

GREEN SHEET REDIGEST

HB 568

2015 Regular Session

Thierry

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

PHARMACISTS: Provides relative to the licensing and regulation of pharmacists.

DIGEST

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 Louisiana 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 present law. Proposed law provides that nothing in proposed law prohibits a practitioner or an immediate family of the practitioner from having an ownership interest in a compounding pharmacy.

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Limit the application of proposed law to compounding pharmacies.

The House Floor Amendments to the engrossed bill:

1. Make a technical change by relocating a scope of applicability provision.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Removes the provision that the proposed law provides only to compounding pharmacies.
2. Replaces the basis of the financial relationship exception for prohibited acts of dispensing or distributing from federal law to state law.
3. Removes the requirement that the federal law definitions of "direct or indirect financial relationship" and "immediate family member" apply to proposed law and the provision of proposed law that would apply the prohibition relative to direct dispensing or distributing to any arrangement or scheme that has the principal purpose of assuring indirect referrals.
4. Provides that nothing in proposed law will prohibit a practitioner or an immediate family member of a practitioner from having an ownership interest in a compounding pharmacy.