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HEALTH

New limits, oversight for Pa.'s medical marijuana doctors proposed in response to Spotlight PA investigation

by Ed Mahon of Spotlight PA | Oct. 25, 2024



DANIEL FISHEL / FOR SPOTLIGHT PA

HARRISBURG — The Pennsylvania Department of Health would be empowered to impose new limits on doctors who want to practice in the state’s medical marijuana program under legislation prompted by a Spotlight PA investigation.

Earlier this month, a group of Republican lawmakers in the state House of Representatives introduced [a bill](#) that would give regulators the power to impose a range of conditions on individual physicians who want to certify medical marijuana patients. In Pennsylvania, patients need a doctor’s approval to obtain a medical marijuana card and buy cannabis from dispensaries.

Under the bill, the department could place a physician on a term of probation and limit the number of patient certifications that the physician may issue during a specific time period as determined by the department. The Department of Health could also impose reporting requirements and require the physician to be supervised by another doctor.

The action follows a Spotlight PA investigation, [published in August](#), that found the health department has rarely blocked practitioners from joining the state’s medical marijuana program based on past discipline. That includes a doctor who received a federal prison sentence in the early 2000s after pleading guilty to charges related to drug distribution.

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The investigation also found a large disparity in how frequently some doctors approve patients for medical marijuana cards.

Of the about 1,300 doctors who issued at least one medical marijuana certification in 2022, most issued fewer than 100, department records show. But some doctors issued several thousand that year, and three issued more than 11,000.

Most Pa. medical marijuana doctors issue fewer than 100 certifications a year



Of the about 1,300 doctors who issued at least one medical marijuana certification in 2022, most issued fewer than 100.

Three doctors each issued more than 11,000 certifications.

