



# Louisiana Board of Pharmacy

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



January 2, 2013

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 2012-6 ~ Interstate Remote Processing

Dear Senator Alario:

As we indicated in our first report to you on July 10, 2012, the Board is currently promulgating amendments to two different sections within Chapter 11 of the Board's rules. Subsequent to our Notice of Intent published in the July 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 August 27, 2012.

During the public hearing, we noted the receipt of written correspondence from six commentators, and further, three additional commentators offered verbal comments during the hearing.

During their December 12, 2012 meeting, the Board considered all comments and testimony and determined that a single-word clarification was in order, to more accurately reflect the Board's original intent. Further, the Board has determined it appropriate to move forward with the proposal as clarified.

Appended to this letter, you should find the following documents:

- Notice of intent
- Compilation of Comments and testimony
- Copies of written comments and Board replies
- Full text of proposed rule, as clarified

Subject to review by the Joint Legislative Oversight Committee on Health and Welfare, the Board proposes to publish the original proposed rule, as clarified, as a Final Rule in the February 20, 2013 edition of the *Louisiana Register*. If you have any questions about the enclosed information or our procedures, please contact me directly at [mbroussard@pharmacy.la.gov](mailto:mbroussard@pharmacy.la.gov) or 225.925.6481.

For the Board:

Malcolm J. Broussard  
Executive Director

## **Notice of Intent**

### **Department of Health and Hospitals Board of Pharmacy**

#### **Interstate Remote Processing**

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 its rules relative to the remote processing of prescriptions and medical orders. In particular, the proposed amendments will permit any two pharmacies licensed by the Board, regardless of location, to engage in such activities, subject to the limitations previously promulgated by the Board.

**Louisiana Administrative Code**

**Title 46 – Professional and Occupational Standards**

**Part LIII: Pharmacists**

**Chapter 11. Pharmacies**

...

**§1139. Definitions**

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

...

*Remote Processor* – a ~~permitted pharmacy in Louisiana~~ permitted pharmacy which provides remote processing services for another permitted pharmacy in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1131 (June 2007), amended LR

...

**§1143. Remote Processing of Medical Orders or Prescription Drug Orders**

- A. General Requirements

1. ...

2. ...

- a. In the event the pharmacy soliciting remote processing services is located within a hospital with more than 100 beds, there shall be at least one pharmacist on duty at that hospital at all times, and any remote processing services provided to that pharmacy shall be supplemental in nature
- b. In the event the pharmacy providing remote processing services performs such services for a hospital pharmacy, the performance of all such services shall be limited to licensed pharmacists.

B. ...

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1132 (June 2007), amended LR

FAMILY IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

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.

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.

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 Monday, August 27, 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

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

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.

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

It is estimated that implementation of the proposed rule will cost the Board \$500 in FY 13 for printing costs.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS**

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

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

Under the revisions to section 1143, for pharmacies in hospitals with over 100 beds that elect to engage in remote processing activities, a pharmacist is now required to be on duty at all times. As such, increased costs may include retaining a full-time pharmacist 24 hours a day if this is not currently practiced in these hospitals. Costs will vary depending on the pharmacist's salary.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT**

No effect on competition and employment is anticipated as a result of this rule change.

**REGULATORY FLEXIBILITY ANALYSIS  
FOR ADMINISTRATIVE RULES**

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:

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

There are no reporting requirements associated with the proposed amendments.

- VIII. 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.

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

There are no reporting requirements associated with the proposed amendments.

- X. 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.

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

The proposed amendments contain no new requirements.



# Louisiana Board of Pharmacy

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



## Public Hearing ~ August 27, 2012

### Summary of Testimony & Public Comments

**1. Rx Remote Solutions, Inc. letter received 8-16-2012**

Supportive of Board's proposal to amend the definition of Remote Processor in §1139, as well as the proposed limitation on such activities in §1143.A.2.b.

**2. Cardinal Health letter received 8-22-2012**

Requested a modification of the 100-bed threshold in §1143.A.2.a, raising it to 200 beds.

**3. Mercy Regional Medical Center letter received 8-22-2012**

Requested a modification of the 100-bed threshold in §1143.A.2.a, changing it a census of 100 patients.

**4. Louisiana Hospital Association & Metropolitan Hospital Council of New Orleans letter received 8-27-2012**

- Requested clarification of 100-bed threshold; licensed or occupied?
- Suggested deletion of 100-bed threshold in favor of tasking pharmacist-in-charge with evaluation of necessity for services and appropriate pharmacist staffing level.

**5. Bryan L. Jones, Director of Remote Order Entry at and appearing for LifePoint Hospitals**

Submitted letter; requested deletion of 100-bed threshold and all of §1143.A.2.a.

**6. Jennifer J. Thomas, Esq. appearing for Rx Remote Solutions, Inc.**

Verified receipt of letter noted above, and reiterated same comments therein.

**7. John W. Johnson, Director of Pharmacy at and appearing for Lane Regional Medical Center**

Submitted letter; requested either the deletion of the 100-bed threshold, or in the alternative, raising it to 200 beds or using other parameters such as average daily census or average occupied beds.

**8. Suzette S. Bonneval, Director of Pharmacy at and appearing for Dauterive Hospital**

Supports deletion of 100-bed threshold, or in the alternative, using average daily census as the controlling parameter.

**9. Jennifer McMahon, appearing for Louisiana Hospital Association and Metropolitan Hospital Council of New Orleans**

Verified receipt of letter noted above and reiterated same comments therein.

**10. Scott D. Dantonio, Director of Pharmacy at and appearing for St. James Parish Hospital**

Requested deletion of §1139.A.2.a. In addition, I responded to several questions he raised about the Board's jurisdiction in non-resident pharmacies.

**11. Sarah H. Bell, Director of Pharmacy at and appearing for Minden Medical Center**

Requested clarification when staffing limitation noted in §1143.A.2.a would be applicable; responded to her understanding.



August 15, 2012

Mr. Malcolm J. Broussard  
Executive Director  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, LA 70809-1700

RE: Public Comments on Notice of Intent  
Regulatory Proposal No. 2012 – 6  
Remote Processing

Dear Mr. Broussard:

Please find enclosed a copy of the written comments we are submitting on behalf of our client, Rx Remote Solutions, Inc., in response to the Louisiana Board of Pharmacy's Notice of Intent published in the July 20, 2012, Louisiana Register. We plan to attend the public hearing on August 27, 2012 with representatives of our client.

Please feel free to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to be "J. Jones Thomas", written in a cursive style.

Jennifer Jones Thomas

Enclosure  
Cc: Mr. Carlos Finalet



**To: Malcolm J. Broussard  
Executive Director  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, LA 70809-1700**

**PUBLIC COMMENTS ON NOTICE OF INTENT  
REGULATORY PROPOSAL 2012 – 6  
INTERSTATE REMOTE PROCESSING**

On behalf of Rx Remote Solutions, Inc. (“Rx Remote”), these written comments are submitted in response to the Louisiana Board of Pharmacy’s (the “Board”) July 20, 2012, Notice of Intent to amend LAC 46:LIII.1139 and 1143 related to Remote Order Processing. According to the Notice of Intent, the proposed amendments will permit any two pharmacies licensed by the Board, regardless of location, to engage in remote processing of prescriptions and medical orders.

Rx Remote strongly supports Regulatory Proposal 2012 – 6 and amending the definition of “Remote Processor” in LAC 46:LIII.1139 to provide: “a Louisiana permitted pharmacy which provides remote processing services for another permitted pharmacy in Louisiana.” The amendment to the definition of “Remote Processor” will resolve the current inconsistency with the definition of “Remote Dispenser,” prevent any dispute as to whether a Louisiana permit is required, and reduce the potential for discrimination against out-of-state remote processors.

Rx Remote further supports the amendments to LAC 46:LIII.1143 requiring that remote processing services provided to a hospital pharmacy be performed by licensed pharmacists.

Respectfully Submitted,



Linda G. Rodrigue  
Jennifer Jones Thomas  
Kean Miller, LLP  
400 Convention Street, Suite 700  
Baton Rouge, LA 70801  
(225) 387-0999  
*Attorneys for Rx Remote Solutions, Inc.*





# Louisiana Board of Pharmacy

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



December 28, 2012

Jennifer J. Thomas  
Kean Miller, LLP  
PO Box 3513  
Baton Rouge, LA 70821

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Ms. Thomas:

We appreciate your interest in the Board's regulatory proposal as well as your participation in the Board's committee meetings and public hearing on the issue. In reply to your August 15, 2012 letter, submitted for the record during the August 27, 2012 public hearing, we appreciate your client's support of the amendments offered in §1139 and 1143.A.2.b of the proposal.

