

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 10

BY REPRESENTATIVE BURFORD

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

DRUGS/PRESCRIPTION: Suspends rules of the La. Board of Pharmacy that invalidate prescriptions with computer generated electronic signatures

1 A CONCURRENT RESOLUTION

2 To suspend until sixty days after final adjournment of the 2016 Regular Session of the  
3 Legislature of Louisiana the provisions of LAC 46.LIII.2511(C)(4), providing that  
4 prescriptions with computer generated electronic signatures are invalid.

5 WHEREAS, relative to the requirements for a written prescription to be valid, LAC  
6 46.LIII.2511(C)(4) states, "The prescription shall be written with ink or indelible pencil,  
7 typewriter, or printed on a computer printer and shall be manually signed by the practitioner  
8 on the date issued in the same manner as he would sign a check or legal document (e.g., J.  
9 H. Smith or John H. Smith). Examples of invalid signatures include rubber stamps,  
10 signatures of anyone other than the prescriber, and computer generated signatures."; and

11 WHEREAS, many medical providers have implemented electronic health record  
12 systems which generate electronic signatures which are authenticated and meet national  
13 Medicare/Medicaid standards; and

14 WHEREAS, there is concern that the rule adopted by the Louisiana Board of  
15 Pharmacy goes beyond national standards, resulting in additional expenses for pharmacy and  
16 medical providers by requiring a written or oral verification of a computer generated  
17 electronic signature; and

18 WHEREAS, the Louisiana Board of Pharmacy has failed to address the concerns of  
19 providers that the state rule goes beyond national standards and imposes additional expenses  
20 on pharmacy and medical providers; and

1           WHEREAS, the rule adopted by the Louisiana Board of Pharmacy has resulted in  
2 delayed treatment for patients; and

3           WHEREAS, R.S. 49:969 provides that the "legislature, by Concurrent Resolution,  
4 may suspend, amend, or repeal any rule or regulation or body of rules or regulations, or any  
5 fee or any increase, decrease, or repeal of any fee, adopted by a state department, agency,  
6 board, or commission."

7           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends  
8 the provisions of LAC 46:LIII.2511(C)(4) providing that computer generated electronic  
9 signatures on prescriptions are invalid.

10           BE IT FURTHER RESOLVED that this suspension shall become effective upon  
11 adoption of this Resolution and shall extend through the sixtieth day after final adjournment  
12 of the 2016 Regular Session of the Legislature of Louisiana.

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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)]

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HCR 10 Original

2015 Regular Session

Burford

Suspends Louisiana Board of Pharmacy rule providing that computer generated electronic signatures on prescriptions are invalid.

(Suspends LAC 46:LIII.2511(C)(4))