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REVIEW COMMISSION

STATE BOARD OF PHARMACY
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December 7, 2005

✓ The Honorable John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

The Honorable Robert M. Tomlinson, Chairman
Consumer Protection and Professional Licensure Committee
Senate of Pennsylvania
362 Main Capitol Building
Harrisburg, PA 17120-3006

The Honorable Lisa M. Boscola, Minority Chairperson
Consumer Protection and Professional Licensure Committee
Senate of Pennsylvania
458 Main Capitol
Harrisburg, PA 17120

The Honorable Thomas P. Gannon, Chairman
Professional Licensure Committee
Pennsylvania House of Representatives
49 East Wing Capitol Building
Harrisburg, PA 17120

The Honorable William W. Rieger, Minority Chairman
Professional Licensure Committee
Pennsylvania House of Representatives
327-C Main Capitol
Harrisburg, PA 17120

Dear Chairpersons,

On Tuesday December 6, 2005, I participated in a telephone conference call with representatives of the House Professional Licensure Committee and the Independent Regulatory Review Commission. During the course of the telephone conference we discussed concerns that the House Professional Licensure Committee had with some of the language in the Board's final form rulemaking package 16A-5410 pertaining to technology and automation. As a result of those discussions, and in accord with the recommendations made by the staff of the House Professional Licensure Committee, the Board is withdrawing the final form rulemaking package at this time. The Board intends to revise the rulemaking package to address the drafting concerns as expressed by the Committee's staff, and resubmit the final form regulation as soon as possible.

On behalf of the Board, I wish to assure the Committee that the Board did not and would not attempt to use the regulatory process to go beyond the Board's statutory authority nor would it go beyond what was contemplated by the proposed rulemaking. In that regard, I would like to provide directly to the Committee clarification on two issues, which according to the staff, were troubling for the Committee.

First and foremost, as explained to the Committee staff, the Board was not attempting to create a new licensure category for so-called central processing center facilities. The Board now recognizes that drafting may have created some confusion. The Committee should know that a central processing center facility has nothing whatsoever to do with the actual dispensing of medication or drugs. Rather, the central processing center, noted in the regulations are facilities that are used to review and process the management of information related to prescriptions, such as drug interaction and insurance assessments. Indeed, central processing facilities are solely used to process information not to dispense medication.

The Board submits that the role the central processing center has in reviewing and processing prescription information would bring the central processing center into the purview of 16A-5410 because the purpose of this regulation was to address the use of technology in the processing of prescription drug information and drug handling. Accordingly, the Board would request that the Committee take that into consideration when the revised rulemaking package is submitted.

At the time of proposed rulemaking the Board did not fully appreciate the benefits to addressing separately the information-processing component of drug management. Later, the Board determined that it would be prudent to include these facilities in 16A-5410 rather than in a separate rulemaking package in light of the role these centers play in processing and reviewing information.

I wish to give my personal assurance that the Board did not and would not attempt to preclude input into the regulatory process or go beyond its statutory authority in any way, shape or form. Indeed, as the outgoing Chairperson of the State Board of Pharmacy, I pride myself in making

the Board more accessible, responsive and accountable to the Legislature, the licensee community and the public we are sworn to protect. On behalf of the Board, I look forward to resubmitting this rulemaking to you as soon as possible.

Thank you for your assistance and recommendation.

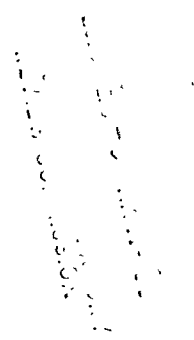
Sincerely yours,

A handwritten signature in black ink that reads "Michael J. Romano RPh". The signature is written in a cursive, flowing style.

Michael J. Romano, Chairman
State Board of Pharmacy

MJR/BLM/GS/slf

CC: Basil L. Merenda, Commissioner, Bureau of Professional and Occupational Affairs
Melanie Zimmerman, Board Administrator, State Board of Pharmacy
Gerald Smith, Senior Counsel in Charge
Karen Dalton, Esquire, Executive Director, Majority Chair, House Professional Licensure Committee
Barbara Harr, Executive Director, Minority Chair, Professional Licensure Committee

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