**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:

Carmine G. D'Alessandro, Esq.
Dr. Charles J. Thorne
Joseph M. Jagielski, Esq.

MD WCC Staff:

Comm. Allan H. Kittleman, Chair MFG Committee
Maureen Quinn, Chairwoman
H. Scott Curtis, Esq., Assist. Atty. General
Janet Vanderpuije, MFG Secretary

**Present Microsoft Teams:**

Allyson Bloom, Esq.
Mary Capelli-Schellpfeffer, MD, MPA
Edward J. Bernacki, MD, MPH
Greg M. Gilbert
Maija B. Jackson, Esq.
Robert Garza, Esq.

Jerome Reichmister, MD, Medical Director
Mary Ahearn, CEO
Theresa Cornish, COO

**Absent:**

Jason Hammond, MD
Anthonia St. John, Esq.
Keith Segalman, MD

**Guests In- Person:**

Danna Kauffman MedChi
Josh White IWP
Lyndsey Meninger

**Guests Microsoft Teams:**

Brian Allen
Colleen Shields
Isabel Hernandez
Mina Nakhla
Teriann W Scarantino
Wendy Hartman
Wendy Cloe
Darren Thomas
Jennifer Bean
Sandy Shtab
Kevin C Tribout
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