



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, August 16, 2023 at 09:00 a.m.
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, August 16, 2023 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 9:05 a.m.

2. Invocation & Pledge of Allegiance

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

3. Quorum Call

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

Members Present:

Dr. J. Robert Cloud
Mr. David A. Darce
Ms. Jennifer Dupree
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. W. Charles Jones
Mr. Robert C. LeBas
Mr. Richard Mannino
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. J. Troy Menard
Mr. Anthony G. Mercante
Mr. Blake P. Pitre
Mr. Don L. Resweber
Dr. Raymond J. Strong
Mr. Rhonny K. Valentine

Members Absent:

Mr. Kevin LaGrange

Staff Present:

Mr. M. Joseph Fontenot Jr., Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. Benjamin S. Whaley, Chief Compliance Officer
Ms. Kelley L. Villeneuve, Office Manager

Guests:

Mr. N. Ryan LaBarbera – Albertsons
Mr. Joel Seth Aronson
Mr. Michael Aronson

Mr. Severan Joseph Medine
Dr. Paul D. Menasco - Ochsner
Dr. Neil Hunter, PharmD - Ochsner
Mr. Malcolm J. Broussard – Hygeia Solutions
Mr. Charlie Corona – Louisiana Independent Pharmacies Association
Ms. Tram Nguyen – Walgreens
Mr. Peter Prevot - LATA
Ms. Sarah A. Perkins – Breazeale, Sachse & Wilson, LLP
Mr. Paul J. D'Aunoy – Central Admixture Pharmacy Services (CAPS)
Mr. Randall Johnson, Louisiana Independent Pharmacies Association

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

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated August 10, 2023. There were no objections to Mr. McKay's request for authority to re-order the agenda should the President determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meeting

Mr. McKay reminded the members they had received the draft minutes from the Regular Board Meeting held on May 24, 2023. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection, Mr. McKay declared the minutes were approved as presented.

6. Report on Action Items

Mr. McKay called upon Mr. Fontenot for the report. Mr. Fontenot directed the members to the report in their meeting binders. There were no member questions or public comments.

7. Confirmation of Acts

Pursuant to Mr. McKay's declaration that the officers, members and 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, Ms. Melancon moved,

Resolved, that the decisions made and the actions taken by the Board officers, members and committees, and executive director in the general conduct and transactions of Board business since May 24, 2023 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. 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.

Mr. McKay asked Mr. Fontenot to review two letters received by the Board.

Mr. Fontenot referred the members to a copy of a letter submitted by the Alliance for Pharmacy Compounding (APC) in regards to USP Chapter 797. Each member was provided a copy of the letter. There were no member questions or comments.

Mr. Fontenot referred the members to a copy of a letter submitted by Kelly Parker, Director of External Affairs & Government Relations for EverCheck, as public comment. The letter was identical to the letter submitted by Ms. Parker for the Board's review during their May 24, 2023 meeting. Each member was provided a copy of the letter.

In the letter dated May 23, 2023, EverCheck requested the Board to approve and authorize a method (via API, file transfer or other) for bulk verification of Louisiana pharmacist licenses. EverCheck was interested in entering into a discussion for offsetting any associated costs and/or fee structure to establish this process. EverCheck referenced the process, used in other jurisdictions, in which EverCheck paid a one-time fee to build the process and then a monthly or annual maintenance costs. EverCheck also suggested the Board could determine what constitutes an official list and how a fee is charged.

Mr. Fontenot reported to the members that staff and the Board's licensing software vendor completed development of an online mechanism by which requestors could download a credential list and submit payment directly from the Board's website 24/7. Mr. Fontenot reported this process is currently in place.

After a discussion by the members, Mr. Resweber moved,

Resolved, that the Board maintain the current process for providing credential rosters.

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

* *Statement of Purpose*

Mr. McKay 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. McKay presented Gold Certificates to the following pharmacists, noting during each presentation a synopsis of the recipient's professional service:

PST.010261 – Joel Seth Aronson

10. *Committee Reports*

A. *Finance Committee*

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber introduced Mr. Russell Champagne, CPA and Ms. Penny Scruggins, CPA, both from Champagne & Company, to review the Board's *Compiled Financial Statements for Fiscal Year 2022-2023* which was included in their meeting materials. Mr. Champagne reviewed the report and answered questions from the members.

Mr. Resweber informed the members the committee had reviewed the report the previous day and voted to recommend acceptance of the report, subject to legislative audit. On behalf of the committee, he moved,

Resolved, to accept the Compiled Financial Statements for Fiscal Year 2022-2023 as the Board's Final Report, subject to legislative audit.

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

Mr. Resweber concluded his report by recognizing the other members of the committee.

B. *Application Review Committee*

Mr. McKay called upon Dr. Cloud for the committee report. Dr. Cloud reported the committee met the previous day to consider one referral from staff. After discussion with the committee, the applicant withdrew his application from further consideration and as a result no action from the Board was necessary.

Dr. Cloud concluded his report by recognizing the other committee members.

C. *Reciprocity Committee*

Mr. McKay called upon Mr. Mannino to give the committee report. Mr. Mannino reported the staff had evaluated 58 applications for pharmacist licensure by reciprocity since the last Board meeting and 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. Mannino then directed the members to the list of new pharmacists licensed by reciprocity in their meeting binders.

Mr. Mannino concluded his report by recognizing the other committee members.

D. *Violations Committee*

Mr. McKay called upon Mr. Valentine for the committee report. Mr. Valentine reported the committee met on June 14-15, 2023 to consider 20 cases on their agenda. Following interviews and deliberations, the committee took no action on two of the cases, issued a non-disciplinary letter of noncompliance to one of the respondents, one respondent entered into a

“no work agreement”, four respondents did not agree to their proposed consent agreements which will result in formal administrative hearings, one case remains pending, and two cases were continued. The committee offered proposed voluntary consent agreements to the remaining nine respondents and they agreed to their proposals. Mr. Valentine directed the members to copies of those proposals in their meeting binders and then presented the following cases to the members for their consideration.

Baymark Health Services of Louisiana, Inc., dba BAART Program Alexandria (Alexandria, LA) (PHY.008214): Mr. Valentine 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 discipline terms include a fine of \$5,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5544 (Pineville, LA) (PHY.005767): Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. LeBas asked a question regarding the drug involved. Mr. Valentine and Mr. Finalet provided a response. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$1,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 0266 (Lake Charles, LA) (PHY.005831): Mr. Valentine 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 discipline terms include a fine of \$25,000 plus administrative and investigative costs.

Walgreen La. Co., Inc., dba Walgreen Pharmacy No. 04566 (Lafayette, LA) (PHY.004057): Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. McKay asked if the person responsible for the theft was identified. Mr. Finalet responded by stating that the technician responsible was identified and the Board accepted revocation of the technician’s credential at the last meeting of the Board. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$15,000 plus administrative and investigative costs.

Walgreen La. Co., Inc., dba Walgreen Pharmacy No. 09526 (Pineville, LA) (PHY.005545): Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Mannino asked if the person responsible for the theft was identified. Mr. Finalet responded by stating that the technician responsible was identified and the Board accepted the revocation of the technician’s credential. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$75,000 plus administrative and investigative costs.

Walgreen La. Co., Inc., dba Walgreen Pharmacy No. 09753 (Donaldsonville, LA) (PHY.005593): Mr. Valentine 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 discipline terms include a fine of \$2,500 plus administrative and investigative costs.

Walgreen La. Co., Inc., dba Walgreen Pharmacy No. 19904 (Metairie, LA) (PHY.007607): Mr. Valentine 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 discipline terms include a fine of \$2,500 plus administrative and investigative costs.

Pharmaceutical Specialties, LLC, dba Pharmaceutical Specialties (Baton Rouge, LA) (PHY.008107): Mr. Valentine 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 discipline terms include a fine of \$35,700 plus administrative and investigative costs.

Michael Marist Bourg (PST.016141): Mr. Valentine 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 discipline terms include suspension of his pharmacist license for one year beginning on August 16, 2023, and terminating on August 16, 2024, suspended the suspension, and placed the credential on probation for the period of suspension, subject to conditions; and further, assessed a fine of \$5,000 plus administrative costs.

Mr. Valentine reported the committee's next meeting was scheduled for September 13-14, 2023 to consider the 28 cases on that docket. He closed his report with appreciation to the other committee members for their ongoing work.

E. Impairment Committee

Mr. McKay called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Ms. Hall then presented the following cases:

Nakia Richelle Lockett (CPT.012426): 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 her request for reinstatement of the previously suspended certificate, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the certificate on probation for five years, effective August 16, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Patience Marie Viator Bergeron (PST.019238): Ms. Hall moved to remove condition Article 2-e imposed by Board Order issued May 26, 2021. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for modification of previous orders by removing Article 2-e from her May 26, 2021 Probation Board Order, which removed her restriction from holding the position of PIC.

Hurshieil Douglas Stegall (PTC.032077): 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 placed any credential issued by the Board to the respondent on suspension beginning on August 16, 2023, and terminating on August 16, 2028, suspended the suspension, and placed the credential on probation for the period of suspension, 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 ongoing work.

F. Reinstatement Committee

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong reported the committee met the previous day to consider five petitions for reinstatement. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Dr. Strong then presented the following cases:

Monica Rodriguez (CPT.005283): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to August 16, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Linda Marie Himel (CPT.003327): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to August 16, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE; and (3) successful completion of a Board approved pharmacy technician examination (Pharmacy Technician Certification Exam administered by Pharmacy Technician Certification Board or, in the alternative, Exam for the Certification of Pharmacy Technicians administered by National Healthcareer Association).

Ebonee Eshea Williams (CPT.009201): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to August 16, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Necol Montriel Guy (CPT.003480): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public

comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to August 16, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE; and (3) successful completion of a Board approved pharmacy technician examination (Pharmacy Technician Certification Exam administered by Pharmacy Technician Certification Board or, in the alternative, Exam for the Certification of Pharmacy Technicians administered by National Healthcareer Association).

Kristin Danielle Arceneaux (CPT.004890): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to August 16, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Dr. Strong referred the members to the posted committee meeting agenda for a listing of all interim reinstatement actions by the committee chair and licensing staff. Dr. Strong then concluded his report by recognizing the other committee members.

G. Tripartite Committee

No committee report because the committee did not meet.

At this point, Mr. McKay declared a recess. It was noted the members recessed at 10:05 a.m. and then reconvened at 10:19 a.m.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee last met on July 18, 2023 to consider several items on their agenda and developed recommendations for the Board's consideration.

- Regulatory Project 2023-02 ~ Temporary Closure of Pharmacy

Mr. Indovina reminded the members that during the May Board meeting the Board considered comments and testimony from the March 28, 2023 Public Hearing and returned this project to the committee to work with stakeholders to address their concerns and develop language agreeable to all. After considerable discussion with stakeholder input, the committee developed Draft #4 and voted to recommend the Board's approval. Mr. Indovina then moved,

Resolved, to approve Regulatory Project 2023-02 ~ Temporary Closure of Pharmacy Draft #4, and further, to authorize the Executive Director to continue the promulgation process, and

further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

During the discussion, Mr. McKay reviewed the changes by the committee and explained the “and/or” before “Act of God” needed to be changed to “or Act of God” due to requirements of the Register in regards to editorial style. With respect to public comment, Mr. Randall Johnson questioned the term “emergency” and Mr. McKay responded by reading the draft language in the proposal. Mr. Indovina questioned the applicability of the Rule to hospital pharmacy in regards to reporting to the Board. Mr. McKay responded that the Rule would apply to hospital pharmacy because of Section 1501. There were no other member questions or additional public comments. The motion was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2023-B ~ Product Integrity

Mr. Indovina reported at the request of the committee, staff identified sections of the Board’s rules which lacked language in regards to maintaining a clean and orderly prescription department, and ensuring the integrity of drugs prior to transferring possession to the patient. The committee developed Draft #1 which added language in Section 1103 - Prescription Department Requirements and Section 2501 - Prescription Drugs and Devices to address these issues and voted to recommend the Board’s approval. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2023-B ~ Product Integrity Draft #1, and further, to authorize the Executive Director to promulgate the proposed rule changes, 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 2023-C ~ Automated Medication Systems

Mr. Indovina reported that during a recent case reviewed by the Violations Committee, members and staff recognized confusion among pharmacists and technicians in regards to current language contained in Chapter 12 – Automated Medication Systems, specifically in Section 1217 – Stocking and Restocking: Electronic Product Verification. The phrase – “verification process which prohibits any human intervention” is the point of confusion. The committee developed Draft #2 to address the issue and voted to recommend the Board’s approval. After the committee meeting, staff identified similar language in regards to “human intervention” in

