



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
Telephone 225.925.6496 ~ Facsimile 225.925.6499  
[www.pharmacy.la.gov](http://www.pharmacy.la.gov) ~ E-mail: [info@pharmacy.la.gov](mailto:info@pharmacy.la.gov)



## Minutes

**Regular Meeting**

**&**

**Administrative Hearing**

Wednesday, November 15, 2017 at 9:00 a.m.

Thursday, November 16, 2017 at 8:30 a.m.

**Location:**

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

# Table of Contents

Wednesday, November 15, 2017 – Board Meeting

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
1.	Call to Order	04
2.	Invocation & Pledge of Allegiance	04
3.	Quorum Call	04
4.	Call for Additional Agenda Items & Adoption of Agenda	06
5.	Consideration of Minutes from Previous Meetings	06
6.	Report on Action Items	06
7.	Confirmation of Acts	06
8.	Opportunity for Public Comment	06
*	Statement of Purpose	07
9.	Special Orders of the Day	07
10.	Committee Reports	
	A. Finance	07
	B. Application Review	08
	C. Reciprocity	08
	D. Violations	09
	E. Impairment	10
	F. Reinstatement	11
	G. Tripartite	12
	H. Regulation Revision	12
	I. Executive	12
11.	Staff Reports	
	J. Assistant Executive Director	16
	K. General Counsel	18
	L. Executive Director	19
12.	Review of La. Attorney General Opinion No. 17-0076	15
13.	Discussion of Letter to La. Attorney General & La. Dept. of Insurance re Pharmacy Benefit Managers	15
14.	Request for Waiver of Licensure Renewal Fee For Military Spouse	20
15.	Petition for Additional Testing Opportunity by Applicant for Pharmacist Licensure	20
	<i>Items Added to the Agenda</i>	
15-A.	<i>Electronic Transmission of Chart Orders to Pharmacies</i>	21
15-B.	<i>Request for PMP Reporting Waiver for Chateau Drugs</i>	17
16.	Announcements	21
17.	Recess	21

## Table of Contents

*Thursday, November 16, 2017 – Administrative Hearing*

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
A.	Call to Order	21
B.	Invocation & Pledge of Allegiance	21
C.	Quorum Call	22
D.	Call for Additional Agenda Items & Adoption of Agenda	22
E.	Opportunity for Public Comment	22
*	Appearances	22
F.	Formal Hearings	22
G.	Adjourn	24

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 15, 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. Ms. Jacqueline Hall 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  
Mr. Marty R. McKay  
Ms. Chris B. Melancon  
Ms. Diane G. Milano  
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. Ronald E. Moore

**Staff Present:**

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

**Guests:**

Mr. Robert Rock – Haydel's Drug Store  
Mr. Carl Savoie – Carl's Thrifty Way Pharmacy  
Mr. Minh Nguyen – Willow Bark Pharmacy  
Mr. Ken Savoie – Ken's Thrifty Way Pharmacy  
Mr. Chris Dupre – Ralph's Pharmacy

Mr. David Bares – Farmer’s Drugs  
Mr. Bruce Soileau – New Perrino Drug Store  
Mr. David Darce – Thrifty Way Pharmacy of St. Martinville  
Mr. Errol Duplantis – Lloyd’s Remedies  
Ms. Nikki Hollier – Hollier’s Family Pharmacy  
Mr. Robert Hollier – Hollier’s Family Pharmacy  
Mr. Michael Simmons – Lloyd’s Remedies  
Mr. Greg Poret – Poret’s Thrifty Way Pharmacy  
Ms. Kimberly Wixson – Cottonport Corner Drug  
Mr. Peter Wolfe – Wolfe’s Pharmacy  
Mr. J. Scott Black – GPS Pharmacy  
Mr. Mark Mula – Mula Family Pharmacy  
Mr. Don Couvillon – La. Wholesale Drug Co.  
Mr. Robert Launey – Launey’s Thrifty Way Pharmacy  
Mr. Ben J. Sims – Brookshire Grocery Co.  
Mr. Neil Ducote – Brookshire Grocery Co.  
Mr. T. J. Woodard – Prescriptions to Geaux  
Ms. Jennifer O’Grady – Veterinary Pharmacies of America  
Mr. Steve Rome – Veterinary Pharmacies of America  
Mr. Brendan Buras – La. Legislative Auditor’s office  
Mr. Randal Johnson – La. Independent Pharmacies Association  
Mr. Russell Caffery – La. Independent Pharmacies Association  
Mr. David Osborn – Schilling Pharmacy  
Ms. Deborah Duvic – The Picard Group  
Mr. Perry Catching – Wal-Mart Stores  
Ms. Angelle Huff – The Wellness Corner  
Ms. Nhung Nguyen – The Wellness Corner  
Mr. Max Huff – The Wellness Corner  
Mr. Leo LeBlanc – The Wellness Corner  
Ms. Linda Spradley – Spradley & Spradley  
Mr. Robert Lancon – Adams & Reese  
Mr. Derrell Cohoon – Capitol Partners  
Dr. Glenn Anderson – ULM College of Pharmacy  
Mr. Aurdie Bellard – Bellard’s Pharmacy  
Mr. Don Caffery – La. Independent Pharmacies Association  
Rep. Bernard LeBas  
Mr. Rock LeBas – Glenn’s Pharmacy  
Ms. Lyndsey McDonald – National Healthcareer Association  
Mr. Michael Tinnerello, Jr. – Channell Drugs  
Ms. Connie Tinnerello – Channell Drugs  
Mr. Jerrett Richter – Jerrett Richter, CPA  
Ms. M. J. Terrebonne – M. J. Terrebonne, LLC

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. Mr. Robichaux moved to add a discussion of the regulation of electronic transmission of chart orders to pharmacies serving long-term care facilities. With no public comment or objections from the members, Mr. Aron indicated he would add that item following the final discussion item on the agenda just prior to the announcements. Ms. Milano moved to add a request for an exemption to the requirement for reporting to the PMP for Chateau Drugs / Lake Pines Hospital. With no public comment or objections from the members, Mr. Aron indicated he would add that item following the just previously added discussion. With no further requests for amendment, and with no objection, the Board adopted the posted agenda dated November 13, 2017 as amended. 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 and the Administrative Hearing on August 23, 2017 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. Rabb moved,

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since August 23, 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.

Mr. Errol Duplantis recalled Mr. Aron's announcement at the Board's previous meeting of his intent to appoint a stakeholder committee to work with the Board's Regulation Revision Committee relative to the requirements of the impending USP

*Chapter <800> Hazardous Drugs.* He wanted to know whether that committee had been appointed. Mr. Aron replied with information that USP had recently announced a significant delay in the implementation of that chapter of federal standards (more than one year); therefore, the Regulation Revision Committee had downgraded the priority of that topic. Mr. Aron replied the stakeholder committee had not yet been appointed.

\* *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*

A. *Presentation of Pharmacist Gold Certificate*

Mr. Aron announced the pharmacist identified on the agenda to receive his Gold Certificate had just notified the Board office of his inability to attend the meeting that day. Before moving to the scheduled election of officers, he informed the members the recently-appointed dean of pharmacy school in Monroe was in attendance and had requested an opportunity to give the members some information about the pharmacy school. Mr. Aron introduced Dr. Glenn Anderson, Dean of the ULM College of Pharmacy. Dr. Anderson shared an update on some recent faculty appointments as well as the school's response to the recent probation decision from the ACPE.

B. *Annual Election of Board Officers*

Mr. Aron conducted the annual election of officers. Mr. Valentine moved, **Resolved**, to nominate and re-elect by acclamation all of the current officers in their same positions for Calendar Year 2018. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron expressed his appreciation to the members and congratulated the other members of the committee on their re-election:

Mr. Morris Rabb, from Monroe, as First Vice President;  
Mr. Marty McKay, from Woodworth, as Second Vice President;  
Ms. Chris Melancon, from Carencro, as Third Vice President; and  
Mr. Brian Bond, from Jena, as Secretary.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre reported the committee had met the previous day to review two documents prepared by the staff. He directed the members to the interim report for the current fiscal year in their meeting binder, reviewed the highlights, and answered questions from the members. He indicated the report was presented for information only and required no action by the Board. He then directed the members to the *Proposed Budget for Fiscal Year 2018-2019*. He reported the committee members had reviewed the proposal and voted to recommend the adoption of the proposed budget as presented. He then moved,

**Resolved**, to approve and adopt the Proposed Budget for Fiscal Year 2018-2019.

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

Finally, he expressed his appreciation to the other committee members for their efforts the previous day.

*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 two referrals from the staff – two applicants for a pharmacy technician candidate registration. Following their interviews and deliberations, the committee voted to recommend the denial of both applications. Mr. Soileau informed the members they would consider one of those cases at their subsequent meeting in February 2018. He then presented the following files to the members for their consideration.

**Markesha LaShun Bailey – Applicant for PTC Registration:** Mr. Soileau informed the members the committee had considered this applicant during their August 2017 meeting and had voted to recommend the denial of her application. Ms. Bailey has recently confirmed her intent not to dispute the recommendation. Mr. Soileau then moved,

**Resolved**, to deny the application for pharmacy technician candidate registration and refuse to issue the credential.

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

**Yashcia Sherell Hamilton – Applicant for PTC Registration:** Mr. Soileau reported the committee interviewed the applicant to discuss her criminal history. He then moved,

**Resolved**, to approve the application for pharmacy technician candidate registration, to immediately suspend the registration for eighteen months and stay the execution of the suspension, then place the registration on probation for eighteen months, effective November 16, 2017, subject to certain terms enumerated in the consent agreement.

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

Finally, Mr. Soileau expressed his appreciation to the other members of the committee for their work the previous day.

*C. Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 40 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 September 6, 2017 to consider their posted agenda which included 16 cases: 5 pharmacists, 4 pharmacy technicians, 6 pharmacy permits, and one applicant for a pharmacy permit. Prior to the meeting, the committee authorized continuances for 3 of the respondents. After interviews and deliberations, the committee took no action on 6 of the respondents. The committee referred one respondent to the Board's Impairment Committee, and also deferred further consideration for one respondent upon his execution of a private no-practice agreement. The committee offered proposed voluntary consent agreements to the remaining 5 respondents, all of whom have accepted their proposed consent agreements. Mr. Bond then presented the following proposals to the members for their consideration.

**Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 04998 [Shreveport, LA] (PHY.004176):** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the pharmacy to perform an inventory reconciliation audit for all controlled substances for a one year period of time beginning June 9, 2016 (performance of which was acknowledged in the agreement); and further, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

**Gregory Tyrome Sweet (PST.019579):** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the pharmacist to acquire 6 hours of ACPE-accredited pharmacist-specific continuing education relative to the proper dispensing of controlled substance prescriptions; and further, the Board issued a Letter of Reprimand and directed its publication in the Board's quarterly newsletter; and further, assessed administrative costs.

**Laura Kaye Brantley (CPT.004700):** Mr. Bond 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 certificate for an indefinite period of time, effective June 16, 2017.

**Louisiana Medical Center & Heart Hospital, LLC d/b/a Louisiana Medical Center & Heart Hospital [Lacombe, LA] (PHY.006464):** 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 permit, and further, assessed administrative and investigative costs.

**Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 17562 [Kenner,**

**LAJ (PHY.007268):** 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 a fine of \$10,000 plus administrative and investigative costs.

Mr. Bond reported the committee was scheduled to meet on December 6-7 to consider that docket, which included 11 pharmacists, 5 pharmacy technicians, 8 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 13 referrals from the staff – 2 applications for reinstatement of pharmacist licenses, 2 applications for probation modification from pharmacists, one application for a pharmacist license, 6 appearances for informal conference (three pharmacists and three technicians), and 2 appearances for guidance (both pharmacists). 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 took no action on three technicians and one pharmacist, authorized the issuance of the new pharmacist license without restriction, removed restrictions from one pharmacist license, issued a non-disciplinary Letter of Noncompliance to one pharmacist, and deferred further consideration of the pending matter against one pharmacist. Mr. Rabb then presented the following files to the members for their consideration.

**Danny Roy Myers (PST.018776)** 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 relinquished license, suspended it for nine years plus two days and stayed the execution of the suspension, then placed the license on probation for nine years plus two days, effective November 15, 2017, subject to certain terms enumerated in the consent agreement; the Board noted the probationary period was to run concurrently with the probationary period ordered by the Mississippi Board of Pharmacy on his Mississippi pharmacist license.

**Charles Paul Guidry (PST.020067)** 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 November 15, 2017, subject to certain

terms enumerated in the consent agreement.

**Kevin Trenouth Kellow (PST.019095)** Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board denied his request for modification of previous orders.

**Kerry Michael Finney (PST.013535)** Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board removed Article 2-e from his March 2013 probationary board order, which had restricted him from accepting an appointment as the pharmacist-in-charge of a pharmacy; however, all other probationary terms remain effective.

**Amanda Shubert Balli (PST.019454)** 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 license for five years and stayed the execution of the suspension, then placed the license on probation for five years, effective November 15, 2017, subject to certain terms enumerated in the consent agreement.

Mr. Rabb reported the committee had received letters of interest from two 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 both physicians to the Board's roster. Mr. Rabb then moved,

**Resolved**, to approve the November 15, 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 one referral from the staff, a petition from a pharmacist to return her voluntary inactive license to active status. Ms. Melancon then presented the following file to the members for their consideration.

**Sumitra B. Patel (PST.010943)** Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board denied respondent's request for the return of her voluntary inactive license to active status, and further, conditioned the future acceptance of any similar application upon the satisfaction of certain requirements identified in the consent agreement.

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

*G. Tripartite Committee*

Mr. Aron noted Mr. Moore's absence as well as the absence of a committee meeting since the previous Board meeting.

*H. Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on September 28. He reported the committee had 12 topics previously assigned and received 5 new topics that day. The committee discussed six of those topics and voted to recommend the approval of a legislative proposal relative to CDS licenses for third-party logistics (3PL) providers. He then moved,

**Resolved**, to approve Legislative Proposal 2018-B ~ Controlled Dangerous Substance License for Third-Party Logistics Provider, and further, to authorize the filing of same upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Finally, Mr. McKay announced the next committee meeting was scheduled for December 6, 2017. He then expressed his appreciation to the other committee members for their ongoing efforts and for the staff support.

*I. Executive Committee*

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee reviewed several documents prepared by staff, including some policies and procedures, a management letter for the pending annual financial audit, proposed pharmacy inspection blueprints, a request to change the Board's contracted CPA firm, an additional pharmacy technician examination provider, and other requests. He indicated Mr. Rabb was prepared to offer motions on behalf of the committee.

➤ The committee reviewed two new policy and procedure documents for the Board's Credentials Division, relating to the processing of applications for new pharmacy permits, both in-state as well as non-resident applicants. The proposed revisions were intended to reduce the amount of information required to be submitted by persons owning small percentages of companies applying for pharmacy permits, as well as to remove the requirement for criminal background checks for those persons. Mr. Rabb then moved,

**Resolved**, to approve *Board Policy PPM.IV.B.06 ~ Application for New Louisiana Pharmacy Permit*.

The motion was adopted after a majority vote in the affirmative; Mr. Mannino objected. Mr. Rabb then moved,

**Resolved**, to approve *Board Policy PPM.IV.B.07 ~ Application for New Nonresident Pharmacy Permit.*

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

- The committee reviewed proposed revisions of several staff-related policies and procedures, made necessary by changes made by several state agencies. Mr. Rabb then moved,

**Resolved**, to rescind *Board Policy PPM.II.A.6 ~ Special Entrance Rates for Salaries.*

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

**Resolved**, to approve *Board Policy PPM.II.A.7 ~ Extraordinary Qualifications / Credentials.*

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

**Resolved**, to approve the proposed revision of *Board Policy LPM.I.P ~ Worker's Compensation Post-Accident Drug Testing.*

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

**Resolved**, to approve the proposed revision of *Board Policy PPM.II.E.1 ~ Purchases.*

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

**Resolved**, to approve the proposed revision of *Board Policy PPM.II.E.2 ~ Invoices & Receipts.*

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

- The committee reviewed a request from the Accreditation Council for Pharmacy Education (ACPE) to recognize its Joint Accreditation program for interprofessional continuing education and to approve programs accredited by Joint Accreditation for licensure renewal purposes. Mr. Rabb then moved,

**Resolved**, to recognize Joint Accreditation program for interprofessional continuing education, to approve programs accredited by Joint Accreditation for licensure purposes, and to request the Regulation Revision Committee to consider whether the Board's rules for continuing education should be amended.

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

- The committee reviewed the pharmacy inspection blueprint documents prepared by the staff, reflecting the NABP Pharmacy Inspection Blueprint program documents. Mr. Rabb moved,

**Resolved**, to approve the Pharmacy Inspection Blueprints, more specifically – Module I re Basic Pharmacy Services, Module II re Compounding of Nonsterile Preparations, and Module III re Compounding of Sterile Preparations.

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

- The committee reviewed a communication from the current firm contracted with the Board to provide professional accounting services indicating a pending split in the firm, as well as the intent from the current

CPA to establish a separate firm. Mr. Rabb then moved,

**Resolved**, to authorize the executive director to prepare, sign, and deliver formal notice of its intent to terminate the existing contract with *Kolder, Champagne, Slaven & Co., LLC* effective December 18, 2017.

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

**Resolved**, to authorize the executive director to prepare and sign a contract for professional accounting services with *Russell F. Champagne, CPA, A Professional Corporation*, effective December 18, 2017, and further, to secure the state's approval of that contract.

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

- The committee reviewed recent information concerning an evaluation of the *Examination for Certification of Pharmacy Technicians (ExCPT)* administered by the National Healthcareer Association (NHA). The evaluation included an analysis of the psychometric validity of the test as well as a comparison of that examination's blueprint with the blueprint of the other technician examination approved by the Board, the *Pharmacy Technician Certification Examination (PTCE)* administered by the Pharmacy Technician Certification Board (PTCB). Mr. Rabb then moved, **Resolved**, to approve the *Examination for Certification of Pharmacy Technicians (ExCPT)* administered by the National Healthcareer Association (NHA) effective January 1, 2018, for the remainder of Fiscal Year 2017-2018.

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

- The committee reviewed a request from the Pharmacist-in-Charge at Elayn Hunt Correctional Center, requesting the Board's assistance in facilitating the use of automated medication systems (AMS) at correctional facilities owned and operated by the La. Dept. of Corrections. The committee voted to recommend the authorization of a pilot program while the Regulation Revision Committee considers the appropriate revisions to the rules for AMS devices. Mr. Rabb then moved, **Resolved**, to approve the request from the Dept. of Corrections to implement a pilot program for the placement and operation of automated medication systems at correctional facilities owned and operated by the department, and further, the pilot program shall terminate no later than December 31, 2018 unless extended further by the Board, and further, to request the Regulation Revision Committee to develop a regulatory proposal authorizing the operation of automated medication systems at correctional facilities owned and operated by the Dept. of Corrections.

The motion was adopted after a majority vote in the affirmative; Mr. Soileau objected.

- The committee reviewed a request from several members to approve the presentations at the MALTAGON Conference for live continuing education credit. Mr. Rabb then moved,

**Resolved**, to approve up to ten hours of live continuing education earned by participants at the recent MALTAGON conference held in Charleston, SC on October 22-25-, 2017.

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

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

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 11:45 a.m. and then reconvened at 12:45 p.m. Mr. Aron then re-ordered the sequence of the agenda, moving to Agenda Item 12.

*12. Review of La. Attorney General Opinion 17-0076*

Mr. Aron recognized Mr. Randal Johnson with the La. Independent Pharmacies Association (LIPA), who requested the Board's review. He requested the Board determine a pathway to regulate those activities of pharmacy benefit managers (PBMs) which fall within the practice of pharmacy. Following a brief discussion of the potential impact of the North Carolina Dental Board case [*North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015)], Mr. Pitre moved,

**Resolved**, to request the Regulation Revision Committee to review, study and develop a rule for the licensure and regulation of pharmacy benefit managers.

Following additional discussion on how the Board should approach the desired objective of the motion, Mr. Pitre called the question. That motion failed following a majority roll call vote in the negative; Mr. Pitre and Ms. Milano voted in the affirmative. Following additional discussion by members and guests, Mr. Aron called the question. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron directed the topic be referred to the Regulation Revision Committee and noted the committee's next meeting had already been scheduled for December 6, 2017. He reminded the guests the committee meeting was open to the public. He reminded Mr. Johnson of the members' (LIPA members present and board members) request for LIPA to present at the December 6 meeting their specific examples of PBM activities which should be regulated by the Board.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:30 p.m. and then reconvened at 3:00 p.m. Mr. Aron called for Agenda Item 13.

*13. Discussion of Letter of La. Attorney General & La. Dept. of Insurance re Pharmacy Benefit Managers*

Mr. Aron recognized Mr. Mannino, who requested the agenda item. Mr. Mannino directed the members to a suggested letter he wanted to send to the state attorney general and to the state commissioner of insurance. The letter questioned whether the attorney general or commissioner of insurance was responsible for enforcement of La. R.S. 22:1060.6, and if not, which agency was responsible for enforcement of that law. In addition, the letter questioned what protections the agency was prepared to provide pharmacists who would submit written evidence of violations of that law in the event such pharmacists had reasonable expectations of retribution from pharmacy benefit

managers. Following a short discussion, Mr. Mannino moved,

**Resolved**, to direct staff to send the requested letter to the state attorney general and the state commissioner of insurance.

The motion was adopted after a majority vote in the affirmative; Mr. Cassidy objected.

At this point, Mr. Aron reordered the sequence of the agenda, returning to the posted agenda and moving to the staff reports in Agenda Item 11.

## 11. Staff Reports

### J. Report of Assistant Executive Director

Mr. Aron noted Mr. Fontenot's absence and called upon Mr. Broussard for the report. Mr. Broussard explained the reason for Mr. Fontenot's absence. He informed the members Mr. Fontenot had recently been appointed to a three-year term on ACPE's CPE Commission. That organization meets twice per year and he was attending a commission meeting at that time. Mr. Broussard also informed the members Mr. Fontenot had recently been elected Vice President of the National Association of State Controlled Substance Authorities (NASCSA) and that he was on a leadership track for that organization. Mr. Aron noted those accomplishments recognized not only Mr. Fontenot personally and also the Louisiana Board.

Mr. Broussard reviewed the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. There were no questions from the members. He then directed the members to the requests from pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Cassidy then moved,

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

- > PHY.006870-NR – allMedRx Specialty Pharmacy (FL);
- > PHY.007526-HOS – Avoyelles Hospital Pharmacy (LA);
- > PHY.007534-IN – BAART Program, Breaux Bridge (LA);
- > PHY.006102-CH – Beauregard Agape Clinic (LA);
- > PHY.007528-NR – Cardinal Health Pharmacy Services (NC);
- > PHY.004741-NR – Caremark (AZ);
- > PHY.006592-NR – CHD Pharmacy (OH);
- > PHY.005460-HOS – Christus Coushatta Healthcare Center Pharmacy (LA);
- > PHY.005667-CH – CMAP Express Pharmacy (LA);
- > PHY.005556-CH – Community Health Worx (LA);
- > PHY.005242-NR – CVS Caremark (FL);
- > PHY.005448-NR – Dohmen Life Science Services (MO);
- > PHY.007060-NR – ESI Mail Order Processing (OH);
- > PHY.004459-NR – Express Scripts (NM);
- > PHY.004570-NR – Express Scripts (NY);
- > PHY.006987-NR – Express Scripts (OH);
- > PHY.006990-NR – Express Scripts (FL);



- > PHY.007052-NR – Express Scripts (MO);
  - > PHY.007053-NR – Express Scripts (MO);
  - > PHY.007058-NR – Express Scripts (AZ);
  - > PHY.006986-NR – Express Scripts (OH);
  - > PHY.006991-NR – Express Scripts (PA);
  - > PHY.007529-NR – Factor One Source Pharmacy (MD);
  - > PHY.007442-IR – FAST Access Specialty Therapeutics (LA);
  - > PHY.007523-NR – Fertility Pharmacy of America (TN);
  - > PHY.007010-NR – Gentry Health Services (OH);
  - > PHY.005542-HOS – Greenbrier Hospital Pharmacy (LA);
  - > PHY.007299-NR – ImprimisRx TX (TX);
  - > PHY.007218-NR – Lumicer Health Services (WI);
  - > PHY.007512-NR – Marley Drug (NC);
  - > PHY.007505-NR – Matlock Specialty Pharmacy (TX);
  - > PHY.004745-NR – Med 4 Home Pharmacy (MO);
  - > PHY.005919-HOS – Northern Louisiana Medical Center (LA);
  - > PHY.007527-HOS – Oakdale Community Hospital (LA);
  - > PHY.006094-HOS – Ochsner Medical Center – West Bank (LA);
  - > PHY.007111-NR – OptiMed Specialty Pharmacy (MI);
  - > PHY.004466-NR – PharMerica (IN);
  - > PHY.007508-NR – Prime Therapeutics (TX);
  - > PHY.005956-NR – Ridgeway Pharmacy (MT);
  - > PHY.002651-HOS – River Oaks Hospital (LA);
  - > PHY.005478-NR – Rx.com Community Pharmacy (TX);
  - > PHY.006738-NR – SimfaRose Pharmacy (FL);
  - > PHY.001021-HOS – Slidell Memorial Hosp Pharmacy (LA);
  - > PHY.007483-NR – Starcare Pharmacy (TX);
  - > PHY.001103-HOS – Thibodaux Reg Med Ctr Pharmacy (LA);
  - > PHY.007520-NR – U.S. PharmaMed (NC);
  - > PHY.006792-HOS – University Hospital & Clinics (LA);
  - > PHY.007506-IR – Vital Rx of Louisiana (LA);
  - > PHY.007521-NR – Walgreens Pharmacy #1109-2 (AL);
  - > PHY.001196-HOS – West Calcasieu Cameron Hospital Pharmacy (LA);
  - > PHY.007525-HOS – Winn Parish Medical Center Pharmacy (LA);
- and
- > PHY.006583-HOS – Woman’s Hospital Pharmacy (LA),
- once they have executed the standard consent agreement for that purpose.

The motion was adopted after a unanimous vote in the affirmative. Mr. Broussard indicated the completion of that report.

