted by government agencies, higher education institutions and businesses would no longer be possible because the data would not be compiled. At a time when we are looking for ways to improve patient safety and healthcare, this bill would damage our ability to monitor drug usage.

The fiscal note also states that “To the extent the Department of Health and Mental Hygiene is required to enforce this bill, general fund expenditures increase by a potentially significant amount beginning in FY 2010.” During the current state budget crisis, there are surely higher priorities for health care expenditures than enforcing a new law that does nothing to promote public health.

For these reasons, the Maryland Chamber urges that this bill be given an unfavorable report.

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