Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
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March 8, 2013

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

Via Email: APA.SenatePresident@legis.la.gov

Re: **Annual Report on Rulemaking Activities**

Report No. 3 of 3 for Regulatory Project 2011-1 ~ PIC Requirements
Report No. 3 of 3 for Regulatory Project 2011-2 ~ Cognitive Services
Report No. 3 of 3 for Regulatory Project 2011-7 ~ Penal Pharmacies
Report No. 3 of 3 for Regulatory Project 2012-1 ~ E-Communications
Report No. 3 of 3 for Regulatory Project 2012-2 ~ Hospital Pharmacy
Report No. 3 of 3 for Regulatory Project 2012-3 ~ Remote Processing
Report No. 3 of 3 for Regulatory Project 2012-5 ~ Institutional Pharmacies
Report No. 3 of 3 for Regulatory Project 2012-6 ~ Interstate Remote Processing
Report No. 3 of 3 for Regulatory Project 2012-7 ~ Security of Prescription Dept.
Report No. 3 of 3 for Regulatory Project 2012-8 ~ CDS License for Non-resident Distributors
Report No. 3 of 3 for Regulatory Project 2012-9 ~ CDS in Emergency Drug Kits
Report No. 3 of 3 for Regulatory Project 2012-10 ~ Prescription Monitoring Program
Report No. 3 of 3 for Regulatory Project 2012-11 ~ Durable Medical Equipment

Dear Senator Alario:

In compliance with the provisions of the Administrative Procedures Act, more specifically at La. R.S. 49:968(K), please accept this letter as our third and final report relative to these rulemaking projects, all of which were either completed or initiated during calendar year 2012.

- *Regulatory Project 2011-1 ~ PIC Requirements*

We submitted our first report to you on January 10, 2012; the Notice of Intent was published in the January 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on February 28, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendment.

We submitted our second report to you on March 19, 2012. With no request for further information from the Joint Legislative Oversight Committee on Health and

Welfare, the Board published the Final Rule in the May 20, 2012 edition of the *Louisiana Register*.

- *Regulatory Project 2011-2 ~ Cognitive Services*

We submitted our first report to you on January 10, 2012; the Notice of Intent was published in the January 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on February 28, 2012 to receive comments and testimony. The Board received one verbal comment and suggestion and the Board determined no changes to the original proposal were in order.

We submitted our second report to you on March 19, 2012. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the May 20, 2012 edition of the *Louisiana Register*.

- *Regulatory Project 2011-7 ~ Penal Pharmacies*

We submitted our first report to you on January 10, 2012; the Notice of Intent was published in the January 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on February 28, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendment.

We submitted our second report to you on March 19, 2012. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the May 20, 2012 edition of the *Louisiana Register*.

- *Regulatory Project 2012-1 ~ E-Communications*

We submitted our first report to you on January 10, 2012; the Notice of Intent was published in the January 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on February 28, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendment.

We submitted our second report to you on March 19, 2012. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the May 20, 2012 edition of the *Louisiana Register*.

- *Regulatory Project 2012-2 ~ Hospital Pharmacy*

We submitted our first report to you on January 10, 2012; the Notice of Intent was published in the January 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on February 28, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendment.

We submitted our second report to you on March 19, 2012. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the May 20, 2012 edition of the *Louisiana Register*.

- *Regulatory Project 2012-3 ~ Remote Processing*

We submitted our first report to you on January 10, 2012; the Notice of Intent was

published in the January 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on February 28, 2012 to receive comments and testimony. The Board received one letter and verbal testimony. Although supportive of the language contained in the proposed amendment; the commentator requested additional amendments in the same section of rules. The Board made no changes in the original proposal, and further responded with its intent to address the requested additional amendments in a subsequent regulatory project [see *Regulatory Project 2012-6 ~ Interstate Remote Processing*, below].

We submitted our second report to you on March 19, 2012. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the May 20, 2012 edition of the *Louisiana Register*.

- *Regulatory Project 2012-5 ~ Institutional Pharmacies*

We submitted our first report to you on July 10, 2012; the Notice of Intent was published in the July 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 27, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendments.

We submitted our second report to you on January 2, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the February 20, 2013 edition of the *Louisiana Register*.

- *Regulatory Project 2012-6 ~ Interstate Remote Processing*

We submitted our first report to you on July 10, 2012; the Notice of Intent was published in the July 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 27, 2012 to receive comments and testimony. The Board received several letters as well as verbal testimony from several commentators. To respond to the several requests for clarification therein, the Board offered a clarifying amendment to the original proposal.

We submitted our second report to you on January 2, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the February 20, 2013 edition of the *Louisiana Register*.

- *Regulatory Project 2012-7 ~ Security of Prescription Dept.*

We submitted our first report to you on July 10, 2012; the Notice of Intent was published in the July 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 27, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendment.

We submitted our second report to you on January 2, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the February 20, 2013 edition of the *Louisiana Register*.

- *Regulatory Project 2012-8 ~ CDS License for Non-resident Distributors*

We submitted our first report to you on July 10, 2012; the Notice of Intent was

published in the July 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 27, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendment.

We submitted our second report to you on January 2, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the February 20, 2013 edition of the *Louisiana Register*.

- *Regulatory Project 2012-9 ~ CDS in Emergency Drug Kits*

We submitted our first report to you on July 10, 2012; the Notice of Intent was published in the July 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 27, 2012 to receive comments and testimony. The board received one verbal comment in support of the proposed amendments.

We submitted our second report to you on January 2, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the February 20, 2013 edition of the *Louisiana Register*.

- *Regulatory Project 2012-10 ~ Prescription Monitoring Program*

We submitted our first report to you on July 10, 2012; the Notice of Intent was published in the July 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 27, 2012 to receive comments and testimony. The Board received no comments or testimony relative to the proposed amendments.

We submitted our second report to you on January 2, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the Final Rule in the February 20, 2013 edition of the *Louisiana Register*.

- *Regulatory Project 2012-11 ~ Durable Medical Equipment*

The Board adopted an Emergency Rule on May 2, 2012 to establish new requirements for suppliers of durable medical equipment. We submitted our report to you on May 4. The Board re-issued the same Emergency Rule on August 31, 2012, and we submitted our report to you on that same day. The Board re-issued the same Emergency Rule on December 29, 2012, and we submitted our report to you on that same day.

We submitted our first report for the regular rulemaking process on November 13, 2012; the Notice of Intent was published in the November 20, 2012 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on December 27, 2012 to receive comments and testimony. In response to the single comment requesting a technical amendment, the Board offered the technical clarifying amendment to the original proposal.

We submitted our second report to you on January 5, 2013. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board has submitted the Final Rule for publication in the March 20, 2013 edition of the *Louisiana Register*.

Finally, we trust that copies of all of our previous reports for all of these completed projects reside in your archives; however, in the event you need additional copies, or any other information, please contact me directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm Broussard

Malcolm J. Broussard
Executive Director

cc: Chair, Senate Committee on Health & Welfare
Via Email: APA.S-H&W@legis.la.gov
Speaker, House of Representatives
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