

Louisiana Independent Pharmacies Association

What's New and What to Watch

LIPA Newsletter:

Bringing you the latest news and information concerning independent pharmacies and the profession at-large....



Members,

Week Three Legislative Update

The Legislature **continued** to focus on Louisiana's antiquated tax system and federal funds during the second week of the Legislative Session. [SB159](#) by Sen. Allain and [HB199](#) by Speaker Schexnayder easily passed both chambers. The Legislature is trying to streamline sales tax collections, lower individual and corporate income tax rates, and address corporate franchise and inventory taxes, all while keeping things revenue neutral. However, other issues are beginning to gain steam and divert the attention of Legislators.

Of particular interest is the evolving discussion around the legalization of marijuana. [HB524](#) by Rep. Richard Nelson (R-Mandeville) would go the farthest. It would legalize recreational marijuana with few restrictions. It passed out of the House Administration of Criminal Justice committee by a bipartisan vote of 7-5 earlier this week. Although [HB524](#) has an uncertain future ahead, the bipartisan passage is a significant shift in attitudes about marijuana around the Capitol.

Four other bills relative to marijuana are scheduled to be heard early next week, as well. [HB567](#) repeals certain tax provisions on dealers. [HB243](#) decriminalizes marijuana possession and distribution. [HB391](#) authorizes the recommendation of raw marijuana for therapeutic uses. [HB514](#) levies a tax on raw marijuana recommended for therapeutic use.

Two bills that directly impact the practice of pharmacy also passed out of committee this week with amendments. [HB244](#) by Rep. Turner (R-Ruston) passed House Insurance and [SB218](#) by Sen. Mills (R-Parks) passed Senate Health and Welfare. Both of those pieces of legislation will be up on the floor of their respective Legislative houses early next week. Our talking points or attached here and here along with the contact information for reaching out to your State Representative or State Senator. As a reminder you might find it handy to login to [Legis.la.gov](https://legis.la.gov) to become more familiar with your member and find their contact information. It is also important for us to recognize that these are updates and changes built on the work you and your association has pursued for years. While some items of interest to you may not appear in these Bills, they may already be part of existing Law.

[HB244](#) provides for the regulation of pharmacy services administrative organizations (PSAOs). After lengthy discussions with interested parties, the original bill was amended in committee and reported favorably. LIPA will continue to work with Rep. Turner, the Department of Insurance (LDI), and other interested parties to ensure that a reasonable bill that allows LDI to properly license and regulate PSAOs, advances through the process. It's vital to the practice of pharmacy that all parties within the delivery chain operate under the same reasonable regulatory provisions within the Insurance Code and all other laws, rules, and regulations of Louisiana.

[SB218](#) provides relative to the payment of pharmacy claims. It was heavily amended in Senate Health and Welfare as parties on every side of the discussion were able to come to an agreement on the best posture of the bill. Those committee amendments will continue to be revised ahead of a vote by the full Senate on Monday, May 3rd. LIPA is confident that a reasonable resolution will be reached and that all parties within the delivery chain will benefit from the provisions of [SB218](#) once a final agreement on the posture of the bill is agreed to ahead of the Senate vote on Monday.

Regarding the word “FIDUCIARY”. This legislative session we began by attempting to add the word fiduciary to the language we have in the existing law governing the relationship between the PBM and their client the health insurance company. That was in Senate Bill 218. In House Bill 244 we attempted to add the duties and the word fiduciary in the responsibilities a PSAO has to their client the pharmacy.

The existing laws governing PBMs include this language:

§2864. Duties of pharmacy benefit managers

A. A pharmacy benefit manager shall owe the beneficiaries of any pharmacy benefit management plan administered by the pharmacy benefit manager and to the entities that have entered into a contract with the pharmacy benefit manager the duties of good faith, honesty, trust, confidence, and candor.

B. The standard for the fulfillment of a pharmacy benefit manager's duties shall be to act with a high degree of care, skill, prudence, and diligence required of a reasonable and prudent person with substantial experience and expertise in the management of pharmacy benefit management plans and payment of claims.

C. Failure of a pharmacy benefit manager to satisfy the duties established in this Section shall not create a separate or independent cause of action nor shall it be construed to prohibit any cause of action established

This year —We are also adding to this language a new section D which states:

D. A pharmacy benefit manager shall notify a health insurance issuer in writing of any activity, policy, or practice of the pharmacy benefit manager that directly or indirectly presents a conflict of interest with the duties provided for in this Chapter.

SB 180

Another bill we must pay close attention to is [SB 180](#) by Fred Mills, the committee chair of Senate Health and Welfare, amends and reenacts relative to state procurement through the reverse auction process; to provide for the use of reverse auction technology in the procurement of professional services by state and local governments; to provide for the definition of professional service; to provide for the procurement of pharmacy benefit manager services through reverse auction; and to provide for related matters. On April 28th SB 180 was debated on the Senate Floor where they adopted Senator Cameron Henry’s amendments without objection. This amendment requires that a Joint Budget Legislative committee shall review and approve any proposed contract to implement the PBMs reverse auction.

Save the Date! LIPA Hosting Fish Fry-- May 12th for Legislators & LIPA Members

On Tuesday May 11th and Wednesday May 12th the LIPA Board will meet in Baton Rouge. Late Wednesday afternoon (following adjournment of the Legislature) LIPA will be hosting a fish fry at our office—located just blocks from the Capitol at 543 Spanish Town Rd—for Legislators and LIPA members. All LIPA members are invited to attend, and we encourage you to come out and enjoy the camaraderie while also getting the chance to meet and talk to your legislators. This is a wonderful opportunity that we weren’t able to have last year due to Covid, so please come out and take advantage. We hope you can join us—more details soon. The LIPA Board will meet Tuesday and Wednesday around the necessary attendance at Legislative meetings. A full agenda will be discussed during these times, if you have any matters to bring forward, please let the LIPA staff or your Board members know.

Independent Pharmacies Getting it Done . . .

While “mass” COVID vaccination sites in Louisiana are reportedly falling far short of their daily capacity (Governor Edwards stated that the Baton Rouge FEMA site located behind the old Bon Marche Mall has been averaging around 100 vaccines per day) our independent pharmacies are **getting the job done** far more efficiently and at less administrative cost. A case in point is Cottonport Corner Drugs. This week pharmacist Kim Wixson and two of her pharmacy technicians administered 101 COVID immunizations in just over an hour after the pharmacy closed, onsite to employees at a crawfish tail packing plant and salsa manufacturing company. She had e-mailed the Consent Forms in advance and both companies printed them and had each worker complete the form before they got there, making things go much more quickly. Kim stated that the employees were “so appreciative and easy going.” Louisiana has thousands of H-2A farm workers throughout the state. Do you have employers in your community who would welcome the opportunity to get their workforce immunized onsite?

Public Health Emergency Officially Extended

Public health emergencies must be renewed every ninety days and HHS Secretary Xavier Becerra [renewed](#) the COVID-19 declaration for the fifth time earlier this month. The current authority expires on July 1, 2021. The Biden Administration had previously announced that they expect the COVID-19 public health emergency to extend until at least the end of 2021. Of course, whether it continued beyond that date is largely dependent on what happens during the next six months since they have promised that states will get sixty days' notice before the public health emergency is ended or allowed to expire. That would put a decision on extension beyond 2021 coming no later than November 1. **Why It Matters:** The PREP Act provisions—including immunity for pharmacists and authority for pharmacy technicians to administer COVID and childhood vaccines—are in effect only for the duration of the public health emergency.

J&J Vaccine “Pause” Has Been Lifted

Last Friday the FDA and CDC recommended lifting the pause on J&J (Janssen vaccine). LDH issued [Health Alert Network \(HAN\) Memo # 21-31](#) on April 24th which affirms:

- *Use of the J&J COVID-19 Vaccine should be resumed in the United States.*
- *The FDA and CDC have confidence that this vaccine is safe and effective in preventing COVID-19.*
- *The FDA has determined that the available data show that the vaccine's known and potential benefits outweigh its known and potential risks in individuals 18 years of age and older.*
- *At this time, the available data suggest that the chance of TTS occurring is very low, but the FDA and CDC will remain vigilant in continuing to investigate this risk.*
- *Health care providers administering the vaccine and vaccine recipients, or caregivers should review the Janssen COVID-19 Vaccine Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) and Fact Sheet for Recipients and Caregivers, which have been revised to include information about the risk of this syndrome, which has occurred in a very small number of people who have received the Janssen/J&J COVID-19 Vaccine.*

While the pause on J&J vaccine has been lifted, the one-dose vaccine is still in **very** short supply and we do not expect it to be available for ordering through the Louisiana Immunization Program for at least the next three weeks. LDH has indicated that they anticipate receiving 10,400 doses the week of May 2 and even less (just 2,700 doses) for the weeks of May 9 and May 16. For comparison, they anticipate approximately 100 K doses of Moderna and 138K doses of Pfizer available for ordering each of these weeks. For those independent pharmacies participating in the Federal Retail Pharmacy Partnership, J&J vaccine could be available directly from the federal government.

Moderna Vaccine Storage Considerations

While Moderna vaccine can be store in the refrigerator for up to thirty days, it can be stored in a regular freezer (-25° to -15 C °/-13°° to 5° F) until the Use By Date (as determined by entering the Lot # in the online Moderna Vial Expiration Date Lookup [tool](#)). We are seeing Moderna Expiration Dates for recent shipments of late October. McKesson ships Moderna vaccine frozen. Make sure that vaccine is still frozen before placing it in the freezer for storage since **thawed vaccine should NEVER be refrozen**. Moderna recommendations for thawing a vial of frozen vaccine are 2.5 hours in refrigerator or 1 hour at room temperature. For a quick “refresher” training on Moderna vaccine, see this [link](#). **Our recommendation is that—assuming Moderna vaccine arrives in a frozen state—that it be stored frozen and thawed as needed.**

Look for Upcoming CPE on Opioid Issues

LIPA's is pleased to announce that we are co-sponsoring CPE in late May with Louisiana's Opioid Coordinator/Educator Natasha Seals, PharmD and the LDH/OPH/Bureau of Community Preparedness. The topic is ***Corresponding Responsibility: Alternative Treatments, Concise Documentation, Red Flags, and PMP Utilization***. In addition to herself, Dr. Seals has arranged for CDC subject matter experts to serve as faculty. The activity will be available to both pharmacists and pharmacy technicians, with multiple options for day and time. (12 PM or 1 PM). We will provide the registration link in next week' edition of the newsletter.

Here's an overview of what you can expect: *Independent pharmacies increasingly find themselves in the position of telling patients—who are experiencing serious pain-- that they are unable to dispense an opioid prescription because of unresolvable “red flags.” During this hour “lunch and learn” session, alternative treatment options for patient referrals will be discussed. So-called “red flags” are actually often resolvable in consultation with the patient and with proper documentation. What questions does the pharmacy need to ask and what documentation is needed to fulfil corresponding responsibility? Naloxone saves lives but non-fatal overdose victims often report not knowing of the available countermeasure. Why are Naloxone dispensing rates lower in rural areas, yet those same areas often report higher overdose occurrences? Using patient specific overdose risk and MME to properly educate the customer on the need for Naloxone. How does professional respect and perceived bias affect collaborative efforts? A representative with the CDC will review how current PDMP enhancements improve patient safety and impact prescribing practices.*

Independent Pharmacies Receiving COVID Vaccine Directly from Feds

Louisiana independent pharmacies who are enrolled as COVID vaccine providers with either the Federal Retail Pharmacy Partnership or the Pharmacy Partnership for Long Term Care have the option to receive vaccine through those programs. All of the independent pharmacy network federal partners are now shown as participating pharmacies for Louisiana either in the [Retail Partnership](#) or [LTC Partnership](#).

LDH included the following Louisiana federal partnership vaccine data from Tiberius (the federal Immunization Information System) in their [COVID-19 Daily Summary](#) for Thursday, April 29th:

- **MedShope/Leadernet** (59 Louisiana enrolled sites): 16,916 doses administered
- **HealthMart** (11 Louisiana enrolled sites): 0 doses administered
- **Good Neighbor** (13 Louisiana enrolled sites): 3299 doses administered
- **GeriMed** (1 Louisiana enrolled sites): 444 doses administered
- **CPESN** (41 Louisiana enrolled sites): 17,119 doses administered

Prescriptions for Buprenorphine

The Biden Administration [announced](#) earlier this week that they will allow nearly all providers to prescribe buprenorphine. **STAT News** characterizes the announcement “dramatic deregulation of addiction medicine.” *The change would allow almost any prescriber to treat patients using the drug buprenorphine, the most effective medication for opioid addiction. Currently, doctors, physician assistants, and nurse practitioners must undergo a separate training and apply for a waiver before they’re allowed to prescribe the drug to patients.*

“Vaccine Shedding” --Addressing the Latest COVID Vaccine Theory from Anti-Vaxxers

As highly trusted health professionals, your patients—including those who have already gotten the vaccine—may have questions for you. Currently making the rounds on social media among anti-vaxxers is the idea of “vaccine shedding” of the spike protein created by the mRNA vaccines—and harm just by being in close proximity to someone else who has gotten the vaccine. A good overview of the theory can be found in this **Med Page Today** [article](#).

In the NEWS:

Hill Democrats double down on drug pricing

[Politico 04/30/21](#)

Senior Democrats' [last-ditch effort to set prescription drug pricing controls](#) as part of Biden's spending package comes in defiance of the White House's decision to drop drug pricing from its proposal, and with the party still split over how exactly to slash costs, POLITICO's Susannah Luthi and Alice Miranda Ollstein report.

Supporters of including the drug price reforms argue the party risks breaking a key campaign promise if it doesn't pass something to get costs down soon. And after Biden on Wednesday made a more forceful case for drug pricing action than expected, some Democrats are interpreting that as tacit permission to keep lobbying for its inclusion in the eventual American Families Plan.

"We're going to look at every possible vehicle, starting today," Senate Finance Chair Ron Wyden said.

Over \$3.6M In Suboxone Settlement Funding Headed To Louisiana

[Attorney General Jeff Landry 04/30/21](#)

Attorney General Jeff Landry announced that Louisiana has reached an agreement with Indivior plc and Indivior Inc. (collectively "Indivior") to settle allegations that Indivior falsely and aggressively marketed and otherwise promoted the drug Suboxone, resulting in improper expenditures of state Medicaid welfare funds.

"The opioid epidemic remains a crisis in Louisiana, and companies who have misrepresented their drugs' effects have exacerbated the problem," said Attorney General Landry. "While many know Suboxone for its approved use by recovering opioid addicts to avoid or reduce withdrawal symptoms while they undergo treatment – most do not understand that the product and its active ingredient, buprenorphine, are powerful and addictive opioids."

"In order for consumers to know the true benefits and risks of drugs, their manufacturers and distributors must relay correct information to the public," continued Attorney General Landry. "My office and I will continue to hold accountable companies who engage in improper marketing and sale practices."