



Louisiana Board of Pharmacy

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January 29, 2024

Senate President Cameron Henry
Louisiana Senate
PO Box 94183
Baton Rouge, LA 70804

Via E-mail: APA.SenatePresident@legis.la.gov

Electronic Mail – Delivery Receipt Requested

Re: Annual Report on Rulemaking Activities

Report No. 3 of 3 for Project 2022-06 ~ Nonresident Pharmacies
Report No. 3 of 3 for Project 2022-07 ~ Licensing Dependents of Healthcare Prof.
Report No. 3 of 3 for Project 2022-08 ~ Transfer of Prescription Information
Report No. 3 of 3 for Project 2022-09 ~ Partial Fills of CDS
Report No. 3 of 3 for Project 2022-10 ~ Compounding
Report No. 3 of 3 for Project 2023-01 ~ Prescriptions
Report No. 3 of 3 for Project 2023-02 ~ Temporary Closure of Pharmacy
Report No. 3 of 3 for Project 2023-03 ~ Pharmacy Benefit Managers
Report No. 3 of 3 for Project 2023-04 ~ Healthcare Workplace Violence Prevention
Report No. 3 of 3 for Project 2023-05 ~ Pharmacy Change of Ownership
Report No. 3 of 3 for Project 2023-06 ~ Staffing Ratios
Report No. 3 of 3 for Project 2023-07 ~ Marijuana Pharmacy
Report No. 3 of 3 for Project 2023-08 ~ DATA-Waiver Registration Elimination
Update - Project 2023-09 ~ Product Integrity
Update - Project 2023-10 ~ Prescription Monitoring Program (PMP)
Update - Project 2023-11 ~ Pharmacists Application

Dear Senator Henry:

In compliance with the provisions of the Administrative Procedures Act, more specifically at La. R.S. 49:966(K), please accept this Annual Report of the Board of Pharmacy's rulemaking projects from Calendar Year 2023.

- **[Regulatory Project 2022-06 ~ Nonresident Pharmacies](#)**

We submitted our first report to you on July 7, 2022 and the *Notice of Intent* was published in the July 20, 2022 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 26, 2022 to receive comments and testimony. We received one comment and the Board determined no revisions to the proposed rule amendment were necessary. On February 14, 2023, the Department of Justice's Occupational Licensing Review Program (OLRP) approved the proposed

regulatory project.

We submitted our second report to you on March 6, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the April 20, 2023 edition of the *Louisiana Register* with an immediate effective date.

- ***Regulatory Project 2022-07 ~ Licensing Dependents of Healthcare Professionals Relocating to Louisiana***

We submitted our first report to you on July 7, 2022 and the *Notice of Intent* was published in the July 20, 2022 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 26, 2022 to receive comments and testimony. We received no comments or testimony during the public hearing, and the Board determined no revisions of the original proposed rule were necessary. On November 3, 2022 the OLRP approved the proposed regulatory project.

We submitted our second report to you on December 5, 2022. With no request for further information by the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the January 20, 2023 edition of the *Louisiana Register* with an immediate effective date.

- ***Regulatory Project 2022-08 ~ Transfer of Prescription Information***

We submitted our first report to you on July 7, 2022 and the *Notice of Intent* was published in the July 20, 2022 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 26, 2022 to receive comments and testimony. We received one letter of support for the proposed amendment. The Board subsequently determined no revisions were necessary. On November 3, 2022 the OLRP approved the proposed regulatory project.

We submitted our second report to you on December 6, 2022. With no request for further information by the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the January 20, 2023 edition of the *Louisiana Register* with an immediate effective date.

- ***Regulatory Project 2022-09 ~ Partial Fills of CDS Prescriptions***

We submitted our first report to you on July 7, 2022 and the *Notice of Intent* was published in the July 20, 2022 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on August 26, 2022 to receive comments and testimony. We received one comment in the form of a question which identified an unintended omission. The Board approved the addition of language originally intended in the proposal in order to clarify its meaning. After consulting with the Editor of the *Louisiana Register* in regards to the amendment, the Board continued the project. On February 14, 2023, the OLRP approved the proposed regulatory project.

We submitted our second report to you on March 6, 2023. With no request for further information by the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the April 20, 2023 edition of the *Louisiana Register* with an immediate effective date.

- **Regulatory Project 2022-10 ~ Compounding**

We submitted our first report to you on July 7, 2022 and the *Notice of Intent* was published in the July 20, 2022 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on August 26, 2022 to receive comments and testimony. We received no comments or testimony during the public hearing. The Board subsequently determined no revisions were necessary. On November 3, 2022 the OLRP approved the proposed regulatory project.

