

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 July 2, 2007.

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 June 18, 2007.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals 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 Code and to implement, interpret, and make specific reference sections 122, 163.5, 4127.5, and 4400 of the Business and Professions Code, 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 and the administration of Chapter 9, Division 2.

Business and Professions Code section 122 allows the board to charge a fee for the processing and issuance of a duplicate copy of any certification of licensure or other form evidencing licensure or renewal of licensure.

Business and Professions Code section 163.5 establishes the criteria to determine the delinquency fee for any licensee within the Department of Consumer Affairs.

Business and Professions Code section 4127.5 establishes the minimum and maximum fee for the issuance on nongovernmental license or renewal of a license to compound sterile drug products.

Business and Professions Code section 4400 establishes the statutory minimum and maximum fee schedule for application, renewal and other fees for additional board applicants and licensees.

California Code of Regulations section 1749 establishes the fee schedule for application, renewal and other fees for board licensees and applicants.

This proposal would raise board fees to their statutory maximum as provided for in the

above referenced Business and Professions Code sections. This proposal is necessary to ensure sufficient resources to maintain current board operations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Estimated to increase board revenues for FY 07/08 by approximately \$795,000 and an increase to ongoing annual revenue by approximately \$1.5 million. The board does not anticipate any effect on federal funding.

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 board has made an initial determination that the proposed regulatory action would increase a business renewal \$75 to \$100/annually per business license. In addition a business seeking licensure with the board would also experience a \$75 - \$100 increase in the application fee, per site.

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 has made an initial determination that a pharmacist renewing his or her license would be subject to an additional \$45 biennially and designated representatives would be subject to an additional \$40 annually to renew a license.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board of Pharmacy has determined that the proposed regulations would have a minimal effect on small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would 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 proposed action.

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the address indicated under "Contact Person."

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 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:	Anne Sodergren
Address:	1625 N. Market Blvd. N219 Sacramento, CA 95834
Telephone No.:	(916) 574-7913
Fax No.:	(916) 574-8618
E-Mail Address:	anne_sodergren@dca.ca.gov

The backup contact person is:

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

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