



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, May 11, 2022 at 9:00 a.m.
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, May 11, 2022 at the office of the Louisiana Board of Pharmacy located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Marty McKay, President, called the meeting to order at 9:03 a.m.

2. Invocation & Pledge of Allegiance

Mr. Rhonny Valentine delivered the invocation and Mr. Don Resweber led the group in the Pledge of Allegiance.

3. Quorum Call

Mr. McKay called upon the Secretary, Mr. Richard Indovina, to call the roll of members to establish a quorum.

Members Present:

Mr. Allen W. Cassidy, Jr.

Dr. J. Robert Cloud

Mr. David A. Darce

Ms. Jacqueline L. Hall

Mr. Richard M. Indovina, Jr.

Mr. W. Charles Jones

Mr. Kevin LaGrange

Mr. Robert C. LeBas

Mr. Marty R. McKay

Mr. J. Troy Menard

Mr. Anthony G. Mercante

Mr. Blake P. Pitre

Mr. Don L. Resweber

Mr. Douglas E. Robichaux

Dr. Raymond J. Strong

(late arrival at 9:10 a.m.)

Mr. Rhonny K. Valentine

Members Absent:

Mr. Richard Mannino

Staff Present:

Mr. Malcolm J. Broussard, Executive Director

Mr. Carlos M. Finalet, III, General Counsel

Mr. M. Joseph Fontenot, Executive Director Designate

Mr. Benjamin S. Whaley, Chief Compliance Officer

Ms. Kelley L. Villeneuve, Office Manager

Guests:

Mr. Ben J. Sims – Brookshire Grocery Co.

Dr. Natasha S. Seals – La. Dept. of Health

Mr. Paul D. Mensasco – Ochsner Health System

Ms. Joy Gauthier

Dr. Heather N. Maturin – Ochsner Health System

Mr. Indovina certified Mr. Mannino and Dr. Strong were absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business. It was noted Dr. Strong arrived moments later.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated May 9, 2022. There were no objections to Mr. McKay's request for authority to re-order the agenda should the President determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meetings

Mr. McKay reminded the members they had received the draft minutes from the Regular Board Meeting held on February 17, 2022 as well as the Special Board Meeting held on

April 11, 2022, both in Baton Rouge, Louisiana. Without objection, he waived the reading of the draft minutes. With no requests for amendments or corrections, and without objection, Mr. McKay declared the minutes for both meetings were approved as presented.

6. Report on Action Items

Mr. McKay called upon Mr. Broussard for the report. Mr. Broussard directed the members to the report in their meeting binder. There were no member questions or public comments.

7. Confirmation of Acts

Pursuant to Mr. McKay's declaration that the officers, committees, and executive director had attended to the business of the Board since their last physical meeting in accordance with policies and procedures previously approved by the Board, Mr. Pitre moved,

Resolved, that the actions taken and decisions made by the Board officers, members and committees, and executive director in the general conduct and transactions of Board business since February 17, 2022 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

Mr. McKay reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments about non-agenda items from the guests present; none were offered.

** Statement of Purpose*

Mr. McKay reminded the members of the purpose and mission of the Board of Pharmacy by reciting the relevant portion of the Louisiana Pharmacy Practice Act. He urged the members to keep their mission and legislative mandate in mind as they

considered all the matters before them.

9. Special Orders of the Day

Mr. McKay informed the members and guests the terms of five members were scheduled to conclude on June 30, 2022. Some of those members had previously indicated they did not intend to seek re-appointment and some indicated they would. He then presented Distinguished Service Awards to all five members whose current terms were scheduled to conclude the following month:

Allen W. Cassidy, Jr. [2016 to 2022]

Richard M. Indovina, Jr. [2010 to 2022]

Richard Mannino [2016 to 2022]

Douglas E. Robichaux [2016 to 2022]

Raymond J. Strong [2016 to 2022]

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

10. Committee Reports

A. Finance Committee

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber directed the members to a copy of the interim report for the current fiscal year in their meeting binder. He noted the report contained the usual financial statements – net position, equity, revenue, expenses, and fund balance summary – for March 31, 2022 which marked the end of the third quarter of the fiscal year. There were no questions from the members or any public comments. He indicated that report was for information only and did not require action by the Board.

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

B. Application Review Committee

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

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

C. Reciprocity Committee

Mr. McKay called upon Dr. Cloud for the committee report. Dr. Cloud reported the staff had evaluated 77 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. Dr. Cloud then directed the members to a list in their meeting binder of the new pharmacists licensed by reciprocity since the previous Board meeting.

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

D. Violations Committee

Mr. McKay called upon Mr. Valentine for the committee report. Mr. Valentine reported the committee met on March 16-17, 2022 to consider the 26 cases on their agenda. Following the committee interviews and subsequent deliberations, the committee continued 5 of the cases until a future date, took no action on 3 of the cases and issued non-disciplinary Letters of Noncompliance to 6 of the respondents. The committee offered proposed voluntary consent agreements to the remaining 12 respondents. One of the respondents requested reconsideration of their case; that matter was scheduled for the next committee meeting. One of the respondents declined to accept the proposal and that case was scheduled for an administrative hearing in August 2022. The remaining 10 respondents agreed to their proposals. Mr. Valentine directed the members to copies of those proposals in their meeting binder and then presented the following cases to the members for their consideration.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 16395 (PHY.007157) [New

Orleans, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 10510 (PHY.005696) [West Monroe, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Gina Ann Creel (PST.018403): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed administrative costs.

Ebony Ivory Spencer (CPT.011006): Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Finalet responded to a question from Mr. Cassidy relative to the amount of time the respondent had practiced with an expired certificate. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed administrative costs.

Darlene Elease Hooks (PST.013800): Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Indovina responded to a request from Mr. Cassidy to describe details of the incident. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed administrative and investigative costs.

Tiffany Shantell Vaughn (PTC.029112): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective March 18, 2022, and further, permanently

prohibited the acceptance of any future application for any credential issued by the Board.

Postmeds, Inc. d/b/a Truepill (PHY.007761) [Heyward, CA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5323 (PHY.005763) [Bossier City, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5326 (PHY.005866) [Shreveport, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. Several members observed the continuing problem with this particular chain pharmacy to retain pharmacists-in-charge. Some members suggested non-monetary restrictions such as restricted hours of operation, suspensions for one or two days, publicly-posted signage at the pharmacy informing the public of sanctions taken by the Board and the reasons for which they were taken; some members cautioned such sanctions may punish patients more than the pharmacy. Mr. Finalet reminded the members their other options include probation. Mr. Broussard replied to a question from Mr. Robichaux as to the Board's maximum fine capacity. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$50,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5306 (PHY.005788) [Marksville, LA]: Mr. Valentine moved to approve the proposed voluntary consent agreement. Mr. Valentine and Dr. Cloud responded to a question from Mr. Robichaux as to the circumstances which escalated the proposed fine. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$75,000 plus

administrative or investigative costs.

Mr. Valentine then directed the members to the complaint investigation policy monitor report in their meeting binder. He informed the members there were 174 open cases at the beginning of the fiscal year, that staff had opened 317 new cases and closed 368, leaving 123 cases pending as of May 5, 2022. Of the 368 case closures, he reported the average number of days to complete the investigation was 43 days. In addition, 10 of those case closures (2.7%) had exceeded the policy benchmark of 180 days. He also reminded the members the most common reason for an investigation to exceed the 180-day threshold was a collaborative investigation with other state or federal agencies and that another reason for a nonresident case would be a case on appeal.

Mr. Valentine reported the committee's next meeting was scheduled for June 8-9, 2022 to consider the 31 cases on that docket. He closed his report with appreciation to the other committee members for their ongoing work.

E. Impairment Committee

Mr. McKay called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day to consider four referrals from the staff, all for modification of previous orders. Following their interviews of the applicants and subsequent deliberations, one applicant withdrew their request in lieu of a proposed denial. She then presented the following cases to the members for their consideration.

David Collins Evans (PST.014181): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, removed Article 2-f from his May 2019 Probation Board Order which had restricted him from accepting an appointment as the pharmacist-in-charge of a pharmacy, then reiterated all remaining terms of that Board Order.

