

Prescription Monitoring Program Task Force State of Louisiana

January 24, 2006

MINUTES

A meeting of the Prescription Monitoring Program (PMP) Task Force scheduled to meet on Tuesday, January 24, 2006 in Conference Room B on the first floor of the Headquarters of the Louisiana State Police, located at 7919 Independence Blvd. in Baton Rouge, convened at 10:15 a.m. to consider the following:

A G E N D A

1. Call to Order
2. Opportunity for Public Comment
3. Consideration of Minutes
4. Review of Draft Final Report
5. Adjourn

Call to Order

Carl W. Aron, Chairman of the Task Force and President for the Louisiana Board of Pharmacy, called the meeting to order.

The other Task Force representatives present were: State Representative Ronnie Johns, Mary O'Brien (State Senate), Malcolm Broussard (Executive Director, Louisiana Board of Pharmacy), Donald Hickman (DEA), Alfred Gaudet (Louisiana State Board of Medical Examiners), Wendy Parrish (Louisiana Board of Veterinary Medicine), M.J. Terrebonne (DHH Medicaid), Joni Nickens (LANP), Jim Quillin (LAMP), J.J. Williams (Louisiana District Attorneys Association), Barry Ogden (Louisiana Board of Dentistry), Peggy Griener (Louisiana Board of Nursing), Capt. David Staton and Sgt. Roland Jude Mathews (Louisiana State Police), Capt. Chad Clark (St. Bernard Sheriff's Dept.), Brenda Lands (DHH-Office of Addictive Disorders), Katie MacMurray and Phyllis Perron (Louisiana Pharmacists Association), Ward Blackwell (Louisiana Dentists Association), Brenda Ward (Louisiana State Board of Examiners of Psychologists) and Marla Gibbons (NACDS).

Also present: Carlos Finalet (General Counsel, Louisiana Board of Pharmacy), Kathleen Gaudet (Chief Compliance Officer, Louisiana Board of Pharmacy), Ashley Dupree (attorney, Louisiana House, Health & Welfare Committee), Kerry Cooley (legal counsel to the Louisiana Medical Society, but not its official designee to Task Force).

Opportunity for Public Comment

No public comments were submitted. Kerry Cooley, Louisiana Medical Society, will make his public statements at a later time.

Consideration of Minutes from November 30, 2005

The minutes from the Task Force's last meeting were accepted by consensus.

Review of Draft Legislation – Final Report

State Representative Ronnie Johns, author of the proposed legislation, introduced himself to the Task Force and discussed plans for the legislation. Rep. Johns explained that because the PMP Program requires a fee, legislation will require 2/3 vote of the Legislature for passage.

§1003 – Definitions

Subsection (6) - *Dispenser*

Ward Blackwell requested and the Task Force agreed to the inclusion of the following language under those exemptions to the definition of *dispenser*:

(b) An authorized practitioner who dispenses or distributes no more than a single 48 hour supply of such controlled substance or drug to a patient prior to or subsequent to a procedure.

Joni Nickens asked if the Louisiana Department of Corrections should be exempted as well. The Task Force determined that because prescribed medications to prisoners are consumed on the premises of a prison, that process is considered administration. Therefore, no exemption is necessary.

The Task Force also added the following definition of *drug* which mirrors the definition in the Louisiana Pharmacy Practice Act:

(7) "Drug" means: (a) any substance recognized as a drug in the official compendium, or supplement thereto, designated by the board for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals, (b) any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, or (c) any substance other than food intended to affect the structure or any function of the body of humans or other animals.

§1005 – Advisory Council

Mr. Broussard suggested and the Task Force agreed to the addition of "President of the Louisiana Academy of Medical Psychologists" the proposed Advisory Council membership.

§1007 – Access to Prescription Monitoring Information

Subsection A - Barry Ogden asked how this provision would apply in the case of a respondent who appeals an administrative agency's decision. Would he have access to the PMP information for his legal needs? Mr. Finalet was directed to research this issue.

For consistency, the Task Force substituted the phrases '*administrative agency*' and '*regulatory agency*' with the phrase '*professional licensing, certification, or regulatory agency*'.

The Task Force amended Subsection G to add the advisory council for immunity from civil liability arising from inaccuracies of any PMP information submitted to the Board.

The Task Force amended the effective date to July 1, 2006 in the proposed legislation.

Mr. Broussard discussed funding issues and the collection of fees. Some concern lies in how the fees will be collected on CDS licenses issued by other state agencies. Mr. Broussard will discuss this with other agencies.

Mr. Cooley, legal counsel to the Medical Society but only present as a citizen and not in any other capacity, presented the following issues for discussion:

1. What are drugs of concern? Mr. Broussard stated that drugs of concern will be identified in regulation once legislation is enacted.
2. Mr. Cooley suggested consistency in the use of the terms 'drug', 'substance' and 'controlled substance'. The Task Force agreed to this modifications.
3. Mr. Cooley suggested the Advisory Council be given more authority and decision making power so that the Board is not seated with exclusive final decision making authority. The Task Force declined to make those modifications reasoning that the advisory counsel is by it's very nature only an advisory entity and therefore should not have final decision making authority.
4. Mr. Cooley asked why a quorum of 11 is proposed for an advisory council consisting of 26 entities. Mr. Broussard explained that it may be difficult to get a simple majority of the council to meet at times. As grounds for this approach, Mr. Broussard explained that the Task Force itself has come close to not having a simple majority at past meetings. The advisory council's make up mirrors that of the Task Force.
5. Mr. Cooley recommended the advisory council also be given immunity from civil liability. The Task Force agreed to this concept by consensus.

Rep. Johns closed the meeting by thanking all the parities involved. He plans to call on some Task Force representatives to testify on the bill before the House and Senate Health & Welfare Committees of the Legislature. He also requested resolutions from the organizations that make up the Task Force in support of legislation.

Adjournment: The Task Force adjourned at approximately 12:00 p.m.

I certify that the foregoing are true and accurate minutes of a meeting of the Prescription Monitoring Task Force for the State of Louisiana, held on the above noted date.



Malcolm J. Broussard
Executive Director
Louisiana Board of Pharmacy

Prepared by: Carlos M. Finalet, III, General Counsel, Louisiana Board of Pharmacy