

**Notice of Intent**

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

Prescriptions (LAC 46:LIII.2511)

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 §2511 – Prescriptions of its rules. The proposed rule is intended to update the requirements for prescription forms and to codify contemporary practice standards for the minimum data set for prescriptions.

# Louisiana Administrative Code

## Title 46 – Professional and Occupational Standards

### Part LIII: Pharmacists

#### Chapter 25. Prescriptions, Drugs, and Devices

...

#### Subchapter B. Prescriptions

##### §2511. Prescriptions

A. ...

B. Requirements. A prescription shall contain the following data elements:

1. Prescriber's name, licensure designation, address, telephone number, and if for a controlled substance, the Drug Enforcement Administration (DEA) registration number;
2. Patient's name, and if for a controlled substance, address;
3. Date prescription issued by the prescriber;
4. Name of drug or device, and if applicable, strength, and quantity to be dispensed;
5. Directions for use;
6. Signature of prescriber; and
7. Refill instructions, if any. In the absence of refill instructions on the original prescription, the prescription shall not be refilled.

C. Written Prescriptions. A written prescription shall conform to the following format:

1. The prescription form shall be of a size not less than four inches by five inches, and shall bear a single printed signature line.
2. The prescription form shall clearly indicate the authorized prescriber's name, licensure designation, address, telephone number, and, if for a controlled substance, the Drug Enforcement Administration (DEA) registration number. In the event that multiple practitioners are identified on the prescription form, the authorizing prescriber's specific identity shall be clear and unambiguous. This identification may be indicated by any means, including but not limited to, a marked check box next to, or circling the authorizing prescriber's printed name.
3. No prescription form shall contain more than four prescription drug orders. Each prescription drug order recorded on the form shall provide the following:
  - a. Check box labeled "Dispense as Written", or "DAW", or both; and
  - b. The number of refills, if any.
4. The prescription shall be written with ink or indelible pencil, typewriter, or printed on a computer printer and shall be manually signed by the practitioner on the date issued and in the same manner as he would sign a check or legal document (e.g., J. H. Smith or John H. Smith. Examples of invalid signatures include rubber stamps, signatures of anyone other than

the prescriber, and computer generated signatures.

5. Facsimile Prescription.

- a. The receiving facsimile machine of a prescription transmitted by facsimile shall be located within the pharmacy department.
- b. The prescription transmitted by facsimile shall be on a non-fading legible medium.
- c. All requirements applicable to written prescriptions in this Subsection shall apply to facsimile prescriptions, except Subsection (B)(7)(c).

6. Forms used by pharmacists to record telephoned or transferred prescriptions are exempt from the format requirements listed above.

7. Equivalent Drug Product Interchange

- a. The pharmacist shall not select an equivalent drug product when the prescriber handwrites a mark in the check box labeled “Dispense as Written”, or “DAW”, or both, and personally handwrites his signature on a printed single signature line. Otherwise, the pharmacist may select an equivalent drug product provided the patient has been informed of, and has consented to, the proposed cost saving interchange.
- b. In the event an authorized prescriber has indicated that an equivalent drug product interchange is prohibited by handwriting a mark in the check box labeled “Dispense as Written” or “DAW” or both, then a non-licensed, non-certified, or non-registered agent of the pharmacy shall not inquire as to a patient’s desire for an equivalent drug product interchange.
- c. For prescriptions reimbursable by Medicaid, the authorized prescriber may only prohibit equivalent drug product interchange by handwriting the words “brand necessary” or “brand medically necessary” on the face of the prescription order or on a sheet attached to the prescription order.

D. Oral Prescriptions

1. Upon receipt of an oral prescription from an authorized prescriber, the pharmacist or pharmacy intern or pharmacy technician shall reduce the order to a written form prior to dispensing the medication. As an alternative to recording such prescriptions on paper forms, a pharmacist may enter the prescription information directly into the pharmacy’s dispensing information system. In the event a pharmacy intern or pharmacy technicians transcribes such a prescription, the supervising pharmacist shall initial or countersign the prescription form prior to processing the prescription.
2. The pharmacist shall not select an equivalent drug product when the authorized prescriber or his agent has verbally indicated a specific brand name drug or product is ordered.
3. The pharmacist may select an equivalent drug product if the authorized prescriber or his agent has given his approval to the equivalent drug product interchange. The patient shall be informed of, and consent to, the proposed cost saving interchange.

E. Electronic Prescriptions

1. The prescription shall clearly indicate the authorized prescriber's name, licensure designation, address, telephone number, and if for a controlled substance, DEA registration number.
  2. The pharmacist shall not select an equivalent drug product when the prescriber indicates in the check box labeled "Dispense as Written" or "DAW" or both, and electronically transmits his signature on the formatted single signature line. Otherwise, the pharmacist may select an equivalent drug product, provided the patient has been informed of, and consents to, the proposed cost saving interchange.
- F. Exclusion. The provisions of this Section shall not apply to medical orders written for patients in facilities licensed by the Department of Health and Hospitals or its successor.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:2102 (October 2003), effective January 1, 2004, amended LR 40:

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 anticipate 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 anticipate 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 anticipate no effect on the functioning of the family.

IV. The effect on family earnings and family budget.

We anticipate no effect on family earnings and the family budget.

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

We anticipate 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 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  
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 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 early childhood development or preschool through postsecondary education development.

III. The effect on employment and workforce development.

We anticipate no positive impact on employment and workforce development.

IV. The effect on taxes and tax credits.

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

PROVIDER IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

I. The effect on the staffing level requirements or qualifications required to provide the same level of service.

We anticipate no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

II. The total direct and indirect effect on the cost to the provider to provide the same level of service.

To the extent a pharmacy provides services to individuals with developmental disabilities, and in the event the pharmacy receives a prescription that is incomplete according to the minimum data set identified in the proposed amendment, then one of the pharmacy's credentialed staff members may need to contact the prescriber of the prescription to obtain the missing information. That could require additional time which would have an indirect cost.

III. The overall effect on the ability of the provider to provide the same level of service.

We anticipate no effect on the ability of the provider to provide the same level of service.

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.

There are no reporting requirements in the proposed rule, but there is an allowance for the pharmacist to bypass the recording of verbal prescriptions on paper forms before entering the data into the pharmacy's information system.

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

There are no schedules or deadlines or reporting requirements in the proposed rule.

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

There are no reporting requirements in the proposed rule.

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

There are no design standards in the proposed rule. As noted above, there is an allowance for pharmacists to bypass the written recording of verbal prescription information prior to the data entry of that prescription information.

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

There are exemptions for those pharmacies located within hospitals or other facilities licensed by the Dept. of Health and Hospitals.

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 Monday, July 28, 2014 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)

The proposed rule changes will result in a cost of approximately \$1,500 for printing costs of the proposed and final rules in FY 15. The proposed rule changes amend and clarify requirements for pharmacists regarding prescriptions transmitted in writing, orally or by electronic means.

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 from the proposed rule changes.

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

The proposed rule changes directly affect pharmacists and pharmacies in how they receive, evaluate and process prescriptions. There are no significant estimated costs or economic benefits to pharmacists or pharmacies, though the proposed rule changes may provide a potential for some level of efficiency for the processing of verbal prescriptions. Additionally, the rule may indirectly affect certain prescribers in the information they include on their forms or how they sign their written prescription forms.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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