



Louisiana Board of Pharmacy

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



January 10, 2012

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

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

Dear Senator Alario:

The Board has initiated the rulemaking process to amend six different sections of its rules. For each of the six projects identified above, you should find the following documents in this packet:

- Insertion Order for the Louisiana Register
- Notice of Intent
- Proposed Rule
- Fiscal & Economic Impact Statement
- Regulatory Flexibility Analysis
- Family Impact Statement

As indicated in the notice, we will convene a public hearing on February 28, 2012 to receive testimony and public comments on these proposals. We will summarize those comments and our responses thereto in our next report to you. If you have any questions or need additional information, please contact me directly at 225.925.6481 or mbroussard@pharmacy.la.gov.

For the Board:

Malcolm J. Broussard
Executive Director

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff. 08/03)
Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 9405
Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

RECEIVED

JAN 10 2011

OFFICE OF THE STATE REGISTER

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

EMERGENCY RULE NOTICE OF INTENT RULE POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) January, 20 12 Louisiana Register the document indicated above.

Board of Pharmacy

Office/Board/Commission promulgating this document

Malcolm J Broussard Executive Director

(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Health and Hospitals

Department under which office/board/commission is classified

Malcolm J Broussard 225.925.6481 225.922.0316

(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

mbroussard@pharmacy.la.gov

E-mail address of contact person

Provide a short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX (note: this description should match the fiscal statement title, if sending a Notice of Intent:

*If sending a diskette, indicate the name of the file on diskette:

E-Communications

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here:

Malcolm J Broussard

Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director

Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

AGENCY ORGANIZATION # OBJECT SUB-OBJECT REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year 11-12 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

Louisiana Board of Pharmacy

Agency Name

3388 Brentwood Drive

Street Address or Post Office Box

Baton Rouge LA 70809

City State Zip Code

Malcolm J Broussard 225.925.6481
Signature of Agency Head or Designee - Phone #

Lines/Other Charges _____ Typesetting \$ _____ TOTAL \$ _____

Notice of Intent

Department of Health and Hospitals Board of Pharmacy

E-Communications

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 several sections of its rules to facilitate the use of electronic communications processes for several of its credentials, including pharmacist licenses, technician certificates, and automated medication system registrations.

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 these proposed amendments. A public hearing on these proposed amendments 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

* * *

§505. Licensure

A. The board shall issue a license upon payment of appropriate fees when the board is satisfied the applicant is competent to practice pharmacy in the state.

~~1. License Display. A pharmacist's license shall be displayed in a conspicuous place in the principal location where the pharmacist is engaged in the practice of pharmacy and in such a manner that said license may be seen by patrons.~~

~~2. Identification Card. The board shall issue an identification card to a pharmacist who completes the licensure process. A pharmacist shall have this identification card on his person when practicing outside of his principal practice site in order to show proof of licensure.~~

* * *

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 29:2083 (October 2003, effective January 1, 2004), amended LR 33:1124 (June 2007).

* * *

Chapter 9. Pharmacy Technicians

* * *

§905. Pharmacy Technician Certificate

* * *

B. Issuance and Maintenance

* * *

3. The annual renewal shall expire and become null and void on June 30 of each year.

- a. The board shall ~~mail~~ make available, no later than May 1 of each year, and application for renewal to all pharmacy technicians to the address of record.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988, effective January 1, 1989), repromulgated LR 19:1025 (August 1993), amended LR 30:2486 (November 2004, effective January 1, 2005).

* * *

Chapter 12. Automated Medication Systems

* * *

§1203. System(s) Registration

- A. The entire system shall be registered with the board and facilities shall meet the following conditions:

* * *

6. Annual Renewal. The board shall ~~mail~~ make available an application for renewal to each registrant on or before May 1 each year. Said application shall be completed, signed, and, with annual fee, returned to the board office to be received on or before June 1 each year.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000, effective July 1, 2000).

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: **Malcolm J. Broussard**
Executive Director
Dept.: **Health and Hospitals**
Office: **Board of Pharmacy**
Phone: **(225) 925-6481**
Title: **E-Communications**
Return Address: **3388 Brentwood Drive**
Baton Rouge, LA 70809-1700
Date Rule Takes Effect: **June 1, 2012 (est.)**

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

It is estimated that implementation of the proposed rule will cost the agency \$500 in FY 11-12, for printing costs. With the ability to mail reminder postcards instead of the application forms, we estimate a reduction in mailing costs of approximately \$1,900 per year going forward. Additional savings would accrue from the transition to using electronic reminders instead of reminder postcards in later years once all licensees have gone electronic.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

We can discern no measurable impact on revenue collections for state or local governmental units.

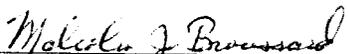
III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed amendments will affect the pharmacist licenses, technician certificates, and automated medication system registrations issued by the Board. In particular, the pharmacist will no longer be required to display a copy of his license, and the Board will be required to make renewal applications for technician certificates and automated medication system registrations available, as opposed to the current mailing requirement.

We can discern no costs or savings to other persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

We can discern no measurable effect on competition or employment in this state.



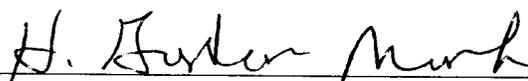
Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director

Typed Name and Title of Agency Head or Designee

December 20, 2011

Date of Signature



Legislative Fiscal Officer or Designee

1-4-2012

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The Board proposes to amend portions of three rules relative to the credentialing process for pharmacist licenses, technician certificates, and automated medication system registrations. In particular, the pharmacist will no longer be required to display a copy of his license, and the Board will be permitted to make electronic versions of the renewal applications available for technician certificates and automated medication system registrations, instead of the current requirement to mail the renewal application forms. A copy of the Notice of Intent is appended.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The Board provides electronic copies of all its forms and applications on its website. Through experience with other credentials, the Board has successfully transitioned from mailing renewal application forms to mailing reminder postcards and permitting the online renewal of its credentials. The technician certificates and automated medication system registrations will be the last two credentials transitioned in this manner.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session:

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

Although the Board will be required to pay the minor printing costs for the promulgation process, the Board anticipates a savings in postage costs, with the net effect of a modest reduction in operating expenses.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ____ Yes. If yes, attach documentation.

(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

The Legislature has not appropriated the funds. The Board of Pharmacy operates purely on self-generated funds, and the Board has sufficient funds budgeted and available for the promulgation process.

- D. Compliance with Act 820 of the 2008 Regular Session

(1) An identification and estimate of the number of small businesses subject to the proposed rule.

Given the criteria in the statutory definition of 'small businesses,' we are unable to specifically identify small businesses because the Board does not collect information from pharmacies concerning the number of employees or any information on sales, net worth, or other financial data. However, we can estimate the number using a specific classification of pharmacy permits; in particular, we do not believe the number of impacted small businesses would exceed 600.

(2) The projected reporting, record keeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

There are no reporting requirements or costs associated with the proposed rule.

(3) A statement of the probable effect on impacted small businesses.

We can discern no measurable effect on small businesses from the proposed rule.

(4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

We can discern no alternative methods of achieving the same purpose of the proposed rule.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

<u>COSTS</u>	<u>FY 11-12</u>	<u>FY 12-13</u>	<u>FY 13-14</u>
PERSONAL SERVICES	\$ 0	\$ 0	\$ 0
OPERATING EXPENSES	\$ (1,400)	\$ (1,900)	\$ (1,900)
PROFESSIONAL SERVICES	\$ 0	\$ 0	\$ 0
OTHER CHARGES	\$ 0	\$ 0	\$ 0
EQUIPMENT	\$ 0	\$ 0	\$ 0
MAJOR REPAIR & CONSTR.	\$ 0	\$ 0	\$ 0
TOTAL	\$ (1,400)	\$ (1,900)	\$ (1,900)
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

We anticipate the printing costs for the implementation of the proposed rule to approximate \$500 (\$250 for the notice of intent and the same amount for the final rule). With the ability to mail reminder postcards instead of the application forms, we estimate a reduction in postage costs of approximately \$1,900 per year going forward (for 7,100 pharmacists and 5,800 technicians).

With 12,900 licensees, the Board saves \$0.15 each on postage (\$0.44 regular mail - \$0.29 postcard). That is a little over \$1,900 in savings. Additional savings in later years would accrue from the transition to using electronic reminders instead of reminder postcards.

3. Sources of funding for implementing the proposed rule or rule change.

<u>SOURCE</u>	<u>FY 11-12</u>	<u>FY 12-13</u>	<u>FY 13-14</u>
STATE GENERAL FUND	\$ 0	\$ 0	\$ 0
AGENCY SELF-GENERATED	\$ (1,400)	\$ (1,900)	\$ (1,900)
DEDICATED	\$ 0	\$ 0	\$ 0
FEDERAL FUNDS	\$ 0	\$ 0	\$ 0
OTHER (Specify)	\$ 0	\$ 0	\$ 0
TOTAL	\$ (1,400)	\$ (1,900)	\$ (1,900)

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Board currently has sufficient funds budgeted and available to complete the promulgation process.

