



Louisiana Board of Pharmacy
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Minutes

Special Meeting

Tuesday, July 28, 2020 at 9:00 a.m.

Location:

Videoconference

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A special meeting of the Louisiana Board of Pharmacy was held on Tuesday, July 28, 2020 by videoconference. As noted on the meeting agenda, the Board certified it could not achieve an in-person quorum due to the provisions of *Governor's Proclamation No. 83 JBE 2020 ~ Additional Measures for COVID-19 – Stay at Home*. Therefore, as permitted by *Governor's Proclamation No. 84 JBE 2020 ~ Additional Measures for COVID-19 Public Health Emergency*, the Board elected to conduct its meeting by videoconference.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 9:00 a.m.

2. Amendments to Board Roster

Mr. Aron informed the members and guests of two changes in the Board's membership since the previous meeting. Mr. Ronald Moore and Mr. Richard Soileau completed their terms of service on June 30, with each of them serving for 12 years. Mr. Aron then introduced Mr. David Darce and Mr. Anthony Mercante, noting their term of service began on July 1, 2020 and would conclude on June 30, 2026 unless reappointed by the Governor. Mr. Aron noted Mr. Darce represents District 3 and practices pharmacy at Thrifty Way Pharmacy of St. Martinville; and further, Mr. Mercante represents District 6 and practices pharmacy at Ponchatoula Family Pharmacy in Ponchatoula.

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Richard Indovina, to call the roll of members to establish a quorum.

Members Present:

Mr. Carl W. Aron
Mr. Allen W. Cassidy, Jr.
Dr. J. Robert Cloud
Mr. David A. Darce
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Kevin LaGrange
Mr. Richard Mannino
Mr. Marty R. McKay
Mr. Anthony G. Mercante
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Dr. Raymond J. Strong

Members Absent:

Mr. Robert C. LeBas
Mr. Blake P. Pitre
Mr. Rhonny K. Valentine

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director
Mr. Benjamin S. Whaley, Chief Pharmacist Compliance Officer
Ms. Nicole L. Gross, Pharmacist Compliance Officer
Ms. Becky C. Parker, Pharmacist Compliance Officer
Ms. Kelley L. Villeneuve, Office Manager

Guests:

Mr. Ben Sims
Mr. Jeff Brown
Mr. Perry Catchings
Ms. Simone Ginn
Ms. Kathryn Thomas
Mr. Peter Prevot
Mr. Jacob Irving
Ms. Allison Hall
Ms. Brandi Armand
Dr. Jessica Clark
Mr. John Davis

Mr. Indovina certified 13 of 16 members were present, constituting a quorum for the conduct of official business. Mr. LeBas, Mr. Pitre, and Mr. Valentine were absent.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items to be added. With no requests to amend the agenda, and without objection, the members adopted the agenda dated July 20, 2020.

5. Consideration of Draft Minutes from Previous Meeting

Mr. Aron informed the members the draft minutes from the previous meeting on June 25 had been posted for review. With no objections, he waived the reading of the minutes. No corrections were offered. With no objections, Mr. Aron declared the minutes were approved as presented.

6. Report on Action Items

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard directed the members to the report in their meeting binder. There were no questions from the members or any public comments.

7. Confirmation of Acts

Pursuant to Mr. Aron's declaration that the officers, committees, and executive director had attended to the business of the Board since their previous meeting in accordance with policies and procedures previously approved by the Board. Mr. Robichaux moved, **Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and

transactions of Board business since June 25, 2020 are approved, adopted, and ratified by the entire Board.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

8. *Opportunity for Public Comment*

Mr. Aron reminded the members and guests the Open Meetings Law 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 reminded the participants an agenda entry solicited public comments prior to the meeting. Mr. Broussard reported the receipt of one public comment from Peter Van, MD prior to the meeting relative to the pending regulatory proposal on the meeting agenda and that it was distributed to the members prior to the meeting. Mr. Aron then solicited general public comments about non-agenda items; there were none.

* *Statement of Purpose*

Mr. Aron reminded the members of the purpose and mission of the Board of Pharmacy by reciting the relevant portion of the Louisiana Pharmacy Practice Act. He urged the members to keep their legislative mandate in mind as they considered all the matters before them.

9. *Special Orders of the Day*

A. Consideration of Regulatory Proposal 2020-N ~ Marijuana Recommendations (Draft #2)

Mr. Aron reminded the members of their assignment to the Regulation Revision Committee to develop a regulatory proposal to address the law changes in Act 286 of the 2020 Legislature which would become effective on August 1. He reported the committee met on July 16 and developed a regulatory proposal for the Board's consideration. To facilitate discussion, Mr. McKay offered the motion on behalf of the committee and moved,

Resolved, to approve *Regulatory Proposal 2020-N ~ Marijuana Recommendations (Draft #2)*, and further, to authorize the Executive Director to promulgate the proposed rule upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

B. Consideration of Declaration of Emergency

Mr. Aron informed the members the motion just adopted authorized the routine promulgation process which takes several months to complete. He reported the committee also voted to recommend the Board issue that proposed rule as an Emergency Rule to become effective on August 1 to coincide with the effective date of the new law. To facilitate discussion, Mr. McKay offered the motion on behalf of the committee and moved,

Resolved, to approve the *Declaration of Emergency for Regulatory Proposal 2020-N ~ Marijuana Recommendations (Draft #2)*, and

further, to authorize the Executive Director to publish the proposed rule as an Emergency Rule in the Louisiana Register to become effective on August 1, 2020 and to re-publish the Emergency Rule as often as necessary until the Final Rule is promulgated, and further, to authorize the Executive Director to submit the required notices for emergency rules.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

10. New Agenda Items Added During Meeting

No new agenda items were added during the meeting.

11. Announcements

Mr. Aron directed the members to the announcements page in their meeting binder.

12. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 9:25 a.m.

Minutes prepared by Malcolm Broussard

These minutes were approved by the Board during its meeting on August 13, 2020.

Richard M. Indovina, Jr.
Secretary