



Louisiana Board of Pharmacy

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BULLETIN No. 16-01

To: All pharmacies, pharmacists, interns, technicians, and technician candidates
X
X

From: Malcolm J Broussard, Executive Director

Date: July 15, 2016

Re: New Laws from 2016 Legislature Affecting Pharmacy Practice

HB 671 (Act 310) effective on 08-01-2016

This legislation amended the Pharmacy Practice Act, in particular the section governing the recycling and re-dispensing of previously used prescription medications for offenders in correctional institutions. The previous law permitted pharmacies serving such patients to accept returned prescription medications they had dispensed to patients in state-operated correctional institutions and then re-dispense those returned medications to patients in those same institutions, provided the pharmacies have obtained the penal pharmacy permit required for that activity. The new legislation extends that capability to include offenders in all correctional institutions or otherwise in the custody of local law enforcement agencies.

Those pharmacies which have been serving local law enforcement agencies that intend to continue that activity will need to obtain a penal pharmacy permit from the Board. The penal pharmacy permit allows a pharmacy to accept returned prescription medications they had previously dispensed to offenders and then re-dispense those same medications to other offenders. A community pharmacy permit (**IR** and **CH**) does not allow for the return and re-use of prescription medications.

A pharmacy currently in possession of a community pharmacy permit may apply for a separate penal pharmacy permit; however, each permit must comply with the minimum specifications for a pharmacy. One pharmacy permit may not 'share' its minimum specifications with another pharmacy permit. Two permits may be located adjacent to each other but each one must have a distinguishable mailing address.

HB 1007 (Act 370) effective 06-05-2016

This legislation amended the state Controlled Substances Act, in particular the section governing the dispensing of naloxone for the treatment of opioid-related overdose. (*NOTE: This section is separate and apart from the section listing all the controlled substances in the state. Naloxone is not a controlled substance in Louisiana, but it remains a prescription medication.*) The new legislation allows a pharmacist to dispense naloxone or another opioid antagonist pursuant to a nonpatient-specific standing order according to rules promulgated by the Board of Pharmacy.

As indicated in the law, the Board is required to promulgate a rule about this topic before the pharmacist can dispense naloxone pursuant to a nonpatient-specific standing order. The Board's first meeting after the legislative session is scheduled for August 10; they will discuss this and other legislation from this year's session at that meeting.

SB 56 (Act 189) effective 08-01-2016

This legislation amended the state Prescription Monitoring Program (PMP) Law by adding one sentence, to require the Board to establish standards for the retention, archiving, and destruction of records in the PMP database. As you may recall, the PMP database houses all the prescription transactions for all controlled substances dispensed by all of the pharmacies licensed by the Board, and we began collecting those transactions in July 2008. We currently have approximately 100 million transactions in the database, and we collect approximately one million new transactions every month.

In discussions with our practitioners and law enforcement stakeholders, they report the need for active historical information rarely exceeds three years. Segregating the records, with perhaps the most recent three to five years available for active queries and the remainder for archival and research purposes, may improve the overall functionality of the program. The Board will develop a rule setting the standards for the records management aspects of the program.

SB 189 (Act 192) effective 05-26-2016

This legislation amended state Controlled Substances Act, in particular the section placing limitations on the dispensing of certain prescriptions for opiate medications when written by prescribers not licensed in the State of Louisiana. We alerted all of the pharmacies to this new law via an electronic Pharmacy Alert on June 5. You may recall the 2014 law mandating a maximum 10-day supply when dispensing a prescription for an opiate medication listed in Schedule II or III when prescribed by a practitioner not licensed in Louisiana. That law further requires the dispensing pharmacist to notify the prescriber of the limited supply dispensed and the cancellation of the remainder of the prescription, including any refills originally authorized.

The 2015 legislature amended the 2014 law by indicating if the PMP information for the state where the non-Louisiana licensed prescriber was located was available to the dispensing pharmacist, then the 10-day supply limitation was not applicable and the full prescription could be dispensed. At this writing, the PMP information for Arkansas and Mississippi (as well as Connecticut and South Carolina) are available. We expect PMP information from Texas and other states to be available to our state before the end of this calendar year.

The 2016 legislature amended the 2014 law further by indicating if the prescriber includes on the prescription form a diagnosis of cancer or terminal illness, then the dispensing limitation shall not apply. If the prescription is for a Schedule II opiate and exists in written form, then the pharmacist may contact the prescriber (not the agent) to verify that diagnosis and add it to the prescription form; it is not necessary to send the patient back to the prescriber to get that diagnosis on the prescription form.

SB 271 (Act 96) effective 05-19-2016

This legislation amended the state Controlled Substance Act, in particular the 2014 law permitting the dispensing of marijuana for therapeutic purposes. It provides for the 'recommending' instead of 'prescribing' of marijuana, as well as some other minor modifications of the 2014 law. The Board is currently collaborating with the Board of Medical Examiners and the Dept. of Agriculture and Forestry to draft rules necessary to implement the legislation. You can follow the Board's progress on this regulatory project by watching for the electronic Notices of Rulemaking Activity as well as checking the draft documents posted in the *Public Notices* section of the *Public Library* on the Board's website at www.pharmacy.la.gov.