



Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



Minutes

Corrected

Regular Meeting

Wednesday, February 5, 2020 at 9:00 a.m.

Location:

Xavier University Convocation Center
7910 Stroelitz Street
New Orleans, Louisiana 70125

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
1.	Call to Order	03
2.	Invocation & Pledge of Allegiance	03
3.	Quorum Call	03
4.	Call for Additional Agenda Items & Adoption of Agenda	05
5.	Consideration of Minutes from Previous Meeting	05
6.	Report on Action Items	05
7.	Confirmation of Acts	05
8.	Opportunity for Public Comment	05
*	Statement of Purpose	05
9.	Special Orders of the Day	06
	A. Presentation of Pharmacist Gold Certificates	06
10.	Committee Reports	
	A. Finance	06
	B. Application Review	06
	C. Reciprocity	06
	D. Violations	06
	E. Impairment	09
	F. Reinstatement	09
	G. Tripartite	10
	H. Regulation Revision	10
	I. Executive	18
11.	Staff Reports	
	J. Assistant Executive Director	19
	K. General Counsel	20
	L. Executive Director	21
12.	Report from Marijuana Pharmacies – Mr. Doug Boudreaux, La. Association for Therapeutic Alternatives	22
13.	New Agenda Items Added During Meeting	23
14.	Announcements	23
15.	Adjourn	23

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 5, 2020 at Xavier University Convocation Center, located at 7910 Stroelitz Street in New Orleans, Louisiana 70125. 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 9:05 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Rhonny Valentine for the invocation. Mr. Marty McKay then led the members and guests in the Pledge of Allegiance.

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Richard Indovina, to call the roll of members to establish a quorum.

Members Present:

Mr. Carl W. Aron
Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Kevin LaGrange
Mr. Robert C. LeBas
Mr. Marty R. McKay
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Dr. Sajal K. Roy
Dr. Raymond J. Strong
Mr. Rhonny K. Valentine

Member Absent:

Mr. Richard Mannino
Mr. Richard A. Soileau

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director
Ms. Kelley L. Villeneuve, Office Manager
Mr. Benjamin S. Whaley, Chief Compliance Officer
Mr. Cary D. Aaron, Compliance Officer
Mr. Daniel M. Dennis, Compliance Officer
Ms. Nicole L. Gross, Compliance Officer
Ms. Alicia P. Harris, Compliance Officer

Ms. Becky C. Parker, Compliance Officer
Mr. Huey J. Savoie, Compliance Officer

Guests:

Students & Faculty – Xavier College of Pharmacy
Dr. Michael B. Cockerham – ULM College of Pharmacy
Ms. Chandra J. Green – DePaul Community Health
Mr. William E. Miller, Jr. – Ochsner Health System
Dr. Richard R. Rovira – Ochsner Health System
Dr. Gary Cacciatore – Cardinal Health
Ms. Mary Staples – National Association of Chain Drug Stores (NACDS)
Mr. Michael J. Messonnier – Pharmacist
Mr. Richard J. Gaude – Walgreen & Co.
Ms. Crystal Carter – La. Pharmacists Association
Mr. Gregory R. Poret – Poret's Thrifty Way Pharmacy
Dr. William R. Kirchain – Xavier College of Pharmacy
Mr. Richard Palombo – Express Scripts
Ms. Shelly Dupre – Impact Management Group & NACDS
Ms. Diane M. Milano – Chateau Drugs
Dr. Shirouk I. Muhsen – Ochsner Health System
Dr. Kasey M. Kunze – Pharmacist
Mr. Peter M. Prevot, Jr. – La. Association for Therapeutic Alternatives
Mr. Steve V. Campo – Recipient, Pharmacist Gold Certificate
Mr. Joseph C. Campo – Pharmacist
Mr. David Koke – La. Independent Pharmacies Association
Dr. Raven S. Jackson – Xavier College of Pharmacy
Ms. Cheryl G. Hayes – Xavier College of Pharmacy
Dr. Sarah A. Amering – Xavier College of Pharmacy
Ms. Jessica Elliott – La. Retailers Association
Ms. Brandi Armand – La. Retailers Association
Dr. Natasha S. Seals – La. Dept. of Health, Office of Public Health
Mr. Tommy C. Morris – Xavier College of Pharmacy
Dr. John N. Rocchio – CVS Health
Mr. Jeffrey Sinko – CVS Health
Dr. Tommy J. Woodard, Jr. – Capitol Wellness & Prescriptions to Geaux
Ms. Zeta L. Hayes-Gabriel – Cardinal Health
Mr. C. Bevan Callicott – Cardinal Health
Mr. Paul J. D'Aunoy – Central Admixture Pharmacy Services (CAPS)
Mr. Randal Johnson – La. Independent Pharmacies Association
Mr. J. Douglas Boudreaux – Hope Pharmacy
Dr. LaShandra S. McGowan – Daughters of Charity, New Orleans
Dr. Lovie F. Rodgers – Pharmacist
Dr. Dana B. Antoon – Channell Drugs
Dr. Reuben R. Dixon, Jr. – Recipient, Pharmacist Gold Certificate
Ms. Irma M. Dixon – Southern University, New Orleans
Mr. Jacob Irving – Ilera Holistic Healthcare
Dr. Sunil Sirohi – Xavier College of Pharmacy

Dr. Joseph M. LaRochelle – Xavier College of Pharmacy
Dr. Melanie R. Haydel – Xavier College of Pharmacy
Dr. Thomas J. Maestri – Xavier College of Pharmacy

Mr. Indovina certified Mr. Mannino and Mr. Soileau were absent; however, the remaining 15 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 to be added. None were requested. With no requests to amend the agenda, and without objection, the members adopted the posted agenda dated January 22, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on November 13 and the Administrative Hearing on November 14, 2019, both 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. Indovina 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 or guests.

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 14, 2019 are approved, adopted, and ratified by the entire Board.

There were no member questions or public comments. 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; 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 Certificates*

Mr. Aron reminded the members and guests of the Board's award of a Pharmacist Gold Certificate to a pharmacist completing 50 years of Louisiana pharmacist licensure. He informed the audience the Board issued new licenses to 163 pharmacists in 1969, and of that number the licenses of 44 pharmacists were still in active status. He noted two of those pharmacists were present and had requested to receive their certificates during the Board meeting. Mr. Aron then presented Gold Certificates to the following pharmacists, noting during each presentation a synopsis of the recipient's professional service:

PST.009577 – Steve Vincent Campo

PST.009589 – Reuben Rufus Dixon, Jr.

The members and guests congratulated each of the recipients with standing ovations.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reviewed the *Interim Report for Fiscal Year 2019-2020*, noting it was informational and did not require Board action. There were no member questions or public comments.

Finally, on behalf of Committee Chair Blake Pitre, Mr. McKay expressed his appreciation to the other committee members for their ongoing efforts.

B. *Application Review Committee*

Mr. Aron noted the committee had not met since the previous Board meeting.

C. *Reciprocity Committee*

Mr. Aron called upon Mr. Cassidy for the committee report. He reported the staff had evaluated 56 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. Mr. Cassidy then directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder.

