

Testimony on HB 1822 – Registration of Nonresident Pharmacies

Professional Licensure Committee

Pennsylvania House of Representative

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On Behalf of the Pennsylvania Association of Chain Drug Stores

Good morning, Chairwoman Harhart, Chairman Readshaw and members of the Committee. On behalf of the Pennsylvania Association of Chain Drug Stores and our members that operate almost 2,000 pharmacies in the Commonwealth of Pennsylvania, thank you for the opportunity to speak with you today about HB 1822, Rep. Kauffman's legislation requiring non-resident pharmacies to register with the Pennsylvania State Board of Pharmacy.

If enacted, HB 1822 would bring Pennsylvania in line with the vast majority of other states in requiring non-resident pharmacies to register with the State Board of Pharmacy. The registration of pharmacies that ship, mail or deliver prescription medications to Pennsylvania provides an additional layer of protection for the residents of the Commonwealth and allows the Board of Pharmacy to ensure that non-resident pharmacies are reputable and in good standing with the regulatory or licensing agency in the state they are located.

PACDS is in a unique position when it comes to this issue, in that many of our member companies are located throughout the country and have experience with the registration of non-resident pharmacies. With that perspective, we would like to respectfully offer the committee a few suggestions to better streamline the bill for the regulated community as well as the Board of Pharmacy.

The first recommendation we have deals with the annual report that non-resident pharmacies have to file with the Board and an additional report that is needed within thirty days of a change of office, corporate officer or pharmacists.

The annual report of corporate officers and pharmacists coupled with the thirty day notice of any changes to officers and staff has the potential to be very onerous to comply with. The challenge is when a corporate officer changes, member companies do not always receive immediate notification, making the thirty day notification window an issue. Members have seen that many states require an update to the board of any changes with the renewal of the non-resident permit on an annual or biennial basis. We would recommend striking out "annual" on line 5 of page 2 and replacing it with "upon certificate of registration renewal" as well as striking out "A nonresident" in line 8 of page 2, all of lines 9 and 10 on page 2.

The second and final recommendation we have deals with subsections (e)(1)-(e)(3) on page 3 of the bill. These subsections state that the board may deny, revoke or suspend a non-resident pharmacy permit if the regulatory or licensing agency in the state the non-resident pharmacy is located fails to initiate an investigation within 45 days, complete its investigation within 120 days, or come to a formal agreement within 180 days.

The issue really comes down to the vast differences that exist between states' licensing and regulatory boards and their ability to act in a timely manner. It has been our members experience that business before a board moves at different paces and the timelines currently in the bill may be feasible for State A, but not for State B. Our suggestion would be to open the language up and extend the time frames so that the state where the pharmacy is located can conduct their investigation.

I would like to again thank the members of the committee for their time and attention to this matter. PACDS is supportive of HB 1822 and is ready to work with the committee and the sponsor of the legislation as the bill moves forward. With that, I would be happy to answer any questions you may have.