**Official Minutes**

**Medical Fee Guide Committee Meeting**

**November 27, 2023, 3P.M.**

**Chesapeake Employers’ Insurance Company**

**8722 Loch Raven Blvd.**

**Towson, MD 21286**

**Present in Person:**

Committee Members: MD WCC Staff:

Carmine G. D’Alessandro, Esq. Comm. Allan H. Kittleman, Chair MFG Committee

Dr. Charles J. Thorne Maureen Quinn, Chairwoman

Joseph M. Jagielski, Esq. H. Scott Curtis, Esq., Assist. Atty. General

Janet Vanderpuije, MFG Secretary

**Present Microsoft Teams:**

Allyson Bloom, Esq. Jerome Reichmister, MD, Medical Director

Mary Capelli-Schellpfeffer, MD, MPA Mary Ahearn, CEO

Edward J. Bernacki, MD, MPH Theresa Cornish, COO

Greg M. Gilbert

Maija B. Jackson, Esq.

Robert Garza, Esq.

**Absent: Guests In- Person:**

Jason Hammond, MD Danna Kauffman MedChi

Anthonia St. John, Esq. Josh White IWP

Keith Segalman, MD Lyndsey Meninger

**Guests** **Microsoft Teams:**

Brian Allen Wendy Cloe

Colleen Shields Darren Thomas

Isabel Hernandez Jennifer Bean

Mina Nakhla Sandy Shtab

Teriann W Scarantino Kevin C Tribout

Wendy Hartman Erica White

**Call to Order:**

Commissioner Kittleman called the meeting to order at 3:12pm. A roll call vote of the Committee and guests was taken. The purpose of convening the meeting was to continue the discussion on whether to adopt a prescription fee guide and the methodology that should be used.

Carmine D’Alessandro moved to approve the minutes of October 26, 2023, meeting. The motion was seconded by Maija Jackson. The motion was passed and the minutes of the October 26, 2023, meeting were approved.

Members were given the opportunity to share their thoughts and concerns regarding the various fee guide methodologies. Those discussed were NADAC, Average Wholesale Price (‘AWP’), Average Acquisition Cost (‘AAC’) and Usual and Customary. Dr, Thorne shared his concern that NADAC does not include specialists, mail order or physician dispensers. He was also concerned about an access to care issue because of NADAC’s low reimbursement level.

Mr. D’Alessandro shared his view that AWP, if adopted may require “safeguards” to include requirements that pharmacies be in-network and that formularies be closed. Failure to adopt these safeguards would increase utilization and increase costs.

There was further discussion about the predictability of prescription costs and consideration of drug formularies and networks. There was also discussion on the usual and customary pricing methodology (the current practice in Maryland) which offers a choice of pharmacy for claimants and offers cost containment.

A suggestion was made to obtain data from surrounding states that have prescription fee guides to compare prescriptions costs and determine what “guardrails” might be needed if a prescription fee guide is adopted. If NADAC was selected as the methodology, concern was raised that Maryland would still need to adopt a solution for the 30% of drugs that aren’t included in NADAC.

Mr. Garza suggested using AWP because anything else would be too low of a reimbursement. Several attendees indicated that they had not seen problems with injured workers getting prescriptions while others indicated that they had seen access issues.

The next Medical Fee Guide meeting will be on Thursday, January 11, 2024. Commissioner Kittleman asked the Committee members, before the next meeting, to review the prior regulatory proposal and bring to the January 11th meeting any suggested modifications to the prior regulatory proposal and the comments submitted to the Committee. The meeting adjourned at 4:14pm.

Minutes submitted by:

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Janet Vanderpuije

Minutes approved by:

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Commissioner Allan H. Kittleman