



**Louisiana Board of Pharmacy**  
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# Minutes

## **Regular Board Meeting**

Wednesday, February 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, February 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 9:07 a.m.

*2. Invocation & Pledge of Allegiance*

Mr. Rhonny Valentine delivered the invocation and Mr. Richard 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. Kevin LaGrange  
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:**

None

**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  
Mr. Robert Rock  
Mr. Ben J. Sims – Brookshire Grocery Co.

Ms. MaryBeth Wilkerson, Adams & Reese  
Ms. Shelly Dupre – Louisiana Alliance of Retail Pharmacies  
Mr. Dale Masten – Louisiana Alliance of Retail Pharmacies  
Ms. Jessica Elliott – Louisiana Alliance of Retail Pharmacies  
Mr. Peter Prevot – La. Association for Therapeutic Alternatives  
Mr. Johnny Koch – Wal-Mart  
Mr. Randal Johnson – La. Independent Pharmacies Association

Mr. Indovina certified all 17 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 February 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 November 16, 2022. 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, 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 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 November 16, 2022 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*

*There were no Special Orders of the Day.*

10. *Committee Reports*

A. *Finance Committee*

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber told the members the committee had not met since the November Board meeting and does not plan to meet until the August and November Board meetings, unless there is a need to do so. Mr. Resweber explained, most of the finance committee's work is performed in preparation for the August and November meetings and provided details of that work.

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

B. *Application Review Committee*

Mr. McKay called upon Dr. Cloud for the committee report. Dr. Cloud reported the committee last met on November 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> to interview 30 applicants seeking to be awarded the tenth therapeutic marijuana pharmacy permit. Since that meeting, the office had not received any applications which require committee consideration, so the committee did not meet.

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

C. *Reciprocity Committee*

Mr. McKay called upon Mr. Mannino for the committee report. Mr. Mannino reported the staff had evaluated 66 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 December 7-8, 2022 to consider 26 cases on their agenda. Following interviews and deliberations, the committee took no action on six of the cases, issued non-disciplinary letters of noncompliance to six of the respondents, and one respondent did not renew her credential and upon reinstatement request will be referred back to the violations committee. The committee offered proposed voluntary consent

agreements to the remaining 13 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.

**Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5331 (Shreveport, LA) (PHY.005773):** 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 an admission and the Board assessed a fine of \$10,000 plus administrative and investigative costs.

**Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 4068 (Haughton, LA) (PHY.005771):** 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 an admission and the Board assessed a fine of \$25,000 plus administrative and investigative costs.

**Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5607 (Alexandria, LA) (PHY.005768):** 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 letter of warning; and further, assessed a fine of \$20,000 plus administrative and investigative costs.

**Carly Kristin Bordelon (PST.020209):** 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 suspension of her license, the period of suspension was suspended, and the license was placed on probation for five years beginning December 7, 2022 and terminating on December 7, 2027, subject to certain conditions enumerated within the voluntary consent agreement; and further, assessed administrative costs.

**Parkway Pharmacy, LLC, dba Parkway Pharmacy (Sterlington, LA) (PHY.007954):** 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 placing the permit on probation for five years beginning on February 15, 2023 and terminating on February 15, 2028, subject to conditions; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

**Parkway Pharmacy South, LLC, dba Parkway Pharmacy South (Richwood, LA) (PHY.008353):** 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 placing the permit on probation for five years beginning on February 15, 2023 and terminating on February 15, 2028, subject to conditions; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

**Lateef Abioye Odeyemi (PST.022134):** 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 placing his license on probation for five years beginning on February 15, 2023 and terminating on February 15, 2028, subject to conditions; and further, assessed administrative costs.

**Timothy Derek Hardy (PST.022161):** Mr. Valentine moved to approve the proposed voluntary consent agreement. After a second to the motion and a call for discussion, Dr. Strong questioned whether third party billing was involved. Mr. Finalet informed the members that the action will be reported to the National Practitioner Data Bank and prior to meeting with the violations committee the pharmacies did reverse the third-party claims. 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 letter of reprimand; and further, assessed administrative costs.

**Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 02012 (Alexandria, LA) (PHY.005354):** 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 an admission and the Board assessed a fine of \$15,000 plus administrative and investigative costs.

**Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 110-02982 (Baton Rouge, LA) (PHY.002942):** 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 an admission and the Board assessed a fine of \$5,000 plus administrative and investigative costs.

**Cecilia Medicine Shoppe, Inc, dba Cecilia Medicine Shoppe, Inc (Breux Bridge, LA) (PHY.008166):** 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 letter of warning; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

**Phillip Joseph Daigle, Jr. (PST.014789):** 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 letter of warning; and further, assessed administrative costs.

**Ochsner Clinic Foundation, dba Ochsner Foundation Hospital Pharmacy (New Orleans, LA) (PHY.000835):** Mr. Valentine moved to approve the proposed voluntary consent agreement. After a second to the motion and a call for discussion, Dr. Strong questioned if the technician involved in the matter was disciplined. Mr. Finalet confirmed no action was taken on the technician. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include an admission and the Board assessed a fine of \$2,500 plus administrative and investigative costs.

Mr. Valentine reported the committee's next meeting was scheduled for March 15, 2023 to consider the 18 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 to consider two referrals from staff which were both applications for new credentials. Following their interviews of the applicants and subsequent deliberations, the committee developed a recommendation for the Board's consideration. Ms. Hall then presented the following cases:

**Kyle Kaminski (PST Applicant):** Ms. Hall moved to approve the proposed voluntary consent agreement. After a second to the motion and a call for discussion, Mr. LaGrange questioned the applicant's practice location. Ms. Hall and Mr. Finalet provided clarification. There were no other 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 February 15, 2023 and terminating on April 13, 2027, suspended the suspension, and placed the credential on probation for the period of suspension, subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative costs.

**Kimberly Lynn Norris (PTC Applicant):** 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 February 15, 2023 and terminating on February 15, 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; and further, assessed administrative costs.

Ms. Hall then reported the committee conducted their annual review of the Board's roster of approved addictionists. In addition to the current list of practitioners, the committee recommended the addition of a physician, Joshua David Sanderson, M.D., to the roster. On behalf of the committee, Ms. Hall then moved,

***Resolved, to renew the Board's approval of the updated Roster of Approved Addictionists for Fiscal Year 2022-2023.***

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 her fellow committee members for their ongoing work.



F. *Reinstatement Committee*

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong reported that since the committee's last meeting on November 15, 2022 the Board office received no reinstatement requests which required consideration by the committee, so the committee did not meet. Dr. Strong then referred the members to a report listing all the reinstatement actions by the committee chair and licensing staff in accordance with Board policy since the last meeting which was included in the Board member reading room.

Dr. Strong 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 had not met since February 4, 2020 and did not have a report.

H. *Regulation Revision Committee*

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee met on January 18, 2023 and completed their work on one legislative proposal and four regulatory proposals. Mr. Indovina then presented the committee's recommendations.

- Legislative Proposal 2023-B ~ PMP Advisory Council Meetings (Draft #1)

Mr. Indovina reported the committee received a proposal from the Prescription Monitoring Program (PMP) Advisory Council to amend PMP law to reduce the required number of advisory council meetings and provide for meetings by electronic means. After reviewing the proposal, the committee voted to recommend its approval. Mr. Indovina then moved,

***Resolved***, to approve *Legislative Proposal 2023-B ~ PMP Advisory Council Meetings (Draft #1)*, and further, to authorize its filing in the *Regular Session of the 2023 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 vote in the affirmative.

