

**ACT No. 409**

2015 Regular Session

HOUSE BILL NO. 568

BY REPRESENTATIVES THIERRY, BARROW, WESLEY BISHOP, CHANEY, COX, GUINN, HALL, HOFFMANN, HUNTER, JACKSON, JAMES, TERRY LANDRY, MIGUEZ, MONTOUCET, ORTEGO, ROBIDEAUX, SMITH, ST. GERMAIN, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT

1 AN ACT

2 To amend and reenact R.S. 37:1241(B) through (F) and to enact R.S. 37:1241(A)(23) and  
3 (24) and (G), relative to the disciplinary powers of the Louisiana Board of Pharmacy;  
4 to provide for prohibited acts; to require the production of information necessary for  
5 the investigation of certain violations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1241(B) through (F) are hereby amended and reenacted and R.S.  
8 37:1241(A)(23) and (24) and (G) are hereby enacted to read as follows:

9 §1241. Refusal, restriction, suspension, or revocation of license

10 A. The board may, after due notice and hearing, assess a fine not to exceed  
11 the sum of five thousand dollars for each offense, refuse to license, register, certify,  
12 or permit any applicant, refuse to renew the license or permit of any person, or may  
13 revoke, summarily suspend, suspend, place on probation, reprimand, issue a warning  
14 against the person who was issued the license, registration, certificate, permit, or any  
15 other designation deemed necessary to engage in the practice of pharmacy upon  
16 proof that the person:

17 \* \* \*

18 (23) Has used an independent contractor to provide marketing services for  
19 the pharmacy to any practitioner, authorized prescriber, or prospective customer in  
20 Louisiana in exchange for compensation unless the compensation paid is an amount  
21 set in advance, consistent with fair market value, and not calculated based on the  
22 volume or value of actual prescriptions filled by the pharmacy.

1            (24) Has dispensed or distributed any drug or device to any patient pursuant  
2            to a prescription written by a practitioner or a member of the practitioner's group  
3            practice if the practitioner or an immediate family member of the practitioner has a  
4            direct or indirect financial relationship with the dispensing or distributing pharmacy,  
5            unless the financial relationship meets all of the requirements of R.S. 37:1745.  
6            Nothing in this Paragraph shall prohibit a practitioner or an immediate family  
7            member of the practitioner from having an ownership interest in a pharmacy.

8            B. The board may require a pharmacy to produce any information the board  
9            deems reasonably necessary to investigate alleged violations of and otherwise  
10           enforce Paragraphs (A)(23) and (A)(24) of this Section.

11           ~~B. C.~~ In addition to the disciplinary action or fine assessed by the board, the  
12           board may assess all costs incurred in connection with the proceedings, including but  
13           not limited to investigator, stenographer, and attorney fees.

14           ~~C. D.~~ Each day on which a violation occurs is a separate violation for the  
15           purposes of this Part.

16           ~~D. E.~~ The board may, by regulation, defer action with regard to an impaired  
17           licensed, registered, or certified person who voluntarily signs an agreement, in a  
18           form satisfactory to the board, agreeing not to practice pharmacy and to enter an  
19           approved treatment and monitoring program in accordance with this Section,  
20           provided that this Section should not apply to a licensee who has been convicted of,  
21           pleads guilty to, or enters a plea of nolo contendere to a felonious act or a conviction  
22           relating to a controlled substance in a court of law of the United States or any state,  
23           territory, or country.

24           ~~E. F.~~ The board retains jurisdiction over all such unlicensed, uncertified, or  
25           unpermitted persons relative to violations of and enforcement of the provisions of  
26           this Chapter. However, nothing contained in this Chapter shall prevent any licensed  
27           practitioner of medicine, dentistry, or veterinary medicine from compounding,  
28           dispensing, administering to, or supplying his patients with the necessary drugs and  
29           medicines for their use.

1                   F: G. Any individual who, after a hearing, shall be found by the board to  
 2                   have unlawfully engaged in the practice of pharmacy shall be subject to a fine not  
 3                   to exceed the sum of five thousand dollars to be imposed by the board. Each such  
 4                   violation of this Chapter or the regulations promulgated hereunder pertaining to  
 5                   unlawfully engaging in the practice of pharmacy shall also constitute a misdemeanor  
 6                   punishable upon conviction by a fine of no more than five hundred dollars or by  
 7                   imprisonment for no more than six months, or both.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_