



Louisiana Board of Pharmacy

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Minutes

Regular Meeting	Wednesday, February 21, 2018 at 9:00 a.m.
&	
Administrative Hearing	Thursday, February 22, 2018 at 8:30 a.m.
&	
Special Board Meeting	Thursday, February 22, 2018 at 10:00 a.m.
Location:	Louisiana Board of Pharmacy 3388 Brentwood Drive Baton Rouge, Louisiana 70809-1700

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 21, 2018 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 9:10 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Richard Indovina then led the group in the Pledge of Allegiance.

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Bond, to call the roll to establish a quorum.

Members Present:

Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Allen W. Cassidy, Jr.
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Richard Mannino
Mr. Marty R. McKay
Ms. Chris B. Melancon
Ms. Diane G. Milano
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Mr. Richard A. Soileau
Dr. Raymond J. Strong

Members Absent:

Mr. Rhonny K. Valentine

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director

Guests:

Mr. Don Couvillon – La. Wholesale Drug Co.
Mr. Christian Auty – Much Selist
Mr. Ben Sims – Brookshire Grocery Co.
Ms. Crystal Carter – La. Pharmacists Association
Mr. Jeff Gaude – Walgreen & Co.

Mr. Richard Palombo – Express Scripts
Mr. Kevin LaGrange – Professional Arts Pharmacy
Mr. Robert Lancon – Adams & Reese
Ms. Deborah Duvic – The Picard Group
Mr. Robert Hollier – Hollier’s Family Pharmacy
Ms. Nikki Hollier – Hollier’s Family Pharmacy
Mr. Kerry Crawford
Mr. Kenny Wilson – Don’s Pharmasave
Ms. Kimberly Wixson – Cottonport Corner Drug
Ms. Linda Spradley – Spradley & Spradley
Mr. William Jones – La. Independent Pharmacies Association
Mr. Gregory Poret – Poret’s Thrifty Way Pharmacy
Mr. Russell Caffery – La. Independent Pharmacies Association
Mr. James Collins – Recipient of Pharmacist Gold Certificate
Ms. Jennifer Marusak – La. State Medical Society
Mr. Michael Tinnerello – Channell Drugs
Ms. Connie Tinnerello – Channell Drugs
Mr. David Darce – Thrifty Way Pharmacy of St. Martinville
Mr. Collin Stagg – Medical Pharmacy West
Mr. Patrick Boggs – Kelly Pharmacy
Mr. Aurdie Bellard – Bellard’s Pharmacy
Ms. Mary Staples – National Association of Chain Drug Stores
Mr. David Osborn – Schilling Pharmacy

Mr. Bond certified 16 of the 17 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, but none were requested.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting and the Administrative Hearing on November 15-16, 2017 held in Baton Rouge, Louisiana. With no objections, he waived the reading of the draft minutes. With no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Aron called on Mr. Broussard for the report. Mr. Broussard directed the members to a copy of the report in their meeting binder. There were no questions from the members.

7. Confirmation of Acts

Pursuant to Mr. Aron’s declaration that the officers, committees, and executive director had attended to the business of the Board since their last meeting in accordance with policies and procedures previously approved by the Board, Mr. Moore moved,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 16, 2017 are approved, adopted, and ratified by the entire Board.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

8. *Opportunity for Public Comment*

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments on non-agenda items from the guests present, and none were offered.

* *Statement of Purpose*

Mr. Aron reminded the members of the purpose and mission of the Board of Pharmacy by reciting the relevant portion of the Louisiana Pharmacy Practice Act. He urged the members to keep their legislative mandate in mind as they considered all the matters before them.

9. *Special Orders of the Day*

A. *Presentation of Pharmacist Gold Certificate*

Mr. Aron introduced Mr. James B. Collins, holder of PST.009331, which was issued on November 29, 1967. Mr. Aron recited a brief synopsis of his pharmacy career, and then presented his Pharmacist Gold Certificate, commemorating 50 years of practice. The members and guests present congratulated Mr. Collins with a generous round of applause.

10. *Committee Reports*

Mr. Aron indicated he would re-order the sequence of the committee reports.

H. *Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee had met twice since the previous Board meeting. During their meeting on December 6, 2017, the committee focused solely on the topic of pharmacy benefit managers (PBMs). The committee received stakeholder input from pharmacists and PBMs, and the members discussed different approaches to the licensure and regulation of PBMs. During their meeting on February 7, 2018, the committee focused on their agenda topics requiring legislative remedies and voted to recommend those legislative proposals to the Board.

Legislative Proposal 2018-A ~ CDS Schedule Update (Draft #1)

Mr. McKay described this proposal as the annual update to the state list of controlled substances to incorporate federal scheduling actions since the previous legislative session. He noted the proposal would add cyclopropylfentanyl and deschloroketamine to Schedule I and would add naldemedine to a list of drugs excluded from Schedule II. He then moved,

Resolved, to approve Legislative Proposal 2018-A ~ CDS Schedule Update (Draft #1), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process. There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2018-C ~ Foreign Pharmacy Schools (Draft #1)

Mr. McKay noted the presence of a specifically named publication in the statutory definition of 'approved college of pharmacy' which is no longer in print and is now obsolete. He noted the proposal would delete the reference to the specific title but would retain the other requirements for foreign pharmacy graduates. He then moved.

Resolved, to approve Legislative Proposal 2018-C ~ Foreign Pharmacy Schools (Draft #1), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process. There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2018-E ~ Partial Fills for Schedule II Medications (Draft #1)

Mr. McKay reminded the members of the recently adopted federal law permitting partial fills of prescriptions for Schedule II medications where permitted by state law, as well as the adoption of Act 82 of the 2017 Louisiana Legislature authorizing partial fills for prescriptions for opioid medications. He noted the proposal would amend the state controlled substance law to authorize partial fills for all Schedule II medications in compliance with the federal law. He then moved,

Resolved, to approve Legislative Proposal 2018-E ~ Partial Fills for Schedule II Medications (Draft #1), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process. There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2018-F ~ PMP Medicaid Audit Trail (Draft #3)

Mr. McKay reminded the members of the 2017 legislation recognizing audit trail information in the prescription monitoring program and the same level of protection for that information as provided for prescription transaction information. He related a request from the Dept. of Health to provide limited access to audit trail information for Medicaid representatives auditing providers caring for Medicaid recipients. He noted the proposal added

designated Medicaid representatives to the short list of entities authorized to access audit trail information. He then moved,

Resolved, to approve Legislative Proposal 2018-F ~ PMP Medicaid Audit Trail (Draft #3), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

During the member discussion, Mr. Aron reported objection from several senators and other stakeholders, such that the Dept. of Health had notified the Board earlier that day of their desire to withdraw the request. Mr. Rabb offered a substitute motion to defer the legislative proposal without date. There was no member discussion or public comment. The substitute motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2018-H ~ Drugs of Concern (Draft #2)

Mr. McKay reminded the members of Act 88 of the 2017 Legislature which created the Advisory Committee on Heroin & Opioid Prevention & Education within the Drug Policy Board, an agency housed within the Office of the Governor. The enabling legislation directed the Advisory Committee to establish an Interagency Heroin & Opioid Coordination Plan, one element of which was the collection of parish-level data on opioid overdoses and dispensing of overdose reversal medication. The committee felt the identification of naloxone as a drug of concern would facilitate the reporting of naloxone dispensing by pharmacies. He noted the proposal would amend the statutory definition of 'drug of concern' to include drugs whose use requires tracking for public health purposes. Following adoption of the legislation, the Board would need to amend the regulatory definition of the same term and then specifically identify naloxone as a drug of concern. He then moved,

Resolved, to approve Legislative Proposal 2018-H ~ Drugs of Concern (Draft #2), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2018-J ~ Pharmacist Licensing Law (Draft #1)

Mr. McKay reminded the members of the stakeholder request to amend the licensure by reciprocity requirements to remove the one year of practice. He noted the proposal would amend the licensing requirements for reciprocity by removing that requirement, and would make additional technical changes. He then moved,

Resolved, to approve Legislative Proposal 2018-J ~ Pharmacist Licensing Law (Draft #1), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable

amendments as may become necessary during the legislative process. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2018-K ~ Epidemiologist Access to PMP (Draft #3)

Mr. McKay reported the Dept. of Health had offered a department epidemiologist to assist the Board in reviewing PMP information for public health purposes. He noted the proposal would add an epidemiologist from the Dept. of Health to the list of entities authorized to have access to PMP information. He then moved,

Resolved, to approve Legislative Proposal 2018-K ~ Epidemiologist Access to PMP (Draft #3), and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Proposal 2018-F ~ Pharmacy Benefit Managers (Draft #2)

