Louisiana Board of Pharmacy

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

July 10, 2013

Senator John A Alario, Jr, President
Louisiana Senate
PO Box 94183
Baton Rouge, LA 70804-9183

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

Electronic Mail – Delivery Receipt Requested

Re: Report No. 1 of 3 for Regulatory Project 2013-4 ~ Preferential Licensing for Military Personnel

Dear Senator Alario:

The Board has initiated the rulemaking process to amend the existing rules relative to licensing procedures for pharmacists and pharmacy technicians. In compliance with Act 276 of the 2012 Legislature, these proposed rules will establish a preferential licensing process for eligible military applicants seeking a pharmacist license or pharmacy technician certificate. In connection with this regulatory project, you should find the following documents in this packet:

- Notice of Intent
- Proposed Rule
- Family Impact Statement
- Poverty Impact Statement
- Regulatory Flexibility Analysis
- Solicitation of Comments
- Fiscal & Economic Impact Statement

As indicated in the solicitation, we will convene a public hearing on August 27, 2013 to receive public comments and testimony on this proposal. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional 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 Health & Welfare Committee
Via Email: APA.S-H&W@legis.la.gov
Speaker, House of Representatives
Via Email: APA.HouseSpeaker@legis.la.gov
Chair, House Health & Welfare Committee
Via Email: APA.H-H&W@legis.la.gov
Director, Community Outreach Services, La. Economic Development
Via Email: Witty@la.gov
Secretary, Dept. of Veterans Affairs
Via Email: Veteran@la.gov
Editor, *Louisiana Register*
Via Email: Catherine.Brindley@la.gov
Reference File

Notice of Intent

Department of Health and Hospitals
Board of Pharmacy

Preferential Licensing for Military Personnel (LAC 46:LIII.506 and 904)

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.*), and pursuant to the provisions of Act 276 of the 2012 Legislature, the Louisiana Board of Pharmacy hereby gives notice of its intent to add new sections to two of its chapters of rules: §506 in *Chapter 5 – Pharmacists* and §904 in *Chapter 9 – Pharmacy Technicians*, to establish preferential licensing procedures for certain military personnel.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

...

Chapter 5. Pharmacists

Subchapter A. Licensure Procedures

...

§506. Preferential licensing procedures for military-trained applicants and their spouses

A. Preferential licensing procedures are available for certain persons. Eligibility for such procedures are available to the following:
   1. A military-trained applicant is a person who:
      a. Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for pharmacist licensure in this state;
      b. Has engaged in the active practice of pharmacy; and
      c. Has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice pharmacy in this state at the time the act was committed.
   2. A military spouse is a person who:
      a. Can demonstrate marriage to a person in active duty military service or with commitment to reserve duty, as evidenced by legible copies of marriage license and military orders;
      b. Holds a current and unrestricted license to practice pharmacy in another jurisdiction within the United States or any of its territories that has not been disciplined by the agency issuing that license; and
      c. Can demonstrate competency to practice pharmacy through various methods determined by the Board, e.g., evidence of continuing education activity, letters of competency from previous practice manager, remediation examination, or personal interview.

B. Upon receipt of an application for pharmacist licensure by a military-trained applicant or military spouse, the Board office shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the Board gives notice of its intent to deny the application and refuse to issue the license.

C. In the event the military-trained applicant or military spouse intends to practice pharmacy before the issuance of the license, the Board may issue a Special Work Permit to that person.
   1. The Special Work Permit shall expire 120 days after the date of issue, and the permit shall not be renewable.
   2. The Special Work Permit shall identify the military-trained applicant or military spouse, and further, shall indicate the authority for that person to practice pharmacy within the State of Louisiana as well as the dates of issue and expiration of the credential.
   3. No military-trained applicant or military spouse may practice pharmacy prior to the receipt of a Special Work Permit or pharmacist license, or with an expired Special Work Permit or pharmacist license.
   4. The Special Work Permit shall not be eligible for reciprocity to any other jurisdiction.

D. The provisions of this Section shall not apply to a military-trained applicant who has received, or is in the process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to a military spouse whose spouse has received, or in the process of receiving, a dishonorable discharge from the military.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3650.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

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Chapter 9. Pharmacy Technicians

...

