



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
[www.pharmacy.la.gov](http://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](mailto: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

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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.

## Malcolm J. Broussard

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**From:** Palombo, Richard [Richard\_Palombo@medco.com]  
**Sent:** Tuesday, February 28, 2012 8:29 AM  
**To:** Malcolm J. Broussard  
**Subject:** Comment to LAC 46:LIII.525 Cognitive Services

Dear Malcolm,

Thank you for your clarification last evening that cognitive services being performed within a licensed Louisiana non-resident pharmacy is not required to have all pharmacists licensed in Louisiana. The Requirement for having a licensed PIC with a Louisiana pharmacist license in a non-resident licensed pharmacy has not changed.

I would ask that Board consider adding additional language that would help to clarify the intent of the Board. A suggestion would be to add the language that non-resident Louisiana licensed pharmacies would continue to be required to one licensed PIC licensed in the state of Louisiana.

The definition of Cognitive Services would seem to include services being performed by pharmacists within non-dispensing front end pharmacies already licensed by the Louisiana Board of Pharmacy. These services being performed by the pharmacists are necessary to fill a patient's prescription properly at a central fill pharmacy within the same company, and also licensed by the Louisiana Board of Pharmacy as a non-resident pharmacy.

Sincerely,  
Rich Palombo, RPh

**Rich Palombo, RPh**  
**Senior Director of Regulatory Affairs**  
**MEDCO Health Solutions**  
**NEW CELL NUMBER 609-513-9459**  
**Office: 201-269-4669**  
**Fax (609) 390-9624**  
**e-mail: [Richard\\_Palombo@Medco.com](mailto:Richard_Palombo@Medco.com)**

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# Louisiana Board of Pharmacy

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March 19, 2012

Richard A Palombo  
Senior Director of Regulatory Affairs  
MEDCO Health Solutions  
Via email: [Richard\\_Palombo@medco.com](mailto:Richard_Palombo@medco.com)

Dear Mr. Palombo:

This will confirm receipt of your emailed comment concerning the Board's proposed rule entitled Cognitive Services. Within your comment, you suggested an amendment to the published proposal, such that '*non-resident Louisiana licensed pharmacies would continue to be required to one licensed PIC licensed in the state of Louisiana.*' [sic]

We interpreted your suggestion to mean that we should amend the Cognitive Services proposal to add a provision re-stating the existing requirement of a Louisiana-licensed pharmacist-in-charge (PIC) at a non-resident pharmacy.

The Board has considered your suggestion, noting the requirements for non-resident pharmacies appear in Chapter 23 of the Board's Pharmacy Law Book and includes the requirement for the PIC of the non-resident pharmacy to possess an active Louisiana pharmacist license. Since the proposed rule does not address the requirements for a pharmacist-in-charge, in either resident or non-resident pharmacies, the Board is not inclined to insert a provision for one type of pharmacy to the exclusion of the other, especially when the provision sought is already present in a more relevant chapter of the rules.

Although the Board has declined to amend the proposed rule in the manner you suggested, they have asked me to express their appreciation to you for the time and effort you took to review the proposed rule and prepare your comments.

For the Board:

Malcolm J Broussard  
Executive Director

## Notice of Intent

### Department of Health and Hospitals Board of Pharmacy

#### LAC 46:LIII.525 – Cognitive Services

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 create a new section of rules, §525 – *Cognitive Services*. The new rule will define cognitive (other than dispensing) services provided by a pharmacist for the benefit of Louisiana residents, and will require those pharmacists performing such services to possess a Louisiana pharmacist license.

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 rule. A public hearing on this proposed rule 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 5. Pharmacists

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Subchapter B. Professional Practice Procedures

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**§525. Cognitive Services**

A. Definitions

As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

Cognitive services – those acts and operations related to a patient’s drug therapy that are judgmental in nature, based on knowledge, and derived from empirical factual information. Such services may include, but are not necessarily limited to, the following:

- a. Drug regimen review, drug use evaluation and drug information.
- b. Provision of advice and counsel on drugs, the selection and use thereof to the facility, the patients therein, the health care providers of the facility regarding the appropriateness, use, storage, handling, administration, and disposal of drugs within the facility.
- c. Participation in the development of policies and procedures for drug therapy within the institution, including storage, handling, administration, and disposing of drugs and devices.
- d. Assuring the compliance with all applicable laws, rules, and regulations.

- e. Provision of educational and drug information sources for the education and training of the facility health care professionals.
- f. Accepting responsibility for the implementation and performance of review of quality-related or sentinel events.

B. Practice

- 1. A pharmacist who provides cognitive services to Louisiana residents shall be licensed by the board.
- 2. Cognitive services provided from outside a permitted pharmacy may not include the physical dispensing of medication to patients.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR