

My name is Richard Beck, and I am vice president for public affairs of American Pharmacies. We are a pharmacy buying coop with more than 500 independent community pharmacy members. Thank you for giving me this opportunity to speak on their behalf.

We have submitted our formal comments in writing, so I won't repeat them. Here we will re-emphasize some of the points from those comments and add suggested solutions.

We realize there is a problem with drug diversion, but we submit most of the proposed rules are not the solution. In fact, they are prescriptive beyond current evidence of efficacy, and the return on investment could take longer than most independent pharmacists will be in business.

If the intent of this board is to cause pharmacists to be aware of security and inventory control, we suggest a more cost-effective, manageable solution. It is simply to require pharmacy owners to develop a relevant policies and procedures manual based on a template created by the TSBP. Each pharmacy owner would adapt the template to the physical and operational realities of his or her pharmacy. The P&P could be submitted to the board and reviewed for approval or for discussion leading to approval. We think this is a much more sensible approach than additional, burdensome "one size fits all" regulations.

Has the board considered the logistics and cost of enforcing the proposed rules? Reviewing policies and procedures likely is much less expensive than hiring more inspectors.

Pharmacists, especially those who own their own stores are the persons most concerned about drug thefts for many reasons, not the least of which is they are the ones who pick up the cost for that theft. Being accountable to a myriad of regulations, as well as our own code of ethics, already speak to the issue of inventory security.

As noted in one of the proposed rules, pharmacists must be relied upon to exercise their professional judgment in managing inventory security. Adding another layer of rules from this board by establishing time limits for pharmacist absence is over-kill.

I'd like to take a moment here to put a face on the issue of time limits for you.

Let's look at some of the reasons a pharmacist may need to be away from his store more than two hours in a 24-hour period, and more than two occasions in a calendar month. In these events, a trusted, trained pharmacy technician remains behind the counter to keep the doors open, to deliver pharmacist-approved prescriptions, accept new prescriptions, and, if necessary, contact the pharmacist in the event of an emergency.

Here are just a few:

- ⌘ The pharmacist is called to give court testimony.
- ⌘ The pharmacist serves the local nursing home.
- ⌘ The pharmacist attends in-service meetings.
- ⌘ The pharmacist participates in civic organizations such as Rotary or Lions or Kiwanis and attends weekly lunch meetings.
- ⌘ When I owned and operated a pharmacy in Rockport I also served my community as a city council member. Under the proposed rules, I would have been disenfranchised from participating in my local government.

Please understand that under the proposed rules, you may be forcing rural community pharmacists to invest in expensive electronic monitoring devices, or hire a relief or full-time pharmacist at a time when they have suffered economically due to the oppressive implementation of Medicare Part D and the looming Medicaid AMP implementation.

As in the past when pharmacists have sat down with you to reach agreement, we trust you will consider the effect of the proposed rule on the independent community pharmacist. Thank you for granting us the time to present an alternative solution and to point out the real-life hardships the proposed rules could cause.