



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
www.lbp.com



Annual Report

July 1, 2008

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	Blake P. Pitre, (vacancy)
District 4	Lois R. Anderson, J. Douglas Boudreaux
District 5	Carl W. Aron, T. Morris Rabb
District 6	Joseph V. Greco, (vacancy)
District 7	Allen W. Cassidy, Jr., Chris B. Melancon
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 high-stakes 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 from ULM College of Pharmacy and Xavier University – College of Pharmacy in calendar year 2007 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	3	17	90	81	23	56
School Average Score [scaled]	108	74	117	109	102	87
State Average Score	88	88	117	117	95	95
National Average Score	90	90	113	113	94	94
School Pass Rate [%]	100	53	96	84	78	64
State Pass Rate	63	63	96	96	75	75
National Pass Rate	71	71	94	94	79	79

MPJE

	Jan – June		July – Dec	
	<u>ULM</u>	<u>XU</u>	<u>ULM</u>	<u>XU</u>
Total No. of Candidates	50	77	151	169
School Average Score [scaled]	80	78	82	80
State Average Score	80	80	81	81
National Average Score	81	81	81	81
School Pass Rate [%]	90	78	92	88
State Pass Rate	87	87	90	90
National Pass Rate	89	89	90	90

B. Examinations for Technicians

The Pharmacy Technician Certification Board (PTCB) administers a national certification examination during four month-long testing windows per 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 2007 are summarized below:

No. of State Candidates	995
State Pass Rate [%]	63
No. of National Candidates	45,044
National Pass Rate [%]	70

C. Census Data

At the close of the fiscal year on June 30, 2008, a review of the records yielded the following information:

- Pharmacy Program
 1. Pharmacists
 - a. Number of active licenses 6,576
 - b. Number of licensees in state 4,612
 - c. Practice settings identified:

Community	2,631
Hospital	1,008
Manufacturer/Distributor	44
Academia	18
Government	36
Not in practice	611
Other	264
 2. Pharmacist Interns

Number of active registrations	1,141
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 3. Pharmacy technicians

Number of active certificates	4,924
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 4. Pharmacy technician candidates

Number of active registrations	1,469
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 5. Pharmacies

Number of active permits	1,603
Independent retail	588
Retail chain	534
Hospital	167
Institutional	37
Nuclear	16
Charitable	11
Out-of-state	250
 6. Equipment Permits

Emergency drug kit (EDK)	439
Automated medication systems (AMS)	255

Subtotal of Credentials in Pharmacy Program

16,407

• CDS Program		
1. Manufacturers	43	
2. Distributors	322	
3. Drug Detection Canine (Police)	9	
4. Emergency Medical Service	58	
5. Hospital	387	
6. Physician	13,876	
7. Veterinarian	936	
8. Dentist	2,177	
9. Podiatrist	153	
10. Researcher	110	
11. Sales Representative	65	
12. Other	73	
13. Methadone Treatment Center	14	
14. Surgical Center	101	
15. Emergency Center	17	
16. Rural Health Clinic	20	
17. Medical Clinic	78	
18. Analytical Laboratory	14	
19. Drug Detection Canine (Private)	11	
20. Certified Animal Euthanasia Technician	39	
21. Dialysis Center	63	
22. Advanced Practice Registered Nurse	479	
23. Medical Psychologist	44	
24. Physician's Assistant	194	
25. Optometrist	253	
<u>Subtotal of Credentials in CDS Program</u>		19,536
Total Credentials Under Management		35,943

D. New Credentials

During the past fiscal year, the Board issued 2,487 new credentials in the Pharmacy Program and 1,086 new credentials in the CDS Program. Of note within the Pharmacy Program, we issued 267 new pharmacist licenses, 304 new pharmacy intern registrations, and 550 new pharmacy technician certificates during the past fiscal year.

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 267 new pharmacist licenses issued this past fiscal year, 72 were issued subsequent to successful completion of the reciprocity process.

Compliance

A. Enforcement

In order to control and regulate the practice of pharmacy in Louisiana, the Board employs six 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 273 investigations during the last fiscal year: 5 of the original complaints were withdrawn, 55 were determined to be without violation, 45 resulted in field/administrative corrections, 43 resulted in administrative sanctions, 6 cases were referred to another agency, and 119 cases were referred to the Board's Violations Committee for formal action. The Violations Committee dismissed 16 of its cases and recommended 103 voluntary consent agreements. Of that number, 96 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 eight administrative hearings and took formal disciplinary action on several credentials. A summary of their activity is presented here:

	<u>Pharmacist</u>	<u>Intern</u>	<u>Technician</u>	<u>Candidate</u>	<u>Permit</u>	<u>CDS License</u>
<i>Sanction</i>						
Assessment	1	0	0	0	0	0
Letter of Warning	3	0	0	0	10	0
Letter of Reprimand	11	0	0	7	6	0
Voluntary Surrender	14	0	11	2	1	5
Probation	19	3	5	1	6	0
Suspension	6	1	2	0	0	0
Revocation	1	0	14	3	3	0
Refused to Credential	1	0	0	6	0	0

C. *Practitioner Recovery Program*

The Board established its program in 1988 to assist practitioners obtain treatment for their impairment, maintain their recovery, and assist their re-entry into professional practice. As of July 1, 2008 there were 47 pharmacists, five interns, and 12 technicians and three technician candidates 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, 37 pharmacists, one intern, ten technicians, and three technician candidates were still on active suspension for impairment reasons.

Board Activity

A. *Regulatory*

During the past fiscal year, the Board completed one regulatory project and initiated three additional projects. The Final Rule for *Project 2007-1 ~ Prescription Monitoring Program* was published in the July 2007 *Louisiana Register*. Additional information about this program is presented later in this report.

Project 2008-1 ~ Pharmacy Interns amended two sections of rules for the benefit of pharmacy interns: §521 was amended to permit certain pharmacy interns to administer immunizations and other medications under certain circumstances, and §705 was amended to simplify the requirements for the acquisition of hours of practical experience to qualify for pharmacist licensure. The former should result in more health care providers trained to provide immunizations and contribute to an improvement in public health, and the latter should enable students from colleges of pharmacy in other states achieve pharmacist licensure in this state sooner. The project was initiated in April 2008; the Final Rule was scheduled for publication in the July 2008 *Louisiana Register*.

Project 2008-2 ~ Pharmacies amended two sections of rules relative to the operation of pharmacies. §1107 was amended to require all pharmacies be open for business no less than ten (10) hours per week. The Board took this action in response to complaints from consumers attempting to obtain pharmacy services at certain pharmacies operating on an irregular basis. §1727 was added to implement the provisions of Act 797 of the 2006 Legislature, which enabled the donation of previously dispensed prescription medications to pharmacies in penal institutions, in addition to charitable pharmacies. The project was initiated in April 2008; the Final Rule was scheduled for publication in the July 2008 *Louisiana Register*.

Project 2008-3 ~ Controlled Dangerous Substances creates an entirely new chapter of rules to consolidate several sources of existing state and federal rules relative to controlled substances. Authorized by Act 834 of the 2006 Legislature, these proposed rules will apply to all persons and facilities using or working with controlled substances. Initiated in June 2008, the Board anticipates conclusion of the project before the end of calendar year 2008.

B. *Legislative*

During the 2008 regular session, the Board sponsored two measures: HB 46 revised and reorganized the state's list of controlled dangerous substances to conform to the federal list. The legislature passed the bill without opposition, and the measure was signed into law as Act 67 of the 2008 Legislature, with an effective date of August 15, 2008.

HB 205 sought to authorize the extension of certain exemptions currently given to pharmacists in military service to include technicians in military service, to clarify certain reporting requirements for licensees, and to authorize the Board to reduce certain printing costs related to the credential renewal process. By the end of the session, the bill had cleared the House but not the Senate chamber, and the bill died on the calendar.

C. Operations

In addition to the credentials and compliance operations described above, the Board has been moving forward in the establishment of the electronic prescription monitoring program authorized by Act 676 of the 2006 Legislature. As required by state law, we participated in the public bid process under the auspices of the Division of Administration's Office of State Purchasing. We submitted our technical specifications for the Invitation to Bid, which was finally posted in May 2008. The bids were scheduled to be opened on July 3, and the best proposal will be selected. The successful bidder will be obligated to collect transaction information for prescriptions for controlled substances (estimated to be 8 million per year) from approximately 1,600 pharmacies and other dispensers, house that electronic database on their secure data servers, and then establish a web portal to allow approximately 16,000 prescribers, dispensers, and authorized users to make inquiries relative to their patients' information in the database. The Board anticipates the three-month implementation process to be completed before the end of calendar year 2008.

Outlook for Fiscal Year 2007-2008

We envision a very busy year as we complete the development and implementation of the prescription monitoring program. We will need to engage additional personnel to facilitate that objective. Further, the Board has approved an information technology initiative to improve the current licensure information system, and we hope to make progress on that plan during the coming year.

In May 2008, the Board purchased a parcel of land in Baton Rouge, not very far from its current location, for the purpose of building an office to house its operations. The current plan is to complete the building process and then relocate the office to that building, hopefully in the fall of 2009.

Board Office

The Board currently employs 17 people on a full-time basis in a variety of professional, technical, and clerical roles; the Board also supports the local Cooperative Office Education (COE) program in area high schools by hiring high school senior students on a temporary basis. The full time employees are identified here:

Credentials Division

CDS Program

Ms. Karla Branch	Licensing Assistant
Ms. Felicia Smith	Licensing Assistant
Ms. Latrice Howard	Administrative Coordinator

Pharmacy Program

Ms. Sarah Blakey	Licensing Assistant
Ms. Randie DeJohn	Licensing Assistant
Ms. Julia Woods	Licensing Assistant
Ms. Carlette Stevenson	Administrative Coordinator

Compliance Division

Mr. Stephen Collins	Pharmacist Compliance Officer
Mr. Melvin Fontenot	Pharmacist Compliance Officer
Mr. Huey Savoie	Pharmacist Compliance Officer
Mr. Rayland Trisler	Pharmacist Compliance Officer
Mr. Benjamin Whaley	Pharmacist Compliance Officer
Ms. Kathleen Gaudet	Pharmacist Chief Compliance Officer

Administrative Division

Ms. Judy Dinecola	Secretary
Ms. Kelley Villeneuve	Office Manager
Mr. Carlos Finalet	General Counsel
Mr. Malcolm Broussard	Executive Director

The physical and mailing address of the board office is:

Louisiana Board of Pharmacy
5615 Corporate Blvd., 8th Floor
Baton Rouge, LA 70808-2537
Telephone (225) 925-6496
Telecopier (225) 925-6499

The board's website address is www.labp.com and general 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.