



Louisiana Board of Pharmacy
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Minutes

Special Board Meeting

Monday, April 11, 2022 at 12:00 p.m.
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy convened a special meeting on Monday, April 11, 2022 at the Louisiana Board of Pharmacy located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Marty McKay, President, called the meeting to order at 12:05 p.m.

2. Invocation & Pledge of Allegiance

Mr. Rhonny Valentine delivered the invocation and Mr. McKay led the group in the Pledge of Allegiance.

3. Amendment to Board Roster

Mr. McKay reminded the members that a special board member election was conducted for the vacancy in District 5-A. He stated the results of that election were forwarded to the governor's office and Governor John Bel Edwards appointed William Charles Jones to serve the remainder of the unexpired term which will terminate on June 30, 2026. Mr. McKay informed the members Mr. Jones is a resident of West Monroe, and he owns and operates Drennan's Pharmacy in West Monroe. Mr. McKay welcomed Mr. Jones to the Board.

4. Quorum Call

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

Members Present:

Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Mr. David A. Darce
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. W. Charles Jones
Mr. Kevin LaGrange
Mr. Robert C. LeBas
Mr. Marty R. McKay
Mr. Anthony G. Mercante
Mr. Don L. Resweber
Dr. Raymond J. Strong
Mr. Rhonny K. Valentine

Members Absent:

Mr. Richard Mannino
Mr. J. Troy Menard
Mr. Blake P. Pitre
Mr. Douglas E. Robichaux

Staff Present:

Mr. Malcolm J. Broussard, Executive Director

Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Executive Director Designate
Ms. Kelley L. Villeneuve, Office Manager

Guests:

Ms. Emily G. Andrews – Assistant Attorney General, La. Dept. of Justice
Mr. Mark R. Beebe – Adams & Reese
Mr. Joe Donahue – Assistant Attorney General, La. Dept. of Justice
Mr. Randal Johnson – La. Independent Pharmacies Association
Ms. Taylor M. LeDuff – Adams & Reese
Mr. Kellen J. Mathews – Adams & Reese
Mr. Robert L. Rieger Jr. – Adams & Reese

Mr. Indovina certified Mr. Mannino, Mr. Menard, Mr. Pitre, and Mr. Robichaux were absent; however, the remaining 13 members were present, constituting a quorum for the conduct of official business.

5. Opportunity for Public Comment

Mr. McKay 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.

6. Special Orders of the Day

A. Occupational Licensing Review Program, La. Dept. of Justice

Mr. McKay introduced Ms. Emily Andrews and Mr. Joe Donahue from the Attorney General's office for a presentation relative to the Louisiana Department of Justice (LADOJ) Occupational Licensing Review Program. The LADOJ Occupational Licensing Review Program provides active state supervision of occupational licensing board regulatory actions which is intended to provide state action immunity to ensure that participating boards and board members avoid liability under federal antitrust laws. The Occupational Licensing Review Program provides an alternative to the Occupational Licensing Review Commission (OLRC) which is currently used by the board. In addition to reviewing each proposed regulation, as currently provided by the OLRC, the LADOJ Occupational Licensing Review Program also provides for a review of specific types of proposed disciplinary actions.

Following the presentation, Ms. Andrews and Mr. Donahue answered questions from members and staff concerning program details, including which boards had already affiliated with the program or were considering affiliation as well as the approximate costs for the Board to participate in the program.

Mr. Finalet alerted the members the proposed interagency agreement necessary for the Board to enter the program would be considered during the May 11, 2022 Board meeting.

At Mr. McKay's invitation, Mr. Randal Johnson provided information concerning the posted agenda items. At Mr. McKay's invitation, Mr. Robert Rieger declined to provide information in the public session.

B. Potential Litigation Relative to Pharmacy Benefit Managers

Mr. McKay indicated the Board was in receipt of information relative to potential litigation against the Board and its individual members. Mr. LaGrange moved to enter into executive session for the purpose of reviewing that information and possible negotiations. There were no member questions or public comments. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the members entered into executive session at 12:50 p.m. and then returned to open session at 3:05 p.m. Mr. McKay indicated no decisions had been made during the executive session and questioned the members for any potential motions. None were offered.

7. Announcements

There were no announcements made.

8. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. McKay adjourned the meeting at 3:05 p.m.

Minutes prepared by Malcolm Broussard and then approved as presented during the subsequent meeting on May 11, 2022.

Richard M. Indovina, Jr.
Secretary