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INDEPENDENT REGULATORY
REVIEW COMMISSION

2014 SEP 17 AM 10:17

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Department of State, Bureau of Professional and Occupational
Affairs, State Board of Pharmacy

(2) Agency Number: 16A

Identification Number: 5424

IRRC Number: 2963

(3) PA Code Cite: 49 Pa. Code § 27.26

(4) Short Title: **Pharmacy Internship**

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: **Carole Clarke Smith, Senior Counsel-in-Charge, (717)783-7200;**
cclarke-sm@pa.gov

Secondary Contact: **Cynthia K. Montgomery, Regulatory Counsel, (717)783-7200,**
cymontgome@pa.gov

(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The rulemaking amends the Board's regulations at § 27.26 (relating to pharmacy internship). Its main objectives are: (1) to permit pharmacy interns to complete more of the required internship through a school of pharmacy internship program while a student rather than in a pharmacy, (2) to permit (with Board approval) a non-traditional internship (other than in a pharmacy or through a school), and (3) to provide that a pharmacy internship registration will automatically terminate if the intern permanently leaves pharmacy school prior to graduation. Additionally, the rulemaking would revise the regulation to use current terms of art and to reflect Board practice.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This rulemaking is authorized by sections 3(c) and 6(k)(9) of the Pharmacy Act (act) (63 P.S. §§ 390-3(c) and 390-6(k)(9)).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The rulemaking is not mandated by any Federal or State law or court order or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

In addition to graduation from an approved school of pharmacy and successful completion of the licensure examination, completion of an internship prepares the applicant to function competently and effectively upon licensure as a pharmacist. Traditionally, the entire internship would be completed after graduation. However, the historical trend in pharmacy education is for greater participation by students in an academic internship as part of the educational process. Often, the pharmacy student will rotate through internships in a variety of practice settings. Rather than duplicating the educational internship, this rulemaking would permit a pharmacy intern to complete more of the internship requirements through academic internships or non-traditional internships.

Additionally, currently a pharmacy intern who permanently leaves a school of pharmacy without graduating might be able to continue working as a pharmacy intern. The position of pharmacy intern is intended to prepare the person to become a licensed pharmacist and not simply to provide subordinate pharmacy services, such as a pharmacy technician or unlicensed person. This rulemaking would better assure that only those aspiring pharmacists who continue the path to licensure will be permitted to continue working as pharmacy interns.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The rulemaking is not more stringent and does not overlap or conflict with any federal requirements.

(12) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

To become licensed as a pharmacist in Delaware, an applicant must also complete a board-approved practical experience under the supervision of a licensed pharmacist of at least 1,500 hours, including at least 1,000 hours in community or hospital settings. The remaining hours may be earned working as an industrial pharmacist, drug information pharmacist, military pharmacist, mail order pharmacist, HMO pharmacist, consultant pharmacist (such as nursing home, infusion, Medicaid DUR), home health care pharmacist (such as durable medical equipment), nuclear pharmacist, compliance pharmacist, government pharmacist, clinical pharmacist, or contracted pharmacy services. Hours spent in a pharmacy school experience program may be counted as well.

To become licensed as a pharmacist in Maryland, an applicant must also complete either: (1) a school-supervised professional experience program of at least 1,000 hours in an accredited school of pharmacy, or (2) at least 1,560 hours of full-time training in a pharmacy under the direct supervision of a licensed pharmacist. A school program of less than 1,000 hours may be used to satisfy a portion of the hours required in full-time training.

To become licensed as a pharmacist in New Jersey, an applicant must also complete either: (1) subsequent to graduation from pharmacy school an internship of at least 1,000 hours over at least 24 weeks working between 20 and 45 hours per week, or (2) a structured externship and clinical pharmacy clerkship through a pharmacy school during the third professional year or later of at least 1,000 hours over no more than 45 hours per week during which the extern has direct involvement with consumers or patients or healthcare providers at least 75% of the time.

To become licensed as a pharmacist in New York, an applicant who has graduated from an approved school of pharmacy must also have at least 6 months' experience as a pharmacy intern in an internship program devoted to the preparing, compounding, preserving and dispensing of drugs, medicines and therapeutic devices and to the performance of the functions related thereto, such as the counseling of patients and the monitoring of drug regimens, under the supervision of a registered pharmacist. The experience may be obtained via full-time work at 40 hours per week and may be accumulated during the summer and winter semester breaks as well as after graduation and prior to licensure in another state. Intern hours accumulated concurrent with the school year are also not acceptable.

To become licensed as a pharmacist in Ohio, an applicant must also complete at least 1,500 hours of supervised practical experience, and may satisfy up to 500 hours of that requirement by a board-approved supervised experience outside a pharmacy (such as manufacturing, research, consulting, drug information, and drug utilization review). Practical experience obtained in a structured program for which academic credit is awarded, such as in an externship or clerkship, may be applied to satisfy this requirement. The intern must be actively working towards licensure as a pharmacist.

To become licensed as a pharmacist in West Virginia, an applicant must also complete an internship of at least 1,500 hours in a pharmacy under the supervision of a licensed pharmacist.

The proposed rulemaking would not put Pennsylvania at a competitive disadvantage.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking will not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

During the draft stage of the regulation the Board solicited and received input from the Commonwealth's schools of pharmacy. The proposed rulemaking was discussed at public meetings of the Board, which are routinely attended by members of the regulated community and their professional associations. The Board discussed the written comments received after publication of the proposed rulemaking during open session at its meeting on September 17, 2013. In attendance at that meeting were representatives from Target, Acme, the Pennsylvania Pharmacists Association, the Hospital and Healthsystem Association of Pennsylvania, CVS Caremark and Giant.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are 3,410 licensed pharmacies in the Commonwealth. The regulation makes no changes in any reporting done by the pharmacy. However, now pharmacy interns will be able to take oral prescriptions over the phone or otherwise.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

All pharmacy interns would be required to comply with the provisions of this rulemaking. There are currently 4,955 pharmacy interns registered with the Board.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

In addition to graduation from an approved school of pharmacy and successful completion of the licensure examination, completion of an internship prepares the applicant to function competently and effectively upon licensure as a pharmacist. Traditionally, the entire internship would be completed after graduation. However, the historical trend in pharmacy education is for greater participation by students in an academic internship as part of the educational process. Often, the pharmacy student will rotate through internships in a variety of practice settings. Rather than duplicating the educational internship, this rulemaking would permit a pharmacy intern to complete more of the internship requirements through academic internships or non-traditional internships.

Additionally, a pharmacy intern who permanently leaves a school of pharmacy without graduating might be able to continue working as a pharmacy intern. The position of pharmacy intern is intended to prepare the person to become a licensed pharmacist and not simply to provide subordinate pharmacy services, such as a pharmacy technician or unlicensed person. This rulemaking would better assure that only those aspiring pharmacists who continue the path to licensure will be permitted to continue working as pharmacy interns.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The benefits of the regulation include an expanded scope of practice for pharmacy interns as they may now take oral orders for prescriptions. Another benefit is that the intern may now earn more intern hours through the academic internship. These are hours that the program was already providing so there will be no change in the academic internship. The Board has not identified any costs or adverse effects of the regulation.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to the regulated community associated with compliance with the rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance with the rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to state government associated with compliance with the rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no legal, accounting or consulting procedures associated with the rulemaking. The only additional reporting that is required by the regulation would require the intern to return the intern registration and all preceptor approval documents if the intern permanently ceases enrollment in an ACPE-accredited pharmacy degree program prior to graduation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 (11-12)	FY -2 (12-13)	FY -1 (13-14)	Current FY (14-15)
State Board of Pharmacy	\$2,077,905.39	\$2,233,176.95	\$2,239,312.25	\$2,390,000.00 (projected)

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) **There are approximately 3,410 pharmacies in the Commonwealth. Many pharmacies are owned by large corporations or hospitals therefore it is unknown how many would be considered small businesses. Further, there are approximately 4,955 pharmacy interns currently registered in the Commonwealth. Because it is unknown how many interns actually work for any pharmacies that would be considered small businesses the Board is unable to determine how many small businesses would actually be impacted by the regulation.**
- (b) **The regulation places no reporting, recordkeeping or other administrative costs for compliance with the regulation on small businesses. The regulation requires reporting by schools of pharmacies and the pharmacy intern, but not the pharmacy.**
- (c) **There should be no negative effect on small businesses.**
- (d) **The regulation was originally promulgated in 1980. The Board has not been able to discern a less intrusive or less costly alternative method of completing and reporting the pharmacy internship.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The Board has not identified any affected groups or persons that might have particular needs relevant to this rulemaking.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

In the draft phase of the regulation the board met with the deans of the pharmacy schools located in Pennsylvania. During the drafting of the proposed rulemaking the board met with the regulated community in work sessions at its regularly scheduled board meetings. After discussions with the deans and the regulated community the board drafted the regulation that it believes is the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Public protection dictates that all pharmacies must comply with the same regulations. There are no additional reporting requirements for pharmacies that may be small businesses. Further, pharmacies are not required to hire pharmacy interns. It is up to each pharmacy to determine whether to hire and supervise pharmacy interns. The Board does not foresee any adverse impact on pharmacies that may be considered small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The rulemaking is not based on data.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The date by which the agency must receive public comments: | 30 days after publication |
| B. The date or dates on which public meetings or hearings will be held: | The Board meets in public session every month |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | Fall 2014 |
| D. The expected effective date of the final-form regulation: | Upon final publication |
| E. The date by which compliance with the final-form regulation will be required: | Upon final publication |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings, which are set forth on the Board's website (www.dos.state.pa.us/pharm).

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FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Pharmacy
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-5424

SEP 16 2014

DATE OF APPROVAL

DATE OF ADOPTION: _____
BY: _____
Theresa M. Talbot, R.Ph.

DATE OF APPROVAL

(Executive Deputy General Counsel
Strike inapplicable title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Check if applicable. No Attorney General approval or objection within 30 day after submission.

Check if applicable
Copy not approved.
Objections attached.

FINAL RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF
49 PA. CODE, CHAPTER 27

49 PA. CODE §27.26
PHARMACY INTERNSHIP

The State Board of Pharmacy (Board) hereby amends § 27.26 (relating to pharmacy internship), to read as set forth in Annex A.

Effective date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The amendments are authorized under sections 3(c) and 6(k)(9) of the Pharmacy Act (act) (63 P.S. §§ 390-3(c) and 390-6(k)(9)).

Background and Purpose

Section 3(c) of the act requires that “to insure proficiency in the practical aspects of pharmacy, the board shall, by regulation, prescribe internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.” Section 27.26 sets forth standards for the pharmacy internship. In addition to graduation from an Accreditation Council for Pharmacy Education (ACPE) accredited pharmacy degree program and successful completion of the licensure examination, completion of an internship prepares the applicant to function competently and effectively upon licensure. The current trend in pharmacy education is for greater participation by students in an academic internship as part of the educational process. This rulemaking permits a pharmacy intern to complete more of the internship requirements through academic internships or non-traditional internships. Additionally, this rulemaking assures that only those aspiring pharmacists who continue the path to licensure will be permitted to continue to work as pharmacy interns.

Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 42 Pa.B. 5353 (August 18, 2012), followed by a 30-day public comment period. The Board received comments from Heather J. Johnson, Pharm.D., BCPS, Assistant Professor, University of Pittsburgh School of Pharmacy; Brian A. Potoski, R.Ph., Pharm.D., Associate Professor, University of Pittsburgh School of Pharmacy; Mary Elizabeth Ray, B.S.Pharm., Pharm.D., Director, Office of Experiential Education, LECOM School of Pharmacy; Hershey S. Bell, M.D., M.S., FAAFP, Professor, Vice President for Academic Affairs and Dean, LECOM School of Pharmacy; and the Pennsylvania Pharmacists Association (PPA). The Board also received comments from the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1-745.12). On October 3, 2012, the House Professional Licensure Committee (HPLC) voted to take no formal action on the proposed

regulation until the final regulation is promulgated. The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The comments were discussed at the public meeting of the Board on September 17, 2013. Present during the discussion of the comments were representatives from Target, Acme, PPA, the Hospital and Healthsystem Association of Pennsylvania, CVS Caremark and Giant. None of these stakeholders offered any additional comment during discussion of the written comments.

The comments from Ms. Johnson, Mr. Potoski, Mr. Bell and PPA were supportive of the amendments and did not offer any changes to the proposed regulation. Ms. Ray was supportive of the proposed amendments as well but hoped that the Board would, in the future, eliminate the requirement that only a pharmacist may counsel, which is found in § 27.19 (relating to prospective drug review and patient counseling). While not adding that change to this rulemaking, the Board considered the comment and plans to address patient counseling by interns in an upcoming “general revisions” rulemaking, which is currently being drafted.

IRRC expressed concern regarding § 27.26(b)(2) where the Board requires documentation from the ACPE-accredited pharmacy degree program (program) to include the student’s Social Security Number. At the outset, the Board notes that this information has been collected on the intern application for many years from both the student and the program. The Board is merely codifying the information it has traditionally requested on the application. Currently, Section E of the intern application requests this information from the program. However, if the program were to send a letter instead of completing Section E, the program has notice of what information needs to be on the letter for the Board to process it and match it with the other parts of the intern application. IRRC also asked why the Board is not directly asking the student to produce the Social Security Number. Section A of the application, which is completed by the student, asks the student to provide the Social Security Number. The Board is required under section 466(a)(13)(A) of the Social Security Act (42 U.S.C. § 666) to collect this information to comply with requirements relating to child support enforcement as implemented in the Commonwealth at 23 Pa.C.S.A. § 4304.1(a). In fact, the Commonwealth had previously applied under section 6 of the Social Security Number Privacy Act (71 P.S. § 2606) to the United States Department of Health and Human Services for an exemption from the requirement, however, in a letter from Margot Bean, Commissioner of the Office of Child Support Enforcement within the U.S. Department of Health and Human Services dated July 28, 2008, the exemption was denied as to applications for professional and occupational licenses (although it was granted as to recreational licenses).

Additionally, the Board is required to collect Social Security Numbers to comply with the mandatory reporting requirements of the Federal National Practitioner Data Bank (NPDB). Under regulations of the U.S. Department of Health and Human Services at 45 CFR §§ 60.1 – 60.22, the Board is required to report disciplinary actions taken against licensees and registrants to the National Practitioner Data Bank. Specifically 42 CFR § 60.9(b)(1)(ii) requires the reporting of the individual’s Social Security Number when reporting adverse actions taken by health-related licensing authorities.

For these reasons, the following notice is found on all applications, including the application for intern registration:

Disclosing your Social Security Number on this application is mandatory in order for the Pennsylvania State Board of Pharmacy to comply with the requirements of the federal Social Security Act pertaining to child support enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa. C.S. §4304.1(a). In order to enforce domestic child support orders, the Commonwealth's licensing boards must provide to the Department of Public Welfare (DPW) information prescribed by DPW about the licensee, including the Social Security Number. Additionally, disclosing the number is mandatory in order for this board to comply with the reporting requirements of the federal National Practitioner Data Bank (NPDB). Reports to the NPDB must include the individual's Social Security Number.

IRRC further asked what capacity the Board has to verify the Social Security Number. The Board asks the program to provide the Social Security Number as a way to match that portion of the application with the portion submitted directly by the student. As the two portions of the application do not come to the Board office together, the Board must be able to match the program portion of the application with the student portion of the application. The Board receives many intern applications, and applicants can have the same name or birth date so the Social Security Number is the best means of matching the two portions of the application.

IRRC also expressed concern about how the Board will internally secure this documentation to protect the student from identity theft. The Board will secure the student's Social Security Number as it does all confidential information received from all licensees. The information is entered into the licensing system. The Board scans the application and stores the document electronically in the licensing system. The paper applications are then placed in locked recycle bins and sent for confidential shredding. The Board is also transitioning its applications to online forms. When the online forms are received the information goes directly into the licensing system.

Lastly, IRRC asked whether the program possesses the student's Social Security Number and whether the Board would deny an internship to a student if the SSN is not disclosed by or available to the program. In the Board's experience all programs generally have the student's Social Security Number. In the rare circumstance that a program may not have a student's Social Security Number, they have been able to obtain it once notified that it is required. An application that is missing a Social Security Number is not denied, it is just held as pending until the Social Security Number is provided.

Upon review of the proposed regulation and comments the Board noticed that in § 27.26(l) it had omitted a change in the term "certificate" to "registration." In the final-form rulemaking the Board changed this term to comport with the change in terminology made in the proposed rulemaking. No other changes were made to the annex in the final-form rulemaking.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. Because all the information required by the regulation is already collected by the Board the rulemaking would impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 8, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 5353, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final form rulemaking, the Board has considered all comments received from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act, the final form rulemaking was deemed approved by the HPLC on _____, 2014, and the SCP/PLC on _____, 2014,. Under section 5.1(3) of the Regulatory Review Act, IRRC met and approved the final form rulemaking on _____, 2014.

Additional Information

Persons who require additional information about the final form rulemaking should submit inquiries to Board Counsel, State Board of Pharmacy, by mail to P.O. Box 2649, Harrisburg, PA 17105-2649, by telephone at (717) 783-7156, or by e-mail at st-pharmacy@state.pa.us.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.

- (3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 42 Pa.B. 5353.
- (4) The final form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 27 are amended, by amending § 27.26 as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) The final form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Theresa M. Talbott, R.Ph.
Chairperson
State Board of Pharmacy

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY

* * * * *

PHARMACISTS

* * * * *

§ 27.26. Pharmacy internship.

(a) Pharmacy internship means the supervised practical experience required for licensure as a registered pharmacist. The purpose of the pharmacy internship program is to provide a registered intern with the knowledge and practical experience necessary for functioning competently [under the act and this chapter] and effectively upon licensure.

(b) [A certificate of registration] Registration as a pharmacy intern will be available to an individual of good moral character who has completed at least 2 years of [pharmacy college or an accredited program leading to transfer into the third year of a college in which the individual is enrolled or accepted] college and is enrolled or accepted as a student of pharmacy in an ACPE-accredited pharmacy degree program. A person desiring to register as a pharmacy intern shall do the following:

* * * * *

(2) Forward to the Board [a letter or transcript certifying] acceptable documentation verifying that the applicant has successfully completed at least 2 years of [pharmacy college or an accredited program leading to transfer into the third year of a

pharmacy college in which the applicant is enrolled or accepted] college and is enrolled or accepted as a student of pharmacy in an ACPE-accredited pharmacy degree program. Acceptable documentation includes a document bearing the school's seal received by the Board directly from the dean or registrar of the ACPE-accredited pharmacy degree program which includes the pharmacy student's name, address, Social Security number, and a statement indicating that the student has successfully completed at least 2 years of college and is enrolled or accepted as a student of pharmacy in, or has graduated from, the ACPE-accredited pharmacy degree program.

(c) The Board will register an applicant after it receives a completed application and other items in subsection (b). A pharmacy intern [certificate] registration is valid for 6 years from the date of issue exclusive of time spent in the military. A pharmacy intern registration will automatically become invalid if the pharmacy intern permanently ceases enrollment in an ACPE-accredited pharmacy degree program prior to graduation. A pharmacy intern whose registration becomes invalid under this subsection shall immediately return to the Board the pharmacy intern registration and all preceptor approval documents.

(d) The following applies to internship credit:

* * * * *

(3) An intern shall serve at least [750] 500 of the 1,500 hours in a pharmacy.

(4) An intern may earn up to [750] 1,000 of the 1,500 hours in an internship program sponsored or approved by [the pharmacy college subject to the following conditions:] an ACPE-accredited pharmacy degree program.

[(i) The Board will determine the maximum number of hours available for each internship program sponsored or approved by a pharmacy college.

(ii) The Board will grant internship credit to an individual in an internship program sponsored or approved by a pharmacy college only if the following applies:

- (A) The internship program is full-time.
- (B) There is no concurrent academic course load.
- (C) The individual achieves a passing grade in the program.

(iii) A pharmacy college which desires to sponsor or approve an internship program shall request approval from the Board.

(iv) The Board will monitor internship programs which are sponsored or approved by a pharmacy college.]

* * * * *

(6) The Board will not grant internship credit for hours that an individual served in a pharmacy if the supervising pharmacist was not registered as a preceptor. An exception to the requirement that the supervising pharmacist register as a preceptor will be made for internship hours acquired in an internship program sponsored or approved by [a pharmacy college] an ACPE-accredited pharmacy degree program.

(e) The Board will grant internship credit only for activities related to the practice of pharmacy. The following are examples of these activities: scrutinizing prescriptions or drug orders, taking oral orders for prescriptions by telephone or otherwise, compounding medication and filling prescriptions. The Board will not grant internship credit for activities which are not related to the practice of pharmacy. [The following are examples of these activities: retail sales unrelated to pharmacy items, shelving or clerical functions unrelated to pharmacy.]

(f) An intern who wishes to receive credit for internship experience that is not in a pharmacy or sponsored or approved by an APCE-accredited pharmacy degree program shall apply to the Board for approval before beginning an internship experience. Upon receipt of the application, the Board will review and determine how much, if any, credit will be given. Requests for approval shall be submitted at least 90 days before the internship experience begins. Credit given for a non-traditional internship may not be used to satisfy the requirement of paragraph (d)(3) pertaining to the minimum amount of time the internship shall be served in a pharmacy.

(g) A person may not be eligible to become a candidate for registration to practice pharmacy unless the person receives instruction in practical pharmacy and pharmaceutical technique from an instructor, professor[,], or faculty member who is a registered pharmacist or from a faculty member who is a registered pharmacist at [a pharmacy college] an ACPE-accredited pharmacy degree program.

[(g)] (h) The following requirements are applicable to a pharmacy [approved] utilized for intern training:

* * * * *

[(h)] (i) The requirements for registration as a pharmacist preceptor are as follows:

* * * * *

(3) An applicant shall be working on a full-time basis in a pharmacy [approved] utilized for intern training.

* * * * *

[(i)] (j) Credit shall be granted for practical experience gained in pharmacies outside this Commonwealth upon presentation of evidence satisfactory to the Board to indicate that the experience gained is substantially equivalent to that required by this chapter.

[(j)] (k) The pharmacy internship may not be deemed satisfactorily completed until the intern has filed affidavits with the Board certifying that the intern has obtained a total of 1,500 hours of practical experience since registration as a pharmacy intern.

[(k)] (l) When a candidate receives his first certificate and identification card to practice as a pharmacist, his ~~certificate~~ REGISTRATION as an intern terminates.

* * * * *

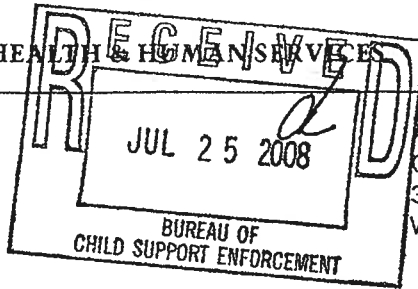


DEPARTMENT OF HEALTH & HUMAN SERVICES

e-scan to dm & ret

cc: THS
GL

JUL 17 2008



ADMINISTRATION FOR CHILDREN AND FAMILIES
Office of the Assistant Secretary, Suite 600
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

DEPUTY SECRETARY FOR
INCOME MAINTENANCE

Ms. Linda T. Blanchette
Deputy Secretary for Income Maintenance
Department of Public Welfare
PO Box 2675
Harrisburg, PA 17105

JUL 24 '08

Department of Public Welfare
Refer To: FIVE

C: RICHARDS

Dear Ms. Blanchette:

This is in response to the State of Pennsylvania's request for an exemption from the provisions of section 466(a)(13)(A) of the Social Security Act (the Act) which requires that applicants for certain licenses include their Social Security Numbers (SSNs) on the applications for the licenses. Specifically, the State requested an exemption to comply with the recently enacted State law, Act 2006-160, which requires Pennsylvania's Title IV-D program to use an alternate means of identification other than Social Security Numbers of persons who apply for, or renew recreational licenses, professional licenses and certifications, and occupational licenses and certifications. According to the State's request, the alternate means of identification is either a Pennsylvania driver's license number or non-driver's identification card number provided by the Pennsylvania Department of Transportation (PennDOT).

After reviewing the request and the additional information provided, I am granting the request in part and denying the request in part. I am denying your request for an exemption to collect either the PennDOT issued driver's license number or PennDOT issued non-driver's identification card number of any applicant for a professional or occupational license. According to the State, there is an existing, separate interface with the Pennsylvania Department of State, which directly matches obligors by SSN, enabling the professional and occupational license to be denied or revoked. The State's request indicates that the application process for professional and occupational licenses and the certifications is adequately safeguarded and that there are no privacy concerns. For these licenses, Pennsylvania has not demonstrated that the requested alternate procedure would not decrease the efficiency or effectiveness of the State's procedures or that it would be as efficient and effective as the existing procedure. Therefore, the Pennsylvania Department of State must continue to collect and maintain SSNs in their database.

I am granting your request for an exemption to collect either the PennDOT issued driver's license number or the PennDOT issued non-driver's identification card number of any applicant for a recreational license; however, you must continue to collect the SSN

for any recreational license applicant who does not possess a PennDOT issued driver's license number or non-driver's identification number. Pennsylvania has demonstrated, in accordance with 45 CFR 302.70(d)(2) and OCSE-AT-07-06, that compliance with the requirement would not increase the efficiency and effectiveness of the State's Child Support Enforcement program. The State, however, remains responsible for revoking the recreational licenses of obligated parents who are not in compliance with child support orders.

The State's request documents the privacy concerns that have resulted from the current process of collecting the SSNs of applicants for recreational licenses and that the alternate procedure will address those concerns while enabling license suspensions or denials to occur. According to the request, the similar procedure the State proposes to implement entails continued use of an existing interface with PennDOT whereby the IV-D agency sends the SSNs of obligors to PennDOT, which in turn forwards the respective driver's license or non-driver's license number. The request further indicates that the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission will provide a data file to the IV-D agency which will be matched for PennDOT issued driver's license or non-driver's license numbers against the returned file from PennDOT. The matched data will then be returned to the respective recreational licensing commission for appropriate suspension or denial of the recreational license.

X Your request for this exemption is granted for a three-year period effective the date of this letter. If the State wishes to apply for an extension, it must do so at least 90 days before the end of the exemption period. The State must submit documentation required to support the request. We will also request data reflecting the State's efforts to revoke recreational licenses and the results of those actions.

This exemption is subject to our continuing review and may be terminated if there is a change of circumstances in the State, such as a reduction in the effectiveness of the license revocation process, and if the State fails to demonstrate that the changed circumstances continue to warrant an exemption. In such a case, the exemption will be revoked and Pennsylvania will be required to adopt procedures for collecting Social Security Numbers as required in section 466(a)(13)(A) of the Act.

If the exemption is revoked or an extension of the exemption is not granted, the State must enact the appropriate laws and implement the mandatory practice by the beginning of the fourth month after the end of the first regular, special, budget, or other session of the State's legislature which ends after the date the exemption is revoked or the extension

Page 3 – Ms. Linda T. Blanchette

is denied. If no State law is necessary, Pennsylvania must establish and be using the procedure by the beginning of the fourth month after the date the exemption is revoked or the extension is denied.

Thank you for your ongoing commitment to the Child Support Enforcement program.

Sincerely,



Margot Bean
Commissioner
Office of Child Support Enforcement

cc: Ms. Juanita DeVine
Regional Program Manager
Region III ACF/OCSE

State Board of Pharmacy 16A-5424

Pharmacy Internship

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHARMACY

Post Office Box 2649
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September 17, 2014

The Honorable John F. Mizner, Esq., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Pharmacy
16A-5424: Pharmacy Internship

Dear Chairman Mizner:

Enclosed is a copy of a final rulemaking package of the State Board of Pharmacy pertaining to Pharmacy Internship.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely, •

Theresa M. Talbott, R. Ph., Chairperson
State Board of Pharmacy

TMT/CCS:ld

Enclosure

cc: Travis N. Gery, Esq., Commissioner
Professional and Occupational Affairs
Patricia Allan, Director of Policy, Department of State
Kevin Schmidt, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Carole Clarke Smith, Counsel
State Board of Pharmacy
State Board of Pharmacy

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-5424
SUBJECT: Pharmacy Internship
AGENCY: DEPARTMENT OF STATE
 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
 STATE BOARD OF PHARMACY

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Disapproved Regulation
 - a. With Revisions
 - b. Without Revisions

2014 SEP 17 AM 10:17

RECEIVED
IRBC

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON PROFESSIONAL LICENSURE</i>
9/17/14	<i>Michele Warren</i>	MAJORITY CHAIR <u>Julie Harhart</u>
		MINORITY CHAIR _____
		<i>SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE</i>
9-17-14	<i>Jim Lyman</i>	MAJORITY CHAIR <u>Robt. M. Tomlinson</u>
		MINORITY CHAIR _____
9/17/14	<i>K Cooper</i>	<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		<i>ATTORNEY GENERAL</i> (for Final Omitted only)
		<i>LEGISLATIVE REFERENCE BUREAU</i> (for Proposed only)