



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, November 15, 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, November 15, 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 9:02 a.m.

2. Invocation & Pledge of Allegiance

Mr. Rhonny Valentine delivered the invocation and Mr. Don Resweber 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. Kevin LaGrange
- Mr. Robert C. LeBas
- 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. Richard Mannino

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. Malcolm J. Broussard – Hygeia Solutions
- Mr. Charlie Corona – Louisiana Independent Pharmacies Association
- Ms. Shelly Dupree, LARP
- Dr. Heather N. Maturin, PharmD – Ochsner Health

Dr. Paul D. Menasco, PharmD – Ochsner
Mr. Minh V. Nguyen, Willow Bark Pharmacy
Dr. Lovie F. Rodgers, PharmD – Crescent City Therapeutics
Mr. Kevin C. Rodick

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 November 13, 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 August 16, 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 materials. He noted that the report covered current regulatory projects and that Mr. Indovina, Chair of the Regulation Revision Committee, will provide a detailed review during his committee report.

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. Hall 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 August 16, 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.

*** 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. Annual Election of Officers

Mr. McKay reminded the members and guests of the annual election of officers, for single year terms, conducted at the final meeting of the calendar year. He stated there are five officers for the Board: President, three Vice Presidents, and Secretary. He indicated he would conduct elections for each of the five officer positions in rank order, with the newly-elected officer assuming their position immediately. Ms. Jennifer Dupree motioned to keep the current slate of officers in their same positions by acclamation and Mr. Anthony Mercante seconded the motion. There were no other nominations. Following a roll call vote, with no member or public comments offered, the motion was adopted after a unanimous vote in the affirmative. The following members were re-elected to officer positions:

- Mr. Marty McKay – President
- Ms. Jacqueline Hall – First Vice President
- Mr. Rhonny Valentine – Second Vice President
- Mr. Don Resweber – Third Vice President
- Mr. Richard Indovina – Secretary

Mr. McKay thanked all the members for their support.

10. Committee Reports

A. Finance Committee

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber informed the members the committee had reviewed *Proposed Budget Amendment No. 1 for Fiscal Year 2023-2024* the previous day, which was included in the member meeting materials, and voted to recommend its adoption. On behalf of the committee, Mr. Resweber moved,

Resolved, to approve and adopt Proposed Budget Amendment No. 1 for Fiscal Year 2023-2024 (Draft #1).

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

Mr. Resweber informed the members the State of Louisiana requires the board to submit their budget for the next fiscal year prior to January 1. He reported the committee reviewed the proposal developed by staff, which was included in the member meeting materials, and voted to recommend its adoption. On behalf of the committee, Mr. Resweber moved,

Resolved, to approve and adopt the Proposed Budget for Fiscal Year 2024-2025 (Draft #1).

There were member questions in regards to financial service charge expenses and grant funding income to which Mr. Fontenot provided an explanation. There

were no 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 last met on August 15, 2023 to consider one application which was subsequently withdrawn. Since that meeting, the Board office has not received any applications which require committee consideration.

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

C. Reciprocity Committee

Mr. McKay called upon Mr. Mercante to give the committee report on behalf of Mr. Mannino who was absent. Mr. Mercante reported the staff had evaluated 80 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. Mercante then directed the members to the list of new pharmacists licensed by reciprocity in their meeting materials.

Mr. Mercante concluded the 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 September 13-14, 2023 to consider several cases on their agenda. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Mr. Valentine directed the members to copies of those proposals in their meeting materials and then presented the following cases to the members for their consideration.

Wells Pharmacy Network, LLC, dba Wells Pharmacy Network (Ocala, FL) (PHY.006593): 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. For action taken by the Missouri Board of Pharmacy on or about January 20, 2023, the Board suspended the permit, suspended the suspension, and placed the permit on probation for the period of suspension beginning on November 15, 2023, and terminating on January 20, 2026, subject to conditions; and further, assessed administrative and investigative costs.

Robert Carroll Denmon (PST.011505): 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. For allowing an individual with a suspended pharmacist license to practice pharmacy under his supervision, the Board issued a letter of warning; and further, assessed administrative costs.

