



Louisiana Board of Pharmacy
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Minutes

Special Meeting

Thursday, June 25, 2020 at 1:00 p.m.

Location:

Videoconference

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A special meeting of the Louisiana Board of Pharmacy was held on Thursday, June 25, 2020 by videoconference. As noted on the meeting agenda, the Board certified it could not achieve an in-person quorum due to the provisions of *Governor's Proclamation No. 74 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home*. Therefore, as permitted by *Governor's Proclamation No. 75 JBE 2020 ~ Additional Measures for COVID-19 Public Health Emergency*, the Board elected to conduct its meeting by videoconference.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:25 p.m.

2. Quorum Call

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

Members Present:

Mr. Carl W. Aron
Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Kevin LaGrange
Mr. Robert C. LeBas
Mr. Richard Mannino
Mr. Marty R. McKay
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Mr. Richard A. Soileau
Dr. Raymond J. Strong
Mr. Rhonny K. Valentine

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director
Mr. Benjamin S. Whaley, Chief Pharmacist Compliance Officer
Mr. Cary D. Aaron, Pharmacist Compliance Officer
Mr. Daniel M. Dennis, Pharmacist Compliance Officer
Ms. Alicia P. Harris, Pharmacist Compliance Officer
Ms. Becky C. Parker, Pharmacist Compliance Officer
Mr. Huey J. Savoie, Pharmacist Compliance Officer
Ms. Kelley L. Villeneuve, Office Manager

Guests:

Dr. Alexander Billioux
Dr. T. J. Woodard
Mr. Jeenu Philip
Mr. Ben Sims
Ms. Brandi Armand
Dr. Christopher D. Felton
Dr. Connor L. Carrier
Mr. Donelson Caffery
Dr. Dwana S. Day
Mr. Gregory J. Dolese
Dr. Hunter D. Dean
Mr. Jacob Irving
Mr. Richard J. Gaude
Ms. Jessica Elliott
Dr. John N. Rocchio
Ms. Kathryn Thomas
Dr. Katie M. Bruce
Mr. Keith Pittman
Ms. Kim Hood
Dr. Sarah E. Spano
Dr. Kristen L. Baudoin
Ms. Kristina B. Baldrige
Ms. Mary Staples
Dr. Michael B. Cockerham
Ms. Michelle Beall
Mr. Robert Fudge
Ms. Shelly Dupre

Mr. Indovina certified 12 of 16 members were present, constituting a quorum for the conduct of official business. Mr. LaGrange, Mr. LeBas, Dr. Strong, and Mr. Valentine did not reply to the quorum call.

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

Mr. Aron asked if there were any additional agenda items to be added. With no requests to amend the agenda, and without objection, the members adopted the agenda dated June 24, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

At this point, Mr. LaGrange, Mr. LeBas, Dr. Strong, and Mr. Valentine verbally indicated their presence. All 16 members were present.

4. *Consideration of Minutes from Previous Meetings*

Mr. Aron informed the members that shortly after the previous meeting on May 27 staff was made aware of an error in the minutes from the February 5, March 25, and April 2 meetings. The error was the same in all three sets of minutes, listing the incorrect

name of a board member. Mr. McKay then moved,

Resolved, to reconsider the vote at our May 27 meeting by which we approved the minutes from the February 5, March 25, and April 2 meetings.

There was no member discussion or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Aron indicated that original motion to approve the three original sets of minutes was available for the members' consideration. Mr. McKay then offered a substitute motion;

Resolved, to approve the corrected minutes from the February 5, March 25, and April 2 meetings as well as the draft minutes from the May 27 meeting.

There was no member discussion or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

5. Report on Action Items

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

6. 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 previous meeting in accordance with policies and procedures previously approved by the Board. Mr. McKay 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 27, 2020 are approved, adopted, and ratified by the entire Board.

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

7. 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 public comments about non-agenda items; there were none.

** 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.

8. Special Orders of the Day

A. Consideration of Proposed Emergency Rules

(1) Regulatory Proposal 2020-E ~ Temporary Permission to Practice (Draft #2)

Mr. Aron reminded the members of their directive to staff issued during the previous meeting to develop a regulatory proposal to authorize a temporary permission to practice. To facilitate discussion of the

proposal, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2020-E ~ Temporary Permission to Practice (Draft #2)*; and further, to approve the accompanying Declaration of Emergency; and further, to set the effective date of the Emergency Rule as June 30, 2020; and further, to authorize the Executive Director to publish the Emergency Rule in the *Louisiana Register* and file the required notices.

During the discussion, members noted the recent communication from the National Association of Boards of Pharmacy (NABP) which administers both pharmacist licensure examinations. That communication reflected a significant rise in the number of available testing sites, to a number higher than pre-pandemic availability. Some members reported pharmacy interns had been able to re-schedule their examinations much sooner than previously attempted. Several members suggested there was no need for a temporary credential since examination sites were readily available. A recent graduate indicated most students had been able to schedule their examinations fairly soon; however, the graduate indicated there was some concern over the potential for closure of testing sites in the event of a flare-up in COVID-19 conditions. The motion failed after a unanimous roll call vote in the negative.

(2) *Regulatory Proposal 2020-F ~ Temporary Suspension of License Renewal Fees (Draft #1)*

Mr. Aron informed members of House Concurrent Resolution 71 which was adopted by the 2020 Regular Session of the Louisiana Legislature. To facilitate discussion of the proposal, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2020-F ~ Temporary Suspension of License Renewal Fees (Draft #1)*; and further, to approve the accompanying Declaration of Emergency; and further, to set the effective date of the Emergency Rule as June 30, 2020; and further, to authorize the Executive Director to publish the Emergency Rule in the Louisiana Register and file the required notices.

In response to a member's question of the fiscal impact of the proposed emergency rule, Mr. Broussard reported that based on the census count of affected credentials taken the previous weekend, the Board would waive the collection of approximately \$303,260 in license renewal fees during Fiscal Year 2020-2021. There were no public comments. The motion was adopted after a majority roll call vote in the affirmative. Mr. Cassidy and Mr. Pitre objected.

B. Request for Approval of Immunization Training Certificate Program:
Immunization Administration Training for Pharmacists (CEImpact)

Mr. Aron reported staff's receipt of the request from a pharmacist seeking an immunization training program who reported only three of the four currently-

approved vendors still active. To facilitate discussion of the request, Mr. McKay moved,

Resolved, to approve Immunization Administration Training for Pharmacists, administered by CEImpact.

Mr. Broussard replied to a question from one member. There were no public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

C. Review of Legislation from 2020 Legislature

Mr. Aron directed the members to the legislative brief prepared by the staff summarizing some of the successful bills from the 2020 Regular Session. To facilitate discussion, Mr. McKay moved,

Resolved, to accept the *Legislative Brief for 2020 Regular Session*; and further, to direct staff to implement the action plans identified therein.

Mr. Aron requested Mr. Broussard review one of the new laws referenced in the brief, in particular Act 286 (HB 819) relative to changes in the medical marijuana law. Since those changes will take effect on August 1, Mr. Broussard noted the Board will need to amend its rules relative to that program before that date. The suggested action plans in the legislative brief include a referral of that new law to the Board's Regulation Revision Committee with a directive to prepare a regulatory proposal for the Board's consideration prior to August 1. Two members offered additional comments; there were no public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

D. Consideration of Comments & Testimony from May 29 Public Hearing

Mr. Aron reminded the members of the status of four regulatory projects, of the publication of their Notices of Intent in the April 2020 edition of the Louisiana Register as well as the public hearing on May 29, 2020 to receive comments and testimony on those proposed rules. He informed the members the task that day was to consider the comments and testimony, direct staff's reply to each of the commentators, and determine whether any revisions of the original proposed rules were warranted based on the comments and testimony. Mr. Aron directed the members to staff prepared-comment packages for each of the regulatory projects in their meeting binder. (1) *Regulatory Project 2020-1 ~ Prescription Monitoring Program*

Mr. Aron reported the receipt of one written comment from NACDS as well as one verbal comment in support of that letter. To facilitate discussion, Mr. McKay moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2020-1 ~ Prescription Monitoring Program*, and to direct staff to submit the required reports and continue the promulgation process.

During the discussion of the motion, the videoconference experienced technical difficulty and required a re-start of the videoconference.

Several members expressed reservation about including the hepatitis drugs in the definition of 'drugs of concern' in Section 2901 of the proposed rule, and some members expressed concern with including gabapentin in the definition as well. Mr. Aron recognized Dr. Alex Billioux from the Dept. of Health who spoke in support of including the hepatitis drugs in the definition of 'drugs of concern.' He reminded the members of the Dept. of Health's current project to cure hepatitis in the state, the necessity of having timely access to the dispensing data for all direct-acting antiviral medications used for the cure of hepatitis, and the limited five-year duration of the project. Following additional discussion, Mr. McKay offered an amendment to the original motion:

Resolved, to amend the original proposed rule in *Regulatory Project 2020-1 ~ Prescription Monitoring Program* by removing the following drugs from the list of drugs cited in the definition of 'drugs of concern' in Section 2901: (1) elbasvir / grazoprevir, (2) glecaprevir / pibrentasvir, (3) ledipasvir / sofosbuvir, (4) ombitasvir / paretaprevir / ritonavir / dasabuvir, (5) sofosbuvir, (6) sofosbuvir / velpatasvir, and (7) sofosbuvir / velpatasvir / voxilaprevir.

There were no further member or public comments. The motion to amend was adopted after a majority roll call vote in the affirmative; Mr. Cassidy objected. Mr. Aron questioned the members as to their decision on the motion as amended. There were no further member or public comments. The original motion as amended was adopted after a majority roll call vote in the affirmative; Mr. Cassidy objected.

Mr. Aron directed staff to publish the proposed revision of the original proposed rule and conduct a second public hearing to receive comments and testimony on the proposed revision as identified in the amendment referenced above.

(2) *Regulatory Project 2020-2 ~ Automated Medication Systems*

Mr. Aron reported no comments or testimony was received during the public hearing. To facilitate discussion, Mr. McKay moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2020-2 ~ Automated Medication Systems*, and to direct staff to submit the required reports and continue the promulgation process.

Mr. Aron directed members to staff drafting notes. Mr. McKay reported conversations with multiple committee members that revealed lack of clear recollection or documentation of the committee's final determination. Given the uncertainty surrounding the committee's intent, Mr. McKay withdrew his motion. Mr. Aron returned the regulatory project to the Regulation Revision Committee for their reconsideration of the proposed rule.

(3) *Regulatory Project 2020-3 ~ Pharmacist License Display*

Mr. Aron reported no comments or testimony were received during the public hearing. To facilitate discussion, Mr. McKay moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2020-3 ~ Pharmacist License Display*, and to direct staff to submit the required reports and continue the promulgation process.

There were no member or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Aron directed staff to forward the regulatory package to the Occupational Licensing Review Commission for its approval to complete the promulgation process.

(4) *Regulatory Project 2020-5 ~ Marijuana Pharmacy*

Mr. Aron reported receipt of two written comments. Ms. Kathryn Thomas, CEO of Healing Clinic, objected to the repeal of the one-month supply dispensing limitation. Dr. Jonathan Allen, Green Medical Solutions, objected to the repeal of the one-month supply dispensing limitation and to allowing marijuana pharmacies to dispense other prescription medications. To facilitate discussion, Mr. McKay moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2020-5 ~ Marijuana Pharmacy*, and to direct staff to submit the required reports and continue the promulgation process.

One member expressed concern with the proposed changes. One member questioned similar requirements in other states. Multiple members spoke in favor of repealing the one-month supply dispensing limitation. One guest spoke in favor of repealing the one-month supply dispensing limitation. The motion was adopted after a majority roll call vote in the affirmative; Ms. Hall and Mr. Soileau objected. Mr. Aron directed staff to forward the regulatory package to the Occupational Licensing Review Commission for its approval to complete the promulgation process.

E. Consideration of Continued Recognition of NABP Passport

Mr. Aron reminded the members of their decision to participate in the NABP Passport program effective March 28, 2020. He reminded them the program is a temporary permission to practice in a given state, and that NABP issues the passport after evaluating an applicant's licensure history. All passports were initially issued with a June 30, 2020 effective date. NABP has asked the Louisiana Board's permission to extend the expiration date of the passports previously issued for Louisiana. To facilitate discussion, Mr. McKay moved,

Resolved, for the Louisiana Board of Pharmacy to continue its recognition of the NABP Passport as valid for practice within and for the State of Louisiana until September 30, 2020; and further, pharmacists holding an NABP Passport and intending to continue their practice within or for the State of Louisiana after September 30, 2020 shall obtain a Louisiana pharmacist license, or in the

alternative, a Special Work Permit.

Several members suggested a desire to terminate the Board's recognition of the NABP Passport based on their belief of no shortage of pharmacists in the state. Mr. McKay then offered a substitute motion:

Resolved, for the Louisiana Board of Pharmacy to continue its recognition of the NABP Passport as valid for practice within and for the State of Louisiana until July 31, 2020; and further, pharmacists holding an NABP Passport and intending to continue their practice within or for the State of Louisiana after July 31, 2020 shall obtain a Louisiana pharmacist license.

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

9. New Agenda Items Added During Meeting

No new agenda items were added during the meeting.

10. Announcements

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

11. 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 meeting at 4:40 p.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary