

RULE IMPACT STATEMENT**NAME OF RULEMAKING AUTHORITY:**

Oklahoma State Board of Pharmacy
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Oklahoma City, OK 73105-3488

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INTENDED PERMANENT RULEMAKING ACTION:**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
SUBCHAPTER 11. FEES**

535:1-11-1. Annual licenses, permits and renewals **[AMENDED]**

(a) **Purpose of the proposed rule.** The revision in 535:1-11-1 (a) (3) (A) identifies remote medication order processing pharmacy as pharmacy license category that is at the \$150 fee. This is not a fee increase but identifies the category.

The revision in 535:1-11-1 (a) (3) (D) sets pharmacy emergency medication kit in facility remote sites at a lower \$50 fee due to restricted use and lesser inspection and enforcement costs.

(b) **Who is affected and who pays?** There is no fee change for remote medication order processing pharmacy; rather it is identified as a pharmacy category. Oklahoma licensed pharmacies will pay for pharmacy emergency medication kit in each facility remote site. By allowing a pharmacy to have urgent and emergency medication kits available in facilities under controlled circumstances will prevent the need for a hospital visit for facility patients. This will result in better patient care at lower costs.

And any cost impact information received from private or public entities. None.

(c) **Who benefits?** Patients benefit in better care at lower costs. And will require less disruptive moves from facility to hospital and back to facility.

(d) **Probable economic impact on affected classes and/or political subdivisions, including a listing of all fee changes, and whenever possible, a separate justification for each fee change.**

The Board is not supported by appropriations. It was established to charge for services provided.

The rule change in 535:1-11-1 (a) (3) (A) identifies remote medication order processing (RMOP) as a category of pharmacy license. This doesn't change the fee, it clarifies that RMOP's are a pharmacy license.

The rule change in 535:1-11-1 (a) (3) (D) sets the lower fee for pharmacy emergency medication kits at \$50 rather than at the \$150 due to the limits set for this category. This lower fee is justified by less inspection and enforcement costs due to limits set on this license.

(e) **Probable costs and benefits to agency(s) in implementing and enforcing the rule, the source of revenue to be used for implementation and enforcement of the rule, and any anticipated affect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.**

The regular fee for remote order entry pharmacies is not changed - instead the category is identified. So this change is revenue neutral.

The lower fee for pharmacy emergency medication kits should be revenue neutral due to limited capabilities at remote sites so less inspection and enforcement costs will be involved.

(f) Political subdivision costs, and/or required cooperation in implementing or enforcing. No involvement of political subdivisions in regards to enforcement or costs is anticipated.

(g) Adverse affect on Small Business as provided by the Small Business Regulatory Flexibility Act.

The Oklahoma State Board of Pharmacy as a Title 59, Exempt Profession Agency, remains mindful of the affect of our rules on businesses. We cannot protect public health if rules make it impossible for individuals and businesses to provide pharmaceutical services.

All Board rules affect businesses. The Board involves a range of pharmacies practice sites and individuals in the rulemaking process to minimize adverse affects on all businesses, including small businesses. This makes for better rules as the affected individuals can help the agency avoid pitfalls and unintended consequences.

(h) Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the rule. These rule changes are the least costly or intrusive method and no less costly or less intrusive methods exist for achieving the purpose of these revisions.

(i) Affect on public health, safety and environment. If rule is to reduce risks, describe risk and how the rule will reduce the risk. Without the rule changes facilities will not be able to have a pharmacy emergency medication kit on hand to deal with facility patient's urgent or emergency medication needs. This rule change will reduce facility patient hospital admissions and improve facility patient care. By caring for patients in the facility it lessens the confusion and stress of patient movement between facility and hospital.

(j) Risk of not implementing. Facility patients will receive delayed care and have the higher costs of hospital care and the higher stress and confusion of moving between facility and hospital.

(k) Prepared. This rule impact statement was originally prepared on July 14, 2011 and amended July 15, 2011.