



# **Louisiana Board of Pharmacy**

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## **Annual Report**

**Fiscal Year 2014-2015**

**July 1, 2015**

## **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, confirmed by the state senate, 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	Diane G. Milano, 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 School of Pharmacy and Xavier University – College of Pharmacy in Calendar Year 2014 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	1	18	68	138	11	27
Mean Scaled Score – School	101	71	95	96	82	80
Mean Scaled Score – State	74	74	96	96	81	81
Mean Scaled Score – National	80	80	102	102	89	89
School Pass Rate [%]	100	50	90	93	64	70
State Pass Rate	54	54	91	91	71	71
National Pass Rate	63	63	94	94	80	80

## 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	5	12	62	82	6	43
Mean Scaled Score – School	79	76	81	78	79	77
Mean Scaled Score – State	80	80	80	80	80	80
Mean Scaled Score – National	81	81	83	83	81	81
School Pass Rate [%]	100	50	95	77	83	65
State Pass Rate	83	83	86	86	83	83
National Pass Rate	88	88	93	93	89	89

### *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 2014 are summarized here:

No. of State Candidates	1,198
State Pass Rate [%]	46
No. of National Candidates	53,508
National Pass Rate [%]	57

### *C. Census Data*

At the close of the fiscal year on June 30, 2015, a review of our records yielded the following census information:

	<u>2015</u>	<u>2014</u>	<u>2013</u>
• Pharmacy Program			
1. Pharmacists			
> Number of active licenses	8,108	7,841	7,758
> Number of licensees within the state	5,596	5,329	5,148
2. Pharmacy Interns			
> Number of active registrations	1,097	1,081	1,073

3.	Pharmacy technicians			
>	Number of active certificates	6,726	6,603	5,864
4.	Pharmacy technician candidates			
>	Number of active registrations	1,981	1,907	1,695
5	Pharmacies			
>	Number of active permits	1,954	1,872	1,784
	- Community – Independent	598	593	575
	- Community – Chain	649	619	597
	- Hospital	174	176	172
	- Institutional	21	23	25
	- Nuclear	14	15	15
	- Charitable	12	12	12
	- Penal	2	2	0
	- Nonresident	484	432	387
6.	Equipment Permits			
>	Emergency drug kit (EDK)	484	474	431
>	Automated medication systems (AMS)	812	451	638
>	Durable medical equipment (DME)	603	490	378
7.	Special Activity Credentials			
>	CDTM Registration	52	41	41
>	Med. Administration Registration	2,383	2,037	1,617
>	Special Work Permits	54	38	126

<u>Subtotal of Credentials in Pharmacy Program</u>	<u>24,254</u>	<u>22,865</u>	<u>21,405</u>
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<u>2015</u>	<u>2014</u>	<u>2013</u>
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• CDS Program

1.	Animal Control Shelter	1	1	1
2.	Automated Medication System (AMS)	30	28	0
3.	Advanced Practice RN (APRN)	1,954	1,479	1,103
4.	Ambulatory Surgical Center (ASC)	87	89	85
5.	Correctional Center	4	6	5
6.	Dentist	2,133	2,123	1,902
7.	Drug Detection / Canine	12	12	10
8.	Distributor	327	324	273
9.	Podiatrist	142	133	118
10.	Veterinarian	1,045	1,002	852
11.	Dialysis Center	0	4	3
12.	Emergency Medical Center	26	22	17
13.	Emergency Medical Service	49	50	45
14.	Animal Euthanasia Technician	28	29	27
15.	Hospital	277	278	268
16.	Laboratory	13	13	12
17.	Physician	12,125	11,915	10,698
18.	Medical Clinic	81	89	82
19.	Manufacturer	42	42	45
20.	Miscellaneous	11	13	12
21.	Medical Psychologist	82	78	69

22.	Optometrist	316	309	279
23.	Pharmacies	1,403	1,387	1,370
24.	Physician Assistant	487	449	344
25.	Sales Representative	0	0	7
26.	Researcher	113	113	98
27.	Rural Health Clinic	11	12	11
28.	Substance Abuse Clinic	10	9	9
<u>Subtotal of Credentials in CDS Program</u>		20,809	20,009	17,745
<u>Total Credentials under Management</u>		<b>45,063</b>	<b>42,874</b>	<b>39,150</b>

#### *D. New Credentials*

During the past fiscal year, the Board issued 5,497 new credentials in the Pharmacy Program and 1,670 new credentials in the CDS Program. Of note within the Pharmacy Program, we issued 476 new pharmacist licenses, 300 new pharmacy intern registrations, and 565 new pharmacy technician certificates during the past fiscal year. Of note within the CDS Program, we issued new CDS licenses to 710 physicians, 516 advanced practice registered nurses, and 82 dentists.

#### *E. License Transfer (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 the application and criminal background check. Of the 476 new pharmacist licenses issued this past fiscal year, 269 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 442 investigations during the last fiscal year: 18 of the original complaints were withdrawn, 15 resulted from termination of previously imposed probationary periods, 83 were determined to be without violation, 7 cases were referred to other agencies, 113 resulted in field/administrative corrections, 21 resulted in administrative sanctions, and 185 cases were referred to the Board's committees. The committees took no action in 31 of their cases, issued approvals for 29 non-disciplinary petitions, and recommended voluntary consent agreements for 125 cases. Of that number, all but 29 accepted the proposed discipline. The remaining 29 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 four 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</u>
Assessment	0	0	4	0	26	0
Letter of Warning	0	0	0	0	4	0
Letter of Reprimand	9	0	0	0	1	0
Voluntary Surrender	7	0	7	0	0	2
Probation	3	0	3	0	3	0
Suspension	1	0	1	1	0	20
Revocation	0	0	9	4	4	0
Refused to Credential	2	0	0	2	1	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, 2015 there were 49 pharmacists and two pharmacy technicians 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 42 pharmacists, three interns, 15 technicians, and four 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.

- Pharmacy Records, amending LAC 46:LIII.Chapters 11 and 15;
- Pharmacy Compounding, amending LAC 46:LIII.Chapter 25;
- Prescriptions, amending LAC 46:LIII.Chapter 25;
- Special Event Pharmacy Permit, amending LAC 46:LIII.Chapter 24;
- Dispenser Reporting to Prescription Monitoring Program, amending LAC 46:LIII.Chapter 29; and
- Expiration Date of Schedule II Prescriptions, amending LAC 46:LIII.Chapter 27.

The Board has three additional regulatory projects not yet completed; the progress of these projects may be monitored at the Board's website:

- Electronic Product Verification, amending LAC 46:LIII.Chapters 12 and 15;
- Compounding for Office Use for Veterinarians, amending LAC 46:LIII.Chapter 25; and

- Electronic Signature on Fax Prescriptions; amending LAC 46:LIII.Chapter 25.

*B. Legislative*

During the 2015 regular session, the Board sponsored two bills, both of which were successful. Act 22 amended the prescription monitoring program law to harmonize the state's restriction on civil discovery of program information with other states' laws, to improve the ability of the Louisiana program to share information with other states. Act 189 amended the state list of controlled substances to add new prescription drugs added to the federal list of controlled substances since the last legislative session.

*C. Operations*

We have also completed four 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, alerts, and bulletins. Through avoided postage and labor costs of mass snail mail notices, we have already recouped the cost of our investment and will continue our savings going forward. In response to requests from users of mobile communication devices, we have updated our website to be responsive to access requests from such mobile devices.

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. The contract for the program vendor reached the end of its five year life, and the contract was released for public bid. The new vendor is Optimum Technology, Inc. based in Columbus, OH, an experienced state PMP program operator. 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 loan for the purchase of the building will be retired before the end of Calendar Year 2015.

### **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 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](http://www.pharmacy.la.gov) and general email is received at [info@pharmacy.la.gov](mailto: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





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## **Prescription Monitoring Program Annual Report**

**Fiscal Year 2014-2015**

**July 1, 2015**

## **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.

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

Calendar Year:	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>6/30/2015</u>	<u>Total</u>
<b>Prescription Database:</b>									
Transactions Reported (in Millions)	6.015	11.144	12.117	12.775	12.990	13.032	13.020	6.093	87.186
<b>Access to Program Data:</b>									
New prescribers registered		1,526	721	548	574	640	1093	453	5,555
New prescriber-delegates registered							473	342	815
New pharmacists registered		728	483	361	494	509	466	170	3,211
New pharmacist-delegates registered							143	126	269
<b>Searches Performed by Users:</b>									
Solicited by prescribers		235,985	368,376	496,270	650,514	842,139	942,733	578,347	4,114,364
Solicited by prescriber-delegates							26,993	93,655	120,648
Solicited by pharmacists		74,277	111,075	153,783	212,754	382,204	456,568	470,536	1,861,197
Solicited by pharmacist-delegates							3,954	17,257	21,211
Solicited by law enforcement		680	889	1,230	845	1,150	1,224	556	6,574
Solicited by regulatory agencies		833	1,401	1,612	1,584	1,364	1,675	785	9,254
Average queries per day		854	1,319	1,788	2,372	3,361	3,926	6,362	2,585

## **Legislative Mandates**

The 2014 Legislature adopted a number of measures which will serve to improve the program. Beginning August 1, 2014, pharmacies and other dispensers will be required to report their eligible prescription transactions to the program database no later than the next business day following the date of dispensing, instead of the previous seven day allowance. In addition, the Board has recently completed the rulemaking process authorized by the 2013 Legislature that will allow authorized prescribers and dispensers to appoint delegates for the purpose of retrieving data from the program's database.

The 2015 Legislature also adopted a measure that will require prescribers of certain controlled substances for the treatment of certain conditions to access the patient's history in the program database prior to initiating such treatment. The same measure will require pharmacists dispensing certain controlled substances to certain patients to access the patient's history in the program database prior to dispensing such medications.

## **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 3,000.

## **Conclusion**

The program has completed approximately seven 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. Danielle Meadors, our Administrative Coordinator, and Mr. Joseph Fontenot, Program Manager, for their operation of the program and the development of this report.

Prepared by:  
Malcolm J. Broussard  
Executive Director