



Louisiana Board of Pharmacy

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July 24, 2026

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 2026-05 – Off-Site Services**

The Louisiana Board of Pharmacy seeks to amend Section 1139 of its rules relative to Off-Site Services. The proposed rule change amends the definition of "Remote Processing Services" to add final product verification to the list of activities included and to clarify the definition by adding the phrase "using technology."

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 Board received a request from CVS Health to include "final product verification" to the list of services in the definition of "Remote Processing Services". Following a pilot project in a limited number of pharmacies, the Board determined that a rule change was appropriate. The change will allow a pharmacist to conduct the final product verification from a permitted pharmacy other than the pharmacy at which the product is physically located.

The Board seeks to add the phrase "using technology" to the definition of "Remote Processing Services" to add clarity.

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. 37:1182(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.

(9) Establish and enforce compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy.

(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.

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)

The proposed rule change could be perceived as creating an unfair market advantage for CVS Pharmacy, who currently possesses such technology. The Board is not aware of any other pharmacy using such technology in any other state, but if CVS could develop the necessary technology, it is reasonable to think another pharmacy information system vendor could develop its own. In response to the public hearing, the Board received a favorable response to the rule amendment from Walgreens, a competitor to CVS, which leads me to believe the perceived unfair market advantage may be unfounded.

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. The proposed rule change is less restrictive than the current rule.

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.

- 02-19-2025 – Board approved remote final product verification pilot program for specified CVS/pharmacy locations.
- 02-03-2026 – Regulation Revision Committee of the Board held a public meeting to consider a rule change and receive stakeholder input.
- 02-25-2026 - Board approved Regulatory Proposal 2026-A for promulgation.
- 04-06-2026 - Fiscal & Economic Impact Statement (FEIS) submitted to the Legislative Fiscal Office (LFO) for approval.
- 05-04-2026 - LFO approved FEIS.
- 05-07-2026 - 1st Report submitted to the Joint Legislative Oversight Committee on Health & Welfare.
- 05-07-2026 - Notice of Intent (NOI) submitted to the Louisiana Register for publication on May 20, 2026.
- 05-20-2026 - NOI published in the 2026 Louisiana Register, Volume 52, May Edition.
- 05-20-2026 - Public Hearing scheduled for June 26, 2026.
- 05-20-2026 - Notice of Rulemaking Activity & Public Hearing distributed.
- 06-26-2026 - 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 February 25, 2026 meeting of the Board, 15 members were present, and two members (Richard Mannino and Robert A. "Butch" Ray) were absent. The vote in favor of the proposed rule was unanimous (14-0) with President Richard M. Indovina, Jr. not voting as chair. Members present: J. Robert Cloud, David G. Collins, David A. Darce, Jennifer E. Dupree, Jacqueline L. Hall, W. Charles Jones, Kevin LaGrange, Marty R. McKay, Chris B. Melancon, J. Troy Menard, Anthony G. Mercante, Don L. Resweber, Richard A. "Andy" Soileau, and Raymond J. 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? *No.*