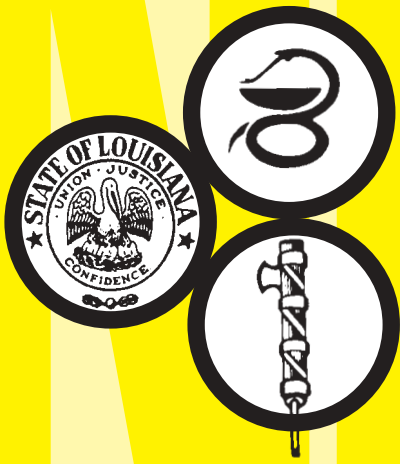


July 2002



# Louisiana Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

## **Compliance Officer W. Jerry Johnson Retires (02-07-132)**

Pharmacist Compliance Officer W. Jerry Johnson retired from his position with the Louisiana Board of Pharmacy on May 24, 2002. Mr Johnson was hired October 1, 1988; his original territory was the southwestern part of the state. He transferred to the northern part of the state late in 1990, where he continued to work until his retirement. Mr Johnson served both the public and the pharmacists of his territory well and with distinction. His wealth of experience will be greatly missed and we certainly wish him well. At press time, the Board office had solicited applications for that position.

## **Prescriptions Based on Internet Consultations (02-07-133)**

During its May 24, 2000 meeting, the Louisiana Board of Medical Examiners approved and issued a position statement on "Internet/Telephonic Prescribing." In summary, the position statement indicates that (1) it is a violation of the Louisiana Medical Practice Act for a physician to prescribe medication if the physician has not established a physician-patient relationship, and (2) the issuance of a prescription or dispensation of medication to residents of this state constitutes the practice of medicine and may only be undertaken by physicians licensed by the Louisiana Board of Medical Examiners.

In Louisiana a physician establishes a physician-patient relationship by (a) verifying that the person requesting the medication is in fact who they claim to be; (b) conducting an appropriate examination of the patient; (c) establishing a diagnosis through the use of accepted medical practices; (d) discussing with the patient the diagnosis, risks, and benefits of various treatment options, and (e) ensuring the availability for appropriate follow-up care.

The Board of Medical Examiners stated that an online or telephonic evaluation by questionnaire for an individual that a physician has never seen is inadequate, and further, that a Louisiana licensed physician who participates in such activities, by ordering medication for individuals who are residents of or located in this or another state would be subject to administrative sanctions, including revocation of licensure.

A federal regulation requires that a prescription drug order be issued for a legitimate medical purpose by a practitioner acting within the course of legitimate professional practice. Louisiana pharmacy regulations require pharmacists to verify the accuracy and authenticity of every prescription they choose to fill. Prescriptions issued by practitioners on the basis of an Internet consultation are inappropriate and unprofessional and should not be filled.

## **Continuing Pharmacy Education (02-07-134)**

The Board recently concluded the 2002 Continuing Education Audit for Pharmacists. Approximately 20% of all pharmacists licensed by the Board were surveyed, including all Board members and staff, those pharmacists specifically subject to audit as a result of noncompliance on a prior audit, and the remainder selected by random algorithm. Of this number, approximately 9% were unable to substantiate their compliance with the continuing education requirements. The Board issued Notices of Noncompliance to 107 pharmacists, as well as instructions for corrective action.

The regulations for continuing education for pharmacists are found on pages 124-125 in the *Louisiana Pharmacy Law Book*. The regulation requires pharmacists to earn a minimum of 15 hours of American Council on Pharmaceutical Education (ACPE) or Board-approved continuing education each year as a prerequisite for licensure renewal. Further, the regulation requires pharmacists to maintain copies of their continuing education records at their primary practice site for at least two years and make them available to the Board upon request. Newly licensed pharmacists are exempted from this requirement on their first licensure renewal. The regulations for pharmacy technicians are found on page 134 of the *Louisiana Pharmacy Law Book*. They are identical to those for pharmacists except the number of hours required is 10, not 15. Newly certified pharmacy technicians are also exempted from this requirement on their first certificate renewal.

The ACPE Universal Program Number contains five sets of characters connected by dashes. The last set of characters contains a letter followed by two numbers. The letter is a format designator ("L" for live offerings, "H" for home study and other mediated offerings, and "C" for offerings that contain both live and home study or mediated components). The date of credit for live offerings is the date of the presentation. The date of credit for home study or combination offerings is the date the provider issues credit. Pharmacists must earn at least 15 hours of continuing education credited in the 12-month period prior to the renewal date of January 1; pharmacy technicians must earn at least 10 hours of continuing education credited in the 12-month period prior to the renewal date of July 1.

Some pharmacists residing and practicing in other states have requested approval for non-ACPE approved offerings. If the Board of Pharmacy in the state where the education was provided has approved those offerings for their licensees, and the pharmacist can produce documentation to that effect, the Louisiana Board will accept the certificate.

## Disciplinary Actions (02-07-135)

During its May 9, 2002 administrative hearing, the Board took final action in the following matters. Although every effort is made to ensure that the information is correct, you should call the Board office at 225/925-6496 to verify the accuracy of the listing before making any decision based on this information.

**PetMed Express, Inc (Pharmacy Permit No. 4338)**, Voluntary Consent Agreement: Permit placed on probation for five years, beginning May 10, 2002, then assessed \$10,000 as well as administrative and investigative costs. **Charge:** (1) improper dispensing of veterinary medication – two counts.

**Joey Roy Etier (Technician Certificate No. 3706)**, Voluntary Consent Agreement: Certificate revoked. **Charges:** (1) departed from or failed to conform to minimum standards of acceptable and prevailing pharmacy practice, (2) committed insurance fraud in connection with practice of pharmacy, and (3) failure to notify the Board within 10 days of change in employment.

**Tamika Necole Byrd (Technician Trainee Work Permit No. 6097)**, Voluntary Consent Agreement: Permit revoked. **Charges:** (1) theft and unlawful possession of Schedule III controlled substance, and (2) theft and unlawful possession of Schedule IV controlled substance.

**Randall Lee Block (Pharmacist License No. 13753)** Voluntary Consent Agreement: License suspended indefinitely. **Charges:** (1) has had license disciplined by another state based upon conduct similar to conduct that would constitute grounds for sanction by this Board, and (2) failure to report to this Board any adverse action taken by another licensing jurisdiction.

**Perret Odette Rivers (Pharmacist License No. 14853)**, Voluntary Consent Agreement: License holder required to submit evidence of six hours of continuing pharmacy education within 30 days of execution of agreement, said hours in addition to existing requirements for calendar year; license also assessed \$250 plus administrative and investigative costs. **Charges:** (1) obtained a license by fraud or misrepresentation, and (2) failure to furnish the Board information legally requested by the Board.

**Jessica Lyn Laurent (Technician Trainee Work Permit No. 5572)**, Voluntary Consent Agreement: Permit revoked. **Charges:** (1) departed from or failed to conform to minimal standards of acceptable and prevailing pharmacy practice, and (2) admission to theft of various prescription (non-controlled substance) drugs from employer.

**Barbara Helen Bradley (Technician Certificate No. 1634)**, Voluntary Consent Agreement: Certificate revoked. **Charge:** (1) theft and unlawful possession of Schedule III controlled substance.

**Julio Lucilo Torres (Pharmacist License No. 11093)**, Voluntary Consent Agreement: License suspended indefinitely. **Charge:** (1) violation of term of probation.

In other actions, the Board accepted the voluntary surrender of one certificate from an impaired technician and one license from an impaired pharmacist, and reinstated the licenses of three pharmacists and one technician on probation in the recovering practitioner program. The Board also suspended the license of one impaired pharmacist for violation of their probation.

The Board reinstated the licenses of three pharmacists, denied petitions for reinstatement from one pharmacist and one technician, granted one request to modify the terms of an existing conditional reinstatement order for one pharmacist, and denied one petition for modification of terms of probation for one pharmacist.

Finally, the Board also issued Letters of Warning to three pharmacists and one technician trainee; assessed fines and administrative costs to one pharmacist; fines and administrative and investigative costs to one pharmacy permit; and administrative and investigative costs only to another pharmacy permit.

## Calendar Notes (02-07-136)

The next meeting of the Board will be held August 7-8 in the Board office in Baton Rouge. The office will be closed on September 2 in observance of Labor Day.

## Special Note (02-07-137)

The *Louisiana Board of Pharmacy News* is considered an official method of notification to pharmacists, pharmacy interns, and pharmacy technicians credentialed by the Louisiana Board of Pharmacy. **These Newsletters will be used in administrative hearings as proof of notification.** Please read them carefully and keep them in the back of the *Louisiana Pharmacy Law Book* for future reference.

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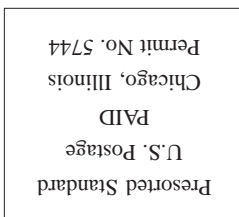
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