Louisiana Board of Pharmacy

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November 17, 2016

Office of the Governor
PO Box 94004
Baton Rouge LA 70804-9004
Matthew.Block@la.gov

Electronic Mail – Delivery Receipt Requested

Re: Notice of Emergency Rule

Dear Governor Edwards:

In compliance with the provisions of La. R.S. 49:953(B), this will serve notice of the Board's issuance of a revised Emergency Rule. The Emergency Rule will delay the implementation of a requirement for national accreditation of pharmacy technician training programs. The revised Emergency Rule is effective today, November 17, 2016. Copies of the Declaration of Emergency and the revised Emergency Rule are enclosed. In the event you desire any further information about this topic, please contact my office directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm Broussard

Malcolm J Broussard
Executive Director

cc: Office of the Attorney General – executive@ag.state.la.us
President, Louisiana Senate – apa.senatepresident@legis.la.gov
Chair, Senate Health & Welfare Committee – apa.s-h&w@legis.la.gov
Speaker, Louisiana House of Representatives – apa.housespeaker@legis.la.gov
Chair, House Health & Welfare Committee – apa.h-hw@legis.la.gov
Director, Office of the State Register – reg.submission@la.gov

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Pharmacy

Accreditation of Pharmacy Technician Training Programs – LAC 46:LIII.905

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 process of obtaining a pharmacy technician certificate by delaying the implementation of the requirement to complete a nationally-accredited pharmacy technician training program as one of the qualifications to obtain the credential.

Prior to June 2013, the rule required the pharmacy technician candidate to complete a training program that was approved by the Board. In response to stakeholder input requesting flexibility in how those programs were to be established, the Board permitted programs to be established at individual pharmacies in addition to universities, community and technical colleges, as well as proprietary schools. Over the course of approximately ten years, the Board tracked the state's pass rate on the national certification program and observed a steady decrease. The Board determined that workplace training alone was not sufficient and, in June 2013 instituted a change – to begin in January 2016 – that would require the training program to be nationally accredited. The three year delay was intended to increase the number of such nationally accredited programs in the state.

During their meeting in November 2015, the Board entertained a request from some chain pharmacies to further delay the implementation of the accreditation requirement until 2020, citing their concerns with some of the accreditation standards. The Board took note of the increased number of accredited programs in the state, from one in 2013 to over a dozen in 2015. The Board also took note of the continuing decrease in the state pass rate on the national certification examination, with a 45% pass rate in 2015. The Board also received input the requirement should be transferred from those persons submitting applications for the technician certificate to those persons submitting applications for the technician candidate registration, to eliminate the difficulty for persons who start under the previous rule and attempt to finish under the new rule. The Board agreed to a one year delay in the accreditation requirement, and since there is not sufficient time to promulgate a change in the rule before the current January 1, 2016 implementation date, the Board has determined that an emergency rule is necessary. During the one-year delay, the Board plans to promulgate the additional change to transfer the requirement for completion of an accredited program as a qualification for the pharmacy technician certificate to require enrollment in an accredited program as a qualification for the pharmacy technician candidate registration.

The Board has determined that failure to implement the emergency rule will cause interruptions in the licensure process for pharmacy technicians, potentially causing a decrease in the number of pharmacy technicians in the available workforce. The Board has determined this emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare. The original declaration of emergency was effective November 30, 2015. Although the Board is working on the changes, they need more time; therefore, they have directed the revision of the date from 2017 to 2018. This revised Emergency Rule is effective November 17, 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

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 9. Pharmacy Technicians

…

§905. Pharmacy Technician Certificate

A. – A.3.a …

b. For those applicants submitting applications on or after January 1, 2018, the applicant shall demonstrate successful completion of a nationally-accredited and board-approved pharmacy technician training program, as evidenced by a valid and legible copy of the appropriate credential from that program.

A.4 – B.6 …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, repromulgated LR 19:1025 (August 1993), LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), amended LR 39:1777 (July 2013), amended LR