



# Louisiana Board of Pharmacy

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## Minutes

The **Executive Committee** of the Louisiana Board of Pharmacy convened a regular meeting on **Tuesday, August 13, 2024** at the Louisiana Board of Pharmacy located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

### **1. Call to Order**

Mr. Marty McKay, President, called the meeting to order at 3:01 p.m.

### **2. Quorum Call**

Members Present: Jacqueline L. Hall, Richard M. Indovina, Jr., Marty R. McKay, and Don L. Resweber.

Members Absent: None

Staff Present: Carlos Finalet, Kelley Villeneuve, Sarah Stevens, and Joe Fontenot

Guests: Malcolm Broussard (Hygeia Solutions), Shelly Dupre (LARP), Dr. David Collins, and Robert Ray.

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

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated August 5, 2024.

### **4. Consideration of Draft Minutes from Previous Meeting – May 7, 2024**

Mr. McKay reminded the members they had received the draft minutes from the previous committee meeting held on May 7, 2024. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection, Mr. McKay declared the minutes were approved as presented.

### **5. Opportunity for Public Comment**

None offered

### **6. Board-Approved Pharmacy Technician Training Programs – Request for Board Approval from Stepful, Detroit, Michigan**

The members reviewed a request to add Stepful of Detroit, Michigan to the list of Board-approved pharmacy technician training programs. The program is accredited by ASHP/ACPE. After reviewing the request, the committee decided unanimously to offer a recommendation to the Board to approve the request.

## **7. Policy and Procedure Manual – Consideration of Proposed Revisions and New Policy**

- *Proposed Revision PPM.IV.B.1 ~ Facility Inspections – Initial Surveys (Draft #1)*
- *Proposed Revision PPM.IV.B.2 ~ Facility Inspections – Service Reviews (Draft #1)*
- *Proposed Revision PPM.IV.B.2.a ~ Form 601 – Pharmacy Inspection Report (Draft #1)*
- *Proposed Revision PPM.IV.B.2.b ~ Form 602 – CDS Site Survey (Draft #1)*
- *Proposed Revision PPM.IV.B.2.c ~ Form 603 – DME Inspection Report (Draft #1)*
- *Proposed Revision PPM.IV.B.2.d ~ Form 604 – Module I - Basic Pharmacy Services (Draft #1)*
- *Proposed Revision PPM.IV.B.2.e ~ Form 605 – Module II – Compounding Nonsterile Preparations (Draft #1)*
- *Proposed Revision PPM.IV.B.2.f ~ Form 606 – Module III – Compounding of Sterile Preparations (Draft #1)*
- *Proposed Revision PPM.IV.B.2.g ~ Form 607 – Module IV – Nuclear Pharmacy Services (Draft #1)*
- *Proposed New PPM.IV.B.2.h ~ Form 608 – Module V – Hazardous Drugs (Draft #1)*
- *Proposed Revision PPM.IV.B.3 ~ Facility Inspections – Follow-up Surveys (Draft #1)*
- *Proposed Revision PPM.II.D.2.a ~ Record Retention Schedule (Draft #1)*

After reviewing the above proposed policy revisions and new policy, the committee decided unanimously to offer a recommendation to the Board to approve the proposals.

## **8. Review of the 2024 Regular Session of the Louisiana Legislature**

The members discussed the following:

On July 18, 2024, Mr. Fontenot distributed *Bulletin No. 24-02* to all pharmacies, pharmacists, interns, technicians, and technician candidates. The bulletin provided a summary of new laws passed during the 2024 Regular Session of the Louisiana Legislature which impacts the practice of pharmacy or Board operations.

The two bills sponsored by the Board, *HB 193 – Transfer of CDS Prescriptions* and *HB 204 – CDS Schedule Update*, were both passed by the legislature and signed by Governor Jeff Landry as Acts 205 and 110 with August 1, 2024 effective dates.

Act 693 transfers the Board of Pharmacy’s regulatory authority for therapeutic marijuana to the Louisiana Department of Health (LDH). Marijuana pharmacy permits will be transitioned to marijuana retail permits under the authority of LDH. The effective date of the transition will be January 1, 2025.

Act 711 creates a new section in pharmacy law authorizing a pharmacist to dispense up to a thirty-day supply of HIV pre-exposure prophylaxis and a twenty-eight-day course of HIV post-exposure prophylaxis to any person age 17 or older in the absence of a prescription drug order pursuant to rules promulgated by the Louisiana Department of Health (LDH). It also authorizes a pharmacist to perform a rapid HIV test or order laboratory testing for HIV infection for any person age 17 or older pursuant to rules promulgated by the department. LDH is required to promulgate rules by March 2025 to implement the provisions of this new law.

Act 246 creates the crime of coerced criminal abortion by means of fraud when a person knowingly and intentionally engages in the use of an abortion-inducing drug on a pregnant

woman, without her knowledge or consent, with the intent to cause an abortion. The Act also adds the drugs mifepristone and misoprostol to schedule 4 of the State's Uniform Controlled Dangerous Substances Law. The legislature directed the Board of Pharmacy to notify all pharmacists in Louisiana about the provisions of the law and to ensure pharmacists are aware that lawful prescriptions for mifepristone and misoprostol may be filled in accordance with R.S. 14:87.9(C)(6).

Mr. Fontenot distributed *Bulletin 24-01* to all pharmacies and pharmacists notifying them in regard to the provisions of Act 246 and he also published an article in the July 2024 edition of the Board's Newsletter. Adding mifepristone and misoprostol to Louisiana schedule 4 directly impacts the Board's credential holders and the bulletin provides guidance in regard to licensing requirements, recordkeeping, and PMP reporting. Act 246 becomes effective on October 1, 2024.

Act 192 places a requirement for each agency to review a sufficient number of its rules each year, so that after 5 years, all the agency's rules have been reviewed. The agency must report each year to the appropriate legislative oversight committees as to which rules were reviewed and whether each rule is necessary and consistent with law and the agency's mission as well as a determination of whether the probable benefits of the rule outweigh the burdens and costs on persons regulated.

Act 192 also mandates that each agency include on its website a description of the procedure for interested persons to petition an agency requesting the adoption, amendment, or repeal of rule. The Board promulgated a rule for such petitions in April of 2020 and Mr. Fontenot added that information on the Board's website to comply with the new mandate.

Act 253 is relative to universal occupational license recognition. Board staff reviewed the Act and compared the requirements for occupational license recognition and transfer with that of our own Board of Pharmacy laws and regulations for reciprocity and license transfer. Initially staff felt no changes to our own processes were necessary but there was one area in question that was brought to the Executive Committee for consideration. On page 2 of 5 of the Act, lines 8 and 9, one of the requirements for issuing a license to an applicant from another state is that the applicant "has held a credential in another state for at least one year". When compared with Board regulations for an applicant qualifying for a "pharmacy technician certificate" when credentialed in another state, the Board requires being credentialed and practicing for at least one year. The committee decided unanimously to offer a recommendation to the Board that Act 253 supersedes the Board's technician regulation and staff should process applications as such.

Act 644 amended language in the Board of Pharmacy's Practice Act as well as the practice acts of several other professional and occupational licensing boards. Act 644 removes the crime or offense of moral turpitude from the list offenses or violations for which the Board may take disciplinary action or deny credentialing.

**9. Review & Consideration of Compliance Questionnaire for Annual Legislative Audit**

The committee reviewed the completed questionnaire and decided unanimously to present the completed questionnaire to the Board seeking their adoption by means of a formal resolution.

**10. Review & Consideration of Annual Report**

The committee reviewed the *Annual Report* prepared by Mr. Fontenot and decided unanimously to offer a recommendation to the Board to approve the report and authorize its submission and filing.

**11. Review of Exceptions Report**

Board Policy permits the President to review and respond to requests for exceptions to laws, rules, and policies in the interim between meetings of the Board. Board Policy also permits the Executive Director, with concurrence of the Board President, to issue Special Work Permits and approve dual PIC privileges with notice to the Board at its next meeting. The committee reviewed the current "Exceptions Report", had no questions or comments, and the report will be presented to the full Board as required in policy.

**12. Review of Administrative Operations**

- A. Office Procedures – Mr. Fontenot provided the members with an update on office operations.
- B. Towne Center Property Update – The committee was updated in regard to the Board's Towne Center Property, located at 6959 Commerce Circle in Baton Rouge, LA 70809. The property remains on the market.
- C. Staff Review – Specific staff members were made aware that the committee requested to meet each staff member individually in executive session for a discussion which would involve the professional competence of said staff members. Mr. Indovina made a motion to enter into executive session and Ms. Hall seconded the motion. No member discussion and no public comments were offered. An affirmative vote was unanimous, with the following members voting in favor of entering into executive session: Ms. Hall, Mr. Resweber, Mr. Indovina, and Mr. McKay. The members then entered executive session at 3:55 p.m. After exiting executive session at 5:50 p.m., the open meeting resumed. The committee then discussed and came to a consensus with respect to annual salary adjustments for unclassified employees.

**13. New Agenda Items Added During Meeting** – No new agenda items added

**14. Adjourn** - Having completed the tasks itemized on the posted agenda, with no further business pending before the committee and without objection, Mr. McKay adjourned the meeting at 5:54 p.m.

*Minutes prepared by Joe Fontenot, Executive Director, and then approved as presented during the subsequent meeting of the committee on November 19, 2024.*