



BULLETIN: 2020 - 004
Effective Date: January 24, 2020

REQUIREMENTS FOR ISSUING AND RENEWING WRITTEN CERTIFICATIONS FOR MEDICAL CANNABIS

Linthicum, MD (January 24, 2020) – The Maryland Medical Cannabis Commission (the “Commission”) is issuing this bulletin to remind certifying providers of: (1) certain regulatory requirements they must comply with to obtain and maintain registration and; (2) actions that the Commission may take when these regulatory requirements are violated.

- 1. A certifying provider must conduct an in-person assessment of a qualifying patient before issuing or renewing a written certification for medical cannabis. Assessment via telephone, video, or other means of telecommunication does not suffice.**

Regulations addressing this issue provide:

- In order to register as a certifying provider, a provider must submit an application that includes an attestation that the provider will complete a physical examination, of a qualifying patient before issuing a written certification for medical cannabis.¹
 - A certifying provider must have a bona fide provider-patient relationship with a qualifying patient in order to issue a written certification.² A certifying provider must complete an in-person assessment of a qualifying patient in order to establish a bona fide provider-patient relationship.³
 - A certifying provider may renew a written certification for medical cannabis only if the provider made a full, in-person assessment of the qualifying patient within the past 365 days.⁴
- 2. A certifying provider may not accept compensation from a licensee without approval from the Commission. A certifying provider must obtain Commission approval to attend an event sponsored**

¹ COMAR 10.62.03.01(A)(2)(c)(ii)

² COMAR 10.62.05.01(A)

³ COMAR 10.62.01.01(B)(3)(a)

⁴ COMAR 10.62.05.02(D)

by a licensee if the certifying provider will advertise their services at the event or receive compensation or referrals as a result of attending.

Regulations addressing this issue provide:

- A certifying provider must apply for and obtain approval from the Commission before receiving compensation from a licensee.⁵
 - Compensation includes promotion, recommendation, advertising, subsidized rent, or anything of value.⁶
3. A registered certifying provider who fails to conduct an in-person assessment of a qualifying patient before issuing or renewing a written certification for medical cannabis or receives compensation from a licensee without Commission approval may be fined, have their registration revoked, and/or be reported to their licensing board.

Regulations addressing this issue provide:

- A registered certifying provider is subject to a fine of up to \$5,000 for each violation of COMAR, Title 10, Subtitle 62. A registered certifying provider subject to a fine must pay it or request a hearing within 30 days after receiving notice of the fine.⁷
- After written notice and a hearing, the Commission may revoke the registration of a certifying provider who fraudulently applied for approval, fraudulently issued a written certification, or violated COMAR, Title 10, Subtitle 62, Chapter 34.⁸
- The Commission shall report to a certifying provider's licensing board any instance of fraud or conduct by the certifying provider that threatens public health.⁹

Please direct any questions regarding this Bulletin to the Bureau of Enforcement and Compliance, at enforcement.mmcc@maryland.gov.

⁵ COMAR 10.62.03.02(A)

⁶ COMAR 10.62.03.02(A)

⁷ COMAR 10.62.34.03

⁸ 10.62.34.04(A)

⁹ 10.62.34.04(B)