

2017 Regular Session

HOUSE BILL NO. 488

BY REPRESENTATIVE LEBAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PHARMACISTS: Provides relative to the Louisiana Board of Pharmacy

1 AN ACT

2 To amend and reenact R.S. 37:1182(A)(introductory paragraph), (1), (2), (4), (5), (7)
3 through (17), and (20) through (24) and (B)(introductory paragraph) and (1) through
4 (8), relative to the Louisiana Board of Pharmacy; to provide for the powers and
5 duties of the board; to require rulemaking; to require board meetings; to require
6 reporting of violations; to provide for the regulation of the practice of pharmacy; to
7 require the administration of examinations; to require the regulation of pharmacy
8 schools; to require appropriate disciplinary actions; to provide for the regulation of
9 pharmacy interns and technicians; to provide for the storage, compounding, and
10 dispensing of drugs and devices; to authorize the seizure of drugs and devices when
11 appropriate; to authorize inspections by the board; to authorize requests for criminal
12 history checks and identifying documents; to authorize the board to join professional
13 organizations and associations; to authorize the board to receive and expend funds;
14 to authorize the regulation of prescription information and other healthcare
15 information; to provide for immovable property of the board; and to provide for
16 related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1 R.S. 37:1182(A)(introductory paragraph), (1), (2), (4), (5), (7) through
19 (17), and (20) through (24) and (B)(introductory paragraph) and (1) through (8) are hereby
20 amended and reenacted to read as follows:

1 §1182. Powers and duties of the board

2 A. The board shall be responsible for the control and regulation of the
3 practice of pharmacy and shall do all of the following:

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

7 (2) Hold meetings at least once a year and at other times when the board
8 deems it necessary for the transaction of business that may legally come before it:
9 the board.

10 * * *

11 (4) Report to the attorney general ~~of the state~~ all persons violating the
12 provisions of this Chapter.

13 (5) License by examination applicants who the board determines are
14 qualified to engage in the practice of pharmacy ~~under~~ pursuant to the provisions of
15 this Chapter.

16 * * *

17 (7) Administer examinations as ~~deemed~~ the board deems necessary.

18 (8) Issue and renew licenses, permits, certifications, registrations and any
19 other designations ~~deemed~~ the board deems necessary to engage in the practice of
20 pharmacy.

21 (9) Establish and enforce compliance, as the board deems necessary, with
22 professional standards and rules of conduct of pharmacists engaged in the practice
23 of pharmacy.

24 (10) Determine and issue standards, as the board deems necessary, for
25 recognition and approval of degree programs of schools and colleges of pharmacy
26 whose graduates shall be eligible for licensure in this state, and the specification and
27 enforcement of requirements, as the board deems necessary, for practical training,
28 including internship.

(11) Enforce those provisions of this Chapter related to conduct and competence, as the board deems necessary, including but not limited to revocation, summary suspension, suspension, probation, reprimand, warnings, or fines.

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

(13) Establish minimum specifications, as the board deems necessary, for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding ~~and/or~~ and dispensing of drugs or devices.

(14) Inspect in a lawful manner, as the board deems necessary, the legend drugs and devices which are sold, offered, or exposed for sale, or kept for sale, or which are compounded or dispensed, or kept for compounding or dispensing, at any site, and shall, as the board deems necessary, seize any legend drugs and devices found to constitute an imminent danger to the public health, safety, and welfare.

(15) Inspect during hours of operation, as the board deems necessary, any licensed, permitted, certified, or registered person, including; but not limited to; pertinent records for the purpose of determining if any provisions of law governing the legal distribution of drugs or devices or the practice of pharmacy are being violated.

(16) Cooperate, as the board deems necessary, with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to drugs, devices, and the practice of pharmacy.

(17) Except as otherwise provided to the contrary, the board shall exercise all of its duties, powers, and authority in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

* * *

(20) Make disbursements by check, voucher, or any other reasonable means deemed necessary and appropriate by the board and authorized by the president and the executive director.

1 (21) In accordance with R.S. 37:1184, establish by regulation, as the board
2 deems necessary, fees and costs to be imposed for the purpose of implementing and
3 enforcing the provisions of this Chapter.

4 (22) Have the authority to request and obtain, as the board deems necessary
5 and appropriate, state and national criminal history record information on any person
6 applying for any license, registration, certificate, permit, or any other designation
7 ~~deemed~~ the board deems necessary to engage or assist in the practice of pharmacy
8 which the board is authorized by law to issue.

9 (23) Have the authority to require ~~of~~ any applicant for any license,
10 registration, certificate, permit, or any other designation ~~deemed~~ the board deems
11 necessary to engage or assist in the practice of pharmacy which the board ~~is~~
12 ~~authorized by law to~~ may issue, to provide information ~~which may be~~ necessary to
13 verify an applicant's identity including birth certificates, passport documents, legal
14 status documents, and any other biometric information deemed appropriate by the
15 board. The board may charge and collect from an applicant all fees and costs related
16 hereto.

17 (24) Have the authority to compel any person applying for or holding any
18 license, registration, certificate, permit, or any other designation ~~deemed~~ the board
19 deems necessary to engage or assist in the practice of pharmacy to submit to an
20 evaluation by ~~such~~ persons as the board may designate.

21 B. The board may do any of the following:

22 (1) Join ~~such~~ professional organizations and associations organized
23 exclusively to promote the improvement of the standards of the practice of pharmacy
24 for the protection of the health, safety, and welfare of the public ~~and/or~~ or whose
25 activities assist and facilitate the work of the board.

26 (2) Receive and expend funds, in addition to its annual or biennial
27 appropriation, from parties other than the state, ~~provided that~~ if the following
28 conditions are met:

1 (a) ~~Such~~ The funds are awarded for the pursuit of a specific objective which
2 the board is authorized to accomplish by this Chapter, or which the board is qualified
3 to accomplish by reason of its jurisdiction or professional expertise.

4 (b) ~~Such~~ The funds are expended for the pursuit of the objective for which
5 they are awarded.

6 (c) Activities connected with or occasioned by the expenditures of ~~such~~ the
7 funds do not interfere with the performance of the board's duties and responsibilities,
8 and do not conflict with the exercise of the board's powers as specified by this
9 Chapter.

10 (d) ~~Such~~ The funds are kept in a separate, special account.

11 (e) Periodic reports are made concerning the board's receipt and expenditure
12 of ~~such~~ the funds.

13 (3) Conduct any investigation, inquiry, or hearing which the board is
14 ~~authorized to~~ may hold as required by this Chapter.

15 (4) Place under seal all drugs or devices ~~that are~~ owned by or in the
16 possession, custody, or control of a licensee at the time his license is suspended or
17 revoked or at the time the board refuses to renew his license. Except as otherwise
18 provided in this Section, drugs or devices so sealed shall not be disposed of until
19 appeal rights under the Administrative Procedure Act, R.S. 49:950 et seq., have
20 expired, or an appeal filed pursuant to that Act has been determined.

21 (5) Collect professional demographic data as the board deems appropriate
22 and necessary.

23 (6) Employ or contract for inspectors, chemists, agents, clerical help, legal
24 assistance and other personnel necessary for the proper operation of the board office
25 and for any other purpose under this Chapter as the board deems appropriate and
26 necessary.

27 (7) Establish minimum standards, as the board deems appropriate and
28 necessary, for maintaining the integrity and confidentiality of prescription
29 information and other patient ~~health care~~ healthcare information.

(8) Acquire, develop, maintain, expand, sell, lease, mortgage, borrow funds, or otherwise contract with respect to immovable property as ~~it may deem~~ the board deems necessary or appropriate to accomplish the provisions of this Chapter. The board ~~shall have the authority to~~ may borrow funds with the approval of the State Bond Commission and ~~to~~ may expend funds of the board for the acquisition of immovable property and improvements thereon. In the event that the board sells immovable property and improvements thereon, the revenue derived from the sale shall be retained by the board and shall not be subject to reversion to the state general fund.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 488 Original

2017 Regular Session

LeBas

Abstract: Provides for the powers and duties of the La. Board of Pharmacy.

Present law provides for the mandatory duties and permissive powers of the La. Board of Pharmacy.

Proposed law retains present law but specifies that the powers and duties should be performed only when the board finds the actions to be necessary and appropriate. Further makes technical changes.

(Amends R.S. 37:1182(A)(intro. para.), (1), (2), (4), (5), (7)-(17), and (20)-(24) and (B)(intro. para.) and (1)-(8))