



# Louisiana Board of Pharmacy

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## EXECUTIVE COMMITTEE MEETING

March 16, 2005

### MINUTES

The Executive Committee of the Louisiana Board of Pharmacy, scheduled to meet on March 16, 2005, in conjunction with the Prescription Monitoring Program Task Force, convened at 10:00 a.m., at the Louisiana Board of Pharmacy office, 5615 Corporate Blvd., Suite 8-E, Baton Rouge, Louisiana, to consider and discuss the following agenda:

### A G E N D A

1. Call to Order
2. Opportunity for Public Comment
3. Prescription Monitoring Program – Update & Special Presentation
4. Adjourn

Those Executive Committee members in attendance were: Carl W. Aron (President), Dr. Reuben Dixon, Joe Adams and Marty McKay.

Other Board of Pharmacy representatives present were: Malcolm Broussard (Executive Director), Carlos Finalet (General Counsel), and Kathleen Gaudet (Chief Compliance Officer).

Invited guests or designees present were: Alfred Gaudet as designee for John Bobear, M.D. (LA Board of Medical Examiners), C. Barry Ogden (LA Board of Dentistry), Brenda Ward (LA Board of Psychologists), Captain David Staton (LA State Police), Donald Hickman (DEA), Brenda Lands (DHH – Office of Addictive Disorders), Donna Mayeux (Executive Director – LA Pharmacists Association) and Yolanda Robinson for Joni Nickens (LA Association of Nurse Practitioners).

Also present by Task Force invitation were Rebecca Rose and Sherry Green of the National Alliance for Model State Drug Laws (NAMSDL).

Invited guests not present: Dave Tarver (LA State Medical Society), Steve Erwin (DHH – Bureau of Health Standards), Kyle Ardoin (LIPA), Barbara Morvant (Board of Nursing), and Bud Courson (Courson, Nickel, LLC, for NACDS).

Public Observers were: Vincent Campo (Michael's Discount Pharmacy), Raymond Gibbs (Jefferson Parish Sheriff's Office), John Thevenot (Jefferson Parish Sheriff's Office), Chad Clark (St. Bernard Sheriff's Office), Pete Tofaro (St. Bernard Sheriff's Office), Jude

Mathews (State Police), David McNamara (WWL News), and Larry Schurling (WWL News).

The Minutes from the Executive Committee meeting held on January 12, 2005 were approved with no substantive changes by consensus of the Executive Committee members.

Mr. Aron requested of all invitees an update from their respective organizations regarding the concept of PMPs.

### **Prescription Monitoring Program ("PMP")**

Captain Stanton stated that the State Police is fully behind this effort, explaining that regionally this concept has really moved and he wants to see Louisiana keep with this trend.

Alfred Gaudet appeared on behalf of the Board of Medical Examiners and stated its full support. He also said the information compiled would definitely help in that board's investigations.

On behalf of DEA, Donald Hickman said that Karen Tandy, DEA's Administrator, is firmly behind this program as is all of DEA. He also reiterated that the information generated would also be a useful tool to DEA and other law enforcement entities.

Mr. Ogden, Executive Director for the Louisiana Dental Board, also spoke on behalf of the Dental Association. While the Association has not met since the Task Force's last meeting it is unofficially in support of the concept but does have concerns regarding the information's availability to practitioners and potential abuse.

Mr. Ogden also spoke on behalf of the Dental Board. In its review of the information presented at the last Task Force meeting, the Board decided to take no position on the program at this time. The Dental Board has concerns regarding inappropriate access and abuse of the information generated.

Donna Mayeux, Executive Director for LPA, stated that LPA's Executive Committee is informally in favor of the concept. LPA's full board is scheduled to meet in April and will formally take up discussion on the program at that time. Ms. Mayeux did point out LPA's general concerns regarding the program's potential effect on increased pharmacist workload and urged the Task Force to be mindful of any mandates that would affect this aspect of the program.

Brenda Ward, Executive Director to the Board of Examiners of Psychologists, said her board met in February. With psychologists' new status in the prescriptive realm her board is moving very cautiously. It is however in support of the concept at this point and complementary of Louisiana Board of Pharmacy's initiative in heading this effort.

Yolanda Robinson, appearing on behalf of Joni Nickens, President of the Louisiana Association of Nurse Practitioners, stated her organization's support for the PMP concept. The Association's Executive Committee is meeting in April and will further discuss the program at that time.

Brenda Lands of OAD stated that Michael Duffy, Director of OAD, is in 100% support of the PMP program and will work diligently to provide the Board with any information necessary to assist in this process.

Mr. Aron recognized Mr. Broussard to give an update on the application process for federal funding.

The project timeline was discussed. Mr. Broussard has had some discussion with local/parish authorities. The timeline addresses their concerns and states that local research is needed for implementation grant application. The need for information from emergency departments, medical examiners, addiction treatment centers and the drug abuse warning network are all vital to the development and maintenance of any PMP program. Mr. Broussard will be working with all 64 parishes to compile this information.

Further regarding law enforcement, the number of investigations, arrests and prosecutions for relevant offenses, the efficiency of investigations (cases per year, per investigator, amount of time), and other detailed information will also be vital.

Mr. Broussard's desire is to have three members of this task force travel to Nevada and Kentucky to review their programs as well as regional meetings with NAMSDL and possibly the National Association of Drug Diversion Investigators. The goal for the conclusion of travel, planning, implementation and operation is the end of 2005.

Once this foundation is provided, Mr. Broussard will prepare and submit the Task Force's report for proposed legislation to be submitted to the Louisiana Legislature in January 2006. If the Legislature passes any workable legislation authorizing the PMP and the effective date (usually August 15<sup>th</sup> by default) is established, Mr. Broussard's target beginning date is for January 2007.

Mr. Broussard directed the Task Force to the handouts outlining the objectives and performance measures at issue (hereto attached as Exhibit A) and the project timeline (Exhibit B).

After a brief break, Sherry Green of NAMSDL gave a presentation to the Committee about her organization's efforts in dealing with other states' PMP developments.

After her presentation, Ms. Green solicited questions or comments.

Mr. Aron asked for the viability of interstate agreements to share information. Ms. Green said that if the legislation is worded correctly this should not be a problem and could very well improve the purpose of national efforts to deter prescription fraud.

Ms. Mayeux asked about training of practitioners and other parties involved in the process. Mr. Broussard clarified that the Board's intent is to facilitate education to all interested parties and intends the proposed legislation to address this.

Mr. Aron asked Ms. Green her opinion of other states' efforts and how she compares this state's steps so far in this arena. She stated that she thinks Louisiana has done the best job in its initial application for the planning grant as well as its efforts to get all parties involved at the outset of discussions.

Concerns about how to identify a patient were discussed. The use of social security numbers was generally unfavorable. Diver license numbers, dates of birth, and the last four digits of an SSN and/or a combination of these were all generally discussed. Ms. Green suggested that whatever is decided as the identifier, this aspect could be addressed in regulation as opposed to statute. Regulations are easier to change if another method is determined to be better than the then-applicable one.

Mr. Aron asked of Ms. Green if the manufacturers are opposing the development of PMPs. She said they are not in opposition at this point due to what she discerns would be a bad public relations move.

The Task Force broke for lunch at 12:07 p.m. The meeting resumed at 12:55 p.m.

Mr. Broussard reiterated the goals of this meeting were to glean from the members the impressions of each organization, discuss any concerns, and discuss with Ms. Green her experience in this field.

Mr. Broussard suggested the drugs to be covered by any PMP implemented in this state should include all controlled dangerous substances as well as other 'drugs of concern' such as Tramadol and Soma. The Task Force agreed by consensus.

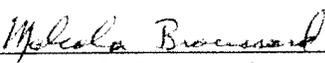
Mr. Broussard will begin data collection for the Task Force's next meeting.

**Action Items**

The Task Force will meet again on May 18, 2005.

**Adjournment:** The Committee adjourned at approximately 1:15 p.m.

*I certify that the foregoing are true and accurate minutes of a meeting of the Executive Committee of the Louisiana Board of Pharmacy, held on the above noted date.*

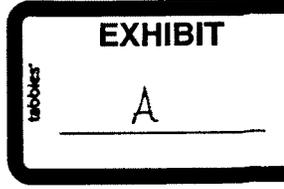
  
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Malcolm J. Broussard  
Executive Director

*Prepared by: Carlos M. Finalet, III, General Counsel*

Louisiana Board of Pharmacy  
Louisiana Controlled Substance Utilization Review Program

**Objectives & Performance Measures**

<i>Objective</i>	<i>Performance Measure</i>
1. Increase number of stakeholders.	A. Number of stakeholders.
2. Increase understanding of PMP among stakeholders	A. Number of site visits to PMPs. B. Number of regional and national PMP planning meetings.
3. Determine extent of problem related to drug abuse and diversion.	A. Number of relevant emergency department (ED) and medical examiner (ME) reports. B. Number of admissions to addiction treatment centers for prescription drug abuse. C. State ranking in ARCOS reports.
4. Develop PMP implementation plan	A. Draft enabling legislation.
5. Identify and adjudicate persons engaged in diversion of controlled substances.	A. Number of persons investigated for diversion of controlled substances before and after implementation. B. Number of persons arrested for diversion of controlled substances before and after implementation. C. Number of persons prosecuted for diversion of controlled substances before and after implementation. D. Number of dosage units of controlled substances diverted by persons who have been prosecuted.
6. Develop and/or increase the efficiency of investigational efforts.	A. Number of investigations completed per investigator per year before and after implementation. B. Average number of work hours/days spent per case before and after implementation.
7. Increase cooperative efforts between state/local agencies and federal agencies.	A. Number of joint investigations conducted.



Louisiana Board of Pharmacy  
Louisiana Controlled Substance Utilization Review Program

Project Timeline

Stage I – Planning

- A. Local Research  
Identification of data sources relevant to program objectives, i.e.,
1. adverse health effects, as measured by emergency department visits and medical examiner reports in metropolitan areas other than New Orleans (which is already included in DAWN reports), as well as numbers of admissions to addiction treatment centers for prescription drug abuse,
  2. information concerning numbers of persons investigated, arrested, and prosecuted for drug diversion by local and state law enforcement agencies,
  3. information concerning efficiency of diversion investigations among law enforcement and regulatory communities, and
  4. identification and quantification of prescribers and dispensers.

*Completion: September 2005*

B. Regional and National Research

Assessment of existing PMP operations in other states:

Site visits to be scheduled in Kentucky and Nevada.

Networking with other states engaged in planning and implementation of programs:

Attendance to regional and national conferences: Alliance for States with Prescription Monitoring Programs in October 2005; National Alliance for Model State Drug Laws in December 2005; National Association of Drug Diversion Investigators in fall 2005.

*Completion: December 2005*

Stage II – Development

- A. Task Force Report  
Will summarize results of research and include recommendations for legislation and implementation.

*Completion: January 2006*

- B. Legislation  
Session will convene in April and adjourn in July.

*Completion: July 2006*

Stage III – Implementation

(presumes successful legislation in July 2006 and receipt of implementation grant in October 2006)

*Completion: January 2007*