- Regulatory Proposal 2022-K ~ Pharmacy Change of Ownership Procedures (Draft #3)

Mr. Indovina reported the committee received a request from a pharmacy owner to consider a modification to our current pharmacy change of ownership procedures. The idea of a change has been discussed in conversations over the past several years and the

committee requested staff to research and develop a proposal for the committee. Staff provided research and a proposal which led to Draft #3 by the committee. The regulatory proposal would amend Section 1135 of the Board's rules relative to pharmacy change of ownership procedures. Under the proposed language, a permit application and subsequent issuance of a new pharmacy permit number would not be required unless there is a change in the identity of the natural person, partnership, or business entity which directly holds the permit or there is change in the person or entity's FEIN. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

***Resolved***, to approve Regulatory Proposal 2022-K ~ Pharmacy Change of Ownership Procedures (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.

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

- Regulatory Proposal 2022-M ~ Staffing Ratios (Draft #3)

Mr. Indovina reported, during the COVID-19 public health emergency the Board issued interim policies and rule waivers. One of those waivers included flexible staffing ratios. Under the flexible staffing ratios policy, the supervising pharmacist was able to adjust the ratios of different categories of personnel as long as a maximum of 4 licensed personnel per pharmacist was maintained. This policy was in effect from March of 2020 until December 31, 2022 and the benefits were noted. The committee's proposal amends Sections 709 and 907 of the Board's rules relative to staffing ratios for pharmacy interns and technicians to provide for a flexible ratio. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

***Resolved***, to approve Regulatory Proposal 2022-M ~ Staffing Ratios (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.

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

- Regulatory Proposal 2022-O ~ Marijuana Pharmacy (Draft #3)

Mr. Indovina reported several Acts from the 2022 Regular Session of the Louisiana Legislature amended state law concerning therapeutic use of marijuana. As the committee began its work to

address the legislative changes it noted the significant amount of marijuana pharmacy regulations. Recognizing the necessity for the quantity and details of the regulations in the beginning of the Louisiana marijuana pharmacy program, the committee felt a reduction in the number and specific details of the regulations would be appropriate since the program has matured. The committee performed an extensive review of the regulations, developed Draft #3, and voted to recommend approval of the proposal. Mr. Indovina then moved,

***Resolved***, to approve Regulatory Proposal 2022-O ~ Marijuana Pharmacy (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.

There were no member questions. With respect to public comments, Peter Prevot questioned the promulgation process specifically in regards to active state supervision and the length of time until the rule becomes final. Mr. Fontenot explained the process involved in the Department of Justice's Occupation Licensing Review Program and provided a 6 month estimate for completion of the project, provided there are no complications. Mr. Prevot also questioned if the Board would consider enforcement discretion until the rule becomes final. President McKay stated the rule does not go into effect until the conclusion of the promulgation process. There were no other public comments. The motion was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2023-A ~ DATA-Waiver Registration Elimination (Draft #1)

Mr. Indovina reported the federal Consolidated Appropriations Act of 2023 eliminated the "DATA-Waiver Program" and as a result, DATA-Waiver registration numbers no longer exist and are no longer needed on any prescription. Since the registration number issued by DEA no longer exist, prescriptions are not required to include that data element. Staff identified two (2) Paragraphs in Section 2745 of the Board's rules which refer to the waiver number and the proposal was developed. The committee voted to recommend approval of the proposal. Mr. Indovina then moved,

***Resolved***, to approve Regulatory Proposal 2023-A ~ DATA-Waiver Registration Elimination (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule, 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.

At this point, Mr. McKay declared a recess. It was noted the members recessed at 9:48 a.m. and then reconvened at 10:08 a.m.

*I. Executive Committee*

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee members considered two policy documents, two legislative proposals, and other matters presented to the committee, all of which was posted on the agenda. Mr. McKay indicated Ms. Hall was prepared to offer motions on behalf of the committee and reminded the members links to the materials could be found in the Board member reading room.

- Consideration of Proposed Revision PPM.II.D.2.a ~ Record Retention Schedule

Mr. McKay reported in November 2020 the Secretary of State approved the Board's record retention policy. Since that time, staff identified a significant volume of files for trainees, primarily the files of pharmacy technician candidates, who abandoned the process of pursuing their certified pharmacy technician certificate. These abandoned files represent a significant amount of space in our already overcrowded credentialing files. After reviewing the proposal presented by staff, the committee voted to recommend your approval of the new policy. Ms. Hall then moved,

***Resolved***, to approve the Proposed Revision of PPM.II.D.2.a ~ Record Retention Schedule, and further, to authorize the President to approve amendments as may become necessary when seeking approval from the Secretary of State.

