



**Louisiana Board of Pharmacy**  
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# Minutes

**Regular Meeting  
&  
Administrative Hearing**

Wednesday, November 13, 2019 at 9:00 a.m.

Thursday, November 14, 2019 at 8:30 a.m.

**Location:**

Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 13, 2019 at the office of the Louisiana Board of Pharmacy, located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809-1700. 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 9:15 a.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Ronald Moore for the invocation. Dr. Robert Cloud then led the group in the Pledge of Allegiance.

*3. Quorum Call*

In the absence of the Secretary, Mr. Aron called upon the Executive Director, Mr. Malcolm Broussard, 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.      *(late arrival at 12:35 pm)*  
Mr. Kevin LaGrange  
Mr. Robert C. LeBas  
Mr. Richard Mannino  
Mr. Marty R. McKay  
Ms. Diane G. Milano  
Mr. Ronald E. Moore  
Mr. Blake P. Pitre  
Mr. Don L. Resweber  
Mr. Douglas E. Robichaux  
Mr. Richard A. Soileau  
Dr. Raymond J. Strong

**Member Absent:**

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  
Mr. Benjamin S. Whaley, Chief Compliance Officer

**Guests:**

Mr. Jeff Brown – Highgate Ventures  
Mr. Gregory Poret – Poret's Thrifty Way Pharmacy

Ms. Tiffany Lemoine – Thrifty Way Pharmacy  
Dr. Glenn Anderson – ULM College of Pharmacy  
Mr. Jeff Gaude – Walgreen & Co. Pharmacies  
Mr. Raymond LaBarbera – Albertson’s Pharmacies  
Ms. Elise Rigby – Cardinal Health  
Mr. Ben J. Sims – Brookshire Grocery Co.  
Dr. Kristen Laughlin – Genoa Healthcare  
Dr. Dana B. Antoon – Channell Drugs  
Mr. Russell Caffery – La. Independent Pharmacies Association  
Mr. Ivan Landry – Towne Pharmacy  
Dr. Scott M. Dietzway – PharMerica  
Mr. Steven Trahan – Institutional Pharmacies of Louisiana  
Mr. Robert Sonnier, Jr. – Institutional Pharmacies of Louisiana  
Dr. Tommy J. Woodard, Jr. – Prescriptions to Geaux  
Dr. Johnny R. Garcia, Jr. – AllianceRx Walgreens Prime  
Ms. Crystal Carter – La. Pharmacists Association  
Mr. Paul J. D’Aunoy – Central Admixture Pharmacy Services  
Ms. Linda Spradley – Spradley & Spradley  
Dr. Angie Huff – The Wellness Center  
Mr. Randal Johnson – La. Independent Pharmacies Association  
Ms. Mary Staples – National Association of Chain Drug Stores  
Dr. April M. Holley – La. Dept. of Health  
Dr. Richard Djapni – Honeycutt Drug Store  
Ms. Kim Hood – La. Dept. of Health

Mr. Broussard certified Mr. Indovina and Mr. Valentine were absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business. It was noted Mr. Indovina arrived later that day at approximately 12:35 pm.

*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 November 11, 2019. 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 August 14 and the Administrative Hearing on August 15, 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. Broussard 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. McKay 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 August 15, 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*

Mr. Aron reminded the members and guests of the annual election of officers usually conducted at the final meeting of the calendar year. He announced he would conduct elections for each of the five officer positions in rank order, with the newly-elected officer assuming their position immediately. Mr. Don Resweber nominated the entire slate of current officers in their same positions. Mr. Aron requested additional nominations but none were offered; he then closed the nominations. Dr. Strong moved to re-elect, by acclamation, the current slate of officers in their same positions. With no member or public comments offered, the motion was adopted after a unanimous vote in the affirmative. The following members were re-elected to officer positions:

- Mr. Carl Aron – President
- Mr. Marty McKay – First Vice President
- Ms. Jacqueline Hall – Second Vice President
- Mr. Richard Soileau – Third Vice President
- Mr. Richard Indovina – Secretary

Mr. Aron congratulated all of the officers.

#### 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. He then directed the members to the *Proposed Budget for Fiscal Year 2020-2021* in their meeting packet. He reported the committee reviewed the budget developed by staff, did not make any changes and voted to recommend its approval. He then moved,

**Resolved**, to approve and adopt the *Proposed Budget for Fiscal Year 2020-2021*.

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

Finally, Mr. McKay expressed his appreciation to the other committee members for their ongoing efforts.

*B. Application Review Committee*

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported 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 65 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. He then reported staff had referred one applicant to the committee, and the committee interviewed the applicant earlier that day. He informed the members the committee had approved the issuance of an active and unrestricted license to the applicant and that action did not require approval by the Board. 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.

At this point, Mr. Aron re-ordered the agenda and indicated his intent to receive the report from the Violations Committee after lunch, when he expected the committee chair to arrive at the meeting.

*E. Impairment Committee*

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day to consider nine referrals from the staff – eight petitions for modification of previous orders and one application for a new credential. Following their interviews of the applicants and subsequent deliberations, the applicant for a new credential withdrew her application. Ms. Hall then presented the following recommendations to the members for their consideration.

**Lauren Ruffino Etienne (PST.019969)** 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 modification of previous orders, then removed Article 2e from her November 2018 Probation Board Order which had prevented her from accepting an appointment as the pharmacist-in-charge of a pharmacy; and further, reiterated all other terms shall remain in effect.

**Kacie Dore Keith (PST.020248)** Ms. Hall moved to approve the proposed order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for modification of previous orders, then terminated the probationary period originally scheduled to conclude on August 10, 2021 and restored the license to active and unrestricted status.

**Jeffery Charles Pierre (PST.020332)** Ms. Hall moved to approve the proposed order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, then terminated the probationary period originally scheduled to conclude on November 14, 2023 and restored the license to active and unrestricted status.

**John Sherwood Bannister (PST.015778)** Ms. Hall moved to approve the proposed order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, then terminated the probationary period originally scheduled to conclude on May 4, 2021 and restored the license to active and unrestricted status.

**Lauren Moore Caldwell (PST.020057)** Ms. Hall moved to approve the proposed order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for modification of previous orders, then conditioned the removal of all probationary terms and restoration of the license to active and unrestricted status upon the receipt of evidence of four hours of ACPE-accredited and pharmacist-specific continuing education on pharmacy ethics, and further, the continuing education records submitted in satisfaction of this requirement shall not be valid for future license renewal purposes.

**Terry James Veillon, Jr. (PST.018988)** 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 his request for modification of previous orders, then removed Article 2e from his August 2018 Probation Board Order which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy; and further, reiterated all other terms shall remain in effect.

**Shelette Marie Wade (PST.014865)** Ms. Hall moved to approve the

proposed order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for modification of previous orders, terminated the probationary period originally scheduled to conclude on August 20, 2021 and restored the license to active and unrestricted status.

**Jason Conrad Dove (PST.015811)** Ms. Hall moved to approve the proposed order. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for modification of previous orders, terminated the probationary period originally scheduled to conclude on August 6, 2029 and restored the license to active and unrestricted status.

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 four referrals from the staff – three petitions for reinstatement of lapsed credentials and one petition for modification of previous orders. Following their interviews of the applicants and subsequent deliberations, the committee continued one case due to illness of the applicant. The petitioner for modification of previous orders withdrew their application. Mr. Moore then presented the following recommendations to the members for their consideration.

**Ramona Lois Foster Cormier (CPT.005761)** 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 November 13, 2021.

**Shanna Renee Venable Smith (CPT.003222)** 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 November 13, 2021.

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 not met since the previous Board meeting but is scheduled to meet in connection with the next Board meeting in February 2020 in New Orleans.

H. *Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on September 17 and October 17 to consider the items on their posted agendas. He reported the committee had approved three regulatory proposals as well as several items from the comprehensive rule review (Regulatory Project 454-2019). He directed the members to copies of the following proposal documents in their meeting binders.

*Regulatory Proposal 2019-C ~ Automated Medication Systems*

Mr. McKay reported the committee combined two assigned topics – review of the rules for automated medication systems compared to the NABP Model Rules for Automated Medication Systems and Telepharmacy in addition to the current pilot project for automated medication systems, as well as a revision to that chapter of rules to enable the use of such systems in correctional facilities which are not licensed by the state health department. The committee combined all of those initiatives into a single proposal, which they voted to recommend to the Board. Mr. McKey then moved,

**Resolved**, to approve *Regulatory Proposal 2019-C ~ Automated Medication Systems (Draft #7)*, and further, to authorize the Executive Director to promulgate the proposed rule amendment upon the instruction of the President, and further, to authorize the President to approval acceptable amendments as may become necessary during the promulgation process.

Mr. McKay answered questions from four members; there were no public comments. The motion was adopted after a unanimous vote in the affirmative.

*Regulatory Proposal 2019-F ~ Prescription Monitoring Program (PMP)*

Mr. McKay reminded the members of several proposals relative to the state prescription monitoring program, as well as their directive to pause a recently initiated regulatory project relative to the program. The committee developed a new proposal combining all of those initiatives as well as a new effort to reduce the duplicative language in the current chapter of rules for the program. He noted much of the language in the current rule copies the language of the PMP Law, and the new proposal reduces much of the duplication. He then moved,

**Resolved**, to approve *Regulatory Proposal 2019-F ~ Prescription Monitoring Program (Draft #3)*, and further, to authorize the Executive Director to promulgate the proposed rule amendment

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 2019-H ~ Pharmacist License Display (Draft #1)

Mr. McKay reported the staff discovery of a rule overlooked during a 2012 regulatory project which removed the requirement for pharmacists, interns, technicians, and technician candidates to publicly display copies of their credentials. He noted the discovery consists of a single sentence in the chapter of rules for pharmacists. The committee votes to recommend the Board's approval of this proposal to remove that single sentence. He then moved,

**Resolved**, to approve Regulatory Proposal 2019-H ~ Pharmacist License Display (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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. Mr. McKay replied to a question from one guest. The motion was adopted after a unanimous vote in the affirmative.

Regulatory Project 454-2019 ~ Comprehensive Rule Review

Mr. McKay reminded the members of the progress of the regulatory project mandated by Act 454 of the 2018 Legislature. The committee reviewed draft proposals for the 20 topics which the Board referred to the committee. Although the draft proposals for five of the topics were deferred until the committee's next meeting, the committee voted to send 12 proposals representing 15 of the topics to the Board for its consideration.

- Item 01 ~ Rest Breaks (Draft #2)

The committee voted to recommend a proposal prohibiting any person licensed by the Board from being required to practice for longer than six hours without a rest break. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-01 ~ Rest Breaks (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. McKay answered questions from three members; there were no public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Item 03 ~ Medication Administration (Draft #1)*

The committee voted to recommend a proposal revising the section of rules relative to medication administration, to remove the requirement for a separate authority to administer document and to require pharmacy technicians to obtain the required education and training before administering medications. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-03 ~ Medication Administration (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Several members questioned the inclusion of pharmacy technicians in the training requirements for the medication administration registration. During the discussion, questions were raised about the administration of immunizations without prescription orders or medical orders, and whether the pharmacist could delegate the administration of such immunizations to pharmacy interns. Prior to any vote, Mr. McKay withdrew his motion for the approval of the regulatory proposal so the Board could consider the question of whether a pharmacist could delegate the administration of immunizations without a prescription or medical order to a pharmacy intern.

Mr. Aron noted the question of whether a pharmacist could delegate the administration of immunizations without a prescription or medical order to a pharmacy intern was not on the agenda. Mr. McKay moved to add a new agenda item for the Board to interpret a portion of the pharmacy practice act, more specifically La. R.S. 37:1218 and 37:1218.1 relative to the authority of a pharmacist to delegate the administration of immunizations without a prescription or medical order to a pharmacy intern. He suggested the issue was urgent due to planned activities for pharmacy interns to participate in immunization clinics. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Aron indicated he would add that item as Agenda Item 13.A. He then re-ordered the agenda to consider that new business item.

### *13. New Agenda Items Added During Meeting*

#### *A. Delegation of Immunizations Without Medical Orders to Pharmacy Interns.*

Mr. Aron requested staff to prepare printed copies of the R.S. 37:1218 and 37:1218.1 for the members to review prior to their discussion. He placed the meeting in recess at 10:35 am and then reconvened the meeting at 11:00 am.

Following substantial discussion, Mr. Soileau moved

**Resolved**, that the Board interpret La. R.S. 37:1218 and 37:1218.1 such that a properly credentialed pharmacist may delegate the administration of immunizations without medical orders to a properly credentialed pharmacy intern.

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

At this point, Mr. Aron returned to the report from the Regulation Revision Committee, in particular the regulatory proposal relative to medication administration.

## 10. Committee Reports

### H. Regulation Revision Committee

- *Item 03 ~ Medication Administration (Draft #1)*

To re-open the discussion on the proposal, Mr. McKay moved, **Resolved**, to approve Regulatory Proposal 454-2019-03 ~ Medication Administration (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Prior to any vote, Mr. McKay moved to amend the proposal by removing all references to pharmacy technicians. There were no further member questions or public comments. The motion to amend the proposal was adopted after a unanimous vote in the affirmative. Mr. Aron requested staff to renumber the amended proposal as Draft #2. He then asked if there was any further discussion on Draft #2 of the proposal. There were no further member or public comments. The motion for approval of the amended proposal – Regulatory Proposal 454-2019-03 ~ Medication Administration (Draft #2) – was adopted after a unanimous vote in the affirmative.

At this point, Mr. Aron declared a luncheon recess. He placed the Board in recess at 11:40 am. The members reconvened at 12:35 pm. It was noted Mr. Indovina arrived to the meeting during the luncheon recess. Mr. Aron resumed the report of the Regulation Revision Committee and asked Mr. McKay to continue with his report.

- *Item 16 ~ Renewal of Licenses & Permits (Draft #1)*

Mr. McKay reported staff reviewed the law and rule and identified several instances where annual renewals are required. To give the Board the option of instituting renewal cycles of more than one year, staff developed a legislative proposal to make the appropriate adjustments in the pharmacy law as well as a regulatory proposal to make the appropriate adjustments therein. He reported the committee voted to recommend the approval of the legislative proposal and the rejection of the regulatory proposal. He then moved,

**Resolved**, to approve Legislative Proposal 2020-A ~ Renewal of Licenses & Permits (Draft #1), 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. McKay replied to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

**Resolved**, to reject Regulatory Proposal 454-2019-16 ~ Pharmacy Permits (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 17&18 ~ Square Footage & Storage Space (Draft #1)*

The committee voted to recommend the approval of a regulatory proposal to repeal certain minimum specifications for pharmacies, including the minimum square footage, counter space, and aisle space, as well as the references to storage space and equipment. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-17 & 18 ~ Square Footage & Storage Space (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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. McKay replied to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Item 22 ~ PIC Change Notice (Draft #1)*

The committee agreed with a request to change the amount of time a pharmacy has to communicate the change of the pharmacist-in-charge (PIC) of the pharmacy, from 10 days to 30 days. The committee noted the proposal does not change the amount of time within which the pharmacy must designate a new PIC after the departure of the previous PIC – that is still 10 days. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-22 ~ PIC Change Notice (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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.

- *Item 26 ~ Retention of Scanned Prescriptions (Draft #2)*

The committee agreed with a request to remove the one year retention requirement for a hardcopy prescription form after it has been imaged in the pharmacy information system, allowing for the retention of the imaged record for the two year period already required by pharmacy law. Mr.

McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-26 ~ Retention of Scanned Prescriptions (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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.

- *Item 28 ~ DEA Registration on Permit Applications (Draft #1)*

The committee agreed with a request to remove the current language related to a federal DEA registration on the application form for a new pharmacy permit. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-28 ~ DEA Registration on Permit Applications (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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.

- *Item 37&38 ~ Electronic Capture of Faxed Prescriptions (Draft #1)*

The committee agreed with a request to amend the current rule to allow for the electronic capture of faxed prescriptions as well as a second request to remove the 2016 expiration date in the current rule. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-37 & 38 ~ Electronic Capture of Faxed Prescriptions (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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.

- *Item 39 ~ Technician & Intern Entry of Verbal Prescriptions (Draft #1)*

The committee received a request to expand the current authority for pharmacists to record verbal prescription orders directly into a pharmacy information system without the necessity of preparing a written record, to allow pharmacy interns and pharmacy technicians to also perform such tasks and hold the supervising pharmacist accountable for such actions. The committee voted to recommend the rejection of the proposal. Mr. McKay moved,

**Resolved**, to reject Regulatory Proposal 454-2019-39 ~ Technician & Intern Entry of Verbal Prescriptions (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 40 ~ Prescription Receipt & Verification (Draft #2)*

The committee received a request to repeal the rule as redundant and unnecessary. While there was support for that idea relative to the first part of the rule concerning receipt of prescriptions, the committee determined it appropriate to clarify the rule relative to verification of prescriptions. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-40 ~ Prescription Receipt & Verification (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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.

- *Item 41&43 ~ Refills & Expiration Date of Schedule V Prescriptions (Draft #1)*

The committee agreed with a request to amend the rules for Schedule V prescriptions to align the refill provisions and expiration date of such prescriptions with current federal rule. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-41 & 43 ~ Refills & Expiration Date of Schedule V Prescriptions (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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.

- *Item 42 ~ Emergency Refill Authorization (Draft #1)*

The committee agreed with a request to extend the current allowance for emergency refill authorization, from up to a 72-hour supply in the current rule to allow up to a 30-day supply. Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 454-2019-42 ~ Emergency Refill Authorization (Draft #1), and further to authorize the Executive Director to promulgate the proposed rule amendment 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 and Mr. McKay replied to questions from several members. 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.

At this point, Mr. Aron re-ordered the agenda to return to the report from the Violations Committee.

*D. Violations Committee*

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee held preliminary hearings on September 18, 2019 to consider their posted agenda which included nine cases: four pharmacists, two pharmacy technicians, two pharmacy permits, and one DME permit. Two respondents failed to appear and were scheduled for formal administrative hearings held the day after the Board meeting. After interviews and deliberations at the committee meeting, the committee members voted to take no action against two of the respondents, and to issue non-disciplinary Letters of Noncompliance to three respondents. The members voted to offer proposed voluntary consent agreements to both of the remaining respondents. Both of them accepted their proposals, and Mr. Indovina then presented both recommendations to the Board for its consideration.

**Quality Medical Care & Services, LLC d/b/a Quality Medical Care & Services [Ville Platte, LA] (DME.000259):** 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 issued a Letter of Reprimand, and further, assessed a fine of \$10,000 plus administrative and investigative costs, and further, directed the publication of the Board action in its quarterly newsletter.

**Fred's Stores of Tennessee, Inc. d/b/a Fred's Pharmacy No. 1666 [Franklinton, LA] (PHY.005034):** Mr. Indovina moved to approve the proposed voluntary consent agreement. Mr. Indovina 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 revoked the permit, and further, assessed administrative costs. Mr. Indovina reported the store closed permanently on August 22, 2019.

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 143 new cases, and the closure of 126 cases as of November 1, leaving 196 cases still open that day. Of the 126 case closures, the average number of days for staff to complete their case investigation was 60 days. Of the case closures, 5 of them [3.9%] exceeded the policy goal of 180 days for completion of case investigations.

Mr. Indovina reported the committee was scheduled to meet on December

18-19 to consider the 20 cases on that docket, which includes eight pharmacists, one pharmacy technician, and 11 pharmacy permits.

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.

At this point, Mr. Aron re-ordered the agenda to Agenda Item 12.

*12. Special Presentation – Contemporary Pharmacy Education (Dr. Michael Cockerham, Associate Dean, ULM College of Pharmacy & Dr. Kristi Rapp, Associate Dean, Xavier College of Pharmacy)*

Mr. Aron invited Dr. Cockerham and Dr. Rapp to deliver their presentation describing the current accreditation standards for pharmacy education and how each school's curriculum delivers contemporary pharmacy education to pharmacy interns. Dr. Cockerham also presented a list of educational resources for currently licensed pharmacists seeking to improve their knowledge base relative to skills not taught in their original pharmacy education. Drs. Cockerham and Rapp replied to questions from several members and guests. Mr. Aron expressed his appreciation to both educators for their presentations.

At this point, Mr. Aron re-ordered the agenda to consider the report from the Executive Committee.

#### *10. Committee Reports*

##### *I. Executive Committee*

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. He indicated Mr. McKay was prepared to offer motions on behalf of the committee.

- *Addition of Flavors to Medications*

Mr. Aron reported receipt of a request from FLAVORx, a company that supplies custom flavoring systems to pharmacies. The company was concerned about a recent USP announcement that the USP intends to classify all flavoring of commercially manufactured oral liquid medications as nonsterile compounding, which would require compliance with the standards in USP Chapter 795. The company requested the Louisiana Board promulgate a rule to exempt flavoring of commercially available oral liquid medications from the definition of compounding, and included suggested limitations for the proposed rule such as requiring the flavoring agents to be nonallergenic and inert and for the flavoring agent not to exceed 5% of the drug product's total volume.

Mr. Aron reported the committee reviewed Louisiana's statutory definition of compounding as well as a recent decision by the Arkansas State Board of Pharmacy on the same request by the company to that state board. The committee determined a rule amendment would not be required but suggested an enforcement policy for the Board's compliance officers. Mr. McKay then moved,

**Resolved**, that the Board adopt an enforcement policy such that

the addition of nonallergenic and inert flavoring agents to commercially available liquid oral products resulting in a change in the final product volume of less than 5% shall not require a prescriber's order or a full compounding log.

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

- *Orders for Laboratory Testing*

Mr. Aron reported receipt of an inquiry from a laboratory asking whether it was within the scope of practice for a pharmacist to order patient-specific clinical laboratory assessments. The pharmacist in question supplemented the original request with information suggesting at least 30 states permit pharmacists to order and interpret laboratory assessments and provided a copy of the guidelines issued by the California State Board of Pharmacy for pharmacists ordering and managing laboratory tests.

Mr. Aron reported the committee reviewed the statutory definition for the practice of pharmacy. The committee determined additional information would be useful with respect to this request, including whether there are any issues with interpretation of laboratory tests given the inclusion of that activity within the medical practice act, whether there are any limitations on laboratories accepting orders for laboratory tests from pharmacists, and whether such activities should be performed independently by pharmacists or restricted to the confines of collaborative practice agreements. The committee requested staff collect additional information to assist their development of a recommendation for the Board.

At Mr. Aron's suggestion, the board members agreed by consensus to take the request under advisement and requested staff collect further information for the members' consideration.

- *Penicillin Allergy Skin Testing*

Mr. Aron reported receipt of a request from a pharmacist to add penicillin skin testing services to the scope of practice for Louisiana pharmacists. The pharmacist provided information on the unique commercially available prescription drug product as well as relevant articles in professional publications and sample protocols from multiple healthcare facilities.

Mr. Aron reported the committee believed this practice would most likely be restricted to hospital settings and that such activities would likely be governed by hospital policies and procedures approved by medical and pharmacy leadership. The committee also had some of the same questions as the previous topic such as whether pharmacists should have independent authority for such activities or be restricted to the confines of a collaborative practice agreement. The committee requested staff collect additional information to assist their development of a recommendation for the Board.

At Mr. Aron's suggestion, the board members agreed by consensus to take the request under advisement and requested staff collect further information for the members' consideration.

- *Memorandum of Understanding with RxCheck™*

Mr. Aron described RxCheck™ as an interstate information sharing hub which can connect state prescription monitoring programs. Although it could be considered as an alternative to the PMP InterConnect™ system used by the Louisiana PMP, the scope and volume of activity in each of the systems demonstrates the PMP InterConnect™ to be the superior system.

The federal government has recently begun inserting special conditions into its federal grants which require grant fund recipients to connect to RxCheck™. As an example, the La. Dept. of Health has qualified for a federal grant of approximately \$4 million for its opioid crisis activities; however, the federal government has conditioned the award of the grant upon the Board's agreement to connect its PMP to RxCheck™.

In order for the Board to connect its PMP to RxCheck™, the Board must first enter into a Memorandum of Understanding (MOU) with the owner of RxCheck™, the Integrated Justice Information System (IJIS) Institute. Mr. Aron reported the committee reviewed the proposed MOU and voted to recommend its approval to the Board. He cautioned that IJIS has apparently recently demonstrated some tendency to change some of the conditions, so he asked for some flexibility from the Board for any potential changes that might be necessary after the Board's approval and before its final acceptance by IJIS. After considerable discussion by the members, Mr. McKay moved,

**Resolved**, to authorize the Executive Director, upon the instruction of the President, to execute the Memorandum of Understanding with the Integrated Justice Information System Institute, Inc. for the Louisiana Board of Pharmacy, subject to any additional amendments approved by the President of the Board.

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

- *Request for Dept. of Health re Hepatitis C Elimination Project*

Mr. Aron reported receipt of two requests from the Dept. of Health relative to their Hepatitis C Elimination Project. The project, which began in July 2019 and runs for a five-year period of time, relies on a unique subscription pricing model for the drug sofosbuvir which is used for the treatment of hepatitis C. The department has a need to identify all Louisiana patients receiving that and other drugs used for the treatment of hepatitis C so it cannot rely solely on Medicaid claims data. The department has requested the addition of those drugs to the list of Drugs of Concern so that all pharmacies will report those transactions to the PMP database, which is accessible to the department's epidemiologist.

Given the adverse impact of hepatitis C on the state's population, the department has requested the implementation of an emergency rule so the department can have access to the data sooner than later.

Mr. Aron reported the committee reviewed both a regulatory proposal to add the requested drugs to the Drugs of Concern list as well as a proposed emergency rule to implement that requirement immediately. After discussion by several members, Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 2019-J ~ Hepatitis Drugs of Concern (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendment 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 questions from several members. A representative of the state health department provided information to the members concerning the project and their request to the Board. There were no further public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then moved,

**Resolved**, to approve the Declaration of Emergency for Hepatitis Drugs of Concern, and further, to authorize the Executive Director to file the declaration with all of the offices and agencies required by the Administrative Procedure Act to receive such declarations, and further, to set the effective date of the Emergency Rule for Hepatitis Drugs of Concern as November 13, 2019.

Mr. Aron replied to questions from several members. A representative of the state health department provided additional information to the members. There were no further public comments. The motion failed after a unanimous roll call vote in the negative.

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

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 3:20 pm and then reconvened at 3:40 pm. Mr. Aron resumed the sequence of the posted agenda.

## 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 27 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.007929-NR – America’s Pharmacy Source (OH);
  - > PHY.007958-NR – Blue Sky Specialty Pharmacy (SC);
  - > PHY.007905-HOS – Bridgepoint Continuing Care Hospital – East Jefferson General Hospital Campus (LA);
  - > PHY.007959-NR – Chewy Pharmacy (KY);
  - > PHY.007990-NR – Chewy Pharmacy (AZ);
  - > PHY.007978-HOS – Cobalt Rehabilitation Hospital – New Orleans Campus (LA);
  - > PHY.007972-NR – CVS Specialty Pharmacy No. 48640 (ID);
  - > PHY.007939-HOS – DeQuincy Memorial Hospital (LA);
  - > PHY.007943-NR – ExperienceCare Specialty Pharmacy (TX)
  - > PHY.007955-IR – HaloCare Specialty Therapeutics (LA);
  - > PHY.007999-HOS – Intensive Specialty Hospital (LA);
  - > PHY.002441-CH – M. L. King Center Pharmacy (LA);
  - > PHY.007968-NR – Mississippi Center for Advanced Medicine (MS);
  - > PHY.004512-HOS – Morehouse General Hospital Pharmacy (LA);
  - > PHY.007003-NR – Noble Health Services (NY);
  - > PHY.007966-HOS – North Shore Rehabilitation Hospital (LA);
  - > PHY.007956-HOS – Northshore Extended Care Hospital (LA);
  - > PHY.007933-NR – Omnicare of Spartanburg (SC);
  - > PHY.007964-NR – Onco360 (TX);
  - > PHY.007897-NR – One Choice Pharmacy (TX);
  - > PHY.007957-NR – PANTHERx Specialty Pharmacy (PA);
  - > PHY.007931-NR – PharmaCare Remote Resources (TX);
  - > PHY.007983-HOS – RiverBridge Specialty Hospital (LA);
  - > PHY.007970-NR – Roman Health Pharmacy (NY);
  - > PHY.007975-NR – Roman Health Pharmacy (FL);
  - > PHY.007921-NR – TrustedMedRx (FL); and
  - > PHY.007927-NR – Vital Rx of Tennessee (TN)
- 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.

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.

**Amber Mone Loup (PST.018248):** Mr. McKay 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 August 16, 2019.

**Kelly Ann Sereal (CPT.010475):** Mr. Soileau 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 \$250 plus administrative costs.

**Amy Rebecca Douglass Johnson (PST.021377):** Mr. McKay 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 August 22, 2019.

**William Andrew Fletcher (CPT.013721):** Mr. McKay 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 \$250 plus administrative costs.

**Maria Latraz Harrison (CPT.006379):** Mr. McKay 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 \$250 plus administrative costs.

**Leslie Ann Huffman (CPT.012424):** Mr. McKay 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 \$250 plus administrative costs.

**Arielle Michelle Harris (CPT.013907):** Mr. McKay 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 \$250 plus administrative costs.

**Transition Pharmacy, LLC d/b/a Transition Pharmacy [Trevose, PA] (PHY.006813):** Mr. McKay 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 \$10,000 plus administrative costs.

**Trinity Diane Larson (CPT.014696):** Mr. McKay 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 \$250 plus administrative costs.

**Paige Marie Childers (CPT.013387):** Mr. McKay 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 active suspension of the certificate for an indefinite period of time effective September 9, 2019.

**Billy Joe Reeves (PST.010381):** Mr. McKay 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.

**April Latrice Vaughn (CPT.008865):** Mr. McKay 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 certificate effective September 18, 2019; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any credential issued by the Board.

**Positudes, Inc. d/b/a The Alliance Pharmacy (PHY.006206):** Mr. McKay 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 \$5,000 plus administrative costs.

**EHT Pharmacy, LLC d/b/a Curexa [Egg Harbor Township, NJ] (PHY.007700):** Mr. McKay 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 \$10,000 plus administrative costs.

**Keenan Mitchell Wheeler (CPT.010403):** Mr. McKay 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 certificate effective October 14, 2019; and further, permanently prohibited the acceptance of any future reinstatement application or any other application for any credential issued by

the Board.

**George Lamar Munn, Jr. (PST.009445):** Mr. McKay 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 October 22, 2019.

**Dawn Renee Saltzman (CPT.006791):** Mr. McKay 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 \$250 plus administrative costs.

**Chandler Evan Bennett Riley (PTC.027746):** Mr. McKay 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 registration for an indefinite period of time effective November 13, 2019.

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
    - La. State Board of Medical Examiners
    - La. Dept. of Agriculture & Forestry
    - La. State Board of Optometry Examiners
    - La. Dept. of Health – Bureau of Health Services Financing
    - La. Dept. of Health – Office of Behavioral Health & Bureau of Health Services Financing
  - Regional & National Activities
    - National Association of Boards of Pharmacy (NABP)
    - NABP-AACP District 6
    - MALTAGON
    - Enhancing Well-being & Resilience Among the Pharmacist Workforce – A National Consensus Conference
      - Board member Jackie Hall reported on her attendance and participation in this national invitational conference. She directed the members to the set of 50 consensus recommendations developed at the conference and noted in the report. She indicated the recommendations reflect opportunities to support meaningful and actionable change by addressing improvements in several areas:
        - Pharmacist work conditions and patient safety;
        - Payment models;
        - Relations between pharmacists and employers;
        - Pharmacist and student pharmacist well-being;
        - Well-being education and training;
        - Communications; and
        - Data, information, and research on pharmacist well-being.
    - Ms. Hall indicated her awareness of a recent survey by the Tennessee State Board of Pharmacy of the pharmacists in that state to obtain data relevant to the topic. She questioned whether the Louisiana Board could conduct a similar survey. Mr. Aron directed staff to contact the staff at the Tennessee board and obtain a copy of the survey for discussion by the Board's Executive Committee.
- Food & Drug Administration – *Drug Shortages: Root Causes and Potential Solutions*

- International Activities  
International Pharmaceutical Federation (FIP)  
dotPharmacy Verified Websites Program

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

*13. New Agenda Items Added During Meeting*

One topic was added to the agenda, relative to an interpretation of the pharmacy law relative to the administration of immunizations by pharmacy interns. The new agenda item was discussed and disposed of during the report of the Regulation Revision Committee.

*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 February 5, 2020 at Xavier University in New Orleans, La.

*15. Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. Aron recessed the meeting at 4:25 p.m.

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An Administrative Hearing was convened on Thursday, November 14, 2019 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and public notice was properly posted.

*A. Call to Order*

Mr. Aron called the hearing to order at 8:20 a.m.

*B. Invocation & Pledge*

Mr. Aron called upon Mr. Moore for the invocation. Mr. Cassidy then led the group in the Pledge of Allegiance.

*C. Quorum Call*

Mr. Aron called upon Secretary Indovina and he called the roll of members to establish a quorum. After doing so, he certified Mr. Mannino and Mr. Valentine were absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business.

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

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda dated October 26, 2019.

### *E. 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 prior to the vote on each agenda item. He solicited general comments on non-agenda items from the guests present, and none were offered.

### *Appearances*

Mr. Aron indicated he would serve as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney. Ms. Susan Erkle served as the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk.

Mr. Aron informed the members the cases on the agenda originated with the Violations Committee, and that the members of that committee in attendance at their June 11, 2019 meeting would be recused from the hearings. In particular, Dr. Cloud, Ms. Hall, Mr. Indovina, Mr. Robichaux, and Mr. Valentine were excused. He reminded the other members they should recuse themselves should the need arise.

Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. The posted agenda is re-created here.

## **A G E N D A**

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.  
Revised 10-26-2019

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items & Adoption of Agenda
- E. Opportunity for Public Comment
- \* Appearances
- F. Formal Hearings
  - 1. Case No. 18-0502 ~ CPT.007313 – Renee Marie Mims
  - 2. Case No. 19-0135 ~ PST.015945 – Harold Scott Otwell
- G. Adjourn

### *F. Formal Hearings*

With Mr. Aron's approval, Mr. Finalet began the hearings by calling the second case listed on the agenda.

**Harold Scott Otwell (PST.015945)** Mr. Finalet appeared for the Board. The respondent, Harold Scott Otwell, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed in the form of a

default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and four exhibits and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Mr. Soileau moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There were no member questions or public comments. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:25 a.m. and then reconvened at 8:45 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Dr. Strong then moved,

**Resolved**, that the hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

**Resolved**, that the hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

**Resolved**, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacist License No. 15945, held by Harold Scott Otwell, shall be, and is hereby, revoked effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$5,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of the license or any application for any other credential issued by the Board shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary matters against him in any jurisdiction; and
- (3) Respondent shall have all pharmacist licenses held in all other jurisdictions reinstated and without restrictions.

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

**Renee Marie Mims (CPT.007313)** Mr. Finalet appeared for the Board. The respondent, Renee Marie Mims, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and eight exhibits and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There were no member questions or public comments. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:10 a.m. and then reconvened at 9:35 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. McKay then moved,

**Resolved**, that the hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 5 to add a second sentence which reads *"The signature log indicates all five prescriptions entered into evidence were signed for by different persons other than the respondent."* [Board Exhibit B3f], adopt the amended findings as our own, and then enter them into the hearing record.

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 hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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 hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 7313, held by Renee Marie Mims, shall be, and is hereby, revoked effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$5,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of the certificate or any application for any other credential issued by the Board shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary

- matters against her in any jurisdiction; and
- (3) Respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addiction medicine specialist approved by the Board at her own expense.

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

Mr. Finalet indicated completion of the cases scheduled for that day. Mr. Aron expressed his appreciation to Ms. Erkle for her recording services that day.

*G. 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 hearing at 9:40 a.m.

Respectfully submitted,

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Richard M. Indovina, Jr.  
Secretary