

## Comments of the Independent Regulatory Review Commission



### State Board of Pharmacy Regulation #16A-5424 (IRRC #2963)

#### Pharmacy Internship

October 17, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the August 18, 2012 *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 (Board) to respond to all comments received from us or any other source.

#### **Section 27.26. Pharmacy internship. – Consistency with statute; Protection of the public welfare; Need; Feasibility; Reasonableness.**

Under Paragraph (b)(2), the proposed regulation requires the “ACPE-accredited pharmacy degree program” (Program) to send acceptable documentation directly to the Board “which includes the pharmacy student's name, address, **Social Security Number . . .**” (Emphasis added.)

We have multiple concerns relating to the requirement for the acceptable documentation to include the student’s Social Security Number (SSN). First, given the risk of identity theft and hardship to which the student could potentially be exposed, how will the Board internally secure this documentation, that includes the student’s SSN, to protect the student from identity theft?

Additionally, the existing provision at Paragraph (b)(2) does not require the student’s SSN. Why does the Board now need the student’s SSN? Do all students, including foreign students, possess SSNs? Even if the SSN is provided, what capacity does the Board have to verify the SSN and how would it actually perform this verification?

Finally, in this instance, the Board is not directly asking the student to produce the SSN, but is rather asking a third party, the Program, to provide the student’s SSN. Do all Programs, in all instances and locations, possess the student’s SSN? Would the Board deny an internship to a student if the SSN is not disclosed by or available to the Program? What provisions of the Pharmacy Act would the Board use to deny an internship if the student’s SSN is not provided by the Program?

Unless the Board can address our concerns and demonstrate the need for this SSN requirement, we recommend deleting it from Paragraph (b)(2).