November 8, 2019

Senator John A. Alario, Jr, President
Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 1 of 3 for Regulatory Project 2019-7 ~ Veterinary Hospital Pharmacy

Dear Senator Alario:

The Board has initiated the rulemaking process to amend a portion of its rules for state-owned veterinary hospital pharmacies to allow non-pharmacists to enter the pharmacy after hours for emergency purposes, in compliance with policies and procedures approved by the pharmacist-in-charge of that pharmacy. In connection with this regulatory project, the following documents are attached.

- Waiver from Occupational Licensing Review Commission
- Notice of Intent
- Proposed Rule Changes
- Family Impact Statement
- Poverty Impact Statement
- Provider Impact Statement
- Regulatory Flexibility Analysis
- Solicitation of Comments
- Fiscal & Economic Impact Statement

As indicated in the solicitation, we will convene a public hearing on December 27, 2019 to receive public comments and testimony on these proposed rule changes. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional information about this project, please contact me directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm J. Broussard
Executive Director

cc: Chair, Senate Health & Welfare Committee
Via Email: APA.S-H&W@legis.la.gov
Speaker, House of Representatives
Via Email: APA.HouseSpeaker@legis.la.gov
Chair, House Health & Welfare Committee
Via Email: APA.H-HW@legis.la.gov
Director, Community Outreach Services, La. Economic Development
Via Email: Pat.Witty@la.gov
Editor, Louisiana Register
Via Email: Reg Submission@la.gov
Reference File

NOTICE: In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 et seq.
Malcolm,

The Pharmacy Board may proceed with the normal APA procedures without going through the OLRC for this rule.

Thanks,

Ellen

**Ellen Palmintier**  
*Assistant Executive Counsel*  
*Director of Boards & Commissions*

225.342.0919  
225.208.1531 (fax)  
[ellen.palmintier@la.gov](mailto:ellen.palmintier@la.gov)  
[gov.louisiana.gov](http://gov.louisiana.gov)

The Board of Pharmacy has directed the initiation of the rulemaking process to amends its rules relative to hospital pharmacies. In connection with [Regulatory Project 2019-7 ~ Veterinary Hospital Pharmacy](http://gov.louisiana.gov), you should find the following documents attached to this message:

- Memorandum to Occupational Licensing Review Commission;
- Notice of Intent; and
- Fiscal & Economic Impact Statement.

We look forward to your review of this regulatory project to determine the necessity for its consideration by the Commission. If your determination is that no approval by the Commission is required, we would appreciate your communication to that effect, or in the alternative, a confirmation of its scheduling for the Commission’s consideration.

Please let me know if you have any questions or need additional information.
Thanks,
Malcolm

Malcolm J. Broussard
Executive Director
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, LA 70809-1700
Telephone 225.925.6481
mbroussard@pharmacy.la.gov

In compliance with Act 2018-655, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions or board procedures. You may submit such complaints to one or more of the following organizations:
(1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70804; 225.925.6496; info@pharmacy.la.gov.
(2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 94062; Baton Rouge, LA 70804; 225.342.2403; obriens@legis.la.gov.
(3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; s&g@legis.la.gov.
Notice of Intent

Department of Health
Board of Pharmacy

Veterinary Hospital Pharmacy (LAC 46:LIII.1503 and 1517)

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 et seq.) and the Pharmacy Practice Act (La. R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend Sections 1503 and 1507 of its rules for hospital pharmacies. The proposed amendments of Section 1503 will amend existing definitions of patients to include animals receiving care within a veterinary teaching hospital owned or operated by a public university in the state as well as the existing definition of hospital pharmacy to include a pharmacy located within a veterinary teaching hospital owned or operated by a public university in the state. The proposed amendment of Section 1507 will require the pharmacist-in-charge of a pharmacy located within a veterinary teaching hospital owned or operated by a public university in the state to establish policies and procedures relative to authorized access to the pharmacy after hours.
Chapter 15. Hospital Pharmacy

§1503. Definitions
A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:

* * *

Hospital Patient – a person receiving health care services within a hospital facility, or an animal receiving veterinary care within a veterinary teaching hospital owned or operated by a public university in this state.

Hospital Pharmacy – a pharmacy department permitted by the board and located in a hospital licensed pursuant to R.S. 40:2100 et seq or in a veterinary teaching hospital owned or operated by a public university in this state. For the purposes of this chapter, a hospital pharmacy is one example of a primary care treatment modality pharmacy.

* * *

Registered Patients – a person receiving health care services within a hospital facility, or an animal receiving veterinary care within a veterinary teaching hospital owned or operated by a public university in this state.

* * *

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


* * *

§1517. Pharmacist Absence/Drug Cabinet
A. Pharmacist Absence. In the absence of a licensed pharmacist, admittance to the pharmacy by unauthorized persons is prohibited. When the pharmacy is closed, a pharmacist shall be on emergency call.

1. Within a veterinary teaching hospital owned or operated by a public university in this state, the pharmacist-in-charge shall approve policies and procedures detailing the person(s) authorized to access the pharmacy after-hours.

B. – B.8. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2093 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR
FAMILY IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

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.

I. The effect on the stability of the family.

The proposed rule amendments will have no effect on the stability of the family.

II. The effect on the authority and rights of parents regarding the education and supervision of their children.

The proposed rule amendments will have no effect on the authority and rights of parents regarding the education and supervision of their children.

III. The effect on the functioning of the family.

The proposed rule amendments will have no effect on the functioning of the family.

IV. The effect on family earnings and family budget.

The proposed rule amendments will have no effect on family earnings or family budget.

V. The effect on the behavior and personal responsibility of children.

The proposed rule amendments will have no effect on the behavior and personal responsibility of children.

VI. The ability of the family or a local government to perform the function as contained in the proposed rule.

The proposed rule amendments 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
FOR ADMINISTRATIVE RULES

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.

I. The effect on household income, assets, and financial security.

The proposed rule amendments will have no effect on household income, assets, or financial security.

II. The effect on early childhood development and preschool through postsecondary education development.

The proposed rule amendments will have no effect on early childhood development or preschool through postsecondary education development.

III. The effect on employment and workforce development.

The proposed rule amendments will have no effect on employment or workforce development.

IV. The effect on taxes and tax credits.

The proposed rule amendments will have no effect on taxes or tax credits.

V. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

The proposed rule amendments will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.
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:

I. The effect on the staffing level requirements or qualifications required to provide the same level of service.

The proposed rule amendments will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

II. The total direct and indirect effect on the cost to the provider to provide the same level of service.

The proposed rule amendments will have no effect on the cost to the provider to provide the same level of service.

III. The overall effect on the ability of the provider to provide the same level of service.

The proposed rule amendments will have no effect on the ability of the provider to provide the same level of service.
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:

I. The establishment of less stringent compliance or reporting requirements for small businesses.

There are no reporting requirements in the proposed rule amendments.

II. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

There are no specific reporting requirements in the proposed rule amendments.

III. The consolidation or simplification of compliance or reporting requirements for small businesses.

There are no specific reporting requirements in the proposed rule amendments.

IV. 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 amendments.

V. 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.
SOLICITATION OF 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, Louisiana 70809-1700. He is responsible for responding to inquiries regarding the proposed rule amendment. A public hearing to solicit comments and testimony on the proposed rule amendment is scheduled for 9:00 a.m. on Tuesday, November 26, 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 12:00 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
Louisiana Board of Pharmacy
FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment:

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

The proposed rule changes will result in a one-time cost of $2,000 for FY 20 for the Louisiana Board of Pharmacy to publish the proposed and final rules in the state register. The rule amendments require pharmacists-in-charge of pharmacies in teaching veterinary hospitals located in Louisiana to establish policies and procedures for persons authorized to access the pharmacy after hours. This new requirement would only affect the LSU School of Veterinary Medicine (SVM) and may result in marginal administrative costs for the SVM to establish the aforementioned policies and procedures.

There are no costs or savings for local governmental units.

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

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

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

The proposed rule changes apply only to governmental subdivisions and therefore do not affect non-governmental groups or persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.
FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person Preparing Statement: Malcolm J. Broussard Dept.: Health
Executive Director Office: Board of Pharmacy
Phone: (225) 925-6481 Title: Veterinary Hospital Pharmacy
Return Address: 3388 Brentwood Drive Effective Date of Rule: Upon promulgation
Baton Rouge, LA 70809 April 1, 2020 (est.)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule changes will result in a one-time cost of $2,000 for FY 20 for the Louisiana Board of Pharmacy to publish the proposed and final rules in the state register. The rule amendments require pharmacists-in-charge of pharmacies in teaching veterinary hospitals located in Louisiana to establish policies and procedures for persons authorized to access the pharmacy after hours. This new requirement would only affect the LSU School of Veterinary Medicine (SVM) and may result in marginal administrative costs for the SVM to establish the aforementioned policies and procedures.

There are no costs or savings for local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule changes apply only to governmental subdivisions and therefore do not affect non-governmental groups or persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule changes will not affect competition or employment.

Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director
Typed Name and Title of Agency Head or Designee

November 7, 2019
Date of Signature

Legislative Fiscal Officer or Designee

Date of Signature

Page 1 of 4
FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed amendments of Section 1503 will amend existing definitions of patients to include animals receiving care within a veterinary teaching hospital owned or operated by a public university in the state as well as the existing definition of hospital pharmacy to include a pharmacy located within a veterinary teaching hospital owned or operated by a public university in the state. The proposed amendment of Section 1507 will require the pharmacist-in-charge of a pharmacy located within a veterinary teaching hospital owned or operated by a public university in the state to establish policies and procedures relative to authorized access to the pharmacy after hours.

B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The Board received a request from a stakeholder requesting the proposed rule amendment.

C. Compliance with Act 11 of the 1986 First Extraordinary Session:

(I) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The Board has allocated $1,000 each for printing the Notice of Intent and the Final Rule. The Board operates on self-generated funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) Yes. If yes, attach documentation.

(b) X No. If no, provide justification as to why this rule change should be published at this time.

The Board seeks to allow the pharmacist-in-charge of a veterinary hospital pharmacy to authorize access to the pharmacy after hours to obtain drugs needed for emergent care of animals.

D. Compliance with Act 820 of the 2008 Regular Session

(1) An identification and estimate of the number of small businesses subject to the proposed rule.

Given the criteria in the statutory definition of "small businesses", the Board is unable to specifically identify small businesses because the Board does not collect information from pharmacies concerning the number of employees or any information on sales, net worth, or other financial data. To the extent any pharmacy licensed by the Board would qualify as a small business, there are 2,003 pharmacies licensed by the Board.

(2) The projected reporting, record keeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

There are no specific reporting requirements in the proposed rule amendment. The general recordkeeping requirements are consistent with current requirements applicable to all types of pharmacy permits.

(3) A statement of the probable effect on impacted small businesses.

The proposed rule amendments will have no effect on small businesses.

(4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

There are no alternative methods for achieving the purpose of the proposed rule amendments.
FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

<table>
<thead>
<tr>
<th>COSTS</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONAL SERVICES</td>
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<td>$0</td>
</tr>
<tr>
<td>OPERATING EXPENSES</td>
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<tr>
<td>PROFESSIONAL SERVICES</td>
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<td>OTHER CHARGES</td>
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<tr>
<td>EQUIPMENT</td>
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<td>$0</td>
</tr>
<tr>
<td>MAJOR REPAIR &amp; CONSTR.</td>
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<td>$0</td>
</tr>
<tr>
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</tr>
<tr>
<td>POSITIONS (#)</td>
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<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

2. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Board has sufficient funds available to implement the proposed rule amendments.

B. COST SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

To the extent a local governmental unit operates a pharmacy within a veterinary teaching hospital owned or operated by a public university in the state, the proposed rule amendment will require the pharmacist-in-charge to develop policies and procedures relative to authorized access to the pharmacy after hours.

There are no costs or savings for local governmental units.

3. Sources of funding for implementing the proposed rule or rule change.

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<thead>
<tr>
<th>SOURCE</th>
<th>FY 19-20</th>
<th>FY 20-21</th>
<th>FY 21-22</th>
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<td>$0</td>
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<tr>
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</tr>
<tr>
<td>TOTAL</td>
<td>$2,000</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Board has sufficient funds available to implement the proposed rule amendments.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

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<th>FY 20-21</th>
<th>FY 21-22</th>
</tr>
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<tbody>
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<tr>
<td>AGENCY SELF-GENERATED</td>
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<tr>
<td>TOTAL</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>
B. Provide a narrative explanation of each increase or decrease in revenues shown in “A”. Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule amendments will have no effect on revenue collections of state or local governmental units.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule changes apply only to governmental subdivisions and therefore do not affect non-governmental groups or persons.

Also provide an estimate and a narrative description of any impact on receipts and/or income (revenue) resulting from this rule or rule change to these groups.

The proposed rule amendments will have no effect on receipts or revenue.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes will not affect competition or employment.

Signature of Agency Head or Designee

Malcolm J Broussard, Executive Director
Typed Name and Title of Agency Head or Designee

November 7, 2019
Date of Signature