

May 5, 2023

Maryland Prescription Drug Affordability Board  
16900 Science Drive, Suite 112-114  
Bowie, MD 20715

**Healthcare Distribution Alliance Comments**

**Re: §14.01.03.01-05, the Maryland Prescription Drug Affordability Board Cost Review Process**

On behalf of the Healthcare Distribution Alliance (HDA), the national trade association representing 34 healthcare wholesale distribution companies, we would like to thank you for the opportunity to provide comments on proposed rules **§14.01.04.01- Public Information Act**. We appreciate the intent of the proposed rule, and would like to propose the Board consider incorporating additional language regarding the notification of potentially affected persons, which we believe will better ensure that all parties subject to the rule are fully aware of how to respond to any such notice.

HDA appreciates the Board's insightful inclusion of language allowing a person potentially adversely affected by a disclosure request to be given advanced notice, and a chance to provide reasons to the Custodian about why a public record should not be released. Due to antitrust concerns, proprietary business concerns, and even safety concerns, it is paramount that certain identifying information should not be made publicly available.

To that end, we propose the Board include a timeline that would ensure any person who may potentially be "adversely affected" would have ample time to receive, review, and respond to the notification from the custodian. Following the precedent set throughout the regulation, we propose 10 business days:

*Notice to Person Potentially Affected by Disclosure.*

- A. *Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Board to any person who, in the judgment of the custodian, could be adversely affected by disclosure of that public record, within 10 business days of receiving the notice of a request.*
- B. *The potentially affected person shall respond to the custodian on the potential impact within 10 business days following the notice of the custodian.*
- B-C. *The custodian-~~may~~ must consider the views of the potentially affected person before deciding whether to disclose the public record to an applicant, and notify the affected person of a final decision at least 48 hours before the information is released.*

Thank you for your consideration of our proposed language change as the Board moves forward with rulemaking. Please contact me at any time with questions or for further conversation at [kmemphis@hda.org](mailto:kmemphis@hda.org) or at 443.375.6541.

Sincerely,

Kelly Memphis

Kelly Memphis  
Director, State Government Affairs  
Healthcare Distribution Alliance