David Wayne Smith (PST.010499): 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. For allowing an individual with a suspended pharmacist license to practice pharmacy under his supervision, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Express Pharmacy Solutions, LLC, dba Express Pharmacy Solutions (Metairie) (PHY.006800): 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. For a transfer of ownership in 2018 without submitting the proper application for an inspection and new pharmacy credentials, the Board assessed a fine of \$25,000 plus administrative and investigative costs.

Anita Renae Williams (CPT.006279): 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. For her failure to undergo an evaluation as directed by the Board, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5276 (Alexandria) (PHY.005765): 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. For its failure to designate a replacement pharmacist-in-charge (PIC) until 31 days after the previous PIC vacated that position, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5306 (Marksville) (PHY.005788): 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. For its failure to designate a replacement PIC until 47 days after the previous PIC vacated that position, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5511 (Lafayette) (PHY.005844): 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. For its failure to notify the Board within 30 days of the prior PICs departure date, the Board assessed a fine of \$30,000 plus administrative and investigative costs.

Mr. Valentine reported the committee's next meeting was scheduled for December 5-6, 2023 to consider the 26 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:

Sharad Chandra Rai (PST.019797): 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 his request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective November 15, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Melissa Williams Richardson (PST.016774): 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 license, converted the duration of the suspensive period to a term of six months and stayed the execution of the suspension, then placed the license on probation for six months, effective November 15, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Patrick Joseph LaBorde (PST.024203): 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 his request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective November 15, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Norman August Higginbotham (PST.015486): 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 his request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of ten years and stayed the execution of the suspension, then placed the license on probation for ten years, effective November 15, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Georgia Kovarcik Jones (PST.023655): 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 license, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective November 15, 2023, subject to certain terms enumerated within the voluntary consent agreement.

John Scott Soileau (PST.014858): Ms. Hall moved to remove Articles 2-e, 2-k, and 2-l imposed from his May 26, 2021 Probation Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders by removing Articles 2-e, 2-k, and 2-l imposed from his May 26, 2021 Probation Board Order.

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 four 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:

Andrea Marie Montelaro (PST.017684): Dr. Strong moved to approve the reinstatement of the lapsed license conditioned upon completion of the requirement 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 license, conditioned upon her satisfaction of the following requirement prior to November 15, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit.

Kevin Cuoco Rodick (PST.014275): Dr. Strong moved to approve the reinstatement of the lapsed license conditioned upon completion of the requirement 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 his request for reinstatement of the lapsed license, conditioned upon his satisfaction of the following requirement prior to November 15, 2025: (1) pass the Louisiana Multistate Pharmacy Jurisprudence Examination (MPJE).

Dana Lynn Forsyth (CPT.001875): 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 November 15, 2025: (1) acquisition of at least 500 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) pass 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).

Kevin Glenn Caywood (CPT.001941): 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 his request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon his satisfaction of the following requirements prior to November 15, 2025: (1) acquisition of at least 500 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) pass 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).

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

Mr. McKay called upon Mr. LeBas for the committee report. Mr. LeBas reported the committee is scheduled to meet at 12:30 p.m. following the Board meeting. Mr. LeBas provided an overview of the committee's function and stated he will follow up with a report at the next meeting of the Board.

*At this point, Mr. McKay declared a recess. It was noted the members recessed at 9:40 a.m. and then reconvened at 10:12 a.m.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina provided an update on the current status of the following projects and he noted the information provided could be found on the "*Regulatory Projects*" page of the Board's website:

- Regulatory Project 2023-01 ~ Prescriptions
- Regulatory Project 2023-02 ~ Temporary Closure of Pharmacy
- Regulatory Project 2023-03 ~ Pharmacy Benefit Managers
- Regulatory Project 2023-04 ~ Healthcare Workplace Violence Prevention
- Regulatory Project 2023-05 ~ Pharmacy Change of Ownership
- Regulatory Project 2023-06 ~ Staffing Ratios
- Regulatory Project 2023-07 ~ Marijuana Pharmacy
- Regulatory Project 2023-08 ~ DATA-Waiver Registration Elimination
- Regulatory Project 2023-09 ~ Product Integrity
- Regulatory Project 2023-10 ~ PMP
- Regulatory Project 2023-11 ~ Pharmacists Application

