



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
www.pharmacy.la.gov



Minutes

Special Meeting

Tuesday, January 29, 2013 at 8:30 a.m.

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A special meeting of the Louisiana Board of Pharmacy was held on Tuesday, January 29, 2013 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 8:45 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Chris Melancon then led the group in the recitation of the Pledge of Allegiance.

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Bond, to call the roll.

Members Present:

Mr. Joseph L. Adams
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Ryan M. Dartez
Ms. Jacqueline L. Hall
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Don L. Resweber
Dr. Deborah H. Simonson
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine

Members Absent:

Mr. Richard M. Indovina

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director

Guests:

Ms. Patsy Angelle – International Academy of Compounding Pharmacists
Mr. J. Douglas Boudreaux – Boudreaux's Specialty Compounding Pharmacy
Mr. Kevin LaGrange – Professional Arts Pharmacy
Mr. Clint Daniel – Boudreaux's New Drug Store
Mr. John Liggio – La. State Board of Wholesale Drug Distributors

Mr. Bond certified that 16 members were present, constituting a quorum for the conduct of official business.

4. Consideration of Replacement Emergency Rule re Compounding for Prescriber Use

Mr. Aron reminded the members of the disposition of their December 13, 2012 emergency rule and the January 18, 2013 legislative directive to issue a replacement emergency rule within two weeks. He reported the Regulation Revision Committee had met the previous week and prepared a regulatory proposal for a replacement emergency rule. Mr. Aron asked Mr. McKay, the committee chairman, to report on the committee's meeting and proposal.

Mr. McKay reported the committee met on January 23 and that approximately twenty five guests were in attendance. He indicated the committee invited and received substantial input from the guests, which included a number of pharmacists practicing at several compounding pharmacies across the state. He directed the members to two documents in their meeting packet: the regulatory proposal developed by the committee, and a proposed declaration of emergency developed by staff. Following a brief discussion, Mr. McKay moved,

Resolved, that the Board approve the *Declaration of Emergency – Compounding for Prescriber Use – LAC 46:LIII.2535.*

Prior to the vote, Ms. Hall offered a clarifying amendment, which was approved without objection by the members. The motion for approval of the amended document was adopted after a unanimous roll call vote in the affirmative. Mr. McKay then directed the members to the regulatory proposal.

In order to facilitate the discussion, Mr. McKay moved,

Resolved, that the Board approve *Regulatory Proposal 2013-E-C ~ Compounding for Prescriber Use (Draft #1)*, to become effective as an Emergency Rule on January 31, 2013: and further,

To authorize the Executive Director to submit the proposed amendment for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process; and further,

To authorize the Executive Director to re-publish the Emergency Rule as may become necessary during the promulgation process.

During the discussion of that proposal, staff offered a suggested clarifying amendment within the paragraph relative to compounding commercial products not available. Mr. McKay moved to approve that clarifying amendment. The motion for approval of the clarifying amendment was adopted after a unanimous vote in the affirmative. Following additional discussion and comments from guests present, Mr. Aron called the question to a vote. The motion for approval of the amended regulatory proposal was adopted after a majority roll call vote in the affirmative. Mr. Adams, Mr. Bond, Mr. Burch, Mr. Dartez, and Mr. Valentine objected.

Following the vote, staff suggested a potential conflict in the interpretation of the regulatory proposal and the declaration of emergency. In particular, the regulatory proposal identified a limitation of ten percent of a pharmacy's total dispensing and distribution activity, whereas the declaration of emergency identified a limitation of ten percent of a pharmacy's compounding activity. The members reiterated their intent the

limitation should be applicable to a pharmacy's entire dispensing and distribution activity and not just the compounding activity. Mr. Adams moved to direct the staff to prepare the appropriate amendment(s) for the declaration of emergency to reflect the language and intent of the regulatory proposal. That motion was adopted after a unanimous vote in the affirmative.

5. Opportunity for Public Comment

Mr. Aron reminded the members and guests that Act 850 of the 2010 Legislature requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments from the guests present, and none were offered.

6. Announcements

Mr. Aron informed the members of a recent directive altering the mileage reimbursement rates for mileage incurred by employees and board members while using personal vehicles on board business. He informed the members the effective date of the change would be February 1, 2013. Finally, he reminded the members of their next regular meeting on March 5-7, 2013.

7. Adjourn

Mr. Pitre moved to adjourn. Having completed the task itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 10:30 a.m.

Respectfully submitted,

Brian A. Bond
Secretary