During their meeting on December 12, 2012, the Board considered all the comments and testimony offered during the public hearing. Although they made no changes to the sections you referenced in your letter and testimony, the Board did adopt a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Assuming no interruptions in the process, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register. Please convey our appreciation to your client for their assistance to the Board during the stakeholder input sessions. With best wishes for this holiday season, I remain

Cordially yours,

Malcolm J Broussard  
Executive Director



cardinalhealth.com



August 21, 2012

Malcolm Broussard  
Executive Director  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, LA 70809-1700

Dear Mr. Broussard,

Please accept this letter as written comments regarding the proposed Regulatory Project 2012-6-Interstate Remote Processing.

Cardinal Health pioneered remote order entry services in 2003 and participated in authoring the American Society of Health-System Pharmacists' (ASHP) Guidelines on Remote Order Entry. Cardinal Health Remote Order Entry Service provides an affordable, practical alternative for supplemental peak-hour coverage or providing complete order entry for the third shift. Our service includes remote medication order entry and review by highly trained pharmacists, who are fully licensed, at one of our seven regional service centers across the United States. Cardinal Health extends support for opening remote order entry to interstate providers and we look forward to providing quality service to facilities in Louisiana.

After reviewing the proposed language, there is one area we wish to request modification before the regulation is adopted. The suggested verbiage in §1143 (A)(2)(a) indicates that any facility with more than 100 beds using remote order entry services will be required to have "at least one pharmacist on duty at that hospital at all times", implying 24 hour pharmacy services. In the 2010 ASHP national survey of hospital pharmacy practice settings, only 34.5% of all survey hospitals offered 24 hour, 7 days per week pharmacy services. Not until the facility bed size reaches 200-299 staffed beds, does the majority (79.5%) of facilities have round the clock coverage. Remote order entry can be a valuable adjunct service to ensure that orders are reviewed, promoting patient medication safety during periods of time when the pharmacy is not open.

If the Board of Pharmacy is compelled to define facility beds, we respectfully request reassessing the number of beds to encompass the types of facilities that currently staff the pharmacy 24hours per day. A facility in the 200 beds or less range can benefit from the services offered by a remote order entry provider, but should not be punished by having to staff their pharmacy for a third shift when the majority of this size of facility typically does not. This would allow remote order providers to supplement the pharmacist's activity during peak hours and during times when the pharmacy is not in operation. Remote order entry services would not circumvent the need for routine pharmacy services on the premises of the hospital, but augment the level of pharmaceutical care and patient safety offered at the hospital.

Kind Regards,

A handwritten signature in black ink, appearing to read "Mickey Price".

Mickey Price  
Vice President, Pharmacy Operations Management





# Louisiana Board of Pharmacy

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



December 28, 2012

Mickey Price  
Vice President, Pharmacy Operations Management  
Cardinal Health  
1330 Enclave Parkway  
Houston, TX 77077

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Mr. Price:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. In your August 21 letter, submitted for the record during the August 27 public hearing, we noted your concern for the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule as well as your suggestion for an alternative 200-bed staffing parameter.

During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. The members also discussed the necessity for remote processing services to be supplemental in nature and not a replacement for an on-site pharmacist. They also reviewed other potential parameters suggested, e.g., average daily census, and noted the difficulty in compliance assessment presented by such alternatives. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

Malcolm J Broussard  
Executive Director



Shanna Thomas, RPh  
800 East Main Street  
Ville Platte, LA 70586

8/21/12

Malcolm J Broussard  
Executive Director  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, LA 70809

Dear Mr. Broussard,

I am writing in reference to the proposed revisions to the regulation concerning remote processing of medical orders. The section I am concerned with states that "In the event the pharmacy soliciting remote processing is located in a hospital with more than 100 beds, there shall be at least one pharmacist on duty at that hospital at all times." The number of licensed beds may be significantly higher than the number of actual patients in the facility. It isn't unusual for a hospital with 110 beds to have an average census of 40 to 50 patients. The volume of medication orders "after hours" for a census that low may not justify a 24 hour pharmacist but remote order processing could be valuable to a facility that size.

Therefore, I am asking the Board to consider changing the wording to reflect the number of patients in a hospital, for example "located in a hospital with a census of more than 100 patients" or similar statement. I feel this would more accurately reflect the workload required for remote processing of medical orders.

Thank you for your consideration,

Shanna Thomas, RPh  
Director of Pharmacy  
Mercy Regional Medical Center  
Acadian Medical Center (a campus of Mercy Regional Medical Center)  
PH 337-363-9465 or 337-580-7831  
shanna.thomas@lpnt.net





# Louisiana Board of Pharmacy

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



December 28, 2012

Shayshanna S. Thomas  
Director of Pharmacy  
Mercy Regional Medical Center  
800 E Main St  
Ville Platte, LA 70586-4618

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Ms. Thomas:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. In your August 21 letter, submitted for the record during the August 27 public hearing, we noted your concern for the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule as well as your suggestion for an alternative 'census of more than 100 patients.'