Mr. McKay reminded the members of the stakeholder input during the December 2017 committee meeting and the incorporation of that input in the proposal. He then moved,

Resolved, to approve Regulatory Proposal 20178-F ~ Pharmacy Benefit Managers (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

There was no member discussion. Public comments were received from four commentators:

- Chris Auty indicated he was an attorney representing a pharmacy benefit manager. He informed the Board his client believes the Board lacks statutory authority to license and regulate pharmacy benefit managers. His review of the pharmacy practice act reveals the Board is authorized to license and regulate pharmacies and pharmacy personnel; pharmacy benefit managers are not mentioned in the pharmacy law. He urged the Board to table the current proposal until the statutory authority is acquired.
- Errol Duplantis indicated he was a pharmacist and a pharmacy owner. He reported two pharmacy benefit managers – one located within the state and one located outside the state – had indicated to him their support of the regulatory proposal.
- Robert Hollier indicated he was a pharmacist and a pharmacy owner. He described two examples of patient re-direction by pharmacy benefit managers.
- Nikki Hollier indicated she was a pharmacist and a pharmacy owner. She contested the first commentator's statement that pharmacy benefit managers do not practice pharmacy

The motion was adopted after a unanimous vote in the affirmative.

In other committee discussion, Mr. McKay indicated the committee had reviewed the assigned topic, Memorandum of Understanding (MOU) between FDA and Boards of Pharmacy. Given the recently stated intent of the federal FDA to issue a revised MOU in the near future, the committee voted to return the topic to the Board with no recommendation. The members offered no further guidance for the committee on that topic and accepted the return.

Finally, Mr. McKay indicated the completion of his report.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 10:00 a.m. and then reconvened at 10:30 a.m. It was noted Mr. Mannino departed the meeting during the recess.

A. Finance Committee

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre presented the interim report for the second quarter of the fiscal year, for the period ending December 31, 2017. He reviewed the statements of equity, income, expense, and budget performance. In particular, he noted Board had collected 57% of the projected revenue and consumed 43% of the projected expenses. Further, the income had exceeded expenses by approximately \$281,000 for the first half of the fiscal year.

Finally, he noted the interim report was for information only and did not require any action. He expressed his appreciation to the other committee members for their ongoing efforts.

B. Application Review Committee

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee had met the previous day to consider one referral from the staff – an applicant for a pharmacy permit. Following their interviews and deliberations, the committee authorized staff to issue the permit with certain conditions that did not require Board action. He then presented the following file to the members for their consideration.

Ashley Renee Easter – Applicant for PTC Registration: Mr. Soileau informed the members the committee had considered this applicant during their November 2017 meeting and had voted to recommend the denial of her application. Ms. Easter has recently confirmed her intent not to dispute the recommendation. Mr. Soileau then moved,

Resolved, to deny the application for pharmacy technician candidate registration and refuse to issue the credential.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Soileau expressed his appreciation to the other members of the committee for their work the previous day.

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 55 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials.

Ms. Hall reported the committee had met earlier that day to consider one referral from the staff. Following their interview and deliberations, the committee voted to recommend licensure by reciprocity to the applicant. She then moved,

Resolved, to authorize pharmacist licensure by reciprocity without restriction for Jerry Wayne Haynes, Jr.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative.

Finally, she closed the report with appreciation to the other committee members for their ongoing efforts.

D. *Violations Committee*

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held preliminary hearings on December 6-7, 2017 to consider their posted agenda which included 19 cases: 7 pharmacists, 5 pharmacy technicians, 6 pharmacy permits, and one applicant for a pharmacy permit. After interviews and deliberations, the committee took no action on 9 of the respondents. The committee offered proposed voluntary consent agreements to the remaining 10 respondents. He reported one of the respondents had not accepted the proposed consent order and had been scheduled for an administrative hearing. He reported the other 9 respondents had accepted their proposals. Mr. Bond then presented the following proposals to the members for their consideration.

Kristian Raymond Hahn (PST.016625): Mr. Bond moved to approve the proposed voluntary consent agreement. He responded to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the pharmacist to acquire at least five hours of ACPE-accredited pharmacist-specific continuing education relative to the management of controlled dangerous substances; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Abby Elizabeth Blanchard (CPT.013237): Mr. Bond moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the certificate for an indefinite period of time, effective December 5, 2017.

