

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII: Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter B. Licenses

§2707. Licensing Procedures

A. – B.3. ...

4. A CDS license not renewed within 30 days following the expiration date shall be ~~considered automatically~~ terminated by the board. The reissuance of a terminated CDS license shall require compliance with the board's reinstatement procedures.

C. Application for Reinstatement of ~~Terminated, Suspended, or Revoked~~ CDS License

1. ...

~~2. An application for the reinstatement of a terminated credential which has been expired:~~

~~a. less than one year may be approved by the board's administrative personnel;~~

~~b. more than one year but less than five years may be approved by a member of the board charged with such duties;~~

~~c. more than five years may only be approved by the full board following a hearing to determine whether the reinstatement of the credential is in the public's best interest.~~

2. An application for the reinstatement of a terminated credential which has been expired, may be approved by board staff, if the applicant's primary credential is in an acceptable practice status with the issuing agency.

3. An application for the reinstatement of a CDS license ~~suspended or revoked~~ inactivated as a consequence of the suspension or revocation of the primary credential by the issuing agency shall require verification of the reinstatement of the primary credential. Where the issuing agency reinstating the primary credential has restricted any privileges for controlled substances, the restrictions shall be attached to the reinstated CDS license. ~~Where the agency reinstating the primary credential has placed that credential on probation for any period of time, the CDS license shall be placed on probation for same period of time.~~

4. An application for the reinstatement of a CDS license inactivated as a consequence of a Surrender for Cause of DEA Certificate of Registration to the DEA, may be approved by board staff, if the applicant's primary credential is in an acceptable practice status with the issuing agency.

~~4. 5. An application for the reinstatement of a CDS license for a pharmacy which was suspended or revoked by the board may only be approved by the full board following a hearing to determine whether the reinstatement of the license is in the public's best interest. For all other CDS licenses, the reinstatement may be approved by the joint consent of the chair of the reinstatement committee and the board president without the necessity of a hearing; when such approvals are issued, staff shall prepare a reinstatement order for the president's signature.~~

5. 6. Applications requiring a reinstatement hearing shall be accompanied by payment of the administrative hearing fee identified at R.S. 37:1184.

D. – D.3. ...

~~4. A duplicate or replacement license shall be issued upon the written request of the licensee and a payment of the fee shall be charged as provided by R.S. 40:972. A duplicate or replacement license shall not serve or be used as an additional or second license.~~

~~5. A facility changing ownership shall notify the board in writing 15 calendar days prior to the transfer of ownership.~~

~~a. A change of ownership is evident under the following conditions:~~

~~i. sale;~~

~~ii. death of a sole proprietor;~~

~~iii. the addition or deletion of one or more partners in a partnership;~~

~~iv. bankruptcy sale; or~~

~~v. a 50 percent, or more, change in ownership of a corporation, limited liability company, or association since the issuance of the original CDS license.~~

~~b. The new owner(s) shall submit a properly completed application, with all required attachments and appropriate fee, to the board.~~

~~c. Upon the receipt of the new CDS license, the previous licensee shall:~~

~~i. notify the board of the transaction, including the identity of the new owner(s); and~~

~~ii. surrender his CDS license to the board.~~

~~d. A CDS license is not transferable from the original owner to a new owner.~~

~~e. A change in ownership may require an inspection by the board or its designee.~~

E. Facility Change of Ownership Procedures

1. A CDS license is not transferable.

2. A new application shall be filed and a new CDS license obtained when a change in the identity of the natural person, partnership, or business entity which directly holds the credential has occurred or there is a change in the person or entity's Federal Employer Identification Number (FEIN).

3. The new owner shall submit an application to the board office at least 15 days before closing the transfer of ownership interests of said business.

4. An application for a new CDS license shall include the direct and first indirect level of ownership information. Any change in the first indirect level of ownership of 20 percent or more must be reported to the board within 30 days of the change.

5. Nothing in this section shall prohibit an entity from applying for a new CDS license in order to separate itself from actions which may have been committed by the previous ownership under the existing CDS license.

F. Change of CDS License Status

1. Any person or facility holding a valid CDS license which ceases to engage in activity requiring a CDS license shall relinquish said license to the board upon termination of this activity.

a. Prior to relinquishment of said license, the person or facility shall dispose of all controlled substances and any unused order forms in his possession or under his control in compliance with federal laws and regulations.

2. In the event a person or facility decides to a Surrender for Cause of DEA Certificate of Registration to the DEA, then the CDS license of the person or facility shall be inactivated by the board.

3. In the event the primary credential of a person or facility is suspended or revoked by the issuing agency, then the CDS license of the person or facility shall be inactivated by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2131 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 43:957 (May 2017), LR 46:570 (April 2020), LR 47:1641 (November 2021), amended LR

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§2711. Actions on Licenses

A. – L.2. ...

M. Surrender of License

~~1. Any person or facility holding a valid CDS license which ceases to engage in activity requiring a CDS license shall surrender said license to the board upon termination of this activity.~~

~~2. Upon the surrender of said license, the person or facility shall forward all controlled substances and any unused order forms in his possession or under his control to the United State Drug Enforcement Administration as provided by federal laws and regulations.~~

~~3. In the event a person or facility surrenders his DEA Registration to the DEA, then the person or facility shall surrender his CDS license immediately to the board.~~

~~4. The acceptance of the voluntary surrender of a CDS license by the board shall result in the automatic suspension of the CDS license for an indefinite period of time.~~

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2132 (October 2008), amended LR