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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

March 20, 2008

Edward J. Bechtel, R.Ph., Chairperson
State Board of Pharmacy
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-5420 (IRRC #2663)
State Board of Pharmacy
Pharmacist Breaks

Dear Chairperson Bechtel:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable P. Michael Sturla, Majority Chairman, House Professional Licensure Committee
Honorable William F. Adolph, Jr., Minority Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State

Comments of the Independent Regulatory Review Commission

on

State Board of Pharmacy Regulation #16A-5420 (IRRC #2663)

Pharmacist Breaks

March 20, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the January 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Pharmacy to respond to all comments received from us or any other source.

Section 27.11. Pharmacy permit and pharmacist manager. – Clarity.

New language is being added to Subsection (c) that allows a sole pharmacist on duty to take up to a 30-minute break while working in a pharmacy. The House Professional Licensure Committee questioned if a pharmacist is limited to one 30-minute break during his or her shift. We also question how many 30-minute breaks a pharmacist can take during his or her shift and if the 30 minutes must be continuous. Under this rulemaking, would a pharmacist be allowed to take two 15-minute breaks? We recommend that the final-form rulemaking clarify these concerns.

Facsimile Cover Sheet

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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Tom Blackburn
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200
3-3394 (Cynthia Montgomery)
Fax: 7-0251
Date: March 20, 2008
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Pharmacy's regulation #16A-5420 (IRRC #2663). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:

Date:

03/20/08