



Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



MEMORANDUM

To: Pharmacies & Licensed Pharmacy Personnel
From: Malcolm Broussard
Date: August 31, 2020
Re: Guidance in Aftermath of Hurricane Laura

I. Declaration of Emergency

Governor Edwards issued *Proclamation No. 108 JBE 2020: State of Emergency – Tropical Storm Laura and Tropical Depression 14* on August 21. That proclamation declared a state of emergency for the entire state, and it is scheduled to expire on September 20, 2020 unless terminated sooner.

II. Dispensing of Emergency Prescriptions

During a state of emergency, a pharmacist may dispense a one-time emergency prescription for up to a 30-day supply of any prescribed medication if:

1. in the pharmacist's professional opinion the medication is essential to the maintenance of life or to the continuation of therapy; *AND*
2. the pharmacist prepares a written record marked "Emergency Prescription," then files and maintains that prescription as required by law.

III. Integrity of Medication Stock in Pharmacies Directly Impacted by Hurricanes

- A. For those pharmacies that sustained flood and/or fire damage in the prescription department, the entire medication inventory – including any prescriptions that may have been awaiting pickup – has been compromised. The product has been adulterated, no longer meets legal specifications from the U.S. Pharmacopeia (USP), and is unfit for dispensing. To the extent you may be able to receive product replacement from some manufacturers or perhaps some other type of assistance, you may wish to consider the preparation of an accurate record of your prescription medication losses.
- B. For those pharmacies that did not sustain any flood or fire damage in the prescription department, but did sustain a loss of power for a sustained period of time, please remember the USP standards for medication product integrity. In particular, the USP has defined the proper temperature and humidity for storage of medications. For those medications labeled for storage at "controlled room temperature", the acceptable range of temperature is 68° to 77°F. The USP standards permit temporary spikes in the temperature, but the maximum deviation permitted is 104°F for a maximum of 24 hours. Pharmacies in Louisiana that lost power and/or air conditioning for several days since August 20, 2020 should consider the strong probability that their medication inventory no longer meets federal standards and should not be considered safe for dispensing. If you have questions about these federal standards, please contact USP directly at (800) 227-8772.

NOTICE: In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

NOTICE: In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about the Board's actions or procedures. You may submit such complaints to one or more of the following: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr., Baton Rouge, La 70809; 225.925.6496; info@pharmacy.la.gov (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; h&ga@legis.la.gov (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; s&g@legis.la.gov

- C. Pharmacies in the affected areas who believe their medication inventories were not compromised should be prepared to demonstrate the basis for their confidence to any federal compliance officers visiting their pharmacy. In particular, temperature monitoring records or equipment may be useful in this regard. Finally, you may wish to consider the preparation of an accurate record of your prescription medication losses to facilitate any claims for product replacement or other assistance.

IV. Reporting of Theft or Loss of Controlled Substances

- A. In circumstances of theft by looting, burglary, etc., where evidence or witnesses indicate the medications were taken by someone, the theft is reportable on *DEA Form 106 – Report of Theft or Loss of Controlled Substances* [electronically](#) at the DEA website. The DEA and the Board requires pharmacies to notify them within one business day following discovery of the theft. You should direct those email notices to NOFD.theftorloss@usdoj.gov and info@pharmacy.la.gov. The rule does not require submission of the 106 form within one day, but only written notice of the discovery. When the full extent of the loss is known, you should then complete the 106 form and send a copy to the Board office (email or fax is acceptable). If you are unable to complete the 106 form within 60 days following discovery of the theft, you must send an updated interim report to the DEA.
- B. In circumstances of damage or where the drugs were lost (irrevocably) to flood or other loss, that information is reportable on *DEA Form 41 – Registrants Inventory of Drugs Surrendered*. The [electronic](#) version of the form is available at the DEA website. The amount lost will most likely need to be reconstructed from the most recent controlled substance inventory. By adding the purchases and then subtracting the dispensations and distributions, the inventory on the date of loss can be calculated. Absent a reconstructed amount, a best estimate of the amount lost should be reported.

V. Disposal of Compromised Medications in Pharmacies Affected by Hurricanes

A. Controlled Substances

Reverse distributors, either individually or in concert with other contractors, are equipped to handle material which is deemed contaminated and/or hazardous waste. If you do not already have an account with a reverse distributor, we recommend you contact your primary distributor for their recommendations for a reverse distributor.

B. Contaminated Medical Debris

We recommend that non-controlled substance prescription medications that were contaminated with flood water or other contaminants, as well as syringes, needles, and sharps, be 'red-bagged' and disposed using the medical waste transportation, processing, and disposal system. These vendors must be licensed by the La. Dept. of Environmental Quality (DEQ). A [list of DEQ-licensed medical waste transporters](#) is available here.

C. Hazardous Debris

Materials are hazardous if they are ignitable, corrosive, toxic, or reactive. Prescription drugs considered hazardous include (but are not limited to) epinephrine, nicotine, nitroglycerin, physostigmine, reserpine, selenium sulfide, chloral hydrate, as well as many chemotherapeutic agents such as cyclophosphamide, chlorambucil, daunomycin, and others. Other hazardous items that might be found in a pharmacy include alcohol, batteries, mercury thermometers, and blood pressure cuffs. We recommend that you handle all non-contaminated prescription medications as hazardous debris and dispose accordingly. A list of DEQ-licensed hazardous waste transporters is available from DEQ. You may contact them toll-free at 866.896.5337 or www.deq.louisiana.gov

D. Commercial Waste

Over-the-counter drugs and other store shelf materials may be disposed in the commercial waste stream.

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