

Testimony
House Professional Licensure Committee Hearing
HB 1822 – Regulating Out-of-State Pharmacies
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Good Morning Chairwoman Harhart, Chairman Readshaw, and Honorable Members of the Pennsylvania House of Representatives Professional Licensure Committee. Thank you for the opportunity to present testimony today on HB 1822, legislation which would provide for some oversight of any pharmacy located outside of Pennsylvania who ships, mails or delivers medications into Pennsylvania pursuant to a prescription order. The Pennsylvania Pharmacists Association (PPA) strongly supports HB 1822, and in fact, feels it is long overdue. We are eager to work with you to move this bill through the General Assembly.

Currently, Pennsylvania is one of only two states that do not require nonresident pharmacies to be registered at all. This is not a new concept - as forty-eight other states, some for many years, require some type of registration of nonresident pharmacies in their respective states. Currently only pharmacies physically located in Pennsylvania are required to be licensed by the Pennsylvania State Board of Pharmacy. Any pharmacy not physically located in Pennsylvania does not have to register, pay a fee, or in any way abide by specific Pennsylvania rules and regulations. HB 1822 would correct this disparity and it was crafted using models from various other states. The provisions in HB 1822 are similar to already existing requirements in many states – which have already been proven effective.

Although as we understand it, the potential cost for providing this oversight was considered a stumbling block in the past, with the State Board believing it would need to provide inspections of out-of-state facilities. This would not be the case; the State Board would rely on the home state's licensing board for insuring that the facilities were properly and regularly inspected.

We believe that passage of HB 1822 is definitely needed and would not increase costs to the Commonwealth. In fact, it may actually increase revenue to the State Board by requiring nonresident pharmacies to pay the fee required for issuance or renewal of registration.

Nonresident pharmacies would still be responsible for maintaining a valid license in their own home state and be overseen by their respective state boards. Those

pharmacies would need to be inspected, as they already are, using resources from their own state and would then be required to provide a copy of their most recent inspection report to the Pennsylvania State Board of Pharmacy before being issued a certificate of registration or renewal in Pennsylvania – thus eliminating the concern over any inspection expenses.

HB 1822 also would require nonresident pharmacies to provide a toll-free telephone number which would allow patients and prescribers to easily reach the out-of-state pharmacy with questions and concerns. With many plans using mail order options, right or wrong, it is crucial that patients have a convenient way to follow-up when there are questions and problems.

Additionally, with the growing epidemic of prescription drug diversion and abuse, we believe passage of HB 1822 will provide a useful tool in tracking prescriptions, prescribing habits, and preventing accidental overdoses and abuse. Recently as we were working on the House and Senate proposals around the establishment of a prescription drug monitoring program, it was very clear that requiring this registration would be helpful in guaranteeing compliance with this program should legislation pass and a system be established. These proposed bills state that out-of-state pharmacies are to submit their data for medications they mail into Pennsylvania; but without requiring actual registration in the Commonwealth – can any legal action be taken against them if they do not comply?

This can be applied to other situations as well. The State Board of Pharmacy was established to protect the public. Currently, there is no protection from any pharmacy located outside of the state's borders. Once registration is in place, out-of-state pharmacies could be sanctioned for non-compliance of critical patient obligations.

We believe passing HB 1822 would provide the board the authority to take action if there are compliance issues with nonresident pharmacies in other states.

Thank you again for the opportunity this morning to provide pharmacy's perspective on this issue. We commend the bill's sponsor, Representative Kauffman, and the committee for their efforts to bring attention to the need for oversight of nonresident pharmacies in Pennsylvania. I am happy to answer any questions you may have.