



# 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)



July 28, 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. 2 of 3** for Regulatory Project 2023-04 (Summary Report) ~ Healthcare Workplace Violence Prevention

Dear Senator Cortez:

As we indicated in our first report to your office on February 3, 2023, 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.

Subsequent to the publication of our Notice of Intent in the February 2023 edition of the Louisiana Register, we conducted a public hearing on March 28 to receive comments and testimony on the proposed rule. We received no comments or testimony. The Board subsequently determined no revisions were warranted. The Board of Pharmacy participates in the Department of Justice's Occupational Licensing Review Program for active state supervision and in regards to this project it was determined that a review would not be necessary. In connection with this regulatory project, you should find the following documents in this package:

- *Notice of Intent*, as published in the February 2023 edition of the Louisiana Register
- Record from the March 28, 2023 Public Hearing
- Full text of proposed rule, as intended for publication in the Louisiana Register

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 September 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](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)  
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 Legislative Session. 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 49:

#### 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 amendments. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, March 28, 2023.

#### **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 office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. 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. 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 GOVERNMENT 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 OR NONGOVERNMENTAL 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.

M. Joseph Fontenot, Jr.  
Executive Director  
2302#025

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office



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**NOTICE IS HEREBY GIVEN** that a Public Hearing has been ordered and called for 9:00 a.m. on Tuesday, March 28, 2023 at the Board office, for the purpose to wit:

### **A G E N D A**

**Revised 02-20-2023**

1. Call to Order **9:04 A.M.**
2. Appearances
3. Solicitation of Comments & Testimony on Proposed Rule Changes
  - A. Regulatory Project 2023-01 ~ Prescriptions
  - B. Regulatory Project 2023-02 ~ Temporary Closure of Pharmacy
  - C. Regulatory Project 2023-03 ~ Pharmacy Benefit Managers
  - D. Regulatory Project 2023-04 ~ Healthcare Workplace Violence Prevention
4. Opportunity for Public Comment
5. Adjourn **12:00 noon**

#### **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 Board office. He is responsible for responding to inquiries regarding the proposed Rule amendments. The deadline for the receipt of all written comments is 12 p.m. Tuesday, March 28, 2023.

#### **Public Hearing**

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. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

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**NOTICE:** In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

# Louisiana Board of Pharmacy

Public Hearing Attendance Record ~ March 28, 2023

## Project 2023-01 ~ Prescriptions

Project 2023-02 ~ Temporary Closure of Pharmacy

Project 2023-03 ~ Pharmacy Benefit Managers

Project 2023-04 ~ Healthcare Workplace Violence Prevention

| Name                         | Address   | E-mail                         | Group or Agency Represented |
|------------------------------|---|--------------------------------|-----------------------------|
| 1. Shelly Dupré              | 301 Main St Ste 2200<br>Baton Rouge, LA 70802       | Shelly@impactmanagement.com    | ALPA                        |
| 2. <del>Donald Johnson</del> | 543 Spanish Trl<br>Baton Rouge, LA 70802            | Johnson@ALPA.org               | ALPA                        |
| 3. Jasmi Martin              | 3910 Driftwood Dr.<br>Baton Rouge, LA 70802         | jasmartin@lameinc.org          | Lame PML                    |
| 4. Alison Landry             | 14137 Barataria Ave<br>Baton Rouge, LA 70816        | alison.landry@fmlhs.org        | OLAL                        |
| 5. Crystal Carter            | 620 Florida St.<br>Ste 210<br>Baton Rouge, LA 70801 | crystal.carter@amstrategies.co | LP4                         |

# Public Hearing Attendance Record ~ March 28, 2023

Page 2

| Name                  | Address   | E-mail  | Group or Agency Represented |
|-----------------------|---|---|-----------------------------|
| 6. Rob Rieger         | 19th St. Riverdale<br>450 Laurel St.<br>Berkeley CA 94701 | Robert. Rieger@law.co.<br>Christoph. Joseph@law.co. | RM                          |
| 7. Christopher Joseph | 1812 W Thomas<br>St<br>Hammonton NJ 08041                 | danieligh2014@gmail.com                             | Council Drugs               |
| 8. Anna Anton         | 14011 Highgrove<br>Ave. Berkeley CA 94708                 | jessica@parentmail.org                              | LARP                        |
| 9. Jessica Elliott    |   |   |                             |
| 10.                   |   |   |                             |



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**Summary of Testimony & Public Comments**

**Regulatory Project 2023-04 ~ Healthcare Workplace Violence Prevention  
at  
March 28, 2023 Public Hearing**

**No comments or testimony received.**



## **RULE**

### **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 amended §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 amended rule 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. This Rule is hereby adopted on the day of promulgation.

#### **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.

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Executive Director