

2309#013

RULE

**Department of Health
Board of Pharmacy**

Pharmacy Change of Ownership (LAC 46:LIII.1135)

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 Board of Pharmacy has amended §1135 of its rules relative to pharmacy change of ownership procedures. The amended Rule limits the circumstances under which pharmacy owners must obtain a new permit when ownership of the pharmacy is transferred by requiring that an application for a new pharmacy permit is to be filed and a new permit obtained only when there is a change in the identity of the natural person, partnership, or

business entity which directly holds the permit or when there is a change in the person or entity's Federal Employer Identification Number (FEIN). The amended Rule requires a new application to be filed at least 15 days before closing the transfer of ownership interests, require the application to include the direct and first indirect level of ownership information, and require any change in the first indirect level of ownership of 20 percent or more to be reported to the board within 30 days of the change. The amended Rule clarifies that nothing prohibits an entity from applying for a new pharmacy permit in order to separate itself from actions of the previous ownership. The changes also clarify that operation of a permit subsequent to a change of ownership without submission of a new permit application may violate R.S. 37:1221. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter C. Pharmacy Opening, Closing, Change of Ownership, and Change of Location

§1135. Pharmacy Change of Ownership Procedures

- A. A pharmacy permit is not transferable.
- B. A new application shall be filed and a new permit obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the permit has occurred or there is a change in the person or entity's Federal Employer Identification Number (FEIN).
- C. The new owner shall submit an application to the board office at least 15 days before closing the transfer of ownership interests of said business.
- D. An application for a new pharmacy permit shall include the direct and first indirect level of ownership information. Any change in the first indirect level of ownership of 20 percent or more must be reported to the board within 30 days of the change.
- E. Nothing in this section shall prohibit an entity from applying for a new pharmacy permit in order to separate itself from actions which may have been committed by the previous ownership under the existing pharmacy permit.
- F. The continued operation of a pharmacy permit subsequent to a change of ownership, without submission of an application to the board office, may substantiate a violation of R.S. 37:1221.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2092 (October 2003), effective January 1, 2004, amended LR 33:1131 (June 2007), amended LR 49:1558 (September 2023).

M. Joseph Fontenot Jr.
Executive Director