



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 2013-6 ~ Penal Pharmacy Permit Revision

Dear Senator Alario:

The Board has initiated the rulemaking process to amend its existing rules relative to penal pharmacy permits. It has been suggested the current rules have had an unintended consequence of adversely affecting pharmacies providing medications to offenders housed in penal institutions operated by entities other than the La. Dept. of Public Safety & Corrections. The Board seeks to clarify the rule to ensure its applicability to pharmacies serving offenders in the custody of that state department. 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 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
Editor, Louisiana Register
Via Email: Catherine.Brindley@la.gov
Reference File

Notice of Intent

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

Penal Pharmacy Permit Revision (LAC 46:LIII.1801, 1807, and 2303)

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 three sections of its rules, to clarify the necessity of a penal pharmacy permit only for those pharmacies serving offenders in the custody of the state department of corrections.

Louisiana Administrative Code**Title 46 – Professional and Occupational Standards****Part LIII: Pharmacists****Chapter 18. Penal Pharmacy****§1801. Penal Pharmacy Permit**

- A. A penal pharmacy permit shall be required to operate a pharmacy located within a penal institution owned and/or operated by the Louisiana Department of Public Safety and Corrections, or its successor, (hereinafter, “the department”), to provide medications and pharmacy care for offenders residing in that institution or another penal institution owned and operated by ~~that governmental organization the~~ department. The pharmacy in the penal institution may also provide medications and pharmacy care to offenders assigned to that institution and residing at home or another housing location.
- B. In the event a pharmacy located within the state but outside a penal institution intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a penal institution owned and/or operated by the department, or to any offender in the custody of the department, that pharmacy shall first obtain a penal pharmacy permit.
- C. In the event a nonresident pharmacy intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a penal institution owned and/or operated by the department, or to any offender in the custody of the department shall first obtain a nonresident penal pharmacy permit, and further, shall comply with these rules with the exception of acquiring a separate penal pharmacy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236 (May 2012), amended LR

...

§1807. Prescription Department Requirements

- A. The prescription department of a penal pharmacy shall comply with the minimum specifications identified in *§1103 – Prescription Department Requirements* of the board’s rules, and further, the specifications provided for the penal pharmacy permit may not be held or used by any other pharmacy permit.
- B. ...
- C. ...
- D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237 (May 2012), amended LR

...

Chapter 23. Out-of-State Pharmacy

...

§2303. Out-of-State Pharmacy Requirements

- A. ...
- B. ...
- C. ...

55 D. Every nonresident pharmacy doing business in Louisiana by dispensing and delivering prescription
56 drugs and devices to offenders in the custody of the Louisiana Department of Public Safety and
57 Corrections shall apply for and maintain a nonresident penal pharmacy permit, and further, shall
58 comply with the provisions of Chapter 18 of the Board's rules, with the single exception of the
59 necessity for acquiring a separate penal pharmacy permit.
60

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

62 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
63 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992), effective January 1, 1993,
64 amended LR 29:2100 (October 2003), effective January 1, 2004, amended LR
65

66 ...
67

**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.

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.

**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.

We anticipate no effect from the proposed rule 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.

We anticipate no 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 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.

The proposed rule has 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 changes to the 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; however, those pharmacies serving offenders in the custody of government officials other than the state department of corrections will not need to obtain a penal pharmacy permit to continue that activity.

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 will affect those pharmacies providing medications and pharmacy services to penal institutions owned and/or operated by parish governments or other organizations, but not offenders in the custody of the state department of corrections. The proposed rule will clarify they may continue to provide those services with their existing community pharmacy permit instead of acquiring a separate penal pharmacy permit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

We do not forecast any effect on competition or employment from the proposed rule.

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: **Penal Pharmacy Permit Revision**

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.

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

June 20, 2013

Date of Signature

POVERTY IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: **Malcolm J. Broussard**
Executive Director

Dept.: **Health and Hospitals**
Office: **Board of Pharmacy**
Title: **Penal Pharmacy Permit Revision**

Telephone: **(225) 925-6481**

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

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.

We anticipate no effect from the proposed rule 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.

We anticipate no 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.



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: **Penal Pharmacy Permit Revision**
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 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.

The proposed rule has 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 changes to the 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; however, those pharmacies serving offenders in the custody of government officials other than the state department of corrections will not need to obtain a penal pharmacy permit to continue that activity.



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**

Dept.: **Health and Hospitals**
Office: **Board of Pharmacy**
Title: **Penal Pharmacy Permit
Revision**

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

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 will affect those pharmacies providing medications and pharmacy services to penal institutions owned and/or operated by parish governments or other organizations, but not offenders in the custody of the state department of corrections. The proposed rule will clarify the pharmacies may continue to provide those services with their existing community pharmacy permit instead of acquiring a separate penal pharmacy permit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have any effect on competition or employment.

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

Evan Brasseur, Staff Director
Legislative Fiscal Officer or Designee

7/9/13
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 its rule relative to penal pharmacy permits, to clarify the necessity for the permit only for those pharmacies providing medications and pharmacy services to offenders in the custody of the state department of corrections. Further, nonresident pharmacies performing the same function will not need two separate permits. 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 current rule was promulgated by the Board of Pharmacy in May 2012 pursuant to Act 315 of the 2011 Legislature. The legislation requires pharmacies serving offenders in the custody of the state department of corrections to accept the return of previously dispensed prescription medications and authorizes the re-dispensing of returned medications to those offenders. The rule promulgated requires a special penal pharmacy permit for those pharmacies serving such offenders. However, an unintended consequence arose adversely impacting pharmacies serving offenders in the custody of officials other than the state department of corrections. This proposed rule seeks to clarify the necessity of the permit only for those pharmacies serving offenders in the custody of the state department of corrections.

- 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. To the extent that all of the pharmacies licensed by the Board may meet the statutory definition of a small business, there are 1,777 pharmacies currently licensed by the Board.

- (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 does not change the reporting, recordkeeping, or other administrative costs for those pharmacies which are required to obtain the penal pharmacy permit, but it may reduce the number of pharmacies required to obtain the penal pharmacy permit.

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

We anticipate a potentially positive 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?

<u>COSTS</u>	<u>FY 13-14</u>	<u>FY 14-15</u>	<u>FY 15-16</u>
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 \$1,000 (\$500 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.

<u>SOURCE</u>	<u>FY 13-14</u>	<u>FY 14-15</u>	<u>FY 15-16</u>
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?

<u>SOURCE</u>	<u>FY 13-14</u>	<u>FY 14-15</u>	<u>FY 15-16</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 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 those pharmacies providing medications and pharmacy services to penal institutions owned or operated by parish governments or other organizations, but not to any offenders in the custody of the state department of corrections. Those pharmacies will be able to continue to perform those operations with their existing pharmacy permits and will not be required to obtain a separate penal pharmacy permit.

Similarly, those nonresident pharmacies not serving offenders in the custody of the state department of corrections will be able to continue to perform those operations with their nonresident pharmacy permits. Nonresident pharmacies that do serve offenders in the custody of the state department of corrections will be required to limit their activities to that type of clientele and have their nonresident pharmacy permits re-classified as nonresident penal pharmacy permits. Although they will not be required to obtain a separate penal pharmacy permit, they will be required to comply with the standards applicable to that activity in Chapter 18 of the Board's rules.

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 or employment.



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