



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



Board Meeting

June 25, 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.

NOTE: 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 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 44486; Baton Rouge, LA 70804; 225.342.2403; h&q@legis.la.gov. (3) Committee on Senate & Governmental Affairs; La. Senate; PO Box 94183; Baton Rouge, LA 70804; 225.342.9845; s&q@legis.la.gov.

NOTE: 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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Meeting Notice & Certification

WHEREAS, the Governor renewed the current state of emergency relative to COVID-19 in Proclamation No. 74 JBE 2020; and

WHEREAS, the Governor extended certain restrictions relative to the current state of emergency in Proclamation No. 75 JBE 2020; and

WHEREAS, the restrictions in the above referenced proclamations include a limitation on the number of people that may occupy the Board office building at the same time – 50% of the total occupancy as determined by the State Fire Marshal; and

WHEREAS, the Board has determined it necessary to call a special meeting of the Board; and

WHEREAS, the Board will be unable to conduct its meeting in compliance with the Open Meetings Law and the above referenced proclamations without the use of videoconferencing technology; then

THEREFORE, the Board has determined it appropriate, pursuant to the provisions of Subsection 2.C of Proclamation No. 75 JBE 2020, to utilize videoconferencing technology for its June 25, 2020 meeting; and further,

The agenda for this meeting is attached and includes instructions for accessing the videoconference as well as a mechanism for interested parties to submit comments.


Malcolm J Broussard
Executive Director
June 18, 2020

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NOTICE IS HEREBY GIVEN that a meeting of the Board has been ordered and will be conducted by videoconference at 1:00 p.m. on Thursday, June 25, 2020. The meeting website is www.zoom.com; in the upper right corner of the homepage select the link for *Join a Meeting*. Enter meeting identification number 910 6733 5792 and the meeting password 106561. 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 06-24-2020

1. Call to Order
2. Quorum Call
3. Call for Additional Agenda Items & Adoption of Agenda
4. Consideration of Minutes
 - A. Reconsideration of Minutes from February 5, March 25, and April 2
 - B. Consideration of Minutes from May 27
5. Report on Action Items
6. Confirmation of Acts
7. Opportunity for Public Comment
8. Special Orders of the Day
 - A. Consideration of Proposed Emergency Rules
 - (1) Regulatory Proposal 2020-E ~ Temporary Permission to Practice
 - (2) Regulatory Proposal 2020-F ~ Temporary Suspension of Renewal Fees
 - B. Request for Approval of Immunization Training Certificate Program:
Immunization Administration Training for Pharmacists (CEImpact)
 - C. Review of Legislation from 2020 Regular Session
 - D. Consideration of Comments & Testimony from May 29 Public Hearing
 - (1) Regulatory Project 2020-1 ~ Prescription Monitoring Program
 - (2) Regulatory Project 2020-2 ~ Automated Medication Systems
 - (3) Regulatory Project 2020-3 ~ Pharmacist License Display
 - (4) Regulatory Project 2020-5 ~ Marijuana Pharmacy
 - E. Consideration of Continued Recognition of NABP Passport
9. New Agenda Items Added During Meeting
10. Announcements
11. Adjourn

Notes:

1. The public meeting binder will be posted on the Board's [website](http://www.pharmacy.la.gov) 24 hours prior to the beginning of the meeting.
2. Interested parties may submit public statements or comments on agenda items via email; communications addressed to mbroussard@pharmacy.la.gov and received prior to 4:00 pm on Wednesday, June 24, 2020 will be provided to the members.

NOTE: Pursuant to the Open Meetings Law at 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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Consideration of Minutes from Previous Meetings



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Minutes

Regular Meeting

Wednesday, February 5, 2020 at 9:00 a.m.

Location:

Xavier University Convocation Center
7910 Stroelitz Street
New Orleans, Louisiana 70125

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 5, 2020 at Xavier University Convocation Center, located at 7910 Stroelitz Street in New Orleans, Louisiana 70125. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 9:05 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Rhonny Valentine for the invocation. Mr. Marty McKay then led the members and guests in the Pledge of Allegiance.

3. Quorum Call

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

Members Present:

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

Member Absent:

Mr. Richard Mannino
Mr. Richard A. Soileau

Staff Present:

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

Ms. Becky C. Parker, Compliance Officer
Mr. Huey J. Savoie, Compliance Officer

Guests:

Students & Faculty – Xavier College of Pharmacy
Dr. Michael B. Cockerham – ULM College of Pharmacy
Ms. Chandra J. Green – DePaul Community Health
Mr. William E. Miller, Jr. – Ochsner Health System
Dr. Richard R. Rovira – Ochsner Health System
Dr. Gary Cacciatore – Cardinal Health
Ms. Mary Staples – National Association of Chain Drug Stores (NACDS)
Mr. Michael J. Messonnier – Pharmacist
Mr. Richard J. Gaude – Walgreen & Co.
Ms. Crystal Carter – La. Pharmacists Association
Mr. Gregory R. Poret – Poret’s Thrifty Way Pharmacy
Dr. William R. Kirchain – Xavier College of Pharmacy
Mr. Richard Palombo – Express Scripts
Ms. Shelly Dupre – Impact Management Group & NACDS
Ms. Diane M. Milano – Chateau Drugs
Dr. Shirouk I. Muhsen – Ochsner Health System
Dr. Kasey M. Kunze – Pharmacist
Mr. Peter M. Prevot, Jr. – La. Association for Therapeutic Alternatives
Mr. Steve V. Campo – Recipient, Pharmacist Gold Certificate
Mr. Joseph C. Campo – Pharmacist
Mr. David Koke – La. Independent Pharmacies Association
Dr. Raven S. Jackson – Xavier College of Pharmacy
Ms. Cheryl G. Hayes – Xavier College of Pharmacy
Dr. Sarah A. Amering – Xavier College of Pharmacy
Ms. Jessica Elliott – La. Retailers Association
Ms. Brandi Armand – La. Retailers Association
Dr. Natasha S. Seals – La. Dept. of Health, Office of Public Health
Mr. Tommy C. Morris – Xavier College of Pharmacy
Dr. John N. Rocchio – CVS Health
Mr. Jeffrey Sinko – CVS Health
Dr. Tommy J. Woodard, Jr. – Capitol Wellness & Prescriptions to Geaux
Ms. Zeta L. Hayes-Gabriel – Cardinal Health
Mr. C. Bevan Callicott – Cardinal Health
Mr. Paul J. D’Aunoy – Central Admixture Pharmacy Services (CAPS)
Mr. Randal Johnson – La. Independent Pharmacies Association
Mr. J. Douglas Boudreaux – Hope Pharmacy
Dr. LaShandra S. McGowan – Daughters of Charity, New Orleans
Dr. Lovie F. Rodgers – Pharmacist
Dr. Dana B. Antoon – Channell Drugs
Dr. Reuben R. Dixon, Jr. – Recipient, Pharmacist Gold Certificate
Ms. Irma M. Dixon – Southern University, New Orleans
Mr. Jacob Irving – Ilera Holistic Healthcare
Dr. Sunil Sirohi – Xavier College of Pharmacy

Dr. Joseph M. LaRochelle – Xavier College of Pharmacy
Dr. Melanie R. Haydel – Xavier College of Pharmacy
Dr. Thomas J. Maestri – Xavier College of Pharmacy

Mr. Indovina certified Mr. Mannino and Mr. Soileau were absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items to be added. None were requested. With no requests to amend the agenda, and without objection, the members adopted the posted agenda dated January 22, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on November 13 and the Administrative Hearing on November 14, 2019, both held in Baton Rouge, Louisiana. With no objections, he waived the reading of the draft minutes. With no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Indovina reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Aron called on Mr. Broussard for the report. Mr. Broussard directed the members to a copy of the report in their meeting binder. There were no questions from the members or guests.

7. Confirmation of Acts

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

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 14, 2019 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

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

** Statement of Purpose*

Mr. Aron reminded the members of the purpose and mission of the Board of Pharmacy

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

9. *Special Orders of the Day*

A. *Presentation of Pharmacist Gold Certificates*

Mr. Aron reminded the members and guests of the Board's award of a Pharmacist Gold Certificate to a pharmacist completing 50 years of Louisiana pharmacist licensure. He informed the audience the Board issued new licenses to 163 pharmacists in 1969, and of that number the licenses of 44 pharmacists were still in active status. He noted two of those pharmacists were present and had requested to receive their certificates during the Board meeting. Mr. Aron then presented Gold Certificates to the following pharmacists, noting during each presentation a synopsis of the recipient's professional service:

PST.009577 – Steve Vincent Campo

PST.009589 – Reuben Rufus Dixon, Jr.

The members and guests congratulated each of the recipients with standing ovations.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reviewed the *Interim Report for Fiscal Year 2019-2020*, noting it was informational and did not require Board action. There were no member questions or public comments.

Finally, on behalf of Committee Chair Blake Pitre, Mr. McKay expressed his appreciation to the other committee members for their ongoing efforts.

B. *Application Review Committee*

Mr. Aron noted the committee had not met since the previous Board meeting.

C. *Reciprocity Committee*

Mr. Aron called upon Mr. Cassidy for the committee report. He reported the staff had evaluated 56 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. Mr. Cassidy then directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder.

Finally, he closed his report with appreciation to the other committee members for their ongoing efforts.

D. *Violations Committee*

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina

reported the committee held preliminary hearings on December 17, 2019 to consider their posted agenda which included 20 cases: eight pharmacists, one pharmacy technician, and 11 pharmacy permits. After interviews and deliberations at the meeting, the committee voted to continue three of the cases, to issue non-disciplinary Letters of Noncompliance to two respondents, and to take no action against six respondents. The members voted to offer proposed voluntary consent agreements to the remaining nine respondents. One of them did not reply to the offer by the deadline, so the offer was withdrawn and that case scheduled for a future administrative hearing. All of the other respondents accepted their proposed agreements; Mr. Indovina then presented those recommendations to the members for their consideration.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 09526 [Pineville, LA] (PHY.005545): Mr. Indovina moved to approve the proposed voluntary consent agreement. He replied to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$25,000 plus administrative and investigative costs.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 02980 [Baton Rouge, LA] (PHY.002865): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 02995 [Baton Rouge, LA] (PHY.002868): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions and one public comment. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Pensacola Apothecary, Inc. d/b/a Everwell Specialty Pharmacy [Pensacola, FL] (PHY.007114): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Kristian Raymond Hahn (PST.016625): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board continued the emergency suspension previously imposed on November 4, 2019, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution

of the suspension, then placed the license on probation for five years effective February 5, 2020 subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative and investigative costs; and further, imposed a lifetime restriction against compounding any sterile or nonsterile preparations or supervising anyone else engaged in the compounding of sterile or nonsterile preparations, noting that restriction shall survive the probationary period and may only be removed by the Board pursuant to his application.

Best Life Pharmacy & Restaurant, Inc. d/b/a Best Life Pharmacy & Restaurant [New Orleans, LA] (PHY.006617): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for two years and stayed the execution of the suspension, then placed the permit on probation for two years effective February 5, 2020 subject to certain terms enumerated within the voluntary consent agreement; and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Pharmaceutical Specialties, LLC d/b/a Pharmaceutical Specialties [Baton Rouge, LA] (PHY.003625): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$15,000 plus administrative and investigative costs.

Chris' Pharmacy and Gifts, LLC d/b/a Chris' Pharmacy and Gifts [Maurepas, LA] (PHY.006032): Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed administrative and investigative costs.

Mr. Indovina then presented the Complaint Investigation Monitor Report. He noted the 179 open cases carried forward from the previous fiscal year, the addition of 226 new cases, and the closure of 225 cases as of January 24, 2020, leaving 180 cases still open that day. Of the 225 case closures, the average number of days for staff to complete their case investigation was 55 days. Of the case closures, 9 of them [4%] exceeded the policy goal of 180 days for completion of case investigations.

Mr. Indovina reported the committee was scheduled to meet on March 17-18 to consider the 38 cases on that docket, which includes 20 pharmacists, two pharmacy technicians, two pharmacy technician candidates, and 14 pharmacies.

Finally, he concluded his report with appreciation to the other committee members for their ongoing efforts. He also expressed his appreciation for the compliance officers for their work.

E. Impairment Committee

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day to consider four referrals from the staff – three petitions for reinstatement of suspended or lapsed credentials as well as one application for a new credential. Following their interviews of the applicants and subsequent deliberations, the committee authorized the issuance of the new application without restriction, and continued one of the cases for additional information. Ms. Hall then presented the following recommendations to the members for their consideration.

Matthew John Guarisco (PST.014303): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's petition for reinstatement of the previously relinquished license, suspended it for 10 years and stayed the execution of the suspension, and then placed the license on probation for 10 years effective February 5, 2020 subject to certain terms enumerated within the voluntary consent agreement.

George Lamar Munn, Jr. (PST.009445): Ms. Hall moved to approve the proposed voluntary consent agreement. She replied to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years effective February 5, 2020 subject to certain terms enumerated within the voluntary consent agreement.

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

F. Reinstatement Committee

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore reported the committee met the previous day to consider three referrals from the staff, all petitions for reinstatement of lapsed credentials. Following their interviews of the applicants and subsequent deliberations, the committee continued one case to obtain additional information. Mr. Moore then presented the following recommendations to the members for their consideration.

Jamie Courtney Smith (CPT.009224) Mr. Moore moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's request for reinstatement of the lapsed certificate contingent upon the satisfaction of certain requirements identified within the consent agreement prior to February 5, 2022.

Ruthy Lyn Paul (CPT.006591) Mr. Moore moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's request for reinstatement of the lapsed certificate contingent upon the satisfaction of certain requirements identified within the consent agreement prior to February 5, 2022.

Mr. Moore closed his report with appreciation to the other committee members for their work the previous day.

G. Tripartite Committee

Mr. Aron called upon Mr. Resweber for the committee report. Mr. Resweber reported the committee had met the previous day. The committee received reports from the La. Pharmacists Association as well as both ULM and Xavier Colleges of Pharmacy. The schools reported on their accreditation self-study activities as well as their outcomes assessment following their curriculum adjustments. The LPA reported on their accreditation self-study as well as their continuing education needs assessment survey of all the pharmacists and pharmacy technicians in the state. Mr. Resweber reported the general discussion focused on a request to include education about pharmacy benefit managers in the curriculum for the schools of pharmacy, to better inform future pharmacists about the business side of the practice of pharmacy. The schools reported there is some introductory material on the topic already in their curricula, but there are already substantial time pressures on the existing curricula. The LPA suggested they could perhaps offer additional student workshops on that topic during their annual meeting.

Mr. Resweber closed his report with appreciation to the other committee members for their work the previous day, including the representatives from the La. Pharmacists Association and both ULM and Xavier Colleges of Pharmacy.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on January 22 to consider the items on their posted agenda. He reported the committee had approved two regulatory proposals and two legislative proposals. Before presenting those items, he reminded the members of the public hearing held on December 27, 2019 to receive comments and testimony on the 17 regulatory projects previously noticed for public comment. He reminded the members of their duty to consider the comments and testimony for each of those 17 projects and determine whether any further revisions were necessary, or in the alternative, to make no changes and continue the promulgation process. He directed the members to the hearing record in their meeting binders.

Consideration of Comments from December 27, 2019 Public Hearing

Mr. McKay identified each of the 17 regulatory projects noticed for public comment at the hearing, noted the presence of absence of comments, and offered motions for the disposition of each of the projects.

- *Regulatory Project 2019-1B ~ Licensing of Marijuana Pharmacies* proposed a clarification of the licensing process for marijuana pharmacies, to require an inspection of the premises prior to issuing the permit. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-1B ~ Licensing of Marijuana Pharmacies* and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-2 ~ Pharmacy Immunizations* proposed a 72-hour deadline for immunizing pharmacists or their designees to report those immunizations to the state immunization registry, as well as some minimum standards for pharmacies hosting immunization activities. Mr. McKay reported the two comment letters requesting multiple changes including allowing seven days instead of 72 hours to report to the state immunization registry. Mr. McKay then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-2 ~ Pharmacy Immunizations*, and to direct staff to submit the required reports and continue the promulgation process.

Mr. McKay responded to questions from several members; there were two public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-3 ~ Investigational Drugs* proposed minimum standards for pharmacies participating in clinical drug studies with investigational drugs. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-3 ~ Investigational Drugs*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-4 ~ Telepharmacy Dispensing Sites* proposed changes in some of the licensing standards for these special types of pharmacy permits. Mr. McKay reported the receipt of one comment which was supportive of the proposed rule. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-4 ~ Telepharmacy Dispensing Sites*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-5 ~ Correctional Center Pharmacy* proposed an amendment to allow correctional center pharmacies to provide medications and pharmacy care to offenders in the custody of local law enforcement agencies in addition to the current allowance for offenders in the custody of the state department of corrections. The proposal also changed the name of the category of pharmacies, from penal to correctional. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-5 ~ Correctional Center Pharmacy*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-7 ~ Veterinary Hospital Pharmacy* proposed an amendment to the rules for hospital pharmacy to include pharmacies in veterinary teaching hospitals. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-7 ~ Veterinary Hospital Pharmacy*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-8 ~ Dispensing of Prescription Refills* proposed an amendment to prohibit the dispensing refills in the absence of the patient or caregiver's request or approval, with an exception for patients in long-term care facilities. Mr. McKay reported one comment was received from NACDS requesting what it characterized as clarifying amendments. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-8 ~ Dispensing of Prescription Refills*, and to direct staff to submit the required reports and continue the promulgation process.

Mr. McKay and Mr. Aron replied to questions from multiple members as well as multiple public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-9 ~ Delays of Licensure Examinations* proposed an amendment to repeal the one-year delay following a third failure of a licensing examination for pharmacy technicians and pharmacists. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-9 ~ Delays of Licensure Examinations*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-10 ~ License Transfer for Pharmacy Technicians* proposed an amendment to simplify the process for pharmacy technicians licensed and practicing in another state to obtain a technician certificate in this state. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-10 ~ License Transfer for Pharmacy Technicians*, and direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-11 ~ Continuing Education Records* proposed to change the CE recordkeeping requirements for pharmacists, to maintain their records at CPE Monitor instead of maintaining paper copies of certificates at their primary practice setting. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-11 ~ Continuing Education Records*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-12 ~ Partial Fills of Schedule II Prescriptions* proposed to amend the state rules for controlled substances to correspond to the federal law on this topic. Mr. McKay reported no comments were received. He then moved, **Resolved**, to make no revisions to the original proposed rule in *Regulatory Project 2019-12 ~ Partial Fills of Schedule II Prescriptions*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-13 ~ Controlled Substance License for Third Party Logistics Providers* proposed to amend the state rules for controlled substances to authorize the issuance of a CDS license to a type of distributor known as third party logistics provider. Mr. McKay reported no comments were received. He then moved,
Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-13 ~ Controlled Substance License for Third Party Logistics Providers*, and to direct staff to submit the required reports and continue the promulgation process.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-14 ~ Rulemaking Procedures* proposed a new rule to establish guidelines for stakeholders requesting the Board to engage in the rulemaking process. Mr. McKay reported no comments were received. He then moved,
Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-14 ~ Rulemaking Procedures*, and to direct staff to submit the required reports and continue the promulgation process.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-15 ~ Drug Disposal by Pharmacies* proposed amendments that would require pharmacies to provide drug disposal information to their patients and allow them to accept returns of previously dispensed medications for disposal purposes only. Mr. McKay reported the receipt of one comment from Albertsons Pharmacies highlighting what appeared to be a drafting error in one portion of the proposed rule in a section relative to controlled substances. Mr. McKay then moved,
Resolved, to amend the original proposed rule in *Regulatory Proposal 2019-15 ~ Drug Disposal by Pharmacies* by amending §2749.D as requested by Albertsons Pharmacies.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-16 ~ Pharmacy Compounding* proposed an amendment to the standards for pharmacies preparing copies of commercially available products. Mr. McKay reported no comments were received. He then moved,
Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-16 ~ Pharmacy Compounding*, and to direct staff to submit the required reports and continue the promulgation process.
There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Regulatory Project 2019-17 ~ Pharmacy Records* proposed to amend several sections of the Board's rules to incorporate chart orders and to make several technical changes. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-17 ~ Pharmacy Records*, and to direct staff to submit the required reports and continue the promulgation process.

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

- *Regulatory Project 2019-18 ~ Cannabis Metered Dose Inhaler* proposed an amendment to add metered dose inhalers as an allowable dosage form for marijuana products. Mr. McKay reported no comments were received. He then moved,

Resolved, to make no revisions to the original proposed rule in *Regulatory Project 2019-18 ~ Cannabis Metered Dose Inhaler*, and to direct staff to submit the required reports and continue the promulgation process.

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

Mr. McKay then summarized the remainder of the rulemaking process, for both the single item where the members voted to amend the original proposed rule as well as the remaining items where the members voted to make no revisions to the original proposed rule.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 11:25 a.m. and then reconvened at 12:20 p.m. Mr. Aron requested Mr. McKay to continue his committee report.

Mr. McKay then introduced the items approved by the committee at their previous meeting.

Legislative Proposal 2020-B ~ CDS Update (Draft #2) proposes to amend the state controlled substance law to add new drugs recently added to the federal list of controlled substances. Mr. McKay moved,

Resolved, to approve *Legislative Proposal 2020-B ~ CDS Update (Draft #2)*, and further, to authorize the filing of same in the Regular Session of the 2020 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Legislative Proposal 2020-C ~ CDTM [Collaborative Drug Therapy Management] and Pharmacist Prescriptive Authority (Draft #5) proposes to amend the definition of collaborative drug therapy management in the pharmacy law and also establish a limited prescriptive authority for pharmacists to order drugs, devices, and lab tests. Mr. McKay moved,

Resolved, to approve *Legislative Proposal 2020-C ~ CDTM [Collaborative Drug Therapy Management and Pharmacist Prescriptive Authority (Draft #5)*, and further, to authorize the filing of same in the Regular Session of the 2020 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Regulatory Proposal 2019-G ~ Pharmacy Benefit Managers (Draft #3) proposes to create a new chapter of rules to license pharmacy benefit managers. On behalf of the committee, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2019-G ~ Pharmacy Benefit Managers (Draft #3)*, and further, to authorize the Executive Director to promulgate the proposed rule upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Mr. Indovina questioned the inclusion of §3007 in the proposed rule, suggesting it required the reporting of information not necessarily relevant to the practice of pharmacy. He then moved to amend Draft #3 by removing §3007. He replied to questions from members and the public. The motion to amend Draft #3 was adopted after a unanimous vote in the affirmative.

Mr. Aron directed staff to advance the amended document number to Draft #4. Following additional member and public comments, the original motion, as amended, for the approval of Draft #4 was adopted after a unanimous vote in the affirmative.

Consideration of Regulatory Project 454-2019 Proposals

Mr. McKay reminded the members the committee had previously reported out 15 of the 20 topics assigned to the committee as part of Regulatory Project 454-2019. He then reported two more items out of the regulatory project from the committee.

- *Item 04 ~ Staffing Ratios for Pharmacy Interns (Draft #1)*
The committee received a request to amend the current staffing limitations for pharmacy interns, which are currently 3:1 for interns on academic rotations and 1:1 for interns practicing outside an academic rotation, generally for pay but could be volunteer work. The committee received substantial comments including from representatives from both colleges of pharmacy. The committee voted to reject the proposed rule,

and on behalf of the committee, Mr. McKay moved,

Resolved, to reject *Regulatory Proposal 454-2019-04 ~ Staffing Ratios for Pharmacy Interns (Draft #1)*, and further, to request the Executive Director to communicate this rejection to the commentator who made the request.

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

- *Item 12 ~ Practical Experience Requirements for Pharmacy Technician Candidates (Draft #1)*

The committee received a request to reduce the number of hours of practical experience required for a pharmacy technician candidate to qualify for a pharmacy technician certificate, from 600 hours to 400 hours. The committee received substantial public comments during multiple meetings, and during their previous meeting voted to reject the proposed rule. On behalf of the committee, Mr. McKay moved,

Resolved, to reject *Regulatory Proposal 454-2019-12 ~ Practical Experience Requirements for Pharmacy Technician Candidates (Draft #1)*, and further, to request the Executive Director to communicate this rejection to the commentator who made the request.

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

Mr. McKay reported there were still three topics remaining from that regulatory project and that the proposals have generated substantial comments during multiple committee meetings. He hoped to bring those last three topics to the next Board meeting for a decision.

Regulatory Proposal 2020-A ~ Marijuana Pharmacy (Draft #2) proposes to repeal the one-month supply dispensing limitation as well as the prohibition on marijuana pharmacies dispensing any non-controlled prescription drugs. The committee voted to approve the proposal, and on behalf of the committee, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2020-A ~ Marijuana Pharmacy (Draft #2)*, and further, to authorize the Executive Director to promulgate the proposed rule upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Regulatory Proposal 2020-B ~ Drugs of Concern (Draft #2) proposes to add two drugs to the list of Drugs of Concern at the request of the Prescription Monitoring Program Advisory Council. While the committee had no issues with adding gabapentin, they determined to limit the promethazine entry to

oral liquid formulations since there didn't appear to be any evidence of widespread abuse of other dosage forms. On behalf of the committee, Mr. McKay moved,

Resolved, to approve *Regulatory Proposal 2020-B ~ Drugs of Concern (Draft #2)*, and further, to authorize the Executive Director to promulgate the proposed rule upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Finally, Mr. McKay closed his report with appreciation to the committee members and staff for their ongoing efforts.

I. Executive Committee

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee noted the requests for statutory and rule interpretations received at the previous Board meeting were still in review by the staff. He indicated Mr. McKay was prepared to offer motions on behalf of the committee.

Revisions to Board's Policy & Procedure Manual

Mr. Aron reported staff had prepared two policy documents in response to requests from two separate agencies and the committee had voted to recommend approval of both items. Mr. McKay then moved,

Resolved, that the Board approve the proposed revision of *PPM.V.A.2 ~ PMP Advisory Council for the Board's Policy & Procedure Manual*.

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

Resolved, that the Board approve the new policy *PPM.III.J ~ Criminal Background Checks for the Board's Policy & Procedure Manual*.

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

Reconsideration of Approval of Legislative Proposal 2020-A ~ Renewal of Licenses & Fees (Draft #1) and Consideration of Legislative Proposal 2020-A ~ PBM Fees & Renewal Fees (Draft #2)

Mr. Aron reminded the members of their approval during their previous meeting of a legislative proposal seeking to make technical changes in the descriptions of various fees in the pharmacy law but no changes to the actual fees. He then reminded the members had just approved *Regulatory Proposal 2019-G ~ Pharmacy Benefit Managers (Draft #4)* to begin licensing pharmacy benefit managers. The committee reviewed a staff proposal to

update the previously-approved legislative proposal by adding new fees for a pharmacy benefit manager permit, both for the initial issuance and renewal of that permit. He then described the parliamentary process for how the Board could reconsider the vote by which the approved the legislative proposal and then amend that proposal and approve the amended document. Mr. McKay then moved,

Resolved, to reconsider the vote by which the Board of Pharmacy approved *Legislative Proposal 2020-A ~ Renewal of Licenses & Permits (Draft #1)* during its November 13, 2019 meeting.

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

Resolved, to amend *Legislative Proposal 2020-A ~ Renewal of Licenses & Permits (Draft #1)* by adding a new #6 on Line 35 titled Permits for pharmacy benefit managers, consisting of two entries, one a \$500 application fee for the initial permit and a second for a \$500 per year permit renewal fee, then to re-title and renumber the new document; and further, to approve *Legislative Proposal 2020-A ~ PBM Permit Fee + Renewal Fees (Draft #2)*, and further, to authorize the filing of same in the Regular Session of the 2020 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

Mr. LaGrange questioned the absence of a delinquent fee similar to delinquent fees for other credentials. He then moved to amend Draft #2 by adding a third entry for the PBM fee section for a delinquent fee of \$250 per year. There were no member questions or public comments. The motion to amend Draft #2 was adopted after a unanimous vote in the affirmative. Mr. Aron directed staff to renumber the amended document as Draft #3. There were no further member questions or public comments. The motion for approval of Draft #3 was adopted after a unanimous vote in the affirmative.

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

11. Staff Reports

J. Report of Assistant Executive Director

Mr. Aron called upon Mr. Fontenot for his report. He directed the members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. He answered a question from one member.

Mr. Fontenot then directed the members to the requests from 17 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Pitre then moved,

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

- > PHY.008029-NR – BioMatrix Specialty Pharmacy (MD);
- > PHY.006364-NR – Crescent Healthcare (CA);
- > PHY.007946-NR – Doc Lane’s Veterinary Pharmacy (KY);
- > PHY.007994-NR – Entirelypets Pharmacy (CA);
- > PHY.008012-HOS – Intensive Specialty Hospital (LA);
- > PHY.008011-HOS – KPC Promise Hospital of Baton Rouge (LA);
- > PHY.008003-NR – LibraSun Pharmacy (FL);
- > PHY.007980-IR – Ochsner LSU Health Shreveport (LA)
- > PHY.007986-NR – OSRX (MT);
- > PHY.007988-HOS – Our Lady of the Lake Children’s Hospital Pharmacy (LA);
- > PHY.007960-NR – PANTHERx Specialty Pharmacy (PA);
- > PHY.007574-NR – Pet Supplies Delivered (NE);
- > PHY.007971-NR – PharmD on Demand (GA);
- > PHY.007977-NR – RareMed Solutions (PA);
- > PHY.006823-NR – Solutions Rx Pharmacy (AL);
- > PHY.007455-IR – Tulane Univ. Health Sciences Pharmacy (LA);
- and
- > PHY.008002-NR – Veterinary Internet Company Retail Pharmacy (AL)

once they have executed the standard consent agreement for that purpose.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Fontenot then replied to a question from a guest relative to reporting by dispensing prescribers.

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

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

Jamie Deshotels Pucheu (PST.018456): Mr. Hall moved to accept the voluntary surrender of the credential. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of the license for an indefinite period of time effective November 18, 2019.

Ashley Keelen Ferdinand (PTC.027503): Dr. Strong moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective November 13, 2019; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any credential issued by the Board.

Kayla Christine Sibley [Powell] (PTC.026981): Mr. Cassidy moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective November 21, 2019; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any credential issued by the Board.

William Andrew Fletcher (CPT.013721): Dr. Cloud moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for five years and stayed the execution of the suspension then placed the certificate on probation for five years effective February 5, 2020 subject to certain terms enumerated within the consent agreement.

Meds for Vets, LLC d/b/a Meds for Vets [Sandy, UT] (PHY.006258): Mr. LeBas moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for one year plus eight months plus sixteen days and stayed the execution of the suspension, then placed the permit on probation for one year plus eight months plus sixteen days effective February 5, 2020 and terminating October 21, 2021 subject to certain terms enumerated within the consent agreement; and further, assessed administrative costs. The Board took note the period of probation was intended to mirror the probationary period imposed on the pharmacy's resident permit by the Utah Board of Pharmacy.

Arielle Marie Collins (PST.019759): Dr. Strong moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

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

L. Report of Executive Director

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard directed the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
 - Internal Reports
 - Credentials Division
 - Census Report
 - Licensure Activity Report
 - Application Activity Report

- Exceptions Report
 - Compliance Division
 - Census Report
 - Complaint Investigation Policy Monitor
- External Reports
 - Administrative and Legislative Agency Reports
- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - Marijuana Pharmacies
- State Activities
 - La. Dept. of Health – Office of Public Health
 - Legislative Oversight Committee
 - La. Dept. of Agriculture & Forestry
 - La. Dept. of Revenue – Office of Alcohol & Tobacco Control
 - La. State Board of Medical Examiners
 - La. State Board of Optometry Examiners
 - La. Dept. of Health – Office of Behavioral Health & Bureau of Health Services Financing
 - La. Dept. of Health – Bureau of Health Services Financing
 - Regular Session of 2020 Legislature
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)
 - dotPharmacy Verified Websites Program

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

12. Report from Marijuana Pharmacies – Mr. Doug Boudreaux, La. Association for Therapeutic Alternatives

Mr. Aron introduced Mr. Doug Boudreaux, President of the La. Association for Therapeutic Alternatives and invited him to the witness table to make his presentation. Mr. Boudreaux described the members of the association as the nine marijuana pharmacies. He expressed his appreciation to the Board for its role in the legislative and regulatory development of the statewide medical marijuana program and for its guidance to the marijuana pharmacies during the implementation of the program. He reported the association members collaborated on a patient outcomes study. He

indicated an intent to publish the results of the study but wanted to present preliminary results to the Board. He reviewed that report and then replied to questions from several members and guests.

13. New Agenda Items Added During Meeting

No items were added to the agenda.

14. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. He announced the next meeting of the Board would be held on May 27, 2020 at the Board office in Baton Rouge.

Mr. Aron solicited general comments from the students. Their questions included how to participate in the rulemaking process, as well as how the Board is addressing working conditions in pharmacies as reported in recent national media stories.

15. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 2:15 p.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary



Louisiana Board of Pharmacy
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Minutes

Corrected

Regular Meeting

Wednesday, March 25, 2020 at 5:00 p.m.

Location:

Teleconference

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A special meeting of the Louisiana Board of Pharmacy was held on Wednesday, March 25, 2020 by teleconference. As noted on the meeting agenda, the Board certified it could not achieve an in-person quorum due to the provisions of *Governor's Proclamation No. 33 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home*. Therefore, as permitted by *Governor's Proclamation No. JBE 2020-30 ~ Additional measures for COVID-19 Public Health Emergency*, the Board elected to conduct its meeting by teleconference.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 5:05 p.m.

2. Quorum Call

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

Members Present:

Mr. Carl W. Aron
Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Kevin LaGrange
Mr. Richard Mannino (late arrival)
Mr. Marty R. McKay
Mr. Ronald E. Moore
Mr. Don L. Resweber (late arrival)
Mr. Douglas E. Robichaux
Dr. Sajal K. Roy
Mr. Richard A. Soileau
Dr. Raymond J. Strong (late arrival)

Member Absent:

Mr. Robert C. LeBas
Mr. Blake P. Pitre
Mr. Ronny K. Valentine

Staff Present:

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

Guests:

None were specifically identified on the teleconference call.

Mr. Indovina certified Mr. LeBas, Mr. Mannino, Mr. Pitre, Mr. Resweber, Dr. Strong, and Mr. Valentine were absent; however, the remaining 11 members were present, constituting a quorum for the conduct of official business. It was noted that Mr.

Mannino, Mr. Resweber, and Dr. Strong joined the call a few minutes thereafter.

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

Mr. Aron asked if there were any additional agenda items to be added. None were requested. With no requests to amend the agenda, and without objection, the members adopted the agenda dated March 24, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

4. *Special Orders of the Day*

A. *Request for Reconsideration of Emergency Rule*

Mr. Aron presented the circumstances for the issuance of the *Emergency Rule ~ Limitations on Dispensing Chloroquine & Hydroxychloroquine for COVID-19* on March 22 as well as the request from the state attorney general the following day to rescind the emergency rule. Mr. Aron then related the request from the state health officer on March 24 requesting a reinstatement of that emergency rule. Mr. Aron suggested the state health officer consult with the chairman of the Senate Health & Welfare Committee. In lieu of the reinstatement of an emergency rule, the senator suggested the Board consult with an official with one of the drug distributors located in the state relative to the current supply chain status of chloroquine and hydroxychloroquine in the state. Mr. Aron reported the Board's Executive Committee held a teleconference call earlier that afternoon with Mr. Paul Dickson from Morris & Dickson Co. and Sen. Fred Mills. Mr. Aron summarized his impressions of the information from Mr. Dickson that the supply chain status of the two drugs had stabilized somewhat and the distributors were allocating the two drugs to pharmacies based on their historical usage patterns prior to the COVID-19 outbreak. Mr. Aron reported the Executive Committee had constructed a proposed replacement emergency rule and requested Mr. Broussard to distribute that draft document to all of the board members. He then reported that after the Executive Committee meeting but before that Board meeting, he received a call from Sen. Mills. Mr. Aron shared the contents of the draft document with him, then Sen. Mills suggested the content be issued in the form of a guidance document as opposed to an emergency rule.

Mr. Aron requested input from the members on the draft document, first to determine whether any changes in content were necessary, and second, whether to issue it as a guidance document or an emergency rule. By consensus, the members agreed to remove the necessity for a specific diagnosis code for COVID-19 and allow an indication of a COVID-19 diagnosis to be sufficient. Mr. Mannino then moved to restructure the document as amended and issue it as a guidance document. There was no further member discussion. The motion was adopted after a unanimous roll call vote in the affirmative.

B. *Review of Credentialing Waivers*

Mr. Aron reported he had made a number of interim decisions and wanted the members to know of them and then make adjustments as they felt

necessary.

- He authorized the closure of the office building to visitors.
- He authorized the reduction of office staff to essential personnel as determined by the Executive Director, and he authorized personnel to work from home as determined by the Executive Director.
- He interpreted the Board's rule – in part – at §519 ~ *State of Emergency* which is automatically activated upon the Governor's declaration of a state of emergency under the Emergency Assistance & Disaster Act of 1993 to be applicable to the current public health emergency declared by the Governor. However, he interpreted only the first part of that rule to be applicable, wherein pharmacists may dispense a one-time emergency prescription up to a 30-day supply. He did not interpret the second part of that rule to be applicable; that part of the rule authorizes pharmacists licensed in other states to practice in this state without a license from this state.
- He authorized the extension of expiration dates for any credential or pending application for any credential expiring in March, April, or May to September 30, 2020.

Mr. Aron then requested Mr. Broussard to review all of the additional credentialing actions taken to date.

- Mr. Broussard reported on the extension of the expiration dates of the MA, PTC, and PNT credentials for those items expiring March through May and the conversion to a new temporary status (Active with Temporary Extension). He reported many CDS credentials were being renewed, but they were monitoring to see if any were close to expiring, and if so, were prepared to extend those credentials to September 30, 2020.
- Mr. Broussard reported the staff developed a process to manage the temporary cessation of criminal background checks (CBC) by the La. State Police. He indicated the staff developed certification statements for signature by applicants to the effect the Board will issue the credential without the required CBC and the applicant agrees to perform the CBC as soon as that process is restored by the state police.
- Mr. Broussard reminded the members the regular renewal cycles for the CPT, EDK, AMS, and CDS-AMS credentials were scheduled to begin on May 1 and the DME permit renewal cycle was scheduled to begin on July 1. Although no decision was necessary at the moment, it may become necessary to make adjustments to the renewal cycle and expiration date; he suggested a September 30, 2020 maximum allowable date, and the members agreed by consensus.
- Finally, Mr. Broussard reported requests from several multi-state organizations to essentially waive all licensure and practice restrictions. He indicated he had replied in a manner that preserved the Board's authority to regulate practice in the state.

The members did not make any requests for changes to the earlier decisions made by the Board President.

C. *Request for Flexible Staffing Ratios*

- Mr. Aron alerted the members to multiple requests for consideration of changes to the staffing ratios as well as questions as to whether staff engaged in remote processing are to be included in such ratios along with staff who are on-site. Following considerable discussion, Mr. McKay moved,

Resolved, to authorize a temporary allowance for flexible staffing ratios such that one pharmacist may supervise up to four persons holding a pharmacy intern registration, pharmacy technician certificate, or pharmacy technician candidate registration; and further, the pharmacist shall be responsible for determining the staffing mix appropriate for the pharmacy's practice; and further, the pharmacist shall maintain direct and immediate supervision; and further, this allowance shall expire on 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.

Mr. Broussard reminded the members of the previous guidance allowing all licensed persons to practice remotely. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron directed Mr. Broussard to issue the guidance document for flexible staffing ratios.

5. *New Agenda Items Added During Meeting*

No new items were added to the agenda.

6. *Opportunity for Public Comment*

There were no general public comments.

Mr. Aron thanked the members for their participation on the teleconference call. He requested staff to collect the mobile telephone numbers for all members and then to send a group text to the members in addition to the emailed meeting notice.

7. *Adjourn*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 6:20 p.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary



Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70809-1700
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Minutes

Corrected

Regular Meeting

Thursday, April 2, 2020 at 4:00 p.m.

Location:

Teleconference

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A special meeting of the Louisiana Board of Pharmacy was held on Thursday, April 2, 2020 by teleconference. As noted on the meeting agenda, the Board certified it could not achieve an in-person quorum due to the provisions of *Governor's Proclamation No. 33 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home*. Therefore, as permitted by *Governor's Proclamation No. JBE 2020-30 ~ Additional measures for COVID-19 Public Health Emergency*, the Board elected to conduct its meeting by teleconference.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 4:00 p.m.

2. Quorum Call

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

Members Present:

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

Staff Present:

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

Guests:

Dr. Raven S. Jackson
Dr. William R. Kirchain
Dr. Lovie F. Rodgers
Ms. Paula K. Belle

Mr. Indovina certified Mr. LaGrange and Mr. Pitre were absent; however, 15 members were present, constituting a quorum for the conduct of official business. It was noted

that Mr. LaGrange and Mr. Pitre joined the call shortly thereafter.

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

Mr. Aron asked if there were any additional agenda items to be added. With no requests to amend the agenda, and without objection, the members adopted the agenda dated April 1, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

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?*

Mr. Aron reported the question came from the Dept. of Health as they considered asking or allowing pharmacists to participate in an expansion of the state's testing capacity. He indicated there are no pharmacy laws or rules specifically relative to the collection of specimens by a pharmacist. He also indicated that staff had consulted with the La. State Board of Medical Examiners since that board regulates the practice of clinical medicine; staff determined there are no apparent conflicts. Mr. Aron reminded the members the Board had issued two previous statements related to the 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.

He then directed the members to their meeting packet for copies of those two statements as well as a reminder of the statutory definition of the practice of pharmacy. He questioned the members as their opinion.

Several members raised concerns for the lack of training in the collection of nasopharyngeal specimens as well as the inherent dangers in the current COVID-19 pandemic, and they suggested pharmacists should not be involved with such testing. One member pointed to the previous statements and suggested it was within the scope of practice for pharmacists who wished to engage in that activity. Following considerable discussion, Mr. McKay moved,

Resolved, to defer consideration of the question until a future date.

Mr. Aron solicited public comments. Some commentators suggested the question may evolve to consider the collection of nasal swabs in addition to nasopharyngeal specimens. One commentator reminded the members they had approved a legislative proposal at their previous board meeting seeking to expand the pharmacy practice act to include limited prescriptive authority for drugs, devices, and lab tests; and further, the activity contemplated in the current question was one example of such activity contemplated in the legislative proposal. The motion was adopted after a majority roll call vote in the affirmative; Mr. LeBas objected.

Mr. Aron requested staff to communicate the Board's reply to the Dept. of Health.

B. Requests for Clarification of Guidance Documents

(1) Application of Guidance Document ~ Remote Processing by Pharmacy Personnel to nonresident pharmacies.

Mr. Aron directed the members to the staff memo in their meeting packet which described a request for clarification from the representative of a nonresident pharmacy as to whether this guidance document issued on March 21 was intended to apply to pharmacy personnel of a nonresident pharmacy who are licensed by the resident board of pharmacy but not the Louisiana Board of Pharmacy. Following considerable discussion, the Board determined its guidance document was not applicable to pharmacy personnel licensed by other state boards of pharmacy. Mr. Aron requested staff to communicate the Board's reply to the nonresident pharmacy.

(2) Conflict between Guidance Document ~ Remote Processing by Pharmacy Personnel and Guidance Document ~ Flexible Staffing Ratios

Mr. Aron directed the members to the staff memo in their meeting packet which describes the two guidance documents as well as requests from multiple pharmacies suggesting the requirement for direct and immediate supervision appears to negate the opportunity for remote processing. He questioned the members as to their intent. Following considerable discussion, Mr. Indovina moved,

Resolved, with respect to the Guidance Document ~ Remote Processing by Pharmacy Personnel and Guidance Document ~ Flexible Staffing Ratios, the Board determined it appropriate to waive the element of 'on-site' from the requirement for direct and immediate supervision by a pharmacist, but only until 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.

Following additional member discussion and public comment, the motion was adopted after a unanimous vote in the affirmative.

Mr. Aron directed staff to issue a revised guidance document relative to flexible staffing ratios changing only the requirement for on-site supervision for the time period approved by the Board.

- 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.

Mr. Aron directed the members to a copy of the request in their meeting packet. Mr. Broussard indicated the petitioner described their product line as dermatological products. Following brief discussion, Mr. McKay moved,

Resolved, to deny the request for a waiver from the pharmacy permit requirements from the petitioner.

There was no further member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron directed staff to communicate the Board's reply to the petitioner and include an application for a nonresident pharmacy permit.

- (2) Expedite, LLC *d/b/a* Oxyensure, a subsidiary of ResMed, Inc. [Lithia Springs, GA] requesting one-year waiver from DME licensure requirements to ship respiratory devices with remote installation instructions.

Mr. Aron directed the members to a copy of the request in their meeting packet. Following a brief discussion, Mr. McKay moved,

Resolved, to deny the request for a waiver from the DME licensure requirements from the petitioner.

Following additional member discussion and no public comment, the motion was adopted after a unanimous vote in the affirmative. Mr. Aron directed staff to communicate the Board's reply to the petitioner and include an application for a DME permit.

- D. Requests from Educational Institutions for Simulation in lieu of Practical Experience Requirements for Program Completion

Mr. Aron directed the members to the staff memo in their meeting packet. He indicated staff had communicated with the institutions with suggestions to consult their accreditation organizations. The members agreed with that approach, indicating their reluctance to micromanage the educational process at this time.

- E. Petition for Modification of Previous Order

- (1) Case No. 20-0113 ~ PST.010643 ~ William Coleman Honeycutt

Mr. Aron directed the members to the relevant material in their meeting binder. Following a brief discussion, Mr. Moore moved,

Resolved, to remove Article 2-e from his February 2016 Board Order which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy; and further, all other restrictions shall remain in place for the remainder of the probationary period which is scheduled to

conclude on February 24, 2021.

With no further member discussion or public comment, the motion was adopted after a unanimous vote in the affirmative.

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.

Mr. Aron directed the members to the staff memo in their meeting binder. Mr. Aron reminded the members that pharmacy technician renewal requirements include 10 hours of CE with no requirement for live CE. Pharmacists who do not obtain at least three hours of live CE are required to obtain at least 20 hours of CE instead of the usual 15 hours. Since live CE programs have been drastically reduced to only qualified webinar programs, the members believed it appropriate to not require any live CE for the next renewal. With respect to pharmacy technicians, the members had previously approved flexibility in the timing of their renewal cycles; they did not believe it appropriate to adjust any of the CE requirements at that time. Following a brief discussion, Mr. McKay moved,

Resolved, to waive the requirement for live continuing education credit for the renewal of pharmacist licenses, and further, to allow the acquisition of at least 15 hours of ACPE-accredited and pharmacist-specific continuing education to qualify for the renewal of a pharmacist license; however, this waiver and allowance shall be valid only for the renewal of a pharmacist license for Calendar Year 2021.

With no further member discussion or public comment, the motion was adopted after a unanimous vote in the affirmative.

G. Governor Proclamation No. 38 JBE 2020

Mr. Aron directed the members to a copy of the proclamation in their meeting binder. In particular, he drew their attention to Subsection 2.P relative to healthcare professional licensing boards. He and Mr. Broussard described their approach to compliance with that provision. The members expressed no questions or concerns.

5. New Agenda Items Added During Meeting

No new items were added to the agenda.

6. Opportunity for Public Comment

Mr. Aron solicited general public comments; there were none.

7. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 5:55 p.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary



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Minutes

Regular Meeting

Wednesday, May 27, 2020 at 9:00 a.m.

Location:

Videoconference

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 27, 2020 by videoconference. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 9:00 a.m.

2. Quorum Call

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

Members Present:

Mr. Carl W. Aron
Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Kevin LaGrange
Mr. Robert C. LeBas (late arrival)
Mr. Richard Mannino
Mr. Marty R. McKay
Mr. Ronald E. Moore
Mr. Don L. Resweber (late arrival)
Mr. Douglas E. Robichaux
Dr. Sajal K. Roy
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine

Member Absent:

Mr. Blake P. Pitre
Dr. Raymond J. Strong

Staff Present:

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

Guests:

Dr. Sarah E. Spano
Dr. Katie M. Bruce
Dr. Natasha S. Seals
Dr. Kelly A. Caulk
Dr. Caleb D. Anders
Dr. Dwana S. Day
Dr. Christine M. Foto
Dr. William R. Kirchain
Ms. Mary Staples
Dr. Mher K. Naljayan
Mr. Christopher J. LaGrange
Dr. Brett A. Lambert
Dr. Ryan M. Grant
Dr. Katie B. Pizzolato
Mr. Ben J. Sims
Dr. Taylor K. Fontenot
Dr. Madison C. Carter
Dr. Victoria H. Rathcke
Ms. Shelly Dupre
Dr. Alexis G. Parham
Dr. Lysie M. Fulkerson
Dr. Frances T. Coe
Dr. Christian W. Carnes
Dr. Michael B. Cockerham
Dr. Roxie R. Stewart
Mr. Richard J. Gaude
Mr. Richard A. Palombo
Dr. Taylor L. Ashworth
Dr. H. Glenn Anderson
Ms. Brandi W. Armand
Dr. Erika B. Bouvia
Dr. Jessica Adams
Ms. Michelle V. Goldman
Dr. Janel B. Wheeler
Dr. Cindy S. Kim
Dr. Kristyn B. Turner
Dr. Vivian H. Nguyen
Dr. Kelsey M. Johns
Dr. Dustin M. Becnel
Mr. Timothy R. Koch
Mr. Johnny Staub
Ms. Martha Earls

Mr. Indovina certified Mr. LeBas, Mr. Pitre, Mr. Resweber, and Dr. Strong were absent; however, the remaining 13 members were present, constituting a quorum for the conduct of official business. It was noted Mr. LeBas and Mr. Resweber joined the

meeting shortly thereafter. It was also noted Dr. Strong's name appeared in the list of videoconference participants; however, he did not reply to the quorum call, vote in any of the roll call votes, or participate verbally in any discussion.

3. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items to be added. None were requested. With no requests to amend the agenda and without objection, the members adopted the posted agenda dated May 17, 2020. Mr. Aron requested authority to re-order the agenda as may become necessary and there were no objections to that request.

4. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on February 5, 2020 held at Xavier University in New Orleans, Louisiana. With no objections, he waived the reading of the draft minutes. With no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented.

5. Report on Action Items

Mr. Aron called on Mr. Broussard for the report. Mr. Broussard directed the members to a copy of the report in their meeting binder. There were no questions from the members or guests.

6. Confirmation of Acts

Pursuant to Mr. Aron's declaration that the officers, committees, and executive director had attended to the business of the Board since their last meeting in accordance with policies and procedures previously approved by the Board, Mr. Robichaux moved, **Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 5, 2020 are approved, adopted, and ratified by the entire Board.

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

7. Opportunity for Public Comment

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

** Statement of Purpose*

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

8. Committee Reports

A. Finance Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reviewed the *Interim Report for Fiscal Year 2019-2020*, noting it was informational and did not require Board action. There were no member questions or public comments.

Mr. McKay noted the significant variances in certain budget lines for revenue and expenses related to the grant funds received in the prior fiscal year. He reported staff prepared a second budget amendment to recognize revenue received and expenses incurred so as to reduce the size of the variance; he directed the members to that document in their meeting binder. Mr. McKay then moved,

Resolved, to adopt *Proposed Budget Amendment No. 2 for Fiscal Year 2019-2020*.

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

Finally, on behalf of Committee Chair Blake Pitre, Mr. McKay expressed his appreciation to the other committee members for their ongoing efforts.

B. Application Review Committee

Mr. Aron noted the committee had not met since the previous Board meeting.

C. Reciprocity Committee

Mr. Aron called upon Mr. Cassidy for the committee report. He reported the staff had evaluated 47 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. Mr. Cassidy then directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder.

Finally, he closed his report with appreciation to the other committee members for their ongoing efforts.

D. Violations Committee

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee had not met since the previous Board meeting and there were no proposed consent agreements from the committee.

Mr. Indovina then presented the Complaint Investigation Monitor Report. He noted the 179 open cases carried forward from the previous fiscal year, the addition of 361 new cases, and the closure of 355 cases as of May 26, 2020, leaving 185 cases still open that day. Of the 355 case closures, the average number of days for staff to complete their case investigation was 52 days. Of the case closures, 12 of them [3.4%] exceeded the policy goal of 180 days for completion of case investigations.

Mr. Indovina reported the committee was planning to meet in July but the

arrangements were not yet complete.

Finally, he concluded his report with appreciation to the other committee members and staff for their ongoing efforts.

E. Impairment Committee

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall reported the receipt of a request for the reinstatement of a license which had been surrendered in May 2019. She reported she reviewed the request with the Board President and then offered the following motion:

Resolved, to approve the proposed voluntary consent agreement with Todd Michael Durham (PST.016962).

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of one year and stayed the execution of the suspension, then placed the license on probation for one year effective April 20, 2020 subject to certain terms enumerated within the consent agreement.

Ms. Hall then reported the receipt of a request from a physician who wanted to affiliate with the Board's Practitioner Recovery Program. She directed the members to copies of the physician's credentials and then moved,

Resolved, to

- (1) Approve the request from Dr. Sreelatha Pulakhandam to affiliate with the Board's Practitioner Recovery Program; and
- (2) Continue our approval of the Board's updated *Roster of Approved Addictionists* for Fiscal Year 2020-2021.

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

F. Reinstatement Committee

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore reported the committee had not met since the previous Board meeting; however, he reminded the members of their previous decision to allow the Board President and Reinstatement Committee Chair to act on reinstatement applications when such actions are consistent with the committee's usual stipulations. He directed the members to a list of the pharmacy technicians for whom the Board President and Reinstatement Committee Chair had approved conditional reinstatement orders and summarized their applications as well as the terms of their consent agreements. He noted the information was advisory and did not require further action.

Mr. Moore closed his report with appreciation to the other committee members for their work the previous day.

G. Tripartite Committee

Mr. Aron noted the committee had not met since the previous Board

meeting.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee was scheduled to meet on March 18 but that meeting was postponed until a future date not yet determined due to the public health emergency. He then reported briefly on rulemaking activity in the interim.

- For 16 of the 17 regulatory projects the Board considered comments and testimony during their previous meeting in February, the final rules were published in the April 2020 edition of the state register with immediate effective dates. Staff updated the pharmacy law page on the website and sent notices to all of the licensees.
- For the one regulatory project the Board determined further revisions were necessary, the Board published those proposed revisions and held another public hearing; no comments were received. The final rule for that project is contemplated for the June 2020 edition of the state register.
- Of the five new regulatory proposals recently approved by the Board and submitted to the Occupational Licensing Review Commission, the Commission approved four and retained one (pharmacy benefit managers) for further review. The notices of intent for the four were published in the April 2020 edition of the state register, and the public hearing was scheduled for later that week, on May 29.

Finally, Mr. McKay closed his report with appreciation to the committee members and staff for their ongoing efforts.

I. Executive Committee

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee developed recommendations for the Board's consideration. He indicated Mr. McKay was prepared to offer motions on behalf of the committee.

Policy & Procedure Manual & Loss Prevention Manual

Mr. Aron reported Act 413 of the 2019 Legislature requires state agencies to update their sexual harassment policies to include personal financial responsibility for investigative costs of sexual harassment complaints in certain cases. He also reported progress on staff's records management project. Finally, he noted the annual review of the two policy manuals. Mr. McKay then moved,

Resolved, to

- (1) Approve the proposed revision of *PPM.II.B.5.b ~ Sexual Harassment*;
- (2) Approve the proposed revision of *PPM.II.B.5.b ~ Procedure for Discrimination & Harassment Complaints*;
- (3) Approve the proposed revision of *PPM.II.D.2.a ~ Record Retention Schedule*;

(4) Continue our approval of the updated Policy & Procedure Manual; and

(5) Continue our approval of the updated Loss Prevention Manual.

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

Educational Programs for Pharmacists and Pharmacy Technicians

Mr. Aron reported the committee reviewed the roster of approved schools of pharmacy and noted the placement of an additional school on probation as well as the permanent closure of a school of pharmacy in November 2019. The committee also reviewed a request for approval from a pharmacy technician training program offering distance learning options for their accredited curriculum. Mr. McKay then moved,

Resolved, to

(1) Continue our approval of the updated *Roster of Approved Colleges of Pharmacy*;

(2) Approve the request for recognition for their pharmacy technician training program from New York Institute for Career Development [New York, NY]; and

(3) Continue our approval of the updated *Roster of Approved Pharmacy Technician Training Programs*.

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

Resolutions for Professional Legal Services

Mr. Aron reminded the members of the Attorney General's requirement for these resolutions for all contracts for legal services. The primary purpose of the resolution is to certify the Board does not pay contingency fees for professional legal services. Mr. McKay then moved,

Resolved, to

(1) Approve the proposed *Resolution for Professional Legal Services for Ms. Celia R. Cangelosi*; and

(2) Approve the proposed *Resolution for Professional Legal Services for Shows, Cali & Walsh, LLC*.

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

Contracts & Agreements

Mr. Aron reported the committee reviewed all of the existing contracts as well as the staff's evaluation that the contractors had met their obligations to the Board. He directed the members to a summary of the proposed contracts in their meeting binder. Mr. McKay then moved,

Resolved, to

(1) Approve the proposed contract for professional legal services with Ms. Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$100,000 for Fiscal Year 2020-2021;

- (2) Approve the proposed contract for professional legal services with Shows, Cali & Walsh, LLC, at the stipulated rate, in an amount not to exceed \$50,000 for Fiscal Year 2020-2021;
- (3) Approve the proposed contract for professional accounting services with Champagne & Company, LLC, Certified Public Accountants, at the stipulated rates, in an amount not to exceed \$32,000 for Fiscal Year 2020-2021;
- (4) Approve the proposed agreement for the maintenance of the eLicense information system with Tyler Technologies, at the stipulated rates, in an amount not to exceed \$100,000 for Fiscal Year 2020-2021;
- (5) Approve the proposed agreement for information network support services with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$50,000 for Fiscal Year 2020-2021; and
- (6) Approve the proposed agreement for the operation of the state prescription monitoring program with Appriss, Inc., at the stipulated rates, in an amount not to exceed \$215,000 for Fiscal Year 2020-2021.

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

Publications

Mr. Aron reported the committee reviewed the existing agreements for publication of the Board's drug price transparency website as well as for publication of the Board's quarterly newsletter. Mr. McKay then moved,

Resolved, to

- (1) Approve the proposed renewal of the cooperative endeavor agreement with ULM College of Pharmacy for the maintenance of the Board's drug price transparency website, at the stipulated rate, in an amount not to exceed \$43,000 for Fiscal Year 2020-2021; and
- (2) Approve the proposed renewal of the agreement for publication of the Board's newsletter by the NABP Foundation, at the stipulated rates, in an amount not to exceed \$2,000 for Fiscal Year 2020-2021.

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

Examination Vendors

Mr. Aron reminded the members of their obligation to approve the vendors for the licensure examinations for pharmacists and pharmacy technicians. Mr. McKay then moved,

Resolved, to

- (1) Approve the National Association of Boards of Pharmacy as the administrator of the pharmacist licensure examinations (MPJE, NAPLEX, and FPGEE) for Fiscal Year 2020-2021; and
- (2) Approve the Pharmacy Technician Certification Board and National Healthcareer Association as administrators of pharmacy technician certification examinations for Fiscal Year 2020-2021.

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

Product Identification Module in Louisiana Medical Marijuana Tracking System

Mr. Aron reported staff had not received a request to renew the previous agreement for the product identification module from the vendor and that the committee voted to recommend this item be tabled until a future date. Mr. McKay then moved,

Resolved, to table any consideration of the renewal of the product identification module in the Louisiana Medical Marijuana Tracking System with Metrc until a future date.

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

Request for Extension of Expiration Date of Examination Score

Mr. Aron reminded the members that examination scores expire one year after the date of the examination. Staff had identified a small number of pharmacist license applicants who had passed one of the required tests but not the second and were impacted by the pandemic-related temporary closures of testing sites. He reported the committee had reviewed the request and determined it appropriate to follow the same procedure used for other pending applications, which is to allow the Board President and committee chair to jointly approve such requests. Mr. McKay then moved,

Resolved, to authorize the Board President and Application Committee Chair to jointly approve requests to extend the expiration date of an examination score.

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

Review of Board Complaint

Mr. Aron informed the members of a complaint received from a physician about the absence of online renewal options for his controlled dangerous substance (CDS) license. Mr. Broussard reviewed the reply to the physician, indicating the Board was in the process of piloting that capability with the advanced practice registered nurses category of CDS licenses, and intended to extend the online option to all other categories of CDS license holders. Mr. Aron replied to a question from one member.

Review of Petition for Temporary Licenses

Mr. Aron reminded the members of the petition from some of the students at ULM College of Pharmacy requesting the issuance of temporary licenses while they complete their examination requirements for licensure. He reported his initial decision on receipt of the petition was to place it on the agenda for the August 12 meeting. He informed the members he had recently become aware of the need for a special meeting of the Board in either June or July and he had instructed staff to move the petition discussion to the agenda for that special meeting. He reported the committee received substantial public comments on the topic during their meeting the previous day. Following substantial discussion by the members and public, Mr. Aron requested staff develop a regulatory proposal to facilitate the issuance of a temporary permission to practice, and to schedule that proposal for the Board's consideration during their next meeting in June.

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

9. Staff Reports

J. Report of Assistant Executive Director

Mr. Aron called upon Mr. Fontenot for his report. He directed the members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. He then directed the members to the requests from 32 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. McKay then moved,

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

- > PHY.008054-NR – AptivaRx (FL);
- > PHY.008043-NR – Beauty Empower Rx (VA);
- > PHY.008051-SAT – Byrd Regional Hospital Deer Creek
Outpatient Surgery & Imaging Center (LA);
- > PHY.007510-NR – CareZone Pharmacy (TN);
- > PHY.008005-NR – Grand Pharmacy (TX);
- > PHY.008033-NR – HHI Infusion Services (IL);
- > PHY.008069-NR – Hill Derm Pharmacy (FL);
- > PHY.008083-NR – Humana Pharmacy (TX)
- > PHY.007407-NR – Incline Health (NJ);
- > PHY.007919-NR – IngenioRx Specialty or CVS Specialty (NV);
- > PHY.008014-IR – MD Clinics (LA);
- > PHY.007974-SAT – Ochsner Hospital for Orthopedics & Sports
Medicine (LA);
- > PHY.008060-HOS – PAM Specialty Hosp. Shreveport North
(LA);
- > PHY.008064-HOS – PAM Specialty Hosp. Shreveport South

- (LA);
- > PHY.008050-HOS – PharmaCare Services at Tri-Parish Rehabilitation Hospital (LA);
 - > PHY.008061-HOS – Physician’s Medical Center Pharmacy (LA);
 - > PHY.008009-HOS – Prairieville Family General Hospital (LA);
 - > PHY.007043-NR – Premier Pharmacy (TN);
 - > PHY.001138-HOS – Reeves Memorial Medical Center Pharmacy (LA);
 - > PHY.008080-NR – Script2U (TN);
 - > PHY.008036-NR – SinfoniaRx (FL);
 - > PHY.008037-NR – SinfoniaRx (TX);
 - > PHY.008053-NR – Skin Specialty Solutions (MO);
 - > PHY.006356-HOS – Slidell Memorial Hospital Regional Cancer Center Pharmacy (LA);
 - > PHY.003202-CH – St. Vincent dePaul Community Pharmacy (LA);
 - > PHY.004211-CH – St. Vincent dePaul Community Pharmacy (LA);
 - > PHY.004673-CH – St. Vincent DePaul Triparish Community Pharmacy (LA);
 - > PHY.008042-HOS – Thibodaux Regional Health System (LA);
 - > PHY.005041-NR – US Bioservices (KS);
 - > PHY.006755-NR – US Bioservices (CO);
 - > PHY.007440-NR – US Specialty Care (CO); and
 - > PHY.007438-NR – US Specialty Care (FL)
- once they have executed the standard consent agreement for that purpose.

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

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet presented a summary of the cases for which staff had prepared proposed voluntary consent agreements and proposed voluntary surrenders. Mr. Indovina then moved,

Resolved, to accept the report of General Counsel and to approve each of the proposed voluntary consent agreements and proposed voluntary surrenders identified therein.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. The report identified the following actions which were approved by the Board:

LaKisha Lonitte Robinson (CPT.009561): The Board revoked the certificate effective February 5, 2020; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any other credential issued by the Board.

Darren Michael Martin (PST.016954): The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time effective February 18, 2020.

Mark Anthony Flanary (PST.020489): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Michael Bitar (PST.020836): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Michael Paul Wilson (PST.016146): The Board revoked the license effective March 3, 2020; and further, conditioned the acceptance of any future reinstatement application upon the prior reinstatement of his Texas pharmacist license.

Michelle Sophia Giovannucci (PST.017551): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Steven's Pharmacy, LLC d/b/a Steven's Pharmacy [Port Allen, LA] (CDS.038660-PHY): The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the pharmacy's controlled dangerous substance license for an indefinite period of time effective March 9, 2020.

Tamra Lynn Saam (PST.020905): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Diabetes Management & Supplies, LLC d/b/a Diabetes Management & Supplies Pharmacy [New Orleans, LA] (PHY.005274): The Board issued a Letter of Reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Bet Pharm, LLC d/b/a Bet Pharm [Lexington, KY] (PHY.005646): The Board issued a Letter of Reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Christina Marshall Buhrman (PST.017495): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Joseph Lee Wiley, II (PST.015533): The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time effective March 19, 2020.

DzicDzice Miquel Washington (PST.017845): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Adrienne Michelle Horn (PST.021667): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Jeffery Charles Pierre (PST.020332): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Frank Louis Pallaria, Jr. (PST.018881): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Joseph Anthony Mauro (PST.022040): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Schraft's 2.0, LLC d/b/a Schraft's 2.0 [Cedar Knolls, NJ] (PHY.007453): The Board issued a Letter of Reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Alan Michael Kruger (PST.021361): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Richard Wayne McCormick (PST.020763): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Kiet Nguyen Le (PST.016528): The Board issued a Letter of Reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Advanced Pharmacy, LLC d/b/a Advanced Pharmacy [Greenville, SC] (PHY.006472): The Board issued a Letter of Reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Ricky Allan Chambers (PST.021312): The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time effective May 14, 2020.

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

L. Report of Executive Director

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard directed the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
 - Internal Reports
 - Credentials Division
 - Census Report
 - Licensure Activity Report
 - Application Activity Report
 - Exceptions Report

- Compliance Division
 - Census Report
 - Complaint Investigation Policy Monitor
- External Reports
 - Administrative and Legislative Agency Reports
- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - Marijuana Pharmacies
- State Activities
 - La. Dept. of Agriculture & Forestry – Agriculture Chemistry & Seed Commission
 - Regular Session of the 2020 Legislature
 - 1st Extraordinary Session of the 2020 Legislature
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)
 - dotPharmacy Verified Websites Program

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

10. New Agenda Items Added During Meeting

No items were added to the agenda.

11. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. He informed them there would be a special meeting in June but the date was not yet determined.

Mr. Soileau informed the members his current term would expire on June 30. He expressed his appreciation for the opportunity to serve on the Board as well as for the courtesies extended to him by the members. He indicated he would continue to be active in the profession in other venues and looked forward to working with the members on issues of common interest and concern. Mr. Aron thanked Mr. Soileau for his service on the Board and for his contributions as a member, committee chair, and officer.

12. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. Aron adjourned the meeting at 11:40 a.m.

Respectfully submitted,

Richard M. Indovina, Jr.
Secretary



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Report on Action Items



June 25, 2020

Agenda Item 5: Report on Action Items

During the report from the Finance Committee, you adopted a second budget amendment for the previous fiscal year. We submitted that amendment to the administrative and legislative agencies to which you are required to report such actions.

During the reports from the Impairment and Reinstatement Committees as well as the General Counsel, you approved board orders for a number of credentials. We entered those decisions in the eLicense system which enables their public access in the credential verification module of the Board's website. We filed the required reports on those actions to the NABP Disciplinary Clearinghouse and the National Practitioner Data Bank. We also published your actions in the July 2020 edition of your quarterly newsletter, with the exception of those cases exempted from such publication by your policies.

During the report from the Executive Committee, you approved:

1. the revision of three policy documents as well as both updated policy manuals;
2. a request from an online pharmacy technician training program;
3. updated rosters of colleges of pharmacy and pharmacy technician training programs;
4. two resolutions for professional legal services;
5. several contracts and agreements for the current fiscal year; and
6. vendors for the licensure examinations for pharmacists and pharmacy technicians.

- With respect to the policy documents, we posted both manuals on the member and staff pages in the Boardroom Library and circulated both documents to the staff.
- We communicated your approval to the pharmacy technician training program along with a copy of your rules for such programs.
- We posted the updated rosters of educational programs on the member page in the Boardroom Library. We also posted the roster of pharmacy technician training programs in the pharmacy technician section of your website.
- We executed the resolutions for professional legal services and forwarded those documents to the Attorney General.
- We executed the contracts and agreements and are completing the administrative procedures necessary to continue those services.

During the report from the Assistant Executive Director, you approved requests from 32 pharmacies for waivers from the PMP reporting requirement contingent upon their execution of the standard consent agreement for that purpose. The staff has forwarded

those consent agreements to the requesting pharmacies and recorded the exceptions for those pharmacies properly executing those agreements.

The following resources are appended to this report:

[Project 454-2019 Summary Report](#);
[Cumulative Project Promulgation Record](#); and
[Legislative Action Plan Implementation Report](#).

Respectfully submitted,
Malcolm J Broussard
Executive Director

Louisiana Board of Pharmacy
Regulatory Project 454-2019

<u>Item No.</u>	<u>Source</u>	<u>Rule</u>	<u>Request</u>	<u>Preliminary Decision</u>	<u>Current Status of Request</u>
1	Nguyen, K.	(none)	Requested mandatory lunch breaks for pharmacists	Assigned to Cmte	Item 1 11/13/2019 Board approved Draft #2
2	NACDS	§511	Remove requirement to notify Board of employment changes	Board declined to change	Item 2 9/3/2019 Board gave notice
3		§521.B	Eliminate separate Authority to Administer document, allowing the prescription for the medication to allow that activity, for the life of the prescription.	Assigned to Cmte	Item 3 11/13/2019 Board approved Draft #2
4		§709.B	Eliminate ratios for pharmacy interns.	Assigned to Cmte	Item 4 2/5/2020 Board rejected Draft #1
5		§901	Amend definition of pharmacy technician training program to allow the Board to approve programs that are not nationally accredited.	Board declined to change	Item 5 9/3/2019 Board gave notice
6		§903.A.2.c.i	Change proof of enrollment requirement for pharmacy technician training program, to allow either nationally accredited or board approved, but not both.	Board declined to change	Item 6 9/3/2019 Board gave notice
7		§903.A.3.f	Remove requirement for pharmacy technicians and pharmacy technician candidates to notify the Board of pharmacy employment changes.	Board declined to change	Item 7 9/3/2019 Board gave notice
8		§903.B.2	Eliminate requirement for pharmacy technician training programs to notify the Board when pharmacy technician candidates separate from the program.	Board declined to change	Item 8 9/3/2019 Board gave notice
9		§903.D.1	Remove board approval of pharmacy technician certification examinations and specify such examinations must be accredited by National Commission for Certifying Agencies.	Board declined to change	Item 9 9/3/2019 Board gave notice
10		§903.D.2	Remove time delay on re-examination for technicians.	Project 2019-9 in process	Item 10 4/20/2020 Final Rule published
11		§905.A.3.a	Amend eligibility for pharmacy technician certificate to allow for completion of either a nationally-accredited or a board-approved training program.	Board declined to change	Item 11 9/3/2019 Board gave notice
12		§905.A.3.b	Reduce the experiential training requirement for pharmacy technician candidates, from 600 hours to 320 hours (8 weeks), or in the alternative, 400 hours as required by PTCB.	Assigned to Cmte	Item 12 2/5/2020 Board rejected Draft #1
13		§907.A.2	Eliminate staffing ratios for pharmacy technician candidates and pharmacy technicians.	Assigned to Cmte	Item 13 3/18/2020 On Cmte agenda

Louisiana Board of Pharmacy
Regulatory Project 454-2019

<u>Item No.</u>	<u>Source</u>	<u>Rule</u>	<u>Request</u>	<u>Preliminary Decision</u>		<u>Status of Request</u>
14	§907.A.3		Re-frame the scope of practice for pharmacy technicians and pharmacy technician candidates from a list of prohibited tasks to a list of permitted tasks, citing a list of activities associated with medication dispensing and assisting with clinical duties.	Board declined to change	Item 14	9/3/2019 Board gave notice
15	§1101.C		Remove the requirement for the signature of the PIC on the application for a new pharmacy permit, and require only the name of the PIC on the form.	Board declined to change	Item 15	9/3/2019 Board gave notice
16	§1101.C.2		Change the pharmacy permit renewal cycle, from annual to biennial.	Assigned to Cmte	Item 16	11/13/2019 Board rejected Draft #1
17	§1103		Remove structural requirements such as square footage, counter space, and aisle space.	Assigned to Cmte	Item 17	11/13/2019 Board approved Draft #1
18	§1103.H.1		Remove the first sentence specifying storage space.	Assigned to Cmte	Item 18	11/13/2019 Board approved Draft #1
19	§1103.K		Remove the requirement for a printed law book.	Project 2019-17 in process	Item 19	2/28/2020 Final Rule published
20	§1105.A.1.b		Reduce the amount of practice experience to qualify for a PIC privilege, from 2 years to either 6 months or one year.	Board declined to change	Item 20	9/3/2019 Board gave notice
21	§1105.A.2		Remove the minimum number of hours a PIC must be physically present and practicing in the pharmacy.	Board declined to change	Item 21	9/3/2019 Board gave notice
22	§1105.I		Change the amount of time a pharmacy has to give notice of a change in the PIC of the pharmacy.	Assigned to Cmte	Item 22	11/13/2019 Board approved Draft #1
23	§1109		Clarify that a pharmacist assisting a patient in a clinical capacity does not create a pharmacist absence from the pharmacy.	Board agreed to clarify	Item 23	9/3/2019 Board issued clarification
24	§1111		Clarify that a pharmacist assisting a patient in a clinical capacity does not create a temporary absence from the pharmacy.	Board agreed to clarify	Item 24	9/3/2019 Board issued clarification
25	§1113		Repeal the prohibition on mechanical dispensing devices, or allow when approved by the Board.	Proposal 2019-C in Cmte	Item 25	5/29/2020 Now Project 2020-2; Public Hearing scheduled
26	§1123.K.2		Remove the requirement to store hardcopy prescription forms for one year, in favor of allowing imaging systems to retain those records for at least two years.	Assigned to Cmte	Item 26	11/13/2019 Board approved Draft #2.
27	§1131.A.1		Remove the requirement for a PIC signature, in favor of the signature of an authorized representative.	Board declined to change	Item 27	9/3/2019 Board gave notice
28	§1131.A.4		For pharmacy opening procedures, remove the language relative to a federal DEA registration.	Assigned to Cmte	Item 28	11/13/2019 Board approved Draft #1

Louisiana Board of Pharmacy
Regulatory Project 454-2019

<u>Item No.</u>	<u>Source</u>	<u>Rule</u>	<u>Request</u>	<u>Preliminary Decision</u>		<u>Status of Request</u>
29	§1201		Amend the definition of 'final check of work' to allow for technology solutions in lieu of mandatory human checks.	Proposal 2019-C in Cmte	Item 29	5/29/2020 Now Project 2020-2; Public Hearing scheduled
30	§1207.A		Amend the rule to designate the PIC or verifying pharmacist as accountable for the accuracy of the automated medication system, with additional clarification that counting machines are not considered as automated medication systems.	Proposal 2019-C in Cmte	Item 30	5/29/2020 Now Project 2020-2; Public Hearing scheduled
31	§2307.A.1.c		Remove the two-year practice requirement for the PIC privilege.	Board declined to change	Item 31	9/3/2019 Board gave notice
32	§2425.A.1		Reduce the mileage distance for telepharmacy dispensing sites, from 20 miles to 10 miles.	Project 2019-4 in process	Item 32	2/28/2020 OLRC hearing
33	§2425.A.6		Remove the requirement for a telepharmacy dispensing site to close if a new community pharmacy opens within 20 miles of the telepharmacy dispensing site.	Project 2019-4 in process	Item 33	2/28/2020 OLRC hearing
34	§2425.E.2.c		Remove references to staffing parameters and staffing ratios.	Assigned to Cmte	Item 34	3/18/2020 On Cmte agenda
35	§2425.E.3.g		Amend patient counseling rule in telepharmacy dispensing site to require such counseling only on new prescriptions and only require an offer to counsel for prescription refills.	Assigned to Cmte	Item 35	3/18/2020 On Cmte agenda
36	§2511.C.1		Remove the minimum size of a prescription form.	Board declined to change	Item 36	9/3/2019 Board gave notice
37	§2511.C.5		Allow for electronic capture of facsimile prescriptions.	Assigned to Cmte	Item 37	11/13/2019 Board approved Draft #1
38	§2511.C.5.d		Remove the 2016 expiration date.	Assigned to Cmte	Item 38	11/13/2019 Board approved Draft #1
39	§2511.D.1		Allow a pharmacy intern or pharmacy technician to enter a transcription of a verbal prescription directly into a pharmacy information system, with the pharmacist held accountable.	Assigned to Cmte	Item 39	11/13/2019 Board rejected Draft #1
40	§2513		Repeal the section on receipt and verification of prescriptions as redundant and unnecessary.	Assigned to Cmte	Item 40	11/13/2019 Board approved Draft #2
41	§2519.B.2		Remove C-V prescriptions, in alignment with 21 CFR 1306.22.	Assigned to Cmte	Item 41	11/13/2019 Board approved Draft #1
42	§2521		Extend the 72-hour allowance for emergency refills to a 30-day supply, or in the alternative, an exception for unit-of-use items.	Assigned to Cmte	Item 42	11/13/2019 Board approved Draft #1
43	§2525.B.2		Remove the 6-month expiration for C-V prescriptions	Assigned to Cmte	Item 43	11/13/2019 Board approved Draft #1
44	§2733.C.1.a		Remove the annual inventory requirement for controlled substances in pharmacies as unnecessary.	Board declined to change	Item 44	9/3/2019 Board gave notice
45	§2747.B.5		Allow for the partial dispensing of Schedule II prescriptions when requested by patients.	Project 2019-12 in process	Item 45	4/20/2020 Final Rule published

Louisiana Board of Pharmacy
Regulatory Project 454-2019

<u>Item No.</u>	<u>Source</u>	<u>Rule</u>	<u>Request</u>	<u>Preliminary Decision</u>		<u>Status of Request</u>
46	CVS Health	§907	Eliminate staffing ratios for pharmacy technician candidates and pharmacy technicians. <i>[Duplicate of Item 13]</i>	Assigned to Cmte	Item 46	3/18/2020 On Cmte agenda
47		§1109	Clarify that a pharmacist assisting a patient in a clinical capacity does not create a pharmacist absence from the pharmacy.	Board agreed to clarify	Item 47	9/3/2019 Board issued clarification
48		§1111	Clarify that a pharmacist assisting a patient in a clinical capacity does not create a temporary absence from the pharmacy.	Board agreed to clarify	Item 47	9/3/2019 Board issued clarification

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2020-5	Marijuana Pharmacy	4/20/2020 2/28/2020	5/29/2020					OLRC approved initiation of promulgation
2020-4	Pharmacy Benefit Managers	2/28/2020						OLRC deferred consideration until a future date not yet known
2020-3	Pharmacist Display of License	4/20/2020 2/28/2020	5/29/2020					OLRC approved initiation of promulgation
2020-2	Automated Medication Systems	4/20/2020 2/28/2020	5/29/2020					OLRC approved initiation of promulgation
2020-1	Prescription Monitoring Program	4/20/2020 2/28/2020	5/29/2020					OLRC approved initiation of promulgation
2019-18	Cannabis MDI	11/20/2019 9/3/2019	12/27/2019	3/6/2020	[none] 2/28/2020	4/20/2020		OLRC issued waiver from 1st review OLRC approved completion of project
2019-17	Pharmacy Records	11/20/2019 8/29/2019	12/27/2019	3/6/2020	[none] 2/28/2020	4/20/2020		OLRC approved initiation of promulgation OLRC approved completion of project
2019-16	Pharmacy Compounding	11/20/2019 8/29/2019	12/27/2019	3/6/2020	[none] 2/28/2020	4/20/2020		OLRC approved initiation of promulgation OLRC approved completion of project
2019-15	Drug Disposal by Pharmacies	11/20/2019 8/29/2019	12/27/2019	<i>Comments prompted substantive revision, requiring a second public hearing</i> OLRC approved initiation of promulgation 4/27/2020 4/28/2020	4/27/2020 [none]	OLRC approved completion of project 6/20/2020		
454-2019	Comments on Entirety of Rules	5/20/2019	6/26/2019					
2019-14	Rulemaking Procedures	11/20/2019 4/22/2019	12/27/2019	3/6/2020	[none] 2/28/2020	4/20/2020		OLRC issued waiver from 1st review OLRC approved completion of project

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2019-13	CDS License for 3PL Providers	11/20/2019 4/22/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-12	Partial Fill of C-II Prescriptions	11/20/2019 4/22/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-11	Continuing Education Records	11/20/2019 8/29/2019	12/27/2019 OLRC approved initiation of promulgation	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-10	License Transfer for Pharmacy Technicians	11/20/2019 8/29/2019	12/27/2019 OLRC approved initiation of promulgation	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-9	Delays of Licensure Examinations	11/20/2019 8/29/2019	12/27/2019 OLRC approved initiation of promulgation	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-8	Dispensing of Prescription Refills	11/20/2019 4/12/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-7	Veterinary Hospital Pharmacy	11/20/2019 4/12/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-6	Prescription Monitoring Program	With additional PMP-related regulatory proposals, this project was deferred in favor of Project 2020-1 (see above). 4/12/2019 OLRC issued waiver from 1st review						
2019-5	Correctional Center Pharmacies	11/20/2019 4/12/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-4	Telepharmacy Dispensing Sites	11/20/2019 8/29/2019	12/27/2019 OLRC approved initiation of promulgation	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-3	Investigational Drugs	11/20/2019 4/12/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2019-2	Pharmacy Immunizations	11/20/2019 4/12/2019	12/27/2019 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-1B	Licensing of Marijuana Pharmacies	11/20/2019 8/29/2019	12/27/2019 OLRC approved initiation of promulgation	3/6/2020	[none] 2/28/2020	4/20/2020 OLRC approved completion of project		
2019-1A	Marijuana Pharmacies	4/20/2019 3/20/2019	5/29/2019 OLRC issued waiver from 1st review	9/3/2019	[none] 9/3/2019	10/20/2019 OLRC issued waiver from 2nd review		1/31/2020
2018-3	Drugs of Concern - Naloxone	9/20/2018	10/26/2018	12/3/2018	[none]	1/20/2019	2019	2/26/2019
2018-2	La. Uniform Prior Authorization	8/20/2018	9/28/2018	10/25/2018	[none]	12/20/2018 <i>Delayed effective date: 1/1/2019</i>	2019	2/26/2019
2018-1	Pharmacy Benefit Managers	5/20/2018	6/25/2018	9/11/2018	10/8/2018	<i>Sen. H&W Cmte rejected proposed rule.</i>		
2017-2	Equivalent Drug Product Interchange	4/20/2017	5/30/2017	9/27/2017	[none]	11/20/2017	11/20/2017	2/6/2018
2017-1	Internship Requirements	4/20/2017	5/30/2017	9/27/2017	[none]	11/20/2017 <i>Delayed effective date: 1/1/2018</i>	1/1/2018	2/6/2018
2016-6	Marijuana Pharmacy	1/20/2017	3/2/2017 6/26/2017	<i>Comments prompted substantive revision, requiring a second public hearing</i> 7/5/2017	[none]	8/20/2017	2017	2/6/2018
2016-5	Reinstatement of CDS License	11/17/2016 3/15/2017	Emergency Rule #1 issued; it expired 3/17/2017. Emergency Rule #2 issued; it was cancelled upon publication of the Final Rule.					
		1/20/2017	3/1/2017	3/27/2017	[none]	5/20/2017	2017	2/6/2018

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2016-4	Standing Orders for Distribution of Naloxone	8/10/2016 12/7/2016 4/5/2017 1/20/2017	Emergency Rule #1 issued; it expired 12/8/2016. Emergency Rule #2 issued; it expired 4/6/2017. Emergency Rule #3 issued; it was cancelled upon publication of the Final Rule. 3/1/2017	3/27/2017	[none]	5/20/2017	2017	2/6/2018
2016-3	Medication Synchronization	4/20/2016	5/25/2016	8/1/2016	[none]	9/20/2016	2016	2/1/2017
2016-2	Pharmacist-in-Charge of Nonresident Pharmæ	4/20/2016	5/25/2016	11/14/2016	[none]	1/20/2017	2017	2/6/2018
2016-1	CDS Prescriptions	4/20/2016	5/25/2016	6/3/2016	[none]	7/20/2016	2016	2/1/2017
2015-9	Accreditation of Technician Training Program	11/30/2015 3/24/2016 7/21/2016 11/17/2016 3/15/2017 7/10/2017 11/6/2017 1/20/2017	Emergency Rule #1 issued; it expired 3/28/2016. Emergency Rule #2 issued; it expired 7/22/2016. Emergency Rule #3 issued; it expired 11/18/2016. Revised Emergency Rule issued; it expired 3/17/2017 Emergency Rule #5 issued; it expired 7/13/2017 Emergency Rule #6 issued; it will expire 11/7/2017 Emergency Rule #7 issued; it was cancelled upon publication of the Final Rule. 3/1/2017 6/26/2017	<i>Comments prompted substantive revision, requiring a second public hearing</i> 11/6/2017	[none]	12/20/2017 <i>Delayed effective date: 1/1/2018</i>	1/1/2018	2/6/2018
2015-8	Remote Access to Medical Orders	7/20/2015	8/26/2015	9/8/2015	[none]	10/20/2015	2016	2/22/2016
2015-7	Remote Processor Pharmacy Permit	7/20/2015	8/26/2015	9/8/2015	[none]	10/20/2015	2016	2/22/2016
2015-6	Telepharmacy Services Permit	7/20/2015	8/26/2015	9/8/2015	[none]	10/20/2015	2016	2/22/2016
2015-5	Electronic Signature on Fax Prescription	6/1/2015 9/21/2015 7/20/2015	Emergency Rule; will expire on 09/30/2015 Emergency Rule re-issued; will expire on publication of Final Rule. 8/26/2015	9/8/2015	[none]	10/20/2015	2016	2/22/2016

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2015-4	Compounding for Office Use for Veterinarians	6/1/2015 9/21/2015 1/15/2016 2/24/2016 7/20/2015	Emergency Rule; will expire on 09/28/2015 Emergency Rule re-issued; will expire on 01/19/2016 Emergency Rule re-issued; will expire on 05/14/2016 Emergency Rule re-issued; will expire on publication of Final Rule					
			8/26/2015 4/19/2016	<i>Comments prompted substantive revision, requiring a second public hearing</i> 5/10/2016	[none]	6/20/2016	2016	2/1/2017
2015-3	Electronic Product Verification	4/20/2015	6/25/2015	6/29/2015	[none]	8/20/2015	2016	2/22/2016
2015-2	Expiration Date of Schedule II Prescriptions	12/20/2014	1/28/2015	3/3/2015	[none]	4/20/2015	2016	2/22/2016
2015-1	Dispenser Reporting to PMP	12/20/2014	1/28/2015	3/3/2015	[none]	4/20/2015	2016	2/22/2016
2014-6	Special Event Pharmacy Permit	9/20/2014	10/30/2014	11/18/2014	[none]	1/20/2015	3/15/2015	2/22/2016
2014-5	Prescriptions	6/20/2014	7/28/2014 10/30/2014	<i>Comments prompted substantive revision, requiring a second public hearing</i> 11/18/2014	[none]	1/20/2015	3/15/2015	2/22/2016
2014-4	Pharmacy Compounding	8/8/2014 12/5/2014	Emergency Rule - valid for 120 days Emergency Rule re-issued; expired on publication of Final Rule on 1/20/2015.					
		9/20/2014	10/30/2014	11/18/2014	[none]	1/20/2015	3/15/2015	2/22/2016
2014-3	Pharmacy Records	3/20/2014	4/29/2014 9/30/2014	<i>Comments prompted substantive revision, requiring a second public hearing</i> 10/3/2014	[none]	11/20/2014	3/15/2015	3/13/2015
2014-2	Veterinarian Exclusion from PMP	3/20/2014	4/29/2014	5/8/2014	[none]	6/20/2014	3/15/2015	3/13/2015
2014-1	PMP Delegates	3/20/2014	4/29/2014	5/8/2014	[none]	6/20/2014	3/15/2015	3/13/2015
2013-06	Penal Pharmacy Permit Revision	7/20/2013	8/27/2013	10/3/2013	[none]	11/20/2013	1/15/2014	2/7/2014
2013-05	Collaborative Drug Therapy Management	7/20/2013	8/27/2013	11/8/2013	[none]	12/20/2013	1/15/2014	2/7/2014

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2013-04	Preferential Licensing for Military Personnel	7/20/2013	8/27/2013	9/23/2013	[none]	11/20/2013	1/15/2014	2/7/2014
2013-03	Technician Training Programs [Chap. 9]	4/20/2013	5/30/2013	6/4/2013	[none]	7/20/2013	1/15/2014	2/7/2014
2013-02	Hospital Off-Site Satellite Pharmacies [Chap.	1/20/2013	2/27/2013	3/15/2013	[none]	5/20/2013	1/15/2014	2/7/2014
2013-01	Compounding for Prescriber Use ~ ER-1	12/13/2012	Emergency Rule - valid for 120 days		1/18/2013	<i>Sen H&W Cmte rejected Emergency Rule</i>		
	Compounding for Prescriber Use ~ ER-2	1/31/2013 5/29/2013 9/27/2013 2/6/2014 4/4/2014	Replacement Emergency Rule - valid for 120 days Replacement Emergency Rule re-issued - expired 8/4/2014; see Project 2014-4 above for new ER					
	Compounding for Prescriber Use [Chap 25]	1/20/2013 1/20/2014	2/27/2013 5/30/2013	<i>Comments prompted substantive revision, requiring a second public hearing</i> <i>Comments prompted substantive revision; additional hearing required</i>				
			Time has expired for the 2013 Notice of Intent - New Project & Notice of Intent required.					
2012-11	DME Permit [Chapter 24]	11/20/2012	12/27/2012	1/5/2013	[none]	3/20/2013	4/15/2013	2/7/2014
2012-10	PMP [Chapter 29]	7/20/2012	8/27/2012	1/2/2013	[none]	2/20/2013	4/15/2013	3/8/2013
2012-09	CDS in EDK [§1713, 2743]	7/20/2012	8/27/2012	1/2/2013	[none]	2/20/2013	4/15/2013	3/8/2013
2012-08	CDS Lic. For Non-Resident Distributor [§270E	7/20/2012	8/27/2012	1/2/2013	[none]	2/20/2013	4/15/2013	3/8/2013
2012-07	Security of Rx Dept [§1103]	7/20/2012	8/27/2012	1/2/2013	[none]	2/20/2013	4/15/2013	3/8/2013
2012-06	Interstate Remote Processing [§1139, 1143]	7/20/2012	8/27/2012	1/2/2013	[none]	2/20/2013	4/15/2013	3/8/2013
2012-05	Institutional Pharmacy [§1705, 1727]	7/20/2012	8/27/2012	1/2/2013	[none]	2/20/2013	4/15/2013	3/8/2013

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion
2012-04	Chapter 24 - DME Permits ~ Emergency Rule	5/2/2012 8/31/2012 12/28/2012	Emergency Rule - valid for 120 days Emergency Rule re-issued - valid for 120 days Emergency Rule re-issued - valid for 120 days					2/7/2014 2/7/2014 2/7/2014
2012-03	Remote Processing [§1143, 1525]	1/20/2012	2/28/2012	3/19/2012	[none]	5/20/2012	4/15/2013	3/8/2013
2012-02	Hospital Pharmacy [§1501, 1512, 1513]	1/20/2012	2/28/2012	3/19/2012	[none]	5/20/2012	4/15/2013	3/8/2013
2012-01	E-Communications [§505, 905, 1203]	1/20/2012	2/28/2012	3/19/2012	[none]	5/20/2012	4/15/2013	3/8/2013
2011-07	Penal Pharmacy [Chapter 18]	1/20/2012	2/28/2012	3/19/2012	[none]	5/20/2012	4/15/2013	3/8/2013
2011-02	Cognitive Services [§525]	1/20/2012	2/28/2012	3/19/2012	[none]	5/20/2012	4/15/2013	3/8/2013
2011-01	PIC Requirements [§1105]	1/20/2012	2/28/2012	3/19/2012	[none]	5/20/2012	4/15/2013	3/8/2013
2009-04	Digital Imaging of Prescriptions [§1123]	12/20/2009	1/27/2010	2/26/2010	[none]	4/20/2010	1/31/2011	4/5/2011
2009-03	Prescription Transfers [§2523]	12/20/2009	1/27/2010	2/26/2010	[none]	4/20/2010	1/31/2011	4/5/2011
2009-02	Pharmacy Interns [§709]	12/20/2009	1/27/2010	2/26/2010	[none]	4/20/2010	1/31/2011	4/5/2011
2009-01	Drugs of Concern [§2901]	12/20/2009	1/27/2010	2/26/2010	[none]	4/20/2010	1/31/2011	4/5/2011
2008-03	CDS [Chapter 27]	6/20/2008	7/30/2008	8/21/2008	[none]	10/20/2008	1/31/2011	3/16/2009
2008-02	Pharmacies [§1107.B + §1727]	4/20/2008	5/28/2008	6/2/2008	[none]	7/20/2008	1/31/2011	3/16/2009
2008-01	Pharmacy Interns [§521.G + §705.C]	4/20/2008	5/28/2008	6/2/2008	[none]	7/20/2008	1/31/2011	3/16/2009
2007-01	Prescription Monitoring Program [Chapter 29]	4/20/2007	5/30/2007	6/5/2007	[none]	7/20/2007	1/31/2011	2/13/2008

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

Project No.	Project Name	1st Report Notice of Intent	Public Hearing	2nd Report Hearing Record	Oversight Hearing	Final Rule Published	Law Book Published	3rd Report Completion	
2006-03	Pharmacy Practice	11/20/2006 3/30/2007	12/27/2006 4/20/2007	<i>Comments prompted substantive revision, requiring a second public hearing</i>			6/20/2007	1/31/2011	2/13/2008
2006-02	Proposal No. 2006-11 - Certified Preceptors	9/20/2006	10/30/2006	11/1/2006	[none]	12/20/2006	1/31/2011	3/30/2007	
2006-01	Proposal No. 2006-11 - Certified Preceptors	9/1/2006	Emergency Rule - valid for 120 days		[none]	N/A	N/A	3/30/2007	
2005-03	§705 - Practical Experience for Interns	12/20/2005	1/25/2006	1/30/2006	[none]	4/20/2006	9/1/2006	3/30/2007	
2005-02	§705 - Practical Experience for Interns	12/20/2005	Emergency Rule - valid for 120 days		[none]	N/A	N/A	3/30/2007	
2005-01	§907 - Scope of Practice for Technicians	6/20/2005	7/27/2005	8/25/2005 1/30/2006	<i>Refiled report due to disruption caused by Hurricanes Katrina & Rita</i>			2/14/2006 6/20/2006 9/1/2006	3/30/2007
2004-01	Chapter 8 →Chapter 9: Pharmacy Technician	8/20/2004	9/27/2004	10/5/2004	[none]	11/20/2004	1/1/2005	3/18/2005	
2003-01	Complete Revision of Board Rules	7/20/2003	8/26/2003	8/28/2003	[none]	10/20/2003	1/1/2004	2/27/2004	
2001-01	§1109 - Prescription Forms	9/20/2001	10/25/2001	11/5/2001	[none]	11/20/2001	1/1/2002	N/A	
2000-04	Chapter 7 - Pharmacy Interns	6/20/2000	7/27/2000	8/28/2000	[none]	10/20/2000	12/1/2000	N/A	
2000-03	Chapter 8 - Pharmacy Technicians	4/20/2000 7/20/2000	5/30/2000 8/24/2000	7/5/2000 8/28/2000	<i>Comments prompted substantive revisions, requiring a 2nd hearing</i>			[none] 10/20/2000 12/1/2000	N/A
2000-02	§3517 - Drug Donations / Charitable Pharmac	4/20/2000	5/30/2000	6/20/2000	[none]	8/20/2000	10/1/2000	N/A	
2000-01	§3517 - Drug Donations / Charitable Pharmac	3/20/2000	Emergency Rule - valid for 120 days		[none]	N/A	N/A	N/A	
1999-01	Chapter 12 - Automated Medication Systems	9/20/1999	11/29/1999	3/13/2000	[none]	6/20/2000	6/1/2000	N/A	

Louisiana Board of Pharmacy
Implementation of Legislation from 2020 Regular Session

<u>Bill</u>	<u>Act</u>	<u>Topic</u>	<u>Citation(s)</u>	<u>Law Book</u>	<u>Rules</u>	<u>PPM</u>	<u>Guidance</u>	<u>Forms</u>	<u>Completion</u>
HB 089	2020-010	Update to CDS schedules	40:964						
HB 418	2020-147	Extended immunity for medical marijuana	40:966(F)(6), (7), (8)						
HB 613	2020-200	Occupational licenses for military families	37:3651						
HB 619	2020-202	Licensure fees for PBMs	37:1184						
HB 633	2020-155	Cybersecurity training for employees	42:1267						
HB 819	2020-286	Recommendations for medical marijuana	40:1046(A)						
HB 843	2020-344	Hemp-derived cannabidiol products	3:1481 through 1485						
HCR 071		Temporary suspension of licensing fees			Reg. Proposal 2020-F				
HCR 081		Task Force - Cannabis Industry Workforce				PPM.I.B.6			
SB 273	2020-117	IT managed service providers to state agencies	51:2111 through 2116						

Louisiana Board of Pharmacy
Implementation of Legislation from 2019 Regular Session

<u>Bill</u>	<u>Act</u>	<u>Topic</u>	<u>Citation(s)</u>	<u>Law Book</u>	<u>Rules</u>	<u>PPM</u>	<u>Guidance</u>	<u>Forms</u>	<u>Completion</u>
HB 138	2019-354	Revised definitions; new drugs in Schedule I	40:961 and 964	8/1/2019					8/1/2019
HB 243	2019-423	Reporting of opioid-related overdoses	40:978.2.1	8/1/2019					8/1/2019
HB 284	2019-426	Prescriber overrides of 7-day supply	40:978(G)(2)	8/1/2019					8/1/2019
HB 358	2019-284	Cannabis metered-dose inhalers	40:1046(A)(1)	8/1/2019	LAC 46:LIII.2443.C.1.h				4/20/2020
HB 375	2019-219	CBC for CDS license applicants	40:973.1	8/1/2019				5/1/2020	5/1/2020
HB 423	2019-227	Repeal of student loan disqualifications	37:2951 repealed					8/1/2019	8/1/2019
HB 433	2019-161	Pharmacist may decline to fill prescription	37:1219(D through F)	8/1/2019	Board determined no rule needed				8/14/2019
HB 452	2019-231	Scheduling of mitragynine	40:964 and 40:989.3	8/1/2019					8/1/2019
HB 491	2019-164	Hemp-derived CBD oil products	40:961.1	8/1/2019			8/14/2019		8/14/2019
HB 507	2019-331	7% tax on gross sales of marijuana products	40:1046(H)(8)(a)	8/1/2019					8/1/2019
HB 614	2019-256	Public notice for public records	44:33.1(B)						8/1/2019
SB 41	2019-124	Licensure and regulation of PBMs	37:1252 et seq; 40:2861 et seq	8/1/2019	Reg. Project 2020-4 in process				
SB 53	2019-080	Access to PMP by federal jurisdictions	40:1007(G)	8/1/2019	Reg. Project 2020-1 in process				
SB 99	2019-052	Board member qualifications	37:1174(A)(4)	8/1/2019	Board determined no rule needed				8/14/2019
SB 119	2019-351	Palliative Care Advisory Council	40:2018.6			PPM.I.B.6			8/14/2019
SB 241	2019-204	Revision of APA re small business impact	49:953 et seq				OSR		10/7/2019



Louisiana Board of Pharmacy
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Agenda Item 8. Special Orders of the Day

- A. Consideration of Proposed Emergency Rules
 - (1) Regulatory Proposal 2020-E ~ Temporary Permission to Practice
 - (2) Regulatory Proposal 2020-F ~ Temporary Suspension of License Renewal Fees
- B. Request for Approval of Immunization Training Certificate Program
- C. Review of Legislation from 2020 Regular Session
- D. Review of Comments & Testimony from May 29 Public Hearing
 - (1) Regulatory Project 2020-1 ~ Prescription Monitoring Program
 - (2) Regulatory Project 2020-2 ~ Automated Medication Systems
 - (3) Regulatory Project 2020-3 ~ Pharmacist License Display
 - (4) Regulatory Project 2020-5 ~ Marijuana Pharmacy

1 **DECLARATION OF EMERGENCY**

2
3 Department of Health
4 Board of Pharmacy

5
6 Temporary Permission to Practice – LAC 46:LIII.520
7

8 The Louisiana Board of Pharmacy is exercising the emergency provisions of the
9 Administrative Procedure Act, specifically at R.S. 49:953(B), to promulgate an emergency rule
10 to authorize the issuance of temporary permissions to practice to eligible applicants with pending
11 applications for pharmacist licensure who have completed all requirements for licensure except
12 one of the two required licensure examinations.

13 The Board has become aware of delays in securing appointments at licensure
14 examination testing centers as a result of the COVID-19 pandemic. These delays may cause a
15 pharmacy school graduate to qualify for a pharmacist license later than they would have in the
16 absence of such delays.

17 The Board has determined this emergency rule is necessary to prevent imminent peril to
18 the public health, safety, and welfare. This emergency rule shall become effective June 30, 2020
19 and shall remain in effect for 120 days unless rescinded or renewed.

20
21 Malcolm J Broussard
22 Executive Director
23 Louisiana Board of Pharmacy
24

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 5. Pharmacists

§520. Temporary Permission to Practice

A. Temporary permission to practice

1. A temporary permission to practice (hereinafter, “TPP”) is a privilege granted by the board to eligible persons. The holder of such a privilege is authorized to perform the professional functions reserved for a pharmacist for a limited period of time subject to the restrictions identified in Subsection F of this Section.
2. A TPP is not a license, certificate, permit or registration. It may be issued and canceled at the board’s discretion. It is a virtual privilege meaning no paper form exists, but it shall be verifiable at the board’s website.

B. Eligibility criteria for TPP privilege

1. A person seeking a TPP privilege shall have previously submitted an application for pharmacist licensure in Louisiana, and further, that application shall be unexpired.
2. The applicant shall have completed all requirements for licensure with the exception of successful completion of the second of two required licensure examinations.
3. The applicant shall have applied to the test administrator for the second licensure examination, shall have received an authorization to test from the test administrator, and shall have received confirmation of a future testing date from the test vendor.
4. The failure of any licensure examination shall render the applicant ineligible to receive or hold a TPP privilege.

C. Procedure to request a TPP privilege

1. A person seeking a TPP privilege shall submit a written request electronically (fax or email) to the board office.
2. The written request shall be accompanied by a copy of the authorization to test issued by the test administrator as well as a copy of the confirmation of a future testing date issued by the test vendor.
3. The applicant shall indicate their consent to the relinquishment of any active credential issued by the board, except a medication administration registration, as a condition to the issuance of a TPP privilege.

D. Issuance of a TPP privilege

- 38 1. On receipt of an electronically submitted written request for a TPP privilege, board staff shall
39 review the applicant's record to confirm the following:
- 40 a. The application for pharmacist licensure in Louisiana has not expired.
41 b. All required supporting documentation has been received.
42 c. The applicant has completed the educational requirement for licensure as evidenced by a
43 certificate of graduation from a board-approved college of pharmacy.
44 d. The applicant has completed the experiential requirement for licensure as evidenced by
45 documentation of at least 1,740 hours of practical experience; however, this requirement shall
46 be waived for applicants seeking licensure by license transfer from another jurisdiction.
47 e. The applicant has received a passing score for one of the two required licensure examinations.
48 f. The applicant has not failed any licensure examination.
49 g. The criminal history record report has been reviewed and no inquiry is pending.
50 h. All fees have been paid.
- 51 2. Following verification of eligibility requirements, board staff shall first change the status of any
52 active credential issued by the board, except a medication administration registration, to reflect its
53 relinquishment and then issue a TPP privilege set to expire 14 business days after the scheduled
54 examination date identified in the testing date confirmation issued by the test vendor.
- 55 3. Board staff shall inform the applicant of the TPP privilege and how that privilege may be verified
56 at the board's website.
- 57 4. A TPP privilege shall not be renewable, nor shall more than one such privilege be issued to any
58 person.
- 59 E. Cancellation of a TPP privilege
- 60 1. In the event the holder of a TPP privilege fails a licensure examination, board staff shall first
61 cancel the TPP privilege and then reinstate any previously relinquished active credential with its
62 original expiration date. Board staff shall notify the holder of such actions.
- 63 2. In the event a TPP privilege expires before the applicant has completed the requirements for
64 pharmacist licensure, board staff shall reinstate any previously relinquished active credential with
65 its original expiration date. Board staff shall notify the holder of such actions.
- 66 3. When the holder of a TPP privilege receives a passing score on the second licensure examination
67 and has completed all requirements for licensure, board staff shall cancel the TPP privilege upon
68 the issuance of the pharmacist license.
- 69 F. Restrictions
- 70 1. Time practiced under the authority of a TPP privilege shall not be valid for licensure purposes.
71 2. A TPP privilege shall not be eligible for license transfer to any other jurisdiction.
72 3. A TPP privilege shall not qualify the holder for an NABP Passport.

- 73 4. A person holding a TPP privilege may perform the professional functions reserved for a
74 pharmacist subject to the following limitations:
75 a. The holder of a TPP privilege is not eligible to accept an appointment as the pharmacist-in-
76 charge of any pharmacy licensed by the board.
77 b. The holder of a TPP privilege shall not practice in the absence of a Louisiana-licensed
78 pharmacist.

79
80 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

81 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR
82

DRAFT

1 **DECLARATION OF EMERGENCY**

2
3 Department of Health
4 Board of Pharmacy

5
6 Temporary Suspension of License Renewal Fees – LAC 46:LIII.1150
7

8 The Louisiana Board of Pharmacy is exercising the emergency provisions of the
9 Administrative Procedure Act, specifically at R.S. 49:953(B), to promulgate an emergency rule
10 to implement a temporary suspension of license renewal fees for a limited period of time.

11 During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent
12 Resolution 71 which directs professional licensing boards to adopt emergency rules to suspend
13 the collection of license renewal fees for existing businesses located in Louisiana for licenses,
14 certificates, permits and registrations scheduled to expire from July 1, 2020 through June 30,
15 2021.

16 The Board has determined this emergency rule is necessary to comply with the legislative
17 mandate in House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana
18 Legislature. This emergency rule shall become effective June 30, 2020 and shall remain in effect
19 for 120 days unless rescinded or renewed.

20
21 Malcolm J Broussard
22 Executive Director
23 Louisiana Board of Pharmacy
24

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 11. Pharmacies

§1150. Temporary Suspension of License Renewal Fees

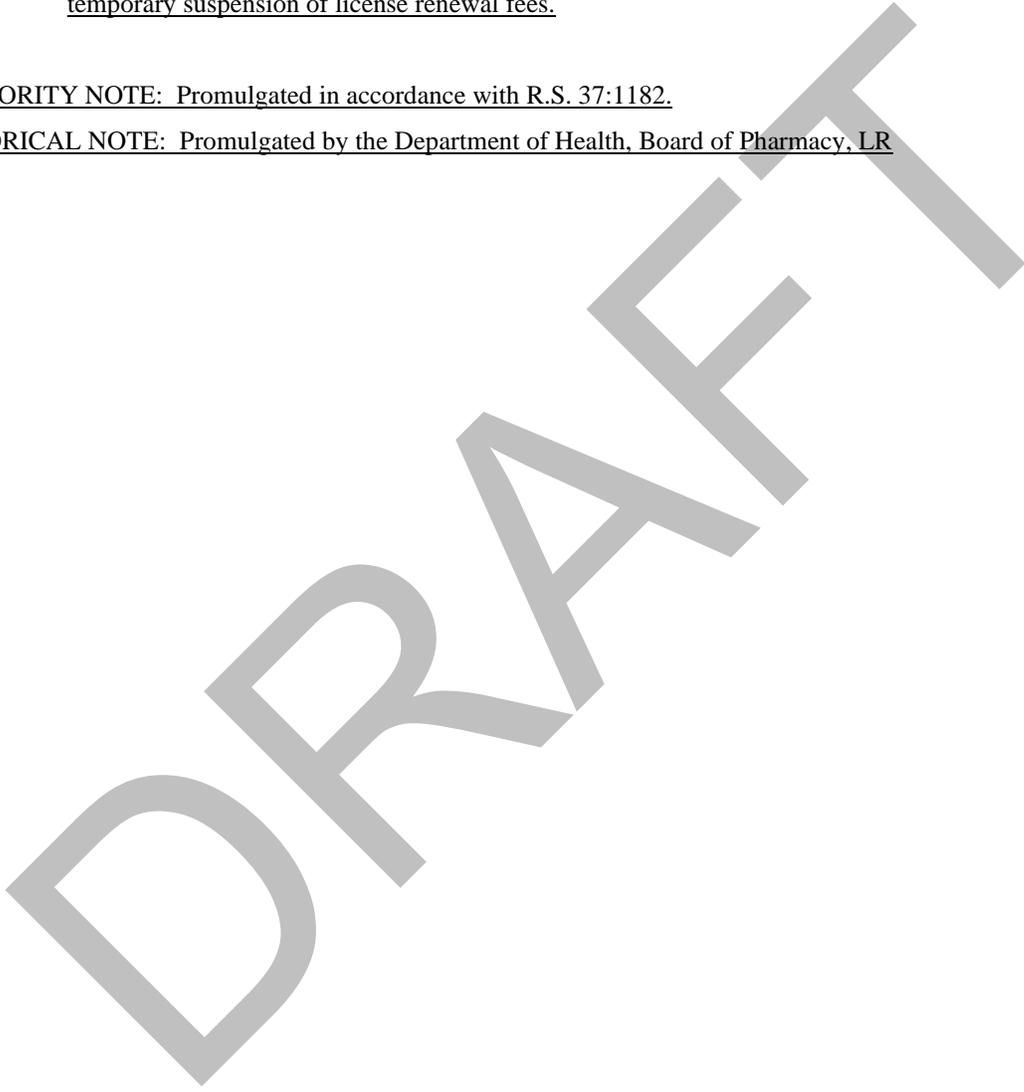
- A. During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent Resolution 71, which requires professional licensing boards to adopt emergency rules to suspend the collection of license renewal fees for existing businesses located in Louisiana for licenses, certificates, permits and registrations scheduled to expire from July 1, 2020 through June 30, 2021.
- B. Notwithstanding any other provision of this Part to the contrary, the board shall waive the collection of the renewal fee and any associated late renewal fee for any of the following credentials scheduled to expire at any time from July 1, 2020 through June 30, 2021, excluding any credentials issued to nonresident pharmacies, facilities, or other businesses located outside Louisiana:
1. Pharmacy permits.
 2. Durable medical equipment permits.
 3. Emergency drug kit permits.
 4. Automated medication system registrations.
 5. Controlled dangerous substance licenses issued to the following business categories:
 - a. Automated medication systems;
 - b. Drug and device distributors;
 - c. Hospitals;
 - d. Laboratories;
 - e. Manufacturers;
 - f. Pharmacies;
 - g. Registered outsourcing facilities;
 - h. Substance abuse clinics; and
 - i. Third party logistics providers.
- C. All other types of fees associated with the issuance and renewal of various licenses, certificates, permits and registrations issued to existing businesses located in Louisiana, including reinstatement fees, prescription monitoring program assessments, pharmacy education support fees, administrative hearing fees, and other fees itemized in R.S. 37:1184 are excluded from this temporary suspension of license renewal fees.

37 D. All fees associated with the issuance and renewal of various licenses, certificates, permits and
38 registrations issued to new and existing businesses located outside Louisiana are excluded from this
39 temporary suspension of license renewal fees.

40 E. All fees associated with the issuance and renewal of various licenses, certificates, permits and
41 registrations issued to individual persons located within or outside Louisiana are excluded from this
42 temporary suspension of license renewal fees.

43
44 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

45 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR
46



From: [Malcolm J. Broussard](#)
To: "Dustin Foret"
Bcc: [Carl W Aron \(CAron@pharmacy.la.gov\)](mailto:CAron@pharmacy.la.gov); [Carlos M Finalet III \(cfinalet@pharmacy.la.gov\)](mailto:cfinalet@pharmacy.la.gov); [M Joseph Fontenot \(jfontenot@pharmacy.la.gov\)](mailto:jfontenot@pharmacy.la.gov)
Subject: RE: Immunization Administration [PST.020611 - Foret, Dustin]
Date: Saturday, May 30, 2020 6:51:00 PM

Good evening, Dr. Foret.

Thanks for your feedback on the list of previously approved programs noted on the application form for the medication administration registration. When I searched for information on those four programs, only one of them appears to be currently available - the APhA certificate program, which the Board considers the reference standard. All other programs are measured against that one. When I reviewed the information at the link you provided, it does appear to offer the requisite 20 hours, but I have not performed a line-by-line comparison of that curriculum with the curriculum in the APhA program.

The Board's rules require them to approve all immunization training programs and they have not delegated that authority to staff. I will ask the Board's President to add your request to the agenda for their next meeting. As of now, their next regular meeting is scheduled for August 12. However, it appears they may be required to have a special meeting sometime during the month of June to consider one or more emergency rules. I will let you know as soon as I have further information to share with you.

Take care,
Malcolm

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy

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, La. R.S. 44:1 *et seq.*

From: Dustin Foret <DustinF@losgh.org>
Sent: Thursday, May 28, 2020 11:51 AM
To: Malcolm J. Broussard <mbroussard@pharmacy.la.gov>
Subject: FW: Immunization Administration [PST.020611 - Foret, Dustin]

Dear Mr. Broussard,

I recently contacted the board in regards to an immunization training course and was referred to you. I am in need of an immunization training course for a new position I recently accepted. With the current Covid outbreak, local classes aren't available. I reviewed the web-based approved programs on the LABP website, and the document seems a little outdated (the websites aren't active or aren't offering courses). I came across an immunization administration training for pharmacists through

CEImpact. They are accredited by the Accreditation Council for Pharmacy Education. I wanted to see if this program would be acceptable. Link to course offering-
<https://learn.ceimpact.com/library/group/22>

Thanks,

Dustin Foret, Pharm.D.

Lady Of The Sea General Hospital
200 West 134th Place
Cut Off, LA 70345
Phone (985) 632-8331
Fax (985) 632-2102
email: dustinf@losgh.org



From: Lindsey Schultz <lschultz@pharmacy.la.gov>
Sent: Thursday, May 28, 2020 10:17 AM
To: Dustin Foret <DustinF@losgh.org>
Subject: RE: Immunization Administration [PST.020611 - Foret, Dustin]

Pharmacist Foret,

You are welcome to contact the Board's Executive Director, Mr. Malcolm Broussard at mbroussard@pharmacy.la.gov to request the Board approve the immunization training course you mentioned in your message.

Kindest Regards,

Lindsey Schultz
Licensing Analyst
Louisiana Board of Pharmacy
lschultz@pharmacy.la.gov

In compliance with Act 2019-256, 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. In compliance with Act 2018-655, 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; Louisiana House of Representatives; P.O. Box 44486; Baton Rouge, La. 70804; 225.342.2403; h&qa@legis.la.gov. (3) Committee on Senate & Governmental Affairs; Louisiana Senate; P.O. Box 94183; Baton Rouge, La. 70804; 225.342.9845; s&a@legis.la.gov.

From: info <info@pharmacy.la.gov>

Sent: Tuesday, May 19, 2020 4:28 PM
To: Lindsey Schultz <lschultz@pharmacy.la.gov>
Subject: FW: Immunization Administration [PST.020611 - Foret, Dustin]

From: Dustin Foret <DustinF@losgh.org>
Sent: Tuesday, May 19, 2020 4:24 PM
To: info <info@pharmacy.la.gov>
Subject: Immunization Administration [PST.020611 - Foret, Dustin]

To whom it may concern,

I am in need of an immunization training course for a new position I recently accepted. With the current Covid outbreak, local classes aren't available. I reviewed the web-based approved programs on the LABP website, and the document seems a little outdated (the websites aren't active or aren't offering courses). I came across an immunization administration training for pharmacists through CEImpact. They are accredited by the Accreditation Council for Pharmacy Education. I wanted to see if this program would be acceptable. Link to course offering-
<https://learn.ceimpact.com/library/group/22>

Thanks,

Dustin Foret, Pharm.D.

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email: dustinf@losgh.org



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CAUTION: This email originated from outside of Lady of the Sea's email system. DO NOT CLICK LINKS or ATTACHMENTS in any email unless you are sure that it is safe to do so.

Malcolm J. Broussard

From: Christy Lodge <christy@ceimpact.com>
Sent: Monday, June 1, 2020 4:05 PM
To: Malcolm J. Broussard <mbroussard@pharmacy.la.gov>
Subject: Re: Help Center: CEImpact LMS - Malcolm Broussard

Malcolm, The mailing address is: PO Box 71306, Des Moines, IA 50325. We all work remotely in Illinois, Iowa, New Jersey and Texas so there is no official address for a corporate office. Our 20-hour certificate course is comparable to APHA's. We are only offering virtual assessments at the moment due to the current environment. Below is a course description of CEImpact's Virtual Immunization Administration Training course.

CEImpact is the first to offer an option for on-demand virtual assessment as part of their immunization training certificate course. This means the learner can complete the full certificate course by demonstrating their immunization technique one-on-one with a CEImpact trainer using a web-based meeting platform. Avoid costs associated with travel and time when you choose this option. This 20-hour, practice-based education course is intended for pharmacists and student pharmacists who are interested in learning the information and obtaining the skills necessary to become vaccine educators, facilitators, and immunizers.

To obtain a certificate of completion, pharmacists must:

1. Complete Modules 1-8 of online course work (19.5 hours)
2. Successfully pass the 100 question online examination with a score of 70% or above
3. Complete the online self-study evaluation
4. Email a copy of their current CPR certification to team@ceimpact.com prior to the live, virtual assessment
5. Secure a healthcare buddy who is an immunizer to be present with you during your live, online assessment
6. Schedule your live, virtual assessment
7. Gather supplies and forms needed for the virtual assessment
8. Show satisfactory demonstration of ability to administer vaccines at the live, virtual assessment (30 minutes)
9. Complete the online virtual assessment evaluation using the code provided during the live assessment

CURRICULUM & DETAILS - SELF-STUDY: (MODULES #1-8)

MODULE 1: Immunology and Principles of Immunization Written/Self-Study, 4 hours

1. Discuss the history of pharmacy-based immunization services
2. Recognize the importance and public health impact of increasing access to immunizations through pharmacies
3. Discuss basic immunology related to disease protective mechanisms of vaccines
4. Compare active immunity and passive immunity
5. Define antigens, immune response, antibodies, and cell-mediated immunity
6. Describe the basic principles of vaccination

7. Describe the classification of vaccines, including live attenuated, inactivated, conjugate, polysaccharide, and recombinant
8. Outline the childhood and adult immunization schedules

9. Discuss the precautions for vaccination
10. Identify contraindications of vaccines

MODULE 2: Preparing the Pharmacy to Provide Immunization Services Written/Self-Study, 4 hours

1. Develop a plan to properly and safely store vaccines

2. Implement and accurately complete the checklist for safe vaccine handling and storage

3. Contact the appropriate manufacturer quality control office if a question arises regarding the integrity of a vaccine

4. Educate other pharmacy staff about safe vaccine handling and storage

5. Establish methods to access vaccine information resources

6. Develop a record keeping system that complies with legal requirements

7. Describe the benefits and use of immunization information system

8. Develop a screening technique to identify patients needing immunization

9. Use Vaccine Information Statements as a required element of patient/parent/guardian education

10. Develop an exposure plan for implementation in the pharmacy, including blood-borne pathogen directives and needle stick injury prevention

MODULE 3: Vaccine Safety and Vaccine Adverse Events Written/Self-Study, 2 hours

1. Report an adverse event utilizing the Vaccine Adverse Event Reporting System (VAERS)

2. Describe the role of the Vaccine Injury Compensation Program

3. Anticipate and manage common adverse events associated with vaccines and vaccination

4. Develop an emergency plan for anaphylaxis associated with vaccine administration

5. Discuss the safety of vaccines with patients, including how vaccines are developed and monitored to ensure their safety

MODULE 4: Vaccine-Preventable Diseases – Part 1 Voice-Over Power Point, 2 hours

1. Discuss the epidemiology and pathophysiology of vaccine preventable diseases, including measles, mumps, rubella, varicella, herpes zoster, rotavirus, haemophilus influenzae type b, hepatitis A, hepatitis B, human papillomavirus and meningococcal

2. Utilize the CDC's recommended birth to 18 years and adult immunization schedules

3. Discuss the latest recommendations on immunization made by the Advisory Committee for Immunization Practices (ACIP)

4. Recommend the appropriate vaccine(s) for individual patients based on their ages and other risk factors

5. List the vaccines available in the United States

MODULE 5: Vaccine-Preventable Diseases – Part 2 Voice-Over Power Point, 2 hours

1. Discuss the epidemiology and pathophysiology of vaccine preventable diseases, including influenza, polio, pneumococcal disease, pertussis, diphtheria, and tetanus

2. Recommend immunizations for patients with HIV, asplenia, liver disease, coagulation disorders, diabetes, and renal disease

3. Develop an immunization strategy for pregnant patients

4. Discuss contraindications and precautions for vaccination with an immunosuppressed patient

5. Make appropriate recommendations for immunosuppressed patients

MODULE 6: Establishing a Pharmacy-Based Immunization Program Voice-Over Power Point, 2 hours

1. List legal requirements in your state for immunization delivery by a pharmacist

2. Develop a plan for implementing immunization services to adults in a pharmacy

3. Describe methods for reimbursement for immunization services

4. Identify required forms and supplies for a pharmacist-led vaccine administration program

5. Discuss site-specific challenges such as scheduling and workflow that may impact the pharmacist's ability to administer vaccinations

MODULE 7: Case Discussion and Administration Technique Voice-Over Power Point, 2 hours

1. Recommend immunizations for patients based on their ages, concurrent illnesses or conditions, and lifestyle

2. Implement knowledge of immunization recommendations through patient cases

3. Based on the immunization and patient, determine anatomic site and needle size

4. Describe the process to administer an immunization, including patient preparation and infection control

5. Accurately prepare a vaccine for administration

MODULE 8: Immunization Administration Voice-Over Power Point, 1.5 hours

1. Describe a site, route of administration and appropriate administration supplies for vaccines based on the type of vaccine and the patient

2. Review patient screening and immunization history technique to identify patients needing immunization

3. Describe appropriate positioning of the patient to avoid secondary injury if fainting occurs during or after immunization administration

4. Discuss appropriate subcutaneous and intramuscular vaccine administration techniques

5. Review appropriate intranasal and jet injector vaccine administration technique

6. List counseling points regarding appropriate care after administration

LIVE, VIRTUAL ASSESSMENT

Immunization Injection Technique Assessment Live/Virtual, 30 minutes, UAN 0107-0000-19-327-L06-P

If your healthcare buddy is a pharmacist, you will be required to upload a copy of their immunization administration certificate; If your healthcare buddy is another healthcare professional who is an immunizer, you will be required to enter their credentials, practice state, and license number. [Schedule your live, virtual assessment session here!](#)

Faculty:

Elizabeth Skoy, PharmD
Associate Professor of Practice, Department of Pharmacy Practice
North Dakota State University School of Pharmacy
Fargo, ND

Miranda Wilhelm, PharmD
Clinical Assistant Professor
Southern Illinois University Edwardsville School of Pharmacy
Community Clinical Pharmacist, Schnucks Pharmacy

To receive CPE Credit (self-study 19.5 hours; virtual assessment 30 minutes) and a Certificate of Completion, pharmacists must complete Modules 1-8, successfully pass (70% or above) the 100-question self-study examination, complete the self-study evaluation, participate in a virtual assessment, show satisfactory demonstration of ability to administer vaccines, verify current CPR certification, and complete the workshop evaluation. Participants MUST provide documentation of current certification in the American Heart Association or the Red Cross Basic Cardiac Life Support Protocol for Healthcare Providers.

Technology Requirements: The online self-study Modules #1-3 is in written format. These can be viewed online or printed. The online self-study Modules #4-8 include viewing PowerPoint presentations while listening to the audio provided. Handouts for these presentations are available for download or online viewing. To ensure the highest quality delivery of this activity, a reliable high-speed internet connection is required. Problems may be experienced with some wireless connections where signal strength is variable or low.

Target Audience: For pharmacists and student pharmacists who are interested in learning the information and obtaining the skills necessary to become vaccine educators, facilitators, and immunizers.

Fee Information: \$450 - Includes educational programming totaling 2.0 CEUs/20 hours of continuing pharmacy education (CPE) credit, access to online handouts and materials for Modules #1-8, a CPE Statement of Credit through CPE Monitor, and a Certificate of Completion following successful completion of all activity requirements.

State of Florida Participants: This course is approved by the Florida Board of Pharmacy. If you practice in the state of Florida, you must self-report CE through CE Broker. Please use the CE Broker course number 20-731022 to locate the course when self-reporting CE to CE Broker. For instructions, follow this link: <http://help.cebroker.com/en/articles/1280774-how-do-i-self-report-ce>

Cancellation Policy: Registration must be completed online via credit card payment. Registration must be received at least two weeks prior to the date selected for virtual assessment. Depending upon learner and trainer availability, our goal will be to schedule within 4 weeks of completion of the exam. If you are not able to attend the virtual assessment as scheduled, you must contact our team at 515-270-8118 or team@CEImpact.com at least 2 business days prior to the scheduled assessment to reschedule. Request for schedule change less than 2 business days prior to your appointment or failure to attend the virtual assessment as scheduled will result in an additional \$100 fee. The entire activity must be completed within 6 months of registering for the activity. Copyright© July 2009 by CEI (Updated: February 2020) Release Date: February 7, 2020 Planned Expiration Date: February 7, 2023

Please let me know if you need any additional information.

Thank you,

CHRISTY LODGE | Program Manager

christy@CEImpact.com | CEImpact.com



Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 5. Pharmacists

Subchapter B. Professional Practice Procedures

§521. Prescription Orders to Administer Medications

A. – C.5. ...

- D. Requirements. Unless otherwise specifically authorized by the board, a pharmacist shall meet the following minimum standards to qualify for an Authority to Administer:
1. obtain and maintain a license to practice pharmacy from the board;
 2. successfully complete a board-approved course of study from a board-approved provider that:
 - a. requires documentation by the pharmacist of current certification in the American Heart Association's Basic Cardiac Life Support for Healthcare Providers, its successor, or board-approved equivalent;
 - b. is an evidence-based didactic course meets current Centers for Disease Control and Prevention (CDC) training guidelines, or other guidelines as designated by the board, and provides a minimum of 20 hours of instruction and experiential training in the following content areas:
 - i. standards for medication administration practices;
 - ii. basic immunology;
 - iii. recommended medication administration schedules;
 - iv. vaccine storage and management;
 - v. informed consent;
 - vi. physiology and techniques for medication administration;
 - vii. pre- and post-administration assessment and counseling;
 - viii. medication administration record management; and
 - ix. management of adverse events, including identification and appropriate response, as well as documentation and reporting; and
 - c. provides documentation of the successful completion of the course to the participant.
 - i. The pharmacist shall display the certificate of completion in the primary practice site.
 - ii. The pharmacist shall submit a copy of said certificate to the board office for placement in the pharmacist's permanent file.

E. – H.2. ...

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 29:2085 (October 2003), effective January 1, 2004, amended LR 34:1409 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 46:578 (April 2020).



Louisiana Board of Pharmacy

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Baton Rouge, Louisiana 70809-1700
Telephone 225.925.6496 ~ E-mail: info@pharmacy.la.gov



Legislative Brief

Regular Session of the 2020 Louisiana Legislature

Last Items Reviewed						
HB 871	HR 68	HCR 99	HSR 1	HCSR 4		
SB 518	SR 78	SCR 75	SSR 0	SCSR 0	Acts 370	
Total = 1,714				Items on Watch List = 83		

House of Representatives

Bills

HB 6 G. Miller House & Governmental Affairs
Provides relative to reports by executive branch agencies. [Gov sig]
06-11-2020 Signed as **Act 248**; effective 06-11-2020.

This bill repealed RS 49:1401 which was adopted in 2018 and had established a five-year expiration date on any administrative agency report which had been previously required by the legislature. The effect of the repeal is to eliminate the expiration date for all administrative agency reports. We monitored this bill for any impact on the Board's administrative reporting requirements; there were none.

HB 89 James Administration of Criminal Justice
Adds certain substances to the Uniform Controlled Dangerous Substances Law. [08-01-2020]
06-04-2020 Signed as **Act 10**; effective 08-01-2020.

This bill originated as the Board's Legislative Proposal 2020-B ~ CDS Update (Draft #2). The bill was amended to include recent federal scheduling actions.

Action Plan:

- Update Controlled Substances Law in Louisiana Pharmacy Law Book.
- Notify licensees via Bulletin.

HB 91 Bagley Health & Welfare
Re-creates the La. Dept. of Health. [06-30-2020]
06-04-2020 Signed as **Act 11**; effective 06-30-2020.

This bill re-created the La. Dept. of Health as well as all the statutory entities associated therewith, including the Board of Pharmacy and the Prescription Monitoring Program Advisory Council. The bill extended the existing 'sunset' date to June 30, 2025. We monitored this bill to ensure the Board's continuing existence.

HB 418 LaCombe Administration of Criminal Justice
Provides relative to immunity from prosecution for medical marijuana. [08-01-2020]
06-09-2020 Signed as **Act 147**; effective 08-01-2020.

This bill amended the controlled substance law, more specifically the section which provides immunity from prosecution to legitimate stakeholders in the statewide medical marijuana program. The bill added

facilities licensed by the Dept. of Health caring for patients using medical marijuana from a marijuana pharmacy as well as physicians recommending medical cannabis for their patients. We monitored this bill for any impact on pharmacies or pharmacists; there were none.

Action Plan:

- Update Controlled Substances Law in Louisiana Pharmacy Law Book.

HB 498

Emerson

Commerce

Provides relative to occupational license and examination fee waiver and payment plan for qualified individuals. [08-01-2020]

06-11-2020

Signed as **Act 275**; effective 06-30-2021.

This bill requires licensing boards to waive any fee charged for an initial license or examination to any individual who is otherwise qualified to receive a license and meets either of the two following conditions: (1) Receives public assistance including but not limited to food stamps, temporary assistance for needy families, Medicaid, disability insurance or resides in public housing; (2) earns less than 200% of the current federal poverty guidelines as established by the federal government unless applicant has been attending undergraduate or graduate school and was unable to work. The bill requires licensing boards to notify applicants of their potential eligibility with notes on the application form. The bill requires licensing boards to provide payment plans in lieu of full license and examination fee payments for all initial applications and examinations to all individuals who apply; and further, there shall be no additional fees assessed on payment plans. The bill provides the automatic denial of renewal in the event the applicant fails to complete the payment plan within 12 months. Finally, the bill exempts any licensing board which does not directly administer its own examinations. We monitored this bill for impact on licensing procedures. As long as the Board does not administer its own examinations, the Board is exempt from these requirements. In the event the Board elects to begin administering its own examinations, the Board would need to develop rules, policies, and procedures to implement this law.

HB 515

Wright

House & Governmental Affairs

Provides relative to the content of the notice of intent of an agency's intended action regarding administrative rules. [08-01-2020]

06-09-2020

Signed as **Act 153**; effective 08-01-2020.

This bill amended the Administrative Procedure Act to require an agency submitting a notice of intent for administrative rules to include a preamble. We monitored this bill for any impact on our rulemaking procedures. Although we typically prepare a preamble for our notices of intent, we may need to add more information in that section of the notice.

HB 613

Owen

Commerce

Provides relative to the occupational licenses of military families. [08-01-2020]

06-11-2020

Signed as **Act 200**; effective 01-01-2021.

This bill amended the military licensing law to add dependents in addition to military applicants and their spouses. The bill also adds non-military civilian employees of the federal defense department. The bill also extended the effective date to give licensing agencies time to amend their rules. We monitored this bill for any impact to our rules and military licensing procedures. We will need to amend our rules for military applicants and their spouses.

Action Plan:

- Update military licensing law in Louisiana Pharmacy Law Book.
- Refer to Regulation Revision Committee for revision of military licensing rules.
- Update licensing policies and procedures.
- Configure additional license categories in eLicense.
- Update license application forms.

HB 619

Turner

Health & Welfare

Authorizes the La. Board of Pharmacy to charge fees for permitting of pharmacy benefit managers and

provides for the frequency with which the board may assess other fees. [08-01-2020]
06-11-2020 Signed as **Act 202**; effective 07-01-2020.

This bill originated as the Board's Legislative Proposal 2020-A ~ PBM Permit Fee + Renewal Fees (Draft #3).

Action Plan:

- Update Pharmacy Practice Act in Louisiana Pharmacy Law Book.

HB 633 Freiberg House & Governmental Affairs
Provides for the mandatory training in cybersecurity awareness for all state and local employees, officials, and contractors. [Gov sig]
06-09-2020 Signed as **Act 155**; effective 06-09-2020.

This bill requires the Dept. of State Civil Service to develop a training program relative to cybersecurity awareness, then make that program available to all agencies at as minimal cost as possible. The bill requires each agency to identify which employees have access to information technology assets then require completion of the training within the first 30 days of that employee's employment at the agency. The requirement for training is extended to elected officials and contractors with access to the information technology assets. The agency head is required to monitor and report compliance with the requirement. We monitored this bill for any impact on our office operations. We will need to implement the training requirements when the training program is available and develop documentation and reporting procedures to ensure our agency's compliance with the law.

Action Plan:

- Update policies and procedures relative to cybersecurity training for employees.

HB 685 Ivey House & Governmental Affairs
Provides relative to interagency data sharing. [08-01-2020]
06-12-2020 Signed as **Act 293**; effective 08-01-2020.

This bill created a mechanism for interagency data sharing to be managed by the joint governmental affairs committees. A state agency requesting data from another state agency submits their request to the joint governmental affairs committee which will convene a hearing to review the request and determine whether to permit the disclosing agency to share the data with the requesting agency. Tax records are excluded. We monitored this bill for any impact on our office operations. Depending on the nature of any data requests received from other agencies, this may or may not have an impact on our operations.

HB 702 Bagley Health & Welfare
Provides with respect to the practice of physician assistants. [08-01-2020]
06-12-2020 Signed as **Act 295**; effective 08-01-2020.

This bill was originally intended to amend the medical practice act to change the relationship between physicians and physician assistants, from one of supervision to one of collaboration. In the face of considerable opposition, the bill was radically changed to amend the practical nursing law to recognize physician assistants among the list of prescribers for whom practical nurses may implement their orders. We monitored this bill for any changes in the prescriptive authority for physician assistants or anyone else. There were none.

HB 819 Bagley Health & Welfare
Authorizes the recommendation of medical marijuana for treating traumatic brain injuries and concussions. [08-01-2020]
06-11-2020 Signed as **Act 286**; effective 08-01-2020.

This bill eventually incorporated additional medical conditions contained in other bills as well as provisions removing the requirement for physicians to be credentialed by the medical board to recommend medical

cannabis, and further, authorizes any physician in good standing with the medical board to recommend medical cannabis for any reason. The bill also redefined recommendation to mean an opinion instead of an order. We monitored this bill for changes in the medical marijuana program and there were several.

Action Plan:

- Update Controlled Substances Law in Louisiana Pharmacy Law Book.
- Refer to Regulation Revision Committee for revision of marijuana pharmacy rules.
- Notify licensees via Bulletin.

HB 843 Schexnayder Agriculture, Forestry, Aquaculture, & Rural Development
To provide for the regulation of industrial hemp, industrial hemp products, and industrial hemp-derived cannabidiol (CBD) products. [08-01-2020]
06-13-2020 Signed as **Act 344**; effective 08-01-2020.

This bill amended the 2019 law recognizing industrial hemp-derived cannabidiol products, still preserving the requirement for the Dept. of Health (LDH) to register such products in compliance with the State Food, Drug, and Cosmetic Law, and for the requirement for Alcohol & Tobacco Control (ATC) to register and regulate the distributors and sellers of industrial hemp-derived cannabidiol products. Additional details for the oversight from LDH and ATC were added, including a restriction on the sale of CBD products to minors.

Action Plan:

- Update CBD law in Louisiana Pharmacy Law Book.

Resolutions

HR 45 DeVillier House & Governmental Affairs
Directs state agencies and licensing boards to suspend the imposition of sanctions against licensees and permittees for a violation of COVID-19 executive orders.
06-01-2020 Enrolled; signed by House Speaker.
06-04-2020 Delivered to the Secretary of State.

HR 46 Bagley Health & Welfare
Authorizes and directs the executive branch agencies that submit statutorily required reports to the House Committee on Health and Welfare to continue to submit such reports as required by law.
06-01-2020 Enrolled; signed by House Speaker.
06-04-2020 Delivered to the Secretary of State.

Concurrent Resolutions

HCR 48 Wright House & Governmental Affairs
Requests the House and Senate governmental affairs committees to meet and function as a joint committee to review the process of rulemaking by state agencies and the Louisiana Administrative Code and make recommendations thereto.
05-29-2020 Enrolled; signed by House Speaker and Senate President.
06-02-2020 Delivered to the Secretary of State.

This concurrent resolution tasks the governmental affairs committees of the House and Senate to study the process of rulemaking by state agencies and submit its report with findings and recommendations no later than 30 days prior to the beginning of the 2021 Regular Session. We monitored this item for any impact on the rulemaking process. We will look for the report due in March 2021.

HCR 71 Schexnayder Commerce
Authorizes and directs suspension of licensing fees imposed on businesses by state agencies and licensing boards.
06-01-2020 Enrolled; signed by House Speaker and Senate President.
06-04-2020 Delivered to the Secretary of State.

Requires licensing boards to adopt emergency rules to suspend license renewal fees for existing businesses located within the state for FY 2020-2021.

Action Plan:

- Promulgate emergency rule for temporary suspension of renewal fees for FY 2020-2021.
- Configure eLicense system for zero renewal fees for eligible credentials.
- Revise renewal application forms for eligible credentials.
- Inform holders of eligible credentials of temporary suspension of renewal fees.

HCR 81 Marcelle Labor & Industrial Relations
Establishes a task force to study and make recommendations relative to the cannabis industry projected
06-01-2020 Enrolled; signed by House Speaker and Senate President.
06-04-2020 Delivered to the Secretary of State.

This concurrent resolution established an 11-member task force to study and make recommendations relative to projected workforce demands in the cannabis industry in Louisiana. One of the taskforce members shall be a representative from the Board of Pharmacy. The task force report shall include findings, recommendations, and proposed legislation, and is due on or before February 1, 2021, at which time the task force shall cease to exist.

Action Plan:

- Update Board Policy PPM.I.B.6 ~ Board Liaisons.
- Identify Board representative.

Senate

Bills

SB 273 Hewitt Senate & Governmental Affairs
Provides for registration with secretary of state by managed service providers servicing public bodies.
[Multiple]
06-09-2020 Signed as **Act 117**; multiple effective dates (see Act)

This bill requires managed service providers (defined as firms providing information technology services to public bodies) to apply for a special registration from the secretary of state, and to provide reports on certain cybersecurity issues to the Louisiana Fusion Center. Public bodies are prohibited from engaging the services of a managed service provider which has not registered with the secretary of state or which has not renewed that registration. The section of the act requiring the secretary of state to promulgate rules to implement the new law is effective on 08-01-2020 while the remainder of the new law is effective on 02-01-2021. We monitored this bill for any impact on our office operations. We will need to ensure our managed service provider complies with the new registration and reporting procedures.

Action Plan:

- Update contract maintenance procedures for information system technology vendors to ensure compliance with credentialing and reporting procedures.

SB 466 Hewitt Senate & Governmental Affairs
Provides for teleconferencing of public bodies under certain circumstances. [Gov sig]
06-12-2020 Signed as **Act 302**; effective 06-12-2020.

This bill amended the Open Meetings Law to allow for the use of teleconferencing technology for meetings of public bodies during declarations of disaster or public health emergencies when such meetings are held for certain purposes and under certain conditions. We monitored this bill for any impact on the Board's meeting procedures during this public health emergency.

Resolutions

SR 48

Mills

Directs the executive branch agencies under the jurisdictional oversight of the Senate Committee on Health & Welfare to continue to submit statutorily mandated reports until such time as the mandate is specifically amended or repealed.

05-27-2020

Enrolled; signed by Senate President;
Delivered to the Secretary of State.

SR 55

Hewitt

Directs the executive branch agencies under the jurisdictional oversight of the Senate Committee on Governmental Affairs to continue to submit statutorily mandated reports until such time as the mandate is

06-01-2020

Enrolled; signed by Senate President.

06-04-2020

Delivered to the Secretary of State.



Louisiana Board of Pharmacy

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Summary of Testimony & Public Comments
re
Regulatory Project 2020-1 ~ Prescription Monitoring Program
at
May 29, 2020 Public Hearing

1. Letter dated May 27, 2020 from Mr. Steven Anderson, President & CEO, NACDS

NACDS objects to the proposed amendment of the definition of the term "drugs of concern" in §2901 to include the seven drugs used for hepatitis as well as gabapentin and oral liquid formulations of promethazine. They cited (1) difficulty with coding non-controlled drugs to include them in their daily reports, (2) recordkeeping issues with the lack of DEA registration numbers for some prescribers of non-controlled drugs used to treat hepatitis, (3) inconsistency with the legislative goal of the prescription monitoring program, and (4) privacy concerns for patients treated for hepatitis.

2. Verbal Comments from Mr. Jeenu Philip, Director of Pharmacy Affairs, Walgreen Co.

Mr. Philip agreed with the comments made in the letter from NACDS. He added no additional comments or suggestions.

May 27, 2020

Malcolm J Broussard
Executive Director
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, LA 70809-1700

Re: Proposed Rule Changes to LAC 46:LIII.Chapter 29, § 2901

Dear Mr. Broussard,

On behalf our members operating chain pharmacies in the state of Louisiana, the National Association of Chain Drug Stores (NACDS) is writing to provide feedback on the proposed rule changes under LAC 46:LIII.Chapter 29, § 2901 that would update the list of drugs that pharmacies and other dispensers must report to the Louisiana Prescription Monitoring Program (PMP). We appreciate the Louisiana Board of Pharmacy (Board) considering our viewpoints on this matter.

Under § 2901, the Board has proposed to define “drugs of concern” that must be reported to the PMP to include seven medications that are used to treat hepatitis, as well as gabapentin and oral liquid formulations of promethazine. Requiring pharmacies and other dispensers to report these medications to the PMP would be problematic for numerous reasons.

In general, reporting prescription drugs that are not controlled substance medications to the PMP would be a burdensome process. Pharmacy computer systems are designed to collect dispensing data for the purposes of the PMP based on certain general rules that are written into the computer system that are applied to controlled substances. In order to track the “drugs of concern” identified in the proposed rule, pharmacies would need to manually code their systems to identify dispensing of these products. This would require constant manual coding changes every time a new generic product, strength, or dosage form becomes available.

Additionally, it is conceivable that not every prescription for one of the defined “drugs of concern” will include all of the data elements that are otherwise required to be reported to the PMP for each controlled substance prescription. For example, § 2913 (A)(1) allows only a prescriber’s DEA registration number or NPI number to be reported as the prescriber identifier. However, not every prescriber that issues a prescription for a medicine that is not a controlled substance has a DEA or NPI number. Thus, in these cases, the reporting record would be incomplete.

We are further concerned that the proposed rule change is beyond the scope of what the law authorizes with respect to the purpose of the PMP. In fact, LSA -R.S. 40:1002 explicitly establishes that the purpose and goal of the PMP is “to improve the state's ability to identify and inhibit *the diversion of controlled substances and drugs* [emphasis added] in an efficient and cost-effective manner and in a manner that shall not impede the appropriate utilization of these drugs for legitimate medical purposes.” Wherein the proposed rule defines “drugs of concern” to include seven medications that are used to treat

hepatitis, it deviates from the intended purpose of the program, as these medications are not drugs that are diverted or abused.

Finally, there are many patient privacy concerns with expanding the PMP database to include filled prescriptions for hepatitis treatments that can be traced back to individual patients. Especially considering that patients do not have a choice in whether their prescriptions are reported to the PMP, this is highly problematic.

We understand that the Board is pursuing this rule change at the request of the Louisiana Department of Public Health, which presumably hopes to utilize the PMP infrastructure and database for public health purposes to identify communities wherein hepatitis is rampant. That being the case, we respectfully recommend that a more appropriate resource for this information would be a health data aggregator that could provide deidentified health data to the state's epidemiologists.

NACDS thanks the Board for considering our views on this matter. Given the important role that the PMP plays in helping to identify misuse, abuse, and diversion of controlled substance prescriptions, it is important that this tool remain focused on this purpose. If you have any questions, please do not hesitate to contact Mary Staples at mstaples@nacds.org or 817-442-1155.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven C. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven C. Anderson, FASAE, CAE, IOM
President and Chief Executive Officer

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII – Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

§2901. Definitions

- A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise:
- ~~*Administer or Administration*—the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or any other means.~~
- ~~*Advisory Council*—the entity established in R.S. 40:1005.~~
- ~~*Board*—the Louisiana Board of Pharmacy.~~
- ~~*Controlled Substance*—any substance or drug defined, enumerated, or included in federal or state statute or rules, 21 CFR 1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations or statute. *Controlled Substance* shall not include distilled spirits, wine, malt beverages, or tobacco.~~
- Delegate* – a person authorized by a prescriber or dispenser who is also an authorized user (as described in § Section 2917 of this Chapter) to access and retrieve program data for the purpose of assisting the prescriber or dispenser, and for whose actions the authorizing prescriber or dispenser rains accountability.
- ~~*Dispense or Dispensing*—the interpretation, evaluation, and implementation of a prescription drug order, including the preparation and delivery of a drug or device to a patient or patient’s agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient.~~
- ~~*Dispenser*—a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:~~
- ~~a.—a pharmacy permitted by the board as a hospital pharmacy that dispenses or distributes any controlled substance or drug monitored by the program for the purposes of inpatient health care;~~
 - ~~b.—a practitioner who dispenses or distributes no more than a single forty-eight hour supply of such controlled substance or drug to a patient prior to, or subsequent to, performing an actual procedure on that patient;~~
 - ~~c.—a practitioner or other authorized person who administers such controlled substance or drug upon the lawful order of a practitioner;~~
 - ~~d.—a wholesale distributor of such controlled substance or drug that is credentialed by the Louisiana Board of Drug and Device Distributors;~~
 - ~~e.—(Repealed)~~
- ~~*Distribute or Distribution*—the delivery of a drug or device other than by administering or dispensing.~~
- ~~*Drug*—any of the following:~~
- ~~a.—any substance recognized as a drug in the official compendium, or supplement thereto, designated by the board for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;~~
 - ~~b.—any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;~~
 - ~~c.—any substance other than food intended to affect the structure or any function of the body of humans or other animals.~~
- Drugs of Concern* – drugs other than controlled substances as defined by rule whose use requires tracking for public health purposes or which demonstrate a potential for abuse, including any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, ethers, isomers, and salts of isomers [whenever the existence of such salts, esters, ethers, isomers, and salts of isomers is possible within the specific chemical designation]:
- a. butalbital when in combination with at least 325 milligrams of acetaminophen per dosage unit.

- b. naloxone.
- c. promethazine when present in oral liquid formulation.
- d. elbasvir / grazoprevir.
- e. glecaprevir / pibrentasvir.
- f. ledipasvir / sofosbuvir.
- g. ombitasvir / paretaprevir / ritonavir / dasabuvir.
- h. sofosbuvir.
- i. sofosbuvir / velpatasvir.
- j. sofosbuvir / velpatasvir / voxilaprevir.
- k. gabapentin.

~~*Patient*—the person or animal who is the ultimate user of a controlled substance or drug monitored by the program for whom a prescription is issued and for whom a controlled substance or drug is dispensed.~~

~~*Prescriber*—a licensed health care professional with prescriptive authority.~~

~~*Prescription Monitoring Information*—data submitted to and maintained by the prescription monitoring program.~~

~~*Prescription Monitoring Program or PMP*—the program established in R.S. 40:1004.~~

~~*Procedure*—any dental or medical practice or process described in the current year's version of the American Dental Association's *Current Dental Terminology* or the American Medical Association's *Code of Procedural Terminology*.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, amended LR 39:314 (February 2013), amended LR 40:1096 (June 2014), amended LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 45:42 (January 2019), amended LR

§2903. Authority for Program Operation

- A. ~~The board shall establish and maintain, in consultation with and upon the recommendation of the advisory council, an electronic system for the monitoring of controlled substances and drugs of concern dispensed in the state or dispensed to an address in the state.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1004.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), repealed by the Department of Health, Board of Pharmacy, LR

§2905. Authority to Engage Staff

- A. ~~The board shall have the authority to engage a program director and sufficient number of other personnel as may be necessary to accomplish the mission of the program.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1179.F.(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), repealed by the Department of Health, Board of Pharmacy, LR

§2907. Authority to Contract with Vendors

- A. ~~The board shall have the authority to engage vendors to facilitate the collection of the prescription monitoring program data and to facilitate access to the program data by authorized users.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1012.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), repealed by the Department of Health, Board of Pharmacy, LR

§2909. Advisory Council

- A. ~~The advisory council shall consist of the following members, each of whom may appoint a designee:~~
 1. ~~the president of the Louisiana State Board of Medical Examiners;~~
 2. ~~the president of the Louisiana State Board of Dentistry;~~
 3. ~~the president of the Louisiana State Board of Nursing;~~
 4. ~~the president of the Louisiana State Board of Optometry Examiners;~~

- ~~5. the president of the Louisiana Academy of Physician Assistants;~~
 - ~~6. the president of the Louisiana Board of Pharmacy;~~
 - ~~7. the superintendent of the Louisiana State Police;~~
 - ~~8. the administrator of the United States Drug Enforcement Administration;~~
 - ~~9. the speaker of the Louisiana House of Representatives;~~
 - ~~10. the president of the Louisiana Senate;~~
 - ~~11. the chairman of the House Committee on Health and Welfare;~~
 - ~~12. the chairman of the Senate Committee on Health and Welfare;~~
 - ~~13. the secretary of the Department of Health and Hospitals;~~
 - ~~14. the president of the Louisiana State Medical Society;~~
 - ~~15. the president of the Louisiana Dental Association;~~
 - ~~16. the president of the Louisiana Association of Nurse Practitioners;~~
 - ~~17. the president of the Optometry Association of Louisiana;~~
 - ~~18. the president of the Louisiana Pharmacists Association;~~
 - ~~19. the president of the Louisiana Independent Pharmacies Association;~~
 - ~~20. the president of the National Association of Chain Drug Stores;~~
 - ~~21. the president of the Louisiana Sheriffs' Association;~~
 - ~~22. the president of the Louisiana District Attorneys Association;~~
 - ~~23. the president of the Pharmaceutical Research and Manufacturers of America;~~
 - ~~24. the president of the Louisiana Academy of Medical Psychologists;~~
- B. ~~The members of the advisory council shall serve at the pleasure of their respective appointing authorities, eleven of whom shall constitute a quorum for the transaction of business. The members shall elect a chairman and vice chairman whose duties shall be established by the advisory council. The board shall fix a time and place for regular meetings of the advisory council, which shall meet at least quarterly. The advisory council shall establish policies and procedures necessary to carry out its duties.~~
- C. ~~The board shall seek, and the advisory council shall provide, information and advice regarding the development and operation of the electronic monitoring system, including but not limited to the following:~~
- ~~1. which controlled substances should be monitored;~~
 - ~~2. which drugs of concern demonstrate a potential for abuse and should be monitored;~~
 - ~~3. design and implementation of educational courses identified in R.S. 40:1008;~~
 - ~~4. the methodology to be used for analysis and interpretation of prescription monitoring information;~~
 - ~~5. design and implementation of a program evaluation component;~~
 - ~~6. identification of potential additional members to the advisory council.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1005.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013), amended LR 40:1096 (June 2014), repealed by the Department of Health, Board of Pharmacy, LR

Subchapter B. Data Collection

§2911. Reporting of Prescription Monitoring Information

- A. Each dispenser shall submit to the board information regarding each prescription dispensed for a controlled substance or drug monitored by the program.
- B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007), amended LR 39:314 (February 2013), amended LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR

§2914. Record Retention of Prescription Transaction Information

- A. The board shall retain a minimum of five years of prescription transaction information for review by persons authorized to access such information.

- B. The board shall archive all prescription transaction information not available for direct or indirect access.
- C. The board shall respond to requests for archived prescription transaction information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1006(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR

Subchapter C. Access to Prescription Monitoring Information

§2917. Authorized Direct Access Users of Prescription Monitoring Information

- A. The following persons may access prescription monitoring information in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:
 - 1. – 4. ...
 - 5. a medical examiner or coroner, or a delegate thereof, for the purpose of investigating an individual's death.
 - 6. a licensed substance abuse addiction counselor providing services as part of a state-licensed substance abuse or addiction treatment program.
 - 7. an epidemiologist with the Louisiana Department of Health for the purpose of assisting the board in analyzing prescription monitoring information in order to conduct public health evaluations to support public policy and education pursuant to an agreement with the board.
 - 5 8. prescription monitoring programs, electronic health information systems, and pharmacy information systems located in other states, territories, federal districts, and federal jurisdictions, through a secure interstate data exchange system or health information exchange system approved by the board, but only in compliance with the provisions of R.S. 40:1007(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 39:315 (February 2013), amended LR 40:1095 (June 2014), amended by the Department of Health, Board of Pharmacy, LR

§2919. Registration Procedures for Authorized Direct Access Users

- A. Authorized users of prescription monitoring information, and their delegates, shall comply with the following requirements to register with the board, in order to receive the appropriate credentials to access prescription monitoring information.
 - 1. ~~The applicant shall successfully complete the program's orientation course, and attach evidence of same to his application to the program.~~
 - 2 1. ~~The applicant shall file an application with the program, using the form supplied by the program for that purpose.~~
 - a. A prescriber or dispenser, excluding veterinarians, shall be automatically registered as a participant in the program and shall authenticate their identity through an online process in order to activate their account.
 - b. An agency applicant shall file an application with the program, using the form supplied by the program for that purpose.
 - 3 2. The board shall verify the ~~practitioner~~ prescriber or dispenser applicant is in possession of a valid license to prescribe or dispense controlled substances, or in the case of an agency applicant, the board shall verify agency representation.
 - 4 3. Upon verification of all requirements, the board shall issue the appropriate credential necessary to access prescription monitoring information.
 - 5 4. Upon receipt of information that an authorized user no longer possesses authority to prescribe or dispense controlled substances, the program shall terminate the user's credentials to access prescription monitoring information. If or when the user's authority to prescribe or dispense controlled substances is reinstated, the program may reinstate the user's credentials to access prescription monitoring information.
 - 6 5. Prescribers and dispensers approved for access shall be responsible for the enabling and/or disabling of access privileges for their delegates, as well as the supervision of their activities.

AUTHORITY NOTE: Promulgated by R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347

§2921. Methods of Access to Prescription Monitoring Information and Audit Trail Information

- A. ...
- B. Designated representatives from agencies charged with administrative oversight of prescribers and dispensers of controlled substances may solicit prescription monitoring information and audit trail information from the program concerning specific investigations of prescribers or dispensers. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.
- C. – D. ...
- E. Upon receipt of one of the following methods of application by local, state, out-of-state, or federal law enforcement or prosecutorial officials, including judicially supervised specialty courts within the criminal justice system that are authorized by the Louisiana Supreme Court, the program may provide prescription monitoring information and audit trail information:
 - E.1. – E.3.c. ...
 - F. A medical examiner or coroner, or a delegate thereof, once properly registered, may solicit prescription monitoring information from the program for the purpose of investigating an individual's death. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.
 - G. A licensed substance abuse addiction counselor, once properly registered, may solicit prescription monitoring information from the program for the purpose of providing services as part of a state-licensed substance abuse or addiction treatment program. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.
 - H. Upon receipt of an administrative request from a probation or parole officer, the program may provide prescription monitoring information. The probation or parole officer must certify the request for prescription monitoring information is for the purpose of monitoring an offender's compliance with participation in a drug diversion program or with other conditions of probation or parole related to monitored drugs.
 - I. An epidemiologist with the Louisiana Department of Health, once properly registered, may solicit prescription monitoring information from the program for the purpose of assisting the board in analyzing prescription monitoring information in order to conduct public health evaluations to support public policy and education pursuant to an agreement with the board.
 - F J. Individuals may solicit their own prescription monitoring information and audit trail information from the program. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.
 - K. A parent, legal guardian, or legal healthcare agent may solicit prescription monitoring information and audit trail information from the program for the purpose of reviewing the history of monitored drugs dispensed to a child or an individual for whom the agent makes healthcare decisions, to the extent consistent with federal and state confidentiality laws and regulations. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.
 - L. An executor of a will or a court-appointed succession representative of an estate may solicit prescription monitoring information and audit trail information from the program for the purpose of reviewing the history of monitored drugs dispensed to a deceased individual. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.
 - G M. Program personnel, once properly registered, may solicit prescription monitoring information from the program's database for the purpose of maintaining the database, analysis and reporting of data, compliance reviews, and responding to legitimate inquiries from authorized users or other individuals.
 - H N. Prescription monitoring programs, electronic health information systems, and pharmacy information systems located in other states, territories, federal districts, and federal jurisdictions may access prescription monitoring information from the program through a secure interstate data exchange system or health information exchange system approved by the board-, but only in compliance with

the provisions of R.S. 40:1007(G).

- O. The board may provide prescription monitoring information to authorized users of the prescription monitoring program via a state health information exchange or other third party conduit that has been approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007), amended LR 39:315 (February 2013), amended LR 40:1095 (June 2014), amended by the Department of Health, Board of Pharmacy, LR

Subchapter D. Reports



Louisiana Board of Pharmacy

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Summary of Testimony & Public Comments
re
Regulatory Project 2020-2 ~ Automated Medication Systems
at
May 29, 2020 Public Hearing

No comments or testimony received.

Staff Questions: In our review of our drafting notes, we found three points that do not appear in the proposed rule as published in the *Notice of Intent*. We ask whether the Board intended for these points to be included in the proposed rule. If not, no further action is needed. If so, then additional action would be required to include these points.

1. *Did the Board intend to change the current rule to provide an exemption for pharmacy housing an AMS device to obtain a registration, when such registrations are fee-exempt by Board policy? If so, then the following language appears in our drafting notes:*

§1203. Automated Medication System Registration

B. Eligibility for Registration; Exemption

3. A pharmacy intending to supply medications for use within an AMS which is placed within the building housing that pharmacy shall not be required to obtain an AMS registration; however, the pharmacist-in-charge of the pharmacy shall be responsible for compliance with the operational standards in this Chapter.
2. *Did the Board intend to continue the current recordkeeping requirement for the name of the only certified pharmacy technician or pharmacist stocking and restocking of an AMS device to be recorded? If not, then the following language appears in our drafting notes:*

§1213. Records

A.3. These internal records shall be maintained for one year by the pharmacist-in-charge and shall be readily available to the board. Such records shall include:

- f. identification of the ~~certified pharmacy technician or pharmacist~~ person stocking or restocking the medications in the system; and
3. *Did the Board intend to allow for other personnel to stock and restock an AMS device provided such personnel are approved by the pharmacist-in-charge, and further, did the Board intend for that activity to require direct pharmacist supervision? If so, then the following language appears in our drafting notes:*

§1217. Stocking and Restocking

B. When the pharmacy employs electronic product verification procedures as described within this Section, the stocking and restocking of medications and devices within an automated medication system may be performed by ~~other personnel~~ any person approved by the pharmacist-in-charge without the necessity of direct pharmacist supervision.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 12. Automated Medication Systems

§1201. Definitions

Healthcare Setting – a place where healthcare services are rendered on a routine basis by credentialed healthcare professionals.

Remote Dispensing System – a profile driven automated medication dispensing system employing bidirectional audio-visual technology to facilitate pharmacist communication with a patient or caregiver.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended by the Department of Health, Board of Pharmacy, LR

§1203. Automated Medication System Registration

- A. Requirement for Registration
1. A pharmacy intending to supply medications for use within an automated medication system, as defined at R.S. 37:1164, shall obtain an AMS registration prior to engaging in such activity.
 2. The placement of medications within an automated medication system in the absence of an AMS registration shall substantiate a violation of R.S. 37:1241(A)(12) and shall subject the pharmacy to disciplinary action by the board.
 3. A pharmacy intending to supply controlled substances for use within an automated medication system shall obtain a controlled dangerous substance (CDS) license in addition to the AMS registration. The pharmacy shall also obtain a federal registration from the U.S. Drug Enforcement Administration (DEA) prior to placing controlled substances within the AMS.
 4. The placement of controlled substances within an automated medication system in the absence of an AMS registration, CDS license, and DEA registration shall substantiate a violation of R.S. 37:1241(A)(12) and R.S. 40:973 and shall subject the pharmacy to disciplinary action by the board.
 5. The operation of a remote dispensing system without an AMS registration shall substantiate a violation of R.S. 37:1241(A)(12) and shall subject the pharmacy to disciplinary action by the board.
- B. Eligibility for Registration; Exemption
1. A pharmacy intending to supply medications for use within an automated medication system may do so when the AMS is placed at any of the following locations:
 - a. within a facility in possession of a controlled dangerous substance license issued by the board.
 - b. within a hospital or other institutional facility in possession of an operating license issued by the state department of health.
 - c. within a detention or correctional facility operated by or under contract with the state department of public safety and corrections or other local governmental entity.
 2. A pharmacy may operate a remote dispensing system when the system is placed within a healthcare setting where the pharmacist-in-charge can ensure the security and environmental integrity of the medications and devices placed within the system as well as the security and confidentiality of the protected health information used therein.
 3. A pharmacy intending to supply medications for use within an AMS which is placed within the building housing that pharmacy shall not be required to obtain an AMS registration; however, the pharmacist-in-charge of the pharmacy shall be responsible for compliance with the operational standards in this Chapter.
- C. Application for Initial Issuance of Registration
1. The board shall develop an application form suitable for the AMS registration. The board may revise that application form on its own initiative in order to collect the information it deems necessary to properly evaluate an applicant.

2. The application shall be accompanied by payment of the registration fee authorized by R.S. 37:1184.
 3. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.
 4. The submission of a false or fraudulent application shall substantiate a violation of R.S. 37:1241(A)(2) and shall subject the applicant to disciplinary action by the board.
 5. When determined appropriate by the board, the applicant may be required to meet with a committee or agent of the board prior to the issuance of the registration.
- D. Maintenance of Registration
1. A registration shall be valid only for the pharmacy to which it was issued and the physical location of the AMS identified on the application. The registration shall not be subject to sale, assignment or other transfer, voluntary or involuntary, nor shall the registration be valid for any premises other than the physical location for which it was issued.
 2. A duplicate or replacement registration shall be issued upon the written request of the owner of the registration and payment of the fee authorized by R.S. 37:1184. A duplicate or replacement registration shall be marked as such, and it shall not serve or be used as an additional or second registration.
 3. In the event a pharmacy intends to relocate an automated medication system to a different address, the pharmacy shall notify the board of its intent to do so, providing both current and new addresses. A change in business address may require an inspection by the board or its designee.
- E. Application for Renewal of Registration
1. The pharmacy shall complete an application for the renewal of the registration and submit it to the board prior to the expiration date of the registration. The application shall be accompanied by the fee authorized by R.S. 37:1184.
 2. The board shall not process applications received by facsimile, or that are incomplete, or submitted with the incorrect fee.
 3. An AMS registration not renewed by the expiration date shall be classified as expired. The operation of an automated medication system with an expired registration shall substantiate a violation of R.S. 37:1241(A)(12) and shall subject the pharmacy to disciplinary action by the board.
- F. Relinquishment of Registration
1. In the event a pharmacy intends to cease supplying medications or devices to an automated medication system, it shall relinquish the registration to the board no later than 10 days following the effective date of such decision.
 2. A pharmacy may not transfer a registration to another pharmacy.
- G. Application for Reinstatement of Suspended or Revoked Registration
1. An application for the reinstatement of an AMS registration previously suspended or revoked by the board may only be approved in compliance with R.S. 37:1249.
 2. The applicant shall complete an application form for this specific purpose supplied by the board and shall attach any documentation and fees identified in R.S. 37:1184.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 38:1235 (May 2012), amended by the Department of Health, Board of Pharmacy, LR

§1205. Pharmacist-in-Charge Responsibilities

- A. The pharmacist-in-charge shall be a Louisiana licensed pharmacist with the following responsibilities:
1. assuring that the system is in good working order and accurately provides the correct strength, dosage form, and quantity of the drug prescribed while maintaining appropriate record-keeping and security safeguards.
 2. establishment of a quality assurance program prior to implementation of a system and the supervision of an ongoing quality assurance program that monitors appropriate use and performance of a system, which is evidenced by policies and procedures developed by the pharmacist-in-charge.
 3. define access to the system in policy and procedures of the pharmacy, in compliance with state and federal regulations.
 4. assign, discontinue, or change access to the system.

5. ensure that access to the medications complies with state and federal regulations as applicable.
6. ensure that the system is stocked/restocked accurately and in accordance with established written pharmacy policies and procedures.
7. maintain or have access to all records of documentation specified in this Section for two years or as otherwise required by law.
8. continuous monitoring and documentation of temperature in the drug storage areas including a mechanism to alert the pharmacist when defined parameters are out of range as well as an action plan to address such excursions. A pharmacy's failure to document the integrity of the drug supply or remediate for excursions as appropriate shall substantiate a violation of R.S. 37:1241(A)(18) and shall subject the pharmacy to disciplinary action by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended by the Department of Health, Board of Pharmacy, LR

§1207. Pharmacist Review

- A. System shall be used in settings that ensure medication orders are reviewed by a pharmacist prior to administration and in accordance with established policies and procedures and good pharmacy practice. A policy and procedure shall be adopted for non-profile driven systems to retrospectively review medication orders which cannot be reviewed prior to medication administration.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended by the Department of Health, Board of Pharmacy, LR

§1209. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1211. Documentation

- A. Documentation as to type of equipment, serial number, content, policies and procedures and location shall be maintained in the pharmacy for review by the board. Such documentation shall include, but is not limited to:
 1. name, address, and permit number of the pharmacy and the location where the system is operational;
 2. manufacturer's name and model;
 3. quality assurance policies and procedures to determine continued appropriate use and performance of the system;
 4. policies and procedures for system operation, safety, security, accuracy, patient confidentiality, access, controlled substances, data retention, definitions, downtime procedures, emergency or first dose procedures, inspection, installation requirements, maintenance security, quality assurance, medication inventory, staff education and training, system set-up, and malfunction procedures; and
 5. security procedures sufficient to prevent unauthorized access or use, prevent the illegal use or disclosure of protected health information, and comply with any applicable federal or state regulations.
- B. A current copy of all pharmacy policies and procedures related to the use of the system shall be maintained at all locations where the system is being used.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended by the Department of Health, Board of Pharmacy, LR

§1213. Records

- A. Records and electronic data kept by the system shall meet the following requirements:

1. All events involving access to the contents of the system shall be recorded electronically.
2. In the event controlled substances are stored in the system, the records shall include the positive identification as defined in Section 1119 of this Part of the personnel retrieving and administering the controlled substances to the patient.
3. These internal records shall be maintained for one year by the pharmacist-in-charge and shall be readily available to the board. Such records shall include:
 - a. identity of system accessed;
 - b. identification of the individual accessing the system;
 - c. type of transaction;
 - d. name, strength, dosage form, and quantity of the drug accessed;
 - e. name or identification number of the patient for whom the drug was ordered;
 - f. identification of the ~~certified pharmacy technician or pharmacist person~~ stocking or restocking the medications in the system; and
 - g. such additional information as the pharmacist-in-charge may deem necessary.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 40:2256 (November 2014), effective January 1, 2015, amended by the Department of Health, Board of Pharmacy, LR

§1215. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1217. Stocking and Restocking

- A. The stocking and restocking of medications and devices within an automated medication system shall be performed by a pharmacist, or in the alternative, a pharmacy intern, pharmacy technician, or pharmacy technician candidate under the supervision of a pharmacist.
- B. When the pharmacy employs electronic product verification procedures as described within this Section, the stocking and restocking of medications and devices within an automated medication system may be performed by ~~other personnel any person~~ approved by the pharmacist-in-charge without the necessity of direct pharmacist supervision.
 1. A bar code verification, electronic verification, or similar verification process which prohibits any human intervention following pharmacist verification of the product may be utilized to assure the correct selection of drugs to be placed into an automated medication system.
 2. The use of a bar code, electronic, or similar verification process shall require an initial quality assurance validation followed by ongoing quality assurance reviews at intervals no greater than 90 days since the previous review, all conducted by a pharmacist.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, amended LR 41:1488 (August 2015), amended by the Department of Health, Board of Pharmacy, LR

§1219. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1221. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1223. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1225. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1227. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1229. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR

§1231. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000) effective July 1, 2000, repealed by the Department of Health, Board of Pharmacy, LR



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Summary of Testimony & Public Comments
re
Regulatory Project 2020-3 ~ Pharmacist License Display
at
May 29, 2020 Public Hearing

No comments or testimony received.

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 5. Pharmacists

§505. Licensure

- A. The board shall issue a license upon payment of appropriate fees when the board is satisfied the applicant is competent to practice pharmacy in the state.
 1. Renewal. The board shall make the annual pharmacist license renewal application available to all currently licensed Louisiana pharmacists prior to November 1. The completed application along with the appropriate fee shall be submitted to the board by December 31 of each year. ~~A pharmacist's renewal of licensure shall be displayed in the principal location where the pharmacist is engaged in the practice of pharmacy and in such a manner that said renewal may be seen by patrons.~~ A renewal of licensure shall serve as proof of licensure and a pharmacist's license to practice pharmacy for that year of issuance.
- A.1.a – A.2. ...

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 29:2083 (October 2003), effective January 1, 2004, amended LR 33:1124 (June 2007), amended LR38:1234 (May 2012), amended by the Department of Health, Board of Pharmacy, LR



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Summary of Testimony & Public Comments
re
Regulatory Project 2020-5 ~ Marijuana Pharmacy
at
May 29, 2020 Public Hearing

1. Email dated May 25, 2020 from Ms. Kathryn Thomas, CEO, The Healing Clinics, LLC
Ms. Thomas objects to the repeal of the one-month limitation on the dispensing quantity.
2. Letter received May 28, 2020 from Dr. Jonathan Allen, Green Medical Solutions
Dr. Green objects to the repeal of the one-month limitation on the dispensing quantity, and he objects to allowing marijuana pharmacies to dispense prescription medications other than controlled substances.

From: [Kathryn Thomas](#)
To: [Malcolm J. Broussard](#)
Subject: Proposed Rule Change/BOP/5.29.2020
Date: Monday, May 25, 2020 3:07:12 PM

Dear Dr. Broussard,

In speaking with various concerned parties regarding the proposed rule changes, particularly:

§2443. Marijuana Products A. – D.1.c.... d. No single container shall contain more than a one-month supply of marijuana. Repealed. D.1.e – E.4.f.... AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046. HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473

I no longer think this is an effort to provide patients with recommended medical marijuana for a period longer than a 30 day supply. However, I do think the wording leaves this particular amendment open to interpretation. I am in favor of physicians having the ability to write patients a recommendation for periods longer than a 30 day supply, however, it would seem the intent would be that the dispensary NOT provide the patients receiving medical marijuana more than a 30 day supply at a time.

Would it be possible to add an amendment to the working so indicating? This wording may be elsewhere in the current rules, but I was unable to locate said language. I do believe that it is clearly not the Louisiana Board Of Pharmacy's intent to supply medical marijuana patients with more than a 30 day supply at one time. If you could be so kind as to indicate to me where I might locate said language, I will withdraw my public comment.

Thank you so much,

Kathryn Thomas, CEO
The Healing Clinics, LLC
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With respect to the proposed changes to Section 2443, patients should only be dispensed 1 month supply of the Schedule I medications. This is standard for Schedule 2 medications, some Schedule 3/3N as well as some Schedule 4 medications. There should be no expectation of having less strict requirements for more highly controlled substances, specifically marijuana products.

With regard to the proposed changes to Section 2451, marijuana pharmacies should not be able to dispense prescription medications for the following reasons:

- 1) The pharmacy should be putting more focus on medical cannabis business and how to improve that with more patient education, patient follow-up, and outcome recording, rather than trying to sell other drugs to improve their bottom line.
- 2) Pharmacies all knew that per LBP rules they could not fill prescriptions for other drugs besides cannabis products when they applied for their license. They should not try to change the rules to suit their agenda after the fact. All pharmacies that applied for licenses knew the restrictions and financial risks. If their individual business plans did not provide them financial security and viability, then they should surrender their license and the Board of Pharmacy should have an open application for others to apply for the license for that region.
- 3) Pharmacies should expand their delivery area to make the medicine more accessible to patients and thereby sell more cannabis products.
- 4) Pharmacies could lower the price to allow patient to stay in the program rather than dropping out due to medicine being overpriced. Decreased numbers of patients has resulted in decreased profits for them.
- 5) There is no need for more pharmacies in these areas selling prescription medications. These nine pharmacies are concerned about their economic viability in the cannabis market but they have no problem suggesting to add another pharmacy to their area to decrease the profits of the pharmacies already there. These areas already have plenty of pharmacies to accommodate the catchment area. (A Google search showed that Baton Rouge has 22 retail pharmacies, Alexander has 20, Houma has 19, the North Shore has 18, New Orleans has 25, Lake Charles has 18, Shreveport has 20, Lafayette has 22, and Monroe has 19. There is no need for more retail pharmacies in these areas.
- 6) Other states with medical cannabis dispensaries do not have to sell other prescription medications to remain viable and their medications are sold at a much lower price than those in Louisiana. They can turn a profit even at the much lower prices and with competition from other dispensaries.
- 7) Cannabis is a Schedule I medication in Louisiana and federally. The pharmacies should practice with great care and focus on cannabis medications and not be distracted by trying to sell other prescription medications. They should turn their energies to improve the service that they are already providing.
- 8) If the patients in Louisiana have more accessibility to affordable cannabis medications then more patients will remain active in the therapeutic marijuana program and the profits will come from the volume of patients each pharmacy cares for rather than price gouging ones that can afford it.

9) In the spirit of free enterprise that they are proposing, if they can sell prescription medications then all pharmacy should be able to sell medical cannabis products if they meet LBP requirements. These pharmacies oppose having more cannabis pharmacies in the state.

10) Medical cannabis pharmacies are intended to specialize specifically in medical marijuana products. If they began selling other medications then they are no longer specialists in medical marijuana. They become a one stop shop like any other retail pharmacy and then patients will lose confidence in their ability to specialize in this medical treatment that is new to the state and to the patients.

11) Federally marijuana is still illegal. If the pharmacy sells other prescription drugs they would need to be licensed by the DEA. If the DEA discovers they are selling cannabis products they will be at risk for losing their license as well as being sanctioned. With only nine pharmacies in Louisiana, the patient's in the state cannot afford to lose a single pharmacy as a result of DEA investigation and sanctioning.

The Louisiana Board of Pharmacy should be more concerned about the economic viability of the entire medical marijuana program for the patients' sake rather than changing rules to ensure the economic viability of a handful of businessman and pharmacists who own or operate pharmacies which already have a monopoly on the cannabis market in their region. LA Board of pharmacy should not put the financial needs of a few businessman ahead of the medical needs of the patients of the State of Louisiana. I agree that reform in the program is needed but it should be to make the program more robust and medicine more accessible and affordable to the people that need it. By increasing accessibility to more patients the program will grow and be more viable for all involved: patients, providers, pharmacies, investors, producers, and the State of Louisiana.

The focus of this program is to provide better medical care to the patients in the state that need an alternative to treatments that have not worked for them in the past. We should not lose sight of this and change the rules governing the program just to meet financial projections of a few investors in each region. The Board of Pharmacy should not change this rule or be concerned about the financial position of the pharmacies. Instead the Board should remain true to their purpose in ensuring that the program continues in a way that will benefit as many patients as possible. Each individual pharmacy should focus on retention of the patients that entered the program since its inception but were forced to withdraw from medical cannabis treatment due to financial or geographic obstacles. If they do this then their economic viability will be ensured and the needs of the patients with debilitating conditions will also be met.

I get no personal benefit by opposing these changes. I chose to write this letter to shed light on the fact that everyone involved in this new enterprise should be working together to improve the program for the patients. That is the reason the program exists in the first place. I am doing this to help patients obtain medicine for condition that have failed to be treated effectively with other treatments and modalities. We have all made sacrifices by participating in this program, and those sacrifices should have been made for the right reasons, altruistic reasons. Their profits will come, even if it isn't as fast as they'd like. Let's keep the patients as our priority

From: [Jonathan Allen](#)
To: [Malcolm J. Broussard](#)
Cc: [Sajal Roy](#); [Ricky Indovina](#); [Andy Soileau](#); [Raymond Strong](#); [Jackie Hall](#); [Blake Pitre](#); [Rhonny Valentine](#); [Douglas Robichaux](#); [Carl Aron](#); [Robert Cloud](#); [Ron Moore](#); [Richard Mannino](#); [Allen Cassidy](#); [Kevin LaGrange](#); [Robert LeBas](#); [Marty McKay](#); [Don Resweber](#)
Subject: Concerns about rule changes for medical cannabis program
Date: Thursday, May 28, 2020 4:19:05 AM
Attachments: [BOP letter.docx](#)

Mr Broussard,

Please read my letter at the board meeting Friday May 28th in the section discussing cannabis rule changes. Please have it entered into the minutes since I will be unable to attend. Thank you in advance for your time and energy on my behalf.

Sincerely,

Jonathan Allen MD FAAEM FAWM

Green Medical Solutions
Today's Health Care
Jonathan Allen MD FAAEM FAWM - Medical Director
Therapeutic Marijuana Registrations
<http://www.TheGreenMedMD.com>
985-242-4577

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2441. Definitions

A. As used in this Subchapter, the following terms shall have the meaning ascribed to them in this Section:

* * *

~~Marijuana — all parts of plants of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination~~ Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1538 (August 2017), amended LR 45:1473 (October 2019), amended LR

§2443. Marijuana Products

A. – D.1.c. ...

d. ~~No single container shall contain more than a one month supply of marijuana.~~ Repealed.

D.1.e – E.4.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473 (October 2019), amended LR

* * *

§2451. Operation of Marijuana Pharmacy

A. – M. ...

N. No marijuana pharmacy shall ~~sell anything other than marijuana products; however, the pharmacy may elect to sell over the counter (OTC) medications, durable medical equipment (DME), and other retail products from the same premises but outside the prescription department~~ acquire, possess or dispense any controlled substance other than medical marijuana products authorized by R.S. 40:1046.

O. – U. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR



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June 25, 2020

Agenda Item 10: Announcements

- | | |
|------------|---|
| June 30 | 1st Extraordinary Session of Louisiana Legislature adjourns |
| July 8 | La. Pharmacy Congress
Pharmacy Benefit Manager Monitoring Advisory Council
Prescription Monitoring Program Advisory Council |
| July 9 | Governor's Office – Drug Policy Board |
| July 14-15 | Violations Committee Informal Conference |
| July 15 | New Board Member Orientation |
| July 16 | Regulation Revision Committee |
| July 22 | dotPharmacy Executive Board Meeting – <i>via webinar</i> |
| July 23 | Occupational Licensing Review Commission |
| July 30 | Mail ballots for board member nomination election in District 1-A |
| August 11 | Reinstatement, Impairment, Finance, & Executive Committees |
| August 12 | Reciprocity Committee & Board Meeting |
| August 13 | Administrative Hearing |

End of Meeting Binder