

AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION

Agency Submitting Regulation: Department of Consumer Protection

Date: 03-24-2014

Subject Matter of Regulation: Nonresident Pharmacies and Medical Practitioners

Regulation Section No.: 21a21a-254-2 to 21a-254-6, inclusive

Statutory Authority: 4-168, 21a-254

Other Agencies Affected: n/a

Effective Date Used In Cost Estimate: Upon Passage (Filing with the Secretary of the State).

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SUMMARY OF COST AND REVENUE IMPACT OF PROPOSED REGULATION

Agency: Department of Consumer Protection

Fund Affected: General Fund

	First Year	Second Year	Full Operation
Number of Positions	n/a	n/a	n/a
Personal Services	\$0	\$0	\$0
Other Expenses	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Grants	\$0	\$0	\$0
Total State Cost or (Savings)	\$0	\$0	\$0
Estimated Revenue Gain or (Loss)	\$0	\$0	\$0
Total Net State Cost or (Savings)	(\$0.00)	(\$0.00)	(\$0.00)

Explanation of State Impact of Regulation:

No fiscal impact is anticipated. These proposed regulations seek to include both nonresident pharmacies and medical practitioners within the existing regulatory framework of the Electronic Prescription Drug Monitoring Program. This program is housed within the Department of Consumer Protection. The proposed regulation merely adds these two provider categories to the existing regulatory structure. This will not cause an administrative burden or add additional costs to the Department. The proposed regulation will require registration with the Department by medical practitioners and nonresident pharmacies. As such, a small revenue increase is expected to materialize in the form of fees.

Explanation of Municipal Impact of Regulation:

No impact on municipalities is anticipated. The Department has jurisdiction over these regulations.

Explanation of Small Business Impact of Regulation:

There is not expected to be any negative fiscal impact on small businesses. Please see the Department's Small Business Impact Statement for more details.

SMALL BUSINESS IMPACT STATEMENT

Prior to adopting a new section or amendment, Section 4-168a of the Connecticut General Statutes (C.G.S.) requires that each state agency consider the affect of such action on small businesses as defined in C.G.S. Section 4-168a. When such a regulatory action may have an adverse affect on small businesses, C.G.S. Section 4-168a directs the agency to consider regulatory requirements that will minimize the adverse impacts on small businesses if the addition of such requirements (1) will not interfere with the intended objectives of the regulatory action and (2) will allow the new section or amendment to remain consistent with public health, safety and welfare.

State Agency submitting proposed regulations: **Department of Consumer Protection**

Subject matter of Regulation: **Nonresident Pharmacies and Medical Practitioners**

Date of Agency analysis: **March 24, 2014**

Check the appropriate box:

- The regulatory action will not have an affect on small businesses.
- The regulatory action will have an affect on small businesses, but will not have an adverse affect on such small businesses.
- The regulatory action may have an adverse affect on small businesses, and no alternative considered would be both as effective in achieving the purpose of the action and less burdensome to potentially affected small business. Alternatives considered include the following:
- (1) The establishment of less stringent compliance or reporting requirements for small businesses;
 - (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
 - (3) The consolidation or simplification of compliance or reporting requirements for small businesses;
 - (4) The establishment of performance standards for small businesses to replace design or operational standards required in the new section or amendment; and
 - (5) The exemption of small businesses from all or any part of the requirements contained in the new section or amendment.
- The regulatory action will have an adverse affect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare.

The Department of Consumer Protection **notified** / (did not notify) the Department of Economic and Community Development of its intent to take the proposed action, and **completed** / (did not complete) the Agency Fiscal Estimate of Proposed Regulations.

The Department currently administers the Electronic Prescription Drug Monitoring Program. This proposed regulation requires nonresident pharmacies and medical practitioners to comply with the existing regulatory structure, including the reporting of prescription data.

The proposed regulation will require registration with the Department by medical practitioners and nonresident pharmacies, who will pay a registration fee. Additional activities will be required of some newly-registered small businesses in order to comply with the Electronic Prescription Drug Monitoring Program, but the negative impact on small businesses is minimized due to the electronic nature of the system. There is no other alternative manner in which to protect the public health and safety.