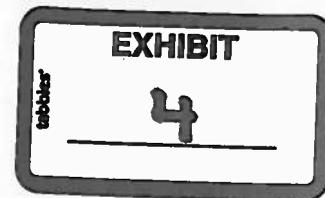
During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

Handwritten signature of Malcolm J Broussard in cursive.

Malcolm J Broussard  
Executive Director



August 27, 2012

Malcolm J. Broussard  
Executive Director  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, LA 70809-1700

**RE: Comments regarding proposed rule changes to LAC 46:LIII.1143:  
Remote Processing of Medical Orders or Prescription Drug Orders**

Dear Mr. Broussard:

The Louisiana Hospital Association and the Metropolitan Hospital Council of New Orleans appreciate the opportunity to submit the following comments to the proposed changes to LAC 46:LIII.1143. Our specific concern lies in the addition of §1143(A)(2)(a), stated below:

a. In the event the pharmacy soliciting remote processing services is located within a hospital with more than 100 beds, there shall be at least one pharmacist on duty at the hospital at all times, and any remote processing services provided to that pharmacy shall be supplemental in nature.

Below are our concerns and questions:

1. The proposed rule does not specify whether it applies to licensed or occupied beds. Could the Board please clarify?
2. As you are aware, hospitals vary greatly in size, shape, and type. They also vary in the types of patients they provide services to and acuity level of those patients. We believe that it would be more appropriate to allow the pharmacist-in-charge to evaluate these factors and decide whether remote processing would be the best decision given the needs of the patients. For example, Hospital A may have over 100 beds and patients with a low acuity level and minimal orders to process through the night; while at the same time Hospital B has less than 100 beds and its patients have a high acuity level. From a clinical policy perspective, the bed size of these two hospitals is not relevant. Hospitals need the flexibility to make these patient care decisions based on patient need and safety and not be limited by an arbitrary numerical bed limitation. Therefore, we would strongly recommend that the Board remove the bed number restriction.

Medicaid provider rates have been reduced dramatically over the last few years. The Department of Health & Hospitals has challenged providers to take steps to drive down costs of our health care system. Remote processing of medical orders has shown to be an effective tool to reduce costs while at the same time improving patient care and safety. It

is utilized across the country and has been show to decrease error rates and allow for greater integration of pharmacists into clinical care activities. The 100 bed restriction on remote processing is an unnecessary limitation on a hospitals ability to utilize a potentially beneficial process. We urge and request the board to reevaluate this proposed policy.

Please contact Jennifer McMahon ([jmcmahon@mhcno.org](mailto:jmcmahon@mhcno.org)) with questions regarding these comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'J McMahon', written over a vertical line.

Jennifer McMahon  
Associate VP of Legal, Governmental & Regulatory Affairs  
Louisiana Hospital Association  
Vice President  
Metropolitan Hospital Council of New Orleans



# Louisiana Board of Pharmacy

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



December 28, 2012

Jennifer McMahon  
Associate VP of Legal, Governmental & Regulatory Affairs  
Louisiana Hospital Association  
9521 Brookline Avenue  
Baton Rouge, LA 70809-1431

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Ms. McMahon:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. In your August 27 letter, submitted for the record during the public hearing that same day, we noted your request for clarification of the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule as well as your suggestion for the removal of the bed number restriction.

During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. The members also discussed the necessity for remote processing services to be supplemental in nature and not a replacement for an on-site pharmacist. They also reviewed other potential parameters suggested, e.g., average daily census, and noted the difficulty in compliance assessment presented by such alternatives. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

Malcolm J Broussard  
Executive Director

My name is Bryan Jones and I am Director of Remote Order Entry for Lifepoint Hospitals. Lifepoint operates five hospitals in rural Louisiana communities. Like many other hospitals in rural Louisiana, none of our hospitals have pharmacies that are open 24 hours.

In reviewing Regulatory Proposal 2012-6 entitled Interstate Remote Processing, Lifepoint is concerned that this proposal does not adequately meet the needs of the patients in our Louisiana facilities. We believe that the following sentence should be stricken from the proposal entirely:

*In the event the pharmacy soliciting remote processing services is located within a hospital with more than 100 beds, there shall be at least one pharmacist on duty at that hospital at all times, and any remote processing services provided to that pharmacy shall be supplemental in nature.*

Remote order entry services exist to provide pharmacy review of orders prior to administration of medications to the patient. With the implementation of the electronic medical record, it is imperative that a pharmacist be able to process orders prior to medications being given to the patient. In most instances, hospitals, even those greater than 100 beds, cannot afford to staff the pharmacy overnight. That is why remote order entry services provide an invaluable patient safety mechanism.

After hours remote order entry is being successfully done in most states and the service has proved to be effective for pharmacies, nursing staffs, physicians and most importantly the patients.

After hours order entry from a remote site does not decrease the overall need for pharmacists, but rather increases the need for pharmacists. Currently there is a pharmacist on call for questions, but allowing after hours order entry will enhance pharmacy services by decreasing the fatigue of the on call pharmacist the next day after reviewing orders all night long.

If the proposal is allowed to stand as it is, it will prohibit remote order entry processing and raise potential issues with patient medication safety. It will not enhance this valuable service. A hospital, such as River Parishes in Laplace with 106 beds, would be unable to hire a pharmacist to be onsite and also utilize remote order entry processing. This would not be financially feasible. If this particular restriction was stricken from the rule, remote order entry processing could take place from another location and the needs of the patients would be met in an efficient manner.

**In the interest of improving patient care, we ask that you please consider deleting the above provision in the proposed regulation.**

**Thank you.**



# Louisiana Board of Pharmacy

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



December 28, 2012

Bryan Jones  
Director, Pharmacy Remote Order Entry  
LifePoint Hospitals  
1255 Arnold Farm Road  
Winchester, TN 37398

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Mr. Jones:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. In your undated letter, submitted for the record during the August 27 public hearing, we noted your request for removal of the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule.

During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. The members also discussed the necessity for remote processing services to be supplemental in nature and not a replacement for an on-site pharmacist. They also reviewed other potential parameters suggested, e.g., average daily census, and noted the difficulty in compliance assessment presented by such alternatives. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

  
Malcolm J Broussard  
Executive Director

Section III. of Fiscal and Economic Impact Statement for Administrative Rules Rule Title: Interstate Remote Processing states, "Under the revisions to section 1143, for pharmacies in hospitals with over 100 beds that elect to engage in remote processing activities, a pharmacist is now required to be on duty at all times. As such, increased cost may include retaining a full-time pharmacist 24 hours a day if this is not currently practiced in these hospitals. Cost will vary depending on the pharmacist's salary." The cost that Lane Regional Medical Center would incur would be estimated to exceed \$345,000 annually.

Lane Regional Medical Center is an acute care facility located in Zachary, LA. While we are licensed for 140 beds, our average daily census for FY 2011-12 was 50. During the same time period we experienced a loss from operations of \$913,630. For the 2012-13 year estimated reductions in revenue to the facility from Medicare and Medicaid will exceed \$860,000. Combine this with the \$913,630 loss from operations and the facility is looking for ways to make up for a negative \$1.77 million. Lane is not unique in these struggles in trying to make ends meet without negatively impacting patient care.

We have a plan in place to reduce expenses to break even from operations this fiscal year, but with the reductions from the government payors, Medicare and Medicaid, and the addition of pharmacists around the clock, we would be looking to make up an additional \$1.2 million.

As mentioned above, we have an average daily census of 50 patients. Currently, the hospital pharmacy is open from 0700 hours to 2100 hours, with a pharmacist on-call afterhours. We have an average of 15 physician orders written afterhours that need to be processed when the pharmacy is closed. It takes a pharmacist an average of 30 minutes to process these orders upon arrival in the mornings. Even though some of the duties from the day shift could be moved to nights, the addition 2 FTE's to our current staff is cost prohibitive at this point. If the average daily census and/or the number of afterhours orders were to increase, we would not hesitate to staff for 24 hours.

In conclusion, if the law were to pass with the 100 bed provision, nothing would change at Lane Regional Medical Center, emergent or urgent medications would still be overridden from the automatic dispensing machines (ADM) and administered to the patients prior to pharmacy review, a pharmacist would still be on-call afterhours and be called out should the need arise. If the 100 bed provision was not in the law, we could have a remote processor review these orders, enter them into the hospital computer system, and have the medications available for removal from the ADM. These processors would also act as a clinical source for the nursing staff, readily available to answer any questions that a nurse may be hesitant to call the on-call pharmacist about. In lieu of the 100 bed provision, we respectfully request that it be eliminated or increased to 200 beds or an alternative measure used such as average daily census or average occupied beds.



# Louisiana Board of Pharmacy

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



December 28, 2012

Johnny W Johnson  
Director of Pharmacy  
Lane Regional Medical Center  
6300 Main Street  
Zachary, LA 70791

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Mr. Johnson:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. In your undated letter, submitted for the record during the August 27 public hearing, we noted your concern for the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule as well as your suggestion for an increase to 200-beds or an alternative parameter of average daily census or average occupied beds.

During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. The members also discussed the necessity for remote processing services to be supplemental in nature and not a replacement for an on-site pharmacist. They also reviewed other potential parameters suggested, e.g., average daily census, and noted the difficulty in compliance assessment presented by such alternatives. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

  
Malcolm J Broussard  
Executive Director



# Louisiana Board of Pharmacy

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



December 28, 2012

Suzette S. Bonneval  
Director of Pharmacy  
Dauterive Hospital  
600 N Lewis St  
New Iberia, LA 70563-2043

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Ms. Bonneval:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. During your testimony at the August 27 public hearing, you requested deletion of the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule, or in the alternative, suggested use of average daily census of 100 as the controlling parameter.

During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. The members also discussed the necessity for remote processing services to be supplemental in nature and not a replacement for an on-site pharmacist. They also reviewed other potential parameters suggested, e.g., average daily census, and noted the difficulty in compliance assessment presented by such alternatives. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

Handwritten signature of Malcolm J. Broussard.

Malcolm J Broussard  
Executive Director



# Louisiana Board of Pharmacy

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



December 28, 2012

Scott D. Dantonio  
Director of Pharmacy  
St. James Parish Hospital  
1645 Lutcher Ave  
Lutcher, LA 70071-5150

Re: Regulatory Project 2012-6 ~ Interstate Remote Processing

Dear Mr. Dantonio:

We appreciate your interest in the Board's regulatory proposal relative to interstate remote processing. During your testimony at the August 27 public hearing, you requested deletion of the 100-bed staffing parameter indicated in §1143.A.2.a of the proposed rule.

During their meeting on December 12, the Board considered all the comments and testimony offered during the public hearing. Almost all of the members indicated their intent with the 100-bed parameter referenced occupied beds and not licensed beds and suggested the parameter be clarified to reflect their intent. The members also discussed the necessity for remote processing services to be supplemental in nature and not a replacement for an on-site pharmacist. They also reviewed other potential parameters suggested, e.g., average daily census, and noted the difficulty in compliance assessment presented by such alternatives. Following substantial discussion, the Board adopted a clarification in §1143.A.2.a of the proposal by inserting the word 'occupied' between the number '100' and the word 'beds.'

We intend to submit our next report to the legislative oversight committee within a few days. Further, we plan to publish the clarified proposal as a Final Rule in the February 2013 edition of the Louisiana Register.

For the Board:

Malcolm J Broussard  
Executive Director



# Louisiana Board of Pharmacy

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



**Public Hearing**  
**Monday, August 27, 2012**

**Name (PRINT)**

**Affiliation (PRINT)**

Bryan Jones

Lifepoint Hospitals

Sarah Bell

Lifepoint Hospitals

DAVID BECK

LANE REGIONAL MEDICAL CENTER

Johnny W Johnson

Lane Regional Medical Center

Suzette Bonnard

Deuterive Hospital

Ben Orlando

LPA

Thanh Nguyen

LifePoint Hospitals

JONATHAN TRAVIS

CHCC PHARMACY

Jennifer Thomas

Kean Miller aka ex Perote

Scott Dankow

St-James Parish Hospital

Jennifer McMahon

LHA

Rhyella Perrin

LPA

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 11. Pharmacies

...

**§1139. Definitions**

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

...

*Remote Processor* – a ~~permitted pharmacy in Louisiana~~ permitted pharmacy which provides remote processing services for another permitted pharmacy in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1131 (June 2007), amended LR

...

**§1143. Remote Processing of Medical Orders or Prescription Drug Orders**

A. General Requirements

1. ...

2. ...

- a. In the event the pharmacy soliciting remote processing services is located within a hospital with more than 100 occupied beds, there shall be at least one pharmacist on duty at that hospital at all times, and any remote processing services provided to that pharmacy shall be supplemental in nature
- b. In the event the pharmacy providing remote processing services performs such services for a hospital pharmacy, the performance of all such services shall be limited to licensed pharmacists.

B. ...

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1132 (June 2007), amended LR