



Louisiana Board of Pharmacy

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December 5, 2022

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

Electronic Mail – Delivery Receipt Requested

Re: **Report No. 2 of 3** for Regulatory Project 2022-7 (Summary Report) ~ Licensing Dependents of Healthcare Professionals Relocating to Louisiana

Dear Senator Cortez:

As we indicated in our first report to your office on July 7, the Board seeks to add new sections to two of its chapters of rules: §508 in Chapter 5 – Pharmacists and §906 in Chapter 9 – Pharmacy Technicians, to establish preferential licensing procedures for dependents of healthcare professionals relocating to Louisiana pursuant to the provisions of Act 279 of the 2021 Regular Session of the Legislature.

Subsequent to the publication of our Notice of Intent in the July 2022 edition of the *Louisiana Register*, we conducted a public hearing on August 26 to receive comments and testimony on the proposed rules. We received no comments or testimony. The Board subsequently determined no revisions were warranted. On November 3rd the Department of Justice's Occupational Licensing Review Program approved the proposed regulations for adoption. In connection with this regulatory project, you should find the following documents in this package:

- *Notice of Intent*, as published in the July 2022 *Louisiana Register* – Page 2
- Record from the August 26, 2022 Public Hearing – Page 6
- Full text of proposed rule, as intended for publication in the *Louisiana Register* – Page 7

Subject to review by the Joint Legislative Oversight Committee on Health & Welfare, the Board proposes to publish the original proposed rules without amendment as a Rule in the January 20, 2023 edition of the *Louisiana Register* with an immediate effective date. If you have any questions about the enclosed information or our procedures, please contact me directly at jfontenot@pharmacy.la.gov or 225.925.6481.

For the Board:

M. Joseph Fontenot Jr.
Executive Director

cc: Chair, Senate Health & Welfare Committee - Via Email: APA.S-H&W@legis.la.gov
Speaker, House of Representatives - Via Email: APA.HouseSpeaker@legis.la.gov
Chair, House Health & Welfare Committee - Via Email: APA.H-HW@legis.la.gov
Editor, *Louisiana Register* - Via Email: Reg.Submission@la.gov
Reference File

NOTICE OF INTENT

Department of Health Board of Pharmacy

Licensing Dependents of Healthcare Professionals
Relocating to Louisiana (LAC 46:LIII.508 and 906)

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.), and pursuant to the provisions of Act 279 of the 2021 Regular Session of the Legislature, the Louisiana Board of Pharmacy hereby gives notice of its intent to add new sections to two of its chapters of rules: §506.1 in Chapter 5 – Pharmacists and §904.1 in Chapter 9 – Pharmacy Technicians, to establish preferential licensing procedures for dependents of healthcare professionals relocating to Louisiana.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 5. Pharmacists

§508. Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent—any of the following who relocates to Louisiana with a healthcare professional:

- i. the healthcare professional's spouse.
- ii. the healthcare professional's unmarried child under the age of 21 years.
- iii. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.
- iv. the healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare Professional—a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed

clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for pharmacist licensure by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the license. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacist license, the board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.

2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.

3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacist license, or with an expired special work permit or expired pharmacist license.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

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

Chapter 9. Pharmacy Technicians

§906. Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent—any of the following who relocates to Louisiana with a healthcare professional:

- i. the healthcare professional's spouse.
- ii. the healthcare professional's unmarried child under the age of 21 years.
- iii. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.
- iv. the healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare Professional—a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid

license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for a pharmacy technician certificate by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the certificate is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the certificate. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacy technician certificate, board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.

2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.

3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacy technician certificate, or with an expired special work permit or expired pharmacy technician certificate.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

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 rules 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 rules 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 rules will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rules may improve family earnings by facilitating employment in the licensed occupation sooner than currently possible.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rules 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 rules will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rules.

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 rules may have a positive effect on household income by facilitating employment in the licensed occupation sooner than currently possible.

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

3. The Effect on Employment and Workforce Development. The proposed rules may have a positive effect on employment by facilitating employment in the licensed occupation sooner than currently possible.

4. The Effect on Taxes and Tax Credits. The proposed rules 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 rules 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 rules 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 rules 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 rules will have no effect on consolidation or simplification of 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 rules do not establish performance standards for small business.

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 rules.

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 rules will have no effect on the staffing level requirements or qualifications required 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 rules 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 rules 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 M. Joseph Fontenot, Jr., 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 Rules.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rules is scheduled for 9:00 a.m. on Friday, August 26, 2022 at the Board office. 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.

M. Joseph Fontenot Jr.
Executive Director—Designate

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensing Dependents of Healthcare Professionals Relocating to Louisiana

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

The proposed rules will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$2,000 in FY 2023. There will be no additional expenditures or cost savings for LBP. The overall impact of this rule on the Board's workload is indeterminable though likely negligible; the Board can absorb the anticipated 0-5 applicants who would qualify for priority processing with current capacity.

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

The proposed rules will not affect revenue collections of state or local governmental units. It is unknown if or how many additional applicants will be induced into applying as a result of this rule.

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

The proposed rules would prioritize the application processing for certain dependents of healthcare professionals relocating to Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The proposed rules may improve the ability of certain dependents of healthcare professionals relocating to Louisiana to qualify for employment opportunities sooner than currently possible. The estimates of which are indeterminable.

M. Joseph Fontenot Jr.
Executive Director
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Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office



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Summary of Testimony & Public Comments

Regulatory Project 2022-7 ~ Licensing Dependents of Healthcare
Professionals Relocating to Louisiana
at
August 26, 2022 Public Hearing

No comments or testimony received.

Rule
Department of Health
Board of Pharmacy

Licensing Dependents of Healthcare Professionals Relocating to Louisiana (LAC 46:LIII.508 and 906)

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.), and pursuant to the provisions of Act 279 of the 2021 Regular Session of the Legislature, the Louisiana Board of Pharmacy has promulgated new sections to two of its chapters of rules: §508 in Chapter 5 – Pharmacists and §906 in Chapter 9 – Pharmacy Technicians, to establish preferential licensing procedures for dependents of healthcare professionals relocating to Louisiana.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIII: Pharmacists

Chapter 5. Pharmacists

§508 Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent – any of the following who relocates to Louisiana with a healthcare professional:

- i. The healthcare professional's spouse.
- ii. The healthcare professional's unmarried child under the age of 21 years.
- iii. The healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.
- iv. The healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare professional – a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for pharmacist licensure by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the license. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacist license, the board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.
2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.
3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacist license, or with an expired special work permit or expired pharmacist license.
4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

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

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Chapter 9. Pharmacy Technicians

§906 Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent – any of the following who relocates to Louisiana with a healthcare professional:

- i. The healthcare professional's spouse.
- ii. The healthcare professional's unmarried child under the age of 21 years.
- iii. The healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.
- iv. The healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare professional – a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for a pharmacy technician certificate by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the certificate is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the certificate. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacy technician certificate, board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.
2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.
3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacy technician certificate, or with an expired special work permit or expired pharmacy technician certificate.
4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

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

M. Joseph Fontenot, Jr.
Executive Director