



# Louisiana Board of Pharmacy

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



June 7, 2022

Senator P. Page Cortez  
President, Louisiana Senate  
Via Email: [APA.SenatePresident@legis.la.gov](mailto:APA.SenatePresident@legis.la.gov)

## Electronic Mail – Delivery Receipt Requested

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

Dear Senator Cortez:

As we indicated in our first report to your office on February 8, 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.

Subsequent to the publication of our *Notice of Intent* in the February 2022 edition of the Louisiana Register, we conducted a public hearing on March 25 to receive comments and testimony on the proposed rule. We received no comments or testimony. The Board subsequently determined no revisions were warranted. During their May 13 meeting, the Occupational Licensing Review Commission authorized the Board to complete the promulgation process. In connection with this regulatory project, the following items are appended:

- *Notice of Intent* as published in the February 2022 Louisiana Register Page 2
- Record of March 25, 2022 Public Hearing Page 5
- Full text of proposed rule, as intended for publication in the Louisiana Register Page 6

Subject to review by the Joint Legislative Oversight Committee on Health & Welfare, the Board proposes to publish the original proposed rule without amendment as a *Rule* in the July 20, 2022 edition of the Louisiana Register with an immediate effective date. In the event you have any questions or need additional information about this project, please contact me directly at [mbroussard@pharmacy.la.gov](mailto:mbroussard@pharmacy.la.gov) or 225.925.6481.

For the Board:

Malcolm J. Broussard  
Executive Director

cc: Chair, Senate Health & Welfare Committee – [APA.S-H&W@legis.la.gov](mailto:APA.S-H&W@legis.la.gov)  
Senators, Louisiana Senate – [APA.S-Act744@legis.la.gov](mailto:APA.S-Act744@legis.la.gov)  
Speaker, House of Representatives – [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Chair, House Health & Welfare Committee – [APA.H-HW@legis.la.gov](mailto:APA.H-HW@legis.la.gov)  
Representatives, Louisiana House of Representatives – [APA.H-Act744@legis.la.gov](mailto:APA.H-Act744@legis.la.gov)  
Editor, Louisiana Register – [Reg.Submission@la.gov](mailto: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, §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.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 1. Introduction

#### §115. Fees

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

1. Credentialing Fees for Persons

a. Pharmacy Technician Candidate

i. Application fee for new pharmacy technician candidate registration—\$50.

b. Pharmacy Technician

i. Application fee for new pharmacy technician certificate—\$100.

ii. Certificate renewal fee, per year—\$60.

iii. Delinquent renewal fee, per year (50 percent of renewal fee)—\$30.

iv. Reinstatement fee for lapsed, suspended, or revoked certificate—\$200.

c. Pharmacy Intern

i. Application fee for new pharmacy intern registration—\$50.

d. Pharmacist

i. Application fee for new pharmacist license—\$300.

ii. Application fee for transfer of pharmacist license—\$150.

iii. License renewal fee, per year—\$150.

iv. Delinquent renewal fee, per year (50 percent of renewal fee)—\$75.

v. Reinstatement fee for lapsed, suspended, or revoked license—\$200.

vi. Pharmacy education support fee, per year—\$100.

2. Credentialing Fees for Businesses

a. Pharmacy

i. Application fee for new pharmacy permit—\$500.

ii. Application fee for change of location of pharmacy permit—\$200.

iii. Pharmacy permit renewal fee, per year—\$200.

iv. Delinquent renewal fee for pharmacy permit, per year (50 percent of renewal fee)—\$100.

vi. Application fee for new controlled dangerous substance (CDS) license for pharmacy—\$25.

vii. CDS license renewal fee, per year—\$25.

- viii. Delinquent renewal fee for CDS license, per year (50 percent of renewal fee)—\$12.50
- ix. Application fee for new emergency drug kit (EDK) permit—\$50.
- x. EDK permit renewal fee, per year—\$50.
- xi. Application fee for new automated medication system (AMS) registration—\$150.
- xii. AMS registration renewal fee, per year—\$150.
- xiii. Application fee for new sterile compounding pharmacy permit—\$500.
- xiv. Sterile compounding pharmacy permit renewal fee, per year—\$500.
- xv. Reinstatement fee for lapsed, suspended, or revoked pharmacy permit, CDS license, EDK permit, AMS registration, or sterile compounding pharmacy permit—\$200.
- xvi. Pharmacy education support fee, per year—\$100.
- b. Durable Medical Equipment Provider
  - i. Application fee for new durable medical equipment (DME) permit—\$200.
  - ii. DME permit renewal fee, per year—\$200.
  - iii. Delinquent renewal fee for DME permit, per year (50 percent of renewal fee)—\$100.
  - iv. Reinstatement fee for lapsed, suspended, or revoked DME permit—\$200.
  - v. Pharmacy education support fee, per year—\$100.
- c. Pharmacy Benefit Manager
  - i. Application fee for new pharmacy benefit manager (PBM) permit—\$500.
  - ii. PBM permit renewal fee, per year—\$500.
  - iii. delinquent renewal fee for PBM permit, per year (50 percent of renewal fee)—\$250.
- 3. Fees for Products and Services
  - a. Products
    - i. Pharmacist certificate—\$75.
    - ii. Pharmacist silver certificate—\$100.
    - iii. Louisiana Pharmacy Law Book—\$40.
    - iv. Official list of licensees, per credential type—\$150.
    - v. Photocopies of documents, per page—\$0.50
  - b. Services
    - i. Administrative hearing fee—\$250.
    - ii. Certification of credential—\$20.
    - iii. Certification of practical experience to another jurisdiction—\$25.
    - iv. Certification of document as true copy of office record—\$5.
    - v. Handling and mailing, per page—\$1.
- 4. Board member per diem, per day—\$75.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 48:

#### **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 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 GOVERNMENT 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 OR NONGOVERNMENTAL 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.

Malcolm J. Broussard  
Executive Director  
2022#021

Alan M. Boxberger  
Interim Fiscal Officer  
Legislative Fiscal Office



# Louisiana Board of Pharmacy

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Baton Rouge, Louisiana 70809-1700  
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Summary of Testimony & Public Comments  
re  
Regulatory Project 2022-2 ~ Fees  
at  
March 25, 2022 Public Hearing

*No comments or testimony received.*

## **RULE**

### **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 has promulgated a new section of rules, §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. This Rule is hereby adopted on the day of promulgation.

### **Louisiana Administrative Code**

### **Title 46 – Professional and Occupational Standards**

### **Part LIII: Pharmacists**

## **Chapter 1. Introduction**

### **§115. Fees**

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

1. Credentialing Fees for Persons

a. Pharmacy technician candidate

i..	Application fee for new pharmacy technician candidate registration	\$ 50.00
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b. Pharmacy technician

i.	Application fee for new pharmacy technician certificate	\$ 100.00
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ii.	Certificate renewal fee, per year	\$ 60.00
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iii.	Delinquent renewal fee, per year (50% of renewal fee)	\$ 30.00
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iv.	Reinstatement fee for lapsed, suspended, or revoked certificate	\$ 200.00
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c. Pharmacy intern

i.	Application fee for new pharmacy intern registration	\$ 50.00
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d. Pharmacist

i.	Application fee for new pharmacist license	\$ 300.00
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ii.	Application fee for transfer of pharmacist license	\$ 150.00
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iii.	License renewal fee, per year	\$ 150.00
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iv.	Delinquent renewal fee, per year (50% of renewal fee)	\$ 75.00
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v.	Reinstatement fee for lapsed, suspended, or revoked license	\$ 200.00
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vi.	Pharmacy education support fee, per year	\$ 100.00
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2. Credentialing Fees for Businesses

a. Pharmacy

i..	Application fee for new pharmacy permit	\$ 500.00
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ii.	Application fee for change of location of pharmacy permit	\$ 200.00
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iii.	Pharmacy permit renewal fee, per year	\$ 200.00
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iv.	Delinquent renewal fee for pharmacy permit, per year (50% of renewal fee)	\$ 100.00
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v.	Application fee for new controlled dangerous substance (CDS) license for pharmacy	\$ 25.00
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vi.	CDS license renewal fee, per year	\$ 25.00
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vii.	Delinquent renewal fee for CDS license, per year (50% of renewal fee)	\$ 12.50
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viii.	Application fee for new emergency drug kit (EDK) permit	\$ 50.00
ix.	EDK permit renewal fee, per year	\$ 50.00
x.	Application fee for new automated medication system (AMS) registration	\$ 150.00
xi.	AMS registration renewal fee, per year	\$ 150.00
xii.	Application fee for new sterile compounding pharmacy permit	\$ 500.00
xiii.	Sterile compounding pharmacy permit renewal fee, per year	\$ 500.00
xiv.	Reinstatement fee for lapsed, suspended, or revoked pharmacy permit, CDS license, EDK permit, AMS registration, or sterile compounding pharmacy permit	\$ 200.00
xv.	Pharmacy education support fee, per year	\$ 100.00
b.	Durable medical equipment provider	
i.	Application fee for new durable medical equipment (DME) permit	\$ 200.00
ii.	DME permit renewal fee, per year	\$ 200.00
iii.	Delinquent renewal fee for DME permit, per year (50% of renewal fee)	\$ 100.00
iv.	Reinstatement fee for lapsed, suspended, or revoked DME permit	\$ 200.00
v.	Pharmacy education support fee, per year	\$ 100.00
c.	Pharmacy benefit manager	
i.	Application fee for new pharmacy benefit manager (PBM) permit	\$ 500.00
ii.	PBM permit renewal fee, per year	\$ 500.00
iii.	Delinquent renewal fee for PBM permit, per year (50% of renewal fee)	\$ 250.00
3.	Fees for Products and Services	
a.	Products	
i.	Pharmacist certificate	\$ 75.00
ii.	Pharmacist silver certificate	\$ 100.00
iii.	Louisiana Pharmacy Law Book	\$ 40.00
iv.	Official list of licensees, per credential type	\$ 150.00
v.	Photocopies of documents, per page	\$ 0.50
b.	Services	
i.	Administrative hearing fee	\$ 250.00
ii.	Certification of credential	\$ 20.00
iii.	Certification of practical experience to another jurisdiction	\$ 25.00
iv.	Certification of document as true copy of office record	\$ 5.00
v.	Handling and mailing, per page	\$ 1.00
4.	Board member per diem, per day	\$ 75.00

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

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 48:

M. Joseph Fontenot, Jr.

Executive Director