



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, February 21, 2024 at 09:00 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, February 21, 2024 at the Louisiana Board of Pharmacy located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Marty McKay, President, called the meeting to order at 9:06 a.m.

2. Invocation & Pledge of Allegiance

Dr. J. Robert Cloud delivered the invocation and Mr. Marty R. McKay led the group in the Pledge of Allegiance.

3. Quorum Call

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

Members Present:

- Dr. J. Robert Cloud
- Mr. David A. Darce
- Ms. Jennifer Dupree
- Ms. Jacqueline L. Hall
- Mr. Richard M. Indovina, Jr.
- Mr. W. Charles Jones
- Mr. Kevin LaGrange
- Mr. Robert C. LeBas (arrived at 9:12 a.m.)
- Mr. Marty R. McKay
- Ms. Chris B. Melancon
- Mr. J. Troy Menard
- Mr. Anthony G. Mercante
- Mr. Blake P. Pitre (arrived at 9:18 a.m.)
- Mr. Don L. Resweber
- Dr. Raymond J. Strong

Members Absent:

- Mr. Richard Mannino
- Mr. Rhonny K. Valentine

Staff Present:

- Mr. M. Joseph Fontenot Jr., Executive Director
- Mr. Carlos M. Finalet, III, General Counsel
- Mr. Benjamin S. Whaley, Chief Compliance Officer
- Ms. Kelley L. Villeneuve, Office Manager

Guests:

- Mr. Malcolm J. Broussard – Hygeia Solutions
- Mr. Charlie Corona – Louisiana Independent Pharmacies Association
- Ms. Cindy R. Duet – Terrebonne General Health System
- Mr. Mark Johnston – CVS Health
- Mr. N. Ryan LaBarbera – Albertsons
- Mr. Dale Masten – Genoa Healthcare

Mr. Robert Schmidt – Breazeale, Sachse, & Wilson (BSW) (for Humana)
Mr. Aurdie K. Bellard – Bellard’s Family Pharmacy of Eunice, LA

Mr. Indovina certified 13 members were present, constituting a quorum for the conduct of official business.

Mr. LeBas arrived shortly after the quorum call at 9:12 a.m. and Mr. Pitre arrived at 9:18 a.m. taking the count of members present to 15.

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 February 16, 2024. There were no objections to Mr. McKay’s request for authority to re-order the agenda should the President determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meeting

Mr. McKay reminded the members they had received the draft minutes from the Regular Board Meeting held on November 15, 2023. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection, Mr. McKay declared the minutes were approved as presented.

6. Report on Action Items

Mr. McKay called upon Mr. Fontenot for the report. Mr. Fontenot directed the members to the report in their meeting materials which provided an update on the current status of five regulatory projects. The members had no questions and Mr. Fontenot concluded his report.

7. Confirmation of Acts

Pursuant to Mr. McKay’s declaration that the officers, members and 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, Ms. Hall moved,

***Resolved**, that the decisions made and the actions taken by the Board officers, members and committees, and executive director in the general conduct and transactions of Board business since November 15, 2023 are approved, adopted, and ratified by the entire Board.*

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

8. Opportunity for Public Comment

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

*** Statement of Purpose**

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

9. Special Orders of the Day

There were none.

10. Committee Reports

A. Finance Committee

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber reported the committee last met on November 14, 2023 and a report was provided during the November 15, 2023 meeting of the Board. The next meeting of the committee is scheduled for August 13, 2024.

Mr. Resweber concluded his report by recognizing the other members of the committee – Mr. Valentine, Mr. Pitre, Ms. Melancon, and Mr. Jones.

B. Application Review Committee

Mr. McKay called upon Dr. Cloud for the committee report. Dr. Cloud reported the committee met the day before to consider one application for a technician candidate credential but the applicant withdrew her application.

Dr. Cloud concluded his report by recognizing the other members of the committee – Mr. Darcy, Mr. LeBas, Mr. Mannino, and Mr. Pitre. He also recognized Ms. Hall for serving ad hoc for the meeting.

C. Reciprocity Committee

Mr. McKay called upon Mr. Mercante to give the committee report on behalf of Mr. Mannino who was absent. Mr. Mercante reported the staff had evaluated 66 applications for pharmacist licensure by reciprocity since the last Board meeting and none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. Mr. Mercante then directed the members to the list of new pharmacists licensed by reciprocity in their meeting materials.

Mr. Mercante concluded the report by recognizing the other committee members – Mr. Jones, Mr. LaGrange, Mr. Resweber, and Mr. Mannino.

D. Violations Committee

Mr. McKay called upon Mr. Indovina to give the committee report on behalf of Mr. Valentine who was absent. Mr. Indovina reported the committee met on December 5-6, 2023 to consider several cases on their agenda. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Mr. Indovina directed the members to copies of those proposals in their meeting materials and then presented the following cases to the members for their consideration.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5607 (Alexandria, LA) (PHY.005768): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For allowing a pharmacy technician candidate with an expired credential to assist in the practice of pharmacy from March 4, 2022 to May 16, 2022, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5607 (Alexandria, LA) (PHY.005768): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For its accountability for the dispensing

of two prescriptions which contained the incorrect drug product, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

H&W Drug Store, Inc., dba H&W Drug Store (New Orleans, LA) (PHY.007776): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For allowing a pharmacy technician with a lapsed credential to assist in the practice of pharmacy, the Board assessed a fine of \$2,500 plus administrative and investigative costs.

George Joseph Hebert, III, dba Hebert's Pharmacy (Breaux Bridge, LA) (PHY.002260): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For its accountability for controlled substance (CS) audit shortages and failure to provide effective controls and procedures to guard against theft and diversion, the Board assessed a fine of \$15,000 plus administrative and investigative costs.

Christopher Regis Robin (PST.016333): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For his accountability for CS audit shortages as pharmacist-in-charge (PIC) of Hebert's Pharmacy, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Breonne Kiara Monette (CPT.013901): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her November 2022 arrest on her renewal application for 2023-2024, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Ruthy Lynn Paul (CPT.006591): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to furnish to the Board information legally requested, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative and investigative costs.

CCMT, LLC, dba Walker Brother's Drug (Plain Dealing, LA) (PHY.007540): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For allowing an individual with a suspended pharmacist license to practice pharmacy, the Board assessed a fine of \$25,000 plus administrative and investigative costs.

Ringgold Pharmacy & Wellness, LLC, dba Ringgold Pharmacy & Wellness (Ringgold, LA) (PHY.008446): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For allowing an individual with a suspended pharmacist license to practice pharmacy, the Board assessed a fine of \$25,000 plus administrative and investigative costs.

Mr. Indovina reported the committee's next meeting was scheduled for March 5-6, 2024 to consider 12 cases on that docket. Mr. Indovina concluded the report by recognizing the other committee members – Mr. Valentine, Dr. Cloud, Ms. Hall,

and Mr. Mercante.

E. Impairment Committee

Mr. McKay called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Ms. Hall then presented the following cases:

Hope Michelle Chabaud Madere (CPT.012038): 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 her request for reinstatement of the previously suspended pharmacy technician certificate, conditioned upon her completion of 250 hours of practical experience under the authority of a special work permit within a specified period of time. Further, the special work permit and subsequently reinstated certificate shall be suspended for five years with the execution of the suspension stayed and the special work permit and subsequently reinstated certificate placed on probation for five years effective on the date of issuance of the special work permit, subject to certain terms enumerated within the voluntary consent agreement.

Jason Warren Dupeire (PST.018298): Ms. Hall moved to remove Article 2-e imposed from his August 17, 2022 Probation Board Order, thereby allowing him to serve as pharmacist-in-charge of a pharmacy. 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 by removing Article 2-e imposed from his August 17, 2022 Probation Board Order.

Finally, Ms. Hall closed her report by recognizing the other committee members – Mr. Darce, Mr. Menard, Mr. Resweber, Dr. Strong, and Mr. Valentine.

F. Reinstatement Committee

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong stated, since the last Board meeting no applications were received which required committee review and consideration. He then referred the members to a report listing all the interim reinstatement actions by the committee chair and licensing staff since the last Board meeting. Dr. Strong then concluded his report by recognizing the other committee members – Ms. Dupree, Mr. LaGrange, Mr. Mannino, Mr. Mercante, and Mr. Pitre.

G. Tripartite Committee

Mr. McKay called upon Dr. Strong to provide the committee report on behalf of Mr. LeBas who was absent from the last committee meeting. Dr. Strong reported the committee last met on November 15, 2023 immediately following the last Board meeting and they were joined by representatives from Xavier University (XU) College of Pharmacy (COP), University of Louisiana at Monroe (ULM) College of Pharmacy (COP), and the Louisiana Pharmacists Association (LPA).

On behalf of Xavier University College of Pharmacy (XU-COP), Dr. Kristi Isaac Rapp reported 331 students were enrolled as of the fall 2023, 58 - P1 students and 104 students in their fourth year set to graduate in 2024. Dr. Rapp noted the previous graduating class had 143 students. XU-COP completed an ACPE accreditation site visit in April 2023 and their ACPE accreditation was continued until June 30, 2031.

On behalf of the University of Louisiana at Monroe College of Pharmacy (ULM-

COP), Dr. Michael Cockerham reported that student enrollment was down the last 2 years but he indicated signs of an increase in 2024. ULM-COP has seen a decrease in faculty due to retirements and resignations, and are trying to find replacements. Dr. Cockerham reported that in calendar year 2022 the COP received an 8-year ACPE accreditation.

During the committee meeting there was a discussion in regards to low pharmacy school enrollment numbers. Comparisons were made between pharmacy school programs and that of physician assistant and nurse practitioner programs. It was said that physician assistant and nurse practitioner programs have a lower cost of overall tuition and fewer years for completion when compared with pharmacy school programs. There was also discussion in regards to the issue of pharmacists' job satisfaction due to working conditions which has led to a negative view of the profession by prospective students.

On behalf of the Louisiana Pharmacists Association (LPA), Ms. Julie Fusilier presented information in regards to LPA's continuing pharmacy education activities and she noted their ACPE accreditation term was extended to 2028.

Dr. Strong closed his report by recognizing the other members who were present at the committee meeting – Mr. Jones, Mr. LaGrange, Ms. Hall, Mr. Mercante, and Mr. Valentine.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported a Public Hearing was held on December 28, 2023 to receive comments and testimony on three (3) regulatory projects. The Board received comments on one of the three projects and those comments were included in the member's meeting material for their consideration. Also, since the last Board meeting, the committee met on January 24, 2024 and they have developed recommendations for consideration.

Regulatory Project 2023-09 ~ Product Integrity

Mr. Indovina reminded the members that the Board approved this regulatory project during the August 16, 2023 Board meeting. Subsequently, a public hearing was held on December 28, 2023 to receive comments and testimony on the proposed rule changes. Comments were received from five entities and those letters were included in the member meeting materials.

Mr. Indovina explained, in developing the original proposal the committee focused on combining product storage and product delivery in an attempt to simplify the project and to avoid a lengthy worded rule. However, after reviewing and considering the comments, separating product storage and product delivery may be the best way to proceed. The comments received did not appear to have an issue with the product storage component but took issue with the product delivery aspect.

Mr. Indovina added, during the January 24, 2024 Regulation Revision Committee meeting the committee reviewed the comments from the public hearing and developed a recommendation for the Board's consideration. Based on the comments, the committee recommends proceeding with the project by focusing only on product storage, leaving product delivery for a future discussion. With this in mind, the committee developed Draft #2 and voted to recommend the Board's approval. To help facilitate the discussion, Mr. Indovina offered the following motion on behalf of the committee:

Resolved, to approve Regulatory Project 2023-09 ~ Product Integrity -

Draft #2, and further, to authorize the Executive Director to continue the promulgation process, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Regulatory Proposal 2024-B ~ Controlled Dangerous Substance (CDS) Licensing

Mr. Indovina explained, this proposal amends Sections 2707 and 2711 of the Board's rules in regards to CDS Licensing Procedures and Actions on CDS Licenses.

With respect to Section 2707 *CDS Licensing Procedures*, the proposal streamlines the CDS license reinstatement process, updates the facility CDS license change of ownership procedures to mirror the recent changes made to the change of ownership of a pharmacy, and adds a new subsection to address changes to CDS license status.

With respect to Section 2711 *Actions on CDS Licenses*, the proposal repeals Subsection M – *Surrender of License* and moves that language in a modified version to Section 2707.

Mr. Indovina offered the following motion on behalf of the committee:

Resolved, to approve *Regulatory Proposal 2024-B ~ Controlled Dangerous Substance (CDS) Licensing – Draft #2, and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.*

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

Regulatory Proposal 2024-D ~ Open Meetings via Electronic Means and Regulatory Proposal 2024-E ~ PMP Advisory Council Open Meetings via Electronic Means

Mr. Indovina explained, Act 393 of the 2023 Regular Legislative Session made significant changes to the Open Meetings Law and created changes directed to public participation and board member participation in meetings. These changes are directed to those members of the public and board members who have disabilities recognized by the Americans with Disabilities Act (ADA).

During the last Board meeting, the Board approved the language contained in these regulatory proposals for the Board's Policy & Procedure Manual. The law requires adding this language to the regulations as well.

Mr. Indovina then offered the following motion on behalf of the committee:

Resolved, to approve *Regulatory Proposal 2024-D ~ Open Meetings via Electronic Means Draft #2 and Regulatory Proposal 2024-E ~ PMP Advisory Council Open Meetings via Electronic Means – 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.

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

Legislative Proposal 2024-A ~ Transfer of CDS Prescriptions

Mr. Indovina explained, in the July 27, 2023 edition of the *Federal Register* the DEA published a final rule regarding the transfer of electronic prescriptions for schedules 2 through 5 controlled substances between pharmacies for initial filling with an effective date of August 28, 2023.

The final rule amends DEA regulations to explicitly state that an electronic prescription for a controlled substance in schedules 2 through 5 may be transferred between retail pharmacies for initial filling on a one-time basis only, upon request from the patient, and clarifies that any authorized refills included on a prescription for a schedule III, IV, or V controlled substance are transferred with the original prescription. The final rule requires that: the transfer must be communicated directly between two licensed pharmacists; the prescription must remain in its electronic form; and the contents of the prescription required by 21 CFR Part 1306 must be unaltered during the transmission. The final rule also stipulates that the transfer of EPCS for initial dispensing is permissible only if allowable under existing State or other applicable law.

Mr. Indovina continued, after a review of our existing state laws we identified language which could be interpreted as permitting the transfer for some schedules, but not all. In response, the committee developed a draft legislative proposal to clearly permit the transfer as stated in federal regulations.

Mr. Indovina then offered the following motion on behalf of the committee:

Resolved, to approve Legislative Proposal 2024-A ~ Transfer of CDS Prescriptions – Draft #1, and further, to authorize its filing in the Regular Session of the 2024 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

There was some discussion between the members in regards to the current inability to transfer a prescription electronically between pharmacies. With respect to public comments, Mr. Aurdie Bellard of Bellard's Family Pharmacy asked a question in regards to prescription transfers and received a response. There were no other public comments. The motion was adopted after a unanimous vote in the affirmative.

Legislative Proposal 2024-B ~ CDS Schedule Update

Mr. Indovina explained, this proposal is the Board's annual bill to harmonize the federal and state lists of controlled substances. The items in this bill were added to the federal list by the DEA and this proposal will place the same items in the same schedule on the state list. After reviewing the proposal, the committee voted to recommend your approval.

Mr. Indovina then offered the following motion on behalf of the committee:

Resolved, to approve Legislative Proposal 2024-B ~ CDS Schedule Update - Draft #1, and further, to authorize its filing in the Regular Session of the 2024 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during

the legislative process.

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

Mr. Indovina then concluded his report by expressing his appreciation to the other committee members for their ongoing work – Dr. Cloud, Mr. Darce, Ms. Dupree, Ms. Hall, Ms. Melancon, and Mr. Menard.

I. Executive Committee

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. Mr. McKay indicated Ms. Hall was prepared to offer motions on behalf of the committee and reminded the members that copies of these documents could be found in the Board member meeting material.

Consideration of Request to Add the Albertsons Companies Pharmacy Technician Training Program to the List of Board-approved programs.

Mr. McKay explained, Dr. Rob Geddes with Albertsons Companies submitted a request to add their technician training program to the list of Board-approved programs. The Albertsons program is accredited by ASHP. After reviewing the request, the committee voted to recommend Board approval of the program. Ms. Hall then moved,

Resolved, to approve the Albertsons Companies Pharmacy Technician Training Program as a Board-Approved Pharmacy Technician Training Program contingent upon maintaining their ASHP accredited status.

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

Consideration of Contract with Tyler Technologies for Fiscal Year 2024-2025

Mr. McKay reminded the members that during the May and November 2023 Board meetings the Board approved proposals to enter into contracts with Tyler Technologies for the Board's licensing information system. The May 2023 contract approval was for the annual maintenance and enhancements to the licensing information system for calendar year 2023-2024. The November 2023 contract approval added hosting services for calendar year 2023-2024. The addition of hosting services was part of the Board's plan to transition from purchasing and maintaining in-house servers to an environment hosted by Tyler Technologies. Mr. McKay was pleased to announce the transition was successfully completed in January 2024.

Mr. McKay stated, the Executive Committee typically presents the Board with proposals for contract approvals for the upcoming fiscal year during the May Board meeting, but staff was advised by the Office of State Procurement to begin the process of seeking Board approval in February due to the time it may take in seeking approval for the consolidation of these services in a single contract through their office.

Mr. McKay reported the committee reviewed the request and voted to recommend approval. Ms. Hall then moved,

Resolved, to approve the Executive Director to enter into a contract with Tyler Technologies to maintain, enhance, and provide hosting services for the Board's eLicense information system, at the stipulated rate, in an amount not exceed \$150,000 for Fiscal Year 2024-2025.

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

Consideration of Therapeutic Marijuana "See & Smell Education Stations"

Mr. McKay reported Board staff received a request from Ilera Holistic Healthcare, one of the state's marijuana producers, seeking approval to place Therapeutic Marijuana "See & Smell Education Stations" in Therapeutic Marijuana Pharmacies. After a discussion between the Executive Committee and a representative of the company, the matter was referred to the Regulation Revision Committee for possible rule writing.

Consideration of Proposed New PPM.I.A.37 ~ Executive Order No. JML 24-05 (Draft #1)

Mr. McKay explained, on January 12, 2024 Governor Jeff Landry issued Executive Order Number JML 24-05 titled - *Identifying, Quantifying, and Mitigating the Adverse Effects of Illegal Immigration on Louisiana*.

In Section 1 of the Executive Order, it states the board shall consider the effects of illegal immigration on the board prior to issuing policies, procedures, and practices, and shall develop policies, procedures, practices, and methods to collect and analyze data that relates to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

In Section 2 of the Order, it states within 60 days of the date of the Order, the board shall conduct a review of their existing policies, procedures, and practices to ensure that they are consistent with the provisions of Section 1.

In Section 3 of the Order, it states within 120 days of the date of the Order, the board shall provide a written report to the Office of the Governor, stating the duties and responsibilities of the board relative to the provision of public services or the expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens, which reports shall contain one or more recommendations for collecting and analyzing data related to the provision of public services or expenditure of public funds directly or indirectly to, or for the benefit of illegal aliens.

With respect to the duties, responsibilities, and purpose of the Board, according to RS 37:1163, the purpose of the Board is to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy; the licensure of pharmacists; and the licensure, permitting, certification, registration, control, and regulation of all persons or sites in or out of this state that sell drugs or devices to consumers and/or patients or assist in the practice of pharmacy within the state.

According to RS 37:23, each board or commission authorized to issue a license, permit, or certificate under this Title shall require each applicant to include his social security number on the application.

Mr. McKay continued, as part of the Board's credentialing process for persons, in accordance with RS 37:23, the Board collects a copy of the social security card for each applicant. If no social security card is provided as part of the application process, the application is not processed and no credential is issued. In following

this process, we are assuring that no credential is issued to an illegal alien thus having no impact on the services we provide.

Mr. McKay stated, to facilitate a conversation regarding the Executive Order and the impact of illegal aliens on the Board and its services or the expenditure of public funds, Ms. Hall is prepared to offer a motion. Ms. Hall then moved,

Resolved, having reviewed Executive Order No. JML 24-05 by Governor Jeff Landry and considered the effects of illegal immigration on the Board, the purpose of the Board, and the requirements for each applicant to obtain a credential from the Board, we've determined illegal aliens have no impact on the Board related to the provision of public services or expenditure of public funds.

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

Consideration of PPM.I.A.22 ~ Transfer of Prescription Information Between Pharmacies

Mr. McKay stated, during the August 2017 Board meeting the Board took notice of a recent policy statement issued by the DEA relative to the transfer of prescription information between pharmacies of prescriptions for controlled substances that have not yet been dispensed.

In response to numerous questions from pharmacists as well as reports of misinformation apparently communicated by some pharmacies, the Board determined it appropriate to adopt a policy statement relative to the transfer of prescription information between pharmacies of prescriptions that have not yet been dispensed.

As part of Mr. Indovina's committee report earlier, he reported on the new DEA rule related to the transfer of initial electronic controlled substance prescriptions between pharmacies which became effective on August 28, 2023. Additionally, as part of the Board's *Regulatory Project 2023-01 ~ Prescriptions* which became effective on October 20, 2023, language was added to rule giving pharmacists the ability and requirement to transfer an unfilled prescription for a medication not listed as a controlled substance upon request of the patient.

Now that DEA has officially published a rule regarding the transfer of initial prescriptions for controlled substances and the Board has a rule giving pharmacists the ability to transfer an unfilled noncontrolled substance prescription, the committee felt that the Board should consider rescinding the policy. Ms. Hall then moved,

Resolved, to rescind PPM.I.A.22 ~ Transfer of Prescription Information Between Pharmacies.

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

Exceptions Report

Mr. McKay stated, Board policy permits the President to review and respond to requests for exceptions to laws, rules, and policies in the interim between meetings of the Board. Board Policy also permits the Executive Director, with concurrence of the Board President, to issue Special Work Permits and approve dual PIC privileges with notice to the Board at its next meeting. The committee

reviewed the current “Exceptions Report” posted in the Board member reading room and the report is now presented to the full Board as required in policy. It does not require any action from the Board. There were no member questions or comments.

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

*At this point, Mr. McKay declared a recess. It was noted the members recessed at 9:58 a.m. and then reconvened at 10:12 a.m.

11. Staff Reports

A. 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.

Jalyn Shavon Landry (PTC.029253): Ms. Hall moved to accept the voluntary surrender of the credential, resulting in the active suspension of the registration for an indefinite period of time. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the registration for an indefinite period of time commencing on November 15, 2023.

Mindy Morel Burke (CPT.011841): Ms. Hall moved to accept the voluntary surrender of the credential, resulting in the active suspension of the certificate for an indefinite period of time. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the certificate for an indefinite period of time commencing on December 5, 2023.

Mims Management Group, LLC, dba Institutional Pharmacy Solutions (Virginia Beach, VA) (PHY.006910): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For its failure to disclose a November 2023 disciplinary action by the Virginia Board of Pharmacy as part of its application for the renewal of its Louisiana pharmacy permit for 2024, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Ashley Elizabeth Reynolds (PST.020382): Ms. Hall moved to accept the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on December 15, 2023.

Cha'Von Raynee' Miriam Foxhall (PST.023598): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to disclose her April 2023 arrest on her renewal application for 2024, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Thanh Quang Ngo (PST.021474): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was

adopted after a unanimous vote in the affirmative. For his failure to disclose a March 2023 Board order issued by the Kentucky Board of Pharmacy as part of his application for the renewal of his Louisiana pharmacist license for 2024, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

CarePoint Healthcare, LLC, dba CarePoint Pharmacy (Schaumburg, IL) (PHY.006678): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For its failure to disclose a February 2023 disciplinary action by the Colorado Board of Pharmacy as part of its application for the renewal of its Louisiana pharmacy permit for 2024, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Amanda Elizabeth Schubert Balli (PST.019454): Ms. Hall moved to accept the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on January 24, 2024.

Joseph Allen Silea (PST.021554): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For his failure to disclose a February 2023 Board order issued by the Kentucky Board of Pharmacy as part of his application for the renewal of his Louisiana pharmacist license for 2024, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Mr. Finalet then indicated completion of his report.

B. Report of the Executive Director

Mr. McKay called upon Mr. Fontenot for his report. Mr. Fontenot directed the members to the quarterly report of the prescription monitoring program found in their meeting material and provided an overview of the information presented. Mr. Menard commented in regards to the remarkable reduction in the number of prescriptions since 2015 and noted that the numbers are beginning to stabilize. There were no other member comments or questions.

Mr. Fontenot then directed the members to the requests from 16 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 the following permits once they have executed the standard consent agreement for that purpose:

Permit No.	Permit Name
PHY.008026-IR	Align Pharmacy, LLC
PHY.008741-NR	BioPlus Specialty Pharmacy Services, LLC
PHY.008770-NR	BioPlus Specialty Pharmacy Services, LLC
PHY.008206-NR	CarePartners Pharmacy LLC
PHY.008745-NR	CenterWell Pharmacy
PHY.005556-CH	Community Healthworx
PHY.008703-NR	GI Alliance Pharmacy - San Antonio
PHY.008738-NR	Lela Pharmacy
PHY.008735-SAT	NRMC Cancer Center
PHY.008767-NR	NuCara Pharmacy #27
PHY.007916-IR	Ochsner Outpatient & Home Infusion Pharmacy LLC
PHY.008740-HOS	PharmaCare Services at Omega Hospital
PHY.008763-NR	Sebela Pharma Rx Direct
PHY.008695-NR	Specialty Care Rx
PHY.008723-NR	Walgreens Central Fill #1418-M
PHY.004169-HOS	WK Pierremont Health Center Pharmacy

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

Mr. Fontenot then directed the members to the following documents included in their meeting materials:

- *NAPLEX Passing Rates for 2021-2023 Graduates*
- *MPJE Passing Rates for 2021-2023 Graduates*

The members discussed the low pass rates, specifically at Xavier College of Pharmacy, and expressed concerns in regards to the impact on the profession and patient access to care in future years.

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 material.

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 10:33 a.m.

Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on May 8, 2024.

Richard M. Indovina, Jr.
Secretary