



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700



MINUTES

The **Regulation Revision Committee** of the Louisiana Board of Pharmacy convened a regular meeting on **Tuesday, February 3, 2026** 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.

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. David Darce delivered the invocation and Ms. Chris Melancon led the group in the pledge.

QUORUM CALL

Committee Members Present: Dr. J. Robert Cloud, Mr. David A. Darce, Ms. Jacqueline L. Hall, Mr. Marty R. McKay, Ms. Chris B. Melancon, Mr. J. Troy Menard, Mr. Richard "Andy" Soileau, and Mr. Richard M. Indovina, Jr. (President of the Board and Ex-Officio).

Committee Members Absent: None.

Staff Present: Mr. Cary D. Aaron (Compliance Officer), Ms. Becky C. Parker (Compliance Officer), Ms. Sarah B. Stevens (Licensing Analyst Director), Mr. Carlos M. Finalet, III (General Counsel), and Mr. M. Joseph Fontenot Jr. (Executive Director).

Guests: Ms. Valarie Melancon (CVS Pharmacist), Mr. Rob Geddes (CVS), Mr. Steve Cobb (CRx), Mr. Malcolm J. Broussard (Hygeia Solutions), Ms. Shelly Dupre (Louisiana Alliance of Retail Pharmacies), Mr. Lance D. Bourgoyne (FMOL Health), Mr. Jeenu Philip (Walgreens), Dr. Paul Menasco (Ochsner), and Ms. Sarah Perkins (Breazeale, Sachse & Wilson).

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 January 23, 2026. 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.

CONSIDERATION OF DRAFT MINUTES FROM PREVIOUS MEETING: October 22, 2025

Dr. Cloud reminded the members they had received the draft minutes from the previous committee meeting held on October 22, 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.

OPPORTUNITY FOR PUBLIC COMMENT

None offered.

LEGISLATIVE PROPOSAL 2026-A – CDS SCHEDULES UPDATE

Mr. Fontenot explained that each year, the Board of Pharmacy collaborates with the State Police Crime Lab to update the state's list of controlled substances. The collaboration works to mirror all federal scheduling action since the previous legislative session. The Crime Lab chemist is currently reviewing the

information. Mr. Fontenot offered to present the proposal at the Executive Committee meeting in February. The committee agreed to have Legislative Proposal 2026-A – CDS Schedules Update presented to the Executive Committee.

REGULATORY PROPOSAL 2026-A – OFF-SITE SERVICES (DRAFT #1)

Mr. Fontenot explained that this proposal is to allow "final product verification" as part of "remote processing services", which is part of the CVS Pilot Project. CVS representatives provided another update to the committee, noting that CVS has submitted three quarterly reports. Although there is a previous one-year study showing a 13% reduction in errors, CVS could not produce data on the nineteen Louisiana pharmacies participating in the pilot project due to the small sample size. Mr. Indovina asked for CVS representatives, including pharmacists who have participated in the pilot project, to be present at the February Board meeting to answer any Board member questions.

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

REGULATORY PROPOSAL 2026-B - ADVERTISING (DRAFT #1)

Mr. Finalet explained that the prohibition of the use of "apothecary", "apothecary shop", and "chemist's shop" may be outdated.

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

REGULATORY PROJECT 2025-454 – SOLICITATION OF COMMENTS

Mr. Fontenot explained that this is a continuation from the previous committee meeting. The Board held a Public Hearing on June 26, 2025, pursuant to LA R.S. 49:964(B), receiving comments from three petitioners. The committee has previously responded to 2 of the 3 petitioners. The comments from Malcolm Broussard that remain were presented to the committee:

LAC 46:LIII.109.C – Standing Board Committees - Draft #1

Mr. Fontenot explained that this draft has been prepared in the event the committee decides to replace the Reciprocity Committee with the Application Review Committee.

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

LAC 46:LIII.113 – Rulemaking Procedures - Draft #1

Mr. Fontenot explained that this draft was written at the direction of the committee to be clear, concise and user friendly compared to the current language.

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

LAC 46:LIII.301 – Board Hearing Procedures and Jurisdiction - Draft #1

Mr. Fontenot proposed eliminating specific references to a number and instead citing the law to avoid future amendments resulting from renumbering that may occur due to changes in the law.

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

LAC 46:LIII.355 – Reporting - Draft #1

Mr. Fontenot explained that the Board is required by federal law to report actions against credential holders to the National Practitioner Data Bank and that the National Association of Boards of Pharmacy (NABP) Clearinghouse is the Board's agent for that reporting.

Following a question from a committee member, Petitioner Malcolm Broussard with Hygeia Solutions explained that reporting to NABP Clearinghouse is a requirement of the Board's membership in NABP, while reporting to the National Practitioner Data Bank is a federal requirement.

Mr. Finalet noted that almost all the Board's actions are consent agreements which include a statement that the actions will be reported to both the NABP Clearinghouse and the National Practitioner Data Bank.

The committee noted Governor Landry's recent executive order and the legislature's intent to reduce regulations, and concluded that adding unnecessary regulatory language would run counter to those directives.

Following discussion, the committee determined that since reporting to the National Practitioner Data Bank is a federal requirement, NABP Clearinghouse is the Board's agent for that reporting, and reporting to NABP Clearinghouse is a requirement of the Board's membership in NABP, an additional rule is not necessary.

LAC 46:LIII.505 – Pharmacists Licensure

Mr. Fontenot explained that Section 505 contains the basic framework for pharmacists licenses. The Board's licensing database contains numerous pharmacist credential types and statuses that are useful for staff, but do not change the basic pharmacist license. He recommends no change to the regulation.

Following discussion, the committee determined that an additional rule is not necessary.

LAC 46:LIII.505, 1203, 1525, 1803 - Draft #1

Mr. Fontenot explained that R.S. 37:1184 entitled "Fees" is not obsolete as it exists, and references R.S. 37:1182(A) which states the Board shall establish fees by regulation, which is found in Section 115. He prepared Draft #1 to eliminate referring to "R.S. 37:1184" and instead referring to "Section 115 of this Part" in each of these regulations.

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

LAC 46:LIII.507 – Pharmacists Continuing Education - Draft #1

Mr. Fontenot explained that Draft #1 was prepared to update the language in Section 507 to add current requirements for specific topics (nuclear pharmacy, compounding, and medication administration) and add Interprofessional Continuing Education (IPCE) credit from a provider with Joint Accreditation (JA) as an acceptable source for Continuing Education.

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

The members discussed the petitioner's request to add Continuous Professional Development (CPD) to the acceptable sources for Continuing Education credit. Members noted that if a licensee completes ACPE-approved courses as part of their CPD, those are already accepted by the Board. The committee determined that a rule change was not necessary.

LAC 46:LIII.523 – Collaborative Drug Therapy Management

Mr. Fontenot explained that, with respect to Section 523 (Collaborative Drug Therapy Management), the Board decided in February 2021 to propose an amendment to this Section in order to be less burdensome to our credential holders and subsequently approved Regulatory Proposal 2021-A ~ Collaborative Practice (Draft #1). Unfortunately, that proposal did not progress because a rule amendment by the Louisiana State Board of Medical Examiners (LSBME) would be needed to mirror this regulatory proposal and subsequent conversations with that Board on this topic were unsuccessful.

Discussion included the recent HIV PEP and PrEP protocols which resulted from legislative action and were developed by the Louisiana Department of Health (LDH). These may provide a template for future protocols.

The committee determined that without the cooperation of the LSBME, any rule change on the Board's part would lead to confusion for pharmacists and would not result in the desired change in practice.

LAC 46:LIII.907 – Pharmacy Technicians Scope of Practice - Draft #1

Mr. Fontenot presented a draft updating language to that found in the recent revision to relevant USP chapters but maintaining the original intent of the regulation.

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

LAC 46:LIII.909 – Pharmacy Technicians Continuing Education - Draft #1

Mr. Fontenot explained that Draft #1 was prepared to update language in Section 907 to add current requirements for specific topics (compounding and medication administration) and add Interprofessional Continuing Education (IPCE) credit from a provider with Joint Accreditation (JA) as an acceptable source for Continuing Education.

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

LAC 46:LIII.1103.H – Prescription Department Requirements – Draft #1

Mr. Fontenot presented a draft removing specific titles of required reference materials and explained that the Board's website provides links to state laws, Board regulations, the Code of Federal Regulations (CFR), and the DEA Pharmacist's Manual.

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

***At this point, Dr. Cloud declared a break at 10:31 a.m. and reconvened at 10:46 a.m.**

LAC 46:LIII.1123, 1124 - Records - Draft #1

Mr. Fontenot presented a draft with clear and concise language when compared to the current rule.

After discussion and public comments, the committee instructed staff to prepare Draft #2 with the following changes:

- On line 34 of the clean version of Draft #1, add "Retention" after "Electronic Imaging" in the subsection title and "retention" after "Electronic imaging".
- Strike "number" on line 39 of the clean version of Draft #1.

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

LAC 46:LIII.1811, 1813, 1815 – Correctional Center Pharmacy EDK - Draft #1

Mr. Fontenot explained that language referring to Emergency Drug Kits in these sections is redundant and proposed repealing sections 1811-1815.

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

LAC 46:LIII.1803 – Correctional Center Pharmacy Permit Reinstatement - Draft #1

Mr. Fontenot explained that language for the reinstatement of the Correctional Center Pharmacy Permit is no longer applicable and presented a draft for the committee's consideration.

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

LAC 46:LIII.2437 – Remote Processor Pharmacy Standards of Practice

Mr. Fontenot explained that he would prepare a draft if the committee felt it necessary for the regulation to refer to Title 51 of the Louisiana Administrative Code.

After discussion that included the simplicity of public access to the Louisiana Sanitary Code, the committee members determined that a rule change was unnecessary.

LAC 46:LIII.2517.B – Equivalent Drug Product Interchange

Mr. Fontenot provided the current regulation for the committee's review and consideration, noting that he viewed the current language as helpful to pharmacists.

Committee members agreed that the current language is helpful to pharmacists and noted that both Medicaid and the Board are part of the Louisiana Department of Health. Considering this, the committee determined that a rule change was unnecessary.

LAC 46:LIII.2525.A – Prescription Expiration

Mr. Fontenot provided the current regulation for the committee's review and consideration.

Members discussed concerns about changing the expiration date of a prescription for a non-controlled drug to two years or longer. Some disease states require more frequent patient follow up and while the prescriber would have the authority to give a shorter expiration date on a prescription than the maximum allowed, a rule change would put an additional burden on the prescriber if they desired to do so. If a prescriber writes multiple prescriptions with different expiration dates, it could cause confusion for the prescriber and the pharmacist. Additionally, members expressed the need to discuss the topic with LSBME before initializing such a rule change if a need to do so is determined in the future.

The committee determined that a rule change was not necessary at this time.

LAC 46:LIII.2533 – Compounding Definitions - Draft #1

Mr. Fontenot presented a draft repealing terms defined but not currently used in the chapter.

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

LAC 46:LIII.3005.D.2 – PBM Maintenance of Permit - Draft #1

Mr. Fontenot presented a draft repealing Subsection D.2.

The committee unanimously approved Draft #1 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 11:55 a.m. and reconvened at 12:33 p.m.**

ANNUAL RULE REVIEW PURSUANT TO R.S. 49:964(D) - LAC 46:LIII.703, 705, 707, 709, 711, 901, 903, 904, 905, 906, 907, 909, 911, 913, 1101, 1103, 1105, 1107, 1109, 1113, 1115, 1119, 1121, 1123, 1124, 1125, 1129, 1130, 1131, 1135, 1139, 1141, 1143, 1147, 1201, 1203, 1205, 1207, 1211, 1213, 1217, 1813, 1815, 3101, 3103, 3105, 3107, 3109, 3111, 3113, 3115, 3117, 3119, and 3301.

Dr. Cloud explained that Mr. Fontenot had provided the 54 sections of rules in advance of the meeting for the committee members to review. Dr. Cloud asked members to identify any sections which are unnecessary, not consistent with law and the Board's mission, and the burdens and costs on persons regulated by the rule outweigh the benefits of the rule. The sections identified are:

LAC 46:LIII.705.C.2.b. The license of the pharmacist supervising the intern and signing the affidavit shall have been issued no less than two years before supervising the intern, and further, shall not have been on probation or otherwise restricted during the time the hours were earned.

During public comment, Mr. Broussard asked if the Board viewed Residents or Fellows differently than other pharmacists when considering them supervising interns. The committee answered that they were not viewed differently.

Considering that requirements of a pharmacist-in-charge include a minimum of one year active pharmacy practice, the committee approved changing "two years" to "one year".

LAC 46:LIII.1119 and LAC 46:LIII.1503

Following member discussion, the committee approved repealing "Personal Identifier" and "Password" in the list of definitions and changing the definition of "Positive Identification" to:

Positive identification - means a secure, unique, and verifiable method that indisputably links a practice of pharmacy activity recorded in a pharmacy information system to the specific pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician candidate who performed the activity.

The committee directed Mr. Fontenot to compose drafts for each change for presentation at the February Board meeting.

Calendar year 2026 is the third year of the annual review. During the February 3, 2026 committee meeting, the committee reviewed 54 sections of rules. Of these, the committee has recommended repealing 3 sections and amending 13 sections in proposals recommended today and in past meetings. The committee concluded the remaining 38 sections (LAC 46:LIII.703, 707, 709, 711, 901, 903, 904, 906, 911, 913, 1101, 1109, 1113, 1121, 1125, 1129, 1130, 1131, 1135, 1143, 1147, 1201, 1203, 1205, 1207, 1211, 1213, 3101, 3103, 3105, 3107, 3109, 3111, 3113, 3115, 3117, 3119, and 3301) are necessary and consistent with law and the Board's mission. The committee also determined that the benefits of these rules outweigh any burdens or costs to regulated parties.

NEW AGENDA ITEMS ADDED DURING MEETING

No new agenda items were added.

ADJOURN

Having completed the tasks listed on the posted agenda, with no further business pending before the committee and without objection, Dr. Cloud adjourned the meeting at 1:08 p.m.