

**Louisiana Administrative Code**

**Title 46 – Professional and Occupational Standards**

**Part LIII: Pharmacists**

**Chapter 24. Limited Service Providers**

**Subchapter C. Telepharmacy Services**

**§2421. Purpose**

- A. As market forces continue to adversely impact community pharmacies, some pharmacies have or will close permanently. In certain parts of the state, such closures create critical access issues for citizens in need of pharmacy services.
- B. As the pharmacy workforce continues to evolve, with changing patterns of distribution of the workforce, certain parts of the state have experienced a shortage of pharmacists, which can adversely impact access to pharmacist care.
- C. In an effort to improve access to pharmacist care and pharmacy services, the board has determined it appropriate to establish standards for the operation and regulation of telepharmacy services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

**§2423. Definitions**

- A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:
  - Central pharmacy – a permitted pharmacy in Louisiana that supervises a telepharmacy dispensing site.
  - Still image capture – a specific image captured electronically from a video or other image capture device.
  - Store and forward – a video or still image record which is saved electronically for future review.
  - Telepharmacy consultation site – a permitted pharmacy where prescription medication previously dispensed in a central pharmacy or a telepharmacy dispensing site is delivered and held for retrieval by the patient and which houses the appropriate technology to facilitate patient counseling by a pharmacist at the dispensing pharmacy.
  - Telepharmacy dispensing site – a permitted pharmacy supervised by a central pharmacy that offers pharmacy services using a telepharmacy system.
  - Telepharmacy system – a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method which shall include the use of the following types of technology:
    - a. Audio and video;
    - b. Still image capture; and
    - c. Store and forward.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

**§2425. Telepharmacy Dispensing Site**

- A. General Requirements
  - 1. A telepharmacy dispensing site permit shall authorize the permit holder to procure and possess prescription and non-prescription drugs and devices, and hold such items for immediate

- 53 administration directly to a patient and/or dispense such items to a patient for later use upon the  
54 order of a practitioner with prescriptive authority.
- 55 2. In the event the telepharmacy dispensing site intends to procure and possess any controlled  
56 substances, that pharmacy shall first obtain a Louisiana Controlled Dangerous Substance license  
57 as well as the federal registration from the U.S. Drug Enforcement Administration.
- 58 3. The telepharmacy dispensing site shall operate using a telepharmacy system under the control of  
59 its supervising central pharmacy.
- 60 4. A central pharmacy may supervise no more than two telepharmacy dispensing sites, and all such  
61 sites must be located within the state of Louisiana.
- 62 5. The minimum staffing requirement for a telepharmacy dispensing site shall be a Louisiana-  
63 licensed certified pharmacy technician, or in the alternative, a Louisiana-licensed pharmacy intern,  
64 with demonstrated proficiency in operating the telepharmacy system used in the telepharmacy  
65 dispensing site.
- 66 6. A pharmacist shall approve each prescription before it is taken away from the telepharmacy  
67 dispensing site.
- 68 B. Licensing Procedure
- 69 1. A person or other entity intending to operate a telepharmacy dispensing site shall complete the  
70 application form supplied by the board, and then submit it with any required attachments and the  
71 application fee to the board.
- 72 2. The board shall not process applications received by facsimile, or that are incomplete, or  
73 submitted with the incorrect fee.
- 74 3. A person or other entity who submits a false or fraudulent application shall be deemed to have  
75 violated R.S. 37:1241(A)(2) and shall be subject to disciplinary action by the board.
- 76 4. If determined appropriate by the board, the applicant may be required to meet with a committee of  
77 the board or an agent of the board prior to the issuance of the permit.
- 78 5. Regardless of the date issued, the pharmacy permit shall expire on December 31 of every year.  
79 No person or other entity may operate a telepharmacy dispensing site with an expired permit; the  
80 continued operation of a telepharmacy dispensing site with an expired permit shall substantiate a  
81 violation of R.S. 37:1241(A)(12)
- 82 C. Maintenance of Permit
- 83 1. A telepharmacy dispensing site permit shall be valid only for the person or other entity to whom it  
84 is issued, and it shall not be subject to sale, assignment or other transfer, voluntary or involuntary,  
85 nor shall the permit be valid for any premises other than the physical location for which it was  
86 issued.
- 87 2. A duplicate or replacement permit shall be issued upon the written request of the permit holder  
88 and payment of the required fee. A duplicate or replacement permit shall be marked as such, and  
89 it shall not serve or be used as an additional or second permit.
- 90 D. Closure of Permit
- 91 1. When the owner of the permit intends to close the telepharmacy dispensing site permanently, the  
92 owner's managing officer and the pharmacist-in-charge shall be accountable to the board for the  
93 proper closure of the pharmacy in compliance with Section 1133 of the board's rules.
- 94 2. Unless approved by the board in advance, all remaining inventory and records shall be transferred  
95 to the central pharmacy supervising that telepharmacy dispensing site.
- 96 E. Standards of Practice
- 97 1. The telepharmacy dispensing site shall be of sufficient size and shall contain sufficient fixtures,  
98 equipment, and supplies commensurate with the nature and scope of practice for that pharmacy,  
99 provided:
- 100 a. The site shall be of sufficient size to allow for the safe and proper storage of prescription  
101 drugs, devices, and if applicable, controlled dangerous substances;
- 102 b. All areas where drugs and devices are stored shall be dry, well-lighted, well ventilated, and  
103 maintained at temperatures which will ensure the integrity of drugs prior to their dispensing as  
104 stipulated by the United States Pharmacopeia and/or manufacturer's or distributor's product  
105 labeling unless otherwise indicated by the board;

- 106 c. The site shall be secured by either a physical barrier with suitable locks and/or an electronic  
107 barrier to detect entry by any unauthorized personnel;  
108 d. Prescription and other patient healthcare information shall be maintained in a manner that  
109 protects the integrity and confidentiality of such information; and  
110 e. The site shall be configured and equipped to sustain optimal operation of all the technological  
111 components of the telepharmacy system.  
112 2. Minimum Staffing Requirements.  
113 a. The pharmacist-in-charge of the supervising central pharmacy shall be the pharmacist-in-  
114 charge of the telepharmacy dispensing site, and this requirement shall operate as an exception  
115 to the provisions of Section 1105.A.2 and Section 1105.K of the board's rules. However, the  
116 pharmacist-in-charge shall comply with the remaining provisions of Section 1105 of the  
117 board's rules.  
118 b. The telepharmacy dispensing site does not require the personal presence of a pharmacist, but  
119 it is permissible for a pharmacist to practice in that site.  
120 c. In the absence of a pharmacist, the site shall be staffed by one – and only one – Louisiana-  
121 licensed certified pharmacy technician, or in the alternative, one – and only one – Louisiana-  
122 licensed pharmacy intern. Technicians or interns present in the telepharmacy dispensing site  
123 are counted with all other such personnel located at the central pharmacy when calculating the  
124 ratios of technicians or interns  
125 d. Additional clerical personnel may also be present at the site.  
126 3. The pharmacist-in-charge shall be responsible for routine inspections of the telepharmacy  
127 dispensing site. The policies and procedures shall identify the inspection criteria to be monitored.  
128 Each inspection shall be conducted no later than 30 days after the previous inspection. The  
129 inspection reports detailing the findings of each inspection shall be retained for at least two years,  
130 and further, shall be readily retrievable upon request by the board or its agent.  
131 4. Operations  
132 a. The telepharmacy dispensing site shall be connected to its supervising central pharmacy using  
133 the telepharmacy system.  
134 b. The dispensing of prescriptions shall be construed as completed at the central pharmacy;  
135 therefore, the telepharmacy dispensing site shall use the central pharmacy's dispensing  
136 information system.  
137 c. The telepharmacy system shall permit prescription labels to be generated from the central  
138 pharmacy or the telepharmacy dispensing site.  
139 i. New prescriptions may be received and entered at the central pharmacy with a label  
140 printed at the telepharmacy dispensing site; or  
141 ii. New prescriptions received at the telepharmacy dispensing site may be entered by the  
142 technician or intern with all verification, utilization review, and final check the  
143 responsibility of the pharmacist at the central pharmacy.  
144 d. Prescriptions filled at the telepharmacy dispensing site shall be distinguishable on records  
145 from those filled at the central pharmacy  
146 e. The telepharmacy dispensing site shall comply with the recordkeeping provisions of Section  
147 1123 of the board's rules; however, records of activities at that site shall be distinguishable  
148 from the records of activities at the central pharmacy, and all records shall be maintained at  
149 the central pharmacy  
150 f. As part of the final check, the pharmacist shall verify:  
151 i. the availability of both the pharmacy technician (or pharmacy intern) and the pharmacist  
152 on the patient profile and the prescription label; as well as  
153 ii. the source container, prescription medication, and prescription label using the technology  
154 in the telepharmacy system  
155 g. A pharmacist shall counsel the patient or patient's agent for all new prescriptions and refills,  
156 using the technology in the telepharmacy system.  
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158 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

159 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

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## **§2427. Telepharmacy Consultation Site**

### **A. General Requirements**

1. A telepharmacy consultation site permit shall authorize the holder to receive and possess prescription medications awaiting retrieval by the patient or patient's agent that were previously dispensed by the central pharmacy supervising the telepharmacy consultation site.
2. No other prescription medication inventory may be acquired or held at a telepharmacy consultation site.
3. Prescription medications awaiting pickup by the patient or patient's agent shall be secured in a locked drawer or cabinet.
4. The minimum staffing requirement for a telepharmacy consultation site shall be an employee of the central pharmacy supervising the telepharmacy consultation site who has been trained in the use of the technology to be used for the dispensing and consultation processes.
5. When the patient or patient's agent arrives to retrieve the previously dispensed prescription, the employee shall assist the customer in accessing the pharmacist at the central pharmacy.
6. A patient or patient's agent may deposit an original written prescription form at the telepharmacy consultation site for faxing, scanning, and transmitting to the central pharmacy; however, the site shall not accept any new prescription or refill communicated from the practitioner or practitioner's agent.
7. The pharmacist shall be responsible for the documentation and maintenance of the record as to the date and time at which the dispensing and counseling occurred.

### **B. Licensing Procedure**

1. A person or other entity intending to operate a telepharmacy consultation site shall complete the application form supplied by the board, and then submit it with any required attachments and the application fee to the board.
2. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.
3. A person or other entity who submits a false or fraudulent application shall be deemed to have violated R.S. 37:1241(A)(2) and shall be subject to disciplinary action by the board.
4. If determined appropriate by the board, the applicant may be required to meet with a committee of the board or an agent of the board prior to the issuance of the permit.
5. Regardless of the date issued, the pharmacy permit shall expire on December 31 of every year. No person or other entity may operate a telepharmacy consultation site with an expired permit: the continued operation of a telepharmacy consultation site with an expired permit shall substantiate a violation of R.S. 37:1241(A)(12).

### **C. Maintenance of Permit**

1. A telepharmacy consultation site permit shall be valid only for the person or other entity to whom it is issued, and it shall not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall the permit be valid for any premises other than the physical location for which it was issued.
2. A duplicate or replacement permit shall be issued upon the written request of the permit holder and payment of the required fee. A duplicate or replacement permit shall be marked as such, and it shall not serve or be used as an additional or second permit.

### **D. Closure of Permit**

1. When the owner of the permit intends to close the telepharmacy consultation site permanently, the owner's managing officer and the pharmacist-in-charge shall be accountable to the board for the proper closure of the pharmacy in compliance with Section 1133 of the board's rules.
2. Unless approved by the board in advance, all remaining inventory and records shall be transferred to the central pharmacy supervising that telepharmacy consultation site.

### **E. Standards of Practice**

1. The telepharmacy consultation site shall be of sufficient size and shall contain sufficient fixtures, equipment, and supplies commensurate with the nature and scope of practice for that pharmacy, provided:
  - a. The site shall be of sufficient size to allow for the safe and proper storage of prescription

- 214 drugs, devices, and if applicable, controlled dangerous substances;  
215 b. All areas where drugs and devices are stored shall be dry, well-lighted, well ventilated, and  
216 maintained at temperatures which will ensure the integrity of drugs prior to their retrieval as  
217 stipulated by the United States Pharmacopeia and/or manufacturer's or distributor's product  
218 labeling unless otherwise indicated by the board;  
219 c. The site shall be secured by either a physical barrier with suitable locks and/or an electronic  
220 barrier to detect entry by any unauthorized personnel;  
221 d. Prescription and other patient healthcare information shall be maintained in a manner that  
222 protects the integrity and confidentiality of such information; and  
223 e. The site shall be configured and equipped to sustain optimal operation of all the technological  
224 components of the telepharmacy system.  
225 2. Minimum Staffing Requirements.  
226 a. The pharmacist-in-charge of the supervising central pharmacy shall be the pharmacist-in-  
227 charge of the telepharmacy consultation site, and this requirement shall operate as an  
228 exception to the provisions of Section 1105.A.2 and Section 1105.K of the board's rules.  
229 However, the pharmacist-in-charge shall comply with the remaining provisions of Section  
230 1105 of the board's rules.  
231 b. The telepharmacy dispensing site does not require the personal presence of a pharmacist,  
232 pharmacy intern, or pharmacy technician, but it is permissible for those licensed persons to  
233 practice in that site. Technicians or interns present in the telepharmacy consultation site are  
234 counted with all other such personnel located at the central pharmacy when calculating the  
235 ratios of technicians or interns.  
236 c. In the absence of any licensed personnel, the site shall be staffed by an employee of the  
237 supervising central pharmacy with demonstrated proficiency in the operation of the  
238 telepharmacy system  
239 3. The pharmacist-in-charge shall be responsible for routine inspections of the telepharmacy  
240 consultation site. The policies and procedures shall identify the inspection criteria to be  
241 monitored. Each inspection shall be conducted no later than 30 days after the previous inspection.  
242 The inspection reports detailing the findings of each inspection shall be retained for at least two  
243 years, and further, shall be readily retrievable upon request by the board or its agent.  
244 4. Operations  
245 a. The telepharmacy consultation site shall be connected to its supervising central pharmacy  
246 using the telepharmacy system.  
247 b. The personnel shall assist the patient in accessing the pharmacist using the technology in the  
248 telepharmacy system.  
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250 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

251 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR

252 §2428 – 2430. [Reserved]  
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