

NOTICE OF INTENT

Department of Health Board of Pharmacy

PMP Advisory Council Open Meetings via Electronic Means (LAC 46:LIII.2905)

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 adopt §2905 relative to the Prescription Monitoring Program. Pursuant to Act 393 of the 2023 regular session, the proposed Rule for adoption provides for conducting open public meetings via electronic means and participation in open meetings via electronic means for people with disabilities.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

§2905. Advisory Council Open Meetings via Electronic Means

A. Council Eligibility

1. In accordance with R.S. 42:17.4 the council is eligible to conduct open public meetings via electronic means.

B. Postings Prior to Meeting via Electronic Means

1. At least 24 hours prior to the electronic meeting, the council shall provide the following, which shall be posted on the Board's website, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the board:

- the notice and agenda for the meeting;
- detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

C. Disability Accommodations

1. Although an open meeting may be scheduled as in-person, nonetheless the council is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

2. People with disabilities are defined as any of the following:

- a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
- a designated caregiver of such a person; or
- a participant member of the agency with an ADA-qualifying disability.

3. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.

4. The designated agency representative shall provide the requestor with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

5. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.4.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, 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 for adoption 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 for adoption 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 for adoption will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule for adoption will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule for adoption 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 for adoption 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 for adoption 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 for adoption 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 for adoption will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule for adoption 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 for adoption 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 for adoption 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 for adoption 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 for adoption 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 for adoption 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.

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 for adoption 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 for adoption will have no impact 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 for adoption 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 for adoption. The deadline for the receipt of this Rule. 2024.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule for adoption is scheduled for 9:00 a.m. on

Tuesday, May 28, 2024 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: PMP Advisory Council Open Meetings via Electronic Means

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

Other than the cost of rulemaking, which is approximately \$500 in FY 24 and FY 25 related to publishing the proposed rule and final rule in the Louisiana Register, the proposed rule changes are not anticipated to result in implementation costs or savings to state or local governmental units. This cost will be paid from self-generated funds.

The proposed rule changes explain that the Prescription Monitoring Program (PMP) Advisory Council is eligible to conduct open public meetings via electronic means since it meets the criteria pursuant to Act 393 of the 2023 RLS and is obligated to provide for participation in open meetings via electronic means by people with disabilities. The proposed rule changes detail the process for posting the meeting notice and agenda, as well as detailed information regarding how members of the public may participate in the meeting, prior to the electronic council meeting. The proposed changes also describe the requirements and limitations of electronic meetings. The proposed rule changes define "people with disabilities," require the written public notice for an open meeting to include contact information for the agency representative to whom a disability accommodation may be submitted, and detail the process the agency will follow in accommodating requests for participation by eligible individuals.

With respect to ADA accommodations, LBP currently has a teleconference link as part of its office telecommunications package and therefore will not incur additional expenses. With respect to open public meetings via electronic means, the PMP Council has decided to continue meeting in-person since the requirement in statute is to meet only once a year. However, should they decide to meet electronically in the future, LBP currently has a Zoom video communications account and any additional costs above the monthly contracted rate to accommodate one council meeting per year would likely be negligible.

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

The proposed rule changes 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 NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will benefit PMP Advisory Council members by allowing the council to conduct open public meetings via electronic means. The proposed rule changes will help make meeting participation more accessible for members of the public or the board who have ADA-recognized disabilities. The proposed rule may result in travel savings to certain members of the public with disabilities as they can now participate in the meeting virtually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

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

M. Joseph Fontenot, Jr.
Executive Director
2404#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

operate within their license and scope of practice.