



Louisiana Board of Pharmacy
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Minutes

**Regular Meeting
&
Administrative Hearing**

Wednesday, August 14, 2019 at 9:00 a.m.

Thursday, August 15, 2019 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, August 14, 2019 at the office of the Louisiana Board of Pharmacy, located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809-1700. 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 9:05 a.m.

2. Invocation & Pledge

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

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Richard Indovina, to call the roster 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. 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

Member Absent:

Mr. Kevin LaGrange
Mr. Ronald E. Moore

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

Guests:

Mr. Carl Savoie – Carl's Thrifty Way Pharmacy
Ms. Mary Staples – National Association of Chain Drug Stores

Dr. Paul D'Aunoy – C.A.P.S. / BBraun
Dr. Paul Ingalls – Walgreen Pharmacies
Mr. Steven Trahan – Institutional Pharmacies of Louisiana
Mr. Robert Sonnier – Institutional Pharmacies of Louisiana
Mr. Bill Maguire – Omnicell
Mr. Grayson Walsh – Capitol Partners
Mr. Ben J. Sims – Brookshire Grocery Co.
Mr. Bevan Callicott – Cardinal Health
Mr. Richard Palombo – Express Scripts
Dr. John Rocchio – CVS Health
Mr. Jeff Sinko – CVS Health
Mr. John Kapioski – BRG
Dr. Mohamad Salem – WalMart Pharmacies
Ms. Susan Caudle – Line Avenue Pharmacy
Dr. Kristen Laughlin – Genoa Healthcare
Ms. Elise Rigby – Cardinal Health
Ms. Penny Scruggins – Champagne & Co. CPAs
Mr. Russell Champagne – Champagne & Co. CPAs
Mr. Rodney Krumm – Pontchartrain Pharmacy
Mr. Max Huff – The Wellness Corner
Dr. Angelle Huff – The Wellness Corner
Ms. Maria Fielder – Kroger Pharmacies
Ms. Linda Spradley – Spradley & Spradley
Ms. Patricea Angelle – Prescription Compounds
Dr. Jonathan Hartmann – Ochsner Health System

Mr. Indovina certified Mr. LaGrange and Mr. Moore were absent; however, the remaining 15 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 to be added. None were requested. With no requests to amend the agenda, and without objection, the members adopted the posted agenda dated August 8, 2019. 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 on May 29 and the Administrative Hearing on May 30, both held 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 or guests.

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. Soileau 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 29, 2019 are approved, adopted, and ratified by the entire Board.

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

8. *Opportunity for Public Comment*

Mr. 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; 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*

There were no special orders.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron recognized Mr. Russell Champagne, CPA and Ms. Penny Scroggins, CPA, both from Champagne & Co. They reviewed the *Final Report for Fiscal Year 2018-2019* and offered their assessments of the Board's fiscal status and financial operations. They responded to a question from one member. Mr. McKay 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, subject to audit. He then moved,

Resolved, to approve the *Final Report for Fiscal Year 2018-2019*, subject to legislative audit.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then directed the members to the *Proposed Budget Amendment No. 1 for Fiscal Year 2019-2020* 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 2019-2020*.

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

Finally, Mr. McKay 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.

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. He directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder.

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

D. Violations Committee

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee held preliminary hearings on June 11, 2019 to consider their posted agenda which included 24 cases: 10 pharmacists, 7 pharmacy technicians, one pharmacy technician candidate, one DME permit, and 5 pharmacy permits. The committee granted one request for a continuance prior to the meeting. Five respondents failed to appear; the committee voted to refer all of them for formal administrative hearings, two of which were held the following day and the remaining scheduled for future hearings. After interviews and deliberations at the meeting, the committee voted to continue one case conditioned upon the execution of a no-practice agreement, to take no action against two respondents, and to issue non-disciplinary Letters of Noncompliance to 8 respondents. The members voted to offer proposed voluntary consent agreements to the remaining 7 respondents. All of those 7 respondents had accepted their proposed consent agreements. In addition to those 7 agreements, Mr. Indovina reported he had proposed agreements from three other respondents from prior committee meetings. Mr. Indovina then presented the following proposed consent agreements to the members for their consideration.

MPI, Inc. d/b/a Michel's Pharmacy of Bayou Vista f/k/a Medicine Shoppe of Bayou Vista [Morgan City, LA] (PHY.002662): 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 pharmacy permit for five years and stayed the execution of the suspension, then placed the pharmacy permit on probation for five years effective August 14, 2019, subject to certain terms enumerated within the consent agreement, including a requirement to maintain a manual non-electronic perpetual inventory for all controlled substances; and further, assessed a fine of \$50,000 plus administrative and investigative costs; and further, cautioned that the receipt of any evidence verified by the Board of any violations of the probationary terms may result in the immediate, automatic, and permanent revocation of the pharmacy permit with no recourse for administrative or judicial review and with no opportunity for future reinstatement.

Steve Patrick Michel (PST.011999): Mr. Indovina moved to approve the proposed voluntary consent agreement. During the discussion, Mr. Indovina moved to enter into executive session for the purpose of discussing the character and professional competence of the respondent. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the Board entered into executive session at 9:40 a.m. and then reconvened in open session at 10:00 a.m. Mr. Aron indicated that no decision had been made during executive session and reminded the members of the pending motion.

There were no further member questions or public comments. The pending motion to approve the proposed voluntary consent agreement was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution of the suspension, then placed the license on probation for five years effective August 14, 2019, subject to certain terms enumerated within the consent agreement; and further, assessed a fine of \$25,000 plus administrative costs; and further, cautioned that the receipt of any evidence verified by the Board of any violations of the probationary terms may result in the immediate, automatic, and permanent revocation of the license with no recourse for administrative or judicial review and with no opportunity for future reinstatement.

Tawanna Lynn Thomas (CPT.009534): 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 her certificate for an indefinite period of time effective March 21, 2019; and further, conditioned the acceptance of any future reinstatement application upon the satisfaction of certain requirements identified in the consent agreement; and further, assessed administrative costs.

Fred's Stores of Tennessee, Inc. d/b/a Fred's Pharmacy No. 3079

[Sterlington, LA] (PHY.007127): 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 and investigative costs.

Jenni Lee Anderson (CPT.005937): 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, ordered the acquisition of an additional 8 hours of technician-specific ACPE accredited continuing education not eligible for certificate renewal purposes with evidence of same to be submitted to the Board office on or before September 1, 2019; and further, assessed administrative costs.

Partners Pharmacy of Texas, LLC d/b/a Advanced Pharmacy [Stafford, TX] (PHY.007430): Mr. Indovina moved to approve the proposed voluntary consent agreement. Mr. Fontenot responded to a question from one member. 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.

Christopher Brooks Klingman (PST.017980): Mr. Indovina moved to approve the proposed voluntary consent agreement. Mr. Indovina replied to one question from a member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning; and further, assessed administrative and investigative costs.

Pharmaceutical Specialties, LLC d/b/a Pharmaceutical Specialties [Baton Rouge, LA] (PHY.003625): Mr. Indovina moved to approve the proposed voluntary consent agreement. Mr. Finalet responded to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning; and further, ordered the pharmacist-in-charge to acquire at least five hours of additional continuing education relative to high-risk sterile compounding; and further, assessed administrative and investigative costs.

Belleview Pharmacy, LLC d/b/a Belleview Pharmacy [Plaquemine, LA] (PHY.007770): 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 pharmacy permit for two years and stayed the execution of the suspension, then placed the pharmacy permit on probation for two years effective August 14, 2019, subject to certain terms enumerated within the consent agreement; and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Darvis Keon Harvey (PST.018760): 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 \$2,500 plus administrative costs.

Mr. Indovina then presented the Complaint Investigation Monitor Report, which demonstrated the opening of 433 new cases and the closure of 434 cases during the previous fiscal year. The average number days for staff to complete their case investigation was 52 days. Of the 434 case closures, 19 of them [4.4%] exceeded the policy goal of 180 days for completion of case investigations.

Mr. Indovina reported the committee had re-evaluated their committee policy relative to the disposition of cases alleging violations of the CE rules. The committee voted to recommend the revision of the existing policy, and he directed the members to a copy of the proposed revision in their meeting binder. He then moved,

Resolved, to approve the proposed revision of *PPM.I.C.7.c ~ Violations Committee – CE Audits/Cases* for the Board's *Policy & Procedure Manual*.

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

Mr. Indovina reported the committee was scheduled to meet on September 18 to consider the 19 cases on that docket, which includes six pharmacists, three pharmacy technicians, one pharmacy technician candidate, one DME permit, and eight pharmacy permits.

Finally, he concluded his report with appreciation to the other committee members for their ongoing efforts. He also praised the detailed investigative reports from the compliance officers which assists the committee members in their evaluation of the disciplinary cases

E. Impairment Committee

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day to consider seven referrals from the staff – four petitions for modification of previous orders and three appearances for informal conference. Following their interviews of the applicants and subsequent deliberations, the committee developed recommendations for the applicants. Ms. Hall then presented the following files to the members for their consideration.

Noel Gerard Faucheux (PST.011765) 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 petition for modification of previous orders, removed all probationary terms originally scheduled to conclude on February 12, 2014, then restored the license to active and

unrestricted status.

Christi Lynn Lochard (CPT.006838) 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 petition for modification of previous orders, removed all probationary terms originally scheduled to conclude on June 28, 2021, then restored the certificate to active and unrestricted status.

Gerald Edward Sargent (SWP.000805) 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 petition for modification of previous orders, removed two items from the May 2018 Probation Board Order, then continued the probationary period as originally ordered with all remaining terms in effect.

Michael Thomas Savario (PST.016568) 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 petition for modification of previous orders, removed the restriction which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy, then continued the probationary period as originally ordered with all remaining terms in effect.

Roy Kirk Fisher, Jr. (PST.018600) Ms. Hall informed the members the respondent had failed two audits of his compliance with the terms of his May 2013 Probation Board Order. The committee determined it appropriate to invoke the provisions of Article 4 of that order and summarily suspended the license for an indefinite period of time effective August 13, 2019. She announced the summary suspension would be the subject of a formal administrative hearing scheduled in November 2019. Ms. Hall indicated the members of the Impairment Committee would be recused from that hearing and those committee members were instructed to have no discussions about this case with any other members of the Board.

Finally, Ms. Hall closed her report with appreciation to her fellow committee members for their work the previous day.

F. Reinstatement Committee

Mr. Aron noted the committee chair, Mr. Moore, had been called away for an emergency and that he had chaired the committee meeting and would present the committee report. He noted the committee had met the previous day to consider three referrals from the staff. Following their interviews of the applicants and subsequent deliberations, the committee developed

recommendations for the applicants. Mr. Aron then presented the following files to the members for their consideration.

Jason Thomas Bordelon (CPT.005293) Mr. Robichaux 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 lapsed certificate contingent upon the satisfaction of certain requirements identified within the consent agreement prior to August 14, 2021.

Jamie Nicole Hedrick (CPT.007114) Mr. Robichaux 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 lapsed certificate contingent upon the satisfaction of certain requirements identified within the consent agreement prior to August 14, 2021.

Jodi Carl Silvio (PST.013495) Mr. Pitre 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 lapsed license contingent upon the satisfaction of certain requirements identified within the consent agreement prior to August 14, 2021; and further, suspended the required Special Work Permit and the subsequently reinstated pharmacist license for 15 years and stayed the execution of the suspension, then placed the required Special Work Permit and the subsequently reinstated pharmacist license on probation for 15 years, effective on the date of issuance of the Special Work Permit and terminating 15 years thereafter; and further, prohibited any ownership interest in any pharmacy licensed by the Board; and further, cautioned that the receipt of any evidence verified by the Board of any violations of the probationary terms may result in the immediate, automatic, and permanent revocation of the license with no recourse for administrative or judicial review and with no opportunity for future reinstatement.

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

At this point, Mr. Aron declared a recess. It was noted the members recessed at 10:25 a.m. and then reconvened at 10:50 a.m. Mr. Aron resumed the sequence of the posted agenda.

