



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
www.labp.com



February 25, 2010

Senator Joel T. Chaisson, President
Louisiana Senate
P. O. Box 94183
Baton Rouge, LA 70804

Re: Report No. 2 of 3 for Regulatory Project 2009-1 ~ Drugs of Concern
Report No. 2 of 3 for Regulatory Project 2009-2 ~ Pharmacy Interns
Report No. 2 of 3 for Regulatory Project 2009-3 ~ Prescription Transfers
Report No. 2 of 3 for Regulatory Project 2009-4 ~ Digital Imaging of Prescriptions

Dear Senator Chaisson:

As we indicated in our first report to you on December 10, 2009, the Board is currently promulgating amendments to four different sections of its rules as described above. Subsequent to our Notices of Intent published in the December 20, 2009 edition of the *Louisiana Register*, and in accordance with the Administrative Procedures Act, we conducted a public hearing at the Board office on January 27, 2010. The Board received no written comments or verbal testimony on any of the four proposals. The Board considered the absence of comments during their February 3, 2010 meeting and determined that no revisions were necessary. Further, the Board has determined it appropriate to move forward with the proposed amendments as published.

For each of the four projects identified above, you should find the following documents appended to this letter:

- Notice of Intent
- Full Text of Proposed Rule

Subject to review by the Joint Legislative Oversight Committee on Health and Welfare, the Board proposes to publish the original proposed rules as Final Rules in the April 20, 2010 edition of the *Louisiana Register*. If you have any questions about the enclosed information or our procedures, please contact me directly at 225.925.6496 or mbroussard@labp.com.

For the Board:

Malcolm J. Broussard
Executive Director

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

LAC 46:LIII.2523

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 §2523 – *Transfer of Prescription Information* of its rules. In particular, the proposed rule will provide flexibility in recordkeeping requirements for those pharmacies sharing a common electronic prescription file.

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, January 27, 2010 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

* * *

Chapter 25. Prescriptions, Drugs, and Devices

* * *

§2523. Transfer of Prescription Information

* * *

B. Pharmacies Using Common Electronic Files

1. Pharmacies using a common electronic file are not required to physically or electronically transfer prescriptions for information dispensing purposes between or among pharmacies participating in the same common prescription file; provided, however, any such common file must contain complete and adequate records of such prescriptions , and further, that a hard copy of each prescription transferred or accessed for purposes of refilling shall be generated and maintained at the pharmacy refilling the prescription or to which the prescription is transferred.
2. This accommodation shall comply with all state and federal laws and regulations regarding controlled dangerous substance prescription transfers.

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), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended LR 33:1133 (June 2007), amended LR