

### ADMINISTRATIVE RULES REVIEW COMMITTEE

January 8, 2019

**Chairperson:** Senator Mark Chelgren

**Vice Chairperson:** Representative Megan Jones

### PHARMACY BOARD, *Universal Practice Standards—Protection from Exposure to Hazardous Drugs*, 12/19/18 IAB, ARC 4172C, AMENDED NOTICE.

**Background.** This rulemaking adopts national minimum standards for the proper handling of hazardous drugs to protect health care workers, patients, and the environment. The standards are established by the United States Pharmacopeial Convention and enforced by the federal Food and Drug Administration. The rulemaking establishes an enforcement date of December 1, 2019, for Iowa pharmacies, which matches the federal enforcement date.

**Commentary.** Ms. Erin Cubit made a public comment on behalf of the Iowa Hospital Association. She stated that protecting health care personnel from exposure to hazards is a top priority for hospitals and acknowledged that the federal standards are important. But she explained that there are two issues that make compliance with the federal standards difficult: the cost of compliance and the amount of time allowed for compliance. She and Ms. Jennifer Nutt, also representing the Iowa Hospital Association, explained why compliance by hospitals would be problematic. They described the financial cost, the high demand for contractors to do the necessary remodeling, and the need for additional supplies and education of workers. Ms. Nutt described specific costs that would be borne by certain hospitals and asked that the compliance date be moved back at least 18 months.

Mr. Casey Ficek made a public comment on behalf of the Iowa Pharmacy Association. He thanked the board for clarifying the enforcement date, but he said association members had told him that compliance by that date would be difficult. He asked that the board include a process whereby pharmacies could establish plans for compliance over time rather than require immediate compliance on December 1, 2019.

Committee members asked Mr. Andrew Funk, representing the board, what the board's preferred solution to the concerns raised by the commenters would be. He stated that the board would prefer a delay in enforcement, but noted that the compliance date is a federal requirement and explained that affected parties have had notice about the date. Committee members asked if the board would prefer to implement a delay on its own or have the committee impose a session delay on the rulemaking. He stated that he would need to ask the board for an answer. Committee members told him to communicate to the board that the committee recommends an 18-month delay on enforcement, and he agreed to do so.

**Action.** No action taken.

**Next Meeting.** The next committee meeting will be held in Room 116, Statehouse, on Friday, February 8, 2019, beginning at 9:00 a.m.

**LSA Staff:** Jack Ewing, Legal Services, 515.281.6048; Amber Shanahan-Fricke, Legal Services, 515.725.7354

Internet Site: [www.legis.iowa.gov/committees/committee?endYear=2018&groupID=705](http://www.legis.iowa.gov/committees/committee?endYear=2018&groupID=705)