



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

&

Administrative Hearing

Wednesday, August 23, 2017 at 9:00 a.m.

Wednesday, August 23, 2017 at 2:30 p.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 23, 2017 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

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

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Richard Mannino then led the group in the Pledge of Allegiance.

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Bond, to call the roll to establish a quorum.

Members Present:

Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Allen W. Cassidy, Jr.
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Richard Mannino
Ms. Chris B. Melancon
Ms. Diane G. Milano
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Mr. Richard A. Soileau
Dr. Raymond J. Strong
Mr. Rhonny K. Valentine

Members Absent:

Mr. Marty R. McKay

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director

Guests:

Mr. Errol Duplantis – Lloyd's Remedies
Dr. Fallon Nicolosi – Ochsner Health System
Ms. Julie Floyd – Office of the Legislative Auditor
Ms. Susan Caudle – Line Avenue Compounding Pharmacy
Ms. L. Shay McLaughlin – Office of the Legislative Auditor

Ms. Emily Dixon – Office of the Legislative Auditor
Mr. Ted Carmichael – Pharmacist Gold Certificate recipient
Ms. Judy Carmichael
Mr. Nick Caharin – NACDS
Mr. Russell Champagne – Kolder, Champagne, Slaven & Co.
Ms. Penny Scruggins – Kolder, Champagne, Slaven & Co.
Mr. Ben J. Sims – Brookshire Grocery Co.
Mr. Jim Cousineau – Brookshire Grocery Co.
Mr. Mark Sullivan – Brookshire Grocery Co.
Mr. Joey Sturgeon – Silvergate Pharmaceuticals
Ms. Mary Staples – NACDS
Ms. MaryBeth Wilkerson – La. State Medical Society
Mr. Alvin Crane – Pharmacist Gold Certificate recipient
Ms. Rosa Crane
Ms. Tammie Koelz – Walgreen Pharmacies
Ms. Michele Fuselier – La. Pharmacists Association
Mr. Jeff Gaude – Walgreen Pharmacies
Mr. Michael Bourg – Pharmaceutical Specialties
Ms. Ginny Martinez – Harris, DeVille & Associates
Mr. William McCullar – Pharmacist Gold Certificate recipient
Dr. Shanna Hampton – Pharmacist
Ms. Amy Jones – Pharmacy Technician
Mr. Merrill Patin – Pharmaceutical Specialties
Dr. Deborah Simonson – Ochsner Health System
Dr. Nicole LaCoste – Ochsner Health System
Dr. Stephanie Anders – Ochsner Health System
Mr. Ben McCullar – Visitor
Mr. Lawrence Pourciau – Pharmacist Gold Certificate recipient
Mr. Adam Chesler – Cardinal Health
Mr. Robert Lancon – Adams & Reese

Mr. Bond certified 16 of the 17 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items but none were requested. With no further requests for amendment, and with no objection, the Board adopted the posted agenda dated August 9, 2017. Mr. Aron then requested authority from the members to reorder the agenda as necessary for the purpose of accommodating certain guests and/or reports. 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 10, 2017, and the Administrative Hearing on May 10-11, 2017, both of which were 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. Bond

reminded the members to sign the Minute Book.

6. *Report on Action Items*

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

7. *Confirmation of Acts*

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

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since May 10, 2017 are approved, adopted, and ratified by the entire Board.

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

8. *Opportunity for Public Comment*

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments on non-agenda items from the guests present, and one guest requested the opportunity to ask a question.

Ms. Susan Caudle identified herself as a pharmacist at Line Avenue Compounding Pharmacy in Shreveport, La. She referenced the scheduled discussion on the agenda item relative to USP Chapter 800 for hazardous drugs. She requested the Board consider the appointment of an ad hoc committee composed of board members and stakeholders to review the requirements of the new federal standards for the handling of hazardous drugs in health care settings. At the conclusion of her remarks, President Aron indicated he would appoint such a committee.

* *Statement of Purpose*

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

9. *Special Orders of the Day*

Mr. Aron noted there were four pharmacists present to receive their Pharmacist Gold Certificates, commemorating 50 years of licensed practice. He made those presentations to the following pharmacists.

- PST.009230 – Theodore Schwartz Carmichael, issued 08-30-1967;
- PST.009269 – William Wayne McCullar, issued 08-30-1967;
- PST.009289 – Lawrence Daryl Pourciau, issued 08-30-1967; and
- PST.009333 – Alvin Dale Crane, issued 11-29-1967.

The members congratulated each of the recipients with standing ovations.

10. Committee Reports

A. Finance Committee

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the *Final Report for Fiscal Year 2016-2017* in their meeting binder. Mr. Aron then recognized Mr. Russell Champagne, CPA and Ms. Penny Scruggins, CPA, both from Kolder, Champagne, Slaven & Co. Mr. Champagne reviewed the report and offered his assessment of the Board's fiscal status and financial operations. There were no questions from the members. Mr. Pitre informed the members the committee had met the previous day to review that report and voted to recommend its approval by the Board. He then moved,

Resolved, to approve the *Final Report for Fiscal Year 2016-2017*, subject to legislative audit.

The motion was adopted after a unanimous vote in the affirmative. Mr. Pitre then directed the members to the Proposed Budget Amendment No. 1 for Fiscal Year 2017-2018 in their meeting binder. He noted the committee had also reviewed that document during their meeting the previous day and had offered no suggested amendments to that proposal. He then moved,

Resolved, to approve the *Proposed Budget Amendment No. 1 for Fiscal Year 2017-2018*.

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

Finally, he 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 met the previous day to consider four referrals from the staff – three applicants for a pharmacy technician candidate registration and one applicant for a pharmacist license. Following their interview and deliberation, the committee authorized the issuance of the pharmacist license, directed one of the technician candidate applicants to reinstate her Texas technician credential before any further consideration of her application, and then recommended the denial of the two remaining applications for a technician candidate registration. Both of the applications recommended for denial were scheduled for a future administrative hearing.

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

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 69 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials.

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

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held preliminary hearings on June 14-15, 2017 to consider their posted agenda which included 28 cases: 10 pharmacists, 6 pharmacy technicians, and 12 pharmacy permits. Prior to the meeting, the committee authorized continuances for 2 of the respondents. After interviews and deliberations, the committee took no action on 8 of the respondents and issued non-disciplinary letters of noncompliance to 4 of the respondents. The committee refused to offer one respondent a proposed consent agreement and instead directed staff to proceed to an administrative hearing. The committee offered proposed voluntary consent agreements to the remaining 12 respondents. Two of the respondents initially accepted their proposed agreements and then requested reconsideration; those cases have been scheduled for a future committee meeting. Since two of the remaining 10 respondents have two separate cases, there were 12 proposed consent agreements to be considered that day. Mr. Bond then presented the following proposals to the members for their consideration.

B&B Pharmacy Enterprises, LLC d/b/a Highland Health Mart Pharmacy [Baton Rouge, LA] (PHY.006687) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Christopher Wesley Kidwell (CPT.007999) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand and directed its publication in its quarterly newsletter; and further, assessed administrative and investigative costs.

Ashley Simon Seiber (CPT.013762) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for one year and stayed the execution of the suspension, then placed the certificate on probation for one year, effective August 23, 2017, subject to certain terms enumerated in the consent agreement; and further, assessed administrative costs.

K&B Louisiana Corporation d/b/a Rite Aid Pharmacy No. 15067 [Shreveport, LA] (PHY.003040) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 plus administrative and investigative costs.

Caremark, LLC d/b/a CVS Specialty Pharmacy [Redlands, CA] (PHY.005587) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Talisha Lachel Causey (CPT.010234) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate; and further, permanently prohibited the acceptance of any future reinstatement application or any application for any other credential issued by the Board.

Steven's Pharmacy, Inc. d/b/a Steven's Pharmacy [Port Allen, LA] (PHY.004535 & CDS.038660-PHY– Case No. 17-0106) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Steven Walter Gough (PST.013199 – Case No. 17-0107) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed administrative costs.

Steven's Pharmacy, Inc. d/b/a Steven's Pharmacy [Port Allen, LA] (PHY.004535 & CDS.038660-PHY– Case No. 16-0219) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for five years and stayed the execution of the suspension, then placed the permit on probation for five years, beginning at the end of the current probationary term scheduled to conclude on October 1, 2017, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$25,000 plus administrative and investigative costs.

Steven Walter Gough (PST.013199 – Case No. 16-0220) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective July 10, 2017; 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.

Rx Care of LA, Inc. d/b/a Benzer Pharmacy [Vivian, LA] (PHY.006524 & CDS.041729-PHY) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Caron Rae Dressler Oden (PST.017247) Mr. Bond moved to approve the

proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning; and further, assessed administrative costs.

Mr. Bond reported the committee will meet on September 6 to consider that docket, which included 5 pharmacists, 4 pharmacy technicians, 6 pharmacy permits, and one applicant for a pharmacy permit.

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

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider 8 referrals from the staff – 2 applications for reinstatement of pharmacist licenses, 2 applications for probation modification from pharmacists, one application for a pharmacy intern registration, one application for a pharmacy technician candidate registration (which was later withdrawn), and 2 appearances for informal conference from a pharmacist and pharmacy technician. They also considered professional credentials and letters of interest from three addiction medicine specialists for approval and placement on the Board's Roster of Approved Addictionists. Following their interviews of the applicants and subsequent deliberations, the committee deferred further consideration of the applicant for the pharmacy intern registration and the pharmacist present for an informal conference, pending their completion of medical treatment. Mr. Rabb then presented the following files to the members for their consideration.

Stephanie Ann Richards (PST.015339) Mr. Rabb moved to approve the respondent's request for reinstatement of the previously-suspended license. The motion was adopted after a unanimous vote in the affirmative. The Board reinstated the license and restored it to active and unrestricted status.

James Edward Helou (PST.019129) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years effective August 23, 2017, subject to certain terms enumerated in the consent agreement.

Stephen Leonard Collins (PST.011311) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for early termination of the previously-imposed probationary period originally scheduled to conclude on November 18, 2020, and further, the immediate conversion of his license to voluntary inactive status.

Kacie Dore Keith (PST.020248) Mr. Rabb moved to approve the respondent's request for modification of previously-imposed probationary terms. The motion was adopted after a unanimous vote in the affirmative. The Board removed Article 2-e from her August 10, 2016 Probation Board Order which had restricted her from accepting an appointment as the pharmacist-in-charge at a pharmacy.

Pattie Jo Bullard (CPT.013594) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for five years and stayed the execution of the suspension, then placed the certificate on probation for five years, effective August 23, 2017, subject to certain terms enumerated in the consent agreement.

Mr. Rabb reported the committee had received letters of interest from three addiction medicine specialists seeking enrollment on the Board's Roster of Approved Addictionists. Following the committee's review of their professional credentials, the committee voted to recommend the addition of all three physicians to the Board's roster. Mr. Rabb then moved,

Resolved, to approve the August 23, 2017 edition of the Board's Roster of Approved Addictionists for the remainder of Fiscal Year 2017-2018.

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

Finally, Mr. Rabb closed his report with appreciation to his fellow committee members for their work the previous day and for the ongoing staff support.

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. Ms. Melancon reported the committee met the previous day to consider 7 referrals from the staff – 4 applications for reinstatement of credentials from two pharmacists and two pharmacy technicians, 2 petitions for modification of previous orders from one pharmacist and one pharmacy, and one petition for the return of a pharmacist license from voluntary inactive status to active status. Following their interviews and deliberations the committee voted to authorize the removal of a non-disciplinary restriction on the pharmacy permit; that action did not require Board approval. The committee also voted to recommend the denial of reinstatement for one of the pharmacy technicians; that case was scheduled for a future administrative hearing. Ms. Melancon then presented the following files to the members for their consideration.

Charles Wendell Alford (PST.013050) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed license, suspended it for two years and stayed the execution of the suspension, then placed the license on

probation for two years, effective August 23, 2017, subject to certain terms enumerated in the consent agreement.

Judy Lynn Armstrong (CPT.004262) Ms. Melancon moved to approve the respondent's request for reinstatement of the previously-lapsed certificate. The motion was adopted after a unanimous vote in the affirmative. The Board reinstated the certificate and restored it to active and unrestricted status.

Donna Fragala White (PST.013041) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously-lapsed license, contingent upon the satisfaction of certain requirements identified in the consent agreement.

Harvey Lee Smith, Jr. (PST.020467) Ms. Melancon moved to approve the respondent's request for early termination of the previously-imposed probationary period which was scheduled to conclude on February 13, 2019. The motion was adopted after a unanimous vote in the affirmative. The Board removed all probationary terms and restored the license to active and unrestricted status.

Lisa Michelle Posik (PST.017061) Ms. Melancon moved to approve the respondent's request to return her pharmacist license from voluntary inactive status to active status. The motion was adopted after a unanimous vote in the affirmative. The Board restored the license to active and unrestricted status.

Ms. Melancon closed her report with appreciation to the other committee members for their work the previous day.

G. Tripartite Committee

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore noted the committee had not met since March 2016 and therefore no report was available.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 10:35 am and reconvened at 11:15 am.

H. Regulation Revision Committee

Since the committee chair, Mr. Marty McKay, was absent, Mr. Aron called on Mr. Broussard to present the committee report. Mr. Broussard noted the committee had not met since the last Board meeting; however, there had been two public hearings on multiple regulatory projects. He indicated the members needed to consider the comments and testimony offered at those hearings to determine whether any additional revisions were necessary and to determine the future course of those projects.

With respect to *Regulatory Project 2017-1 ~ Pharmacy Internship Requirement*, the Board convened a public hearing on May 30, 2017. The one commentator had no requests for changes to the original proposed rule. Following their consideration of that comment and further discussion concerning implementation of the rule, Mr. Moore moved,

Resolved, to request the executive director transmit an appropriate reply to the commentator at the May 30 public hearing, to then compile and transmit the Second Report to the Joint Legislative Oversight Committee on Health & Welfare, and to then publish the original proposal as a *Final Rule* in the *Louisiana Register*, with an effective date of January 1, 2018.

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

With respect to *Regulatory Project 2017-2 ~ Equivalent Drug Product Interchange*, the Board convened a public hearing on May 30, 2017. There were two commentators, only one of which requested specific changes to the proposed rule; the other commentator offered information but had no comments on the proposed rule. Following their consideration of the commentator's requests, Mr. Cassidy moved,

Resolved, to request the executive director transmit an appropriate reply to the commentator at the May 30 public hearing, to then compile and transmit the Second Report to the Joint Legislative Oversight Committee on Health & Welfare, and to then publish the original proposal as a *Final Rule* in the *Louisiana Register*.

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

With respect to *Regulatory Project 2015-9 ~ Pharmacy Technicians*, the Board convened a second public hearing on June 26 to receive comments on four sets of revisions of the original proposed rule approved by the Board during their March 14 meeting. There was one comment offered, which reiterated their earlier comment on the original proposal that had not been accepted by the Board during their March meeting. Mr. Broussard reviewed the history of the regulatory project, beginning with the original emergency rule in November 2015, through the current proposal originally published in January 2017 and then revised in March 2017. Following their consideration of that comment, Mr. Indovina then moved,

Resolved, to request the executive director transmit an appropriate reply to the commentator at the June 26 public hearing, to then compile and transmit the Second Report to the Joint Legislative Oversight Committee on Health & Welfare, and to then publish the original proposal as once revised as a *Final Rule* in the *Louisiana Register*, with an effective date of January 1, 2018.

Prior to the vote, Mr. Mannino offered a substitute motion to table the original motion. That motion failed following a roll call vote, with Mr. Mannino and Ms. Milano voting in the affirmative. Prior to voting on the original motion, Mr. Aron solicited public comments. Mr. Nick Caharin, representing the National Association of Chain Drug Stores (NACDS), offered information about the legislative resolutions adopted during the 2017 Legislature. Ms. Mary Staples, also representing NACDS, offered additional information concerning

similar activities on this topic with other state boards of pharmacy. Mr. Pitre then moved the previous question. With no objections to that request, Mr. Aron requested a roll call vote on the original motion. The motion was adopted after a majority vote in the affirmative; Mr. Mannino and Ms. Milano objected.

With respect to *Regulatory Project 2016-6 ~ Marijuana Pharmacy*, the Board convened a second public hearing on June 26 to receive comments on the 16 sets of revisions of the original proposed rule approved by the Board during their March 14 meeting. There was one request for additional change, to reverse one of the 16 sets of revisions relative to the permitted dosage forms, to change the gelatin-based chewable back to edible dosage forms. Since the change to gelatin-based chewable was requested by the legislative sponsor, Mr. Aron determined the Board would not make that change. He directed the appropriate reply to the commentator and the filing of the Second Report to the Joint Legislative Committee on Health & Welfare. Since that committee did not intervene, the Board published the *Final Rule* in the August 20, 2017 edition of the *Louisiana Register*, with an immediate effective date. Mr. Broussard then responded to questions from several members about the implementation plan for the marijuana pharmacy permit.

Mr. Broussard closed the committee report with the observation of twelve topics still remaining on their standing agenda, with additional referrals anticipated before the end of that day.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 12:50 pm and then reconvened at 1:45 pm.

I. Executive Committee

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. In particular, the committee reviewed the legislation adopted during the 2017 Legislature, a series of blueprints for pharmacy inspections, a proposed amendment of a recent policy statement relative to transfer of prescription information, a cooperative endeavor agreement with the Office of Facility Planning & Control relative to the office building renovation project, the annual financial audit, and a request to review the Board's current rule relative to centralized prescription dispensing.

With respect to Act 220 of the 2017 Legislature, the Board was asked to interpret that law relative to the inclusion of veterinary drug products.

Following a brief discussion, Mr. Moore moved,

Resolved, the Board, having reviewed the legislative history of Act 220 of the 2017 Legislature, is of the belief that the inclusion of veterinary drug products was not intended, and therefore, will not aggressively seek the reporting of price information for veterinary drug products.

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

With respect to the series of pharmacy inspection blueprints, the committee requested staff distribute the documents to the members and

request the members review those documents prior to their next meeting, and to schedule those documents for consideration during the next Board meeting scheduled for November 15, 2017.

With respect to the Board's recent policy statement relative to the transfer of prescription information for unfilled prescriptions between pharmacies, the committee reconsidered that policy in light of a recently announced policy statement from the U. S. Drug Enforcement Administration (DEA) on that same topic. Following a short discussion, Mr. Rabb moved,

Resolved, to approve the proposed revision of Board Policy PPM.I.A.22 ~ *Transfer of Prescription Information Between Pharmacies*.

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

With respect to the office building renovation project, the committee reviewed the previously-executed cooperative endeavor agreement with the Office of Facility Planning & Control in the Div. of Administration. Mr. Aron directed the members to a copy of that agreement in their meeting binder; and further, he reminded them their budget amendment adopted earlier that day included detailed information on the scheduled renovations.

With respect to the annual financial audit which was already in process, Mr. Aron informed the members of their need to adopt a different version of the Management's Representation Letter than the one they previously adopted. Mr. Rabb then moved,

Resolved, that the Board approve the *Management's Representation Letter for the 2017 Audit* by the auditors, Pinell & Martinez, LLC, and further, to authorize the President and Secretary to execute that document on our behalf.

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

With respect to §1141 of the Board's rules relative to centralized prescription dispensing, the committee received information from the staff concerning several requests for interpretation of that rule in light of several contemporary models of centralized operations due to lack of clarity of the rule as it was originally written in 2013. Mr. Aron referred the topic to the Board's Regulation Revision Committee.

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 his report. Mr. Fontenot directed the members to the quarterly report for the Prescription Monitoring Program, reviewing transaction data, registration counts, and search data. He then directed the members to the new requests for exemption from the PMP reporting requirements. Mr. Moore moved,

Resolved, to authorize the issuance of PMP reporting waivers to:
> PHY.006472-NR – Advanced Pharmacy (SC);
> PHY.007147-IR – AlphaMed Pharmacy (LA);
> PHY.007433-NR – BrooksideRx (NE);

- > PHY.006678-NR – CarePoint Pharmacy (IL);
- > PHY.007423-NR – Carepoint Pharmacy (IL);
- > PHY.006649-NR – Carie Boyd’s Prescription Shop (TX);
- > PHY.007242-NR – Cedra Pharmacy (NY);
- > PHY.007492-NR – Chemistry Rx (PA);
- > PHY.007469-NR – Choice Rx Pharmacy (FL);
- > PHY.001060-HOS – Christus Health Southwestern La. (LA);
- > PHY.007387-HOS – Cobalt Rehabilitation Hospital – N.O. (LA);
- > PHY.006760-NR – Conversio Health (CA);
- > PHY.007493-NR – Cottrill’s Pharmacy (NY);
- > PHY.007426-HOS – Curahealth Hospital New Orleans (LA);
- > PHY.007215-NR – Decillion Healthcare (OH);
- > PHY.006978-NR – Diplomat Specialty Infusion Group (NC);
- > PHY.007265-NR – Diplomat Specialty Infusion Group (AZ);
- > PHY.007175-NR – Diplomat Specialty Infusion Group (IA);
- > PHY.000269-HOS – East Carroll Parish Hospital Pharmacy (LA);
- > PHY.007280-NR – Geesons Pharmacy (TX);
- > PHY.007498-NR – Geneva Pharmacy (NE);
- > PHY.006880-NR – Genoa Healthcare (MO);
- > PHY.006862-IR – Genoa, a QoL Healthcare Company (LA);
- > PHY.007164-NR – Heartland Medical (KS);
- > PHY.007001-IR – Lafayette General Pinhook Pharmacy (LA);
- > PHY.007232-HOS – Lafayette General Southwest Pharmacy (LA);
- > PHY.006389-HOS – Lafayette Surgical Specialty Hospital (LA);
- > PHY.007499-HOS – Lakeview Regional Medical Center (LA);
- > PHY.007372-NR – Life Tree Pharmacy (PA);
- > PHY.006903-NR – LMC Medical Supplies (FL);
- > PHY.006883-NR – Matlock Pharmacy (TX);
- > PHY.007491-NR – MediSuite Pharmacy (NC);
- > PHY.007005-HOS – North Oaks Rehabilitation Hospital Pharmacy (LA);
- > PHY.007515-NR – Paragon Healthcare (TX);
- > PHY.007203-NR – Pathstone Health Services (FL);
- > PHY.007048-NR – Physician Specialty Pharmacy (FL);
- > PHY.007487-HOS – Physicians Medical Center (LA);
- > PHY.007504-NR – RTS Americas (IL);
- > PHY.007095-IR – Rx 2 Geaux Pharmacy (LA);
- > PHY.006848-NR – Soleo Health (PA);
- > PHY.007177-NR – Synergy Pharmacy Services (FL);
- > PHY.006478-HOS – The NeuroMedical Center Rehabilitation Hospital Pharmacy (LA);
- > PHY.005533-HOS – Touro Infirmary Hospital Pharmacy (LA);
- > PHY.001833-HOS – Union General Hospital Pharmacy (LA);
- > PHY.007434-NR – VitalRx (AL);
- > PHY.007457-NR – Walgreens Pharmacy #02445 (FL); and
- > PHY.007093-NR – Woodland Hills Pharmacy (CA)

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

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

Resolved, to deny the request from PHY.005096-NR, held by ZooPharm in Laramie, WY for a waiver from the PMP reporting requirements.

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

Mr. Fontenot then reported on the implementation plan for Act 76 of the 2017 Legislature, which requires the Board to issue PMP access privileges to all practitioners (except veterinarians) automatically upon the initial issuance of their state CDS license or upon the renewal of that license.

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

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

Jamie Marie Wilson (CPT.009950) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed a fine of \$250 plus administrative costs.

Kaitlyn Marie Zimmerman (PTC.025251) Mr. Cassidy moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the registration for an indefinite period of time, effective July 20, 2017.

Jason Warren Dupeire (PST.018298) Mr. Cassidy moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time, effective July 26, 2017.

Summer Michelle Eichelberger (PTC.025120) Mr. Cassidy moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the registration for an indefinite period of time, effective August 21, 2017.

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

L. Report of Executive Director

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

following topics:

- Meeting Activity
- Reports
 - Internal Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
 - External Reports
 - Administrative and Legislative Agency Reports
 - Mr. Pitre moved,
Resolved, to approve the Board's *Annual Report for Fiscal Year 2016-2017*, and further, to request the executive director to send a copy to the Office of the Governor, and further, to post a copy on the Board's website.
- Examinations
 - MPJE
 - NAPLEX
 - PARE
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - La. Legislature
 - La. State Board of Medical Examiners
 - La. State Board of Nursing
 - La. Dept. of Health – Office of Public Health
 - La. Dept. of Agriculture & Forestry
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
 - ACPE (Accreditation Council for Pharmacy Education)
 - DEA (U.S. Drug Enforcement Administration)
 - CDC (U.S. Centers for Disease Control & Prevention)
- International Activities
 - International Pharmaceutical Federation (FIP)
 - .Pharmacy gTLD

Mr. Aron requested Mr. Broussard to review the recent decision by the ACPE Board of Directors to place ULM School of Pharmacy's accreditation on probation. He reviewed the four accreditation standards cited by ACPE in its accreditation decision.

Mr. Aron requested Mr. Broussard to review the recent MPJE and NAPLEX examination results for both schools of pharmacy as well as the most recent data for

the PTCB test.

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

At this point, Mr. Aron indicated his intent to re-order the agenda to accommodate certain guests.

16. Request for Exception to USP <800> Standards Enforcement – Mr. Errol Duplantis, Lloyd's Remedies Pharmacy

Mr. Aron invited Mr. Duplantis to explain his request. Mr. Duplantis introduced two representatives from Humco Pharmaceutical Group, who informed the members about a group of their firm's products, concentrated topical formulations of hormonal drug products. The representatives suggested their products did not warrant the level of risk management apparently required by the standards identified in USP <800>. Mr. Duplantis suggested the USP standards were excessively stringent and would require significant financial investment from pharmacies; and further, he suggested that several pharmacies would decline to make those investments, resulting in fewer pharmacies preparing those products for patients, resulting in medication access issues for patients.

Mr. Aron invited Ms. Caudle to expand upon her earlier comments. She suggested the USP standards were based on faulty science, would result in medication access issues as described earlier, and requested the Board to further study the issue before adopting the USP <800> standards as presented.

Mr. Indovina informed the members the standards were applicable to a wider range of licensees than the pharmacy compounders represented at the meeting.

Mr. Aron suggested there were enough concerns raised to warrant further study by the Board. He referred the matter to the Regulation Revision Committee with instructions to invite stakeholders to review the issue and then report back to the Board.

15. Request for Revision of Pharmacist Licensure Requirements for PGY2 Residents – Dr. Stephanie Anders, Ochsner Health System

Mr. Aron invited Dr. Anders to explain her request. She explained the pharmacy residency concept, illustrating the first year (PGY1) residency and second year (PGY2) residency programs. She then explained the difficulty experienced by applicants for PGY2 residency programs in Louisiana, citing the reciprocity requirements for pharmacist licensure. She mentioned a few states which provide alternative licensure options for PGY2 residents. She requested the Board to consider alternative licensure requirements for PGY2 residency applicants.

Mr. Aron recognized Dr. Deborah Simonson, Vice President for Pharmacy Affairs at Ochsner Health System, and a former member of the Board. She requested the Board refer the issue to its Regulation Revision Committee for development of a regulatory or legislative proposal to make the requested changes.

Mr. Aron requested Mr. Broussard to review the pharmacist licensure requirements and he explained the reciprocity requirements and some suggested changes that would remedy the issue raised by the representatives from Ochsner Health System.

Mr. Aron referred the matter to the Regulation Revision Committee with instructions to review the statutory licensure requirements and draft a legislative proposal for the Board's consideration prior to the next legislative session.

13. *Request for Approval of Alternative Pharmacist Verification Methodology in Central Fill System – Mr. Jim Cousineau, Mr. Mark Sullivan, & Mr. Ben Sims, Brookshire Grocery Co.*

Mr. Aron invited the representatives to explain their request. Mr. Sullivan began by reviewing the presentation materials provided to the members prior to the meeting. He responded to several questions from the members. Mr. Finalet suggested the provisions of §1203.A.1.c would not prohibit a nonresident pharmacy from obtaining an Automated Medication System (AMS) registration from the Board. The significance of that credential is the authority for electronic product verification within §1217.C of that chapter of rules. Mr. Aron suggested the firm review those rules to ensure their compatibility for the requested authority, and then to apply for the AMS registration. The representatives expressed their appreciation to the Board for its favorable resolution of their request.

14. *Request for Revision of Rules for Telepharmacy – Dr. Adam Chesler, Cardinal Health*

Mr. Aron invited Dr. Chesler to explain his request. Dr. Chesler directed the members to a copy of a regulatory proposal in their meeting binder to amend some sections of the Board's rules for the telepharmacy permit. In particular, he suggested the mileage radius to the next closest pharmacy be reduced from 20 miles to 10 miles, and he also suggested the section requiring a telepharmacy to close when another pharmacy opened in that same area be modified to insert an exception when the telepharmacy is dispensing less than 200 prescriptions per day. He presented some data describing health care facilities in several Louisiana communities. He responded to questions from several members about different aspects of the telepharmacy rule.

Mr. Aron referred the request to the Regulation Revision Committee for their review of the request, development of a proposal, and report back to the Board.

12. *Request for Approval of Life Safety Training Program – EMS Safety Services, Inc.*

Mr. Aron requested Mr. Broussard describe the request. Mr. Broussard reported the firm had satisfied all requirements previously established for the approval of such programs. Mr. Moore moved,

Resolved, to approve the Basic Life Support training program offered by EMS Safety Services, Inc. for pharmacists and pharmacy interns seeking to qualify for a medication administration registration.

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

17. *Announcements*

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

18. *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 4:40 p.m.

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An Administrative Hearing was convened on Wednesday, August 23, 2017 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 4:55 p.m.

B. Quorum Call

Mr. Aron called upon Secretary Bond and he called the roll. After doing so, he certified Mr. McKay, Ms. Melancon, and Mr. Rabb were absent; however, the remaining 14 members were present, constituting a quorum for the conduct of official business.

C. 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 10, 2017. He then requested authority to re-order the agenda as may become necessary, and there were no objections to that request.

D. 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 comments from the guests, but none were offered.

Appearances

Mr. Aron indicated he would serve as the Hearing Officer. Ms. Celia Cangelosi was introduced as the Prosecuting Attorney for the first case relative to the pharmacy technician candidate and Mr. Carlos Finalet as the Prosecuting Attorney for the second case relative to the pharmacy. Ms. Susan Erckle served as the Official Recorder, and Mr. Malcolm Broussard as the Hearing Clerk. Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. The posted agenda is re-created here.

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 08-10-2017

- A. Call to Order
- B. Quorum Call
- C. Call for Additional Agenda Items & Adoption of Agenda
- D. Opportunity for Public Comment
- E. Formal Hearings

01. PTC.021994 – Kristen Je’Nay Williams Case No. 15-0350

02. PHY.006167 – Benecard Central Fill of PA, LLC *d/b/a*
Benecard Central Fill [Mechanicsburg, PA] Case No. 17-0124

F. Adjourn

E. Formal Hearings

Kristen Je’Nay Williams (PTC.021994) Ms. Cangelosi appeared for the Board. Mr. Kris Parret introduced himself as counsel for the respondent and then introduced the respondent, Ms. Williams. Ms. Cangelosi offered an opening statement during which she indicated both parties had agreed to the admission of Board Exhibits 1 through 16 as well as the proposed Findings of Fact which she recited for the record. Mr. Parret presented an opening statement and then Ms. Williams presented a verbal statement. She then responded to questions from several members of the hearing panel. Ms. Cangelosi proffered proposed findings of fact and conclusions of law, but deferred to the Board for its own order. Mr. Parret offered a closing statement, then tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent’s professional competency. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered executive session at 5:40 p.m. and then reconvened in open session at 6:20 p.m. Mr. Aron reported no decision was made during the executive session.

Mr. Moore 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.

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 21994, held by Kristen Je’Nay Williams, shall be and is hereby suspended for an indefinite period of time, effective on the entry of this order, and further, should the respondent successfully complete the pharmacy technician certification

examination administered by the Pharmacy Technician Certification Board on or before May 31, 2018, the Board may issue a pharmacy technician certificate to the respondent, and further, the pharmacy technician certificate shall be suspended for five years effective on the date of issuance with the execution thereof stayed, then placed on probation for five years effective on the date of issuance, subject to the following terms of probation:

- (1) Respondent shall not violate or be found guilty of violating any local, state, or federal pharmacy laws or laws regarding controlled dangerous substances.
- (2) Respondent shall pay the following assessments:
 - (a) the administrative hearing fee of \$250; and
 - (b) the investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder.

Prior to the vote, Mr. Resweber moved to amend the proposed order for the purpose of extending the suspension, stay, and probation to any other credential issued by the Board during the five year period. The amendment was adopted after a unanimous vote in the affirmative. The amended motion was then adopted after a unanimous vote in the affirmative.

Benecard Central Fill of PA, LLC d/b/a Benecard Central Fill of PA

[Mechanicsburg, PA] (PHY.006167) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. He then presented a closing statement and offered proposed findings of fact, conclusions of law, and board order, following which he 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. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered executive session at 6:40 p.m. and then reconvened in open session at 6:50 p.m. Mr. Aron reported no decision was made during the executive session.

Mr. Robichaux 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.

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Permit No. 6167, held by Benecard Central Fill of PA, LLC *d/b/a* Benecard Central Fill of PA [Mechanicsburg, PA], 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 \$5,000;
- (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 this permit, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall not submit such application until the respondent has satisfied its obligation for the 4th Period of 2015 to the Louisiana Medicaid Assistance Trust Fund at the Louisiana Dept. of Health;
- (2) Respondent shall have paid all assessments levied herein; and
- (3) Respondent shall have no pending legal or disciplinary matters against the firm in any jurisdiction;

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. Erckle for her recording services that day.

F. 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 6:55 p.m.

Respectfully submitted,

Brian A. Bond
Secretary