Aurdie Kent Bellard (PST.014340): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, removed Article 2-e from his February 2019 Probation Board Order which had restricted him from accepting an appointment as the pharmacist-in-charge of a pharmacy, then reiterated all remaining terms of that Board Order.

Steve John Soteropulos (PST.011704): Ms. Hall moved to grant his request for modification of previous orders and the removal of all probationary restrictions. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, removed all terms and conditions from his February 2015 Probation Board Order, terminated the probationary period originally scheduled to conclude March 6, 2028, then restored the license to active and unrestricted status.

Ms. Hall reported the committee had performed its annual review of the roster of addictionists and then voted to recommend to the Board their continuing approval of the roster dated May 2022. She then moved,

Resolved, to approve the May 2022 *Roster of Approved Addictionists*.

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

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

It was noted Mr. LeBas received an urgent message concerning an emergency at his pharmacy. He departed the meeting at 10:25 a.m.

F. Reinstatement Committee

Mr. McKay called upon Mr. Cassidy for the committee report. Mr. Cassidy reported the committee met the previous day to consider four referrals from the staff – three petitions for reinstatement and one request for modification

of previous orders. He then presented the following cases to the members for their consideration.

Sally Therese Moore (CPT.010149): Mr. Cassidy moved to grant the request for reinstatement of the certificate conditioned upon the satisfaction of certain requirements. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the previously suspended certificate conditioned upon the satisfaction of the following requirements prior to May 11, 2024: (1) Earn 250 hours of updated practical experience under the authority of a Special Work Permit; and (2) Obtain 10 hours of ACPE-accredited technician specific continuing pharmacy education.

Jamie Danielle Trichell (CPT.012335): Mr. Cassidy moved to reinstate the technician certificate. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the previously lapsed certificate, then restored the certificate to active and unrestricted status.

Maria Castillo Withers (CPT.003034): Mr. Cassidy moved to grant the request for reinstatement of the certificate conditioned upon the satisfaction of certain requirements. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the previously lapsed certificate conditioned upon the satisfaction of the following requirements prior to May 11, 2024: (1) Earn 250 hours of updated practical experience under the authority of a Special Work Permit; and (2) Obtain 10 hours of ACPE-accredited technician specific continuing pharmacy education.

Darvis Keon Harvey (PST.018760): Mr. Cassidy moved to approve the request for modification of previous orders. There were no member questions or public comments. Mr. Broussard and Mr. Finalet responded to questions for more details on the nature of the restriction imposed in the previous order and proposed for removal. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, removed Article 2 from

his February 2021 Board Order which had required him to personally appear before the Board in connection with any future application for a pharmacy permit, then reiterated all remaining terms of that Board Order.

Mr. Cassidy reported the committee conducted their annual review of committee policies and requested no changes. He noted the committee policy is included within the policy manual, the renewal of which would be considered by the members later that day. He then closed his report with appreciation to the other committee members for their efforts the previous day.

G. Tripartite Committee

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

Mr. Robichaux reported his recent conversation with the pharmacy technician training program at Ayers Career College relative to pass rates for the pharmacy technician certification examination. He then asked Mr. Broussard for information about pass rates for both tests; Mr. Broussard retrieved that information from the examination reports in the meeting binder. Mr. Robichaux asked if it would be appropriate to invite the pharmacy technician training programs to meet with the Board's Tripartite Committee to discuss resource needs and pass rates with the programs. Mr. McKay suggested to Dr. Strong the committee may wish to consider some activity on that topic. Dr. Strong asked whether the Board has pass rate data for each program. Mr. Broussard replied the test administrators provide summary data for the state and the nation, stratified by initial and repeat candidates but the Board does not receive data for each program. Dr. Strong then asked whether the Board could require such reports. Mr. Broussard reminded the members of their rules for pharmacy technician training programs which currently require the programs to retain their accreditation and report

students who leave their programs. He suggested there was room in the rules for additional reporting requirements if the Board thought that was appropriate.

Members then discussed other options to increase the pharmacy technician workforce supply such as on-the-job (OJT) training programs. Mr. Robichaux asked Mr. Broussard how other states educate, train and credential pharmacy technicians. Mr. Broussard reminded the members of the significant variability among the states on that topic. One of the primary drivers of the methodology selected is the legal scope of practice. States with a more restricted scope of practice generally include OJT options, and states with a more expanded scope of practice generally tend to favor accredited education and training. Mr. Broussard reminded the members how Louisiana started in 1998 with four things technicians could do and now have three things technicians cannot do. As a result, Louisiana has one of the broadest scopes of practice in the U.S. The Board chose to provide a portable credential based on an accredited education and training; however, if the Board is willing to provide a credential limited to the practice site providing the training, that might be a viable option to increase the pharmacy technician workforce supply and still protect the public health and safety. He suggested all of these topics were appropriate for the Board's Tripartite Committee to explore.

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

At this point, Mr. McKay declared a brief recess. It was noted the members recessed at 10:38 a.m. and then reconvened at 10:53 a.m. Mr. McKay resumed the sequence of the posted agenda.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee met on April 27 and completed work on two

regulatory proposals. He then presented the committee's recommendations.

- Regulatory Proposal 2022-C ~ Partial Fills of CDS Prescriptions (Draft #4)

Mr. Indovina reported the committee had received a request to revise the CDS permit eligibility for pharmacies to require their dispensing information systems accommodate partial fills of prescriptions for controlled substances, and further, to require pharmacies to honor any request for partial fills from patients or prescribers. The committee added language that such requests shall not supersede the pharmacist's corresponding responsibility for such prescriptions. The committee then voted to recommend to the Board their approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-C ~ Partial Fills of CDS Prescriptions (Draft #4), and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Mr. Indovina informed the members the committee agreed with the mandate to dispense partial fills of controlled substance prescriptions but they also included a provision the such mandate does not override a pharmacist' corresponding responsibility for such prescriptions. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2022-J ~ Compounding (Draft #1)

Mr. Indovina reported the committee had two long-standing agenda items for USP <825> relative to radiopharmaceuticals as well as USP <800> relative to handling of hazardous substances. He reminded the members the pending revisions of USP <795> relative to non-sterile compounding as well as USP <797> relative to sterile compounding will reference both USP <825> and <800>; therefore, the radiopharmaceuticals and

hazardous substances chapters will become official when the non-sterile and sterile compounding chapters become official. He reported the committee reviewed the current compounding rule and determined it appropriate to remove a specific reference describing the 2014 edition of the USP-NF. Mr. Indovina reminded the members the 2014 standards are still the currently official standards, so the removal of the specific reference to the 2014 edition would not have an immediate effect on pharmacies. However, when USP standards did change in a future edition, then pharmacies would be required to comply with those new standards. The committee voted to recommend to the Board their approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-J ~ Compounding (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

At Mr. LaGrange's request, Mr. Indovina reported input from the compounding pharmacy community at the committee meeting, and further reported their comfort level with the recommended proposal. Mr. Fontenot reminded the members of the Board's historical approach to changes in compendial standards which relies on enforcement discretion. Further, the compliance officers historically have encouraged licensees to perform a gap analysis, construct an action plan to address the gap, and maintain forward progress on the action plan. Mr. Indovina reported the committee was comfortable with the plan. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Indovina identified several of the topics remaining on the committee's agenda, and then closed his report with appreciation to the other committee members for their ongoing efforts.

At this point, Mr. McKay informed the members and guests the first item on the report from the Executive Committee referenced a proposed agreement with the La. Dept. of Justice. Since the proposed agreement was related to potential litigation against the Board and its individual members, he suggested the propriety of a brief executive session to discuss strategy for the potential litigation. Mr. Indovina moved to enter into executive session for the purpose of reviewing possible strategy for the potential litigation. There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

Mr. McKay asked all guests to leave the meeting room, indicating his belief the executive session would last approximately 30 minutes and the subsequent luncheon recess to last approximately 45 minutes.

It was noted the members entered into executive session at 11:16 a.m. and then reconvened at 11:40 a.m. Mr. McKay indicated no decisions had been made during the executive session. He then declared a luncheon recess. It was noted the members recessed for lunch at 11:40 a.m. and then reconvened at 12:20 p.m. It was also noted Mr. Resweber departed the meeting during the luncheon recess. Mr. McKay then resumed the sequence of the posted agenda.

I. Executive Committee

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee members performed their annual reviews of policies and procedures, educational programs, and credentialing examinations as well as contracts and agreements. He indicated Ms. Hall was prepared to offer motions on behalf of the committee.

- Proposed Interagency Agreement with La. Dept. of Justice for Occupational Licensing Review Program for Fiscal Year 2022-2023

Mr. McKay reminded the members the Dept. of Justice presented this program to them during their last Board meeting on April 11. The committee reviewed the agreement and voted to recommend to the Board their approval of the agreement. Ms. Hall then moved,

Resolved to approve the proposed interagency agreement with

the La. Dept. of Justice for the Occupational Licensing Review Program for Fiscal Year 2022-2023 in an amount not to exceed \$90,000.

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

- Consideration of Interim Policies (I.D.1 through I.D.30)

Mr. McKay reported the committee took note of the March 16, 2022 termination of COVID-19 declaration of emergency, then reviewed all 12 of the interim policies still in effect. The committee voted to recommend to the Board their termination of 5 of the policies at the end of May 2022, 4 of the policies at the end of Calendar Year 2022, and the remaining 3 policies at the termination of the federal declaration of emergency for the COVID-19 pandemic. Ms. Hall then moved,

Resolved, with respect to the *May 2022 Summary of Interim Policies*, to make no changes to any of the termination dates listed in that summary.

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

- Loss Prevention Manual

Mr. McKay reported the committee noted the absence of any changes to the manual since the previous annual review and then voted to recommend to the Board their continuing approval of the manual. Ms. Hall then moved,

Resolved, to renew our approval of the *Loss Prevention Manual* for Fiscal Year 2022-2023.

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

- Policy & Procedure Manual

Mr. McKay reported the committee reviewed a staff compilation of the changes to the manual since the previous annual review and then voted to recommend to the Board their continuing approval of the updated manual. Ms. Hall then moved,

Resolved, to renew our approval of the updated *Policy & Procedure Manual* for Fiscal Year 2022-2023.

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

- Roster of Approved Colleges of Pharmacy

Mr. McKay reported the committee reviewed the staff update of the roster to incorporate a merger of two schools and the closure of another school then voted to recommend to the Board their continuing approval of the updated roster. Ms. Hall then moved,

Resolved, to renew our approval of the updated *Roster of Approved Colleges of Pharmacy* for Fiscal Year 2022-2023.

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

- Roster of Approved Pharmacy Technician Training Programs

Mr. McKay reported the committee reviewed the staff update which removed two programs following their loss of accreditation and then voted to recommend to the Board their continuing approval of the updated roster. Ms. Hall then moved,

Resolved, to renew our approval of the updated *Roster of Approved Pharmacy Technician Training Programs* for Fiscal Year 2022-2023.

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

- Credentialing Examinations for Pharmacists and Pharmacy Technicians

Mr. McKay reported the committee voted to recommend to the Board their continuing approval of the credentialing examinations used for the licensure of pharmacists and certification of pharmacy technicians. Ms. Hall then moved,

Resolved, to renew our approval of the National Association of Boards of Pharmacy (NABP) as administrator of the pharmacist licensure examinations for Fiscal Year 2022-2023, including the North American Pharmacist Licensure Examination (NAPLEX), the Multistate Pharmacy Jurisprudence Examination (MPJE), and the Foreign Pharmacy Graduate Equivalency Examination (FPGEE).

Mr. Broussard responded to a question from Mr. Cassidy about the FPGEE and its use in the pharmacist licensure process. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, to renew our approval of the Examination for Certification of Pharmacy Technicians (ExCPT) administered by the National Healthcareer Association (NHA) for Fiscal Year 2022-2023.

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

Resolved, to renew our approval of the Pharmacy Technician Certification Examination (PTCE) administered by the Pharmacy Technician Certification Board (PTCB) for Fiscal Year 2022-2023.

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

- Resolutions for Professional Legal Services

Mr. McKay reminded the members the Attorney General requires

verification that no contracts for professional legal services contain any contingency fees and that verification shall be provided by way of separate resolutions. He indicated the committee voted to recommend to the Board their approval of these two resolutions. Ms. Hall then moved,

Resolved, to approve the proposed *Resolution for Professional Legal Services for Ms. Celia R. Cangelosi* for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed *Resolution for Professional Legal Services for Shows, Cali & Walsh, LLP* for Fiscal Year 2022-2023.

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

- Annual Renewal of Contracts and Agreements

Mr. McKay reported staff had evaluated all of the performance objectives of each contract, found no deficiencies, and recommended renewal of all contracts and agreements. He reported the committee reviewed the staff findings and voted to recommend to the Board their renewal of these contracts and agreements. Ms. Hall then moved,

Resolved, to approve the proposed contract for professional legal services with Ms. Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$100,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed contract for professional legal services with Shows, Cali & Walsh, LLP, at the

stipulated rate, in an amount not to exceed \$50,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed contract for professional accounting services with Champagne & Company, LLC, Certified Public Accountants, at the stipulated rates, in an amount not to exceed \$40,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed agreement for the operation of the state prescription monitoring program with Appriss, Inc., at the stipulated rates, in an amount not to exceed \$215,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed agreement for the integration of PMP Gateway and NarxCare in the state prescription monitoring program, at the stipulated rates, in an amount not to exceed \$500,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed agreement for information system network support services with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$50,000 for Fiscal Year 2022-2023.

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

moved,

Resolved, to approve the proposed agreement for the maintenance of the eLicense information system with Tyler Technologies, at the stipulated rates, in an amount not to exceed \$100,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed renewal of the agreement with Metrc for the operation of the Product Identification Module in the Louisiana Medical Marijuana Tracking System, at the stipulated rate, in an amount not to exceed \$1,200 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed renewal of the agreement with Covalent Logic for website hosting services, at the stipulated rate, in an amount not to exceed \$8,000 for Fiscal Year 2022-2023.

Several members expressed their satisfaction with the recently revised website. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, to approve the proposed renewal of the cooperative endeavor agreement with ULM College of Pharmacy for the maintenance of the Board's Drug Price Transparency Website, at the stipulated rate, in an amount not to exceed \$43,000 for Fiscal Year 2022-2023.

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

Resolved, to approve the proposed renewal of the agreement for publication of the Board's newsletter by the NABP Foundation, at the stipulated rate, in an amount not to exceed \$2,000 for Fiscal Year 2022-2023.

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

- Proposed New PPM.II.B.3.h ~ Telework

Mr. McKay informed the members the Dept. of State Civil Service published a requirement for any state agency contemplating telework options for its employees to develop a policy based on the template provided by that department. The committee reviewed the policy prepared by the staff based on the state template and then voted to recommend to the Board their approval of it. Ms. Hall then moved,

Resolved, to approve the proposed new *PPM.II.B.3.h ~ Telework*.

Mr. Broussard responded to questions from several members relative to previous telework utilized during the public health emergency as well as potential use of the policy going forward. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Designation of New Appointing Authority

Mr. McKay reported the committee reviewed the plans for transitioning the staff leadership to a new executive director and then voted to recommend to the Board their approval of the final steps necessary to complete the transition. Ms. Hall then moved,

Resolved, to authorize Mr. Joseph Fontenot, in his role as the Board's Executive Director Designate and then as Executive Director, effective immediately, to execute any contract or agreement on behalf of the Board when so authorized by the Board.

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

Resolved, to authorize Mr. Joseph Fontenot, in his new role as the Board's Executive Director, to serve as the Board's appointing authority, effective immediately upon the retirement of Mr. Malcolm Broussard.

Mr. McKay indicated his belief that Mr. Fontenot was well prepared to take over the duties of the Executive Director position. He also expressed his appreciation to Mr. Broussard for his 23 years of service as the Board's Executive Director. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. McKay reported the committee also reviewed a status report from the staff on the project to incorporate an automated audit of continuing pharmacy education requirements into the credential renewal process for pharmacists and pharmacy technicians. He reported receipt of a preliminary estimate of approximately \$33,000 as a one-time cost to build that process into the online renewal script, first with pharmacists at the end of Calendar Year 2022 and then in the summer of Calendar Year 2023 for pharmacy technicians. The committee authorized staff to move forward and execute the necessary project documents.

As requested by Mr. McKay, Mr. Fontenot and Mr. Broussard described the process contemplated to integrate an automated audit of CPE records into the credential renewal process. They assured the members there would be plenty of messaging to the pharmacists and technicians of the importance of monitoring their CPE Monitor account to ensure all of the CPE records were properly recorded therein.

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

11. Staff Reports

J. Report of Executive Director Designate

Mr. McKay called upon Mr. Fontenot for his report. Mr. Fontenot directed the members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. The report also included information on the dispensing of medical cannabis products in the marijuana pharmacies.

Mr. Fontenot then directed the members to the requests from 17 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Pitre then moved,

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

- > PHY.008425-NR – American Outcomes Management (TX);
- > PHY.008458-NR – Friendship Pharmacy (MD);
- > PHY.008433-NR – Hagyard Pharmacy (KY);
- > PHY.008444-CH – Ochsner Cares Community Pharmacy (LA);
- > PHY.008417-NR – Optime Care (MD);
- > PHY.008408-NR – Paragon Infusion Services (TX);
- > PHY.008470-NR – Propel Pharmacy (NY);
- > PHY.008279-NR – Quick Rx Specialty Pharmacy (NY);
- > PHY.008413-NR – Santa Rosa Pharmacy (FL);
- > PHY.008402-HOS – Shreveport Rehabilitation Hospital (LA);
- > PHY.008398-NR – Soleo Health (AZ);
- > PHY.008432-HOS – St. Charles Surgical Hospital (LA);
- > PHY.008461-NR – Synergen Rx (GA);
- > PHY.008382-NR – UpScript Pharmacy (UT);
- > PHY.008426-NR – Vital Care Rx (MS);
- > PHY.008466-IR – Vital Care Rx (LA); and
- > PHY.008286-NR – XeCare (OH)

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

Mr. Indovina noticed the presence of a resident community pharmacy on the list and wanted to verify the absence of controlled substances at that pharmacy. Mr. Fontenot referred him to that pharmacy's attestation to that effect in the meeting packet. There were no further 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. McKay called upon Mr. Finalet for his report. Mr. Finalet presented the following proposed voluntary consent agreements to the members for their consideration.

Vishal Dilip Gandhi (PST.021291): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$2,000 plus administrative costs.

Heather Davis Smith (CPT.010292): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate effective March 18, 2022, and further, prohibited the acceptance of any future application for any credential issued by the Board.

Brooke Renee Gibson (PST.020955): Mr. Valentine moved to accept the voluntary surrender. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the license for an indefinite period of time effective March 21, 2022.

Cassi Craft Vallee (PST.017391): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The

Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Desire Ebot Eyong (PST.023079): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Chime Roseizina Dozier (CPT.009262): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate effective May 5, 2022, and further, permanently prohibited the acceptance of any future application for any credential issued by the Board.

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

L. Report of Executive Director

Mr. McKay called upon Mr. Broussard for his 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

➤ External Reports

Board Reports to Administrative and Legislative Agencies

- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - Louisiana Legislature
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)

Mr. Broussard thanked the members and staff for the surprise retirement dinner celebration the previous evening. He noted the members had already expressed their confidence in and appreciation for the staff multiple times during the meeting. He reiterated his appreciation for their talent and his knowledge the Board was in capable hands upon his retirement.

12. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

13. Announcements

Mr. McKay directed the members to the announcements in their meeting binder, and noted the listing of the remaining board meeting dates for Calendar Year 2022.

14. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. McKay adjourned the meeting at 1:00 p.m.

Minutes prepared by Malcolm Broussard and then approved as presented during the subsequent meeting on August 17, 2022.

Richard M. Indovina, Jr.
Secretary