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GOVERNOR

Alan Levine
SECRETARY

State of Louisiana

Department of Health and Hospitals
Office of Public Health

Date: August 19, 2009

To: SBHC Directors and Medical Providers

From: Maxine Kimbrell, LCSW-BACS
ASHP Program Manager

Re: New LA Law Regarding Pseudoephedrine-containing Products

It has come to our attention that there is a new Louisiana law that went into effect on August 15 which adds Soma, pseudoephedrine, and pseudoephedrine-containing products to the state list of controlled substances. These medications are now going to be Schedule V in an effort to control their abuse and misuse (pseudoephedrine is used to manufacture methamphetamines). As a result, **please cease purchasing or giving out any ephedrine, phenylpropanolamine, pseudoephedrine and pseudoephedrine-containing products including over the counter medications containing these products (this would include any cold medication that has a decongestant component).** The new law is attached for your reference.

The Louisiana Association of Nurse Practitioners has indicated that all nurse practitioners who prescribe the above medications to their patients must now be authorized to prescribe controlled substances by the Louisiana State Board of Nursing. The Board of Nursing Application for the Addition of Controlled Substances is attached for your reference. Patients will be able to purchase pseudoephedrine-containing products at the pharmacy, but these products will be kept behind the pharmacy counter. Nurse practitioners MAY NOT sign for samples of ANY cold medications that contain pseudoephedrine, even with a controlled substances license. Nurse practitioners MAY NOT sign for samples of Soma.

We will get further information on what this will mean to the future of providing these medications in the SBHCs. Our intent is to ensure that the SBHCs are following the law concerning these products.

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Department of Health and Hospitals
Office of Public Health

Date: September 3, 2009

To: SBHC Directors and Medical Providers

From: Maxine Kimbrell, LCSW-BACS MBK
ASHP Program Manager

Re: LA Law Regarding Ephedrine, Pseudoephedrine or Phenopropanolamine-containing products.

This memo is a follow-up to the memo regarding the Louisiana law which adds Soma, ephedrine, pseudoephedrine and phenopropanolamine containing products to the state list of Schedule Vcontrolled substances. We have received the following interpretation of this law from Phillip McCrory, Director of the OPH Pharmacy:

> "We have reviewed the new law. As long as the medications are legally obtained from a pharmacy it is not a problem to keep it under lock and key and it is only available to the SBHC providers.
>
> Under 978 C. it clearly says: ..... However, nothing contained in this Subsection shall prohibit a practitioner from delegating the authority to administer controlled dangerous substances in Schedule V to a person authorized by such practitioner.
>
> If the SBHC uses more than 90 gm. of any of the active ingredients (ephedrine, pseudoephedrine or phenylpropanolamine) per-month we would ask them to keep a separate log. This would be a lot of medication and I doubt any of them would use that much since the dose is in milligrams."

Therefore, the SBHCs can keep a stock supply of the medications with the active ingredients and the RNs, NPs, and MDs can provide these medications to students in SBHC as they have done previously. These medications must be kept under lock and key.

The SBHCs must keep an inventory of medications with the active ingredients (ephedrine, pseudoephedrine, and phenopropanolamine) to determine the amount of the active ingredients which they are using per month. The inventory is to be monitored monthly to determine that no more than 90grams of the active ingredients in any of these OTC medications is being distributed per month. The law also states that no person shall purchase receive, or otherwise acquire more than nine (9) grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base within any thirty-day period.. To monitor that these requirements are being met, a list of the OTC medications with any of the active ingredients (ephedrine, pseudoephedrine, or phenopropanolamine) is to be kept in the SBHC. Anytime one of these medications is given out,

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the date, the amount given and an identifier of the student receiving the medication must be documented on the list. SBHC staff must check the inventory list when giving out any of these medications to ensure that no one student receives more than 9 grams within a 30 day period.

The RN or the NP must count the number of these medications given over a month and determine the amount of any of the active ingredients that was given out that month. If it is determined that over 90 gm. of any of the active ingredients is being used per month, then, a log of the medication or medications containing this active ingredient must be kept. The log must contain the date, an identifier of the student receiving the medication, the number of the medications given, and the signature of the provider giving the medication.

Please note that some over the counter (OTC) decongestants and cold and cough medications have replaced pseudoephedrine or ephedrine with phenylephrine and therefore these do not fall into the controlled substance Schedule V category. As a result, these OTC medications do not require the monitoring as those which contain the active ingredients of ephedrine, pseudoephedrine or phenopropanolamine.

As always, please read the information on the medications carefully and observe any warnings about interactions with other medications, possible side effects (especially in children) and which medical conditions would prohibit using these medications.

If you have any questions on this, call C. Virginia Moore @225-953-3100.