



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
www.pharmacy.la.gov



March 19, 2012

Senator John A Alario Jr., President
Louisiana Senate
PO Box 94183
Baton Rouge, LA 70804

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Re: **Report No. 2 of 3 for Regulatory Project 2011-1 ~ Pharmacist-in-Charge (PIC) Requirements**
Report No. 2 of 3 for Regulatory Project 2011-2 ~ Cognitive Services
Report No. 2 of 3 for Regulatory Project 2011-7 ~ Penal Pharmacy
Report No. 2 of 3 for Regulatory Project 2012-1 ~ E-Communications
Report No. 2 of 3 for Regulatory Project 2012-2 ~ Hospital Pharmacy
Report No. 2 of 3 for Regulatory Project 2012-3 ~ Remote Processing of Medical Orders

Dear Senator Alario:

As we indicated in our first report to you on January 10, 2012, the Board is currently promulgating amendments to six different sections of its rules as described above. Subsequent to our Notices of Intent published in the January 20, 2012 edition of the *Louisiana Register*, and in accordance with the Administrative Procedures Act, we conducted a public hearing at the Board office on February 28, 2012.

The Board received one comment and suggestion relative to the Cognitive Services proposal from a representative for MEDCO Health Solutions, as well as a letter and verbal testimony relative to the Remote Processing of Medical Orders proposal from a representative for Rx Remote Solutions. Copies of the comments and the Board responses to each are enclosed within this report.

The Board has considered all comments and testimony and determined that no revisions to the original proposals are necessary. Further, the Board has determined it appropriate to move forward with the proposals as published.

Appended to this letter you should find a summary memo identifying the commentators, copies of those comments and the responses thereto, and then copies of the Notice of Intent and full text of the proposed rule for each of the six regulatory projects.

Subject to review by the Joint Legislative Oversight Committee on Health and Welfare, the Board proposes to publish the original proposed rules as Final Rules in the May 20, 2012 edition of the *Louisiana Register*. If you have any questions about the enclosed information or our procedures, please contact me directly at 225.925.6481 or mbroussard@pharmacy.la.gov.

For the Board:

Malcolm J. Broussard
Executive Director



Louisiana Board of Pharmacy

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MEMORANDUM

To: Joint Legislative Oversight Committee on Health & Welfare
From: Malcolm Broussard
Date: March 19, 2012
Re: Compilation of Comments from February 28, 2012 Public Hearing

With respect to the following regulatory projects, the Board received no comments or testimony:

- Regulatory Project 2011-1 ~ Pharmacist-in-Charge (PIC) Requirements
- Regulatory Project 2011-7 ~ Penal Pharmacy
- Regulatory Project 2012-1 ~ E-Communications
- Regulatory Project 2012-2 ~ Hospital Pharmacy

With respect to Regulatory Project 2011-2 ~ Cognitive Services, the Board received one written (e-mail) comment, from a representative of MEDCO Health Solutions. His comment and the Board's response is the first set of documents following this memorandum.

With respect to Regulatory Project 2012-3 ~ Remote Processing of Medical Orders, the Board received one written comment and verbal testimony in support of that written comment from an attorney representing Rx Remote Solutions, Inc. Their letter and the Board's response is the second set of documents following this memorandum.

Notice of Intent

Department of Health and Hospitals Board of Pharmacy

LAC 46:LIII.1105 – Pharmacist-in-Charge

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) and the Pharmacy Practice Act (La. R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §1105 – *Pharmacist-in-Charge* of its rules. In particular, the proposed amendment will impose a new two-year practice requirement on the qualifications required of a pharmacist to accept an appointment as the pharmacist-in-charge of a Louisiana-licensed pharmacy, and in addition, will require the personal presence of the pharmacist-in-charge for a minimum period of time.

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, Louisiana 70809-1700. He is responsible for responding to inquiries regarding this proposed amendment. A public hearing on this proposed rule change is scheduled for Tuesday, February 28, 2012 at 9:00 a.m. in the Board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12:00 noon that same day.

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

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§1105. Pharmacist-in-Charge

A. The opportunity to accept an appointment as the Pharmacist-in-Charge (PIC) of a pharmacy is a professional privilege. The following requirements are attached to a PIC privilege.

1. The acquisition of the PIC privilege shall require:
 - a. possession of an active Louisiana pharmacist license;
 - b. active pharmacy practice for a minimum of two years under the jurisdiction of any board of pharmacy in the United States; and
 - c. the completion of the Affidavit of Responsibility and Duties described below.
2. The PIC shall be present and practicing at the pharmacy for which he holds the PIC position no less than 20 hours per week during the pharmacy's ordinary course of business. In the event the pharmacy's normal hours of business are less than 20 hours per week the PIC shall be present and practicing at least 50% of the normal business hours.

A.B. ...

B.C. ...

C. D. ...

D. E. ...

E. F. ...

F. G. ...

G. H. ...

H. I. ...

I. J. ...

J. K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2095 (October 2003), effective January 1, 2004, amended LR.