

Prescription Monitoring Program Advisory Council State of Louisiana

July 14, 2010

MINUTES

A meeting of the Prescription Monitoring Program (PMP) Advisory Council scheduled to meet on Wednesday, July 14, 2010 at the Headquarters of the Louisiana State Police, located at 7919 Independence Blvd. in Baton Rouge, Louisiana, convened at 1:00 p.m. to consider the following:

A G E N D A

1. Call to Order
2. Quorum Call
3. Call for Additional Agenda Items
4. Consideration of Minutes from Prior Meeting – April 14, 2010
5. Review of Program Operation
6. Review of Recent Legislation
7. Opportunity for Public Comment
8. Calendar Notes
9. Adjourn

Advisory Council representatives/designees present:, Col. Peter Tufaro (Sheriff's Association) chaired the meeting; Peggy Griener (Board of Nursing), Louis Lajarza and Alan Clesi (DEA), Brenda Lands (DHH/OAD), Thania Elliott (LSBME), Robert Odinet and John J. Williams (District Attorneys Association), Crystal Carter (LPA), Randall Johnson (LIPA), Erin Conner (Board of Dentistry), Major David Staton (State Police), J. Michael Burdine (State Medical Society), Lisa Bayhi (LANP), Major M. Mittendorf (LAPA), and Mary Staples (NACDS).

Others present: Malcolm J. Broussard (LABP), Sarah Blakey (LABP), Carlos Finalet (LABP), Linda Spradley (Spradley & Spradley), and Dr. McCann (Physicians Health Foundation), Fenton Lipscomb, DVM, LA Veterinary Medicine Association, and Mica Landry, DVM, LA Board of Veterinary Medicine.

Consideration of Minutes from April 14, 2010 Meeting

Minutes were approved by consensus of the Council with minor, non-substantive changes.

Review of Program Operation

As the result of recent legislation (Act 144) Mica Landry, DVM (Louisiana Board of Veterinary Medicine), and Fenton Lipscomb, DVM (LA Veterinary Medicine Association), will be voting members of the PMP Advisory Council on August 15, 2010. Louisiana has approximately 1,000 licensed veterinarians. Of those, approximately 600 have Louisiana controlled dangerous substances licenses.

The Board of Pharmacy will create a subcommittee of interested parties to determine what prescribing situations are considered 'negligible' in veterinary practice and therefore exempt from the PMP requirements under Act 144.

Ms. Staples asked if the addition of the veterinary practitioners to the program would reduce the current \$25.00 annual PMP fee. Mr. Broussard explained this requires a 2-stage review: (1) there is an excess of funds after program costs are accounted for and (2) whether the PMP Advisory Council and the Board determine those excess funds should be used for enhancement upgrades to the PMP Program.

Yearly Report

	Dispensers Granted Access	Prescribers Granted Access	Dispensers Queries	Prescriber Queries	Board / Agency Profile Views	Administrative Request
1ST Qtr 2009	398	665	11,927	35,071	38	156
2ND Qtr 2009	205	375	19,848	56,079	238	161
3RD Qtr 2009	125	295	20,593	65,453	311	184
4TH Qtr 2009	65	192	21,909	67,320	246	180
1ST Qtr 2010	95	216	24,585	79,382	296	182
2ND Qtr 2010	76	175	24,637	87,222	319	230
3RD Qtr 2010						
4TH Qtr 2010						
Totals	964	1,918	123,499	390,527	1,448	1,093

Unsolicited Reported Stats

	Prescribers	Dispensers	Law Enforcement	Patients
Quarter 1	214	141	8	11
Quarter 2	322	312	23	29
Totals	536	453	31	*37 This # does not equal the quarters added together. This is b/c some patients were sent during both quarters.

Major Staton asked whether treatment referrals are part of the unsolicited reporting mechanism. The Board's reports do include a paragraph referencing treatment referrals for questionable patients.

The PMP Program will also monitor trends of those prescribers who repeatedly receive these unsolicited reports for the same patients and will forward the names of those practitioners to their respective licensing board.

Ms. Staples asked if Louisiana's PMP system will ever be interactive with the Texas PMP program, citing concerns with doctor shoppers between Houston and Louisiana.

Mr. Broussard explained the concept of 'hubs' used between states for the purpose of sharing PMP data. Currently, Ohio and Kentucky have a pilot program with an interactive hub between the two states. Board staffs' desire is to have hub interaction between Texas, Mississippi and Louisiana but the cost is prohibitive at this time (approximately \$100,045.00 over a 4-year period).

Board staff has proposed this and other enhancement ideas which Mr. Broussard will disseminate to the Advisory Council by e-mail shortly.

Ms. Staples suggested applying for federal grants to implement the interactive capacity. Mr. Broussard explained two major concerns with this approach: (1) writing grant applications is time intensive and requires extra staffing (hiring an experienced grant writer is an option), and (2) grants eventually run out leaving the agency without alternative funding for those enhancements.

Dr. Burdine suggested using any excess funds towards these enhancements.

Review of Recent Legislation

Mr. Broussard reviewed the status of recent legislation: HB 114, HB 197, HB 288, HB 1073, HB 1095 and SB 212:

HB 114 Mills

Health & Welfare

Removes member from the Prescription Monitoring Program Advisory Council.
06-08-2010 Signed by Governor as **Act No. 142**, effective 08-15-2010.

The act amends the Prescription Monitoring Program (PMP) Law by removing the President of the Louisiana State Board of Examiners of Psychologists from the PMP Advisory Council. This measure was made necessary by legislation from 2009 that transferred the authority for the licensure and regulation of medical psychologists from that board to the Louisiana State Board of Medical Examiners (LSBME). The LSBME already holds membership on the council; medical psychologists retain their membership on the council through their membership association, the Louisiana Academy of Medical Psychologists.

HB 197 Mills Health & Welfare

Provides relative to the Prescription Monitoring Program.

06-08-2010 Signed by Governor as **Act No. 144**, effective 08-15-2010.

The act amends the PMP Law in three sections, with the cumulative effect of adding veterinarians to the program.

- *Two new representatives were added to the PMP Advisory Council: the President of the Louisiana State Board of Veterinary Medicine and the President of the Louisiana Veterinary Medical Association.*
- *The existing exclusions within the definition of 'dispenser' were amended to include a veterinarian who dispenses negligible amounts of controlled substances or drugs of concern, as identified by rule.*
- *The funding authority for the program was amended to include veterinarians among those practitioners required to pay the annual fee.*

HB 288 Lopinto Health & Welfare

Provides for access to information under the Prescription Monitoring Program Act.

04-20-2010 Voluntarily deferred at House committee meeting.

HB 1073 Mills Health & Welfare

Provides with respect to drugs of concern in the prescription monitoring program.

03-31-2010 Voluntarily deferred at House committee meeting.

HB 1095 Mills Health & Welfare

Provides relative to the reporting and accessing of prescription monitoring information.

06-22-2010 Signed by Governor as **Act No. 488**, effective 06-22-2010.

The act amends the PMP law in six separate areas, as requested by the council.

- *The requirement for dispensers to report their transactions to the program was clarified with respect to the frequency of those reports. In particular, dispensers are now required to report each eligible transaction as soon as possible, but in no event more than seven days after the date of dispensing.*
- *The ability of a prescriber, dispenser, or PMP agent to report suspected violations of the PMP law was expanded to specifically include out-of-state law enforcement or prosecutorial agencies.*
- *The authority of the program to provide de-identified information for research purposes was clarified to specify the data provided would not identify prescribers, dispensers, or patients.*
- *The authority of prescribers to access PMP information was expanded from the single item of providing care for their own patients to also include verification of their own prescribing records.*
- *The authority to access PMP information by designated representatives from the professional licensing and regulatory agencies of this state was expanded to include representatives from such agencies in other states.*
- *The authority of the program to provide PMP information to law enforcement agencies was expanded to specifically include out-of-state law enforcement agencies.*

SB 212 Mount Health & Welfare

Provides for the membership of the Prescription Monitoring Program Advisory Council.

03-29-2010

Withdrawn from the files of the Senate.

Opportunity for Public Comment

Louis Lajarza (DEA) explained that on September 25, 2010 the DEA regional office is partnering with local law enforcement officials to host 4-hour drug take back collection programs in communities throughout the state. DEA will identify the collection sites and pay for the collection and destruction of all drugs returned. Local law enforcement will oversee the collection so that all drugs can be accepted. Pharmacies will be asked to help promote the one-day collection event once the sites are selected.

Calendar Notes

The next meeting is tentatively scheduled for October 13, 2010, starting at 1:00 p.m.

Announcements

The Council adjourned at 2:50 p.m.

I certify that the foregoing are true and accurate minutes.

Malcolm J. Broussard
Executive Director
Louisiana Board of Pharmacy

Prepared by: Carlos M. Finalet, III, General Counsel, Louisiana Board of Pharmacy