



# Louisiana Board of Pharmacy

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March 3, 2015

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

Via Email: [APA.SenatePresident@legis.la.gov](mailto:APA.SenatePresident@legis.la.gov)

## Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2015-2 ~ Expiration Date of Schedule II Prescriptions

Dear Senator Alario:

As we indicated in our first report to you on December 4, 2014, the Board is currently amending its rules for controlled substance prescriptions by changing the expiration date of prescriptions written for drugs listed in Schedule II of the state's list of controlled substances, from the current six months down to ninety days, as required by Act 865 of the 2014 Regular Session of the Louisiana Legislature. Subsequent to our Notice of Intent published in the December 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 January 28, 2015.

We received no comments or testimony concerning the proposed rule prior to or during the public hearing. During their subsequent meeting on February 25, the Board determined no revisions were necessary to the proposed rule as originally published, and further, 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 December 2014 Louisiana Register
- Summary of Comments from January 28, 2015 Public Hearing
- 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 April 20, 2015 edition of the Louisiana Register. If you have any questions about the enclosed information or our procedures, please contact me directly at [mbroussard@pharmacy.la.gov](mailto:mbroussard@pharmacy.la.gov) or 225.925.6481.

For the Board:

Malcolm J. Broussard  
Executive Director

cc: Chair, Senate Committee on Health and Welfare – [APA.S-H&W@legis.la.gov](mailto:APA.S-H&W@legis.la.gov)  
Speaker, House of Representatives – [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Chair, House Committee on Health and Welfare – [APA.H-H&W@legis.la.gov](mailto:APA.H-H&W@legis.la.gov)  
Editor, Louisiana Register – [Reg.Submission@la.gov](mailto:Reg.Submission@la.gov)  
Reference File

compliance with Act 865 of the 2014 Legislature, by changing the expiration date of prescriptions written for controlled substances listed in schedule II, as indicated in §2745 and §2747, from 6 months to 90 days.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

**Subchapter F. Production, Distribution and Utilization**

**§2745. Prescriptions**

A. - E.4. ...

F. Controlled Substances Listed in Schedule II

1. - 1.h. ...

2. Expiration Date of Prescriptions. A prescription for a controlled substance listed in schedule II shall expire 90 days after the date of issue. No pharmacist shall dispense any controlled substance pursuant to an expired prescription.

F.3. - G.3. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR 41:

**§2747. Dispensing Requirements**

A. ...

B. Prescriptions for Controlled Substances Listed in Schedule II

1. - 2.c. ...

3. Expiration Date. A pharmacist shall not dispense a prescription for a controlled substance listed in schedule II more than 90 days after the date of issue of the prescription.

B.4. - F. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:

**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.

5. The effect on the behavior and personal responsibility of children. We anticipate no effect on the behavior and personal responsibility of children.

6. 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.

**NOTICE OF INTENT**

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

**Expiration Date of Schedule II Prescriptions  
(LAC 46:LIII.2745 and 2747)**

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.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend Chapter 27, Controlled Dangerous Substances, of its rules, in

### 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 effect on child and dependent care, housing, health care, nutrition, transportation, and 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 expiration date of prescriptions is applicable to all pharmacies regardless of size.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. There are no exemptions to the reporting deadlines for small businesses.

3. The consolidation or simplification of compliance or reporting requirements for small businesses. There are no exemptions to 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 standards in the proposed Rule.

5. 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.

### Provider Impact Statement

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.

1. 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.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. We anticipate minimal costs to the provider to implement the requirements of the proposed Rule.

3. 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.

### 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 Comments

A public hearing on this proposed Rule is scheduled for Wednesday, January 28, 2015 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 12 noon that same day.

Malcolm J. Broussard  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Expiration Date of Schedule II Prescriptions

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed Rule will result in a cost of approximately \$2,000 for printing costs of the proposed and final Rules in FY 15. The proposed Rule changes the expiration date of prescriptions written for controlled substances listed in Schedule II, from six months to ninety days, as per Act 865 of the 2014 Regular Session of the Louisiana Legislature.

### 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.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed Rule directly affects prescribers of controlled substances listed in Schedule II, the pharmacies that dispense those prescriptions, and the patients that receive those medications. The proposed Rule will change the expiration date of prescriptions for controlled substances listed in Schedule II, from six months to ninety days. Since such prescriptions cannot be called into a pharmacy, the prescriptions must be (1) written and then manually signed by the prescriber and given to a patient, or in the alternative, (2) electronically generated, signed, and transmitted to a pharmacy in accordance with federal security standards. Regardless of their method of communication, they cannot be refilled. Pharmacies will not be able to dispense such prescriptions more than 90 days after their date of issuance by the prescriber. Prescribers may incur minimal costs for generating a new prescription. In the event the prescriber elects to issue a written prescription, the patient may or may not incur a charge for an office visit to the prescriber, but there may also be transportation or other costs.

In the alternative, the prescriber may elect to issue the prescription electronically directly to the pharmacy.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

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

**Malcolm J. Broussard**  
Executive Director  
1412#035

**Evan Brasseaux**  
Staff Director  
Legislative Fiscal Office



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Summary of Testimony & Public Comments  
re  
Regulatory Project 2015-2 ~ Expiration Date of Schedule II Prescriptions  
at  
January 28, 2015 Public Hearing

There were no comments received prior to or during the public hearing.

**Louisiana Administrative Code**

**Title 46 – Professional and Occupational Standards**

**Part LIII: Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

...

**Subchapter F. Production, Distribution and Utilization**

...

**§2745. Prescriptions**

...

**F. Controlled Substances Listed in Schedule II**

...

**2. Expiration Date of Prescriptions**

A prescription for a controlled substance listed in Schedule II shall expire ninety days after the date of issue. No pharmacist shall dispense any controlled substance pursuant to an expired prescription.

...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR

**§2747. Dispensing Requirements**

...

**B. Prescriptions for Controlled Substances Listed in Schedule II**

...

**3. Expiration Date**

A pharmacist shall not dispense a prescription for a controlled substance listed in Schedule II more than ninety days after the date of issue of the prescription.

...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

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