



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



Board Meeting

July 28, 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. 83 JBE 2020; and

WHEREAS, the Governor extended certain restrictions relative to the current state of emergency in Proclamation No. 84 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 videoconferencing technology; then

THEREFORE, the Board has determined it appropriate, pursuant to the provisions of Subsection 2.C of Proclamation No. 84 JBE 2020, to utilize videoconferencing technology for its July 28, 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
July 20, 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 9:00 a.m. on Tuesday, July 28, 2020. The meeting website is www.zoom.us; in the upper right corner of the homepage select the link for *Join a Meeting*. Enter meeting identification number **948 0844 0583** and the meeting password (passcode) **161952**. 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 07-20-2020

1. Call to Order
2. Amendments to Board Roster
3. Quorum Call
4. Call for Additional Agenda Items & Adoption of Agenda
5. Consideration of Draft Minutes from Previous Meeting – [June 25](#)
6. Report on Action Items
7. Confirmation of Acts
8. Opportunity for Public Comment
9. Special Order of the Day ~ Consideration of Regulatory Proposal & Accompanying Declaration of Emergency
 - A. [Regulatory Proposal 2020-N ~ Marijuana Recommendations \(Draft #2\)](#)
 - B. [Declaration of Emergency](#)
10. New Agenda Items Added During Meeting
11. Announcements
12. Adjourn

Notes:

1. The public meeting binder will be posted on the Board's [website](#) 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 Monday, July 27, 2020 will be provided to the members prior to the meeting.

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

DRAFT

Special Meeting

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

Location:

Videoconference

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11.	Adjourn	10

1 A special meeting of the Louisiana Board of Pharmacy was held on Thursday, June 25,
2 2020 by videoconference. As noted on the meeting agenda, the Board certified it could
3 not achieve an in-person quorum due to the provisions of *Governor's Proclamation No.*
4 *74 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home.* Therefore, as
5 permitted by *Governor's Proclamation No. 75 JBE 2020 ~ Additional Measures for*
6 *COVID-19 Public Health Emergency,* the Board elected to conduct its meeting by
7 videoconference.
8

9 *1. Call to Order*

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

11
12 *2. Quorum Call*

13 Mr. Aron called upon the Secretary, Mr. Richard Indovina, to call the roll of members to
14 establish a quorum.
15

16 **Members Present:**

17 Mr. Carl W. Aron
18 Mr. Allen W. Cassidy, Jr.
19 Dr. J. Robert Cloud
20 Ms. Jacqueline L. Hall
21 Mr. Richard M. Indovina, Jr.
22 Mr. Kevin LaGrange
23 Mr. Robert C. LeBas
24 Mr. Richard Mannino
25 Mr. Marty R. McKay
26 Mr. Ronald E. Moore
27 Mr. Blake P. Pitre
28 Mr. Don L. Resweber
29 Mr. Douglas E. Robichaux
30 Mr. Richard A. Soileau
31 Dr. Raymond J. Strong
32 Mr. Rhonny K. Valentine
33

34 **Staff Present:**

35 Mr. Malcolm J. Broussard, Executive Director
36 Mr. Carlos M. Finalet, III, General Counsel
37 Mr. M. Joseph Fontenot, Assistant Executive Director
38 Mr. Benjamin S. Whaley, Chief Pharmacist Compliance Officer
39 Mr. Cary D. Aaron, Pharmacist Compliance Officer
40 Mr. Daniel M. Dennis, Pharmacist Compliance Officer
41 Ms. Alicia P. Harris, Pharmacist Compliance Officer
42 Ms. Becky C. Parker, Pharmacist Compliance Officer
43 Mr. Huey J. Savoie, Pharmacist Compliance Officer
44 Ms. Kelley L. Villeneuve, Office Manager
45
46
47

1 **Guests:**

2 Dr. Alexander Billioux
3 Dr. T. J. Woodard
4 Mr. Jeenu Philip
5 Mr. Ben Sims
6 Ms. Brandi Armand
7 Dr. Christopher D. Felton
8 Dr. Connor L. Carrier
9 Mr. Donelson Caffery
10 Dr. Dwana S. Day
11 Mr. Gregory J. Dolese
12 Dr. Hunter D. Dean
13 Mr. Jacob Irving
14 Mr. Richard J. Gaude
15 Ms. Jessica Elliott
16 Dr. John N. Rocchio
17 Ms. Kathryn Thomas
18 Dr. Katie M. Bruce
19 Mr. Keith Pittman
20 Ms. Kim Hood
21 Dr. Sarah E. Spano
22 Dr. Kristen L. Baudoin
23 Ms. Kristina B. Baldrige
24 Ms. Mary Staples
25 Dr. Michael B. Cockerham
26 Ms. Michelle Beall
27 Mr. Robert Fudge
28 Ms. Shelly Dupre

29
30 Mr. Indovina certified 12 of 16 members were present, constituting a quorum for the
31 conduct of official business. Mr. LaGrange, Mr. LeBas, Dr. Strong, and Mr. Valentine
32 did not reply to the quorum call.
33

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

35 Mr. Aron asked if there were any additional agenda items to be added. With no
36 requests to amend the agenda, and without objection, the members adopted the
37 agenda dated June 24, 2020. Mr. Aron requested authority to re-order the agenda as
38 may become necessary and there were no objections to that request.
39

40 At this point, Mr. LaGrange, Mr. LeBas, Dr. Strong, and Mr. Valentine verbally indicated
41 their presence. All 16 members were present.
42

43 *4. Consideration of Minutes from Previous Meetings*

44 Mr. Aron informed the members that shortly after the previous meeting on May 27 staff
45 was made aware of an error in the minutes from the February 5, March 25, and April 2
46 meetings. The error was the same in all three sets of minutes, listing the incorrect
47 name of a board member. Mr. McKay then moved,

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

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

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

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

11
12 5. *Report on Action Items*

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

16
17 6. *Confirmation of Acts*

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

21 **Resolved**, that the actions taken and decisions made by the Board officers,
22 Board committees, and Executive Director in the general conduct and
23 transactions of Board business since May 27, 2020 are approved, adopted, and
24 ratified by the entire Board.

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

27
28 7. *Opportunity for Public Comment*

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

33
34 * *Statement of Purpose*

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

39
40 8. *Special Orders of the Day*

41 A. *Consideration of Proposed Emergency Rules*

42 (1) *Regulatory Proposal 2020-E ~ Temporary Permission to Practice (Draft*
43 *#2)*

44 Mr. Aron reminded the members of their directive to staff issued
45 during the previous meeting to develop a regulatory proposal to authorize
46 a temporary permission to practice. To facilitate discussion of the
47 proposal, Mr. McKay moved,

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

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

21
22 (2) *Regulatory Proposal 2020-F ~ Temporary Suspension of License Renewal*
23 *Fees (Draft #1)*

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

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

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

41
42 B. Request for Approval of Immunization Training Certificate Program:

43 *Immunization Administration Training for Pharmacists* (CEImpact)

44 Mr. Aron reported staff's receipt of the request from a pharmacist seeking an
45 immunization training program who reported only three of the four currently-
46 approved vendors still active. To facilitate discussion of the request, Mr.
47 McKay moved,

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

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

6
7 C. Review of Legislation from 2020 Legislature

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

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

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

24
25 D. Consideration of Comments & Testimony from May 29 Public Hearing

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

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

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

43
44 During the discussion of the motion, the videoconference experienced technical
45 difficulty and required a re-start of the videoconference.

46
47 Several members expressed reservation about including the hepatitis

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

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

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

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

28
29 (2) *Regulatory Project 2020-2 ~ Automated Medication Systems*

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

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

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

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

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

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

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

12
13 (4) *Regulatory Project 2020-5 ~ Marijuana Pharmacy*

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

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

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

33
34 E. Consideration of Continued Recognition of NABP Passport

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

42 **Resolved**, for the Louisiana Board of Pharmacy to continue its
43 recognition of the NABP Passport as valid for practice within and
44 for the State of Louisiana until September 30, 2020; and further,
45 pharmacists holding an NABP Passport and intending to continue
46 their practice within or for the State of Louisiana after September
47 30, 2020 shall obtain a Louisiana pharmacist license, or in the

1 alternative, a Special Work Permit.

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

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

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

13
14 *9. New Agenda Items Added During Meeting*

15 No new agenda items were added during the meeting.

16
17 *10. Announcements*

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

19
20 *11. Adjourn*

21 Having completed the tasks itemized on the posted agenda, with no further business
22 pending before the Board, and without objection, Mr. Aron adjourned the meeting at
23 4:40 p.m.

24
25
26 Respectfully submitted,

27
28
29 _____
30 Richard M. Indovina, Jr.
31 Secretary
32



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



Report on Action Items



July 28, 2020

Agenda Item 6: Report on Action Items

During your June 25, 2020 meeting, you considered two sets of proposed emergency rules, a request for approval of an immunization training program, a legislative brief from the 2020 Regular Session of the Louisiana Legislature, as well as comments and testimony on four regulatory projects from the May 29, 2020 public hearing.

With respect to the two sets of proposed emergency rules:

- You declined to adopt the proposal to create a temporary permission to practice.
- You adopted *Regulatory Proposal 2020-F ~ Temporary Suspension of License Renewal Fees*. We filed the required notices on June 26 with the Office of the Governor, Office of the Attorney General, President of the Senate, Chair of the Senate Committee on Health & Welfare, Speaker of the House of Representatives, Chair of the House Committee on Health & Welfare, and Director of the Louisiana Register. The Louisiana Register published the Emergency Rule on their website that same day reflecting the June 30, 2020 effective date. We have scheduled the re-publication of the same Emergency Rule at the required intervals to maintain the Emergency Rule in effect until June 30, 2021.

With respect to the request for approval of the immunization training program, we notified both the requesting pharmacist and the program vendor of your approval immediately after your meeting. Further, we updated the application form for the Medication Administration registration on July 1 reflecting that program as one of two acceptable training programs.

With respect to the legislative brief from the 2020 Regular Session, we have added the 2020 session to the existing *Legislative Action Plan Implementation Report*, a copy of which is appended to this report. Three of those items require rulemaking, all of which are in process. Some of the other items will be completed upon publication of the 2020 edition of the Louisiana Pharmacy Law Book, anticipated for August 1.

With respect to the four sets of regulatory projects for which you evaluated comments and testimony from the May 29 public hearing:

- Project 2020-1 ~ Prescription Monitoring Program: You determined it appropriate to make changes to the original proposed rule. We negotiated a revised fiscal note with the Legislative Fiscal Office and submitted the required *Potpourri Notice* to the Louisiana Register. That notice was published in the July 20, 2020 edition of the Louisiana Register, and as indicated in that notice, we will conduct a public hearing on August 26, 2020 to receive comments and testimony on those proposed changes.

- Project 2020-2 ~ Automated Medication Systems: You returned that project to the Regulation Revision Committee for its reconsideration of the proposed rule. The committee reconsidered that proposed rule during its July 16 meeting and determined changes were necessary to reflect their original intent. The committee will report their revisions to you later today. In the event you elect to accept those proposed revisions, we will move forward with publication of a Potpourri Notice and schedule a second public hearing to receive comments and testimony on those proposed revisions.
- Project 2020-3 ~ Pharmacist License Display: With no comments and no changes to be made, you directed the submission of that proposed rule to the Occupational Licensing Review Commission (OLRC) for approval to complete the promulgation process. The OLRC met on July 23 and approved the continuation of the project. We submitted our 2nd Report to the Joint Legislative Oversight Committee on Health & Welfare that same day. In the absence of any legislative intervention, we proposed to publish the original proposed rule as a *Final Rule* in the September 20, 2020 edition of the Louisiana Register with an immediate effective date.
- Project 2020-5 ~ Marijuana Pharmacy: After evaluating the two comments, you determined it appropriate to make no changes to the original proposed rule and directed the submission of that proposed rule to the OLRC for approval to complete the promulgation process. The OLRC met on July 23 and approved the continuation of the project. We submitted our 2nd Report to the Joint Legislative Oversight Committee on Health & Welfare that same day. In the absence of any legislative intervention, we propose to publish the original proposed rule as a *Final Rule* in the September 20, 2020 edition of the Louisiana Register with an immediate effective date.

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 7/16/2020 Cmte approved Draft #3 8/12/2020 Draft #3 on Board agenda
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 7/16/2020 Cmte rejected Draft #2 8/12/2020 Draft #2 on Board 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>Item</u>	<u>Date</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	8/12/2020	Draft #3 on Board 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	8/12/2020	Draft #3 on Board 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	8/12/2020	Draft #2 on Board 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	
2020-8	Marijuana Recommendations	8/1/2020	Emergency Rule #1 issued; will expire 11/28/2020.						
2020-7	Suspension of Renewal Fees	6/30/2020	Emergency Rule #1 issued; will expire 10/27/2020						
2020-6	COVID-19 Dispensing Limitations	3/22/2020	Emergency Rule issued; rescinded 3/23/2020						
2020-5	Marijuana Pharmacy	4/20/2020 2/28/2020	5/29/2020	7/23/2020				OLRC approved initiation of promulgation 7/23/2020 OLRC approved completion of project	
2020-4	Pharmacy Benefit Managers	2/28/2020 8/27/2020	OLRC deferred consideration On OLRC agenda						
2020-3	Pharmacist Display of License	4/20/2020 2/28/2020	5/29/2020	7/23/2020				OLRC approved initiation of promulgation 7/23/2020 OLRC approved completion of project	
2020-2	Automated Medication Systems	4/20/2020 2/28/2020	5/29/2020	<i>Comments prompted substantive revision, requiring a second public hearing</i>					OLRC approved initiation of promulgation
2020-1	Prescription Monitoring Program	4/20/2020 2/28/2020	5/29/2020	<i>Comments prompted substantive revision, requiring a second public hearing</i>					OLRC approved initiation of promulgation 8/26/2020
2019-18	Cannabis MDI	11/20/2019 9/3/2019	12/27/2019	3/6/2020	[none]	4/20/2020		OLRC issued waiver from 1st review 2/28/2020 OLRC approved completion of project	
2019-17	Pharmacy Records	11/20/2019 8/29/2019	12/27/2019	3/6/2020	[none]	4/20/2020		OLRC approved initiation of promulgation 2/28/2020 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
2019-16	Pharmacy Compounding	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
2019-15	Drug Disposal by Pharmacies	11/20/2019 8/29/2019	12/27/2019 OLRC approved initiation of promulgation	<i>Comments prompted substantive revision, requiring a second public hearing</i> 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 OLRC issued waiver from 1st review	3/6/2020	[none] 2/28/2020	4/20/2020		OLRC approved completion of project
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

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
2019-6	Prescription Monitoring Program	With additional PMP-related regulatory proposals, this project was deferred in favor of Project 2020-1 (see above). 4/12/2019 OLRRC 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		
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	1/1/2018 <i>Delayed effective date: 1/1/2018</i>	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
2016-6	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; expired 3/17/2017 Emergency Rule #2 issued; cancelled upon publication of Final Rule on 5/20/2017					
		1/20/2017	3/1/2017	3/27/2017	[none]	5/20/2017	2017	2/6/2018
2016-4	Standing Orders for Distribution of Naloxone	8/10/2016 12/7/2016 4/5/2017	Emergency Rule #1 issued; expired 12/8/2016 Emergency Rule #2 issued; expired 4/6/2017 Emergency Rule #3 issued; cancelled upon publication of Final Rule on 5/20/2017					
		1/20/2017	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 Pharm	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	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 Revised Emergency Rule #2 issued; it expired 7/13/2017 Revised Emergency Rule #3 issued; it expired 11/7/2017 Revised Emergency Rule #4 issued; cancelled upon effective date of Final Rule on 1/1/2018					
		1/20/2017	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

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
2015-7	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	Emergency Rule #1 issued; expired 9/30/2015 Emergency Rule #2 issued; cancelled upon publication of Final Rule on 10/20/2015					
		7/20/2015	8/26/2015	9/8/2015	[none]	10/20/2015	2016	2/22/2016
2015-4	Compounding for Office Use for Veterinarians	6/1/2015 9/21/2015 1/15/2016 2/24/2016	Emergency Rule #1 issued; expired 9/28/2015 Emergency Rule #2 issued; expired 1/19/2016 Emergency Rule #3 issued; expired 5/14/2016 Emergency Rule #4 issued; cancelled upon publication of Final Rule on 6/20/2016					
		7/20/2015	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 #1 issued; expired 12/8/2014 Emergency Rule #2 issued; cancelled upon 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

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
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		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
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 issued		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 #1 issued; expired 5/31/2013 Replacement Emergency Rule #2 issued; expired 9/29/2013 Replacement Emergency Rule #3 issued; expired 1/24/2014 Replacement Emergency Rule #4 issued; expired 4/4/2014 Replacement Emergency Rule #5 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

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
2012-08	CDS Lic. For Non-Resident Distributor [§2705]	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
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					<i>Permanent rule promulgated with Project 2012-11 (see above)</i>
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

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
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
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> 5/3/2007		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

Louisiana Board of Pharmacy
Regulatory Projects - Promulgation Record

<u>Project No.</u>	<u>Project Name</u>	<u>1st Report Notice of Intent</u>	<u>Public Hearing</u>	<u>2nd Report Hearing Record</u>	<u>Oversight Hearing</u>	<u>Final Rule Published</u>	<u>Law Book Published</u>	<u>3rd Report Completion</u>
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		Reg. Proposal 2020-M in process				
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)		Reg. Proposal 2020-N in process				
HB 843	2020-344	Hemp-derived cannabidiol products	3:1481 through 1485						
HCR 071		Temporary suspension of licensing fees			Reg. Project 2020-7 ER in effect				
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



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Agenda Item 9. Special Orders of the Day

- A. Consideration of Regulatory Proposal 2020-N ~ Marijuana Recommendations
- B. Consideration of Declaration of Emergency

Louisiana Administrative Code

Title 46 – Professional and Occupational Standards

Part LIII: Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2457. Standards of Practice

A. – C.2.a. ...

D. Recordkeeping Requirements

~~1.~~ 1. Prescription/recommendation/order (hereinafter, “request”) for Marijuana

- ~~a.~~ a. A request generated, signed, and transmitted in electronic format which is compliant with the standards for electronic prescribing of controlled substances identified in [21 CFR 1311](#) (or its successor) shall be construed as a validly formatted request.
- ~~b.~~ b. The request shall identify the physician issuing the request as well as the person’s debilitating medical condition for which the marijuana product is intended.

~~2.~~ 1. When the pharmacy receives a request for marijuana from a recommending physician in written form, the pharmacist shall cause the form to be scanned and filed using an electronic imaging system in compliance with § Section 1123 of this Part.

~~3.~~ 2. Request forms (and electronic images thereof) shall be retained on the pharmacy’s premises for at least two years after the date of dispensing, and further, shall be readily retrievable upon request by the board.

~~4.~~ 3. Inventory of Marijuana Product

- a. The pharmacist-in-charge shall develop and maintain a perpetual inventory of all marijuana products acquired, held, dispensed, and disposed by the pharmacy.
- b. The pharmacy shall access the LMMTS and enter all ~~inventory-related~~ acquisition and product transfer transactions in that system.
- c. In the event the pharmacist-in-charge designates an agent to retrieve new marijuana product inventory from the production facility, the pharmacist shall verify the agent is at least 21 years of age and is eligible to drive on public roadways.
- d. The pharmacist-in-charge shall conduct an annual inventory of all marijuana products in the possession of the pharmacy on any date which is within one year of the previous annual inventory, and further, shall conduct additional inventory counts on the following occasions:
 - i. arrival of a new pharmacist-in-charge;
 - ii. discovery of any significant loss, disappearance, or theft of marijuana product;
 - iii. departure of a pharmacist-in-charge; and

- 40 iv. permanent closure of the pharmacy.
- 41 e. Inventory records shall be retained on the pharmacy's premises for at least two years after the
- 42 most recent entry.
- 43 § 4. The pharmacy shall develop and maintain sufficient records to fully reveal the business
- 44 transactions related to marijuana products, including their procurement and sale, for the current tax
- 45 year as well as the two immediately preceding tax years, all of which shall be made available to
- 46 the board upon request.
- 47 § 5. The board may require any pharmacy or its owners to furnish such information as the board
- 48 considers necessary for the proper administration of R.S. 40:1046, and may require a financial
- 49 audit of the business of any marijuana pharmacy, and the expense thereof shall be paid by the
- 50 marijuana pharmacy.
- 51 E. Professional Practice Standards
- 52 1. Recommendation/opinion/referral (hereinafter, "request") for Therapeutic Marijuana
- 53 a. The pharmacist may accept any request for a marijuana product which has been:
- 54 i. Issued by a physician in possession of a current and unrestricted license to practice
- 55 medicine from the Louisiana State Board of Medical Examiners as well as a current and
- 56 unrestricted state controlled substance license with therapeutic marijuana privileges from
- 57 the Board; and
- 58 ii. Received directly from the physician and not from the patient or any third party other
- 59 than the entity transmitting the request, either by electronic means conforming with
- 60 the provisions of 21 CFR 1311 or its successor, or in the alternative, by facsimile bearing
- 61 a handwritten or digital signature of the physician.
- 62 b. The request shall disclose the following information, at a minimum:
- 63 i. Name, address, telephone number, and national provider identifier (NPI) number of
- 64 the physician issuing the request;
- 65 ii. Name, address and date of birth (or age) of the patient for whom the request was issued;
- 66 iii. Identification of the debilitating medical condition for which the treatment has been
- 67 requested;
- 68 iv. Treatment requested;
- 69 v. Date request was issued;
- 70 vi. Self-certification the physician holds a current and unrestricted license to practice
- 71 medicine issued by the Louisiana State Board of Medical Examiners; and
- 72 vii. Signature of the physician issuing the recommendation, excluding any proxy or agent.
- 73 c. Requests for marijuana products shall expire one year after the date of issue, unless a shorter
- 74 period of time is indicated by the physician. A. pharmacist may dispense marijuana product
- 75 on multiple occasions as indicated by the physician and needed by the patient until the request

76 expires; however the pharmacist shall not dispense more than a 90-day supply of marijuana
77 product at one time nor more than a one year supply of marijuana product pursuant to a single
78 request. A pharmacist shall not dispense marijuana product pursuant to an expired request.

79 ~~4~~ 2. Prior to dispensing any marijuana product to a patient, the pharmacist shall review that patient's
80 records in the state prescription monitoring program. The pharmacist shall resolve any concerns
81 identified in that review by consultation with the recommending physician.

82 ~~2~~ 3. Labeling of Marijuana Product Dispensed

83 a. The pharmacist shall not dispense any marijuana product that does not bear the producer label
84 required by the LDAF, and further, the pharmacy dispensing label shall not overlay or obscure
85 the producer label in any way.

86 b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:

87 i. Name and address of the pharmacy dispensing the product;

88 ii. Telephone number or other contact information of the pharmacy dispensing the product;

89 iii. Name of the recommending physician;

90 iv. Name of the patient;

91 v. Date the product was dispensed;

92 vi. Prescription number, which shall be a unique identifier for that specific transaction;

93 vii. Name of the marijuana product, including any concentration, strength, or other identifiers
94 of the marijuana product;

95 viii. Quantity of marijuana dispensed;

96 ix. Directions for use of the product;

97 x. Expiration date of the product, which shall not exceed the expiration date determined by
98 the producer of the product; and

99 xi. Other information selected by the dispensing pharmacist to inform the patient as to the
100 best use of the product for the intended purpose.

101 ~~3~~ 4. The pharmacist shall ~~perform prospective drug utilization review and shall counsel every patient~~
102 ~~receiving marijuana product every time it is dispensed, in compliance~~ comply with the rules on
103 drug utilization review and patient counseling in Chapter 5 of this Part.

104 4 5. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with
105 the reporting requirements as found in Chapter 29 of this Part.

106 ~~5~~ 6. Disposal of Marijuana Product.

107 a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is
108 determined to be misbranded, adulterated, expired, deteriorated, undesired, excess,
109 unauthorized, or unfit for dispensing; ~~however, once accepted by the pharmacy, no marijuana~~
110 ~~product may be returned to any producer.~~

111 b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the

- 112 product shall be removed from active dispensing stock and quarantined in the pharmacy
113 pending its disposal, ~~and further, the removal from active dispensing stock shall be recorded in~~
114 ~~the LMMTS.~~
- 115 c. The pharmacist-in-charge shall render the waste unusable by grinding and incorporating the
116 waste with other ground materials so the resulting mixture is at least 50 percent non-marijuana
117 waste by volume. Material used to grind with the waste may include:
- 118 i. Yard waste;
 - 119 ii. Paper waste;
 - 120 iii. Cardboard waste;
 - 121 iv. Plastic waste; or
 - 122 v. Soil or sand
- 123 d. Waste shall be rendered unusable prior to leaving the pharmacy. Waste rendered unusable
124 shall be disposed of by delivery to an approved solid waste facility for final disposition.
- 125 i. Examples of acceptable permitted solid waste facilities include:
- 126 (a) Compost; anaerobic digester;
 - 127 (b) Landfill, incinerator; or
 - 128 (c) Waste-to-energy facility.
- 129 e. The pharmacist-in-charge shall prepare a record of each disposal, and that record shall contain,
130 at a minimum, the following information:
- 131 i. Brand name and other specific identifiers of the marijuana product disposed;
 - 132 ii. Quantity of product disposed;
 - 133 iii. Manner of disposal; and
 - 134 iv. Signatures of the pharmacist-in-charge disposing the product plus at least one witness
135 who is either a credentialed staff member of that pharmacy or an agent of the board.

136
137 AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

138 HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017),
139 amended LR 45:1473 (October 2019), LR

140

DECLARATION OF EMERGENCY

Department of Health

Board of Pharmacy

Marijuana Recommendations – LAC 46:LIII.2457

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953(B), to amend one section of its rules for marijuana pharmacies relative to recordkeeping requirements as well as professional practice standards relative to recommendations for therapeutic marijuana.

Act 286 of the 2020 Legislature made several significant changes to the state medical marijuana law (R.S. 40:1046) including changes in the eligibility of physicians authorized to issue recommendations for therapeutic marijuana as well as the removal of the authority for the Louisiana State Board of Medical Examiners to promulgate rules relative to physicians issuing marijuana recommendations.

Prior to the August 1, 2020 effective date of the act, rules had been promulgated by the Louisiana State Board of Medical Examiners and the Louisiana Board of Pharmacy to govern the issuance, receipt, and processing of marijuana recommendations. With the removal of the authority of the Board of Medical Examiners to promulgate rules relative to physicians issuing marijuana recommendations, the Board of Pharmacy has determined it necessary to amend its rules for marijuana recommendations to provide the regulatory structure necessary to properly administer the state medical marijuana law at R.S. 40:1046. Given the significant and beneficial impact of therapeutic marijuana on the health of patients using such treatment, the Board of Pharmacy has determined this emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare. The emergency rule shall become effective on August 1, 2020 and shall remain in effect for 120 days unless extended or rescinded.

Malcolm J. Broussard

Executive Director

Louisiana Board of Pharmacy



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Announcements



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July 28, 2020

Agenda Item 11: Announcements

- | | |
|-----------|--|
| July 30 | Mail ballots for board member nomination election in District 1-A |
| August 11 | Reinstatement & Impairment Committees [in person] |
| August 12 | Finance & Executive Committees [Zoom] |
| August 13 | Board Meeting [Zoom] |
| August 26 | Public Hearing [Zoom] (<i>proposed changes to Regulatory Project 2020-1 ~ Prescription Monitoring Program</i>) |
| August 28 | Deadline for return of board member nomination election ballots |

End of Meeting Binder