



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



February 8, 2022

Senator P. Page Cortez
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 1 of 3 for Regulatory Project 2022-2 ~ Fees

Dear Senator Cortez:

The Board seeks to promulgate a new section of rules to itemize all of the fees the Board is authorized to charge its clients. The fees are currently itemized in R.S. 37:1184. Although the Board is authorized by R.S. 37:1182(A)(21) to promulgate a rule to establish its fees, it has never done so. The last fee increase for the Board was adopted by the 2005 Legislature. The Board proposes to establish its fees in rule and seeks to increase those fees to provide additional funds for its operating costs.

The Occupational Licensing Review Commission approved the initiation of this project during their January 11, 2022 meeting. In connection with this regulatory project, the following items are appended:

- Notice of Intent Page 2
- Fiscal & Economic Impact Statement Page 6

As indicated in the solicitation, we will convene a public hearing on March 25, 2022 to receive public comments and testimony on this proposed rule. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional information about this project, please contact me directly at mbroussard@pharmacy.la.gov or 225.925.6481.

For the Board:

Malcolm J. Broussard
Executive Director

cc: Chair, Senate Health & Welfare Committee
Via Email: APA.S-H&W@legis.la.gov
Senators, Louisiana Senate
Speaker, House of Representatives
Via Email: APA.HouseSpeaker@legis.la.gov
Chair, House Health & Welfare Committee
Via Email: APA.H-HW@legis.la.gov
Representatives, Louisiana House of Representatives
Director, Community Competitiveness & Small Business Services, La. Economic Development
Via Email: Witty@la.gov
Editor, *Louisiana Register*
Via Email: Reg.Submission@la.gov
Reference File

NOTICE OF INTENT

Department of Health Board of Pharmacy

Fees (LAC 46:LIII.115)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to add a new section of rules, Section 115, to itemize all the fees charged by the board. Most of the proposed fees represent increases from the current fees identified in R.S. 37:1184.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 1. Introduction

§115. Fees

The fees charged and collected by the board shall not be less nor more than the following schedule:

A. Credentialing Fees for Persons

1. Pharmacy technician candidate

a. Application fee for new pharmacy technician candidate registration \$ 50.00

2. Pharmacy technician

a. Application fee for new pharmacy technician certificate \$ 100.00

b. Certificate renewal fee, per year \$ 60.00

c. Delinquent renewal fee, per year (50% of renewal fee) \$ 30.00

d. Reinstatement fee for lapsed, suspended, or revoked certificate \$ 200.00

3. Pharmacy intern

a. Application fee for new pharmacy intern registration \$ 50.00

4. Pharmacist

a. Application fee for new pharmacist license \$ 300.00

b. Application fee for transfer of pharmacist license \$ 150.00

c. License renewal fee, per year \$ 150.00

d. Delinquent renewal fee, per year (50% of renewal fee) \$ 75.00

e. Reinstatement fee for lapsed, suspended, or revoked license \$ 200.00

f. Pharmacy education support fee, per year \$ 100.00

B. Credentialing Fees for Businesses

1. Pharmacy

a. Application fee for new pharmacy permit \$ 500.00

b. Application fee for change of location of pharmacy permit \$ 200.00

c. Pharmacy permit renewal fee, per year \$ 200.00

d. Delinquent renewal fee for pharmacy permit, per year (50% of renewal fee) \$ 100.00

e. Application fee for new controlled dangerous substance (CDS) license for
pharmacy \$ 25.00

f. CDS license renewal fee, per year \$ 25.00

g. <u>Delinquent renewal fee for CDS license, per year (50% of renewal fee)</u>	<u>\$ 12.50</u>
h. <u>Application fee for new emergency drug kit (EDK) permit</u>	<u>\$ 50.00</u>
i. <u>EDK permit renewal fee, per year</u>	<u>\$ 50.00</u>
j. <u>Application fee for new automated medication system (AMS) registration</u>	<u>\$ 150.00</u>
k. <u>AMS registration renewal fee, per year</u>	<u>\$ 150.00</u>
l. <u>Application fee for new sterile compounding pharmacy permit</u>	<u>\$ 500.00</u>
m. <u>Sterile compounding pharmacy permit renewal fee, per year</u>	<u>\$ 500.00</u>
n. <u>Reinstatement fee for lapsed, suspended, or revoked pharmacy permit, CDS</u>	
<u>license, EDK permit, AMS registration, or sterile compounding pharmacy permit</u>	<u>\$ 200.00</u>
o. <u>Pharmacy education support fee, per year</u>	<u>\$ 100.00</u>
2. <u>Durable medical equipment provider</u>	
a. <u>Application fee for new durable medical equipment (DME) permit</u>	<u>\$ 200.00</u>
b. <u>DME permit renewal fee, per year</u>	<u>\$ 200.00</u>
c. <u>Delinquent renewal fee for DME permit, per year (50% of renewal fee)</u>	<u>\$ 100.00</u>
d. <u>Reinstatement fee for lapsed, suspended, or revoked DME permit</u>	<u>\$ 200.00</u>
e. <u>Pharmacy education support fee, per year</u>	<u>\$ 100.00</u>
3. <u>Pharmacy benefit manager</u>	
a. <u>Application fee for new pharmacy benefit manager (PBM) permit</u>	<u>\$ 500.00</u>
b. <u>PBM permit renewal fee, per year</u>	<u>\$ 500.00</u>
c. <u>Delinquent renewal fee for PBM permit, per year (50% of renewal fee)</u>	<u>\$ 250.00</u>
C. <u>Fees for Products and Services</u>	
1. <u>Products</u>	
a. <u>Pharmacist certificate</u>	<u>\$ 75.00</u>
b. <u>Pharmacist silver certificate</u>	<u>\$ 100.00</u>
c. <u>Louisiana Pharmacy Law Book</u>	<u>\$ 40.00</u>
d. <u>Official list of licensees, per credential type</u>	<u>\$ 150.00</u>
e. <u>Photocopies of documents, per page</u>	<u>\$ 0.50</u>
2. <u>Services</u>	
a. <u>Administrative hearing fee</u>	<u>\$ 250.00</u>
b. <u>Certification of credential</u>	<u>\$ 20.00</u>
c. <u>Certification of practical experience to another jurisdiction</u>	<u>\$ 25.00</u>
d. <u>Certification of document as true copy of office record</u>	<u>\$ 5.00</u>
e. <u>Handling and mailing, per page</u>	<u>\$ 1.00</u>
D. <u>Board Member Per Diem, per day</u>	<u>\$ 75.00</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182(A)(21).

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

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule will have no effect on family earnings but could impact a family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule will have no effect on compliance or reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule will have no effect on compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule will have no effect on standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule is scheduled for 9:00 a.m. on Friday, March 25, 2022 at the board office which is located at 3388 Brentwood Drive, Baton Rouge, Louisiana 70809. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard

Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the State Register, resulting in printing expenses of \$1,000 in FY 2022. There will be no additional expenditures or cost savings for LBP or other state or local governmental units. Although some state governmental units operate pharmacies licensed by LBP, those permits are fee-exempt.

The proposed rule will create a new section of rules to itemize all the fees charged by the Board. The fees listed in the proposal represent the first fee increase since 2005.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule fee increases will generate approximately \$932,800 per fiscal year for LBP from fees paid by persons and businesses credentialed by the Board. The proposed rule will not affect revenue collections for other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule fee increases will generate approximately \$932,800 per fiscal year for LBP from fees paid by persons and businesses credentialed by the Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Due to the universal nature of these fee increases, the proposed rule changes will have an indeterminate but likely minimal impact on competition or employment.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

Person Preparing Statement:	Malcolm J. Broussard Executive Director	Dept.: Dept. of Health
Telephone:	225.925.6481	Office: Board of Pharmacy
Return Address:	3388 Brentwood Drive Baton Rouge, LA 70809	Title: Fees
		Effective Date of Rule: Upon promulgation July 1, 2022 (est.)

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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Malcolm
Broussard

Executive Director, Louisiana
Board of Pharmacy
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Signature of Agency Head or Designee


Legislative Fiscal Officer or Designee

Malcolm J. Broussard, Executive Director
Typed Name and Title of Agency Head

2/1/22
Date of Signature

January 31, 2022
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule will create a new section of rules to itemize all the fees charged by the Board. The fees listed in the proposal represent the first fee increase since 2005. A copy of the notice of intent is appended.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

In accordance with R.S. 37:1182(A)(21), the Board shall establish by regulation fees and costs to be imposed for the purpose of implementing and enforcing the provisions of the Pharmacy Practice Act. The proposed rule is responsive to this legislative mandate. A copy of the act is appended.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

LBP has allocated \$1,000 in FY 22 for printing the Notice of Intent and the Rule. LBP operates on self-generated funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) No NO. If no, provide justification as to why this rule change should be published at this time

LBP operates on self-generated funds, and the proposed rule implements the legislative mandate of R.S. 37:1182(A)(21).

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 22	FY 23	FY 24
Personal Services			
Operating Expenses	\$ 1,000	None	None
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	\$ 1,000		
POSITIONS (#)	None	None	None

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed changes will require LBP to print the Notice of Intent and Rule in the state register at a cost of \$1000 in FY22.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated	\$ 1,000	None	None
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	\$ 1,000	None	None

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

LBP has sufficient self-generated funds available to implement the proposed rule changes.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.
2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

SOURCE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated			
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	None	None	None

Some local governmental units operate pharmacies; some of those permits are fee-exempt and some are not. Those pharmacy permits that are not fee-exempt will incur a \$75 increase in their annual pharmacy permit renewal fee.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule fee increases will generate approximately \$932,800 per fiscal year for LBP from fees paid by persons and businesses credentialed by the Board. The proposed rule will not affect revenue collections for other state or local governmental units.

REVENUE INCREASE/DECREASE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated	None	\$ 932,800	\$ 932,800
Dedicated Funds*			
Federal Funds			
Local Funds			
TOTAL	None	\$ 932,800	\$ 932,800

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The fee increases in the proposed rule will generate approximately \$932,800 per fiscal year for LBP from fees paid by persons and businesses credentialed by the Board. This figure was calculated by multiplying the proposed fee increase for each credential affected by an estimated number of said credentials processed during a fiscal year. A copy of the "Fees Worksheet" is presented in the next Section which includes all data, assumptions, and method used in calculating the proposed increase.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

Persons, small businesses, or non-government groups in possession of a license, permit, or registration from LBP would be directly affected by the proposed action. A copy of the “Fees Worksheet” is appended below which includes all data, assumptions, and method used in calculating the proposed increase. The proposed action will cause no additional paperwork or workload adjustments.

Fees Worksheet

License, Permit, Registration, Etc.	Current Fee	Proposed Fee	Proposed Increase	Estimated Number of Renewals/Apps per Year	Estimated Extra Revenue Generated Each Fiscal Year
PST - Pharmacist license renewal fee, per year	\$100.00	\$150.00	\$50.00	9,000	\$450,000.00
PNT - Application fee for new pharmacy intern registration (one-time fee)	\$10.00	\$50.00	\$40.00	300	\$12,000.00
PTC - Application fee for new pharmacy tech candidate registration (one-time fee)	\$25.00	\$50.00	\$25.00	1,000	\$25,000.00
CPT - Pharmacy Technician renewal fee, per year	\$50.00	\$60.00	\$10.00	7,400	\$74,000.00
PHY - Application fee for new pharmacy permit	\$150.00	\$500.00	\$350.00	170	\$59,500.00
PHY - Application fee for change of location of pharmacy permit	\$150.00	\$200.00	\$50.00	38	\$1,900.00
PHY - Pharmacy permit renewal fee, per year	\$125.00	\$200.00	\$75.00	2,000	\$150,000.00
PHY - Sterile Compounding Pharmacy Permit Renewal Fee, per year	NA	\$500.00	\$500.00	200	\$100,000.00
Emergency Drug Kit (EDK) permit	\$25.00	\$50.00	\$25.00	400	\$10,000.00
Durable Medical Equipment (DME) permit	\$125.00	\$200.00	\$75.00	665	\$49,875.00
Certification of practical experience to another jurisdiction	\$10.00	\$25.00	\$15.00	35	\$525.00
Total					\$932,800.00

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule changes will not impact a licensee's receipts or revenue.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes will have an indeterminate though likely minimal impact on competition or employment.