

# Prescription Monitoring Program Advisory Council State of Louisiana

October 14, 2009

## MINUTES

A meeting of the Prescription Monitoring Program (PMP) Advisory Council scheduled to meet on Wednesday, October 14, 2009 at the office of the Louisiana Board of Pharmacy, 5615 Corporate Blvd., Suite 8-E, Baton Rouge, Louisiana 70808, convened at 1:0 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 8, 2009
5. Review of Program Operation
6. Request for Access to Program from Out-of-State Law Enforcement Agencies  
[continued from prior meeting in July 2009]
7. Report from 5<sup>th</sup> Annual National Prescription Monitoring Program Conference
8. Opportunity for Public Comment
9. Calendar Notes
10. Adjourn

Advisory Council representatives/designees present: Col. Peter Tufaro chaired the meeting; Alan Clesi (DEA), Brenda Lands (DHH/OAD), Alfred L. Gaudet (LSBME), John J. Williams (District Attorneys Association), Peggy Griener (LABN), Col. Peter Tufaro (Sheriff's Association), Sophia L. Thomas (LANP), Randal Johnson (LIPA), Ward Blackwell (LA Dental Assoc.), Bud Courson (NACDS), Julie Wilkinson (LPA), and Erin Conner (Board of Dentistry).

Others present: Malcolm J. Broussard (LABP), Kathleen Gaudet (LABP), Sarah Blakey (LABP), Joe Fontenot (LABP), Carlos Finalet (LABP), Brad Guidroz (State Police), Rita Esquivel (DEA), Clint Mathews (STPSO), Linda Spradley (Spradley & Spradley), Major David Staton (State Police).

### **Consideration of Minutes from July 8, 2009 Meeting**

Minutes were approved by consensus of the Council.

### **Review of Program Operation**

The law enforcement enhancement (at a cost of \$30,000) to the PMP was approved by Board at its August meeting and will be implemented shortly.

Mr. Fontenot presented the 2009 PMP Quarterly statistics to date:

	<u>1st Quarter</u>	<u>2nd Quarter</u>	<u>3rd Quarter</u>	<u>Totals</u>
<b>Dispensers Granted Access</b>	398	205	125	728
<b>Prescribers Granted Access</b>	665	375	295	1,335
<b>2009 Yearly Total</b>				2,063
<b>Dispenser Queries</b>	13,983	22,690	24,131	60,804
<b>Prescriber Queries</b>	46,455	76,407	88,650	211,512
<b>Board/Agency Queries</b>		236	289	525
<b>2009 Yearly Total</b>				272,841
<b>Administrative Request</b>	186	179	197	562
<b>2009 Yearly Total</b>				562

### Report from 5<sup>th</sup> Annual National Prescription Drug Monitoring Program Conference

The 5<sup>th</sup> Annual National Harold Rogers PDMP Meeting was held in Washington, D.C. September 24-25, 2009.

33 states currently have operational PMPs; Washington would have made it 34 but that state had to suspend operations due to lack of funding. 7 states have enacted legislation and are in the process of becoming operational. 10 states have no legislation.

Mr. Fontenot reviewed several topics discussed at the meeting with the Council.

On the issue of **frequency of reporting** Louisiana law states that the frequency of reporting shall not be more than once per week. Louisiana's PMP regulations state the frequency of reporting shall be at least every 14 days. Because of federal grant requirements the trend is a 7 day or less reporting frequency. Oklahoma will have the capability of point-of-sale (POS) reporting by 2012. A primary reason given for this move is for emergency room physicians to have real time access for queries.

Daily reporting or POS reporting is the trend nationwide. Mr. Fontenot suggested Louisiana may want to consider changing our frequency in the future. The members were asked to discuss the topic with their respective agencies and organizations for discussion at a later PMP meeting.

Mr. Fontenot stated another national trend is to use the **ASAP 2007 reporting format**. Louisiana currently uses the ASAP 1995 format. POS reporting would require ASAP 2007 and captures the method of payment the patient uses.

On the issue of ***Interstate Sharing of PMP data*** Mr. Fontenot explained a pilot project in current operation between Kentucky and Ohio which has successfully performed the sharing of PMP data using test patient accounts.

The funding of the sharing mechanisms as well as the housing of the data were the primary topics of interest to the Council.

#### **Request for Access to Program from Out-of-State Law Enforcement Agencies**

After a discussion on whether the Louisiana PMP statutes allow for the sharing of PMP data with out-of-state law enforcement agencies, the Council agreed to recommend to the Board of Pharmacy that it amend the statutes to specifically grant access in this manner. Until that time, Major Staton suggested out-of-state agencies work with local and federal law enforcement on cases as joint investigations to acquire needed PMP information under current authorization venues.

Also discussed was whether an out-of-state practitioner with a Louisiana resident-patient relationship can have access to that patient's PMP records. The statutes are silent on the issue.

Col. Tafaro listed the following possible changes to the PMP statutes:

- (1) access by both out-of-state law enforcement and out-of-state regulatory boards
- (2) Medical psychologists are now under the regulatory jurisdiction of the Medical Board. Therefore, the Louisiana State Board of Examiners of Psychologists should be removed from membership on the PMP Advisory Council.
- (3) Development of emergency access plan language to PMP data.

#### **Opportunity for Public Comment**

None were made.

#### **Calendar Notes**

The next meeting is tentatively scheduled for January 13, 2010, starting at 1:00 p.m. The remaining meeting dates for 2010 are: April 14<sup>th</sup>, July 14<sup>th</sup>, and October 13<sup>th</sup>.

#### **Announcements**

The Council adjourned at 2:25 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*