



Louisiana Board of Pharmacy

5615 Corporate Blvd., Suite 8-E, Baton Rouge, LA 70808-2537

Telephone (225) 925-6496 ~ Facsimile (225) 925-6499

www.labp.com email: labp@labp.com

Minutes

Special Meeting

Tuesday, February 11, 2003 at 12:00 p.m.

Wednesday, February 12, 2003 at 8:00 a.m.

Louisiana Board of Pharmacy
5615 Corporate Blvd., Suite 8-E
Baton Rouge, Louisiana 70808

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Tuesday, February 11, 2003</i>		
1.	Call to Order	3
2.	Invocation	3
3.	Pledge of Allegiance	3
4.	Quorum Call	3
5.	Call for Additional Agenda Items	4
6.	Consideration of Minutes	4
7.	Report on Action Items	4
8.	Confirmation of Acts	5
9.	Opportunity for Public Comment	5
10.	Report of Regulation Revision Committee	5
<i>Wednesday, February 12, 2003</i>		
10.	Report of Regulation Revision Committee (cont.)	7
11.	Report of President	8
12.	Report of General Counsel	8
13.	Report of Executive Director	9
14.	Petition for Licensure Name Change [<i>added</i>]	9
15.	Announcements	9
16.	Adjourn	9

Appendix A – Final Draft of Report of Regulation Revision Committee

A special meeting of the Louisiana Board of Pharmacy was held on Tuesday, February 11, 2003 in the Board office at 5615 Corporate Blvd., Suite 8-E, in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 12:05 p.m.

2. Invocation

Mr. Aron called upon Mr. Richard Oubre, and he delivered the invocation.

3. Pledge of Allegiance

Following the invocation, Mr. Morris Rabb led the group in the recitation of the Pledge of Allegiance.

4. Quorum Call

Mr. Aron called upon the Secretary, Dr. Reuben Dixon, to call the roll. After doing so, Dr. Dixon stated that a quorum of the Board was present. He also reminded members to sign the Minute Book as it was circulated during the meeting.

Present:

Mr. Joseph L. Adams
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Wayne A. Camp
Mr. Theodore S. Carmichael
Mr. Salvatore J. D'Angelo
Dr. Reuben R. Dixon
Mr. Joseph V. Greco
Ms. Jacqueline L. Hall
Mr. Larry J. Lantier, Jr. – *late arrival*
Mr. Marty R. McKay
Mr. Richard J. Oubre
Mr. T. Morris Rabb

Absent:

Mr. Jeffrey M. Landry
Mr. Fred H. Mills, Jr.

Present by Board Invitation:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Ms. Kathleen V. Gaudet, Chief Compliance Officer
Mr. Stephen L. Collins, Compliance Officer
Mr. Melvin J. Fontenot, Compliance Officer

Mr. Huey J. Savoie, Compliance Officer
Mr. Rayland M. Trisler, Compliance Officer

Guests:

Mr. Richard Indovina – Walgreens
Mr. Benjamin Acunzo – Xavier College of Pharmacy
Mr. Richard Easterling – Medco
Mr. John Harris – Abbott Pharmaceuticals
Mr. John King – Abbott Pharmaceuticals

5. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items. Mr. Oubre moved, and Mr. Carmichael seconded, for permission to present a petition from a pharmacist requesting the change of the original name of licensure. The motion was approved after a unanimous roll call vote in the affirmative. Mr. Aron indicated he would schedule the report subsequent to the report of the executive director.

At this point Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Dr. Anderson moved, and Mr. Adams seconded, to grant the President the necessary authority to reorder the agenda in the best interest of the Board. The motion was approved after a unanimous vote in the affirmative.

6. Consideration of Minutes

Mr. Aron informed the Board members that the minutes from the November 20-21 meetings were not prepared in time for adequate review prior to this meeting. He deferred the acceptance of those minutes until the next meeting of the Board, already scheduled for the following week.

7. Report on Action Items

Mr. Aron asked Mr. Broussard to report on the action items from the November 2002 Board meeting. Mr. Broussard reported on two matters from that meeting.

A. Resumption of Practical Component of Pharmacist Licensure Examination

During the last meeting, the Board directed staff to research the utilization of practical components of pharmacist licensure examinations by other state boards of pharmacy, with particular attention to exam construction, challenges to psychometric validation, and future plans.

We have almost completed the research planning phase, and have determined that the resources required to complete this project are currently devoted to the regulation promulgation project. Unless the board instructs to the contrary, we intend to prioritize the resources toward the regulation promulgation project.

B. Information on HIPAA in Louisiana Board of Pharmacy Newsletter

During the last meeting, the Board requested staff to insert a short Article in the Board's newsletter, advising pharmacists of the upcoming

deadline for compliance with the federal HIPAA regulations, along with directions for additional assistance.

The January 2003 issue of the newsletter contained a short article entitled “*Are You Ready for HIPAA?*” The four-sentence paragraph informed pharmacists of the general content of the regulation, its effective date, and provided the address of a federal government website for more specific information.

8. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Camp moved, and Mr. Bond seconded,

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 21, 2002 are approved, adopted, and ratified by the entire Board.

The motion was approved after a unanimous vote in the affirmative.

9. *Opportunity for Public Comment*

Mr. Aron informed the Board and guests that Act 285 of the 2001 Louisiana Legislature requires all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guests in attendance, and one guest offered comments.

Mr. Richard Easterling, representing Medco, offered comments concerning the proposed revisions to *Chapter 23 – Out-of-State Pharmacies* of the Board’s regulations.

10. *Report of the Regulation Revision Committee*

Mr. Aron called upon Mr. D’Angelo for the committee report. Mr. D’Angelo confirmed that each member had received the binder of proposed revisions prior to the meeting and that each member had reviewed the material prior to the meeting. He reviewed the table of contents as an overview of the project, and specifically directed the members to the note for reviewers to assist them in locating chapters that had been renumbered. He indicated he would open each chapter for comments by the members, noting that staff had informed him they had already identified a number of technical and clarification amendments.

It was noted that Mr. Lantier arrived at 2:00 p.m.

Following some additional introductory comments by Mr. D’Angelo, Mr. Aron placed the Board in recess at 2:20 p.m. The Board reconvened at 2:40 p.m. and resumed the posted agenda.

Chapter 1 – Introduction (Draft #9)

There were no requests for modification and one technical amendment.

Chapter 3 – Board Hearings (Draft #9)

There were no requests for modification and thirteen technical amendments.

Chapter 5 – Pharmacists (Draft #12)

There were no requests for modification and four technical amendments. Mr. D’Angelo highlighted the new topics, including emergency preparedness, medication administration, and collaborative drug therapy management.

Chapter 7 – Pharmacy Interns (Draft #5)

The Board agreed by consensus to delete 703.A.1.f. There was one additional technical amendment.

Chapter 9 – Pharmacy Practice (Draft #1)

The Board agreed with the committee recommendation to delete the contents of the chapter and then reserve the chapter number for a future revision of the current Chapter 8 – Pharmacy Technicians.

Chapter 11 – Pharmacies (Draft #13)

The Board agreed to transfer the contents of §1139 to the new Chapter 25. There were seven other technical amendments. Mr. D'Angelo highlighted the new topics, including an increase in the minimum square footage for a prescription department, the requirement for electronic record keeping, the requirement for a security alarm system, and the elimination of a minimum of 40 hours per week operation. He also reviewed the requirement for an affidavit of acknowledgement by pharmacists-in-charge. New topics also include centralized prescription processing, quality improvement program, and confidentiality of patient records.

Chapter 13 – Community Pharmacy (Draft #2)

There were no requests for modification and no technical amendments.

Chapter 15 – Hospital Pharmacy (Draft #8)

The Board agreed with the committee recommendation to transfer the contents of the institutional pharmacy to Chapter 17 and reserve the chapter number for the contents of the old Chapter 25 – Hospital Pharmacy. In addition, they agreed to delete two terms from the section of definitions, as well as the requirement for a perpetual inventory of all investigational drugs. There were two technical amendments.

Chapter 17 – Industrial Clinic Pharmacy (Draft #1)

The Board agreed with the committee recommendation to delete the contents of the chapter and reserve the chapter number for institutional pharmacy.

Chapter 17 – Institutional Pharmacy (Draft #8)

There were two technical amendments. Mr. D'Angelo highlighted the new topic of drug abuse treatment center pharmacies.

Chapter 19 – Nuclear Pharmacy (Draft #6)

Staff offered three technical amendments.

Chapter 21 – Parenteral/Enteral Pharmacy (Draft #1)

The Board agreed with the committee recommendation to transfer the contents of the chapter to the new Chapter 25 and reserve the chapter number for the contents from Chapter 14 – Provisional Pharmacy.

Chapter 21 – Charitable Pharmacy (Draft #7)

Mr. D'Angelo noted the change in the name of the type of pharmacy: provisional to charitable. Staff offered three technical amendments.

Mr. Aron placed the Board in recess at 4:55 p.m.; they reconvened at 5:15 p.m. and resumed the posted agenda.

Chapter 23 – Out-of-State Pharmacy (Draft #4)

The Board requested staff to adjust the section on pharmacist-in-charge to make

it consistent with the parallel section in Chapter 11. There was one technical amendment. Mr. D'Angelo noted a new change of requiring the pharmacist-in-charge of an out-of-state pharmacy permit from this Board to be licensed by this Board.

At the request of several members, Mr. Aron placed the Board in recess at 5:25 p.m. He indicated the Board would reconvene at 8:00 a.m. the next morning in the Board office, at which time they would complete the report of the regulation revision committee.

The meeting of the Board reconvened at 8:10 a.m. on Wednesday, February 12, 2003 in the Board office, located at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The meeting was held pursuant to notice, and notice was properly posted. Mr. Aron asked Dr. Dixon to reconfirm the quorum; Dr. Dixon indicated that all those present at the end of the previous day were present that day, and all those absent the previous day were still absent, all of which constituted a quorum.

Mr. Aron reminded the members they had not completed the report of the regulation revision committee and he asked Mr. D'Angelo to resume his review of the proposed revisions. Mr. D'Angelo continued his review of the remaining chapters.

Chapter 25 – Prescriptions, Drugs, and Devices (Draft #6)

The Board agreed with the committee recommendation to transfer the contents of the old Chapter 35 to the chapter previously used for the contents of hospital pharmacy. They also agreed with the title change and the reorganization of material within the chapter. They agreed to delete the requirement for a registry for sales of syringes and/or needles. With respect to inventory requirements for controlled substances, they agreed to change the frequency to annual for all schedules. There were twenty-eight technical amendments. New topics include prescriptions based upon electronic questionnaires, new expiration date for prescription drugs listed in Schedule II, practitioner administered compounds, and sterile compounding standards.

Chapter 27 – Pharmacy Opening and Closing Procedures (Draft #1)

The Board agreed with the committee recommendation to transfer the contents of this chapter to Chapter 11 and reserve the chapter number for an entirely new chapter of information.

Chapter 27 – Illegal Payments; Required Disclosures of Financial Interests (Draft #6)

Staff offered eighteen technical amendments.

Chapter 29 – Pharmacy Records (Draft #1)

The Board agreed with the committee recommendation to transfer the contents of the chapter to Chapter 11 and reserve the chapter number for an entirely new chapter of information.

Chapter 29 – Severability (Draft #1)

There were no amendments to this chapter.

Chapter 31 – Pharmaceutical Manufacturer (Draft #1)

The Board agreed with the committee recommendation to delete this chapter.

Chapter 33 – Legend Drug Wholesalers (Draft #1)

The Board agreed with the committee recommendation to delete this chapter.
Chapter 35 – Pharmacy Prescription Drugs

The Board agreed with the committee recommendation to transfer the contents of this chapter to Chapter 25 then delete the chapter number.

Following his review of all the chapters of regulations, Mr. D'Angelo moved, and Mr. McKay seconded,

Resolved, that the Board approve the recommended revisions of all chapters presented, as amended, and further, to authorize the committee to make cosmetic and non-substantive changes during the preparation of the documents for promulgation, and further, to authorize the promulgation of these chapters upon the President's instruction.

The motion was approved after a unanimous vote in the affirmative. The final drafts, as amended and corrected, are attached to the minutes as *Appendix A*.

Mr. Aron placed the Board in recess at 10:30 a.m.; they reconvened at 10:45 a.m. and resumed the posted agenda.

11. Report of the President

Mr. Aron indicated he had hoped to present proposed legislation that would create additional authorities for the Board. Given the length of the proceedings and the balance of matters yet to be discussed, he deferred the presentation of that material to the next meeting of the Board.

12. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet informed the members that staff discovered an occurrence of a person practicing pharmacy without a license for several years. Without disclosing specific details of the case, he related that legal counsel obtained a preliminary injunction against the person and was in the process of pursuing a permanent injunction. During the legal planning process, the question arose as to what authority the staff possessed between board meetings for incidents of this nature. Based upon prior discussions with board members, staff believed that, with concurrence of both board and staff leadership, staff could proceed as appropriate; however, staff stood ready to accept alternative direction from the board. Following a short discussion, Mr. D'Angelo moved, and Mr. Burch seconded,

Resolved, that by affirmative majority record vote of members participating in the decision process on February 12, 2003, that, in order to protect the public's health, safety and welfare, the board staff, with the concurrence of the board president, executive director, and legal counsel, has always had and shall continue to have the delegated authority to institute legal proceedings in the appropriate court of law on behalf of and in the best interests of the Louisiana Board of Pharmacy.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. Finalet reported there were no other legal matters pending.

13. Report of Executive Director

Mr. Broussard presented a review of the promulgation process that would be used for the regulation revision project. He responded to questions and offered additional details as requested by members.

14. Petition for Licensure Name Change

Mr. Oubre presented the petition from a pharmacist requesting the change of name of original licensure. Following a short discussion, Mr. Aron asked Mr. Broussard to clarify current office procedures. Mr. Broussard indicated that requests for name change are honored for renewal documents but not for original name of licensure. To ensure verification of identity at the time of original licensure, names on applications are checked against legal documents. Subsequent changes to names are then documented with subsequent legal documents, providing a verifiable document trail on any identity challenges. Mr. Broussard indicated that these procedures have been in effect since the board began issuing licenses, and he suggested they not change. At this point, Mr. D'Angelo moved, and Mr. Burch seconded,

Resolved, that the Board reaffirm the existing policy to preserve the name of original licensure and permit name changes on renewal documents.

The motion failed. Members Bond, Burch, D'Angelo, Dixon, and McKay voted in the affirmative; members Adams, Anderson, Camp, Carmichael, Hall, Lantier, Oubre, and Rabb voted in the negative. Mr. Oubre requested the Board to change the policy; staff suggested that current statutory and regulatory language might prevent such a policy reversal. Mr. Oubre moved, and Mr. Carmichael seconded,

Resolved, that the Board's Regulation Revision Committee draft proposed statutory and/or regulatory language to enable the change of the name of original licensure.

The motion was approved after a unanimous vote in the affirmative.

15. Announcements

Mr. Broussard reminded the Board members of several calendar notes, and alerted them to the handout in their meeting packet.

16. Adjourn

Mr. McKay moved, and Mr. Bond seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron adjourned the Board meeting at 12:00 noon.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary