

Prescription Monitoring Program Advisory Council State of Louisiana

April 8, 2009

MINUTES

A meeting of the Prescription Monitoring Program (PMP) Advisory Council scheduled to meet on Wednesday, April 8, 2009 at the office of the Louisiana Board of Pharmacy, 5615 Corporate Blvd., Suite 8-E, Baton Rouge, Louisiana 70808, convened at 1:15 p.m. to consider the following:

A G E N D A

1. Call to Order
2. Quorum Call
3. Call for Additional Agenda Items
4. Consideration of Minutes from Prior Meeting – January 7, 2009
5. Review of Program Operation
6. Opportunity for Education Program – DHH/Office of Addictive Disorders (OAD)
7. Request for Policy Recommendation re Reinstatement of Access Privileges
8. Opportunity for Public Comment
9. Calendar Notes
10. Adjourn

Advisory Council representatives/designees present: Dr. J.M. Burdine (Medical Society), Erin Conner (State Board of Dentistry), Louis LaJarza (DEA), Brenda Lands (DHH/OAD), Carl W. Aron (LABP), Alfred L. Gaudet (LSBME), Julie Wilkinson (LPA), Val Penouilh (State Police), JJ Williams (DA's Association), Rep. H. Bernard LeBas (LA House of Representatives), Peggy Griener (LABN), Colonel Pete Tafaro (Sheriff's Association), Bud Courson (NACDS), MT Terrebonne (DHH), Dr. James W. Quillin (LA Academy of Medical Psychologists), Julie Wilkinson (LPA)

Others present: Malcolm J. Broussard (LABP), Kathleen Gaudet (LABP), Carlos M. Finalet, III (LABP), Sarah Blakey (LABP), Joe Fontenot (LABP), Major David Staton & Brad Cook (State Police), Alan Clesi (DEA), Crystal Carter (LPA), Linda Spradley (Spradley & Spradley, Inc.), Dr. Rochelle Dunham (OAD)

Consideration of Minutes from January 7, 2009 Meeting

Minutes were approved by consensus of the Council.

Review of Program Operation

Mr. Fontenot, PMP Program Manager, gave the review.

As of April 8, 2009, the database holds approximately 8,500,000 prescription records. 1,069 practitioners have access to PMP. Approximately 60,000 queries have been made to the database, with 77% of those from prescribers and 23% dispensers. Law enforcement administrative requests total 153, mostly from the State Police.

Representative LeBas asked about Soma, believing it to be already scheduled as a controlled substance. Mr. Aron explained that while attempts have been made to schedule Soma in the past the Legislature has yet to do so. JJ Williams explained that the DA's Association is seeking legislation in this year's Regular Legislative Session to schedule Soma as a CIV.

Rep. LeBas asked if the Board could access other states' PMP program information. Mr. Broussard explained that states' laws differ on the release of information to other boards. However, if an out-of-state agency requested the same from Louisiana's PMP Program we should be able to release the information.

Dr. Burdine sent a letter explaining the PMP Program to all members of the State Pain Society and Capital Area Medical Society. He also asked the Louisiana State Board of Medical Examiners and the Medical Society to publish a statement in their newsletters.

Opportunity for Education Program – DHH/OAD

The PMP statutes require education for drug treatment. Dr. Dunham with OAD gave an overview of drug abuse/addiction treatment and recovery theories, implications from the information gleaned from the PMP Program, and how the OAD can be of service.

There are generally four populations to consider when addressing abuse/addiction: (1) Criminal Intent - economic gain through diversion, etc. (2) Pseudo-addiction – where inadequate treatment for pain exists and/or clinical assessment is substandard (3) Psychiatric conditions – opiate abuse/addiction co-morbid with depression (4) Addictive Disorders. If these persons are not properly treated they are very likely to end up in criminal justice system.

Regarding recovery, the 12 step program has proven effective and is needed for a neurobiological maintenance plan.

The environmental component is also important. Those raised in an environment where abuse/addiction exists are more likely to suffer abuse/addiction.

Finally, underlying the above is the fact that addiction is a healthcare issue that must be addressed like any other medical matter. Pharmacists are in a unique position to identify patterns of abuse or addiction and should be educated on the signs. Abstinence-based treatment has a poor success rate if legitimate ongoing pain is present.

Federal guidelines for protection of patient information are embodied in Title 42 of the Code of Federal Regulations. Those provisions are stricter than HIPAA's provisions. She advises physicians to ask for a patient's release up front for access to that patient's records from other treating health care professionals.

Mr. Aron asked if there was any interaction between law enforcement and treatment professionals. Dr. Dunham the key to this relationship is a thorough court-imposed evaluation. She stated that drug court referrals make up the majority of OAD's clients. 1,500 patients are currently awaiting residential treatment thru OAD.

Mr. Broussard asked if it would be appropriate for the PMP Program to reach out to the judicial system. JJ Williams (DA's Association) said he would contact the Louisiana District Judges Association for their input.

Julie Wilkinson (LPA) said her employer, a pharmacy chain, has a policy that says they cannot call police if the pharmacist suspects a forged prescription. Several chain pharmacies have told the Board that they will not allow access to PMP by its pharmacists unless the law is changed to require it. Mr. Broussard explained that access will become the standard of practice and it will be incumbent upon dispensers to routinely access the PMP database as part of their pharmacy duties. Mr. Aron reminded the Council that all pharmacists have a 'corresponding responsibility' under both state and federal regulations to ascertain the legitimacy of any prescription for controlled drugs. The PMP Program is designed to assist in that duty.

Dr. Burdine is in talks with LSBME to require physicians to check PMP database if prescribing controlled drugs to a patient for a certain period of time.

Request for Policy Recommendation re Reinstatement of Access Privileges

PMP allows for penalties for improper access. The Board has discontinued one practitioner's access for improper access of the program's information and asks for guidance from the Council on what terms to reauthorize access.

The recommendations of the Council are:

- (1) A resolution of administrative / licensing agency action
- (2) Confirmation of no pending criminal proceedings
- (3) The Licensing agency's active recommendation for reinstatement of privileges

Regarding criminal action, JJ Williams explained that due to the newness of the PMP Program and the issue of improper access as a felony offense, he suspects prosecutors would be hesitant to move criminally and would instead defer to the administrative agency for any action. However, he will present issue to DA Association's Board of Directors at its next meeting.

Opportunity for Public Comment

No public comments given.

Calendar Notes

The next meeting is tentatively scheduled for July 8, 2009, starting at 1:00 p.m. The following meeting will be October 14, 2009.

The Council adjourned at 2:55 p.m.

I certify that the foregoing are true and accurate minutes.

Malcolm J. Broussard
Executive Director
Louisiana Board of Pharmacy

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