

**LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS
Medicaid Pharmaceutical and Therapeutics Committee Meeting**

August 12, 2009
Galvez Building
Oliver Polluck/Pensacola Rooms
602 North Fifth Street
Baton Rouge, LA

MINUTES

MEMBERS PRESENT:

Mary Gauthier-Lewis,
PharmD
Amy Givler, MD
Larry J. Hebert, MD
Jim Hussey, MD
Anita Kablinger, MD
Rebecca Kruse-Jarres, MD
Edward Mader, MD
Marty McKay, RPh
Fred Mills, State Rep.
Melvin Murrill, MD
Sybil Richard, RPh, MHA,
JD
Kenyetta D. Shamlin, MD
Leonard Weather, Jr., MD
Neil Wolfson, MD
Lolie C. Yu, MD

MEMBERS ABSENT:

Conchetta Fulton, PharmD

**DHH PHARMACY
PROGRAM**

STAFF PRESENT:

M. J. Terrebonne, RPh
Director
Rachel Broussard, RPh
Germaine Becks-Moody,
PhD, BHSF
Program Manager
Timothy Williams, BHSF
Program Manager
Carol Rumfola,
Administrative
Assistant

**OTHER DHH STAFF
PRESENT:**

Kimberly Sullivan, Attorney

**CONTRACTORS
PRESENT:**

Chris Andrews, PharmD,
Provider Synergies
Kris Rawlings, PharmD,
Provider Synergies
via telephone
Tara Torres-Blank, Certified
Court Reporter

OTHERS PRESENT:

Presenters are listed in the minutes, and sign in sheets of others in attendance are available from DHH, Bureau of Health Services Financing, Pharmacy Benefits Section upon request.

Call to Order:

Dr. Larry Hebert, Vice-Chairman, called the meeting to order at 9:10 a.m.

Parliamentary Business:

- A. **Introduction of Members and DHH Staff.** Committee members introduced themselves, and Ms. M. J. Terrebonne introduced the DHH staff.
- B. **Election of Chairman and Vice Chairman.** Representative Fred Mills nominated Dr. Hebert for Chairman. Dr. Weather moved the nominations be closed. Mr. McKay seconded the motion. Dr. Hebert was elected Chair. Rep. Mills nominated Mr. Marty McKay for Vice-Chairman. Dr. Givler seconded the motion. Rep. Mills moved the nominations be closed. Mr. McKay was elected Vice-Chairman.
- C. **Approval of Minutes.** Dr. Weather offered a motion to approve the minutes of the February 4, 2009 meeting as submitted. Dr. Givler seconded the motion which passed.

P&T Committee Overview:

- A. **Pharmaceutical and Therapeutics Committee Background.** Ms. M. J. Terrebonne presented an overview of the Pharmaceutical and Therapeutics (P&T) Committee and the legislation that authorized the creation of a prior authorization (PA) drug program, a preferred drug list (PDL), supplemental rebates, and the Committee. Copies of Louisiana *RS 46:153.3* that created the P&T Committee were sent to the members on July 22, 2009. (*Attachment 1*) She explained the PDL is updated biannually in April and October. The Department contracts with Provider Synergies to prepare the therapeutic class reviews and develop clinically sound and cost effective recommendations to develop and manage the PDL. Provider Synergies also negotiates the state supplemental rebates. The University of Louisiana at Monroe School of Pharmacy administers the PA process. A handout of her presentation was distributed to the members. (*Attachment 2*)
- B. **P&T Bylaws.** DHH Staff Attorney, Ms. Kimberly Sullivan, presented the Committee's Bylaws that were sent to the membership on July 22, 2009. She explained that one change was made pursuant to the new regulations of the State's open meetings law. She said the Committee would be asked to vote to accept the new Bylaws after her presentation on the Bylaws and the proposed amendment. Ms. Sullivan presented "*Article IV, Section 3. The committee shall not take up an item not on the agenda unless there is unanimous approval of all the committee members present at the meeting. Prior to any vote on the motion to take up a new agenda item, there shall be an opportunity for public comment.*"
- Mr. McKay offered the motion to accept Article IV, Section 3. Dr. Jarres seconded the motion which passed unanimously.
- C. **Ethics Review.** Ms. Sullivan addressed the Committee and provided updated information on the Louisiana Code of Governmental Ethics as it relates to the Committee. A handout of examples of prohibited conduct was distributed. (*Attachment 3*)

Ms. Sullivan said actions by the P&T Committee are considered Executive Branch actions, and the state statute specifically addresses lobbying of P&T Committee members. She explained any pharmaceutical company representative who engages in lobbying Committee members for the purpose of inclusion of any product on the PDL shall be obliged to register as a lobbyist pursuant to the provisions of this statute. They must register as an Executive Branch Lobbyist with the Louisiana Board of Ethics. Therefore, if someone comes to a member's office to speak about including their drug on the PDL, they should be registered as an Executive Branch Lobbyist. It is not necessary for them to be registered as lobbyists if they are coming to give drug samples or only detailing about a new drug or product. Furthermore, they should not be sending letters or emails soliciting a member's vote unless they are registered as Executive Branch Lobbyists. Colleagues can recommend a member vote for a particular drug on the PDL, and that doesn't constitute lobbying. It is considered lobbying when the action is by a pharmaceutical company representative.

She said pharmaceutical samples are not considered a thing of economic value as long as they are given to a patient at no cost, and Committee members can accept notepads, pens and similar items from pharmaceutical companies. Also, members can have meals paid for by a pharmaceutical company as long as the meals are consumed in the pharmaceutical company representative's presence. The new \$50 limit per event applies. The limit does not apply to a gathering held in conjunction with a meeting relating to a national or regional organization or a meeting of a statewide organization of government officials.

She told the members they are prohibited from receiving honorariums or reimbursement of any

kind, including grants from pharmaceutical companies included or seeking to be included on the PDL or have matters before the Committee. Members can attend a conference or seminar sponsored by a pharmaceutical company, but the members must pay their own expenses associated with the trip. Also, if a member is employed by a university, the member cannot solicit grants from the pharmaceutical companies on behalf of the university. Ms. Sullivan also informed the members they are not required to file financial disclosure statements under the new ethics rules.

She cautioned the members they should get an advisory opinion from the Louisiana Board of Ethics if they have any questions or concerns about compliance with the Code of Ethics. The website for the Board of Ethics is www.ethics.state.la.us. The Board's address is P.O. Box 4368, Baton Rouge, LA 70821, and the telephone numbers are 225-219-5600 or 1-800-842-6630.

Ms. Sullivan offered to answer any questions the members may have. Her email address is Kimberly.sullivan@la.gov and her telephone number is 225-342-1128.

- D. Travel Regulations.** Ms. Terrebonne told the Committee members the Travel Regulations Guide was sent in their July 22, 2009 packet. She requested they contact her staff member, Dr. Germaine Becks-Moody, if they have any questions.

NOTE: At this point Dr. Kablinger suggested the Committee meet more frequently. Several members explained why the Committee changed from quarterly meetings to biannual meetings. Dr. Weather suggested and offered a motion to reconfirm the Committee's decision to meet biannually. Dr. Gauthier-Lewis seconded the motion which passed by voice vote.

Dr. Kablinger also complimented Ms. Terrebonne and staff on the administration of the Preferred Drug List and Prior Authorization program.

Reports:

- A. Prior Authorization (PA) Monthly Report.** Ms. M. J. Terrebonne called the Committee members' attention to the PA Report included in their packets. She said the report shows monthly PA data and indicates trends in PA requests. (*Attachment 4*)
- B. PDL Reflecting February 4, 2009 P & T Committee Recommendations.** Ms. Terrebonne reported copies of the latest version of the PDL, which included the Pharmaceutical and Therapeutics (P&T) Committee's February 4, 2009 meeting recommendations were in the members' packets. These recommendations became effective April 1, 2009. (*Attachment 5*)
- C. Provider Synergies Annual Report.** Ms. Terrebonne called the members' attention to the Provider Synergies Annual Report sent to them on July 22, 2009. She suggested they direct questions they may have to Dr. Chris Andrews, Provider Synergies, who was present at the meeting.

New Business:

A. **Explanation of TOPS, Monographs and Cost Sheets.** Dr. Chris Andrews, Provider Synergies, introduced Dr. Kris Rawlings via telephone. Dr. Andrews explained they both work with the Louisiana account. He said that Provider Synergies currently works with eleven (11) states in their PDL programs.

He explained Louisiana is a member of the TOPS Program. It is a multi-state purchasing pool. He emphasized, while Provider Synergies tries to make recommendations that are the same across all states, the state does have final authority on its PDL.

He said that federal rebates are paid by manufacturers covered by the Medicaid program. In addition some states require state supplemental rebates, and that is the program with which Provider Synergies works. Provider Synergies negotiates rebates for its contract states. The supplemental rebate contracts are negotiated for one year. He said Provider Synergies does not receive any portion of the rebates.

Dr. Andrews then explained the therapeutic classifications selected for review and the monographs used by the Committee for deliberations. The date on the title page of each class monograph represents the date of the last edit of the monograph. The relative cost symbols shown on the monograph cost sheets are used to explain the relative costs of products in a class as state law requires confidentiality on the rebates.

B. **Public Testimony.** In accordance with state law and the P&T Committee's Bylaws, the following provided public testimony or answered questions raised by the Committee during the Committee's review of the therapeutic classes.

PRESENTER	REPRESENTING	DRUG/ISSUE
Tom Guidry, PharmD	Pfizer	Aricept
Pauline Patrick, RPh	Forest	Namenda
Julia Compton, PharmD	Novartis	Exelon; Exelon Transdermal
Kirsten Mar, PharmD	Eli Lilly	Cymbalta
Dr. Julia Seabolt	Upstate Pharma	Venlafaxine ER
Rob Dahmes, MD	Child Psychiatrist	Lexapro
Pauline Patrick	Forest	Lexapro
Cleve Bordelon	PharmaDerm	Oxistat Cr & Lotion
J. Kemp Tullier, DPM	Merck	Naftin
Steve Whiten	Taro	Ovide
Ann Corbin	Boehringer Ingelheim	Mirapex
Don Frailey, PharmD	Glaxo/Smith/Kline	Requip XL
Rob Dahmes, MD	Child Psychiatrist	Seroquel XR
Julleah Wise	Astra/Zeneca	Seroquel XR
Tarolyn Carlton	Bristol-Myers Squibb	Abilify
Tom Guidry, PharmD	Pfizer	Geodon
Kirsten Mar, PharmD	Eli Lilly	Zyprexa
John Prosser	J&J	Invega
Clarice Raichel	NAMI SWLA	---
Sylvia Pearson	The Extra Mile	---
Consuela LaFonte Knight	Mental Health Americation	---
Marilyn Ripoll	Astellias	Protopic
Kevin Duhrkopf, PharmD	sanofi aventis	Actonel
Bill White, PharmD	Roche	Boniva

Michael Christensen	Boehringer Ingelheim	Spiriva
Lou Kennedy	Nephron Pharmaceuticals	Albuterol Sulfate 1.25mg/3ml
Patrick Harvey, RPh	Sepracor	Xopenex HFA/MDI
Shane Perrilloux	Teva Respiratory	ProAir HFA/MDI
James Osborne	GSK	Ventolin HFA
John Howard	Schering Plough	Proventil HFA
Dr. Hillary Norris	UCB	Cimzia
Pam Sardo	Abbott	Humira
Brad Clay	Amgen	Enbrel
Fred Meister	Schering Plough	Avelox
Patrick Harvey	Sepracor	Alvesco
James Osborne	GSK	Advair
John Howard	Schering Plough	Asmanex
Fran Kaiser, MD	Merck	Januvia; Janumet
Lori Long, PharmD	sanofi aventis	Apidra
Chris Hanson, MD	Novo Nordisk	Novolog; Levemir
Michael Mason	Alcon	Patanase
Theron McCormick, MD	Alcon	Patanase
Patrick Harvey	Sepracor	Omnaris
Kevin Duhrkopf, PharmD	sanofi aventis	Nasacort AQ
James Osborne	GSK	Veramyst
John Howard	Schering Plough	Nasonex
Robert Feldman, MD	Meda	Astepro; Astelin
Fran Kaiser, MD	Merck	Singulair
Tom Guidry, PharmD	Pfizer	Celebrex
Theron McCormick, MD	Alcon	Patanol; Pataday
Robert Feldman, MD	Meda	Optivar
Tom Guidry, PharmD	Pfizer	Xalatan
Kathleen Pinto	Bristol-Myers Squibb	Plavix
Michael Christensen	Boehringer Ingelheim	Aggrenox
Cleve Bordelon	PharmaDerm	Cutivate Lotion
Dr. Ashwin Surg	N/A	Concerta
Kirsten Mar, PharmD	Eli Lilly	Strattera
Brian Marcmesen	J&J	Concerta
Angela LeDay	Shire	Vyvanse
Don Trevant, MD	N/A	Vyvanse
Tom Guidry, PharmD	Pfizer	Toviaz
Pam Sardo	Abbott	Trilipix
George Kitchens	Alaven	SfRowasa

(Transcripts of testimonies are available from DHH, Bureau of Health Services Financing, Pharmacy Benefits Section, upon request.)

- C. **Therapeutic Classes Reviews.** Forty (40) therapeutic classes in *Group Two* of the *Eighth Review Cycle* were reviewed. Monograph summaries were sent to the Committee prior to the meeting. Public comment was received for each therapeutic class prior to Committee discussion and action in accordance with state law and the P&T Committee's Bylaws. Committee proceedings follow:

Class Review

Number

8-2;1. Alzheimer's Agents

Mr. Marty McKay offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Weather. Discussion followed.

Then Dr. Weather offered a motion to include Namenda in the PDL list recommended by Provider Synergies. Dr. Kablinger seconded the motion. Discussion followed. The motion to add Namenda passed with 8 yeas and 6 nays.

The Committee then voted to include Provider Synergies' recommendations plus Namenda on the PDL. The motion passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Donepezil (Aricept)

Donepezil (Aricept ODT)

Memantine HCl (Namenda)

Rivastigmine Oral Capsules (Exelon)

Rivastigmine Transdermal (Exelon Transdermal)

Committee Recommendations for the NPDL are:

Galantamine

Galantamine ER

Rivastigmine Oral Solution (Exelon Solution)

Tacrine (Cognex)

8-2;2. Analgesics-Anesthetics, Topical

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Ms. Richard, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Diclofenac Sodium Gel (Voltaren)

Lidocaine Patch (Lidoderm)

Committee Recommendations for the NPDL are:

Diclofenac Epolamine Patch (Flector)

8-2;3. Androgenic Agents

Dr. Weather offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Mr. McKay, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Testosterone Transdermal Patch (Androderm)

Testosterone Gel 1% (Androgel)

Committee Recommendations for the NPDL are:

Testosterone Gel 1% (Testim)

8-2;4. Antibiotics, Vaginal

Dr. Murrill offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Weather, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Clindamycin Vaginal Cream
Clindamycin Vaginal Cream (Clindesse)
Clindamycin Vaginal Ovules (Cleocin)
Metronidazole Vaginal Gel Cream
Metronidazole Vaginal Gel Cream (Vandazole)

Committee Recommendations for the NPDL are:

None

8-2;5 Antidepressants, Other

Rep. Mills offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Wolfson. Discussion followed.

Then Dr. Kablinger offered a motion to include Effexor XR in the PDL list recommended by Provider Synergies. Dr. Wolfson seconded the motion. Discussion followed. The motion to add Effexor XR to the PDL list failed by voice vote.

The Committee then voted on the original motion to approve Provider Synergies' recommendations for the PDL. The motion passed in a roll call vote with 13 yeas and 1 nay.

Committee Recommendations for the PDL are:

Bupropion HCl IR
Bupropion HCl SR
Mirtazapine
Trazodone
Venlafaxine ER

Committee Recommendations for the NPDL are:

Bupropion HBr ER (Aplenzin)
Bupropion HCl XL
Bupropion HCl XL (Wellbutrin XL)
Desvenlafaxine (Pristiq)
Duloxetine (Cymbalta)
Nefazodone
Selegiline Patch (Emsam)
Venlafaxine
Venlafaxine ER (Effexor XR brand only)

8-2;6. Antidepressants, Selective Serotonin Reuptake Inhibitors (SSRIs)

Dr. Kablinger offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Weather, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Citalopram
Escitalopram (Lexapro)
Fluoxetine
Fluvoxamine
Paroxetine
Sertraline

Committee Recommendations for the NPDL are:

Fluvoxamine CR (Luvox CR)
Fluoxetine ER (Prozac Weekly)
Paroxetine CR
Paroxetine Mesylate (Pexeva)

8-2;7. Antiemetics, Oral

Dr. Yu offered the motion to accept Provider Synergies' recommendation. The motion, seconded, by Dr. Mader, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Dronabinol (Marinol – Brand Only)
Ondansetron / Ondansetron ODT

Committee Recommendations for the NPDL are:

Aprepitant (Emend)
Dolasetron (Anzemet)
Dronabinol (generic only)
Granisetron
Granisetron Transdermal (Sancuso)
Nabilone (Cesamet)

8-2;8. Antifungals, Oral

Dr. Murrill offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Wolfson, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Fluconazole
Griseofulvin (Gris-PEG)
Ketoconazole
Nystatin
Terbinafine (no granules)

Committee Recommendations for the NPDL are:

Clotrimazole Troches
Flucytosine (Ancobon)
Griseofulvin (Grifulvin V Tablets)
Griseofulvin Suspension
Itraconazole
Posaconazole (Noxafil)
Terbinafine Granules (Lamisil Granules)

Voriconazole (Vfend)

8-2;9. Antifungals, Topical

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Murrill, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Ciclopirox Shampoo (Loprox)
Clotrimazole Rx
Clotrimazole/Betamethasone
Ketoconazole Cream
Ketoconazole Shampoo (Rx only)
Naftifine (Naftin)
Nystatin
Nystatin/Triamcinolone
Oxiconazole (Oxistat)

Committee Recommendations for the NPDL are:

Butenafine (Mentax)
Ciclopirox (CNL-8)
Ciclopirox Cream
Ciclopirox Gel
Ciclopirox Solution
Ciclopirox Suspension
Econazole
Ketoconazole Foam (Extina)
Ketoconazole (Xolegel)
Miconazole/zinc oxide/white petrolatum (Vusion)
Sertaconazole (Ertaczo)

Note: Ketoconazole/Hydrocortisone & Ketoconazole/Pyrithine zinc (**Xolegel Corepak** and **Xolegel Duo**) are no longer available.

8-2-10. Antihyperuricemics – New Category

Dr. Weather offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Mr. McKay, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Allopurinol
Colchicine
Probenecid
Probenecid/Colchicine

Committee Recommendations for the NPDL are:

Febuxostat (Uloric)

8-2;11. Antiparasitic Agents, Topical

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Ms. Richard, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Crotamiton (Eurax)
Malathion (Ovide – Brand Only)
Permethrin

Committee Recommendations for the NPDL are:

Lindane
Malathion (generic only)

8-2;12. Antiparkinson's Agents

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Gauthier-Lewis. Discussion followed.

Then Dr. Mader offered a motion to include Requip XL and Mirapex in the PDL list recommended by Provider Synergies. Dr. Kablinger seconded the motion. Discussion followed. The motion to add Requip XL and Mirapex to the PDL list failed by voice vote.

Then Dr. Mader offered a motion to add only Requip XL to the PDL recommendations. Dr. Kablinger seconded the motion. The motion failed with 11 nays and 3 yeas.

The Committee then voted on the original motion to approve Provider Synergies' recommendations for the PDL. The motion passed in a roll call vote with 13 yeas and 1 nay.

Committee Recommendations for the PDL are:

Benzotropine
Levodopa/Carbidopa
Levodopa/Carbidopa/Entacapone (Stalevo)
Ropinirole
Selegiline
Trihexyphenidyl

Committee Recommendations for the NPDL are:

Bromocriptine
Entacapone (Comtan)
Levodopa/Carbidopa ODT
Pramipexole (Mirapex)
Rasagiline (Azilect)
Ropinirole ER (Requip XL)
Selegiline (Zelapar)
Tolcapone (Tasmar)

Note: Rotigotine Transdermal (Neupro) is no longer available.

8-2;13. Antipsychotics (Category Name and Drugs Change)

Rep. Mills offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Mr. McKay. Discussion followed.

Then Dr. Wolfson offered a motion to open the formulary for Antipsychotic drugs that all drugs in this class would be on the PDL. Dr. Kablinger seconded the motion. Discussion followed in which both the clinical aspects and administrative/program cost aspects of not having drugs in this class subjected to PA.

Rep. Mills offered a substitute motion for the Committee to approve Provider Synergies' recommendation as presented. Mr. McKay seconded the motion. Dr. Kablinger asked about her motion. Rep. Mills explained that his substitute motion trumped her motion. His motion would be voted on first. As a point of clarification, Ms. Sullivan explained there would be no further discussion on this class if the substitute motion passed. The substitute motion passed with a voice vote of 8 yeas and 6 nays.

Ms. Sullivan said there would be no further review of this class until the annual review next August. A discussion followed, during which Dr. Kablinger's questions regarding this class were answered. She was also reassured that Robert's Revised Rules of Order was followed. Dr. Kablinger indicated she would look into the possibility of appealing the Committee's action on this class.

ORAL

Committee Recommendations for the PDL are:

Amitriptyline/Perphenazine
Chlorpromazine
Clozapine (Fazaclo)
Fluphenazine
Haloperidol
Molindone (Moban)
Perphenazine
Quetiapine (Seroquel)
Quetiapine ER (Seroquel XR)
Risperidone
Thioridazine
Thiothixene
Trifluoperazine
Ziprasidone (Geodon)

Committee Recommendations for the NPDL are:

Aripiprazole (Abilify)
Clozapine
Olanzapine (Zyprexa)
Olanzapine/Fluoxetine (Symbyax)
Paliperidone ER (Invega)

INJECTIONS

Committee Recommendations for the PDL are:

Fluphenazine Decanoate

Haloperidol Decanoate
Ziprasidone (Geodon)

Committee Recommendations for the NPDL are:

Olanzapine (Zyprexa)
Risperidone (Risperdal Consta)

NOTE: *At this point in the meeting, Mr. Todd Houldsworth stood up and requested the meeting record reflect that the company (didn't identify) he represented was not asked for a supplemental rebate until long after the bid process was over. He said the company was not told their product (Invega) was being reviewed. He said the company would have probably submitted a supplemental rebate. He said he would check into the matter when he returned to the office.*

8-2;14. Antiviral Agents, Topical

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Murrill, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Penciclovir Cream (Denavir)

Committee Recommendations for the NPDL are:

Acyclovir Cream (Zovirax)
Acyclovir Ointment (Zovirax)

8-2;15. Atopic Dermatitis

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Ms. Richard, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Pimecrolimus (Elidel)
Tacrolimus (Protopic)

Committee Recommendations for the NPDL are:

None

8-2;16. Bone Resorption Suppression and Related Agents

Rep. Mills offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Ms. Richard, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Alendronate Sodium
Calcitonin-salmon Nasal (generic)
Calcitonin-salmon Nasal (Miacalcin)
Ibandronate Sodium (Boniva)
Risendronate (Actonel)

Committee Recommendations for the NPDL are:
Alendronate Solution (Fosamax Solution)
Alendronate/Vit D (Fosamax plus D)
Calcitonin-salmon Nasal (Fortical)
Etidronate Disodium
Raloxifene (Evista)
Risendronatel/Calcium (Actonel with Calcium)
Teriparatide Subcutaneous (Forteo)

8-2;17. Bronchodilators, Anticholinergic

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Mr. McKay, passed unanimously with a roll call vote.

INHALATION

Committee Recommendations for the PDL are:
Albuterol Sulfate/Ipratropium MDI (Combivent)
Ipratropium Nebulizer
Ipratropium Inhalation Aerosol MDI (Atrovent HFA)
Tiotropium Inhalation Powder (Spiriva)

Committee Recommendations for the NPDL are:
Albuterol Sulfate/Ipratropium Nebulizer

8-2;18. Bronchodilators, Beta Adrenergic Agents

Ms. Richard offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Rep. Mills. Discussion followed. The motion passed unanimously with a roll call vote.

INHALATION

Committee Recommendations for the PDL are:
Albuterol Sulfate Nebulizer
Albuterol Sulfate HFA (ProAir HFA)
Albuterol Sulfate HFA MDI (Ventolin HFA)
Formoterol DPI (Foradil)
Levalbuterol HCL (Xopenex)
Salmeterol Xinafoate (Serevent Diskus)

Committee Recommendations for the NPDL are:
Albuterol Sulfate HFA MDI (Proventil HFA)
Albuterol Sulfate Nebulizer Low-Dose
Arformoterol Inhalation Solution (Brovana)
Formoterol Inhalation Solution (Perforomist)
Levalbuterol HFA (Xopenex HFA)
Pirbuterol MDI (Maxair Autohaler)

Note: Albuterol inhaler with CFC and Metaproterenol inhaler and inhalation (Alupent) are no longer available.

ORAL

Committee Recommendations for the PDL are:

Albuterol Sulfate
Albuterol Sulfate ER
Terbutaline Sulfate

Committee Recommendations for the NPDL are:

Metaproterenol Sulfate

8-2;19. Cephalosporins and Related Antibiotics

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Wolfson, passed unanimously on a roll call vote.

Committee Recommendations for the PDL are:

Amoxicillin/Clavulanate Tablets
Amoxicillin/Clavulanate Suspension
Amoxicillin/Clavulanate Susp (Augmentin)
Amoxicillin/Clavulanate ER (Augmentin XR)
Cefaclor
Cefaclor ER
Cefadroxil
Cefditoren Pivoxil (Spectracef)
Cefixime (Suprax)
Cefprozil
Ceftibuten (Cedax)
Cefuroxime Axetil
Cephalexin

Committee Recommendations for the NPDL are:

Cefdinir
Cefpodoxime

Note: Cefaclor (Raniclor) is no longer available.

8-2;20. Cytokine and CAM Antagonists

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Yu, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Adalimumab Injection (Humira)
Etanercept Injection (Enbrel)

Committee Recommendations for the NPDL are:

Abatacept (Orencia)
Alefacept Injection (Amevive)
Anakinra Injection (Kineret)
Certolizumab Pegol (Cimzia)
Infliximab Injection (Remicade)

Note: Efalizumab Injection (Raptiva) is no longer available.

8-2;21. Fluoroquinolones, Oral

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Mr. McKay, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Ciprofloxacin Tablets
Moxifloxacin (Avelox)

Committee Recommendations for the NPDL are:

Ciprofloxacin Suspension (Cipro Suspension)
Ciprofloxacin ER
Ciprofloxacin ER (Proquin XR)
Gemifloxacin (Factive)
Levofloxacin (Levaquin)
Norfloxacin (Noroxin)
Ofloxacin

8-2;22. Glucocorticoids, Inhaled

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Yu, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Beclomethasone MDI (QVAR)
Budesonide/Formoterol MDI (Symbicort)
Budesonide Respules - *8 years old and under*
Budesonide Respules (Pulmicort Respules) - *8 years old and under*
Flunisolide MDI (Aerobid)
Flunisolide MDI (Aerobid-M)
Fluticasone MDI (Flovent)
Fluticasone MDI (Flovent HFA Inhaler)
Triamcinolone MDI (Azmacort)
Fluticasone/Salmeterol DPI (Advair Diskus)
Fluticasone/Salmeterol MDI (Advair HFA)

Committee Recommendations for the NPDL are:

Budesonide DPI (Pulmicort Flexhaler)
Budesonide Respules - *9 years old and over*
Budesonide Respules (Pulmicort Respules) - *9 years old and over*
Ciclesonide MDI (Alvesco)
Mometasone DPI (Asmanex)

8-2;23. Hypoglycemics, Incretin Mimetics/Enhancers

Dr. Murrill offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Kablinger, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Exenatide Pens (Byetta Pens)
Pramlintide (Symlin)
Pramlintide Pens (Symlin Pens)
Sitagliptin Oral (Januvia)
Sitagliptin/Metformin Oral (Janumet)

Committee Recommendations for the NPDL are:

None

8-2;24. Hypoglycemics, Insulins

Dr. Givler offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Yu. Discussion followed, and the motion passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Human Insulin & Pens (Humulin)
Insulin Glargine & Pens (Lantus)
Insulin Lispro & Pens (Humalog)
Insulin Lispro/Protamine Lispro & Pens (Humalog Mix)

Committee Recommendations for the NPDL are:

Human Insulin & Pens (Novolin)
Insulin Aspart & Pens (Novolog)
Insulin Aspart/Protamine Lispro & Pens (Novolog Mix 70/30)
Insulin Detemir & Pens (Levemir)
Insulin Glulisine & Pens (Apidra)

8-2;25. Intranasal Rhinitis Agents

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Wolfson. Discussion followed. The motion passed in a roll call vote with 10 yeas and 1 nay.

Committee Recommendations for the PDL are:

Azelastine (Astelin)
Azelastine (Astepro)
Mometasone (Nasonex)

Committee Recommendations for the NPDL are:

Beclomethasone (Beconase AQ)
Budesonide Aqua (Rhinocort Aqua)
Ciclesonide (Omnaris)
Flunisolide (Nasarel)
Flunisolide
Fluticasone
Fluticasone Furoate (Veramyst)
Ipratropium Nasal
Olopatadine (Patanase)
Triamcinolone (Nasacort AQ)

8-2;26. Leukotriene Modifiers

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Givler, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:
Montelukast (Singulair)
Zafirlukast (Accolate)

Committee Recommendations for the NPDL are:
Zileuton CR (Zyflo CR)

8-2;27. Macrolides – Ketolides

Dr. Givler offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Wolfson, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:
Azithromycin
Erythromycin Base
Erythromycin Estolate
Erythromycin Ethyl Succinate
Erythromycin Stearate

Committee Recommendations for the NPDL are:
Azithromycin ER (Zmax)
Clarithromycin
Clarithromycin ER
Telithromycin (Ketek)

8-2;28. Nonsteroidal Anti-Inflammatories (NSAIDS)

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Mader, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:
Diclofenac
Etodolac
Fenoprofen
Flurbiprofen
Ibuprofen Rx
Indomethacin Oral and Rectal
Ketoprofen
Ketorolac
Meclofenamate Sodium
Meloxicam
Naproxen Rx
Oxaprozin
Piroxicam
Sulindac
Tolmetin Sodium

Committee Recommendations for the NPDL are:

Celecoxib (Celebrex)
Diclofenac/Misoprostol (Arthrotec)
Nabumetone

Note: Mefenamic Acid (Ponstel) and Lansoprazole/Naproxen (Prevacid NapraPAC) are no longer available.

8-2;29. Ophthalmic Antibiotics *(Name change from Quinolones and Macrolides)*

Dr. Givler offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Yu, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Bacitracin/Polymyxin
Erythromycin
Gentamicin
Moxifloxacin (Vigamox)
Neomycin-Polymyxin-Gramacidin
Tobramycin (Tobrex)
Triple Antibiotic

Committee Recommendations for the NPDL are:

Azithromycin (Azasite)
Ciprofloxacin Ointment (Ciloxan)
Ciprofloxacin Solution
Gatifloxacin (Zymar)
Levofloxacin (Iquix)
Levofloxacin (Quixin)
Natamycin (Natacyn)
Ofloxacin Solution

8-2;30. Ophthalmic Anti-Inflammatories – *(Name change from NSAID*

Ophthalmics and expanded to include Corticosteroids and other Anti-inflammatory)

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Yu, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Dexamethasone (Maxidex)
Dexamethasone Sodium Phosphate
Diclofenac
Fluorometholone
Fluorometholone (Flarex)
Fluorometholone (FML Forte)
Fluorometholone (FML S.O.P.)
Flurbiprofen
Loteprednol (Lotemax)
Prednisolone Acetate (Pred Mild)

Committee Recommendations for the NPDL are

Bromfenac (Xibrom)
Difluprednate (Durezol)
Fluocinolone (Retisert)
Ketorolac (Acular LS)
Ketorolac (Acular PF)
Nepafenac (Nevanac)
Rimexolone (Vexol)
Triamcinolone Acetonide (Triesence)

8-2;31. Ophthalmics For Allergic Conjunctivitis

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Mr. McKay, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Loteprednol (Alrex)
Olopatadine HCl (Pataday)
Olopatadine HCl (Patanol)

Committee Recommendations for the NPDL are:

Azelastine HCl (Optivar)
Cromolyn Sodium
Emedastine Difumarate (Emadine)
Epinastine HCl (Elestat)
Ketorolac Tromethamine (Acular)
Ketotifen Fumarate Rx
Lodoxamide Tromethamine (Alomide)
Nedocromil Sodium (Alocril)
Pemirolast Potassium (Alamast)

8-2;32. Ophthalmics, Glaucoma Agents

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Wolfson, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Betaxolol
Betaxolol (Betoptic S)
Brimonidine Tartrate (Alphagan P)
Brimonidine Tartrate
Brimonidine/Timolol (Combigan)
Brinzolamide (Azopt)
Carteolol
Dipivefrin (Propine)
Dorzolamide (Trusopt – Brand Only)
Dorzolamide/Timolol (Cosopt – Brand Only)
Latanoprost (Xalatan)
Levobunolol
Metipranolol

Pilocarpine
Timolol Maleate
Timolol (Betimol)
Timolol-LA (Istalol)
Travoprost (Travatan, Travatan Z)

Committee Recommendations for the NPDL are:

Bimatoprost (Lumigan 2.5ml, 5ml and 7.5ml)
Dorzolamide (generic only)
Dorzolamide/Timolol (generic only)

8-2;33. Pancreatic Enzymes

Dr. Yu offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Wolfson, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Dygase
Lapase
Pancrelipase
Viokase
Pancrease MT
Creon

Committee Recommendations for the NPDL are:

Pancrecarb MS
Ultrase

Note: Lipram is no longer available.

8-2;34. Platelet Aggregation Inhibitors

Dr. Yu offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Mader, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Aspirin/Dipyridamole ER (Aggrenox)
Dipyridamole
Clopidogrel (Plavix)

Committee Recommendations for the NPDL are:

Ticlopidine

8-2;35. Steroids, Topical High

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Wolfson, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Amezinonide
Betamethasone Dipropionate

Betamethasone Valerate
Fluocinonide
Fluocinonide-E
Fluocinonide Emollient
Triamcinolone Acetonide

Committee Recommendations for the NPDL are:

Desoximetasone
Diflorasone Diacetate
Fluocinonide (Vanos)
Halcinonide (Halog)

8-2;36. Steroids, Topical Low

Dr. Jarres offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Givler, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Alclometasone Dipropionate
Desonide
Fluocinolone Acetonide (Derma-Smoothe-FS)
Fluocinolone Acetonide Shampoo (Capex)
Hydrocortisone

Committee Recommendations for the NPDL are:

Desonide (Verdeso)
Desonide (Desonate)

8-2;37. Steroids, Topical Medium

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Jarres.

Discussion followed. Dr. Yu stated she didn't see Cutivate Lotion on the monograph to be considered. Dr. Chris Andrews, Provider Synergies (PS), explained PS didn't solicit Cutivate for a rebate as a generic is available. Mr. Bordelon, Pharmaderm, explained there is no AB generic for Cutivate Lotion. Dr. Murrill asked if the Committee could consider Cutivate Lotion even though it was not on the monograph. Dr. Hebert, Chair, answered affirmatively.

Then Dr. Yu moved to add Cutivate Lotion to the PDL. Dr. Murrill seconded the motion. Discussion continued. Ms. Richard offered a motion to amend Dr. Yu's motion to stipulate Cutivate Lotion be added only if the company agreed to a rebate. Mr. McKay seconded Ms. Richard's motion. The amended motion passed unanimously.

The committee then passed unanimously with a roll call vote to approve the original motion as amended to include Cutivate Lotion in the list of recommended drugs for the PDL if the company provides a rebate.

Committee Recommendations for the PDL are:

Fluocinolone Acetonide
Fluticasone Propionate
Fluticasone Propionate Lotion (Cutivate Lotion)
Betamethasone Valerate (Luxiq)
Hydrocortisone Butyrate
Hydrocortisone Valerate
Mometasone Furoate
Prednicarbate

Committee Recommendations for the NPDL are:

Clocortolone Pivalate (Cloderm)
Flurandrenolide Tape (Cordran Tape)
Hydrocortisone Butyrate (Locoid Lipocream)

Note: Flurandrenolide (Cordran) is no longer available.

8-2;38. Steroids, Topical Very High

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Gauthier-Lewis, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Clobetasol Emollient
Clobetasol Propionate
Halobetasol Propionate

Committee Recommendations for the NPDL are:

Clobetasol Propionate (Clobex)
Clobetasol Propionate (Olux-Olux-E Pack)
Clobetasol Propionate (Olux-E)

8-2;39. Stimulants and Related Agents

Mr. McKay offered the motion to accept Provider Synergies' recommendation. The motion was seconded by Dr. Mader.

Dr. Kablinger then offered a motion to include Strattera to the list of drugs recommended by PS for the PDL. Dr. Murrill seconded the motion. Discussion followed.

Dr. Yu then offered a motion to amend Dr. Kablinger's motion that would restrict Strattera's use on the PDL for children only. Clarification questions were asked. No second was made to the motion, so Dr. Yu withdrew her motion.

Then Dr. Kablinger's motion to include Strattera failed in a voice vote.

The original motion to accept Provider Synergies recommendations passed in a roll call with 9 yeas and 2 nays.

Committee Recommendations for the PDL are:

Amphetamine Mixed Salt
Amphetamine Mixed Salt ER (Adderall XR – Brand Only)
Dexmethylphenidate
Dexmethylphenidate (Focalin)
Dexmethylphenidate ER (Focalin XR)
Dextroamphetamine
Lisdexamfetamine (Vyvanse)
Methylphenidate
Methylphenidate ER
Methylphenidate ER (Concerta, Metadate CD)
Methylphenidate Transdermal Patches (Daytrana)

Committee Recommendations for the NPDL are:

Amphetamine Mixed Salt ER (generic only)
Atomoxetine (Strattera)
Dextroamphetamine (Procentra)
Modafinil (Provigil)
Methamphetamine (Desoxyn)
Methylphenidate ER (Ritalin LA)

8-2;40. Tetracyclines – New Category

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation. The motion, seconded by Dr. Murrill, passed unanimously with a roll call vote.

Committee Recommendations for the PDL are:

Doxycycline
Minocycline
Tetracycline

Committee Recommendations for the NPDL are:

Demeclocycline
Doxycycline Monohydrate (Nutridox)
Doxycycline DR (Oracea)
Minocycline ER (Solodyn)

- C. **New Drugs Review.** The new drugs reviews or single drug reviews are on products that have come to the market since the last review of the class. The reviews at this meeting were new products in classes reviewed at the February 4, 2009 meeting. Ten (10) new drugs in eight (8) therapeutic classes were reviewed and recommendations were made. P&T Committee recommendations follow:

Class Review

Number

8-1;1. Analgesics, Narcotics Long Acting

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation to place the new drug Hydromorphone (**Dilaudid Oral Liquid**) on the NPDL. The motion was seconded by Dr. Wolfson and passed unanimously with a roll call vote.

8-1;10. Bladder Relaxants

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation to place the new drug Fesoterodine Fumarate (**Toviaz**) on the **NPDL**. The motion was seconded by Dr. Wolfson and passed unanimously with a roll call vote.

8-1;11. Benign Prostatic Hyperplasia (BPH) Treatments

Dr. Wolfson offered the motion to accept Provider Synergies' recommendation to place the new drug Silodosin (**Rapaflo**) on the **NPDL**. The motion was seconded by Ms. Richard and passed unanimously with a roll call vote.

8-1;18. Hypoglycemics, Meglitinides

Mr. McKay offered the motion to accept Provider Synergies' recommendation to place the new drug Repaglinide/Metformin (**PrandiMet**) on the **NPDL**. The motion was seconded by Dr. Gauthier-Lewis and passed unanimously with a roll call vote.

8-1;22. Lipotropics, Other

Mr. McKay offered the motion to accept Provider Synergies' recommendation to place the new drug Fenofibric Acid (**Trilipix**) on the **PDL**. The motion was seconded by Dr. Gauthier-Lewis and passed unanimously with a roll call vote.

8-1;25. Phosphate Binders

Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation to place the new drug Calcium Acetate (**Eliphos**) on the **NPDL**. The motion was seconded by Dr. Givler and passed unanimously with a roll call vote.

8-1;26. Proton Pump Inhibitors

- Dr. Gauthier-Lewis offered the motion to accept Provider Synergies' recommendation to place the new drug Dexlansoprazole (**Kapidex**) on the **NPDL**. The motion was seconded by Dr. Wolfson and passed unanimously with a roll call vote.

- Mr. McKay offered the motion to accept Provider Synergies' recommendation to place the new drug Omeprazole Magnesium Suspension (**Prilosec Suspension**) on the **NPDL**. The motion was seconded by Dr. Gauthier-Lewis and passed unanimously with a roll call vote.

8-1;29. Ulcerative Colitis Agents

- Ms. Richard offered the motion to accept Provider Synergies' recommendation to place the new drug Mesalamine (**Apriso**) on the **NPDL**. The motion was seconded by Mr. McKay and passed unanimously with a roll call vote.

- Mr. McKay offered the motion to accept Provider Synergies' recommendation to place the new drug Sulfite-free Mesalamine Suspension Enema (**stRowasa**) on the **PDL**. The motion was seconded by Dr. Gauthier-Lewis and passed unanimously with a roll call vote.

D. Recommendation to Retire One Therapeutic Class from the PDL/NPDL Process. Provider Synergies proposed removal of the therapeutic class 7-2;22. **Hepatitis B Agents** from the PDL/NPDL process upon the expiration of the state rebate agreements (SRAs) for the drugs in

this class. Provider Synergies explained there is no more savings to be realized for this class. Drugs in this class would be covered by the program without the possibility of requiring prior authorization. Mr. McKay offered the motion, seconded by Dr. Wolfson, to accept Provider Synergies' recommendation. The motion carried unanimously with a voice vote.

Other Business:

- A. **Ms. Sybil Richard.** Ms. Sybil Richard, DHH Deputy Secretary, thanked the Committee members for participating and for their patience. She invited the members to contact the DHH staff if they had any questions about the Medicaid pharmacy program, Medicaid prescription drug law, the budget or the P&T Committee process.
- B. **Dr. Mader.** Dr. Mader asked if the monographs are considered classified. Dr. Chris Andrews, Provider Synergies replied that they are classified, and the documents should be shredded or the CDs erased when no longer needed by the members. He also requested the members not to distribute the documents.

Next Steps:

- A. **Therapeutic Classes proposed to be reviewed at Next Meeting.** Therapeutic classes proposed for review at the next meeting were presented. Mr. McKay offered a motion to approve the proposed list. Dr. Gauthier-Lewis seconded the motion which passed unanimously. Those classes selected are:

Analgesics, Narcotic Long	H Pylori Agents
Analgesics, Narcotics Short	Hepatitis C Agents
Angiotensin Modulators	Hypoglycemics, Meglitinides
Angiotensin Modulators /CCB Combinations	Hypoglycemics, TZD
Antibiotics, GI	Immunosuppressants
Anticoagulants, Injectable	Impetigo Agents, Topical
Antihistamines, Minimally Sedating	Lipotropics, Other
Antimigraine Agents, Triptans	Lipotropics, Statins
Beta-Blockers	Multiple Sclerosis Agents
Bile Salts	Otic Antibiotics
Bladder Relaxant Preparations	PAH Agents, Oral
BPH Treatments	Phosphate Binders
Calcium Channel Blockers	Proton Pump Inhibitors
Colony-Stimulating Factor	Sedative Hypnotics
Erythropoiesis Stimulating Proteins	Skeletal Muscle Relaxants
Fibromyalgia Agents	Thrombopoiesis Stimulating Proteins
Growth Hormones	Ulcerative Colitis Agents

*Note: Therapeutic Classes scheduled for review are posted on the following websites:
DHH Medicaid (www.lamedicaid.com)
Provider Synergies
(<http://www.providersynergies.com/services/medicaid/default.asp?content=Louisiana>)*

Next Meeting Date:

The next Committee meeting was scheduled for either Wednesday, February 3, 2010 or February 10, 2010 at 9:00 a.m. *Note: The meeting date was later finalized for February 10, 2010.*

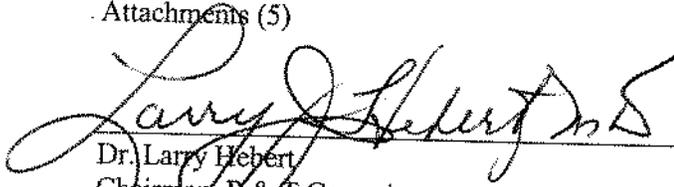
Public Comment:

There were no additional public comments.

Adjournment:

Ms. Richard offered a motion, seconded by Dr. Givler, to adjourn. The meeting adjourned at 2:53 p.m.

Attachments (5)

A large, stylized handwritten signature in black ink, which appears to read "Larry Hebert". The signature is written over a horizontal line that spans the width of the page.

Dr. Larry Hebert
Chairman, P & T Committee
February 10, 2010

[PREVIOUS SECTION](#) | [NEXT SECTION](#) | [PRINT DOCUMENT](#) | [CLOSE THIS WINDOW](#)

RS 46:153.3

Attachment 1

§153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

A. The Louisiana Legislature recognizes the need to ensure that the state delivers a medical assistance program which is cost effective and prudently administered. The legislature acknowledges that rising health care costs are creating an increased demand on the state's limited revenues. Further, the legislature finds that cost effective programs such as the medical assistance drug program optimize existing fiscal resources while improving the quality of patient care and reducing the need for more expensive health care services.

B.(1)(a) The department may limit ingredient reimbursement for multi-source prescription drugs in accordance with state and federal law.

(b)(i) The legislature finds the following:

(aa) Many pharmacies are in critical financial condition as a result of the implementation of Medicare Part D and from the uncompensated care that pharmacies provided to evacuees during the aftermath of Hurricanes Katrina and Rita.

(bb) Medicaid reimbursement rates for the dispensing fee component of prescription drugs have not been increased since 1994.

(cc) The enactment of the Deficit Reduction Act of 2005 will result in significantly reduced reimbursement rates for the ingredient cost of generic prescription drugs in the medical assistance program.

(dd) The Centers for Medicare and Medicaid Services (CMS) has issued guidance encouraging states to continue paying pharmacists more in dispensing fees to support state savings from greater use of generic prescription drugs.

(ee) Pharmacy is a vital link in the health care delivery system of the state and adequate access to prescription drugs, supplies, and pharmacist services for Louisiana citizens are in jeopardy.

(ii) The legislature further finds that the current Medicaid dispensing fee reimbursement rates are inadequate, that a reasonable dispensing fee is necessary to assure adequate access by Medicaid beneficiaries to prescription drugs, supplies, and pharmacist services, and that a rate of at least fifteen dollars per prescription on all prescription drugs for which a federal upper limit has been set or is set in the future, and at least ten dollars per prescription on all other prescription drugs would assure adequate access.

(iii) The legislature further finds that time is of the essence and that all steps necessary to implement the rate increase pursuant to Subparagraphs (c) and (d) of this Paragraph be taken timely so that an increase in the Medicaid dispensing fee begins on January 1, 2007.

(c) The legislature recognizes that any change in the rate of reimbursement by the medical assistance program must be submitted to and approved or deemed approved by CMS in order to receive federal matching funds. It is the intent of the legislature that the department shall submit to CMS for approval a state plan amendment reflective of the legislative findings in Items (B)(1)(b)(i) and (ii) of this Section and shall negotiate with CMS to obtain the reimbursement rates that assure adequate access to prescription drugs, supplies, and pharmacist services in accordance with Item (B)(1)(b)(ii) of this Section.

(d) The department shall submit a state plan for increased pharmacy dispensing fees as soon as practical. Provided, however, no increase in the dispensing fee rate shall be implemented until CMS shall approve or deem approved a specific rate for pharmacy services, and subject to the conditions of Subparagraph (e) of this Paragraph.

(e) Upon CMS approving or deeming approved the state plan amendment, the Department of Health and Hospitals shall submit for approval by the commissioner of administration and the Joint Legislative Committee on the Budget a funding plan to implement the approved dispensing fee as of

January 1, 2007. The funding plan shall include any funds appropriated or allocated by the legislature specifically for this purpose and the cost savings that accrue from implementation of AMP reimbursement rates mandated by CMS, as provided in House Bill No. 1* of the 2006 Regular Session of the Legislature. Provided, however, in the event that available funds are insufficient to fund the pharmacy dispensing fee as approved by CMS, the Department of Health and Hospitals shall submit its funding plan with a pharmacy dispensing fee that does not exceed the available funding.

(2)(a) The department may establish a drug list that utilizes a prior approval process or any other process or combination of processes that prove to be cost-effective in the medical assistance program. At a minimum any prior approval process shall meet all of the following criteria:

(i) Provide for a response by telephone or other form of telecommunication device within a maximum of twenty-four hours of a request for prior authorization.

(ii) Provide for the dispensing of a minimum of a seventy-two hour supply of a covered outpatient prescription drug in an emergency situation as provided by federal rule or regulation.

(iii) Comply with federal laws, rules, and regulations.

(iv) Involve medical personnel, including but not limited to pharmacists, pharmacy technicians, nurses, and physicians.

(v) Assure that a qualified, licensed physician is available for consultation during the prior approval process.

(b) The department may enter into contractual arrangements to perform the prior approval function and the development of the preferred drug list with a Louisiana school of medicine, a Louisiana school of pharmacy, the fiscal intermediary for the Medicaid program, or such other qualified contractor that it deems appropriate. The department may, at the expiration of any current contractual obligation, enter into contractual arrangements through a public request for proposal process to perform the development of the preferred drug list.

(c) The department is authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

(d) In order to maximize savings as provided by any formulary and to maintain continuity of care, the department shall not restrict or require prior approval of maintenance medications for Medicaid recipients who have been prescribed such medications prior to June 13, 2001, for a period of six months after June 13, 2001.

(e) Each year the department shall provide a written and public report to the legislature and the governor thirty days prior to the regular legislative session. The report shall cover:

(i) The cost of administering the preferred drug list, including the cost of administering the prior authorization function, the costs of development and maintenance of the preferred drug list and aggregate funds, returned to the federal government related to pharmaceutical rebates.

(ii) An analysis of the utilization trends for medical services provided by the state and any correlation to the preferred drug list.

(3)(a) The department, in consultation with and upon the recommendation of the Louisiana Medicaid Pharmacy Advisory Committee and the department's interdisciplinary medicine and pharmacy committee, shall develop peer-based prescribing and dispensing practice patterns for health care providers who participate in the Louisiana Medicaid Program and shall develop a process to promote such practice patterns through the Drug Utilization Review Board. This process shall include the authority for the department to educate health care providers and the authority to exclude from participating in the Louisiana Medicaid Program a health care provider who repeatedly fails to comply with the prescribing and dispensing practice patterns. This process shall only be in accordance with peer-based practice patterns and shall not establish a community standard for drug prescribing and dispensing practices applicable to medical malpractice actions. The intent of this Paragraph is to limit

aberrant practice patterns based upon peer-based practice patterns. Nothing contained herein shall be interpreted or construed as to interfere with the provisions of Paragraph (2) of this Subsection.

(b) The department is authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Paragraph.

(4)(a) The department is authorized to apply for the appropriate federal waiver from the Centers for Medicare and Medicaid Services for the state Medicaid program to conduct a pilot project to determine the effectiveness of, and projected cost savings which may result from, providing reimbursement for weight control therapies, including anorexic drugs, and nutritional, diet, and exercise counseling, in the state Medicaid Drug Program. Any such waiver which is obtained by the department shall provide for the pilot project to be conducted by the Louisiana State University Health Sciences Center in Shreveport in conjunction with Pennington Biomedical Research Center, involving twenty participants, and implementing diet, exercise, and nutritional therapies and counseling in conjunction with an anorexic drug regimen as indicated.

(b) The department, along with the Louisiana State University Health Sciences Center in Shreveport in conjunction with Pennington Biomedical Research Center, may apply for any available public or private grants and donations to offset costs of the pilot project, and such pilot project shall only be conducted if grants and donations are received in an amount sufficient to fund over fifty percent of the estimated cost of the pilot project. The department, in conjunction with the Louisiana State University Health Sciences Center in Shreveport and Pennington Biomedical Research Center, shall report the results of such pilot project to the House and Senate Health and Welfare Committees and the legislature prior to the 2002 Regular Session.

C.(1) The department shall not restrict by prior authorization any anti-retroviral prescription drug prescribed and determined by a prescribing practitioner licensed by the state to be medically necessary for the treatment and prevention of HIV/AIDS. Such anti-retroviral prescription drugs include but are not limited to protease inhibitors, non-nucleoside reverse transcriptase inhibitors, nucleoside reverse transcriptase inhibitors, anti-virals, and fusion inhibitors prescribed for the treatment of HIV/AIDS.

(2) The department shall not restrict by prior authorization an atypical antipsychotic medication prescribed for the treatment of schizophrenia or mental illness with psychotic symptoms for a Medicaid recipient that has had a prescription for such atypical antipsychotic paid for by Medicaid during the six months prior to the effective date of the class being placed on the Medicaid preferred drug list.

(3) The department shall not restrict by prior authorization an immunomodulator or hepatitis C-specific antiviral drug prescribed for the treatment of hepatitis C for a Medicaid recipient that has had a prescription for such immunomodulator or hepatitis C - specific antiviral drug paid for by Medicaid during the six months prior to the effective date of the class being placed on the Medicaid preferred drug list.

(4) The department shall include data from the atypical antipsychotic drug class and the immunomodulator and hepatitis C - specific antiviral drug class with the data collected on all drug classes reviewed on the Medicaid preferred drug list for the annual report to the legislature and governor as required by Subparagraph (e) of Paragraph (2) of Subsection (B) of this Section.

D.(1) The Medicaid Pharmaceutical and Therapeutics Committee, hereinafter referred to as "the committee", is hereby created within the Department of Health and Hospitals. The committee shall be composed of twenty-one members appointed by the governor and submitted to the Senate for confirmation. The committee shall be representative of the state's geographic and demographic composition, including women and minorities.

(2) Each nominating organization shall certify by affidavit that the practice of each nominee involves either the care of or the supervision of the care of no less than one hundred fifty Medicaid

recipients. The committee shall be comprised of the following persons:

- (a) One physician with expertise in the area of pharmacology representing the Louisiana State University Health Sciences Center.
 - (b) One physician with expertise in the area of pharmacology representing Tulane University School of Medicine.
 - (c) One practicing physician who is participating in the Title XIX program as a family practitioner recommended from a list of three names submitted by the Louisiana State Medical Society.
 - (d) One practicing physician who is participating in the Title XIX program as an internal medicine specialist recommended from a list of three names submitted by the Louisiana State Medical Society.
 - (e) One practicing physician who is participating in the Title XIX program as a pediatrician recommended from a list of three names submitted by the Louisiana State Medical Society.
 - (f) One practicing physician who is participating in the Title XIX program as a surgeon recommended from a list of three names submitted by the Louisiana State Medical Society.
 - (g) One practicing physician who is participating in the Title XIX program as an obstetrics/gynecologist recommended from a list of three names submitted by the Louisiana State Medical Society.
 - (h) Two practicing physicians who are participating in the Title XIX program recommended from a list of six names submitted by the Louisiana Medical Association.
 - (i) One pharmacist representing University of Louisiana at Monroe School of Pharmacy.
 - (j) One pharmacist representing Xavier University of Louisiana School of Pharmacy.
 - (k) Two practicing pharmacists who are participating in the Title XIX drug program recommended from a list of six names submitted by the Louisiana Pharmacists Association. One pharmacist shall be an independent pharmacist and one pharmacist shall be a pharmacist representing a chain pharmacy.
 - (l) The secretary of the Department of Health and Hospitals or his designee.
 - (m) The director of the Medicaid program in the Department of Health and Hospitals or his designee.
 - (n) The president of the Senate or the president's designee.
 - (o) The speaker of the House of Representatives or the speaker's designee.
 - (p) One practicing physician who is participating in the Title XIX program as a psychiatrist recommended from a list of three names submitted by the Louisiana Psychiatric Medical Association.
 - (q) A Medicaid recipient.
 - (r) One physician representing the Department of Neurology at Louisiana State University Health Sciences Center.
 - (s) One physician who is a pediatric oncologist representing the Louisiana State University Health Sciences Center.
- (3) Other physicians who participate in various subspecialties may act as consultants to the committee as needed.
- (4) Members of the committee shall be governed by either the Code of Governmental Ethics, R.S. 42:1101 et seq. or the code of ethics governing their respective profession.
- (5)(a) The committee shall meet only in public and shall permit public comment prior to voting on any changes in the preferred drug list. Minutes of the meeting shall be made available to the public within five days after the minutes are approved. All documents that are distributed to the committee and not subject to state or federal confidentiality laws shall be made available to the public within five days after the committee meets.
- (b) The committee shall be responsible for developing and maintaining a pharmacopoeia

RS 46:153.3

established in conjunction with a prior approval process as provided in Subparagraph (B)(2)(a) of this Section. The pharmacopoeia shall comply with all applicable state and federal laws, rules, and regulations. The committee may recommend additions and deletions to the pharmacopoeia and the pharmacopoeia may change in accordance with those recommendations. The committee shall also advise the secretary of the department on policy recommendations related to the prudent administration of the Medicaid drug program. The secretary shall assure that all actions of the committee comply with applicable state and federal laws, rules, and regulations prior to implementation or modification of the pharmacopoeia. The clinical decisions regarding the preferred drug list shall be made transparent through a written report that is publicly available. If the decision of the Medicaid Pharmaceutical and Therapeutics Committee is contrary to the clinical evidence found in labeling, drug compendia, or peer review literature, such decisions shall be justified in writing.

(c) Any drug approved by the United States Food and Drug Administration shall be added to the formulary as soon as it becomes commercially available. The Medicaid Pharmaceutical and Therapeutics Committee shall conduct an evidence-based analysis of the drug to determine if the drug shall be maintained on the formulary. The analysis shall include but not be limited to the medical evidence of the clinical effectiveness of the drug as well as evidence of the cost-effectiveness of the drug in treating illness and disease. The determination by the committee on any new drug approval by the United States Food and Drug Administration shall be made no later than ninety days after the drug becomes commercially available. Prior to a drug being prior authorized, it must have been reviewed by the Medicaid Pharmaceutical and Therapeutics Committee.

(d) The department shall not implement the pharmacopoeia authorized by this Subsection until the initial pharmacopoeia is submitted to and approved by the House and Senate committees on health and welfare. The committees may only approve or reject the pharmacopoeia and may not add specific drugs to or delete specific drugs from the pharmacopoeia.

(e) The department shall not require prior approval of any drug listed on the pharmacopoeia or formulary authorized by this Subsection. Any pharmacopoeia developed by the committee shall include but not be limited to drugs in the following therapeutic categories:

- (i) Anti-cholesterol.
- (ii) Arthritis.
- (iii) Asthma.
- (iv) Cancer.
- (v) Carbonic anhydrase inhibitors.
- (vi) Cardiovascular disease.
- (vii) Diabetes.
- (viii) HIV/AIDS.
- (ix) Mental illness.
- (x) Osteoporosis.
- (xi) Lipase inhibitors.
- (xii) Hemophilia.

Acts 1989, No. 403, §1, eff. June 30, 1989; Acts 1995, No. 991, §1; Acts 1999, No. 795, §1; Acts 1999, No. 802, §7, eff. July 2, 1999; Acts 1999, No. 1245, §1; Acts 2001, No. 395, §1, eff. June 13, 2001; Acts 2001, No. 1137, §1; Acts 2003, No. 1264, §1; Acts 2004, No. 653, §1; Acts 2004, No. 677, §1; Acts 2004, No. 705, §1; Acts 2005, No. 177, §1, eff. June 28, 2005, and §2, eff. June 30, 2007; Acts 2006, No. 801, §1, eff. Jan. 1, 2007.

*Acts 2006, No. 17.

Attachment 2

P & T Committee Overview




Medicaid Pharmacy Director
M. J. Terrebonne, P.D.
August 12, 2009

Pharmaceutical and Therapeutics Committee Overview

ACT 395 of the 2001 Regular Legislative Session -

Authorizes the Department of Health and Hospitals (DHH) to establish a drug list utilizing a prior approval process or any other process or combination of processes that prove to be cost effective in the Medical Assistance Program

Allows DHH to enter into contractual arrangements to perform the prior approval (PA) function

Pharmaceutical and Therapeutics Committee Overview

ACT 395 Provisions -

Mandates a maximum 24 hour response time on PA requests.

Allows DHH to enter into contractual arrangements to perform the prior approval (PA) function

Creates the Pharmaceutical and Therapeutics Committee

**Pharmaceutical and Therapeutics
Committee Overview**

ACT 705 of the 2004 Regular Session -

Requires an annual report to the Legislature and the Governor 30 days prior to the Regular Legislative Session

This report is available on the DHH website at www.dhh.louisiana.gov/offices/?ID=134

**Pharmaceutical and Therapeutics
Committee Overview**

ACT 177 of the 2005 Regular Session and ACT 107 of the 2007 Regular Session

Allowed for the atypical antipsychotics, immunomodulators, and hepatitis C drug classes to be included in the PDL/PA process

**Pharmaceutical and Therapeutics
Committee Overview**

The Louisiana Medicaid Pharmaceutical and Therapeutics Committee (P & T):

Established in August 2001;

Consists of **twenty-one (21)** members, appointed by the Governor and confirmed by the Senate;

Reviews clinical and cost data on various **Therapeutic Classes of drugs**; and meets **Bi-Annually**.

**Pharmaceutical and Therapeutics
Committee Overview**

On June 10, 2002, the Department implemented a Preferred Drug List (PDL) with a Prior Authorization (PA) process and a Supplemental Drug Rebate Program

The program is administered by the Medicaid Pharmacy Benefits Management section of DHH and utilizes the services of the following contractors:

Unisys, the Medicaid fiscal intermediary, provides the equipment and program design for the PA process

The University of Louisiana at Monroe (ULM) School of Pharmacy administers the PA function;

DHH contracts with Provider Synergies to negotiate State Supplemental Rebates.

**Pharmaceutical and Therapeutics
Committee Overview**

The Preferred Drug List is updated bi-annually (April & October) based on committee's recommendations and the approval of the Secretary of DHH

**Pharmaceutical and Therapeutics
Committee Overview**

Provider Synergies, LLC

Negotiate State Supplemental Rebates with Drug Manufacturers

Prepare therapeutic class reviews

Provide cost analysis information for the therapeutic classes

Develop clinically sound and cost-effective recommendations to develop and manage the PDL

Therapeutic Classes

2007	52
2008	57
2009	68

12

Pharmacy Program

2007	9,481,853	731,380	\$475,479,194	\$50,679,498	\$41,085,168	\$453,134,155
2008	9,969,582	774,696	\$747,797,787	\$100,253,376	\$37,333,592	\$527,024,174
2009	10,180,045	800,831	\$839,849,487	\$256,001,121	\$45,636,734	\$528,443,713

Source: Medicaid Claims Report (Base Calendar, 04/01/05-4/30/09)
 *Other than comparison to FY 08, all other figures are as reported and should be used for trend analysis only. **Include 09*

13

Pharmaceutical and Therapeutics Committee Overview

Kimberly Sullivan
 DHH Attorney

14

**Pharmaceutical and Therapeutics
Committee Overview**

BYLAWS –

Committee members shall serve at the pleasure of the Governor unless removed in accordance with the provisions set forth in Article 1 – Section 7.

Members shall not entertain individuals lobbying or marketing, or partake in any other activity/discussions with pharmaceutical manufacturers or their representatives which would call into question their impartiality when it comes to deciding which drugs may or may not be included on the preferred drug list.

11

**Pharmaceutical and Therapeutics
Committee Overview**

BYLAWS cont' –

The Chairman and Vice-Chairman of the Committee shall be elected by the members of the Committee. The Department shall designate staff to assist the Chairman in his duties.

The Committee shall meet quarterly or as prescribed by the Chairman.

Regular meetings will be held on the first Wednesday of every month or on the next available Wednesday of the Committee's regular meeting place

14

**Pharmaceutical and Therapeutics
Committee Overview**

BYLAWS cont' –

The rules contained in Robert's Revised Rules of Order shall govern the Committee in cases to which they are applicable, and in which they are not inconsistent with the bylaws of the Committee.

In accordance with La.R.S. 42:5, all Committee meetings subject to La.R.S. 42:7(A) shall provide for an opportunity for public comment at such meeting, subject to reasonable rules, regulations, and restrictions as adopted by the public body.

15

**Pharmaceutical and Therapeutics
Committee Overview**

BYLAWS cont' --

The committee shall not take up an item not on the agenda unless there is unanimous approval of all the committee members present at the meeting. Prior to any vote on the motion to take up a new agenda item, there shall be an opportunity for public comment.

These bylaws may be amended by a majority of voting members. The Chairman shall provide a copy of proposed amendments to each Committee member at least two weeks prior to voting on the amendments.

16

**Pharmaceutical and Therapeutics
Committee Overview**

BYLAWS cont' --

A quorum shall be established by the presence of a majority of voting members of whom at least five (5) must be physicians and one (1) must be a pharmacist. If quorum is not obtained for a regular scheduled meeting, the meeting will be rescheduled at the earliest possible date, and all Committee members informed at the discretion of the Chairman.

17

**Pharmaceutical and Therapeutics
Committee Overview**

ETHICS

18

P&T / DHH Staff

M. J. Terrebonne – Pharmacy Director
Carol Rumfola – Administrative Assistant
Rachel Broussard – Pharmacist
Kimberly Sullivan – DHH Attorney
Germaine Becks-Moody – Program Manager
Timothy Williams – Program Manager

THE LOUISIANA CODE OF GOVERNMENTAL ETHICS



I. INTRODUCTION TO THE CODE OF GOVERNMENTAL ETHICS

A. Policy Goals (R.S. 42:1101)

- * To ensure the public confidence in the integrity of government
- * To ensure the independence and impartiality of elected officials and public employees
- * To ensure that governmental decisions and policy are made in the proper channel of the government structure
- * To ensure that public office and employment are not used for private gain

B. Administration (R.S. 42:1131 et seq.)

(1) **Board of Ethics** established as of January 1, 1997

- Composed of 11 members; 7 appointed by the Governor with at least 1 from each congressional district; 2 elected by the Senate, 2 elected by the House of Representatives
- Initial terms are staggered, thereafter, each term is for 5 years with a 2 term limit on Board membership
- Administers the Code as to all state and local public employees, appointed members of boards and commissions, and elected officials other than judges

(2) Duties of the Board

- Issue advisory opinions interpreting the Code (R.S. 42:1134E)
- Conduct private investigations of alleged violations of the Code (R.S. 42:1134C and 1141C)
- Establish a computerized data management system (R.S. 42:1134M)
- Conduct educational activities, seminars and publish appropriate materials to provide instruction (R.S. 42:1134N)

II. KEY DEFINITIONS (R.S. 42:1102)

- A. “**Agency**” means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.
- B. “**Agency head**” means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.
- C. “**Controlling interest**” redefined by Act 1204 of the 1999 Regular Legislative Session to mean any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds 25 percent of that legal entity.
- D. “**Immediate family**” as the term relates to a public servant means his children, spouses of children, brothers, sisters, spouses of his brothers and sisters, parents, spouse, and the parents of his spouse.
- E. “**Participate**” means not only to have final decision-making authority, but to take part in or to **have or share responsibility** for an action of the governmental entity through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.
- F. “**Public employee**” means anyone, whether compensated or not, who is (a) an officer or official of a governmental entity who is not filling an elective office; (b) appointed by an elected official to a position to serve the government or government agency, when the elected official was acting in his official capacity; (c) engaged in the performance of a governmental function; or (d) is under the supervision or authority of an elected official or another governmental employee.
- G. “**Public servant**” means a public employee or an elected official.
- H. “**Regulatory employee**” means a public employee who performs the function of regulating, monitoring, or enforcing regulations of any agency.
- I. “**Substantial economic interest**” means an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except the interest the public servant has in his public employment or the interest a person has as a member of the general public.

- J. **“Thing of economic value”** means money or any other thing having economic value, except:
- (1) promotional items having no substantial resale value;
 - (2) food, drink, or refreshments, including reasonable transportation and entertainment incident thereto, consumed while the personal guest of some person;
 - (3) with reference to legislators and legislative employees only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto; and,
 - (4) salary and related benefits due to public employment.
- K. **“Service”** means the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

III. GENERAL PROHIBITIONS (R.S. 42:1111 - 1121)

NOTE: The following is a synopsis of some of the key provisions of the Code of Governmental Ethics. It is only a summary. For the official text of the provisions described below and for the text of other provisions of the Code, including information relative to exceptions to these general restrictions, refer to the Code at LSA R.S. 42:1101 et seq.

- A. 1111A - Receipt of a thing of economic value from a source other than the governmental entity for the performance of official duties and responsibilities.
- B. 1111C(1)(a) - Receipt of a thing of economic value for the performance of a service substantially related to public duties or which draws on non-public information.
- C. 1111C(2)(d) - Receipt of a thing of economic value by a public servant for services rendered to or for the following:
- (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant’s agency;
 - (2) persons who are regulated by the public employee’s agency; or
 - (3) persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee’s official duties.

These same restrictions apply to the public servant’s spouse and to any legal entity in which the public servant exercises control or owns an interest in excess of 25%.

- D. 1115 - Solicitation or acceptance of a thing of economic value as a gift from any of the persons listed in C, above; however, the restrictions against the receipt of gifts from persons regulated by a public employee's agency or from persons who may be substantially affected by his performance or nonperformance or his official duty applies only to "public employees" and not to elected officials. In addition, elected officials are not allowed to solicit or accept any thing of economic value from paid lobbyists or their employers.
- E. 1115.1 - Giving of food and drink valued at over \$50 per single event to a public servant by one of the persons listed in C or A above; however, this restriction does not apply to a gathering held in conjunction with a meeting of a national or regional organization or a statewide organization of government officials or employees, or to a public servant of a post-secondary education attending a private fundraiser for the post-secondary institution.
- F. 1111E - Receipt of a thing of economic value for assisting someone with a transaction with the agency of the public servant.
- G. 1112 - Participation by a public servant in a transaction involving the governmental entity in which any of the following persons have a substantial economic interest:
 - (1) the public servant;
 - (2) any member of his immediate family;
 - (3) any person in which he has an ownership interest that is greater than the interest of a general class;
 - (4) any person of which he is an officer, director, trustee, partner, or employee;
 - (5) any person with whom he is negotiating or has an arrangement concerning prospective employment;
 - (6) any person who is indebted to him or is a party to an existing contract with him and by reason thereof is in a position to affect directly his economic interests.

An **elected official** may participate in the debate and discussion of a matter which could violate this provision, but only if he discloses the nature of the conflict on the record of his agency prior to his participation in the debate and discussion, and prior to any vote taken on the matter. The elected official is not allowed to vote on the matter and he must recuse himself. R.S. 42:1120.

Appointed members of boards and commissions may recuse themselves to avoid a violation of Section 1112. Unlike elected officials, they may not participate in the debate or discussion of the matter. They must recuse themselves from all participation. R.S. 42:1112D.

Other public employees who are not sole decision makers can be disqualified from transactions that would violate this prohibition. A mechanism for disqualification is found in the rules promulgated by the Board. R.S. 42:1112C.

- H. 1113 - Bidding on, entering into, or being in any way interested in any contract, subcontract or other transaction under the supervision or jurisdiction of the public servant's agency. This restriction also applies to the immediate family members of the public servant and to legal entities in which the public servant and/or his family members own an interest in excess of 25%.
- Modification of the rule for appointed members of boards and commissions prohibits not only bidding on or entering into to such contracts, subcontract and transactions, but also being "in any way interested" in them; also, reference to an interest exceeding 25% is changed to reference legal entities in which the public servant or immediate family members have a "substantial economic interest."
 - Modification applicable to legislators prohibits a legislator, certain executive branch officials, their spouses or legal entities in which either owns an interest from entering into a contract or subcontract with any branch, agency, department or institution of state government, with a few exceptions.
- I. 1116 - A public servant's use of the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value that they are not entitled to by law or the use of the authority of his office to compel or coerce a person to engage in political activity. Also, a regulatory employee is prohibited from participating in any way in the sale of goods or services to persons regulated by his agency, if a member of his immediate family or if a business enterprise in which the regulatory employee or members of his immediate family own in excess of 25%, receives or will receive a thing of economic value by virtue of the sale.
- J. 1117 - It is prohibited for a public servant or other person make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer or deliver a thing of economic value to a public servant when the public servant is prohibited by the Ethics Code from receiving such a thing of economic value.
- K. 1119 - Nepotism
- (1) Members of the immediate family of an agency head may not be employed in the agency.
 - (2) Members of the immediate family of a member of a governing authority or the

chief executive of a governmental entity may not be employed in the governmental entity. The term "governing authority" includes parish councils, police juries, school boards, town councils, boards of aldermen, etc.

- (3) Note that the application of this restriction is not affected by whether the agency head, chief executive or governing authority member has authority over or actually participates in the hiring decision - such family members are simply ineligible for employment.
- (4) **Exceptions:**
 - (a) persons employed in violation of this rule continuously since April 1, 1980;
 - (b) a person employed for one year prior to their family member becoming an agency head;
 - (c) employment of a school teacher who is a member of the immediate family of the superintendent or a school board member as long as the family member is certified to teach. Annual disclosure is required and forms are available from the Ethics Administration Program office. Pursuant to Act 1349 of the 1999 Regular Legislative Session, if the required disclosure is not timely filed, a late fee assessment of \$50 per day, with a maximum penalty of \$1,500, may be imposed;
 - (d) employment as a health care provider, of an immediate family member of a hospital service district board member or of a public trust authority board member as long as the hospital service district or the public trust authority has a population of less than 100,000 and the family member is a licensed physician or a registered nurse. Annual disclosure is required and forms are available from the Ethics Administration Program office. Pursuant to Act 1349 of the 1999 Regular Legislative Session, if the required disclosure is not timely filed, a late fee assessment of \$50 per day may be imposed, with a maximum penalty of \$1,500, or
 - (e) persons employed as volunteer firefighters.

L. 1121- Post Employment

- (1) During the two year period following the termination of public service as an agency head or elected official, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with any transaction involving their former agency nor may they render any service on a contractual basis to or for their former agency.
- (2) During the two year period following the termination of public service as a board or commission member, these individuals may not contract with, be

employed in any capacity by, or be appointed to any position by that board or commission. The Board has interpreted "board or commission" to include a collective body that shares responsibility for its actions. This would include school boards, police juries, boards of aldermen, a group of selectmen, a council, etc.

- (3) During the two year period following the termination of public service as a public employee, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with a transaction involving the agency in which the former public employee participated while employed by the agency nor may the former public employee provide on a contractual basis to his former public employer, any service he provided while employed there.

IV. PROCEDURE

- A. Complaints - The Board can initiate an investigation into any matter which it has reason to believe may be a violation of the Code by a 2/3 vote of its membership (8 votes). A copy of the vote, and a detailed explanation of the matter is sent to the complainant and the respondent. Additionally, the Board must consider any signed sworn complaint.
- B. Investigations - The Board considers information discovered through a confidential investigation. Some cases lead to voluntary admissions of violations of the Code through the publication of a consent opinion.

V. ENFORCEMENT AND PENALTIES

- A. Agency heads have a responsibility to report possible Code violations to the Board.
R.S. 42:1161A
- B. Penalties
 - (1) The Board has the authority to censure an elected official or other person within its jurisdiction and to impose a fine of not more than \$10,000 per violation; it does not have the authority to remove an elected official from office. R.S. 42:1153A
 - (2) The Board has the authority to remove, suspend, reduce the pay or demote a public employee or other person and to impose a fine of not more than \$10,000 per violation. R.S. 42:1153B

- (3) The Board has the authority to impose restrictions on a former public servant to prevent appearances before his former agency and to prohibit the negotiation for or entering into business relationships with his former agency. R.S. 42:1151B
- (4) The Board has the authority to rescind contracts, permits and licenses, without contractual liability to the public, whenever the Board finds that a violation has influenced the making of such contract, permit or license, and that such rescision is in the best interest of the public. R.S. 42:1152
- (5) The Board may order the payment of penalties if an investigation reveals that any public servant or other person has violated the Code to his economic advantage and penalties can include the amount of such economic advantage plus one half. R.S. 42:1155A
- (6) The Board is authorized to order the forfeiture of any gifts or payments made in violation of the Code. R.S. 42:1155B

VI. FINANCIAL DISCLOSURE

- A. Persons holding statewide elected office, the secretaries of certain departments of state government, the superintendent of education, the commissioner of higher education, the president of each public postsecondary education system, and persons holding certain positions in the office of the governor must file a financial disclosure report with the Board of Ethics annually, by May 15 of each year. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office or position. R.S. 42:1124.
- B. State legislators, elected officials holding a public office representing a voting district with a population of 5,000 or greater, members of the Board of Ethics, the ethics administrator, and members of the Board of Elementary and Secondary Education must file a financial disclosure report with the Board of Ethics annually, beginning in 2009. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office or position. The financial disclosure report is due by May 15th of each year. The penalty for late filing is \$100 per day. R.S. 42:1124.2.
- C. Members and designees of boards and commissions which have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year, members of the State Civil Service Commission, and members of the Board of Commissioners of the Louisiana Stadium and Exposition District must file a financial disclosure report with the Board of Ethics annually, beginning in 2009. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office or position. The financial disclosure report is due by May 15th of each year. The penalty for late filing is \$50 per day. R.S. 42:1124.2.1.

- D. Elected officials holding a public office representing a voting district with a population of less than 5,000 must file a financial disclosure report with the Board of Ethics annually, beginning in 2010. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office and position. The financial disclosure report is due by May 15th of each year. The penalty for late filing is \$50 per day. R.S. 42:1124.3.

VII. MISCELLANEOUS

- A. It is a violation of the Code to have one or more employees on the payroll who are not rendering services for which they are being paid or having one or more employees on the payroll whose employment is prohibited by the nepotism section of the Code. R.S. 42:1161F
- B. No action can be maintained by the Board more than 2 years after the discovery of the occurrence of the violation nor more than 4 years after the occurrence of the violation, whichever is shorter. R.S. 42:1163
- C. Judges, as defined in the Code of Judicial Conduct, are exempt from the provisions of the Code, although employees of the judge are subject to the Code. R.S. 42:1167
- D. It is a violation of the Code for any public servant to be disciplined or otherwise subjected to acts of reprisal for reporting to his agency head, the Board, or any person of competent authority or jurisdiction, information which he reasonably believes is in violation of any law, order, rule, or regulation within the Board's jurisdiction or any other alleged acts of impropriety within any governmental entity. R.S. 42:1169
- E. Attorneys who are also public servants are subject to the provisions of the Code in that capacity, notwithstanding any conflicting provisions in the Code of Professional Responsibility that might otherwise allow an attorney to engage in conduct which is prohibited by the Code.

Our web site is: <http://www.ethics.state.la.us/>

NOTE: This outline does not fully state the law. If interpretations of this outline conflict with the provisions of the Code of Governmental Ethics (LSA-R.S. 42:1101, et seq.), the Code will control.

NEPOTISM

A summary of the nepotism restrictions contained in
Louisiana's Code of Governmental Ethics



Louisiana Board of Ethics
P.O. Box 4386
Baton Rouge, LA 70821



Revised: February 2009

Information Sheet #1

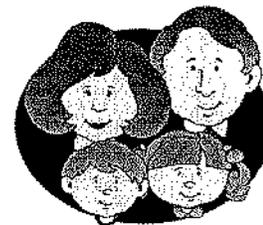
Nepotism is commonly understood to mean preference of any sort given to relatives. Some prohibitions against nepotism are contained in §1119 of Louisiana's Code of Governmental Ethics. (LSA-R.S. 42:1119) The purpose of this information sheet is to outline these prohibitions and to highlight some common misconceptions concerning §1119.

GENERAL PROVISIONS OF §1119

- **No member of the immediate family of an agency head may be employed in his agency.**

An "agency head" is the chief executive or administrative officer of an agency **OR** any member of a board or commission who exercises supervision over the agency. If a person qualifies as an agency head, then the following family members may not be employed in his agency because they classify as members of his immediate family:

1. his children
2. the spouses of his children (daughters-in-law and sons-in-law)
3. his brothers and sisters
4. the spouses of his brothers and sisters
5. his parents
6. his spouse
7. the parents of his spouse (mother-in-law and father-in-law)



Example #1: A parish fire district wants to hire the son of a fire district board member. Is this a violation of §1119?

Answer: Yes. The father is an agency head because he is a member of the fire board which exercises supervision over the fire district. The son is included in the definition of "immediate family." Therefore, the son may not be employed by the parish fire district.

An "agency" is a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. In other words, an "agency" is the smallest unit or division in which the public servant works.

Example #2: The Road Design Unit of the Department of Transportation and Development (DOTD) wants to hire X. However, X's father is the supervisor of the Bridge Maintenance Unit of DOTD. Is this a violation of §1119?

Answer: No. Although the father is an agency head, his agency is limited to the Bridge Maintenance Unit. While X may not be employed anywhere within the Bridge Maintenance Unit, he may

be employed by any other unit in DOTD, such as the Road Design Unit.

- **No member of the immediate family of a member of a governing authority or the chief executive of a governmental entity may be employed by the governmental entity.**

A "governing authority" is a body which exercises the legislative functions of a political subdivision. For example, parish councils, city councils, and school boards are governing authorities. Therefore, no member of the immediate family of a member of a parish council may be employed by the governmental entity. What is a "governmental entity?" A "governmental entity" is the state or any of its political subdivisions, i.e., parishes, municipalities, and special districts.

Example #3: A parish recreation department wants to hire the son of a parish councilman to perform daily upkeep on baseball fields. Is this a violation of §1119?

Answer: Yes. The father is a member of a governing authority of the parish, therefore, no member of his immediate family may be employed by any part of the parish government.

- **Exceptions**

§1119 contains four exceptions to the general prohibition against nepotism. These exceptions are as follows:

1. A local school board may employ any member of the immediate family of a board member or of the superintendent provided that the family member is certified to teach. However, the board member or superintendent must recuse himself from any decision(s) involving the employee. In addition, school board members and/or superintendents who have immediate family members employed by their school system must file a disclosure statement with the Board of Ethics.

These statements must be filed **each year** within 30 days after the beginning of the school year. A disclosure form is available from the Board upon request. Those who fail to timely file the disclosure statement(s) may be assessed a late penalty of \$50 per day the statement is late, with a maximum late penalty of \$1,500.

2. A hospital service district or hospital public trust authority with a population of one hundred thousand persons or less may employ a licensed physician, registered nurse, or allied health professional as a health care provider, who is a member of the immediate family of any board or authority member or of the chief executive of the district or authority. However, a chief executive or any board or authority member who has an immediate family member employer, must recuse himself from any decision involving the employee. In addition, a district board or trust authority member and/or the chief executive who has an immediate family member so employed, must file a disclosure statement with the Board of Ethics. These statements must be filed by January 30th of **each year**. A disclosure form is available from the Board upon request. Those who fail to timely file the disclosure statement(s) may be assessed a late penalty of \$50 per day the statement is late, with a maximum late penalty of \$1,500.

3. §1119 does not apply to pilots appointed by the governor pursuant to R.S. 34:943, 34:1043, and 34:1072.

4. A municipality that has a population of less than two thousand and which owns an electrical or gas distribution system may employ the immediate family members of members of the governing authority if the member recuses himself and if, after advertisement, there is no other resident who is qualified and has applied.

5. A local school board with a student enrollment of 4,950 or less may employ a member of the immediate family of any board member as a school electrician provided that the family member has 20 years experience as an electrician.

6. The provisions of §1119 do not apply to the employment of volunteer firefighters or to any decision regarding the employment of a volunteer firefighter by an agency head, a chief executive of a governmental entity, or a member of a governing authority.

- **§1119 does not apply in the following situations:**

1. If a person was serving in public employment in violation of §1119 before April 1, 1980, then this person is not affected by the restrictions of §1119.

2. A public employee may continue his employment even if a member of his immediate family becomes the agency head of his agency, provided that the public employee has been employed in the agency for a period of at least one year prior to the immediate family member becoming the agency head.

• **Who may be held liable for a violation of §1119?:**

In addition to the agency head and the agency head's immediate family member(s) hired in violation of §1119, the following persons may also be held liable for a willful violation of the nepotism restrictions:

1. Member of the governing authority
2. Public employee having the authority to hire and fire the employee
3. Immediate supervisor of the employee

COMMON MISCONCEPTION

A common misconception regarding §1119 is that direct supervision is needed before a violation can occur. However, the law does not require direct supervision. If you are an agency head or a member of a governing authority, then no member of your immediate family may be employed in your agency or by your governmental entity, regardless of whether you actually supervise that employee's day to day activities.

Example #4: The director of a youth shelter wishes to hire the son of a parish police juror as a caseworker. The police jury is responsible for the administration of the shelter and directly supervises the director. However, the jury is not responsible for the hiring and firing, assignment of duties, or evaluation of any other employee of the shelter. Would hiring the son present a violation of §1119?

Answer: Yes. Although the facts indicate that the director, and not the police jury, has supervisory authority over the employees of the shelter, a violation of §1119 would still occur. The police juror is a member of a governing authority, therefore, his son may not be employed by any governmental entity which is under the umbrella of the police jury.



The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or 1-800-842-6630.

The Board has a web site located at: www.ethics.state.la.us

This information sheet is only a summary of the nepotism provisions contained in §1119 of the Code of Governmental Ethics. If interpretations of this fact sheet conflict with provisions of the Code, the Code will control.

GIFTS

A summary of the gift restrictions contained in
Louisiana's Code of Governmental Ethics



Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Revised: February 2009

Information Sheet #2

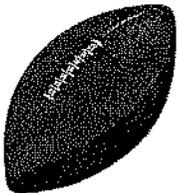
The provisions restricting the receipt of gifts by public servants are found in §1115 of Louisiana's Code of Governmental Ethics. (LSA-R.S. 42:1115) In addition to these restrictions, §1111A of the Code also applies to restrict the receipt of gifts in certain situations. (LSA-R.S. 42:1111A). Section §1115.1 contains specific limitations concerning public servants receiving food and drink. The purpose of this information sheet is to outline these restrictions and to highlight some common misconceptions and related issues regarding each of these provisions.

GENERAL PROVISIONS OF §1115

- No **PUBLIC SERVANT** shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who has or is seeking a contractual, business, or financial relationship with the public servant's agency.
 - **Who is a "public servant?"** A public employee or an elected official.
 - **What is a "thing of economic value?"** Money or any other thing having economic value. The exceptions to the definition of "thing of economic value" include:
 - (1) promotional items having no substantial resale value such as calendars, pens, hats, and t-shirts which bear a company's name or logo, and
 - (2) food and drink consumed while the personal guest of the giver. In order for this second exception to apply, the giver or a representative of the giver must be present when the food and drink are consumed. Reasonable transportation and entertainment which are incidental to the food and drink are also allowed. (Section 1115.1, below, limits the value of the food and drink to \$50)
 - (3) complimentary admission to a civic, non-profit, educational or political event. This exception applies only when the public servant is giving a speech at the event, is on a panel for discussion during the event, or is a program honoree. Tickets to collegiate, professional, and semi-professional sporting events are not included within the exception.
 - (4) flowers or a donation in connection with the death of an immediate family member of the public servant, if the value does not exceed \$100.

Example #1: You are an employee for the Louisiana State Employees' Retirement System (LASERS). A vendor of LASERS invites you and your co-workers to a pre-game tailgate party hosted by the vendor. May you and your co-workers attend?

Answer: Yes, as long as a representative of the vendor is present at the pre-game party. In contrast, you could not accept a gift certificate to a restaurant for dinner.



Example #2: At the pre-game party, the vendor offers you tickets to the LSU game. May you accept the tickets?

Answer: No. The vendor has a business relationship with your agency, therefore you may not solicit or accept any thing of economic value from them.

- No PUBLIC SERVANT shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

- What is "legislation?" Any laws, rules, ordinances, etc. which are considered by the public servant's agency.



Example #3: You are a member of the metro council. A friend of yours offers you the use of his condominium in Colorado. He is also the attorney who represents a business that wishes to have an area in your district re-zoned for commercial use. This item is on the agenda for the next metro council meeting, and your friend is appearing on the business' behalf. May you accept the invitation to use the condo?

Answer: No. Even though this attorney is a friend, he is seeking, for compensation, to influence the passage of an ordinance before your agency, and use of the condo is a thing of economic value.

- No PUBLIC EMPLOYEE shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who conducts operations or activities which are regulated by the public employee's agency.

This restriction applies only to public employees and pertains to regulatory relationships such as permits or licenses.

Example #4: You are an inspector for the Department of Health and Hospitals. You inspect restaurants within a certain area to make sure they comply with certain health requirements. A restaurant owner in your area sends you concert tickets. May you accept the tickets?

Answer: No. A concert ticket is a thing of economic value and does not fall under one of the exceptions. Since the restaurant is regulated by your agency, you are prohibited from receiving such a gift from the owner. You would also be prohibited from receiving concert tickets or any other thing of economic value from the restaurant owner's employees.

- No PUBLIC EMPLOYEE shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official job duty(ies).

Again, this restriction applies only to public employees. It is intended to cover situations which are not covered by the other restrictions above. In other words, although the public employee does not regulate the gift giver, nor does the giver have any type of contractual, business, or financial relationship with the public employee's agency, the public employee is still in a position to affect the economic interest of the giver, and the gift is prohibited.



Example #5: You are employed with the Department of Revenue and Taxation. One of your official duties is to determine whether individual taxpayers are entitled to certain deductions. An issue comes before you in which a taxpayer may be entitled to a substantial deduction. After meeting with the individual to collect pertinent information, he sends a potted plant to your office. May you keep the plant?

Answer: No. Since one of your official duties at the department is to determine whether the taxpayer is entitled to a deduction, the taxpayer has a substantial economic interest which may be affected by the performance of one of your official duties.

GENERAL PROVISIONS OF §1115.1

- No person from whom PUBLIC SERVANT or a PUBLIC EMPLOYEE is prohibited by §1115 or §1111A from receiving any thing of economic value shall provide the public servant with more than fifty dollars (\$50) in food, drink, or refreshment at single event. The amount given at a single event shall not exceed \$50, regardless of the number of persons providing the food, drink, or refreshments.
 - What is an "event?" A single activity, occasion, reception, meal or meeting at a given time and place.
- Where a group of PUBLIC SERVANTS is invited to an event, the \$50 limit is calculated by dividing the total cost of the food, drink, and refreshments by the number of persons invited to the event.
- The limitation of \$50 does not apply to a gathering held in conjunction with a meeting related to a national or regional organization, or to a meeting of a statewide organization of governmental officials or employees.

Example #6: Several contractors and vendors of the Department of Transportation and Development (DOTD) volunteer to provide food and beverages for an employee appreciation day. Representatives from the participating companies will be in attendance. 50 employees of DOTD are invited to the event. The total cost of the food and drink is \$1250. Is this permissible?

Answer: Yes. Dividing the total value of the food and drink (\$1250) by the number of persons invited (50), the amount of food and drink does not exceed \$50 at the event.

GENERAL PROVISIONS OF §1111A

- No PUBLIC SERVANT shall receive any thing of economic value, other than the compensation and benefits to which he is entitled from his governmental employer, for the performance of the duties and responsibilities of his office or position.

If a public servant is given an item because of the office he holds, then it is probably prohibited by §1111A. The most common violation of this section occurs with the payment of travel expenses. (See attached information on Travel Expenses) However, there are other instances where this situation arises.

Example #6: You are a Workers' Compensation judge. During the month of December, many law firms and attorneys who appeared before you during the year send turkeys, hams and other baked goods to your agency in the spirit of the holiday season. May you accept these items?

Answer: No. The firms and attorneys are sending you these items because of your position as a workers' compensation judge and the performance of your duties as a judge. The hams and cookies are all considered things of economic value, even if they are homemade. The exception for food and drink only applies when the giver is present.

COMMON MISCONCEPTIONS AND RELATED ISSUES

- **I can receive the gift or gratuity if it is worth less than \$25.**

A common misconception concerning §1115 is that the dollar value of the gift determines whether or not a public servant can receive it. **However, the law does not set a monetary threshold.** If the gift does not fall under one of the exceptions, then it is a prohibited gift regardless of its price. Where the exception for food and drink applies, it is limited to \$50.

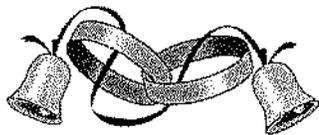
- **I can receive this gift or gratuity because it came from a friend of mine.**

Another misconception is that a public servant may receive gifts from friends even if they fall into one of the categories of prohibited sources listed above or that gifts for special occasions are allowed. Such is not the case.

Example #7: A school food service supervisor has a neighbor who sells food products to her school. The supervisor receives a wedding gift from the neighbor. May she accept the gift?

Answer: No. The gift must be returned because the neighbor has a business relationship with the public servant's agency by virtue of the neighbor selling food products to the school.

The application of the "directly or indirectly" language of §1115 presents another tricky issue. If a public servant is prohibited from directly accepting a gift from a person, then the public servant is also prohibited from indirectly accepting any gift from this person. How does a public servant indirectly receive a gift? The most common way is through his spouse or minor child.



Example #9: An employee in the Department of Transportation and Development has a minor son who participates in high school rodeos. A trucking company which is regulated by the employee's agency wants to sponsor the employee's son in one of these rodeos. Is the sponsorship permitted under §1115?

Answer: No. Since the son is a minor, the mother would be indirectly receiving the benefit of the company sponsoring her son, she would have to pay for his participation. Therefore, the sponsorship is prohibited.

- **No PUBLIC SERVANT or OTHER PERSON shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of the Ethics**

Code.

Persons who give prohibited gifts to public servants violate §1117 of the Code and are subject to the enforcement proceedings and penalties for their violation.

The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or toll free 1-800-842-6630.

The Board has a web site located at: www.ethics.state.la.us



This information sheet is only a summary of the gift provisions contained in §1115, §1111A and §1117 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

ABUSE OF OFFICE

A Summary of the prohibitions found in Section 1116 of the Code of Governmental Ethics



Louisiana Board of Ethics

P.O. Box 4368
Baton Rouge, LA 70821



February 2009

Information Sheet #3

Section 1116 of Louisiana's Code of Governmental Ethics (LSA -R.S. 42:1116) prohibits a public servant from requiring another public servant or other person to engage in political activity or to provide a thing of economic value to someone who is not entitled by law to receive that particular thing. § 1116 of the Code also prohibits a regulatory employee from aiding in the sale of goods or services if a member of his immediate family or if a business owned by the public servant or a member his immediate family will benefit from the sale. § 1116 of the Code appears to be intended to prevent public employees and elected officials from using their position to their economic or political advantage. The purpose of this fact sheet is to outline the specific prohibitions of § 1116.

GENERAL PROVISIONS OF §1116

- **No public servant* may use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce another public servant or other person, to provide him or anyone else with a thing of economic value that he is not entitled to by law.**

*A "public servant" is an elected official (except for judges) or a public employee.



Example #1: A publicly employed supervisor announces to his secretary that it might be a good idea to remember that his birthday is Friday and that he loves expensive cigars. He hints that the failure to give him cigars could result in a less than satisfactory evaluation. Is this a potential violation of § 1116 of the Code?

Answer: Yes. Once the supervisor made insinuations about job performance in relation to the giving or not giving of a birthday gift, he stepped over the line. The giving of cigars as a birthday present or otherwise is in no way related the secretary's job performance. Even if intended as a joke, it is highly plausible that the Board would perceive such a suggestion as intended to compel or coerce the secretary into giving a birthday gift, preferably cigars.

Example #2: Two public employees have been working on a complicated electrical project for nearly four months. One employee has more seniority (Bob) than the other (Tim). Tim is up for a major promotion, on the basis of his performance on this project and the recommendation of Bob. One afternoon, something goes wrong and some of the public property being worked upon is severely damaged. It appears that the mishap was due to the inexperience of Tim. The protocol in such a situation dictates that Tim must report the damage to his section supervisor. Instead, Bob tells Tim that if Tim will pay for Bob's dry



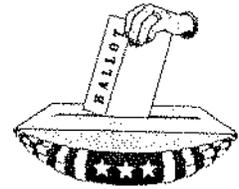
cleaning and cuts his grass for one full month, Bob will act as if nothing happened and if asked, will say that the damaged property was stolen. Does this situation present any Ethics Code violations?

Answer: Yes. Besides having some potential intra-agency problems, Bob may be using his position (as the one who will make a recommendation regarding Tim's promotion) to obtain a thing of economic value from his junior co-worker. It is very possible that the Board would perceive Bob's suggestion as an attempt to compel or coerce Tim into providing services which would cost Bob time and money to otherwise obtain.

- **A public servant is prohibited from using the authority of his office or position, directly or indirectly, in a manner which is intended to compel or coerce, any person to engage in political activity*.**

*Political activity is defined by the Code to mean an effort to support or oppose the election of a candidate for political office.

Example #3: Mary and Jane have been co-workers for quite some time. In general they share the same ideas on major life issues. However, when it comes to politics, they are like vinegar and oil. Mary prefers conservative candidates and Jane prefers moderate or liberal candidates. During the election of the local justice of the peace, Mary supports Henry while Jane supports Richard. However, Mary tells Jane that if she does not support Henry, Mary will tell their mutual supervisor about all the times Jane has taken a longer lunch than is generally permitted by the office. Is Mary's behavior indicative of a §1116 problem?



Answer: Perhaps. Mary has "threatened" Jane with an action which will likely get Jane into trouble in the office. It is very likely that the Board will perceive this behavior as intended to compel or coerce Jane into supporting Henry, which is considered political activity for purposes of the Ethics Code.

- **A regulatory employee* is prohibited from participating in any way in the sale of goods or service to persons regulated by his agency, if a member of his immediate family* or if a business enterprise in which the regulatory employee or members of his immediate family own in excess of 25%, receives or will receive a thing of economic value by virtue of the sale.**

**"Regulatory employee" was added to the Ethics Code by a 1999 legislative amendment and is defined as "a public employee who performs the function of regulating, monitoring, or enforcing regulations of any agency.

* "Immediate family" is defined by the Code to include a public servant's children, the spouses of his children, his brothers, his sisters, the spouses of his brothers and sisters, his parents, his spouse and the parents of his spouse.



Example #4: An employee of the Department of Natural Resources (DNR), who is in charge of inspecting oilfield sites, recommends that the owner of the well head he is inspecting, needs to obtain a replacement well head because the one he is currently using does not meet DNR standards. The owner asks the inspector if he knows where he might quickly obtain a replacement well head. The inspector informs the owner that his father sells oilfield equipment and has some well heads that might work on this particular well.

Just being friendly, the inspector brings several well heads to the owner for inspection. The owner agrees to buy one of the well heads from the inspector's father if a few minor adjustments are made. The inspector's father agrees and after the adjustments are made, the inspector, again, just being friendly, delivers the well head to the owner. Was this transaction a violation of the Ethics Code?

Answer: Yes. Pursuant to newly added subsection C of §1116 of the Code, the inspector aided in the sale of equipment to a person who is regulated by his agency and the benefit of the sale went to the inspector's father, who is an immediate family member. Although the inspector thought he was just being friendly by bringing the well owner and his father together, to their mutual benefit, Section 1116C of the Code strictly prohibits the inspector from having anything to do with any transaction which would inure to the benefit of a member of his immediate family.



Example #5: One day while patrolling his area, a state police officer makes a routine traffic stop for speeding. Upon obtaining the license of the driver, he discovers that the driver has five outstanding warrants for his arrest. The officer takes the driver into custody. On the way to the police station, the driver comments that he is going to need a bail bondsman. Hearing the comment, the police officer says that his brother is a bail bondsman in the neighboring parish, but even so, he thinks his brother would serve as the bail bondsman in this case. The driver asks the police officer if he would call his brother and find out. The police officer politely agrees and calls his brother after they reach the station. His brother agrees to serve as the bail bondsman and the driver gets out of jail on bond. Has the police officer potentially violated the Ethics Code?

Answer: Yes. Despite his efforts to be helpful, the police officer appears to have violated Section 1116C of the Code. By making the suggestion that his brother get involved and by calling his brother to secure his involvement, which involvement will inure to the brother's economic benefit, the police officer participated in the sale of services to a person he was regulating and detaining.



The Board encourages public servants to seek advice from the Board as to how the law applies to their specific situation(s) by writing and requesting an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the address provided at the beginning of this fact sheet. You may also call our staff for informal advice over the telephone at (225)219-5600 or toll free at 1-800-842-6630.

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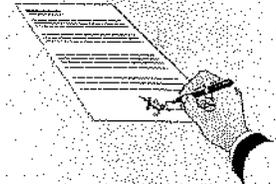
This information sheet is only a summary of the financial disclosure provisions contained in §1116 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

PROHIBITED CONTRACTUAL ARRANGEMENTS

A summary of the restrictions concerning contractual relationships contained in Louisiana's Code of Governmental Ethics



Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821



February 2009

Information Sheet #4

Section 1113 of the Code of Governmental Ethics (LSA - R.S. 42:1113) prohibits public servants and their family members from entering into certain transactions. The purpose of this information sheet is to outline the restrictions and dismiss some common misconceptions regarding §1113 of the Code. The rules as to legislators contracting with state agencies are not covered in this information sheet.

GENERAL PROVISIONS OF §1113

- **No elected official* or public employee or member of such public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the public servant's agency.**

*There are exclusions for a member of a governing authority of a parish with a population of 10,000 or less. Also, municipalities with a population of 5,000 or less may be able to take advantage of an exception contained in §1123(22) of the Code, described later.

Section 1102(13) of the Code defines "immediate family," as it relates to a public servant as follows:

1. his children
2. the spouses of his children (daughters-in-law and sons-in-law)
3. his brothers and sisters
4. the spouses of his brothers and sisters (*added by 1999 legislative amendment*)
5. his parents
6. his spouse
7. the parents of his spouse (mother-in-law and father-in-law)



Section 1102(2) of the Code defines "agency" to be a department, division, agency, commission, board, committee, or other organizational unit of a governmental entity.

Section 1102(8) of the Code defines "controlling interest" as any ownership interest in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds 25% of that legal entity.



Example #1: An employee of the Department of Social Services, Office of Community Services in Caddo Parish, is a board certified social worker. In her spare time, she operates a computer company, Reliable Computers, Inc., with her husband. Her husband does most of the work relating to the computer company. The Department decides that it needs 50 new computers for the Baton Rouge and New Orleans offices to help it meet its increased responsibilities in those areas. To purchase the computers, the Department solicits bids and will purchase the computers from the lowest bidder. The social worker and her husband decide that their computer company should submit a bid. May Reliable Computers, Inc. submit a bid for the contract to supply 50 new computers to the Department?

Answer: Yes. The Board has generally applied the definition of "agency" in a restricted manner and would therefore likely say that the social worker's agency is only the Caddo Parish Office of Community Services. This being the case, the entire Department is not her agency and Reliable Computers, Inc. is not prohibited from submitting a bid on a contract with the Department. If on the other hand, the contract was with the Caddo Parish Office of Community Services and the computers were designated to go to that office, then Reliable Computers, Inc. would be prohibited from submitting a bid on that contract.

Example #2: A local school board decides that the area high school needs a new gymnasium. A company owned by the three brothers and two sisters of a school board member, with each sibling having a 20% ownership interest in the company, wants to build the new gymnasium. May the company submit a bid to build the new gymnasium?

Answer: No. Brothers and sisters are considered members of a public servant's immediate family and since the five siblings collectively own 100% of the business, the business is prohibited from submitting a bid.



- **No appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into or be in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of agency of the appointed member.**



Example #3: The members of the local drainage and sewage board (board) are appointed by the mayor and the town council. On the agenda for the board's consideration is a proposal to remove some dirt from a 500-acre tract of land near the area levee which will improve the drainage for about 5 miles along the levee. The removal of this dirt will dramatically increase the value of this 500-acre tract. However, the improved drainage will benefit approximately 100 residents in the area. The tract of land at issue just happens to belong to one of the members of the board. This board member did not know this proposal was going to be made and did not vote on the issue at the board meeting. May the board remove the dirt from this board member's land?

Answer: The Ethics Code does not apply to public entities. As the local drainage and sewage board is a public entity, §1113B could not prohibit the board from removing the dirt. However, §1113B would prohibit the landowner from being in any way interested in the dirt being removed by the board. There are only two ways to solve this problem, the board member would either have to divest himself of the 500 acres BEFORE the board removed the dirt or he could resign from the board.

COMMON MISCONCEPTIONS

One common misconception about §1113 is that if a person is the lowest bidder on a project, then that person can have the job. This is simply not the case. The prohibition includes **bidding** on a contract, as well as entering into a contract.

Another common misconception regarding §1113 is that if there are no other persons in the area who can provide the goods or services needed by the governmental agency, then the prohibition should not apply. However, this is not the case except for the narrow exception below. Many other people believe that if the job is not going to yield a big profit for the person doing it, then it is O.K. for the person to do the work, regardless of who that person is. This too is not correct. The amount of profit to be gained, or not gained, is irrelevant if you are one of the prohibited persons.

NARROW EXCEPTION FOR SMALL CITIES

A mayor or a member of a governing authority of a municipality with a population of 5,000 or less may enter into transactions with the municipality, if the municipality develops a plan describing how such transactions will occur. The plan must be approved by the Ethics Board before any transactions take place. To obtain approval, the plan must comport with rules developed by the Board. The rules, contained in Chapter 15 of the Board Rules, may be viewed at the agency website or may be obtained by calling our office.



The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by submitting a written request for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or 1-800-842-6630.

The Board has a web site located at: www.ethics.state.la.us

This information sheet is only a summary of the prohibited contractual arrangements provision contained in §1113 of the Code of Governmental Ethics. If interpretations of this fact sheet conflict with provisions of the Code, the Code will control.

POST EMPLOYMENT

A summary of the post employment restrictions contained in
Louisiana's Code of Governmental Ethics



Louisiana Board of Ethics

P.O. Box 4368
Baton Rouge, LA 70821

Revised: February 2009

Information Sheet #5

The provisions restricting post employment options for public servants are found in §1121 of Louisiana's Code of Governmental Ethics. (LSA-R.S. 42:1101 et seq.) Generally there is a two year waiting period before a former public servant can render services relating to his former state agency to or for another. The purpose of this information sheet is to outline the post employment restrictions which exist as to public servants and to highlight some common misconceptions and related issues regarding §1121 of the Code.

AGENCY HEADS AND ELECTED OFFICIALS

- No former agency head or elected official shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction, involving his former agency.

AND

- No former agency head or elected official shall render any service on a contractual basis to or for his former agency for two years following the termination of his public service.

"Agency Head" is defined by §1102(3) of the Code as "the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency."



Example #1: You are the director of a state agency. You are about to retire from state service and accept a position as a consultant with a company which is regulated by your state agency. Once you retire, may you represent your new employer in connection with an issue which comes before your former state agency?

Answer: No. Because you classify as an agency head, once you terminate your public service, you are strictly prohibited by §1121A(1) of the Code for a period of two years, from assisting another person for compensation, in connection with any appearance involving a transaction before your former agency. Representing your new employer on an issue before your former agency would classify as an appearance in connection with a transaction. You may perform other services for the company that do not involve your former agency.

Example #2: You were the director of a state agency. Two month ago you terminated your public service as the agency head. Now your former agency approaches you about rendering computer services to the agency. You did not render any computer services while you were employed as the agency head of this state agency. May you provide the computer services?



Answer: No. Because you were the agency head, you would be prohibited for a period of two full years following the termination of your public service, from rendering any service to your former agency on a contractual basis. It does not matter that the services you would render are not the same type of services that you provided to the agency while you were employed there. You are permitted to be rehired, but you may not be contracted to perform any service for your former agency.

- No former member of a board or commission shall, for a period of two years following the termination of his public service, contract with, be employed in any capacity by, or be appointed to any position by his former board or commission.



Example #3: You are an appointed member of a parish water board. The executive director of the board is retiring. The board would like you to resign and accept the executive director position. May you?

Answer: No. Your former water board may not appoint you to any position for a period of two years following the termination of your board membership.

NOTE: Police juries, parish or municipal councils, selectmen, boards of aldermen, school boards and like bodies have been interpreted to be included within the meaning of "boards and commissions" for purposes of Section 1121A(2) of the Code. The Board has said that a collective group of people who act as one body and who share responsibility for the actions of the group as a whole, may classify as a board or commission.

OTHER PUBLIC EMPLOYEES

- No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the former public employee participated at any time during his public employment and which involves his former public employer.

AND

- No former public employee shall, for a period of two years following the termination of his public employment, render on a contractual basis to or for the agency with which he was formerly employed, any service he rendered to the agency during his public employment.

Example #4: Six months ago, you were employed by the city government as a personnel director, however, you did not classify as an agency head. You have ceased your public employment and now want to contract with the city to provide maintenance services. May you do this without violating the Ethics Code?



Answer: Yes. Because the services you would provide on a contractual

basis with the city are not services you had previously provided while employed by the city, you would not be prohibited by §1121B of the Code from entering into such a contract. Further, the maintenance department would appear to be a separate agency from the Personnel Department.

Example #5: You recently retired from a state agency where your official duties included reviewing applications for grant monies administered by your agency. For purposes of the Code, you were not an agency head in your agency. Now a person who has submitted applications in the past for grant monies administered by your agency wants to hire you to handle all of the paperwork for all of his grant applications involving your former agency. May you accept this employment opportunity?



Answer: Because you are not any agency head, the answer depends on your level of involvement with the applications. If the applications for grant monies your potential employer wants you to handle were in the process of being handled by your office when you retired, then you would be prohibited by §1121B of the Code from assisting the potential employer in the completion of those applications. However, if the potential employer is submitting new applications for grant monies, then these applications are new transactions in which you did not participate while still employed by your former agency, therefore, you would not be prohibited by §1121B of the Code from assisting the potential employer in the submittal of these new applications.

OTHERS RESTRICTED

- No legal entity in which the former public servant is an officer, director, trustee, partner or employee shall, for a period of two years following the termination of the public servant's service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which the former public servant participated* at any time during his public service and which involves the agency with which he was formerly employed or in which he formerly held office.



Example #6: You just left your public position with a state agency where you reviewed applications for various permits. You now own Consulting Firm, Inc. which aids companies in the preparation and submission of applications for various permits to various state agencies. ABC Company, Inc. is a potential client which currently has an application pending before your former state agency and you had begun reviewing that application before you left public service. May your company, Consulting Firm, Inc., assist ABC Company, Inc. in finalizing its application with your former agency?

Answer: According to §1121C, your company would be prohibited from being hired by ABC Company, Inc. for such a task. Because you began reviewing the ABC Company, Inc. application while still employed by the state agency, your new company would be prohibited from rendering any compensated service to ABC Company, Inc. which deals with that application. If your company was to provide compensated services to ABC Company, Inc. concerning a different application, then no violation of this section would appear to occur.

COMMON MISCONCEPTIONS AND RELATED ISSUES

A common misconception concerning §1121 of the Code is that if you classified as an agency head in your former public agency, then you may provide contractual services to your former agency as long as the services to be rendered are not the same services nor are they related to the services you provided as the agency head. This is simply not the case. Agency heads are strictly prohibited from rendering any contractual services to their former agency for a two-year period. Other former public employees do not have such a strict restriction.



Another common misconception surrounding §1121 of the Code is that if as a public employee you did not have direct involvement in a specific matter while employed by your former agency, then once you leave public service, you may provide services relating to that matter to a private employer. This is not entirely true. Former public employees are prohibited from rendering services to a private employer in connection with a transaction in which they participated* while employed by their former agency.

**§1102(15) of the Code defines "participate" to mean:*

To take part in or to have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or the failure to act or perform a duty.

Therefore, actual "hands on" involvement is not the only means by which a public employee may be considered to have "participated" in a certain transaction. Questions to ask yourself: Did you make any recommendations as to the matter? Did your department have any supervision over the matter? Who had ultimate responsibility for the matter? The answers to these questions will help you determine if you participated in a particular circumstance.

 The Board encourages public servants to seek advice from the Board as to how the law applies to their specific situation(s) by writing and requesting an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the address provided at the beginning of this fact sheet. You may call our staff which is available to provide informal advice over the telephone at (225) 219-5600 or toll free 1-800-842-6630. 

The Board has a web site located at: www.ethics.state.la.us

This information sheet is only a summary of the financial disclosure provisions contained in §1121 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

Travel Expenses

A summary of the gift and payment restrictions contained in the Code of Governmental Ethics relating to Travel Expenses



Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

February 2009

Information Sheet #6

A common issue that is presented to the Louisiana Board of Ethics is whether a public servant may allow a private source to pay for their travel expenses, such as lodging and transportation. This type of situation arises when a public servant's job duties require him or her to travel. Usually the group or company for whom the public servant provides services wishes to reimburse the public servant or their agency for their travel expenses. The Sections controlling the receipt of travel expenses by a public servant are Sections 1111A, 1115, and 1123(41) of the Code of Governmental Ethics. (Legislators and legislative staff employees are governed by more specific guidelines than those addressed in this document.)

GENERAL PROVISIONS OF §1111A

- No PUBLIC SERVANT shall receive any thing of economic value, other than the compensation and benefits to which he is entitled from his governmental employer, for the performance of the duties and responsibilities of his office or position.
 - Who is a "public servant?" A public employee or an elected official.
 - What is a "thing of economic value?" A thing of economic value is money or any other thing having economic value. The exceptions to the definition of "thing of economic value" include:
 - (1) Promotional items having no substantial resale value such as calendars, pens, hats, and t-shirts which bear a company's name or logo;
 - (2) Food and drink consumed while the personal guest of the giver. In order for this second exception to apply, the giver or a representative of the giver must be present when the food and drink are consumed;
 - (3) Reasonable transportation and entertainment which are incidental to the food and drink are also allowed. Therefore, this exception does not allow a public servant to accept travel expenses to any location merely because meals are provided during the travel.

GENERAL PROVISIONS OF §1115

- No PUBLIC SERVANT shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who has or is seeking a contractual, business, or financial relationship with the public servant's agency.

- **May a private source who is not a prohibited source under Section 1115 make a donation to the public servant's agency which, in turn, can be used by the agency to reimburse the public servant for travel expenses?**

Yes. If a donation is made to a public agency by a non-prohibited source, the agency may then choose to use the donated funds in any manner legally permissible. If the agency chooses to use the donated funds to pay the travel expenses of the public servant, the travel must be permissible under other state and local regulations which may restrict the public servant.

- **No PUBLIC SERVANT shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.**

The following gift restrictions apply only to public employees:

- **No PUBLIC EMPLOYEE shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who conducts operations or activities which are regulated by the public employee's agency.**

This restriction pertains to regulatory relationships such as permits or licenses.

- **No public employee or other person shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official job duties.**

The second restriction covers situations not covered by the other restrictions. In other words, although the public employee does not regulate the gift giver, nor does the giver have any type of contractual, business, or financial relationship with the public employee's agency, if the public employee is still in a position to affect the economic interest of the giver, then a gift of travel expenses is prohibited.

GENERAL PROVISIONS OF §1123(41)

§1123(41) of the Code provides an exception for the payment of travel expenses directly to the public servant in certain instances. §1123(41) allows a public servant to accept complimentary admission, lodging and transportation to and from an **educational or professional development seminar or conference**. In order for this exception to apply, all of the following criteria must be met:

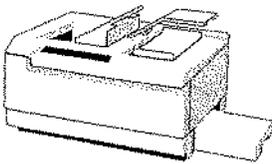
- The public servant is requested or invited to attend by the civic, non-profit, educational or political

organization;

- The sponsor is **not** a person who is compensated to influence the passage or defeat of legislation by the public servant's agency;
- The seminar or conference is related to the public servant's job duties and is designed to enhance the public servant's knowledge or skill as it relates to the performance of his job duties;
- The public servant's agency head gives approval; and
- The seminar or conference is held within the U.S. or Canada.

The public servant who accepts the payment of expenses pursuant to §1123(41) is required to file an affidavit with the Louisiana Board of Ethics **within 60 days** after such acceptance, disclosing the name or the person or organization which paid the expenses and the amount expenses, as well as the person or organization that hosted the seminar or conference.

NOTE: When the public servant's agency pays for the travel expenses, the requirements of §1123(41) do not apply, and the public servant is not required to file an affidavit.



Example #1: You are a parish school board member who, along with the superintendent and other board members, was chosen to select new copy machines for the parish schools. A copy machine company offers you and other members of the committee a trip to Dallas to view copy machines at their expense. May you accept the trip?

Answer: No. You were invited to their office in Dallas to view the copy machines because of your public position as a school board member. Therefore, you may not accept the company's offer to pay your travel expenses under §1111A. The §1123(41) exception does not apply because it is not an educational or professional development seminar or conference. You may, however, go on the trip if you or your agency pays for your expenses.



Example #2: You are a doctor for a state-owned hospital. A vendor of the hospital offers to pay travel expenses for you to attend an out-of-town medical conference which is related to your job duties as a doctor for the hospital. May the vendor pay for your registration for the conference, your hotel, and your transportation to and from the conference?

Answer: Yes, but only if the vendor is not also seeking to influence the passage or defeat of legislation by your agency (the hospital), the head of your agency gives approval, and the conference is being held within the U.S. or Canada. You will be required to file an affidavit with the Board of Ethics within 60 days of accepting these expenses.

Example #3: You are a council member. An ordinance is being considered to grant a franchise to a cable TV company. The company offers to transport you to another city in which they operate so you can observe their operations. May you accept the trip?

Answer: No. The company is seeking to influence legislation to be considered by your body and is a prohibited source under §1115. §1123(41) is not applicable because the trip is not for an education or professional development seminar or conference, and because the company is seeking to influence the passage or defeat of legislation by your agency.

WHAT ABOUT THE GIFT GIVER?

- No PUBLIC SERVANT or OTHER PERSON shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of the Ethics Code.

Thus, persons who give prohibited gifts to public servants violate §1117 of the Code and are subject to the enforcement proceedings and penalties for their violation.

The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or toll free 1-800-842-6630.

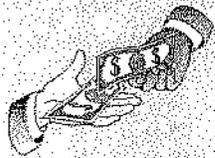
The Board has a web site located at: www.ethics.state.la.us



This information sheet is only a summary of the provisions contained in §1115, §1113A, §1123(41) and §1117 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

PAYMENT FROM NONPUBLIC SOURCES

A Summary of the prohibitions contained in Sections
1111C(1) & 1111C(2)(d) of the Code of Governmental Ethics



Louisiana Board of Ethics

P.O. Box 4368
Baton Rouge, LA 70821



Revised: February 2009

Information Sheet #8

Section 1111 of Louisiana's Code of Governmental Ethics prohibits a public servant from receiving any thing of economic value from a source other than his governmental employer for the performance or any service which is too closely related to his public duties or for any service which draws upon official information which is not a part of the public record or if the person making the payment is a prohibited source. The purpose of this information sheet is to outline some of these restrictions and to highlight some of the most common misconceptions regarding §1111 of the Ethics Code.

1111C(1) RESTRICTIONS

A public servant is prohibited from receiving any thing of economic value for any service which:

1. Is substantially related to the duties and responsibilities, programs, or operations of the agency of the public servant AND in which the public servant participated;
- OR
2. Substantially draws upon official data or ideas of the agency which have not been made a part of public information.



Example #1: If you are a Sheriff's Deputy who arrests and detains suspects, could you work for a private detention facility located in your parish which sometimes houses suspects when the parish prison is full?

Answer: No, because you participate in the arrest and detention of suspects who could be housed in the private detention facility. It is the responsibility of the Sheriff's Office to house the suspects it arrests and when the parish contracts this responsibility out to the private facility, the private facility becomes a prohibited source of income to you because the duties and responsibilities you would perform for the private facility would be too closely related to what you are paid to do for the Sheriff's Office. However, if we change the facts and the private detention center is located in another parish, then you could work for the private facility because the suspects who would be housed there are out of your jurisdiction and you would not have participated in their arrest and/or detention. Your duties and responsibilities at the private facility in a different parish would not be substantially related to your duties and responsibilities at the Sheriff's Office because it is located in a different jurisdiction.

111C(2)(d) RESTRICTIONS

A public servant and a legal entity in which the public servant exercises control or owns in excess of 25%, are prohibited from receiving any thing of economic value for services rendered or to be rendered to or for the following persons (from persons whom the public servant is also prohibited from receiving a gift):

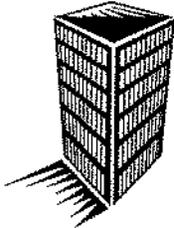
1. Any person who has or is seeking to obtain a contractual, business or financial relationship with the public servant's agency; OR
2. Any person who conducts operations or activities which are regulated by the public employee's agency; OR
3. Any person who has a substantial economic interest which may be substantially affected by the performance or nonperformance of the public employee's official job duties.

*NOTE: A "public servant" is an elected official or a public employee.



Example #2: You are an employee of the Department of Environmental Quality whose official job duty is to visit alleged hazardous waste sites and determine if the area is dangerous to the health of nearby residents. Could you work, on the weekend, for the owner of the land you have to analyze?

Answer: No, because the landowner has a substantial economic interest in the outcome of your survey. For example, he may have to pay expensive clean up costs or his property value may fall depending on the results of your survey. This being the case, the landowner would be a prohibited source of income for you.



Example #3: You are a member of a police jury. Could you work for a private company that is negotiating with the police jury to construct a new building to house the offices for the police jury?

Answer: No. Because that private company is seeking a contractual relationship with the police jury, it would be a prohibited source of income for you. If the negotiations fail and the private company will not construct the new building, then it would cease being a prohibited source of income for you. However, if negotiations were to resume at a later date, the company would once again be a prohibited source of income for you.

COMMON MISCONCEPTIONS

Section 111C(1) of the Code evokes a couple of common misconceptions. For example, public servants often believe that if the services to be rendered are to be provided after hours, then there can be no Ethics Code violation in providing those services. This is not true. Providing the services after hours does not prevent a violation of the Code from occurring. This restriction depends on the type of services you want to provide.

Another common misconception surrounding Section 111C(1) is that if the additional services are not services you normally provide as a part of your job, then there can be no Ethics Code violation in providing those services. This is also not true. This Section was specifically designed to cover situations where the additional services to be provided are not identical to the services provided during work hours, but are so close or similar in nature to

what is done during normal business hours, that they could logically be viewed as either stemming from the work hour services or as a direct consequence or necessity because of a public servant's work hour services.

Section 1111C(2)(d) of the Code also evokes a few common misconceptions. For example, public servants often believe that because they are actually providing the additional services and are being paid at a fair rate for those services, there can be no Ethics Code violation in providing those services. This is not true. Just because you are actually doing the work and are being paid a reasonable market rate for doing the work does not erase the fact that the services are being rendered to a prohibited source. The Ethics Code views this situation as a conflict of interest which cannot be resolved other than by avoiding the situation all together. You simply may not provide compensated services to the groups of people earlier discussed in this fact sheet.

Another common misconception surrounding Section 1111C(2)(d) is that as long as the services to be provided are not related to the contract, business or financial relationship the person has with your public agency, then there can be no Ethics Code violation in providing those services. This, as well, is not true. Section 1111C(2)(d) deals with prohibited sources of income and once someone is a prohibited source because of one of the enumerated relationships, then they are a prohibited source of income for you as long as that relationship lasts. Period. The nature of the services you are to provide is irrelevant.



The Board encourages public servants to seek advice from the Board as to how the law applies to their specific situation(s) by writing and requesting an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the address provided at the beginning of this fact sheet. You may also call our staff which is available to provide informal advice over the telephone at (225) 219-5600 or 1-800-842-6630. The Board has a web site located at: www.ethics.state.la.us

This information sheet is only a summary of the financial disclosure provisions contained in §1111 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

Donations



Louisiana Board of Ethics

P.O. Box 4368
Baton Rouge, LA 70821

February 2009

Information Sheet #9

State and governmental employees and agencies are often offered donations from non-public sources. These donations range from money and trips to buildings and services. The following information addresses how the Code of Ethics affects the receipt of donations by state agencies and public servants. Generally, Sections 1111 and 1115 govern the receipt of a donation by a public servant or his agency. Section 1123(41) provides an exception for the payment of travel expenses in some instances. There are specific exceptions which apply to legislators, legislative staff, and employees of higher education institutions which are not addressed here.

Code of Ethics §1111A

- **No PUBLIC SERVANT shall receive any thing of economic value, other than the compensation and benefits to which he is entitled from his governmental employer, for the performance of the duties and responsibilities of his office or position.**
 - **Who is a “public servant?”** A public employee or an elected official.
 - **What is a “thing of economic value?”** A thing of economic value is money or any other thing having economic value. The exceptions to the definition of “thing of economic value” include:
 - Promotional items having no substantial resale value such as calendars, pens, hats, and t-shirts which bear a company’s name or logo;
 - Food and drink consumed while the personal guest of the giver. In order for this second exception to apply, the giver or a representative of the giver must be present when the food and drink are consumed;
 - Reasonable transportation and entertainment which are incidental to the food and drink are also allowed.
 - Tickets to a civic, non-profit, educational or political event, but only where the public servant is a program honoree, a panel member, or giving a speech at the event. (Tickets to collegiate, semi-professional, and professional sporting events do

not fall within this exception)

Code of Ethics §1111C(1)(a)

- **No PUBLIC SERVANT shall receive any thing of economic value for any service, the subject matter of which is substantially devoted to the responsibilities, programs or operations of the agency of the public servant and in which the public servant has participated.**
 - **What is an “agency?”** A department, division, agency, commission, board, committee, or other organizational unit of a governmental entity.

Example #1: A parish high school band booster club wishes to make a donation to the parish school board for the purpose of providing a salary supplement to the band director. May they do so under the Ethics Code?



Answer: The booster club may not make such a donation for the specific purpose of supplementing the salary of the band director. It may make a donation to the agency and suggest what the donation be used for, but not mandate that purpose.

Code of Ethics §1115

- **No public employee shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person:**
 - (1) Has or is seeking to obtain a **contractual, business or financial relationship** with the public servant's agency, or
 - (2) Is seeking, for compensation, to **influence the passage or defeat of legislation** by the public servant's agency.
 - (3) Conducts operations or activities which are **regulated** by the public employee's agency.
 - (4) Has **substantial economic interests** which may be substantially affected by the performance or nonperformance of the public employee's official duty.

NOTE: Elected officials are only prohibited from soliciting or accepting a thing of economic value from persons who fall into categories (1) or (2).

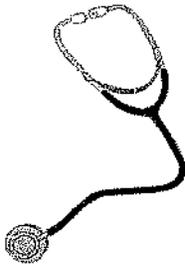
Code of Ethics §1123(41)

- A public servant may accept admission and reasonable lodging and transportation to an educational or professional development seminar or conference that is designed to enhance the performance of the public servant's job duties.

• What are the requirements to accept the payment of travel expenses?

- (1) The agency head of the public servant's agency must give approval;
- (2) The sponsor must not be compensated to influence the passage or defeat of legislation by the public servant's agency (i.e., lobbying);
- (3) The public servant is invited to attend the seminar/conference by the organization;
- (4) The seminar/conference must be held within the U.S. or Canada; and
- (5) The public servant must file an affidavit with the Board of Ethics within 60 days disclosing the sponsor and the amount expended on the public servant's behalf.

NOTE: These requirements are applicable when an **outside source** pays for the public servant's travel expenses. They do not apply when the public servant's agency is paying for the public servant's travel.



Example #2: You are an employee of a state medical center. A vendor of the medical center wishes to pay the costs for you and other employees to attend an educational seminar which is related to your job duties. May you accept these costs?

Answer: Yes, provided that your agency head gives approval, that the vendor is not lobbying with your agency, and that the seminar is being held within the U.S. or Canada. You are required to file an affidavit with the Board of Ethics within 60 days disclosing the name of the vendor, the location of the seminar, and the amount the vendor paid for your admission, transportation and/or lodging costs.

When may an agency accept a donation?

According to opinions of the Board of Ethics, the Code of Governmental Ethics does not prohibit an agency from receiving and utilizing unrestricted donations made by non-prohibited sources of income. **Prohibited sources** of income are:

- Any person who has or is seeking to obtain a contractual, business or financial relationship with the public servant's agency; OR

- Any person who conducts operations or activities which are regulated by the public employee's agency; OR
- Any person who has a substantial economic interest which may be substantially affected by the performance or nonperformance of the public employee's official job duties.

Example #3: May a town accept the donation of a historical building from a town citizen?

Answer: Yes, because the donation is to the town and does not present a benefit to a public servant.

Note: Public servants, entities in which they have a controlling interest, and immediate family members may donate goods or services to the public servant's agency.

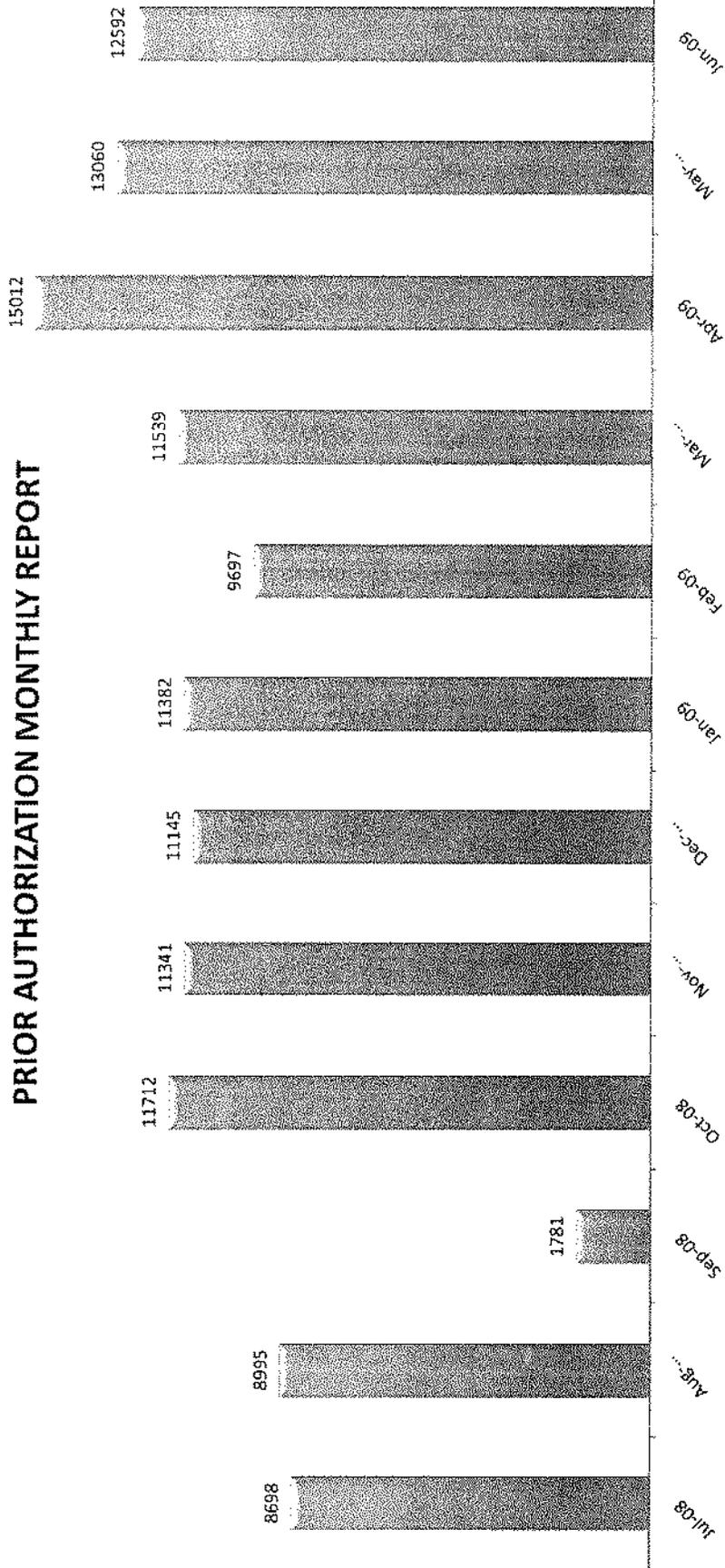
The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or toll free 1-800-842-6630.

The Board has a web site located at: www.ethics.state.la.us

This information sheet is only a summary of the provisions contained in §1111, §1113, §1115, and §1123(41) of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

LOUISIANA MEDICAID PHARMACY BENEFITS MANAGEMENT PROGRAM

PRIOR AUTHORIZATION MONTHLY REPORT



Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date:
1	ADD/ADHD Stimulants and Related Agents	Amphetamine Mixed Salt Amphetamine Mixed Salt ER (Adderall XR®) Dexamethylphenidate Dexamethylphenidate (Focalin XR®) Dextroamphetamine Lisdexamfetamine (Vyvanse®) Methylphenidate Methylphenidate ER Methylphenidate ER (Concerta®, Metadate CD®) Methylphenidate Transdermal (Daytrana Transdermal®)	Atomoxetine (Strattera®) Modafinil (Provigil®) Methamphetamine (Desoxyn®) Methylphenidate LA (Ritalin LA®)	April 1, 2009
2	ALLERGY Antihistamines - Minimally Sedating	Cetirizine OTC – Generic only Cetirizine Chewable OTC – Generic only Cetirizine Syrup OTC – Generic only Cetirizine – D OTC – Generic only Loratadine OTC – Generic only Loratadine Syrup OTC – Generic only Loratadine-D OTC – Generic only	Acrivastin/Pseudoephedrine (Semprex-D®) Cetirizine OTC (Zyrtec®) Cetirizine Syrup OTC (Zyrtec®) Cetirizine D OTC (Zyrtec-D®) Cetirizine RX Cetirizine RX Syrup Desloratadine (Clarinetx®) Desloratadine Syrup (Clarinetx®) Desloratadine/Pseudoephedrine (Clarinetx-D®) Fexofenadine Fexofenadine ODT (Allegra ODT®) Fexofenadine/Pseudoephedrine (Allegra-D®) Fexofenadine Syrup (Allegra Syrup®) Levocetirizine (Xyzal®) Levocetirizine Syrup (Xyzal®) Loratadine Chewable (Children's Claritin Chewable OTC®)	
	Rhinitis Agents, Nasal	Azelastine (Astellin®) Fluticasone (generic only)	Beclomethasone AQ (Beconase AQ®) Budesonide Aqua (Rhinocort Aqua®)	

Prior Authorization PDL Implementation Schedule

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Fluticasone Furoate (Veramyst®) Ipratropium Nasal Olopatadine HCL (Patanase®) Mometasone (Nasonex®) Triamcinolone AQ (Nasacort AQ®)	Ciclesolide (Omnaris®) Flutisolide (Nasarel®) Flutisolide Fluticasone (Flonase Brand only®)	
3	ALZHEIMER'S Alzheimer's Agents Cholinesterase Inhibitors	Donepezil (Aricept®) Donepezil (Aricept ODT®) Memantine HCl (Namenda®)	Galantamine (Razadyne®) Galantamine (Razadyne ER®) Rivastigmine Oral (Exelon®) Rivastigmine Transdermal Patch (Exelon Transdermal®) Tacrine (Cognex®)	
4	ANTIPSYCHOTIC AGENTS Antipsychotic, Atypical	Clozapine Quetiapine Fumarate (Seroquel®) Risperidone (Risperdal®) Ziprasidone (Geodon®)	Aripiprazole (Abilify®) Clozapine (fazact®) Olanzapine/Fluoxetine (Symbyax®) Olanzapine (Zyprexa®) Paliperidone ER (Invega®) Quetiapine XR (Seroquel XR®)	
5	ASTHMA/COPD Bronchodilator, Beta-Adrenergic Agents	Albuterol Sulfate Inhaler Albuterol Sulfate Nebulizer Albuterol Sulfate HFA (ProAir HFA®) Albuterol Sulfate HFA MDI (Proventil HFA®) Albuterol Sulfate HFA MDI (Ventolin HFA®) Formoterol DPI (Foradil®) Levalbuterol HFA (Xopenex HFA®)	INHALATION Albuterol Sulfate Nebulizer Low-Dose Arformoterol Inhalation Solution (Brovana Inhalation Solution®) Formoterol Inhalation Solution (Perforomist Inhalation Solution®) Metaproterenol Inhalation Metaproterenol Sulfate MDI (Alupent Inhalent®)	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Levalbuterol Nebulizer HCL (Xopenex [®]) Pirbuterol (Maxair Autohaler [®]) Salmeterol Xinafoate (Serevent Diskus [®])		
	Bronchodilator, Beta-Adrenergic Agents cont'	Albuterol Sulfate Albuterol Sulfate ER Metaproterenol Sulfate Terbutaline Sulfate	ORAL NONE	
	Bronchodilator, Anticholinergics	Albuterol Sulfate/Ipratropium MDI (Combivent [®]) Ipratropium Nebulizer Ipratropium Inhalation Aerosol MDI (Atrovent HFA [®]) Tiotropium Inhalation Powder (Spiriva [®])	INHALATION Albuterol Sulfate/Ipratropium Nebulizer	
	Corticosteroids, Inhalation	Beclomethasone MDI (QVAR [®]) Budesonide DPI (Pulmicort Flexhaler [®]) Budesonide/Formoterol MDI Inhalation (Symbicort Inhalation [®]) Budesonide Respules (Pulmicort - Respules [®]) - 8 years old and under Flunisolide MDI (Aerobid [®]) Flunisolide MDI (Aerobid M [®]) Fluticasone MDI (Flovent [®]) Fluticasone MDI (Flovent HFA Inhalers) Fluticasone/Salmeterol DPI (Advair Diskus [®]) Fluticasone/Salmeterol MDI (Advair HFA [®]) Triamcinolone MDI (Azmacort [®])	Budesonide Respules (Pulmicort - Respules [®]) - 9 years old and over Ciclesonide (Alvesco [®]) Mometasone DPI (Asmanex [®])	
	Leukotriene Modifiers	Montelukast (Singulair [®]) Zafirlukast (Accolate [®])	Zileuton CR (Zyflo CR [®])	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009	
6	DEPRESSION Antidepressants, Other Antidepressants, Other cont'	Bupropion IR	Bupropion XL		
		Bupropion SR	Desvenlafaxine (Pristiq®)		
		Mirtazapine	Duloxetine (Cymbalta®)		
		Trazodone	Nefazodone		
		Venlafaxine ER (Effexor XR®)	Selegiline Patch (Emsam®)		
			Venlafaxine		
			Venlafaxine ER		
			Citalopram	Fluvoxamine CR (Luvox CR®)	
			Escitalopram (Lexapro®)	Fluoxetine ER (Prozac Weekly®)	
			Fluoxetine	Paroxetine CR	
7	DERMATOLOGY Antifungals - Topical	Fluvoxamine			
		Paroxetine Mesylate (Pexeva®)			
		Paroxetine			
		Sertraline			
		Ciclopirox Cream	Butenafine (Mentax®)		
		Ciclopirox Gel	Ciclopirox (CNL8®)		
		Ciclopirox Suspension	Ciclopirox Shampoo (Loprox®)		
		Clotrimazole	Ciclopirox Solution		
		Clotrimazole/Betamethasone	Econazole		
		Ketoconazole (Xolegel®)	Ketoconazole Foam (Extina Foam®)		
Ketoconazole Cream	Miconazole/zinc oxide/white petrolatum (Vusion®)				
Ketoconazole Shampoo (Rx only)	Oxiconazole (Oxistat®)				
Naftifine (Naftin®)	Sertaconazole Nitrate (Ertaczo®)				
Nystatin					
Nystatin w/ Triamcinolone					
Ketconazole/Pyriithine (Xolegel Duo)					
Ketconazole/Hydrocortisone (Xolegel Corepak)					
Antiparasitic Agents, Topical	Crotamiton (Eurax®)	Lindane			

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Malathion (Ovide®) Permethrin		
	Antiviral Agents, Topical	Penciclovir Cream (Denavir®)	Acyclovir Cream (Zovirax®) Acyclovir Ointment (Zovirax®)	
	Atopic Dermatitis Immunomodulators	Pimecrolimus (Elidel®) Tacrolimus (Protopic®)	NONE	
	Impetigo Agents, Topical	Mupirocin Ointment Topical Mupirocin Cream Topical (Bactroban®) Retapamulin (Altabax®)	NONE	
	STERIODS, TOPICAL Low Potency	Desonide Fluocinolone Acetonide (Derma-Smooth-FS) Hydrocortisone	Acclometasone Dipropionate Desonide (Verdeso®) Desonide (Desonate®)	
	Medium Potency	Hydrocortisone Butyrate (Luclid Lipocream®) Betamethasone Valerate (Luxiq®) Hydrocortisone Valerate Hydrocortisone Butyrate	Flurandrenolide (Cordran®) Flurandrenolide Tape (Cordran Tape®) Prednicarbate Mometasone Furoate Clocortolone Pivalate (Clobderm®) Fluticasone Propionate	
	High Potency	Betamethasone Dipropionate Betamethasone Valerate Fluocinolone Acetonide Fluocinolone Acetonide Shampoo (Capex®) Fluocinonide Fluocinonide-E Fluocinonide Emollient Triamcinolone Acetonide	Amcinonide Desoximetasone Diffurason Diacetate Fluocinonide (Vanos®) Halcinonide (Hallog®)	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
	Very High Potency	Clobetazol Propionate Clobetazol Emollient Halobetazol Propionate	Clobetazol Propionate (Clobbex®) Clobetazol Propionate (Olux-Clux-E Pack®) Clobetazol Propionate (Olux-E®)	
8	DIABETES Hypoglycemics, Meglitinides	Nateglinide (Starlix®)	Repaglinide (Prandin®)	
	Hypoglycemics, Thiazolidinediones (TZDs)	Pioglitazone (Actos®) Pioglitazone/Glimeperide (Duetact®) Pioglitazone/Metformin (Actoplus Met®) Rosiglitazone (Avandia®) Rosiglitazone/Glimepiride ((Avandaryl®) Rosiglitazone/Metformin (Avandamet®)	None	
	Hypoglycemics Insulins & Related Agents	Human Insulin & Pens (Humulin®) Human Insulin & Pens (Novolin®) Insulin Aspart & Pens (Novolog®) Insulin Aspart/Insulin Aspart Protamine & Pens (Novolog Mix 70/30®) Insulin Detemir & Pens (Levemir®) Insulin Glargine & Pens (Lantus®) Insulin Lispro & Pens (Humalog®) Insulin Lispro/Protamine Lispro & Pens (Humalog Mix®)	Insulin Glulisine & Pens (Apidra®)	
	Hypoglycemics Incretin Mimetics/Enhancers	Exenatide (Byetta, Pens®) Pramlintide (Symlin®) Pramlintide Pens (Symlin Pens®) Sitagliptin (Januvia®) Sitagliptin/Metformin (Janumet®)	NONE	
9	DIGESTIVE DISORDERS Antiemetic Agents	Aprepitant (Eemend®) Dronabinol (Marinol®)	Dolasetron (Anzemet®) Granisetron	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Ondansetron / Ondansetron ODT	Granisetron Transdermal (Sancuso®) Nabilone (Cesamet®)	
	H. Pylori Agents	Metronidazole+Tetracycline+Bismuth subsalicylate (Heidac®)	Bismuth Subcitrate Potassium+Metronidazole+Tetracycline (Pylera®) Lansoprazole+Amoxicillin+Clarithromycin (Prevpac®)	
	GERD AND RELATED DISORDERS			
	Proton Pump Inhibitors	Esomeprazole (Nexium®)	Omeprazole	
		Esomeprazole Suspension (Nexium®)	Omeprazole (Zegerid®)	
		Lansoprazole Capsule (Prevacid®)	Pantoprazole	
		Lansoprazole Solutabs (Prevacid®)	Rabeprazole (Aciphex®)	
	Pancreatic Enzymes			
		Dyggase	Pancrecarb MS	
		Lapase		
		Pancrelipase		
		VioKase		
		Lipram		
		Pancrease MT		
		Ultrase		
		Creon		
9	DIGESTIVE DISORDERS			
	ULCERATIVE COLITIS			
	Ulcerative Colitis Agents	Balsalazide (Colazal®) Mesalamine Enemas Mesalamine (Asacol®) Mesalamine Suppositories (Canasa®) Sulfasalazine	Mesalamine Oral (Pentasa®) Mesalamine MMX (Lialda®) Olsalazine Oral (Dipentum®)	
10	GROWTH DEFICIENCY			
	Growth Hormones	Somatropin (Genotropin®)	Somatropin (Humatrope®)	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Somatropin (Norditropin®) Somatropin (Nutropin®) Somatropin (Nutropin AQ®)	Somatropin (Omnitrope®) Somatropin (Saizen®) Somatropin (Serostim®) Somatropin (Tev-Tropin®) Somatropin (Zorbtive®)	
11	HEART DISEASE			
	HYPERLIPIDEMIA			
	Antihyperlipidemic Agents -			
	Non Statins	Cholestyramine Colestipol Fenofibrate (Tricor®) Gemfibrozil Niacin ER (Niaspan®) Niacin IR (Niacor®)	Colesevelam (Welchol®) Ezetimibe (Zetia®) Fenofibrate (Antara®) Fenofibrate (Fenoglide®) Fenofibrate (Generics®) Fenofibrate (Lipofen®) Fenofibrate (Triglide®) Omega-3 acid ethyl esters (Lovaza®)	
	Statins & Statin Combination Agents	Amlodipine/Atorvastatin (Caduet®) Atorvastatin (Lipitor®) Fluvastatin (Lescol®) Fluvastatin XL (Lescol XL®) Lovastatin Lovastatin ER (Altoprev®) Niacin ER/Simvastatin (Simcor®) Pravastatin Rosuvastatin (Crestor®) Simvastatin	Ezetimibe/Simvastatin (Vytorin®) Niacin ER/Lovastatin (Advicor®)	
	HYPERTENSION			
	ACE Inhibitors & Related Agents	Benazepril Benazepril/HCTZ Captopril Captopril/HCTZ Enalapril	Aliskiren (Tekturna®) Aliskiren/HCTZ (Tekturna HCT®) Moexipril Moexipril/HCTZ	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Enalapril/HCTZ Fosinopril Fosinopril/HCTZ Lisinopril Lisinopril/HCTZ Perindopril (Aceon®) Quinapril Quinapril/HCTZ Ramipril (Altiace®) Trandolapril		
	Angiotensin Modulators/Calcium Channel Blockers Combination Products	Amlodipine/Benazepril - Generic only Amlodipine/Olmesartan (Azor®) Amlodipine/Valsartan (Exforge®) Verapamil SR/Trandolapril (Tarka®)	Amlodipine/Benazepril (Lotrel®)	
	Angiotensin II Receptor Blockers (ARBs)	Losartan (Cozaar®) Losartan/HCTZ (Hyzaar®) Irbesartan (Avapro®) Irbesartan/HCTZ (Avalide®) Olmesartan (Benicar®) Olmesartan/HCTZ (Benicar HCT®) Telmisartan (Micardis®) Telmisartan/HCTZ (Micardis HCT®) Valsartan (Diovan®) Valsartan/HCTZ (Diovan HCT®)	Candesartan (Atacand®) Candesartan/HCTZ (Atacand HCT®) Eprosartan (Teveten®) Eprosartan/HCTZ (Teveten HCT®)	
	Beta Adrenergic Receptor Blocking Agents	Acebutolol Atenolol Bisoprolol Fumarate Carvedilol Labetalol Metoprolol Succinate ER Metoprolol Tartrate	Betaxolol Carvedilol CR (Coreg CR®)	

Prior Authorization PDL Implementation Schedule

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Nadolol Nebivolol (Bystolic®) Penbutolol (LevatoI®) Pindolol Propranolol Propranolol ER (Innopran XL®) Propranolol LA Sotalol Sotalol AF Timolol Maleate		
	Calcium Channel Blockers	Amlodipine Diltiazem IR Diltiazem ER (Generics) Diltiazem SR Felodipine ER Isradipine IR Isradipine SR (Dynacirc CR®) Nicardipine Nifedipine ER Nifedipine IR Nimodipine Nisoldipine (Sular®) Verapamil Verapamil ER (Generics) Verapamil IR Verapamil SR	Diltiazem ER (Cardizem LA®) Nicardipine SR (Cardene SR®) Nisoldipine – Generics only Verapamil ER (Covera HS®) Verapamil ER PM	
11	PLATELET AGGREGATION INHIBITORS			
	Platelet Aggregation Inhibitors	Aspirin/Dipyridamole ER (Aggrenox®) Clopidogrel (Plavix®) Dipyridamole	Ticlopidine	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
	ANTICOAGULANTS, INJECTABLES			
	Anticoagulants, Injectable	Dalteparin (Fragmin®) Enoxaparin (Lovenox®) Fondaparinux (Arixtra®)	Tinzaparin (Innohep®)	
	Pulmonary Arterial Hypertension (PAH)	Ambrisentan (Letaris®) Sildenafil (Revatio®)	Bosentan (Tracleer®)	
12	HEMATOLOGIC AGENTS			
	HEMATOPOIETIC AGENTS			
	Erythropoietins	Darbepoetin alfa (Aranesp®) Epoetin alfa (Procrit®)	Epoetin alfa (Epreo®)	
	Anticoagulants - refer to HEART DISEASE			
13	HEMODIALYSIS			
	Phosphate Binders	Calcium Acetate (PhosLo® - Brand only) Lanthanum (Fosrenol®) Sevelamer HCl (RenaGel®)	Calcium Acetate (Generics®) Sevelamer Carbonate (Renvela®)	
14	HORMONE THERAPY			
	Androgenic Agents	Testosterone Gel 1% (Testim®) Testosterone Transdermal Patch (Androderm®)	Testosterone Gel 1% (AndroGel®)	
15	HYPERLIPIDEMIA - REFER TO HEART DISEASE			
16	IMMUNE DISORDERS - REFER TO MULTIPLE SCLEROSIS			

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
17	INFECTIOUS DISORDERS ANTIBIOTICS Cephalosporin and Related Antibiotics	Amoxicillin/Clavulanate (Tablets & Suspension) Amoxicillin/Clavulanate XR (Augmentin XR®) Cefaclor Cefaclor ER Cefadroxil Cefdinir Cefixime (Suprax®) Cefibuten (Cedax®) Cefuroxime Axetil Cefprozil Cephalexin	Cefaclor (Ranictor®) Cefditoren Pivoxil (Spectracef®) Cefpodoxime	
	Fluoroquinolones	Ciprofloxacin Moxifloxacin (Avelox®)	Ciprofloxacin Suspension (Cipro Suspension®) Ciprofloxacin ER Ciprofloxacin ER (Proquin XR®) Gemifloxacin Mesylate (Factive®) Levofloxacin (Levaquin®) Norfloxacin (Noroxin®) Ofloxacin	
	Antibiotics, Gastrointestinal	Metronidazole Neomycin Nitazoxanide (Alinia®) Tinidazole (Tindamax®) Vancomycin (Vancocin®)	Metronidazole ER (Flagyl ER®) Rifaximin (Xifaxan®)	
	Macrolides - Ketolides	Azithromycin Azithromycin ER (Zmax®) Erythromycin Base Erythromycin Estolate Erythromycin Ethylsuccinate	Clarithromycin Clarithromycin ER Telithromycin (Ketek®)	

Prior Authorization PDL Implementation Schedule

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
	Vaginal	Erythromycin Stearate Clindamycin Vaginal Cream Clindamycin Vaginal Cream (Clindesse®) Clindamycin Vaginal Ovules (Cleocin®) Metronidazole Vaginal Gel Cream	NONE	
	OPHTHALMIC ANTIBIOTICS - refer to Ophthalmic Disorders			
	OTIC ANTIBIOTICS - refer to OTIC Agents			
	ANTIFUNGALS			
	Antifungals, Oral	Clotrimazole Fluconazole Griseofulvin Suspension Griseofulvin (Gris-Peg®) Ketoconazole Nystatin Terbinafine (no granules)	Flucytosine (Ancobon®) Griseofulvin (Grifulvin V®) (Tablets) Itraconazole Posaconazole (Noxafil®) Terbinafine Granules (Lamisil Granules®) Voriconazole (VFEND®)	
	HEPATITIS AGENTS			
	Hepatitis B Agents	Adefovir Dipivoxil (Hepsera®) Entecavir (Baraclude®) Lamivudine (Epivir HBV®) Telbivudine (Tyzeka®)	NONE	
	Hepatitis C Agents	Ribavirin Peginterferon alfa 2A (Pegasys®) Peginterferon alfa 2B (Peg-Intron®) Peginterferon alfa 2B (Peg-Intron Redipen®)	Consensus Interferon (Infergen®)	
18	MULTIPLE SCLEROSIS Multiple Sclerosis Agents	Glatramer (Copaxone®) Interferon beta - 1a (Avonex®)	NONE	

Prior Authorization PDL Implementation Schedule

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
	(Immunomodulatory Agents)	Interferon beta - 1b (Betaseron®) Interferon beta - 1a (Rebif®)		
19	OPHTHALMIC DISORDERS Allergic Conjunctivitis	Azelastine Hydrochloride (Optiva®) Epinastine HCl (Elestat®) Ketorolac Tromethamine (Acular®) Lofeprednol (Airex®) Cipotadine HCl (Pataaday®) Cipotadine HCl (Patanol®)	Cromolyn Sodium Emedastine Difumarate (Emadine®) Ketotifen Fumarate Lodoxamine Tromethamine (Alomide®) Nedocromil Sodium (Alocril®) Pemirolast Potassium (Alamast®)	
	Glaucoma Agents			
	Intraocular Pressure (IOP)			
	Reducers	Betaxolol Betaxolol (Betoptic S®) Brimonidine Tartrate (Alphagan P®) Brimonidine Tartrate Brimonidine/Timolol (Combigan®) Brinzolamide (Azopt®) Carteolol Dipivefrin Dorzolamide (Trusopt®) Dorzolamide/Timolol (Cosopt®) Latanoprost (Xalatan®) Levobunolol Metipranolol Pilocarpine Timolol (Betimol®) Timolol Maleate Timolol LA (Istalol®) Travoprost (Travatan, Travatan Z®)	Bimatoprost (Lumigan®)	
	Ophthalmics, Antibiotic	Erythromycin Gatifloxacin (Zymar®)	Azithromycin 1% (AzaSite®) Ciprofloxacin Ointment (Ciloxan®)	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Levofloxacin (Iquix®) Moxifloxacin (Vigamox®)	Ciprofloxacin Solution Levofloxacin (Quixin®) Ofloxacin Solution	
	Ophthalmics, NSAIDS	Bromfenac (Xibrom®) Diclofenac Flurbiprofen Ketorolac (Acular LS®) Ketorac PF (Acular PF®) Nepafenac (Nevanac®)	NONE	
20	OTIC AGENTS Fluoroquinolones	Ciprofloxacin/Dexamethasone (Ciprodex OTIC®) Ofloxacin (Floxin® - Brand only)	Ciprofloxacin/Hydrocortisone (Cipro HC OTIC®) Ofloxacin - Generics	
21	OSTEOPOROSIS Bone Resorption Suppression Agents	Alendronate Sodium (generics only) Calcitonin - Salmon (Fortical®) Calcitonin-Salmon Nasal (Miacalcin®) Ibandronate Sodium (Boniva®) Risedronate (Actonel®)	Alendronate Sodium (Fosamax Brand only®) Alendronate Solution (Fosamax®) Alendronate/Vit D (Fosamax Plus D®) Etidronate (Didronel®) Raloxifene (Evista®) Risedronate/Calcium (Actonel with Calcium®) Teriparatide Subcutaneous (Forteo®)	
22	PAIN MANAGEMENT Analgesics/Anesthetic, Topical	Diclofenac Sodium Gel (Voltaren®) Lidocaine Patch (Lidoderm®)	Diclofenac Epolamine Patch (Flector®)	
	Analgesics, Narcotics Short Acting	Acetaminophen w/Codeine Aspirin w/Codeine Codeine Phosphate Codeine Sulfate Dihydrocodeine Bitartrate/Acetaminophen/Caffeine (Generics)	Acetaminophen/Caffeine/Dihydrocodeine Bitartrate (Panlor DC®) Fentanyl Citrate Buccal (Generics & Actiq, Fentora®) Opium Tincture Oxycodone (Numorphan®) Oxycodone IR (Opana®)	

Prior Authorization PDL Implementation Schedule

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Hydrocodone/Acetaminophen	Propoxyphene Napsylate (Darvon-N®)	
		Hydrocodone Bitartrate/Ibuprofen		
		Hydromorphone		
		Meperidine HCL		
		Morphine Sulfate IR		
		Oxycodone IR		
		Oxycodone/Acetaminophen		
		Oxycodone w/Aspirin		
		Oxycodone/Ibuprofen		
		Pentazocine/Naloxone HCL		
		Pentazocine/Acetaminophen		
		Propoxyphene		
		Propoxyphene HCL w/APAP		
		Propoxyphene Napsylate w/APAP		
		Tramadol		
		Tramadol/Acetaminophen		
22	PAIN MANAGEMENT Cont' Analgesics, Narcotics Long Acting	Fentanyl Transdermal (Duragesic) – Brand only	Fentanyl Transdermal (Generic only)	
		Methadone HCL	Morphine Sulfate ER (Avinza®)	
		Morphine Sulfate ER (Kadian®)	Oxycodone ER	
		Morphine Sulfate ER (Generic)	Oxycodone (Oxycontin®)	
			Oxymorphone ER (Opana ER®)	
			Tramadol ER (Ultram ER®)	
	Nonsteroidal Anti-inflammatory (NSAIDs)	Celecoxib (Celebrex®)	Didlofenac/Misoprostol (Arthrotec®)	
		Diclofenac	Lansoprazole/Naproxen (Prevacid Naprapac®)	
		Etidolac	Meclofenamate Sodium	
		Fenoprofen	Mefenamic Acid (Ponstel®)	
		Flurbiprofen	Nabumetone	
		Ibuprofen (Rx Only)	Tolmetin Sodium	
		Indomethacin		
		Ketoprofen		

PRIOR Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
		Ketorolac Meloxicam (Mobic®) Naproxen (Rx Only) Oxaprozin Piroxicam Sulindac		
	Immunomodulators and Related Agents for Arthritis	Adalimumab (Humira®) Anakinra (Kineret®) Etanercept (Enbrel®)	Abatacept (Orencia®) Alefacept (Amevive®) Certolizumab (Cimzia®) Infliximab (Remicade®)	
	Antimigraine Agents, Triptans	Eletriptan (Relpax®) Sumatriptan Injection – Generic only Sumatriptan Nasal – Generic only Sumatriptan Oral – Generic only Sumatriptan/Naproxen (Treximet®)	Almotriptan (Axert®) Frovatriptan (Frova®) Naratriptan (Amerge®) Rizatriptan (Maxalt®, Maxalt MLT®) Sumatriptan (Imitrex Injection) Sumatriptan (Imitrex Nasal) Sumatriptan (Imitrex Oral) Zolmitriptan (Zomig, Zomig ZMT®) Zolmitriptan (Zomig® nasal)	
	Skeletal Muscle Relaxants	Baclofen Chlorzoxazone Cyclobenzaprine – Generics Methocarbamol Carisoprodol – Generics Carisoprodol Compound Tizanidine – Generics only	Carisoprodol (Soma 250 mg®) Cyclobenzaprine (Fexmid®) Cyclobenzaprine ER (Amrix®) Dantrolene Sodium Metaxalone (Skelaxin®) Orphenadrine Orphenadrine Compound Tizanidine (Zanaflex®)	

Prior Authorization PDL Implementation Schedule

02/20/2009

Item Nbr	Descriptive Therapeutic Class	Drugs on PDL	Drugs which Require PA	Effective Date: April 1, 2009
23	PARKINSON'S Antiparkinson Agents - Anticholinergic and Other	Benzotropine Levodopa/Carbidopa (Generics only) Levodopa/Carbidopa/Entacapone (Stalevo®) Pramipexole (Mirapex®) Ropinirole Selegiline Trihexyphenidyl	Bromocriptine Entacapone (Comtan®) Levodopa/Carbidopa (Parcopa®) Rasagiline (Azilect®) Ropinirole (Requip XL®) Rotigotine Transdermal (Neupro®) Selegiline (Zelapar®) Tolcapone (Tasmar®)	
24	SEDATIVE/HYPNOTICS Sedative/Hypnotics	Chloral Hydrate Temazepam Temazepam (Restoril 7.5mg®) Triazolam Zaleplon Zolpidem	Estazolam Eszopiclone (Lunesta®) Flurazepam Quazepam (Dora®) Ramelteon (Rozerem®) Zolpidem CR (Ambien CR®)	
25	UROLOGY INCONTINENCE Bladder Relaxant Preparations	Oxybutynin Oxybutynin transdermal (Oxytrol®) Solifenacin (VESicare®) Tolterodine ER (Detrol LA®)	Darifenacin (Enblex®) Oxybutynin ER Tolterodine (Detrol®) Trospium (Sanctura®) Trospium (Sanctura XR®)	
	PROSTATE Benign Prostatic Hyperplasia Treatment (BPH)	Alfuzosin (Uroxatral®) Doxazosin Dutasteride (Avodart®) Finasteride Tamsulosin (Flomax®) Terazosin	Doxazosin XL (Cardura XL®)	