



Louisiana Board of Pharmacy
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Minutes

Regular Meeting

Wednesday, February 24, 2021 at 9:00 a.m.

Location:

Videoconference

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 24, 2021 by videoconference. As noted on the meeting agenda, the Board certified it could not achieve an in-person quorum due to the physical distancing requirements and other provisions of *Governor's Proclamation No. 17 JBE 2021 ~ COVID-19 Public Health Emergency / Renewal of Phase 2 of Resilient Louisiana*. Therefore, as permitted by R.S. 42:17.1, the Board elected to conduct its meeting by videoconference.

1. Call to Order

In the absence of the President, Mr. Marty McKay, First Vice President, called the meeting to order at 9:02 a.m.

2. Quorum Call

Mr. McKay called upon the Board 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. Kevin LaGrange
Mr. Robert C. LeBas
Mr. Marty R. McKay
Mr. J. Troy Menard
Mr. Anthony G. Mercante
Mr. Blake P. Pitre
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Dr. Raymond J. Strong (late arrival)
Mr. Rhonny K. Valentine

Members Absent:

Mr. Carl W. Aron
Mr. Richard Mannino

Staff Present:

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

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

Guests:

Mr. Adam Fowler
Dr. Jessica Adams
Dr. Alexandre Raymond
Ms. Amy Walker
Mr. Ani Onoh
Mr. Ben Klein
Ms. Berkley Durbin
Ms. Christine Colwell
Ms. Crystal Carter
Dr. David Houghton
Mr. Devin Richardson
Mr. Don Caffery
Mr. Eric Laborde
Dr. Erika Bouvia
Dr. Glenn Anderson
Mr. Hao Doan
Mr. Jeenu Philip
Ms. Jessica Elliott
Dr. John Rocchio
Mr. Karl Koch
Ms. Lauren Bailey
Ms. Maria Bowen
Mr. Max Huff
Dr. Michael Cockerham
Dr. Monia Dziuba
Dr. Natasha Seals
Mr. Neal Watson
Ms. Paula Belle
Mr. Paul Menasco
Mr. Randal Johnson
Mr. Randall Keiser
Mr. Richard Palombo
Mr. Robert Rieger
Ms. Shelly Dupre
Mr. Severan Medine
Mr. Stephen Wright
Dr. Valentina Williams

Mr. Indovina certified Mr. Aron, Mr. Mannino and Dr. Strong did not reply to the quorum call; however, the remaining 14 members were present, constituting a quorum for the conduct of official business. It was noted Dr. Strong entered the videoconference shortly thereafter at approximately 9:15 a.m.

3. *Call for Additional Agenda Items & Adoption of Agenda*

Mr. McKay asked if there were any additional items to be added to the agenda. None were requested. With no requests to amend the agenda, and without objection, the members adopted the posted agenda dated February 20, 2021. Mr. McKay requested authority to re-order the agenda as may become necessary and there were no objections to that request.

4. *Consideration of Minutes*

Mr. McKay reminded the members they had received the draft minutes from the Administrative Hearing and Regular Board Meeting held on November 18, 2020. With no objections, he waived the reading of the draft minutes. With no requests for amendment or any objection to their approval, Mr. McKay declared the minutes were approved as presented.

5. *Report on Action Items*

Mr. McKay called on Mr. Broussard for the report. Mr. Broussard directed the members to a copy of the report in their meeting binder. There were no questions from the members or guests.

6. *Confirmation of Acts*

Pursuant to Mr. McKay's declaration that the officers, committees, and executive director had attended to the business of the Board since their last meeting in accordance with policies and procedures previously approved by the Board, Mr. Pitre moved,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 18, 2020 are approved, adopted, and ratified by the entire Board.

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

7. *Opportunity for Public Comment*

Mr. McKay reminded the members and guests the agenda for the meeting solicited public comments on any agenda item prior to the meeting. Mr. McKay asked Mr. Broussard whether any comments had been received. Mr. Broussard replied two comments had been received prior to the meeting, had been distributed to the members and were included in the public and member meeting binders. Mr. McKay asked Mr. Broussard to summarize the two public comments for the meeting record. Mr. Broussard noted receipt of the following public comments prior to the meeting:

- *Legislative Proposal 2021-D ~ Limited Prescriptive Authority (Draft #2)*

Dr. William Kirchain – in support, but with requested amendments

- *Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the Louisiana Board of Pharmacy and the U.S. Food and Drug Administration*

Alliance for Natural Health – concerned with certain elements; in support of the Board's execution of the MOU document.

Mr. McKay then offered an opportunity for any public comments about any non-agenda items; 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.

8. *Special Orders of the Day*

There were no special orders for that day.

9. *Committee Reports*

A. *Finance Committee*

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber directed the members to a copy of the report in their meeting binder. He reviewed the interim report for the first half of the current fiscal year. In particular, he reviewed the *Statement of Net Position*, the *Statement of Revenue, Expenses and Budget Performance*, as well as the *Summary of Income and Fund Balance Changes*. There were no questions from the members or public. He submitted the report for information only; it required no action by the Board.

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

B. *Application Review Committee*

Mr. McKay noted the committee had not met since the previous Board meeting. Committee Chair Doug Robichaux confirmed the committee had not met because the staff did not have a need to refer any applications for the committee's consideration.

C. *Reciprocity Committee*

Mr. McKay called upon Mr. Cassidy for the committee report. Mr. Cassidy reported the staff had evaluated 69 applications for pharmacist licensure by reciprocity since the previous Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. He then directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder.

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

D. *Violations Committee*

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee held a preliminary hearing on December 15, 2020 to consider their posted agenda which included 18 cases. Following their interviews and deliberations at the hearing, the committee took no action

with respect to three of the respondents and issued non-disciplinary Letters of Noncompliance to five of the respondents. The committee offered proposed voluntary consent agreements to the remaining 10 respondents; all but one of them accepted their proposed agreements, and the remaining respondent was scheduled for a future administrative hearing. Mr. Indovina also reported a proposed agreement for a previously continued case. Mr. Indovina then presented a synopsis of each of the 10 cases to the members. Following the conclusion of the case presentations, Mr. Indovina moved,

Resolved, to approve the following proposed voluntary consent agreements:

- PST.014219 ~ Angela Waldron Allums;
- PHY.007878 ~ LP1 Pharm, LLC;
- PST.018760 ~ Darvis Keon Harvey;
- PHY.007731 ~ RD Pharma, LLC;
- PHY.006506 ~ Sofie, Co.;
- PST.016625 ~ Kristian Raymond Hahn;
- PHY.007596 ~ Central Drug Store, Inc.; and
- PST.010511 ~ John Michael Anding

There were no member questions or public comments. The motion was approved after a unanimous roll call vote in the affirmative. Mr. Indovina then moved,

Resolved, to approve the following proposed voluntary consent agreements and refer the respondents to the next administrative hearing:

- PHY.008099 ~ Melior, Inc. *d/b/a* Lil Daves [Plaquemine, LA]
- PST.016278 ~ David Keith Chauvin, Jr.

Following a public comment which provided additional information relative to the cases, Mr. Indovina moved to amend his original motion, to instead reject the proposed voluntary consent agreements and refer both cases to a formal administrative hearing to be scheduled at the Board's next regular meeting in May 2021. Following additional member discussion and public comment, the amended motion to reject the proposed voluntary consent agreements and refer both cases to a formal administrative hearing was adopted after a majority vote in the affirmative; Mr. Cassidy and Ms. Hall objected.

The eight consent agreements approved by the Board are itemized here:

Angela Waldron Allums (PST.014219): The Board restricted the license by prohibiting the acceptance of an appointment as the pharmacist-in-charge of any pharmacy licensed by the Board, nor may she serve in any supervisory capacity other than staff pharmacist at any pharmacy licensed by the Board; and further, assessed administrative costs.

LP1 Pharm, LLC *d/b/a* Landry's Pharmacy 1 [Gonzales, LA] (PHY.007878): The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Darvis Keon Harvey (PST.018760): The Board issued a Letter of Reprimand and assessed administrative costs; and further, conditioned the acceptance of any future application for a pharmacy permit with which he is associated upon his personal appearance before the Board or a committee thereof in connection with that application.

