



Louisiana Board of Pharmacy

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Annual Report

Fiscal Year 2013-2014

July 1, 2014

Mission

Created by the Louisiana Legislature in 1888, the mission of the Louisiana Board of Pharmacy remains unchanged over a century later: to regulate the practice of pharmacy in such a manner as to protect the public health, safety, and welfare of the citizens of Louisiana. Toward that goal, the Louisiana Pharmacy Practice Act specifically authorizes the Board to restrict the practice of pharmacy to qualified persons, as well as to control and regulate all persons and sites that sell drugs or devices or provide pharmacy care services to consumers in this state.

Membership

The Board is composed of seventeen members: two pharmacists from each of eight districts and one public member at large. The district representatives are nominated by pharmacists, appointed by the governor, and serve six year terms. The public member is selected by, and serves at the pleasure of, the governor. The current members of the Board are:

District 1	Diane G. Milano, Richard M. Indovina, Jr.
District 2	Jacqueline L. Hall, Deborah H. Simonson
District 3	Blake P. Pitre, Richard A. Soileau
District 4	Clovis S. Burch, Rhonny K. Valentine
District 5	Carl W. Aron, T. Morris Rabb
District 6	Ronald E. Moore, Pamela G. Reed
District 7	Ryan M. Dartez, Chris B. Melancon
District 8	Brian A. Bond, Marty R. McKay
Public	Don L. Resweber

Licensure

In order to facilitate the restriction of practice to qualified persons, the Board has established educational, experiential, and examination requirements for licensure. As authorized by the legislature, the Board has contracted its high-stakes examination procedures with professional testing services.

A. *Examinations for Pharmacists*

The North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Examination (MPJE) are administered by the National Association of Boards of Pharmacy (NABP). These computer adaptive tests are administered in continuous window opportunities at multiple sites throughout the state. A minimum scaled score of 75 is required on each test to qualify for pharmacist licensure. The results for all Louisiana-based NAPLEX and MPJE candidates from ULM School of Pharmacy and Xavier University – College of Pharmacy in calendar year 2013 are summarized below:

NAPLEX

	Jan – Apr		May – Aug		Sept – Dec	
	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>
Total No. of Candidates	3	10	40	136	7	43
Mean Scaled Score – School	92	69	100	95	88	81
Mean Scaled Score – State	77	77	99	99	87	87
Mean Scaled Score – National	80	80	103	103	87	87
School Pass Rate [%]	100	40	90	86	100	65
State Pass Rate	56	56	93	93	82	82
National Pass Rate	61	61	95	95	76	76

MPJE

	Jan – Apr		May – Aug		Sept – Dec	
	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>
Total No. of Candidates	11	6	40	95	2	46
Mean Scaled Score – School	81	78	83	79	81	77
Mean Scaled Score – State	81	81	81	81	80	80
Mean Scaled Score – National	81	81	83	83	81	81
School Pass Rate [%]	100	83	95	85	100	72
State Pass Rate	94	94	91	91	85	85
National Pass Rate	87	87	93	93	87	87

B. Examinations for Technicians

The Pharmacy Technician Certification Board (PTCB) administers a national certification examination; this computer adaptive test is administered in continuous window opportunities at multiple sites throughout the state. A minimum scaled score of 75 is required to successfully complete the examination. The Louisiana Board of Pharmacy accepts the PTCB examination score result as part of the licensure requirements for pharmacy technicians. The results for all Louisiana-based PTCB candidates for calendar year 2013 are summarized here:

No. of State Candidates	1,159
State Pass Rate [%]	66
No. of National Candidates	54,245
National Pass Rate [%]	76

C. Census Data

At the close of the fiscal year on June 30, 2014, a review of our records yielded the following census information:

	<u>2014</u>	<u>2013</u>	<u>2012</u>
• Pharmacy Program			
1. Pharmacists			
Number of active licenses	7,841	7,758	7,353
Number of licensees within the state	5,329	5,148	5,095
2. Pharmacy Interns			
Number of active registrations	1,081	1,073	1,066
3. Pharmacy technicians			
Number of active certificates	6,603	5,864	5,629
4. Pharmacy technician candidates			
Number of active registrations	1,907	1,695	1,704
5. Pharmacies			
Number of active permits	1,872	1,784	1,758
Independent retail	593	575	587
Retail chain	619	597	587
Hospital	176	172	172
Institutional	23	25	24
Nuclear	15	15	15
Charitable	12	12	12
Penal	2	1	0
Nonresident	432	387	361
6. Equipment Permits			
Emergency drug kit (EDK)	474	431	448
Automated medication systems (AMS)	451	638	366
Durable medical equipment (DME)	490	378	223
7. Special Activity Credentials			
CDTM Registration	41	41	
Medication Administration Registration	2,037	1,617	
Special Work Permits	38	126	78
<u>Subtotal of Credentials in Pharmacy Program</u>	<u>22,865</u>	<u>21,405</u>	<u>18,625</u>

	<u>2014</u>	<u>2013</u>	<u>2012</u>
• CDS Program			
1. Animal Control Shelter	1	1	1
2. Automated Medication System (AMS)	28	0	0
3. Advanced Practice Registered Nurse (APRN)	1,479	1,103	1,015
4. Ambulatory Surgical Center (ASC)	89	85	88
5. Correctional Center	6	5	6
6. Dentist	2,123	1,902	2,027
7. Drug Detection / Canine	12	10	12
8. Distributor	324	273	288
9. Podiatrist	133	118	136
10. Veterinarian	1,002	852	901
11. Dialysis Center	4	3	4
12. Emergency Medical Center	22	17	16
13. Emergency Medical Service	50	45	50
14. Animal Euthanasia Technician	29	27	27
15. Hospital	278	268	281
16. Laboratory	13	12	11
17. Physician	11,915	10,698	11,727
18. Medical Clinic	89	82	86
19. Manufacturer	42	45	50
20. Miscellaneous	13	12	14
21. Medical Psychologist	78	69	67
22. Optometrist	309	279	287
23. Pharmacies	1,387	1,370	1,365
24. Physician Assistant	449	344	326
25. Sales Representative	0	7	20
26. Researcher	113	98	110
27. Rural Health Clinic	12	11	12
28. Substance Abuse Clinic	9	9	9
<u>Subtotal of Credentials in CDS Program</u>	<u>20,009</u>	<u>17,745</u>	<u>18,957</u>
Total Credentials under Management	42,874	39,150	37,582

D. *New Credentials*

During the past fiscal year, the Board issued 5,016 new credentials in the Pharmacy Program and 1,593 new credentials in the CDS Program. Of note within the Pharmacy Program, we issued 426 new pharmacist licenses, 284 new pharmacy intern registrations, and 628 new pharmacy technician certificates during the past fiscal year. Of note within the CDS Program, we issued new CDS licenses to 747 physicians, 306 advanced practice registered nurses, and 109 dentists.

E. *License Transfer (Reciprocity)*

Persons already licensed as a pharmacist by any other state (except California) who wish to obtain a license in Louisiana must successfully complete the MPJE as well as the application and criminal background check. Of the 426 new pharmacist licenses issued this past fiscal year, 238 were issued subsequent to successful completion of the reciprocity process.

Compliance

A. *Enforcement*

In order to control and regulate the practice of pharmacy in Louisiana, the Board employs five pharmacist compliance officers to perform routine inspections and special investigations throughout the year in all places under the Board's jurisdiction. Besides the routine inspections, site visits for permit changes, and other calls for assistance, the compliance officers completed 482 investigations during the last fiscal year: 13 of the original complaints were withdrawn, 27 resulted from termination of previously imposed probationary periods, 86 were determined to be

without violation, 11 cases were referred to other agencies, 107 resulted in field/administrative corrections, 15 resulted in administrative sanctions, and 223 cases were referred to the Board's committees. The committees took no action in 41 of their cases, issued approvals for 45 non-disciplinary petitions, and recommended voluntary consent agreements for 137 cases. Of that number, all but seven accepted the proposed discipline. The remaining seven respondents did not, and they were referred for formal administrative hearings.

Compliance officers coordinate other investigative activities with a wide range of agencies, including local police departments, parish sheriff departments, other state regulatory and law enforcement agencies, and federal agencies such as the Drug Enforcement Administration, the Food and Drug Administration, and the Consumer Product Safety Commission. Though the compliance officers utilize the educational approach as the fundamental mechanism to achieve compliance, certain circumstances warrant formal board action.

B. Adjudications

During the past fiscal year, the Board conducted three administrative hearings and levied formal disciplinary action against several credentials. A summary of that activity is presented here:

<i>Sanction</i>	<u>Pharmacist</u>	<u>Intern</u>	<u>Technician</u>	<u>Candidate</u>	<u>Permit</u>	<u>CDS License</u>
Assessment	4	0	3	0	11	0
Letter of Warning	3	0	1	0	9	0
Letter of Reprimand	3	0	1	0	3	0
Voluntary Surrender	13	1	7	1	2	1
Probation	19	0	2	3	7	0
Suspension	2	0	1	0	3	20
Revocation	1	0	3	3	1	1
Refused to Credential	1	0	0	4	0	0

C. Practitioner Recovery Program

The Board established its program in 1988 to assist practitioners obtain treatment for their impairment, maintain their recovery, and assist their re-entry into professional practice. As of July 1, 2014 there were 47 pharmacists, one pharmacy intern, and four pharmacy technicians actively engaged in the recovery program. They surrendered their credentials while in treatment; following treatment and upon favorable recommendation by board-certified addiction medicine specialists, they applied for the reinstatement of their credentials. The Board reinstated their credentials on probation, and the licensees practice under various restrictions designed to monitor their re-entry to professional practice. In addition, the credentials for 43 pharmacists, 3 interns, 14 technicians, and 4 technician candidates were still on active suspension for impairment reasons.

Board Activity

A. Regulatory

The Board's Regulation Revision Committee is tasked with the continuous review of the Board's rules and their revision as appropriate. The committee initiated and the Board completed several regulatory projects in the previous fiscal year.

- Pharmacy Technician Training Programs, amending LAC 46:LIII.Chapter 9;
- Preferential Licensing for Military Personnel, amending LAC 46:LIII.Chapters 5 and 9;
- Collaborative Drug Therapy Management, amending LAC 46:LIII.Chapter 5;
- Penal Pharmacy Permit Revision, amending LAC 46:LIII.Chapter 18;
- Prescription Monitoring Program Delegates, amending LAC 46:LIII.Chapter 29; and
- Veterinarian Exclusion from Prescription Monitoring Program, amending LAC 46:LIII.Chapter 29.

The Board has three additional regulatory projects not yet completed; the progress of these projects may be monitored at the Board's website:

- Pharmacy Records, amending LAC 46:LIII.Chapters 11 and 15;
- Pharmacy Compounding, amending LAC 46:LIII.Chapter 25; and
- Prescriptions; amending LAC 46:LIII.Chapter 25.

B. Legislative

During the 2014 regular session, the Board sponsored two bills, both of which were successful. Act 40 amended the state list of controlled substances to add new prescription drugs added to the federal list of controlled substances since the last legislative session. Act 472 amended the prescription monitoring program law to change the deadline by which dispensers of controlled substance prescriptions are required to report their eligible prescription transactions to the program's database – from seven days following the date of dispensing to no later than the next business day following the date of dispensing.

C. Operations

We have also completed four years of service with our website's content management system and its mass communication capabilities. We have increased the frequency of communications to our licensees through the use of targeted email, alerts, and bulletins. Through avoided postage and labor costs of mass snail mail notices, we have already recouped the cost of our investment and will continue our savings going forward.

In an effort to further reduce the impact of escalating printing and postage costs, the Board has converted its quarterly newsletter to an electronic edition. We have also initiated the process of converting some credentials to virtual credentials; there are no printed documents and they can be verified at the Board's website.

Finally, the Board continued its operation of Louisiana's Prescription Monitoring Program (PMP). The monthly average of the number of prescription transactions reported to the program's database, as well as the average number of queries per day, continue to increase. The contract for the program vendor reached the end of its five year life, and the contract was released for public bid. The new vendor is Optimum Technology, Inc. based in Columbus, OH, an experienced state PMP program operator.

Since the program is required to file an annual report to the legislature, we have appended that report to this one to facilitate its separation.

D. Physical Plant

The Board moved to its current location in May 2011. We continue to make minor improvements to the building and grounds. The separate property initially purchased in 2007 has been listed for sale. The proceeds from that sale will be used to settle the loan obligation incurred for the purchase of the office building.

Board Office

The Board currently employs 17 people on a full-time basis in a variety of professional, technical, and clerical roles; the Board also supports the local Cooperative Office Education (COE) program in Baton Rouge area high schools by hiring high school senior students on a temporary basis. The physical and mailing address of the board office is:

Louisiana Board of Pharmacy
3388 Brentwood Drive
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Telephone (225) 925-6496
Telecopier (225) 925-6499

The board's website address is www.pharmacy.la.gov and general email is received at info@pharmacy.la.gov.

Conclusion

The board has had an active year on several fronts, and all of these activities have contributed to the overall mission of the board. The officers and members of the board, as well as the entire office staff, are committed to achieving our goal of protecting the public's health, safety and welfare through appropriate regulation of the practice of pharmacy in this state. We understand that public service is a privilege, and we endeavor to render that service honorably.

Prepared by:
Malcolm J Broussard
Executive Director

Prescription Monitoring Program
Annual Report

Fiscal Year 2013-2014

July 1, 2014

Introduction

Act 676 of the 2006 Louisiana Legislature authorized the development, implementation, operation, and evaluation of an electronic system for the monitoring of controlled substances and other drugs of concern that are dispensed within the state or dispensed by a licensed pharmacy outside the state to an address within the state. The goal of the program is to improve the state's ability to identify and inhibit the diversion of controlled substances and drugs of concern in an efficient and cost-effective manner and in a manner that shall not impede the appropriate utilization of these drugs for legitimate medical purposes.

Implementation

The Prescription Monitoring Program (PMP) was implemented in August 2008. We notified pharmacies of their requirement to report all eligible prescription transactions to the program, and further, required them to report all historical data retroactive to June 1, 2008 no later than December 31, 2008. In December 2008, the Board notified all prescribers and dispensers wishing to acquire direct access privileges of the requirement to complete the web-based orientation program prior to receiving their access privileges. The web portal to the program database was opened to queries on January 1, 2009, and the program remains fully functional.

Advisory Council

The enabling legislation created the PMP Advisory Council to assist the Board in the development and operation of the program. The Board shall seek, and the advisory council shall provide, information and advice regarding: (1) which controlled substances should be monitored, (2) which drugs of concern demonstrate a potential for abuse and should be monitored, (3) design and implementation of educational courses required by the PMP law, (4) methodology to be used for analysis and interpretation of prescription monitoring information, (5) design and implementation of a program evaluation component, and (6) identification of potential additional members to the advisory council. The original legislation specifically identified the 25 organizations named to the council and further, named the leader of the organization but permitted the leader to name a designee to function in the absence of the appointee. The organizations represented on the council include the licensing agencies for the prescribers and dispensers, the professional membership organizations for the prescribers and dispensers, organizations representing federal, state, and local law enforcement agencies, as well as representatives from the legislature. The advisory council has elected its own leadership, adopted policies and procedures for its operations, and meets on a quarterly basis.

Program Metrics

The data on the following page provides summary data for the operational aspects of the program – number of prescription transactions reported to the program database, number of prescribers and dispensers registered to access the program data, the number of queries performed by those authorized prescribers and dispensers as well as law enforcement agencies and regulatory agencies.

Louisiana Board of Pharmacy
Prescription Monitoring Program

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>6/30/2014</u>	<u>Total</u>
<i>Prescription Database:</i>								
Transactions Reported	6,015,089	11,143,865	12,116,982	12,775,367	12,990,011	13,032,083	6,405,934	74,479,331
<i>Access to Program Data:</i>								
New prescribers registered		1,526	721	548	574	640	352	4,361
New dispensers registered		728	483	361	494	509	185	2,760
<i>Reports from Queries by Users:</i>								
Solicited by prescribers		235,985	368,376	496,270	650,514	842,139	402,984	2,996,268
Solicited by dispensers		74,277	111,075	153,783	212,754	382,204	133,502	1,067,595
Solicited by law enforcement		680	889	1,230	845	1,150	651	5,445
Solicited by regulatory agencies		833	1,401	1,612	1,584	1,364	851	7,645
Average queries per day		854	1,319	1,788	2,372	3,361	2,956	2,031

Legislative Mandates

The 2014 Legislature adopted a number of measures which will serve to improve the program. Beginning August 1, 2014, pharmacies and other dispensers will be required to report their eligible prescription transactions to the program database no later than the next business day following the date of dispensing, instead of the previous seven day allowance. In addition, the Board has recently completed the rulemaking process authorized by the 2013 Legislature that will allow authorized prescribers and dispensers to appoint delegates for the purpose of retrieving data from the program's database.

The 2014 Legislature also adopted a measure that will require prescribers of certain controlled substances for the treatment of certain conditions to access the patient's history in the program database prior to initiating such treatment. The same measure will require pharmacists dispensing certain controlled substances to certain patients to access the patient's history in the program database prior to dispensing such medications.

Outlook for Next Fiscal Year

The program continues to enroll new authorized users, and the daily average number of queries continues to increase. With assistance from the licensing agencies encouraging use of the program by their licensees, we hope to improve on the current 30% registration rate, as well as the daily query rate of approximately 3,000.

Conclusion

The program has completed approximately six years of operation. Based on feedback from authorized users, it appears to represent an efficient and cost-effective use of resources. Data from the program suggests we have made some early contributions to the reduction of diversion of controlled substances. Our interstate collaborations have yielded high marks for our program design and operation. We look forward to fully developing the potential of our program to identify and inhibit the diversion of controlled substances in Louisiana.

We acknowledge the contributions from Ms. Danielle Meadors, our Administrative Coordinator, and Mr. Joseph Fontenot, Program Manager, for their operation of the program and the development of this report.

Prepared by:
Malcolm J. Broussard
Executive Director