



Louisiana Board of Pharmacy

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July 9, 2015

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 2015-6 ~ Telepharmacy Services Permit

Dear Senator Alario:

The Board has initiated the rulemaking process to amend the Board's rules to develop a new type of pharmacy permit that will authorize the use of telepharmacy services to provide access to pharmacy services and pharmacist care in underserved areas of the state. 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
- Provider 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 26, 2015 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 Broussard

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-HW@legis.la.gov
Director, Community Outreach Services, La. Economic Development
Via Email: Pat.Witty@la.gov
Editor, Louisiana Register
Via Email: Reg.Submission@la.gov
Reference File

Notice of Intent

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

Telepharmacy Services Permit (LAC 46:LIII.2421 *et seq.*)

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 *Chapter 24 – Limited Service Providers* of its rules by drafting a new *Subchapter C – Telepharmacy Services*, to create a new classification of pharmacy permit that will enable the establishment of telepharmacy dispensing sites.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

...

Subchapter C. Telepharmacy Services

§2421. Purpose

- A. As market forces continue to adversely impact community pharmacies, some pharmacies have or will close permanently. In certain parts of the state, such closures create critical access issues for citizens in need of pharmacy services.
- B. As the pharmacy workforce continues to evolve, with changing patterns of distribution of the workforce, certain parts of the state have experienced a shortage of pharmacists, which can adversely impact access to pharmacist care.
- C. In an effort to improve access to pharmacist care and pharmacy services, the board has determined it appropriate to establish standards for the operation and regulation of telepharmacy services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

§2423. Definitions

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:
 - Central pharmacy – a permitted pharmacy in Louisiana that supervises a telepharmacy dispensing site.
 - Still image capture – a specific image captured electronically from a video or other image capture device.
 - Store and forward – a video or still image record which is saved electronically for future review.
 - Telepharmacy dispensing site – a permitted pharmacy supervised by a central pharmacy that offers pharmacy services using a telepharmacy system.
 - Telepharmacy system – a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method which shall include the use of the following types of technology:
 - a. Audio and video;
 - b. Still image capture; and
 - c. Store and forward.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

§2425. Telepharmacy Dispensing Site

- A. General Requirements
 1. At the time of its opening, there shall be no other pharmacies licensed by the board within 20 miles (driving distance) of the location of the telepharmacy dispensing site.
 2. A telepharmacy dispensing site permit shall authorize the permit holder to procure and possess prescription and non-prescription drugs and devices, and (1) hold such items for immediate administration directly to a patient pursuant to an order from a lawful prescriber, (2) dispense such items to a patient for later use upon the order of a practitioner with prescriptive authority, or (3) distribute such items to another entity with lawful authority to procure and possess such items.
 3. In the event the telepharmacy dispensing site intends to procure and possess any controlled substances, that pharmacy shall first obtain a Louisiana Controlled Dangerous Substance license as well as the federal registration from the U.S. Drug Enforcement Administration.

4. The telepharmacy dispensing site shall operate using a telepharmacy system under the control of its supervising central pharmacy.
 5. A central pharmacy may supervise no more than two telepharmacy dispensing sites, and all such sites must be located within the state of Louisiana.
 6. The minimum staffing requirement for a telepharmacy dispensing site shall be a Louisiana-licensed certified pharmacy technician with at least two years of experience as a Louisiana-licensed certified pharmacy technician and with demonstrated proficiency in operating the telepharmacy system used in the telepharmacy dispensing site.
 7. A pharmacist shall approve each prescription before it is taken away from the telepharmacy dispensing site.
- B. Licensing Procedure
1. A person or other entity intending to operate a telepharmacy dispensing site shall complete the application form supplied by the board, and then submit it with any required attachments and the application fee to the board.
 2. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.
 3. A person or other entity who submits a false or fraudulent application shall be deemed to have violated R.S. 37:1241(A)(2) and shall be subject to disciplinary action by the board.
 4. If determined appropriate by the board, the applicant may be required to meet with a committee of the board or an agent of the board prior to the issuance of the permit.
 5. Regardless of the date issued, the pharmacy permit shall expire on December 31 of every year. No person or other entity may operate a telepharmacy dispensing site with an expired permit; the continued operation of a telepharmacy dispensing site with an expired permit shall substantiate a violation of R.S. 37:1241(A)(12).
 6. In the event a new community pharmacy opens at a location within 20 miles (driving distance) of the telepharmacy dispensing site, then the board shall not renew the telepharmacy dispensing site's pharmacy permit. The board shall notify the central pharmacy supervising the telepharmacy dispensing site of the new pharmacy operating within 20 miles (driving distance) of the telepharmacy dispensing site, and of the requirement for the telepharmacy dispensing site to close permanently on or before the expiration date of the telepharmacy dispensing site's current renewal of its pharmacy permit. The closure shall be accomplished in compliance with the provisions of Section 1133 of the board's rules. In lieu of permanent closure, the telepharmacy dispensing site may elect to apply for and complete the conversion of its permit to a community pharmacy permit prior to the expiration date of the telepharmacy permit.
- C. Maintenance of Permit
1. A telepharmacy dispensing site permit shall be valid only for the person or other entity to whom it is issued, and it shall not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall the permit be valid for any premises other than the physical location for which it was issued.
 2. A duplicate or replacement permit shall be issued upon the written request of the permit holder and payment of the required fee. A duplicate or replacement permit shall be marked as such, and it shall not serve or be used as an additional or second permit.
- D. Closure of Permit
1. When the owner of the permit intends to close the telepharmacy dispensing site permanently, the owner's managing officer and the pharmacist-in-charge shall be accountable to the board for the proper closure of the pharmacy in compliance with Section 1133 of the board's rules.
 2. Unless approved by the board in advance, all remaining inventory and records shall be transferred to the central pharmacy supervising that telepharmacy dispensing site.
- E. Standards of Practice
1. Environmental Standards
 - a. The prescription department shall consist of an area at least 300 square feet in size; this space shall be restricted to authorized personnel only and not accessible to the general public.
 - b. The prescription department shall contain sufficient fixtures, equipment, and supplies commensurate with the nature and scope of practice for that pharmacy.
 - c. The prescription department shall include a sink with a hot and cold water supply, exclusive of restroom facilities, with approved sewage disposal.
 - d. All areas where drugs and devices are stored shall be dry, well-lighted, well ventilated, and maintained at temperatures which will ensure the integrity of drugs prior to their dispensing as

- stipulated by the United States Pharmacopeia and/or manufacturer's or distributor's product labeling unless otherwise indicated by the board;
- e. The prescription department shall be secured by a physical barrier with suitable locks and a monitored alarm system capable of detecting unauthorized entry.
 - f. Prescription and other patient healthcare information shall be maintained in a manner that protects the integrity and confidentiality of such information; and
 - g. The dispensing site shall be configured and equipped to sustain optimal operation of all the technological components of the telepharmacy system.
2. Minimum Staffing Requirements.
- a. The pharmacist-in-charge of the supervising central pharmacy shall be the pharmacist-in-charge of the telepharmacy dispensing site, and this requirement shall operate as an exception to the provisions of Section 1105.A.2 and Section 1105.K of the board's rules. However, the pharmacist-in-charge shall comply with the remaining provisions of Section 1105 of the board's rules.
 - b. The telepharmacy dispensing site does not require the personal presence of a pharmacist, but it is permissible for a pharmacist to practice in that site.
 - c. In the absence of a pharmacist, the site shall be staffed by one – and only one – Louisiana-licensed certified pharmacy technician. The technician present at the telepharmacy dispensing site shall be included with the other personnel at the supervising central pharmacy when calculating the ratio of pharmacists to technicians.
 - d. A pharmacy intern may not practice at a telepharmacy dispensing site.
 - e. Additional clerical personnel may also be present at the site.
3. Operational Standards
- a. The telepharmacy dispensing site shall comply with the provisions of Chapters 11, 25, 27, and 29 of the board's rules except when this Subchapter grants exceptions or imposes more stringent requirements.
 - b. The telepharmacy dispensing site shall be connected to its supervising central pharmacy using the telepharmacy system.
 - c. In the event of an interruption in the proper operation of the telepharmacy system, the telepharmacy dispensing site must immediately cease operations. No prescription shall be dispensed during the interruption, and further, the staff shall post a sign at the entrance advising the public of an estimated date or time of resumption of services.
 - d. The dispensing of prescriptions shall be construed as completed at the central pharmacy; therefore, the telepharmacy dispensing site shall use the central pharmacy's dispensing information system.
 - e. The telepharmacy system shall permit prescription labels to be generated from the central pharmacy or the telepharmacy dispensing site.
 - i. New prescriptions may be received and entered at the central pharmacy with a label printed at the telepharmacy dispensing site; or
 - ii. New prescriptions received at the telepharmacy dispensing site may be entered by the technician with all verification, utilization review, and final check the responsibility of the pharmacist at the central pharmacy.
 - f. As part of the final check, the pharmacist shall verify the source container, prescription medication, and prescription label against the prescription form, using the technology in the telepharmacy system.
 - g. A pharmacist shall counsel the patient or patient's agent for all new prescriptions and refills, using the technology in the telepharmacy system.
 - h. The pharmacist-in-charge shall be responsible for routine inspections of the telepharmacy dispensing site. The policies and procedures shall identify the inspection criteria to be monitored. Each inspection shall be conducted no later than 30 days after the previous inspection. The inspection reports detailing the findings of each inspection shall be retained for at least two years, and further, shall be readily retrievable upon request by the board or its agent.
4. Recordkeeping Requirements
- a. The dispensing information system shall be capable of recording the names or initials of the pharmacist responsible for final verification of the prescription as well as the technician assisting in the dispensing process, and to print those identities on the prescription label.
 - b. Prescriptions filled at the telepharmacy dispensing site shall be distinguishable on records from those filled at the central pharmacy.

- c. Records of activities at the telepharmacy dispensing site shall be distinguishable from the records of activities at the central pharmacy.
- d. Telepharmacy dispensing sites holding controlled substances shall maintain a perpetual inventory of controlled dangerous substances and drugs of concern.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

§2426 – 2430. [Reserved]

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.

To the extent a remote telepharmacy dispensing site can be established in an area of the state within which there are no pharmacies currently in operation, we anticipate improved access to pharmacist care and pharmacy services, which should have a positive effect on child and dependent health care.

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.

We anticipate minimal costs to the provider to implement the requirements of the proposed rule.

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.

The proposed rule does not exempt small businesses from compliance with any of the requirements.

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

There are no reporting deadlines 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.

The proposed rule identifies the operational standards for the remote dispensing site, but there is flexibility in how the small business achieves compliance with those standards.

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.

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 26, 2015 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 will result in a cost of approximately \$2,000 for printing costs of the proposed and final rules in FY 16. The proposed rule will create a new classification of limited services pharmacy permit, for the purpose of enabling the establishment of telepharmacy dispensing sites.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed rule may result in an indeterminable increase in fees and self-generated revenues to the Board of Pharmacy. The cost of a new pharmacy permit is set at \$150 by statute while a renewal permit is set at \$125. The Board of Pharmacy does not anticipate issuing a large number of permits.

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

The proposed rule will directly affect those existing pharmacies which intend to establish remote telepharmacy dispensing sites. The proposed rule identifies the general requirements, licensing procedures, and operational standards. The cost to establish and operate a telepharmacy dispensing site should be less than that to establish a basic community pharmacy; however, the requirement to use telepharmacy technology to link the telepharmacy dispensing site with its central pharmacy will add to the operational cost of the central pharmacy. The benefits of a telepharmacy dispensing site will accrue to the citizens of that part of the state where there is little or no current access to pharmacist care or pharmacy services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent a telepharmacy dispensing site can be established in a location where there are no other pharmacies within a certain radius, the proposed rule may have a positive effect on employment.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: **Malcolm J. Broussard** Dept.: **Health and Hospitals**
Executive Director
Office: **Board of Pharmacy**
Phone: **(225) 925-6481** Title: **Telepharmacy Services Permit**
Return Address: **3388 Brentwood Drive** Effective Date of Rule: **October 20, 2015 (est.)**
Baton Rouge, LA 70809

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)

The proposed rule will result in a cost of approximately \$2,000 for printing costs of the proposed and final rules in FY 16. The proposed rule will create a new classification of limited services pharmacy permit, for the purpose of enabling the establishment of telepharmacy dispensing sites.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed rule may result in an indeterminable increase in fees and self-generated revenues to the Board of Pharmacy. The cost of a new pharmacy permit is set at \$150 by statute while a renewal permit is set at \$125. The Board of Pharmacy does not anticipate issuing a large number of permits.

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

The proposed rule will directly affect those existing pharmacies which intend to establish remote telepharmacy dispensing sites. The proposed rule identifies the general requirements, licensing procedures, and operational standards. The cost to establish and operate a telepharmacy dispensing site should be less than that to establish a basic community pharmacy; however, the requirement to use telepharmacy technology to link the telepharmacy dispensing site with its central pharmacy will add to the operational cost of the central pharmacy. The benefits of a telepharmacy dispensing site will accrue to the citizens of that part of the state where there is little or no current access to pharmacist care or pharmacy services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent a telepharmacy dispensing site can be established in a location where there are no other pharmacies within a certain radius, the proposed rule may have a positive effect on employment.

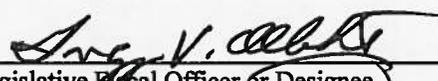


Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director
Typed Name and Title of Agency Head or Designee

July 9, 2015

Date of Signature



Legislative Fiscal Officer or Designee

7/9/2015

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 proposes to amend *Chapter 24 – Limited Service Providers* of its rules to create a new classification of pharmacy permit, to enable the establishment of telepharmacy dispensing sites. 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.

As market forces continue to adversely impact community pharmacies and with the continued tendency for urbanization of pharmacists, the Board has determined it appropriate to establish standards for the operation and regulation of telepharmacy services. The proposed rule will create a new classification of limited service pharmacy permit to enable the establishment of telepharmacy dispensing sites in certain areas of the state within which there are no pharmacies.

The proposed rule will authorize an existing pharmacy to establish a remote dispensing site, according to the standards identified in the proposed rule. The existing pharmacy (termed 'central pharmacy' in proposed rule) will be allowed to use telepharmacy technology to monitor pharmacy technicians staffing the remote dispensing site.

- 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.

The Board anticipates an expenditure of approximately \$2,000 for the printing of the proposed and final rules. Those funds are budgeted and available from self-generated agency funds.

- (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.

- 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 1,951 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 specifies the recordkeeping requirements and requires the use of electronic recordkeeping systems.

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

The proposed rule will enable small businesses to create new business locations.

- (4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

There are no alternative methods for achieving the 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 15-16</u>	<u>FY 16-17</u>	<u>FY 17-18</u>
PERSONAL SERVICES	\$ 0	\$ 0	\$ 0
OPERATING EXPENSES	\$ 2,000	\$ 0	\$ 0
PROFESSIONAL SERVICES	\$ 0	\$ 0	\$ 0
OTHER CHARGES	\$ 0	\$ 0	\$ 0
EQUIPMENT	\$ 0	\$ 0	\$ 0
MAJOR REPAIR & CONSTR.	\$ 0	\$ 0	\$ 0
TOTAL	\$ 2,000	\$ 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.

The Board has allocated \$2,000 for the printing of the Notice of Intent and the Final Rule in FY 16.

3. Sources of funding for implementing the proposed rule or rule change.

<u>SOURCE</u>	<u>FY 15-16</u>	<u>FY 16-17</u>	<u>FY 17-18</u>
STATE GENERAL FUND	\$ 0	\$ 0	\$ 0
AGENCY SELF-GENERATED	\$ 2,000	\$ 0	\$ 0
DEDICATED	\$ 0	\$ 0	\$ 0
FEDERAL FUNDS	\$ 0	\$ 0	\$ 0
OTHER (Specify)	\$ 0	\$ 0	\$ 0
TOTAL	\$ 2,000	\$ 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 has sufficient funds budgeted and available to complete the rulemaking project.

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.

The proposed rule will not result in any cost savings to local governmental units.

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 15-16</u>	<u>FY 16-17</u>	<u>FY 17-18</u>
STATE GENERAL FUND	\$ 0	\$ 0	\$ 0
AGENCY SELF-GENERATED	Increase	Increase	Increase
DEDICATED FUNDS	\$ 0	\$ 0	\$ 0
FEDERAL FUNDS	\$ 0	\$ 0	\$ 0
LOCAL FUNDS	\$ 0	\$ 0	\$ 0
TOTAL	Increase	Increase	Increase

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.

The proposed rule may result in an indeterminable increase in fees and self-generated revenues to the Board of Pharmacy. The cost of a new pharmacy permit is set at \$150 by statute while a renewal permit is set at \$125. The Board of Pharmacy does not anticipate issuing a large number of permits.

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 proposed rule will directly affect those existing pharmacies intending to establish remote telepharmacy dispensing sites in certain areas of the state within which there are no other pharmacies. The costs to establish and operate a remote telepharmacy dispensing site should be less than those to operate a basic community pharmacy; however, the telepharmacy technology required for the central pharmacy to monitor its remote dispensing site will add to the operational costs of the central pharmacy. The telepharmacy technology will allow the pharmacist at the central pharmacy to properly supervise the dispensing activities of the pharmacy technician staffing the remote dispensing site. The proposed rule identifies the general requirements, licensing procedures, and operational standards for the remote telepharmacy dispensing sites.

The benefits of enabling the establishment of remote dispensing site will accrue to the citizens of certain portions of the state within which there are no other pharmacies. The proposed rule should improve access to pharmacist care and pharmacy services for those citizens.

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.

To the extent a central pharmacy can establish and maintain a telepharmacy dispensing site, there should be a positive impact on revenue.

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.

To the extent a telepharmacy dispensing site can be established in a location where there are no other pharmacies within a certain radius, the proposed rule may have a positive effect on employment.



Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director

Typed Name and Title of Agency Head or Designee

July 9, 2015

Date of Signature