

NOTICE OF INTENT

Department of Health Board of Pharmacy

Remote Access by a Pharmacy Technician (LAC 46:LIII.1145)

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 §1145 of its rules relative to remote access to prescription drug orders, medical orders, and chart orders. The proposed Rule change adds pharmacy technicians to those authorized under the rule. The proposed Rule change includes required safeguards for records, supervision requirements for pharmacy technicians, and policies to address quality assurance standards.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter D. Off-Site Services

§1145. Remote Access to Prescription Drug Orders, Medical Orders, and Chart Orders

A. Notwithstanding any rule to the contrary, a Louisiana-licensed pharmacist who is employed by or contracted with a permitted pharmacy in Louisiana, or a Louisiana credentialed pharmacy technician who is an employee of a permitted pharmacy in Louisiana, may remotely access that pharmacy's dispensing information system from a non-pharmacy location for the purpose of processing prescription drug orders, medical orders, or chart orders contained therein, provided all of the following conditions are met:

1. Privacy and Security Controls. The pharmacy shall establish and maintain appropriate safeguards to protect the privacy and security of all confidential records.

2. Supervision of Remote Pharmacy Technicians. When a pharmacy technician remotely accesses the dispensing information system, the pharmacy shall ensure that the supervising pharmacist:

a. provides direct and immediate supervision of the pharmacy technician through two-way audio and video communication utilizing real-time live interactive technology;

b. has immediate access to the original order and any related documentation; and

c. reviews and verifies the accuracy of all entered information.

3. Data Protection. No part of the pharmacy's dispensing information system may be duplicated, downloaded, or removed from the system at any time.

4. Prohibition on Off-Site Record Handling. The receipt, retention, or storage of prescription drug orders, medical orders, or chart orders at any remote location outside the permitted pharmacy is strictly prohibited.

5. Policy and Procedure Manual. The pharmacy permit holder and the pharmacist-in-charge shall be responsible for the development and implementation of policies and procedures to address quality assurance standards for remote access and processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 46:582 (April 2020), amended LR 52:

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 change 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 change 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 change will have no effect on the functioning of the family.

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

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule change 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 change 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 change 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 change 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 change may have a positive effect on employment, depending on the number of pharmacy technicians that are not currently working in a pharmacy but would be willing to work from a location other than a pharmacy. That effect is variable and indeterminate.

4. The Effect on Taxes and Tax Credits. The proposed Rule change 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 change 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 change 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 change 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 change 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 change 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 change.

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 change will have no effect on the staffing level requirements 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 change will have no effect on the cost to the provider to provide the same level of service. If the pharmacy elects to have pharmacy technicians remotely access the pharmacy's dispensing information system from a non-pharmacy location to process prescription orders, there will be a cost associated with the two-way audio and visual communication. The cost will be variable and indeterminate.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule change will have no impact 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 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 change. The deadline for the receipt of all written comments is 12 p.m. on Thursday, February 26, 2026.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule change is scheduled for Thursday, February 26, 2026 at 9 a.m. 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: Remote Access by a Pharmacy Technician

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for the Louisiana Board of Pharmacy resulting from the promulgation of the proposed Rule change. The cost to the Louisiana Board of Pharmacy is approximately \$500 in FY 26 and \$500 in FY 27 for the notice and Rule publication in the *Louisiana Register*.

The proposed Rule change amends the Louisiana Board of Pharmacy's off-site services Rule (LAC 46:LIII.1145) to allow Louisiana-credentialed pharmacy technicians, in addition to Louisiana-licensed pharmacists, to remotely access a permitted pharmacy's dispensing information system from a non-pharmacy location to process prescription drug orders, medical orders, and chart orders. The proposed Rule change also adds safeguards and operating conditions, including required privacy and security controls, real-time two-way audio and video supervision by a pharmacist during remote technician processing, pharmacist review and verification of entered information, prohibitions on duplicating or downloading system data and on receiving or storing orders off-site, and required policies and procedures to support quality assurance.

The cost of the required two-way audio and video communication is indeterminable because it will vary by permit holder and depends on whether a pharmacy chooses to implement remote technician access. Some pharmacies may already have compliant equipment and secure platforms in place, while others may need to purchase equipment or add services.

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

The proposed Rule change may provide an economic benefit to directly affected pharmacies and pharmacy technicians by allowing pharmacy technicians to process prescription orders from a location other than the permitted pharmacy, provided all conditions and safeguards in the Rule are met. Any associated costs are expected to be minimal and indeterminate.

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

The proposed Rule change may provide an economic benefit to directly affected pharmacies and pharmacy technicians by allowing pharmacy technicians to process prescription orders from a location other than the permitted pharmacy, provided all conditions and safeguards in the Rule are met. Any associated costs are expected to be minimal and indeterminate.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule change is not anticipated to impact competition. The proposed Rule change may have a positive effect on employment, depending on the number of pharmacy technicians that are not currently working in a pharmacy but would be willing to work from a location other than a pharmacy. That effect is variable and indeterminate.

M. Joseph Fontenot, Jr.
Executive Director
2601#026

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office