

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 18. Penal Correctional Center Pharmacy

§1801. Penal Correctional Center Pharmacy Permit

- A. A ~~penal correctional center~~ pharmacy permit shall be required to operate a pharmacy located within a ~~penal institution 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 ~~institution correctional center~~ or another ~~penal institution correctional center~~ owned and operated by the department or local law enforcement agency. The pharmacy in the ~~penal institution correctional center~~ may also provide medications and pharmacy care to offenders assigned to that ~~institution facility~~ and residing at home or another housing location.
- B. In the event a pharmacy located within the state but outside a ~~penal institution correctional center~~ intends to provide medications and pharmacy care on a contractual basis to offenders residing in, or assigned to, a ~~penal institution correctional center~~ owned and/or operated by the department or local law enforcement agency that pharmacy shall first obtain a ~~penal 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 ~~penal institution 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 ~~penal correctional center~~ pharmacy permit, and further, shall comply with these rules with the exception of acquiring a separate ~~penal 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

§1803. Permit Application Procedures

- A. Application for Initial Issuance of Permit
1. The applicant for a ~~penal 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. Once received by the board, an application for the permit shall expire one year thereafter. Fees attached to an expired application shall be forfeited by the applicant and deposited by the board.
 3. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fees.
 4. The applicant may be required to personally appear before the board or one of its committees prior to any decision on the permit application.
 5. The applicant shall be required to submit to the criminal history record check process used by the board, unless waived by the board.
- B. Application for Renewal of Permit
1. Without respect to the date of initial issuance, a ~~penal 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 these rules.
 2. A ~~penal correctional center~~ pharmacy shall not operate with an expired permit.
 3. The 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.

- 54 4. The board shall not process applications received by facsimile, or that are incomplete, or
55 submitted with the incorrect fees.
- 56 C. Application for Reinstatement of Expired Permit
- 57 1. The applicant shall complete an application form for this specific purpose supplied by the board
58 and submit it with any required attachments and appropriate fees to the board.
- 59 2. The board shall not process applications received by facsimile, or that are incomplete, or
60 submitted with the incorrect fees.
- 61 3. An application for the reinstatement of a permit which has been expired:
- 62 a. Less than one year may be approved by the board's administrative personnel.
- 63 b. More than one year but less than five years may be approved by a member of the board
64 charged with such duties.
- 65 c. More than five years may only be approved by the full board following a hearing to determine
66 whether the applicant is competent to operate the pharmacy and whether the reinstatement is
67 in the public's best interest.
- 68 4. Applications requiring a reinstatement hearing shall be accompanied by payment of the
69 administrative hearing fee authorized by R.S. 37:1184.
- 70 D. Application for Reinstatement of Suspended or Revoked Permit
- 71 1. The applicant shall complete an application form for this specific purpose supplied by the board
72 and submit it with any required attachments and appropriate fees to the board.
- 73 2. The board shall not process applications received by facsimile, or that are incomplete, or
74 submitted with the incorrect fees.
- 75 3. The application may only be approved by the full board following a hearing to determine whether
76 the applicant is competent to operate the pharmacy and whether the reinstatement is in the public's
77 best interest.
- 78

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

80 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236
81 (May 2012), amended by the Department of Health, Board of Pharmacy, LR

82

83 **§1805. Maintenance of Permit**

- 84 A. A ~~penal~~ correctional center pharmacy permit is valid only for the entity to whom it is issued and shall
85 not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall a permit be valid
86 for any premises other than the business location for which it is issued.
- 87 B. The owner of the pharmacy shall appoint a Louisiana-licensed pharmacist as the pharmacist-in-charge
88 of the permit. The owner of the pharmacy and the pharmacist-in-charge shall comply with the
89 provisions of §1105 – *Pharmacist-in-Charge* of the board's rules.
- 90 C. A pharmacy contemplating permanent closure of its prescription department shall comply with the
91 provisions of §1133 – *Pharmacy Closing Procedures* of the board's rules.
- 92 D. A pharmacy contemplating a change in ownership shall comply with the provisions of §1135 –
93 *Pharmacy Change of Ownership Procedures* of the board's rules.
- 94 E. A pharmacy contemplating a change in location shall comply with the provisions of §1137 –
95 *Pharmacy Change of Location Procedures* of the board's rules.
- 96

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

98 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1236
99 (May 2012), amended by the Department of Health, Board of Pharmacy, LR

100

101 **§1807. Prescription Department Requirements**

- 102 A. The prescription department of a ~~penal~~ correctional center pharmacy shall comply with the minimum
103 specifications identified in §1103 – *Prescription Department Requirements* of the board's rules, and
104 further, the specifications provided for the ~~penal~~ correctional center pharmacy permit may not be held
105 or used by any other pharmacy permit.

- 106 B. To ensure adequate access to medications and pharmacy care, the prescription department of a ~~penal~~
107 correctional center pharmacy shall be open for business a minimum of ten (10) hours per week, with
108 said business hours posted at the pharmacy entrance.
109 C. A pharmacist shall be on duty at all times during regular operating hours of the pharmacy. When the
110 pharmacy is closed, a pharmacist shall be available for emergency calls.
111 D. In the absence of a pharmacist, there shall be no access to the prescription department.
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113 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

114 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237
115 (May 2012), amended LR 39:3074 (November 2013), amended by the Department of Health, Board of Pharmacy,
116 LR
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118 §1809. Drug Distribution Control

- 119 A. The pharmacist-in-charge shall be responsible for the safe and efficient procurement, receipt, storage,
120 distribution, control, accountability, and patient administration and management of all drugs used in
121 the ~~penal institution~~ correctional center. The administration and staff of the ~~institution~~ facility shall
122 cooperate with the pharmacist-in-charge in meeting drug control requirements in ordering and
123 accounting for drugs.
124 1. The pharmacist-in-charge shall maintain a written policy and procedure manual for the safe and
125 efficient distribution of drug products and delivery of pharmacy care. A copy of the current
126 version of the manual shall be available for board inspection upon request.
127 2. The pharmacist-in-charge shall be responsible for making and keeping pharmacy records in
128 compliance with the provisions of §1119 – 1129 of the board’s rules.
129 3. The procurement, storage, security, and recordkeeping of controlled substances shall be in
130 compliance with the provisions of *Chapter 27 – Controlled Dangerous Substances* of the board’s
131 rules.
132 B. The pharmacy may utilize automated medication systems, but only in compliance with *Chapter 12 –*
133 *Automated Medication Systems* of the board’s rules.
134 C. The ~~penal~~ pharmacy located within a ~~penal institution~~ correctional center may utilize drug cabinets
135 located outside the prescription department of that ~~institution~~ facility to provide access to a limited
136 inventory of medications when the prescription department is closed.
137 1. A drug cabinet is intended solely for the proper and safe storage of needed drugs when the
138 pharmacy is closed, and such drugs shall be available for emergency use only by authorized
139 ~~institution~~ facility personnel.
140 2. The drug cabinet shall be a securely constructed and locked enclosure located outside the
141 prescription department ensuring access by authorized personnel only.
142 3. The pharmacist-in-charge shall be responsible for the selection and quantity of drugs to be
143 maintained in the drug cabinet and shall maintain a perpetual inventory of any controlled
144 dangerous substances stored therein. Medications shall be available in quantities sufficient only
145 for immediate therapeutic needs.
146 4. Medications stored in a drug cabinet shall bear a legible label with the following minimum
147 information:
148 a. Drug name, strength, and dosage form;
149 b. Name of manufacturer or distributor and their lot or batch number;
150 c. Expiration date, in compliance with the relevant standards from the United States
151 Pharmacopeia (USP);
152 d. For prepackaged medications, the pharmacy’s lot number and initials of the pharmacist.
153 5. Documented orders from the medical practitioner and proof of use records shall be provided when
154 any medications are removed from the drug cabinet.
155 6. The pharmacy shall inspect medications stored in a drug cabinet on a periodic basis, but no more
156 than thirty days since the previous inspection.
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158 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

159 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237
 160 (May 2012), amended by the Department of Health, Board of Pharmacy, LR
 161

162 §1811. Definitions

- 163 A. As used in this ~~Section~~ Chapter, the following terms shall have the meaning ascribed to them in this
 164 ~~Subsection~~ Section:
- 165 *Emergency Drug Kit (EDK)* – a container holding designated emergency drugs which may be required
 166 to meet the immediate therapeutic needs of an offender.
 167 *Emergency Drugs* – those drugs which may be required to meet the immediate therapeutic needs of an
 168 offender and which are not available from any other authorized source in sufficient time to prevent risk
 169 of harm to the offender because of a delay resulting from obtaining such medications from such other
 170 source.
 171

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

173 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237
 174 (May 2012), amended by the Department of Health, Board of Pharmacy, LR
 175

