

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

LAC 46:LIII.1107 *et seq.*

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) and the Louisiana Pharmacy Practice Act (La. R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend an existing section of its rules and to promulgate a new rule: §1107 to require all pharmacies to operate a minimum of ten hours per week, and a new section §1727 to allow the donation of previously dispensed but unused prescription medications to certain pharmacies located in penal institutions.

In compliance with Act No. 1183 of the 1999 Louisiana Legislature, the impact of this proposed rule on the family has been considered. These proposed rules have no known impact on family functioning, stability, autonomy, or on the ability of the family to educate and supervise their children, as described in La. R.S. 49:972.

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Blvd., 8th Floor, Baton Rouge, LA 70808-2537. He is responsible for responding to inquiries regarding this proposed rule. A public hearing on these proposed rules is scheduled for Wednesday, May 28, 2008 at 9:00 a.m. in the Board office. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12:00 noon that same day.

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

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Chapter 11. Pharmacies

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§1107. Pharmacy Operation

- A. A pharmacist shall be on duty at all times during regular open hours of the pharmacy.
- B. A pharmacy shall be open for business a minimum of 10 hours per week, with said business hours posted at the building entrance in full public view from outside the premises.

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

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Chapter 17. Institutional Pharmacy

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Subchapter D. Drug Donations to Pharmacies in Penal Institutions

§1727. Medication Transfers

- A. In facilities licensed by the Department of Health and Hospitals where United States Pharmacopeia (USP) storage requirements can be assured, prescription drugs, except controlled dangerous substances, dispensed in unit dose or in individually sealed doses may be transferred to a permitted institutional pharmacy located within a penal institution operated under the authority of the Department of Public Safety and Corrections for re-labeling and dispensing to that penal institution's patients, free of charge, pursuant to a valid prescription order.
 - 1. The pharmacist-in-charge of the institutional pharmacy located within a penal institution shall be responsible for determination of suitability of the product for reuse.
 - a. No product where integrity cannot be assured shall be accepted for re-dispensing by the pharmacist.
 - b. A re-dispensed prescription medication shall be assigned the expiration date stated on the package.

- c. No product shall be re-dispensed more than one time.
2. Pursuant to a voluntary agreement between the facility licensed by the Department of Health and Hospitals and an institutional pharmacy located within a penal institution operated under the authority of the Department of Public Safety and Corrections, prescription drugs, except controlled substances, may be transferred from the facility to the pharmacy provided the following procedures are satisfied:
 - a. The physical transfer shall be accomplished by an individual authorized to do so by the institutional pharmacy located within a penal institution.
 - b. The patient from whom the prescription medication was obtained shall document their consent for the donation; the consent shall be maintained on file in the facility.
 - c. The patient's name, prescription number, and any other identifying marks, shall be obliterated from the packaging prior to removal from the facility.
 - d. The drug name, strength, and expiration date shall remain on the medication package or label.
 - e. An inventory list of the drugs shall accompany the drugs being transferred. The list shall contain, at a minimum, the medication name, strength, quantity, and expiration date.
 - f. Expired drugs shall not be transferred. In the event expired drugs are received by an institutional pharmacy located within a penal institution, the pharmacist-in-charge shall destroy them as required by law.

B. Under no circumstances may these transferred medications be re-distributed to another location.

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

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