



**Louisiana Board of Pharmacy**  
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# Minutes

## **Regular Board Meeting**

Wednesday, November 16, 2022 at 10:00 a.m.  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, November 16, 2022 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 10:00 a.m.

*2. Invocation & Pledge of Allegiance*

Mr. Rhonny Valentine delivered the invocation and Mr. McKay 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. Richard Mannino  
Mr. Marty R. McKay  
Ms. Chris B. Melancon  
Mr. J. Troy Menard  
Mr. Anthony G. Mercante  
Mr. Blake P. Pitre  
Mr. Don L. Resweber  
Dr. Raymond J. Strong  
Mr. Rhonny K. Valentine

**Members Absent:**

Mr. 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  
Mr. Cary D. Aaron, Compliance Officer  
Ms. Nicole L. Gross, Compliance Officer  
Ms. Becky C. Parker, Compliance Officer  
Mr. Huey J. Savoie, Compliance Officer  
Ms. Kelley L. Villeneuve, Office Manager

**Guests:**

Mr. Robert P. Sonnier – Pharmacist Gold Certificate Recipient  
Mr. Larry J. Guilbeau – Pharmacist Gold Certificate Recipient  
Ms. Vicki Guilbeau  
Mr. Paul M. Chachere – Pharmacist Gold Certificate Recipient  
Mr. Brian A. Bond – Pharmacist Gold Certificate Recipient  
Ms. Pam Bond  
Mr. Brian D. Bond  
Ms. Kaity Bond  
Mr. Samuel Bond  
Mr. Noah Sharp  
Mr. Ben J. Sims – Brookshire Grocery Co.  
Mr. Alvin H. Davis – Pharmacist Gold Certificate Recipient  
Mr. Perry Catchings, Wal-Mart Stores Inc.  
Ms. Jennifer Hew  
Mr. Maurice Y. Hew – Pharmacist Gold Certificate Recipient  
Ms. Jessica Hew  
Ms. Patricia Ellzey  
Malcolm J. Broussard  
Ms. Cate Creed – PCMA  
Mr. Paul Menasco – Ochsner  
Mr. Peter Prevot – La. Association for Therapeutic Alternatives  
Ms. Shelly Dupre – Louisiana Retailers Association  
Mr. Grayson Walsh – La. Independent Pharmacies Association

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 November 10, 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 Meeting***

Mr. McKay reminded the members they had received the draft minutes from the Regular Board Meeting held on August 17, 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 binder. 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 physical meeting in

accordance with policies and procedures previously approved by the Board, Ms. Hall 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 August 17, 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*

##### *A. Presentation of Pharmacist Gold Certificates*

Mr. McKay presented a Pharmacist Gold Certificate to each of the following pharmacists:

**Mr. Larry J. Guilbeau (PST.009709)** was licensed by the Board on May 22, 1970 and has maintained his license continuously since then.

**Mr. Alvin H. Davis (PST.010011)** was licensed by the Board on May 19, 1972 and has maintained his license continuously since then.

**Mr. Brian A. Bond (PST.010082)** was licensed by the Board on November 20, 1972 and has maintained his license continuously since then.

**Mr. Paul M. Chachere (PST.010090)** was licensed by the Board on November 20, 1972 and has maintained his license continuously since then.

**Mr. Maurice Y. Hew (PST.010115)** was licensed by the Board on November 20, 1972 and has maintained his license continuously since then.

**Mr. Robert P. Sonnier (PST.010148)** was licensed by the Board on November 20, 1972 and has maintained his license continuously since then.

The members and guests congratulated all the recipients with generous applause.

At this point, Mr. McKay declared a brief recess. It was noted the members recessed at 10:24 a.m. and then reconvened at 10:32 a.m. Mr. McKay resumed the sequence of the posted agenda.

## B. Annual Election of Board Officers

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

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

Mr. McKay thanked all the members for the vote of confidence by re-electing the officers.

## 10. Committee Reports

### A. Finance Committee

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber informed the members the committee had reviewed *Proposed Budget Amendment No. 2 for Fiscal Year 2022-2023* the previous day, which was included in the member reading room, and voted to recommend its approval. On behalf of the committee, Mr. Resweber moved,

**Resolved**, to adopt *Proposed Budget Amendment No. 2 for Fiscal Year 2022-2023*.

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

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

**Resolved**, to approve and adopt the *Proposed Budget for Fiscal Year 2023-2024*.

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.

### B. Application Review Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee 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 to be located in LDH Region 1 through a legislatively mandated competitive application process. Mr. Indovina explained, after 3 days of interviews and deliberations the committee made

the decision to refer 7 of the 30 applicants to the full Board with a favorable recommendation for consideration. The remaining 23 applicants, those not receiving a favorable recommendation, were notified of the committee's decision and 7 of those decided to present their application to the full Board even though they did not receive a favorable recommendation for consideration from the committee. The remaining 16 applicants decided not to appear before the full Board and withdrew their applications.

Mr. Indovina reported, the full Board is scheduled to convene a meeting on December 14th to consider the 7 applicants favorably recommended by the committee for consideration and then on December 15th to consider the 7 applicants who did not receive a favorable recommendation for consideration.

Finally, Mr. Indovina 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. He reported the staff had evaluated 70 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. Dr. Cloud 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. Valentine for the committee report. Mr. Valentine reported the committee met on September 14th and 15th, 2022 to consider the 20 cases on their agenda. Following interviews and deliberations, the committee took no action on 2 of the cases, issued non-disciplinary Letters of Noncompliance to 4 of the respondents, 4 cases will be referred for formal hearing, one respondent agreed to a no work agreement, one respondent did not renew her credential and upon a reinstatement request will be referred back to the violations committee, and one respondent relinquished her credential in lieu of discipline. The committee offered proposed voluntary consent agreements to the remaining 7 respondents and they 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.

**George Joseph Hebert, III d/b/a Hebert's Pharmacy (PHY.002260) [Breux Bridge, 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 \$3,000 plus administrative and investigative costs.

**Christopher R. Robin (PST.016333):** 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 the Board assessed administrative costs.

**Layton Pharmacy, LLC d/b/a Layton Pharmacy (PHY.007079) [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 and the Board assessed a fine of \$2,500 plus administrative and investigative costs.

**Walgreen Louisiana Co., Inc., d/b/a Walgreen Pharmacy #15109 (PHY.006580) [Jefferson, 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 \$2,500 plus administrative and investigative costs.

**Walgreen Louisiana Co., Inc., d/b/a Walgreen Pharmacy #09526 (PHY.005545) [Pineville, 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 \$35,000 plus administrative and investigative costs.

**Natalia McCarty (PST.018145):** 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 Reprimand and the Board assessed a fine of \$2,500 plus administrative and investigative costs.

**MedRx Specialty Pharmacy, LLC, d/b/a MedRx Pharmacy (PHY.007676) Bossier City, 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 revocation of the permit, effective October 18, 2022.

Mr. Valentine reported the committee's next meeting was scheduled for December 7-8, 2022 to consider the 29 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 one referral from staff which was a petition for reinstatement of a pharmacist license. Following their interview of the applicant for reinstatement and subsequent deliberations, the committee developed a recommendation for the Board's consideration. Ms. Hall then presented the following case.



**Dawn Chere Landry (PST.017223):** 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 released the applicant from a previously-executed private agreement, suspended her credential, suspended the period of suspension, and placed the license on probation for ten years beginning November 16, 2022, subject to certain terms enumerated within the voluntary consent agreement.

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, Charles D. Richardson, II, D.O., 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, as acting chair, reported the committee met the previous day to consider four referrals from staff for reinstatement of lapsed credentials. Following their interviews of the applicants and subsequent deliberations, the committee developed recommendations for the Board's consideration. Mr. McKay presented the following cases to the members for their consideration.

**Anh Thi Phuong Tran (PST.022162):** Mr. McKay moved to deny reinstatement and, further, that Ms. Tran successfully complete her current court-imposed probationary term before any future application can be considered. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

**Jaime Lea Scallan (CPT.004572):** Mr. McKay 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 lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to November 16, 2024: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific continuing pharmacy education.

**Lisa Mae Smith (CPT.009297):** Mr. McKay 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 lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to November 16, 2024: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific continuing

pharmacy education.

**Jaime Lynn Blanchard (CPT.001387):** Mr. McKay 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 lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to November 16, 2024: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; (2) acquisition of at least 10 hours of ACPE-accredited technician-specific continuing pharmacy education; and (3) successful completion of a Board-approved pharmacy technician examination (Pharmacy Technician Certification Exam administered by Pharmacy Technician Certification Board or, in the alternative, Exam for the Certification of Pharmacy Technicians administered by National Healthcareer Association).

Mr. McKay then reported the committee reviewed a proposed change to the committee's "case management" policy in the Board's Policy and Procedure Manual. Changes were made to update the policy for current needs and situations of the committee. On behalf of the committee, Mr. McKay then moved,

**Resolved**, to approve the proposed revision of *PPM.I.C.5.a ~ Reinstatement Committee – Case Management*.

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

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

**G. Tripartite Committee**

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong 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 October 11<sup>th</sup> and completed their work on four regulatory proposals and then presented the committee's recommendations.

- **Regulatory Proposal 2021-C ~ Prescriptions (Draft #7)**

Mr. Indovina reported the committee received a request from the Louisiana State Medical Society to address automated prescription refill requests, prescription ownership, and transfer of unfilled prescriptions. After extensive work by the committee on this proposal with stakeholder participation, including the State Medical Society, the committee voted to recommend approval of this proposal. Mr. Indovina then moved,

**Resolved**, to approve Regulatory Proposal 2021-C ~ Prescriptions

(Draft #7), 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-L ~ Temporary Closure of Pharmacy (Draft #3)

Mr. Indovina reported the committee received a request from CVS Health, due to the COVID-19 pandemic, to consider rule changes which would allow a pharmacy to remain open and provide already filled prescriptions to patients in the absence of a pharmacist. The committee reviewed Section 1107 of the Board's rules and determined a subsection to address this issue would be appropriate. Mr. Indovina then moved,

**Resolved**, to approve Regulatory Proposal 2022-L ~ Temporary Closure of 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 or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2022-N ~ Pharmacy Benefit Managers (Draft #1)

Mr. Indovina reported Act 536 of the 2022 Legislature amended the PBM licensing law to change the licensure requirement for PBMs operating in the state from a "may" to a "shall". In previous discussions after the passage of Act 536, the Board expressed a desire to repromulgate Chapter 30, Pharmacy Benefit Managers, in its entirety. In response to these discussions, the committee reviewed Chapter 30 and decided it would be appropriate to reduce the documents required in Section 3005 as part of the application process. Mr. Indovina then moved,

**Resolved**, to approve Regulatory Proposal 2022-N ~ Pharmacy Benefit Managers (Draft #1), and further, to authorize the Executive Director to repromulgate all of Chapter 30 in its entirety incorporating 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-P ~ Healthcare Workplace Violence Prevention (Draft #1)

Mr. Indovina reported Act 461 of the 2022 Legislature was created to address workplace violence in healthcare facilities including

pharmacies licensed by the Board. The Act tasks the Dept. of Health to develop workplace policies and employee training for use by healthcare facilities. The law requires facilities to develop violence prevention plans, train its employees on such plans, post signage warning visitors about risk of felony convictions for workplace violence, requires reporting of certain incidents within 24 hours, and prevents retaliation against employees for reporting incidents. The Act requires the Board to promulgate rules to enforce signage and policies in pharmacies.

The committee reviewed the new law and noted the extensive detail in its wording and decided to recommend, in rule, a reference to the law instead of using the exacting wording in regulation. Mr. Indovina then moved,

**Resolved**, to approve Regulatory Proposal 2022-P ~ Healthcare Workplace Violence Prevention (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 then presented public comments received on two regulatory projects in response to the public hearing held at the Board office on August 26, 2022.