176 §1813 Emergency Drug Kit Permit

- 177 A. A ~~penal~~ correctional center pharmacy located outside a ~~penal institution~~ correctional center intending
 178 to use one more emergency drug kits within the ~~penal institution~~ correctional center shall first obtain
 179 an EDK permit from the board.
- 180 B. Application for Initial Issuance of Permit
- 181 1. The ~~penal~~ correctional center pharmacy shall apply to the board for the permit.
 - 182 2. The applicant shall complete the application form supplied by the board and submit it with the
 183 required attachments and appropriate fees, as set forth in R.S. 37:1184, to the board.
 - 184 3. Once received by the board, an application for the permit shall expire one year thereafter. Fees
 185 attached to an expired application shall be forfeited by the applicant and deposited by the board.
 - 186 4. The board shall not process applications received by facsimile, or that are incomplete, or
 187 submitted with the incorrect fees.
- 188 C. Application for Renewal of Permit
- 189 1. Without respect to the date of initial issuance, an EDK permit shall expire at midnight on June 30
 190 of every year, unless relinquished, surrendered, suspended, or revoked sooner in accordance with
 191 the Pharmacy Practice Act or these rules.
 - 192 2. An EDK shall not be maintained or used with an expired permit.
 - 193 3. The ~~penal~~ correctional center pharmacy shall complete the renewal application form supplied by
 194 the board and submit it with any required attachments and appropriate fees on or before the
 195 expiration date.
 - 196 4. The board shall not process applications received by facsimile, or that are incomplete, or
 197 submitted with the incorrect fees.
- 198 D. Application for Reinstatement of Expired Permit
- 199 1. The applicant shall complete an application form for this specific purpose supplied by the board
 200 and submit it with any required attachments and appropriate fees to the board.
 - 201 2. The board shall not process applications received by facsimile, or that are incomplete, or
 202 submitted with the incorrect fees.
 - 203 3. An application for the reinstatement of an EDK permit which has been expired:
 - 204 a. Less than one year may be approved by the board's administrative personnel.
 - 205 b. More than one year but less than five years may be approved by a member of the board
 206 charged with such duties.
 - 207 c. More than five years may only be approved by the full board following a hearing to determine
 208 whether the reinstatement of the permit is in the public's best interest.
 - 209 4. Applications requiring a reinstatement hearing shall be accompanied by payment of the
 210 administrative hearing fee authorized by R.S. 37:1184.
- 211 E. Maintenance of Permit

- 212 1. EDK permits are specific to a ~~penal institution~~ correctional center and to a correctional center
 213 pharmacy and they are not transferable.
 214 2. In the event multiple kits are required for a ~~penal institution~~ correctional center, a separate permit
 215 shall be required for each EDK.
 216 3. The original EDK permit shall be displayed in the ~~penal~~ correctional center pharmacy supplying
 217 the EDK, and a copy of the permit shall be maintained in the room or area where the EDK is
 218 located.
 219

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

221 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1237
 222 (May 2012), amended by the Department of Health, Board of Pharmacy, LR
 223

224 §1815 Emergency Drug Kit Requirements

- 225 A. The EDK shall be tamper-evident, shall be maintained in a secure enclosure located within the ~~penal~~
 226 ~~institution~~ correctional center, and shall be available for emergency use by authorized personnel only.
 227 B. The EDK shall be clearly labeled to indicate it is an emergency drug kit, and further, the attached
 228 exterior label shall identify the inventory of contents as well as contact information for the ~~penal~~
 229 correctional center pharmacy responsible for maintaining the kit.
 230 C. Medications stored in an EDK shall bear a label with the following minimum information:
 231 1. Drug name;
 232 2. Dosage form;
 233 3. Drug strength;
 234 4. Name of manufacturer and/or distributor;
 235 5. Manufacturer's lot or batch number; and
 236 6. Expiration date, according to relevant standards from the United States Pharmacopeia (USP).
 237 D. The EDK shall be stored in a proper environment for the preservation of the drugs contained therein, in
 238 compliance with the relevant USP standards. In the event federal or state laws or rules require storage
 239 outside the EDK for one or more drugs in the EDK, documentation shall be maintained with the EDK
 240 properly identifying this special storage requirement and the drug(s) affected.
 241 E. The ~~penal institution~~ correctional center and ~~penal~~ correctional center pharmacy shall maintain policies
 242 and procedures to implement and maintain these requirements. These policies and procedures may be
 243 maintained in written or electronic format and shall be available for review by the board or its agents.
 244 F. When an authorized prescriber issues an order for the administration of a drug contained within the
 245 EDK, the order and proof of use shall be delivered in written or electronic format to the ~~penal~~
 246 correctional center pharmacy; further, such records shall contain the following minimum information:
 247 1. Name of offender;
 248 2. Drug name, strength, and quantity;
 249 3. Nature of the emergency;
 250 4. Time and date of administration;
 251 5. Name of prescriber authorizing the medication; and
 252 6. Name of person administering the medication.
 253 G. The ~~penal~~ correctional center pharmacy shall inspect the EDK periodically, but in no event more than
 254 thirty days after the previous inspection. Proper documentation of these inspections, EDK inventory,
 255 and all records of use shall be maintained by the ~~penal~~ correctional center pharmacy and available for
 256 review by the board or its agents.
 257 H. The EDK shall be available for inspection by the board or its agents.
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259 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1226.3.

260 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1238
 261 (May 2012), amended by the Department of Health, Board of Pharmacy, LR
 262

263 1817. Drug Donations to Penal Correctional Center Pharmacies

- 264 A. A ~~penal~~ correctional center pharmacy may accept the donation of a prescription drug, except a

- 265 controlled substance, previously dispensed to another patient provided the following procedures are
 266 satisfied:
- 267 1. The physical transfer of the donated drug shall be accomplished by an individual authorized to do
 268 so by the ~~penal~~ correctional center pharmacy.
 - 269 2. An inventory list of the drugs being donated shall accompany the drugs received in the ~~penal~~
 270 correctional center pharmacy; the list shall contain, at a minimum, the name and strength of the
 271 drug, the quantity received, and expiration date. The ~~penal~~ correctional center pharmacy receiving
 272 the donated drugs shall maintain this list as an acquisition record.
 - 273 3. The ~~penal~~ correctional center pharmacy shall not knowingly accept the donation of any expired
 274 drugs. In the event expired drugs are received by a ~~penal~~ correctional center pharmacy, the
 275 pharmacist-in-charge shall destroy them as required by law.
 - 276 4. The patient's name, prescription number, and any other identifying marks shall be obliterated from
 277 the packaging prior to its receipt in the ~~penal~~ correctional center pharmacy.
 - 278 5. The drug name, strength, and expiration date shall remain on the medication package or label.
- 279 B. The pharmacist-in-charge of the ~~penal~~ correctional center pharmacy receiving donated drugs shall be
 280 responsible for determination of suitability of the drug product for reuse.
- 281 1. No product where integrity cannot be assured shall be accepted for re-dispensing by the
 282 pharmacist.
 - 283 2. A re-dispensed prescription medication shall be assigned the expiration date stated on the package.
 - 284 3. No product shall be re-dispensed more than one time.
- 285 C. Once accepted by the ~~penal~~ correctional center pharmacy, under no circumstances may the donated
 286 drugs be transferred to another location.

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

289 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1238
 290 (May 2012), amended by the Department of Health, Board of Pharmacy, LR

291 §1819. Medication Use Procedures

- 292 A. The pharmacist shall review the practitioner's medical order or prescription prior to dispensing or
 293 otherwise provide access to the initial dose of the medication, except in cases of emergency.
 - 294 B. All drugs dispensed by the pharmacy or held for administration to offenders at the ~~institution~~ facility
 295 shall be packaged in appropriate containers that comply with the relevant standards of the USP.
 - 296 C. The compounding of drug preparations shall comply with the relevant standards of the USP, as well as
 297 the provisions of ~~§2531—2537 of the board's rules~~ Sections 2531 – 2537 of this Part.
 - 298 D. All drugs dispensed by the pharmacy, intended for use within the ~~penal institution~~ correctional center,
 299 shall be labeled as to identify the offender's name and location as well as the drug name and strength.
 300 Further, compounded preparations shall include the expiration date or beyond-use date, initials of the
 301 preparer, and initials of the pharmacist performing the final check on the label.
 - 302 E. Drugs dispensed by the ~~penal~~ correctional center pharmacy may be returned to that ~~penal~~ correctional
 303 center pharmacy for re-use, in accordance with good professional practice procedures, subject to the
 304 following limitation.
- 305 1. Drugs returned to the ~~penal correctional center~~ pharmacy for re-use shall not be further distributed
 306 to another entity.
 - 307 2. Drugs that may be dispensed only to patients registered with the drug manufacturer in accordance
 308 with federal Food and Drug Administration (FDA) requirements shall not be accepted for return or
 309 re-dispensed.

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

313 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 38:1239
 314 (May 2012), amended by the Department of Health, Board of Pharmacy, LR

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319 **Chapter 23. Nonresident Pharmacy**

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323 **§2303. Nonresident Pharmacy Requirements**

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

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

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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

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