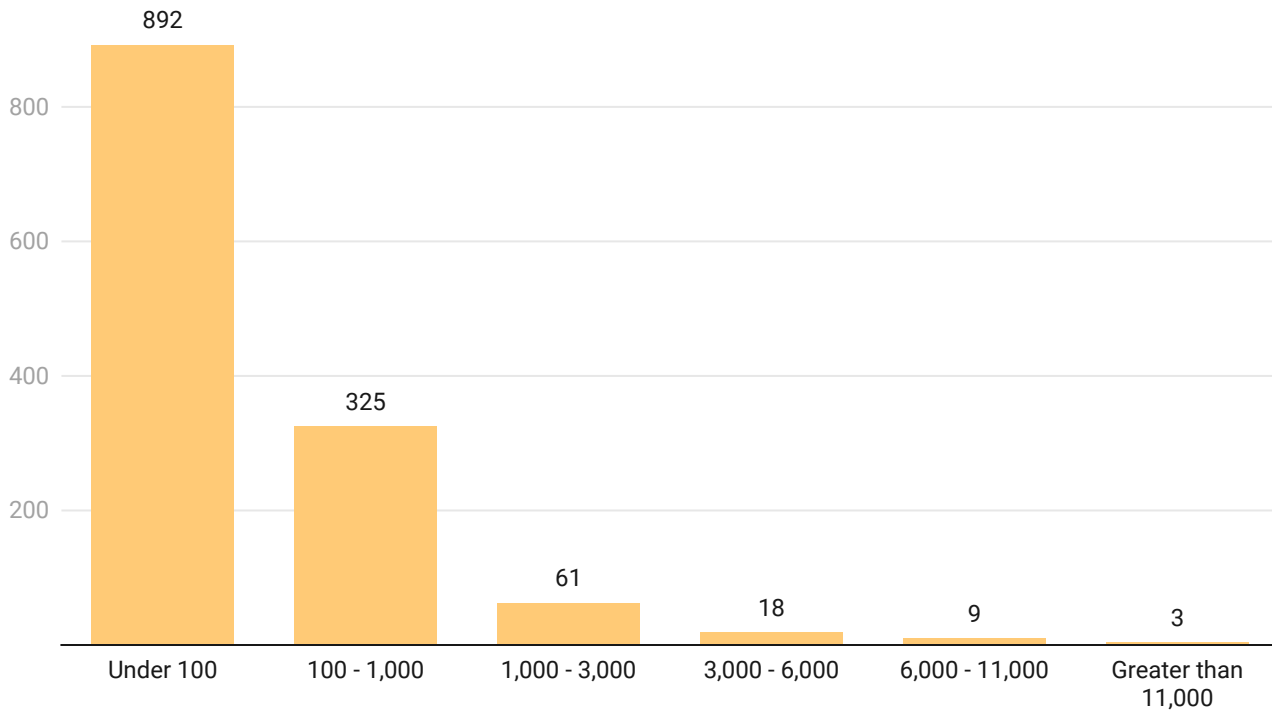


Chart: Ed Mahon / Spotlight PA • Source: Pennsylvania Department of Health data / Spotlight PA analysis • [Get the data](#) • [Download image](#) • Created with [Datawrapper](#)

The bill’s prime sponsor, state Rep. Tim Twardzik (R., Schuylkill), cited Spotlight PA’s investigation, [saying it](#) “revealed deficiencies in the Medical Marijuana Act,” particularly related to the department’s “limited authority to impose conditions or deny applications based on a physician’s prior conduct.”

The legislation would also bar physicians from joining the program as a practitioner if they have received a felony conviction under [a state drug law](#) within the previous five years.

The bill leaves some specifics of the oversight up to the department, such as which doctors deserve extra scrutiny. To advance in the Democrat-controlled state House,

the bill would need to be considered by the Health Committee. State Rep. Kathy Rapp (R., Warren), one of the bill's co-sponsors, is the minority chair of the panel.

However, state Rep. Dan Frankel (D., Allegheny) — who, as the committee chair, makes decisions about which bills are considered — previously told Spotlight PA there are more important issues for the health of medical marijuana patients than “underqualified doctors.”

In an interview in August, Twardzik acknowledged the difficult road that this, or any legislation, faces in Harrisburg.

“It’s interesting in this job,” he told Spotlight PA, adding that he’s been told, “when you have an idea for a bill, it takes about six years to get to the finish line.”

Still, he said, once in a while, lawmakers find important issues that they fix right away.

The state’s medical marijuana law currently gives the department the power to decide which doctors can certify patients, and it’s responsible for determining that each physician is qualified. But the law doesn’t specifically address whether the department can impose the types of additional restrictions and oversight on certain physicians that Twardzik is proposing.

Earlier this year, an attorney for the department described limits on its oversight power, [as Spotlight previously reported](#). In an administrative case, the attorney wrote that the state's medical marijuana law and regulations don’t give the Bureau of Medical Marijuana “the same investigation resources or authority to require extra requirements to prove compliance” that other agencies, including a licensing board, hold.

A spokesperson for the Department of Health told Spotlight PA the agency doesn’t comment on pending legislation.

Twardzik’s proposal could face resistance from the state’s cannabis industry. Meredith Buettner Schneider, executive director of the Pennsylvania Cannabis Coalition, told Spotlight PA she’s concerned the proposed power to cap the number of physician certifications could limit access for patients.

Others have called for changes in response to Spotlight PA’s August investigation.

[Jeff Hanley](#), executive director of the Commonwealth Prevention Alliance, a nonprofit focused on substance use issues, said the story highlighted the critical need for “a comprehensive review” of Pennsylvania’s medical marijuana program. He suggested examining a number of issues that have been the [subject of prior Spotlight PA investigations](#), including the list of qualifying conditions for patients, advertising rules, and practices of third-party companies that connect doctors and patients.

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William Stauffer, a prominent recovery advocate in Pennsylvania, [weighed in, as well](#), saying he hopes the “story is a wake-up call for state government and beyond.”

The story shows “a system in which the harms associated with Cannabis are being relegated to an afterthought or perhaps a barrier to getting cannabis into the hands of as many people as possible,” Stauffer wrote.

Currently, only licensed medical doctors and doctors of osteopathic medicine can approve patients for a medical marijuana card in Pennsylvania, although the state’s health secretary has received [recommendations to expand that list](#) to include podiatrists and nurse practitioners. Physicians must apply and complete a four-hour training course to be included in the department’s registry of approved doctors.



Ed Mahon

Investigative Reporter

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