We submitted our second report to you on December 6, 2022. With no request for further information by the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the January 20, 2023 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-01 ~ Prescriptions**

We submitted our first report to you on February 3, 2023 and the *Notice of Intent* was published in the February 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on March 28, 2023 to receive comments and testimony. We received one comment and the Board determined no revisions to the proposed rule amendment were necessary. On September 13, 2023, the OLRP approved the proposed regulatory project.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the October 20, 2023 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-02 ~ Temporary Closure of Pharmacy**

We submitted our first report to you on February 3, 2023 and the *Notice of Intent* was published in the February 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on March 28, 2023 to receive comments and testimony. We received three comments and the Board took formal notice of the comments and testimony received during its May 24, 2023 Board meeting. After reviewing the comments and testimony, the Board referred the matter to the Board's Regulation Revision Committee to work with stakeholders to address their concerns. Working with stakeholders, the committee developed an amended draft which was approved by the Board during its August 16, 2023 Board meeting. On September 20, 2023, a Potpourri Notice was published in the Louisiana Register because of a substantive change and another public hearing was held on October 30, 2023. No comments or testimony were received and the Board subsequently determined no revisions were warranted.

We submitted our second report to you on October 31, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare and approval from the OLRP, the Board published the *Rule* in the January 20, 2024 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-03 ~ Pharmacy Benefit Managers**

We submitted our first report to you on February 3, 2023 and the *Notice of Intent* was published in the February 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on March 28, 2023 to receive comments and testimony. We received one comment in support of the project and the Board determined no revisions to the proposed rule amendment were necessary. On

September 5, 2023, the OLRP approved the proposed regulatory project.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the September 20, 2023 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-04 ~ Healthcare Workplace Violence Prevention**

We submitted our first report to you on February 3, 2023 and the *Notice of Intent* was published in the February 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on March 28, 2023 to receive comments and testimony. 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 (OLRP) for active state supervision and in regards to this project it was determined that a review would not be necessary.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the September 20, 2023 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-05 ~ Pharmacy Change of Ownership**

We submitted our first report to you on April 4, 2023 and the *Notice of Intent* was published in the April 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on May 26, 2023 to receive comments and testimony. We received no comments or testimony during the public hearing. The Board subsequently determined no revisions were necessary. On September 5, 2023 the OLRP approved the proposed regulatory project.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the September 20, 2023 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-06 ~ Staffing Ratios**

We submitted our first report to you on April 4, 2023 and the *Notice of Intent* was published in the April 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on May 26, 2023 to receive comments and testimony. We received no comments or testimony during the public hearing. The Board subsequently determined no revisions were necessary. On September 5, 2023 the OLRP approved the proposed regulatory project.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the September 20, 2023 edition of the Louisiana Register with an immediate effective date.

- **Regulatory Project 2023-07 ~ Marijuana Pharmacy**

We submitted our first report to you on April 4, 2023 and the *Notice of Intent* was published in the April 20, 2023 edition of the Louisiana Register. As advertised in the notice, we conducted a public hearing on May 26, 2023 to receive comments and testimony. We received no comments or testimony during the public hearing. The

Board subsequently determined no revisions were necessary. On October 5, 2023 the OLRP approved the proposed regulatory project.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the October 20, 2023 edition of the *Louisiana Register* with an immediate effective date.

- **Regulatory Project 2023-08 ~ DATA-Waiver Registration Elimination**

We submitted our first report to you on April 4, 2023 and the *Notice of Intent* was published in the April 20, 2023 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on May 26, 2023 to receive comments and testimony. We received no comments or testimony during the public hearing. The Board subsequently determined no revisions were necessary. 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.

We submitted our second report to you on July 28, 2023. With no request for further information from the Joint Legislative Oversight Committee on Health and Welfare, the Board published the *Rule* in the September 20, 2023 edition of the *Louisiana Register* with an immediate effective date.

- **Regulatory Project 2023-09 ~ Product Integrity**

We submitted our first report to you on November 8, 2023 and the *Notice of Intent* was published in the November 20, 2023 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on December 28, 2023 to receive comments and testimony. We received comments from 5 entities during the public hearing. The Board is scheduled to take formal notice of the comments on February 21, 2024.

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

We submitted our first report to you on November 8, 2023 and the *Notice of Intent* was published in the November 20, 2023 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on December 28, 2023 to receive comments and testimony. We received no comments or testimony during the public hearing. We plan to submit the second report to you next month as we continue the project.

- **Regulatory Project 2023-11 ~ Pharmacists Application**

We submitted our first report to you on November 8, 2023 and the *Notice of Intent* was published in the November 20, 2023 edition of the *Louisiana Register*. As advertised in the notice, we conducted a public hearing on December 28, 2023 to receive comments and testimony. We received no comments or testimony during the public hearing. We plan to submit the second report to you next month as we continue the project.

During calendar year 2023, the Board did not receive any petition from the public requesting the adoption, amendment, or repeal of a rule pursuant to R.S. 49:964.

Finally, we trust that copies of our previous reports for all of these projects reside in your archives; however, in the event you need additional copies or any other information, please contact me directly at jfontenot@pharmacy.la.gov or 225.925.6481.

For the Board:

M. Joseph Fontenot, Jr.
Executive Director

cc: Speaker, House of Representatives
Via E-mail: APA.HouseSpeaker@legis.la.gov
Chair, Senate Committee on Health & Welfare
Via E-mail: APA.S-H&W@legis.la.gov
Chair, House Committee on Health & Welfare
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