

TITLE 16. Board of Pharmacy

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on October 9, 2006.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5 p.m. on September 25, 2006.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 4005 of the Business and Professions, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 4005 generally authorizes the board to amend rules and regulations pertaining to the practice of pharmacy.

The board proposes the repeal of Section 1717.2 in Title 16 of the California Code of Regulations. This section requires pharmacies that use and share electronic files with other pharmacies, to notify their customers that the customer can choose not to have their files shared with other pharmacies. This regulation is obsolete given the enactment of state and federal law that provides protection and confidentiality of patient medical records.

In addition repealing this regulation removes a barrier that prevents pharmacists, in certain situations, from having full knowledge of all the prescription drugs that a patient is taking. Removing this barrier will result in better patient care while protecting patient medical record privacy. Also, this regulation is in conflict with reporting requirements detailed in the Health and Safety Code.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The proposed regulatory action would repeal a regulation that requires pharmacies that share electronic files with other pharmacies, to notify their customers that the customer can choose not to have their files shared with other pharmacies. Because the regulation is being repealed, the Board of Pharmacy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board of Pharmacy has made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly affecting small business. The Board of Pharmacy has made this determination because the proposed regulatory action would repeal a regulation that requires pharmacies that share electronic files with other pharmacies, to notify their customers that the customer can choose not to have their files shared with other pharmacies.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the above-mentioned address.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N Market Blvd. N219, Sacramento, California 95834, or from the Board of Pharmacy Web site (www.pharmacy.ca.gov).

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Virginia Herold
Address:	1625 N Market Blvd. N219 Sacramento, CA 95834
Telephone No.:	(916) 574-7911
Fax No.:	(916) 574-8618
E-Mail Address:	virginia_herold@dca.ca.gov

The backup contact person is:

Name:	Karen Cates
Address:	1625 N Market Blvd N219 Sacramento, CA 95834
Telephone No.:	(916) 574-7914
Fax No.:	(916) 574-8618
E-Mail Address:	karen_cates@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.pharmacy.ca.gov.