



**Louisiana Board of Pharmacy**  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



# Minutes

**Regular Meeting  
&  
Administrative Hearing**

Wednesday, November 14, 2018 at 8:00 a.m.

Thursday, November 15, 2018 at 8:30 a.m.

**Location:**

Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 14, 2018 in the Boardroom of the Louisiana Board of Pharmacy, located at 3388 Brentwood Drive 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 8:10 a.m.

*2. Invocation & Pledge*

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

*3. Quorum Call*

Mr. Aron called upon the Secretary, Mr. Richard M. Indovina, Jr., 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. Blake P. Pitre  
Mr. Don L. Resweber  
Mr. Douglas E. Robichaux  
Mr. Richard A. Soileau  
Dr. Raymond J. Strong  
Mr. Rhonny K. Valentine

**Members Absent:**

Mr. Ronald E. Moore

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. Benjamin S. Whaley, Chief Compliance Officer

**Guests:**

Mr. Michael Dorman – Consultant Pharmacist to LSU Agricultural Center  
Mr. Jacob Simpson – BSW, on behalf of Sterling Pharmacy  
Mr. David Chauvin – Barker's Pharmacy  
Ms. Laura Churns – Albertsons Pharmacies

Ms. Julie Hessick – CoverMyMeds  
Mr. Johnny Garcia – AllianceRx Walgreens Prime  
Dr. Monica Dziuba – Ochsner Health System  
Dr. Heather Maturin – Ochsner Health System  
Mr. Jacob Irving – JAM Consulting  
Mr. Ricky Brown – JAM Consulting  
Dr. Jessica Adams – TelePharm  
Ms. Deborah Dunn – The Picard Group  
Mr. Rodney Krumm – PPI  
Mr. Jeenu Philip – Walgreens Pharmacies  
Mr. Perry Catchings – WalMart Pharmacies  
Mr. Robert Lancon – Adams & Reese  
Mr. Russell Caffery – La. Independent Pharmacies Association  
Dr. Dana Antoon – Channell Drugs  
Mr. Matthew Naquin  
Mr. Jeff Drozda – La. Association of Health Plans  
Mr. Jerrett Richter – La. Independent Pharmacies Association  
Mr. Eric Bopp – Bopp Law Office  
Mr. Eddie Lau – RM Strategies  
Mr. Ken Whittemore, Jr. – SureScripts  
Mr. Wallace Luke – My CannaLog  
Mr. James Smith – My CannaLog  
Mr. Bud Courson – Courson Nickel  
Mr. Nick Harmon – La. Independent Pharmacies Association  
Mr. Randal Johnson – La. Independent Pharmacies Association

Mr. Indovina certified Mr. Moore 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. Aron asked if there were any additional agenda items, but none were requested. Without objection, the members adopted the posted agenda dated November 12, 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 held on August 15, 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. Indovina 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. Robichaux 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 August 15, 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 reminded the members and guests of the annual election of officers usually conducted at the final meeting of the calendar year. He announced he would conduct elections for each of the five officer positions in rank order, with the newly-elected officer assuming their position immediately. Mr. Rhonny Valentine nominated the entire slate of current officers in their same positions. Mr. Aron requested additional nominations but none were offered; he then closed the nominations. Mr. Valentine moved to re-elect, by acclamation, the current slate of officers in their same positions. With no discussion or public comment, the motion was adopted after a unanimous vote in the affirmative. The following members were re-elected to officer positions:

- Mr. Carl Aron – President
- 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 officers.

## 10. *Committee Reports*

### A. *Finance Committee*

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the *Interim Report for Fiscal Year 2018-2019* in their meeting binder. He summarized the report for the members; there were no questions. Mr. Pitre reminded the members no action was necessary for that report. He then directed the members to the *Proposed Budget Amendment*

No. 2 for Fiscal Year 2018-2019 in their meeting binder. He reported the committee had met the previous day to review the proposal developed by staff and had voted to recommend its approval. He then moved,

**Resolved**, to approve and adopt the *Proposed Budget Amendment No. 2 for Fiscal Year 2018-2019*.

He described the two primary reasons for the second budget amendment – the increase in price to operate the state prescription monitoring program following the recent public bid, as well as the need to recognize the receipt and expenditure of grant funds to implement a statewide integration of the prescription monitoring program in healthcare facilities, pharmacies, and medical offices across the state. He responded to a question from one member. Several members offered comments about the increased expenditures for the state prescription monitoring program. 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 for Fiscal Year 2019-2020* in their meeting binder. He reported the committee had reviewed the staff proposal the previous day and had voted to recommend its approval. He then moved,

**Resolved**, to approve and adopt the *Proposed Budget for Fiscal Year 2019-2020*.

Several members offered comments about the increased expenditures for the state prescription monitoring program. There were no public comments. The motion was adopted after a unanimous vote in the affirmative.

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

**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 but would probably meet in January 2019.

**C. Reciprocity Committee**

Mr. Aron called upon Mr. Cassidy for the committee report. He reported the staff had evaluated 64 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 his 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 September 12 to consider their posted agenda which included nine cases: two pharmacists, two pharmacy technicians, two pharmacy technician candidates, and three pharmacy permits. After interviews and deliberations, the committee took no

action on one of the respondents. The committee also directed the inactivation of the registration for a pharmacy technician candidate they discovered was no longer enrolled in a pharmacy technician training program. One respondent failed to appear as noticed, and that case was scheduled for an administrative hearing. The committee then offered proposed voluntary consent agreements to the remaining six respondents. Mr. Indovina reported three of the respondents requested a rehearing by the committee and that request had been granted. The remaining three respondents had accepted their proposed agreements. Mr. Indovina then presented proposed consent agreements for the following respondents.

**Tonisha Re'nette Sanders (CPT.011400):** 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 certificate for one year and stayed the execution of the suspension, then placed the certificate on probation for one year effective November 14, 2018 subject to certain terms enumerated within the consent agreement, and further, assessed administrative costs.

**Germ's Thrift Clinic Pharmacy, LLC d/b/a Germ's Thrift Clinic Pharmacy [Opelousas, LA] (PHY.007705):** 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 \$7,500 plus administrative and investigative costs.

**Thrift Clinic Pharmacy on Union, LLC d/b/a Thrift Clinic Pharmacy on Union [Opelousas, LA] (PHY.006398):** Mr. Indovina moved to approve the proposed voluntary consent agreement. He replied to questions from a member. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$7,500 plus administrative and investigative costs.

Mr. Indovina reminded the members of a new policy they adopted at their previous meeting in August 2018 relative to the establishment of a threshold for completion of investigations of complaints received by the Board. The policy requires all cases still open 180 days after receipt by the Board to be reviewed by the chair of the violations committee. He also noted the inclusion of a new report in the executive director's report package tracking the number of cases and the number of investigations exceeding the policy threshold. He then reported the Board had opened 150 new cases since the beginning of the fiscal year and closed 122 cases. Of the cases closed, the average number of days to complete the investigation was 50 days. Five of the cases (4.1%) exceeded the policy threshold of 180 days; all five of those cases were opened in the previous fiscal year prior to the approval of the policy. He reported the Chief Compliance Officer had informed the staff of



the policy and was monitoring their performance on the policy benchmark.

Mr. Indovina reported the committee was scheduled to meet on December 5-6 to consider the 22 cases on that docket, which includes six pharmacists, nine pharmacy technicians, and seven 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 11 referrals from the staff – six applications for reinstatement of credentials, three applications for modification of previous orders, and two appearances for informal conference. Following their interviews of the applicants and subsequent deliberations, the committee granted two requests for continuances – one to an applicant for reinstatement of a pharmacist’s license, and one of the pharmacists at informal conference. In addition, the committee took no action on one of the pharmacists at informal conference. Ms. Hall reported the committee developed recommendations for the eight remaining applicants, and then presented the following files to the members for their consideration.

**Matthew John Guarisco (PST.014303)** 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 applicant’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 November 14, 2018, subject to certain terms enumerated within the consent agreement.

**Nancy Lynn Odom (PST.014796)** 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 applicant’s request for reinstatement of the previously suspended license, contingent upon the completion of certain requirements identified within the consent agreement, 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 special work permit and subsequently reinstated license on probation for five years, effective on the issuance of the special work permit, subject to certain terms enumerated within the consent agreement.

**Lauren Moore Caldwell (PST.020057)** Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The Board granted the applicant’s request for reinstatement of the previously suspended license, converted the duration of

the suspensive period from an indefinite term to a term of two years and stayed the execution of the suspension, then placed the license on probation for two years effective November 14, 2018 subject to certain terms enumerated within the consent agreement.

**Jeffery Charles Pierre (PST.020332)** Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The Board granted the applicant'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 November 14, 2018 subject to certain terms enumerated within the consent agreement.

**Lauren Ruffino Etienne (PST.019969)** Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The Board granted the applicant'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 November 14, 2018 subject to certain terms enumerated within the consent agreement.

**Tiffany Cathleen Upshaw (PST.018936)** Ms. Hall moved to approve the applicant's request to terminate the probationary period scheduled to conclude on November 13, 2019. 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.

**Amanda Elizabeth Shubert Balli (PST.019454)** Ms. Hall moved to deny the applicant's request to terminate the probationary period scheduled to conclude on November 15, 2022, and further, to remove Article 2.e from her November 2017 Probation Order which restricts her acceptance of an appointment as the pharmacist-in-charge of a pharmacy. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board denied the applicant's request for termination of probation and removed Article 2.e from her November 2017 Probation Order, allowing her to accept an appointment as the pharmacist-in-charge of a pharmacy.

**Scott Nolan Gewin (PST.017104)** Ms. Hall moved to grant the applicant's request to remove Article 2.e from his May 2014 Probation Order which restricts his acceptance of an appointment as the pharmacist-in-charge of a pharmacy. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board removed Article 2.e from his May 2014 Probation Order, allowing him to accept an

appointment as the pharmacist-in-charge of a pharmacy.

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*

In the absence of the committee chair (Mr. Moore), Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre reported the committee met the previous day to consider four referrals from the staff – two applications for reinstatement of lapsed pharmacy technician certificates, one application for modification of previous orders for a pharmacist on probation, and one application to return a pharmacist license currently on voluntary inactive status to active status. Following interviews and deliberations, the committee authorized the conversion of the pharmacist license on voluntary inactive status to active status without restriction. The committee developed recommendations for the remaining applications, and Mr. Pitre presented the following files to the members for their consideration.

**Isabel Flores Booth (CPT.010495)** Mr. Pitre 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 applicant's request for reinstatement of the previously lapsed certificate, contingent upon the completion of certain requirements identified within the consent agreement prior to November 14, 2020.

**Edna Diane Johnston (CPT.005876)** Mr. Pitre 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 applicant's request for reinstatement of the previously lapsed certificate, contingent upon the completion of certain requirements identified within the consent agreement prior to November 14, 2020.

**Thadrian Marquis Johnson (PST.013542)** Mr. Pitre moved to grant the applicant's request for modification of previous orders by removing Article 5.e from her February 2015 Probation Order which restricts her from accepting an appointment as the pharmacist-in-charge of a pharmacy. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board removed Article 5.e from her February 2015 Probation Order, allowing her to accept an appointment as the pharmacist-in-charge of a pharmacy.

Mr. Pitre 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; however, he was planning a meeting in connection with the Board's next meeting in February 2019.

Mr. Aron declared a recess. It was noted the members recessed at 9:10 am and then reconvened at 9:30 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 that since the previous Board meeting, there had been a legislative oversight committee hearing, two public hearings, and two committee meetings. He then presented the following topics to the Board for their consideration.

*Regulatory Project 2018-1 ~ Pharmacy Benefit Managers*

Mr. McKay reminded the members of the October 8 legislative oversight committee hearing, at the conclusion of which the Senate Committee on Health and Welfare voted to reject the Board's proposed rule. He directed the members to a copy of that committee report in their meeting binder. Mr. Aron informed the members of a preliminary meeting held the previous week to begin work on a legislative proposal relative to regulation of pharmacy benefit managers.

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

Mr. McKay reminded the members this regulatory project had been expedited by the board president to comply with the legislatively-imposed deadline of January 1, 2019. He reported the receipt of two letters of comment during the September 28 public hearing and the staff's replies to those commentators at the president's direction. He also reported the staff's submission of the required report to the Joint Legislative Oversight Committee on Health & Welfare on October 25, a copy of which was included in their meeting binder. Finally, he informed the members of the Board's intent to publish the original proposed rule and form in the December 2018 edition of the state register with a delayed effective date of January 1, 2019.

*Regulatory Project 2018-3 ~ Drugs of Concern - Naloxone*

Mr. McKay reported the receipt of one letter of comment at the October 26 public hearing. Mr. Aron asked Mr. Broussard to summarize and explain the two concerns raised by the commentator. Mr. Broussard reported the commentator raised two issues: (1) There is a risk of false impression by the viewer of a naloxone transaction in the state prescription monitoring program (PMP) database, who might falsely believe the recipient of the naloxone was at risk for opiate abuse, given the legal authority for anyone to obtain

naloxone, whether they are an opioid user or a caregiver of such a person. The commentator raised the concern a caregiver might be reticent to obtain naloxone for fear of such false impression. (2) Drugs of concern require special coding in a pharmacy information system to ensure those prescription transactions are uploaded to the state PMP database along with the controlled substance transactions. There is a cost for such special coding procedures.

Following substantial discussion, the members requested staff to confirm their understanding of the PMP vendor's technical capacity to mask the identity of a recipient in a naloxone dispensing transaction viewable in the PMP database. The members also suggested that if the technical capacity could be confirmed and implemented, then no revisions to the original proposed rule were necessary, and the Board should continue with the promulgation process. Mr. McKay then moved,

**Resolved**, to direct staff to confirm the prescription monitoring program vendor's technical capacity to mask the identity of a recipient in naloxone prescription transactions viewable in the prescription monitoring program database; and further, to reply to the commentator of the Board's decision to implement such masking technology, and further, duly note the commentator's general objection to the coding requirements for drugs of concern, and further, to inform the commentator of the Board's determination that no revisions of the original proposed rule were warranted; and further, to direct staff to compile and submit the required report to the Joint Legislative Oversight Committee on Health & Welfare.

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

*Regulatory Proposal 2018-A ~ Immunizations (Draft #2)*

Mr. McKay reported the committee had two separate assignments from the Board relative to immunizations and the committee combined both assignments into this single proposal. He then moved.

**Resolved**, to approve *Regulatory Proposal 2018-A ~ Immunizations (Draft #2)*, 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.

Following substantial discussion concerning the 24-hour limit to report immunizations to the state registry, Mr. McKay moved to amend Subsection F.2 of the proposal to replace 24 hours with 72 hours, and further, to delete the second sentence relative to mass immunization events. Following additional member discussion and one public comment, the motion for the amendment was adopted after a unanimous vote in the affirmative. Mr. Aron then solicited additional discussion on the proposal as amended. There was no further member discussion or public comment. The motion for

the proposal as amended was then adopted after a unanimous vote in the affirmative.

*Regulatory Proposal 2018-C ~ Investigational Drugs (Draft #1)*

Mr. McKay reminded the members this item had been referred to the committee following a presentation to the Board from a hospital pharmacy seeking guidance regarding its participation in investigational drug studies. He reported the committee developed this proposal and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-C ~ Investigational Drugs (Draft #1)*, 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.

*Regulatory Proposal 2018-G ~ Telepharmacy (Draft #4)*

Mr. McKay reminded the members this item had been referred to the committee following a presentation from an industry stakeholder. The committee received additional information from the public during its deliberations and voted to recommend the fourth draft of the proposal to the Board. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-G ~ Telepharmacy (Draft #4)*, 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.

Mr. McKay replied to questions and comments from several members; there was one public comment. The motion was adopted after a unanimous vote in the affirmative.

*Regulatory Proposal 2018-H ~ Correctional Center Pharmacies (Draft #2)*

Mr. McKay reminded the members of the directive from the legislature via Act 310 of the 2016 Legislature. The committee developed the proposal and recommended its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-H ~ Correctional Center Pharmacies (Draft #2)*, 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.

Mr. McKay replied to questions and comments from several members. Mr. LaGrange asked about the use of automated medication systems in correctional centers without on-site pharmacies. Mr. Aron indicated the

Board office had received inquiries on that point and reminded the members of the eligibility requirements for automated medication system registrations. In particular, such registrations are available to pharmacies and facilities with credentials issued by the state health department. At Mr. LaGrange's request, Mr. Aron referred Chapter 12 – Automated Medication Systems to the Regulation Revision Committee to develop a proposal authorizing placement of such systems in other locations including correctional centers without on-site pharmacies. The motion for approval of the proposal was then adopted following a unanimous vote in the affirmative.

Regulatory Proposal 2018-J ~ PMP Data Archive (Draft #1)

Mr. McKay reminded the members of the provisions of Act 188 of the 2016 Legislature authorizing the Board to archive some of the older data in the PMP database. The committee developed the proposal and recommended its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-J ~ PMP Data Archive (Draft #1)*, 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.

Mr. McKay replied to questions from the members; there was no public comment. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Proposal 2018-K ~ Veterinary Hospital Pharmacy (Draft #2)

Mr. McKay reminded the members this item had been referred following a presentation from the LSU Veterinary Teaching Hospital and the initiation of a pilot project which had been extended and was still in place. The committee developed the proposal and recommended its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-K ~ Veterinary Hospital Pharmacy (Draft #2)*, 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.

Regulatory Proposal 2018-L ~ Refill Dispensing (Draft #4)

Mr. McKay reminded the members this item had been requested by a previous member of the Board. Following considerable discussion, the committee voted to recommend the approval of the fourth draft of the proposal. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-L ~ Refill Dispensing (Draft #4)*, 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.

Mr. McKay replied to questions from several members; there was one public comment seeking clarification. The motion was adopted following a unanimous vote in the affirmative.

*Regulatory Proposal 2018-Q ~ Examination Delays (Draft #1)*

Mr. McKay reminded the members this item had been referred to the committee to reconsider the requirement for a one year wait following the third failure of a licensing examination since some candidates are able to complete their remediation in a lesser period of time. The committee developed the proposal and recommended its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-Q ~ Examination Delays (Draft #1)*, 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.

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

*Regulatory Proposal 2018-R ~ License Transfer for Pharmacy Technicians (Draft #1)*

Mr. McKay reminded the members this item had been requested by a previous member of the Board. The committee felt the current rule imposes an unnecessary burden on pharmacy technicians licensed and practicing in other states who wish to relocate to Louisiana. The committee developed the proposal and recommended its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-R ~ License Transfer for Pharmacy Technicians (Draft #1)*, 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.

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

*Regulatory Proposal 2018-S ~ Continuing Education Records (Draft #1)*

Mr. McKay reminded the members of the previous amendment to the technician rules updating the recordkeeping requirements for continuing education. The committee developed the proposal to make the same recordkeeping amendment for the pharmacists, and they voted to



recommend the approval of the proposal. Mr. McKay then moved, **Resolved**, to approve *Regulatory Proposal 2018-S ~ Continuing Education Records (Draft #1)*, 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.

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

*Regulatory Proposal 2018-T ~ Epidemiologist Access to PMP (Draft #1)*

Mr. McKay reminded the members of the provisions of Act 232 of the 2018 Legislature authorizing the Board to allow an epidemiologist with the state health department to have access to PMP data for public health surveillance purposes. The committee developed the proposal and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-T ~ Epidemiologist Access to PMP (Draft #1)*, 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.

*Regulatory Proposal 2018-U ~ Partial Fills for Schedule II Drugs (Draft #1)*

Mr. McKay reminded the members of the provisions of Act 32 of the 2018 Legislature, which amended the controlled substance law to allow for partial fills of prescriptions for all Schedule II drugs, not just the opiates currently allowed. The committee developed the proposal and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-U ~ Partial Fills for Schedule II Drugs (Draft #1)*, 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.

Mr. McKay replied to questions from members. There was one public comment seeking clarification of the proposed rule. The motion was adopted after a unanimous vote in the affirmative.

Mr. Aron declared a luncheon recess. It was noted the members recessed at 11:35 a.m. and then reconvened at 12:35 p.m. Mr. Aron resumed the sequence of the posted agenda.

Regulatory Proposal 2018-V ~ CDS License for Third Party Logistics Providers (Draft #1)

Mr. McKay reminded the members of the provisions of Act 186 of the 2018 Legislature, which amended the controlled substance law to provide for the licensure of third party logistics providers which elect to distribute controlled substances. The committee developed the proposal to implement the legislation; it also includes several unrelated but technical changes to update the rule that was promulgated 10 years ago. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-V ~ CDS License for Third Party Logistics Providers (Draft #1)*, 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. Mr. McKay replied to one public commentator seeking clarification of the proposed rule. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Proposal 2018-W ~ Rulemaking Procedures (Draft #1)

Mr. McKay reminded the members of the provisions of Act 454 of the 2018 Legislature. The committee developed the proposal and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve *Regulatory Proposal 2018-W ~ Rulemaking Procedures (Draft #1)*, 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.

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

Advisory Opinion re LAC 46:LIII.1123.K.3 re Recordkeeping Requirements for Computerized Faxed Prescriptions in Pharmacy Records

Mr. McKay reminded the members this item had been referred to the committee during the previous Board meeting. Following stakeholder input and substantial discussion, the committee developed the proposed advisory opinion and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve the proposed *Advisory Opinion re LAC 46:LIII.1123.K.3 re Recordkeeping Requirements for Computerized Faxed Prescriptions in Pharmacy Records*.

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

Joint Accreditation of Interprofessional Continuing Education

Mr. McKay reminded the members this item had been referred to the committee to consider the necessity of a new rule to recognize the new credit

mark for interprofessional continuing education. The committee did not believe a rule amendment was necessary but suggested a policy recognizing that accreditation would be appropriate. The committee requested the Executive Committee develop a proposed policy for the Board's consideration. Mr. McKay indicated the Executive Committee did develop a proposed policy which would be considered later that day.

*Reporting of Changes in Pharmacy Employment and Mailing Address*

Mr. McKay reminded the members this item had been referred to the committee at the request of a current member of the Board, to develop a proposal requiring the Pharmacist-in-Charge to report staffing changes in the pharmacy to the Board. After considerable discussion and two draft proposals, the committee determined that additional rules were not necessary, and that the Board should enforce the rules already in place. The committee voted to return the assignment to the Board. In lieu of a regulatory proposal, the Committee recommends the Violations Committee develop a policy and procedure outlining the enforcement procedures and the sanctions to be imposed when violations of the current rule are discovered. Following substantial member discussion, Mr. Aron referred the matter to the Violations Committee to develop a policy for the Board's consideration.

*Act 31 of the 2018 Legislature*

Mr. McKay reminded the member of this new legislation which amended the requirements for licensure by reciprocity, removing the one year of previous practice. He reminded the members of their approval of an amendment to the existing policy on licensure by reciprocity; staff had incorporated the new legislation in that policy amendment. Further, staff already amended the licensure application package to reflect that change. Finally, there is no rule specific for reciprocity requirements, and the committee declined to offer such a proposal at this time.

*Act 63 of the 2018 Legislature*

Mr. McKay reminded the members of this new legislation which provides for a waiver of licensure renewal fees for pharmacist and technician military spouses. Staff developed the PST-MS classification of licensure and two pharmacists had already converted their PST license to the new classification. He reported staff was prepared to develop a CPT-MS classification but no technicians had yet requested such a change. Finally, he indicated staff would prepare a formal policy and procedure document for this licensure classification at a future date. The committee declined to offer a regulatory proposal on this topic at this time.

*Act 64 of the 2018 Legislature*

Mr. McKay reminded the members of this new legislation which amended the definition of the term "approved college of pharmacy" to remove a specifically-named and obsolete reference book. Since the same term does

not appear in any current rule, the committee determined no change to any rule was necessary.

Act 317 of the 2018 Legislature

Mr. McKay reminded the members of this new legislation which provides for pharmacist communication with patients, to specifically permit such communications to include information about costs of medication. The committee determined the law was sufficiently detailed that no rules were necessary to further elaborate on the law.

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

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 Policies & Procedures

Mr. Aron reported the staff had prepared minor revisions to the policies relative to applications for new pharmacy permits, as well as a new policy relative to inspection of nuclear pharmacy services. Mr. McKay then moved,

**Resolved**, to approve the proposed revision to *PPM.III.B.06 ~ Application for New In-state Pharmacy Permit* for the Board's Policy & Procedure Manual.

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

**Resolved**, to approve the proposed revision to *PPM.III.B.07 ~ Application for New Nonresident Pharmacy Permit* for the Board's Policy & Procedure Manual.

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

**Resolved**, to approve the proposed policy *PPM.IV.B.2.g ~ Inspection of Nuclear Pharmacy Services* for the Board's Policy & Procedure Manual.

Mr. Aron replied to questions from two members. There was no public comment. The motion was adopted after a unanimous vote in the affirmative.

Review of Proposed Memorandum of Understanding with La. Dept. of Health

Mr. Aron reminded the members of the 2018 legislation authorizing an epidemiologist with the state health department to have access to PMP data for public health surveillance. He reported staff had been working with the department to establish the framework for the epidemiologist access and use of PMP data. The department requested the execution of a memorandum of understanding to authorize that activity. Mr. McKay then moved,

**Resolved**, to approve the proposed *Memorandum of*

*Understanding between the Board and the Bureau of Health Informatics in the Office of Public Health at the La. Dept. of Health to facilitate epidemiologist access to PMP data.*

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

*Review of Proposed InterAgency Agreement with La. Dept. of Health*

Mr. Aron reported the Dept. of Health had received federal grant funds for its activities related to the opioid crisis. The department contacted the Board office to discuss the feasibility of a statewide integration of the PMP Gateway and NarxCare services offered by the PMP vendor, Appriss. The department decided to allocate a portion of their grant funds to implement both services and pay the subscription costs for two years. The department requested the execution of an interagency agreement for the transfer of the funds to the board for payment to the vendor. Mr. McKay then moved,

**Resolved**, to approve the proposed *InterAgency Agreement between the Board and the Bureau of Community Preparedness in the Office of Public Health at the La. Dept. of Health* to facilitate the statewide integration of PMP Gateway and NarxCare.

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

*Review of Public Bid Price for Operation of Prescription Monitoring Program*

Mr. Aron reminded the members of the five year limitation on contracts awarded pursuant to public bid. The contract for the current vendor, Appriss, was scheduled to terminate on November 30, 2018. He reported staff worked with the state procurement office to develop technical specifications for the invitation to bid. He reported the receipt of one bid, and it was from the current vendor. Staff reviewed the proposed bid and found the bidder to be a responsible bidder by meeting the eligibility requirements, and further, found the bid to be responsive to the technical specifications, and further, recommends the Board accept the bid. The Office of State Procurement was in the process of reviewing the proposed bid to ensure their requirements were met. He then reported the committee had reviewed the bid price and voted to recommend the acceptance of the bid and the award to Appriss. Mr. McKay then moved,

**Resolved**, to accept the bid for the operation of the state prescription monitoring program as responsible and responsive, and to recommend the award of the contract to Appriss, Inc.

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

*Review of Proposed Cooperative Endeavor Agreement with University of Louisiana Monroe College of Pharmacy*

Mr. Aron reminded the members of their previous action to approve a Memorandum of Understanding (MOU) with the college to develop and maintain a drug price website for the Board. When the signed MOU was

sent to the university for execution, the university legal staff requested the execution of a cooperative endeavor agreement instead of the MOU. The committee reviewed the proposed agreement furnished by the university and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve the *Cooperative Endeavor Agreement between the Board and the University of Louisiana Monroe College of Pharmacy* for the development and maintenance of the Board's drug price website.

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

*Proposed Advisory Opinion re Joint Accreditation of Interprofessional Continuing Education*

Mr. Aron reported the committee received a request from the Regulation Revision Committee for the development of an advisory opinion. In lieu of a new rule to recognize Joint Accreditation of Interprofessional Continuing Education, the committee determined it appropriate to interpret the existing rule for continuing education such that programs meeting the accreditation standards for Joint Accreditation of Interprofessional Continuing Education are valid for the Board's continuing education requirements. Mr. McKay then moved,

**Resolved**, to approve the proposed *Advisory Opinion re Joint Accreditation of Interprofessional Continuing Education*.

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

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. Broussard 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.

Mr. Broussard 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. Soileau then moved,

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

- > PHY.007754-NR – Alta Rx (UT);
- > PHY.007542-NR – Brookshire Pharmacy #9000 (TX);
- > PHY.007759-HOS – Byrd Regional Hospital Pharmacy (LA);
- > PHY.007753-NR – Caring Pharmacy (GA);
- > PHY.007764-NR – Crestview Pharmacy Services (AZ);
- > PHY.007789-NR – Dania Rexall (FL);

- > PHY.007746-NR – Drugco Health (NC);
  - > PHY.007790-NR – Express Veterinary Pharmacy (AZ);
  - > PHY.007760-NR – Omnicare Clinical Intervention Center (SC);
  - > PHY.007762-NR – Optime Care (MO);
  - > PHY.007716-IR – Option Care (LA);
  - > PHY.007748-NR – Rx to Go (FL);
  - > PHY.007772-NR – Vet Approved Rx (TN); and
  - > PHY.007755-NR – WellDyne Rx (CO);
- once they have executed the standard consent agreement for that purpose.

Mr. Broussard replied to a question from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Broussard indicated completion of his report.

*K. Report of General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet informed the members of a regulatory conference sponsored by the Federation of Associations of Regulatory Boards (FARB) and distributed a brochure about the conference. He then presented the following files to the members for their consideration.

**Diamond Drugs, Inc. d/b/a Diamond Pharmacy [Indiana, PA]**

**(PHY.004594):** Mr. Indovina 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 assessed a fine of \$10,000 plus administrative and investigative costs.

**Laisha Javon Duhon (CPT.013316):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

**Henry Ford Pharmacy Advantage Southfield, Inc. d/b/a Henry Ford Pharmacy Advantage Southfield [Rochester Hills, MI] (PHY.007154):**

Mr. Indovina 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 assessed a fine of \$5,000 plus administrative costs.

**Steve Khai Vu (PST.015586):** Mr. Indovina moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. 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 September 10, 2018.

**Sydney Lee Driggers (CPT.009699):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

**Laurie Bonin Warf (CPT.002632):** Mr. Indovina 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 revoked the certificate effective September 12, 2018, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

**Leroy Harris, Jr. (CPT.011026):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

**Chasity Simone Tucker (CPT.012031):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

**Lydia Rose Borden (CPT.012709):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

**Danyel Deone D'Shay Wilson (CPT.011347):** Mr. Indovina 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 revoked the certificate effective October 3, 2018, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

**Ralph Samuel Welch, Jr. (CPT.010182):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.



**Nakia Richelle Lockett (CPT.012426):** Mr. Indovina moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the certificate for an indefinite period of time effective October 9, 2018.

**Bailey Nicole Bel (CPT.011146):** Mr. Indovina 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 revoked the certificate effective October 12, 2018, and further, permanently prohibited the acceptance of any future application for reinstatement of the certificate or for any other credential issued by the Board.

**Bocage Pharmacy Centre, Inc. d/b/a Bocage Pharmacy Centre [Baton Rouge, LA] (CDS.039257-PHY):** Mr. Indovina moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the state controlled substance license for the pharmacy for an indefinite period of time effective October 30, 2018.

**Brittney Kaye Burrell (CPT.010887):** Mr. Indovina 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 issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

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
    - Credentials Division
      - Census Report
      - Licensure Activity Report
      - Application Activity Report
      - Exceptions Report
    - Compliance Division
      - Census Report
      - Complaint Investigation Policy Monitor

Mr. Soileau requested an overview of this new report. Mr. Broussard

reminded the members of their new policy on the topic from their previous meeting. The report monitors complaint investigations to ensure compliance with the 180-day completion threshold required by the policy.

➤ External Reports  
Administrative and Legislative Agency Reports

Mr. Broussard directed the members to the annual reports for Fiscal Year 2017-2018 prepared for the Board and for the prescription monitoring program. He noted those reports require Board approval to authorize their filing. Mr. McKay then moved,

**Resolved**, to approve the *Annual Report for Fiscal Year 2017-2018 for the Board of Pharmacy*.

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

**Resolved**, to approve the *Annual Report for Fiscal Year 2017-2018 for the Board's Prescription Monitoring Program*.

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

- Examinations
  - MPJE
  - NAPLEX
  - ExCPT
- Operations
  - Credentials Division
  - Compliance Division
  - PMP Division
- State Activities
  - La. Legislature
- Regional & National Activities
  - National Association of Boards of Pharmacy (NABP)
  - NABP-AACP District 6
  - MALTAGON
- International Activities
  - International Pharmaceutical Federation (FIP)
  - dotPharmacy Verified Websites Program

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

Mr. Aron declared a brief recess. It was noted the members recessed at 2:00 p.m. and then reconvened at 2:30 p.m. Mr. Aron resumed the sequence of the posted agenda.

12. *Electronic Prescribing of Controlled Substances (Ken Whittemore, SureScripts)*

Mr. Aron introduced Mr. Ken Whittemore, Jr., RPh, MBA, Vice President of Professional & Regulatory Affairs at SureScripts. Mr. Whittemore reviewed the current

status of electronic prescribing in the U.S., including the electronic prescribing of controlled substances. He described the process of how electronic prescriptions originate with the prescriber and are communicated to the pharmacies.

Mr. Whittemore presented Louisiana Prescriber and Pharmacy Enablement Status Report for October 2018. The report indicated there were approximately 18,218 prescribers in the state, of which 12,509 were actively e-prescribing, indicating 68.7% of physicians were enabled for e-prescribing. With respect to electronic prescribing of controlled substances, however, only 4,466 were actively e-prescribing controlled substances, indicating 24.5% of physicians were enabled for e-prescribing of controlled substances. With respect to the 1,107 pharmacies in the state, 1,083 pharmacies are actively receiving electronic prescriptions, indicating 97.8% of pharmacies were enabled for e-prescriptions. With respect to electronic prescriptions for controlled substances, 1,055 pharmacies were actively receiving e-prescriptions for controlled substances, indicating 95.3% of pharmacies are enabled for e-prescriptions of controlled substances.

Mr. Whittemore replied to questions from several members about different aspects of e-prescribing. He concluded his presentation with information about different states which had adopted legislation mandating e-prescribing of either all medications or just controlled substances.

Mr. Broussard informed the members Mr. Aron had requested Mr. Whittemore make a presentation about e-prescribing in anticipation of a legislative initiative in the 2019 or 2020 legislative session that would consider mandating e-prescribing for either all medications, controlled substances only, or some variation thereof. Mr. Aron expressed his appreciation to Mr. Whittemore for the presentation as well as his replies to the members' questions.

*13. Request for Approval of Pharmacy Technician Training Program (Lamar State College, Orange, TX)*

Mr. Aron asked Mr. Broussard to describe the request. Mr. Broussard directed the members to a screen shot of the school's accreditation record. Mr. McKay then moved **Resolved**, to approve the pharmacy technician training program at Lamar State College in Orange, TX and add the school to the Board's roster of approved pharmacy technician training programs. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

*14. Consideration of Guidance Information re Over-the Counter Sale of CBD Oil*

Mr. Aron requested Mr. Broussard to describe the request. Mr. Broussard directed the members to a guidance document on the retail sale of CBD oil products recently posted by the Ohio Board of Pharmacy. He reviewed the status of cannabidiol in federal and state law. He reported the office had received multiple requests for information on the topic from persons (including persons with credentials issued by the Board) seeking information on the legal status of the product and whether it was permissible to sell such products. Mr. Aron solicited comments from different guests interested in the topic. Following member discussion and public comment, Mr. Resweber moved, **Resolved**, to direct staff to issue a guidance document based on the guidance document issued by the Ohio Board of Pharmacy and

tailored to Louisiana facts.

Several members offered comments. There were no further public comments. The motion was adopted after a unanimous vote in the affirmative.

*15. Request for Approval of Change in Ownership for Marijuana Pharmacy Permit*

Mr. Aron invited Mr. LaGrange, a current member of the Board, to proceed to the witness table to present his request, and further, once he concluded his presentation, to then recuse himself from any decision process. Mr. LaGrange agreed, then presented his request to allow him to take an ownership position in the marijuana pharmacy permit awarded to a firm in Lafayette, La. At the conclusion of Mr. LaGrange's presentation, and at Mr. Aron's request, Mr. Broussard reminded the members of the rule and policy on ownership changes for marijuana pharmacy permits. Following a brief discussion, Mr. Soileau moved,

**Resolved**, to approve the request from Mr. Kevin LaGrange to acquire 2.5% ownership interest in The Apothecary Shoppe, LLC d/b/a The Apothecary Shoppe, a firm which was awarded a permit to operate a marijuana pharmacy in Lafayette, La.

Several members offered comments, but there were no public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. Aron declared a brief recess. It was noted the members recessed at 4:20 p.m. and then reconvened at 4:45 p.m. Mr. Aron resumed the sequence of the posted agenda.

He informed the members of concerns expressed to him during the recess about the vote which occurred just prior to the recess. He indicated some members thought his final vote was on the call for the question and not the main motion. Mr. Aron indicated a motion to reconsider the vote by which the previous motion was adopted would be in order, must be made by anyone who voted in the affirmative (which was everyone), and the adoption of the motion to reconsider required a majority affirmative vote. Mr. Indovina moved to reconsider the vote by which the previous motion was adopted. The motion to reconsider was adopted after a unanimous roll call vote in the affirmative. Mr. Aron indicated the original motion to approve the request from Mr. LaGrange to acquire an ownership interest in a marijuana pharmacy permit was open for discussion. With no further discussion and no public comment, Mr. McKay requested a roll call vote. The motion was adopted following a majority vote in the affirmative; Ms. Hall and Mr. McKay objected.

*16. Request to Change Maximum Amount of THC in Marijuana Products*

Mr. Aron reminded the members of the request received from a private citizen expressing concern for the limitation in the Board's marijuana rules on the amount of tetrahydrocannabinol (THC) in a single dose as well as a package of marijuana products. Mr. Broussard reminded the members of the limitations in the rule which were predicated on the original set of qualifying medical conditions, which did not include the autism spectrum disorder discussed in the citizen's request. Following a brief discussion, Mr. Aron referred the request to the Board's Regulation Revision Committee with a request for expedited consideration.

*17. Patient Identification Cards in Louisiana Medical Marijuana Program*

Mr. Aron recognized Mr. Jesse McCormick, Mr. Jacob Irving, Mr. Eric Bopp, and Mr. Wallace Luke, all representing *MyCannaLog*. Mr. Irving began by describing what he perceived to be a shortfall of the original legislation which did not provide for a patient identification or registration system. Mr. McCormick described recent activity from the state medical board relative to proposed revisions to certain aspects of their rules for medical marijuana, including the limitation on number of patients, timeline for return visits, and the recommendation form. He also described activities in other states with medical marijuana programs which could establish a foundation for future reciprocity activities wherein patients registered in one state may be able to procure marijuana products in another state. Mr. Luke delivered a presentation describing *MyCannaLog* as a patient-centric personal health record system. At the conclusion of the presentation, Mr. Aron asked the presenters what they want from the pharmacy board. The presenter and some members believed that some legislation may be required in order to authorize rulemaking by the board. Mr. Aron referred the matter to the Regulation Revision Committee for their consideration of legislative or regulatory proposals as appropriate.

*18. Request for Opinion re Physician Supervision of Pharmacy Technicians*

Mr. Aron requested Mr. Broussard to describe the request. Mr. Broussard directed the members to the communications in their meeting binder. Following a brief discussion, the members requested Mr. Broussard to reply to the request by reaffirming previously issued staff guidance, such that pharmacy technicians, by law, may only practice under the direct and immediate supervision of a licensed pharmacist.

*19. Request for Opinion re Compounding of Infusions by Nurse Practitioner*

Mr. Aron requested Mr. Broussard to describe the request. Mr. Broussard directed the members to the information in their meeting binder, describing the historical guidance relative to compounding as agreed with the boards of nursing and pharmacy. Following a brief discussion, the members requested Mr. Broussard to reply to the request by reaffirming previously issued staff guidance, such that nurses may prepare medications for immediate administration in emergent situations. The board was not of the opinion the request described a patient care setting with emergent situations.

*20. New Agenda Items Added During Meeting*

There were no new agenda items added during the meeting.

*21. Announcements*

Mr. Aron directed the members to the announcements in their meeting binder. He announced the next meeting of the board would be held in February at the ULM campus in Monroe, La. He encouraged them to take note of the dates for all of the meetings planned for Calendar Year 2019.

*22. Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 6:05 p.m.

An Administrative Hearing was convened on Thursday, November 15, 2018 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and public notice was properly posted.

*A. Call to Order*

Mr. Aron called the hearing to order at 8:40 a.m.

*B. Invocation & Pledge*

Mr. Aron called upon Mr. Valentine, and he delivered the invocation. Dr. Robert Cloud then led the group in the Pledge of Allegiance.

*C. Quorum Call*

Mr. Aron called upon Secretary Indovina and he called the roll. After doing so, he certified Mr. Moore and Mr. Soileau were absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business.

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

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda, dated November 1, 2018.

*E. 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 prior to the vote on each agenda item. He solicited general comments on non-agenda items from the guests present, and none were offered.

*Appearances*

Mr. Aron indicated he would serve as the Hearing Officer. Ms. Celia Cangelosi and Mr. Carlos Finalet served as Prosecuting Attorneys. Ms. Susan Erkle served as the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk.

Mr. Aron indicated the third case listed on the agenda, relative to Mr. Grevious, had been continued until a future date. He also informed the members the first case listed on the agenda, relative to Ms. King, originated from the Reinstatement Committee and that the remaining cases originated from the Violations Committee. He indicated he would remind the members to be recused from each of those cases at the outset of the proceedings for each case.

Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. The posted agenda is re-created here.

**A G E N D A**

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.  
Revised 11-01-2018

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items & Adoption of Agenda
- E. Opportunity for Public Comment
- \* Appearances
- F. Formal Hearings
  - 01. Case No. 18-0211 ~ CPT.008866 – Latasha Monique King
  - 02. Case No. 18-0116 ~ PTC.025764 – Bryanna Danae' Wilridge
  - 03. Case No. 18-0205 ~ CPT.011226 – Kyle Trumaine Grevious
  - 04. Case No. 18-0270 ~ PTC.026695 – Kathryn Elizabeth Hutchings
- G. Adjourn

*F. Formal Hearings*

**Latasha Monique King (CPT.008866)** Mr. Aron informed the members the case originated from the Reinstatement Committee, and therefore, the members of that committee present and participating in the committee's May 22, 2018 meeting would be recused from this proceeding. In particular, Mr. Cassidy, Mr. Pitre, and Mr. Valentine abstained from any participation in that case. Ms. Cangelosi appeared for the Board. The respondent, Latasha Monique King, was present and was not represented by counsel. Ms. Cangelosi informed the hearing panel she had consulted with the respondent prior to the hearing and the respondent had agreed to stipulate to the admission of several exhibits by Ms. Cangelosi. Ms. Cangelosi offered an opening statement, presented one witness and 17 exhibits. The respondent, Ms. King presented herself as a witness and no exhibits. Ms. Cangelosi then proffered proposed Findings of Facts, Conclusions of Law, and Board Order and tendered the matter to the hearing panel for its consideration. Mr. Robichaux moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There was no member discussion or public comment. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:35 a.m. and then reconvened at 10:25 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. Indovina then moved,

**Resolved**, that the hearing panel, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to correct the name of the drug to read 'promethazine with codeine', Item 5 to correct the number of the Exhibit to 'Board 3', Item 8 to correct the name of the drug to read 'promethazine with codeine', and Item 22 to reflect the presence of the respondent at these proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

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

**Resolved**, that the hearing panel adopt the following Conclusions of Law and then enter them into the hearing record:

Latasha Monique King failed to demonstrate and support with substantial evidence her rehabilitation from the conduct which resulted in the criminal conviction which resulted in her disciplinary history with the Board.

Latasha Monique King failed to demonstrate and support with substantial evidence that the reinstatement of her Louisiana pharmacy technician certificate would not pose a danger to the public health, safety and welfare.

All of the above constitutes sufficient grounds for the denial of the application for the reinstatement of Pharmacy Technician Certificate No. 8866 held by Latasha Monique King.

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

**Resolved**, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 8866, held by Latasha Monique King, shall be, and is hereby, suspended for an indefinite period of time, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) The administrative hearing fee of \$250; and
- (2) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall not submit such application until after November 1, 2020;
- (2) Respondent shall have paid all assessments levied



- herein; and
- (3) Respondent shall have no pending legal or disciplinary matters pending against her in any jurisdiction.

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

Mr. Aron informed the members that both of the remaining cases originated from the Violations Committee, and therefore, the members of that committee present and participating at the committee's June 13, 2018 meeting would be recused from these proceedings. In particular, Mr. Indovina and Mr. Valentine abstained from any participation in these proceedings.

**Bryanna Danae' Wilridge (PTC.025764)** Mr. Finalet appeared for the Board. The respondent, Bryanna Danae' Wilridge, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits, and then proffered proposed Findings of Facts, Conclusions of Law, and Board Order. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Dr. Strong moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There was no member discussion or public comment. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:40 a.m. and then reconvened at 11:00 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Ms. Milano then moved,

**Resolved**, that the hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to correct the quoted statement to read, in part, "... I took 4 bottles ...", adopt the amended findings as our own, and then enter them into the hearing record.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Ms. Milano then moved,

**Resolved**, that the hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, modify them by removing the citation referring to La. R.S. 37:1241(A)(15) and the citation referring to LAC 46:LIII.2501(A), adopt the amended conclusions as our own, and then enter them into the hearing record.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Ms. Milano then moved,

**Resolved**, that the hearing panel enter the following order at this

time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 25764, held by Bryanna Danae' Wilridge, shall be, and is hereby, revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) The administrative hearing fee of \$250; and
- (2) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this registration, or any application for any other credential issued by the board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters pending against her in any jurisdiction.

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

**Kathryn Elizabeth Hutchings (PTC.026695)** Mr. Finalet appeared for the Board. The respondent, Kathryn Elizabeth Hutchings, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and four exhibits, and then proffered proposed Findings of Facts, Conclusions of Law, and Board Order. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Mr. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There was no member discussion or public comment. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 11:07 a.m. and then reconvened at 11:17 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. McKay then moved,

**Resolved**, that the hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

**Resolved**, that the hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

**Resolved**, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 26695, held by Kathryn Elizabeth Hutchings, shall be, and is hereby, revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (3) The administrative hearing fee of \$250; and
- (4) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this registration, or any application for any other credential issued by the board, shall be conditioned upon the satisfaction of the following terms:

- (3) Respondent shall have paid all assessments levied herein; and
- (4) Respondent shall have no pending legal or disciplinary matters pending against her in any jurisdiction.

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

Mr. Finalet indicated completion of the cases scheduled for that day. Mr. Aron expressed his appreciation to Ms. Erkle for her recording services that day.

*G. 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 hearing at 11:25 a.m.

Respectfully submitted,

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Richard M. Indovina, Jr.  
Secretary