

Journal of Pharmaceutical Sciences



SEPTEMBER 1976

VOLUME 65 NUMBER 9

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The *Journal of Pharmaceutical Sciences* is published monthly by the American Pharmaceutical Association at 2215 Constitution Ave., N.W., Washington, DC 20037. Second-class postage paid at Washington, D.C., and at additional mailing office.

All expressions of opinion and statements of supposed fact appearing in articles or editorials carried in this journal are published on the authority of the writer over whose name they appear and are not to be regarded as necessarily expressing the policies or views of the American Pharmaceutical Association.

Offices—Editorial, Advertising, and Subscription Offices: 2215 Constitution Ave., N.W., Washington, DC 20037. Printing Offices: 20th & Northampton Streets, Easton, PA 18042.

Annual Subscriptions—United States and foreign, industrial and government institutions \$50, educational institutions \$50, individuals for *personal use only* \$30; single copies \$5. All foreign subscriptions add \$5 for postage. Subscription rates are subject to change without notice. Members of the American Pharmaceutical Association may elect to receive the *Journal of Pharmaceutical Sciences* as a part of their annual \$60 (foreign \$65) APhA membership dues.

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DISSECTING THE LABYRINTH

"There's got to be a better way!"

How many times all of us have exclaimed our irritation in those or similar words when we encountered obstructions, obstacles, and assorted roadblocks which have frustrated us in our efforts to accomplish what ought to be some seemingly simple objective.

From various press reports, it appears that HEW Secretary David Mathews reached such a conclusion this summer with respect to the manner in which his Department develops and issues its regulations. That appears to be the basis for his announcement on July 25 that, effective immediately, he was instituting "sweeping reforms" in the HEW regulations process.

The Secretary stated, in part, that: "*For far too long HEW has gone to the public in these (controversial) situations only to tell them what it intends to do. From now on our first step will be to ask the people of this country what they think we should do.*" The announcement further explained that one of the extreme new reforms is a "requirement for HEW to consult broad segments of the public before it puts pen to paper in preparing controversial regulations mandated by congressional action or compelling administrative need."

A detailed, ten-step process was described as the specific procedure that is to be followed in the future in promulgating new regulations.

Beyond this step-wise procedure, the Secretary included several other features in his reform package. One of these—which in our view is sorely needed and long overdue—reflects Secretary Mathews' academic background. We refer to the part calling for "training sessions for Department regulations writers so that regulations are written in clear, concise English."

Washington bureaucrats have developed a well-deserved reputation for having a facility for translating simple concepts and ideas into the most confusing and complex messages. A Washington daily newspaper for some time has made sport of this penchant by publishing a daily feature titled "Gobbledygook," in which a choice piece of unintelligible federal government jargon is reprinted for the amusement of the newspaper readership.

Another ancillary feature of the Secretary's directive calls for "modification of (existing) regulations which impose too numerous or needlessly complex requirements on program administrators; for example, a special task force is now at work in HEW simplifying the Medicaid regulations."

It may seem absurd that such a dictate needs to be spelled out for a gigantic department within the federal government. But few of us fully appreciate the awesome influence of this single agency.

HEW alone has 135,000 employees—enough to constitute a fair sized city. In our personal lives, most of us would be impressed by the fact that a given person is responsible for managing the annual expenditure of a million dollars. Yet, in light of HEW's current budget of \$128 billion, this translates into an average disbursement or expenditure figure of almost that amount (actually, over \$948,000) for each and every one of those 135,000 employees!

But the real basis for public unhappiness with HEW seems to stem from the fact that the regulations the agency has created over the years have often been confusing, contradictory, and controversial. The perceived result has been inefficiency and unfairness at best, and waste and illegality at worst. Although Congress may enact legislation, it is through regulations that broad, general laws are applied and put into practice. Consequently, the regulation writers exert about as much influence—and sometimes more—within the government processes that affect our lives as do all our elected representatives!

Therefore, a reexamination of how this system is operating—and a serious effort to improve its operation—seem to us to be long overdue. Preliminary to the July 25 announcement from HEW, the Secretary's office had written to APhA, as well as to a number of other organizations, soliciting our views on what is wrong with the present system and what might be done to improve it. We don't know how the others responded, but APhA was not the least bit shy—as evidenced by its five-page reply—in telling HEW in plain and simple language just what the Association thought about the current process!

We wish Secretary Mathews well in his program and hope that the magnitude of reform needed does not prompt him to despair in seeing it through to completion.

—EGF