



Louisiana Board of Pharmacy

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May 8, 2014

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

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

Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2014-2 ~ Veterinarian Exclusion from Prescription Monitoring Program

Dear Senator Alario:

As we indicated in our first report to you on March 10, 2014, the Board is currently amending its rules relative to the state prescription monitoring program. In compliance with Act 27 of the 2013 Legislature, these proposed rules will exclude veterinarians from participating in the program, and further, will exempt veterinarians from any reporting requirements to that program. Subsequent to our Notice of Intent published in the March 20, 2014 edition of the *Louisiana Register*, and in accordance with the Administrative Procedures Act, we conducted a public hearing at the Board office on April 29, 2014.

We received no comments or testimony concerning the proposed rule prior to or during the public hearing. During their meeting yesterday, the Board determined no revisions were necessary to the proposed rule as originally published. Further, the Board determined it appropriate to move forward with the proposed rule.

You should find the following documents appended to this letter:

- Notice of intent, as published in the *Louisiana Register*
- Full text of proposed rule

Subject to review by the Joint Legislative Oversight Committee on Health and Welfare, the Board proposes to publish the original proposed rule as a Final Rule in the June 20, 2014 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 or 225.925.6481.

For the Board:

Malcolm J. Broussard
Executive Director

cc: Chair, Senate Committee on Health and Welfare – APA.S-H&W@legis.la.gov
Speaker, House of Representatives – APA.HouseSpeaker@legis.la.gov
Chair, House Committee on Health and Welfare – APA.H-H&W@legis.la.gov
Editor, *Louisiana Register* – Catherine.Brindley@la.gov
Reference File

NOTICE OF INTENT

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

**Veterinarian Exclusion from Prescription Monitoring
Program (LAC 46:LIII.Chapter 29)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), and pursuant to the provisions of Act 27 of the 2013 Legislature, the Louisiana Board of Pharmacy hereby gives notice of its intent to amend two sections within Chapter 29, Prescription Monitoring Program, of its rules, to exclude veterinarians from any participation in the program and to exempt them from any reporting or other requirements from the program.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

§2901. Definitions

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

* * *

Dispenser—a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:

- a. - d. ...
- e. Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, amended LR 39:314 (February 2013), amended LR 40:

§2909. Advisory Council

A. The advisory council shall consist of the following members, each of whom may appoint a designee:

- 1. - 4. ...
- 5. Repealed;
- 6. - 25. ...
- 26. Repealed.

B. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1005.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013), amended LR 40:

Family Impact Statement

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.

1. The Effect on the Stability of the Family. We anticipate no effect on the stability of the family.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. We anticipate no effect on the authority and rights of parents regarding the education and supervision of their children.
3. The Effect on the Functioning of the Family. We anticipate no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. We anticipate no effect on family earnings and the family budget.
4. The Effect on the Behavior and Personal Responsibility of Children. We anticipate no effect on the behavior and personal responsibility of children.
5. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. We anticipate 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

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.

1. The Effect on Household Income, Assets, and Financial Security. We anticipate no impact on household income, assets, and financial security.
2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. We anticipate no impact early childhood development or preschool through postsecondary education development.
3. The Effect on Employment and Workforce Development. We anticipate no positive impact on employment and workforce development.
4. The Effect on Taxes and Tax Credits. We anticipate no impact on taxes or tax credits.
5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. We anticipate no impact on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Statement

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.

1. 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.
2. 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.
3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. There are no changes in the reporting requirements for small businesses.
4. 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.
5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. Since the proposed Rule allows flexibility for the prescriber and dispenser to appoint and dismiss their own delegates, there are no exemptions for small businesses in the proposed Rule.

Public Comments

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Tuesday, April 29, 2014 at 9 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 noon that same day.

Malcolm J Broussard
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Veterinarian Exclusion from
Prescription Monitoring Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The Board has allocated \$500 for printing costs of the proposed rule in FY 2013-2014 and the same amount for printing of the final rule in FY 2014-2015. The proposed rule will result in no costs or savings to local governmental units. The proposed rule codifies the exclusion of veterinarians from the Prescription Monitoring Program as per Act 27 of the 2013 Regular Session of the Louisiana Legislature. The proposed rule further removes the president of the Louisiana State Board of Veterinary Medicine and the president of the Louisiana Veterinary Medical Association from the Advisory Council.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Since veterinarians will be excluded from the Prescription Monitoring Program, those individuals will no longer be required to comply with reporting or other compliance requirement. The lack of reporting requirements may result in an indeterminable economic benefit to approximately 990 veterinarians currently holding Controlled Dangerous Substance licenses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no effect on competition or employment.

Malcolm J. Broussard
Executive Director
1403#038

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII – Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

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

...

Dispenser – a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:

a. – d. ...

e. ~~a veterinarian who dispenses negligible amounts of controlled substances or drugs of concern, as identified by rule~~

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, amended LR 39:314 (February 2013), amended LR 40:

...

§2909. Advisory Council

- A. The advisory council shall consist of the following members, each of whom may appoint a designee:

1-4. ...

~~5. the president of the Louisiana State Board of Veterinary Medicine;~~

6-25...

~~26. the president of the Louisiana Veterinary Medical Association~~

...

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