



Louisiana Board of Pharmacy

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



March 6, 2020

Senator P. Page Cortez, President
Louisiana Senate
Via e-mail: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2019-12 ~ Partial Fills of Schedule II Prescriptions

Dear Senator Cortez:

As we indicated in our first report to your office on November 8, 2019, the Board is amending its rules for controlled substances to implement the provisions of Act 32 of the 2018 Legislature which permits pharmacists to dispense partial quantities of prescriptions for controlled substances listed in Schedule II of the state list of controlled substances.

Subsequent to the publication of our *Notice of Intent* in the November 2019 edition of the *Louisiana Register*, we conducted a public hearing on December 27, 2019 to receive comments and testimony on the proposed amendment. We received no comments or testimony on the proposed rule changes. During their subsequent meeting on February 5, 2020, the Board considered the absence of substantive comments and determined no revisions were necessary. The Occupational Licensing Review Commission approved the continuation of the promulgation process during their February 28, 2020 meeting. In connection with this regulatory project, you should find the following documents in this package:

- *Notice of Intent*, as published in the November 2019 *Louisiana Register* Page 02
- Record from the December 27, 2019 Public Hearing Page 05
- Full text of proposed rule Page 39

Subject to review by the Joint Legislative Oversight Committee on Health & Welfare, the Board proposes to publish the original proposal without amendment as a *Rule* in the April 20, 2020 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 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
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

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

**Chapter 27. Controlled Dangerous Substances
Subchapter F. Production, Distribution, and Utilization
§2747. Dispensing Requirements**

A. - B.4.c.iv. ...

5. Partial Filling of Prescription

a. The partial filling of a prescription for a controlled substance listed in Schedule II is permissible with the following limitations:

i. When the pharmacist is unable to supply the full quantity called for in a written (or emergency oral) prescription, he shall make a notation of the quantity supplied on the face of the written prescription (or written record of the emergency oral prescription). The remaining portion of the prescription may be dispensed within 72 hours of the first partial filling; however, if the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall notify the prescriber. No further quantity shall be dispensed beyond 72 hours without a new prescription.

ii. When a partial fill is requested by the patient or the practitioner who wrote the prescription, the pharmacist may dispense any quantity less than the total quantity prescribed. The total quantity dispensed in all partial fillings shall not exceed the total quantity prescribed. No partial filling may be dispensed more than 30 days after the date on which the prescription was written.

B.5.b. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:

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. The proposed Rule amendment will have 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. The proposed Rule amendment will have 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. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings or family budget.

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Partial Fills of Schedule II Prescriptions (LAC 46:LIII.2747)

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 Section 2747 of its rules for controlled substances. Act 32 of the 2018 Legislature amended the controlled substance law to permit the dispensing of partial fills of prescriptions for all medications listed in Schedule II as opposed to only opiate medications listed in Schedule II previously allowed. The proposed Rule change will implement the legislation and allow pharmacists to dispense partial fills of prescriptions for all medications listed in Schedule II consistent with federal and state law.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have 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. The proposed Rule amendment will have 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. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect 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. There are no reporting requirements in the proposed Rule amendment.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. There are no specific schedules for deadlines in the proposed Rule amendment.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. There are no additional compliance or reporting requirements in the proposed Rule amendment.

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 in the proposed Rule amendment.

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. The proposed Rule amendment will have 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. The proposed Rule amendment will have no 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. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9 a.m. on Friday, December 27, 2019. During the hearing, 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 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Partial Fills of Schedule II Prescriptions

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

The proposed rule change will require the Louisiana Board of Pharmacy to publish the proposed and final rules in the state register, resulting in a one-time cost of \$2,000 for FY 20. There are no other costs or savings for other local or state governmental units. The proposed rule change permits pharmacists to dispense partial fills of prescriptions for all medications listed in Schedule II.

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

The proposed rule change will not affect revenue collections for state or local governmental units.

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

Act 32 of the 2018 Regular Session amended the state controlled substance law to permit pharmacists to dispense partial fills of prescriptions for all medications listed in Schedule II instead of only the opiate medications listed in Schedule II, and to do so in a manner consistent with federal

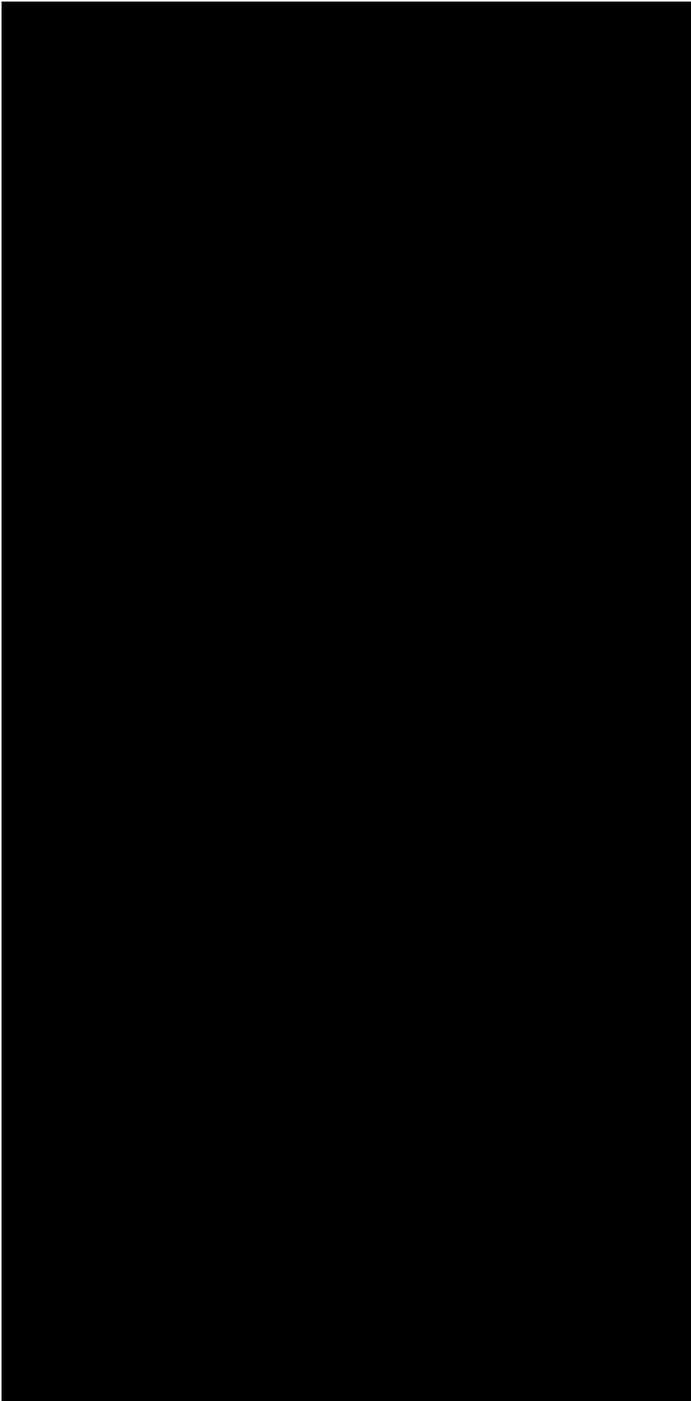
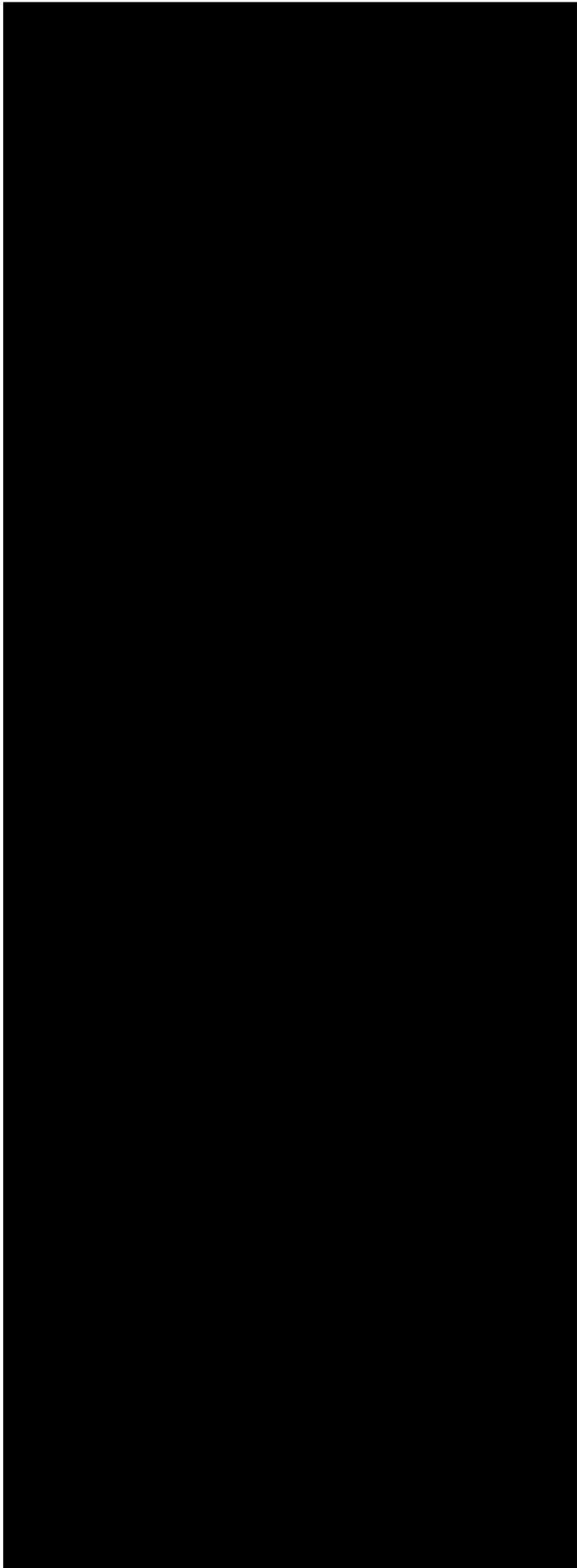
law. The proposed rule change implements the 2018 legislation. When requested by either the prescriber or the patient, the pharmacist may dispense partial fills of such prescriptions, but shall dispense all partial fills no later than 30 days after the date the prescription was issued. The patient may benefit from having less medication on hand to manage. The patient may also benefit from a reduced acquisition cost for a partial fill; however, it is possible the total cost of all partial fills may be higher than the cost of dispensing the entire amount prescribed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not affect competition or employment.

Malcolm J. Broussard
Executive Director
1911#056

Evan Brasseaux
Staff Director
Legislative Fiscal Office





Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



Public Hearing Record

December 27, 2019

Louisiana Board of Pharmacy

Public Hearing Attendance Record ~ December 27, 2019

Regulatory Projects 2019-1B through 2019-18

Name	Address	E-mail	Group or Agency Represented
1. TJ Woodward	2450 Cottonwood Ave BR, LA 70808	tj@rxstogeaux.com	Capital Wellness Solutions/Prescriptions to Geaux
2.			
3.			
4.			
5.			

In The Matter Of:
STATE OF LOUISIANA PARISH OF EAST BATON ROUGE
LOUISIANA BOARD OF PHARMACY

Public Hearing
December 27, 2019

Associated Reporters, Inc.
2431 South Acadian Thruway
Suite 550
Baton Rouge, La. 70808

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STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE
LOUISIANA BOARD OF PHARMACY

An Public Hearing was held by the
Louisiana Board of Pharmacy, on Friday,
December 27, 2019, at their office located
at 3388 Brentwood, Baton Rouge, Louisiana
70809 beginning at 9:00 a.m.

BEFORE:

Susan Erkel
Certified Court Reporter
In and For the State of
Louisiana

P R O C E E D I N G S

1
2 MR. FINALET:

3 Good morning. Today is Friday,
4 December 27, 2019. The time is 9:00
5 a.m. We're assembled in the Boardroom
6 at the Louisiana Board of Pharmacy
7 located at 3388 Brentwood Drive in Baton
8 Rouge, Louisiana. My name is Carlos
9 Finalet. I serve the Board of Pharmacy
10 as its General Counsel. In his absence,
11 the Board President, Carol Aron, has
12 requested that I moderate this hearing.
13 I now call this Public Hearing to order.

14 As a courtesy to everyone else in the
15 room, please take time to silence your
16 cell phones or other electronic devices.
17 Further, should you find it necessary to
18 take or make a telephone call, please
19 step outside the meeting room to do so.

20 For your safety, the emergency exit
21 path from this room is through the door
22 into the lobby and through the front
23 door through which you entered the
24 building. For your comfort, the
25 restrooms are located in the lobby --

1 ladies on the opposite side of the
2 lobby, just past the receptionist's
3 window, and gentlemen just outside the
4 door to this room.

5 In addition, we have a water cooler
6 in this room. Please help yourself.
7 For your peace of mind, please ensure
8 that you did not park in one of the
9 three spaces between this building and
10 the back of the building in front of
11 this one, or in front of the building in
12 front of this one. Those parking spaces
13 do not belong to the Board, and tow
14 trucks are regular visitors to that
15 area. Additional parking is available
16 at the rear of the Perlis clothing store
17 on Jefferson Highway, and there is a
18 stairway connecting that parking lot to
19 the Board's parking area in front of our
20 building.

21 This hearing is held in accordance
22 with Administrative Procedures Act and
23 the Open Meetings Law. As required by
24 these laws, this hearing is convened
25 pursuant to public notice and notice has

1 been properly posted.

2 The purpose of today's hearing is to
3 receive public comments and testimony on
4 the 17 regulatory projects listed on the
5 agenda for today's hearing. The Board
6 published its Notices of Intent for all
7 these projects in November 2019 edition
8 of the Louisiana Register. Further, the
9 Board filed its first reports with the
10 legislative oversight committees on
11 November 8 and then distributed
12 electronic Notice of Rulemaking Activity
13 on November 9, 2019 to its electronic
14 List of Interested Parties, as well as
15 all its licensees.

16 As indicated in the Notices, the
17 Board has convened this public hearing
18 to receive public comments and testimony
19 on all 17 of these regulatory projects.
20 The Board will consider the comments and
21 testimony offered today during their
22 next meeting on February 5, 2020, to
23 determine whether any revisions to the
24 proposed rule amendments are necessary.
25 We will reply to your comments as soon

1 as possible thereafter.

2 Prior to making any comments today,
3 we ask that you sign the guest register
4 for this event. Copies of today's
5 agenda and the notices are available at
6 the registration desk or rather,
7 actually right in front of you. The
8 proposed rule amendments are also
9 available in the Public Library section
10 of the Board's website, as well as the
11 website of the Louisiana Register.

12 While we may answer questions to
13 clarify language or interpretation, it
14 is not our intent to debate any issues
15 today. Again, the purpose of this
16 hearing is to receive your comments and
17 testimony for the Board's consideration.
18 As indicated in the notices, the
19 deadline for all comments and testimony
20 on these proposed rules amendments is
21 12:00 noon today.

22 We are now prepared to receive your
23 comments and testimony. As you begin
24 your comments, we ask that you identify
25 yourself and any organization that you

1 may represent. Please identify which
2 regulatory topic for which you are
3 submitting comments or testimony.

4 Before we take any oral statements, I
5 do want to enter into the record two
6 written comments that were submitted to
7 the Board Office, one on December 23,
8 2019 from the National Association of
9 Chain Drug Stores, specifically by its
10 representative Steven C. Anderson,
11 President and its CEO. And then the
12 second written comment was submitted on
13 December 26, 2019 by Albertsons
14 Companies, specifically by its
15 representative, Pharmacist Robert
16 Geddes, Director of Pharmacy,
17 Legislative and Regulatory Affairs.

18 So if there are any oral statements,
19 comments that the public would like to
20 make, now is would be the time.

21 MR. WOODARD:

22 I guess I might as well just to get
23 everything on the record, Carlos. TJ
24 Woodard here representing Capitol
25 Wellness Solutions. I notice the first

1 item on the agenda, Licensing Marijuana
2 Pharmacies, and I'm not sure exactly how
3 this pertains to us or if I'm even -- if
4 this is the right venue to bring things
5 up, but there's a few things that we've
6 noticed over the first few months of
7 establishing, opening, running, and now
8 we've done it for several months so we
9 kind of have a feel of what's working
10 and what's not working.

11 And I guess maybe just bullet points
12 to bring up at a future meeting with
13 Board Members to discuss, there are kind
14 of three, well four critical issues that
15 I think we're -- kind of prohibit our
16 growth and the effective running of our
17 marijuana pharmacies. The first I would
18 say, delivery, and I don't know exactly
19 what mechanism, if it's me as the
20 pharmacist in charge of delivery, and if
21 it's a third-party company delivery.

22 We have several patients that we've
23 seen and we've established a
24 relationship with that are truly bed
25 bound and don't have transportation,

1 that don't have anyone that can access
2 medication for them, I would be happy to
3 deliver it to their home if that were
4 allowed and legal so maybe just some
5 guidance on even an extreme situations,
6 you know.

7 I don't think this is a scenario like
8 I deliver in my traditional pharmacy
9 downtown where we deliver everything,
10 but just to have that option would be
11 helpful.

12 The second and I think it's been
13 discussed is, we, personally speaking
14 for Capitol Wellness, we have two great
15 technicians that are kind of
16 underutilized. They can perform certain
17 duties, data entry, but really beyond
18 that, as far as the filling -- filling
19 of the medication, they can't do now.
20 The pharmacist is the only one in my
21 understanding that can touch the product
22 and you know, essentially stick a label
23 on a box, if you will.

24 Sometimes that creates a logjam. We
25 spend most of our time counseling

1 patients so if I'm in the back
2 counseling a patient and we have three
3 additional patients come in, everything
4 is stopped waiting on me, where at a
5 minimum, they could enter it, fill it,
6 label it for me to check and review, as
7 we do in the traditional pharmacy I
8 guess. So in my mind, if they can fill,
9 you know, a Percocet in a traditional
10 pharmacy, I can count behind them and
11 check it and then dispense it.

12 It would be helpful if they could do
13 that in our world. There just seems to
14 be this firewall between technicians and
15 the product that I don't see any issue
16 whatsoever with it professionally
17 because I'm still checking behind it and
18 the things we traditionally do. So
19 that's another thing.

20 The -- another big one and I don't
21 know, there's a fine line between we're
22 really -- I don't know all the specifics
23 in the law, but we're really prohibited
24 from advertising. And I don't know that
25 advertising is in a sense of you know,

1 we need to put up a billboard that we
2 sell medical marijuana here, but it
3 would help one, communicate with doctors
4 and patients kind of what we do and what
5 we can do.

6 We do that some for education now
7 with physicians. We don't really have a
8 way to reach the patients unless they
9 call us. But the main reason there is a
10 medical marijuana recommending facility
11 adjacent to our location and we're
12 commonly confused with them. So we're
13 on Picardy off of Essen. They're on the
14 corner of Picardy and Essen. You know
15 they have some flag out with some
16 marijuana paraphernalia type things.
17 People regularly think that's us. We
18 would like a way just to let them know
19 that it's not.

20 I mean, for instance, our location
21 just has on the outside, it just says
22 "Capitol" and our logo. So especially
23 with elderly folks, they're constantly
24 confused with how to get to us, what we
25 do, who we are. So again, I'm not

1 asking for anything specifically, more
2 so just to start the conversation with
3 how could we do this efficiently and
4 professionally to communicate what we're
5 doing with the general public in a
6 professional way.

7 I don't think we want to, you know,
8 have the blow up people dancing on the
9 roads saying, you know, medical
10 marijuana here, but it's really been a -
11 - and I think its inhibited the growth
12 statewide for folks. We still have
13 physicians and patients that have
14 literally no idea what it is that we do.
15 In about six months now that we've been
16 open, there have been some lives that
17 have truly been changed so I can
18 honestly say that I think we're going in
19 the right direction.

20 We're taking it slowly and doing it
21 very controlled and very well. These
22 are just some things that I've seen in
23 practice that I think would help every
24 marijuana pharmacy without hurting the
25 public in any way. Actually, quite the

1 opposite. But again, I'm not asking for
2 anything specifically. Just maybe at
3 some future meeting we could discuss it.

4 So I don't even know if this is the
5 right forum for that but just to kind of
6 get that down in the public comment.

7 MR. FINALET:

8 And you had a forth point, maybe?

9 MR. WOODARD:

10 Well, the fourth point and I'm
11 skipping over, I see at the bottom,
12 number 3, letter Q, Cannabis Metered
13 Dose Inhaler. I don't know remotely
14 what that's about. I will just say, one
15 of the biggest issues we have is getting
16 this product into a patient's system as
17 quickly as possible for various reasons,
18 whether it's acute pain, whether it's an
19 anxiety attack secondary to PTSD.

20 That's still the fastest way to get this
21 medication into someone's body, through
22 the lungs.

23 So, you know, again, I'm not here
24 saying we should, you know, have flower
25 or vaporization. I don't know. This is

1 one thing that's come up, metered dose
2 inhaler. I will just say from the
3 clinical perspective, I couldn't support
4 something like this more. I don't know
5 what it looks like. I don't know if it's
6 an ILERA and southern product or it's a
7 GB -- well, it's not GB anymore,
8 Wellcanna, an LSU product, but that's
9 been a real issue with us is we need
10 some mechanism to get instant relief for
11 some patients.

12 That's one of the biggest complaints
13 we've had is that, you know, we have the
14 tinctures. They're faster than an oral
15 product. They work. They work very
16 well. There's still a 15 to 30 to an
17 hour gap there so if someone's having an
18 acute anxiety attack, I have nothing for
19 them.

20 MR. FINALET:

21 And I think that was the purpose of
22 that both legislatively and regulation.

23 MR. WOODARD:

24 So just to -- and this is me speaking
25 personally as a pharmacist and on behalf

1 of Capitol, that's something that we
2 support. There is a need for it.

3 MR. FINALET:

4 And to answer your question about if
5 this was the proper forum, I don't think
6 it's improper. You know you definitely
7 addressed that one aspect of the inhaler
8 which was appropriate. The other items
9 are appropriate insofar as they'll be
10 part of the comment review that the
11 Board's going to make at the February
12 meeting.

13 MR. WOODARD:

14 Okay.

15 MR. FINALET:

16 And my feeling is that the Board
17 President's going to delegate that to
18 Regulation Revision Committee.

19 MR. WOODARD:

20 Okay.

21 MR. FINALET:

22 And so there should be a very lively
23 chain of meetings thereafter --

24 MR. WOODARD:

25 Right.

1 MR. FINALET:

2 -- on all these aspects. And as you
3 know, the projects evolving and we
4 expected it to evolve and frankly, want
5 it to evolve to address a lot of the
6 concerns you had about educating
7 appropriately.

8 MR. WOODARD:

9 Right, right.

10 MR. FINALET:

11 And informing the public and getting
12 the right patients to you.

13 MR. WOODARD:

14 And I think we've all -- I will say
15 that speaking with people kind of from
16 other states, speaking with folks at
17 Pennington, speaking with folks at LSU,
18 I think we did it the right way. It's
19 much, you know, much different than in
20 California or Colorado model, but it's
21 well controlled and we can actually use
22 that to our benefit in a lot of ways. I
23 mean we're talking about doing clinical
24 trials now which is kind of
25 groundbreaking.

1 But, you know, we've got to start
2 and then I think it's, you know,
3 postmortem review of what's working,
4 what's not working and just speaking --
5 we're in close contact with the other
6 pharmacies in the state and it's kind of
7 the same things that keep coming up. So
8 I don't intend to be the spokesperson
9 for everyone, but I'm happy to answer
10 questions specifically, you know,
11 patient based, what is working and
12 what's not.

13 MR. FINALET:

14 And I can tell you that the Board
15 will really want all of your input --

16 MR. WOODARD:

17 Okay.

18 MR. FINALET:

19 -- as to what you do because y'all
20 are on the front lines.

21 MR. WOODARD:

22 Yeah.

23 MR. FINALET:

24 Y'all know what is needed and then
25 they could figure out what we can work

1 with.

2 MR. WOODARD:

3 Perfect. So board meeting February
4 at Xavier.

5 MR. FINALET:

6 At Xavier and I believe the starting
7 time is 9:00.

8 MR. WOODARD:

9 And will the Regulations Committee be
10 before that or after that?

11 MR. FINALET:

12 After that.

13 MR. WOODARD:

14 So they'll be --

15 MR. FINALET:

16 There is a Regulations Committee
17 meeting in January 23rd I think. But
18 that -- nothing marijuana related I
19 don't think is on that agenda. But they
20 wouldn't be discussing this anyway. The
21 Board has to delegate it to the
22 committee.

23 MR. WOODARD:

24 Okay.

25 MR. FINALET:

1 The committee does take up issues on
2 their own. There's a process for it.

3 MR. WOODARD:

4 That's what Malcolm said. I haven't
5 brought it up myself yet to be delegated
6 that because I wasn't quite ready. But
7 maybe at the Board, do I ask for it to
8 be delegated?

9 MR. FINALET:

10 Well, what I'm going to suggest to
11 Malcolm when he's preparing the
12 comments, is you know, for the Board's
13 Digest is to itemize your comments and
14 concerns.

15 MR. WOODARD:

16 Okay.

17 MR. FINALET:

18 And that would give the Board
19 President a vehicle to delegate that at
20 that time.

21 MR. WOODARD:

22 Okay. Perfect.

23 MR. FINALET:

24 If you want to check before the
25 meeting, you can always just submit a

1 request for that and then I'm not sure
2 which part of the meeting it would be
3 considered. It might be one of the
4 actual agenda items or it might be part
5 of the Executive Committee report.

6 MR. WOODARD:

7 Okay.

8 MR. FINALET:

9 I'm not sure. Why don't we do this.
10 Malcolm gets back on the 2nd. You know,
11 between now and then, maybe you shoot
12 him an e-mail just asking that question.

13 MR. WOODARD:

14 And it's -- and he has told me that
15 and given me that guidance that the
16 proper procedure like you just said.
17 It's got to go the Regulations
18 Committee. That's where this will be
19 hashed out. And that's really all we
20 want is just to have the discussion.
21 And I'd love for everyone to ask us
22 questions because this was all so new
23 for everyone, what's working.

24 I will say, professionally speaking,
25 it's worked much more than I thought it

1 was. You know, we never really knew,
2 you're going to flip the lights on if
3 this is going to be like some, you know,
4 shady, fly-by-night deal and it's just
5 not that at all.

6 MR. FINALET:

7 And I've heard that your particular
8 location is doing very well.

9 MR. WOODARD:

10 Yeah.

11 MR. FINALET:

12 And I've hear good things about it.

13 MR. WOODARD:

14 Okay. Thank you, Carlos. I think
15 that's it.

16 MR. FINALET:

17 Give Lisa my hello.

18 MR. WOODARD:

19 I will.

20 MR. FINALET:

21 I might come by soon.

22 MR. WOODARD:

23 Thank you again for your help. I've
24 talked to Kerry so I think we have a
25 good plan.

1 MR. FINALET:

2 Good deal. Take care. Happy new
3 year.

4 MR. WOODARD:

5 You too.

6 MR. FINALET:

7 Thank you.

8 (No public comments were received
9 from 9:17 a.m. until 11:59 a.m.)

10 MR. FINALET:

11 The time is now 12:00 noon. This
12 public hearing is adjourned.

13

14 (THE HEARING ADJOURNED AT 12:00 P.M.)

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1 C E R T I F I C A T E

2 This certification is valid only for a
3 transcript accompanied by my original signature
4 and official seal on this page.

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7 before whom this hearing was taken, do hereby
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R E P O R T E R ' S P A G E

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That same is the proper method for a Court Reporter's transcription of proceedings, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

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Summary of Testimony & Public Comments
re
Regulatory Project 2019-12 ~ Partial Fills of Schedule II Prescriptions
at
December 27, 2019 Public Hearing

No comments or testimony received.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII – Pharmacists

Chapter 27. Controlled Dangerous Substances

§2747. Dispensing Requirements

A. – B.4.c.iv. ...

5. Partial Filling of Prescription

a. The partial filling of a prescription for a controlled substance listed in Schedule II is permissible with the following limitations:

- i. When the pharmacist is unable to supply the full quantity called for in a written (or emergency oral) prescription, he shall make a notation of the quantity supplied on the face of the written prescription (or written record of the emergency oral prescription). The remaining portion of the prescription may be dispensed within 72 hours of the first partial filling; however, if the remaining portion is not or cannot be filled within the 72-hour period, the pharmacist shall notify the prescriber. No further quantity shall be dispensed beyond 72 hours without a new prescription.
- ii. When a partial fill is requested by the patient or the practitioner who wrote the prescription, the pharmacist may dispense any quantity less than the total quantity prescribed. The total quantity dispensed in all partial fillings shall not exceed the total quantity prescribed. No partial filling may be dispensed more than 30 days after the date on which the prescription was written.

B.5.b. – F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR