



# Louisiana Board of Pharmacy

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To: Attorney General Liz Murrill  
Attn: Department of Justice, Occupational Licensing Review Program

From: Joe Fontenot, Executive Director  
Louisiana Board of Pharmacy

Subject: **Regulatory Project 2026-02 – Remote Access by a Pharmacy Technician**

*The Louisiana Board of Pharmacy seeks to amend Section 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.*

To facilitate the Department of Justice's review of the proposed rule, the Louisiana Board of Pharmacy provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

The proposed rule change amends the Board's remote access provisions to authorize Louisiana-credentialed pharmacy technicians, in addition to pharmacists, to remotely access and process prescription drug orders, medical orders, and chart orders from a location other than the permitted pharmacy. The proposed rule change also establishes required safeguards to protect the privacy and security of confidential records and sets forth supervision and operational conditions, including pharmacist oversight and real-time two-way audio and video communication between the pharmacist and the pharmacy technician during remote processing.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

Yes.

**LA R.S. 37:1164(43) - "Pharmacy technician"** means an individual who assists in the practice of pharmacy under the direct and immediate supervision of a licensed pharmacist and is certified to do so by the board.

**LA R.S. 37:1182(A). Powers and duties of the board.** The Board shall be responsible for the control and regulation of the practice of pharmacy and shall:

(1) Make necessary rules and regulations to carry out the purposes and enforce the provisions of this Chapter and furnish copies of them upon request.

(12) Regulate, license, certify, and register the training, qualification, and employment of pharmacy interns and pharmacy technicians.

(13) Establish minimum specifications for the physical facilities, technical equipment, environment,

supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs or devices.

**LA R.S. 37:1212. Pharmacy Technicians.**

*The board may register individuals as pharmacy technician candidates and certify individuals as pharmacy technicians, both of whom may assist a pharmacist in the practice of pharmacy, as specified in board rules. Notwithstanding any provision in law to the contrary, in all cases, a pharmacist must verify the accuracy of a prescription before the drug or device may be transferred to a patient or patient's agent. The board may also set minimum training and education requirements and examinations for certification as a pharmacy technician as it deems necessary. The board may, by rule, establish ratios for pharmacy technician candidates to pharmacists and pharmacy technicians to pharmacists, but in no case shall such ratio be less than two pharmacy technicians to one pharmacist.*

3. Check all the following that apply as reasons the occupational regulation is subject to review

- Creates a barrier to market competition.
- Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.
- Reduces competition or excludes present or potential competitors from the occupation regulated by the board.
- Limits output or supply in this state of any good or service provided by the members of the regulated occupation.
- Reduces the number of providers that can serve a particular set of customers.
- Changes existing requirements for licensure, certification, registration, etc.
- Other activity (please describe)

*A credential from the Board of Pharmacy is required to assist in the practice of pharmacy as a pharmacy technician.*

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

*The purpose of the Louisiana Pharmacy Practice Act, as stated in LA R.S 37:1163, is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy; the licensure of pharmacists; and the licensure, permitting, certification, registration, control, and regulation of all persons or sites in or out of this state that sell drugs or devices to consumers and/or patients or assist in the practice of pharmacy within the state.*

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

*No, less restrictive alternatives do not exist.*

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

- 06-18-2025 – Regulation Revision Committee of the Board held a public meeting to consider a rule change and receive stakeholder input.
- 10-22-2025 – Committee held another public meeting to consider draft proposal.
- 11-19-2025 - Board scheduled to consider Draft #2.
- 11-19-2025 - Board approved Draft #2 for promulgation.
- 12-04-2025 - Fiscal & Economic Impact Statement (FEIS) submitted to the Legislative Fiscal Office (LFO) for approval.
- 01-07-2026 - LFO approved FEIS.
- 01-08-2026 - 1st Report submitted to the Joint Legislative Oversight Committee on Health & Welfare.

- 01-08-2026 - Notice of Intent (NOI) submitted to the Louisiana Register for publication on January 20, 2026.
- 01-20-2026 - NOI published in the 2026 Louisiana Register, Volume 52, January Edition.
- 01-20-2026 - Public Hearing scheduled for February 26, 2026.
- 01-20-2026 - Notice of Rulemaking Activity & Public Hearing distributed.
- 02-26-2026 - Public Hearing at the Board office.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order? *No*

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

*At the November 19, 2025 meeting of the Board, 16 members were present, and one member (Chris Melancon) was absent. The vote in favor of the proposed rule was unanimous (15-0) with President McKay not voting as chair. Members present: Robert Cloud, David Collins, David Darce, Jennifer Dupree, Jacqueline Hall, Richard Indovina, Jr., Charles Jones, Kevin LaGrange, Richard Mannino, Marty McKay, Troy Menard, Anthony Mercante, Robert Ray, Don Resweber, Richard Soileau, and Raymond Strong. All members voting are active market participants except for Mr. Resweber, the public member.*

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule?

*During the 2025 Regular Session, House Bill 358 (Rep. Dustin Miller) proposed to amend the Louisiana Pharmacy Practice Act to permit pharmacy technicians to work remotely from a location other than a pharmacy. Although the bill ultimately did not pass, the Board interpreted the legislation as evidence of legislative interest and proceeded with a rule change to establish standards and safeguards for remote technician access.*