

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: January 15, 2016

Rule Number: 20 CSR 2220-2.020- Pharmacy Permits

Name of Agency Preparing Statement: DIFP, Professional Registration, State Board of Pharmacy

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Please describe the methods your agency considered or used to reduce the impact on small businesses (*§536.300 RSMo examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

The current rule prohibits pharmacies from filling a prescription unless the prescriber has conducted a physical, in-person examination. However, Missouri law currently allows prescribers to conduct examinations via telehealth/telemedicine if a valid practitioner-patient relationship exists. The Board has received multiple reports and complaints from patients and health care providers indicating that patients have been unable to fill otherwise valid prescriptions at any pharmacy in the state. The rule is being amended to reflect current law and to accommodate prescriptions written pursuant to a valid telehealth/telemedicine examination that complies with Missouri law.

The Board is also amending other provisions of the rule to address signature requirements for entities submitting a pharmacy permit application and to update the rule's current definitions of specific pharmacy classes and to incorporate definitions enacted by section 338.165, RSMo.

The rule will not have any negative impact on small business. However, small pharmacy businesses may be positively impacted if allowed to fill prescriptions written pursuant to a valid telehealth examination that complies with Missouri law.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The rule was discussed and made available for comment during the Board's April 2015 and July 2015 board meetings.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

There are no costs or benefits to the board.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

The rule does not implement any new compliance standards but would instead allow pharmacies to fill additional prescriptions.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

N/A

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Small pharmacy businesses may be positively impacted if allowed to fill prescriptions written pursuant to a valid telehealth examination that complies with Missouri law.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ___ No X

If yes, please explain the reason for imposing a more stringent standard.

N/A

For further guidance in the completion of this statement, please see §536.300, RSMo.