RD Pharma, LLC d/b/a Ralph's Drugstores [Gonzales, LA] (PHY.007731): The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Sofie, Co. d/b/a Sofie [Dallas, TX] (PHY.006506): The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Kristian Raymond Hahn (PST.016625): The Board granted his request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of 10 years and stayed the execution of the suspension, then placed the license on probation for 10 years subject to certain terms enumerated within the voluntary consent agreement; and further, continued the previously imposed lifetime restriction against engaging in or supervising any practice involving the compounding of sterile or nonsterile preparations; and further, assessed administrative costs.

Central Drug Store, Inc. d/b/a Central Pharmacy [Baton Rouge, LA] (PHY.007596): The Board assessed a fine of \$25,000 plus administrative and investigative costs.

John Michael Anding (PST.010511): The Board issued a Letter of Warning and assessed administrative costs; and further, restricted the license by prohibiting the acceptance of an appointment as the pharmacist-in-charge of any pharmacy licensed by the Board; and further, prohibited the acceptance of any petition to remove the restriction until after February 25, 2023.

Mr. Indovina reminded the members of the administrative hearing conducted during the previous meeting which had been conducted as a default proceeding in the absence of the respondent. He reported the respondent contacted the Board office shortly thereafter and provided reasonable explanations for her absence. He reported staff then offered the respondent the standard voluntary consent agreement for that fact pattern and she accepted it. He recommended the members reconsider their previous decision at the administrative hearing and then approve the proposed consent agreement. He then moved,

Resolved, to reconsider the Board's previous decision in Case No. 19-0207 concerning CPT.011002 held by Markella Ann Wyre. There were no member questions or public comments. The motion for reconsideration was adopted after a unanimous roll call vote in the affirmative. Mr. Indovina then presented the following case:

Markella Ann Wyre (CPT.011002): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Mr. Indovina then presented the Complaint Investigation Monitor Report. He noted there were 182 open cases at the beginning of the previous fiscal year. During the current fiscal year, 249 new cases have been opened, and 275 cases have been closed, leaving 156 open cases as of February 13. He indicated for the 275 case closures the average time to complete an investigation was 44 days, and further, nine of those 275 case closures (3.3%) exceeded the policy threshold of 180 days. He indicated the most common reason for an investigation to exceed the policy threshold is a collaborative investigation with other state or federal agencies and that another reason would be a nonresident case on appeal.

He reported the committee's next preliminary hearing was scheduled for March 17 to consider the 10 cases posted on that agenda.

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

E. Impairment Committee

Mr. McKay noted the committee had been scheduled to meet on February 18; however, that meeting was canceled due to the winter storm weather in the state that week. He indicated the applications listed on that meeting agenda would be added to the agenda for the next committee meeting, then scheduled for May 25, 2021. The committee chair, Ms. Hall, did not have any additional information to add.

F. Reinstatement Committee

Mr. McKay called upon Mr. Valentine for the committee report. Mr. Valentine reported actions taken with respect to two applications for reinstatement of a lapsed pharmacy technician certificate.

Ha Thu Thi Nguyen (CPT.006063): In accordance with previously approved committee policies, Mr. Valentine and Mr. McKay concurred to approve the application for reinstatement conditioned upon the applicant's satisfaction of two requirements prior to January 21, 2023: (1) acquisition of 250 hours of updated practical experience under the authority of a special work permit; and (2) acquisition of 10 hours of continuing pharmacy education.

Jason Thomas Bordelon (CPT.005293): In accordance with previously approved committee policies, Mr. Valentine and Mr. McKay concurred to approve the application for reinstatement conditioned upon the applicant's satisfaction of two requirements prior to January 21, 2023: (1) acquisition of 250 hours of updated practical experience under the authority of a special work permit; and (2) acquisition of 10 hours of continuing pharmacy

education.

Mr. Valentine closed his report with appreciation to the other committee members for their ongoing efforts.

G. *Tripartite Committee*

Mr. McKay noted the committee had not met since the previous Board meeting. The committee chair, Dr. Strong, did not have any additional information to add.

At this point, Mr. McKay declared a brief recess. It was noted the members recessed at 10:10 a.m. and then reconvened at 10:25 a.m. Mr. McKay resumed the sequence of committee reports.

H. *Regulation Revision Committee*

Mr. McKay noted that he is the chair of that committee, however, since he was presiding for the Board meeting, he called upon the ranking committee member, Ms. Hall, for the committee report. Ms. Hall reported the committee met twice since the previous Board meeting. During their December 10 meeting, the committee discussed a number of issues on their agenda and requested proposals from the staff. During their January 26 meeting, the committee reviewed the staff proposals and voted to recommend a number of them to the Board. Ms. Hall then directed the members and guests to those documents in their electronic meeting binders.

(1) *Comments & Testimony from November 25, 2020 Public Hearing re Regulatory Project 2020-4 ~ Pharmacy Benefit Managers*

Ms. Hall noted the receipt of comments and testimony on the proposed rules for pharmacy benefit managers and noted the specific requested amendments. She informed the members of their duty to consider those requests and determine what revisions to make to the original proposed rule. The members and public offered several comments about the requested amendments. Mr. Indovina then moved , **Resolved**, to make no changes to the original proposed rule in *Regulatory Project 2020-4 ~ Pharmacy Benefit Managers* and to continue the promulgation process.

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

(2) *Regulatory Proposal 2021-A ~ Collaborative Practice (Draft #1)*

Ms. Hall reminded the members of Senate Resolution 39 of the 2nd Extraordinary Session of the 2020 Legislature which requested the Board study and make recommendations on two topics – the status of collaborative drug therapy management (CDTM) in Louisiana, as well as the desirability and feasibility of statewide written protocols for pharmacists to test or screen for and initiate treatment or therapy for certain health conditions.

Ms. Hall reported the committee reviewed the current CDTM rule which originated in 2007 and was revised in 2013. The committee noted complaints of unnecessary administrative burdens from both pharmacists and physicians. The committee voted to recommend the approval of the proposal. Ms. Hall then moved,

Resolved, to approve *Regulatory Proposal 2021-A ~ Collaborative Practice (Draft #1)*, and further, to authorize the Executive Director to promulgate the proposed rule amendment upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Mr. McKay responded to a member question relative to medical homes. A physician offered public comment in support of the proposal. Mr. Broussard replied to a question for clarification relative to protocols. There were no further member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

(3) *Legislative Proposal 2021-C ~ Collaborative Practice (Draft #1)*

Ms. Hall reminded the members the current CDTM law consists of a definition of that term and was part of the 1999 revision of the pharmacy law. While that definition includes a requirement for the medical and pharmacy boards to jointly promulgate rules for CDTM, it was not a priority task for the medical board. Seven years later, the 2006 legislature amended that definition to impose a deadline for the medical board to initiate their rulemaking process. The medical board responded appropriately. Staff noted the absence of any provision beyond the definition authorizing pharmacists to engage in CDTM. Staff prepared a legislative proposal which revises the CDTM term to the contemporary term of collaborative practice, removes the long-passed deadline for the medical board to act, and authorizes pharmacists to engage in collaborative practice with any practitioner holding prescriptive authority, not just physicians. The committee voted to recommend the approval of the proposal. Ms. Hall then moved,

Resolved, to approve *Legislative Proposal 2021-C ~ Collaborative Practice (Draft #1)*, and further, to authorize the Executive Director to seek a legislative sponsor and file the proposal for consideration during the 2021 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

(4) *Legislative Proposal 2021-D ~ Limited Prescriptive Authority (Draft #2)*

Ms. Hall reported the committee had received indications of the desirability for pharmacists to have limited prescriptive authority by statewide written protocol to allow pharmacists to test, screen and treat certain health conditions. To address the feasibility issue, staff reviewed

laws and rules from several states. Staff constructed a legislative proposal which includes a multidisciplinary advisory committee for development of protocols; following Board approval of such protocols they would then be promulgated as rules. The committee made one adjustment to the proposal and then voted to recommend the approval of the proposal. Ms. Hall then moved,

Resolved, to approve *Legislative Proposal 2021-D ~ Limited Prescriptive Authority (Draft #2)*, and further, to authorize the Executive Director to seek a legislative sponsor and file the proposal for consideration during the 2021 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

The members noted the public comment received prior to the meeting and determined no revisions were needed. Several members offered comments; there were no further public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

(5) *Proposed Report to 2021 Legislature re Senate Resolution 39 of 2nd Extraordinary Session of 2020 Legislature*

Ms. Hall directed the members to a copy of the staff report to the legislature. She then moved,

Resolved, to approve the Board's report to the 2021 Legislature in reply to Senate Resolution 39 from the 2nd Extraordinary Session of the 2020 Legislature, and further, to authorize the Executive Director to submit the report to the legislature by March 1, 2021.

