



**Louisiana Board of Pharmacy**  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



## Annual Report

Fiscal Year 2017-2018

July 1, 2018

Board Members

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District 2 (Orleans, Plaquemines, St. Bernard)



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District 3 (Ascension, Assumption, Iberia, Iberville, Lafourche, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, Terrebonne, West Baton Rouge)



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Public Member  
Appointed 11-02-2011; serves at  
pleasure of Governor



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, LA 70809-1700  
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## Board Staff

### Compliance Division

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Pharmacist Compliance Officer

Nicole L Gross  
Pharmacist Compliance Officer

Huey J Savoie  
Pharmacist Compliance Officer

Rayland M Trisler  
Pharmacist Compliance Officer

Benjamin S Whaley  
Pharmacist Chief Compliance Officer

### PMP Division

M Danielle Hartzog  
Administrative Coordinator

Lindsey M Schultz  
Administrative Coordinator

### Credentials Division

Erica A Brown  
Licensing Assistant

Jonesha C Cushenberry  
Licensing Assistant

Elena Rust  
Licensing Assistant

Mamie Smith  
Licensing Assistant

Vantrinet W Williams  
Licensing Assistant

Amicha R Chatman  
Licensing Analyst

Nerissa I Montgomery  
Licensing Analyst

Sarah B Stevens  
Licensing Manager

### Administrative Division

Arielle M Shelton  
Receptionist

Kelley L Villeneuve  
Office Manager

M Joseph Fontenot  
Assistant Executive Director

Carlos M Finalet, III  
General Counsel

Malcolm J Broussard  
Executive Director

Effective 6/30/2018

## 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 prescription drugs or devices or provide pharmacy care services to consumers in this state.

## Licensure

In order to facilitate the restriction of practice to qualified persons, the Board has established educational, experiential, and examination requirements for pharmacist 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 maximum scaled score is 150 for the NAPLEX and 100 for the MPJE. The results for all Louisiana-based NAPLEX and MPJE candidates from the College of Pharmacy at the University of Louisiana in Monroe as well as the College of Pharmacy at Xavier University of Louisiana in New Orleans in Calendar Year 2017 are summarized here:

### 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	11	25	95	127	22	45
Mean Scaled Score – School	27	78	91	90	78	75
Mean Scaled Score – State	81	81	91	91	78	78
Mean Scaled Score – National	79	79	96	96	81	81
School Pass Rate [%]	82	64	84	80	55	56
State Pass Rate	71	71	83	83	64	64
National Pass Rate	63	63	88	88	65	65

### 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	6	18	80	95	29	42
Mean Scaled Score – School	75	74	77	76	77	76
Mean Scaled Score – State	77	77	77	77	77	77

Mean Scaled Score – National	78	78	78	78	77	77
School Pass Rate [%]	50	44	77	74	79	59
State Pass Rate	76	76	77	77	71	71
National Pass Rate	77	77	83	83	74	74

#### 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 2017 are summarized here:

No. of State Candidates	1,009
State Pass Rate [%]	45
No. of National Candidates	55,324
National Pass Rate [%]	58

#### C. *Census Data*

At the close of the fiscal year on June 30, 2018, a review of our records yielded the following census information:

		<u>2018</u>	<u>2017</u>	<u>2016</u>
● Pharmacy Program				
1.	Pharmacists			
	> Number of active licenses	9,009	8,577	8,389
	> Number of licensees within the state	5,884	5,588	5,509
2.	Pharmacy Interns			
	> Number of active registrations	1,070	1,094	1,088
3.	Pharmacy technicians			
	> Number of active certificates	6,586	6,561	6,969
4.	Pharmacy technician candidates			
	> Number of active registrations	2,000	2,052	1,861
5	Pharmacies			
	> Number of active permits	1,988	1,983	2,000
	- Community – Independent	590	583	583
	- Community – Chain	630	651	671
	- Hospital	175	175	173
	- Institutional	22	23	21
	- Nuclear	13	14	15
	- Charitable	10	11	12
	- Penal	3	2	2
	- Remote processor	1	0	0
	- Nonresident	544	524	523
6.	Equipment Permits			
	> Emergency drug kit (EDK)	446	411	464
	> Automated medication systems (AMS)	870	439	480
	> Durable medical equipment (DME)	642	637	622
7.	Special Activity Credentials			

> CDTM Registration	69	66	59
> Med. Administration Registration	3,073	2,820	2,603
> Special Work Permits	45	48	48
> Marijuana Pharmacy Registrations	71	0	0
<b><u>Subtotal of Credentials in Pharmacy Program</u></b>	<b>25,869</b>	<b>24,688</b>	<b>24,583</b>
	<b><u>2018</u></b>	<b><u>2017</u></b>	<b><u>2016</u></b>
• CDS Program			
1. Automated Medication System (AMS)	37	28	22
2. Advanced Practice RN (APRN)	2,980	2,343	2,296
3. Dentist	2,174	1,929	2,134
4. Drug Detection / Canine	8	8	9
5. Distributor	290	284	301
6. Podiatrist	158	136	152
7. Veterinarian	1,188	1,007	1,085
8. Animal Euthanasia Technician	29	25	27
9. Hospital	306	283	294
10. Laboratory	12	11	12
11. Physicians & Interns/Residents	13,144	11,575	12,360
12. Manufacturer	45	38	37
13. Medical Psychologist	91	84	86
14. Optometrist	349	297	326
15. Pharmacies	1,335	1,359	1,388
16. Physician Assistant	783	667	610
17. Registered Outsourcing Facility	19	13	14
18. Researcher	104	100	108
19. Substance Abuse Clinic	6	6	7
<b><u>Subtotal of Credentials in CDS Program</u></b>	<b>23,058</b>	<b>20,193</b>	<b>21,268</b>
<b><u>Total Active Credentials under Management</u></b>	<b>48,927</b>	<b>44,881</b>	<b>45,851</b>

#### *D. New Credentials*

During the past fiscal year, the Board issued 3,728 new credentials in the Pharmacy Program and 2,131 new credentials in the CDS Program. Of note within the Pharmacy Program, we issued 464 new pharmacist licenses, 512 new pharmacy technician certificates, and 1,309 new pharmacy technician candidate registrations during the past fiscal year. Of note within the CDS Program, we issued new CDS licenses to 1,092 physicians, interns and residents, as well as 458 advanced practice registered nurses, and 142 veterinarians.

#### *E. License Transfer (Reciprocity)*

Persons already licensed as a pharmacist by any other state who wish to obtain a license in Louisiana must successfully complete the MPJE as well as the application and criminal background check. Of the 464 new pharmacist licenses issued this past fiscal year, 234 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. In addition to pharmacies, the compliance officers also inspect healthcare facilities to monitor compliance with controlled substance requirements. The compliance officers visited 1,540 pharmacies and other facilities during the year to perform routine inspections, site visits for permit changes and other calls for assistance. The compliance and administrative officers began the fiscal year with 160 cases from the previous fiscal year, received 500 new cases, and closed 480 cases, leaving 180 cases for the next fiscal year. Of the 490 cases closed during the fiscal year: 12 of the original complaints were withdrawn, 14 resulted from termination of previously imposed probationary periods, 70 were determined to be without violation, 79 cases were referred to other agencies, 63 resulted in field/administrative corrections, 37 resulted in administrative sanctions, and 205 cases were referred to the Board's committees. The committees took no action in 55 of their cases, issued approvals for 32 non-disciplinary petitions, and recommended voluntary consent agreements for 118 cases. Of that number, all but 6 accepted the proposed discipline; those 6 respondents were referred for formal administrative hearings. The decisions from the formal hearings resulted in one probation and five suspensions.

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:

	<u>Pharmacist</u>	<u>Intern</u>	<u>Technician</u>	<u>Candidate</u>	<u>Permit</u>	<u>CDS</u>
<i>Sanction</i>						
Denial / Refusal	3	0	0	1	13	0
Reinstatement	6	0	13	0	1	3
Change Previous Orders	8	0	0	0	1	0
Assessment	1	0	0	0	11	0
Letter of Noncompliance	2	1	2	0	1	0
Letter of Warning	1	0	0	0	2	0
Letter of Reprimand	13	0	2	0	5	0
Voluntary Surrender	8	0	6	3	0	1
Probation	17	0	5	3	4	0
Suspension	1	0	4	1	1	2
Revocation	0	0	2	0	2	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, 2018 there were 48 pharmacists, one pharmacy intern, and five 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 38 pharmacists, two interns, 16 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 Board initiated and completed three regulatory projects during the fiscal year.

- Marijuana Pharmacy, amending LAC 46:LIII.Chapter 24;
- Internship Requirements, amending LAC 46:LIII.Chapter 7; and
- Equivalent Drug Product Interchange, amending LAC 46:LIII.Chapter 25.

The Board also initiated a Pharmacy Benefit Managers regulatory project during the fiscal year; it was still in process at the end of the fiscal year.

### **B. *Legislative***

During the 2018 regular session, the Board sponsored eight bills, all of which were successful.

- Act 31 amended the licensure requirements for pharmacists to improve mobility across state lines.
- Act 32 amended the controlled substances law to allow pharmacists to dispense partial fills for all medications listed in Schedule II of the state list of controlled substances.
- Act 63 amended the pharmacy law to authorize the Board to waive licensure renewal fees for pharmacist and pharmacy technician spouses of active duty military.
- Act 64 amended the pharmacy law to remove an obsolete reference in the definition of "approved college of pharmacy."
- Act 119 amended the controlled substances law to add new items to Schedules I and II of the state list of controlled substances to harmonize that list with the corresponding federal list.
- Act 146 amended the prescription monitoring program law to allow for the designation of the drug naloxone as a "drug of concern", to facilitate the reporting of dispensing transactions for that drug, for the eventual reporting of that data to the Advisory Council on Heroin & Opioid Prevention & Education.
- Act 186 amended the controlled substances law to provide for the recognition of third party logistics providers which distribute controlled substances and to require their licensure by the Board.
- Act 232 amended the prescription monitoring program law to authorize the Board to collaborate with the Dept. of Health in granting access to prescription monitoring program information to an epidemiologist from that agency.



### *C. Operations*

Our licensing information system was acquired and placed into service in 2010. We have scheduled a major upgrade for the system in the next fiscal year; that upgrade is essential to allow the expansion of online services. In addition, we are planning a major project to scan our licensure files which will allow further automation of our credentialing processes.

Finally, the Board continued its operation of Louisiana's Prescription Monitoring Program (PMP). As reported previously, Appriss, Inc. acquired the previous vendor (Optimum Technology) in 2016 and transitioned the program to its operating platform, Aware Rx. The number of prescribers and dispensers authorized to access the program's database continues to increase, as has the average number of queries per day. 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 scheduled a major renovation and repair project for the office building which was purchased in December 2010. The project is slated to begin in August 2018 and will be completed by November 2018.

## **Legislative Audits**

The Louisiana Legislature Auditor conducted its first-ever performance audit of the Board's operation of the Prescription Monitoring Program as well as the Board's overall operations. A summary of the auditor's report on the PMP audit is presented in that report. With respect to its audit of the Board's operations, the auditor opined the Board had established licensing, inspection, complaint, and enforcement procedures that comply with state law and conform to most regulatory best practices. They identified some opportunities for improvement and offered four recommendations, all of which the Board accepted and initiated implementation.

- *Recommendation No. 1:* The Board should ensure that all pharmacies and CDS licenses are inspected in accordance with timeframes stipulated in policy.
  - The Board agreed with the recommendation and reported it had been considering an increase in the number of compliance officers, due to an increased number of pharmacies and complaints, as well as an increase in the amount of documentation compiled for its inspection reports.
- *Recommendation No. 2:* The Board should clarify which violations are serious enough to warrant follow-up inspections so that compliance officers know when follow-up inspections are required to be conducted.
  - The Board agreed to develop policies and procedures for its initial surveys, routine inspections, as well as follow-up inspections and probation compliance checks.
- *Recommendation No. 3:* The Board should require that follow-up inspections are documented and formally tracked in eLicense so it can ensure that compliance officers are conducting all required follow-up inspections.
  - The Board agreed to develop additional configuration in its eLicense program to document follow-up inspections, and had already completed that step prior to the issuance of the auditor's report.
- *Recommendation No. 4:* The Board should establish formal timeframe requirements for its enforcement process, including completing investigations and closing enforcement

cases, to help mitigate potentially dangerous situations for the public.

- The Board agreed to develop policies and procedures with formal timeframes for completing investigations and closing enforcement cases.

The policies and procedures recommended by the auditor were developed for consideration during the Board's first meeting in the new fiscal year, in August 2018. Copies of the auditor's report (*Regulation of the Practice of Pharmacy*, Louisiana Board of Pharmacy; June 20, 2018) are available at the Louisiana Legislative Auditor's website, [www.la.gov](http://www.la.gov).

## **Board Office**

The Board currently employs 21 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  
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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.

Respectfully submitted,  
Malcolm J Broussard  
Executive Director