Mr. Indovina then provided an update on *Regulatory Proposal 2023-C ~ AMS* which was approved during the August 2023 meeting of the Board. Mr. Indovina reported a group of hospital pharmacists raised concerns with the language in the proposal and instead of publishing the Notice of Intent and receiving comments during a Public Hearing, the decision was made to return the proposal to the Regulation Revision Committee for further review and additional input from stakeholders. There were no comments or objections from the members.

Mr. Indovina concluded his report by expressing his appreciation to the other committee members for their ongoing work and indicated that a meeting of the committee would be scheduled before the February Board meeting.

I. Executive Committee

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. 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 Request from Dr. Tommy E. Curtain, PharmD, Pharmacist Applicant in regards to LAC 46:LIII.503(B).

Mr. McKay stated, from 2015 through 2017 Dr. Curtain was unable to pass the Louisiana Multistate Pharmacy Jurisprudence Examination (MPJE) after 5 attempts. Dr. Curtain successfully passed his NAPLEX examination. According to Section 503(B) of the Board's regulations, in the event the candidate for pharmacist licensure fails the examination, the candidate may repeat the examination in compliance with the test administrator's policy. NABP policies place a 5-attempt maximum limit per jurisdiction to pass the MPJE unless a board of pharmacy determines otherwise. In 2017, Dr. Curtain requested that the Board consider a request for a 6th attempt to pass the MPJE examination. The Board considered his request but made the decision not to approve a sixth attempt. Dr. Curtain subsequently became licensed in the state of Delaware.

Dr. Curtain has been licensed as a pharmacist in Delaware since July 2020. After being licensed in Delaware for three years, Dr. Curtain is formally requesting consideration for another attempt for the MPJE examination, so that he can reciprocate to Louisiana. After interviewing Dr. Curtain, the committee voted to recommend your approval, Ms. Hall then moved,

Resolved, to authorize Dr. Tommy E. Curtain, PharmD a sixth and final allowance by the Board for Dr. Curtain to take the Louisiana Multistate Pharmacy Jurisprudence Examination (MPJE).

Dr. Cloud and Ms. Dupree had questions to which Mr. McKay responded. There were no public comments. The motion was adopted after a unanimous vote in the affirmative.

Consideration of Request from Crescent City Therapeutics in regards to LAC 46:LIII.2447(A)(18)

Mr. McKay reminded the members that on December 15, 2022 the Board awarded the tenth marijuana pharmacy permit to Crescent City Therapeutics, LLC. According to Section 2447(A)(18) of the Board's regulations, if an applicant has been awarded a marijuana pharmacy permit and has not commenced operation of such pharmacy within 310 days of being notified of the marijuana pharmacy permit award, the board may, in the board's discretion, rescind such marijuana pharmacy permit, unless such delay was caused by force majeure. A marijuana pharmacy shall be deemed to have commenced operation if the pharmacy is capable of operating in accordance with the applicant's approved application. Calculating 310 days from the date of being notified of the award, October 21, 2023 would have been the date the permit was expected to commence operations.

Dr. Lovie Rodgers, PharmD, CEO of Crescent City Therapeutics submitted a request for an extension to the deadline to begin operation of the marijuana pharmacy due to delays outside of their control. Dr. Rodgers cited a delay in receiving a building permit from the City of Kenner and provided a letter from the City of Kenner explaining the delay in obtaining the building permit due to staffing shortages within the permitting office.

Mr. McKay reported the committee reviewed the request and voted to recommend approval. Ms. Hall then moved,

Resolved, to approve the request from Crescent City Therapeutics, LLC for an extension, until February 15, 2024, to commence operation.

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

Consideration of request from Express Rx of Saint Joseph (PHY.008025-IR) in regards to LAC 46:LIII.2425(A)(1).

Mr. McKay explained, according to Section 2425(A)(1) of the Board's regulations, at the time a telepharmacy dispensing site opens, there shall be no other pharmacies licensed by the board within 15 miles (driving distance) of the location of the telepharmacy dispensing site. This mileage restriction shall not apply if a demonstration of need is presented to the board and a waiver to the mileage restriction is deemed appropriate.

Express Rx of Saint Joseph (PHY.008025-IR) is currently classified as an independent retail pharmacy, not a telepharmacy. The permit holder is requesting to convert his existing pharmacy permit to a telepharmacy dispensing site due to the lack of financial viability, staffing issues, and a demonstrated need for the local community. The nearest pharmacy permit is 13.6 miles from the pharmacy's location.

After the committee reviewed the regulation and consulted with staff, it determined the need for the pharmacy by the public in that area of the state was demonstrated and voted to recommend to the Board approval of the waiver to the mileage restriction. Ms. Hall then moved,

Resolved, to approve the request by Express Rx of Saint Joseph (PHY.008025-IR) for a waiver to the mileage restriction imposed upon a telepharmacy dispensing site based on a demonstration of need for the pharmacy by the public in this area of the state.

Mr. McKay commented if the pharmacy began dispensing more than 100 prescriptions per day based on a six-month average, the telepharmacy dispensing site shall then convert to a regular pharmacy permit. There were no other member questions or comments. With respect to public comments, Pharmacist Minh V. Nguyen asked Mr. McKay for a clarification on the number of prescriptions mentioned. Mr. McKay reiterated his statement. There were no other public comments. The motion was adopted after a unanimous vote in the affirmative.

Consideration of Proposed New PPM.I.B.3.a ~ Open Meetings by Electronic Means (Draft #1); Proposed New PPM.I.B.3.b ~ Open Meetings by Electronic Means for the PBM Monitoring Advisory Council (Draft #1); and Proposed New PPM.V.A.2.a ~ Open Meetings by Electronic Means (Draft #1).

Mr. McKay stated, Act 393 of the 2023 Regular Session made significant changes to the Open Meetings Law and created changes directed to public participation and board member participation in meetings. These changes are

directed to those members of the public and board members who have disabilities recognized by the Americans with Disabilities Act (ADA).

The three proposed new Open Meetings by Electronic Means policies referenced were drafted for the Board, the PMP Advisory Council, and the PBM Monitoring Advisory Council in order to maintain compliance with the law.

Mr. McKay reported the committee reviewed the proposed new policies and voted to recommend approval. Ms. Hall then moved,

Resolved, to approve Proposed New PPM.I.B.3.a ~ Open Meetings by Electronic Means (Draft #1); Proposed New PPM.I.B.3.b ~ Open Meetings by Electronic Means for the PBM Monitoring Advisory Council (Draft #1); and Proposed New PPM.V.A.2.a ~ Open Meetings by Electronic Means (Draft #1).

There were no member questions in regards to the proposals. With respect to public comments, Pharmacist Minh V. Nguyen commented that web browsers and websites are required to be ADA friendly. There were no other public comments. The motion was adopted after a unanimous vote in the affirmative.

Consideration of Proposed Revision PPM.V.A.2 ~ PMP Advisory Council (Draft #1)

Mr. McKay stated, Act 14 of the 2023 Regular Session made changes to the PMP law in regards to the frequency of advisory council meetings and gave the ability to meet by electronic means. The proposed revisions to the PMP Advisory Council policy was drafted to incorporate these changes.

Mr. McKay reported the committee reviewed the proposed revisions and voted to recommend approval. Ms. Hall then moved,

Resolved, to approve the proposed revision to PPM.V.A.2 ~ PMP – Advisory Council (Draft #1).

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

Consideration of Proposed Agreement for Hosting Services with Tyler Technologies

Mr. McKay reminded the members that during the May 2023 Board meeting the Board approved an agreement for the maintenance of the eLicense information system with Tyler Technologies in an amount not to exceed \$100,000 for Fiscal Year 2023-2024. It was anticipated at the time that the \$100,000 would cover both the annual maintenance agreement and some necessary enhancements during the year. As the Board office continues to improve the information systems, the plan was to transition from purchasing and maintaining our own servers in-house to an environment hosted by the State Office of Technology Services (OTS). After working several months to implement this transition, OTS identified components of the eLicensing system which prevented the immediate hosting of our licensing software.

In response to a staff request, Tyler Technologies provided a quote for hosting services for our licensing software.

Mr. McKay reported the committee decided to make the following recommendation. Ms. Hall then moved,

Resolved, to approve the Executive Director, with concurrence of the Board President, to enter into an agreement with Tyler Technologies to maintain, enhance, and provide hosting services for the Board's eLicense information system, at the stipulated rate(s), in an amount not to exceed \$160,000 for Fiscal Year 2023-2024.

Mr. McKay asked Mr. Fontenot to provide an overview for the members to which he responded. Mr. Fontenot and Mr. McKay answered member questions. There were no public comments. The motion was adopted after a unanimous vote in the affirmative.

Review of Financial Audit Report from Legislative Auditor

Mr. McKay stated, the committee reviewed the report from the legislative auditor following their audit of the Board's financial records for the previous fiscal year. The auditor did make some adjustments to journal entries which increased cash and increased payables on June 30 but did not affect the Board's net position at year end. As noted on Page 34 of the report, there was no material weaknesses identified, no significant deficiencies identified, and no findings. As noted on Page 1 of the report, in their opinion, the financial statements present fairly, in all material aspects, the respective financial position of the Board as of June 30, 2023.

Mr. McKay continued, the report is for the Board's information and is open for discussion, no action by the Board is required. There were no member questions or comments.

Exceptions Report

Mr. McKay stated, 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.

Consideration for an Attorney General's Opinion re Walgreens Settlement Agreement

Mr. McKay asked Mr. Finalet to provide an overview in regards to the Walgreens Settlement Agreement and the Board's Case Nos. 23-0084 and 23-0085.

Mr. Finalet explained the Board has two pending cases, Case Nos. 23-0084 and 23-0085, involving two Walgreens pharmacy permits which involved alleged

controlled substance losses. The alleged losses occurred over the time period which is covered by the Walgreens Settlement Agreement. The question of whether discipline by the Board in the two cases would be prohibited under the settlement agreement. Mr. Finalet recommended a formal attorney general opinion in the matter.

Mr. McKay reported the committee developed a recommendation for the Board's consideration. Ms. Hall then moved,

Resolved, the Louisiana Board of Pharmacy requests an Attorney General's opinion from Jeff Landry, Attorney General for the state of Louisiana, on whether the proposed Walgreens Settlement Agreement dated as of December 9, 2022 which sets forth the terms of settlement between and among the Settling States, the Participating Subdivisions, and Walgreens applies to the alleged drug losses in the Board's Case Nos. 23-0084 and 23-0085.

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

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.

Veneshia Devette Loucious (CPT.013802): 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 September 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.

Jerry Wayne Haynes, Jr. (PST.022370): 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 August 23, 2023.

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 material. There were no member questions or comments.

Mr. Fontenot then directed the members to the requests from ten pharmacies seeking a waiver from the duty to report zero prescription transaction reports to

the prescription monitoring program. Ms. Hall 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 Number	Permit Name
PHY.008737-NR	Alto Pharmacy
PHY.004823-NR	CCS Medical
PHY.008658-NR	Fresenius Medical Care North America
PHY.008665-NR	Grand Avenue Pharmacy
PHY.008725-NR	Ivation Pharmacy LLC
PHY.008635-NR	Mark Cuban Cost Plus Pharmacy LLC
PHY.008636-NR	Memorial Pharmacy
PHY.006382-NRN	PETNET Solutions
PHY.008573-NR	Serene Pharmacy
PHY.008647-NR	SKNV Pharmacy, LLC

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

Mr. Fontenot then provided the members an update in regards to the current renewal cycle and then indicated completion of his report. There were no member questions or comments.

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 11:20 a.m.

Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on February 21, 2024.

Richard M. Indovina, Jr.
Secretary