

1 **DECLARATION OF EMERGENCY**

2
3 Department of Health
4 Board of Pharmacy

5
6 Reinstatement of Controlled Dangerous Substance (CDS) Licenses – LAC 46:LIII.2707
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8 The Louisiana Board of Pharmacy is exercising the emergency provisions of the
9 Administrative Procedure Act, specifically at R.S. 49:953.B, to promulgate an amendment of its
10 controlled substance license rules to reduce the administrative procedures, and the amount of
11 time, necessary for the reinstatement of controlled dangerous substance licenses held by certain
12 practitioners.

13 The Board issues controlled dangerous substance (CDS) to several different types of
14 practitioners whose primary professional license grants them prescriptive authority for one or
15 more schedules of controlled substances. When a primary licensing agency suspends or revokes
16 a practitioner’s professional license, the Board of Pharmacy suspends the CDS license based
17 upon the primary licensing agency’s action. When the primary licensing agency reinstates the
18 primary professional license, the practitioner applies to the Board of Pharmacy for the
19 reinstatement of their CDS license.

20 The board’s current rule for the reinstatement of a CDS license suspended by the Board
21 of Pharmacy requires the board to convene an administrative hearing to consider the
22 reinstatement application, make a determination, and issue an order. Since the Board of
23 Pharmacy typically meets only four times per year, there is a potential for a significant amount of
24 time to lapse between the restoration of the primary professional license and the reinstatement of
25 the practitioner’s CDS license. During this period of time, the practitioner is authorized to
26 practice under terms dictated by the primary licensing agency; however, the absence of a CDS
27 license prohibits the practitioner from prescribing any controlled substances for his patient.

28 The board proposes to amend the relevant rule to allow for a waiver from the requirement
29 of an administrative hearing when the chair of the reinstatement committee and the board’s
30 president jointly agree to approve the reinstatement request in the interim between board
31 meetings. When such approvals are issued, the president is authorized to sign a reinstatement
32 order, and staff would be able to reinstate the CDS license. This will prevent the necessity of
33 waiting for a quarterly administrative hearing, and would permit the staff to reinstate the CDS
34 license shortly after the restoration of the primary professional license. This will allow the
35 practitioner to prescribe controlled substances for his patient when needed.

36 The Board has determined this emergency rule is necessary to prevent imminent peril to
37 the public health, safety, and welfare. The declaration of emergency is effective November 17,
38 2016, and shall remain in effect for the maximum time period allowed under the Administrative
39 Procedure Act or until adoption of the final rule, whichever shall first occur.
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43 Malcolm J Broussard
44 Executive Director
45 Louisiana Board of Pharmacy