



Louisiana Board of Pharmacy

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Annual Report

July 1, 2006

Malcolm J. Broussard
Executive Director

Mission

Created by the Louisiana Legislature in 1888, the mission of the Louisiana Board of Pharmacy remains unchanged over a century later: to regulate the practice of pharmacy in such a manner as to protect the public health, safety, and welfare of the citizens of Louisiana. Toward that goal, the Louisiana Pharmacy Practice Act specifically authorizes the board to restrict the practice of pharmacy to qualified persons, as well as to control and regulate all persons and sites that sell drugs or devices or provide pharmacy care services to consumers in this state.

Membership

The board is composed of seventeen members: two pharmacists from each of eight districts and one public member at large. The district representatives are nominated by pharmacists, appointed by the governor, and serve six year terms. The public member is selected by, and serves at the pleasure of, the governor. The current members of the board are:

District 1	Joseph L. Adams, Michele P. Alderman
District 2	Reuben R. Dixon, Jacqueline L. Hall
District 3	Fred H. Mills, Jr., Richard J. Oubre
District 4	Lois R. Anderson, J. Douglas Boudreaux
District 5	Carl W. Aron, T. Morris Rabb
District 6	Patsy L. Angelle, Joseph V. Greco
District 7	Allen W. Cassidy, Jr., Larry J. Lantier, Jr.
District 8	Brian A. Bond, Marty R. McKay
Public	Alvin A. Haynes, Jr.

Licensure

In order to facilitate the restriction of practice to qualified persons, the board has established educational, experiential, and examination requirements for licensure. As authorized by the legislature, the board has contracted its examination procedures with professional testing services.

A. *Examinations for Pharmacists*

The North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Examination (MPJE) are administered by the National Association of Boards of Pharmacy (NABP). These computer adaptive tests are administered in continuous window opportunities at multiple sites throughout the state. A minimum scaled score of 75 is required on each test to qualify for pharmacist licensure. The results for all Louisiana-based NAPLEX and MPJE candidates in calendar year 2005 are summarized below:

NAPLEX

	Jan – Apr		May – Aug		Sept – Dec	
	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>
Total No. of Candidates	9	6	72	95	17	30
School Average Score [scaled]	83	83	104	99	102	73
State Average Score	95	95	102	102	93	93
National Average Score	91	91	105	105	88	88
School Pass Rate [%]	89	83	90	86	94	57
State Pass Rate	100	100	88	88	79	79
National Pass Rate	83	83	89	89	72	72

MPJE

	Jan – June		July – Dec	
	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>
Total No. of Candidates	59	82	146	135
School Average Score [scaled]	79	78	81	79
State Average Score	81	81	80	80
National Average Score	80	80	80	80
School Pass Rate [%]	90	77	88	82
State Pass Rate	91	91	87	87
National Pass Rate	87	87	86	86

B. Examinations for Technicians

The Pharmacy Technician Certification Board (PTCB) administers a national certification examination three times a year throughout the nation. A minimum scaled score of 75 is required to successfully complete the examination. The Louisiana Board of Pharmacy accepts the PTCB examination score result as part of the licensure requirements for pharmacy technicians. The results for all Louisiana-based PTCB candidates for calendar year 2005 are summarized below:

No. of State Candidates	1, 041
State Pass Rate [%]	76
No. of National Candidates	43,998
National Pass Rate [%]	78

C. Census Data

At the close of the fiscal year on June 30, 2006, a review of the records yielded the following information:

1. Pharmacists
 - a. Number of active licenses 6,375
 - b. Number of licensees in state 4,460
 - c. Practice settings identified:
 - Community 2,668
 - Hospital 985
 - Manufacturer/Distributor 45
 - Academia 18
 - Government 35
 - Other 692
2. Pharmacist Interns
 - Number of active registrations 1,089
3. Pharmacy technicians
 - Number of active certificates 4,715
4. Pharmacy technician candidates
 - Number of active registrations 1,113
5. Pharmacies
 - Number of active permits 1,568
 - Independent retail 681
 - Retail chain 430
 - Hospital 167
 - Institutional 35
 - Nuclear 17
 - Charitable 12
 - Out-of-state 226
6. Equipment Permits
 - Emergency drug kit (EDK) 428
 - Automated medication systems (AMS) 173

Total Number of Active Credentials 15,461

D. New Credentials

During calendar year 2005, the board issued 262 new pharmacist licenses and 585 new technician certificates.

E. Reciprocity

Persons already licensed as a pharmacist by any other state (except California and Florida) who wish to obtain a license in Louisiana must successfully complete the MPJE as well as a personal interview with the board's reciprocity committee. Of the 262 new pharmacist licenses issued this past year, 133 of them were issued subsequent to successful completion of the reciprocity process.

F. Technology Initiative

The board completed its technology initiative relative to the credential renewal process. Pharmacists, technicians, and pharmacies may now renew their annual credentials at the appropriate time via the board's website. During the past fiscal year, 25% of pharmacists, 45% of technicians, and 10% of pharmacies took advantage of that capability; they received their credentials within five days of their online renewal.

Compliance

A. Enforcement

In order to control and regulate the practice of pharmacy in Louisiana, the board employs five pharmacist compliance officers to perform routine inspections and special investigations throughout the year in all places under the board's jurisdiction. Besides the routine inspections, site visits for permit changes, and other calls for assistance, the compliance officers completed 276 investigations during the last fiscal year: 4 of the original complaints were withdrawn, 36 were determined to be without violation, 70 resulted in field/administrative corrections, 37 resulted in administrative sanctions, 7 cases were referred to another agency, and 122 cases were referred to the Board for formal action. The Violations Committee dismissed 25 of its cases and recommended 97 voluntary consent agreements. Of that number, 90 respondents accepted the proposed discipline. The remaining 7 respondents did not, and they were referred for formal administrative hearings.

Compliance officers coordinate other investigative activities with a wide range of agencies, including local police departments, parish sheriff departments, other state regulatory and law enforcement agencies, and federal agencies such as the Drug Enforcement Administration, the Food and Drug Administration, and the Consumer Product Safety Commission. Though the compliance officers utilize the educational approach as the fundamental mechanism to achieve compliance, certain circumstances warrant formal board action.

B. Adjudications

During the past fiscal year, the Board conducted three administrative hearings and took formal disciplinary action on several credentials. A summary of their activity is presented here:

<i>Sanction</i>	<u>Pharmacist</u>	<u>Intern</u>	<u>Technician</u>	<u>Candidate</u>	<u>Permit</u>
Assessment	0	0	0	0	2
Letter of Warning	7	0	1	0	18
Letter of Reprimand	5	0	1	0	6
Voluntary Surrender	11	0	5	2	7
Probation	19	2	0	2	3
Suspension	0	0	1	0	0
Revocation	1	0	11	2	2

C. Practitioner Recovery Program

The board established its program in 1988 to assist practitioners obtain treatment for their impairment, maintain their recovery, and assist in their re-entry into professional practice. As of July 1, 2005 there were 46 pharmacists, 5 interns, and 3 technicians, and one technician candidate enrolled in the program. They surrendered their credentials while in treatment, and then were reinstated on probation; they practice under various restrictions designed to monitor their re-entry to professional practice. In addition, 24 pharmacists and 9 technicians were still on active suspension for impairment reasons.

Board Activity

A. *Regulatory*

During the past fiscal year, the Board completed two promulgation projects. The revision to §907 of the Board's rules, relative to scope of practice for pharmacy technicians was originally published in the June 2005 issue of the Louisiana Register. Subsequent to the public hearing, a substantial number of comments were forwarded to the Joint Legislative Oversight Committee on Health & Welfare. Four days after that report was filed, Hurricane Katrina – and then Rita – devastated the state and totally consumed the legislative comment period. The Board re-filed that report in January 2006. The oversight committee met the following month, but recessed prior to any final decision. The committee chair finally notified the Board in May 2006 that it was free to proceed. The final rule was published in the June 2006 issue of the Louisiana Register.

The deans of both schools of pharmacy petitioned the Board at its November 2005 meeting to reduce some of the restrictions on the nature of the practical experience required of pharmacy interns during their academic rotation programs. In response to their demonstration of the emergent nature of their request, the Board filed an Emergency Rule in December 2005 to amend §705 of its rules. The Board simultaneously filed a Notice of Intent. With no substantial comment, the Board moved forward with the process, publishing the final rule in the April 2006 issue of the Louisiana Register.

B. *Legislative*

During the 2006 Regular Session of the Louisiana Legislature, the Board sponsored five House bills:

- HB 153 authorized the Board to establish and operate a Prescription Monitoring Program (PMP).
- HB 211 revised Schedules I, II, III, and V of the Louisiana Controlled Substances Law.
- HB 216 revised Schedule IV of the Louisiana Controlled Substances Law.
- HB 261 revised five sections of the Louisiana Pharmacy Practice Act.
- HB 693 transferred the authority for the issuance of all Controlled Dangerous Substance (CDS) permits from the Health Standards Section of the Dept. of Health and Hospitals to the Board of Pharmacy.

One measure of the success of these items is that all five bills were passed without opposition and were signed into law by Governor Blanco. Other bills affecting pharmacy were also filed in that same session, including some that amended the pharmacy law, and the Board assisted the legislators and their staff in those proceedings.

C. *Emergency Preparedness and Disaster Response*

When the Board revised its rules in 2004, it added new language in §519 relative to emergency preparedness. That section authorizes pharmacists, while under a governor's declaration of emergency, to dispense a one-time emergency prescription for up to a 30-day supply of any medication. That section also authorizes pharmacists not licensed in this state, but holding a current valid license in any other state, to work in disaster areas while under a governor's declaration of emergency. In the aftermath of Hurricanes Katrina and Rita in the fall of 2005, those standing rules proved vital to the Board's ability to assist pharmacists in caring for the thousands of hurricane victims and evacuees across the state.

Immediately following the landfall of Hurricane Katrina, the Dept. of Health and Hospitals requested the Board to assume a leadership role in the state's effort to establish pharmacy services for those citizens in emergency shelters. The Board converted its Boardroom to an Emergency Operations Center for approximately three weeks to house representatives of the several organizations, including federal and state governmental agencies, as well as private organizations. Ultimately, the Board assisted in the establishment and operation of a medication distribution system, connecting all the emergency shelters in the state with a regional prescription drug distributor, resulting in next delivery of all needed medications.

The Board also partnered with practitioner organizations and chain pharmacy corporation contacts to facilitate the electronic communication of critical information to all pharmacies and pharmacists. The practitioners required information concerning the integrity of prescription drug products exposed to adverse environmental conditions in the pharmacies, as well as assistance with procedures for disposal of medical and hazardous waste, and the reporting requirements for loss or theft of controlled substances.

The Dept. of Health and Hospitals again called upon the Board, this time to facilitate the collection of claims for prescription drugs dispensed to hurricane victims and evacuees, free of charge, by the pharmacies across the state. The department had negotiated a plan with the Federal Emergency Management Agency (FEMA) to reimburse pharmacies for their cost in the provision of those drugs. The department requested the Board to communicate the existence of the plan, as well as the required reporting information, to collect the claims from the pharmacies, and then to compensate the pharmacies once the FEMA funds became available. Shortly after the end of the fiscal year, just prior to publication of this report, the state released the funds to the Board; the Board mailed checks totaling \$8.5 million to pharmacies across the state.

To assist other boards of pharmacy across the nation, the National Association of Boards of Pharmacy (NABP) requested the Board to share its experiences at their annual meeting in April 2006. Board representatives participated in a poster session, a formal presentation, as well as a panel discussion of the roles of regulatory agencies in emergency preparedness and disaster response. In turn, the Board was honored by NABP with its Fred T. Mahaffey Award, bestowed on a member board of pharmacy making substantial contributions to the profession of pharmacy by protection of the public's health and safety. Notably, at the same meeting, the Board's President, Carl W. Aron of Monroe, was the recipient of the 2006 Lester E. Hosto Distinguished Service Award, for his decades of service to NABP.

Outlook for Next Fiscal Year

As a result of the legislation passed during the 2006 legislative session, the Board is preparing to implement two new programs within its office complex: PMP and CDS. The initiation of both programs will require the promulgation of rules, as well as the engagement of additional personnel and the staffing of those offices. Since each program is funded by separate fees authorized by the legislature, no additional fee changes are contemplated.

The Board will implement its next technology initiative – the conversion of all records for all credentials to digital images. This initiative will serve two purposes – the reduction of the amount of storage space required for the hard copies of documents, as well as the facilitation of the emergency operations plan should that ever become necessary.

Board Office

The staff roster is provided here:

Credentials Division

Ms. Kelley Villeneuve

Ms. Jeri Villeneuve

Licensing Assistant

Licensing Analyst

Compliance Division

Mr. Stephen Collins

Mr. Melvin Fontenot

Mr. Huey Savoie

Mr. Rayland Trisler

Ms. Kathleen Gaudet

Pharmacist Compliance Officer

Pharmacist Compliance Officer

Pharmacist Compliance Officer

Pharmacist Compliance Officer

Pharmacist Chief Compliance Officer

Administrative Division

Ms. Judy Dinecola

Ms. Gail Leggett

Mr. Carlos Finalet

Mr. Malcolm Broussard

Secretary

Office Manager

General Counsel

Executive Director

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The board's website address is www.labp.com and email is received at labp@labp.com.

Conclusion

The board has had an active year on several fronts, and all of these activities have contributed to the overall mission of the board. The officers and members of the board, as well as the entire office staff, are committed to achieving our goal of protecting the public through appropriate regulation of the practice of pharmacy in this state. We understand that public service is a privilege, and we endeavor to render that service honorably.