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MEMORANDUM

TO: Tammy Collins, Acting Executive Director
Board of Pharmacy

FROM: Angela Southwell, Paralegal Specialist

RE: Notice of Proposed Rulemaking
Rule 64B16-29.0041

DATE: April 2, 2014

RECEIVED

APR 03 2014

Florida Board of Pharmacy

The above-referenced Notice was submitted to the Bureau of Administrative Code on March 24, 2014, for publication in the Florida Administrative Register on March 25, 2014. Enclosed is a copy for your records.

If you have any questions or concerns, please feel free to contact me.

Enclosure

cc: DOH General Counsel

NOTICE OF PROPOSED RULE

DEPARTMENT OF HEALTH
BOARD OF PHARMACY

RULE TITLE:

RULE NO.:

Record Maintenance Systems for Animal Shelter Permits.

64B16-29.0041

PURPOSE AND EFFECT: The Board proposes the rule amendments to require consistent periods of record retention. Four years is compatible with the biennial inspection period by the Department of Health. Consistent periods of record retention increase efficiency.

SUMMARY: Period of time for record retention will be amended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, with input from the public, determined that there would not be an adverse effect on small business to maintain the records for 4 years, and that there would not be a regulatory cost of \$200,000 in the aggregate to any entity, because any additional economic impact that additional storage might have, would be more than offset by savings in employee time managing numerous kinds of records with different retention times. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.022, 828.055 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.026, 893.07, 828.055 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tammy Collins, Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

THE TEXT OF THE PROPOSED RULE IS:

64B16-29.0041 Record Maintenance Systems for Animal Shelter Permits.

(1) General requirements for records maintained in an electronic system.

(a) through (b) No change.

(c) Change or discontinuance of a data processing system.

1. through 2. No change.

3. Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for four (4) two years from the date of initial entry into the data processing system.

(d) No change.

(2) The permitted animal shelter shall maintain a system(s) which can produce the information required in Rule 64B16-29.004, F.A.C., for the preceding four (4) two years. The information required in this paragraph shall be supplied by the permitted animal shelter within seven working days if requested.

(3) through (4) No change.

Rulemaking Authority 465.005, 465.0155, 465.022, 828.055 FS. Law Implemented 465.019, 465.022, 465.026, 893.07, 828.055 FS. History--New 3-31-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2014.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 5, 2014.

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DEPARTMENT OF HEALTH
REGULATORY SERVICES DIVISION