



**Louisiana Board of Pharmacy**  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
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April 9, 2025

Senator Cameron Henry  
President, Louisiana Senate  
Via Email: [APA.SenatePresident@legis.la.gov](mailto:APA.SenatePresident@legis.la.gov)

**Electronic Mail – Delivery Receipt Requested**

Re: Report No. 1 of 3 for Regulatory Project 2025-05 ~ Nonresident Pharmacy

Dear Senator Henry:

The Board of Pharmacy seeks to amend Sections 2301 and 2307 of its rules relative to Nonresident Pharmacy. The proposed rule change removes Section 2301(A) which may be confusing and unnecessary when compared to current language in Section 2309. The proposed rule change in Section 2307 reduces the minimum experience requirement for a pharmacist to qualify for a Pharmacist-in-Charge (PIC) privilege from two years of active pharmacy practice to one year to align with the PIC requirements in Chapter 11.

In connection with this regulatory project, the following items are appended:

- Notice of Intent
- Fiscal & Economic Impact Statement

As indicated in the solicitation, we will convene a public hearing at 9:00 a.m. on Tuesday, May 27, 2025 to receive public comments and testimony on this proposed rule changes. We will summarize those comments and our responses thereto in our next report to you. In the event you have any questions or need additional information about this project, please contact me directly at [jfontenot@pharmacy.la.gov](mailto:jfontenot@pharmacy.la.gov) or 225.925.6481.

For the Board:

M. Joseph Fontenot Jr.  
Executive Director

cc: Chair, Senate Health & Welfare Committee  
Via Email: [APA.S-H&W@legis.la.gov](mailto:APA.S-H&W@legis.la.gov)  
Speaker, House of Representatives  
Via Email: [APA.HouseSpeaker@legis.la.gov](mailto:APA.HouseSpeaker@legis.la.gov)  
Chair, House Health & Welfare Committee  
Via Email: [APA.H-HW@legis.la.gov](mailto:APA.H-HW@legis.la.gov)  
Editor, *Louisiana Register*  
Via Email: [Reg.Submission@la.gov](mailto:Reg.Submission@la.gov)  
Reference File

## NOTICE OF INTENT

### Department of Health Board of Pharmacy

#### Nonresident Pharmacy (LAC 46:LIII.2301 and 2307)

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 §2301 and §2307 of its rules relative to Nonresident Pharmacy. The proposed Rule change removes §2301(A) which may be confusing and unnecessary when compared to current language in §2309. The proposed Rule change in §2307 reduces the minimum experience requirement for a pharmacist to qualify for a Pharmacist-in-Charge (PIC) privilege from two years of active practice to one year to align with the PIC requirements in Chapter 11.

### Title 46

## PROFESSIONAL AND OCCUPATIONAL STANDARDS

### Part LIII: Pharmacists

#### Chapter 23. Nonresident Pharmacy

##### §2301. Purpose

A. ~~Nonresident pharmacies shall comply with the provisions of this Chapter in order to be and remain permitted to operate in Louisiana as a nonresident pharmacy.~~

~~B.~~ This Chapter applies to any place physically located outside the state of Louisiana that provides services in the state of Louisiana where prescription drugs are dispensed and/or pharmacy care is provided to residents of the state of Louisiana. This includes, but is not limited to, pharmacies providing goods and services via U.S. mail carrier, commercial carrier, the Internet, and/or directly to Louisiana residents.

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 18:1380 (December 1992), effective January 1, 1993, LR 29:2099 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, amended LR 49:680 (April 2023), amended LR

\* \* \*

##### §2307. Pharmacist-in-Charge

A. The opportunity to accept an appointment as the pharmacist-in-charge (PIC) of a pharmacy is a professional privilege. The following requirements are attached to a PIC privilege.

1. The acquisition of the PIC privilege shall require:

a. ...

b. ...

c. active practice as a pharmacist for a minimum of ~~two years~~ one year under the jurisdiction of any board of pharmacy in the United States; and

d. ...

A.2. – J. ...

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 18:1381 (December 1992), effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 43:50 (January 2017), amended LR 49:680 (April 2023), amended LR

### **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 allow pharmacists with one year of experience to qualify for a Pharmacist-in-Charge (PIC) position, replacing the current requirement of two years of experience. These changes will benefit pharmacies by expanding the pool of eligible pharmacists for PIC credentials. The proposed Rule amendment will have no effect on 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:

1. 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. The proposed Rule amendment will decrease the minimum experience required for a pharmacist to qualify for a PIC privilege.

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 allow the provider to provide the same level of service with a PIC with a minimum of one year of experience as a pharmacist instead of a minimum of two years.

#### **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 amendments. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 27, 2025.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Tuesday, May 27, 2025 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: Nonresident Pharmacy**

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and rule publication in the *Louisiana Register*.

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

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no anticipated economic losses resulting from these proposed rule changes. These changes will benefit nonresident pharmacies by lowering the minimum experience requirement for pharmacists to obtain a Pharmacist-in-Charge (PIC) credential. Under these changes, pharmacists with one year of experience will be eligible to serve as PIC, rather than the current requirement of two years of experience.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will allow pharmacists with one year of experience to qualify for a Pharmacist-in-Charge (PIC) position, replacing the current requirement of two years of experience. These changes will benefit pharmacies by expanding the pool of eligible pharmacists for PIC credentials. Additionally, an estimated increase in competition is anticipated.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>M. Joseph Fontenot Jr. Executive Director</u>	Dept.:	<u>Dept. of Health</u>
Phone:	<u>225.925.6481</u>	Office:	<u>Board of Pharmacy</u>
Return Address:	<u>3388 Brentwood Drive</u> <u>Baton Rouge, LA 70809</u>	Rule Title:	<u>Nonresident Pharmacy</u>
		Date Rule Takes Effect:	<u>Upon promulgation August 20, 2025 (est.)</u>

**SUMMARY**  
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and rule publication in the *Louisiana Register*.

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

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no anticipated economic losses resulting from these proposed rule changes. These changes will benefit nonresident pharmacies by lowering the minimum experience requirement for pharmacists to obtain a Pharmacist-in-Charge (PIC) credential. Under these changes, pharmacists with one year of experience will be eligible to serve as PIC, rather than the current requirement of two years of experience.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will allow pharmacists with one year of experience to qualify for a Pharmacist-in-Charge (PIC) position, replacing the current requirement of two years of experience. These changes will benefit pharmacies by expanding the pool of eligible pharmacists for PIC credentials. Additionally, an estimated increase in competition is anticipated.

M. Joseph Fontenot, Jr. Digitally signed by M. Joseph Fontenot, Jr.  
Date: 2025.04.04 09:08:58 -05'00'

Signature of Head or Designee

M. Joseph Fontenot, Jr. Executive Director  
Typed Name & Title of Agency Head or Designee

April 4, 2025  
Date of Signature

 Patricia Thomas, Deputy Fiscal Officer

Legislative Fiscal Officer or Designee

4/09/2025

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change removes section 2301, which may be confusing and unnecessary when compared to current language in section 2309. The proposed rule change in section 2307 reduces the minimum experience requirement for a pharmacist to qualify for a Pharmacist-in-Charge (PIC) privilege from two years of active practice to one year to align with the PIC requirements in Chapter 11.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule changes address a shortage of pharmacists who are eligible and willing to assume the role of Pharmacist-in-Charge (PIC) at pharmacies. This rule change aligns the experience requirements for a nonresident pharmacy PIC with PIC requirements in Chapter 11, which were recently changed.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed Rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule changes will not require any additional funding or expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_\_ YES. If yes, attach documentation.

(b) XX \_\_\_\_\_ NO. If no, provide justification as to why this rule change should be published at this time

Louisiana Board of Pharmacy operates on self-generated revenue, and they have determined the proposed rule changes are in the public's best interest.



# FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

## I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 25	FY 26	FY 27
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$500	\$500	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$500</b>	<b>\$500</b>	<b>\$0</b>
<b>POSITIONS (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state agencies resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and rule publication in the Louisiana Register.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$500	\$500	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$500</b>	<b>\$500</b>	<b>\$0</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Louisiana Board of Pharmacy has sufficient self-generated funds available to implement the proposed rule changes.

## B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule changes will not result in costs or savings to local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule changes will not impact sources of funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule changes will not affect revenue collections of state or local governmental units.

## FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

### III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no anticipated economic losses resulting from these proposed rule changes. These changes will benefit nonresident pharmacies by lowering the minimum experience requirement for pharmacists to obtain a Pharmacist-in-Charge (PIC) credential. Under these changes, pharmacists with one year of experience will be eligible to serve as PIC, rather than the current requirement of two years of experience.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule changes will not impact a licensee's receipts or revenue.

### IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes will allow pharmacists with one year of experience to qualify for a Pharmacist-in-Charge (PIC) position, replacing the current requirement of two years of experience. These changes will benefit pharmacies by expanding the pool of eligible pharmacists for PIC credentials. Additionally, no impact on competition is anticipated.