B. COST SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

2. Indicate the source of funding of the local governmental unit that will be affected by these costs or savings.

We can discern no impact on local governmental units.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

<u>SOURCE</u>	<u>FY 11-12</u>	<u>FY 12-13</u>	<u>FY 13-14</u>
STATE GENERAL FUND	\$ 0	\$ 0	\$ 0
AGENCY SELF-GENERATED	\$ 0	\$ 0	\$ 0
DEDICATED FUNDS	\$ 0	\$ 0	\$ 0
FEDERAL FUNDS	\$ 0	\$ 0	\$ 0
LOCAL FUNDS	\$ 0	\$ 0	\$ 0
TOTAL	\$ 0	\$ 0	\$ 0

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.

We can discern no impact on revenue collections of state and local governmental units.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed amendments will affect the pharmacist licenses, technician certificates, and automated medication system registrations issued by the Board. In particular, the pharmacist will no longer be required to display a copy of his license, and the Board will be required to make renewal applications for technician certificates and automated medication system registrations available, as opposed to the current mailing requirement.

The Board provides electronic copies of all its forms and applications on its website. Through experience with other credentials, the Board has successfully transitioned from mailing renewal application forms to mailing reminder postcards and permitting the online renewal of its credentials. The technician certificates and automated medication system registrations will be the last two credentials transitioned in this manner.

The conversion from mailing renewal forms to mailing reminder postcards will provide a modest savings in postage costs. Going forward, additional savings would accrue from the further transition to electronic reminders instead of reminder postcards.

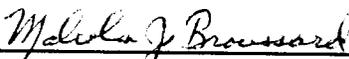
Also provide an estimate and a narrative description of any impact on receipts and/or income (revenue) resulting from this rule or rule change to these groups.

We are not able to estimate any impact on receipts or income resulting from this proposed rule.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

We can discern no measurable impact on competition or employment in the public or private sectors.



Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director
Typed Name and Title of Agency Head or Designee

December 20, 2011
Date of Signature

REGULATORY FLEXIBILITY ANALYSIS
FOR ADMINISTRATIVE RULES

Person Preparing Statement: **Malcolm J. Broussard**
Executive Director
Telephone: **(225) 925-6481**
Return Address: **3388 Brentwood Drive**
Baton Rouge, LA 70809-1700

Dept.: **Health and Hospitals**
Office: **Board of Pharmacy**
Title: **E-Communications**
Date Rule Takes Effect: **June 1, 2012 (est.)**

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

I. The establishment of less stringent compliance or reporting requirements for small businesses.

There are no reporting requirements associated with the proposed amendments.

II. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

There are no deadlines for reporting requirements associated with the proposed amendments.

III. The consolidation or simplification of compliance or reporting requirements for small businesses.

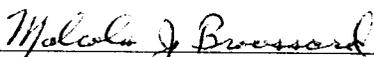
There are no reporting requirements associated with the proposed amendments.

IV. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed rule.

There are no design or operational standards in the proposed amendments.

V. The exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The proposed amendments will permit the Board to use electronic communications processes with respect to the pharmacist licenses, technician certificates, and automated medication system registrations issued by the Board. There are no requirements relative to small businesses in the proposed amendments; therefore, no exemptions were considered.



Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director

Typed Name and Title of Agency Head or Designee

December 20, 2011

Date of Signature

FAMILY IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: **Malcolm J. Broussard**
Executive Director
Telephone: **(225) 925-6481**
Return Address: **3388 Brentwood Drive**
Baton Rouge, LA 70809-1700

Dept.: **Health and Hospitals**
Office: **Board of Pharmacy**
Title: **E-Communications**
Date Rule
Takes Effect: **June 1, 2012 (est.)**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the rule proposed for adoption, repeal, or amendment. The following statements will be published in the Louisiana Register with the proposed agency rule.

I. The effect on the stability of the family.

We can discern no effect on the stability of the family.

II. The effect on the authority and rights of parents regarding the education and supervision of their children.

We can discern no effect on the authority and rights of parents regarding the education and supervision of their children.

III. The effect on the functioning of the family.

We can discern no effect on the functioning of the family.

IV. The effect on family earnings and family budget.

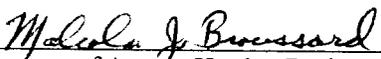
We can discern no effect on family earnings or family budget.

V. The effect on the behavior and personal responsibility of children.

We can discern no effect on the behavior and personal responsibility of children.

VI. The ability of the family or a local government to perform the function as contained in the proposed rule.

We can discern no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.



Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director

Typed Name and Title of Agency Head or Designee

December 20, 2011

Date of Signature