



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, August 17, 2022 at 9:00 a.m.
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, August 17, 2022 at the office of 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 9:04 a.m.

2. Invocation & Pledge of Allegiance

Mr. Rhonny Valentine delivered the invocation and Ms. Jacqueline L. Hall 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:

Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Mr. David A. Darce
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. W. Charles Jones
Mr. Kevin LaGrange
Mr. Richard Mannino
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
Mr. Rhonny K. Valentine

Members Absent:

Mr. Robert C. LeBas

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
Mr. Cary Aaron, Compliance Officer
Ms. Alicia Fidanza, Compliance Officer
Ms. Becky Parker, Compliance Officer
Mr. Huey Savoie, Compliance Officer

Guests:

Mr. Ben J. Sims – Brookshire Grocery Co.
Dr. Natasha S. Seals – La. Dept. of Health
Mr. Paul D. Menasco – Ochsner Health System
Dr. Heather N. Maturin – Ochsner Health System
Ms. Myra Thomas – Ochsner Health System

Dr. Audry Barrera – Ochsner Health System
Mr. Randal Johnson – Louisiana Independent Pharmacies Association
Dr. Tram Nguyen – Walgreens
Ms. Shelly Dupre – Louisiana Alliance of Retail Pharmacies
Dr. Geoffrey Gros – Wal-Mart

Mr. Indovina certified Mr. LeBas was absent; however, the remaining 16 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated August 14, 2022. 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 Meetings

Mr. McKay reminded the members they had received the draft minutes from the Regular Board Meeting held on May 11, 2022 in Baton Rouge, Louisiana. Without objection, he waived the reading of the draft minutes. With no requests for amendments or corrections, and without objection, Mr. McKay declared the minutes for the meeting 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 binder. Mr. Fontenot called the members attention to Regulatory Proposal 2021-A ~ Collaborative Practice. Mr. Fontenot noted during the 2022 Regular Session of the Louisiana Legislature, the Board's Executive Director was informed by Senate Health & Welfare Committee Attorneys that the Board could proceed with the promulgation process; there was no requirement to jointly promulgate with the Louisiana State Board of Medical Examiners (LSBME). The Board's Executive Director contacted the LSBME Executive Director to work collaboratively on this project. The LSBME Executive Director agreed and plans are underway to schedule a meeting with both Executive Directors and Board Presidents to discuss the project. There were no member questions.

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 physical meeting in accordance with policies and procedures previously approved by the Board, Mr. Resweber moved,

Resolved, that the actions taken and decisions made by the Board officers, members and committees, and executive director in the general conduct and transactions of Board business since May 11, 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 about 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 mission and legislative mandate in mind as they considered all the matters before them.

9. *Special Orders of the Day*

None.

10. *Committee Reports*

A. *Finance Committee*

Mr. Resweber informed the members the committee had reviewed the *Final Report for Fiscal Year 2021-2022* the previous day, which was included in the member binder, and voted to recommend the approval of the report subject to legislative audit. On behalf of the committee, he moved,

Resolved, to accept the *Final Report for Fiscal Year 2021-2022*, subject to legislative audit.

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

Mr. Resweber reminded the members they had approved the budget for the current fiscal year in November 2021, and that staff had prepared a proposed budget amendment using the final report for the previous fiscal year just approved. Mr. Resweber directed the Board members to the proposal link in their Board member reading room. He reported the committee had voted to approve the proposed budget amendment and offered a motion for the approval of that proposed budget amendment:

Resolved, to adopt, *Proposed Budget Amendment No. 1 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, Mr. Resweber expressed his appreciation to the other committee members for their ongoing efforts.

B. *Application Review Committee*

Mr. McKay called upon Mr. Robichaux for the committee report. Mr. Robichaux reported the committee had not met since their last meeting on January 4, 2022 and therefore had no report for this meeting.

Finally, Mr. Robichaux expressed his appreciation to the other committee members for their ongoing efforts.

C. *Reciprocity Committee*

Mr. McKay called upon Dr. Cloud for the committee report. Dr. Cloud reported the staff had evaluated 90 applications for pharmacist licensure by reciprocity since the last 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. Dr. Cloud then directed the members to a list in their meeting binder of the new pharmacists licensed by reciprocity since the previous Board meeting.

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

D. Violations Committee

Mr. McKay called upon Mr. Valentine for the committee report. Mr. Valentine reported the committee met on June 8-9, 2022 to consider the 31 cases on their agenda. Following the committee interviews and subsequent deliberations, the committee continued 3 of the cases until a future date, took no action on 7 of the cases, issued non-disciplinary Letters of Noncompliance to 4 of the respondents, and deferred consideration for one respondent pending receipt of results from a medical evaluation. The committee offered proposed voluntary consent agreements to the remaining 16 respondents. The remaining 16 respondents agreed to their proposals. Mr. Valentine directed the members to copies of those proposals in their meeting binder and then presented the following cases to the members for their consideration.

DeliverIt Pharmacy Infusion Center, LLC d/b/a DeliverIt Pharmacy Infusion Center (PHY.008092) [Sugar Land, TX]: 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 Board placed the permit on probation for one year upon reinstatement of the permit, and further, assessed administrative and investigative costs. Furthermore, failure to reinstate by January 1, 2023 shall result in the indefinite suspension of the permit.

Ochsner Pharmacy and Wellness, LLC d/b/a Ochsner Pharmacy and Wellness-Primary Care and Wellness (PHY.006907) [New Orleans, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Indovina abstained from consideration. 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.

Elisa Thong (PST.020783): 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 Board issued a Letter of Warning, and further, assessed administrative and investigative costs.

Wal-Mart Louisiana, LLC d/b/a Wal-Mart Pharmacy #10-0541 (PHY.004778) [Covington, LA]: 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, submission of a Plan of Action for a systems corporate safeguard, and assessed a fine of \$1,000 plus administrative and investigative costs.

Kinesha Nicole Wall (PTC.028626): 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 Board issued a Letter of Warning, and further, assessed administrative costs.

Wal-Mart Louisiana, LLC d/b/a Wal-Mart Pharmacy #10-0961 (PHY.004792) [LaPlace, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Cassidy presented a question to Mr. Valentine which was answered. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning and assessed a fine of \$1,000 plus administrative and

investigative costs.

Walgreen LA Co. d/b/a Walgreen Pharmacy #11196 (PHY.005895) [Geismar, LA]: 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.

Walgreen LA Co. d/b/a Walgreen Pharmacy #15402 (PHY.006786) [Minden, LA]: 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 \$7,500 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy #5326 (PHY.005866) [Shreveport, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. McKay noted a tiered approach with repeated violations of this kind in regards to the fine amount. There were no further member comments and no 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 \$50,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy #5285 (PHY.005797) [Lafayette, LA]: 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.

Vidrine Pharmaceutical Group, LLC d/b/a Boudreaux's New Drug Store (PHY.008142) [Lake Charles, LA]: 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.

Kylee Brooke Vidrine (PST.021317): 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 Board issued a Letter of Warning, directed the successful completion of Critical Point's QP503 Certification by August 17, 2023, and further, assessed a fine of \$2,500 plus administrative costs.

Marshall Alan Peterson (CPT.005480): Mr. Valentine moved to approve the proposed voluntary active surrender. 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 certificate for an indefinite period of time effective June 9, 2022.

Wellness Pharmacy, LLC d/b/a Wellness Pharmacy (PHY.008090) [Baton Rouge, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Cassidy presented a question to Mr. Valentine regarding a fine which was answered. There were no further member questions or public comments.

The motion was adopted after a unanimous vote in the affirmative. The Board revoked the permit effective August 17, 2022.

Duy Tung Nguyen (PST.019806): Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Indovina presented a question to verify which credential was being disciplined and Mr. Finalet provided the answer. There were no further 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 effective August 17, 2022.

Kawanda Ann DeGruy (CPT.015782): 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 Board revoked the certificate, and further, the respondent is prohibited from applying or reapplying with the Board to practice or assist in the practice of pharmacy.

Mr. Valentine then directed the members to the complaint investigation policy monitor report in their meeting binder. He informed the members there were 174 open cases at the beginning of the fiscal year, that staff had opened 377 new cases and closed 441, leaving 110 cases pending as of June 30, 2022. Of the 441 case closures, he reported the average number of days to complete the investigation was 40 days. In addition, 10 of those case closures (2.3%) had exceeded the policy benchmark of 180 days. He also reminded the members the most common reason for an investigation to exceed the 180-day threshold was a collaborative investigation with other state or federal agencies.

Mr. Valentine reported the committee's next meeting was scheduled for September 14-15, 2022 to consider the 30 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 five referrals from the staff. One referral, a reciprocity applicant, was approved for licensure without the need for further Board action. She then presented the following cases to the members for their consideration.

Tiffany Annette Pitre (CPT.001615): 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 her technician certificate and placed her under the standard terms of the Impairment Recovery Program with a five-year period of probation.

Jason Warren Dupeire (PST.018298): 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 his pharmacist license and placed him under the standard terms of the Impairment Recovery Program with a ten-year period of probation.

Brent Van Landry (PST.017440): Ms. Hall moved to grant his request for modification of previous 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 Board order, removed Article 2-f from his August 2021 Board Order which restricted him from supervising pharmacy technician candidates and interns, then reiterated all remaining terms of that Board Order.

Leslie Marie Louviere (CPT.006245): 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 her technician certificate under the standard terms of the Impairment Recovery Program with a five-year period of probation.

Ms. Hall reported the committee considered the addition of John W. Thompson, Jr., M.D. to the roster of approved addictionists. After a review of his qualifications, the Committee reports him favorably to the Board for approval as one of the Board's treating professionals. She then moved,

Resolved, to approve the addition of John W. Thompson, Jr., M.D. to the *Roster of Approved Addictionists*.

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 work the previous day.

F. Reinstatement Committee

Mr. McKay called upon Mr. Cassidy for the committee report. Mr. Cassidy reported the committee met the previous day to consider three petitions for reinstatement and one request for modification of previous orders. The modification request was withdrawn. He then presented the following cases to the members for their consideration.

Anne Louise Robichaux (CPT.010312): Mr. Cassidy 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 expired certificate and placed her on probation for two years beginning August 17, 2022 and terminating on August 17, 2024, with the condition that she not violate or be found guilty of violating any local, state, or federal pharmacy laws or laws regarding controlled dangerous substances.

Richard James Hagan, Jr. (PST.017614): Mr. Cassidy moved to reinstate his pharmacist license. 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 lapsed license, then restored the license to active and unrestricted status.

Rufus Deon Whitmore (CPT.008495): Mr. Cassidy moved to reinstate his technician certificate. 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 lapsed credential, then restored the certificate to active and unrestricted status.

Mr. Cassidy referred the members to the report, included in the posted committee meeting agenda, listing all the interim reinstatement actions by the committee chair and licensing staff. He then closed his report with appreciation to the other committee members for their efforts the previous day.

G. Tripartite Committee

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong reported the committee had not met since February 2020 and there was no report for this meeting. He reminded the members the committee was available to address any issues relative to pharmacy education the Board may refer to the committee.

Dr. Strong closed his report with appreciation to his fellow committee members for their willingness to address any issues referred to the committee.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee met on July 27 and their work continues on the following regulatory proposals:

- Regulatory Proposal 2021-C ~ Prescriptions;
- Regulatory Proposal 2022-K ~ Pharmacy Change of Ownership;
- Regulatory Proposal 2022-L ~ Temporary Closure of a Pharmacy; and
- Regulatory Proposal 2022-M ~ Staffing Ratios.

Mr. Indovina updated the Board in regards to the review of Section 1141 Centralized Prescription Dispensing and the ongoing Wal-Mart pilot project. Mr. Indovina reported the committee determined Wal-Mart's activities at issue fall under the Board's current allowances in its regulations and does not require further action by the Board.

Mr. Indovina reported the committee noted the current status of USP <800> Hazardous Drugs as informational since it is not mentioned in an existing official chapter. Once the revised USP <795> and <797> chapters become official, that will trigger USP <800> to be federally enforceable. The committee concluded no action was necessary in regards to USP <800>.

Mr. Indovina then provided updates in regards to ongoing regulatory projects. The following three projects are scheduled for publication as Final Rule in the Louisiana Register on August 20, 2022:

- Regulatory Project 2022-03 ~ Marijuana Pharmacies;
- Regulatory Project 2022-04 ~ Pharmacy Benefit Managers; and
- Regulatory Project 2022-05 ~ Pharmacy Operations.

The following five projects are scheduled for a public hearing on August 26, 2022 to receive comments and testimony:

- Regulatory Project 2022-06 ~ Nonresident Pharmacies;
- Regulatory Project 2022-07 ~ Licensing Dependents of Healthcare Professionals Relocating to Louisiana;
- Regulatory Project 2022-08 ~ Transfer of Prescription Information;
- Regulatory Project 2022-09 ~ Partial Fills of CDS Prescriptions; and
- Regulatory Project 2022-10 ~ Compounding.

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

At this point, Mr. McKay declared a brief recess. It was noted the members recessed at 09:45 a.m. and then reconvened at 10:05 a.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 members reviewed several policy documents, took formal notice of new legislation adopted during the Regular Session of the 2022 Legislature, reviewed the compliance questionnaire for the current legislative audit, reviewed staffing issues, and other matters presented to the committee. He indicated Ms. Hall was prepared to offer motions on behalf of the committee and links to these items are included in the Board member reading room.

- Consideration of request for Rescission/Removal of Previous Board Order, Refund of Assessment Paid & Removal of National Practitioner Data Bank (NPDB) Report re Case No. 12-0285 – Sterling Associates, Inc. d/b/a Sterling Pharmacy (PHY.004944) [Ruston, LA]

Ms. Hall then moved,

Resolved, that the Louisiana Board of Pharmacy requests an Attorney General's opinion from Jeff Landry, Attorney General for the state of Louisiana, on whether the Louisiana Board of Pharmacy has the authority under Louisiana Law to expunge a Board Order it has issued.

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

- Request to Approve "Visiting Qualifying Patient Form" in Response to Act 438 (HB135) by LATA

Mr. McKay reported the Act requires a marijuana pharmacy to use a form, approved by the Board, for "visiting qualifying patients" to self-certify a diagnosis by a licensed physician of one or more debilitating medical conditions. Mr. McKay reported the committee voted to recommend approval. Ms. Hall then moved,

Resolved, to approve the "Visiting Qualifying Patient Form" in Response to Act 438 of the 2022 Regular Session of the Louisiana Legislature submitted by LATA (Draft #2).

Mr. Indovina presented a question in regards to record retention requirements of the form and Mr. McKay provided an answer. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Consideration of Proposed PPM.II.B.5.e ~ Americans with Disabilities Act (ADA) (Draft #1)

Mr. McKay informed the members that Act 103 (HB 143) of the 2022 Regular Session of the Louisiana Legislature requires every executive branch agency to develop policies and procedures to ensure compliance with the Americans with Disabilities Act which shall be applicable to all public servants at the agency, applicants for employment, as well as all persons seeking services from the agency. He informed the members that the committee voted to recommend approval of the new policy. Ms. Hall then moved,

Resolved, to approve the proposed new PPM.II.B.5.e ~ Americans with Disabilities Act (ADA) (Draft #1).

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

- Consideration of Proposed Revision of PPM.I.B.6 ~ Board Liaisons to Other Entities (Draft #1)
 Mr. McKay informed the members that in response to several Acts from the 2022 Regular Session of the Louisiana Legislature in which the Board of Pharmacy was named in some capacity as a member of a committee, task force, or council, *PPM.I.B.6 ~ Board Liaisons to Other Entities* was revised to update the membership to these entities. Ms. Hall then moved,
Resolved, to approve the proposed revision of *PPM.I.B.6 ~ Board Liaisons to Other Entities (Draft #1)*.
 There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.
- Consideration of Proposed Revision of LPM.III.A ~ Procedures for Managing Assets (Draft #1)
 Mr. McKay informed the members the committee reviewed a proposed change to the Board's Loss Prevention Manual increasing the dollar amount of movable property required to be tagged and entered into the Asset Management System from \$250 to \$1,000 to reflect the current state requirement and the committee voted to recommend approval of the revision. Ms. Hall then moved,
Resolved, to approve the proposed revision of *LPM.III.A ~ Procedures for Managing Assets (Draft #1)*.
 There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.
- Consideration of Final Legislative Brief from 2022 Legislature
 Mr. McKay reported the committee reviewed the final brief from the regular session of the 2022 legislature and noted the suggested action plans from staff. He noted some of the items had already been implemented and others require committee referrals. He also noted the committee voted to recommend approval of the final brief and its suggested action plans. Ms. Hall then moved,
Resolved, to approve the *Final Brief from the Regular Session of the 2022 Legislature* and its action plans for implementation of legislation.
 There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.
- Consideration of Compliance Questionnaire for Annual Legislative Audit
 Mr. McKay reported the committee reviewed the Compliance Questionnaire for the 2022 Legislative Audit prepared by staff and voted to recommend your approval of it. Ms. Hall then moved,
Resolved, to approve the *Compliance Questionnaire for 2022 Legislative Audit*.
 There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

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

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.

Justin Anthony Brown (PST.022473): 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 issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Ross Joseph Brignac (CPT.010674): 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Shaterica Michelle Sessions (CPT.013326): 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 discipline terms include probation until February 11, 2025, and further, assessed a fine of \$250 plus administrative costs.

Jonnisha Marie Allen (CPT.015726): 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 discipline terms include probation until November 12, 2024, and further, assessed a fine of \$250 plus administrative costs.

Don's Pharmacy, LLC d/b/a Don's Pharmacy (CDS.048003) [Chalmette, LA]: Ms. Hall moved to accept the voluntary surrender. 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, resulting in active suspension of the license for an indefinite period of time effective July 27, 2022.

Don Anthony Serpas (PST.013027): Ms. Hall moved to accept the voluntary surrender. 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, resulting in active suspension of the license for an indefinite period of time effective July 29, 2022.

Priscilla Lynn Hayes (CPT.010078): 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 issued a Letter of Reprimand; and further, assessed a fine of \$250 plus administrative costs.

Harley Danielle Doucet (CPT.015914): 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 issued a Letter of Reprimand; and further, assessed a fine of \$250 plus

administrative costs.

Sameer Wadhwa (CPT.015701): 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 issued a Letter of Reprimand; and further, assessed a fine of \$250 plus administrative costs.

Mariah Lorraine Brooks (CPT.015158): Ms. Hall moved to approve the proposed voluntary consent agreement. Mr. LaGrange requested clarification of the credential number. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed a fine of \$250 plus administrative costs.

Jenaye Raquel Howard (CPT.014709): 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 issued a Letter of Reprimand; and further, assessed a fine of \$250 plus administrative costs.

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

K. Report of 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, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. Mr. Fontenot noted the decrease in controlled substance prescription numbers particularly the decrease in opioid prescription numbers dispensed. He also noted the continued increase in utilization of the PMP by prescribers and dispensers especially by the users with information systems being interoperable with the PMP. The quarterly report also included information on therapeutic marijuana patient counts by LDH Regions.

Mr. Fontenot provided the Board an overview of Act 491 of the 2022 Regular Session in regards to the Board's issuance of the tenth marijuana pharmacy permit and the issuance of marijuana satellite pharmacies. He updated the Board on staff's efforts to comply with the act and ongoing plans.

Mr. Fontenot then directed the members to the requests from 24 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.008502-NR – AllianceRx Walgreens Pharmacy #1403-1 (FL);
- > PHY.008305-NR – Allivet (IN);
- > PHY.008456-NR – Allivet (NV);
- > PHY.008494-NR – Apovia Pharmacy Services (PA);
- > PHY.008488-NR – ASPN Pharmacies, LLC (NJ);
- > PHY.008500-NR – Biologics by McKesson (TX);
- > PHY.008503-NR – Chewy Pharmacy, LLC (PA);
- > PHY.001530-HOS – Citizens Medical Center Pharmacy (LA);
- > PHY.008471-NR – Doc Lane's Veterinary Pharmacy (KY);
- > PHY.004950-IR – First Call Pharmacy (LA);
- > PHY.007580-NR – Freedom Pharmacy (FL);
- > PHY.008495-IR – Gretna Xpress Pharmacy (LA);
- > PHY.008447-NR – LeMed Pharmacy III, LLC (NY);
- > PHY.008337-NR – Lemonaid Pharmacy (MO);

- > PHY.008478-NR – Meds Health (IL);
- > PHY.008439-NR – Memorial Hermann Pharmacy Services (TX);
- > PHY.008448-NR – MiniMed Distribution Corporation (TX);
- > PHY.000812-HOS – Natchitoches Regional Medical Center Pharmacy;
- > PHY.008477-NR – NuFactor, Inc. (TX);
- > PHY.008510-NR – Preferred Pharmacy (TX);
- > PHY.008303-NR – Rosemont Specialty Pharmacy (FL);
- > PHY.008297-NR – Vet Perfect, Inc. (FL);
- > PHY.008308-NR – Walgreens Central Fill #21373 (TX); and
- > PHY.008509-NR – Westchester Compounding Pharmacy, Inc. (NY), once they have executed the standard consent agreement for that purpose.

Mr. Mannino made a statement but was able to find the clarification he was seeking in the material provided. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. Fontenot then directed the members to his report in the meeting binder. He reviewed the following topics:

- Reports
 - Exceptions Report
 - Census Report
 - Licensure Activity Report
 - Pending Applications Report
 - Complaint Investigation Policy Monitor

Finally, Mr. Fontenot indicated the conclusion of his report.

Mr. Resweber requested an update on the upcoming NABP District 6-7-8 meeting and the MALTAGON conference. Mr. Fontenot responded by providing dates and information available. Mr. McKay provided additional information and background regarding these associations and their meetings.

An open discussion continued between Board members and guests regarding several topics – DEA and their stance regarding what a pharmacist can add to a schedule 2 prescription, emergency prescriptions pursuant to the Public Health Emergency, and Electronic Prescribing for Controlled Substances (EPCS).

12. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

13. Announcements

The member binders contained meeting announcements and dates.

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 10:52 a.m.

Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on November 16, 2022.

Richard M. Indovina, Jr.
Secretary