G. Tripartite Committee

Mr. Aron called upon Mr. Resweber for the committee report. Mr. Resweber reported the committee had not met since the previous Board meeting. He reported the staff was planning a meeting for February 2020 at

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on June 13 and July 24, 2019 to consider the items on their posted agenda. In the interim, he noted the Board conducted a public hearing on June 26 as required by Act 454 of the 2018 Legislature, to solicit comments and testimony on the entirety of the Board's rules, as to whether any of them may be contrary to law, outdated, unnecessary, overly complex, or burdensome.

Consideration of Comments & Testimony from June 26 Public Hearing

Mr. McKay directed the members to a copy of the hearing report in their meeting binder, noting the Board had received one verbal and two written comments, requesting a total of one new rule and changes to 47 existing rules. The members reviewed each of the requests and made the following determinations:

1. To the request for a new rule to mandate lunch breaks for pharmacists in pharmacies, the members referred the request to the Regulation Revision Committee to develop a proposal for the Board's consideration.
2. To the request to amend §511 to remove the requirement for a pharmacist to notify the Board of pharmacy employment changes, the Board noted the requirement for the notification was for one such notice within 10 days of the change; and further, given the ease with which such notifications can be made, the Board declined to make the requested change.
3. To the request to amend §521.B to eliminate the separate Authority to Administer document and allow the prescription for the medication to allow that activity for the life of the prescription, the Board requested a proposal from the committee.
4. To the request to amend §709.B to eliminate staffing ratios for pharmacy interns, the Board requested a proposal from the committee.
5. To the request to amend §901 relative to the definition of a pharmacy technician training program to allow the Board to approve a program which is not nationally-accredited, the Board noted the rule was adopted in January 2018 and followed a year-long contentious process. The members recalled NACDS opposition to the rule at that time and reiterated the Board's belief that it should rely on national accreditation standards for the education and training of pharmacy technicians. The Board declined to make the requested change.
6. To the request to amend §903.A.2.c.i to change the proof of enrollment requirement to either nationally-accredited or board-approved but not require both, the members recalled they had already found it necessary to withdraw their approval of more than one nationally-accredited pharmacy technician training program. The

- Board declined to make the requested change.
7. To the request to amend §903.A.3.f to remove the requirement for a pharmacy technician candidate to notify the Board of pharmacy employment changes, the Board declined to make the requested change, for the same reason as Item 2 above.
 8. To the request to amend §903.B.2 to eliminate the requirement for a pharmacy technician training program to notify the Board when a student separates from the training program, the members noted the rules for pharmacy technician candidates provide three eligibility options, and the first and primary of those is proof of enrollment in a nationally-accredited and board-approved training program. Since eligibility for the credential is based upon enrollment in a training program, an early departure from the program would remove the eligibility for the credential. The only way for the Board to know of such an event is for the program to notify the Board. The members did not believe a simple written notice to the Board office via email or fax constituted an administrative burden. The Board declined to make the requested change.
 9. To the request to amend §903.D.1 to remove the board approval requirement for a pharmacy technician certification examination in favor of allowing any examination accredited by the National Commission for Certifying Agencies (NCCA), the members indicated their belief such a rule would be an improper delegation of the Board's responsibility. The Board declined to make the requested change.
 10. To the request to amend §903.D.2 to remove the time delays on fourth attempts of the pharmacy technician certification examination, Mr. Aron reminded the members the Board had already approved that proposed rule change as part of Regulatory Project 2019-9, and further, that project was pending consideration by the Occupational Licensing Review Commission.
 11. To the request to amend §905.A.3.a to change the eligibility for a pharmacy technician certificate to allow either a nationally-accredited program or a board-approved program instead of the current requirement for programs to be both nationally-accredited and board-approved, the Board declined to make the requested change for the same reason as noted in Item 6 above.
 12. To the request to amend §905.A.3.b to reduce the number of hours of practical experience required of pharmacy technician candidates from 600 hours to 320 hours, or in the alternative, 440 hours as required by one of the pharmacy technician certification organizations, the Board requested a proposal from the committee.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 12:00 noon and reconvened at 12:50 p.m. Mr. Aron resumed the sequence of the posted agenda, more particularly the review of the comments and testimony from the June 26 public hearing.

13. To the request to amend §907.A.2 to remove the staffing ratios for pharmacy technicians, the Board requested a proposal from the committee.
14. To the request to amend §907.A.3 to re-frame the scope of practice from a list of prohibited tasks to a list of permitted tasks, citing a list of activities associated with medication dispensing and assisting with clinical activities, the members recalled their original rule for pharmacy technicians in the late 1990s contained four permissible tasks, and the current rule contains three prohibited tasks. The members suggested reverting to a positive list would be a step backward. The Board declined to make the requested change.
15. To the request to amend §1101.C to remove the requirement for the signature of the pharmacist-in-charge on the application for a new pharmacy permit and simply require the name of the pharmacist-in-charge on the application form, the members were concerned for the potential submission of an application without the knowledge or consent of the pharmacist-in-charge. The Board declined to make the requested change.
16. To the request to amend §1101.C.2 to change the pharmacy permit renewal cycle from annual to biennial, the Board requested a proposal from the committee.
17. To the request to amend §1103 to remove the specifications for a pharmacy permit relative to square footage, counter space, and aisle space, the Board requested a proposal from the committee.
18. To the request to amend §1103.H.1 to remove the first sentence specifying storage space for pharmacy inventory, the Board requested a proposal from the committee.
19. To the request to amend §1103.K to remove the requirement for a pharmacy to maintain a printed copy of the pharmacy law book, the Board noted the proposed rule had already been approved by the Board and was part of Regulatory Project 2019-17, which was pending before the Occupational Licensing Review Commission.
20. To the request to amend §1105.A.1.b to reduce the amount of practice experience for a pharmacist to qualify for a pharmacist-in-charge privilege from two years to either one year or six months, the members recalled multiple disciplinary proceedings involving newly-credentialed pharmacists-in-charge who professed a lack of knowledge of the information necessary to properly fulfill the duties of the pharmacist-in-charge. The Board declined to make the requested change.
21. To the request to amend §1105.A.2 to remove the minimum number of hours for a pharmacist-in-charge to be physically present and practicing in the pharmacy, the members recalled a number of disciplinary cases where pharmacists served as “phantom” pharmacists-in-charge, essentially renting out their license with no knowledge of what was happening in the pharmacy and attempting to

- plead ignorance. The Board declined to make the requested change.
22. To the request to amend §1105.I to change the notice requirement for a pharmacy to advise the Board of a change in the pharmacist-in-charge from 10 days to 30 days, the Board requested a proposal from the committee.
 23. To the request to clarify with respect to §1109 whether a pharmacist assisting a patient in a clinical capacity in an area adjacent to the prescription department creates a pharmacist absence necessitating a closure of the prescription department, the Board directed the clarification that such an activity does not create a pharmacist absence necessitating a closure of the prescription department.
 24. To the request to clarify with respect to §1111 whether a pharmacist assisting a patient in a clinical capacity in an area adjacent to the prescription department creates a temporary absence of the pharmacist necessitating compliance with the provisions of that rule, the Board directed the clarification that such an activity does not create a temporary absence of the pharmacist necessitating compliance with the provisions of that rule.
 25. To the request to amend §1113 to repeal the prohibition on mechanical drug dispensing devices or in the alternative, to allow such devices when approved by the Board, Mr. Aron noted the second sentence of the rule in question appears to contain the clarification requested. He also noted the committee was currently reviewing the chapter of rules relative to automated medication systems.
 26. To the request to amend §1123 to remove the requirement to store hardcopy prescription forms for one year in favor of allowing imaging systems to retain those documents to retain those records for at least two years, the Board requested a proposal from the committee.
 27. To the request to amend §1131.A.1 to remove the requirement for the signature of a pharmacist-in-charge in favor of the signature of an authorized representative, the staff has noticed apparent ‘disconnects’ between owner representatives filing applications without the benefit of a pharmacist-in-charge, with such gaps creating delays in the issuance of the pharmacy permit. The Board declined to make the requested change.
 28. To the request to amend §1131.A.4 for pharmacy opening procedures to remove the section relative to a DEA registration, the Board requested a proposal from the committee.
 29. To the request to amend §1201, more specifically the definition of the term “final check of work” to allow for technology solutions in lieu of mandatory human checks, Mr. Aron noted the Board had previously promulgated the requested change in another section of that chapter, i.e., §1217. He further noted the committee was currently reviewing a proposed revision of the chapter of rules for automated medication systems.

30. To the request to amend §1207.A to designate the pharmacist-in-charge or the verifying pharmacist as accountable for the accuracy of the automated medication system with additional clarification that counting machines are not considered as automated medication systems, Mr. Aron noted the committee was currently reviewing a proposed revision of the chapter of rules for automated medication systems, and further, directed a clarification that counting machines are not included within the definition of an automated medication system.
31. To the request to amend §2307.A.1.c to repeal the two year practice requirement for the pharmacist-in-charge privilege, the members took note of previous disciplinary proceedings as described in Item 20 above. In addition, the Board requested staff clarify the commentator's apparent misunderstanding of the rule as described in their comment. The absence of the two-year practice requirement would preclude a pharmacist serving as the pharmacist-in-charge of a Louisiana permit but not the resident pharmacy permit, unless that jurisdiction had a similar rule. The Board declined to make the requested change.
32. To the request to amend §2425.A.1 to reduce the mileage from 20 miles to 10 miles relative to telepharmacy dispensing sites, Mr. Aron reminded the members they had recently approved a proposed revision to that portion of the rules for telepharmacy dispensing sites, reducing the mileage from 20 miles to 15 miles and not the 10 miles specified in the comment. When questioned, the members declined to withdraw the pending Regulatory Project 2019-4 to further reduce the mileage from 20 miles to 10 miles. Mr. Aron noted Regulatory Project 2019-4 was currently pending before the Occupational Licensing Review Commission.
33. To the request to amend §2425.A.6 to remove the requirement for a telepharmacy dispensing site to close if a new community pharmacy opens within 20 miles of the dispensing site, Mr. Aron reminded the members that the pending Regulatory Project 2019-4 contains a proposed revision striking that requirement.
34. To the request to amend §2425.E.2.c to remove staffing parameters as well as staffing ratios in telepharmacy dispensing sites, the Board requested a proposal from the committee.
35. To the request to amend §2425.E.3.g to change the patient counseling requirement in telepharmacy dispensing sites to require counseling on new prescriptions only and an offer to counsel on refills, the Board requested a proposal from the committee.
36. To the request to amend §2511.C.1 to remove the minimum size of a prescription form, the members reminded the commentator the rule established a minimum size for the form and not a maximum size for the form. The members recalled the existence of prescription forms as small as two inches by three inches. Given the increased opportunities for errors associated with reading small handwriting on

- small forms, the Board declined to make the requested change.
37. To the request to amend §2511.C.5 to allow for the electronic capture of facsimile prescriptions, the Board requested a proposal from the committee.
 38. To the request to amend §2511.C.5.d to remove the 2016 expiration date, the Board requested a proposal from the committee.
 39. To the request to amend §2511.D.1 to allow a pharmacy technician or pharmacy intern to enter a verbal transcription of a prescription into the pharmacy dispensing information system with the pharmacist held accountable for such prescriptions, the Board requested a proposal from the committee.
 40. To the request to amend §2513 to repeal the section on prescription receipt and verification as redundant and unnecessary, the Board requested a proposal from the committee.
 41. To the request to amend §2519.B.2 to remove prescriptions for medications listed in Schedule V in alignment with 21 CFR 1306.22, the Board requested a proposal from the committee.
 42. To the request to amend §2521 to extend the 72-hour allowance for emergency refills to a 30-day supply, or in the alternative, an exception for unit-of-use containers, the Board requested a proposal from the committee.
 43. To the request to amend §2525.B.2 to remove the six month expiration date on prescriptions for medications listed in Schedule V, the Board requested a proposal from the committee.
 44. To the request to amend §2733.C.1.a to remove the annual inventory requirement for controlled substances as unnecessary, the members noted the federal rule required a biennial inventory, and the rule in question is the one requiring an annual inventory. The Board declined to make the requested change.
 45. To the request to amend §2747.B.5 to allow for partial fills of prescriptions for medications listed in Schedule II as requested by patients, the Board noted that Regulatory Project 2019-12 complied with the request and was currently in process.
 46. To the request to amend §907 to remove the ratios for pharmacy technician candidates and pharmacy technicians, the Board requested a proposal from the committee.
 47. To the request to amend §1109 to clarify that a pharmacist is not absent from the pharmacy if assisting a patient in a clinical capacity in an area adjacent to the prescription department, the Board directed the clarification as described in Item 23 above.
 48. To the request to amend §1111 to clarify that a pharmacist is not temporarily absent from the pharmacy if assisting the patient in a clinical capacity in an area adjacent to the prescription department, the Board directed the clarification as described in Item 24 above.

Consideration of Renewal of Pilot Project ~ Automated Medication System in Unlicensed Medical Clinic Setting (Highgate Apothecary – Covington, LA)

Mr. McKay reminded the members they approved this pilot project in August 2018 for a one-year period of time. He reported the pharmacy was operating the system as proposed and the committee was considering proposed changes in the chapter of rules for automated medication systems. He reported the committee voted to recommend the continuation of the project for one additional year to provide time for the completion of the required rulemaking. Mr. McKay then moved,

Resolved, to approve the continuation of the pilot project at Highgate Apothecary through August 31, 2020.

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

Consideration of Regulatory Proposal 2019-E ~ Cannabis Metered-Dose Inhaler (Draft #1)

Mr. McKay reminded the members of Act 284 of the 2019 Legislature which authorized the Board to amend its rules for marijuana pharmacies to add metered-dose inhalers to the list of allowable dosage forms. He reported the committee had developed a proposal for the Board's consideration, and then moved,

Resolved, to approve *Regulatory Proposal 2019-E ~ Cannabis Metered-Dose Inhaler (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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Consideration of USP-800 Subcommittee Recommendations

Mr. McKay reminded the members of the subcommittee of stakeholders appointed to review the provisions of *USP <800> Hazardous Drugs – Handling in Healthcare Settings* and their potential impact on the Board's rules. He reported the committee had met twice and focused their initial review on the Board's inspection blueprint for pharmacies. In particular, they reviewed *Module I ~ Basic Pharmacy Services*, *Module II ~ Compounding of Nonsterile Preparations*, and *Module III ~ Compounding of Sterile Preparations*. Noting that the blueprints originated from NABP and with anticipation NABP is modifying their blueprints to incorporate relevant provisions of USP <800>, the subcommittee recommended a set of proposed revisions to the blueprint with a request to approach NABP with the proposed revisions and collaborate with them on any proposed changes to the national blueprint documents. He reported the full committee voted to recommend the approval of the proposed revisions to the inspection blueprint documents and collaborate with NABP on those proposed revisions. He directed the members to a copy of the proposed revisions in their meeting binders. Mr. McKay then moved,

Resolved, to approve the proposed amendments to the pharmacy

inspection blueprints, to request staff to forward the proposed amendments to NABP for incorporation into the national pharmacy inspection blueprint documents, and to request staff to report the outcome of those discussions.

There was substantial member discussion and public comment. The motion was adopted after a majority vote in the affirmative; Mr. Cassidy, Mr. Mannino, and Mr. Valentine objected.

Mr. McKay then reported the committee had also voted to return three topics assigned to the committee back to the Board. In particular:

- With respect to the pending assignment relative to FraudRx[®] Alert access to the PMP database, the new contract with the PMP vendor includes a number of clinical alerts similar to the ones offered by the petitioner. The committee did not believe any changes to the law or rule were appropriate to accommodate a third-party connection to the PMP database. The members offered no further guidance to the committee and accepted the return, terminating action on the request.
- With respect to the pending assignment to review the proposed *Memorandum of Understanding between FDA and the States re Distribution of Compounded Drug Products*, the committee learned that no state had agreed to sign the document as it was presented. Further, NABP had collected all of the state boards' concerns and presented a 'red-lined' proposal to the FDA on the states' behalf. Since FDA will presumably publish a revised MOU later this year, the committee voted to return this item and await a future revision. The members offered no further guidance to the committee and accepted the return, terminating action on the request.
- With respect to the pending assignment relative to patient identification cards for the medical marijuana program, the committee noted that legislative action would first be required to authorize a state entity to issue and manage an identification system for patients authorized to possess medical marijuana products. In the interim, the committee voted to return the item back to the Board with no action. The members offered no further guidance to the committee and accepted the return, terminating action on the request.

Finally, Mr. McKay closed his report by identifying the public members of the USP-800 Subcommittee:

- Ms. Patricea Angelle, from Prescription Compounds in Baton Rouge;
- Ms. Susan Caudle, from Line Avenue Pharmacy in Shreveport;
- Ms. Angelle Huff, from The Wellness Corner in Prairieville;
- Dr. Gary LeBlanc, from Heart Hospital in Lafayette; and
- Dr. Heather Maturin, from Ochsner Medical Center in Baton Rouge.

Mr. McKay expressed his appreciation to those pharmacists as well as the committee members for their ongoing efforts.

At this point, Mr. Aron re-ordered the agenda to accommodate guests present. He

directed the members to Agenda Item 12 in the meeting binder.

12. Request for Approval of Pilot Project – Automated Medication Systems in Correctional Facilities – Mr. Robert Sonnier, Institutional Pharmacies of Louisiana (Scott, La.)

Mr. Aron welcomed Mr. Robert Sonnier and Mr. Steven Trahan from Institutional Pharmacies of Louisiana as well as their technical consultant, Mr. Bill Maguire from Omnicell to the witness table for their presentation. Mr. Aron directed the members to a copy of the presentation in their meeting binder.

Mr. Sonnier informed the members of an initiative to help local correctional centers manage the medication supply for offenders and reduce the wastage from unused medications. When they attempted to obtain a registration for the automated medication system to be placed at the correctional center, they learned of the Board's rule requiring a permit from the state health department. Since correctional centers are not regulated by the state health department, that created a barrier to obtaining the required registration to place and operate the system at the correctional center. The members asked questions to clarify the intended operational locations and procedures. Mr. Robichaux then moved,

Resolved, to authorize Institutional Pharmacies of Louisiana, located in Scott, La. and holding PHY.005169-IR, to conduct a pilot project utilizing an automated medication system at a correctional facility without the need for a credential from the state health department, to limit the locations of the pilot project to the correctional facilities for Calcasieu and Lafayette parishes, and to conclude the pilot project no later than August 31, 2020 unless extended by the Board.

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

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 3:30 p.m. and then reconvened at 3:55 p.m. Mr. Aron returned to Agenda Item 11 for Committee Reports and more specifically to the report from the Executive Committee

11. Committee Reports (cont.)
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 Final Legislative Brief

Mr. Aron directed the members to a copy of the brief in their meeting binder. He reported the committee had reviewed staff's proposed action plans to implement various new laws from the 2019 Legislature and found them to be satisfactory and did not offer any changes, but indicated the members could offer suggestions as they deemed appropriate. Mr. Aron requested Mr. Broussard review the legislative brief and the suggested action plans. Mr. Broussard reported he monitored 70 of the 1,700 items filed during the session. Of the 70 items he monitored, 39 bills were adopted and signed into

law. Of that number he proposed action plans for 16 new laws. He then presented those 16 new laws to the members.

1. HB 138 (Act 354) updated the state list of controlled substances to match the recent federal scheduling actions. He reported a new pharmacy law book was published on August 1, 2019 and it included all the new laws.
2. HB 243 (Act 423) imposed a reporting requirement for first responders using naloxone for opioid overdose management. The new law was added to the controlled substance law section of the new pharmacy law book.
3. HB 284 (Act 426) amended the controlled substance law relative to prescriptions for opioid medications, to require the prescriber to add certain information to the prescription when ordering more than a seven day supply of the medication. Mr. Broussard indicated he had updated the pharmacy law book with this provision and included the item in the legislative bulletin issued on July 1. The members conducted extensive discussion of the legislation and its impact on patients and pharmacies. Mr. Aron indicated the committee had directed staff to issue a bulletin to the pharmacists providing guidance on how to comply with the new law.
4. HB 358 (Act 284) amended the therapeutic marijuana law to authorize the Board to amend its rules for medical marijuana to add metered-dose inhalers to its list of allowable dosage forms. Mr. Broussard indicated he updated the pharmacy law book and added the new law to the agenda for the Board's Regulation Revision Committee. He reminded the members they had just approved a regulatory proposal from that committee to make that change in their rules for marijuana pharmacies.
5. HB 375 (Act 219) amended the controlled substance law to authorize the Board to require criminal background checks for certain applicants for the state controlled dangerous substance license. Mr. Broussard indicated he updated the pharmacy law book and added the new law to the agenda for the Board's Regulation Revision Committee. Once the controlled substance licensing rule is updated, the staff will update the CDS license application form and instructions, and then inform the applicants of the requirement.
6. HB 423 (Act 227) repealed the section of the professional licensing law that required professional licensing boards to deny a license to an applicant who was determined to be in default of a student loan. Mr. Broussard indicated he had amended the application instruction documents to remove the reference to that previous law.
7. HB 433 (Act 161) amended the pharmacy law to authorize a pharmacist to decline to dispense a prescription under certain circumstances. Mr. Broussard reported he had updated the pharmacy law book and included the item in the legislative bulletin issued on July 1. He also added the new law to the agenda for the Board's Regulation Revision Committee; the committee determined that no

- additional rules were necessary.
8. HB 452 (Act 231) amended the controlled substance law with an anticipatory scheduling action for mitragynine (kratom), such that in the event the federal government places that substance in a schedule in the federal list of controlled substances, then it would automatically be placed in the same schedule in the state list of controlled substances. Mr. Broussard indicated he had updated the pharmacy law book to include those scheduling actions.
 9. HB 491 (Act 164) amended the state agriculture law to create a state-based industrial hemp program, removed hemp-derived CBD from the state list of controlled substances, and created a regulatory structure for the retail sale of hemp-derived CBD products. Mr. Broussard reported he had updated the pharmacy law book and had scheduled the Board's reconsideration of its previously-issued guidance document on retail sale of CBD products. He informed the members the Executive Committee had reviewed that item the previous day and would present a recommendation later that day. Several members asked questions about the implementation of the regulatory structure by the Office of Alcohol & Tobacco Control (ATC).
 10. HB 507 (Act 331) amended the therapeutic marijuana law to redirect the proceeds of the 7% tax on the proceeds of medical marijuana product producers. Mr. Broussard reported he updated the pharmacy law book with that provision.
 11. HB 614 (Act 614) amended the public records law to require custodians of public records to notify the public that any information submitted to the agency might become public record. Mr. Broussard reported he had added a series of public notices to agendas, email signatures, and document templates.
 12. SB 41 (Act 124) amended the insurance law and pharmacy law, and created a new section of law creating a regulatory structure for the licensing and regulation of pharmacy benefit managers. Mr. Broussard reported he had updated the pharmacy law book and included that item in the legislative bulletin issued on July 1. He also added the new law to the agenda for the Regulation Revision Committee for the development of a regulatory proposal. He reported the Executive Committee had reviewed a policy document outlining board liaisons to other entities to add the Board's representative to the PBM Monitoring Advisory Council and would make a recommendation on the policy amendment later that day. Mr. Broussard reported he had initiated communications with the Dept. of Insurance by creating a preliminary council roster and requesting an opportunity to hold the council meetings at that agency office. He reported the Dept. of Insurance had disputed their responsibility for financial management of the council even after he directed them to the relevant provision in the new law. The members expressed frustration with the delay from the Dept. of Insurance but had no further direction for the staff in the interim.

