

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	83	-	306
Changed to Admin. Code Ref. (R no.):	R		-		-	

1.	Agency:	Commerce/Division of Occupational and Professional Licensing			
	Room no.:				
	Building:	Heber M. Wells Building			
	Street address 1:	160 East 300 South			
	Street address 2:				
	City, state, zip:	Salt Lake City UT 84111-2316			
	Mailing address 1:	PO Box 146741			
	Mailing address 2:				
	City, state, zip:	Salt Lake City UT 84114-6741			
	Contact person(s):				
	Name:	Phone:	Fax:	E-mail:	
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Drugs Approved for Online Prescribing, Dispensing, and Facilitation			
3.	Type of notice:	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___			
4.	Purpose of the rule or reason for the change:	The purpose of this rule filing is to first, implement what the Division and the Board believe to have been the legislative intent regarding adding Chantix (varenicline) to the list of drugs approved for online prescribing, dispensing, and facilitation; and second, to more specifically address hormonal contraceptive methods of administration.			
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XX; Yes ___			
6.	Summary of the rule or change:	Section 306 is amended by adding a parenthetical limiting hormonal contraceptive methods. Specifically, injectable and implantable methods are excluded. Additionally, the drug varenicline (Chantix), a smoking cessation drug, is added to the list of approved drugs for online prescribing, dispensing, and facilitation.			
7.	Aggregate anticipated cost or savings to:				
	A) State budget:				
	Affected:	No ___; Yes XX			

The Division will incur minimal costs of approximately \$50.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No ; Yes

This proposed amendment will not result in direct, measurable costs and/or benefits for local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ; Yes

The proposed amendments will result in a monetary impact upon the anticipated planning and cash flow for affected licensed online contract pharmacies, prescribing physicians for licensed contractor pharmacies and internet facilitators. However, the aggregate impact of the proposed amendments cannot be quantified. It should be noted however that this is a new licensing act and no one has been licensed under the act to date.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ; Yes

The proposed amendments will result in a monetary impact upon the anticipated planning and cash flow for affected licensed online contract pharmacies, prescribing physicians for licensed contract pharmacies and internet facilitators. It should be noted however that this is a new licensing act and no one has been licensed under the act to date. The proposed amendments will also affect the method of delivery and potentially the cost to consumers. However, the aggregate impact of the proposed amendments cannot be quantified.

8. Compliance costs for affected persons:

The proposed amendments will result in a monetary impact upon the anticipated planning and cash flow for affected licensed online contract pharmacies, prescribing physicians for licensed contract pharmacies and internet facilitators. It should be noted however that this is a new licensing act and no one has been licensed under the act to date. The proposed amendments will also affect the method of delivery and potentially the cost to consumers. However, the individual impact of the proposed amendments cannot be quantified.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

Pursuant to authority granted in statute, the Division amends the list of approved online prescriptions to exclude injectable and implantable hormonal based contraceptives and to add the drug cessation medication varenicline. The fiscal impact to businesses from this amendments is difficult to ascertain as there are yet no licensees under this new law.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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Section 58-83-101	
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11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		

	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
	(If this rule incorporates more than two items by reference, please attach additional pages)		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	12/31/2010	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	12/07/2010	9:00 AM	160 East 300 South, Conference Room 474, Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):	01/07/2011	
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	licensing	online prescribing	
	internet facilitator		
15.	Attach an RTF document containing the text of this rule change (filename):	R156-83.pro	
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	11/15/2010

R156. Commerce, Occupational and Professional Licensing.

R156-83. Online Prescribing, Dispensing, and Facilitation Licensing Act Rule.

R156-83-306. Drugs Approved for Online Prescribing, Dispensing, and Facilitation.

In accordance with Subsection 58-83-306(1)(c), the following legend, non-controlled drugs are approved for prescribing by an online prescriber:

- (1) finasteride;
- (2) sildenafil citrate;
- (3) tadalafil;
- (4) vardenafil hydrochlorid;~~[-and]~~
- (5) hormonal based contraception (except injectable or implantable methods); and
- (6) varenicline.

KEY: licensing, online prescribing, internet facilitator

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2010]~~2011

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a), 58-83-101