

# John F. DeRosier

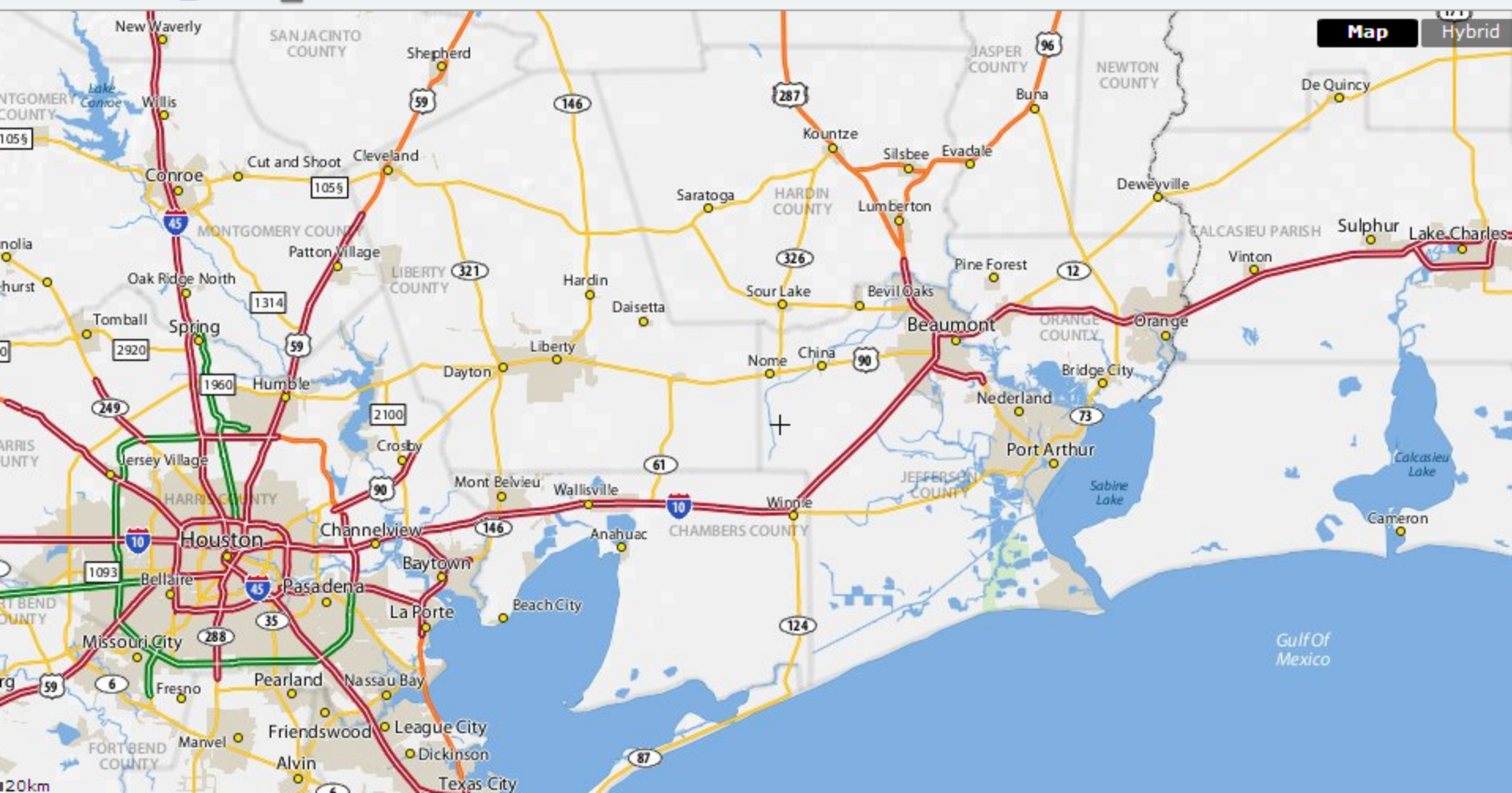
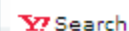
District Attorney  
Calcasieu Parish, Lake Charles  
Louisiana



# THE LOUISIANA EXPERIENCE



**CALCASIEU PARISH**



## Calcasieu Parish Geographical Information

- 144 miles east of Houston, Texas
- 206 miles west of New Orleans, La.
- Interstate 10 cuts through the parish, east/west
- 190,000 residents
- Large petrochemical industry
- Median family income, \$41,903
- unemployment rate below the national average
- 74% white, 24% black, 2 % other



--- Hurricanes Katrina and Rita struck Louisiana in Sept. 2005

--- In Calcasieu Parish 2006-2007 death by overdose of prescription medications were 1-2 per week (25-50 per 1000,000 people)

--- Jefferson County, Texas (Beaumont, Tx area)

5 deaths by overdose in 2005

55 deaths by overdose in 2006

--- Refusals for a urine test, after taking the alcohol test, increased from 2006-2008

### Calcasieu Parish, Louisiana DWI testing/arrests from District Attorney Records

Year	# of arrests	Alcohol test or pending*	Refused/urine**	% Refused***
1999	452	324	128	28%
2000	473	345	128	27%
2001	641	457	184	29%
2002	1074	681	393	36%
2003	748	460	288	39%
2004	823	515	308	37%
2005	894	575	319	36%
2006	1293	578	715	55%
2007	1151	398	753	65%
2008****	1319	554	765	58%

\* This column reflects all arrests in which an alcohol test was conducted and there was no indication of drug use. This also includes all pending cases in which blood was drawn and we have no indication of use of drugs or use is not noted at all. The Louisiana State Police Crime lab is the only lab in Louisiana that can test for toxicology on traffic cases. The backlog of cases to be analyzed was near 4,500 in mid 2008. Legislation passed during the 2008 session will allow for outsourcing of the tests in the very near future.

\*\*While not all refusals are drug related, the refusals in the later years (2005-2008) reflect the number that also took the breath test and then refused to submit to a urine test. Louisiana law allows for a test or tests. When the person is obviously impaired the alcohol test is given and then a urine sample is obtained if the individual has a no alcohol or a low alcohol reading. Our experience is that they are more than willing to take a breath test but refuse the urine.

\*\*\*percent of those who refused to take any test as well as those who took the breath test and refused the urine test as compared to the total arrests.

\*\*\*\*1 January, 2008 through 10 October 24, 2008



--- Early 2007 conference at Harris County (Houston) District Attorney's Office

--- Formed a Texas/Louisiana Task Force



## Texas/Louisiana Pain Clinic Task Force

### Louisiana

Calcasieu Parish District Attorney's Office  
Calcasieu Parish Sheriffs Office

### Texas

Texas Attorney General  
Texas DPS  
Texas Medical Board  
Texas Pharmacy Board  
Texas Pharmacy Association  
Texas Federation of Drug Stores  
Brazos County Sheriffs Office  
Harris County Medical Society  
Houston Police Department  
City of Houston, Mayor's Office  
Orange County Sheriff's Office  
Montgomery County Sheriff's Office  
University of Texas, M.D. Anderson Cancer Center  
Texas Pain Society

### Federal Agencies

DEA Houston  
DEA Dallas  
FBI, Houston  
HIDTA (High Intensity Drug Trafficking Area)



# THE STATUTE

La. R.S. 40:2198.11 (Act 488, 2005 Regular Session)


## Definition of “Pain Management Clinics”

Facilities which primarily engage in the treatment of pain by prescribing narcotic medications

- 51 % rule
- Owned and operated by a physician
- Opposition and exemptions
- Texas legislation




# EARLY EXPERIENCE WITH THE STATUTE

- 
- No legal challenges at this time but do expect some
  - exemptions are providing some level of difficulty in enforcement
  - authorization for enforcement powers



# EVALUATION OF THE STATUTE

- 
- Significant reduction of pain management clinics in Louisiana
  - Uniform regulations nationally



QUESTIONS?





## Contact Information

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