13. SB 53 (Act 80) amended the prescription monitoring program law to authorize the program to share information with federal jurisdictions. Mr. Broussard reported he had updated the pharmacy law book and added the new law to the agenda for the Board's Regulation Revision Committee. He reported that committee was reviewing a draft proposal and should be prepared to present a proposal at the Board's next meeting. Mr. Broussard reported the PMP staff had already implemented bidirectional sharing of information with some federal jurisdictions, and Mr. Fontenot provided additional information about that new feature.
14. SB 99 (Act 52) amended the pharmacy law to revise the eligibility qualifications for members of the Board of Pharmacy. Mr. Broussard reported he had updated the pharmacy law book and added the item to the agenda for the Board's Regulation Revision Committee. The committee determined no additional rules were necessary.
15. SB 119 (Act 119) created the Palliative Care Interdisciplinary Advisory Council within the Dept. of Health and included one pharmacist on the 17-member council. Mr. Broussard reported he scheduled a review of the Board's policy relative to liaisons to other entities by the Executive Committee, which would present a recommendation later that day.
16. SB 241 (Act 204) amended the administrative procedure act to add the state's secretary of state to the entities to which agencies must report during their rulemaking activities, and further, added another impact statement to the list of impact statements required during rulemaking. Mr. Broussard reported he had updated internal guidance documents to add the new reporting destination and new impact statement.

There were no suggested changes to the legislative action plans from the members. Mr. Aron directed the staff to follow through on the suggested action plans and keep the members informed of their progress.

Consideration of Request to Interpret LAC 46:LIII.2451N ~ Sale of CBD Oil Products in Marijuana Pharmacies Proposed Revision of Pharmacy Inspection Blueprints

Mr. Aron informed the members the request was received from a marijuana pharmacy shortly after the adoption of new legislation creating a regulatory structure for the retail sale of hemp-derived CBD products in the state. The committee reviewed the rule and the new law and believed it would be appropriate to allow such sales in marijuana pharmacies as long as they comply with the new state law. Mr. McKay then moved,

Resolved, to interpret LAC 46:LIII.2451.N to permit marijuana pharmacies to engage in the retail sale of hemp-derived CBD products in compliance with Act 164 of the 2019 Legislature and the administrative regulations promulgated thereto by the Dept. of Health and the Dept. of Revenue.

Mr. Broussard responded to questions from members and the public. The

motion was adopted after a unanimous vote in the affirmative.

Consideration of Request to Interpret LAC 46:LIII.2457.D.4.b ~ Reporting of Marijuana Product Dispensing Transactions.

Mr. Aron informed the members the request originated from a marijuana pharmacy during the implementation of the Louisiana Medical Marijuana Tracking System (LMMTS). Given the necessity of an immediate decision so as to not delay the implementation of the statewide medical marijuana program, Mr. Aron informed the members he authorized the issuance of an interim opinion that the dispensing transactions did not qualify as inventory-related transactions reportable to LMMTS, and that pharmacies need only acknowledge receipt of their product deliveries to that system. He reported the committee reviewed the interim opinion and determined it was appropriate and recommended the Board's approval. Mr. McKay then moved,

Resolved, to interpret LAC 46:LIII.2457.D.4.b to require marijuana pharmacies to acknowledge deliveries of marijuana products from the product manufacturers, as well as any returns to those manufacturers, in the Louisiana Medical Marijuana Tracking System (LMMTS); however, product dispensing transactions are not inventory-related transactions reportable to LMMTS.

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

Consideration of Request to Interpret La. R.S. 37:1213 and LAC 46:LIII.511 + 703.A.4 + 903.A.3.f + 905.B.5 ~ Reporting Changes of Pharmacy Employment

Mr. Aron reported the receipt of a request to interpret the law and rule for pharmacists working in multiple practice sites, e.g., pharmacists working for multiple locations of the same chain, or working on a temporary basis for multiple independent pharmacies or hospital pharmacies. Mr. Aron reported the Executive Committee directed staff to inform such pharmacists of their duty to report their primary practice site, which could be a 'home' store for the chain pharmacist, or the most frequent site for other pharmacists. Mr. Aron requested alternative opinions from the members, but none were offered.

Consideration of Proposed Revision of LPM.I.Q.2 ~ Transitional Duty Employment Audit Form

Mr. Aron reported the Dept. of State Civil Service had updated its agency audit form relative to agency reporting of transitional duty employment, and that since that form was part of the policy manual, the Board's manual required an update. Mr. McKay moved,

Resolved, to approve the proposed revision of LPM.I.Q.2 ~ *Transitional Duty Employment Audit Form* for the Board's Loss Prevention Manual.

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

Consideration of Proposed Revision of PPM.I.A.26 ~ Sale of CBD Oil (Guidance Document)

Mr. Aron reminded the members of their approval of the original guidance document during their November 2018 meeting, the subsequent change in federal law in December 2018, as well as their revision of the document during their February 2019 meeting, which took note of the change in federal law as well as the unchanged status in state law. He then reminded them of legislation which changed the relevant state laws. The committee determined it appropriate to rescind the guidance document since all of the concerns had been addressed by legislation. Mr. McKay then moved,

Resolved, to rescind *PPM.I.A.26 ~ Sale of CBD Oil (Guidance Document)* from the Board's *Policy & Procedure Manual*.

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

Consideration of Proposed Revision of PPM.I.B.6 ~ Board Liaisons to Other Entities

Mr. Aron reminded the members of new legislation which created the Palliative Care Interdisciplinary Advisory Council and the Pharmacy Benefit Managers Monitoring Advisory Council and placed pharmacists on the council to be appointed by the Board. The proposed revision adds those entities to the list of entities which have Board-appointed liaisons. The committee voted to recommend approval of the proposed revision. Mr. McKay then moved,

Resolved, to approve the proposed revision of *PPM.I.B.6 ~ Board Liaisons to Other Entities* for the Board's *Policy & Procedure Manual*.

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

Consideration of Approval of Pharmacy Technician Training Programs

Mr. Aron informed the members of requests from two accredited pharmacy technician training programs which demonstrated interest from Louisiana-based applicants. The committee voted to recommend approval of the programs. Mr. McKay then moved,

Resolved to approve the request from Penn Foster College located in Scottsdale, AZ for recognition as an approved pharmacy technician training program.

Mr. Aron replied to a question from one member. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

Resolved to approve the request from Medical Education & Training Campus located in Joint Base San Antonio, TX for recognition as an approved pharmacy technician training program.

There were no member questions or public comments. 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. 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 answered a question from one member.

