



Louisiana Board of Pharmacy
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Minutes

Corrected

Regular Meeting

Wednesday, March 25, 2020 at 5:00 p.m.

Location:

Teleconference

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A special meeting of the Louisiana Board of Pharmacy was held on Wednesday, March 25, 2020 by teleconference. As noted on the meeting agenda, the Board certified it could not achieve an in-person quorum due to the provisions of *Governor's Proclamation No. 33 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home*. Therefore, as permitted by *Governor's Proclamation No. JBE 2020-30 ~ Additional measures for COVID-19 Public Health Emergency*, the Board elected to conduct its meeting by teleconference.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 5:05 p.m.

2. 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. Richard Mannino (late arrival)
Mr. Marty R. McKay
Mr. Ronald E. Moore
Mr. Don L. Resweber (late arrival)
Mr. Douglas E. Robichaux
Dr. Sajal K. Roy
Mr. Richard A. Soileau
Dr. Raymond J. Strong (late arrival)

Member Absent:

Mr. Robert C. LeBas
Mr. Blake P. Pitre
Mr. Ronny 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:

None were specifically identified on the teleconference call.

Mr. Indovina certified Mr. LeBas, Mr. Mannino, Mr. Pitre, Mr. Resweber, Dr. Strong, and Mr. Valentine were absent; however, the remaining 11 members were present, constituting a quorum for the conduct of official business. It was noted that Mr.

Mannino, Mr. Resweber, and Dr. Strong joined the call a few minutes thereafter.

3. *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 agenda dated March 24, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

4. *Special Orders of the Day*

A. *Request for Reconsideration of Emergency Rule*

Mr. Aron presented the circumstances for the issuance of the *Emergency Rule ~ Limitations on Dispensing Chloroquine & Hydroxychloroquine for COVID-19* on March 22 as well as the request from the state attorney general the following day to rescind the emergency rule. Mr. Aron then related the request from the state health officer on March 24 requesting a reinstatement of that emergency rule. Mr. Aron suggested the state health officer consult with the chairman of the Senate Health & Welfare Committee. In lieu of the reinstatement of an emergency rule, the senator suggested the Board consult with an official with one of the drug distributors located in the state relative to the current supply chain status of chloroquine and hydroxychloroquine in the state. Mr. Aron reported the Board's Executive Committee held a teleconference call earlier that afternoon with Mr. Paul Dickson from Morris & Dickson Co. and Sen. Fred Mills. Mr. Aron summarized his impressions of the information from Mr. Dickson that the supply chain status of the two drugs had stabilized somewhat and the distributors were allocating the two drugs to pharmacies based on their historical usage patterns prior to the COVID-19 outbreak. Mr. Aron reported the Executive Committee had constructed a proposed replacement emergency rule and requested Mr. Broussard to distribute that draft document to all of the board members. He then reported that after the Executive Committee meeting but before that Board meeting, he received a call from Sen. Mills. Mr. Aron shared the contents of the draft document with him, then Sen. Mills suggested the content be issued in the form of a guidance document as opposed to an emergency rule.

Mr. Aron requested input from the members on the draft document, first to determine whether any changes in content were necessary, and second, whether to issue it as a guidance document or an emergency rule. By consensus, the members agreed to remove the necessity for a specific diagnosis code for COVID-19 and allow an indication of a COVID-19 diagnosis to be sufficient. Mr. Mannino then moved to restructure the document as amended and issue it as a guidance document. There was no further member discussion. The motion was adopted after a unanimous roll call vote in the affirmative.

B. *Review of Credentialing Waivers*

Mr. Aron reported he had made a number of interim decisions and wanted the members to know of them and then make adjustments as they felt

necessary.

- He authorized the closure of the office building to visitors.
- He authorized the reduction of office staff to essential personnel as determined by the Executive Director, and he authorized personnel to work from home as determined by the Executive Director.
- He interpreted the Board's rule – in part – at §519 ~ *State of Emergency* which is automatically activated upon the Governor's declaration of a state of emergency under the Emergency Assistance & Disaster Act of 1993 to be applicable to the current public health emergency declared by the Governor. However, he interpreted only the first part of that rule to be applicable, wherein pharmacists may dispense a one-time emergency prescription up to a 30-day supply. He did not interpret the second part of that rule to be applicable; that part of the rule authorizes pharmacists licensed in other states to practice in this state without a license from this state.
- He authorized the extension of expiration dates for any credential or pending application for any credential expiring in March, April, or May to September 30, 2020.

Mr. Aron then requested Mr. Broussard to review all of the additional credentialing actions taken to date.

- Mr. Broussard reported on the extension of the expiration dates of the MA, PTC, and PNT credentials for those items expiring March through May and the conversion to a new temporary status (Active with Temporary Extension). He reported many CDS credentials were being renewed, but they were monitoring to see if any were close to expiring, and if so, were prepared to extend those credentials to September 30, 2020.
- Mr. Broussard reported the staff developed a process to manage the temporary cessation of criminal background checks (CBC) by the La. State Police. He indicated the staff developed certification statements for signature by applicants to the effect the Board will issue the credential without the required CBC and the applicant agrees to perform the CBC as soon as that process is restored by the state police.
- Mr. Broussard reminded the members the regular renewal cycles for the CPT, EDK, AMS, and CDS-AMS credentials were scheduled to begin on May 1 and the DME permit renewal cycle was scheduled to begin on July 1. Although no decision was necessary at the moment, it may become necessary to make adjustments to the renewal cycle and expiration date; he suggested a September 30, 2020 maximum allowable date, and the members agreed by consensus.
- Finally, Mr. Broussard reported requests from several multi-state organizations to essentially waive all licensure and practice restrictions. He indicated he had replied in a manner that preserved the Board's authority to regulate practice in the state.

The members did not make any requests for changes to the earlier decisions made by the Board President.

C. *Request for Flexible Staffing Ratios*

- Mr. Aron alerted the members to multiple requests for consideration of changes to the staffing ratios as well as questions as to whether staff engaged in remote processing are to be included in such ratios along with staff who are on-site. Following considerable discussion, Mr. McKay moved,

Resolved, to authorize a temporary allowance for flexible staffing ratios such that one pharmacist may supervise up to four persons holding a pharmacy intern registration, pharmacy technician certificate, or pharmacy technician candidate registration; and further, the pharmacist shall be responsible for determining the staffing mix appropriate for the pharmacy's practice; and further, the pharmacist shall maintain direct and immediate supervision; and further, this allowance shall expire on the earliest of the following two dates: (1) the termination of the Governor's proclamation of the COVID-19 public health emergency, or (2) September 30, 2020.

Mr. Broussard reminded the members of the previous guidance allowing all licensed persons to practice remotely. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron directed Mr. Broussard to issue the guidance document for flexible staffing ratios.

5. *New Agenda Items Added During Meeting*

No new items were added to the agenda.

6. *Opportunity for Public Comment*

There were no general public comments.

Mr. Aron thanked the members for their participation on the teleconference call. He requested staff to collect the mobile telephone numbers for all members and then to send a group text to the members in addition to the emailed meeting notice.

7. *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 6:20 p.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary