



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, May 24, 2023 at 09:00 a.m.
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
1.	Call to Order	03
2.	Invocation & Pledge of Allegiance	03
3.	Quorum Call	03
4.	Call for Additional Agenda Items & Adoption of Agenda	04
5.	Consideration of Draft Minutes from Previous Meeting	04
6.	Report on Action Items	04
7.	Confirmation of Acts	04
8.	Opportunity for Public Comment	04
9.	Special Orders of the Day	05
10.	Committee Reports	05
	A. Finance	05
	B. Application Review	05
	C. Reciprocity	05
	D. Violations	06
	E. Impairment	07
	F. Reinstatement	08
	G. Tripartite	09
	H. Regulation Revision	09
	I. Executive	11
11.	Staff Reports	
	J. General Counsel	18
	K. Executive Director	18
12.	New Agenda Items Added During Meeting	19
13.	Announcements	19
14.	Adjourn	19

The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, May 24, 2023 at the Louisiana Board of Pharmacy located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

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

2. Invocation & Pledge of Allegiance

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

3. Quorum Call

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

Members Present:

Mr. David A. Darce
Ms. Jennifer Dupree
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. W. Charles Jones
Mr. Kevin LaGrange
Mr. Robert C. LeBas
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. J. Troy Menard
Mr. Anthony G. Mercante
Mr. Blake P. Pitre
Dr. Raymond J. Strong
Mr. Rhonny K. Valentine

Members Absent:

Dr. J. Robert Cloud
Mr. Richard Mannino
Mr. Don L. Resweber

Staff Present:

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

Guests:

Mr. Malcolm J. Broussard – Hygeia Solutions
Mr. Ben J. Sims – Brookshire Grocery Co.
Mr. Mason J. Romero – Thrifty Way Pharmacy of Abbeville

Mr. Louis M. Spitale – Spitale Drugs of Morgan City
Mr. Paul D. Menasco - Ochsner
Ms. Sarah A. Perkins – Breazeale, Sachse & Wilson, LLP
Ms. Miranda Scotten – Breazeale, Sachse & Wilson, LLP

Mr. Indovina certified 14 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated May 20, 2023. There were no objections to Mr. McKay's request for authority to re-order the agenda should the President determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meeting

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

6. Report on Action Items

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

7. Confirmation of Acts

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

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

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

8. Opportunity for Public Comment

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

Pharmacist Mason J. Romero of Thrifty Way Pharmacy of Abbeville provided public comments to the Board in regards to USP 800 standards. Pharmacist Romero whose practice includes nonsterile compounding asked the Board to reconsider the decision to accept and enforce USP 800 standards because of the impact it will have by decreasing

providers which would cause a patient access issue.

Pharmacist Louis M. Spitale of Spitale Drugs of Morgan City provided public comments to the Board in regards to USP 800 standards. Pharmacist Spitale whose practice also includes nonsterile compounding asked the Board not to adopt USP 800 standards because of the impact.

Mr. McKay replied and he requested additional comments from Mr. Fontenot and Mr. Whaley. The three explained to Pharmacists Romero and Spitale that USP 800 is a federally enforceable standard. Despite the fact some Boards of Pharmacy may choose not to enforce, it does not remove the federal requirement. Mr. McKay thanked Pharmacists Romero and Spitale for their public comments.

Mr. McKay referred the members to a copy of a letter submitted by Kelly Parker, Director of External Affairs & Government Relations for EverCheck, as public comment. Each member was provided a copy of the letter.

In the letter dated May 23, 2023, EverCheck requested the Board to approve and authorize a method (via API, file transfer or other) for bulk verification of Louisiana pharmacist licenses.

After the members read the letter, there was some discussion, but no decision was made. Mr. Fontenot explained to the members that staff has been working with the Board's licensing software vendor to develop an online mechanism by which requestors could download a credential list and submit payment directly from the Board's website 24/7. Mr. Fontenot will follow up to ensure this enhancement is implemented.

* *Statement of Purpose*

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

9. *Special Orders of the Day*

There were no *Special Orders of the Day*.

10. *Committee Reports*

A. *Finance Committee*

No committee report because the committee did not meet.

B. *Application Review Committee*

No committee report because the committee did not meet.

C. *Reciprocity Committee*

Mr. McKay called upon Mr. LaGrange to give the committee report in Mr. Mannino's absence. Mr. LaGrange reported the staff had evaluated 96 applications for pharmacist licensure by reciprocity since the last Board meeting and none of them contained information that warranted a committee

level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. Mr. LaGrange then directed the members to the list of new pharmacists licensed by reciprocity in their meeting binders.

Mr. LaGrange concluded his report by recognizing the other committee members.

D. Violations Committee

Mr. McKay called upon Mr. Valentine for the committee report. Mr. Valentine reported the committee met on March 15, 2023 to consider 18 cases on their agenda. Following interviews and deliberations, the committee took no action on two of the cases and issued non-disciplinary letters of noncompliance to five of the respondents. The committee offered proposed voluntary consent agreements to the remaining 11 respondents* and they agreed to their proposals. Mr. Valentine directed the members to copies of those proposals in their meeting binders and then presented the following cases to the members for their consideration.

(*actually 9 voluntary consent agreements for consideration by the Board, 2 cases were continued)

Neumann's Pharmacy, LLC, dba Neumann's Pharmacy (Tallulah, LA)

(PHY.006815): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$1,000 plus administrative and investigative costs.

Southern University, dba SU Student Health Services Pharmacy (Baton Rouge, LA) (PHY.004675):

Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$1,000 plus administrative and investigative costs.

Claudia Marie Robin (PST.014188):

Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a letter of warning; and further, placed a condition upon acceptance of a PIC position and assessed administrative costs.

Michael Kevin Tomb (PST.013993):

Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include suspension of his license for two years beginning on May 24, 2023 and terminating on May 24, 2025, suspended the suspension, and placed his license on probation for the period of suspension, subject to conditions; and further, assessed a fine of \$10,000 plus administrative and investigative costs.

Pharmaceutical Specialties, LLC, dba Pharmaceutical Specialties (Baton Rouge, LA) (PHY.008107):

Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include suspension of the credential for one year beginning on May 24, 2023 and terminating on May 24, 2024, suspended the suspension, and placed the credential

on probation for the period of suspension, subject to conditions; and further, assessed administrative and investigative costs.

Michael Marist Bourg (PST.016141): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$10,000 plus administrative costs.

Green Tree Pharmacies, LLC, dba West Saint James Pharmacy (Vacherie, LA) (PHY.006783): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a fine of \$2,500 plus administrative and investigative costs.

Brian Joseph Delatte (PST.011097): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a letter of warning; and further, assessed a fine of \$1,000 plus administrative costs.

Paige Anne Bourgeois (CPT.014265): Mr. Valentine moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The discipline terms include a letter of reprimand; and further, assessed a fine of \$500 plus administrative costs.

Mr. Valentine reported the committee's next meeting was scheduled for June 14-15, 2023 to consider the 23 cases on that docket. He closed his report with appreciation to the other committee members for their ongoing work.

E. Impairment Committee

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

Courtney Elizabeth-Marie McNeal (PST.022118): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective May 24, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Brittney Irene Champagne (PNT.049244): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the previously suspended registration, converted the duration of the suspensive period for the registration and any other subsequent credential issued by the Board to a term of five years and

stayed the execution of the suspension, then placed the credential on probation for five years, effective May 24, 2023, subject to certain terms enumerated within the voluntary consent agreement.

Lisa Kay Moreau (PST.014955): Ms. Hall moved to remove all probationary terms imposed by Board Order issued November 18, 2020. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted request for the removal of all terms and conditions imposed by previous order, then restored the license to active and unrestricted status.

Ms. Hall then reported the committee conducted their annual review of the Board's roster of approved addictionists and voted to make no changes to the current roster. On behalf of the committee, Ms. Hall then moved,

Resolved, to approve the May 2023 Roster of Approved Addictionists.

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

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

F. Reinstatement Committee

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong reported the committee met the previous day to consider 5 petitions for reinstatement. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Dr. Strong then presented the following cases:

Sekari Washington Davis (CPT.005962): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to May 24, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE subject to certain terms.

Samantha Ann Allen Smith (CPT.010783): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to May 24, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Sabrina Nicole Pitre Borskey (CPT.004208): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to May 24, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE; and (3) successful completion of a Board approved pharmacy technician examination (Pharmacy Technician Certification Exam administered by Pharmacy Technician Certification Board or, in the alternative, Exam for the Certification of Pharmacy Technicians administered by National Healthcareer Association).

Tanisha Casandra Macklin (CPT.010777): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to May 24, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Catherine Rachel Voorhies (CPT.005206): Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board Order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to May 24, 2025: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit subject to certain terms; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Dr. Strong referred the members to the posted committee meeting agenda for a listing of all interim reinstatement actions by the committee chair and licensing staff. Dr. Strong then concluded his report by recognizing the other committee members.

G. Tripartite Committee

No committee report because the committee did not meet.

At this point, Mr. McKay declared a recess. It was noted the members recessed at 10:10 a.m. and then reconvened at 10:27 a.m.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported a Public Hearing was held on March 28, 2023 at the Board office to receive comments and testimony on four (4) regulatory projects approved by the Board during the November 16, 2022 meeting. Comments

and testimony were received on 3 of the 4 projects and those comments were provided to the members in their meeting materials along with the proposed Rule changes.

- Regulatory Project 2023-01 ~ Prescriptions

Mr. Indovina informed the members, as part of this regulatory project, the proposed Rule changes in Section 2519 prohibit pharmacies from requesting refill authorization from the prescriber in the absence of a request from the patient, his agent, or his caregiver and clarify that pharmacies may offer their patient an auto-refill service to facilitate refill requests for the life of a prescription. The request for this Rule change originated from the Louisiana State Medical Society.

Comments received by Mark Johnston with CVS Health indicated support for the changes in the regulatory project except for the proposed changes to Section 2519(A)(3). Mr. Johnston noted that auto-refill programs are designed to increase adherence to a patient's medication regimen which have a direct correlation to public safety and he noted that CVS Health was opposed to "changes that are promulgated for perceived prescriber convenience that appear to lack such a strong correlation to public safety."

In the last paragraph of Mr. Johnston's letter, he provided suggested language in case the Board decided to continue with the project.

After reviewing Mr. Johnston's suggested language, Ms. Hall noted the Board's proposed language does achieve Mr. Johnston's intended outcome and a change would not be necessary. The members agreed with Ms. Hall's observation and Mr. Fontenot will provide a response to Mr. Johnston to that effect.

- Regulatory Project 2023-02 ~ Temporary Closure of Pharmacy

Mr. Indovina informed the members this regulatory project seeks to amend Section 1107 relative to pharmacy operations. The proposed Rule amendment will address prepared prescriptions affected by the temporary closure of a pharmacy pursuant to a state of emergency declared by the governor or a need determined by the pharmacist-in-charge. The proposed Rule amendment allows for the storage of those prescriptions in a secure area and the delivery of those prescriptions to the patient, or an agent or caregiver of the patient, regardless of whether a pharmacist is on duty.

Comments were received from Mr. Randal Johnson representing the Louisiana Independent Pharmacies Association (LIPA), Mr. Ricky Guidry representing the Louisiana Pharmacists Association (LPA), and Mr. Kevin Nielsen of Nielsen's City Drug Store in Bogalusa. In general, the comments expressed concerns with the proposed language specifically in regards to giving the pharmacist-in-charge the ability to temporarily close the pharmacy in a non-emergency situation.

After reviewing the comments and discussing the matter, the Board decided to return the project to the Regulation Revision Committee to work with stakeholders in developing language agreeable to all.

- Regulatory Project 2023-03 ~ Pharmacy Benefit Managers

Mr. Indovina informed the members this regulatory project seeks to amend Section 3003 and Section 3005 of rules relative to pharmacy benefit managers to remove the requirement for a pharmacy benefit manager applicant to include copies of governance documents and the standard generic contract template used by the applicant with the initial permit application. Additionally, the board gives notice of its intent to repromulgate Chapter 30 in its entirety due to Act 536 of the 2022 Regular Session which clarified legislative intent to mandate licensure of pharmacy benefit managers by the Board of Pharmacy.

Comments from Robert Rieger, with Adams & Reese, on behalf of the Pharmaceutical Care Management Association (PCMA), commended the Board for taking this action but urged the Board to be mindful and cautious in its regulatory activities in this area.

Mr. Indovina concluded his report by expressing his appreciation to the other committee members for their ongoing work.

I. Executive Committee

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee members performed their annual reviews of policies and procedures, educational programs, and credentialing examinations as well as contracts and agreements. Mr. McKay indicated Ms. Hall was prepared to offer motions on behalf of the committee and reminded the members that links to the materials could be found in the Board member reading room.

- Loss Prevention Manual

Mr. McKay reported the staff updated the *Loss Prevention Manual* by incorporating revisions authorized by the Board since the previous annual review and the committee voted to recommend to the Board their continuing approval of the updated manual. Ms. Hall then moved,

Resolved, to renew our approval of the updated *Loss Prevention Manual* for Fiscal Year 2023-2024.

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

- Policy and Procedure Manual

Mr. McKay reported the staff updated the *Policy & Procedure Manual* by incorporating revisions authorized by the Board since the previous annual review and the committee voted to recommend to the

Board continuing approval of the updated manual. Ms. Hall then moved,

Resolved, to renew our approval of the updated Policy & Procedure Manual for Fiscal Year 2023-2024.

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

- Roster of Approved Colleges of Pharmacy

Mr. McKay reported the staff updated the roster based on the most recent status information available from ACPE. The committee voted to recommend to the Board continuing approval of the updated roster. Ms. Hall then moved,

Resolved, to renew our approval of the updated Roster of Approved Colleges of Pharmacy for Fiscal Year 2023-2024.

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

- Roster of Approved Pharmacy Technician Training Programs

Mr. McKay reported the staff updated the roster based on the most recent accreditation status of programs and the committee voted to recommend to the Board continuing approval of the updated roster. Ms. Hall then moved,

Resolved, to renew our approval of the updated Roster of Approved Pharmacy Technician Training Programs for Fiscal Year 2023-2024.

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

- Credentialing Examinations for Pharmacists and Pharmacy Technicians

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

Resolved, to renew our approval of the National Association of Boards of Pharmacy (NABP) as administrator of the pharmacist licensure examinations for Fiscal Year 2023-2024, including the North American Pharmacist Licensure Examination (NAPLEX), the Multistate Pharmacy Jurisprudence Examination (MPJE), and the Foreign Pharmacy Graduate Equivalency Examination (FPGEE).

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

Resolved, to renew our approval of the Pharmacy Technician Certification Examination (PTCE) administered by the Pharmacy Technician Certification Board (PTCB) for Fiscal Year 2023-2024.

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

Resolved, to renew our approval of the Examination for Certification of Pharmacy Technicians (ExCPT) administered by National Healthcareer Association (NHA) for Fiscal Year 2023-2024.

- Resolutions for Professional Legal Services

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

Resolved, to approve the proposed Resolution for Professional Legal Services for Ms. Celia R. Cangelosi for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed Resolution for Professional Legal Services for Shows, Cali & Walsh for Fiscal Year 2023-2024.

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

- Annual Renewal of Contracts and Agreements

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

Resolved, to approve the proposed contract for professional legal services with Ms. Celia R. Cangelosi, at the stipulated rate, in an

amount not to exceed \$100,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed contract for professional legal services with Shows, Cali & Walsh, LLP, at the stipulated rate, in an amount not to exceed \$50,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed contract for professional accounting services with Champagne & Company, LLC, Certified Public Accountants, at the stipulated rates, in an amount not to exceed \$40,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed agreement for the operation of the state prescription monitoring program with Appriss, Inc., at the stipulated rates, in an amount not to exceed \$100,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed agreement for the operation of the state prescription monitoring program with the awarded vendor pursuant to the Invitation to Bid (ITB) through the Office of State Procurement at the stipulated rates, in an amount not to exceed \$150,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed agreement for the integration of PMP Gateway and NarxCare in the state prescription monitoring program, at the stipulated rates, in an amount not to exceed \$800,000 for Fiscal Year 2023-2024 contingent upon receipt of grant funds.

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

Resolved, to approve the proposed agreement for information network support services with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$25,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed agreement for the maintenance of the eLicense information system with Tyler Technologies, at the stipulated rates, in an amount not to exceed \$100,000 for Fiscal Year 2023-2024.

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

Resolved, to approve the proposed renewal of the agreement with Metrc for the operation of the Product Identification Module in the Louisiana Medical Marijuana Tracking System, at the stipulated rate, in an amount not to exceed \$1,200 for Fiscal Year 2023-2024.

There were no member questions. With respect to public comments, Mr. Malcolm Broussard questioned what the contract was for. Mr. Fontenot provided a reply. There were no other public comments or questions. The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, to approve the proposed renewal of the interagency agreement with the Louisiana Department of Justice for the Occupational Licensing Review Program for Fiscal Year 2023-2024 in an amount not to exceed \$90,000.

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

Resolved, to approve the proposed renewal of the agreement with Covalent Logic for website hosting services, at the stipulated rate, in an amount not to exceed \$8,000 for Fiscal Year 2023-2024.

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

moved,

Resolved, to approve the proposed renewal of the agreement for publication of the Board's newsletter by the NABP Foundation, at the stipulated rate, in an amount not to exceed \$2,000 for Fiscal Year 2023-2024.

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

- Consideration of Proposed Revisions of PPM.I.B.2 ~ Governance, PPM.II.B.4.b ~ Pay Rules & Regulations, and PPM.II.B.6.a ~ Purchases.

Mr. McKay explained for the Board office to be able to implement direct deposit and electronic payments, Board staff identified Policies & Procedures which require revision. The Executive Committee reviewed these proposed changes and voted to recommend your approval. Ms. Hall then moved,

Resolved, to approve the proposed revisions of PPM.I.B.2 ~ Governance, PPM.II.B.4.b ~ Pay Rules & Regulations, and PPM.II.B.6.a ~ Purchases.

Mr. Menard questioned if direct deposit would be available for reimbursement of Board member expenses. Mr. McKay replied in the affirmative. There were no other member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Consideration of Proposed Revision of PPM II.B.3.d ~ Attendance

Mr. McKay explained, Board staff recommended a change to the policy in which employees based in the office record time worked. The Executive Committee reviewed these proposed changes and voted to recommend your approval. Ms. Hall then moved,

Resolved, to approved the proposed revisions of PPM.II.B.3.d ~ Attendance.

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

- Naloxone Distribution from a Hospital

Mr. McKay informed the members the Louisiana Department of Health - Office of Behavioral Health – has been in communication with Board staff in an effort to identify and reduce barriers to naloxone access in the hospital setting. Current Board of Pharmacy hospital regulations place the responsibility on the pharmacist-in-charge for the safe and efficient procurement, receipt, distribution, control,

accountability, and patient administration and management of drugs throughout the facility. Regulations also require hospital staff to cooperate with the pharmacist-in-charge in meeting drug control requirements in ordering, administering, and accounting for pharmaceuticals. The Office of Behavioral Health would like to reduce barriers to naloxone access by allowing hospital staff to provide naloxone to persons walking into a hospital's emergency department requesting naloxone without hospital pharmacy involvement.

After reviewing Louisiana Revised Statute Title 40, Section 978.2 and the language contained in Subsection D which states *"Notwithstanding any other provision of law or regulation, a person or organization acting pursuant to a standing order issued by a healthcare professional who is authorized to prescribe naloxone or another opioid antagonist may store naloxone or another opioid antagonist and may dispense naloxone or another opioid antagonist if such activities are performed without charge or compensation"* the Committee and staff are in agreement that La R.S. 40:978.2 supersedes the Board of Pharmacy's hospital regulations. Ms. Hall then moved,

Resolved, the Louisiana Board of Pharmacy recognizes that La. R.S. 40:978.2 is the most recent expression of the Louisiana Legislature's will regarding the dispensing of Naloxone and supersedes the Board's laws and regulations.

The members discussed the matter. With respect to public comment, Mr. Paul Menasco presented questions to which Mr. McKay and Mr. Fontenot replied. There were no other questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Exceptions Report

Mr. McKay reported Board policy permits the President to review and respond to requests for exceptions to laws, rules, and policies in the interim between meetings of the Board. Board Policy also permits the Executive Director, with concurrence of the Board President, to issue Special Work Permits and approve dual PIC privileges with notice to the Board at its next meeting. The committee reviewed the current "Exceptions Report" posted in the Board member reading room and the report is now presented to the full board as required in policy. It does not require any action from the Board. There were no member questions or comments.

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

11. Staff Reports

J. Report of General Counsel

Mr. McKay called upon Mr. Finalet for his report. Mr. Finalet presented the following proposed voluntary consent agreements to the members for their consideration.

James Homan (PST.024764): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For his failure to disclose a California Board of Pharmacy disciplinary action issued April 2, 2021 on his reciprocity application to the Louisiana Board of Pharmacy, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative cost.

Stacy Duwon Landrum Hull Nolan (CPT.004903): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For the theft of eight oxycodone tablets from a patient's prescription, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Brian Allen Miller (PST.022042): Ms. Hall moved to accept the voluntary surrender of the credential. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on April 17, 2023.

Blair Freshe Swafford Guillory (PNT.049122): Ms. Hall moved to accept the voluntary surrender of the credential. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the registration for an indefinite period of time commencing on April 27, 2023.

John Sherwood Bannister (PST.015778): Ms. Hall moved to accept the voluntary surrender of the credential. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on April 24, 2023.

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

K. Report of the Executive Director

Mr. McKay called upon Mr. Fontenot for his report. Mr. Fontenot directed the members to the quarterly report of the prescription monitoring program found in their meeting binders. There were no member questions or comments.

Mr. Fontenot then directed the members to the requests from 23 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Ms. Hall then moved,

Resolved, to authorize the issuance of full PMP reporting waivers to the following permits once they have executed the standard consent agreement for that purpose:

- > PHY.008437-NR – AFA Pharmacy, LLC;
- > PHY.008304-NR – Apostrophe Pharmacy LLC;
- > PHY.008468-NR – Axtell Pharmacy;
- > PHY.008512-NR – Brookshire Pharmacy #4938;
- > PHY.008621-NR – CerebralRx;
- > PHY.008558-NR – Druid City Vital Care;
- > PHY.008585-NR – FlexCare Specialty Services. LLC;
- > PHY.008581-NR – InfuCare RX;
- > PHY.008576-NR – KabaFusion, Inc.;
- > PHY.008480-NR – Musely Compounding Pharmacy;
- > PHY.008572-SAT – Ochsner Medical Complex – Clearview;
- > PHY.008390-NR – Option Care;
- > PHY.008548-NR – OSRX Inc. #2685;
- > PHY.008556-NR – Palmetto Pharm;
- > PHY.008460-NR – Paragon Infusion;
- > PHY.008577-NR – Personalized Skin Solutions, Inc.;
- > PHY.008584-NRN – PETNET Solutions, Inc.;
- > PHY.008545-NRN – Precision Nuclear, LLC.;
- > PHY.008574-NR – Santa Rosa Pharmacy;
- > PHY.008248-NR – Scripts Rx Pharmacy;
- > PHY.008501-NR – The Pharmacy Hub LLC;
- > PHY.008575-NR – Trinity Health Pharmacy Services, LLC; and
- > PHY.008579-NR – Vetsource Home Delivery.

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

Finally, Mr. Fontenot indicated completion of his report.

12. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

13. Announcements

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

14. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. McKay adjourned the meeting at 11:59 a.m.

Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on August 16, 2023.

Richard M. Indovina, Jr.
Secretary