



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, February 21, 2024 at 09:00 a.m.
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

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1
2 The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, February
3 21, 2024 at the Louisiana Board of Pharmacy located at 3388 Brentwood Drive in Baton
4 Rouge, Louisiana 70809. The meeting was held pursuant to public notice, each member
5 received notice, and public notice was properly posted.
6

7 **1. Call to Order**

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

10 **2. Invocation & Pledge of Allegiance**

11 Dr. J. Robert Cloud delivered the invocation and Mr. Marty R. McKay led the group in the
12 Pledge of Allegiance.
13

14 **3. Quorum Call**

15 Mr. McKay called upon the Secretary, Mr. Richard Indovina, to call the roll of members to
16 establish a quorum.
17

18 **Members Present:**

19 Dr. J. Robert Cloud
20 Mr. David A. Darce
21 Ms. Jennifer Dupree
22 Ms. Jacqueline L. Hall
23 Mr. Richard M. Indovina, Jr.
24 Mr. W. Charles Jones
25 Mr. Kevin LaGrange
26 Mr. Robert C. LeBas (arrived at 9:12 a.m.)
27 Mr. Marty R. McKay
28 Ms. Chris B. Melancon
29 Mr. J. Troy Menard
30 Mr. Anthony G. Mercante
31 Mr. Blake P. Pitre (arrived at 9:18 a.m.)
32 Mr. Don L. Resweber
33 Dr. Raymond J. Strong
34

35 **Members Absent:**

36 Mr. Richard Mannino
37 Mr. Rhonny K. Valentine
38

39 **Staff Present:**

40 Mr. M. Joseph Fontenot Jr., Executive Director
41 Mr. Carlos M. Finalet, III, General Counsel
42 Mr. Benjamin S. Whaley, Chief Compliance Officer
43 Ms. Kelley L. Villeneuve, Office Manager
44

45 **Guests:**

46 Mr. Malcolm J. Broussard – Hygeia Solutions
47 Mr. Charlie Corona – Louisiana Independent Pharmacies Association
48 Ms. Cindy R. Duet – Terrebonne General Health System

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- Mr. Mark Johnston – CVS Health
- Mr. N. Ryan LaBarbera – Albertsons
- Mr. Dale Masten – Genoa Healthcare
- Mr. Robert Schmidt – Breazeale, Sachse, & Wilson (BSW) (for Humana)
- Mr. Aurdie K. Bellard – Bellard’s Family Pharmacy of Eunice, LA

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

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

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated February 16, 2024. There were no objections to Mr. McKay’s request for authority to re-order the agenda should the President determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meeting

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

6. Report on Action Items

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

7. Confirmation of Acts

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

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

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

97 **8. Opportunity for Public Comment**

98 Mr. McKay reminded the members and guests the Open Meetings Law requires
99 all public bodies to provide an opportunity for public comment at all meetings and for each
100 agenda item upon which a vote is to be taken. He solicited general comments on non-
101 agenda items from the guests present; none were offered.
102

103 *** Statement of Purpose**

104 Mr. McKay reminded the members of the purpose and mission of the Board of
105 Pharmacy by reciting the relevant portion of the Louisiana Pharmacy Practice Act. He
106 urged the members to keep their legislative mandate in mind as they considered all the
107 matters before them.
108

109 **9. Special Orders of the Day**

110 There were none.
111

112 **10. Committee Reports**

113 **A. Finance Committee**

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

118 Mr. Resweber concluded his report by recognizing the other members of the
119 committee – Mr. Valentine, Mr. Pitre, Ms. Melancon, and Mr. Jones.
120

121 **B. Application Review Committee**

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

125 Dr. Cloud concluded his report by recognizing the other members of the
126 committee – Mr. Darcy, Mr. LeBas, Mr. Mannino, and Mr. Pitre. He also
127 recognized Ms. Hall for serving ad hoc for the meeting.
128

129 **C. Reciprocity Committee**

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

138 Mr. Mercante concluded the report by recognizing the other committee
139 members – Mr. Jones, Mr. LaGrange, Mr. Resweber, and Mr. Mannino.
140

141 **D. Violations Committee**

142 Mr. McKay called upon Mr. Indovina to give the committee report on behalf of
143 Mr. Valentine who was absent. Mr. Indovina reported the committee met on
144 December 5-6, 2023 to consider several cases on their agenda. Following their

145 interviews and subsequent deliberations, the committee developed
146 recommendations for the Board's consideration. Mr. Indovina directed the
147 members to copies of those proposals in their meeting materials and then
148 presented the following cases to the members for their consideration.

149
150 **Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5607 (Alexandria, LA)**
151 **(PHY.005768):** Mr. Indovina moved to approve the proposed voluntary consent
152 agreement. There were no member questions or public comments. The motion was
153 adopted after a unanimous vote in the affirmative. For allowing a pharmacy technician
154 candidate with an expired credential to assist in the practice of pharmacy from March 4,
155 2022 to May 16, 2022, the Board issued a letter of reprimand; and further, assessed a
156 fine of \$1,000 plus administrative and investigative costs.

157
158 **Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5607 (Alexandria, LA)**
159 **(PHY.005768):** Mr. Indovina moved to approve the proposed voluntary consent
160 agreement. There were no member questions or public comments. The motion was
161 adopted after a unanimous vote in the affirmative. For its accountability for the dispensing
162 of two prescriptions which contained the incorrect drug product, the Board issued a letter
163 of reprimand; and further, assessed a fine of \$5,000 plus administrative and investigative
164 costs.

165
166 **H&W Drug Store, Inc., dba H&W Drug Store (New Orleans, LA) (PHY.007776):** Mr.
167 Indovina moved to approve the proposed voluntary consent agreement. There were no
168 member questions or public comments. The motion was adopted after a unanimous vote
169 in the affirmative. For allowing a pharmacy technician with a lapsed credential to assist
170 in the practice of pharmacy, the Board assessed a fine of \$2,500 plus administrative and
171 investigative costs.

172
173 **George Joseph Hebert, III, dba Hebert's Pharmacy (Breux Bridge, LA)**
174 **(PHY.002260):** Mr. Indovina moved to approve the proposed voluntary consent
175 agreement. There were no member questions or public comments. The motion was
176 adopted after a unanimous vote in the affirmative. For its accountability for controlled
177 substance (CS) audit shortages and failure to provide effective controls and procedures
178 to guard against theft and diversion, the Board assessed a fine of \$15,000 plus
179 administrative and investigative costs.

180
181 **Christopher Regis Robin (PST.016333):** Mr. Indovina moved to approve the proposed
182 voluntary consent agreement. There were no member questions or public comments.
183 The motion was adopted after a unanimous vote in the affirmative. For his accountability
184 for CS audit shortages as pharmacist-in-charge (PIC) of Hebert's Pharmacy, the Board
185 issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative
186 costs.

187
188 **Breonne Kiara Monette (CPT.013901):** Mr. Indovina moved to approve the proposed
189 voluntary consent agreement. There were no member questions or public comments.
190 The motion was adopted after a unanimous vote in the affirmative. For her failure to
191 disclose her November 2022 arrest on her renewal application for 2023-2024, despite
192 specific questioning for such information, the Board issued a letter of reprimand; and
193 further, assessed a fine of \$250 plus administrative costs.

194
195
196

197 **Ruthy Lynn Paul (CPT.006591):** Mr. Indovina moved to approve the proposed voluntary
198 consent agreement. There were no member questions or public comments. The motion
199 was adopted after a unanimous vote in the affirmative. For her failure to furnish to the
200 Board information legally requested, the Board issued a letter of reprimand; and further,
201 assessed a fine of \$250 plus administrative and investigative costs.
202

203 **CCMT, LLC, dba Walker Brother's Drug (Plain Dealing, LA) (PHY.007540):** Mr.
204 Indovina moved to approve the proposed voluntary consent agreement. There were no
205 member questions or public comments. The motion was adopted after a unanimous vote
206 in the affirmative. For allowing an individual with a suspended pharmacist license to
207 practice pharmacy, the Board assessed a fine of \$25,000 plus administrative and
208 investigative costs.
209

210 **Ringgold Pharmacy & Wellness, LLC, dba Ringgold Pharmacy & Wellness**
211 **(Ringgold, LA) (PHY.008446):** Mr. Indovina moved to approve the proposed voluntary
212 consent agreement. There were no member questions or public comments. The motion
213 was adopted after a unanimous vote in the affirmative. For allowing an individual with a
214 suspended pharmacist license to practice pharmacy, the Board assessed a fine of
215 \$25,000 plus administrative and investigative costs.
216

217 Mr. Indovina reported the committee's next meeting was scheduled for March
218 5-6, 2024 to consider 12 cases on that docket. Mr. Indovina concluded the report
219 by recognizing the other committee members – Mr. Valentine, Dr. Cloud, Ms. Hall,
220 and Mr. Mercante.
221

222 **E. Impairment Committee**

223 Mr. McKay called upon Ms. Hall for the committee report. Ms. Hall reported
224 the committee met the previous day. Following their interviews and subsequent
225 deliberations, the committee developed recommendations for the Board's
226 consideration. Ms. Hall then presented the following cases:
227

228 **Hope Michelle Chabaud Madere (CPT.012038):** Ms. Hall moved to approve the
229 proposed voluntary consent agreement. There were no member questions or public
230 comments. The motion was adopted after a unanimous vote in the affirmative. The
231 Board granted her request for reinstatement of the previously suspended pharmacy
232 technician certificate, conditioned upon her completion of 250 hours of practical
233 experience under the authority of a special work permit within a specified period of time.
234 Further, the special work permit and subsequently reinstated certificate shall be
235 suspended for five years with the execution of the suspension stayed and the special
236 work permit and subsequently reinstated certificate placed on probation for five years
237 effective on the date of issuance of the special work permit, subject to certain terms
238 enumerated within the voluntary consent agreement.
239

240 **Jason Warren Dupeire (PST.018298):** Ms. Hall moved to remove Article 2-e imposed
241 from his August 17, 2022 Probation Board Order, thereby allowing him to serve as
242 pharmacist-in-charge of a pharmacy. There were no member questions or public
243 comments. The motion was adopted after a unanimous vote in the affirmative. The Board
244 granted his request for modification of previous orders by removing Article 2-e imposed
245 from his August 17, 2022 Probation Board Order.
246
247
248

249 Finally, Ms. Hall closed her report by recognizing the other committee
250 members – Mr. Darce, Mr. Menard, Mr. Resweber, Dr. Strong, and Mr. Valentine.
251

252 **F. Reinstatement Committee**

253 Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong stated,
254 since the last Board meeting no applications were received which required
255 committee review and consideration. He then referred the members to a report
256 listing all the interim reinstatement actions by the committee chair and licensing
257 staff since the last Board meeting. Dr. Strong then concluded his report by
258 recognizing the other committee members – Ms. Dupree, Mr. LaGrange, Mr.
259 Mannino, Mr. Mercante, and Mr. Pitre.
260

261 **G. Tripartite Committee**

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

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

274 On behalf of the University of Louisiana at Monroe College of Pharmacy (ULM-
275 COP), Dr. Michael Cockerham reported that student enrollment was down the last
276 2 years but he indicated signs of an increase in 2024. ULM-COP has seen a
277 decrease in faculty due to retirements and resignations, and are trying to find
278 replacements. Dr. Cockerham reported that in calendar year 2022 the COP
279 received an 8-year ACPE accreditation.

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

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

291 Dr. Strong closed his report by recognizing the other members who were
292 present at the committee meeting – Mr. Jones, Mr. LaGrange, Ms. Hall, Mr.
293 Mercante, and Mr. Valentine.
294
295
296

297 **H. Regulation Revision Committee**

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

305
306 Regulatory Project 2023-09 ~ Product Integrity

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

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

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

327
328 ***Resolved, to approve Regulatory Project 2023-09 ~ Product Integrity -***
329 ***Draft #2, and further, to authorize the Executive Director to continue the***
330 ***promulgation process, and further, to authorize the President to***
331 ***approve acceptable amendments as may become necessary during***
332 ***the promulgation process.***

333
334 There were no member questions or public comments. The motion was
335 adopted after a unanimous vote in the affirmative.

336
337 Regulatory Proposal 2024-B ~ Controlled Dangerous Substance (CDS)
338 Licensing

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

342 With respect to Section 2707 *CDS Licensing Procedures*, the proposal
343 streamlines the CDS license reinstatement process, updates the facility CDS
344 license change of ownership procedures to mirror the recent changes made to

345 the change of ownership of a pharmacy, and adds a new subsection to address
346 changes to CDS license status.

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

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

351
352 ***Resolved***, to approve *Regulatory Proposal 2024-B ~ Controlled*
353 *Dangerous Substance (CDS) Licensing – Draft #2*, and further, to
354 *authorize the Executive Director to promulgate the proposed rule*
355 *changes, and further, to authorize the President to approve acceptable*
356 *amendments as may become necessary during the promulgation*
357 *process.*

358
359 There were no member questions or public comments. The motion was
360 adopted after a unanimous vote in the affirmative.

361
362 Regulatory Proposal 2024-D ~ Open Meetings via Electronic Means and
363 Regulatory Proposal 2024-E ~ PMP Advisory Council Open Meetings via
364 Electronic Means

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

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

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

374
375 ***Resolved***, to approve *Regulatory Proposal 2024-D ~ Open Meetings*
376 *via Electronic Means Draft #2 and Regulatory Proposal 2024-E ~ PMP*
377 *Advisory Council Open Meetings via Electronic Means – Draft #1*, and
378 *further, to authorize the Executive Director to promulgate the proposed*
379 *rule changes, and further, to authorize the President to approve*
380 *acceptable amendments as may become necessary during the*
381 *promulgation process.*

382
383 There were no member questions or public comments. The motion was
384 adopted after a unanimous vote in the affirmative.

385
386 Legislative Proposal 2024-A ~ Transfer of CDS Prescriptions

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

391 The final rule amends DEA regulations to explicitly state that an electronic
392 prescription for a controlled substance in schedules 2 through 5 may be

393 transferred between retail pharmacies for initial filling on a one-time basis only,
394 upon request from the patient, and clarifies that any authorized refills included on
395 a prescription for a schedule III, IV, or V controlled substance are transferred with
396 the original prescription. The final rule requires that: the transfer must be
397 communicated directly between two licensed pharmacists; the prescription must
398 remain in its electronic form; and the contents of the prescription required by 21
399 CFR Part 1306 must be unaltered during the transmission. The final rule also
400 stipulates that the transfer of EPCS for initial dispensing is permissible only if
401 allowable under existing State or other applicable law.

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

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

407
408 ***Resolved***, to approve Legislative Proposal 2024-A ~ Transfer of CDS
409 *Prescriptions – Draft #1*, and further, to authorize its filing in the Regular
410 *Session of the 2024 Legislature*, and further, to authorize the President
411 *to approve acceptable amendments as may become necessary during*
412 *the legislative process.*

413
414 There was some discussion between the members in regards to the current
415 inability to transfer a prescription electronically between pharmacies. With
416 respect to public comments, Mr. Aurdie Bellard of Bellard's Family Pharmacy
417 asked a question in regards to prescription transfers and received a response.
418 There were no other public comments. The motion was adopted after a
419 unanimous vote in the affirmative.

420 Legislative Proposal 2024-B ~ CDS Schedule Update

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

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

427
428 ***Resolved***, to approve Legislative Proposal 2024-B ~ CDS Schedule
429 *Update - Draft #1*, and further, to authorize its filing in the Regular
430 *Session of the 2024 Legislature*, and further, to authorize the President
431 *to approve acceptable amendments as may become necessary during*
432 *the legislative process.*

433
434 There were no member questions or public comments. The motion was
435 adopted after a unanimous vote in the affirmative.

436
437 Mr. Indovina then concluded his report by expressing his appreciation to the
438 other committee members for their ongoing work – Dr. Cloud, Mr. Darce, Ms.
439 Dupree, Ms. Hall, Ms. Melancon, and Mr. Menard.
440

441 **I. Executive Committee**

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

446
447 Consideration of Request to Add the Albertsons Companies Pharmacy
448 Technician Training Program to the List of Board-approved programs.

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

454
455 ***Resolved, to approve the Albertsons Companies Pharmacy***
456 ***Technician Training Program as a Board-Approved Pharmacy***
457 ***Technician Training Program contingent upon maintaining their ASHP***
458 ***accredited status.***

459
460 There were no member questions or public comments. The motion was
461 adopted after a unanimous vote in the affirmative.

462
463 Consideration of Contract with Tyler Technologies for Fiscal Year 2024-2025

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

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

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

482
483 ***Resolved, to approve the Executive Director to enter into a contract***
484 ***with Tyler Technologies to maintain, enhance, and provide hosting***
485 ***services for the Board's eLicense information system, at the stipulated***
486 ***rate, in an amount not exceed \$150,000 for Fiscal Year 2024-2025.***

487

488 There were no member questions or public comments. The motion was
489 adopted after a unanimous vote in the affirmative.
490

491 Consideration of Therapeutic Marijuana “See & Smell Education Stations”

492 Mr. McKay reported Board staff received a request from Ilera Holistic
493 Healthcare, one of the state’s marijuana producers, seeking approval to place
494 Therapeutic Marijuana “See & Smell Education Stations” in Therapeutic
495 Marijuana Pharmacies. After a discussion between the Executive Committee and
496 a representative of the company, the matter was referred to the Regulation
497 Revision Committee for possible rule writing.
498

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

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

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

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

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

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

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

530 Mr. McKay continued, as part of the Board’s credentialing process for persons,
531 in accordance with RS 37:23, the Board collects a copy of the social security card
532 for each applicant. If no social security card is provided as part of the application
533 process, the application is not processed and no credential is issued. In following
534 this process, we are assuring that no credential is issued to an illegal alien thus
535 having no impact on the services we provide.

536 Mr. McKay stated, to facilitate a conversation regarding the Executive Order
537 and the impact of illegal aliens on the Board and its services or the expenditure
538 of public funds, Ms. Hall is prepared to offer a motion. Ms. Hall then moved,
539

540 ***Resolved***, having reviewed Executive Order No. JML 24-05 by
541 Governor Jeff Landry and considered the effects of illegal immigration
542 on the Board, the purpose of the Board, and the requirements for each
543 applicant to obtain a credential from the Board, we've determined illegal
544 aliens have no impact on the Board related to the provision of public
545 services or expenditure of public funds.
546

547 There were no member questions or public comments. The motion was
548 adopted after a unanimous vote in the affirmative.
549

550 Consideration of PPM.I.A.22 ~ Transfer of Prescription Information Between 551 Pharmacies

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

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

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

568 Now that DEA has officially published a rule regarding the transfer of initial
569 prescriptions for controlled substances and the Board has a rule giving
570 pharmacists the ability to transfer an unfilled noncontrolled substance
571 prescription, the committee felt that the Board should consider rescinding the
572 policy. Ms. Hall then moved,
573

574 ***Resolved***, to rescind PPM.I.A.22 ~ Transfer of Prescription Information
575 *Between Pharmacies*.
576

577 There were no member questions or public comments. The motion was
578 adopted after a unanimous vote in the affirmative.
579

580 Exceptions Report

581 Mr. McKay stated, Board policy permits the President to review and respond
582 to requests for exceptions to laws, rules, and policies in the interim between
583 meetings of the Board. Board Policy also permits the Executive Director, with

584 concurrence of the Board President, to issue Special Work Permits and approve
585 dual PIC privileges with notice to the Board at its next meeting. The committee
586 reviewed the current "Exceptions Report" posted in the Board member reading
587 room and the report is now presented to the full Board as required in policy. It
588 does not require any action from the Board. There were no member questions or
589 comments.

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

592
593 *At this point, Mr. McKay declared a recess. It was noted the members recessed at 9:58
594 a.m. and then reconvened at 10:12 a.m.

595 **11. Staff Reports**

596 **A. Report of General Counsel**

597 Mr. McKay called upon Mr. Finalet for his report. Mr. Finalet presented the
598 following proposed voluntary consent agreements to the members for their
599 consideration.
600

601
602 **Jalyn Shavon Landry (PTC.029253):** Ms. Hall moved to accept the voluntary surrender
603 of the credential, resulting in the active suspension of the registration for an indefinite
604 period of time. There were no member questions or public comments. The motion was
605 adopted after a unanimous vote in the affirmative. The Board accepted the voluntary
606 surrender of the credential, resulting in the active suspension of the registration for an
607 indefinite period of time commencing on November 15, 2023.
608

609 **Mindy Morel Burke (CPT.011841):** Ms. Hall moved to accept the voluntary surrender of
610 the credential, resulting in the active suspension of the certificate for an indefinite period
611 of time. There were no member questions or public comments. The motion was adopted
612 after a unanimous vote in the affirmative. The Board accepted the voluntary surrender
613 of the credential, resulting in the active suspension of the certificate for an indefinite
614 period of time commencing on December 5, 2023.
615

616 **Mims Management Group, LLC, dba Institutional Pharmacy Solutions (Virginia
617 Beach, VA) (PHY.006910):** Ms. Hall moved to accept the proposed consent agreement.
618 There were no member questions or public comments. The motion was adopted after a
619 unanimous vote in the affirmative. For its failure to disclose a November 2023 disciplinary
620 action by the Virginia Board of Pharmacy as part of its application for the renewal of its
621 Louisiana pharmacy permit for 2024, despite specific questioning for such information,
622 the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus
623 administrative costs.
624

625 **Ashley Elizabeth Reynolds (PST.020382):** Ms. Hall moved to accept the voluntary
626 surrender of the credential, resulting in the active suspension of the license for an
627 indefinite period of time. There were no member questions or public comments. The
628 motion was adopted after a unanimous vote in the affirmative. The Board accepted the
629 voluntary surrender of the credential, resulting in the active suspension of the license for
630 an indefinite period of time commencing on December 15, 2023.
631

632 **Cha'Von Raynee' Miriam Foxhall (PST.023598):** Ms. Hall moved to accept the
633 proposed consent agreement. There were no member questions or public comments.
634 The motion was adopted after a unanimous vote in the affirmative. For her failure to

635 disclose her April 2023 arrest on her renewal application for 2024, despite specific
636 questioning for such information, the Board issued a letter of reprimand; and further,
637 assessed a fine of \$1,000 plus administrative costs.
638

639 **Thanh Quang Ngo (PST.021474):** Ms. Hall moved to accept the proposed consent
640 agreement. There were no member questions or public comments. The motion was
641 adopted after a unanimous vote in the affirmative. For his failure to disclose a March
642 2023 Board order issued by the Kentucky Board of Pharmacy as part of his application
643 for the renewal of his Louisiana pharmacist license for 2024, despite specific questioning
644 for such information, the Board issued a letter of reprimand; and further, assessed a fine
645 of \$1,000 plus administrative costs.
646

647 **CarePoint Healthcare, LLC, dba CarePoint Pharmacy (Schaumburg, IL)**
648 **(PHY.006678):** Ms. Hall moved to accept the proposed consent agreement. There were
649 no member questions or public comments. The motion was adopted after a unanimous
650 vote in the affirmative. For its failure to disclose a February 2023 disciplinary action by
651 the Colorado Board of Pharmacy as part of its application for the renewal of its Louisiana
652 pharmacy permit for 2024, despite specific questioning for such information, the Board
653 issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative
654 costs.
655

656 **Amanda Elizabeth Schubert Balli (PST.019454):** Ms. Hall moved to accept the
657 voluntary surrender of the credential, resulting in the active suspension of the license for
658 an indefinite period of time. There were no member questions or public comments. The
659 motion was adopted after a unanimous vote in the affirmative. The Board accepted the
660 voluntary surrender of the credential, resulting in the active suspension of the license for
661 an indefinite period of time commencing on January 24, 2024.
662

663 **Joseph Allen Silea (PST.021554):** Ms. Hall moved to accept the proposed consent
664 agreement. There were no member questions or public comments. The motion was
665 adopted after a unanimous vote in the affirmative. For his failure to disclose a February
666 2023 Board order issued by the Kentucky Board of Pharmacy as part of his application
667 for the renewal of his Louisiana pharmacist license for 2024, despite specific questioning
668 for such information, the Board issued a letter of reprimand; and further, assessed a fine
669 of \$1,000 plus administrative costs.
670

671 Mr. Finalet then indicated completion of his report.
672

673 ***B. Report of the Executive Director***

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

680 Mr. Fontenot then directed the members to the requests from 16 pharmacies
681 seeking a waiver from the duty to report zero prescription transaction reports to
682 the prescription monitoring program. Mr. Pitre then moved,
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Resolved, to authorize the issuance of full PMP reporting waivers to the following permits once they have executed the standard consent agreement for that purpose:

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

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

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

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

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

12. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

13. Announcements

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

14. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. McKay adjourned the meeting at 10:33 a.m.