Mr. Fontenot then directed the members to the requests from 14 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Valentine then moved,

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

- > PHY.007533-NR – AMOP Pharmacy (MI);
 - > PHY.007923-NR – ARx Patient Solutions Pharmacy (KS);
 - > PHY.007928-NR – BriovaRx Specialty Pharmacy (TX);
 - > PHY.007906-NR – Coastline Pharmacy (FL);
 - > PHY.005704-NR – DaVita Rx (TX);
 - > PHY.007909-NR – Dermrx Pharmacy (TX);
 - > PHY.007910-NR – Factor One Source Pharmacy (MD);
 - > PHY.007873-NR – Lake Worth Pharmacy (FL);
 - > PHY.007460-IR – LHC Group Pharmaceutical Services II (LA)
 - > PHY.007468-NR – Nufactor (NC);
 - > PHY.007934-NR – PharmaScript (IL);
 - > PHY.007925-NR – Premier Specialty Infusion (IL);
 - > PHY.007751-NR – Quaker Community Pharmacy (PA); and
 - > PHY.007901-NR – Solara Medical Supplies (CA).
- once they have executed the standard consent agreement for that purpose.

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

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet reported the pending appeal of the 19th Judicial District Court's May 20, 2019 decision in Rx Greenhouse, LLC, et al vs The Louisiana Board of Pharmacy had been withdrawn by Rx Greenhouse. He also reported the disposition of Jino Moran & Gray Pharm, Inc. vs Louisiana Board of Pharmacy which had been pending in the 19th Judicial District Court; the judge dismissed the case with prejudice, with all costs to be paid by the plaintiff. Mr. Finalet then presented the following proposed voluntary consent agreements to the members for their consideration.

Jasman Carrington Wilton (CPT.013944): Mr. McKay moved to accept the voluntary surrender of the credential. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the certificate for an indefinite period of time effective June 12, 2019.

Marco Bisa Hawkins Moran (PST.016442): Mr. McKay moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the license effective June 27, 2019; and further, conditioned the acceptance of any future reinstatement application upon the satisfaction of certain requirements identified within the consent agreement.

Contract Pharmacy Services, Inc. d/b/a Contract Pharmacy Services [Warrington, PA] (PHY.004331): Mr. McKay moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Kelly Leigh Goodson (PST.020652): Mr. McKay moved to accept the voluntary surrender of the credential. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time effective August 8, 2019.

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
 - Annual Statistical Summary

➤ External Reports

Annual Report for Fiscal Year 2018-2019

Mr. Aron reminded the members the annual report required their approval prior to its presentation to the Governor and subsequent publication. Mr. McKay moved,

Resolved, to approve the Annual Report for Fiscal Year 2018-2019, and to direct its filing with the Office of the Governor and its subsequent publication on the Board's website.

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

Administrative and Legislative Agency Reports

- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - Hurricane Barry Assessment
- State Activities
 - La. Legislature
 - La. Dept. of Agriculture & Forestry
 - La. Dept. of Health – Office of Public Health
 - La. Dept. of Revenue – Office of Alcohol & Tobacco Control
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
 - Enhancing Well-being & Resilience Among the Pharmacist Workforce – A National Consensus Conference
- International Activities
 - International Pharmaceutical Federation (FIP)
 - dotPharmacy Verified Websites Program

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

13. New Agenda Items Added During Meeting

No agenda items were added during the meeting.

14. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. He announced the next meeting of the Board would be held on November 13 at the Board

office in Baton Rouge.

15. 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 5:30 p.m.

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An Administrative Hearing was convened on Thursday, August 15, 2019 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 8:35 a.m.

B. Invocation & Pledge

C. Quorum Call

Mr. Aron called upon Secretary Indovina and he called the roll. After doing so, he certified Mr. LaGrange, Mr. Mannino, and Mr. Moore were absent; however, the remaining 14 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 August 4, 2019.

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. Mr. Carlos Finalet served as the Prosecuting Attorney. Ms. Susan Erkle served as the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk.

Mr. Aron informed the members the cases on the agenda originated with the Violations Committee, and that the members of that committee in attendance at their March 20 and June 11, 2019 meetings would be recused from the hearings. In particular, Dr. Cloud, Ms. Hall, Mr. Indovina, Mr. Robichaux, and Mr. Valentine were excused. He reminded the other members they should recuse themselves should the need arise.

Without objection, Mr. Aron waived the reading of the posted agenda and

instead direction 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 08-04-2019

- 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
 - 1. Case No. 18-0462 ~ CPT.013947 – Briea Monique Sylvester
 - 2. Case No. 19-0057 ~ CPT.010117 – Kandace TyRae Doucet
 - 3. Case No. 18-0396 ~ CPT.011436 – Christie Elaine Parker
- G. Adjourn

F. Formal Hearings

With Mr. Aron's approval, Mr. Finalet began the hearings by calling the first case listed.

Briea Monique Sylvester (CPT.013947) Mr. Finalet appeared for the Board. The respondent, Briea Monique Sylvester, 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 seven exhibits – one under seal – and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Mr. Pitre 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 were no member questions or public comments. 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 8:45 a.m. and then reconvened at 8:50 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. Cassidy 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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Cassidy 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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Cassidy 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. 13947 held by Briea Monique Sylvester, 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) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) 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 the 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 have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction; and
- (3) Respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addiction medicine specialist approved by the Board at her own expense.

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

Kandace TyRae Doucet (CPT.010117) Mr. Finalet appeared for the Board. The respondent, Kandace TyRae Doucet, did not appear and she 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 – one under seal – and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Mr. Pitre 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 were no member questions or public comments. 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 9:00 a.m. and then reconvened at 9:05 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.

Dr. Strong 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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Dr. Strong 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 were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Dr. Strong 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. 10117 held by Kandace TyRae Doucet 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) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) 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 the 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 have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction; and
- (3) Respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addiction medicine specialist approved by the Board at her own expense.

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

Christie Elaine Parker (CPT.011436) Mr. Finalet appeared for the Board. The respondent, Christie Elaine Parker, did not appear and she 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 six exhibits – one under seal – and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Mr. Soileau 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 were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:15 a.m. and then reconvened at 9:20 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 were no member questions or public comments. 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 were no member questions or public comments. 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 Certificate No. 11436 held by Christie Elaine Parker 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) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) 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 the 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 have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

There were no member questions or public comments. 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 9:25 a.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary