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March 30, 2011

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P.O. Box 2649
Harrisburg, PA 17105

JOHN J. PAGAN, MD, FACS
Chair

Re: 16A-5423 – Cancer Drug Repository Program

ERICK J. BERGQUIST, MD, PHD
Secretary

Dear Mr. Green,

DENISE E. ZIMMERMAN
Executive Vice President

As President of the Pennsylvania Medical Society, I would like provide comments on the proposed regulation (16A-5423). The Society appreciates this opportunity to comment on this draft regulation.

A review of the draft regulation indicates that the regulatory language follows the language of the statute. The Society believes that this can benefit physicians who obtain additional unused medication for cancer treatment and finds the proposed regulation to be in the best interest of patients who cannot otherwise afford such prescriptions.

The Society supports this regulation overall, but would like to raise a few questions to be discussed before the final regulation is developed.

In §27.506 (a) on conditions of eligibility, it indicates that the patient must be diagnosed with cancer, does not possess or has limited prescription drug coverage related to the treatment of the patient's cancer, and does not meet the eligibility requirements under the state Medical Assistance Program that provides prescription drug coverage related to the treatment of cancer. What verification is required that a patient has been diagnosed with cancer or to prove his/her ineligibility of the Medical Assistance Program?

777 East Park Drive

The Society is also concerned about the potential increased risk of professional liability exposure for pharmacists. Will there be any recommendation or requirement to notify the professional liability carrier of the pharmacist's involvement in the repository program?

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Harrisburg, PA 17105-8820

Again, I appreciate the opportunity to provide comments to this regulation as it progresses. If there are any questions or concerns regarding these comments, please contact Amy Green, Associate Director of Governmental Affairs at agreen@pamedsoc.org.

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Sincerely,

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Ralph Schmelztz, MD
President

www.pamedsoc.org

cc: Scott Schalles, Analyst
Independent Regulatory Review Commission