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

D. *Violations Committee*

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina

reported the committee held preliminary hearings on December 17, 2019 to consider their posted agenda which included 20 cases: eight pharmacists, one pharmacy technician, and 11 pharmacy permits. After interviews and deliberations at the meeting, the committee voted to continue three of the cases, to issue non-disciplinary Letters of Noncompliance to two respondents, and to take no action against six respondents. The members voted to offer proposed voluntary consent agreements to the remaining nine respondents. One of them did not reply to the offer by the deadline, so the offer was withdrawn and that case scheduled for a future administrative hearing. All of the other respondents accepted their proposed agreements; Mr. Indovina then presented those recommendations to the members for their consideration.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 09526 [Pineville, LA] (PHY.005545): Mr. Indovina moved to approve the proposed voluntary consent agreement. 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 assessed a fine of \$25,000 plus administrative and investigative costs.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 02980 [Baton Rouge, LA] (PHY.002865): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 02995 [Baton Rouge, LA] (PHY.002868): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions and one public comment. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Pensacola Apothecary, Inc. d/b/a Everwell Specialty Pharmacy [Pensacola, FL] (PHY.007114): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Kristian Raymond Hahn (PST.016625): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board continued the emergency suspension previously imposed on November 4, 2019, 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 5, 2020 subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative and investigative costs; and further, imposed a lifetime restriction against compounding any sterile or nonsterile preparations or supervising anyone else engaged in the compounding of sterile or nonsterile preparations, noting that restriction shall survive the probationary period and may only be removed by the Board pursuant to his application.

Best Life Pharmacy & Restaurant, Inc. d/b/a Best Life Pharmacy & Restaurant [New Orleans, LA] (PHY.006617): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for two years and stayed the execution of the suspension, then placed the permit on probation for two years effective February 5, 2020 subject to certain terms enumerated within the voluntary consent agreement; and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Pharmaceutical Specialties, LLC d/b/a Pharmaceutical Specialties [Baton Rouge, LA] (PHY.003625): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$15,000 plus administrative and investigative costs.

Chris' Pharmacy and Gifts, LLC d/b/a Chris' Pharmacy and Gifts [Maurepas, LA] (PHY.006032): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed administrative and investigative costs.

Mr. Indovina then presented the Complaint Investigation Monitor Report. He noted the 179 open cases carried forward from the previous fiscal year, the addition of 226 new cases, and the closure of 225 cases as of January 24, 2020, leaving 180 cases still open that day. Of the 225 case closures, the average number of days for staff to complete their case investigation was 55 days. Of the case closures, 9 of them [4%] exceeded the policy goal of 180 days for completion of case investigations.

Mr. Indovina reported the committee was scheduled to meet on March 17-18 to consider the 38 cases on that docket, which includes 20 pharmacists, two pharmacy technicians, two pharmacy technician candidates, and 14 pharmacies.

Finally, he concluded his report with appreciation to the other committee members for their ongoing efforts. He also expressed his appreciation for the compliance officers for their work.

E. Impairment Committee

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day to consider four referrals from the staff – three petitions for reinstatement of suspended or lapsed credentials as well as one application for a new credential. Following their interviews of the applicants and subsequent deliberations, the committee authorized the issuance of the new application without restriction, and continued one of the cases for additional information. Ms. Hall then presented the following recommendations to the members for their consideration.

Matthew John Guarisco (PST.014303): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's petition for reinstatement of the previously relinquished license, suspended it for 10 years and stayed the execution of the suspension, and then placed the license on probation for 10 years effective February 5, 2020 subject to certain terms enumerated within the voluntary consent agreement.

George Lamar Munn, Jr. (PST.009445): Ms. Hall 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 his 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 5, 2020 subject to certain terms enumerated within the voluntary consent agreement.

Finally, Ms. Hall closed her report with appreciation to her fellow committee members for their work the previous day.

F. Reinstatement Committee

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore reported the committee met the previous day to consider three referrals from the staff, all petitions for reinstatement of lapsed credentials. Following their interviews of the applicants and subsequent deliberations, the committee continued one case to obtain additional information. Mr. Moore then presented the following recommendations to the members for their consideration.

Jamie Courtney Smith (CPT.009224) Mr. Moore moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's request for reinstatement of the lapsed certificate contingent upon the satisfaction of certain requirements identified within the consent agreement prior to February 5, 2022.

Ruthy Lyn Paul (CPT.006591) Mr. Moore moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's request for reinstatement of the lapsed certificate contingent upon the satisfaction of certain requirements identified within the consent agreement prior to February 5, 2022.

Mr. Moore closed his report with appreciation to the other committee members for their work the previous day.

G. Tripartite Committee

Mr. Aron called upon Mr. Resweber for the committee report. Mr. Resweber reported the committee had met the previous day. The committee received reports from the La. Pharmacists Association as well as both ULM and Xavier Colleges of Pharmacy. The schools reported on their accreditation self-study activities as well as their outcomes assessment following their curriculum adjustments. The LPA reported on their accreditation self-study as well as their continuing education needs assessment survey of all the pharmacists and pharmacy technicians in the state. Mr. Resweber reported the general discussion focused on a request to include education about pharmacy benefit managers in the curriculum for the schools of pharmacy, to better inform future pharmacists about the business side of the practice of pharmacy. The schools reported there is some introductory material on the topic already in their curricula, but there are already substantial time pressures on the existing curricula. The LPA suggested they could perhaps offer additional student workshops on that topic during their annual meeting.

Mr. Resweber closed his report with appreciation to the other committee members for their work the previous day, including the representatives from the La. Pharmacists Association and both ULM and Xavier Colleges of Pharmacy.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on January 22 to consider the items on their posted agenda. He reported the committee had approved two regulatory proposals and two legislative proposals. Before presenting those items, he reminded the members of the public hearing held on December 27, 2019 to receive comments and testimony on the 17 regulatory projects previously noticed for public comment. He reminded the members of their duty to consider the comments and testimony for each of those 17 projects and determine whether any further revisions were necessary, or in the alternative, to make no changes and continue the promulgation process. He directed the members to the hearing record in their meeting binders.

Consideration of Comments from December 27, 2019 Public Hearing

Mr. McKay identified each of the 17 regulatory projects noticed for public comment at the hearing, noted the presence of absence of comments, and offered motions for the disposition of each of the projects.

- *Regulatory Project 2019-1B ~ Licensing of Marijuana Pharmacies* proposed a clarification of the licensing process for marijuana pharmacies, to require an inspection of the premises prior to issuing the permit. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-1B ~ Licensing of Marijuana Pharmacies* and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-2 ~ Pharmacy Immunizations* proposed a 72-hour deadline for immunizing pharmacists or their designees to report those immunizations to the state immunization registry, as well as some minimum standards for pharmacies hosting immunization activities. Mr. McKay reported the two comment letters requesting multiple changes including allowing seven days instead of 72 hours to report to the state immunization registry. Mr. McKay then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-2 ~ Pharmacy Immunizations*, and to direct staff to submit the required reports and continue the promulgation process.

Mr. McKay responded to questions from several members; there were two public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-3 ~ Investigational Drugs* proposed minimum standards for pharmacies participating in clinical drug studies with investigational drugs. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-3 ~ Investigational Drugs*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-4 ~ Telepharmacy Dispensing Sites* proposed changes in some of the licensing standards for these special types of pharmacy permits. Mr. McKay reported the receipt of one comment which was supportive of the proposed rule. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-4 ~ Telepharmacy Dispensing Sites*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-5 ~ Correctional Center Pharmacy* proposed an amendment to allow correctional center pharmacies to provide medications and pharmacy care to offenders in the custody of local law enforcement agencies in addition to the current allowance for offenders in the custody of the state department of corrections. The proposal also changed the name of the category of pharmacies, from penal to correctional. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-5 ~ Correctional Center Pharmacy*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-7 ~ Veterinary Hospital Pharmacy* proposed an amendment to the rules for hospital pharmacy to include pharmacies in veterinary teaching hospitals. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-7 ~ Veterinary Hospital Pharmacy*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-8 ~ Dispensing of Prescription Refills* proposed an amendment to prohibit the dispensing refills in the absence of the patient or caregiver's request or approval, with an exception for patients in long-term care facilities. Mr. McKay reported one comment was received from NACDS requesting what it characterized as clarifying amendments. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-8 ~ Dispensing of Prescription Refills*, and to direct staff to submit the required reports and continue the promulgation process.

Mr. McKay and Mr. Aron replied to questions from multiple members as well as multiple public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-9 ~ Delays of Licensure Examinations* proposed an amendment to repeal the one-year delay following a third failure of a licensing examination for pharmacy technicians and pharmacists. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-9 ~ Delays of Licensure Examinations*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-10 ~ License Transfer for Pharmacy Technicians* proposed an amendment to simplify the process for pharmacy technicians licensed and practicing in another state to obtain a technician certificate in this state. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-10 ~ License Transfer for Pharmacy Technicians*, and direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-11 ~ Continuing Education Records* proposed to change the CE recordkeeping requirements for pharmacists, to maintain their records at CPE Monitor instead of maintaining paper copies of certificates at their primary practice setting. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-11 ~ Continuing Education Records*, and to direct staff to submit the required reports and continue the promulgation process.

Mr. Broussard replied to a question from one member and there were no public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-12 ~ Partial Fills of Schedule II Prescriptions* proposed to amend the state rules for controlled substances to correspond to the federal law on this topic. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-12 ~ Partial Fills of Schedule II Prescriptions*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-13 ~ Controlled Substance License for Third Party Logistics Providers* proposed to amend the state rules for controlled substances to authorize the issuance of a CDS license to a type of distributor known as third party logistics provider. Mr. McKay reported no comments were received. He then moved,
Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-13 ~ Controlled Substance License for Third Party Logistics Providers*, and to direct staff to submit the required reports and continue the promulgation process.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-14 ~ Rulemaking Procedures* proposed a new rule to establish guidelines for stakeholders requesting the Board to engage in the rulemaking process. Mr. McKay reported no comments were received. He then moved,
Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-14 ~ Rulemaking Procedures*, and to direct staff to submit the required reports and continue the promulgation process.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-15 ~ Drug Disposal by Pharmacies* proposed amendments that would require pharmacies to provide drug disposal information to their patients and allow them to accept returns of previously dispensed medications for disposal purposes only. Mr. McKay reported the receipt of one comment from Albertsons Pharmacies highlighting what appeared to be a drafting error in one portion of the proposed rule in a section relative to controlled substances. Mr. McKay then moved,
Resolved, to amend the original proposed rule in *Regulatory Proposal 2019-15 ~ Drug Disposal by Pharmacies* by amending §2749.D as requested by Albertsons Pharmacies.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-16 ~ Pharmacy Compounding* proposed an amendment to the standards for pharmacies preparing copies of commercially available products. Mr. McKay reported no comments were received. He then moved,
Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-16 ~ Pharmacy Compounding*, and to direct staff to submit the required reports and continue the promulgation process.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-17 ~ Pharmacy Records* proposed to amend several sections of the Board's rules to incorporate chart orders and to make several technical changes. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-17 ~ Pharmacy Records*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-18 ~ Cannabis Metered Dose Inhaler* proposed an amendment to add metered dose inhalers as an allowable dosage form for marijuana products. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-18 ~ Cannabis Metered Dose Inhaler*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member questions and three public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. McKay then summarized the remainder of the rulemaking process, for both the single item where the members voted to amend the original proposed rule as well as the remaining items where the members voted to make no revisions to the original proposed rule.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 11:25 a.m. and then reconvened at 12:20 p.m. Mr. Aron requested Mr. McKay to continue his committee report.

Mr. McKay then introduced the items approved by the committee at their previous meeting.

Legislative Proposal 2020-B ~ CDS Update (Draft #2) proposes to amend the state controlled substance law to add new drugs recently added to the federal list of controlled substances. Mr. McKay moved,

Resolved, to approve *Legislative Proposal 2020-B ~ CDS Update (Draft #2)*, and further, to authorize the filing of same in the Regular Session of the 2020 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 were no member questions or public comments. The motion was approved after a unanimous vote in the affirmative.

Legislative Proposal 2020-C ~ CDTM [Collaborative Drug Therapy Management] and Pharmacist Prescriptive Authority (Draft #5) proposes to amend the definition of collaborative drug therapy management in the pharmacy law and also establish a limited prescriptive authority for pharmacists to order drugs, devices, and lab tests. Mr. McKay moved,

Resolved, to approve *Legislative Proposal 2020-C ~ CDTM [Collaborative Drug Therapy Management and Pharmacist Prescriptive Authority (Draft #5)]*, and further, to authorize the filing of same in the Regular Session of the 2020 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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Proposal 2019-G ~ Pharmacy Benefit Managers (Draft #3) proposes to create a new chapter of rules to license pharmacy benefit managers. On behalf of the committee, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2019-G ~ Pharmacy Benefit Managers (Draft #3)*, 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.

Mr. Indovina questioned the inclusion of §3007 in the proposed rule, suggesting it required the reporting of information not necessarily relevant to the practice of pharmacy. He then moved to amend Draft #3 by removing §3007. He replied to questions from members and the public. The motion to amend Draft #3 was adopted after a unanimous vote in the affirmative.

Mr. Aron directed staff to advance the amended document number to Draft #4. Following additional member and public comments, the original motion, as amended, for the approval of Draft #4 was adopted after a unanimous vote in the affirmative.

Consideration of Regulatory Project 454-2019 Proposals

Mr. McKay reminded the members the committee had previously reported out 15 of the 20 topics assigned to the committee as part of Regulatory Project 454-2019. He then reported two more items out of the regulatory project from the committee.

- *Item 04 ~ Staffing Ratios for Pharmacy Interns (Draft #1)*
The committee received a request to amend the current staffing limitations for pharmacy interns, which are currently 3:1 for interns on academic rotations and 1:1 for interns practicing outside an academic rotation, generally for pay but could be volunteer work. The committee received substantial comments including from representatives from both colleges of pharmacy. The committee voted to reject the proposed rule,

and on behalf of the committee, Mr. McKay moved,

Resolved, to reject *Regulatory Proposal 454-2019-04 ~ Staffing Ratios for Pharmacy Interns (Draft #1)*, and further, to request the Executive Director to communicate this rejection to the commentator who made the request.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Item 12 ~ Practical Experience Requirements for Pharmacy Technician Candidates (Draft #1)*

The committee received a request to reduce the number of hours of practical experience required for a pharmacy technician candidate to qualify for a pharmacy technician certificate, from 600 hours to 400 hours. The committee received substantial public comments during multiple meetings, and during their previous meeting voted to reject the proposed rule. On behalf of the committee, Mr. McKay moved,

Resolved, to reject *Regulatory Proposal 454-2019-12 ~ Practical Experience Requirements for Pharmacy Technician Candidates (Draft #1)*, and further, to request the Executive Director to communicate this rejection to the commentator who made the request.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. McKay reported there were still three topics remaining from that regulatory project and that the proposals have generated substantial comments during multiple committee meetings. He hoped to bring those last three topics to the next Board meeting for a decision.

Regulatory Proposal 2020-A ~ Marijuana Pharmacy (Draft #2) proposes to repeal the one-month supply dispensing limitation as well as the prohibition on marijuana pharmacies dispensing any non-controlled prescription drugs. The committee voted to approve the proposal, and on behalf of the committee, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2020-A ~ Marijuana Pharmacy (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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Proposal 2020-B ~ Drugs of Concern (Draft #2) proposes to add two drugs to the list of Drugs of Concern at the request of the Prescription Monitoring Program Advisory Council. While the committee had no issues with adding gabapentin, they determined to limit the promethazine entry to

oral liquid formulations since there didn't appear to be any evidence of widespread abuse of other dosage forms. On behalf of the committee, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2020-B ~ Drugs of Concern (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.

Mr. Aron replied to a question from one member. There were no public comments. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. McKay closed his report with appreciation to the committee members and staff for their ongoing efforts.

I. Executive Committee

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee noted the requests for statutory and rule interpretations received at the previous Board meeting were still in review by the staff. He indicated Mr. McKay was prepared to offer motions on behalf of the committee.

Revisions to Board's Policy & Procedure Manual

Mr. Aron reported staff had prepared two policy documents in response to requests from two separate agencies and the committee had voted to recommend approval of both items. Mr. McKay then moved,

Resolved, that the Board approve the proposed revision of *PPM.V.A.2 ~ PMP Advisory Council for the Board's Policy & Procedure Manual*.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

Resolved, that the Board approve the new policy *PPM.III.J ~ Criminal Background Checks for the Board's Policy & Procedure Manual*.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Reconsideration of Approval of Legislative Proposal 2020-A ~ Renewal of Licenses & Fees (Draft #1) and Consideration of Legislative Proposal 2020-A ~ PBM Fees & Renewal Fees (Draft #2)

Mr. Aron reminded the members of their approval during their previous meeting of a legislative proposal seeking to make technical changes in the descriptions of various fees in the pharmacy law but no changes to the actual fees. He then reminded the members had just approved *Regulatory Proposal 2019-G ~ Pharmacy Benefit Managers (Draft #4)* to begin licensing pharmacy benefit managers. The committee reviewed a staff proposal to

update the previously-approved legislative proposal by adding new fees for a pharmacy benefit manager permit, both for the initial issuance and renewal of that permit. He then described the parliamentary process for how the Board could reconsider the vote by which the approved the legislative proposal and then amend that proposal and approve the amended document. Mr. McKay then moved,

Resolved, to reconsider the vote by which the Board of Pharmacy approved *Legislative Proposal 2020-A ~ Renewal of Licenses & Permits (Draft #1)* during its November 13, 2019 meeting.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

Resolved, to amend *Legislative Proposal 2020-A ~ Renewal of Licenses & Permits (Draft #1)* by adding a new #6 on Line 35 titled Permits for pharmacy benefit managers, consisting of two entries, one a \$500 application fee for the initial permit and a second for a \$500 per year permit renewal fee, then to re-title and renumber the new document; and further, to approve *Legislative Proposal 2020-A ~ PBM Permit Fee + Renewal Fees (Draft #2)*, and further, to authorize the filing of same in the Regular Session of the 2020 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.

Mr. LaGrange questioned the absence of a delinquent fee similar to delinquent fees for other credentials. He then moved to amend Draft #2 by adding a third entry for the PBM fee section for a delinquent fee of \$250 per year. There were no member questions or public comments. The motion to amend Draft #2 was adopted after a unanimous vote in the affirmative. Mr. Aron directed staff to renumber the amended document as Draft #3. There were no further member questions or public comments. The motion for approval of Draft #3 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 his report. He directed the members to 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 answered a question from one member.

Mr. Fontenot then directed the members to the requests from 17 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.008029-NR – BioMatrix Specialty Pharmacy (MD);
- > PHY.006364-NR – Crescent Healthcare (CA);
- > PHY.007946-NR – Doc Lane’s Veterinary Pharmacy (KY);
- > PHY.007994-NR – Entirelypets Pharmacy (CA);
- > PHY.008012-HOS – Intensive Specialty Hospital (LA);
- > PHY.008011-HOS – KPC Promise Hospital of Baton Rouge (LA);
- > PHY.008003-NR – LibraSun Pharmacy (FL);
- > PHY.007980-IR – Ochsner LSU Health Shreveport (LA)
- > PHY.007986-NR – OSRX (MT);
- > PHY.007988-HOS – Our Lady of the Lake Children’s Hospital Pharmacy (LA);
- > PHY.007960-NR – PANTHERx Specialty Pharmacy (PA);
- > PHY.007574-NR – Pet Supplies Delivered (NE);
- > PHY.007971-NR – PharmD on Demand (GA);
- > PHY.007977-NR – RareMed Solutions (PA);
- > PHY.006823-NR – Solutions Rx Pharmacy (AL);
- > PHY.007455-IR – Tulane Univ. Health Sciences Pharmacy (LA);
- and
- > PHY.008002-NR – Veterinary Internet Company Retail Pharmacy (AL)

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

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Fontenot then replied to a question from a guest relative to reporting by dispensing prescribers.