Gregory Keith Miller (PST.013220): Mr. Bond moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution of the suspension, then placed the license on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$25,000 plus administrative and investigative costs.

Noah's Pharmacy, LLC d/b/a Noah's Pharmacy [Brusly, LA] (PHY.006145): Mr. Bond moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for five years and stayed the execution of the suspension, then placed the permit on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$25,000 plus administrative and investigative costs.

Kimberly Juanita Murphy (PST.016122): Mr. Bond moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution of the suspension, then placed the license on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Ruby Phan (CPT.011193): Mr. Bond moved to approve the proposed voluntary consent agreement. He responded to questions from several members. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for an indefinite period of time, effective December 7, 2017.

Group Health Plan, Inc. d/b/a HealthPartners Refill Center Pharmacy [Eden Prairie, MN] (PHY.007497): Mr. Bond moved to approve the proposed voluntary consent agreement. He responded to questions from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit; and further, assessed a fine of \$5,000 plus administrative costs.

Christin Lynn Littlefield (CPT.011440): Mr. Bond moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the certificate for an indefinite period of time, effective

December 7, 2017.

United Apothecary, LLC d/b/a Renner Pharmacy [Richardson, TX]

(Applicant for PHY Permit): Mr. Bond moved to approve the proposed voluntary consent agreement. He replied to questions from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the permit, and then assessed a fine of \$10,000 plus administrative and investigative costs.

Mr. Bond reported the committee was scheduled to meet on March 21 to consider that docket, which included 11 pharmacists, 4 pharmacy technicians, and 6 pharmacies.

Finally, Mr. Bond concluded his report with appreciation to the other committee members for their ongoing efforts.

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider 11 referrals from the staff – five applications for reinstatement of credentials, two applications for modification of previous orders, two appearances for informal conference, and two appearances for guidance. They also considered professional credentials and letter of interest from one addiction medicine specialist for approval and placement on the Board's Roster of Approved Addictionists. Following their interviews of the applicants and subsequent deliberations, the committee took no action on respondents appearing for informal conference or for guidance. Mr. Rabb then presented the following files to the members for their consideration.

Gina Maria Picone (PST.016021) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement.

Jason Warren Dupeire (PST.018298) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement.

Mykia Shavon Hemphill (CPT.013040) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended certificate, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the certificate on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement.

Steven Walter Gough (PST.013199) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective February 21, 2018, subject to certain terms enumerated in the consent agreement.

Morris Albert Lottinger, III (PST.013756) Mr. Rabb moved to reinstate the previously suspended license without restriction. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board reinstated the license and restored it to active and unrestricted status.

Bobby Trondell Thompson (PST.020854) Mr. Rabb moved to grant respondent's request for modification of previous orders. He replied to a question from one member. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board removed all probationary terms, then restored the license to active and unrestricted status.

Scotty Paul Broussard (PST.015681) Mr. Rabb moved to deny respondent's request for modification of previous orders. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board denied respondent's request for modification of previous orders.

Mr. Rabb reported the committee had received a letter of interest from Daniel S. Aronow, MD, an addiction medicine specialist seeking enrollment on the Board's Roster of Approved Addictionists. Following the committee's review of his professional credentials, the committee voted to recommend the addition of the physician to the Board's roster. Mr. Rabb then moved, **Resolved**, to approve the addition of Daniel S. Aronow, MD to the Board's Roster of Approved Addictionists for the remainder of

Fiscal Year 2017-2018.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Rabb closed his report with appreciation to his fellow committee members for their work the previous day and for the ongoing staff support.

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. Ms. Melancon reported the committee met the previous day to consider three referrals from the staff. Following their interviews and deliberations, the committee deferred consideration of one application at the applicant's request. Ms. Melancon then presented the following files to the members for their consideration.

Billy Bruce Boughton (PST.014217) Ms. Melancon moved to approve the proposed voluntary consent agreement. She replied to a question from one member. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain requirements identified in the consent agreement.

Benecard Central Fill of PA, LLC d/b/a Benecard Central Fill [Mechanicsburg, PA] (PHY.006167) Ms. Melancon moved to grant respondent's request for reinstatement of the previously suspended permit. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board reinstated the previously suspended permit and restored it to active and unrestricted status.

Ms. Melancon closed her report with appreciation to the other committee members for their work the previous day.

G. Tripartite Committee

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore noted the committee had not met since the previous Board meeting and there was no report.

At this point, Mr. Aron declared a luncheon recess. It was noted the Board recessed at 11:15 a.m. and then reconvened at 12:10 p.m.

I. Executive Committee

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee reviewed several documents prepared by staff, including contracts and agreements, resolutions for professional legal services, selected policies and procedures, as well as a request for approval of a pharmacy technician training program. He indicated Mr. Rabb was prepared to offer motions on behalf of the committee.

- The committee reviewed all of the Board's contracts and agreements for the next fiscal year. The executive office indicated all of the vendors had fulfilled their contractual obligations and no performance issues had been identified. The committee voted to recommend the approval of all the contracts and agreements. Mr. Rabb then moved,

Resolved, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$100,000 for Fiscal Year 2018-2019.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the proposed legal services contract with Shows, Cali & Walsh, LLC, at the stipulated rate, in an amount not to exceed \$50,000 for Fiscal Year 2018-2019.

Mr. Aron answered questions from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, the Board approve the proposed accounting services contract with Champagne and Company, LLC, Certified Public Accountants, at the stipulated rates, in an amount not to exceed \$30,000 for Fiscal Year 2018-2019.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the maintenance agreement with MicroPact, Inc. for the continued operation and support of *eLicense*, the Board's information system for credentialing and compliance activities, at the stipulated rates, in an amount not to exceed \$100,000 for Fiscal Year 2018-2019.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the proposed information system network support service agreement with Essential Services, LLC, at the stipulated rates, in an amount not to exceed \$50,000 for Fiscal Year 2018-2019.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the proposed agreement with Appriss, Inc. to operate the state prescription monitoring program, at the stipulated rate, in an amount not to exceed \$100,000 for Fiscal Year 2018-2019.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the National Association of

Boards of Pharmacy Foundation as the publisher of the Board's newsletter, at the stipulated rate, in an amount not to exceed \$2,000 for Fiscal Year 2018-2019.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the National Association of Boards of Pharmacy as the administrator for the pharmacist licensure examinations (NAPLEX, MPJE, and FPGEE) for Fiscal Year 2018-2019.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the National Healthcareer Association (NHA) and the Pharmacy Technician Certification Board (PTCB) as administrators for the pharmacy technician certification examination for Fiscal Year 2018-2019.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron instructed the Executive Director to execute the contracts on behalf of the Board and submit them to the appropriate administrative and legislative agencies exercising oversight of Board contracts and agreements.

- Mr. Aron reported the committee reviewed two resolutions for professional legal services and noted the resolutions were required by recent legislative action. The committee voted to recommend the approval of both resolutions. Mr. Rabb then moved,

Resolved, to approve the proposed Resolution for Professional Legal Services for Ms. Celia R. Cangelosi for Fiscal Year 2018-2019.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed Resolution for Professional Legal Services for Shows, Cali & Walsh, LLC for Fiscal Year 2018-2019.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

- Mr. Aron reported the committee reviewed several policies recommended for revision by the staff. Mr. Aron asked Mr. Broussard to explain the policy revisions to the Loss Prevention Manual. The committee voted to recommend the approval of all staff proposals. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.A ~ Authorized Drivers.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.B ~ Initial

Authorization Process.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.C ~ Annual Re-Authorization Process.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.D ~ Supervisor's Responsibility.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.E ~ Employee's Responsibility.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.F ~ Accident Reporting.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to LPM.II.H ~ Safety Audits & Recordkeeping.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to rescind PPM.II.E.6 ~ Corporate Travel Card.

Mr. Aron asked Mr. Broussard to explain the reason for the proposed action. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to PPM.IV.B.6 ~ Application for New Pharmacy Permit (in-state).

Mr. Aron explained the proposed revisions and replied to a question from one member. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, to approve the proposed revisions to PPM.IV.B.7 ~ Application for New Nonresident Pharmacy Permit.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

- The committee reviewed a request from MedCerts[®], a nationally-accredited on-line pharmacy technician training program, seeking Board approval. The committee reviewed the request and voted to recommend the approval of the program. Mr. Rabb then moved,

Resolved, to approve MedCerts[®] as a pharmacy technician training program for the remainder of Fiscal Year 2017-2018.

Mr. Aron replied to a question from one member. There was no public

comment. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Aron closed his report with appreciation for the other committee members and their work the previous day.

11. Staff Reports

J. Report of Assistant Executive Director

Mr. Aron called upon Mr. Fontenot for the report. He reviewed the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. He replied to questions from several members. He then directed the members to the requests from pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Pitre then moved,

Resolved, to authorize the issuance of full PMP reporting waivers to:

- > PHY.000004-HOS – Acadia St. Landry Hospital Pharmacy (LA);
- > PHY.006234-NR – Central Avenue Pharmacy (CA);
- > PHY.007544-HOS – Christus Lake Area Hospital Pharmacy (LA);
- > PHY.006719-NR – Coastal Meds (MS);
- > PHY.005327-NR – CVS Caremark Pharmacy #1638 (PA);
- > PHY.007364-NR – CVS Specialty Pharmacy (AZ);
- > PHY.007517-NR – Edgepark Medical Supplies (OH);
- > PHY.007553-NR – Humana Pharmacy (FL);
- > PHY.007369-NR – Imperial Beach Pharmacy (CA);
- > PHY.007571-NR – Janus Rx (VA);
- > PHY.007546-IR – JenCare Senior Pharmacy – Metairie (LA);
- > PHY.005829-NR – Kroger Specialty Pharmacy (FL);
- > PHY.005747-NR – Kroger Specialty Pharmacy (MS);
- > PHY.007564-IR – Midcity Pharmacy (LA);
- > PHY.007549-NR – Mint Pharmacy & Skin Clinic (TX);
- > PHY.007567-NR – Soleo Health (AL);
- > PHY.007569-NR – Stellar Rx (PA); and
- > PHY.007572-NRN – Triad Isotopes (MS);

once they have executed the standard consent agreement for that purpose.

Mr. Fontenot replied to a question from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Fontenot indicated the completion of that report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet then presented the following files to the members for their consideration.

Brittany Taylor Mize (CPT.009842) Ms. Melancon moved to accept the

voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the certificate for an indefinite period of time, effective November 16, 2017.

Alton Joseph Trahan (PST.011192) Ms. Melancon moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective December 27, 2017.

Krystal Diayell Phillips (CPT.010601) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, effective December 22, 2017; and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate.

Larry Don Stephens (PST.017451) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for six months plus 23 days and stayed the execution of the suspension, then placed the license on probation for six months plus 23 days, effective February 21, 2018, subject to certain terms enumerated in the consent agreement.

Lauren Moore Caldwell (PST.020057) Ms. Melancon moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective January 5, 2018.

Elise Rebecca Kelly (CPT.012814) Mr. Cassidy moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, effective February 5, 2018; and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate.

Charles Scott Weatherford (PST.015275) Mr. Rabb moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective

January 22, 2018.

Sherail Charmal McCray (SWP.000739) Mr. Cassidy moved to accept the voluntary surrender of the credential. Mr. Finalet replied to questions from two members. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the special work permit for an indefinite period of time, effective February 8, 2018.

Andrew Minh Do (PST.021141) Ms. Melancon moved to approve the proposed voluntary consent agreement. Mr. Finalet replied to a question from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

K&B Louisiana Corporation d/b/a Rite Aid Pharmacy No. 7336 [Monroe, LA] (PHY.001560) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The Board assessed the permit owner a fine of \$10,000 plus administrative and investigative costs.

Finally, Mr. Finalet indicated the completion of his report.

L. Report of Executive Director

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard directed the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
 - Internal Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
 - External Reports
 - Administrative and Legislative Agency Reports
- Examinations
 - MPJE
 - NAPLEX
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - La. Legislature
 - La. State Board of Medical Examiners
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)

NABP-AACP District 6

MALTAGON

- International Activities
 - International Pharmaceutical Federation (FIP)
 - .Pharmacy Verified Websites Program
 - World Health Professions Alliance (WHPA)

Finally, Mr. Broussard indicated the completion of his report.

16. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. Mr. Aron asked Mr. Broussard to review the schedule for the administrative hearings to consider the applications for the marijuana pharmacy permits. Mr. Broussard informed the members their initial hearings would be held on March 27-28, 2018.

17. Recess

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 1:40 p.m.

* * * * *

An Administrative Hearing was convened on Thursday, February 22, 2018 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and public notice was properly posted.

A. Call to Order

Mr. Aron called the hearing to order at 8:35 a.m.

B. Invocation & Pledge

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Mr. Douglas Robicheaux then led the group in the Pledge of Allegiance.

C. Quorum Call

Mr. Aron called upon Secretary Bond and he called the roll. After doing so, he certified Mr. Mannino, Ms. Melancon, Dr. Strong, and Mr. Valentine were absent; however, the remaining 13 members were present, constituting a quorum for the conduct of official business.

D. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda, dated February 7, 2018.

E. Opportunity for Public Comment

Mr. Aron reminded the members and guests the Open Meetings Law requires all public

bodies to provide an opportunity for public comment at all meetings and prior to the vote on each agenda item. He solicited comments from the guests, but none were offered.

Appearances

Mr. Aron indicated he would serve as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney. Ms. Susan Erkle served as the Official Recorder, and Mr. Malcolm Broussard as the Hearing Clerk.

Mr. Aron indicated the single case originated with the Violations Committee; therefore the members of that committee present at their December 2017 meeting would be recused. In particular, Mr. Bond, Mr. Indovina, Ms. Melancon, Mr. Rabb, and Mr. Valentine were recused from that case.

Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. The posted agenda is re-created here.

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 02-07-2018

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items & Adoption of Agenda
- E. Opportunity for Public Comment
- * Appearances
- F. Formal Hearing
 - 01. Case No. 17-0321 CPT.011784 – Tyler Austin Davis
- G. Adjourn

F. Formal Hearing

Tyler Austin Davis (CPT.011784) Mr. Finalet appeared for the Board. The respondent, Tyler Austin Davis, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed, as a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits, and then proffered proposed Findings of Facts, Conclusions of Law, and Board Order. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There was no member discussion or public comment. The motion for executive session was adopted

after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:45 a.m. and then reconvened in open session at 9:05 a.m. Mr. Aron reported Dr. Strong arrived during the deliberations of the hearing panel but abstained from any participation. He also reported no decision was made during the executive session, then returned the hearing panel to open session without objection, and questioned the hearing panel as to their decision.

Mr. Robicheaux then moved,

Resolved, that the hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Robicheaux then moved,

Resolved, that the hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Robicheaux then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 11784, held by Tyler Austin Davis, shall be, and is hereby, suspended for an indefinite period of time, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters pending against him in any jurisdiction.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Mr. Finalet indicated completion of the cases scheduled for that day. Mr. Aron

expressed his appreciation to Ms. Erkle for her recording services that day.

G. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the hearing at 9:15 a.m.

* * * * *

A special meeting of the Board was convened on Thursday, February 22, 2018 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Aron called the hearing to order at 10:10 a.m.

2. Quorum Call

Mr. Aron called upon Secretary Bond and he called the roll to establish a quorum.

Members Present:

Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Allen W. Cassidy, Jr.
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Marty R. McKay
Ms. Chris B. Melancon
Ms. Diane G. Milano
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Mr. Richard A. Soileau
Dr. Raymond J. Strong

Members Absent:

Mr. Richard Mannino
Mr. Rhonny K. Valentine

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director

Guests:

Mr. Kenny Wilson – Don's Pharmasave

Ms. Julie Fuselier – La. Pharmacists Association
Ms. Kim Wixson – Cottonport Corner Drug
Ms. Linda Spradley – Spradley & Spradley
Mr. Josh Zuckerman – La. Legislative Auditor
Ms. Gina Brown – La. Legislative Auditor
Mr. Randal Johnson – La. Independent Pharmacies Association

After doing so, he certified Mr. Mannino and Mr. Valentine were absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business.

3. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda, dated February 19, 2018.

4. Opportunity for Public Comment

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and prior to the vote on each agenda item. He solicited comments from the guests, but none were offered.

5. Special Order of the Day – Mr. James Donelon, Commissioner, La. Dept. of Insurance

Mr. Aron reminded the members of their November 16, 2017 letter to Mr. James Donelon, Commissioner of the La. Dept. of Insurance, wherein they requested his reply to the following questions:

- (1) Whether enforcement of La. R.S. 22:1060.6 was within his authority, and if not, under whose authority that law is enforced; and
- (2) What protection from reprisals would he give pharmacies and pharmacists that give his office proof of violations of La. R.S. 22:1060.6?

Mr. Aron introduced Commissioner Donelon who discussed the licensure and regulation of pharmacy benefit managers by the Dept. of Insurance. Following his remarks, he replied to questions from members and guests.

6. Adjourn

Having completed the items of business on the posted agenda, and without objection, Mr. Aron adjourned the meeting at 10:55 a.m.

Respectfully submitted,

Brian A. Bond
Secretary