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

- Consideration of Proposed Revision PPM.I.C.5.a ~ Reinstatement Committee – Case Management

Mr. McKay reported the committee reviewed the proposed revision recommended by staff and determined a referral to the Board's Regulation Revision Committee was in order. It does not require any action from the Board. There were no member questions or comments.

- Consideration of Legislative Proposal 2023-A ~ CDS Schedule Update (Draft #1)

Mr. McKay reported this proposal is the Board's annual bill to harmonize the federal and state lists of controlled substances. The items in this bill were added to the federal list by the DEA and this proposal will place the same items in the same schedule on the state list. After reviewing the proposal, the committee voted to recommend your approval. Ms. Hall then moved,

***Resolved***, to approve Legislative Proposal 2023-A ~ CDS Schedule Update (Draft #1), and further, to authorize its filing in the Regular Session of the 2023 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 vote in the affirmative.

- Consideration of Legislative Proposal 2023-C ~ Immunizations (Draft #1)

Mr. McKay reported the committee reviewed the proposal and decided to take no action at this time. There were no member questions or public comments.

- Consideration of Contract Modification with Bamboo Health Inc., formerly known as Appriss Inc.

Mr. McKay reported that during the May 2022 meeting of the Board, the Board approved the proposed agreement for the integration of PMP Gateway and NarxCare in the state prescription monitoring program in an amount not to exceed \$500,000 for Fiscal Year 2022-2023. The funds were provided through a federal grant obtained by the Louisiana Department of Health (LDH) - Office of Public Health - Bureau of Community Preparedness. The integration services funded by the grant was scheduled to conclude on December 31, 2022. However, staff was informed by LDH that it was able to provide an additional \$578,000 in federal grant funds to continue the PMP integration services from January 1 through September 30, 2023 and \$22,000 to cover the costs associated with the RxCheck Hub connection maintenance for calendar year 2023 for a total of \$600,000. The RxCheck hub connection is a special condition of the federal grant and LDH needs the connection to be maintained to be in compliance with the grant conditions. These services through the remainder of the current fiscal year requires a modification by the Board of the proposed agreement. The committee voted to recommend your approval of the amended contract agreement. Ms. Hall then moved,

***Resolved***, to approve the revised agreement with Bamboo Health, Inc., at the stipulated rate, in an amount not to exceed \$800,000 for Fiscal Year 2022-2023.

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

- Consideration of Committee Recommendations re Requests  
Mr. McKay reported the committee reviewed requests for guidance on various issues presented which generated very good discussion among the committee members. Based on the discussions, the committee was able to provide staff with guidance on these issues. Mr. McKay reported no action by the Board is required at this time.
- Attorney General's Opinion in Response to a Request for Recission/Removal of the Previous Board Order, Refund of Assessment Paid & Removal of NPDB Report re Case No. 12-0285 – Sterling Associates, Inc. d/b/a Sterling Pharmacy (PHY.004944) [Ruston, LA]  
Mr. McKay asked Mr. Finalet to provide an overview of this agenda item. Mr. Finalet reported in response to the Board's request to the Attorney General to provide an opinion on whether the Board has the authority to expunge a Board Order, it rendered Opinion 22-0101 on February 3, 2023. There were no member questions or comments.
- Consideration of Exceptions  
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 provided the Board with an update on the medical marijuana pharmacy permit award from the December 15, 2022 hearings. In his update, Mr. Finalet reported a legal challenge to the award from West Bank Pharmacy of Belle Chase, LLC. The first hearing is scheduled for April and he plans to provide the Board an update at the May meeting. Mr. Finalet then presented the following proposed voluntary consent agreements to the members for their consideration.

**Toby Lynn Smart (CPT.005109):** 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 an arrest, which occurred on or about February 19, 2022, as part of her application for the renewal of her pharmacy technician certificate for 2022-2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

**Tony Roussel, Jr. (CPT.007595):** 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 admission to the theft of controlled substances from his employer pharmacy, the Board revoked his credential; and further, prohibited him from applying or reapplying to practice or assist in the practice of pharmacy.

**Brittney Irene Champagne (PNT.049244):** Ms. Hall moved to accept the voluntary 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 registration for an indefinite period of time commencing on December 15, 2022.

**Eugenia Marie Brignac Kocke (CPT.001732):** 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 admission to the 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.

**Harlee Ellyssa Ellerbe Pierce (CPT.012161):** 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 alleged incidences involving forged controlled substance prescriptions 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.

**Anh Thi-Tuyet Tran (PST.023429):** 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 the August 2022 board order issued by the Illinois Board of Pharmacy as part of her application for the renewal of her Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

**Tabula Rasa Healthcare Group, Inc, dba CareKinesis (Moorestown, NJ) (PHY.007106):** 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 its failure to disclose the January 2022 action taken by the Alabama Board of Pharmacy as part of its application for the renewal of its Louisiana pharmacy permit for 2023, despite specific questioning for such

information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

**Nancy Tidwell Randall (PST.021089):** 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 the June 2022 board order issued by the Kansas Board of Pharmacy as part of her application for the renewal of her Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

**Revive Rx, LLC, dba Revive Rx Pharmacy (Houston, TX) (PHY.008198):** 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 its failure to disclose the August 2022 action taken by the Iowa Board of Pharmacy as part of its application for the renewal of its Louisiana pharmacy permit for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

**Norman August Higginbotham (PST.015486):** Ms. Hall moved to accept the voluntary 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 January 27, 2023.

**Leslie Markovic Comeaux (PST.017798):** 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 an arrest, which occurred on or about May 7, 2022, as part of her application for the renewal of her Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

**Cody Lane Guitreau (PST.022345):** 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 the July 2022 board order issued by the Mississippi Board of Pharmacy as part of his application for the renewal of his Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

**Jerry Wayne Haynes, Jr. (PST.022370):** 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 probation imposed upon his North Carolina pharmacist license by the North Carolina Board of Pharmacy, the Board suspended his credential until January 17, 2024 in accordance with the period of probation imposed by the North Carolina Board of Pharmacy, suspended the suspension and placed his credential on probation for the period of suspension subject to conditions; and further, assessed administrative costs.

**Claudia LaVerne Hale (PST.014415):** 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 the January 2022 board order issued by the Alabama Board of Pharmacy as part of her application for the renewal of her Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

**Robyn Ann Butler (PTC.029219):** Ms. Hall moved to accept the voluntary 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 registration for an indefinite period of time commencing on February 9, 2023.

**Allen W. Anthony, Jr. (PST.024606):** 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 the November 2022 board order issued by the Kansas Board of Pharmacy and the November 2022 board order issued by the Oregon Board of Pharmacy as part of his application for the renewal of his Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$2,000 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. Mr. Fontenot reviewed the statistics providing answers to member questions regarding the material.

Mr. Fontenot then directed the members to the requests from seven (7) 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:

- > PHY.008546-NR – Better Dose Rx;
- > PHY.008467-NR – Highland Pharmacy;
- > PHY.007411-HOS – Northlake Behavioral Health System;
- > PHY.008504-HOS – Ochsner American Legion Hospital Pharmacy;
- > PHY.008560-NR – ScriptHero Pharmacy, LLC;
- > PHY.008463-NR – Walgreens Central Fill #21389; and
- > PHY.007223-HOS – West Jefferson Medical Center Pharmacy.

once they have executed the standard consent agreement for that purpose.

There was a second to the motion, by Mr. Mercante, which led to a question by Mr. LeBas. Mr. LeBas asked if the requests for exemptions are made annually. Mr. Fontenot replied the requests are presented quarterly. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Finally, 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 binder.

*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 10:38 a.m.

*Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on May 24, 2023.*

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Richard M. Indovina, Jr.  
Secretary