



Louisiana Board of Pharmacy

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Minutes

The **Regulation Revision Committee** of the Louisiana Board of Pharmacy convened a meeting on **Thursday, October 17, 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. Richard Indovina, Committee Chairman, called the meeting to order at 9:32 a.m.

2. Invocation and Pledge of Allegiance

Dr. J. Robert Cloud delivered the invocation and Ms. Jennifer Dupree led the group in the Pledge of Allegiance.

3. Quorum Call

Committee Members Present: J. Robert Cloud, David Darce, Jennifer Dupree, Jacqueline Hall, and Committee Chairman Richard Indovina.

Committee Members Absent: Chris Melancon and Troy Menard.

Also Participating: Marty McKay (Board President), Joe Fontenot (Executive Director), Carlos Finalet (General Counsel), Sarah Stevens (Licensing Director), Becky Parker (Compliance Officer), and Cary Aaron (Compliance Officer).

Public Attendees: Candy Ray (Public), Dwayne Mitchell (Pharmacist), Malcolm Broussard (Hygeia Solutions), Lauren Paul (CVS Health), Sarah Perkins (Breazeale, Sachse & Wilson), Paul Menasco (Ochsner), and Shelly Dupre (LA Alliance for Retail Pharmacies).

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Indovina asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated October 4, 2024. There were no objections to Mr. Indovina's request for authority to re-order the agenda should the Chairman determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meeting – April 25, 2024

Mr. Indovina reminded the members they had received the draft minutes from the previous committee meeting held on April 25, 2024. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection, Mr. Indovina declared the minutes were approved as presented.

6. Opportunity for Public Comment

None offered

7. Legislative Proposal 2025-A ~ Prescription Monitoring Program (PMP) Record Retention - Draft #1

Mr. Fontenot explained that prescription monitoring information and audit trail information are 2 different forms of information identified in law. Audit trail information is not currently included in the law that authorizes the Board to establish standards for the retention, archiving, and destruction of prescription monitoring information. This proposal would add audit trail information to the information for which the Board could develop a regulation for record retention.

The committee unanimously approved Draft #1 for submission to the Board for its consideration.

8. Regulatory Proposal 2024-G ~ Pharmacist-in-Charge (PIC) Requirements – Draft #1

Mr. Indovina explained that a Board member requested this topic to be considered by the committee.

Mr. Fontenot explained that LBP regulations had no experience requirement until the requirement of two years' experience was added in 2012.

After discussion and public comment, the committee directed staff to prepare Draft #2, keeping the change to Line 12 included in Draft #1, and changing Subsection 1105.C. to add shared responsibility of the permit holder and PIC similar to the language from Chapter 23.

The committee then unanimously approved Draft #2 for submission to the Board for its consideration.

9. Regulatory Proposal 2024-H ~ Emergency Drug Kit (EDK) Permit – Draft #1

Mr. Fontenot explained that this proposal removes the burden of obtaining the signature of the administrator of a facility on an application for a pharmacy to acquire and renew an EDK permit. The pharmacy permit and PIC are accountable for the permit.

The committee unanimously approved Draft #1 for submission to the Board for its consideration.

10. Regulatory Proposal 2024-I ~ Marijuana Pharmacy – Draft #1

Mr. Fontenot explained that Act 693 of the 2024 legislative session transitions the medical marijuana program from the Board to LDH, effective January 1, 2025.

The committee unanimously approved Draft #1 for submission to the Board for its consideration.

11. Regulatory Proposal 2024-J~ Pharmacy Technician Certificate Qualifications – Draft #1

Mr. Fontenot explained that Act 253 of the 2024 legislative session created processes for persons holding credentials in other states to reciprocate to Louisiana. This proposal amends our regulation, which is slightly more stringent, to align with the law.

The committee unanimously approved Draft #1 for submission to the Board for its consideration.

*At this point, Mr. Indovina declared a recess. It was noted the members recessed at 10:24 a.m. and then reconvened at 10:43 a.m.

12. Regulatory Proposal 2024-K ~ Centralized Prescription Dispensing – Draft #1

Mr. Fontenot explained the need to change regulation language regarding labeling. Mr. McKay stated that there is a need to revise the Subchapter since Central Fill has changed since the regulations were written.

Lauren Paul, a representative of CVS Health, spoke about the suggestions that she submitted.

After discussion, the committee directed staff to prepare Draft #2, with the following suggestions:

- Regulations should not allow a Central Fill Pharmacy to mail prescriptions directly to the patient, as that is a function of a mail order pharmacy; Central Fill pharmacies deliver filled prescriptions to the on-site (local) pharmacy for patient pick-up.
- Labels must include the information for the local pharmacy and the Central Fill pharmacy.
- Consider the regulations of other states when developing regulations.
- Obtain direction from Louisiana Board of Drug and Device Distributors as to handling prescriptions filled by the Central Fill pharmacy and not picked up by the patient.

*At this point, Mr. Indovina declared a recess for lunch. It was noted the members recessed at 11:30 a.m. and then reconvened at 12:04 p.m.

13. Petition for Rule Amendment – Telepharmacy Services (LAC 46:LIII.2421-2425)

Pharmacist (PST) Dwayne Mitchell explained why he proposed changes to the telepharmacy regulations, which would increase the daily prescription threshold for converting to a community pharmacy permit to 150 and increase staffing allowance to two certified pharmacy technicians when the telepharmacy exceeds 100 prescriptions per day. PST Mitchell also requested that the daily average be calculated on a calendar year instead of a 6-month average so that cold/flu season and summer months would not skew the numbers. PST Mitchell said that in his telepharmacy, a pharmacist is present on Mondays since that is their busiest day.

During the committee's discussion, Mr. Indovina suggested that the average daily prescription count be calculated using only business days when a pharmacist is not present for a full day of operation at the telepharmacy dispensing site.

The committee unanimously approved a motion to present the issue to the Board for its interpretation.

14. Discussion – Shared Pharmacy Services

Lauren Paul with CVS Health discussed CVS Health's request to add "remote final product verification" to LBP's definition of "Remote Processing Services." Ms. Paul offered to provide a presentation of their system at the next meeting.

The committee welcomed the presentation and agreed to continue the discussion at the next committee meeting.

15. Rule Review – LAC 46:LIII.101-525

Mr. Fontenot explained that Act 192 of the 2024 legislative session adds a requirement for each agency to "review a sufficient number of the rules adopted by the agency so that all of the rules of the agency have been reviewed within a 5-year period and shall submit a report to the appropriate legislative oversight committee."

Mr. Fontenot and Mr. Finalet will present any proposed changes at the next committee meeting.

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

17. Adjourn - Having completed the tasks itemized on the posted agenda, with no further business pending before the committee and without objection, Mr. Indovina adjourned the meeting at 12:58 p.m.

Minutes approved by the Committee at subsequent meeting on February 6, 2025.