



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ Facsimile 225.925.6499  
[www.pharmacy.la.gov](http://www.pharmacy.la.gov) ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



March 27, 2017

Senator John A Alario Jr., President  
Louisiana Senate  
PO Box 94183  
Baton Rouge, LA 70804

Via Email: [APA.SenatePresident@legis.la.gov](mailto:APA.SenatePresident@legis.la.gov)

## Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2016-5 ~ Reinstatement of CDS License

Dear Senator Alario:

As we indicated in our first report to you on January 9, 2017, the Board is currently amending its rules to streamline the reinstatement process for certain medical practitioners whose CDS license had been disciplined by the Board of Pharmacy pursuant to disciplinary action on their primary medical license by their primary licensing agency. Subsequent to our Notice of Intent published in the January 20, 2017 edition of the Louisiana Register, and in accordance with the Administrative Procedures Act, we conducted a public hearing at the Board office on March 1, 2017.

We received no written comments or testimony prior to or during the public hearing. 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 January 2017 Louisiana Register
- Summary of Comments from March 1, 2017 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 May 20, 2017 edition of the Louisiana Register, with an immediate effective date. If you have any questions about the enclosed information or our procedures, please contact me directly at [mbroussard@pharmacy.la.gov](mailto:mbroussard@pharmacy.la.gov) or 225.925.6481.

For the Board:

Malcolm J. Broussard  
Executive Director

cc: Chair, Senate Committee on Health and Welfare – [APA.S-H&W@legis.la.gov](mailto:APA.S-H&W@legis.la.gov)  
Speaker, House of Representatives – [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Chair, House Committee on Health and Welfare – [APA.H-HW@legis.la.gov](mailto:APA.H-HW@legis.la.gov)  
Editor, Louisiana Register – [Reg.Submission@la.gov](mailto:Reg.Submission@la.gov)  
Reference File

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

**Reinstatement of CDS License  
(LAC 46:LIII.2707)**

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 §2707.C.4 of its rules. The amended Rule will streamline the process for the reinstatement of controlled dangerous substance (CDS) licenses for those medical practitioners whose primary professional licenses have been disciplined.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

**Subchapter B. Licenses**

**§2707. Licensing Procedures**

**A. - C.3. ...**

4. An application for the reinstatement of a CDS license for a pharmacy which was suspended or revoked by the board may only be approved by the full board following a hearing to determine whether the reinstatement of the license is in the public's best interest. For all other CDS licenses, the reinstatement may be approved by the joint consent of the chair of the reinstatement committee and the board president without the necessity of a hearing; when such approvals are issued, staff shall prepare a reinstatement order for the president's signature.

**C.5. - D.5.c. ...**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended LR 43:

**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.

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 on early childhood development or preschool through postsecondary education development.

3. The effect on employment and workforce development. We anticipate no 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 impact on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

#### Small Business Analysis

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 contain any reporting requirements for businesses.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. There are no reporting deadlines for businesses in the proposed Rule.

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

4. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed Rule. There are no design or operational standards required in the proposed Rule.

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 no impact on the total direct and indirect effect on the cost to the provider to provide the same level of service.

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. The deadline for the receipt of all comments is 12 p.m. that same day.

#### Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, March 1, 2017 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.

Malcolm J. Broussard  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Reinstatement of CDS License

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation costs to the Louisiana Board of Pharmacy are approximately \$500 for the notice and rule publication costs. There are no estimated implementation savings to the state or local government units through promulgation of the proposed rule change. The proposed rule change will allow the board to streamline the current process for the reinstatement of a controlled dangerous substance (CDS) license of a medical practitioner who was disciplined by the primary licensing agency.

#### 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 change.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is anticipated to affect medical practitioners holding a controlled dangerous substance (CDS) license from the board who were disciplined by their primary professional licensing agency. The proposed rule change will streamline the reinstatement process by allowing the board's leadership to waive the currently required hearing and authorize the reinstatement of the CDS license.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact on competition or employment.

Malcolm J. Broussard  
Executive Director  
1701#032

Evan Brasseaux  
Staff Director  
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](http://www.pharmacy.la.gov) ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



Summary of Testimony & Public Comments  
re  
Regulatory Project 2016-5 ~ Reinstatement of CDS License  
at  
March 1, 2017 Public Hearing

No comments or testimony were received for this regulatory project.

**Louisiana Administrative Code**

**Title 46 – Professional and Occupational Standards**

**Part LIII: Pharmacists**

**Chapter 27. Controlled Dangerous Substances**

...

**Subchapter B. Licenses**

...

**§2707. Licensing Procedures**

A. – C.3 ...

4. An application for the reinstatement of a CDS license for a pharmacy which was suspended or revoked by the board may only be approved by the full board following a hearing to determine whether the reinstatement of the license is in the public's best interest. For all other CDS licenses, the reinstatement may be approved by the joint consent of the chair of the reinstatement committee and the board president without the necessity of a hearing; when such approvals are issued, staff shall prepare a reinstatement order for the president's signature.

C.5 – D.5.e ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended LR

...