

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Pharmacy

Compounding for Office Use for Veterinarians – LAC 46:LIII.2535

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953.B, to amend its rules governing the compounding of drugs by pharmacies, to restore the capability of pharmacies to compound preparations intended for administration by veterinarians without the necessity of a patient-specific prescription.

Pursuant to the adoption of the Drug Quality & Security Act (DQSA) by the U.S. Congress in November 2013, the Board amended its rules to remove the capability of pharmacies to compound drug preparations intended for administration by practitioners without the necessity of a patient-specific prescription. With the further clarification from the federal Food and Drug Administration that the DQSA only applied to compounding of drugs for human use, and further, did not apply to the compounding of drugs for veterinary use, in combination with requests from veterinarians for the restoration of the authority for pharmacies to compound drugs for office use by veterinarians, the Board has determined it appropriate to restore the authority for pharmacies to compound drugs for office use by veterinarians.

The Board now seeks to amend its rules to authorize pharmacies to compound drugs for office use for veterinarians only and not for human use. In their petition to the Board, the veterinarians presented examples of medications that are needed for emergency use in the veterinarian's office. Since the time required for promulgation of the rule change is of such duration that a veterinarian may not be able to obtain a compounded medication necessary to save an animal's life, the Board proposes to enable the temporary authority for pharmacies to compound medications for office use by veterinarians through an emergency rule.

The initial emergency rule was made effective June 1, 2015. The Board published its Notice of Intent and conducted a public hearing on August 26, 2015 to receive comments and testimony on the proposed rule. The Board considered those comments during their November 18, 2015 meeting and determined additional language was necessary to inform pharmacists of an apparent conflict between federal and state rules, and that state permission did not provide immunity from federal enforcement action. The Board approved that additional language during its February 24, 2016 meeting and directed the completion of the rulemaking process, as well as the posting of this new Emergency Rule in the interim.

The Board has determined this emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare. The declaration of emergency is effective February 24, 2016, and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever shall first occur.

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy