



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ Facsimile 225.925.6499
www.pharmacy.la.gov ~ E-mail: info@pharmacy.la.gov



September 8, 2015

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 2015-8 ~ Remote Access to Medical Orders

Dear Senator Alario:

As we indicated in our first report to you on July 9, 2015, the Board is currently amending its rules to allow hospital pharmacies to enable their staff pharmacists to remotely access the pharmacy's information system from home or any other location to review medical orders prior to the administration of a drug to a patient. Subsequent to our Notice of Intent published in the July 20, 2015 edition of the Louisiana Register, and in accordance with the Administrative Procedures Act, we conducted a public hearing at the Board office on August 26, 2015.

We received no written comments; however, we did receive one verbal comment during the hearing from a representative of the Louisiana Hospital Association. The LHA representative was supportive of the Board's proposed rule as published. The Board has determined no revisions are 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 July 2015 Louisiana Register
- Summary of Comments from August 26, 2015 Public Hearing
- Full text of proposed rule

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

For the Board:

Handwritten signature of Malcolm J. Broussard in blue ink.

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-HW@legis.la.gov
Editor, Louisiana Register – Reg.Submission@la.gov
Reference File

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

Remote Access to Medical Orders (LAC 46:LIII.1503 and 1527)

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 15, Hospital Pharmacy, of its rules by drafting a new §1527, Remote Access to Medical Orders, to allow hospital pharmacies to enable their own pharmacists to remotely access the hospital's dispensing information system from any location for the purpose of processing medical orders.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 15. Hospital Pharmacy

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section. * * *

Remote Processing Services—Repealed.

Remote Processor—Repealed.

* * *

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), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004, LR 33:1132 (June 2007), LR 39:1282 (May 2013), amended LR 40:2256 (November 2014), effective January 1, 2015, LR 41:

§1527. Remote Access to Medical Orders

A. Notwithstanding any provision of rules to the contrary, nothing shall prohibit a Louisiana-licensed pharmacist who is an employee of or under contract with a hospital pharmacy in Louisiana from accessing that pharmacy's dispensing information system from a location other than the pharmacy in order to process prescription drug orders or medical orders, but only when all of the following conditions are satisfied:

1. the pharmacy establishes controls to protect the privacy and security of confidential records;
2. the pharmacist does not engage in the receiving of written prescription drug orders or medical orders or the maintenance of prescription drug orders or medical orders; and
3. no part of the pharmacy's dispensing information system is duplicated, downloaded, or removed from the pharmacy's dispensing information system.

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

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

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, 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 does not exempt small businesses from compliance with any of the requirements.

2. 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.

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

4. 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 hospital pharmacy to establish remote access for its pharmacists, but there is flexibility in how the small business achieves compliance with those standards.

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 Hearing

A public hearing on this proposed Rule is scheduled for Tuesday, August 26, 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: Remote Access to Medical Orders

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 16. The proposed rule will authorize pharmacist practicing at hospital pharmacies to access their pharmacy's dispensing information system from any location outside the pharmacy for the purpose of processing medical orders.

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 will allow hospital pharmacies to enable their pharmacists to access the pharmacy's dispensing information system from any location outside the pharmacy for the purpose of processing medical orders. The proposed rule requires the establishment of policies and procedures to protect the privacy and security of confidential records. There may or may not be additional costs for the creation or maintenance of systems or procedures to facilitate the remote access to pharmacists. To the extent such pharmacies may currently be contracting with outside firms for the remote processing of their medical orders, this proposed rule may provide a more economical option by allowing either existing staff or new staff to remotely process those orders from their homes or other locations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will authorize hospital pharmacies to allow their staff pharmacists to remotely access the pharmacy's dispensing information system from any location outside the pharmacy. This capability has the potential of replacing current contracts with other pharmacies for the purpose of remotely processing medical orders, which could have a positive effect on competition and employment.

Malcolm J. Broussard
Executive Director
1507#068

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ Facsimile 225.925.6499
www.pharmacy.la.gov ~ E-mail: info@pharmacy.la.gov



Summary of Testimony & Public Comments
re
Regulatory Project 2015-8 ~ Remote Access to Medical Orders
at
August 26, 2015 Public Hearing

1. Rebecca D. Dowdy, MBA, Vice President, Louisiana Hospital Association.
Indicated verbal support for the proposed rule as published.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 15. Hospital Pharmacy

...

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

...

Remote Processing Services —~~the processing of a medical order or prescription by one pharmacy on behalf of another pharmacy, including:~~

- a. ~~Receiving, interpreting, or clarifying a medical order;~~
- b. ~~Entering data and transferring medical order information;~~
- c. ~~Interpreting clinical data;~~
- d. ~~Performing therapeutic intervention relative to medication therapy; and~~
- e. ~~Providing drug information concerning a patient's drug therapy; provided, however, that remote processing does not include the physical preparation or physical transfer of drugs [Repealed].~~

Remote Processor – ~~a permitted hospital pharmacy in Louisiana which provides remote processing services for another permitted hospital pharmacy in Louisiana [Repealed].~~

...

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), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004, amended LR 33:1132 (June 2007), amended LR 39:1282 (May 2013), amended LR 40:2256 (November 2014), effective January 1, 2015, amended LR

...

§1527. Remote Access to Medical Orders

- A. Notwithstanding any provision of rules to the contrary, nothing shall prohibit a Louisiana-licensed pharmacist who is an employee of or under contract with a hospital pharmacy in Louisiana from accessing that pharmacy's dispensing information system from a location other than the pharmacy in order to process prescription drug orders or medical orders, but only when all of the following conditions are satisfied:
1. The pharmacy establishes controls to protect the privacy and security of confidential records;
 2. The pharmacist does not engage in the receiving of written prescription drug orders or medical orders or the maintenance of prescription drug orders or medical orders; and
 3. No part of the pharmacy's dispensing information system is duplicated, downloaded, or removed from the pharmacy's dispensing information system.

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

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