



Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



Board Meeting

April 2, 2020

NOTE: Pursuant to the Open Meetings Law at La. R.S. 42:16, the Board may, upon 2/3 affirmative vote of those members present and voting, enter into executive session for the limited purposes of (1) discussion of the character, professional competence, or physical or mental health of a licensee, (2) investigative proceedings regarding allegations of misconduct, (3) strategy sessions or negotiations with respect to litigation, (4) discussions regarding personnel matters, or other purposes itemized at La. R.S. 42:17.

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Pursuant to the provisions of *Governor's Proclamation No. 33 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home*, the Board certifies it cannot achieve an in-person quorum for its meeting. Therefore, the Board has elected to conduct its meeting by teleconference as permitted by *Governor's Proclamation No. JBE 2020-30 ~ Additional Measures for COVID-19 Public Health Emergency*.

NOTICE IS HEREBY GIVEN that a meeting of the Board has been ordered and will be conducted by teleconference at **4:00 p.m. on Thursday, April 2, 2020**. The telephone number for the teleconference is 888.270.9936 and the access code is 9534160. The meeting has been called for the purpose to wit:

AGENDA

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

Revised 04-01-2020

1. Call to Order
2. Quorum Call
3. Call for Additional Agenda Items & Adoption of Agenda
4. Special Orders of the Day
 - A. Request for Declaratory Statement
 - (1) Is it within the scope of practice for a pharmacist to collect a nasopharyngeal specimen on a swab?
 - B. Requests for Clarification of Guidance Documents
 - (1) Application of *Guidance Document ~ Remote Processing by Pharmacy Personnel* to nonresident pharmacies
 - (2) Conflict between *Guidance Document ~ Remote Processing by Pharmacy Personnel* and *Guidance Document ~ Flexible Staffing Ratios*
 - C. Requests for Waiver of Licensing for Nonresident Pharmacies & DME
 - (1) Morris Apothecary, LLC d/b/a Apotheco Pharmacy [Parsippany, NJ] requesting waiver of pharmacy permit requirements to ship medications to the state.
 - (2) Expedite, LLC d/b/a Oxyensure, a subsidiary of ResMed, Inc. [Lithia Springs, GA] requesting one-year waiver from DME licensure requirement to ship respiratory devices with remote installation instructions.

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4. Special Orders of the Day (cont.)
 - D. Requests from Educational Institutions for Simulation in Lieu of Practical Experience Requirements for Program Completion
 - E. Petition for Modification of Previous Order
 - (1) Case No. 20-0113 ~ PST.010643 – William Coleman Honeycutt
 - F. Consideration of Continuing Education Requirements for the Renewal of Pharmacy Technician Certificates for the Year 2020-2021 and for the Renewal of Pharmacist Licenses for Calendar Year 2021.
 - G. Governor Proclamation No. 38 JBE 2020
5. New Agenda Items Added During Meeting
6. Opportunity for Public Comment
7. Adjourn

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MEMORANDUM

To: Board Members
From: Malcolm Broussard
Date: April 2, 2020
Re: Board Meeting Agenda Item 4.A ~ Request for Declaratory Statement

The Dept. of Health has requested the Board's guidance on the following question: *Is it within the scope of practice for a pharmacist to collect a nasopharyngeal specimen on a swab?*

There are no pharmacy laws or rules relative to the collection of specimens by a pharmacist. Since the Board of Medical Examiners regulates the practice of clinical medicine, we checked with that agency, and there appear to be no conflicts with their rules.

The Board has not issued any declaratory statements or advisory opinions on this specific topic; however, the Board has issued two previous statements related to this topic. In particular:

- During its November 2009 meeting, the Board issued an advisory opinion (*PPM.I.A.9 ~ Moderately Complex Laboratory Tests*) to a hospital that it was within the scope of practice for a pharmacist to perform moderately complex laboratory testing procedures, as defined by the Clinical Laboratory Improvement Amendments of 1988 (CLIA), provided the pharmacist maintains evidence of all education and training relevant to that practice activity. Neither the request for the opinion nor the opinion itself referenced the collection of specimens for such testing.
- During its August 2014 meeting, the Board issued a declaratory statement (*PPM.I.A.18 ~ Medication Therapy Management in Pharmacy Practice*) which includes a reference to performing or obtaining necessary assessments of a patient's health status.

Since the question relates to the scope of practice for a pharmacist, the statutory definition of the term "*practice of pharmacy*" in the Louisiana Pharmacy Practice Act is presented here:

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“Practice of pharmacy” or “practice of the profession of pharmacy” means and includes the compounding, filling, dispensing, exchanging, giving, offering for sale, or selling, drugs, medicines, or poisons, pursuant to prescriptions or orders of physicians, dentists, veterinarians, or other licensed practitioners, or any other act, service, operation, or transaction incidental to or forming a part of any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmacy profession, study, or training.

[R.S. 37:1164(44)]

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Nasopharyngeal (NP) specimen collection for COVID-19 testing

- 1**
 - Assemble the supplies needed. For sample collection, have the swab and viral transport medium, specimen label, and biohazard bag available.
 - If the patient has a lot of mucus in the nose, this can interfere with collection. Have the patient use a tissue to gently clean the nasal passage before a swab is taken.



- Open the swab container and remove the swab, taking care not to touch the tip to any surface or lay it down.
- DO NOT use the swabs that come with the viral transport medium kit.**



Depicted is an example of the supplies used to collect a nasopharyngeal specimen.*



- Hold the swab with fingers placed on the score line. With the patient seated, if possible, tilt the head back 70 degrees, support the back of the head with your non-dominant hand.
- Gently insert swab into the nostril along the septum floor of the nose extending straight back **until the posterior nasopharynx is reached** (distance from nostrils to external opening of ear).
- Rotate the swab several times while the swab is in contact with the nasopharyngeal wall.



Place NP swab into the viral transport medium and break (snap) off swab at the indicator line. Replace cap and screw cap on securely.

- 5**
 - Label sample and place in biohazard bag.
 - Freeze specimen and keep frozen.
 - Submit sample on one requisition, with test code 139900 — COVID-19. Please include the patient's address, phone number and appropriate diagnosis code. To avoid delays in turnaround time when requesting multiple tests on frozen samples, please submit separate frozen specimens for each test requested.

Storage Transport Condition - Samples/specimens should be shipped frozen due to limited stability at -20° C (preferred); refrigerated specimens acceptable (if received for testing within 72 hours of collection). Refrigerated swabs submitted within 72 hours will be accepted.

*Exact manufacturer of the swab and transport media may vary with supply. Any swab of appropriate size and configuration with a synthetic tip can be used, **EXCEPT** for calcium alginate tips, swabs with preservatives, and swabs with wood shafts. Viral transport media acceptable for collection of influenza specimens in 1 mL or 3 mL volumes can be used to transport swabs for COVID-19 testing.

Oropharyngeal (OP) specimen collection for COVID-19 testing

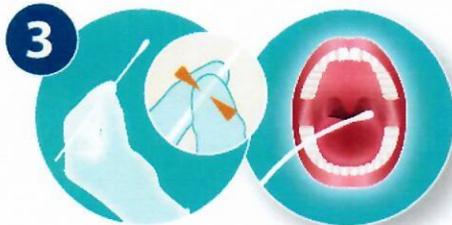
- 1** Assemble the supplies needed. For sample collection, have viral transport medium with included swabs, specimen label and biohazard bag available.



- 2** Open the viral transport medium package and remove one swab, taking care not to touch the tip to any surface or lay it down.



Depicted is an example of the supplies used to collect an oropharyngeal specimen.*



- 3**
 - Hold the swab with fingers placed on the score line.
 - Gently insert swab into back of the throat and tonsillar area. Rub the swab over both tonsillar pillars and the posterior oropharynx; avoid touching the tongue, teeth, and gums.



- 4** Place swab into the viral transport medium and break (snap) off swab at the indicator line. Replace cap and screw on securely.

- 5**
 - Label sample and place in biohazard bag.
 - Freeze specimen and keep frozen.
 - Submit sample on one requisition, with test code 139900 — COVID-19. Please include the patient's address, phone number and appropriate diagnosis code. To avoid delays in turnaround time when requesting multiple tests on frozen samples, please submit separate frozen specimens for each test requested.

Storage Transport Condition - Samples/specimens should be shipped frozen due to limited stability at -20° C (preferred); refrigerated specimens acceptable (if received for testing within 72 hours of collection). Refrigerated swabs submitted within 72 hours will be accepted.

*Exact manufacturer of the swab and transport media may vary with supply. Any swab of appropriate size and configuration with a synthetic tip can be used, **EXCEPT** for calcium alginate tips, swabs with preservatives, and swabs with wood shafts. Viral transport media acceptable for collection of influenza specimens in 1 mL or 3 mL volumes can be used to transport swabs for COVID-19 testing.



www.LabCorp.com

Title: Moderately Complex Laboratory Tests

Policy No. I.A.9

Approved: 11-18-2009

Revised:

.....

1. The Board entertained a request from a hospital for an opinion as to whether or not it was within the scope of practice for a pharmacist to perform moderately complex laboratory testing procedures, as defined by the Clinical Laboratory Improvement Amendments of 1988 (CLIA).

2. The Board, by unanimous vote, adopted the following motion:

Resolved, that following the Board's review of the Louisiana Pharmacy Practice Act and its associated education and licensure requirements, as well as relevant portions of the Clinical Laboratory Improvement Amendments of 1988 and its associated regulations, we find the performance of moderately complex laboratory testing procedures to be properly within the scope of practice for Louisiana-licensed pharmacists, provided however, that the pharmacist shall maintain evidence of all education and training relevant to that practice activity.

Title: Medication Therapy Management
in Pharmacy Practice (Declaratory Statement)

Policy No. I.A.19

Approved: 08-06-2014

Revised:

.....

Pursuant to a petition considered during its May 2014 meeting, the Board considered the principles and several applications of medication therapy management in the practice of pharmacy relative to the scope of practice of pharmacy in Louisiana. Following substantial discussion during their deliberations on August 6, 2014, Mr. McKay moved to approve the declaratory statement as amended. The motion was adopted after a unanimous vote in the affirmative. The full text of the declaratory statement approved by the Board follows:

In response to multiple requests for opinions as to whether a variety of medication management activities are within the scope of practice of pharmacy, the Board now issues a Declaratory Statement relative to medication therapy management.

The Louisiana Legislature has established a definition of the ‘*practice of pharmacy*’ in the Louisiana Pharmacy Practice Act: it means and includes the compounding, filling, dispensing, exchanging, giving, offering for sale, or selling drugs, medicines, or poisons, pursuant to prescriptions or orders of physicians, dentists, veterinarians, or other licensed practitioners, or any other act, service operation or transaction incidental to or forming a part of any of the foregoing acts, requiring, involving or employing the science or art of any branch of the pharmacy profession, study, or training. [La. R.S. 37:1164(41)]

A review of the definition above reveals intentionally broad language to provide the latitude necessary for the Board to interpret its law and regulations to include contemporary practice standards which benefit the public’s health, safety and welfare.

As the education and practice of pharmacy has evolved, the pharmacy profession sought consensus on a description of a collection of professional services that may or may not include the dispensing of a drug or device. The term ultimately selected was Medication Therapy Management (MTM). In July 2004, the Joint Commission of Pharmacy Practitioners issued *Medication Therapy Management – Core Elements of an MTM Service Model*. The commission issued its second version of that document in March 2008. Appendix A of that document contains a description and definition of MTM:

Medication Therapy Management is a distinct service or group of services that optimize therapeutic outcomes for individual patients. Medication Therapy Management services are independent of, but can occur in conjunction with, the provision of a medication product.

Medication Therapy Management encompasses a broad range of professional activities and responsibilities within the licensed pharmacist’s scope of practice. These services include but are not limited to the following, according to the individual needs of the patient:

- a. **Performing or obtaining necessary assessments of the patient’s health status**
- b. *Formulating a medication treatment plan*
- c. *Selecting, initiating, modifying, or administering medication therapy*
- d. *Monitoring and evaluating the patient’s response to therapy, including safety and effectiveness*
- e. *Performing a comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events*

- f. *Documenting the care delivered and communicating essential information to the patient's other primary care providers*
- g. *Providing verbal education and training designed to enhance patient understanding and appropriate use of his/her medications*
- h. *Providing information, support services, and resources designed to enhance patient adherence with his/her therapeutic regimens*
- i. *Coordinating and integrating medication therapy management services within the broader healthcare management services being provided to the patient*

It is important to note this service model is applicable in all sectors of pharmacy practice, and further, that such cognitive and non-dispensing services requires only a pharmacist license. No pharmacy permit is required. Evidence of this can be found in §525 of the Board's rules relative to cognitive services. Pharmacist office-based practices already exist in this state and elsewhere in the U.S. Of course, pharmacies may also offer these services in conjunction with medication dispensing services.

"Cognitive Services" – those acts and operations related to a patient's drug therapy that are judgmental in nature, based on knowledge, and derived from empirical factual information. Such services may include, but are not necessarily limited to, the following:

- a. Drug regimen review, drug use evaluation and drug information;
- b. Provision of advice and counsel on drug, the selection and use thereof (...) regarding the appropriateness, use, storage, handling, administration and disposal of drugs (...);
- c. Participation in the development of policies and procedures for drug therapy (...) including storage, handling, administration and disposing of drugs and devices;
- d. Assuring the compliance with all applicable laws, rules, and regulations;
- e. Provision of educational and drug information sources (...); and
- f. Accepting responsibility for the implementation and performance of review of quality-related or sentinel events.

[LAC 46:LIII.525.A]

It is also important to note that MTM services may be performed by a pharmacist without the necessity of a collaborative drug therapy management (CDTM) agreement with a physician; however, such an agreement may include MTM services and may actually facilitate or even improve the provision of such services.

"Collaborative Drug Therapy Management" – that practice in which a pharmacist voluntarily agrees with a physician to manage the disease specific drug therapy of one or more patients of such physician, within a predetermined range of medication selected by the physician and set forth in a patient specific written order set. Drug therapy management shall be limited to:

- a. Monitoring and modifying a disease specific drug therapy;
- b. Collecting and reviewing patient history;
- c. Obtaining and reviewing vital signs, including pulse, temperature, blood pressure, and respiration;
- d. Ordering, evaluating, and applying the results of laboratory tests directly related to the disease specific drug therapy being managed under an order set, provided such tests do not require the pharmacist to interpret such testing or formulate a diagnosis; and
- e. Providing disease or condition specific patient education and counseling.

[LAC 46:LIII.523.A]

The performance of some MTM services may bring a pharmacist close to the line of demarcation that exists between the scopes of practice of medicine and pharmacy; indeed, those inquiries have prompted the issuance of this declaratory statement. In an effort to provide

guidance to pharmacists and help them maintain compliance with the laws governing the practice of pharmacy, the following clarifications are offered.

- A. The pharmacist may interview a patient or his caregiver to collect a broad range of relevant information, including:
 - A current medication list and medication use history for prescription and nonprescription medications, herbal products, and other dietary supplements;
 - Relevant health data that may include medical history, health and wellness information, biometric test results, and physical assessment findings; and
 - Patient lifestyle habits, preferences and beliefs, health and functional goals, and socioeconomic factors that affect access to medications and other aspects of care.

- B. With respect to the solicitation or ordering of laboratory testing, a pharmacist may offer general health screenings for blood glucose, cholesterol, or other assessments which bear a CLIA (Clinical Laboratory Improvement Amendments of 1988) designation of either waived or moderately complex. However, a pharmacist may not order an assessment bearing a CLIA designation of highly complex.
 - An exception to the restriction on the solicitation of highly complex laboratory testing could exist within a properly constructed CDTM agreement wherein a physician delegates his authority to the pharmacist to order highly complex laboratory assessments.
 - Another exception to the restriction on the solicitation of highly complex laboratory testing could exist in a practice setting of a hospital or other organized health care setting wherein the medical staff has approved policies and procedures authorizing pharmacists to order such tests.

- C. With respect to the analysis or evaluation of results of laboratory testing, a pharmacist may perform such analysis and evaluation for the purpose of monitoring previously prescribed medication therapy; however, a pharmacist may not formally interpret such testing to establish a diagnosis.

- D. A pharmacist may develop a medication treatment plan and submit such plan to the patient's physician or other primary healthcare practitioner.



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MEMORANDUM

To: Board Members

From: Malcolm Broussard

Date: April 2, 2020

Re: Board Meeting Agenda Item 4.B(1) ~ Request for Clarification of Guidance Document: Application of *Guidance Document ~ Remote Processing by Pharmacy Personnel* to nonresident pharmacies

The Board distributed *Guidance Document ~ Remote Processing by Pharmacy Personnel* on March 21. The guidance authorizes any Louisiana-licensed pharmacy to allow any number of its licensed pharmacy personnel (pharmacists, interns, technicians, and technician candidates) to practice from home or any other location outside the pharmacy for the duration of the public health emergency.

We have received a request from a nonresident pharmacy as to whether the guidance document is applicable to nonresident pharmacies which have a Louisiana-licensed pharmacist-in-charge and other pharmacy personnel licensed in the resident state but not in Louisiana. The source of the request indicates the resident state allows remote practice for its licensees.

During its August 2012 meeting, the Board issued an opinion (*PPM.I.A. 16 ~ Cognitive Services from Consultant Pharmacists Affiliated with Permitted Pharmacies*) that any pharmacist operating from outside a pharmacy permit and providing cognitive services to a Louisiana resident shall possess an active Louisiana pharmacist license prior to providing such services.

The question is whether that opinion also applies to the pharmacy staff of a nonresident pharmacy working remotely to process prescriptions.

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MEMORANDUM

To: Licensees & Interested Parties
From: Malcolm J Broussard, Executive Director
Date: March 21, 2020
Re: COVID-19 Guidance ~ Additional Rule Waiver:
Remote Processing by Pharmacy Personnel

Remote Processing by Pharmacy Personnel

In previous guidance, the Board issued an expansion of §1527, a section of the rules for hospital pharmacies which allows a hospital pharmacy to authorize any of their pharmacists to access the pharmacy's dispensing information system for the purpose of processing prescription drug orders. That rule is replicated here:

§1527. Remote Access to Medical Orders

- A. Notwithstanding any provision of rules to the contrary, nothing shall prohibit a Louisiana-licensed pharmacist who is an employee of or under contract with a hospital pharmacy in Louisiana from accessing that pharmacy's dispensing information system from a location other than the pharmacy in order to process prescription drug orders or medical orders, but only when all of the following conditions are satisfied:
1. The pharmacy establishes controls to protect the privacy and security of confidential records;
 2. The pharmacist does not engage in the receiving of written prescription drug orders or medical orders or the maintenance of prescription drug orders or medical orders; and
 3. No part of the pharmacy's dispensing information system is duplicated, downloaded, or removed from the pharmacy's dispensing information system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 41:2147 (October 2015).

As indicated in the previous guidance, the Board authorized any pharmacy, for the duration of the public health emergency, to allow any number of its pharmacists to remotely process prescription drugs orders in compliance with the security provisions identified in the rule.

As pharmacies attempt to protect their pharmacy personnel by implementing distancing provisions, we have received requests to allow other pharmacy personnel to work from home and assist in the processing of prescription drug orders remotely.

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For the duration of the public health emergency, the Board has expanded the application of §1527 to include all pharmacy personnel licensed by the Board. This expansion authorizes any pharmacy licensed by the Board to allow any number of its licensed pharmacy personnel to access its dispensing information system from outside the pharmacy, subject to compliance with the three provisions identified in the rule.

In connection with the request for remote practice, we have received questions as to what tasks different pharmacy personnel may perform remotely. The following information is abstracted from the *Louisiana Pharmacy Law Book* relative to scope of practice for interns, technicians, and technician candidates:

Pharmacy Interns

- A pharmacy intern may assist the pharmacist by performing those duties and tasks assigned by the pharmacist while under his supervision, subject to the following restrictions:
 - An intern may not independently supervise pharmacy technicians or pharmacy technician candidates;
 - An intern may not transfer a prescription for a controlled substance;
 - An intern may not administer any medication in the absence of a valid medication administration registration (*MA.xxxxxx – which can be verified at the Board's website*).

Pharmacy Technicians

- A pharmacy technician may assist the pharmacist by performing those duties and tasks assigned by the pharmacist while under his supervision, subject to the following restrictions:
 - A technician may not release a verbal prescription for processing until it is reduced to written form and initialed by the receiving technician and supervising pharmacist.
 - A technician may not interpret prescription orders, but may translate them.
 - A technician may not counsel patients.
 - A technician may not transfer a prescription for a controlled substance.

Pharmacy Technician Candidates

- A pharmacy technician candidate may assist the pharmacist by performing those duties and tasks assigned by the pharmacist while under his supervision, subject to the following restrictions:
 - A technician candidate may not receive verbal initial prescription orders.
 - A technician candidate may not give or receive verbal transfers of any prescription orders.
 - A technician candidate may not interpret prescription orders, but may translate them,
 - A technician candidate may not compound high-risk sterile preparations, as that term is defined by the United States Pharmacopeia (USP).
 - A technician candidate may not counsel patients.

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Title: Cognitive Services from Consultant Pharmacists
Affiliated with Permitted Pharmacies

Policy No. I.A.16

Approved: 08-22-2012

Revised:

.....

Petitioner was a non-resident pharmacy located in a state where the pharmacy laws and rules permit a pharmacist affiliated with a permitted pharmacy to practice from an office or home environment separate and apart from the permitted pharmacy's prescription department.

Petitioner took note of the Board's recently promulgated rule relative to the provision of cognitive services (LAC 46:LIII.525). In particular, the rule requires a pharmacist providing cognitive services to Louisiana residents from outside a permitted pharmacy to first obtain a Louisiana pharmacist license. By comparison, the requirements for a non-resident pharmacy require only the pharmacist-in-charge of the permit to possess a Louisiana pharmacist license.

Petitioner described his pharmacy's operations as a non-resident pharmacy that employs consultant pharmacists affiliated with the non-resident pharmacy where such consultant pharmacists provide cognitive services to patients from a variety of locations outside the permitted prescription department, in compliance with the pharmacy rules of those states where the non-resident pharmacy is located. Petitioner requested guidance from the Board as to whether such consultant pharmacists affiliated with the non-resident pharmacy that provide cognitive services to Louisiana residents must have a Louisiana pharmacist license.

Following a brief discussion, the Board adopted the following motion after a unanimous vote in the affirmative.

Resolved, that the Board interpret LAC 46:LIII.525.B such that any pharmacist located outside the physical space of a permitted prescription department who performs cognitive services for a Louisiana resident shall possess an active Louisiana pharmacist license prior to performing such services.



Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



MEMORANDUM

To: Board Members

From: Malcolm Broussard

Date: April 2, 2020

Re: Board Meeting Agenda Item 4.B(2) ~ Request for Clarification of Guidance Document: Conflict between *Guidance Document ~ Remote Processing by Pharmacy Personnel* and *Guidance Document ~ Flexible Staffing Ratios*.

The Board distributed *Guidance Document ~ Remote Processing by Pharmacy Personnel* on March 21. The guidance authorizes any Louisiana-licensed pharmacy to allow any number of its licensed pharmacy personnel (pharmacists, interns, technicians, and technician candidates) to practice from home or any other location outside the pharmacy for the duration of the public health emergency.

The Board distributed *Guidance Document ~ Flexible Staffing Ratios* on March 26. The guidance authorizes any Louisiana-licensed pharmacy to adjust its staffing ratios for interns, technicians, and technician candidates so that the current maximum ratio of four personnel to one pharmacist is maintained but allows any combination of those four instead of the limitations in the current rule (1:1 for interns, 1:1 for technician candidates, and a flexible 3:1 for technicians). The guidance preserves the current supervision requirement of "direct and immediate", which does not require a 'line of sight' but does require 'on-site' supervision.

We have received requests for clarification from pharmacies, indicating that a requirement for on-site supervision appears to negate the opportunity for remote processing by pharmacy personnel. The pharmacies have asked whether the second guidance for flexible staffing ratios supersedes the first guidance for remote processing, and if not, how should they implement the supervision requirement.

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Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



MEMORANDUM

To: Licensees & Interested Parties
From: Malcolm J Broussard, Executive Director
Date: March 21, 2020
Re: COVID-19 Guidance ~ Additional Rule Waiver:
Remote Processing by Pharmacy Personnel

Remote Processing by Pharmacy Personnel

In previous guidance, the Board issued an expansion of §1527, a section of the rules for hospital pharmacies which allows a hospital pharmacy to authorize any of their pharmacists to access the pharmacy's dispensing information system for the purpose of processing prescription drug orders. That rule is replicated here:

§1527. Remote Access to Medical Orders

- A. Notwithstanding any provision of rules to the contrary, nothing shall prohibit a Louisiana-licensed pharmacist who is an employee of or under contract with a hospital pharmacy in Louisiana from accessing that pharmacy's dispensing information system from a location other than the pharmacy in order to process prescription drug orders or medical orders, but only when all of the following conditions are satisfied:
1. The pharmacy establishes controls to protect the privacy and security of confidential records;
 2. The pharmacist does not engage in the receiving of written prescription drug orders or medical orders or the maintenance of prescription drug orders or medical orders; and
 3. No part of the pharmacy's dispensing information system is duplicated, downloaded, or removed from the pharmacy's dispensing information system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 41:2147 (October 2015).

As indicated in the previous guidance, the Board authorized any pharmacy, for the duration of the public health emergency, to allow any number of its pharmacists to remotely process prescription drugs orders in compliance with the security provisions identified in the rule.

As pharmacies attempt to protect their pharmacy personnel by implementing distancing provisions, we have received requests to allow other pharmacy personnel to work from home and assist in the processing of prescription drug orders remotely.

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For the duration of the public health emergency, the Board has expanded the application of §1527 to include all pharmacy personnel licensed by the Board. This expansion authorizes any pharmacy licensed by the Board to allow any number of its licensed pharmacy personnel to access its dispensing information system from outside the pharmacy, subject to compliance with the three provisions identified in the rule.

In connection with the request for remote practice, we have received questions as to what tasks different pharmacy personnel may perform remotely. The following information is abstracted from the *Louisiana Pharmacy Law Book* relative to scope of practice for interns, technicians, and technician candidates:

Pharmacy Interns

- A pharmacy intern may assist the pharmacist by performing those duties and tasks assigned by the pharmacist while under his supervision, subject to the following restrictions:
 - An intern may not independently supervise pharmacy technicians or pharmacy technician candidates;
 - An intern may not transfer a prescription for a controlled substance;
 - An intern may not administer any medication in the absence of a valid medication administration registration (*MA.xxxxxx – which can be verified at the Board's website*).

Pharmacy Technicians

- A pharmacy technician may assist the pharmacist by performing those duties and tasks assigned by the pharmacist while under his supervision, subject to the following restrictions:
 - A technician may not release a verbal prescription for processing until it is reduced to written form and initialed by the receiving technician and supervising pharmacist.
 - A technician may not interpret prescription orders, but may translate them.
 - A technician may not counsel patients.
 - A technician may not transfer a prescription for a controlled substance.

Pharmacy Technician Candidates

- A pharmacy technician candidate may assist the pharmacist by performing those duties and tasks assigned by the pharmacist while under his supervision, subject to the following restrictions:
 - A technician candidate may not receive verbal initial prescription orders.
 - A technician candidate may not give or receive verbal transfers of any prescription orders.
 - A technician candidate may not interpret prescription orders, but may translate them,
 - A technician candidate may not compound high-risk sterile preparations, as that term is defined by the United States Pharmacopeia (USP).
 - A technician candidate may not counsel patients.

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Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



MEMORANDUM

To: Licensees & Interested Parties

From: Malcolm J Broussard, Executive Director

Date: March 26, 2020

Re: Flexible Staffing Ratios During COVID-19 Public Health Emergency

During their March 25 meeting, the Board approved a waiver of the existing rules for staffing ratios for pharmacy interns, pharmacy technicians, and pharmacy technician candidates. The current existing rules provide for the following staffing ratios:

- One pharmacist may supervise one pharmacy intern (1:1);
- One pharmacist may supervise one pharmacy technician candidate (1:1); and
- One pharmacist may supervise as many as three certified pharmacy technicians, or in the alternative, if there is one pharmacy technician candidate present, then the pharmacist may supervise up to two certified pharmacy technicians (flexible 3:1).

Thus, one pharmacist may now supervise up to four licensed persons, as well as an unlimited number of unlicensed persons.

The Board determined it appropriate to allow the supervising pharmacist to adjust the ratios of different categories of personnel as long as the present maximum of four licensed persons is maintained. For example, the pharmacist may supervise four interns, or two interns and two technicians, or three technicians and one candidate, or any other 'mix-and-match' four-person combination, as well as the unlimited number of unlicensed persons.

The Board determined it appropriate to maintain the definition of 'direct and immediate supervision'. The pharmacist supervising the personnel need not maintain line of sight, but shall remain on-site. On-site includes a multi-level building such as a hospital or a single level building spanning any size.

Finally, the Board determined it appropriate to terminate this rule waiver upon the earliest of the following two dates: (1) the termination of the Governor's proclamation of the COVID-19 public health emergency **or** (2) September 30, 2020. If the date certain precedes the termination of the proclamation, the Board could determine to extend the rule waiver.

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From: [Malcolm J. Broussard](mailto:Malcolm.J.Broussard)
To: ["nikki@apothecopharmacy.com"](mailto:nikki@apothecopharmacy.com)
Bcc: [M Joseph Fontenot \(jfontenot@pharmacy.la.gov\)](mailto:M.Joseph.Fontenot(jfontenot@pharmacy.la.gov))
Subject: RE: Non-Resident Pharmacy Permit Waiver
Date: Tuesday, March 31, 2020 9:49:00 AM
Attachments: [image001.png](#)

Good morning, Ms. Baniewicz.

This will acknowledge receipt of your request for a waiver from the nonresident pharmacy licensing requirements so that your client can dispense prescription drugs to Louisiana residents without a Louisiana license. So the Board can properly evaluate your request, could you please identify which drugs for which your client is the only pharmacy in the US permitted to dispense?



Malcolm J. Broussard
Executive Director
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, LA 70809-1700
Telephone 225.925.6481
mbroussard@pharmacy.la.gov

NOTICE: In compliance with Act 655 of the 2018 Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about Board actions or Board procedures. You may submit such complaints to one or more of the following organizations:
(1) Louisiana Board of Pharmacy; 3388 Brentwood Dr.; Baton Rouge, LA 70809; 225.925.6496; info@pharmacy.la.gov.
(2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 94062; Baton Rouge, LA 70804; 225.342.2403; obriens@legis.la.gov.
(3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9435; s&g@legis.la.gov
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From: Nikki Baniewicz <nikki@apothecopharmacy.com>
Sent: Monday, March 30, 2020 4:24 PM
To: Steven Hess <steven@apothecopharmacy.com>
Subject: Non-Resident Pharmacy Permit Waiver

Dear Board of Pharmacy:

Due to COVID-19 and the increase in tele-medicine, we have seen patients in your state request to use our pharmacy, Morris Apothecary LLC (NCPDP: 3153258), due to the ability for us to ship directly to their home. We currently also have some existing patients that are currently located in your state and would like to be able to directly ship their medications to them. We do not currently have an out of state license but wanted to request a waiver to the non-resident permit licensing requirements to be able to ship medications into your state.

Please reach out to me directly to confirm this waiver and our ability to ship or let us know what steps can be taken in order to service the patients in your state. I can be reached on my

cell phone at 315-559-3699 or by email at nikki@apothecopharmacy.com. I appreciate your help.

Stay safe and healthy!

Best,

Nikki

Nikki Baniewicz

General Counsel

nikki@apothecopharmacy.com

O: 973.869.2820 | M: 315.559.3699





Brown & Fortunato, P.C.

A LAW FIRM

Todd A. Moody
806-345-6332
tmoody@bf-law.com

Licensed in Texas and Arizona

March 31, 2020

Louisiana Board of Pharmacy
Attn: Malcolm Broussard
3388 Brentwood Drive
Baton Rouge, LA 70809-1700

*Via Email mbroussard@pharmacy.la.gov
and info@pharmacy.la.gov*

Re: Expedite LLC Emergency License Request

Dear Mr. Broussard:

Expedite LLC, d/b/a Oxyensure, is a subsidiary entity of ResMed, Inc., the international respiratory device manufacturing company. Oxyensure was created to assist consumers who need respiratory devices, particularly portable oxygen concentrators, but who either do not have insurance coverage or whose insurance coverage will not cover a consumer's desired device. This is achieved by enabling consumers to obtain important respiratory devices by way of cash sales or consumer-friendly financing arrangements. Oxyensure's business model helps fill an important respiratory device access gap.

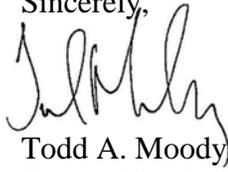
After reviewing the law in your state, we determined that Oxyensure should obtain a Louisiana Durable Medical Equipment Permit in order to sell prescription respiratory devices to consumers in your state. To that end, Oxyensure is in the process of preparing an application for its Lithia Springs, GA facility to obtain the permit. In light of the COVID 19 pandemic, however, Oxyensure is receiving reports that many patients are not willing to let a DME supplier send a person to the patients' home to come inside for a delivery and setup. In addition, Oxyensure is aware of DME suppliers reporting that their staff members who perform deliveries and setups are not willing to come to work. This has created an urgent need for Oxyensure to hasten its ability to provide important respiratory devices to consumers in your state because Oxyensure can do so by drop shipping and providing remote instruction without needing any in-person contact with vulnerable populations.

Malcolm Broussard
Page 2
March 31, 2020

Because Oxyensure does not yet have the permit necessary to provide these services in your state, we request that you grant Oxyensure a temporary, one-year waiver of the requirement to obtain the permit.

If you have any questions or would otherwise like to discuss this, please call Julie Hutt directly at (858) 836-6703.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd A. Moody". The signature is fluid and cursive, with a large initial "T" and "M".

Todd A. Moody
Counsel for Oxyensure

ch



Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



MEMORANDUM

To: Board Members

From: Malcolm Broussard

Date: April 2, 2020

Re: Board Meeting Agenda Item 4.D ~ Requests from Educational Institutions for Simulation in Lieu of Practical Experience Requirements for Program Completion

We have received inquiries from a college of pharmacy as well as multiple pharmacy technician training programs, all of which are accredited by ACPE.

The inquiry from the college of pharmacy asked whether the Board would allow for simulation or other activities as part of the 1,740 they normally certify for completion of the professional experience program, and if not, would the Board allow students additional time to earn any additional hours needed to accumulate the 1,740 practical experience hours required for licensure.

We suggested the college consult with their accreditation organization to determine the options available for them to maintain their accreditation. I suggested the Board would most likely yield to the educators and their accreditation organization to determine the appropriate instruction methodology to achieve their required outcomes.

We also informed the college the Board's current rules for pharmacy interns requires a pharmacy intern unable to substantiate 1,740 hours in a professional pharmacy degree program to earn the difference necessary in a permitted pharmacy. I reminded the college that is one of the reasons the pharmacy intern registration is set to expire one year after the date of graduation – to allow extra time to earn hours and pass examinations.

The inquiries from the pharmacy technician training programs asked whether the Board would allow for simulation or other activities as part of their program completion requirements.

We suggested the program consult with their accreditation organization to determine the options available for them for maintain their accreditation. I suggested the Board would most likely yield to the educators and their accreditation organization to determine the appropriate instruction methodology to achieve their required outcomes.

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LOUISIANA BOARD OF PHARMACY

BATON ROUGE, LOUISIANA

IN THE MATTER OF:

CONSENT ORDER

WILLIAM COLEMAN HONEYCUTT

PHARMACIST LICENSE NO. 10643

CASE No. 15-0366

CONSENT AGREEMENT

WHEREAS, an informal conference was conducted by the Impairment Committee of the Louisiana Board of Pharmacy on February 23, 2016 at the Louisiana Board of Pharmacy (hereinafter "Board") office, 3388 Brentwood Drive, Baton Rouge, Louisiana, in the matter of **WILLIAM COLEMAN HONEYCUTT** (hereinafter referred to as "Respondent"), **PHARMACIST LICENSE NO. 10643**, with Respondent present.

WHEREAS, By Board Order issued August 12, 2015 the Board accepted the voluntary surrender of Respondent's license effective June 19, 2015.

In order to avoid further administrative and judicial proceedings, Respondent hereby consents to accept and abide by the following order of the Board:

1. **PHARMACIST LICENSE NO. 10643** belonging to **WILLIAM COLEMAN HONEYCUTT** is suspended for five (5) years beginning on February 24, 2016 and terminating on February 24, 2021.
2. The suspension is suspended and Respondent's credential is placed on probation for the period of suspension, subject to the following conditions of probation:
 - a. Respondent shall not violate or be found guilty of violating any local, state, or federal pharmacy laws or laws regarding controlled dangerous substances.
 - b. Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's probation and the terms and conditions thereof. In these instances, Respondent shall provide a copy of the prescription to the Board prior to taking said medication. Respondent shall also notify the Board in writing of any over-the-counter medications Respondent ingests.
 - c. Respondent shall inform all prospective employers of probation.
 - d. Respondent shall not practice at a pharmacy when its pharmacy permit is on probation with the Board.
 - e. Respondent is prohibited from holding the position of pharmacist-in-charge, pharmacy manager, or any other position with supervisory authority in the prescription department except that of staff pharmacist.

- f. Respondent shall not supervise the practice of any pharmacy technician candidate or pharmacy intern earning hours of practical experience.
 - g. Respondent is prohibited from dispensing prescription medications for himself or his own family members.
 - h. Respondent shall continue aftercare as prescribed to address Respondent's continued progress in treatment. Respondent shall attend Alcoholics Anonymous or Narcotics Anonymous at least 3 times per week. Documentation of attendance shall be maintained and available to the Board upon request.
 - i. Respondent shall submit to random urine, blood and/or other drug screens upon request by the Board or agent of the Board on the same calendar day of such request and have results submitted to the Board office. Any and all fees incurred by Respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by Respondent. A missed screen, an adulterated, diluted or altered screen, or a screen submitted beyond the mandated period is considered a positive drug screen for the purposes of this probation.
 - j. Respondent shall and does by Respondent's subscription hereto authorize any physician or any institution at which Respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to Respondent's history, examination, evaluation, diagnosis, treatment and prognosis and to provide the Board written and verbal reports thereto. Respondent also authorizes the Board and its agents to access Respondent's prescription history and related information via the Board's Prescription Monitoring Program. Respondent waives any legal privilege by the disclosure of such records.
3. Respondent has paid \$250.00 in administrative hearing costs to the Board in relation to its hearing and consideration of the Respondent's reinstatement request.
4. Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in an emergency summary suspension of Respondent's pharmacist license with or without a preliminary hearing to be determined by Board staff, until a formal hearing by the Board can be had on the matter.

By signing this Consent Agreement, Respondent agrees that the Board has jurisdiction in this matter, waives all rights to informal conference, to Notice of Hearing, to a formal Administrative Hearing and to judicial review of this Consent Agreement.

Respondent further understands that this Consent Agreement shall constitute a Public Record, pursuant to La. R.S. 44:1 et seq., and is considered disciplinary action by the Board.

By signing this Consent Agreement, Respondent agrees that any failure to comply with the terms of this Agreement is a basis for discipline by the Board.

Both Respondent and the Board stipulate that this Consent Order shall not become effective and shall not become binding on the Board unless and until approved by the Board at formal meeting. However, Respondent agrees that this Consent Order shall be effective and binding upon Respondent without recourse upon his signing said Order.

I, **WILLIAM COLEMAN HONEYCUTT**, understand that this Consent Agreement is effective as a Board Order upon affirmative vote by the Board at formal hearing. It is also understood that, should the Board not approve this Consent Agreement, the agreement therein does not preclude the Louisiana Board of Pharmacy from requiring a formal hearing of my case.

It is further understood that, should this Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

SIGNED, AGREED TO AND ENTERED ON 23rd DAY OF February, 2016.



WILLIAM COLEMAN HONEYCUTT
PHARMACIST LICENSE NO. 10643

APPROVED FOR SUBMISSION TO THE LOUISIANA BOARD OF PHARMACY:



CARLOS M. FINALET, III
3388 Brentwood Drive
Baton Rouge, LA 70808
General Counsel, Louisiana Board of Pharmacy

**ACCEPTANCE OF THE CONSENT AGREEMENT BY THE LOUISIANA BOARD OF
PHARMACY:**

By a majority vote of the Board members voting in favor of the foregoing Consent Agreement at the Board meeting on **February 24, 2016**, the Board hereby adopts said Agreement as a Final Order of the Board.

FOR THE BOARD:



Carl W. Aron
President and Hearing Officer for the Board



MEMORANDUM

To: Board Members

From: Malcolm Broussard

Date: April 2, 2020

Re: Board Meeting Agenda Item 4.F ~ Consideration of Continuing Education Requirements for the Renewal of Pharmacy Technician Certificates for the Year 2020-2021 and for the Renewal of Pharmacist Licenses for Calendar Year 2021

The rules for continuing education for pharmacy technicians are replicated here. Pharmacy technician certificates expire on June 30 of every year, and the renewal cycle is from May 1 through June 30.

§909. Continuing Education

- A. A minimum of one technician-specific ACPE or board-approved CPE unit, or 10 credit hours, shall be required each year as a prerequisite for annual renewal of a pharmacy technician certificate. Such CPE units shall be credited in the 12-month period prior to the expiration date of the certificate.
- B. Certified pharmacy technicians shall maintain copies of their individual records of personal CPE activities with CPE Monitor and shall authorize the board's access to their file by recording their Louisiana pharmacy technician certificate number within that file, and shall present a copy of their CPE Monitor transcript when requested by the board.
- C. If judged appropriate by the board, some or all of the required number of hours may be mandated on specific subjects. When so deemed, the board shall notify all certified pharmacy technicians prior to the beginning of the renewal year in which the CPE is required.
- D. Complete compliance with CPE rules is a prerequisite for renewal of a pharmacy technician certificate.
 1. Non-compliance with the CPE requirements shall be considered a violation of [R.S. 37:1241\(A\)\(2\)](#) and shall constitute a basis for the board to refuse annual renewal.
 2. The failure to maintain an individual record of personal CPE activities, or falsifying CPE documents, shall be considered a violation of [R.S. 37:1241\(A\)\(22\)](#).
 3. The inability to comply with CPE requirements shall be substantiated by a written explanation, supported with extraordinary circumstances, and submitted to the board for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2487 (November 2004), effective January 1, 2005, amended LR 39:1778 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2498 (December 2017), effective January 1, 2018.

NOTICE: In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

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The rules for continuing education for pharmacists are replicated here. Pharmacist licenses expire on December 31 of every year, and the renewal cycle is from November 1 through December 31.

§507. Continuing Education Program

- A. The board, recognizing that professional competency is a safeguard for the health, safety, and welfare of the public, shall require continuing pharmacy education as a prerequisite for annual licensure renewal for pharmacists.
- B. Definitions.
 1. *ACPE* – Accreditation Council for Pharmacy Education.
 2. *CPE* – continuing pharmacy education, a structured postgraduate educational program for pharmacists to enhance professional competence.
 3. *CPE Unit* – a standard of measurement adopted by the ACPE for the purpose of accreditation of CPE programs. One CPE unit is equivalent to ten credit hours.
- C. Requirements.
 1. A minimum of 1 1/2 ACPE or board-approved CPE units, or 15 hours, shall be required each year as a prerequisite for pharmacist licensure renewal. Of this number, no less than 3/10 ACPE or board-approved CPE units, or three hours, shall be acquired through live presentations, as designated by ACPE or the board. Alternatively, should a pharmacist choose to not acquire at least 3/10 ACPE or board-approved CPE units, or three hours, through live presentations, then he shall acquire an additional 5/10 ACPE or board-approved CPE units, or five hours, through any other acceptable method, over and above the minimum requirement, for a total of two ACPE or board-approved CPE units, or 20 hours.
 2. Pharmacists shall maintain copies of individual records of personal CPE activities at their primary practice site for two years and present them when requested by the board.
 3. When deemed appropriate and necessary by the board, some or all of the required number of hours may be mandated on specific subjects. When so deemed, the board shall notify all licensed pharmacists prior to the beginning of the year in which the CPE is required.
 4. When deemed appropriate and necessary by the board, the number of hours to be acquired through live presentations as designated by ACPE or the board may be increased. When so deemed, the board shall notify all licensed pharmacists prior to the beginning of the year in which the CPE is required.
- D. Compliance.
 1. Complete compliance with CPE rules is a prerequisite for pharmacist licensure renewal.
 2. Non-compliance with the CPE requirements shall be considered a violation of [R.S. 37:1241\(A\)\(2\)](#), and shall constitute a basis for the board to refuse licensure renewal.
 3. The failure to maintain an individual record of personal CPE activities, or falsification of CPE documents, shall be considered a violation of [R.S. 37:1241\(A\)\(22\)](#).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 23:1306 (October 1997), amended LR 29:2083 (October 2003), effective January 1, 2004, amended LR 33:1125 (June 2007).

NOTICE: In compliance with Act 256 of the 2019 Louisiana Legislature, the Board gives public notice that any information submitted to the Board may become public record unless specifically exempted by the Public Records Law, R.S. 44:1 *et seq.*

NOTICE: In compliance with Act 655 of the 2018 Louisiana Legislature, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about the Board's actions or procedures. You may submit such complaints to one or more of the following: (1) Louisiana Board of Pharmacy; 3388 Brentwood Dr., Baton Rouge, La 70809; 225.925.6496; info@pharmacy.la.gov (2) Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486; Baton Rouge, LA 70804; 225.342.2403; h&ga@legis.la.gov (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; s&g@legis.la.gov



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 38 JBE 2020

***ADDITIONAL MEASURES FOR COVID-19
FUNERAL SERVICES AND INTERMENTS,
EMERGENCY TEMPORARY SUSPENSION OF CERTAIN
LICENSURE, SCOPE OF PRACTICE, CERTIFICATION
REQUIREMENTS FOR HEALTHCARE PROVIDERS***

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a public health emergency in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19;
- WHEREAS,** on March 11, 2020, in Proclamation Number 25 JBE 2020, the Governor declared that a statewide public health emergency existed in the State of Louisiana because of COVID-19 and expressly empowered the Governor's Office of Homeland Security and Emergency Preparedness and the Secretary of the Department of Health and/or the State Health Officer to take all actions authorized under state law;
- WHEREAS,** on March 13, 2020, in Proclamation Number 27 JBE 2020, the Governor supplemented the measures taken in his declaration of a Public Health Emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public because of COVID-19;
- WHEREAS,** the original proclamation was further supplemented on March 14, 2020, March 16, 2020, March 19, 2020, March 22, 2020, and March 26, 2020, in order to protect the health and safety of the public because of the extraordinary threat posed by COVID-19;
- WHEREAS,** in the days since the declaration of the public health emergency, the COVID-19 outbreak in Louisiana has expanded significantly;
- WHEREAS,** in light of the current public health emergency and the limitations on gathering sizes, many funeral directors, cemeteries, and mourners have delayed or suspended funerals, interments, and cremations;
- WHEREAS,** these delays and suspensions are placing an strain on the resources of funeral homes, hospitals, and coroners;
- WHEREAS,** these delays and suspensions are placing a psychological strain on the families and mourners of the deceased;
- WHEREAS,** in addition, the Secretary of United States Health and Human Services has asked states to suspend various statutes in order for healthcare professionals to respond to the COVID-19 outbreak as well as to treat patients in a way that is safest for the patient and the practitioner;
- WHEREAS,** the Secretary of the Louisiana Department of Health has also requested that various requirements set forth in Louisiana law be temporarily suspended to assist with increasing Louisiana health care providers' ability to respond to the current public health emergency;
- WHEREAS,** Louisiana Revised Statute 29:766 authorizes the Governor, during a declared state of public health emergency, to suspend the provisions of any regulatory

statute prescribing procedures for the conducting of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, these measures are necessary to protect the health and safety of the people of Louisiana.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1:

- A) Pursuant to the Stay at Home Order issued by Proclamation Number 33 JBE 2020, funeral services must be limited to attendees of no more than 10 people. Funeral directors are directed to limit the number of personnel present at any such service to only one single funeral director and to ensure the enforcement of the CDC's social distancing guidelines during the conduct of the funeral.
- B) Pursuant to the Stay at Home Order issued by Proclamation Number 33 JBE 2020, graveside services must be limited to attendees of no more than 10 people. Funeral directors are directed to phase the individuals present at graveside services as follows:
 - i) Rather than the standard practice of several funeral directors, staff, clergy, and pallbearers being present for funerals or graveside committals, funeral directors shall limit non-family attendees to essential personnel only and follow CDC's social distancing guidelines at all times.
 - ii) Any family and mourners attending a funeral or graveside service shall not exceed the 10-person limit of Proclamation 33 JBE 2020 and such number shall include any funeral staff and clergy necessary to conduct the service, unless funeral staff and clergy are at a distance of no less than 10 feet from the family and mourners.
 - iii) In no event should funeral directors authorize or permit walking visitations or continuous streams of visitors to funeral homes or gravesides, as such activities violate the current Stay at Home Order and the CDC's social distancing guidelines and present an increased risk of COVID-19 spread.
 - iv) Any staff required to open or close graves shall be present in the respective cemetery at a distance of no less than 30 feet from the funeral or committal group at all times and shall not approach the grave until after that group has departed or before it has arrived.
- C) In order to facilitate the timely handling and interment or cremation of deceased in this State, funeral directors shall be considered "essential workers" for the purposes of obtaining access to personal protective equipment ("PPEs") and for the purposes of conducting the necessary business of death care in the State.
- D) The Department of Health is hereby directed to publish guidance that funerals for COVID-19 positive decedents be conducted, as recommended by the CDC, within three days, if practical.
- E) In order to facilitate the timely cremation of remains pursuant to the express wishes of the deceased or of those authorized to direct disposition under La. R.S. 8:655 (whichever is applicable under the law), the signatures and notarization required for cremation authorizations under La. R.S. 37:876-877 are hereby waived inasmuch as they can be replaced by faxed, scanned,

or photographed signatures on the requisite paperwork and video conferencing without the need for a notary. In no event shall this waiver be interpreted as an authorization to proceed with cremation in the absence of the signatures of those required by La. R.S. 37:876-877 or against the express wishes of those individuals identified by La. R.S. 8:655. Rather, this limited waiver merely authorizes the obtaining of such signatures remotely to avoid violations of the Stay at Home Order of Proclamation Number 33 JBE 2020 and the CDC's social distancing guidelines.

- F) To the extent necessary and as permitted by the orders of the Louisiana Supreme Court issued on March 16, 2020, and March 20, 2020, the district courts of this State shall consider petitions brought pursuant to La. R.S. 8:655(E) by funeral directors, hospitals, or coroners during the term of this proclamation as essential proceedings necessary to respond to the COVID-19 event.
- G) In no event shall this proclamation be interpreted to waive any other provisions of Title 8 or Chapter 10 of Title 37 of the Louisiana Revised Statutes that are not expressly identified herein.
- H) These provisions in Section 1 are effective upon signature and shall remain effective until Thursday, April 30, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.

SECTION 2:

- A) The licensing and certification requirements for the Louisiana State Board of Chiropractic Examiners set forth in R.S. 37:2805(C), which states that the Board shall notify each applicant of acceptance or rejection of application not less than 30 days prior to the National Board of Chiropractic Examiners examination, are temporarily suspended.
- B) The collaborative practice agreement requirements of the Louisiana State Board of Medical Examiners and the Louisiana State Board of Nursing for advanced practice registered nurses, including certified nurse midwives, certified registered anesthetists, clinical nurse specialists, and nurse practitioners, are suspended for this public health emergency.
- C) The requirements that a certified registered nurse anesthetist provide anesthesia care under the direction and supervision of a physician or dentist licensed to practice in Louisiana as set forth in R.S. 37:930(A)(3) and (F) are temporarily suspended, provided that the certified registered nurse anesthetist is within his/her scope of practice and has the education, knowledge, skills, and ability to provide such anesthesia care and ancillary services without supervision or direction.
- D) The penalties set forth for practicing nursing without a duly issued registered nurse license in the state of Louisiana set forth in R.S. 37:925(A)(3) and (4) are temporarily suspended, so long as the individual has an active, unrestricted, unencumbered license to practice registered nursing in any U.S. state, territory, or district, and the individual has no charges pending against his/her license and the individual is not enrolled in an alternative to discipline program.
- E) Relative to the authority of a registered nurse to administer anesthetic agents in certain settings in R.S. 37:935, the Louisiana State Board of Nursing shall provide by emergency rule that, for the purpose of providing care during the COVID-19 pandemic, "critical care settings" shall include all healthcare settings in which anesthetic agents have to be administered to intubated patients.
- F) The penalties set forth for practicing practical nursing without a duly issued license in the state of Louisiana set forth in R.S. 37:978(A)(3) and (4) are temporarily suspended, so long as the individual is licensed to practice practical nursing in any U.S. state, territory or district.

- G)** The requirements for the State Board of Social Work Examiners to issue a social worker certificate set forth in R.S. 37:2724(B), specifically the requirement that Certified Social Workers pass an examination within a specific time frame, are temporarily suspended.
- H)** The requirement that all licensed home health agencies admit patients for skilled care only on the order of a physician set forth in R.S. 40:2116.34(A)(1) is temporarily suspended to permit physician assistants, advanced practice registered nurses, certified nurse practitioners, clinical nurse specialists, and certified nurse midwives to order home health services.
- I)** The requirement that the clinical dental licensing examination include procedures performed on human subjects as set forth in R.S. 37:761(C) is hereby temporarily suspended, for those 2020 graduates of the LSU dental program who have applied and otherwise completed their licensing applications with the Louisiana State Board of Dentistry in 2020.
- J)** The requirement that all clinical dental hygiene licensing examinations include procedures performed on human subjects as set forth in R.S. 37:764(D), is hereby temporarily suspended, for those 2020 graduates of the LSU dental hygiene program, as well as for any other 2020 graduates of any other dental hygiene program in Louisiana that is accredited by the Commission on Dental Accreditation (“CODA”), who have applied and otherwise completed their licensing applications with the Louisiana State Board of Dentistry in 2020.
- K)** The requirement that an out-of-state registered nurse or an out-of-state advanced practice registered nurse (including an out-of-state certified nurse midwife, a certified registered nurse anesthetist, a clinical nurse specialist, and a nurse practitioner) obtain a license to practice registered nursing or advanced practice registered nursing in Louisiana as set forth in R.S. 37:920, is temporarily suspended provided that such person has an active, unencumbered, unrestricted license to practice registered nursing or advanced practice registered nursing from any U.S. state, territory, or district, which has been confirmed through the NURSYS System.
- L)** An individual physician who holds a full, unlimited, and unrestricted license to practice medicine in another U.S. state, territory, or district and who has unrestricted hospital credentials and privileges in any U.S. state, territory, or district, may practice medicine at a hospital that is licensed by the Louisiana Department of Health upon the following terms and conditions being met:
- i) The licensed Louisiana hospital shall verify all physicians’ credentials and privileges;
 - ii) The licensed Louisiana hospital shall keep a list of all physicians coming to practice at the hospital and shall provide this list to the Louisiana State Board of Medical Examiners within ten (10) days of each physician starting practice at the licensed Louisiana hospital; and
 - iii) The licensed Louisiana hospital shall also provide written notice to the Louisiana State Board of Medical Examiners as of the date that the physician stopped practicing medicine in Louisiana at that hospital; such written notification shall be made within ten (10) days of the physician’s cessation of practice of medicine at that Louisiana hospital.
- M)** An individual physician’s assistant who holds a full, unlimited, and unrestricted license to practice in another U.S. state, territory, or district and who has unrestricted hospital credentials and privileges in any U.S. state,

territory, or district, may practice at a hospital that is licensed by the Louisiana Department of Health upon the following terms and conditions being met:

- i) The licensed Louisiana hospital shall verify all physician's assistants' credentials and privileges;
 - ii) The licensed Louisiana hospital shall keep a list of all physician's assistants coming to practice at the hospital and shall provide this list to the Louisiana State Board of Medical Examiners within ten (10) days of each physician assistant starting practice at the licensed Louisiana hospital; and
 - iii) The licensed Louisiana hospital shall also provide written notice to the Louisiana State Board of Medical Examiners as of the date that the physician assistant stopped practicing in Louisiana at that hospital; such written notification shall be made within ten (10) days of the physician's assistant's cessation of practice at that Louisiana hospital.
- N)** An individual respiratory therapist who holds a full, unlimited, and unrestricted license to practice in another U.S. state, territory, or district and who has unrestricted hospital credentials in any U.S. state, territory, or district, may practice at a hospital that is licensed by the Louisiana Department of Health upon the following terms and conditions being met:
- i) The licensed Louisiana hospital shall verify all respiratory therapists' credentials and shall issue a scope of hospital practice for each respiratory therapist;
 - ii) The licensed Louisiana hospital shall keep a list of all respiratory therapists coming to practice at the hospital and shall provide this list to the Louisiana State Board of Medical Examiners within ten (10) days of each respiratory therapist starting practice at the licensed Louisiana hospital; and
 - iii) The licensed Louisiana hospital shall also provide written notice to the Louisiana State Board of Medical Examiners as of the date that the respiratory therapist stopped practicing in Louisiana at that hospital; such written notification shall be made within ten (10) days of the respiratory therapist's cessation of practice of medicine at that Louisiana hospital.
- O)** An individual advanced practice registered nurse (including a certified nurse midwife, a certified registered nurse anesthetist, a clinical nurse specialist, and a nurse practitioner) who holds an active, unencumbered, and unrestricted license to practice advanced practice registered nursing in another U.S. state, territory, or district as confirmed through the NURSIS System, and who has unrestricted hospital credentials and privileges in any U.S. state, territory, or district, may practice nursing at a hospital that is licensed by the Louisiana Department of Health upon the following terms and conditions being met:
- i) The licensed Louisiana hospital shall verify all the advanced practice registered nurses' credentials and privileges;
 - ii) The licensed Louisiana hospital shall keep a list of all advanced practice registered nurses coming to practice at the hospital and shall provide this list to the Louisiana State Board of Nursing within ten (10) days of each advanced practice registered nurse starting practice at the licensed Louisiana hospital; and
 - iii) The licensed Louisiana hospital shall also provide written notice to the Louisiana State Board of Nursing as of the date that the advanced

practice registered nurse stopped practicing nursing in Louisiana at that hospital; such written notification shall be made within ten (10) days of the advanced practice registered nurse's cessation of practice of nursing at that Louisiana hospital.

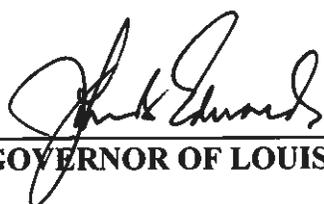
- P) The requirement that there be a quorum of a healthcare professional licensing board or authority for decision-making as set forth in R.S. 42:13 and the respective board statutes, is temporarily suspended to allow the Executive Director of that healthcare professional licensing board to temporarily suspend, waive, or amend a board rule or regulation that would prohibit, limit, or interfere with the licensing of healthcare professionals that are necessary to address the declared public health emergency.
- Q) No healthcare professional licensing board shall issue an adverse action or penalty against an individual applicant or licensee under the jurisdiction of that board for the failure of that applicant or licensee for failure to comply with a procedural licensing requirement during the declared public health emergency, provided that the individual applicant or licensee made a good faith attempt to comply with the procedural requirements of the licensing board.
- R) The provisions in Section 2 herein are shall apply retroactively from March 11, 2020.
- S) The Department of Public Safety shall prioritize any finger printing and criminal background check required for the certification or licensing of any healthcare worker during this emergency. However, no finger printing or criminal background checks shall be required for any healthcare worker covered in this proclamation provided the health care worker holds a full, unlimited, and unrestricted license to practice in another U.S. state, territory, or district.

SECTION 3: The Governor's Office of Homeland Security and Emergency Preparedness is directed to ensure compliance with this order, and is empowered to exercise all authorities pursuant to La. R.S. 29:721, et seq., and La. R.S. 29:760, et seq.

SECTION 4: Unless otherwise provided in this order, these provisions are effective until Thursday, April 30, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 31st day of March, 2020.


GOVERNOR OF LOUISIANA

**ATTEST BY THE
SECRETARY OF STATE**

SECRETARY OF STATE