

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 11. Pharmacies

* * *

§1103. Prescription Department Requirements

- A. – B. ...
- C. Square Footage. A prescription department that is new or remodeled on or after January 1, 2004 shall be not less than ~~three hundred (300)~~ total square feet, and shall be inaccessible to the public.
- D. Prescription Counter. A prescription counter on which to compound or dispense medications shall have a working surface of not less than a minimum of ~~twenty four (24)~~ total square feet. The minimum unobstructed free working surface shall be kept clear at all times for the compounding or dispensing of prescriptions.
- E. Prescription Aisle Space. The aisle space behind the prescription counter shall be not less than ~~thirty (30)~~ inches in width.
- F. – J. ...
- K. References. A printed copy The current edition of the *Louisiana Board of Pharmacy Laws and Regulations* shall be maintained and readily available within the prescription department of a pharmacy. The pharmacy shall maintain access to current and appropriate reference materials pertinent to the pharmacy practice, including but not limited to, pharmacology, drug interactions, dosing, toxicity, and patient counseling.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, amended LR 39:315 (February 2013), amended by Department of Health, Board of Pharmacy, LR.

§1105. Pharmacist-in-Charge

- A. – I.3. ...
- J. Affidavit of Responsibility and Duties. The designated pharmacist-in-charge shall sign an affidavit on a form supplied by the board indicating his understanding and acceptance of the duties and responsibilities of a pharmacist-in-charge. This notarized document shall be submitted to the board for inclusion in the pharmacy’s record in the board office.
- K. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, amended LR 38:1239 (May 2012), amended by Department of Health, Board of Pharmacy, LR.

* * *

§1109. Pharmacist Temporary Absence

- A. – E. ...
- F. If at any time the pharmacist deems it necessary to leave the on-site facility, the pharmacy shall be closed in accordance with § Section 1111 of this Part.

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

52 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311
 53 (October 1997), amended LR 27:2237 (December 2001) effective January 1, 2002, amended LR 29:2088 (October
 54 2003), effective January 1, 2004, amended by Department of Health, Board of Pharmacy, LR.
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56 * * *

57 §1113. Mechanical Drug Dispensing Devices

- 58 A. Dispensing of prescription drugs directly to a patient or caregiver by mechanical devices or machine is
 59 prohibited. This prohibition shall not apply to automated medication systems as defined and provided
 60 for in Chapter 12 of these regulations this Part.
 61

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

63 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311
 64 (October 1997), amended LR 29:2089 (October 2003), effective January 1, 2004, amended by Department of
 65 Health, Board of Pharmacy, LR.
 66

67 §1115. Advertising

- 68 A. False, fraudulent, deceptive, or misleading advertising as prohibited by R.S. 37:1241 of the Pharmacy
 69 Practice Act and this Section shall include, but is not limited to, any public misrepresentation done or
 70 made with the knowledge, whether actual or constructive, that is untrue or illegal, or is said to be done
 71 falsely when the meaning is that the party is in fault for its error. Actual or constructive knowledge as
 72 used in this context shall include intentionally, negligently, mistakenly, or accidentally representing an
 73 untrue fact.
 74 B. – C. ...
 75 D. No advertising shall include any reference, direct or indirect, to any controlled dangerous substance as
 76 provided for in Schedules II, III, IV, or V of R.S. 40:964. The provision of coupons or vouchers for
 77 controlled substances through authorized prescribers, which accompany legitimate prescriptions for
 78 such controlled substances issued to patients, shall not be prohibited by this Section.
 79

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

81 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1311
 82 (October 1997), amended LR 29:2089 (October 2003), effective January 1, 2004, amended LR 33:1131 (June 2007),
 83 amended by the Department of Health, Board of Pharmacy, LR
 84

85 * * *

86 §1119. Definitions

- 87 A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section:
 88 “Chart order” means a lawful order entered on the electronic or paper chart or medical record of an
 89 inpatient or resident of an institutional facility by a practitioner or his licensed healthcare designee for
 90 a drug or device and shall be considered a prescription drug order provided it contains the following:
 91 1. Full name of the patient.
 92 2. Date of issuance.
 93 3. Name, strength, and dosage form of the drug prescribed.
 94 4. Directions for use.
 95 5. Name of the prescribing practitioner.
 96 6. The prescribing practitioner’s written or electronic signature or the written or electronic
 97 signature of the practitioner’s licensed healthcare designee, who shall be a licensed nurse,
 98 pharmacist, or physician practicing in a long-term care facility. The licensed healthcare
 99 designee shall be authorized to document a chart order in the patient’s medical record on
 100 behalf of the prescribing practitioner pending the prescribing practitioner’s signature, or to
 101 communicate a prescription to a pharmacy whether telephonically, by facsimile transmission,
 102 or electronically.

103 “Department” means the Louisiana Department of Health and Hospitals or its successor.

104 “Medical order” means a lawful order of a practitioner that may or may not include a prescription.

* * *

“Prescription” or “prescription drug order” means an order from a practitioner authorized by law to prescribe for a drug or device that is patient-specific and is communicated by any means to a pharmacist in a permitted pharmacy, and is to be preserved on file as required by law or regulation.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:2090 (October 2003), effective January 1, 2004, amended LR 40:2252 (November 2014), effective January 1, 2015, amended by the Department of Health, Board of Pharmacy, LR

§1121. General Requirements

A. – A.1. ...

2. All records required by the laws and regulations of the board shall be provided to the board, or its agents, within seventy-two (72) hours of request, unless a shorter period is required, as determined by the board or its agent.
3. The failure to produce any pharmacy records requested by the board or its agent within seventy-two (72) hours of such request shall substantiate a violation of R.S. 37:1241(A)(22).

B. – B.1. ...

2. Disposition records – drugs dispensed pursuant to prescription drug orders or chart orders, administered pursuant to medical orders, or distributed pursuant to purchase orders, and
3. Inventory records – drugs in current possession.

C. Retention. Except as provided in Section 1123 of this Part, all records required by this Chapter Part and by Louisiana law shall be retained for a minimum of two years from the most recent transaction. The failure to retain such records for at least two years shall substantiate a violation of R.S. 37:1229.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312 (October 1997), amended LR 29:2090 (October 2003), effective January 1, 2004, amended LR 40:2252 (November 2014), effective January 1, 2015, amended by the Department of Health, Board of Pharmacy, LR

§1123. Records of Prescription Drug Orders and Chart Orders

A. – A.4. ...

B. A pharmacy may use one of the following types of pharmacy information systems:

1. A system that utilizes the original hard copy prescription or chart order to document the initial dispensing ~~of a prescription~~, but utilizes a computerized system to dispense refills that does not document the positive identification of the pharmacist responsible for the practice of pharmacy. In order to document positive identification, this system shall require the manual signature or initials of a pharmacist on a hard copy record as specified in Paragraph E of this Section.
2. An electronic recordkeeping system that complies with the provisions of 21 CFR 1311 et seq. and documents the positive identification of the pharmacist responsible for the practice of pharmacy. Such systems shall provide for routine backups at least once per day.

C. All pharmacy information systems shall be capable of providing immediate retrieval (via display and hard copy printout or other mutually agreeable transfer media) of patient profile information for all prescriptions and drug orders and chart orders dispensed within the previous two years. This information shall include the following minimum data:

1. ...
2. Date of issuance of the original prescription drug order or chart order by the prescriber;
3. – 8. ...
9. The pharmacist responsible for prescription information entered into the computer system, the pharmacist responsible for prospective drug utilization review as defined in § Section 515 of these rules this Part, and the pharmacist responsible for dispensing;
10. ...
11. The refill history of the prescription as defined in Paragraph Subsection D of this Section.

- 158 D. The refill history of the prescription record maintained in the pharmacy information system shall
159 include, but is not limited to:
- 160 D.1. – D.4. ...
- 161 5. The pharmacist responsible for prospective drug utilization review as defined in § Section 515
162 of these rules this Part, and the pharmacist responsible for dispensing each refill;
- 163 D.6 – E. ...
- 164 F. Backup Support System
- 165 1. ...
- 166 2. In the event the pharmacy information system experiences down time, a record of all refills
167 dispensed during such time shall be recorded and then entered into the pharmacy information
168 system as soon as it is available for use. During the time the pharmacy information system is not
169 available, prescriptions drug orders and chart orders may only be refilled if, in the professional
170 judgment of the pharmacist, the number of refills authorized by the prescriber has not been
171 exceeded.
- 172 G. A pharmacy purging a pharmacy information system of prescription records shall develop a method of
173 recordkeeping capable of providing retrieval (via display, hard copy printout, or other mutually
174 agreeable transfer media) of prescription order information for all prescriptions drug orders or chart
175 orders filled or refilled within the previous two years. This information shall include, at a minimum,
176 the following data:
- 177 1. – 2. ...
- 178 3. Date of issuance of the original prescription drug order or chart order by the prescriber;
- 179 4. – 10. ...
- 180 11. Total number of refills dispensed to date for that prescription drug order or chart order;
- 181 G.12. – H.3. ...
- 182 I. Prescriptions drug orders and chart orders entered into a pharmacy information system but not
183 dispensed shall meet all of the following requirements:
- 184 I.1. – I.3. ...
- 185 J. With respect to oral prescriptions received in the pharmacy and then transcribed to written form in the
186 pharmacy, or written prescriptions drug orders or chart orders received by facsimile in the pharmacy,
187 or written prescriptions drug orders or chart orders presented to the pharmacy, a pharmacy may use an
188 electronic imaging system to preserve such prescriptions, but only if:
- 189 1. The system is capable of capturing, storing, and reproducing the exact image of a prescription,
190 including the reverse side of the prescription form and its annotations;
- 191 2. – 5. ...
- 192 K. Filing and Retention of Prescription Forms
- 193 1. Written prescription drug order or chart order forms (including transcriptions of verbal
194 prescriptions received in the pharmacy, prescriptions drug orders or chart orders received by
195 facsimile in the pharmacy, as well as written prescription drug order or chart order forms
196 presented to the pharmacy shall be assembled and stored in prescription number sequence.
197 Prescriptions for controlled dangerous substances listed in Schedule II shall be filed separately
198 from all other prescriptions. Where multiple medications are ordered on a single prescription form
199 and includes one or more controlled dangerous substances listed in Schedule II, then such forms
200 shall be filed with other Schedule II prescriptions. These original hard copy prescription drug
201 order and chart order forms shall be retained in the prescription department for a minimum of two
202 years following the most recent transaction.
- 203 2. For those pharmacies utilizing an electronic imaging system as described in Paragraph Subsection
204 J of this Section, written prescription drug order forms may be assembled and stored in
205 prescription number sequence, or in the alternative, a date scanned sequence. Further, these
206 original hard copy prescriptions drug orders shall be retained in the prescription department for a
207 minimum of one year following the most recent transaction.
- 208 3. Prescription drug order and chart order forms received as an electronic image or electronic
209 facsimile directly within the pharmacy information system shall be retained within the information
210 system for a minimum of two years following the most recent transaction. Further, the pharmacy

211 may produce a hard copy of the prescription drug order form but shall not be required to do so
 212 merely for recordkeeping purposes.
 213 4. Electronic prescriptions drug orders and chart orders – those generated electronically by the
 214 prescriber, transmitted electronically to the pharmacy, and then received electronically directly
 215 into the pharmacy information system – shall be retained within the information system for a
 216 minimum of two years following the most recent transaction. The pharmacy may produce a hard
 217 copy of the prescription drug order or chart order, but shall not be required to do so merely for
 218 recordkeeping purposes.

219 L. – L.1.a.vi. ...

220 b. The patient's drug therapy record, which shall contain at least the following information for all
 221 the prescriptions drug orders and chart orders that were filled at the pharmacy:

222 L.1.b.i – L.1.c. ...

223 ~~M. – Exceptions~~

224 ~~The provisions of this Section shall not apply to the following:~~

225 1. ~~Pharmacies permitted as hospital pharmacies by the board shall comply with the provisions~~
 226 ~~of Chapter 15 of these rules.~~

227 2. ~~Other pharmacies providing medications and services to patients within facilities other than~~
 228 ~~hospitals licensed by the department shall comply with the provisions of Section 1124 of these~~
 229 ~~rules for those activities.~~

230
 231 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

232 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1312
 233 (October 1997), amended LR 29:2090 (October 2003), effective January 1, 2004, amended LR 36:755 (April 2010),
 234 amended LR 40:2253 (November 2014), effective January 1, 2015, amended by the Department of Health, Board of
 235 Pharmacy, LR

236 237 §1124. Records of Pharmacy Services for Patients in Licensed Healthcare Facilities Other 238 than Hospitals

239 A. Definitions

240 ~~Dispensing of a drug pursuant to an inpatient prescription~~ – the professional review by a
 241 pharmacist required to place a specific drug in final association with the name of a particular
 242 inpatient pursuant to the lawful order of a prescriber. ~~In the case of an automated medication~~
 243 ~~system meeting the requirements of Chapter 12 of these rules this Part, the final association with~~
 244 ~~the name of a particular inpatient will be deemed to have occurred when the pharmacist has given~~
 245 ~~the final approval to the patient specific order in the system.~~

246 * * *

247 ~~Inpatient Prescription~~ – a written, electronic or oral order for a drug for use in treating a patient
 248 ~~within a healthcare facility other than a hospital licensed by the department.~~

249 * * *

250 *Positive identification* –

251 a. has the same meaning as defined in Section 1119 of these rules this Part, except that a
 252 specific facility having a closed electronic drug record keeping system may be permitted to
 253 use identifiers utilizing both a password combined with a personal identifier to document the
 254 positive identification of each user for the prescribing and administration of a drug, provided
 255 the pharmacist-in-charge has determined:

256 a.i. – a. v. ...

257 b. All of the above notwithstanding, however, positive identification as defined in Section 1119
 258 of these rules this Part shall always be used to document the:

259 b.i. – b.iii. ...

260 B. – B.1. ...

261 2. Inventories. The pharmacist-in-charge shall be responsible for the performance of an annual
 262 inventory of all controlled dangerous substances within his span of control, in compliance with the
 263 provisions of Section 2733 of these rules this Part.

264 B.3. – B.3.b.ii.(d) ...

265 iii. Records of drugs dispensed to patients for use outside the facility shall be maintained in
266 compliance with Section 1123 of ~~these rules~~ this Part.

267 c. A record of all drugs compounded or prepackaged for use only within ~~that a healthcare~~
268 facility, which shall include at least the following:

269 B.3.c.i – B.3.e.iii. ...

270
271 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

272 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 40:2255
273 (November 2014), effective January 1, 2015, ~~amended by Department of Health, Board of Pharmacy, LR.~~

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276 **§1145. Remote Access to Prescription Drug Orders, Medical Orders, and Chart Orders**

277 A. ~~Notwithstanding any provision of rules to the contrary, nothing shall prohibit a Louisiana-licensed~~
278 ~~pharmacist who is an employee of or under contract with a pharmacy in Louisiana from accessing that~~
279 ~~pharmacy’s dispensing information system from a location other than the pharmacy in order to process~~
280 ~~prescription drug orders, medical orders, or chart orders, but only when all of the following conditions~~
281 ~~are satisfied:~~

- 282 1. ~~The pharmacy establishes controls to protect the privacy and security of confidential records;~~
- 283 2. ~~The pharmacist does not engage in the receiving of written prescription drug orders or medical~~
284 ~~orders or chart orders or the maintenance of such orders; and~~
- 285 3. ~~No part of the pharmacy’s dispensing information system is duplicated, downloaded, or removed~~
286 ~~from the pharmacy’s dispensing information system.~~

287
288 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

289 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR.

290
291 **§1147. Starter Doses for Patients in Licensed Healthcare Facilities**

292 A. Definitions

293 ~~“Starter dose order” means a prescription drug order or chart order transmitted by a vendor pharmacy~~
294 ~~to a starter dose pharmacy for the purpose of obtaining medication for a patient in a licensed health~~
295 ~~care facility.~~

296 ~~“Starter dose pharmacy” means a Louisiana-licensed pharmacy that dispenses a starter dose of~~
297 ~~medication to a patient in a licensed health care facility pursuant to a starter dose order.~~

298 ~~“Vendor pharmacy” means a Louisiana-licensed pharmacy which has a contract with a licensed health~~
299 ~~facility to dispense medications to patients within that facility.~~

300 B. ~~A vendor pharmacy may share a chart order with a starter dose pharmacy without the necessity of~~
301 ~~transferring such order, for the purpose of authorizing the starter dose pharmacy to dispense starter~~
302 ~~doses of medication to a patient in a licensed health care facility under the following circumstances:~~

- 303 1. ~~The vendor pharmacy has secured authorization from the facility to utilize a starter dose~~
304 ~~pharmacy;~~
- 305 2. ~~The vendor pharmacy is in possession of a valid chart order and is unable to furnish the~~
306 ~~medication ordered in a timely manner; and~~
- 307 3. ~~The vendor pharmacy and starter dose pharmacy maintain records of all chart orders and starter~~
308 ~~dose orders for a period of not less than two years following date of transmission of such orders.~~

309
310 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

311 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR.

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313 * * *

317 Chapter 12. Automated Medication Systems

318

319 §1201. Definitions

320

321 *Off-Site Facility* – the location of a building that houses a licensee of the Department of Health ~~and~~
 322 ~~Hospitals~~, but which does not house a board permitted pharmacy.

323

324

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

326 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271

327 (June 2000) effective July 1, 2000, ~~amended by Department of Health, Board of Pharmacy, LR.~~

328

329 §1203. System(s) Registration

330

A. The entire system shall be registered with the board and facilities shall meet the following conditions:

331

1. Facility shall possess a:

332

a. license from the Health Standards Section of the Department of Health ~~and Hospitals~~, or

333

b. Controlled Dangerous Substance License from the Health Standards Section of the Department

334

of Health ~~and Hospitals~~, or

335

A.1.c – A.8. ...

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

338 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271

339 (June 2000) effective July 1, 2000, amended LR 38:1235 (May 2012), ~~amended by Department of Health, Board of~~

340

~~Pharmacy, LR.~~

341

342 §1205. Pharmacist-in-Charge Responsibilities

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A. The pharmacist-in-charge shall be a Louisiana licensed pharmacist and has the following
 344 responsibilities:

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A.1. – A.2. ...

346

~~3. provide 30 days written notice to the board of removal of the system.~~

347

4 3. define access to the system in policy and procedures of the pharmacy, in compliance with
 348 state and federal regulations.

349

5 4. assign, discontinue, or change access to the system.

350

6 5. ensure that access to the medications complies with state and federal regulations as applicable.

351

7 6. ensure that the system is stocked/restocked accurately and in accordance with established
 352 written pharmacy policies and procedures.

353

8 7. maintain or have access to all records of documentation specified in this Section for two years or
 354 as otherwise required by law.

355

9 8. ~~notify each licensed prescriber that his medication orders/prescriptions are not restricted to the
 356 limited number of medications which are stocked within a facility's automated medication system
 357 by placing a prominent notice to that effect on the cover of or near the beginning of such patient's
 358 medical chart or medical record.~~

359

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

361 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271

362 (June 2000) effective July 1, 2000, ~~amended by Department of Health, Board of Pharmacy, LR.~~

363

364 §1207. Pharmacist Review

365

A. System shall be used in settings that ensure medication orders are reviewed by a pharmacist prior to
 366 administration and in accordance with established policies and procedures and good pharmacy
 367 practice. A policy and procedure protocol shall be adopted to retrospectively review medications
 368 which cannot be reviewed prior to administration, as provided in ~~LAC 46:LIII.1209.2~~ Section 1209 of
 369 this Chapter.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.A.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended by Department of Health, Board of Pharmacy, LR.

§1209. Policies and Procedures

- A. The development of an automated medication system policy and procedures is the responsibility of the pharmacist-in-charge, who shall submit the complete automated medication system policy and procedures to the board for approval, on request. These policies and procedures shall be reviewed by the pharmacist-in-charge, at least annually and modified if needed, and such review documented. They shall include, but are not limited to, the following:
 - 1. criteria for selection of medications to be stored in each system, provided that in facilities licensed by the Department of Health and Hospitals, but not by the board, the selection criteria shall not include the substitution by the pharmacist of a product that is not an equivalent drug product to the product originally prescribed by the physician or practitioner without the explicit consent of the physician or practitioner;
- A.2. – A.3.r. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.A.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended by Department of Health, Board of Pharmacy, LR.

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§1213. Records

- A. – A.1. ...
- 2. In the event controlled substances are stored in the system, the records shall include the positive identification (as defined in Section 1119 of the Board's rules this Part) of the personnel retrieving and administering the controlled substances to the patient.
- A.3. – A.3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.A.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 40:2256 (November 2014), effective January 1, 2015, amended by Department of Health, Board of Pharmacy, LR.

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§1217. Stocking and Restocking

- A. – C.2. ...
- 3. When a bar code verification, electronic verification, or similar verification process is utilized as specified in the this Paragraph Subsection, and in the absence of any human intervention in the product selection process following pharmacist verification, the stocking and restocking functions in systems located either on-site or off-site may be performed by a pharmacy technician without the necessity of direct pharmacist supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.A.
HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 41:1488 (August 2015), amended by Department of Health, Board of Pharmacy, LR.

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§1229. Violations; Penalties

- A. The board may refuse to issue or renew, or may revoke, summarily suspend, suspend, place on probation, censure, reprimand, issue a warning against, or issue a cease and desist order against, the

CODING: Underscored text is proposed for addition, and stricken text is proposed for deletion.
Changes in yellow reviewed by committee; new text in blue requested by committee.

423 licenses or the registration of, or assess a fine/civil penalty or costs/administrative costs against any
424 person pursuant to the procedures set forth in R.S. 37:1245, for any violation of the provisions of this
425 Section Chapter.
426

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

428 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271
429 (June 2000) effective July 1, 2000, amended by Department of Health, Board of Pharmacy, LR.
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431 * * *

432
433 **Chapter 15. Hospital Pharmacy**
434

435 **§1501. Cross References**

- 436 A. For all regulations that apply to permitted hospital pharmacies concerning pharmacy practices and
437 records not specifically stated in this Chapter, refer to Chapters 11 and 25 of this Part.
438

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

440 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:808
441 (October 1988), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004,
442 amended LR 38:1235 (May 2012), amended by Department of Health, Board of Pharmacy, LR.
443

444 **§1503. Definitions**

- 445 A. As used in this chapter, the following terms shall have the meaning ascribed to them in this Section:
446 Dispensing of a drug pursuant to a hospital prescription — the professional review by a pharmacist
447 required to place a specific drug in final association with the name of a particular hospital patient
448 pursuant to the lawful order of a prescriber. In the case of an automated medication system meeting
449 the requirements of Chapter 12 of these rules, the final association with the name of a particular
450 hospital patient will be deemed to have occurred when the pharmacist has given the final approval to
451 the patient specific order in the system.
452

452 * * *

453 *Hospital Off-Site Satellite Pharmacy* — a pharmacy located within a hospital licensed by the Louisiana
454 Department of Health and Hospitals, or its successor, the location of which is physically separate from
455 the location of the provider pharmacy.
456

456 * * *

457 *Hospital Pharmacy* — a pharmacy department permitted by the board and located in a hospital licensed
458 pursuant to R.S. 40:2100 *et seq.* For the purposes of this Chapter, a hospital pharmacy is one example
459 of a primary care treatment modality pharmacy.

460 *Hospital Prescription* — a written, electronic or oral order for a drug for use in treating a hospital
461 patient.
462

462 * * *

463 *Positive identification* —

- 464 1. has the same meaning as defined in Section 1119 of these rules this Part, except that a specific
465 hospital having a closed electronic drug record keeping system may be permitted to use
466 identifiers utilizing both a password combined with a personal identifier to document the
467 positive identification of each user for the prescribing and administration of a drug, provided
468 the pharmacist-in-charge has determined:
469 1.a. — 1.e. ...
470 2. All of the above notwithstanding, however, positive identification as defined in Section 1119
471 of these rules this Part shall always be used to document the:
472 2.a. — 2.c. ...
473 * * *

474
475 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

476 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 477 (October 1988), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004,
 478 amended LR 33:1132 (June 2007), amended LR 39:1282 (May 2013), amended LR 40:2256 (November 2014),
 479 effective January 1, 2015, amended LR 41:2147 (October 2015), amended by Department of Health, Board of
 480 Pharmacy, LR.
 481

482 §1505. Hospital Pharmacy Permit

- 483 A. A hospital pharmacy permit shall be required to operate a pharmacy department located within a
 484 hospital for registered patients in a hospital. The permit shall be applied for, and renewed, in the
 485 manner prescribed by the board in Chapter 11 of these regulations this Part.
 486

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

488 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 489 (October 1988), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004,
 490 amended LR 33:1132 (June 2007), amended by Department of Health, Board of Pharmacy, LR.
 491

492 §1507. Pharmacist in Charge

- 493 A. The pharmacist in charge of a hospital pharmacy permit shall have had at least two years of experience
 494 as a licensed and practicing pharmacist prior to accepting the appointment.
 495

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

497 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 498 (October 1988), effective January 1, 1989, amended LR 29:2093 (October 2003), effective January 1, 2004.
 499

500 §1509. Drug Distribution Control

- 501 A. – A.3.b.ii.(d) ...
 502 iii. Records of drugs dispensed to patients for use outside the hospital shall be maintained in
 503 compliance with Section 1123 of these rules this Part.
 504 A.3.c. – A.3.e.iii. ...
 505 B. Automated Medication Systems. A hospital pharmacy may use one or more automated medication
 506 systems in compliance with the provisions of Chapter 12. Automated Medication Systems of the
 507 Board's rules this Part.
 508 1. When the pharmacy uses an electronic product verification process as described in § Section 1217
 509 of the Board's rules this Part, and in the absence of any subsequent human intervention in the
 510 automated drug product selection process, the pharmacist-in-charge may elect to forego manual
 511 checks of drug products selected in that manner, provided however, that such selection by the
 512 pharmacist-in-charge shall require an initial quality assurance validation followed by an ongoing
 513 quality review at intervals no greater than 90 days since the previous review, all conducted by a
 514 pharmacist.
 515 2. ...
 516

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

518 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2093
 519 (October 2003), effective January 1, 2004, amended LR 40:2257 (November 2014), effective January 1, 2015,
 520 amended LR 41:1488 (August 2015), amended by Department of Health, Board of Pharmacy, LR.
 521

522 * * *

524 §1525. Hospital Off-Site Satellite Pharmacy

- 525 A. – B.4. ...
 526 5. When the hospital off-site satellite pharmacy is closed or there is no pharmacist on duty, other
 527 individuals shall not have access to the hospital off-site satellite pharmacy except for temporary
 528 absences as provided for in Chapter 11 of these rules this Part.

- 529 6. – 6.b. ...
- 530 7. The hospital off-site satellite pharmacy shall comply with the recordkeeping provisions identified
- 531 in Chapter 11 of these rules this Part.
- 532 8. ...
- 533

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

535 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 39:1283

536 (May 2013), amended by Department of Health, Board of Pharmacy, LR.

537

538 **§1527. Remote Access to Medical Orders**

- 539 A. Notwithstanding any provision of rules to the contrary, nothing shall prohibit a Louisiana licensed
- 540 pharmacist who is an employee of or under contract with a hospital pharmacy in Louisiana from
- 541 accessing that pharmacy's dispensing information system from a location other than the pharmacy in
- 542 order to process prescription drug orders or medical orders, but only when all of the following
- 543 conditions are satisfied:
- 544 1. The pharmacy establishes controls to protect the privacy and security of confidential records;
- 545 2. The pharmacist does not engage in the receiving of written prescription drug orders or medical
- 546 orders or the maintenance of prescription drug orders or medical orders; and
- 547 3. No part of the pharmacy's dispensing information system is duplicated, downloaded, or removed
- 548 from the pharmacy's dispensing information system.
- 549

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

551 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 41:2147

552 (October 2015).

553

554 **Chapter 17. Institutional Pharmacy**

555

556 **§1701. Cross References**

- 557 A. For all regulations that apply to permitted institutional pharmacies concerning pharmacy
- 558 practices and records not specifically stated in this chapter, refer to Chapter 11 of this Part.
- 559

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

561 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708

562 (October 1988), effective January 1, 1989, amended LR 29:2094 (October 2003), effective January 1, 2004,

563 amended by Department of Health, Board of Pharmacy, LR.

