



# 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)



February 3, 2023

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. 1 of 3 for Regulatory Project 2023-04 ~ Healthcare Workplace Violence Prevention

Dear Senator Cortez:

The Board seeks to amend §1103 of its rules relative to prescription department requirements to address workplace violence against healthcare workers, in response to Act 461 of the 2022 Legislature. The proposed rule amendment requires pharmacies to comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting.

In connection with this regulatory project, the following items are appended:

- Notice of Intent Page 2
- Fiscal & Economic Impact Statement Page 5

As indicated in the solicitation, we will convene a public hearing at 9:00 a.m. on Tuesday, March 28, 2023 to receive public comments and testimony on these proposed rule changes. 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 [jfontenot@pharmacy.la.gov](mailto: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](mailto:APA.S-H&W@legis.la.gov)  
Speaker, House of Representatives  
Via Email: [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Chair, House Health & Welfare Committee  
Via Email: [APA.H-HW@legis.la.gov](mailto:APA.H-HW@legis.la.gov)  
Director, Community Competitiveness & Small Business Services, La. Economic Development  
Via Email: [Witty@la.gov](mailto:Witty@la.gov)  
Editor, *Louisiana Register*  
Via Email: [Reg.Submission@la.gov](mailto:Reg.Submission@la.gov)  
Reference File

## NOTICE OF INTENT

### Department of Health Board of Pharmacy

#### Healthcare Workplace Violence Prevention (LAC 46:LIII.1103)

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 hereby gives notice of its intent to amend §1103 of its rules relative to prescription department requirements to address workplace violence against healthcare workers, in response to Act 461 of the 2022 Legislature. The proposed rule amendment requires pharmacies to comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII: Pharmacists

#### Chapter 11. Pharmacies

#### Subchapter A. General Requirements

#### §1103. Prescription Department Requirements

A.— I.2. ...

J. Healthcare Workplace Violence Prevention. The pharmacy shall comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2087 (October 2003), effective January 1, 2004, LR 39:315 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:579 (April 2020), LR 47:1642 (November 2021), LR 48:497 (March 2022), 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 amendment 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 amendment 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 amendment will have no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. The proposed rule amendment will have no effect on family earnings and family budget.
5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule amendment 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 amendment 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 amendment 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 amendment 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 amendment will have no effect on employment and workforce development.
4. The Effect on Taxes and Tax Credits. The proposed rule amendment 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 amendment 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 amendment will have a slight increase in reporting requirements for small business. The proposed new rule requires reporting of incidents of workplace violence.
2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule amendment 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 amendment 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 rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational 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 rule amendment.

### **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 amendment 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 rule amendment 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 amendment 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 Rule.

### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed rule change is scheduled for 9:00 a.m. on Tuesday, March 28, 2023 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

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Healthcare Workplace Violence Prevention**

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

The proposed rule amendment will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$250 in FY 2023 and \$250 in FY 2024. There will be no additional expenditures or cost savings for LBP. To the extent a state or local governmental unit operates a pharmacy, there could be additional costs to the pharmacy to compose prevention and reporting plans and to provide signage. These costs are indeterminable, but are expected to be minimal.

The proposed rule amendment addresses workplace violence against healthcare workers, in response to Act 461 of the 2022 Legislature. The proposed rule amendment requires pharmacies to comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting.

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

The proposed rule amendment will not affect revenue collections of 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 amendment will benefit consumers and pharmacy personnel by requiring pharmacies to address and prevent workplace violence against healthcare personnel. There will be minimal cost to pharmacy owners to compose prevention and reporting plans and to provide signage.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule amendment will have no effect on competition or employment.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

|                             |   |   |
|-----------------------------|---|---|
| Person Preparing Statement: | M. Joseph Fontenot Jr.<br>Executive Director  | Dept.: Dept. of Health  |
| Telephone:                  | 225.925.6481                                  | Office: Board of Pharmacy   |
| Return Address:             | 3388 Brentwood Drive<br>Baton Rouge, LA 70809 | Title: Healthcare Workplace Violence Prevention                   |
|                             |   | Effective Date of Rule: Upon promulgation<br>July 20, 2023 (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.

