Louisiana Board of Pharmacy

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Minutes

The **Regulation Revision Committee** of the Louisiana Board of Pharmacy convened a meeting on Wednesday June 18, 2025 at the Louisiana Board of Pharmacy located at 3388 Brentwood Drive, Baton Rouge, LA 70809. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. ***Call to Order***
   Dr. J. Robert Cloud, Committee Chairman, called the meeting to order at 9:30 a.m.

2. ***Invocation & Pledge of Allegiance***
   David Darce delivered the invocation and Andy Soileau led the group in the Pledge of Allegiance.

3. ***Quorum Call***
   Committee Members Present: David Darce, Jacqueline Hall, Richard Indovina, Chris Melancon, Troy Menard, Richard "Andy" Soileau, and Committee Chair J. Robert Cloud.

   Committee Members Absent: None.

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

   Public Attendees: Jeff Mesaros (Mesaros Group), Shelly Dupre (LA Alliance for Retail Pharmacies), Sarah Perkins (Breazeale, Sachse & Wilson), David Whitehurst (Louisiana Independent Pharmacies Association), Toni Scott (Pharmacist), Peyton Edwards (Pharmacy Student), Jon Lemoine (FMOL Health System), Jeenu Philip (Walgreens), Steve Cobb (CRx), Kim Boasso (KDB Cap Solutions/Pharmacare), Chau Giang (Pharmacy Technician Candidate), Randal Johnson (Louisiana Independent Pharmacies Association) and Paul Menasco (Ochsner).

4. ***Call for Additional Agenda Items & Adoption of Agenda***
   Dr. Cloud asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated June 9, 2025.

5. ***Opportunity for Public Comment***
   No public comments were offered. There were no objections to Dr. Cloud's request for authority to re-order the agenda should the Chairman determine it appropriate to do so.

6. ***Consideration of Draft Minutes from Previous Meeting – February 6, 2025***
   Dr. Cloud reminded the members they had received the draft minutes from the previous committee meeting held on February 6, 2025. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection, Dr. Cloud declared the minutes were approved as presented.

7. ***Opportunity for Public Comment***
   No public comments were offered.

8. ***Introduction of Public Attendees***
   At Dr. Cloud's request, each public attendee introduced themselves and indicated which agenda items they were most interested in.

*At this point, Dr. Cloud re-ordered the agenda at the suggestion of Mr. Fontenot.

9. ***Regulatory Proposal 2025-A ~ Prescription Drug Delivery – Draft #2***
   Mr. Fontenot explained that Draft #2 was prepared based on feedback received during the February 6 meeting.

   After review of the proposal, discussion, and public comment, the committee directed staff to prepare Draft #3, with following modifications:

   Line 36: add 'ensuring delivery integrity standards' after the word 'agreement'.
   Line 40: remove 'a pharmacist determines' and add 'it is determined' after the word 'If'.

   The committee then unanimously approved Draft #3 for submission to the Board for its consideration.

10. ***Regulatory Proposal 2024-K ~ Centralized Prescription Dispensing – Draft #3***
    Mr. Fontenot explained that Draft #3 was prepared based on feedback received during the February 6, 2025 meeting.

    After review of the proposal, discussion, and public comment, the committee directed staff to prepare Draft #4, with following modifications:

    Line 39: remove 'and either its Louisiana'
    Line 40: remove 'pharmacy permit number or DEA registration number'
    Line 60: add 'ensuring delivery integrity standards' after the word 'agreement'.
    Line 64: remove 'a pharmacist determines' and add 'it is determined' after the word 'If'.
    Line 64: change subsection from 'f' to 'e'.

    The committee then unanimously approved Draft #4 for submission to the Board for its consideration.

11. ***Regulatory Proposal 2025-D ~ Prescription Monitoring Program Record Retention – Draft #1***

    Mr. Fontenot explained that when the PMP law concerning record retention was originally enacted, it referenced only "prescription monitoring information" and omitted "audit trail information," which is also maintained as part of the PMP system.

    Draft #1 was prepared in anticipation of passage of the PMP legislation sponsored by the Board this legislative session.

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

12. ***Regulatory Proposal 2025 -E ~ Remote Access by a Pharmacy Technician – Draft #1***

Mr. Fontenot explained that Draft #1 was developed in anticipation of legislation that was expected to have been enacted this session granting pharmacy technicians the authority to access a pharmacy's dispensing information system remotely.

After review of the proposal, discussion, and public comment, the committee directed staff to prepare Draft #2 to include definitions regarding direct supervision, requirements for written policies and procedure to address quality assurance standards, and requiring pharmacist supervision at all times a technician is performing remote pharmacy technician functions.

Draft #2 will be brought to the next Regulations Revision Committee meeting.

13. ***Regulatory Proposal 2025-F ~ Controlled Dangerous Substances – Draft #1***

Mr. Fontenot explained that Chapter 27, *Controlled Dangerous Substances (CDS)*, largely mirrors the Code of Federal Regulations (21 CFR Parts 1300–1399). Each time the federal regulations change, corresponding updates must be made to Chapter 27. This redundancy also places an unnecessary burden on CDS licensees, who must comply with both sets of regulations.

This proposal seeks to streamline the regulatory framework by adopting the federal regulations by reference and consolidating any provisions that differ from the CFR into Section 2713. All remaining sections containing redundant requirements would be repealed.

After review of the proposal, discussion, and public comment, the committee directed staff to prepare Draft #2, with following modifications:

Line 164: Rewrite to provide "no later than 385 days."
Line 166: Remove 'arrival' and add 'designation' after the word 'the'.
Lines 166-169: Change upper case 'U' to lower case 'u' on each line.

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

*At this point, Dr. Cloud declared a recess for lunch. It was noted the members recessed at 11:40 a.m. and reconvened at 12:16 p.m.

14. ***Rule Review***

LAC 46: LIII.2701-2757 and Sections 701, 1111, 1133, 1137, 1301, 1303, 1305, 1511, 1515, 1521, 1523, 1709, 1715, 1723, 1901, 1903, 1905, 1909, 1911, 2101, 2103, 2105, 2107, 2109, 2111, 2509, 2515, 2527, 2529, pursuant to Executive Order No. 25-038 and Act 192 (2024-RS).

At the May Board meeting, Mr. Fontenot presented an overview of Governor Landry's Executive Order No. JML 25-038 – *Administrative Rules and Regulations* – which directs the Board to review specified sections of its rules to determine whether each is necessary, consistent with applicable law, and aligned with the Board's mission. The order also requires the Board to evaluate whether the benefits of each rule outweigh the burdens and costs imposed on those subject to regulation.

The Executive Order identified 66 sections of the Board's rules that have remained unchanged for twenty years or more and are therefore subject to review. Of those, 37 sections have already been reviewed by the committee, leaving 29 sections still requiring evaluation.

In addition to the Governor's Order, Act 192 of the 2024 legislative session adds a requirement that *"each year, each agency shall 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. The report shall include a listing of the rules reviewed by the agency during the previous calendar year, a description of whether each such rule is necessary and consistent with law and the agency's mission, a determination whether the probable benefits of the rule outweigh the burdens and costs on persons regulated by the rule; a complete listing of rules reviewed by the agency since the beginning of the 5 year period; and the percentage of the agency's rules that have been reviewed by the agency since the beginning of the 5 year period.*"

This agenda item is intended to align the requirements of the Governor's Executive Order with those of Act 192. In addition to the sections identified in the Governor's Order, Mr. Fontenot has identified Sections 2701 through 2757 for review, which are addressed under Agenda Item 11.

The Committee discussed removing sections 1303 and 1305. Mr. Fontenot stated these regulations are stated in law and are not necessary.

The Committee discussed removing sections 1715, 1717, 1719, 1721, 1723 and 1725 regarding Drug Abuse Treatment Center Pharmacies, as primary rules are through the Office of Behavioral Health. However, access to these pharmacies differs from others and is specified in the definition of 'Authorized Personnel' in section 1719.

After review, discussion, and public comment, the committee then unanimously approved the removal of subsections 1303 and 1305 from Board Regulations.

In addition, the committee directed staff to rewrite and consolidate subsections 1715, 1717, 1719, 1721, 1723 and 1725 for its consideration at the next Regulations Revision Committee meeting.

15. <u>Completion of Prescription Form – LAC 46:LIII.2747.B.4</u>

Mr. Fontenot explained that On October 18, 2022 DEA provided guidance in regard to *"Changes Pharmacists May Make to Schedule II Paper Prescriptions"*.

He said that due to the wording of the Board's current regulation, certain pharmacists are requiring direct confirmation from prescribers for each prescription missing a DEA registration number, even when they have already obtained and verified that information from the same prescriber on numerous prior occasions.

The controversy surrounding this regulation highlights the need for its revision. Since the DEA plans to issue new regulations on this matter and the Committee is considering repealing Chapter 27 (Agenda Item 11), Mr. Fontenot proposes developing a clear and practical Board Policy to replace the existing regulation which would be user-friendly for patients, prescribers, and pharmacists alike.

After review, discussion, and public comment, the Committee directed staff to develop a proposed policy for consideration at a future Board meeting prior to the Chapter 27 proposed amendment going into effect.

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

17. ***Adjourn*** – Having completed the tasks itemized on the posted agenda, with no further business pending before the committee and without objections, Dr. Cloud adjourned the meeting at 1:04 p.m.

Minutes approved by the Committee at subsequent meeting on October 22, 2025.