Chapter 15 Hospital Pharmacy and prepared Draft #3 to address the issue by paralleling the committee's work from Chapter 12. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2023-C ~ Automated Medication Systems Draft #3, and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

During the discussion, Dr. Cloud referenced a conversation he had with Ochsner hospital pharmacists Dr. Neil Hunter and Dr. Paul Menasco, who were both present. Dr. Menasco described a system being utilized in a hospital in which the pharmacist would not perform a check of the drug leaving the pharmacy department, if bar code driven. Dr. Cloud explained there should not be a scenario in which a drug leaves the hospital pharmacy department without being checked by a pharmacist. Dr. Cloud further explained, the original intent using the language "human intervention" was centered around the use of system similar to Pyxis Cubie technology. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2023-D ~ Prescription Monitoring Program (PMP)

Mr. Indovina reported with the recent change of Narcan to OTC status, staff presented the committee with a proposal to remove naloxone as a drug of concern which would remove the PMP reporting requirement for pharmacies. Naloxone was originally identified as a drug of concern at the request of the Department of Health in order to track the drug for public health purposes. The change to OTC status removes any meaningful data collection from the pharmacies.

Mr. Indovina continued by reporting staff also recommended a change in the language which identifies butalbital as a drug of concern. Current language doesn't properly address the original intent which was to identify all butalbital containing products which are not controlled substances as drugs of concern. Staff presented a proposal to the committee to amend the regulation which would accomplish the original intent.

Additionally, staff presented the committee with a proposal to amend the PMP record retention regulation in such a manner that would be more in line with the goal of the PMP. The goal of the program is to identify and inhibit the diversion of controlled substances and drugs of concern. Maintaining records indefinitely doesn't help achieve that goal. Staff researched the record retention rules and policies of other state PMPs and developed the proposal.

The committee reviewed the staff proposal which would amend Sections 2901 and 2914 and voted to recommend the Board's approval. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2023-D ~ Prescription Monitoring Program Draft #1, and further, to authorize the Executive Director to promulgate the proposed rule changes, 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 2023-E ~ Pharmacists Application

Mr. Indovina reported that staff recently modified the application process involved for initial pharmacist licensure. As a result, staff presented a proposal to amend Section 501 to remove the requirement to submit an application for initial pharmacist licensure to the Board at least 30 days prior to any examination. The committee reviewed the proposal and voted to recommend the Board's approval. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2023-E ~ Pharmacists Application Draft #1, and further, to authorize the Executive Director to promulgate the proposed rule changes, 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.

Mr. Indovina concluded his report by expressing his appreciation to the other committee members for their ongoing work.

I. Executive Committee

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee members reviewed the compliance questionnaire for the current legislative audit, the annual report prepared by the Executive Director, and reviewed requests for interpretation and guidance. The committee also reviewed the Board's administrative operations involving office procedures, property management, and staff. Mr. McKay indicated Ms. Hall was prepared to offer motions on behalf of the committee and reminded the members that copies of these documents could be found in the Board member meeting material.

- Consideration of the Compliance Questionnaire for the Annual Legislative Audit

Mr. McKay reported the committee reviewed the *Compliance Questionnaire* for the 2023 Legislative Audit prepared by the staff and voted to recommend approval. Ms. Hall then moved,

Resolved, to approve the *Compliance Questionnaire for the 2023 Legislative Audit*.

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

- Consideration of the *Annual Report for Fiscal Year 2022-2023*

Mr. McKay reported the committee reviewed the report and voted to recommend approval of the report and authorize its submission and filling. Ms. Hall then moved,

Resolved, to approve the *Annual Report for Fiscal Year 2022-2023*, and to direct its filling with the *Office of the Governor, the Health & Welfare Committees of the Senate and House of Representatives, the David Poynter Legislative Research Library, the Louisiana State Library, and its subsequent publication on the Board's website*.

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

- Consideration of request to interpret LAC 46:LIII.2541(Q) ~ Delivery of Dispensed Marijuana Products.

Mr. McKay reported this request originated from John Davis, President of Good Day Farm Louisiana. The request from Mr. Davis sought to clarify whether each marijuana pharmacy owned by the same entity in a region must provide delivery to patients in each zip code within its region at least once per month or can the pharmacy permit holder have one delivery system working for all locations in the region. The committee reviewed the law, the legislative intent, and the rule, and recommended it would be appropriate to allow the permit holder to have one delivery system working for all locations owned by the same entity in the region. Ms. Hall then moved,

Resolved, to interpret LAC 46:LIII.2541(Q) to allow the *marijuana pharmacy permit holder to have one delivery system for the primary marijuana pharmacy permit and its satellite locations in the region*.

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

- Consideration of request for the Board's expectation for timely completion of training and competency as described in USP Chapter <797> Pharmaceutical Compounding – Sterile Preparations.

Mr. McKay reported the request originated from Dr. Deborah Simonson and Dr. Paul Menasco with Ochsner Health. In the letter, they explain USP Chapter 797 distinguishes three categories of compounded sterile preparations (CSP) and establishes frequencies for training and competency assessment based on category and personnel function. The frequencies for training and/or competency assessment are initial followed by reassessment at least every 3 months, 6 months, or 12 months.

An accreditation body provided Ochsner with parameters for establishing compliance to standards where the element of performance specifies a frequency for completing certain tasks or functions. Acceptable time frames for competing tasks or functions are as follows:

- Every 12 months = 12 months from the last event, +/- 30 days
- Every 6 months = 6 months from the last event, +/- 20 days
- Every 3 months = 3 months from the last event, +/- 10 days

They explain Ochsner's goal is to assure that compounding staff complete training and competency assessment timely. But completing these tasks every 3, 6, or 12 months to the day is a challenge due to their complexity, time requirements, and their number of staff. Ochsner made the request for the Board to consider the parameters provided as acceptable time frames for completion of CSP training and competency assessment.

After reviewing the request from Ochsner and discussing with staff, the committee recommended the following. Ms. Hall then moved,

Resolved, the Board considers the following as acceptable time frames for timely completion of training and competency as described in USP Chapter <797> Pharmaceutical Compounding – Sterile Preparations:

- *Every 12 months - 12 months from the last event, +/- 30 days*
- *Every 6 months - 6 months from the last event, +/- 20 days*
- *Every 3 months - 3 months from the last event, +/- 10 days*

There were no member questions. With respect to public comments, Dr. Menasco thanked the Board for their consideration. There were no other public comments. The motion was adopted after a unanimous vote in the affirmative.

- Consideration - Towne Center Business Park Property

Mr. McKay provided the members with a historical perspective regarding the Board's property which is located in Towne Center Business Park. After some discussion, Ms. Hall then moved,

Resolved, to sell the property owned by the Board located at 6959 Commerce Circle in Baton Rouge, LA 70809, and further, authorize the President to negotiate an acceptable sell price on behalf of the Board.

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

- DEA Final Rule – Transfer of Electronic CDS Prescriptions Between Pharmacies for Initial Filling

Mr. McKay reported DEA is amending its regulations to allow the transfer of electronic prescriptions for schedules II–V controlled substances between registered retail pharmacies for initial filling, upon request from the patient, on a one-time basis. This amendment specifies the procedure that must be followed and the information that must be documented when transferring such electronic controlled substance prescriptions between DEA-registered retail pharmacies. The rule becomes effective August 28, 2023 and is permissible only if allowable under existing state law. Current Board regulations permit the transfer between pharmacies of prescription information for Schedule III, IV, or V for refill purposes, not initial filling.

The committee decided to refer this matter to the Regulation Revision Committee to begin the rulemaking process.

- Exceptions Report

Mr. McKay reported Board policy permits the President to review and respond to requests for exceptions to laws, rules, and policies in the interim between meetings of the Board. Board Policy also permits the Executive Director, with concurrence of the Board President, to issue Special Work Permits and approve dual PIC privileges with notice to the Board at its next meeting. The committee reviewed the current “Exceptions Report” posted in the Board member reading room and the report is now presented to the full Board as required in policy. It does not require any action from the Board. There were no member questions or comments.

Mr. McKay then closed his report by expressing his appreciation to the other committee members and staff for their work.

11. Staff Reports

J. Report of General Counsel

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

Albanye Miranda Randall (PST.019134): Ms. Hall moved to accept the voluntary active 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 of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on May 24, 2023.

Patrick Joseph LaBorde (PST.024203): Ms. Hall moved to accept the voluntary active 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 of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on June 5, 2023.

Casey Dawn Quebodeaux (CPT.011169): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her January 2023 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Jernesha Monica Holmes (CPT.016892): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For theft of controlled substances from her employer pharmacy, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Cra'Jean Ja'Lynn Jasper (CPT.015675): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her May 2023 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Jason Paul Bergeron Jr. (CPT.011391): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For his failure to disclose his May 2023 arrest on his renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Leon Joseph Dion (CPT.008174): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For his failure to disclose his July 2022 arrest on his renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Lo Gilian Daleine Davidson (CPT.012069): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her June 2023 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Lekinya Sunja Farris (CPT.013828): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her May 2023 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Joni Marcia LeDuff (CPT.010994): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her January 2023 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Danielle Marie Elter Fontenot (CPT.011959): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her May 2023 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Kayla Renee' Jones (CPT.011029): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her August 2022 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Courtland Gregory Dickinson (PST.023335): Ms. Hall moved to accept the voluntary active 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 of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on July 26, 2023.

Sharad Chandra Rai (PST.019797): Ms. Hall moved to accept the voluntary active 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 of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on July 27, 2023.

Jack Michael McGuire (PST.022318): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For his failure to disclose an order issued by the Michigan Board of Pharmacy on March 12, 2019 on his renewal application for year 2020 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Danielle Viola Scott (CPT.012711): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her July 2022 arrest on her renewal application for 2023-2024 despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

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

K. Report of the Executive Director

Mr. McKay called upon Mr. Fontenot for his report. Mr. Fontenot directed the members to the quarterly report of the prescription monitoring program found in their meeting binders. There were no member questions or comments.

Mr. Fontenot then directed the members to the requests from 18 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Indovina then moved,

Resolved, to authorize the issuance of full PMP reporting waivers to the following permits once they have executed the standard consent agreement for that purpose:

Permit	Name
PHY.007328-HOS	Abrom Kaplan Memorial Hospital
PHY.008619-IR	Brothers Pharmacy, LLC
PHY.008641-NR	CSI Pharmacy - OH
PHY.008592-NR	CVS/Specialty or CarelonRx Specialty Pharmacy
PHY.008637-HOS	East Jefferson General Hospital
PHY.008598-HOS	Lakeview Regional Medical Center
PHY.008664-HOS	Monroe Surgical Hospital, LLC
PHY.008607-IR	Patriot Rx
PHY.008600-NR	PetCare Rx
PHY.008634-HOS	PharmaCare Services at Crescent City Surgical Hospital
PHY.008639-NR	Primera Professional Pharmacy
PHY.008603-NR	Roman Health Pharmacy LLC
PHY.008594-NR	SandsRx Central, LLC
PHY.008663-SAT	Slidell Memorial Hospital - East
PHY.008513-NR	TIN Rx 806 Inc.
PHY.008593-NR	Town Total Compounding Center
PHY.008596-HOS	Tulane Lakeside Hospital
PHY.008644-NR	Zeal Specialty Pharmacy

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

Mr. Fontenot then directed the members to one request for a partial exemption from the PMP reporting requirements from Phoenix Pharmacy

Solutions (PHY.008404-IR). The permit requested a partial exemption from reporting medications dispensed to inpatient hospice residents for direct administration through the use of an automated medication system. Ms. Melancon then moved,

Resolved, to authorize the issuance of a partial PMP reporting waiver to Phoenix Pharmacy Solutions (PHY.008404-IR) for medications dispensed to inpatient hospice residents for direct administration through the use of an automated medication system 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 directed the members to Bulletin No. 23-01, New Laws from the 2023 Regular Session of the Louisiana Legislature, which was included in their meeting materials.

Mr. Fontenot then directed the members to the following documents included in their meeting materials:

- Census Report FY2023
- New Credentials Issued Report FY2023
- Complaint Investigation Completion Policy Monitor FY2023

Following member discussion, Mr. Fontenot indicated completion of his report.

12. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

13. Announcements

Mr. McKay directed the members to the announcements in their meeting material.

14. 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 11:35 a.m.

Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on November 15, 2023.

Richard M. Indovina, Jr.
Secretary