



**Louisiana Board of Pharmacy**  
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# Minutes

**Regular Meeting**

Wednesday, August 15, 2018 at 9:00 a.m.

**Location:**

Assembly Meeting Room  
Embassy Suites Hotel  
4914 Constitution Avenue  
Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 15, 2018 in the Assembly Meeting Room at the Embassy Suites Hotel, located at 4914 Constitution Avenue in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 9:10 a.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Rhonny Valentine for the invocation. Mr. Richard Soileau then led the group in the Pledge of Allegiance.

*\* Introduction of New Board Members*

Mr. Aron informed the members that Gov. Edwards had made several appointments to the Board the previous month. In particular:

- Mr. Blake Pitre was re-appointed from District 3;
- Mr. Rhonny Valentine was re-appointed from District 4;
- Dr. Robert Cloud was appointed from District 5, replacing Mr. Morris Rabb;
- Mr. Kevin LaGrange was appointed from District 7, replacing Ms. Chris Melancon; and
- Mr. Robert LeBas was appointed from District 8, replacing Mr. Brian Bond.

Mr. Aron congratulated all the appointees and welcomed the new members to the Board.

*3. Quorum Call*

Mr. Aron called upon the Executive Director, Mr. Malcolm Broussard, to call the roll to establish a quorum.

**Members Present:**

Mr. Carl W. Aron  
Mr. Allen W. Cassidy, Jr.  
Dr. J. Robert Cloud  
Ms. Jacqueline L. Hall  
Mr. Richard M. Indovina, Jr.  
Mr. Kevin LaGrange  
Mr. Robert C. LeBas  
Mr. Richard Mannino  
Mr. Marty R. McKay  
Ms. Diane G. Milano  
Mr. Ronald E. Moore  
Mr. Blake P. Pitre  
Mr. Don L. Resweber  
Mr. Douglas E. Robichaux  
Mr. Richard A. Soileau  
Dr. Raymond J. Strong  
Mr. Rhonny K. Valentine

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. M. Joseph Fontenot, Assistant Executive Director  
Mr. Benjamin S. Whaley, Chief Compliance Officer  
Mr. Carey D. Aaron, Compliance Officer

**Guests:**

Mr. Kevin Minor – Louisiana Interactive  
Mr. Bevan Callicott – Nuclear Pharmacy  
Mr. Don Couvillon – La. Wholesale Drug Co.  
Dr. Charles S. Feucht – Acadiana Consultant Pharmacy Service  
Dr. Seema Siddiqui – MedAvail  
Mr. Jeff Brown – Highgate Apothecary  
Mr. Hank Mills – Highgate Apothecary  
Mr. Jason Stelzor – Louisiana Interactive  
Ms. Tawna Pounders – Baton Rouge Community College  
Ms. Anne LaVance – Delgado Community College  
Dr. John Rocchio – CVS Health  
Mr. Russell Champagne, CPA – Champagne & Co., CPAs  
Ms. Penny Scruggins, CPA – Champagne & Co., CPAs  
Mr. Jacob Simpson – BSW, on behalf of Sterling Pharmacy  
Dr. Erika Bouvea – Dept. of Health, Office of Public Health  
Ms. Mary Staples – National Association of Chain Drug Stores  
Ms. Heather Hutton – no affiliation  
Dr. Kevin B. Riche – FraudRx<sup>®</sup> Alert  
Mr. Heywood Joiner – LSU Alexandria  
Mr. Randal Johnson – Louisiana Independent Pharmacies Association  
Mr. Robert Lancon – Adams & Reese  
Mr. Perry Catching – WalMart Stores  
Mr. Domenic Policicchio – MedCerts  
Mr. Russell Caffery – Louisiana Independent Pharmacies Association  
Mr. Derrell Cohoon – Capitol Partners  
Ms. Kayla Mims – Louisiana Pharmacists Association  
Mr. Robert Reiger – Adams & Reese  
Mr. Robert Rock – Haydel's Drug Store  
Dr. Philippe Pucheu – PBM Solutions  
Mr. Jeffrey Sinko – CVS Health  
Mr. R. Jeffrey Gaude – Walgreens Co.

Mr. Broussard 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. Aron asked if there were any additional agenda items, but none were requested.

Without objection, the members adopted the posted agenda dated August 13, 2018. Mr. Aron requested authority to re-order the agenda as may become necessary, and there were no objections to that request.

*5. Consideration of Minutes*

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting and Administrative Hearing, both held on May 23, 2018 in Baton Rouge, Louisiana. With no objections, he waived the reading of the draft minutes. With no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Broussard reminded the members to sign the Minute Book.

*6. Report on Action Items*

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

*7. Confirmation of Acts*

Pursuant to Mr. Aron'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. Moore moved,

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since May 23, 2018 are approved, adopted, and ratified by the entire Board.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

*8. Opportunity for Public Comment*

Mr. Aron 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, and none were offered.

*\* Statement of Purpose*

Mr. Aron 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*

Mr. Aron announced that three of the five officers had completed their term of service to the Board and a special election for those officer positions was necessary. In particular, Mr. Rabb was First Vice President, Ms. Melancon was Third Vice President, and Mr. Bond was Secretary. All three of those positions were vacated. Prior to calling for nominations for those positions, Mr. McKay informed the members he wished to relinquish his position as Second Vice President so that he could stand for election for

the First Vice President position. There were no objections to that request. Mr. Aron announced there were vacancies in all three vice president positions as well as the secretary position. He then conducted nominations and elections in descending rank order. The following members were elected to officer positions:

- Mr. Marty McKay – First Vice President
- Ms. Jacqueline Hall – Second Vice President
- Mr. Richard Soileau – Third Vice President
- Mr. Richard Indovina – Secretary

Mr. Aron congratulated all of the new officers.

## 10. *Committee Reports*

### A. *Finance Committee*

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the *Final Report for Fiscal Year 2017-2018* in their meeting binder. Mr. Aron then recognized Mr. Russell Champagne, CPA and Ms. Penny Scruggins, CPA, both from Champagne & Co. Mr. Champagne reviewed the report and offered his assessment of the Board's fiscal status and financial operations. He responded to questions from one member. Mr. Pitre then informed the members that the committee had met the previous day to review that report and voted to recommend its approval by the Board. He then moved,

**Resolved**, to approve the *Final Report for Fiscal Year 2017-2018*, subject to legislative audit.

There were no public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Pitre then directed the members to the *Proposed Budget Amendment No. 1 for Fiscal Year 2018-2019* in their meeting binder. He noted the committee had also reviewed that document during their meeting the previous day, offered no suggested amendments, and had voted to recommend its approval by the Board. He then moved,

**Resolved**, to approve the *Proposed Budget Amendment No. 1 for Fiscal Year 2018-2019*.

The members discussed the increased projected expenditures and possible approaches to balancing the budget. Mr. Aron requested staff obtain information comparing pharmacist license fees from other states; he noted the last fee increase granted by the legislature was in 2005, when pharmacist license fees were raised from \$75 to \$100 and pharmacy permit fees were raised from \$100 to \$125. There were no public comments. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Pitre expressed his appreciation to the other committee members for their ongoing efforts. Mr. Aron expressed his appreciation to Mr. Champagne and Ms. Scruggins for their ongoing assistance and long tenure as the Board's accounting firm.

### B. *Application Review Committee*

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee had not met since the previous Board meeting and did not have a meeting scheduled.

C. *Reciprocity Committee*

Mr. Aron called upon Mr. Cassidy for the committee report. He reported the staff had evaluated 72 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.

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

D. *Violations Committee*

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee held preliminary hearings on June 13, 2018 to consider their posted agenda which included 18 cases: four pharmacists, two pharmacy technicians, one pharmacy technician candidate, nine pharmacy permits and two applicants for pharmacy permits. After the notices were sent but before the meeting, the committee granted continuances for two of the respondents. After interviews and deliberations, the committee took no action on three of the respondents, and issued non-disciplinary Letters of Noncompliance to two respondents. The committee then offered proposed voluntary consent agreements to the remaining 11 respondents. He reported three respondents had not accepted the proposals and had been scheduled for the next administrative hearing. He then presented the following proposals to the members for their consideration.

**Winn Dixie Montgomery, LLC d/b/a Winn Dixie Pharmacy #1446**

**[Mandeville, LA] (PHY.006557):** Mr. Indovina moved to approve the proposed voluntary consent agreement. Mr. Finalet responded to a question from three members; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

**Winn Dixie Montgomery, LLC d/b/a Winn Dixie Pharmacy #1411**

**[Metairie, LA] (PHY.006538):** 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. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

**Winn Dixie Montgomery, LLC d/b/a Winn Dixie Pharmacy #1448**

**[Covington, LA] (PHY.006533):** 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. The Board assessed a fine of \$5,000 plus administrative and investigative costs.



**Gregory Tyrome Sweet (PST.019579):** 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. The Board issued a Letter of Reprimand and further assessed a fine of \$500 plus administrative costs.

**Intrathecal Compounding Specialists, LLC d/b/a Intrathecal Compounding Specialists [Scott, LA] (PHY.005856 – Case No. 17-0365):** 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. The Board ordered the revocation of the permit upon the issuance of a new permit pursuant to the pending application, and further, assessed a fine of \$50,000 plus administrative and investigative costs.

**Stuart Hall Burgess (PST.013189):** 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. The Board suspended the license for one year and stayed the execution of the suspension, then placed the license on probation for one year effective August 15, 2018 subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative costs.

**Intrathecal Compounding Specialists, LLC d/b/a Intrathecal Compounding Specialists [Scott, LA] (PHY.005856 – Case No. 18-0190):** 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. The Board assessed a fine of \$25,000 plus administrative and investigative costs.

**LMC Medical Supplies, Inc. d/b/a LMC Pharmacy [Boca Raton, FL] (PHY.006903):** 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. The Board assessed a fine of \$10,000 plus administrative costs.

Mr. Indovina reported the committee was scheduled to meet on September 12 to consider the 12 cases on that docket, which included three pharmacists, two pharmacy technicians, two pharmacy technician candidates, and five pharmacy permits.

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

*E. Impairment Committee*

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall reported

the committee met the previous day to consider 9 referrals from the staff – two applications for reinstatement of credentials, three applications for modification of previous orders, two appearances for applicants for new credentials, and two appearances for informal conference. They also considered a request from an addiction medicine specialist to affiliate with the Board's Practitioner Recovery Program. Following their interviews of the applicants and subsequent deliberations, the committee authorized the issuance of new credentials to both applicants and took no action on one of the respondents at informal conference. The committee offered proposed voluntary consent agreements to the remaining six respondents. Ms. Hall then presented the following files to the members for their consideration.

**Eric Christopher Ament (PST.020768)** Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective August 15, 2018, subject to certain terms enumerated in the consent agreement.

**Terry James Veillon, Jr. (PST.018988)** 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 the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective September 6, 2018, subject to certain terms enumerated in the consent agreement.

**Justin Matthew Scalfano (PST.018787)** Ms. Hall moved to approve the proposed Board Order to terminate the probationary period. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board removed all probationary terms and restored the license to active and unrestricted status.

**Jason Conrad Dove (PST.015811)** Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for modification of previous orders and removed Article 4e from his August 2014 Probation Board Order which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy.

**Amanda Elizabeth Shubert Balli (PST.019454)** Ms. Hall moved to approve the proposed Board Order to deny the request for modification of previous orders. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board denied the respondent's request for modification of previous orders.

**Jessie James Grazier (PNT.047987)** Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the intern registration and any subsequent pharmacist license for five years and stayed the execution of the suspension, then placed the registration and any subsequent pharmacist license on probation for five years, effective August 15, 2018, subject to certain terms enumerated in the consent agreement.

Ms. Hall reported the committee received a request from an addiction medicine specialist for recognition as a Board-approved provider for the Board's Practitioner Recovery Program. After reviewing his credentials, the committee voted to recommend the Board's approval of the request. She then moved,

**Resolved**, to approve Chad W. Trosclair, MD for enrollment on the Board's 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 and for the ongoing staff support.

*F. Reinstatement Committee*

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore reported the committee met the previous day to consider one referral from the staff. The committee interviewed the applicant and recommended a conditional reinstatement action. Mr. Moore then presented the file to the members for their consideration.

**Yvette Nicole Dove (CPT.002332)** Mr. Moore moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain requirements identified in the consent agreement no later than August 15, 2020.

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

G. *Tripartite Committee*

Mr. Aron called upon Mr. Resweber for the committee report. Mr. Resweber noted the committee had not met since the previous Board meeting and there was no report.

Mr. Aron declared a recess. It was noted the members recessed at 10:15 am and then reconvened at 10:45 am. Mr. Aron resumed the sequence of the posted agenda.

H. *Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay noted the committee had not met since the previous Board meeting but there had been a public hearing and the Board needed to evaluate the comments and testimony from that hearing.

*Regulatory Project 2018-1 ~ Pharmacy Benefit Managers*

Mr. McKay reminded the members of the June 25 public hearing to receive comments and testimony on the proposed rule. He directed the members to the package of documents in their meeting binder, which included a summary of the comments, copies of the comment letters received, as well as a transcript of the public hearing testimony. Following substantial discussion and public comments, Mr. McKay moved,

**Resolved**, having considered the comments and testimony offered relative to the proposed rule identified in *Regulatory Project 2018-1 ~ Pharmacy Benefit Managers*, the Board offers no revisions to the proposed rule, and further, directs the staff to submit the required report to the Joint Legislative Oversight Committee on Health & Welfare which shall include the replies to the commentators.

There was no further member discussion or public comment. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. McKay then moved,

**Resolved**, to authorize the President to approve the replies to the commentators and then direct the submission of the oversight committee report package in a timely manner.

There was no further member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

*Regulatory Project 2018-2 ~ Louisiana Uniform Prescription Drug Prior Authorization Form*

Mr. McKay reminded the members Act 423 of the 2018 Legislature requires the pharmacy and medical boards to jointly promulgate a single prior authorization form to be used by all prescribers, pharmacies, and third party payors in the state, and to complete that process by January 1, 2019. In order to meet that legislative mandate, President Aron directed the staff to initiate conversations with the medical board for the collaborative process and then engage the stakeholders identified in the legislation to achieve consensus on the development of a two-page form suitable for all stakeholders. Mr. Aron also directed staff to construct the minimal language

in our rules to require the use of the form. Staff completed that process and submitted the required fiscal and economic impact statements to the Legislative Fiscal Office. Staff then submitted the Notice of Intent for publication in the August 20, 2018 edition of the Louisiana Register. Mr. McKay directed the members to a copy of the Notice of Intent in their meeting binder and then announced the public hearing to receive comments and testimony on that proposed rule was scheduled for September 28. Mr. McKay then moved,

**Resolved**, to approve the proposed prior authorization form contained in the proposed rule identified in *Regulatory Project 2018-2 ~ Louisiana Uniform Prescription Drug Prior Authorization Form*.

The members discussed practical considerations in the use of the form. There were no public comments. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Proposal 2018-E ~ Drugs of Concern (Draft #3)

Mr. McKay reminded the members Act 88 of the 2017 Legislature requires the Advisory Council on Heroin & Opioid Prevention & Education (HOPE) to collect parish-level data on the dispensing of overdose-reversal medication. He also reminded members Act 146 of the 2018 Legislature amended the statutory definition of the term “drugs of concern” to add the drug naloxone to that definition. The purpose for that legislation was to enable pharmacies to use the prescription monitoring program to report their dispensing transactions of naloxone, which would allow the program to report that parish-level data to the HOPE Advisory Council. He reminded the members of the necessity to amend the Board’s regulatory definition of the term “drugs of concern” and that staff had drafted the regulatory proposal to achieve that objective. He directed the members to a copy of that proposal in their meeting binder. Mr. McKay then moved,

**Resolved**, to approve Regulatory Proposal 2018-E ~ Drugs of Concern (Draft #3), and further, to authorize the Executive Director to promulgate the proposed rule upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

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

Mr. Aron declared a luncheon recess. It was noted the members recessed at 12:10 p.m. and then reconvened at 1:20 p.m. Mr. Aron resumed the sequence of the posted agenda

I. *Executive Committee*

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. He indicated Mr. McKay was prepared to offer motions on behalf of the committee.

*Review of Legislative Auditor's Performance Audit Report & Survey Results*

Mr. Aron reported the Legislative Auditor conducted their first-ever performance audit of the Board's operations. They spent 18 months examining all of the Board's activities, operations, and records and issued their report on June 20. Mr. Aron directed the members to a copy of the report in their meeting binder. The objective for the audit was to evaluate the Board's regulation of the practice of pharmacy to ensure compliance with the Pharmacy Practice Act. Overall, they found the Board has established licensing, inspection, complaint, and enforcement procedures that comply with state law and conform to most regulatory best practices. They did identify some opportunities for improvement and offered four recommendations:

- > The Board should ensure that all pharmacies and CDS licenses are inspected in accordance with timeframes stipulated in policy.
- > The Board should clarify which violations are severe enough to warrant follow-up inspections so that compliance officers know when follow-up inspections are required to be conducted.
- > The Board should require that follow-up inspections are documented and formally tracked in eLicense so it can ensure that compliance officers are conducting all required follow-up inspections.
- > The Board should establish formal timeframe requirements for its enforcement process, including completing investigations and closing enforcement cases, to help mitigate potentially dangerous situations for the public.

Mr. Aron directed the members to the Board's reply to the audit which was included in the audit report package. Staff drafted several policies relative to the Compliance Division for the Board's consideration.

*Review of Final Legislative Brief from 2018 Legislature*

Mr. Aron directed the members to this report in their meeting binder. He reminded them that staff monitors legislation and keeps the members informed during the session, and then produces the final report. The briefing document identifies new laws affecting pharmacy, controlled substances, and board operations and suggests an action plan for each new law. Mr. McKay then moved,

**Resolved**, that the Board take formal notice of the new legislation adopted during the Regular Session of the 2018 Legislature, and further, to direct staff to implement the action plans identified in the *Final Legislative Brief from the 2018 Legislature* and report their ongoing progress to the Board.

Mr. Aron and Mr. McKay responded to questions from several members. There were no public comments. The motion was adopted after a

unanimous vote in the affirmative.

Review of Policies & Procedures

Mr. Aron reported the staff had developed several new policies, including some in response to recommendations from the Legislative Auditor. He directed the members to those proposed policies in their meeting binder. Mr. McKay then moved,

**Resolved**, to approve the following policies in *Section I - Board of the Board's Policy and Procedure Manual*:

- PPM.I.B.1 ~ Membership
- PPM.I.B.2 ~ Governance
- PPM.I.B.3 ~ Meetings
- PPM.I.B.4 ~ Administrative Hearings
- PPM.I.B.5 ~ Public Hearings
- PPM.I.B.6 ~ Board Liaisons to Other Entities
- PPM.I.B.7 ~ Publications
- PPM.I.C ~ Committees
- PPM.I.C.1.a ~ Executive Committee – Expense Report Guidelines
- PPM.I.C.2.a ~ Finance Committee – Permissible Investments
- PPM.I.C.3.a ~ Application Review Committee – Case Management
- PPM.I.C.4.a ~ Reciprocity Committee – Case Management
- PPM.I.C.5.a ~ Reinstatement Committee – Case Management
- PPM.I.C.6 ~ Impairment Committee – Case Management
- PPM.I.C.7.a ~ Violations Committee – Publication of Final Actions
- PPM.I.C.7.b ~ Violations Committee – MATF Cases
- PPM.I.C.7.c ~ Sanction Guidelines for CE Audits
- PPM.I.C.8 ~ Regulation Revision Committee
- PPM.I.C.9 ~ Tripartite Committee

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

**Resolved**, to approve the following policies in *Section II – Administrative Division of the Board's Policy and Procedure Manual*:

- PPM.II.A.1 ~ Organizational Chart
- PPM.II.A.2 ~ Delegation of Authority
- PPM.II.A.3 ~ Chain of Command

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

**Resolved**, to approve the following policies in *Section III – Credentials Division of the Board's Policy and Procedure Manual*:

- PPM.III.A ~ Delegation of Authority
- PPM.III.B ~ Applications for New Credentials

PPM.III.B.01 ~ Application for New Pharmacist License by Examination or Score Transfer

PPM.III.B.02 ~ Application for New Pharmacist License by Reciprocity or License Transfer

PPM.III.C ~ Applications for Renewal of Active Credentials

PPM.III.D ~ Applications for Reinstatement of Lapsed Credentials

PPM.III.E ~ Applications for Reinstatement of Disciplined Credentials

PPM.III.F ~ Attachment of Disciplinary Action to Credentials

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

**Resolved**, to approve the following policies in *Section IV – Compliance Division of the Board’s Policy and Procedure Manual*:

PPM.IV.A ~ Delegation of Authority

PPM.IV.B ~ Facility Inspections

PPM.IV.B.1 ~ Initial Surveys

PPM.IV.B.2 ~ Service Reviews

PPM.IV.B.2.a ~ Form No. 601 – Pharmacy Inspection Report

PPM.IV.B.2.b ~ Form No. 602 – CDS Site Survey

PPM.IV.B.2.c ~ Form No. 603 – DME Inspection Report

PPM.IV.B.2.d ~ Form No. 604 – Module I – Basic Pharmacy Services

PPM.IV.B.2.e ~ Form No. 605 – Module II – Compounding of Nonsterile Preparations

PPM.IV.B.2.f ~ Form No. 606 – Module III – Compounding of Sterile Preparations

PPM.IV.B.3 ~ Follow-up Surveys

PPM.IV.B.3.a ~ Form No. 601-F – Follow-up Survey Report

PPM.IV.B.4 ~ Compliance Checks

PPM.IV.C ~ Investigations

PPM.IV.D ~ Audits

The motion was adopted after a unanimous vote in the affirmative.

*Approval of New School of Pharmacy*

Mr. Aron informed the members of a new school of pharmacy on the Mississippi Gulf Coast – William Carey University School of Pharmacy in Biloxi, MS. He informed the members the new school had received its Precandidate status accreditation from ACPE in June. He also informed them the school had contacted the office seeking information on how their students could receive intern registrations to facilitate their participation in rotation sites within Louisiana. Mr. McKay then moved,

**Resolved**, to approve William Carey University – School of Pharmacy and to add that school to the Board’s *Roster of Approved Schools of Pharmacy*.

The motion was adopted after a unanimous vote in the affirmative. Mr. Aron



also informed the members of other decisions made by ACPE during their June meeting, including the removal of probationary status for ULM College of Pharmacy.

*Proposed Memorandum of Understanding with ULM College of Pharmacy re Drug Price Transparency Website*

Mr. Aron reminded the members of Act 236 of the 2017 Legislature which requires the Board to develop a website for Louisiana prescribers to contain prescription drug price information reported by prescription drug marketers. He reported staff had worked with ULM College of Pharmacy to develop a proposal to implement the legislation. In brief, ULM will develop a web portal to receive the drug price information electronically, develop a searchable database to hold that information, and then a web portal for prescribers to access that information. The Board will place a link to that portal on our website and then notify the licensing boards of other prescribers of that link. Those licensing boards are required to notify their licensees of that web portal at least once every year. Mr. Aron directed the members to the Memorandum of Understanding with ULM College of Pharmacy in their meeting binder. Mr. McKay then moved,

**Resolved**, to approve the *Memorandum of Understanding with ULM College of Pharmacy* to implement the Drug Price Transparency Website as required by Act 236 of the 2017 Legislature.

The motion was adopted after a unanimous vote in the affirmative.

*Review of Compliance Questionnaire for Annual Financial Audit*

Mr. Aron reminded the members of the Board's annual financial audit and that it had recently begun. As part of that audit, the Board is required to approve a compliance questionnaire provided by the legislative auditor and completed by the staff. Mr. McKay then moved,

**Resolved**, to approve the *Compliance Questionnaire for the 2018 Financial Audit*, and further, to authorize the President and Secretary to sign the document on our behalf.

The motion was adopted after a unanimous vote in the affirmative.

Mr. Aron reminded the members of the office building renovation project, and that the contractor was making good progress. He related the contractor had informed the staff they would complete their work well before the mid-November project completion date. He indicated the Board would resume meetings in their office by mid-September.

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

11. *Staff Reports*

J. *Report of Assistant Executive Director*

Mr. Aron called upon Mr. Fontenot for the report. He directed the

members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. He reviewed activity for both PMP InterConnect as well as the PMP Gateway. He replied to questions from several members.

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

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

- > PHY.007699-NR – AllyScripts (AL);
- > PHY.007707-NR – Apex Specialty Pharmacy (MO);
- > PHY.007565-HOS – Avail Health Pharmacy (LA);
- > PHY.007577-NR – Biologics (NC);
- > PHY.006766-NR – Cardinal Health Pharmacy Services (TX);
- > PHY.007528-NR – Cardinal Health Pharmacy Services (NC);
- > PHY.007148-HOS – Cornerstone Hospital of West Monroe (LA);
- > PHY.007738-NR – East Ridge Rx (UT);
- > PHY.006497-NR – Envoy Health Management (MI);
- > PHY.005649-NR – Fisher BioServices (MD);
- > PHY.007480-RPP – HealthTrust Supply Chain (LA);
- > PHY.007734-NR – Hebron Pharmacy (TX);
- > PHY.007714-NR – HPC Specialty Pharmacy (AL);
- > PHY.007720-NR – HPC Specialty Pharmacy (TN);
- > PHY.007739-IR – HPC Specialty Pharmacy (LA);
- > PHY.006868-NR – IV Solutions of Lubbock (TX);
- > PHY.007733-NR – MedScript Long Term Care Pharmacy (IN);
- > PHY.007732-HOS – Ochsner Extended Care Hospital (LA);
- > PHY.007696-HOS – Our Lady of the Lake Infusion Center (LA);
- > PHY.007709-NR – Paragon Infusion Care – Houston (TX);
- > PHY.007708-NR – RARX II (TN);
- > PHY.007677-HOS – Ruston Regional Specialty Hospital (LA);
- > PHY.007554-NR – SimfaRose Pharmacy (NY);
- > PHY.007712-NR – Soleo Health (OH);
- > PHY.007729-NR – Soleo Health (PA); and
- > PHY.007719-NRN – Triad Isotopes (AL);

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

The motion was adopted after a unanimous vote in the affirmative.

Mr. Fontenot reminded members of the recent legislation requiring auto-registration for all prescribers to obtain access privileges to the state prescription monitoring program. He asked the members if there was any interest in extending that same benefit to pharmacists. The members asked what would be necessary to accomplish that, and he replied it would require an amendment to the rules for the program. Mr. Aron referred that topic to the Regulation Revision Committee and requested their development of a regulatory proposal to provide auto-registration for pharmacists.

Finally, Mr. Fontenot indicated completion of his report.

*K. Report of General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet then presented the following files to the members for their consideration.

**Absolute Veterinary Compounding Pharmacy, LLC d/b/a NexGen Compounding Pharmacy [Weatherford, TX] (PHY.007260):** Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$15,000 plus administrative costs.

**Drug Source, Inc. d/b/a Drug Source [Elk Village, IL] (PHY.005900):** Ms. Hall moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$5,000 plus administrative costs.

**Kendra Dian Wright (PST.021816):** Mr. Moore moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five months plus two days and stayed the execution of the suspension, then placed the license on probation for five months plus two days effective August 15, 2018 subject to certain terms enumerated in the consent agreement.

**BriovaRx Infusion Services 305, LLC d/b/a BriovaRx Infusion Services 305 [Baton Rouge, LA] (PHY.006355):** Mr. Cassidy moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$5,000 plus administrative costs.

**Anthony John Labashousky (PST.019535):** Ms. Hall moved to approve the proposed voluntary consent agreement. 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.

**Jeffery Charles Pierre (PST.020332):** Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective July 11, 2018.

**Aurdie Kent Bellard (PST.014340):** Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary

surrender, resulting in the active suspension of the license for an indefinite period of time, effective July 11, 2018.

**Katie Jane Parfait (CPT.13250):** Mr. McKay moved to approve the proposed voluntary consent agreement. 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.

**Brent Van Landry (PST.017440):** Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective July 30, 2018.

**Jennifer Elizabeth Koruna (PST.016255):** Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective August 8, 2018.

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

*L. Report of Executive Director*

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard directed the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
  - Internal Reports
    - Census Reports – Credentials & Compliance Divisions
    - Production Reports – Credentials Division
    - Exceptions Report
    - Compliance Division Annual Statistical Report
  - External Reports
    - Administrative and Legislative Agency Reports
- Examinations
  - MPJE
  - NAPLEX
- Operations
  - Credentials Division
  - Compliance Division
  - PMP Division
  - Administrative Division
  - Comprehensive Audit of 2017 CE for Louisiana Pharmacists
- State Activities
  - La. Legislature
  - La. Dept. of Health – Office of Public Health

Office of the Governor – Board of Ethics  
La. State Board of Optometry Examiners

- Regional & National Activities  
National Association of Boards of Pharmacy (NABP)  
NABP-AACP District 6  
MALTAGON  
ACPE  
ACPE & ASHP & PTAC
- International Activities  
International Pharmaceutical Federation (FIP)  
dotPharmacy Verified Websites Program

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

*12. Online Provider of Pharmacy Technician Education.*

Mr. Aron reminded the members they had approved multiple online providers of accredited pharmacy technician education. Since several members had questions how online providers could deliver quality education, he invited the first such provider approved by the Board, MedCerts, to make a presentation to the members. He introduced Mr. Domenic Policicchio, Corporate Director of Development at MedCerts. Mr. Policicchio directed the members to a copy of his presentation in their meeting binder. He explained how the company partners with pharmacies seeking accredited education for their pharmacy technicians. He also reviewed examination performance data for their graduates as well as general information about program costs. He replied to questions from several members.

In closing, Mr. Aron thanked Mr. Policicchio for his presentation and explanations to the members. He suggested MedCerts may wish to contact the Louisiana Independent Pharmacies Association to inform its members about the program.

*13. Request for Advisory Opinion re LAC 46:LIII.1123 ~ Records*

Mr. Aron introduced Mr. Jacob Simpson, an attorney appearing on behalf of Sterling Pharmacy in Ruston, La. Mr. Aron directed the members to a copy of the request for the opinion in their meeting binder. Mr. Simpson informed the members his client pharmacy was requesting guidance from the Board whether copies of prescriptions received by facsimile in the pharmacy could be maintained electronically or whether they were required to be printed for recordkeeping purposes.

Since some of the members had differing opinions, Mr. Aron referred the request to the Regulation Revision Committee for their consideration of the request and the development of language for the Board's consideration.

*14. Request for Exception to PPM.IV.B.07 ~ Application for New Nonresident Pharmacy Permit*

In the absence of the petitioner, Mr. Aron requested Mr. Broussard to explain the request. Mr. Broussard directed the members to a copy of the request in their meeting packet. The petitioner represents MedMinder Pharmacy which filed an application for a new nonresident pharmacy permit. The applicant objected to furnishing sensitive information (Social Security number and date of birth) for persons holding less than 5%

share of ownership in the firm. Mr. Broussard directed the members to proposed amendments to the current policies governing applications for pharmacy permits [PPM.III.B.6 for in-state locations and PPM.III.B.7 for nonresident locations] that would authorize staff to waive the production of certain sensitive information for owners of permits holding less than 5% share of ownership. Following substantial discussion by the members, the members declined to approve the proposed policy amendments. Mr. Mannino then moved,

**Resolved**, to deny the request by MedMinder Pharmacy for an exception to the requirements for pharmacy ownership information as outlined in *PPM.III.B.7 ~ Application for New Nonresident Pharmacy Permit*.

The motion was adopted after a majority vote in the affirmative; Mr. McKay and Mr. Moore objected.

*15. Presentation of FraudRx<sup>®</sup> Alert*

Mr. Aron introduced Dr. Kevin Riche, representing El-Cid Solutions. Dr. Riche presented information about a service intended for marketing to physicians and other prescribers. In brief, the service would provide alerts to prescribers of information about questionable prescriptions purported to be written by the prescriber. To perform that service, the firm would require access to certain information in the PMP database. Mr. Broussard informed the members Dr. Riche and other representatives of the firm had met with staff, and staff had researched the PMP law to determine whether there were any impediments to granting the firm access to the requested information. Staff was of the opinion that the current language of the PMP law does not appear to allow the firm to have the access requested. Dr. Riche replied to questions from several members.

Mr. Aron requested the Regulation Revision Committee review the PMP law to determine whether any revisions were necessary to accommodate the request, and if so, to prepare a legislative proposal for the Board's consideration.

*16. Request for Approval of Pilot Project: Automated Medication System in Unlicensed Medical Clinic Setting*

Mr. Aron introduced Mr. Hank Mills and Mr. Jeff Brown from Highgate Apothecary and Dr. Seema Siddiqui from MedAvail. The petitioners presented information about an automated medication system marketed by MedAvail. The device is intended for placement in medical office settings, and is controlled by the pharmacy supplying medications for the system. The device allows the patient to insert the prescription into the device, which then transmits the prescription to the pharmacist for processing. On completion of processing by the pharmacist, the device dispenses the labeled prescription to the patient and facilitates audio-visual communication between the pharmacist and the patient. The presenters replied to questions from several members.

Mr. Aron requested Mr. Broussard to explain the current rule for automated medication systems. Mr. Broussard explained the current rule limits the placement of such devices to facilities licensed by the Dept. of Health or the Board. Since the device is intended for placement in an unlicensed clinic setting, the current rule would prohibit use of the system as requested. Following substantial discussion, Ms. Hall moved,

**Resolved**, to authorize a pilot project with Highgate Apothecary [PHY.007507], wherein the pharmacy will operate a MedAvail MedCenter

at an unlicensed clinic setting in Louisiana; and further, to authorize the operation of the pilot project for a period of one year while the Regulation Revision Committee reviews the current rule for automated medication systems and develops a regulatory proposal for the Board's consideration.

The motion was adopted after a majority vote in the affirmative. Members objecting were Mr. Cassidy, Mr. Mannino, Mr. McKay, Ms. Milano, Mr. Pitre, and Mr. Valentine.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 4:45 p.m. and then reconvened at 5:05 p.m. Mr. Aron resumed the sequence of the posted agenda.

*17. Request for Approval of Online Naloxone Exchange*

In the absence of the petitioner, Mr. Aron asked Mr. Broussard to explain the request. Mr. Broussard directed the members to a copy of the petitioner's request in their meeting binder. In brief, the proposal is to authorize the operation of an online service that would allow persons or authorized entities, e.g., law enforcement agencies, EMS, etc., to obtain naloxone from a pharmacy located within the state. The website would utilize videos to provide the required training.

Mr. Broussard reminded the members of their rule which prohibits pharmacists from dispensing prescriptions in response to electronic questionnaires [LAC 46:LIII.2515]. He also reminded them the legislature has implemented multiple public policy initiatives designed to make naloxone and other opioid antagonists freely accessible. He further reminded them of information from the National Association of Boards of Pharmacy (NABP) which indicates the proliferation of websites trafficking illegally in prescription drugs and the dangers inherent in recommending patients search for prescription drugs online. Finally, he reminded them of the dotPharmacy program, which verifies pharmacy websites and teaches patients searching for prescription drugs online to rely on verified websites in the dotPharmacy internet domain.

Following substantial discussion, Mr. Pitre moved,

Resolved, to condition the Board's approval of the proposal on the following parameters:

- (1) All of the activities conducted for the benefit of Louisiana citizens shall occur within the dotPharmacy internet domain;
- (2) The medications authorized to be dispensed or distributed pursuant to this proposal shall be limited to naloxone or other opioid antagonists; and
- (3) All of the pharmacies dispensing naloxone or other opioid antagonists to Louisiana citizens pursuant to this proposal shall possess a current pharmacy permit from the Board and shall be physically located within the state of Louisiana; and further, when performed in compliance with these limitations, the Board intends to exercise enforcement discretion relative to the dispensing of prescriptions based on replies to electronic questionnaires.

The motion was adopted after a unanimous vote in the affirmative.

*18. Vision for Pharmacy Technician Education*

Mr. Aron informed the members the petitioner, Mr. Aurdie Bellard, had informed him earlier that day he wished to withdraw his request to discuss this topic with the Board.

*19. New Agenda Items Added During Meeting*

There were no additional agenda items added during the meeting.

*20. Announcements*

Mr. Aron directed the members to the announcements in their meeting binder.

*21. Adjourn*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 5:35 p.m.

Respectfully submitted,

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Richard M. Indovina, Jr.  
Secretary