



CHARLES SCHWERTNER

STATE SENATOR
DISTRICT 5

June 25, 2014

Ms. Gay Dodson
Executive Director
Texas State Board of Pharmacy
333 Guadalupe Street, Suite 3-600
Austin, Texas 78701-8701

Dear Ms. Dodson,

I write today to express my significant concerns with a possible new class of pharmacy license to be discussed by the Texas State Board of Pharmacy ("Board") on July 2. The creation of a new pharmacy license to allow for physician dispensing of medications is a departure from our existing license classifications; pharmacists have a long-standing role in this state as the dispenser of medications. Accordingly, any decision to allow physician dispensing *is a policy decision that is best left to the Texas Legislature.*

According to Section 560.053, Health and Safety Code, the Board may only establish a new classification of pharmacy license if three conditions are met: (1) the practice setting will provide pharmaceutical care services to the public; (2) the existing classifications of pharmacy licenses are not appropriate for that practice setting; and (3) *establishment of a new classification of pharmacy license is necessary to protect the public health, safety, and welfare.* The creation of a new classification is *not necessary* to protect the public health, safety, and welfare; the existing classification system already offers this protection. Pharmacists are specifically trained in drug interactions and potential side effects and therefore serve a necessary oversight function as the dispenser of medications. This oversight function of pharmacists is absent from the proposal before you and thus has the potential to jeopardize the public health, safety, and welfare.

I strongly encourage the Board to not move forward with the creation of this new classification of pharmacy license. If you have any questions or would like to visit with me about this issue and my concerns, I am happy to meet with you or any Board member.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Schwertner".

Charles Schwertner, M.D., R.Ph.
State Senator

JOHN ZERWAS, M.D.

P.O. Box 2910
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District 28 TEXAS HOUSE OF REPRESENTATIVES

July 17, 2014

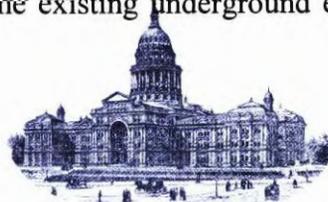
Ms. Gay Dodson
Executive Director
Texas State Board of Pharmacy
333 Guadalupe Street, Suite 3-600
Austin, Texas 78701-8701

Dear Ms. Dodson:

During the 83rd Legislative Session, I authored House Bill 713 regarding physician dispensation of cosmetic pharmaceutical products. A substantially similar bill authored by Senator Tommy Williams, Senate Bill 227, passed out of both chambers with overwhelming support. For the same reasons I carried the House bill, I now stand behind the Board of Pharmacy's exploration of a possible new licensure classification on this matter.

Creation of this new class of pharmacy will bring regulatory oversight to a new market that has developed in Texas and throughout the country over the past 30 years: physician dispensing of aesthetic pharmaceuticals. Texas, however, is one of only 5 states to not allow this physician dispensing model for aesthetic pharmaceuticals. While pharmacist oversight plays a critical role in the dispensation of most drugs, these topical products administered for aesthetic purposes can be safely and effectively dispensed by physicians directly to their patients. Indeed, there is evidence that patient outcomes are better when patients obtain these topical medications directly from their physician because physicians are able to modify the treatment regimen as needed, and patients are more likely to apply the medication correctly and adhere to their treatment regimen. I support the Board of Pharmacy to move forward with reasonable regulations that allow physicians to dispense aesthetic pharmaceuticals.

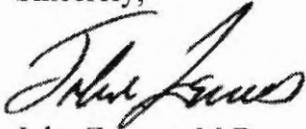
Further, the current landscape as it pertains to aesthetic pharmacy in Texas invites consumer fraud and jeopardizes patient health and safety. Without physician involvement, patients are exploring black market avenues to obtain aesthetic pharmaceuticals which may be counterfeit and possibly dangerous. The Food and Drug Administration recently issued an advisory warning consumers about certain black market skin lightening creams containing dangerous levels of mercury that are commonly found in "shops in Latino, Asian-American, African-American and Middle Eastern neighborhoods or online." Unfortunately, beyond issuing this advisory, the FDA has not taken action against the existing underground economy, and for that reason, our state is forced to act.



The legislature made clear their perspective through the votes taken on Senate Bill 227 during the 83rd legislative session. Even without a statutory directive, the Board has set existing precedent for the promulgation of new licenses, from which the licensure in question has no reason to be excluded. The Legislature afforded the State Board of Pharmacy broad authority to create new classes of pharmacy in furtherance of public health, safety and welfare. The Board has exercised that authority twice to create new classes of pharmacy license for centralized dispensing and for delivery of prescriptions filled by Class A pharmacies. Both of these new license classes responded to innovations in the way we deliver medications to patients—creating both efficiencies and conveniences that will improve patient outcomes. The same is true with a new class of pharmacy license for physician dispensing of aesthetic pharmaceuticals. For the reasons above, I believe that a new class of pharmacy licensure for physician dispensation of aesthetic pharmaceutical products is a logical solution.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read "John Zerwas". The signature is written in a cursive, flowing style with a large initial "J".

John Zerwas, M.D.
State Representative
District 28