Mr. Aron noted the item added to the agenda relative to Chateau Drugs was similar to the report just concluded, so he adjusted the agenda sequence to Agenda Item 15-B.

Item Added to Agenda

15-B. Waiver from PMP Reporting for Chateau Drugs / Lake Pines Hospital

Mr. Aron recognized Ms. Milano, who requested the agenda item. Ms. Milano reported she had submitted a request for a waiver on behalf of Chateau Drugs and noted her pharmacy was not on the list of pharmacies just approved for the waiver. Mr. Finalet noted her request was in the list of communications from the pharmacies, but it was a request for a partial exemption, not a full exemption. He noted it would have been inappropriate to place her pharmacy in the list just approved, but a separate motion should have been prepared. Mr. Broussard noted the staff recommendation for the approval of that partial exemption request contingent upon execution of the standard consent agreement for that purpose. Ms. Milano then moved,

**Resolved**, to grant a partial exemption to the reporting of eligible transactions originating from Lake Pines Hospital by Chateau Drugs, contingent upon the execution of the standard consent agreement for that purpose.

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

Mr. Aron then returned the agenda sequence to the staff reports.

#### 11. *Staff Reports*

##### *K. Report of General Counsel*

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

**Christina Marshall Buhrman (PST.017495)** 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 one month plus thirteen days and stayed the execution of the suspension, then placed the license on probation for one month plus thirteen days, effective November 15, 2017, subject to certain terms enumerated in the consent agreement, noting the probationary period was to run concurrently with the probationary period ordered by the Maryland Board of Pharmacy on her Maryland pharmacist license, and further, assessed administrative costs.

**Marley Drug, Inc. d/b/a Marley Drug [Winston-Salem, NC] (PHY.007512)** 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 a fine of \$15,000 plus administrative costs.

**McKesson Corporation d/b/a McKesson [Washington Court House, OH] (CDS.023883-DIS)** Ms. Hall moved to approve the proposed voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the suspension of the license from January 18, 2019 to January 18, 2021, noting the suspension was to run concurrently with the period of suspension of their federal registration ordered by the U. S. Drug Enforcement Administration, and further, assessed administrative costs.

**McKesson Corporation d/b/a McKesson [Livonia, MI] (CDS.031429-DIS)**

Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license from June 29, 2017 to January 17, 2019, noting the suspension was to run concurrently with the period of suspension of their federal registration ordered by the U.S. Drug Enforcement Administration, and further, assessed administrative costs.

**Hailey Chyene Pate (PTC.025001)** Mr. McKay 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 28, 2017.

**Gina Maria Picone (PST.016021)** Mr. McKay 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 October 26, 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
- Examinations
  - MPJE
  - NAPLEX
  - PARE
  - PTCB
- Operations
  - Credentials Division
  - Compliance Division
  - Administrative Division
- State Activities
  - La. Dept. of Health – Bureau of Health Services Financing
  - La. State Board of Dentistry
  - La. State Board of Medical Examiners

- Regional & National Activities
  - National Association of Boards of Pharmacy (NABP)
  - NABP-AACP District 6
  - MALTAGON
  - U.S. Congress
  - U.S. Dept. of Labor
  - Federal Trade Commission
- International Activities
  - International Pharmaceutical Federation (FIP)
  - .Pharmacy Verified Websites Program

Mr. Aron asked Mr. Broussard to review the schedule for the Application Review Committee's consideration of the applicants for the marijuana pharmacy permits. The committee members determined their meeting dates for the last two weeks in January 2018. Mr. Aron indicated he would defer until a later date the determination of the meeting dates for the subsequent special meeting of the full Board to consider the committee recommendations.

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

14. *Request for Waiver of Licensure Renewal Fee for Military Spouse*

Mr. Aron requested Mr. Broussard review the request from Lt. Col. Charlton J. Meginley. Mr. Broussard directed the members to the information in their meeting packet. Mr. Broussard reminded the members the current pharmacy law allowed the Board to grant waivers to renewal requirements to active duty military pharmacists and technicians, but the law did not address spouses of active duty military pharmacists and technicians. Mr. Broussard presented a draft of potential legislation that could be filed in the event the members were supportive of the request. After a brief discussion, Mr. McKay moved,

**Resolved**, to approve *Legislative Proposal 2018-D ~ Renewal Fee for Military Spouse (Draft #1)*, and further, to authorize the filing of same in the Regular Session of the 2018 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

15. *Petition for Additional Testing Opportunity by Applicant for Pharmacist Licensure*

Mr. Aron requested Mr. Broussard review the petition. Mr. Broussard directed the members to the information in their meeting packet, which included an excerpt from the *NABP 2017 Candidate Registration Bulletin*, a publication intended for candidates of the NAPLEX and MPJE tests. He directed the members to the provisions of the Retake Policy described on pages 35-36 of the bulletin. NABP limits the total number of attempts of the NAPLEX test to five. With respect to the MPJE, NABP limits the number of attempts to five for a given state; e.g., five attempts of the MPJE for one state and five attempts for another state. Mr. Broussard reminded the members NABP had adopted this policy in 2013. He informed the members an applicant for pharmacist

licensure had passed the NAPLEX on his fourth attempt but had failed the MPJE for Louisiana five times. Given the confidential nature of examination scores, he declined to name the pharmacist, but he related the pharmacist had submitted a request for an additional testing opportunity. Mr. Broussard indicated this was the first case of a Louisiana applicant failing all five attempts since the 2013 policy was implemented. He requested guidance from the Board as to whether the Board supported the limit or whether they wanted to grant an exception. Several members suggested that five attempts of a licensure examination was a generous limit and they did not believe an exception was appropriate. No motion for an exception was offered. Mr. Aron directed staff to inform the applicant the Board supported the NABP examination retake policy and declined to authorize an exception.

Item Added to Agenda

*15-A. Transmission of Electronic Chart Orders to Pharmacies*

Mr. Aron recognized Mr. Robichaux, who requested the agenda item. Mr. Robichaux requested the Board review its rules on pharmacy recordkeeping with respect to electronic transmission of chart orders to pharmacies serving long term care patients. Pharmacies serving long term care patients are seeking guidance whether commercially-available information system applications used in long term care facilities are compliant with the Board's rules.

Mr. Aron referred the topic to the Regulation Revision Committee for their consideration of the issue and development of a regulatory proposal for the Board's consideration.

*16. Announcements*

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

*17. Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 5:05 p.m.

\* \* \* \* \*

An Administrative Hearing was convened on Thursday, November 16, 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 8:25 a.m.

*B. Invocation & Pledge*

Mr. Aron called upon Mr. Valentine, and he delivered the invocation. Mr. Allen Cassidy

then led the group in the Pledge of Allegiance.

*C. Quorum Call*

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

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

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda, dated November 10, 2017. He then requested authority to re-order the agenda as may become necessary, and there were no objections to that request.

*E. Opportunity for Public Comment*

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and prior to the vote on each agenda item. He solicited comments from the guests, but none were offered.

*Appearances*

Mr. Aron indicated he would serve as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney. Mr. Mark LaCour 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 11-10-2017

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items & Adoption of Agenda
- E. Opportunity for Public Comment
- F. Formal Hearing
  - 01. Samantha Lee Landry ~ Applicant for PTC Registration Case No. 17-0149
- G. Adjourn

*F. Formal Hearing*

**Samantha Lee Landry (Applicant for PTC Registration)** Mr. Finalet appeared

for the Board. The respondent, Ms. Samantha Lee Landry, appeared without counsel. Mr. Finalet offered an opening statement during which he reported the respondent had met with him just prior to the hearing and agreed to the admission of Board Exhibits 1 through 9 as well as the proposed Findings of Fact which he presented to the members of the hearing panel. Ms. Landry then responded to questions from several members. Mr. Finalet offered the proposed Findings of Fact to which the respondent had stipulated but deferred to the Board for its Conclusions of Law and Board Order. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Mr. Cassidy moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:15 a.m. and then reconvened in open session at 9:50 a.m. Mr. Aron reported no decision was made during the executive session.

Mr. Cassidy then moved,

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

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

**Resolved**, that the hearing panel find the respondent in violation of the following statutes:

*La. R.S. 37:1241(A)(1)*: Practiced or assisted in the practice of pharmacy, or knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act.

*La. R.S. 37:1241(A)(2)*: Has attempted to or obtained a license by misrepresentation.

*La. R.S. 37:1241(A)(22)*: Has failed to furnish to the board or representatives any information legally requested by the board.

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

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

It is ordered, adjudged, and decreed that the board authorize the issuance of a pharmacy technician candidate registration to Samantha Lee Landry, to suspend the registration for an indefinite period of time and stay the

execution of the suspension, then place the registration on probation for the life of the registration.

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 Mr. LaCour for his recording services that day.

*G. Adjourn*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the hearing at 9:55 a.m.

Respectfully submitted,

---

Brian A. Bond  
Secretary