§904. Preferential licensing procedures for military-trained applicants and their spouses

A. Preferential licensing procedures are available for certain persons. Eligibility for such procedures are available to the following:
   1. A military-trained applicant is a person who:
      a. Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for technician certification in this state;
      b. Has engaged in the active practice of pharmacy; and
      c. Has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a technician certificate to practice pharmacy in this state at the time the act was committed.
   2. A military spouse is a person who:
      a. Can demonstrate marriage to a person in active duty military service or with commitment to reserve duty, as evidenced by legible copies of marriage license and military orders;
      b. Holds a current and unrestricted technician certificate to practice pharmacy in another jurisdiction within the United States or any of its territories that has not been disciplined by the agency issuing that certificate; and
      c. Can demonstrate competency to practice pharmacy through various methods determined by the Board, e.g., evidence of continuing education activity, letters of competency from previous practice manager, remediation examination, or personal interview.

B. Upon receipt of an application for pharmacy technician candidate registration by a military-trained applicant or military spouse, the Board office shall mark the application for priority processing and preserve that status until the registration is issued, or in the alternative, the Board gives notice of its intent to deny the application and refuse to issue the registration.

C. In the event the military-trained applicant or military spouse intends to practice pharmacy before the issuance of the registration, the Board may issue a Special Work Permit to that person.
   1. The Special Work Permit shall expire 120 days after the date of issue, and the permit shall not be renewable.
   2. The Special Work Permit shall identify the military-trained applicant or military spouse, and further, shall indicate the authority for that person to practice pharmacy within the State of Louisiana as well as the dates of issue and expiration of the credential.
   3. No military-trained applicant or military spouse may practice pharmacy prior to the receipt of a Special Work Permit or pharmacy technician candidate registration, or with an expired Special Work Permit or pharmacy technician candidate registration.
   4. The Special Work Permit shall not be eligible for reciprocity to any other jurisdiction.

D. The provisions of this Section shall not apply to a military-trained applicant who has received, or is in the process of receiving, a dishonorable discharge from the military. Further, the provisions of this Section shall not apply to a military spouse whose spouse has received, or in the process of receiving, a dishonorable discharge from the military.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3650.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, 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. 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.

To the extent that a military-trained applicant or military spouse may be able to begin employment sooner than is now possible, the proposed rule may have a beneficial impact on family earnings and the 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.

POVERTY IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the rule proposed for adoption, repeal, or amendment.

I. The effect on household income, assets, and financial security.

To the extent that a military-trained applicant or military spouse may be able to secure employment sooner than is now possible, the proposed rule may have a beneficial impact on household income, assets, and financial security.

II. The effect on early childhood development and preschool through postsecondary education development.

We anticipate no impact from the proposed rule on early childhood development or preschool through postsecondary education development.

III. The effect on employment and workforce development.

It would be possible for a beneficiary of the proposed rule to obtain employment sooner than is now possible; therefore, we anticipate a potentially positive impact from the proposed rule on employment and workforce development.

IV. The effect on taxes and tax credits.

We anticipate no impact from the proposed rule on taxes or tax credits.

V.. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

We anticipate no impact from the proposed rule on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

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:

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

The proposed rule change would not change any recordkeeping or reporting requirements for small businesses.

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

There are no changes in the deadlines for compliance or reporting requirements for small businesses.

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

There are no changes in the reporting requirements for small businesses.

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 rule.

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

There are no exemptions for small businesses 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 this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, August 27, 2013 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 (Summary)

It is estimated that implementation of the proposed rule will cost the agency $500 in FY 13-14 for printing costs of the Notice of Intent and Final Rule.

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

No impact on state or local governmental 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 (Summary)

The proposed rule change may result in the ability for certain military personnel to begin practicing pharmacy in this state more quickly that currently possible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have any effect on competition. It is possible that certain military personnel may obtain employment sooner than is now possible, but we do not expect applications from non-military personnel to be adversely affected.

FAMILY IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	Malcolm J. Broussard Executive Director	Dept.:	Health and Hospitals
		Office:	Board of Pharmacy
Telephone:	(225) 925-6481	Title:	Preferential Licensing for Military Personnel
Return Address:	3388 Brentwood Drive Baton Rouge, LA 70809-1700	Date Rule Takes Effect:	Oct. 20, 2013 (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.

To the extent that a military-trained applicant or military spouse may be able to begin employment sooner than is now possible, the proposed rule may have a beneficial impact on family earnings and the 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.

Malcolm J Broussard
Signature of Agency Head or Designee

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

June 20, 2013
Date of Signature

POVERTY 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: Preferential Licensing for Military Personnel

Date Rule Takes Effect: Oct. 20, 2013 (est.)

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty 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 household income, assets, and financial security.

To the extent that a military-trained applicant or military spouse may be able to secure employment sooner than is now possible, the proposed rule may have a beneficial impact on household income, assets, and financial security.

II. The effect on early childhood development and preschool through postsecondary education development.

We anticipate no impact from the proposed rule on early childhood development or preschool through postsecondary education development.

III. The effect on employment and workforce development.

It would be possible for a beneficiary of the proposed rule to obtain employment sooner than is now possible; therefore, we anticipate a potentially positive impact from the proposed rule on employment and workforce development.

IV. The effect on taxes and tax credits.

We anticipate no impact from the proposed rule on taxes or tax credits.

V. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

We anticipate no impact from the proposed rule on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Malcolm J Broussard
Signature of Agency Head or Designee

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

June 20, 2013
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: Preferential Licensing for Military Personnel

Date Rule Takes Effect: Oct. 20, 2013 (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.

The proposed rule change would not change any recordkeeping or reporting requirements for small businesses.

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

There are no changes in the deadlines for compliance or reporting requirements for small businesses.

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

There are no changes in the reporting requirements for small businesses.

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 rule.

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

There are no exemptions for small businesses in the proposed rule.

Malcolm J Broussard
Signature of Agency Head or Designee

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

June 20, 2013
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Malcolm J. Broussard
Executive Director

Phone: (225) 925-6481

Return Address:
3388 Brentwood Drive
Baton Rouge, LA 70809-1700

Dept.: Health and Hospitals

Office: Board of Pharmacy

Title: Preferential Licensing for Military Personnel

Date Rule Takes Effect: Oct. 20, 2013 (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 13-14 for printing costs of the Notice of Intent and Final Rule.

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

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 (Summary)

The proposed rule change may result in the ability for certain military personnel to begin practicing pharmacy in this state more quickly than currently possible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have any effect on competition. It is possible that certain military personnel may obtain employment sooner than is now possible, but we do not expect applications from non-military personnel to be adversely affected.

Malcolm J Broussard
Signature of Agency Head or Designee

Evan Brassieur, Staff Director
Legislative Fiscal Officer or Designee

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

7/9/13
Date of Signature

June 20, 2013
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 seeks to amend certain portions of its rules relative to the credentialing process for pharmacists and pharmacy technicians. The proposal identifies the beneficiaries of the preferential licensing procedures, requires the prioritization of their applications for credentials, and authorizes the issuance of temporary credentials while their applications are being processed. 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.

This rulemaking action is required by the provisions of Act 276 of the 2012 Legislature, a copy of which is appended.

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.

We anticipate an increased expenditure for the printing of the proposed and final rules.

(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 Board operates totally on self-generated funds; we do not receive any appropriations from the legislature.

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. Moreover, the proposed rule affects individuals but not businesses of any size.

(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.

The proposed rule change would not change any recordkeeping or reporting requirements.

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

We estimate no effect on small businesses.

(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?

COSTS	FY 13-14	FY 14-15	FY 15-16
PERSONAL SERVICES	$ 0	$ 0	$ 0
OPERATING EXPENSES	$ 500	$ 0	$ 0
PROFESSIONAL SERVICES	$ 0	$ 0	$ 0
OTHER CHARGES	$ 0	$ 0	$ 0
EQUIPMENT	$ 0	$ 0	$ 0
MAJOR REPAIR & CONSTR.	$ 0	$ 0	$ 0
TOTAL	$ 500	$ 0	$ 0
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).

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

SOURCE	FY 13-14	FY 14-15	FY 15-16
STATE GENERAL FUND	$ 0	$ 0	$ 0
AGENCY SELF-GENERATED	$ 500	$ 0	$ 0
DEDICATED	$ 0	$ 0	$ 0
FEDERAL FUNDS	$ 0	$ 0	$ 0
OTHER (Specify)	$ 0	$ 0	$ 0
TOTAL	$ 500	$ 0	$ 0

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 from the proposed rule.

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

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

SOURCE	FY 13-14	FY 14-15	FY 15-16
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 the revenue collections of state and local governmental units from the proposed rule.

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 beneficiaries of the proposed rule are identified in the enabling legislation: military-trained applicants and their spouses. The Board issues credentials to pharmacists and pharmacy technicians through an application process. When all requirements are satisfied through appropriate documentation, the Board issues the credentials unless it gives notice of its intent to deny the application and refuse to issue the credential. The amount of time necessary to process the application is largely dependent on the applicant and their ability to submit a complete application with all required documentation; when the application is complete, the processing time is viewed in terms of a few days, depending on the volume of applications at that time.

The proposed rule will require the agency staff to mark the application from a military-trained applicant or military spouse for priority processing. In the event the applicant desires to begin practice as soon as possible, the proposed rule will authorize the staff to issue a temporary credential (known as a Special Work Permit in the agency office) to the applicant. We do not envision any additional staffing needs, nor do we envision additional supplies or equipment. The documentation in the proposed rule is already required as part of the application process, and no new forms will be required. Upon the agency's receipt of the applicant's intent, the prioritization will be applied to the application and the temporary credential issued.

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 do not anticipate any impact on receipts or revenue 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 envision no impact on competition. In the event an applicant submits an incomplete application and desires to begin practice immediately, the proposed rule would authorize the agency to issue a temporary credential, allowing the applicant to begin employment sooner than is now possible.

Malcolm J Broussard
Signature of Agency Head or Designee

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

June 20, 2013
Date of Signature

ENROLLED

Regular Session, 2012

ACT No. 276

HOUSE BILL NO. 732

BY REPRESENTATIVES HENRY BURNS, ADAMS, ANDERS, ARNOLD, BADON, BARROW, BERTHELOT, BROWN, TIM BURNS, BURRELL, CARTER, CHANEY, CONNICK, COX, CROMER, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, GREENE, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LEOPOLD, LIGI, LORUSSO, MACK, MILLER, MORENO, JAY MORRIS, NORTON, PIERRE, PONTI, POPE, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SMITH, ST. GERMAIN, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROWN, BUFFINGTON, CHABERT, CLAITOR, CROWE, DONAHUE, DORSEY-COLOMB, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, PETERSON, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To enact R.S. 37:3650, relative to professions and occupations; to provide for certain licensure of individuals with military training and experience; to provide for terms, conditions, procedures, and requirements; to provide certain exceptions; to provide for licensure by endorsement for spouses of such individuals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3650 is hereby enacted to read as follows:

<u>§3650. Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license; expedited process</u>

<u>A. Notwithstanding any other provision of law to the contrary, a professional or occupational licensing board shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this state if, upon application to the board, the applicant satisfies all of the following conditions:</u>

<u>(1) Has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially</u>

CODING: Words in ~~struck through~~ type are deletions from existing law; words <u>underscored</u> are additions.

equivalent to or exceeds the requirements for licensure, certification, or registration of the professional or occupational licensing board for which the applicant is seeking licensure, certification, or registration in this state.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the board.

(3) Has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the act was committed.

B. Notwithstanding any other provision of law, a professional or occupational licensing board shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice an occupation in this state if, upon application to a professional or occupational licensing board, the applicant holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.

C. Notwithstanding any other provision of law, a professional or occupational licensing board shall issue a license, certification, or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in this state, if, upon application to a professional or occupational licensing board, the military spouse satisfies all of the following conditions:

(1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirement for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration in this state.

(2) Can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience.

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(3) Has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this state at the time the act was committed.

(4) Is in good standing and has not been disciplined by the agency that issued the license, certification, or permit.

D. A professional or occupational licensing board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under the provisions of this Section, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of a professional or occupational licensing board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification, or registration is granted or until a notice to deny a license, certification, or registration is issued in accordance with rules that shall be promulgated by the applicable professional or occupational licensing board. Each professional and occupational licensing board shall adopt rules in accordance with the Administrative Procedure Act for the issuance of a temporary practice permit and such rules shall ensure the public health and safety.

E. An individual possessing a temporary practice permit under the provisions of this Section shall receive priority processing of their application for license, certification, or registration, in accordance with rules that shall be promulgated by the applicable professional or occupational licensing board.

F. A professional or occupational licensing board shall adopt rules in accordance with the Administrative Procedure Act necessary to implement the provisions of this Section.

G. Nothing in this Section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification, or registration requirements established by a professional or occupational licensing board in this state.

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H. For the purposes of this Section, "professional or occupational licensing board" shall mean any state agency, board, commission, or substantially similar entity, involved in the licensing, certification, or registration of any regulated profession or occupation within the state of Louisiana.

I. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

J. The provisions of this Section shall not apply to a license issued and regulated under the authority of the judicial branch of government.

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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