

# Prescription Monitoring Program Advisory Council State of Louisiana

October 13, 2010

## MINUTES

A meeting of the Prescription Monitoring Program (PMP) Advisory Council scheduled to meet on Wednesday, October 13, 2010 at the office of the Louisiana Board of Pharmacy, 5615 Corporate Blvd., Suite 8-E, Baton Rouge, Louisiana 70808, convened at 1:05 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 – July 14, 2010
5. Review of Program Operation
6. Opportunity for Public Comment
7. Calendar Notes
8. Adjourn

Advisory Council representatives/designees present: Carl Aron (LBP) chaired the meeting, Col. Peter Tufaro (Sheriff's Association), Barbara Morvant (Board of Nursing), Louis Lajarza (DEA), Brenda Lands (DHH/OAD), Simone Ginn (LPA), Erin Conner (Board of Dentistry), Major David Staton (State Police), J. Michael Burdine (State Medical Society), Major M. Mittendorf (LAPA), Fenton Lipscomb, DVM (LA Veterinary Medicine Association), Joni Nickens (LA Assoc. of Nurse Practitioners), and Bud Courson (NACDS).

Others present: Malcolm J. Broussard (LABP), Joe Fontenot (LABP), Sarah Blakey (LABP), Carlos Finalet (LABP), Linda Spradley (Spradley & Spradley).

### **Consideration of Minutes from July 14, 2010 Meeting**

Minutes were approved by consensus.

### **Review of Program Operation**

Joe Fontenot presented the below information in a PowerPoint presentation:

*[Data through September 31, 2010:]*

Practitioners Access to PMP Database

- Prescribers total – 2,100 currently have access to the PMP database
  - Dispensers total – 1,073 currently have access to the PMP database
- Practitioners Queries
- 644,337 queries have been performed by prescribers and dispensers
- Law Enforcement
- 32 different duly constituted law enforcement agencies in Louisiana currently request PMP data
  - Of these 32 agencies 72 individuals are authorized to submit administrative requests directly through HID
  - 3 out of state law enforcement agency requests data from the LA PMP (MS)
  - Requesting agencies include police, sheriff, drug task forces, DEA, and State Police

- Law enforcement has requested 1,340 profiles  
Board and Regulatory Agencies
- Boards and regulatory agencies have viewed 1,845 profiles  
Unsolicited Reporting
- The PMP has processed unsolicited reports in regards to 69 patients
- A total of 739 reports have been mailed to prescribers
- A total of 661 reports have been mailed to pharmacies
- When reviewing patterns of patients A, B, and C it is shown that unsolicited reports are serving their purpose towards the intent of the program

The percentage of those with access to the PMP has increased 13% in Louisiana after 1½ years. Other states have seen a 10% increase after approximately three years.

Mr. Fontenot described the Board's approach to unsolicited reports. After Mr. Fontenot sends a staff-determined quantity of unsolicited letters to a prescriber informing the prescriber of a questionable patient/potential doctor shopper, and the prescriber still has not signed on for access to PMP, then Mr. Fontenot will notify the appropriate licensing agency and DEA at his discretion. The Advisory Council encouraged Mr. Fontenot to continue these unsolicited reports and notify the appropriate agencies when needed.

Mr. Finalet reported on all licensing agency/administrative disciplinary cases involving PMP violations for Fiscal Year 2009-2010:

Louisiana State Board of Medical Examiners:

*In the Matter of: Rel Larkin Gray, M.D., No. 09-1-592, Consent Order issued 3/15/10*

Allegation: Improper access to PMP patient profile unrelated to patient's medical treatment.

Disposition: Medical license placed on probation for 3 years, no pain management practice, no prescribing for CDS, mandated continuing education on professionalism, Fine of \$5,000.00

Louisiana State Board of Dentistry:

*In the Matter of: Robert K. Hill, D.D.S.*

Allegation: Improper access to PMP patient profile unrelated to patient's medical treatment.

Disposition: No action taken, case dismissed

Louisiana Board of Pharmacy:

*Thompson's Family Pharmacy, Complaint No. 09-0300*

*Consent Order issued August 6, 2009*

Allegation: Failure to Report to PMP

Disposition: Letter of Reprimand, Fine of \$3,000.00 plus costs

*Kevin Michael Dufour, Pharmacist, Complaint No. 09-0412*

*Consent Order issued November 19, 2009*

Allegation: Improper access to PMP patient profile unrelated to patient's medical treatment.

Disposition: Letter of Reprimand, Fine of \$500.00 plus costs

*F&M Specialty Pharmacy, Permit No. 5202, Complaint No. 10-0010*

*Consent Order issued May 6, 2010*

Allegation: Failure to Report to PMP

Disposition: Letter of Reprimand, Fine of \$2,500.00 plus costs

*F&M Specialty Pharmacy, Permit No. 4865, Complaint No. 10-0011*

*Consent Order issued May 6, 2010*

Allegation: Failure to Report to PMP

Disposition: Letter of Reprimand, Fine of \$2,500.00 plus costs

*Medical Analysis Pharmacy, Complaint No. 10-0009*  
*Consent Order issued May 6, 2010*  
Allegation: Failure to Report to PMP  
Disposition: Letter of Reprimand, Fine of \$3,000.00 plus costs

*Costco Pharmacy, Complaint No. 10-0008*  
*Consent Order issued May 6, 2010*  
Allegation: Failure to Report to PMP  
Disposition: Letter of Reprimand, Fine of \$3,000.00 plus costs

### **Opportunity for Public Comment**

Mr. Lajarza reported on DEA's recent drug take-back program on September 25, 2010. He stated its success and a good beginning for future programs. Louisiana itself generated 1,000 lbs in returned drugs. The Louisiana State Police assisted tremendously with the take-back sites and securing an appropriate disposal site.

### **Calendar Notes**

The 2011 tentative meeting dates are: January 12, 2011, April 13, 2011, and July 13, 2011, and Oct 12, 2011.

### **Announcements**

The Council adjourned at 2:50 p.m.

*I certify that the foregoing are true and accurate minutes.*

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Malcolm J. Broussard  
Executive Director  
Louisiana Board of Pharmacy

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