- Consideration of Public Comments – Regulatory Project 2022-06 ~ Nonresident Pharmacies

Mr. Indovina reported Ms. Grace Sesi, with CVS Health, submitted a letter which can be found in the Board's meeting material. Ms. Sesi noted CVS Health's support to an extended timeline for nonresident pharmacies reporting PIC changes to the Board but is requesting the Board to consider an extended timeline for the nonresident pharmacy to designate a new PIC from 10 days to 90 days or longer and allow for extensions.

Mr. McKay opened the floor to discussion on the matter of the request. After some discussion, the members came to consensus that the proposed language was sufficient and no change was necessary.

- Consideration of Public Comments – Regulatory Project 2022-09 ~ Partial Fills of CDS Prescriptions

Mr. Indovina reported Pharmacist Michael Yang submitted a question in regards to existing language in Section 2747. A copy of the email from Pharmacist Yang can be found in the Board's meeting material. Pharmacist Yang's email brought to light a drafting error in the original language which, in its current form, would prevent a pharmacist from partial filling a schedule 2 prescription after 30 days from the date on which the prescription was written. The original

intent was to prevent a pharmacist from dispensing the “remaining portion” of a partial filling more than 30 days after the date the prescription was written. Mr. Fontenot included a proposal in your meeting materials, identified as “Proposal for Consideration,” to address the oversight in the original language. Mr. Fontenot consulted with editor of the Louisiana Register and she noted the change in the language in the proposal is consistent with the language in the initial preamble presented to the public in the Notice of Intent and does not change the meaning, therefore, with Board approval of the proposed language we can proceed with the promulgation process. Mr. Indovina then moved,

**Resolved**, to approve the proposed language added in *Regulatory Project 2022-09 ~ Partial Fills of CDS Prescriptions*, and further, to authorize the Executive Director to continue the promulgation of 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 then closed his report by reviewing the topics remaining on the committee’s agenda and expressed his appreciation to the other committee members for their ongoing work.

*I. Executive Committee*

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee members considered several policy statements, reviewed the report from the legislative auditor on their annual audit of the Board’s financial report, and other matters presented to the committee. He indicated Ms. Hall was prepared to offer motions on behalf of the committee.

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

Mr. McKay reported during the August meeting, the Board approved the Board’s ADA policy in response to Act 103 (HB 143) of the 2022 Regular Session of the Louisiana Legislature. After approval of the policy, staff was informed by the office of State ADA that a change to the approved policy was needed because of the ADA Coordinator listed in policy. Mr. Fontenot was listed in the previous policy as the ADA Coordinator but in order comply with an internal complaint process someone other than the appointing authority should be listed as the ADA Coordinator. In order to comply, the proposal contains a change from Mr. Fontenot to Mr. Finalet as the ADA Coordinator for the Board and the committee voted to recommend approval of the new policy. Ms. Hall then moved,

**Resolved**, to approve the proposed revision of *PPM.II.B.5.e ~ Americans with Disabilities Act (ADA)*.

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

- Consideration of Interim Policies (I.D.12, I.D.14, I.D.16, I.D.19, I.D.21, I.D.28, & I.D.29)

Mr. McKay reported the committee reviewed all the remaining interim policies still in effect and determined it was not necessary to recommend an adjustment to the previous, Board approved, expiration dates of the policies and that no action by the Board was necessary. There were no member questions or comments.

- Consideration of Proposed Revision of LPM.II.A.1 ~ *Authorized Drivers*

Mr. McKay reported the committee reviewed a proposed change to the “authorized drivers” listed in the Board’s Loss Prevention Manual. Changes were made to identify the current needs of the Board and to update position names identified. After a careful review, the committee voted to recommend approval of the revision. Ms. Hall then moved,

**Resolved**, to approve the *Proposed Revision of LPM.II.A.1 ~ Authorized Drivers.*

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

- Consideration of Enforcement – USP Compounding General Chapters <795> and <797>

Mr. McKay reported that on November 1, 2022, USP announced the final revised USP Chapters <795> and <797> were published and available. The USP Compounding Expert Committee (CMP EC) voted to extend the date on which these chapters become official to November 1, 2023, to allow for increased flexibility and engagement for adoption. It should be noted that once these chapters become official on November 1, 2023, it will trigger USP <800> and <825> to become official as well; they are both currently considered informational.

Mr. McKay reminded the members that the Board is currently promulgating *Regulatory Project 2022-10 ~ Compounding* which removes reference to a specific edition of the USP-NF thereby making the current edition applicable for pharmacy compounding. We anticipate that rule to become effective in January or February 2023. In past years with changes to USP <795> and <797>, the Board has provided a period of time, typically one year after becoming official, before it would begin enforcement. Given the Board’s history of delayed enforcement with a period of education the committee is prepared to make a recommendation. Ms. Hall then moved,

**Resolved**, to delay enforcement of USP <795> and <797> until November 1, 2024.

There were no member questions or public comments. The motion

was adopted after a unanimous vote in the affirmative.

- 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.

- Review of Financial Audit Report from Legislative Auditor

Mr. McKay reported the committee reviewed the report from the legislative auditor following their audit of the Board's financial records for the previous fiscal year. The auditor did make some adjustments to the net position statement in the annual financial report which resulted in a slight reduction to the net gain. However, as noted on Page 40 of the report, there were no findings or recommendations, and in their opinion, the audited financial report dated June 30, 2022 is an accurate statement of the Board's financial position on that day. The report was for the Board's information and did not require any action. There were no member questions or comments.

- Consideration of Contract Modification – Tyler Technologies

Mr. McKay reported that during the May meeting, the Executive Committee reported to the Board it had authorized staff to move forward and execute the necessary project documents to incorporate an automated audit of continuing pharmacy education (CPE) requirements into the credential renewal process for pharmacists and pharmacy technicians. At that time, the Board was in receipt of a preliminary estimate of approximately \$33,000 as a one-time cost to build that process into the online renewal script, first with pharmacists at the end of Calendar Year 2022 and then in the summer of Calendar Year 2023 for pharmacy technicians.

During that same May meeting of the Board, the members approved the proposed agreement for the maintenance of the eLicense information system with Tyler Technologies, in an amount not to exceed \$100,000 for Fiscal Year 2022-2023. It was anticipated at the time that the \$100,000 cap would cover both the maintenance agreement and the CPE audit project enhancement.

Since that meeting, staff has identified a need for an eLicense system enhancement to improve the licensee's ability to reset their user identification and password in eLicense without having to use secret questions. The cost for the enhancement is a one-time fee of \$12,000. The unexpected \$12,000 charge results in the Board

exceeding the \$100,000 cap approved in May. After a careful review, the committee voted to recommend your approval of the new cap for the enhancements noted. Ms. Hall then moved,

**Resolved**, to approve the revised agreements for the maintenance and enhancements of the eLicense information system with Tyler Technologies, at the stipulated rates, in an amount not to exceed \$112,000 for Fiscal Year 2022-2023.

There was a second to the motion by Mr. Indovina which led to discussion. Mr. Menard noted the efficiency of the renewal process using the CPE audit check, having used it himself. Mr. Menard questioned Mr. Fontenot in regards to rejections in the online renewal process for not having the required CPE. Mr. Fontenot shared statistics with the members indicating a significant number of pharmacists wait until the last minute to obtain the required amount of CPE to renew their license. Mr. Menard expressed his concern that by waiting until the last minute to obtain CPE the pharmacists are at risk of not being allowed to renew because their CPE will not be on file with CPE Monitor. Mr. Fontenot shared that concern and noted the previous communications distributed earlier in the year warning of this possible issue. Mr. Fontenot noted a planned distribution of another notification just prior to the upcoming holiday. In regards to public comments, Mr. Ben Sims questioned the use of the audit process with pharmacy technicians. Mr. McKay clarified that pharmacy technicians will undergo the same process during their upcoming renewal cycle. After no other questions or comments by members or the public, the motion was adopted after a unanimous vote in the affirmative.

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

At this point, Mr. McKay declared a luncheon recess. It was noted the members recessed at 11:28 a.m., and then reconvened at 12:25 p.m.

## 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.

**Mansfield Drug Co., Inc., dba Mansfield Drug (Mansfield, LA) (CDS.045175-PHY):** 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 state-controlled substance license for an indefinite period of time commencing on August 18, 2022.

**Lin Leung (PST.019612):** Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The



motion was adopted after a unanimous vote in the affirmative. For a disciplinary Board Order issued by the New York State Board of Pharmacy, the Board suspended his credential until June 20, 2024 in accordance with the period of probation imposed by the New York State 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.

**Kristian Johnee Herrion (PTC.029530):** 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 vote in the affirmative. For her admission to the theft of various controlled substances from her employer, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

**Miller Pharmacy Services, LLC, dba The Prescription Shoppe Pharmacy (Ruston, LA) (CDS.041738-PHY):** 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 state-controlled substance license for an indefinite period of time commencing on August 23, 2022.

**Georgia Kovarcik Jones (PST.023655):** 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 September 5, 2022.

**Kimberly Desha Drake (CPT.015710):** 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.

**Courtney Elizabeth-Marie McNeal (PST.022118):** 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 October 19, 2022.

**Joshua Charles Ferdnand Miller (PST.018460):** 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 November 7, 2022.

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

*K. Report of the Executive Director*

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

the members to the quarterly report of the prescription monitoring program found in their meeting binders. There were no member questions or comments.

Mr. Fontenot then directed the members to the requests from 23 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Resweber then moved,

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

- > PHY.008536-NR – A1 Pharmacy Services;
  - > PHY.008497-NR – Advanced InfusionCare;
  - > PHY.008507-NR – ASPN Pharmacies 2, LLC;
  - > PHY.008540-NR – Bandana Rx;
  - > PHY.008522-NRN – Cardinal Health 414, LLC;
  - > PHY.008469-NR – CSI Pharmacy;
  - > PHY.008537-NR – Eventus Rx LLC;
  - > PHY.008345-IR – First Choice Specialty
  - > PHY.008518-NR – Fresenius Medical Care North America;
  - > PHY.008534-NR – InfuCare Rx LLC;
  - > PHY.008443-NRN – Jubilant Radiopharma;
  - > PHY.008445-NRN – Jubilant Radiopharma;
  - > PHY.008387-NR – K Pharmacy, LLC;
  - > PHY.008525-NR – Leeds Pharmacy;
  - > PHY.008519-NR – Lighting Rx;
  - > PHY.008532-NR – Manifest Pharmacy;
  - > PHY.008280-SAT – Ochsner LSU Health Shreveport-ACC;
  - > PHY.008547-SAT – Ochsner LSU Health Shreveport-CTC;
  - > PHY.008514-NR – Pack4U Corp.;
  - > PHY.003202-CH – St. Vincent dePaul Community Pharmacy;
  - > PHY.008486-NR – Veterinary Enterprises;
  - > PHY.008533-NR – Watson Rx Solutions; and
  - > PHY.003430-HOS – WK Bossier Health Center Pharmacy.
- once they have executed the standard consent agreement for that purpose.

There was a second to the motion, by Ms. Hall, which led to a question by Dr. Strong. Dr. Strong asked if the pharmacies requesting waivers are dispensing gabapentin or promethazine containing products which are drugs of concern. Mr. Fontenot explained, the waiver requests submitted by the pharmacies contains an attestation that they do not dispense these products. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. Fontenot directed the members to the “Annual Report” found in their meeting binders. Mr. Fontenot asked the members if anyone had any questions in regards to the report and indicated the report would be sent to the Governor’s Office, the legislature, and others as required. The members asked no questions and provided no comments to the report.

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, and noted the listing of the board meeting dates for Calendar Year 2023.

*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 12:35 p.m.

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

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Richard M. Indovina, Jr.  
Secretary