564

565 **§1703. Definitions**

- 566 A. As used in this Chapter, the following terms shall have the meaning ascribed to them in this
- 567 section:
- 568

568 * * *

569 *Long Term Care Facility* – a nursing home, retirement center, mental care, or other facility or

570 institution that provides extended health care to a residential patient, including but not limited to health

571 care facilities licensed by the Department of Health and Hospitals.

572

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

574 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708

575 (October 1988), effective January 1, 1989, amended LR 29:2094 (October 2003), effective January 1, 2004,

576 amended by Department of Health, Board of Pharmacy, LR.

577

578 **§1705. Institutional Pharmacy Permit**

- 579 A. An institutional pharmacy permit shall be required to operate a pharmacy department located within an
- 580 institutional facility, other than a hospital or penal institution, for residents or patients of that
- 581 institutional facility. The permit shall be applied for, and renewed, in the manner prescribed by the

CODING: Underscored text is proposed for addition, and stricken text is proposed for deletion.
Changes in yellow reviewed by committee; new text in blue requested by committee.

- 582 board in Chapter 11 of these regulations this Part.
 583 B. Pharmacies operated within a hospital shall be operated in accordance with Chapter 15 of these
 584 regulations this Part.
 585 C. Pharmacies operated within a penal institution correctional center shall be operated in accordance with
 586 Chapter 18 of these regulations this Part.
 587

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

589 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 590 (October 1988), effective January 1, 1989, amended LR 29:2095 (October 2003), effective January 1, 2004,
 591 amended LR 39:313 (February 2013), amended by Department of Health, Board of Pharmacy, LR.
 592

593 * * *

594 §1711. Emergency Drug Kit Permit

595 A. – B.5. ...

- 596 6. The original EDK permit shall be conspicuously displayed readily retrievable at the provider
 597 pharmacy. A copy of the EDK permit shall be maintained in the room where the EDK is located.

598 C. – D. ...

599 E. Cancellation Prior to Renewal. In the event the facility or provider pharmacy elects to cancel the
 600 permit prior to the renewal date, the pharmacy shall relinquish the permit to the board office no later than
 601 ten days following the date of cancellation.
 602

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

604 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2095
 605 (October 2003), effective January 1, 2004, amended by the Department of Health Board of Pharmacy, LR.
 606

607 §1713. Emergency Drug Kit Requirements

608 A. – H. ...

609 I. Inspection.

- 610 1. The provider pharmacy shall inspect the EDK every thirty (30) days, plus or minus five (5) days.
 611 Proper documentation of these inspections, EDK inventory, and all records of use shall be
 612 maintained and made available to the board upon request.

613 I.2 – J.11. ...
 614

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

616 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2096
 617 (October 2003), effective January 1, 2004, amended LR 39:312 (February 2013), amended by Department of Health,
 618 Board of Pharmacy, LR.
 619

620 * * *

621 §1717. Cross References

- 622 A. For all regulations that apply to drug abuse treatment center pharmacies concerning pharmacy
 623 practices not specifically stated in this subchapter, refer to Chapter 11 of this Part.
 624

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

626 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2096
 627 (October 2003), effective January 1, 2004, amended by Department of Health, Board of Pharmacy, LR.
 628

629 §1719. Definitions

- 630 A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this
 631 section:

632 * * *

633 *Drug Abuse Treatment Center* – means any establishment, facility, or institution, public or private,
 634 whether operated for profit or not, which primarily offers, or purports to offer, maintain, or operate

635 facilities for the residential or outpatient diagnosis, care, treatment, or rehabilitation of two or more
636 non-related individuals, who are patients as defined herein, excluding, however, any hospital or mental
637 hospital otherwise licensed by the Department of Health ~~and Hospitals~~.
638 * * *

639
640 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.
641 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2096
642 (October 2003), effective January 1, 2004, amended by Department of Health, Board of Pharmacy, LR.
643

644 **§1721. Drug Abuse Treatment Center Pharmacy Permit**

- 645 A. A drug abuse treatment center pharmacy permit shall be required to operate a pharmacy department
646 located within a drug abuse treatment facility for patients of that facility. The permit shall be applied
647 for, and renewed, in the manner prescribed by the board in Chapter 11 of these regulations this Part.
648

649 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.
650 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2097
651 (October 2003), effective January 1, 2004, amended by Department of Health, Board of Pharmacy, LR.
652

653 * * *

654 **§1725. Records and Reports of Drug Abuse Treatment Centers**

- 655 A. All persons licensed by the Department of Health ~~and Hospitals~~ to operate a drug abuse treatment
656 center and who possess a Drug Enforcement Administration (DEA) registration to purchase, possess,
657 and use CDS shall keep the following records:
658 A.1. – B. ...
659

660 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.
661 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2097
662 (October 2003), effective January 1, 2004, amended by Department of Health, Board of Pharmacy, LR.
663

664 * * *

665
666 **Chapter 25. Prescriptions, Drugs, and Devices**

667 * * *

668
669 **§2507. Veterinary Prescription Drugs**

- 670 A. – B. ...
671 C. Labeling Requirements. Veterinary prescription drugs shall be dispensed in an appropriate container,
672 and in addition to the labeling requirements in Chapter 11 of these regulations this Part, shall contain
673 the following information:
674 C.1. – C.2. ...
675 D. Prescription Form Requirements. Prescriptions issued by a licensed veterinarian shall conform to
676 § Section 2511 of these regulations this Part.
677 E. ...
678

679 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.
680 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
681 (October 1988), effective January 1, 1989, amended LR 29:2102 (October 2003), effective January 1, 2004,
682 amended by Department of Health, Board of Pharmacy, LR.
683

684 * * *

Subchapter B. Prescriptions and Chart Orders

§2511. Prescriptions and Chart Orders

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

“Chart Order” is a lawful order entered on the electronic or paper chart or medical record of an inpatient or resident of an institutional facility by a practitioner or his licensed healthcare designee for a drug or device and shall be considered a prescription drug order provided it contains the following:

1. Full name of the patient.
2. Date of issuance.
3. Name, strength, and dosage form of the drug prescribed.
4. Directions for use.
5. Name of the prescribing practitioner.
6. The prescribing practitioner’s written or electronic signature or the written or electronic signature of the practitioner’s licensed healthcare designee, who shall be a licensed nurse, pharmacist, or physician practicing in a long-term care facility. The licensed healthcare designee shall be authorized to document a chart order in the patient’s medical record on behalf of the prescribing practitioner pending the prescribing practitioner’s signature, or to communicate a prescription to a pharmacy whether telephonically, by facsimile transmission, or electronically.

B. – C.5.d. ...

6. Chart orders and Forms used by pharmacists to record telephoned or transferred prescriptions are exempt from the format requirements listed above.

D. – E.1. ...

~~F. Exclusion. The provisions of this Section shall not apply to medical orders written for patients in facilities licensed by the Department of Health or its successor.~~

F. Completion of Prescription Orders and Chart Orders. In the event a pharmacist receives a prescription order or chart order lacking certain required information, the pharmacist may consult with the prescriber to clarify the prescriber’s intent. Following a consultation with the prescriber and the appropriate documentation thereof on the order:

1. A pharmacist may add the following data elements on the order:
 - a. Patient’s address; or
 - b. Drug dosage form. or
2. A pharmacist may record changes in the following data elements on the order:
 - a. Patient’s address;
 - b. Drug strength;
 - c. Quantity prescribed; or
 - d. Directions for use.
3. A pharmacist shall never add or make changes to the following date elements on the order:
 - a. Patient’s name;
 - b. Date of issue;
 - c. Drug name (except for generic interchange as permitted by law); or
 - d. Prescriber signature

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), amended LR 29:2102 (October 2003), effective January 1, 2004, amended LR 41:98 (January 2015), amended LR 41:2147 (October 2015), amended by the Department of Health, Board of Pharmacy, LR 43:2162 (November 2017), amended by Department of Health, Board of Pharmacy, LR.

741 **§2513. Prescription Receipt and Verification of Prescription Drug Orders and Chart**
 742 **Orders**

- 743 A. Receipt of a Prescription
- 744 1. Written. A pharmacist may receive and dispense a prescription drug order or chart order that has
 745 been written and/or signed by the practitioner.
- 746 2. Oral. A pharmacist may receive and dispense a prescription drug order or chart order that has been
 747 orally communicated by the practitioner when the prescription order has been reduced to hard
 748 copy.
- 749 3. ...
- 750 B. Verification. Verification of the accuracy and authenticity of any prescription drug order or chart order
 751 is the responsibility of the pharmacist.

752
 753 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

754 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 755 (October 1988), effective January 1, 1989, amended LR 29:2103 (October 2003), effective January 1, 2004,
 756 amended by Department of Health, Board of Pharmacy, LR.

757
 758 * * *

759
 760 **§2519. Prescription Refills; Medication Synchronization and Refill Consolidation**

- 761 A. – C.1. ...
- 762 2. With respect to prescriptions for controlled substances where refills have been authorized,
 763 pharmacists may utilize partial fills, as described in § Section 2747.C.5 of the board's rules this
 764 Part, but may not exceed the dispensing quantity noted on the original prescription.

765
 766 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

767 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 768 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004,
 769 amended LR 33:1133 (June 2007), amended LR 42:1519 (September 2016), amended by the Department of Health,
 770 Board of Pharmacy, LR.

771
 772 **§2521. Emergency Refills**

- 773 A. Using sound professional judgment, a pharmacist may refill adequate medication for a seventy two
 774 {72} hour regimen when an emergency for medication has been adequately demonstrated and the
 775 prescribing practitioner is not available.

776
 777 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

778 HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708
 779 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004,
 780 amended by the Department of Health, Board of Pharmacy, LR.

781