

**RULE**

**Department of Health  
Board of Pharmacy**

Correctional Center Pharmacy  
(LAC 46:LIII.Chapter 18 and 2303)

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 has amended Chapter 18—Penal Pharmacy and §2303—Nonresident Pharmacy Requirements of its rules. Act 310 of the 2016 Legislature expanded the authority for the return and reuse of prescription drugs from those dispensed to an offender in the custody of the state department of public safety and corrections to include those offenders in the custody of local law enforcement agencies. The board has amended §§1801 and 2303 to implement the legislation. In addition, the board has changed the word ‘penal’ to ‘correctional center’ throughout Chapter 18 and §2303 and other technical changes. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LIII. Pharmacists**

**Chapter 18. Correctional Center Pharmacy**

**§1801. Correctional Center Pharmacy Permit**

A. A correctional center pharmacy permit shall be required to operate a pharmacy located within a correctional center owned and/or operated by the Louisiana Department of Public Safety and Corrections or its successor (hereinafter “the department”), or a local law enforcement agency, to provide medications and pharmacy care for offenders residing in that correctional center or another correctional center owned and operated by the department or local law enforcement agency. The pharmacy in the correctional center may also provide medications and pharmacy care to offenders assigned to that facility and residing at home or another housing location.

B. In the event a pharmacy located within the state but outside a correctional center intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a correctional center owned and/or operated by the department or local law enforcement agency that pharmacy shall first obtain a correctional center pharmacy permit.

C. In the event a nonresident pharmacy intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a correctional center owned and/or operated by the department or local law enforcement agency, or to any offender in the custody of the department or local law enforcement agency shall first obtain a nonresident correctional center pharmacy permit, and further, shall comply with the provisions of this Chapter with the exception of acquiring a separate correctional center pharmacy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236 (May 2012), amended LR 39:3074 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:571 (April 2020).

### **§1803. Permit Application Procedures**

#### **A. Application for Initial Issuance of Permit**

1. The applicant for a correctional center pharmacy permit shall complete the application form supplied by the board and submit it with the required attachments and appropriate fees, as set forth in R.S. 37:1184, to the board.

2. - 5. ...

#### **B. Application for Renewal of Permit**

1. Without respect to the date of initial issuance, a correctional center pharmacy permit shall expire at midnight on December 31 of every year, unless surrendered, suspended, or revoked sooner in accordance with the Pharmacy Practice Act or this Part.

2. A correctional center pharmacy shall not operate with an expired permit.

B.3. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:572 (April 2020).

### **§1805. Maintenance of Permit**

A. A correctional center pharmacy permit is valid only for the entity to whom it is issued and shall not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall a permit be valid for any premises other than the business location for which it is issued.

B. The owner of the pharmacy shall appoint a Louisiana-licensed pharmacist as the pharmacist-in-charge of the permit. The owner of the pharmacy and the pharmacist-in-charge shall comply with the provisions of Section 1105 of this Part.

C. A pharmacy contemplating permanent closure of its prescription department shall comply with the provisions of §1133 of this Part.

D. A pharmacy contemplating a change in ownership shall comply with the provisions of Section 1135 of this Part.

E. A pharmacy contemplating a change in location shall comply with the provisions of §1137 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:572 (April 2020).

### **§1807. Prescription Department Requirements**

A. The prescription department of a correctional center pharmacy shall comply with the minimum specifications identified in §1103 of this Part, and further, the specifications provided for the correctional center pharmacy permit may not be held or used by any other pharmacy permit.

B. To ensure adequate access to medications and pharmacy care, the prescription department of a correctional center pharmacy shall be open for business a minimum of 10 hours per week, with said business hours posted at the pharmacy entrance.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237 (May 2012), amended LR 39:3074 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:572 (April 2020).

### **§1809. Drug Distribution Control**

A. The pharmacist-in-charge shall be responsible for the safe and efficient procurement, receipt, storage, distribution, control, accountability, and patient administration and management of all drugs used in the correctional center. The administration and staff of the facility shall cooperate with the pharmacist-in-charge in meeting drug control requirements in ordering and accounting for drugs.

1. ...

2. The pharmacist-in-charge shall be responsible for making and keeping pharmacy records in compliance with the provisions of Sections 1119 through 1129 of this Part.

3. The procurement, storage, security, and recordkeeping of controlled substances shall be in compliance with the provisions of Chapter 27 of this Part.

B. The pharmacy may utilize automated medication systems but only in compliance with Chapter 12 of this Part.

C. The pharmacy located within a correctional center may utilize drug cabinets located outside the prescription department of that facility to provide access to a limited inventory of medications when the prescription department is closed.

1. A drug cabinet is intended solely for the proper and safe storage of needed drugs when the pharmacy is closed, and such drugs shall be available for emergency use only by authorized facility personnel.

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:572 (April 2020).

### **§1811. Definitions**

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

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237 (May 2012), repromulgated by the Department of Health, Board of Pharmacy, LR 46:572 (April 2020).

### §1813. Emergency Drug Kit Permit

A. A correctional center pharmacy located outside a correctional center intending to use one or more emergency drug kits within the correctional center shall first obtain an EDK permit from the board.

B. Application for Initial Issuance of Permit

1. The correctional center pharmacy shall apply to the board for the permit.

2. - 4. ...

C. Application for Renewal of Permit

1. Without respect to the date of initial issuance, an EDK permit shall expire at midnight on June 30 of every year, unless relinquished, surrendered, suspended, or revoked sooner in accordance with the Pharmacy Practice Act or this Part.

2. ...

3. The correctional center pharmacy shall complete the renewal application form supplied by the board and submit it with any required attachments and appropriate fees on or before the expiration date.

C.4. - D.4. ...

E. Maintenance of Permit

1. EDK permits are specific to a correctional center and to a correctional center pharmacy and they are not transferable.

2. In the event multiple kits are required for a correctional center, a separate permit shall be required for each EDK.

3. The original EDK permit shall be displayed in the correctional center pharmacy supplying the EDK, and a copy of the permit shall be maintained in the room or area where the EDK is located.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:573 (April 2020).

### §1815. Emergency Drug Kit Requirements

A. The EDK shall be tamper-evident, shall be maintained in a secure enclosure located within the correctional center, and shall be available for emergency use by authorized personnel only.

B. The EDK shall be clearly labeled to indicate it is an emergency drug kit, and further, the attached exterior label shall identify the inventory of contents as well as contact information for the correctional center pharmacy responsible for maintaining the kit.

C. - D. ...

E. The correctional center and correctional center pharmacy shall maintain policies and procedures to implement and maintain these requirements. These policies and procedures may be maintained in written or electronic format and shall be available for review by the board or its agents.

F. When an authorized prescriber issues an order for the administration of a drug contained within the EDK, the order and proof of use shall be delivered in written or electronic format to the correctional center pharmacy; further, such records shall contain the following minimum information:

1 - 6. ...

G. The correctional center pharmacy shall inspect the EDK periodically, but in no event more than 30 days after the previous inspection. Proper documentation of these inspections, EDK inventory, and all records of use shall be maintained by the correctional center pharmacy and available for review by the board or its agents.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1238 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:573 (April 2020).

### §1817. Drug Donations to Correctional Center Pharmacies

A. A correctional center pharmacy may accept the donation of a prescription drug, except a controlled substance, previously dispensed to another patient provided the following procedures are satisfied.

1. The physical transfer of the donated drug shall be accomplished by an individual authorized to do so by the correctional center pharmacy.

2. An inventory list of the drugs being donated shall accompany the drugs received in the correctional center pharmacy; the list shall contain, at a minimum, the name and strength of the drug, the quantity received, and expiration date. The correctional center pharmacy receiving the donated drugs shall maintain this list as an acquisition record.

3. The correctional center pharmacy shall not knowingly accept the donation of any expired drugs. In the event expired drugs are received by a correctional center pharmacy, the pharmacist-in-charge shall destroy them as required by law.

4. - 5. ...

B. The pharmacist-in-charge of the correctional center pharmacy receiving donated drugs shall be responsible for determination of suitability of the drug product for reuse.

1. - 3. ...

C. Once accepted by the correctional center pharmacy, under no circumstances may the donated drugs be transferred to another location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1238 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:573 (April 2020).

### §1819. Medication Use Procedures

A. ...

B. All drugs dispensed by the pharmacy or held for administration to offenders at the facility shall be packaged in appropriate containers that comply with the relevant standards of the USP.

C. The compounding of drug preparations shall comply with the relevant standards of the USP, as well as the provisions of Sections 2531 through 2535 of this Part.

D. All drugs dispensed by the pharmacy, intended for use within the correctional center, shall be labeled as to identify the offender's name and location as well as the drug name and strength. Further, compounded preparations shall include the expiration date or beyond-use date, initials of the preparer, and initials of the pharmacist performing the final check on the label.

E. Drugs dispensed by the correctional center pharmacy may be returned to that correctional center pharmacy for re-use, in accordance with good professional practice procedures, subject to the following limitations.

1. Drugs returned to the pharmacy for re-use shall not be further distributed to another entity.

2. Drugs that may be dispensed only to patients registered with the drug manufacturer in accordance with federal Food and Drug Administration (FDA) requirements shall not be accepted for return or re-dispensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1239 (May 2012), amended by the Department of Health, Board of Pharmacy, LR 46:573 (April 2020).

### **Chapter 23. Nonresident Pharmacy**

#### **§2303. Nonresident Pharmacy Requirements**

A. The nonresident pharmacy shall hold a current pharmacy permit in good standing in the state(s) in which it is located and/or practicing pharmacy.

B. ...

C. Every nonresident pharmacy doing business in Louisiana by dispensing and delivering prescription drugs and devices to Louisiana residents shall designate a resident agent and a registered office in Louisiana for the service of process.

D. Every nonresident pharmacy doing business in Louisiana by dispensing and delivering prescription drugs and devices to offenders in the custody of the Louisiana Department of Public Safety and Corrections or local law enforcement agency shall obtain and maintain a nonresident correctional center pharmacy permit, and further, shall comply with the provisions of Chapter 18 of this Part, with the single exception of the necessity for acquiring a separate correctional center pharmacy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182 and R.S. 37:1226.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992), effective January 1, 1993, amended LR 29:2100 (October 2003), effective January 1, 2004, amended LR 39:3074 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:574 (April 2020).

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