



MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Office of Health Care Quality

Spring Grove Center, Bland Bryant Building, 55 Wade Avenue, Catonsville, MD 21228-4663

To: All Nursing Homes

Patricia Tomsko May, MD

From: Patricia Tomsko Nay, MD, CMD
Executive Director, Office of Health Care Quality

Subject: Medical Cannabis

Date: April 13, 2018

Cannabis (marijuana) is categorized as a Schedule I controlled substance under the U.S. Controlled Substances Act, which means that:

- the drug or substance has a high potential for abuse;
- there is currently no accepted medical treatment use for the substance; and
- there are no accepted safety standards in place for the substance in medical treatment.

Providers certified by the Centers for Medicare and Medicaid Services (CMS) are subject to a Condition of Participation agreement that requires providers to operate and provide services in accordance with all applicable Federal and State laws. Because cannabis is classified as a Schedule I controlled substance, the distribution or possession of cannabis is a criminal offense. Therefore, it is CMS's standpoint that federal law prohibits certified providers from dispensing medical cannabis.

Even though Maryland has legalized the medical use of cannabis, Maryland providers certified by CMS should be aware they may not be insulated from federal enforcement, including termination of their provider agreement. Until the conflict between state and federal law is resolved, Maryland providers should obtain legal advice from their own attorney to determine how they want to approach the use of medical cannabis in their nursing home.

If you have further questions regarding medical cannabis, please contact Margie Heald, Deputy Director of Federal Programs, 410-402-8101.