



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
www.pharmacy.la.gov



Annual Report

Fiscal Year 2012-2013

July 1, 2013

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, Richard M. Indovina, Jr.
District 2	Jacqueline L. Hall, Deborah H. Simonson
District 3	Blake P. Pitre, Richard A. Soileau
District 4	Clovis S. Burch, Rhonny K. Valentine
District 5	Carl W. Aron, T. Morris Rabb
District 6	Ronald E. Moore, Pamela G. Reed
District 7	Ryan M. Dartez, Chris B. Melancon
District 8	Brian A. Bond, Marty R. McKay
Public	Don L. Resweber

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 high-stakes 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 from ULM College of Pharmacy and Xavier University – College of Pharmacy in calendar year 2012 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	6	13	80	120	17	21
Mean Scaled Score – School	75	77	97	95	85	83
Mean Scaled Score – State	81	81	98	98	87	87
Mean Scaled Score – National	83	83	103	103	88	88
School Pass Rate [%]	83	46	93	90	82	62
State Pass Rate	69	69	94	94	76	76
National Pass Rate	68	68	95	95	78	78

MPJE

	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	4	13	126	181	87	87
Mean Scaled Score – School	82	80	83	79	80	80
Mean Scaled Score – State	81	81	81	81	80	80
Mean Scaled Score – National	80	80	82	82	81	81
School Pass Rate [%]	100	85	97	84	91	86
State Pass Rate	90	90	91	91	82	82
National Pass Rate	85	85	93	93	87	87

B. Examinations for Technicians

The Pharmacy Technician Certification Board (PTCB) administers a national certification examination; this computer adaptive test is administered in continuous window opportunities at multiple sites throughout the state. 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 2012 are summarized here:

No. of State Candidates	1,182
State Pass Rate [%]	69
No. of National Candidates	51,762
National Pass Rate [%]	77

C. Census Data

At the close of the fiscal year on June 30, 2013, a review of the records yielded the following census information:

		<u>2013</u>	<u>2012</u>	<u>2011</u>
• Pharmacy Program				
1. Pharmacists				
	Number of active licenses	7,758	7,353	6,935
	Number of licensees within the state	5,148	5,095	4,815
2. Pharmacy Interns				
	Number of active registrations	1,073	1,066	1,049
3. Pharmacy technicians				
	Number of active certificates	5,864	5,629	5,866
4. Pharmacy technician candidates				
	Number of active registrations	1,695	1,704	1,609
5. Pharmacies				
	Number of active permits	1,784	1,758	1,707
	Independent retail	575	587	591
	Retail chain	597	587	576
	Hospital	172	172	170
	Institutional	25	24	25
	Nuclear	15	15	15
	Charitable	12	12	12
	Penal	1	1	1
	Nonresident	387	361	318
6. Equipment Permits				
	Emergency drug kit (EDK)	431	448	430
	Automated medication systems (AMS)	638	366	356
	Durable medical equipment (DME)	378	223	
7. Special Activity Credentials				
	CDTM Registration	41		
	Medication Administration Registration	1,617		
	Special Work Permits	126	78	58
<u>Subtotal of Credentials in Pharmacy Program</u>		<u>21,405</u>	<u>18,625</u>	<u>18,010</u>

	<u>2013</u>	<u>2012</u>	<u>2011</u>
• CDS Program			
1. Animal Control Shelter	1	1	1
2. Advanced Practice Registered Nurse (APRN)	1,103	1,015	889
3. Ambulatory Surgical Center (ASC)	85	88	90
4. Correctional Center	5	6	7
5. Dentist	1,902	2,048	2,027
6. Drug Detection / Canine	10	12	14
7. Distributor	273	288	279
8. Podiatrist	118	136	139
9. Veterinarian	852	901	922
10. Dialysis Center	3	4	6
11. Emergency Medical Center	17	16	14
12. Emergency Medical Service	45	50	54
13. Animal Euthanasia Technician	27	27	28
14. Hospital	268	281	292
15. Laboratory	12	11	12
16. Physician	10,698	11,727	12,362
17. Medical Clinic	82	86	80
18. Manufacturer	45	50	48
19. Miscellaneous	12	14	20
20. Medical Psychologist	69	67	65
21. Optometrist	279	287	275
22. Pharmacies	1,370	1,365	1,357
23. Physician Assistant	344	326	294
24. Sales Representative	7	20	29
25. Researcher	98	110	109
26. Rural Health Clinic	11	12	17
27. Substance Abuse Clinic	9	9	7
<u>Subtotal of Credentials in CDS Program</u>	<u>17,745</u>	<u>18,957</u>	<u>19,437</u>
Total Credentials Under Management	39,150	37,582	37,447

D. New Credentials

During the past fiscal year, the Board issued 3,663 new credentials in the Pharmacy Program and 1,415 new credentials in the CDS Program. Of note within the Pharmacy Program, we issued 373 new pharmacist licenses, 266 new pharmacy intern registrations, and 625 new pharmacy technician certificates during the past fiscal year. Of note within the CDS Program, we issued new CDS licenses to 721 physicians, 224 advanced practice registered nurses, and 94 dentists.

E. Reciprocity

Persons already licensed as a pharmacist by any other state (except California) 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 373 new pharmacist licenses issued this past fiscal year, 163 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 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 355 investigations during the last fiscal year: 25 of the original complaints were withdrawn, 24 resulted from termination of previously imposed probationary periods, 32 were determined to be without violation, three cases were referred to another agency, 67 resulted in field/administrative corrections, 24

resulted in administrative sanctions, and 180 cases were referred to the Board's committees. The committees took no action in 21 of their cases, issued approvals for 30 non-disciplinary petitions, and recommended voluntary consent agreements for 129 cases. Of that number, all but two accepted the proposed discipline. The remaining two 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 two administrative hearings and levied formal disciplinary action against several credentials. A summary of that activity is presented here:

<i>Sanction</i>	<u>Pharmacist</u>	<u>Intern</u>	<u>Technician</u>	<u>Candidate</u>	<u>Permit</u>	<u>CDS License</u>
Assessment	2	0	0	0	7	0
Letter of Warning	0	0	0	0	3	0
Letter of Reprimand	12	0	4	0	3	0
Voluntary Surrender	11	1	5	1	2	1
Probation	16	1	2	2	6	1
Suspension	2	0	2	0	0	19
Revocation	2	0	12	3	3	0
Refused to Credential	2	0	0	3	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, 2013 there were 50 pharmacists, three pharmacy interns, five pharmacy technicians and two pharmacy technician candidates actively engaged in the recovery program. They surrendered their credentials while in treatment; following treatment and upon favorable recommendation by board-certified addiction medicine specialists, they applied for the reinstatement of their credentials. The Board reinstated their credentials on probation, and the licensees practice under various restrictions designed to monitor their re-entry to professional practice. In addition, the credentials for 38 pharmacists, 2 interns, 11 technicians, and 4 technician candidates were still on active suspension for impairment reasons.

Board Activity

A. Regulatory

The Board's Regulation Revision Committee is tasked with the continuous review of the Board's rules and their revision as appropriate. The committee initiated and the Board completed several regulatory projects in the previous fiscal year.

- Institutional Pharmacy, amending LAC 46:LIII.1705 and 1727;
- Interstate Remote Processing, amending LAC 46:LIII.1139 and 1143;
- Security of Prescription Department, amending LAC 46:LIII.110;
- CDS License for Nonresident Distributors, amending LAC 46:LIII.2705;
- Controlled Substances in Emergency Drug Kits, amending LAC 46:LIII.1713 and 2743;
- Prescription Monitoring Program, amending LAC 46:LIII.Chapter 29;
- Durable Medical Equipment (DME) Permit, creating a new LAC 46:LIII.Chapter 24; and
- Hospital Off-Site Satellite Pharmacies, amending LAC 46:LIII.Chapter 15.

In addition, the Board also found it necessary to adopt an Emergency Rule placing limits on the amount of drug products a pharmacy can compound without a patient-specific prescription. The Board continues to work with stakeholders to complete the rulemaking process.

The Board has several other regulatory projects underway; the progress of those projects may be monitored at the Board's website.

B. Legislative

During the 2013 regular session, the Board sponsored four bills, all of which were successful. Act 110 amended the prescription monitoring program law to authorize prescribers and dispensers to appoint and use delegates for the purpose of data retrieval from the program's database, pursuant to rules to be promulgated by the Board. Act 112 amended the definition of 'approved colleges of pharmacy' to include Board approval in addition to the previous accreditation requirement. Act 168 provides statutory authority for the Board to promulgate a rule regulating the preparation of drug products in response to purchase orders in addition to compounding preparations in response to patient-specific prescriptions. Act 282 amended the nonresident pharmacy law to specifically authorize the Board to inspect the nonresident pharmacies, to be reimbursed for their expenses for such inspections, and to require the production of certain reports issued by other agencies.

C. Operations

We have completed three years of service with our eLicense information system, and have already reaped benefits of integration of our credentialing and compliance activities. We have not yet implemented all of the modules and options and we will continue to phase those new features over time.

We have also completed three years of service with our website's content management system and its mass communication capabilities. We have increased the frequency of communications to our licensees through the use of targeted email. Through avoided postage and labor costs of mass snail mail notices, we have achieved a return of our investment and will continue our savings going forward.

Finally, the Board continued its operation of Louisiana's Prescription Monitoring Program (PMP). The monthly average of the number of prescription transactions reported to the program's database, as well as the average number of queries per day, continue to increase. Since the program is required to file an annual report to the legislature, we have appended that report to this one to facilitate its separation.

D. Physical Plant

The Board moved to its current location in May 2011. We continue to make minor improvements to the building and grounds. The separate property initially purchased in 2007 has been listed for sale. The proceeds from that sale will be used to settle the loan obligation incurred for the purchase of the office building.

Board Office

The Board currently employs 18 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 Baton Rouge area high schools by hiring high school senior students on a temporary basis. The physical and mailing address of the board office is:

Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, LA 70809-1700
Telephone (225) 925-6496
Telecopier (225) 925-6499

The board's website address is www.pharmacy.la.gov and general email is received at info@pharmacy.la.gov.

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's health, safety and welfare 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.

Prepared by:
Malcolm J Broussard
Executive Director

**Prescription Monitoring Program
Annual Report**

Fiscal Year 2012-2013

July 1, 2013

Introduction

Act 676 of the 2006 Louisiana Legislature authorized the development, implementation, operation, and evaluation of an electronic system for the monitoring of controlled substances and other drugs of concern that are dispensed within the state or dispensed by a licensed pharmacy outside the state to an address within the state. The goal of the program is to improve the state's ability to identify and inhibit the diversion of controlled substances and drugs of concern in an efficient and cost-effective manner and in a manner that shall not impede the appropriate utilization of these drugs for legitimate medical purposes.

Implementation

The Prescription Monitoring Program (PMP) was implemented in August 2008. We notified pharmacies of their requirement to report all eligible prescription transactions to the program, and further, required them to report all historical data retroactive to June 1, 2008 no later than December 31, 2008. In December 2008, the Board notified all prescribers and dispensers wishing to acquire direct access privileges of the requirement to complete the web-based orientation program prior to receiving their access privileges. The web portal to the program database was opened to queries on January 1, 2009, and the program remains fully functional.

Advisory Council

The enabling legislation created the PMP Advisory Council to assist the Board in the development and operation of the program. The Board shall seek, and the advisory council shall provide, information and advice regarding: (1) which controlled substances should be monitored, (2) which drugs of concern demonstrate a potential for abuse and should be monitored, (3) design and implementation of educational courses required by the PMP law, (4) methodology to be used for analysis and interpretation of prescription monitoring information, (5) design and implementation of a program evaluation component, and (6) identification of potential additional members to the advisory council. The original legislation specifically identified the 25 organizations named to the council and further, named the leader of the organization but permitted the leader to name a designee to function in the absence of the appointee. The organizations represented on the council include the licensing agencies for the prescribers and dispensers, the professional membership organizations for the prescribers and dispensers, organizations representing federal, state, and local law enforcement agencies, as well as representatives from the legislature. The advisory council has elected its own leadership, adopted policies and procedures for its operations, and meets on a quarterly basis.

Program Metrics

The data on the following page provides summary data for the operational aspects of the program – number of prescription transactions reported to the program database, number of prescribers and dispensers registered to access the program data, the number of queries performed by those authorized prescribers and dispensers as well as law enforcement agencies and regulatory agencies.

Louisiana Board of Pharmacy
Prescription Monitoring Program

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
<i>Prescription Database:</i>							
Transactions Reported	6,015,089	11,143,865	12,116,982	12,775,367	12,990,011	6,460,342	61,501,656
<i>Access to Program Data:</i>							
New prescribers registered		1,526	721	548	574	283	3,652
New dispensers registered		728	483	361	494	314	2,380
<i>Reports from Queries by Users:</i>							
Solicited by prescribers		235,985	368,376	496,270	650,514	406,897	2,158,042
Solicited by dispensers		74,277	111,075	153,783	212,754	168,933	720,822
Solicited by law enforcement		680	889	1,230	845	622	4,266
Solicited by regulatory agencies		833	1,401	1,612	1,584	705	6,135
Average queries per day		854	1,319	1,788	2,372	3,163	1,759

Funding

It is important to note there is no legislative appropriation for the program. The program is funded through the collection of annual fees from all prescribers of controlled substances as well as all pharmacies licensed by the Board of Pharmacy. The annual fee shall not exceed \$25.

For Fiscal Year 2012-2013, the program received revenues of \$487,685. Of that amount, \$40,035 came from a one-time grant from the National Association of Boards of Pharmacy (NABP); the grant completely defrayed the cost of preparing the program's software to interface with NABP's Prescription Monitoring Program InterConnect (PMPi). The NABP PMPi is a secure network connecting state prescription monitoring programs to facilitate the sharing of PMP data across state lines. The network is still growing, but approximately half of the states now participate. During the fiscal year, the program sustained expenditures of \$323,814. Professional services from the program vendor consumed 34% of the total expenses, and staffing costs represented another 57% of that total. The remaining 9% represents operating costs such as postage, telephone, etc. With respect to the excess revenues, the Board intends to make additional investments in software enhancement to facilitate the sharing of data through other mechanisms such as health information exchanges and interfaces with professional practice management information systems.

Outlook for Next Fiscal Year

The program continues to enroll new authorized users, and the daily average number of queries continues to increase. With assistance from the licensing agencies encouraging use of the program by their licensees, we hope to improve on the current 30% registration rate, as well as the daily query rate of approximately 3,200.

Conclusion

The program has completed approximately five years of operation. Based on feedback from authorized users, it appears to represent an efficient and cost-effective use of resources. Data from the program suggests we have made some early contributions to the reduction of diversion of controlled substances. Our interstate collaborations have yielded high marks for our program design and operation. We look forward to fully developing the potential of our program to identify and inhibit the diversion of controlled substances in Louisiana.

We acknowledge the contributions from Ms. Sarah Stevens and Ms. Danielle Clausen, our Administrative Coordinators, and Mr. Joseph Fontenot, Program Manager, for their participation in the development of this report and the operation of the program.

Prepared by:
Malcolm J. Broussard
Executive Director