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

The proposed rule amendment will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$250 in FY 2023 and \$250 in FY 2024. There will be no additional expenditures or cost savings for LBP. To the extent a state or local governmental unit operates a pharmacy, there could be additional costs to the pharmacy to compose prevention and reporting plans and to provide signage. These costs are indeterminable, but are expected to be minimal.

The proposed rule amendment addresses workplace violence against healthcare workers, in response to Act 461 of the 2022 Legislature. The proposed rule amendment requires pharmacies to comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting.

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IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendment will have no effect on competition or employment.

M. Joseph Fontenot Jr.  
Digitally signed by M. Joseph Fontenot  
Date: 2023.02.01 15:29:59 -06'00'

Signature of Agency Head or Designee

  
Legislative Fiscal Officer or Designee

M. Joseph Fontenot Jr, Executive Director  
Typed Name and Title of Agency Head

2-2-23  
Date of Signature

February 1, 2023  
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 amendment addresses workplace violence against healthcare workers, in response to Act 461 of the 2022 Legislature. The proposed rule amendment requires pharmacies to comply with the provisions of R.S. 40:2199.11 through 40:2199.19 including but not limited to signage, prevention plans, and reporting. 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 response to Act 461 of the 2022 Legislature, the Board of Pharmacy determined it appropriate to amend Section 1103 of its rules relative to prescription department requirements.

- 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 \$500 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 they have determined the proposed rule amendment is in the public's best interest and in compliance with Act 461 of the 2022 Legislature.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

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 23 | FY 24     | FY 25 |
|-------------------------|-------|-----------|-------|
| Personal Services       |       |           |       |
| Operating Expenses      | \$250 | SEE BELOW |       |
| Professional Services   |       |           |       |
| Other Charges           |       |           |       |
| Equipment               |       |           |       |
| Major Repairs & Constr. |       |           |       |
| TOTAL                   | \$250 | SEE BELOW | None  |
| 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 rule amendment will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$250 in FY 2023 and \$250 in FY 2024.

To the extent a state agency operates a pharmacy, there could be additional costs to the pharmacy to compose prevention and reporting plans and to provide signage. These costs are indeterminable, but are expected to be minimal.

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

| SOURCE                | FY 23  | FY 24     | FY 25 |
|-----------------------|--------|-----------|-------|
| State General Fund    |        |           |       |
| Agency Self-Generated | \$ 250 | SEE BELOW |       |
| Dedicated             |        |           |       |
| Federal Funds         |        |           |       |
| Other (Specify)       |        |           |       |
| TOTAL                 | \$250  | SEE BELOW | None  |

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 amendment.

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.

To the extent a local governmental unit operates a pharmacy, there could be additional costs to the pharmacy to compose prevention and reporting plans and to provide signage. These costs are indeterminable, but are expected to be minimal.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule amendment will not impact sources of funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

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 amendment will not affect revenue collections of state or local governmental units.

| <u>REVENUE INCREASE/DECREASE</u> | <u>FY 23</u> | <u>FY 24</u> | <u>FY 25</u> |
|----------------------------------|--------------|--------------|--------------|
| State General Fund               |              |              |              |
| Agency Self-Generated            |              |              |              |
| Dedicated Funds*                 |              |              |              |
| Federal Funds                    |              |              |              |
| Local Funds                      |              |              |              |
| <b>TOTAL</b>                     | <b>None</b>  | <b>None</b>  | <b>None</b>  |

\*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.

N/A



## FISCAL AND ECONOMIC IMPACT STATEMENT

### WORKSHEET

#### 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.

The proposed rule amendment will benefit consumers and pharmacy personnel by requiring pharmacies to address and prevent violence against healthcare personnel. There will be minimal cost to pharmacy owners to compose prevention and reporting plans and to provide signage.

- 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 amendment 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 amendment will have no effect on competition or employment.