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet presented the following proposed voluntary consent agreements to the members for their consideration.

Jamie Deshotels Pucheu (PST.018456): Mr. Hall moved to accept the voluntary surrender of the credential. There were no member questions or public comments. 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 November 18, 2019.

Ashley Keelen Ferdinand (PTC.027503): Dr. Strong moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective November 13, 2019; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any credential issued by the Board.

Kayla Christine Sibley [Powell] (PTC.026981): Mr. Cassidy moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective November 21, 2019; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any credential issued by the Board.

William Andrew Fletcher (CPT.013721): Dr. Cloud moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for five years and stayed the execution of the suspension then placed the certificate on probation for five years effective February 5, 2020 subject to certain terms enumerated within the consent agreement.

Meds for Vets, LLC d/b/a Meds for Vets [Sandy, UT] (PHY.006258): Mr. LeBas moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for one year plus eight months plus sixteen days and stayed the execution of the suspension, then placed the permit on probation for one year plus eight months plus sixteen days effective February 5, 2020 and terminating October 21, 2021 subject to certain terms enumerated within the consent agreement; and further, assessed administrative costs. The Board took note the period of probation was intended to mirror the probationary period imposed on the pharmacy's resident permit by the Utah Board of Pharmacy.

Arielle Marie Collins (PST.019759): Dr. Strong moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. 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.

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

L. Report of Executive Director

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

- Meeting Activity
- Reports
 - Internal Reports
 - Credentials Division
 - Census Report
 - Licensure Activity Report
 - Application Activity Report

- Exceptions Report
 - Compliance Division
 - Census Report
 - Complaint Investigation Policy Monitor
- External Reports
 - Administrative and Legislative Agency Reports
- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - Marijuana Pharmacies
- State Activities
 - La. Dept. of Health – Office of Public Health
 - Legislative Oversight Committee
 - La. Dept. of Agriculture & Forestry
 - La. Dept. of Revenue – Office of Alcohol & Tobacco Control
 - La. State Board of Medical Examiners
 - La. State Board of Optometry Examiners
 - La. Dept. of Health – Office of Behavioral Health & Bureau of Health Services Financing
 - La. Dept. of Health – Bureau of Health Services Financing
 - Regular Session of 2020 Legislature
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)
 - dotPharmacy Verified Websites Program

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

12. Report from Marijuana Pharmacies – Mr. Doug Boudreaux, La. Association for Therapeutic Alternatives

Mr. Aron introduced Mr. Doug Boudreaux, President of the La. Association for Therapeutic Alternatives and invited him to the witness table to make his presentation. Mr. Boudreaux described the members of the association as the nine marijuana pharmacies. He expressed his appreciation to the Board for its role in the legislative and regulatory development of the statewide medical marijuana program and for its guidance to the marijuana pharmacies during the implementation of the program. He reported the association members collaborated on a patient outcomes study. He

indicated an intent to publish the results of the study but wanted to present preliminary results to the Board. He reviewed that report and then replied to questions from several members and guests.

13. New Agenda Items Added During Meeting

No items were added to the agenda.

14. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. He announced the next meeting of the Board would be held on May 27, 2020 at the Board office in Baton Rouge.

Mr. Aron solicited general comments from the students. Their questions included how to participate in the rulemaking process, as well as how the Board is addressing working conditions in pharmacies as reported in recent national media stories.

15. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 2:15 p.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary