

**NOTICE OF INTENT**

**Department of Health  
Board of Pharmacy**

Prescription Transfers (LAC 46:LIIL.2523 and 2747)

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 §2523 and §2747 of its rules relative to prescription transfers. The proposed Rule changes in §2523 and §2747 simplify the requirements

of transferring prescriptions for controlled substances by allowing the transfer if in conformance with federal requirements in 21 CFR Part 1306. The proposed Rule changes in §2523 relative to transferring prescriptions for drugs other than controlled substances allow the transfer for initial filling or refill dispensing; list the actions required of the transferring pharmacist, intern, or technician; list the information required to be recorded by the receiving pharmacist, intern, or technician; change the prescription maintenance requirements to reference the requirements in Chapter 11, and repeals §2523.B.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LIII. Pharmacists**

#### **Chapter 25. Prescriptions, Drugs, and Devices**

##### **Subchapter B. Prescriptions**

##### **§2523. Transfer of Prescription or Prescription Information**

###### **A. Prescription Transfer Requirements**

###### **1. Prescriptions for Controlled Dangerous Substances**

a. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

###### **2. Prescriptions for Drugs Other Than Controlled Dangerous Substances**

a. The transfer of a prescription or prescription information for the purpose of initial filling or refill dispensing is permissible between pharmacies, subject to the following requirements.

i. Prescriptions may be transferred for the life of the prescription.

ii. The transferring pharmacist, pharmacy intern, or certified pharmacy technician shall do the following:

(a). Invalidate the prescription.

(b). Record on the invalidated prescription record the name and address of the pharmacy to which it was transferred and the name of the pharmacist, pharmacy intern, or certified pharmacy technician receiving the prescription information.

(c). Record the date of the transfer and the name of the pharmacist, pharmacy intern, or certified pharmacy technician transferring the information.

iii. The receiving pharmacist, pharmacy intern or certified pharmacy technician shall record the following:

(a). Indication of the transferred nature of the prescription.

(b). Provide all information required for a prescription and include:

(i). Date of issuance of original prescription.

(ii). Date of last dispensing, if applicable.

(iii). Original number of refills authorized on original prescription.

(iv). Number of refills remaining, if applicable.

(v). Pharmacy's name, address, and prescription number from which the prescription information was transferred.

(vi). Name of pharmacist, pharmacy intern, or certified pharmacy technician who transferred the prescription.

b. The original and transferred prescription(s) shall be maintained in compliance with Chapter 11 of this Part.

c. Pharmacies electronically accessing the same prescription record shall satisfy all information requirements of a manual mode for prescription transferal.

**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 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), LR 36:756 (April 2010), amended by the Department of Health, Board of Pharmacy, LR 49:67 (January 2023), amended LR 50:

#### **Chapter 27. Controlled Dangerous Substances**

##### **Subchapter F. Production, Distribution, and Utilization**

##### **§2747. Dispensing Requirements**

###### **A. - C.6.e. ...**

7. The transfer between pharmacies of a prescription or prescription information for controlled substances is permissible in conformance with 21 CFR Part 1306.

###### **C.8. - F. ...**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:972.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), amended LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:1645 (November 2021), amended LR 49:681 (April 2023), 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 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:

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 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 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 Monday, August 26, 2024.

### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Monday, August 26, 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: Prescription Transfers**

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

Other than the cost of rulemaking, which is approximately \$1,000 in 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. The cost of rulemaking will be paid from self-generated funds.

The proposed rule changes in Sections 2523 and 2747 simplify the requirements of transferring prescriptions for controlled substances by allowing the transfer if it is in conformance with federal requirements in 21 CFR Part 1306. The proposed rule changes in Section 2523 relative to transferring prescriptions for drugs other than controlled substances allow the transfer for initial filling or refill dispensing; list the actions required of the transferring pharmacist, intern, or technician; list the information required to be recorded by the receiving pharmacist, intern, or technician; change the prescription maintenance requirements to reference the requirements in Chapter 11; and remove

obsolete provisions regarding the use of common electronic files.

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 the public by preventing delay of pharmacy services to patients by allowing the transfer of unfilled prescriptions to another pharmacy. The proposed rule changes will benefit the public, pharmacies, and pharmacists by preventing any delay in implementing future federal changes at the state level through referencing federal requirements for transfers of prescriptions for controlled substances.

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  
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Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office