



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Pharmacy, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC110-20-10 et seq. 18VAC110-30-10 et seq. 18VAC110-50-10 et seq.
Regulation title	Regulations Governing the Practice of Pharmacy Regulations for Practitioners of the Healing Arts to Sell Controlled Substances Regulations Governing Wholesale Distributors, Manufacturers and Warehousemen
Action title	One-time reduction in renewal fees
Final agency action date	9/2/09
Document preparation date	9/3/09

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

In order to reduce an accumulated surplus in the budget of the Board of Pharmacy, a one-time reduction in renewal fees has been adopted. The renewal fee for pharmacists and physicians selling controlled substances will be reduced for the annual renewal from \$90 to \$50, and for pharmacy technicians, the renewal fee will be reduced from \$25 to \$15. Fees for inactive licensure (which are approximately one-half the active renewal fee) are reduced correspondingly.

Renewal fees for facilities are also being reduced from \$270 to \$210 (pharmacies, physician permit, nonrestricted manufacturers, wholesale distributors, warehouse) and for restricted manufacturers or medical equipment suppliers from \$180 to \$140. The percentage of reduction is less for facilities because the Board must continue to conduct routine inspections every two years at a cost of approximately \$400 per inspection. The facility renewal fees must offset those costs, as well of expenditures related to the licensing and discipline work of the Board and the Department.

This action is exempt from the Virginia Administrative Process Act in § 2.2-4006 A 7: *“Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.”*

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On September 2, 2009, the Board of Pharmacy amended 18VAC110-20-10 et seq., Regulations Governing the Practice of Pharmacy, 18VAC110-30-10 et seq., Regulations for Practitioners of the Healing Arts to Sell Controlled Substances, and 18VAC110-50-10 et seq., Regulations Governing Wholesale Distributors, Manufacturers and Warehouse for a one-time reduction in renewal fees and inactive fees for pharmacists and technicians for the renewal cycle ending December 31, 2006, and for permits and registrations of entities and facilities for the renewal cycles ending February 28, 2010 or April 30, 2010.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact of this regulatory action on the institution of the family and family stability.