



# Medical Marijuana: Impacts on the Healthcare Industry

Marijuana Interim Study Committee

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 **South Dakota**  
Association of Healthcare Organizations

# Physician Certification

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- Patient Access
  - Limited Practitioner Definition
  - Exclusion of Telehealth
  - Certification Language Concern
    - SDCL 34-20G-5 requires that a practitioner certify “in the practitioner's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition.”

# Physician Certification

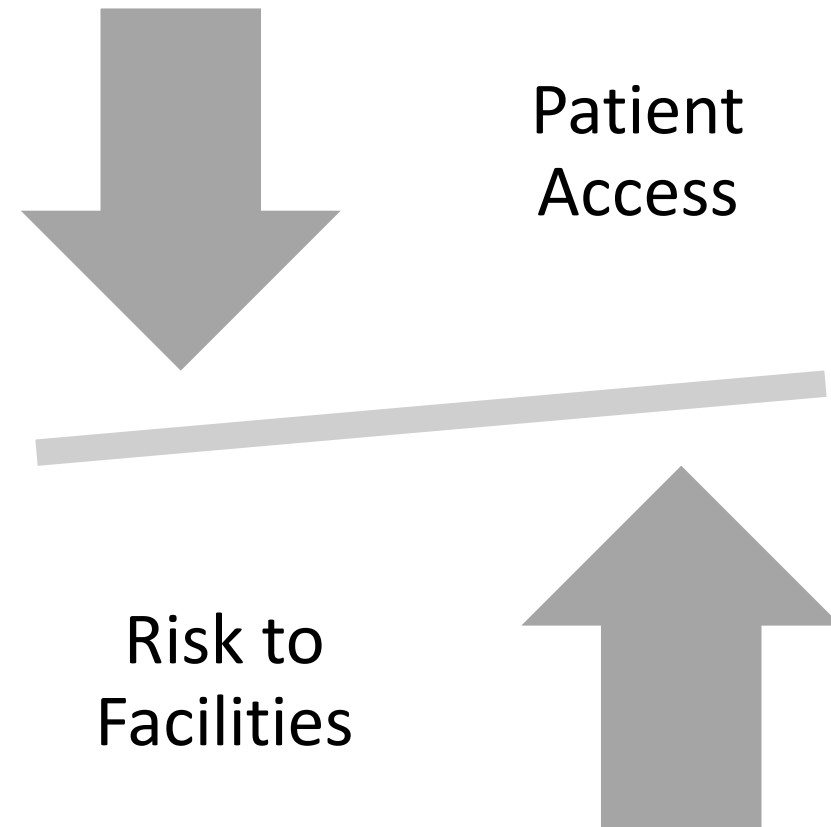
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- Risks related to federal certification and licensure:
  - Drug Enforcement Agency (DEA) Registration
    - Under DEA registration requirements, all drugs listed in Schedule I may not be prescribed, administered, or dispensed for medical use.
    - Unclear if written certification could be construed as a “prescribing” under federal regulation.
  - Billing Medicare/Medicaid for Physician Certification Visit
    - Unclear if a visit for the sole purpose of physician certification for a Schedule I drug could be considered a violation of federal law and seeking reimbursement for a service could trigger False Claims Act liability.

# Patient Possession & Use in Healthcare Facilities

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- Patient Access
- Risk to Facilities
  - Medicare Conditions of Participation
- Potential Policy Directions
  - Will not Allow Medical Cannabis in Healthcare Facility
  - Continuation of Medical Cannabis by Patients as Self-Directed Therapy
  - Continuation of Medical Cannabis by Patients Incorporated into Medication Process



# Healthcare Workforce

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- Drug Free Workplace Act
- Safety Concerns
  - Off Duty Use
  - Impairment
  - Risk of Injury to Patients/Residents
  - Facility Liability
- Workplace Accommodation Requests
- Recruitment Policies and Workforce Pool

