
DIGEST

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HB 568 Original

2015 Regular Session

Thierry

Abstract: Establishes prohibited acts and provides for the disciplinary authority of the La. Board of Pharmacy.

Present law authorizes the La. Board of Pharmacy (board) to take certain disciplinary actions against a licensee for committing certain prohibited actions.

Proposed law retains present law but adds the following prohibited acts:

- (1) Using an independent contractor to provide marketing services for the pharmacy to any practitioner, authorized prescriber, or prospective customer in exchange for compensation unless the compensation paid is an amount set in advance, consistent with fair market value, and not calculated based on the volume or value of actual prescriptions filled by the pharmacy.
- (2) Dispensing or distributing any drug or device to any patient pursuant to a prescription written by a practitioner or a member of the practitioner's group practice if the practitioner or an immediate family member of the practitioner has a direct or indirect financial relationship with the dispensing or distributing pharmacy, unless the financial relationship meets all of the requirements of an exception to the federal provisions limiting certain physician referrals.

Proposed law provides for the definition of "direct or indirect financial relationship" and "immediate family member".

Proposed law applies to any arrangement or scheme, including but not limited to a cross-referral arrangement, which has the principal purpose of assuring indirect referrals that would be in violation of proposed law.

Proposed law authorizes the board to require a pharmacy to produce any information the board deems reasonably necessary to investigate alleged violations of and otherwise enforce proposed law.

Proposed law makes technical changes to update the reference of each provision of proposed law.

(Amends R.S. 37:1241(B)-(F); Adds R.S. 37:1241(A)(23) and (24) and (G))