Louisiana Board of Pharmacy
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Minutes

The **Regulation Revision Committee** of the Louisiana Board of Pharmacy convened a meeting on Wednesday October 22, 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.

01. Call to Order

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

02. Invocation & Pledge of Allegiance

Troy Menard delivered the invocation, and Chris Melancon led the group in the Pledge of Allegiance.

03. Quorum Call

Committee Members Present: David Darce, Jacqueline Hall, Richard Indovina, Chris Melancon, Troy Menard, and Committee Chair J. Robert Cloud.

Committee Members Absent: Richard "Andy" Soileau.

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: Shelly Dupre (LA Alliance for Retail Pharmacies), Sarah Perkins (Breazeale, Sachse & Wilson), Steve Cobb (CRx), Leslie Hill (CVS), Gam Nguyen (CVS), Lynette Dukes (CVS), Dani Ottoson (CVS), McKenzie Dearborn (CVS), Rob Geddes (CVS), Malcolm Broussard (Hygeia Solutions), Connie Powell (CVS), Scott Tomerlin (Walgreens), Amanda Gendusa (BioPlus Specialty Pharmacy), Lori Maraist (Professional Arts Pharmacy) and Paul Menasco (Ochsner).

04. 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 October 2, 2025. There were no objections to Dr. Cloud's request for authority to re-order the agenda should the Chair determine it appropriate to do so.

05. Consideration of Draft Minutes from Previous Meeting – June 18, 2025

Dr. Cloud reminded the members they had received the draft minutes from the previous committee meeting held on June 18, 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.

06. Opportunity for Public Comment

No public comments were offered. At Dr. Cloud's request, each public attendee introduced themselves and indicated which agenda items they were most interested in.

*At this point in the meeting, Dr. Cloud re-ordered the sequence of the agenda.

12. Pilot Project Update ~ CVS Health Air Support- Remote Product Verification

Representatives from CVS provided an update to the committee and members of the public regarding the company's ongoing CVS Health Air Support pilot program involving 19 pharmacies within the New Orleans district. Mr. Fontenot informed the committee that Board Compliance Officers have conducted site visits at several participating locations and submitted their observations for review.

Following an in-depth discussion concerning workflow processes, error mitigation, staff stressors, and patient counseling practices, the committee determined that the pilot program will remain in effect. Members requested that the next CVS Health report include measurable data demonstrating how the initiative contributes to the improvement of patient care, and instructed Board staff to begin writing Draft #1 for the next committee meeting.

*At this point in the meeting, Dr. Cloud declared a break at 10:50 a.m. and reconvened at 11:05 am. Upon reconvening, Dr. Cloud resumed the original sequence of the agenda.

07. Regulatory Project 2025-10 ~ Controlled Dangerous Substances – Draft #3

Mr. Fontenot explained that Draft #2 of this project was approved at the August 20, 2025 Board meeting. Following that meeting, he identified an issue with the longstanding definition of "Dispense" or "Dispensing" in Chapter 27 of the Board's regulations. To avoid confusion for pharmacists, Draft #3 proposes to remove the definition from Chapter 27 and rely on the definition currently found in state-controlled substance law. In addition, Draft #3 proposes the repeal of several other unnecessary definitions.

After review and discussion, the committee unanimously approved Draft #3 for submission to the Board for its consideration.

*At this point in the meeting, Dr. Cloud re-ordered the sequence of the agenda.

09. Regulatory Proposal 2025-E ~ Remote Access by a Pharmacy Technician – Draft #2

Mr. Fontenot explained that Draft #2 contains language requested during the June committee meeting which includes language regarding direct supervision, requirements for written policies and procedures to address quality assurance standards, and requiring pharmacist supervision at all times a technician is performing remote pharmacy technician functions.

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

Line 16 - 17: edit to allow for contracted pharmacists and not contracted technicians
Line 25: add 'utilizing real-time live interactive technology' after the word 'communication'

The committee then decided by consensus to submit Draft #3 to the Board for its review and input.

*At this point, Dr. Cloud declared a recess for lunch. It was noted the members recessed at 12:04 p.m. and reconvened at 12:36 p.m.

10. Regulatory Proposal 2025 -G ~ Community Pharmacy– Draft #1

Mr. Fontenot explained that the proposal repeals two sections of rule with a consolidation of the repealed language into one Section, as requested during the June committee meeting.

After review and discussion, the committee decided Chapter 13 was unnecessary and developed Draft #2 which repeals Sections 1301, 1303, and 1305. The committee unanimously approved Draft #2 for submission to the Board for its consideration.

11. Regulatory Proposal 2025-H ~ Institutional Pharmacy – Draft #1

Mr. Fontenot explained that the proposal repeals several sections which are unnecessary, as requested during the June committee meeting. Additionally, the proposal contains an amendment to Section 1705.

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

Line 11-13: Remove subsection B. and C.

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

With the completion of agenda items 7, 10, and 11, the committee's rule review during calendar year 2025 pursuant to the Governor's Executive Order 25-038 and Act 192 (2024-RS) is complete. The committee reviewed a total of 64 sections of rules, of which the committee proposes to repeal 31 sections, amend 4 sections, and determined 29 sections were necessary and consistent with law and the Board's mission. Additionally, the probable benefits of these rules do outweigh the burdens and costs on persons regulated by the Board.

*At this point in the meeting, Dr. Cloud re-ordered the sequence of the agenda.

08. Regulatory Project 2025-454 ~ Consideration of Public Comments Received

Mr. Fontenot explained that pursuant to Louisiana R.S. 49:964(B), agencies engaged in rulemaking are required to conduct a public hearing at least once every six years to receive input from interested parties on any rule they believe to be contrary to law, outdated, unnecessary, overly complex, or burdensome. The Board held its public hearing on June 26, 2025 to fulfill this requirement. In response to the public hearing notice, the Board received comments from three petitioners.

Summit Policy Director Scott Young submitted written comments requesting an exception to the Louisiana Prescription Monitoring Program (PMP) reporting requirements for "drugs of concern" containing gabapentin dispensed pursuant to a prescription issued by a veterinarian. Mr. Young stated "the rule prevents pet and livestock owners from purchasing gabapentin from most nonresident (online) veterinary pharmacies. Most of these pharmacies do not offer controlled substances or hold DEA licenses and are therefore waived from the PMP requirements. As a result, they cannot provide gabapentin in states where it is scheduled or designated for PMP."

The Louisiana PMP does not require the pharmacy, resident or nonresident, to possess a DEA Registration to dispense gabapentin containing products to Louisiana residents. A Louisiana permitted pharmacy without a state controlled substance license or DEA Registration can dispense gabapentin, but reporting to the PMP is a requirement. Mr. Young's foundation for his request that nonresident (online) pharmacies cannot provide gabapentin because of the absence of a DEA Registration is not accurate.

A principal advantage for such a rule change would be for a very specific group of nonresident online veterinary pharmacies who are not currently dispensing to clients in Louisiana because of a perceived burden or incorrect understanding of the reporting requirements. These pharmacies would be free to dispense into Louisiana without reporting to the PMP.

A principal disadvantage for such a rule change would be creating an opportunity for diversion among this client/patient population. Additionally, other pharmacies with very specific dispensing models could also seek a rule change for a similar exception which could create additional opportunities for diversion.

Following discussion, the committee determined that PMP reporting of gabapentin is not unduly burdensome and, given the drug's potential for abuse and diversion, concluded that continued reporting remains in the best interest of public health and safety.

Dr. Paul E. Miller submitted written comments focusing on 3 key requests:
1. Biennial Renewal for the Louisiana CDS license and PMP fees.
2. Development of a Collaborative White Paper on CDS License Requirement.
3. Transparency on PMP Fees, asking to provide specifics on why Louisiana's PMP fees exceed those in Texas.

Regarding Dr. Miller's request for biennial renewal of the Louisiana CDS license and PMP fees, Mr. Fontenot noted that the annual PMP fee is established by statute, not regulation. A change from an annual renewal to a biennial renewal would require legislative action to change the law.

If such a change was under the Board's regulatory authority, a principal advantage would be for those practitioners and facilities in favor of such a change, it would lessen the stated burden of an annual renewal.

If such a change was under the Board's regulatory authority, a principal disadvantage would be for those practitioners and facilities not in favor of a biennial renewal. Additionally, the Board would be required to implement and develop a modified accounting system to account for biennial renewals.

Regarding Dr. Miller's request for the development of a collaborative white paper on the requirement for a CDS license, Mr. Fontenot noted that the CDS licensing requirement is established by statute, not regulation. Any change to the licensing requirement would require legislative action to change the law. Mr. Fontenot also noted that the elimination of the Louisiana CDS licensing requirement would cede state authority to the federal government.

Regarding Louisiana PMP fees compared to Texas, pursuant to R.S. 40:1013, an annual PMP fee is assessed on each practitioner holding a Louisiana controlled substance license and each pharmacy permitted by the Board. The statute authorizes an annual fee of up to $25. This fee structure has been in place since the program's beginning in 2006.

Dr. Miller provided a screenshot of his Texas physician renewal indicating a $13.48 PMP fee, which he stated covers a two-year period.

In response to the comments, Mr. Fontenot met with the Texas PMP Manager to discuss the Texas PMP fee structure. While the Texas PMP operates under a similar model, dividing program costs among prescribers and pharmacists, it serves over 200,000 licensees compared to approximately 28,000 in Louisiana. Additionally, the Texas PMP receives legislative funding, whereas the Louisiana PMP does not receive state general funds.

As a result, the lower Texas PMP fees reflect both legislative funding support and a larger base of contributing practitioners.

Dr. Miller acknowledges that his request may require legislative action and is therefore outside the Board's regulatory authority. The public hearing addressed only the Board's rules, so his comments were not necessarily within the scope of the hearing.

Mr. Malcolm Broussard submitted an in-depth review of the Board's regulations. Due to time constraints, members noted that a comprehensive review would exceed the time allotted for the current meeting. The committee agreed to focus its review on the sections identified by Mr. Broussard as being of greatest interest and to continue the review at future meetings.
In reference to Section 523, Collaborative Drug Therapy Management, Mr. Broussard submitted comments requesting that the Board proceed with promulgation of a previously approved update to the regulation. Members clarified that the prior rulemaking effort was not promulgated due to lack of support from the Louisiana State Board of Medical Examiners (LSBME). Members also reminded Mr. Broussard that the current regulation mirrors the LSBME's corresponding regulation. The committee further noted that all Collaborative Practice Agreements require approval by the LSBME; therefore, updating the Board of Pharmacy's regulation without corresponding changes to physician oversight would provide no substantive benefit.

Mr. Broussard expressed his intent to conduct a comparison of the current and proposed Louisiana Board of Pharmacy (LABP) regulation with the corresponding Louisiana State Board of Medical Examiners (LSBME) regulation. Members advised that they would welcome the opportunity to review his findings at a future meeting.

In reference to Section 907, Scope of Practice, specifically Subsection B, which prohibits the compounding of high-risk preparations, Mr. Broussard submitted comment suggesting that this provision may require revision to reflect recent updates to the applicable United States Pharmacopeia (USP) compounding chapters. After discussion, the committee requested that Mr. Fontenot prepare a draft for consideration.

In reference to Section 105, Board Procedures, specifically Subsection A, Mr. Broussard submitted comment noting that the citation for the Louisiana Open Meetings Law has been updated since the rule was originally promulgated. The law now begins at R.S. 42:11. Mr. Fontenot advised that all current publications of regulation include the correct citation of R.S. 42:11.

In reference to Section 109, Standing Board Committees, specifically Subsection C, Mr. Malcolm Broussard noted that the Reciprocity Committee no longer functions as it did when the rule was originally promulgated. He suggested substituting the Application Review Committee in its place and expanding its scope to include all applicants for all credential types. After discussion, the committee asked Mr. Fontenot to prepare a draft for consideration.

In reference to Section 113, Rulemaking Procedures, specifically Subsection A, Mr. Broussard recommended that electronic mail be added as an accepted method for submitting rulemaking petitions. Members advised that the Board does currently accept petitions by electronic means then requested that Mr. Fontenot prepare a draft for consideration.

In reference to Section 301, Board Hearing Procedures and Jurisdiction, specifically Subsection A, Mr. Broussard noted that the citation for the definition of "person" has been updated since the rule was promulgated. The correct citation is now R.S. 37:1164(35). After discussion, the committee requested that Mr. Fontenot prepare a draft for consideration.

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

14. ***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 2:34 p.m.

Minutes approved by the Committee at subsequent meeting on February 3, 2026.