

2304#012

RULE

Department of Health Board of Pharmacy

Nonresident Pharmacies (LAC 46:LIII.Chapter 23)

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 several sections of its rules relative to nonresident pharmacies. Changes in §§2301, 2305, 2309, 2311, 2317, and 2319 include the replacement of the term “out of state” with “nonresident” making it consistent with the chapter and section titles. The change in §2303.A is meant to clarify the intent for a nonresident pharmacy to hold a current pharmacy permit in their resident state. The change in §2303.B removes the plural form of word “state” to clarify the intent for the pharmacist to be licensed in the state in which the pharmacy permit is located. The change in §2303.C removes the requirement for a nonresident pharmacy to designate a resident agent and a registered office in Louisiana which eliminates an unnecessary regulatory burden. The change in §2305.B replaces the statutory reference used for the annual permit fee because the current fee has been moved to proposed rule. The change in §2307.D modifies the responsibility on the pharmacist-in-

charge from developing and maintaining policies to implementing policies and procedures which more accurately reflects current trends. The changes in §2307.I extend the notification requirement regarding a change of pharmacist-in-charge on the nonresident pharmacy permit holder and on a newly appointed pharmacist-in-charge to match the requirement for resident pharmacies, from 10 days to 30 days. The changes in §2307.J removes the requirement for notarization of the affidavit and also makes a correction to which record the document is filed. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 23. Nonresident Pharmacy

§2301. Purpose

A. Nonresident pharmacies shall comply with the provisions of this Chapter in order to be and remain permitted to operate in Louisiana as a nonresident pharmacy.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992) effective January 1, 1993, LR 29:2099 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, amended LR 49:680 (April 2023).

§2303. Nonresident Pharmacy Requirements

A. The nonresident pharmacy shall hold a current pharmacy permit in good standing in the state in which it is located.

B. Each pharmacist dispensing drugs into Louisiana shall be licensed as a pharmacist in good standing in the state where he practices.

C. Every nonresident pharmacy doing business in Louisiana by dispensing and delivering prescription drugs and devices to offenders in the custody of the Louisiana Department of Public Safety and Corrections or local law enforcement agency shall obtain and maintain a nonresident correctional center pharmacy permit, and further, shall comply with the provisions of Chapter 18 of this Part, with the single exception of the necessity for acquiring a separate correctional center pharmacy permit.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 39:3074 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:574 (April 2020), amended LR 49:680 (April 2023).

§2305. Nonresident Pharmacy Permit Requirements

A. The nonresident pharmacy shall apply for a permit and annual permit renewals on forms provided by the board. The board may require such information as reasonably necessary to carry out the provisions of R.S. 37:1232, including, without limitation, the name, address, and position of each officer and director of a corporation or of the owners, if the pharmacy is not a corporation.

B. The nonresident pharmacy shall pay an annual permit fee as defined by the Board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 49:680 (April 2023).

§2307. Pharmacist-in-Charge

A. - C. ...

D. Policy and Procedure Manual. The pharmacist-in-charge shall be responsible for the implementation of policies and procedures regarding quality pharmacy services including drug control, distribution, patient compliance accountability, inspection, and record keeping.

E. - H. ...

I. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.

1. The permit holder shall notify the board within 30 days of the prior pharmacist-in-charge's departure date. The permit holder shall designate a new pharmacist-in-charge within 10 days of the departure of the prior pharmacist-in-charge.

2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within 30 days of the departure of the prior pharmacist-in-charge.

3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least 10 days prior to this voluntary departure, unless replaced in a shorter period of time.

J. Affidavit of Responsibility and Duties. The designated pharmacist-in-charge shall sign an affidavit on a form supplied by the board indicating his understanding and acceptance of the duties and responsibilities of a pharmacist-in-charge. This document shall be submitted to the board for inclusion in the pharmacist's record in the board office.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 43:50 (January 2017), amended LR 49:680 (April 2023).

§2309. Applicable Laws and Regulations

A. Louisiana pharmacy laws and regulations shall be applicable to regulate the practice of pharmacy for that portion of the nonresident pharmacy's Louisiana pharmacy practice or operation.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 49:680 (April 2023).

§2311. Inspection

A. The facilities and records of the nonresident pharmacy shall be subject to inspection by the board or its designated agent(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2101 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 49:681 (April 2023).

§2317. Nonresident Pharmacy Closure Procedures

A. Notice. Notice shall be afforded the board not less than 10 days prior to the anticipated closure date of a nonresident pharmacy. Said notice shall include the location of all transferred prescription files for Louisiana residents.

B. Permit. The nonresident pharmacy permit holder shall surrender the pharmacy permit to the board upon closure.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2101 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 49:681 (April 2023).

§2319. Jurisdiction

A. Nonresident pharmacies soliciting, receiving, and dispensing and delivering prescription drugs and devices, including controlled dangerous substances as defined in 21 USC §1, et seq. and 21 CFR 1 et seq., or their successors, and delivered to residents in Louisiana constitutes doing business in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2101 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 49:681 (April 2023).

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