

Final Rule

Department of Health and Hospitals Board of Pharmacy

Prescription Monitoring Program

In accordance with the provisions of the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) and the Pharmacy Practice Act (La. R.S. 37:1161 *et seq.*), the Louisiana Board of Pharmacy has amended LAC 46:LIII.Chapter 29 – Prescription Monitoring Program for the purpose of implementing the provisions of Acts 144 and 488 of the 2010 Regular Session of the Louisiana Legislature and Act 352 of the 2012 Regular Session of the Louisiana Legislature.

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Executive Director
Louisiana Board of Pharmacy

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

§2901. Definitions

- A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise:

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Dispenser – a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:

(a) – (d) ...

(e) A veterinarian who dispenses negligible amounts of controlled substances or drugs of concern, as identified by rule.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, amended LR 39:314 (February 2013).

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§2909. Advisory Council

- A. The advisory council shall consist of the following members, each of whom may appoint a designee:

1 – 4. ...

5. The president of the Louisiana State Board of ~~Examiners of Psychologist; Veterinary Medicine;~~

6 – 25. ...

26. The president of the Louisiana Veterinary Medical Association.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1005.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013).

Subchapter B. Data Collection

§2911. Reporting of Prescription Monitoring Information

A. ...

- B. Each dispenser shall submit the required information by electronic means ~~on a frequency set by the board, which shall be no less than every fourteen days and no more than every seven days~~ as soon as possible but in no event more than seven days after the date of dispensing.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013).

§2913. Required Data Elements

- A. The information submitted for each prescription shall include data relative to the identification of the following elements of the transaction, or alternative data as identified in the board's program user manual. To the extent possible, the data shall be transmitted in the format established by the American Society for Automation in Pharmacy (ASAP) Telecommunications Format for ~~Controlled Substances in May 1995~~ Prescription Monitoring Programs Standard Version 4.2 or a successor.
1. Prescriber Information
 - a. Last and first name of prescriber;
 - b. ~~Address of prescriber;~~
 - c. ~~Telephone number of prescriber;~~
 - d. United States Drug Enforcement Administration (DEA) registration number, and suffix if applicable, or in the alternative, the National Provider Identifier (NPI) number, as issued by the United States Centers for Medicare and Medicaid Services (CMS).
 2. Patient Information
 - a. Last and first name of human patient and middle initial or name if available, or in the event of a veterinary prescription, the client's name and patient's animal species;
 - b. Complete address of patient;
 - c. ...
 - d. ...
 - e. Gender code;
 - f. Species code.
 3. Prescription Information
 - a. ...
 - b. ...
 - c. ...
 - d. Number of refills authorized on original prescription and refill number;
 - e. ...
 4. Drug Information
 - a. ...
 - b. Name of drug quantity dispensed;
 - c. Dosage form of drug days supply;
 - d. ~~Strength of drug;~~
 - e. ~~Quantity dispensed.~~
 5. Dispenser Information
 - a. ~~Name of pharmacy or dispensing practitioner~~ DEA registration number, or in the alternative, the National Provider Identifier (NPI) number;
 - b. ~~Address of dispenser;~~
 - c. ~~Telephone number of dispenser;~~
 - d. ~~DEA registration number;~~
 - e. ~~National practitioner identification number.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013).

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Subchapter C. Access to Prescription Monitoring Information

§2917. Authorized Direct Access Users of Prescription Monitoring Information

- A. The following persons may access prescription monitoring information in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:
1. Persons authorized to prescribe or dispense controlled substances or drugs of concern for the purpose of providing medical or pharmaceutical care for their patients, or for verifying their prescription records;
 2. Designated representatives from the professional licensing, certification, or regulatory agencies

of this state or another state charged with administrative oversight of those professionals engaged in the prescribing or dispensing of controlled substances or other drugs of concern.

- ...
5. Prescription monitoring programs located in other states, through a secure interstate data exchange system or health information exchange system approved by the board, but only in compliance with the provisions of R.S. 40:1007.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 39:315 (February 2013).

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§2921. Methods of Access to Prescription Monitoring Information

- A. Prescribers and dispensers, once properly registered, may solicit prescription monitoring information from the program concerning their patients, or for verifying their prescription records. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

B – D. ...

- E. Upon receipt of one of the following methods of application by local, state, out-of-state, or federal law enforcement or prosecutorial officials, the program may provide prescription monitoring information:

...

- H. Prescription monitoring programs located in other states may access prescription monitoring information from the program through a secure interstate data exchange system or health information exchange system approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 39:315 (February 2013).

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Subchapter D. Reports

§2925. Release of Prescription Monitoring Information to Other Entities

- A. The program shall provide prescription monitoring information to public or private entities, whether located in or outside the state, for public research, policy, or educational purposes, but only after removing information that identifies or could reasonably be used to identify prescribers, dispensers, and individual patients or persons who received prescriptions from prescribers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007), amended LR 39:315 (February 2013).

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Subchapter E. Exemptions

§2931. Exemptions

- A. ~~A veterinarian licensed by the Louisiana Board of Veterinary Medicine who dispenses, administers, and/or prescribes a controlled substance or drug to a client/patient within the scope of his practice is exempt from the provisions of the Prescription Monitoring Program as defined in these rules. Repealed.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007), amended LR 39:315 (February 2013).