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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

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SOUTHWEST CAUCUS  
NORTHWEST CAUCUS  
TASK FORCE ON LAW ENFORCEMENT AND  
PUBLIC SAFETY  
STATE GOVERNMENT

SUBJECT: Proposed Legislation

February 3, 1999

TO: Jon Price  
Legislative Research

FROM: Representative Guy A. Travaglio, Jr. *GAT*  
11th Legislative District

It has recently come to my attention that some pharmacies are now using touch-tone telephone input for individuals calling in refills for prescriptions. An individual is asked to key in a prescription number, dosage, etc. Senior citizens, in particular, are becoming frustrated when trying to complete this procedure and, therefore, do not have prescriptions refilled; case in point, a senior citizen from my district needed a refill for a blood thinner, became frustrated with the telephone procedure and, therefore, did not have the prescription refilled at that time and went several days without the medication.

Is there any legislation currently that covers this situation? If not, I would like legislation prepared that would eliminate this type of telephone procedure at pharmacies between 9:00 a.m. and 5:00 p.m. so that individuals can speak directly to the pharmacist.

If you have any questions regarding this matter, please contact Fred Vero of my office.

Thank you for your assistance with this request.

GAT:fv:jg

Attach.



**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

TO: Representative Guy Travaglio  
Cc: Fred Vero

FROM: Bryant Brown, Legal Intern

DATE: February 16, 1999

RE: Legislation Precluding Pharmacies from Using Voice Mail to Take Prescriptions.

In response to your question regarding the possibility of drafting legislation that would prevent pharmacies from using voice mail systems to take their prescriptions, I took two courses. The first avenue researched was via Lexis/Nexis, an online legal database. Within Lexis, I searched every state in the country, their codes and statutes, seeking anything similar to what you requested. Quite frankly, none could be found. The closest thing thereto is statutory material from Texas. I've included it here for your perusal. Following my unsuccessful search online, I contacted Ms. Melissa Madigan of the National Association Pharmacy Boards (NAPB). According to Ms. Madigan, there is nothing in existence, nor is there anything pending that addresses this issue. In fact, Ms. Madigan continued by stating that if anything, legislation is pending to the opposite effect: the NAPB is encouraging automation in pharmacies to expedite service, to prevent distractions on the pharmacists, and to provide more time for the pharmacists to spend with their patients and more effectively serve them. Finally, Ms. Madigan was of the opinion that the most effective course of action in this instance may simply be for you to make a call to the chain store in question. According to Ms. Madigan, hearing from their State Representative may have a more lasting effect on this particular pharmacy, than any legislation one could draft. Along those lines, should this be the route you opt to take, let me know if you would like me to draft such a letter on your behalf. If you have any questions or if I can be of further assistance, please don't hesitate to contact me at 7-3111.

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SUBJECT: Proposed Legislation

February 19, 1999

TO: Jon Price  
Legislative Research

FROM: Representative Guy A. Travaglio, Jr. *GAT*  
11th Legislative District

On February 16<sup>th</sup>, Bryant Brown forwarded to me a response to my memo to you dated February 3<sup>rd</sup>, which pertained to possibly drafting legislation that would eliminate touch-tone telephone input to pharmacies for prescriptions.

Although I appreciate the response, I would again like to request that legislation be drafted that would eliminate this type of telephone procedure at pharmacies between 9:00 a.m. and 5:00 p.m. so that individuals can speak directly to the pharmacist. (See attached memos.)

If you have any questions regarding this matter, please let me know.

Thank you for your assistance with this request.

GAT:fv:jg

Attach.

**Vero, Fred**

**From:** Brown, Bryant  
**Sent:** Tuesday, March 09, 1999 11:16 AM  
**To:** Vero, Fred  
**Subject:** Pharmacy Legislation

Fred:

I just wanted to send you an update on the legislation Rep. Travaglio requested relative to precluding pharmacies from using touch tone phones to refill prescriptions. The project is now about two weeks late, and I apologize for that. However, it is in the hands of our drafting attorney, Vince Deliberato, and should be available today or tomorrow. I will forward it immediately upon receipt. Vince is amending Title 63 in Purdons, Section 390-8, to include a 20th prohibition under unlawful acts. His initial concern was that this is technically something that should not be touched by legislation, but by regulations promulgated by the governing boards. However, that being said, he is proceeding as per the representative's request. If you have any questions, please don't hesitate to call me at 7-3111.

Thank you,

Bryant

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

March 23, 1999

COMMITTEES

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- NORTHWEST CAUCUS
- TASK FORCE ON LAW ENFORCEMENT AND PUBLIC SAFETY
- STATE GOVERNMENT

Carmen A. DiCello, R.Ph.  
PA Pharmacists Association  
508 North Third Street  
Harrisburg, PA 17101-1199

Dear Mr. DiCello:

Thank you for taking the time Monday to speak with Fred Vero of my office regarding proposed legislation, which I would like to introduce in the House of Representatives.

As you are aware, it was brought to my attention recently that when refills for prescriptions are called into pharmacies by senior citizens, in particular, they are becoming frustrated when the pharmacy has an automated telephone message system and information is to be entered. They will often leave a prescription unfilled, which could create other health problems.

I am proposing that it shall be unlawful for any pharmacist or owner of a pharmacy to fill prescriptions by means of an automated telephone service between the hours of 9 am and 5 pm unless there is an option for the caller to speak to a live individual.

I believe this to be a serious problem, which needs to be addressed. I would appreciate your comments and suggestions on this matter. Please contact Fred Vero at 787-7686 or in the Butler office at 724-283-5852.

Sincerely yours,

A handwritten signature in cursive script that reads "Guy A. Travaglio, Jr.".

GUY A. TRAVAGLIO, JR.  
STATE REPRESENTATIVE  
11th LEGISLATIVE DISTRICT

GAT:jg

A handwritten signature in cursive script, likely reading "Also faxed".