



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



January 29, 2024

Senator Cameron Henry
President, Louisiana Senate
Via Email: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Report No. 2 of 3 for Regulatory Project 2023-11 (Summary Report) ~ Pharmacists Application

Dear Senator Henry:

As we indicated in our first report to your office on November 8, 2023, the Board seeks to amend §501 of its rules relative to pharmacists application. The proposed rule change removes the requirement to submit an application for initial pharmacist licensure to the Board at least 30 days prior to any examination.

Subsequent to the publication of our Notice of Intent in the November 2023 edition of the Louisiana Register, we conducted a public hearing on December 28 to receive comments and testimony on the proposed rule changes. The Board 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 (OLRP) 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 November 2023 edition of the Louisiana Register
- Record from the December 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 rule change, without amendment, as a *Rule* in the March 20, 2024 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

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 29:2082 (October 2003), effective January 1, 2004, amended LR 50:

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

NOTICE OF INTENT

Department of Health Board of Pharmacy

Pharmacists Application (LAC 46:LIII.501)

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 §501 of its rules relative to pharmacists application. The proposed rule change removes the requirement to submit an application for initial pharmacist licensure to the board at least 30 days prior to any examination.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 5. Pharmacists

§501. Application

A. An application for initial pharmacist licensure, whether by examination or reciprocity, shall be submitted, with appropriate fee, to the board. An application shall expire one year after the date of receipt in the board office.

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 no effect on reporting requirements for small business.

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 amendment. The deadline for the receipt of all written comments is 12 p.m. on Thursday, December 28, 2023.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9a.m. on Thursday, December 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. 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: Pharmacists Application

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

The proposed rule change will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in estimated printing expenses of \$1,000 in FY 24. Other than publication costs, which are included in the LBP's annual operating budget, the proposed rule change is not anticipated to result in any additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed rule change removes the requirement to submit an application for initial pharmacist licensure to the Board at least 30 days prior to any examination.

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

The proposed rule change may result in a slight reduction in application fees for initial licensure to the extent that it results in fewer prospective pharmacists applying for licensure, failing their exams, and then needing to apply again.

Applications for initial licensure are valid for one year from the date of submission. Currently, if a candidate is not licensed within one year of submitting the application, they must submit a new application, incurring the \$300 application fee twice. By allowing prospective pharmacists to wait until they have passed their exams to submit an application, the proposed rule change may reduce the number of prospective pharmacists who submit multiple applications.

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

The proposed rule change will benefit pharmacist applicants by removing the requirement to submit the initial application for licensure at least 30 days prior to taking any examination. The proposed rule change will allow applicants to submit the initial application for licensure after successful completion of all required examinations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

M. Joseph Fontenot, Jr.
Executive Director
2311#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer



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

A G E N D A

Revised 11-20-2023

1. Call to Order *9:00 a.m.*
2. Appearances
3. Solicitation of Comments & Testimony on Proposed Rule Changes
 - A. Regulatory Project 2023-09 ~ Product Integrity
 - B. Regulatory Project 2023-10 ~ Prescription Monitoring Program (PMP)
 - C. Regulatory Project 2023-11 ~ Pharmacists Application
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. on Thursday, December 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 a disability accommodation, please contact Joe Fontenot, Executive Director, at 225.925.6496 or email at jfontenot@pharmacy.la.gov.

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.*

NOTICE: To request a disability accommodation, please contact Joe Fontenot, Executive Director, at 225.925.6496 or email at jfontenot@pharmacy.la.gov

Louisiana Board of Pharmacy

Public Hearing Attendance Record ~ December 28, 2023

Regulatory Project 2023-09 ~ Product Integrity

Regulatory Project 2023-10 ~ Prescription Monitoring Program (PMP)

Regulatory Project 2023-11 ~ Pharmacists Application

Name	Address	E-mail	Group or Agency Represented
1.			
2.			
3.			
4.			
5.			



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December 28, 2023

Public Hearing

Opportunity for Public Comment

1. Name _____ representing _____

Comments:

2. Name _____ representing _____

Comments:

3. Name _____ representing _____

Comments:

4. Name _____ representing _____

Comments:

(None)



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Summary of Testimony & Public Comments

**Regulatory Project 2023-11 ~ Pharmacists Application
at
December 28, 2023 Public Hearing**

No comments or testimony received.

RULE

Department of Health Board of Pharmacy

Pharmacists Application (LAC 46:LIII.501)

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 §501 of its rules relative to pharmacists application. The Rule change removes the requirement to submit an application for initial pharmacist licensure to the Board at least 30 days prior to any examination. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII: Pharmacists

Chapter 5. Pharmacists

§501. Application

A. An application for initial pharmacist licensure, whether by examination or reciprocity, shall be submitted, with appropriate fee, to the board. An application shall expire one year after the date of receipt in the board office.

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M. Joseph Fontenot Jr.
Executive Director