



# Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808-2537  
[www.labp.com](http://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](mailto: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.1123

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 §1123 – *Records* of its rules. In particular, the proposed rule will provide flexibility in recordkeeping requirements for those pharmacies utilizing digital imaging software for their prescription records.

Interested persons may submit written comments to Malcolm J Broussard, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Blvd., 8<sup>th</sup> 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**

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**Chapter 11. Pharmacies**

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**§1123. Records**

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E. Digital Imaging of Prescriptions

1. In lieu of filing the actual original hard-copy prescription, a pharmacy may use an electronic imaging recordkeeping system, if:
  - a. The system is capable of capturing, storing, and reproducing the exact image of a prescription, including the reverse side of the prescription;
  - b. Any notes of clarification of and alterations to a prescription shall identify the author and shall be directly associated with the electronic image of the prescription;
  - c. The prescription image and any associated notes of clarification to or alterations to a prescription are retained for a period not less than two years from the date the prescription is last dispensed;
  - d. Policies and procedures for the use of an electronic imaging recordkeeping system are developed, implemented, reviewed, and available for board inspection; and
  - e. The prescription is not for a Schedule II controlled dangerous substance.
2. In this capacity the pharmacy may retain the hard copy prescriptions in order of date scanned in lieu of numerical order.

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