Mr. McKay replied to questions from members, There were no public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

(6) *Legislative Proposal 2021-A ~ CDS Schedule Update (Draft #3)*

Ms. Hall reminded the members of the Board's task to keep the state list of controlled substances in harmony with the federal list of controlled substances. Staff prepared a legislative proposal to include all of the federal scheduling actions since the previous legislative session, and the committee voted to recommend its approval. She then moved,

Resolved, to approve *Legislative Proposal 2021-A ~ CDS Schedule Update (Draft #3)*, and further, to authorize the Executive Director to seek a legislative sponsor and file the proposal for consideration during the 2021 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

(7) *Legislative Proposal 2021-B ~ Renewal Fees (Draft #1)*

Ms. Hall reported the staff's development of a proposal to revise the renewal fees for pharmacies, pharmacists and pharmacy technicians.

She noted the existing fees were set in 2005, and further, the committee voted to recommend the approval of the proposal. She then moved,

Resolved, to approve *Legislative Proposal 2021-B ~ Renewal Fees (Draft #1)*, and further, to authorize the Executive Director to seek a legislative sponsor and file the proposal for consideration during the 2021 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

(8) *Legislative Proposal 2021-E ~ PMP Audit Trail for Louisiana Medicaid (Draft #1)*

Ms. Hall reported Louisiana Medicaid requested the Board's assistance to modify the PMP law to allow designated representatives of that program to have access to audit trail information with respect to its providers and recipients. The federal SUPPORT Act requires state Medicaid agencies adopt rules requiring providers to check recipient patients' PMP records prior to issuing prescriptions for controlled substances to recipients. Staff prepared a proposal authorizing designated representatives from Louisiana Medicaid to have access to PMP audit trail information for that limited purpose. The committee voted to recommend the approval of the proposal. She then moved

Resolved, to approve *Legislative Proposal 2021-E ~ PMP Audit Trail for Louisiana Medicaid (Draft #1)*, and further, to authorize the Executive Director to seek a legislative sponsor and file the proposal for consideration during the 2021 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

(9) *Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the Louisiana Board of Pharmacy and the U.S. Food and Drug Administration*

Ms. Hall reported the committee received stakeholder input requesting the Board's approval. The committee voted to recommend the Board's execution of the agreement; she then moved,

Resolved, to authorize the Executive Director to execute the *Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the Louisiana Board of Pharmacy and the U.S. Food and Drug Administration* on behalf of the Board

The members noted the public comment received prior to the meeting and noted the conflicting sentiments. Mr. Broussard replied to questions from members. There were no public comments. The motion was adopted after a majority vote in the affirmative; Mr. Cassidy and Mr.

Darce objected.

(10) *Regulatory Proposal 2021-B ~ Transfer of Marijuana Recommendations (Draft #1)*

Ms. Hall reported the receipt of a request from the mother of a patient using therapeutic marijuana to allow one marijuana pharmacy to transfer an unexpired recommendation for therapeutic marijuana to another marijuana pharmacy. The committee voted to recommend the approval of the proposal. She then moved,

Resolved, to approve *Regulatory Proposal 2021-B ~ Transfer of Marijuana Recommendations (Draft #1)*, and further, to authorize the Executive Director to promulgate the proposed rule amendment upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

(11) *PPM.I.D.28 ~ COVID-19 Public Health Emergency: Guidance for Licensees re PREP Act Declaration by HHS (Drafts #2 and #3)*

Ms. Hall reported the committee requested the staff to develop a guidance document summarizing the PREP Act Declaration by the U.S. Department of Health and Human Services (HHS) for the benefit of the Board's licensees who may elect to practice under the authority of that declaration. After the committee approved the second draft of the guidance document, HHS issued additional guidance which was incorporated into the third draft. She reported the Executive Committee reviewed the third draft at their meeting the previous day. She then moved,

Resolved, to approve *PPM.I.D.28 ~ COVID-19 Public Health Emergency: Guidance for Licensees re PREP Act Declaration by HHS (Draft #3)*, and further, to request the Executive Director communicate this guidance document to the Board's licensees.

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

(12) *PPM.I.A.34 ~ Allowance for Virtual Competency Demonstration for Certification in Basic Cardiopulmonary Resuscitation (Draft #1)*

Ms. Hall reminded the members of one of their earliest interim policies during the pandemic relative to the repeated extensions of the expiration dates of the medication administration (MA) registrations due to the inability to obtain renewal of a cardiopulmonary resuscitation (CPR) card without physical demonstrations of competency in CPR. She reported the HHS addressed this issue in their PREP Act Declaration by authorizing virtual demonstrations of competency in CPR when such programs were accredited by one of three specifically named accreditation organizations, including the Accreditation Council for

Pharmacy Education (ACPE). Staff constructed a policy allowing for such virtual demonstrations of competency to renew CPR cards to return their expired MA registrations to active status. The committee voted to recommend the approval of the policy. Ms. Hall then moved,

Resolved, to approve *PPM.I.A.34 ~ Allowance for Virtual Competency Demonstration for Certification in Basic Cardiopulmonary Resuscitation (Draft #1)*, and further, to request the Executive Director communicate this policy to the Board's licensees.

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

Finally, Ms. Hall closed her report with appreciation to the committee members and staff for their ongoing efforts.

At this point, Mr. McKay declared a luncheon recess. It was noted the members recessed at 12:00 noon and reconvened at 12:35 p.m. Mr. McKay resumed the sequence of the posted agenda.

I. Executive Committee

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee reviewed several policy documents, a request for approval of a pharmacy technician training program, and a proposal to update the Board's website. He directed the members and guests to relevant documents in their electronic meeting binders.

(1) Consideration of Interim Procedures

Mr. McKay reminded the members of their review of the interim policies during their previous Board meeting in November 2020 and scheduled termination of certain policies at the end of February 2021. He reported the committee reviewed those policies and voted to further extend some of them and to allow some of them to terminate as previously considered. He directed the members to the February 2021 Review of Interim Policies which lists all interim policies and their expiration dates. In particular, the committee voted to recommend the following:

- *PPM.I.D.5 ~ Temporary Extension of Expiration Date of Medication Administration (MA) Registrations* should not terminate on February 28, 2021, and instead, should be extended to December 31, 2021. With the approval of virtual competency demonstrations for CPR, the members suggested the extension of MA registrations until the end of the calendar year should provide adequate opportunity for licensees to return the MA registrations to active status. Members suggested there should be no need to further extend MA registrations after the end of the calendar year.
- *PPM.I.D.12 ~ Flexible Staffing Ratios* should not terminate on February 28, 2021, and instead, should be extended to December

31, 2021. Members suggested immunization activities would increase in volume and the flexible staffing ratios are necessary to accommodate those activities.

- *PPM.I.D.15 ~ Criminal History Record Checks* should be terminated on February 28, 2021 as previously considered. Staff reported that law enforcement had resumed their processing and had received no notice of issues from applicants obtaining criminal history record checks
- *PPM.I.D.18 ~ Re-stocking AMS Devices* should be terminated on February 28, 2021 as previously considered. The regulatory proposal which included the language from the interim policy was printed as a Final Rule on February 20, 2021 with an immediate effective date.
- *PPM.I.D.19 ~ CE for Pharmacist License Renewal* should not terminate on February 28, 2021, and instead, should be extended to December 31, 2021. The effect of this extension is to extend this provision to the renewal of pharmacist licenses for Calendar Year 2022 – no live CE requirement with only 15 hours required.
- *PPM.I.D.27 ~ Special Work Permit for Non-licensed Pharmacist* should be terminated on February 28, 2021. The most recent amendment to the HHS PREP Act Declaration removed the necessity for this temporary credential.
- *PPM.I.D.26 ~ Verbal Orders for Therapeutic Marijuana* should be terminated on February 28, 2021 as previously considered. This interim policy was issued in the aftermath of Hurricane Laura and is no longer necessary. The previous interim policy permitting the attachment of recommendations to email messages remains in place.

Ms. Hall then moved,

Resolved to approve the *February 2021 Review of Interim Policies*

Mr. McKay summarized the proposed changes in the review of interim policies. There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

(2) *Consideration of Proposed Revision of PPM.I.B.2 ~ Governance (Draft #1)*

Mr. McKay reported staff's preparation of an amendment to the current policy relative to the Board's governance procedures. The amendment provides for duties of certain officers when higher ranking officers are not available. Ms. Hall then moved,

Resolved, to approve the proposed revision of *PPM.I.B.2 ~ Governance (Draft #1)*.

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

(3) *Consideration of Proposed Revision of PPM.III.B.06 ~ Application for New Resident Pharmacy Permit (Draft #1)*

Mr. McKay reported the staff's preparation of an amendment to the current policy on processing of applications for new resident pharmacy permits to address an increasing number of requests from owners of new pharmacies for an additional period of time between the approval of their application and the necessity to open for business. The committee voted to recommend the approval of the proposal. Ms. Hall moved,

Resolved, to approve the proposed revision of *PPM.III.B.06 ~ Application for New Resident Pharmacy Permit (Draft #1)*.

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

(4) *Consideration of Request for Approval of Pharmacy Technician Training Program*

Mr. McKay reported receipt of a request for approval of a pharmacy technician training program from Sullivan College of Pharmacy & Health Sciences in Louisville, KY. Staff confirmed national accreditation of their training program. Ms. Hall then moved,

Resolved, to approve the pharmacy technician training program at Sullivan College of Pharmacy & Health Sciences in Louisville, KY.

Mr. McKay confirmed the program offered distance learning opportunities for Louisiana-based pharmacy technician candidates. The motion was adopted after a unanimous roll call vote in the affirmative.

(5) *Consideration of Proposal for Website*

Mr. McKay reported receipt of a proposal from the vendor of the Board's website. He noted the Board purchased that vendor's website software in 2010. Both the content management system as well as the contact management system were beginning to show their age. Staff requested the proposal to update the website. The committee voted to recommend the approval of the proposal. Ms. Hall then moved,

Resolved, to approve the proposal from Covalent Logic to update the Board's website.

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

Mr. McKay reported the committee reviewed the staff's quarterly report to the legislature relative to complaints against the Board. There was one complaint relative to the wording of the letter of findings to a complainant and that staff had resolved the issue to the complainant's satisfaction.

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

10. *Staff Reports*

J. *Report of Assistant Executive Director*

Mr. McKay called upon Mr. Fontenot for his report. He directed the

members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. He called their attention to information reflecting decreases from Calendar Year 2015 through Calendar Year 2020 – a 17% decrease in the total number of prescriptions reported to PMP, a 16% decrease in the number of controlled substance prescriptions dispensed to Louisiana residents, and a 30% decrease in the number of opioid prescriptions dispensed to Louisiana residents. He also reported information on the drug Hydrocodone/APAP, which has always been the most commonly dispensed opioid medication in Louisiana since the PMP started collecting data in 2008. For the same timeframe, Calendar Year 2015 through Calendar Year 2020, there was a 32% decrease in the number of prescriptions for that drug dispensed to Louisiana residents, a 41% decrease in the number of dosage units of that drug dispensed to Louisiana residents, and a 30% decrease in the number of Louisiana residents who received prescriptions for that drug. One member requested data on how the state ranks among all other states with respect to utilization of that drug; Mr. Fontenot indicated he would research that and provide information at the next meeting. Finally, he highlighted the marijuana dispensing data, more specifically the number of patients, physicians, and product transactions. Mr. Broussard reminded the members of the changes to the marijuana program adopted by the 2020 Legislature and their determination last summer to continue the collection of data for one additional year. He reported the staff would begin preparations to issue a solicitation for applications for the 10th and last marijuana permit during the summer of 2021.

Mr. Fontenot then directed the members to the requests from 28 pharmacies seeking a *full* exemption as well as one pharmacy seeking a *partial* exemption from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Pitre then moved,

Resolved, to authorize the issuance of *full* PMP reporting waivers to:

- > PHY.008137-NR – A & M Pharmacy (FL);
- > PHY.008215-NR – Advanced Diabetes Supply (CA);
- > PHY.008169-NR – Advanced InfusionCare (TX);
- > PHY.008207-NR – AlleReach Pharmacy (TX);
- > PHY.008189-NR – BioPlus Specialty Pharmacy Services (FL);
- > PHY.007756-PEX – Bossier Sheriff's Correctional Center Pharmacy (LA);
- > PHY.008190-NR – ClearMD Pharmacy (NJ);
- > PHY.008179-NR – Costco Pharmacy #1347 (IN)
- > PHY.008156-HOS – CuraHealth New Orleans (LA);
- > PHY.008195-IR – Diabetes Management & Supplies (LA);
- > PHY.008176-NR – First Choice Home Infusion / Specialty Pharmacy (TN);
- > PHY.008194-NR – Marley Drug (NC);
- > PHY.008174-NR – MedWiseRx (FL);
- > PHY.008177-NR – MedWiseRx (AZ);

- > PHY.008216-NR – MVP Pharmacy (TX);
 - > PHY.007027-SAT – Ochsner Health Center – Covington (LA);
 - > PHY.008208-NR – Omnicare of Northern Illinois (IL);
 - > PHY.008192-NR – Pet Supplies Delivered (NE);
 - > PHY.008004-NR – PharmaCorr (OK);
 - > PHY.007592-NR – PharMerica (TX);
 - > PHY.007920-NR – Pharmscript of Texas North (TX);
 - > PHY.008151-NU – RLS (USA) (LA);
 - > PHY.008200-NR – RVL Pharmacy (NJ);
 - > PHY.007702-NR – S & K Med Pharmacy (TX);
 - > PHY.002045-HOS – Shriners Hospital for Children (LA);
 - > PHY.007124-IR – Union Care Pharmacy (LA);
 - > PHY.008161-SAT – WCH Cancer & Infusion Center (LA); and
 - > PHY.008159-NR – Y Medical Associates;
- as well as a *partial* PMP reporting waiver to
- > PHY.008178-IR – Institutional Pharmacies of Louisiana (LA)
- 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 roll call vote in the affirmative.

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

Mr. McKay called upon Mr. Finalet for his report. Mr. Finalet informed the members he had developed proposed voluntary consent agreements using criteria previously approved by the Board's Violations Committee and then offered them to various respondents. He presented 11 proposed voluntary consent agreements and surrenders which had been accepted and signed by the respondents. Ms. Hall moved to approve all 11 of the proposed voluntary consent agreements and surrenders presented by Mr. Finalet. There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. The consent agreements and surrenders approved by the Board are itemized here:

Mula Family Pharmacy, LLC d/b/a Mula's Family Pharmacy & Gifts [Abbeville, LA] (PHY.007065): The Board assessed a fine of \$20,000 plus administrative costs.

Gerlando Joseph Messina (PST.013345): The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Enrique Javier Hernandez (PST.018873): The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Douglas Charles Klein (PST.022036): The Board suspended the license until December 31 2022 and stayed the execution of the suspension, then placed the license on probation until December 31, 2022, noting the

probationary period shall run concurrently with the probationary period imposed by the Alabama Board of Pharmacy on his Alabama pharmacist license; and further, assessed administrative costs.

Clarke Allan Kuelczo (PST.021473): The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Alicia Mary Fields-Carr (CPT.013169): The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Raschunda Shimeka Roshell (CPT.008207): The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Margaret Diane Henderson (PST.019049): The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Rachael Jordan Flores (PST.021687): The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time effective February 5, 2021.

Austin Ryder Lucht (PST.022486): The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Christopher Rainard Tomlin (PTC.029215): The Board accepted the voluntary surrender, resulting in the active suspension of the registration for an indefinite period of time effective February 11, 2021.

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

L. Report of Executive Director

Mr. McKay called upon Mr. Broussard for his report. Mr. Broussard directed

the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
 - Internal Reports
 - Credentials Division
 - Census Report
 - Licensure Activity Report
 - Application Activity Report
 - Exceptions Report
 - Compliance Division
 - Census Report
 - Complaint Investigation Policy Monitor
 - External Reports
 - Administrative and Legislative Agency Reports

- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - Marijuana Pharmacies
- State Activities
 - La. State Board of Nursing
 - La. Legislature
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)

There were no member questions or public comments. Mr. Broussard indicated the completion of his report.

11. New Agenda Items Added During Meeting

No items were added to the agenda.

12. Announcements

Mr. McKay directed the members to the announcements in their meeting binder. He announced the next regular meeting of the Board would be held in May 2021.

13. 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 1:18 p.m.

Minutes prepared by Malcolm Broussard. Members requested a correction in the name of the presiding officer at the beginning of the report from the executive director.

These corrected minutes were approved by the Board during their subsequent meeting on May 26, 2021.

Richard M. Indovina, Jr.
Secretary