



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Thursday, February 17, 2022 at 9:00 a.m.
Embassy Suites Baton Rouge Hotel
4914 Constitution Avenue
Baton Rouge, Louisiana 70808

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
1.	Call to Order	03
2.	Invocation & Pledge of Allegiance	03
3.	Quorum Call	03
4.	Call for Additional Agenda Items & Adoption of Agenda	04
5.	Consideration of Draft Minutes from Previous Meeting	04
6.	Report on Action Items	04
7.	Confirmation of Acts	04
8.	Opportunity for Public Comment	04
9.	Special Orders of the Day	19
	A. Presentation of Pharmacist Gold Certificate	19
10.	Committee Reports	05
	A. Finance	05
	B. Application Review	05
	C. Reciprocity	08
	D. Violations	06
	E. Impairment	08
	F. Reinstatement	09
	G. Tripartite	10
	H. Regulation Revision	11
	I. Executive	19
11.	Staff Reports	
	J. Executive Director Designate	22
	K. General Counsel	23
	L. Executive Director	25
12.	New Agenda Items Added During Meeting	26
13.	Announcements	26
14.	Adjourn	26

The Louisiana Board of Pharmacy convened a regular meeting on Thursday, February 17, 2022 at the Embassy Suites Baton Rouge Hotel located at 4914 Constitution Avenue in Baton Rouge, Louisiana 70808. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

1. Call to Order

Mr. Marty McKay, President, called the meeting to order at 9:03 a.m.

2. Invocation & Pledge of Allegiance

Mr. Allen Cassidy delivered the invocation and Mr. Don Resweber led the group in the Pledge of Allegiance.

3. Quorum Call

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

Members Present:

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. Robert C. LeBas
Mr. Richard Mannino
Mr. Marty R. McKay
Mr. J. Troy Menard
Mr. Anthony G. Mercante
Mr. Blake P. Pitre
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Dr. Raymond J. Strong

Members Absent:

Mr. Rhonny K. Valentine

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Executive Director Designate
Mr. Benjamin S. Whaley, Chief Compliance Officer
Ms. Kelley L. Villeneuve, Office Manager

Guests:

Mr. R. Jeffrey Gaude – Walgreens
Ms. Tran Nguyen – Walgreens
Dr. Heather Maturin – Ochsner Health System
Dr. Lauren Paul – CVS Health

Mr. N. Ryan LaBarbera – Albertsons
Ms. Morgan Major – Albertsons
Mr. Ben J. Sims – Brookshire Grocery Co.
Mr. Randal Johnson – La. Independent Pharmacies Association
Mr. Matthew Cross – La. Independent Pharmacies Association
Mr. Paul Mensasco – Ochsner Health System
Ms. Shelly Dupre – La. Alliance of Retail Pharmacies
Dr. Natasha Seals – La. Dept. of Health
Mr. Robert Rieger – Adams & Reese
Ms. Patricia Wilton – La. State Board of Medical Examiners
Mr. Peter Prevot – La. Association for Therapeutic Alternatives
Ms. Jessica Elliott – La. Alliance of Retail Pharmacies

Mr. Indovina certified Mr. Valentine was absent; however, the remaining 15 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. McKay asked if there were any additional agenda items to be added; none were requested. Without objection, the members adopted the posted agenda dated February 15, 2022. There were no objections to Mr. McKay's request for authority to re-order the agenda should the President determine it appropriate to do so.

5. Consideration of Draft Minutes from Previous Meeting

Mr. McKay reminded the members they had received the draft minutes from the Regular Board Meeting held on November 17, 2021. Without objection, he waived the reading of the draft minutes. With no requests for amendments or corrections, and without objection, Mr. McKay declared the minutes were approved as presented.

6. Report on Action Items

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

7. Confirmation of Acts

Pursuant to Mr. McKay's declaration that the officers, committees, and executive director had attended to the business of the Board since their last physical meeting in accordance with policies and procedures previously approved by the Board, Mr. Mercante moved,

Resolved, that the actions taken and decisions made by the Board officers, members and committees, and executive director in the general conduct and transactions of Board business since November 17, 2021 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

Mr. McKay 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 solicited general comments about non-agenda items from the guests present; none were offered.

* *Statement of Purpose*

Mr. McKay 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 mission and legislative mandate in mind as they considered all the matters before them.

At this point, Mr. McKay re-ordered the agenda to accommodate the late arrival of a guest.

10. *Committee Reports*

A. *Finance Committee*

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber directed the members to a copy of the interim report for the current fiscal year in their meeting binder. He noted the report contained the usual financial statements – net position, equity, revenue, expenses, and fund balance summary – for December 31, 2021 which marked the end of the second quarter of the fiscal year. There were no questions from the members or any public comments. He indicated that report was for information only and did not require action by the Board.

Finally, Mr. Resweber expressed his appreciation to the other committee members for their ongoing efforts.

B. *Application Review Committee*

Mr. McKay called upon Mr. Robichaux for the committee report. Mr. Robichaux reported the committee met on December 7, 2021 to consider four applications – for one new pharmacy permit, one new pharmacy technician candidate registration, and two new pharmacy benefit manager permits. Following their interviews of the applicants and subsequent deliberations, the committee voted to authorize the issuance of all credentials without restriction. The committee also requested staff develop a committee policy that would delegate the issuance of new pharmacy benefit manager permits by the staff under certain conditions without the necessity of a committee hearing, similar to existing policies relative to applications for other new credentials.

Mr. Robichaux then reported the committee met again on January 4, 2022 to consider three applications for new pharmacy benefit manager permits. Following their interviews of the applicants and subsequent deliberations, the committee recommended the issuance of the permits without restriction. Although the committee did not achieve a quorum that day, Board President McKay was in attendance and relied upon that recommendation to authorize the issuance of the permits without restriction. The committee also reviewed a proposed committee policy relative to processing applications for new pharmacy benefit manager permits. In the absence of a committee quorum, Mr. McKay indicated he would place the proposed policy on the agenda for the next meeting of the Executive Committee so that it could be reviewed for

approval at the next Board meeting..

Finally, Mr. Robichaux expressed his appreciation to the other committee members for their ongoing efforts.

D. Violations Committee

Mr. McKay noted Mr. Valentine was the newly-appointed chair of the committee, but he was unable to attend the Board meeting that day. He requested Ms. Hall, ranking member of the committee, deliver the committee report. Ms. Hall reported the committee met on December 8, 2021 to consider the 31 cases on their agenda. Following the committee interviews and subsequent deliberations, the committee took no action on 11 of the cases and issued non-disciplinary Letters of Noncompliance to six of the respondents. The committee offered proposed voluntary consent agreements to the remaining 14 respondents. One of the respondents requested reconsideration of their case; that matter was scheduled for the next committee meeting. The other 13 respondents agreed to their proposals; Ms. Hall directed the members to copies of those proposals in their meeting binder and then presented the following cases to the members for their consideration.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 10558 [Leesville, LA] (PHY.006832) {Case No. 21-0216}: Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Lynn Ann Johnson (PST.019325): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$250 plus administrative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 10558 [Leesville, LA] (PHY.006832) {Case No. 21-0414}: Ms. Hall moved to approve the proposed voluntary consent agreement. Mr. Cassidy noted the committee seemed to offer the same amount of the fine for the same repeated violations by the same pharmacy owner and wondered whether the fines had any deterrent effect. He suggested a higher fine might have the desired deterrent effect. Mr. McKay reminded Mr. Cassidy the committee had indeed increased the amount of the fine for that violation in previous years, reaching as high as \$100,000. He suggested the committee was prepared to do so again if the circumstances warranted. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5331 [Shreveport, LA] (PHY.005773): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs; and further, directed the pharmacy to submit a Plan of Correction no later than March 31, 2022 to address the deficiencies identified within the consent agreement.

Ashley Elizabeth Reynolds (PST.020382): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning and assessed administrative costs; and further, imposed a lifetime restriction to prohibit her acceptance of an appointment as the pharmacist-in-charge of any pharmacy licensed by the Board.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5345 [Minden, LA] (PHY.005790): Ms. Hall moved to approve the proposed voluntary consent agreement. Dr. Strong questioned the whereabouts of the pharmacist-in-charge on a prolonged leave of absence. Ms. Hall replied the length of the leave of absence taken by the pharmacist-in-charge exceeded the time period permitted by the Board. There were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 2597 [Chalmette, LA] (PHY.006582): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5442 [Destrehan, LA] (PHY.005939): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 10219 [West Monroe, LA] (PHY.006759): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs; and further, directed the pharmacy to submit a Plan of Correction no later than March 31, 2022 to address the deficiencies identified within the consent agreement.

Pharmaceutical Specialties, LLC d/b/a Pharmaceutical Specialties [Baton Rouge, LA] (PHY.008107): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative or investigative costs.

Michael Marist Bourg (PST.016141): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand and assessed administrative costs; and further, directed the successful completion of the QP503A Certification Program administered by CriticalPoint.

John Joseph Costanza (PST.009412): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The

Board issued a Letter of Reprimand and assessed administrative and investigative costs.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 09526 [Pineville, LA] (PHY.005545): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$15,000 plus administrative and investigative costs; and further, directed the pharmacy to submit a Plan of Correction no later than March 31, 2022 to address the deficiencies identified within the consent agreement.

Ms. Hall then directed the members to the complaint investigation policy monitor report in their meeting binder. She informed the members there were 174 open cases at the beginning of the fiscal year, that staff had opened 245 new cases and closed 280, leaving 139 cases pending as of February 5, 2022. Of the 280 case closures, she reported the average number of days to complete the investigation was 40 days. In addition, five of those case closures (1.8%) had exceeded the policy benchmark of 180 days. She also reminded the members the most common reason for an investigation to exceed the 180-day threshold was a collaborative investigation with other state or federal agencies and that another reason for a nonresident case would be a case on appeal.

Ms. Hall reported the committee's next meeting was scheduled for March 16-17, 2022 to consider the 26 cases on that docket. She closed her report with appreciation to the other committee members for their ongoing work.

Mr. McKay paused the sequence of the committee reports to return to the Reciprocity Committee report.

C. Reciprocity Committee

Mr. McKay called upon Dr. Cloud for the committee report. He reported the staff had evaluated 60 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials. Dr. Cloud then directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder.

Finally, he closed his report with appreciation to the other committee members for their ongoing efforts.

E. Impairment Committee

Mr. McKay called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day to consider three referrals from the staff – one request for reinstatement and two applications for new credentials. One of the applicants did not appear; the committee deferred consideration of their application until their next meeting. Following their interviews of the other applicants and subsequent deliberations, the committee developed recommendations for the Board's consideration. Ms.

Hall then presented the following cases to the members for their consideration.

Rachael Jordan Flores (PST.021687): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years effective February 17, 2022 subject to certain terms enumerated within the voluntary consent agreement.

Eric Wayne Plunkett (Applicant for New Pharmacy Technician Candidate Registration): Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the registration, suspended the newly-issued registration for five years and stayed the execution of the suspension, then placed the newly-issued registration on probation for five years effective February 18, 2022 subject to certain terms enumerated within the voluntary consent agreement.

Finally, Ms. Hall closed her report with appreciation to her fellow committee members for their work the previous day.

F. Reinstatement Committee

Mr. McKay called upon Mr. Cassidy for the committee report. Before presenting the committee recommendations, he reported the outcome of a previous application for reinstatement of a lapsed pharmacy technician certificate disposed of through executive action.

Marie Elescia Billiot (CPT.005789): On August 26, 2021, in accordance with previously approved committee policy, then-President Carl Aron authorized the reinstatement of the lapsed pharmacy technician certificate conditioned upon completion of the following requirements prior to August 26, 2023: (1) Acquisition of 250 hours of updated practical experience under the authority of a Special Work Permit to be supplemented with a letter of competency from the supervising pharmacist; and (2) Acquisition of 10 hours of ACPE-accredited technician-specific continuing pharmacy education.

Mr. Cassidy noted that case report did not require Board action and was presented for information only

Mr. Cassidy reported the committee met the previous day to consider five referrals from the staff – three petitions for reinstatement of lapsed pharmacy technician certificates, one petition for reinstatement of a suspended pharmacist license, and one petition from a pharmacy for modification of previous orders. Following their interviews of the applicants and subsequent deliberations, the committee developed recommendations for the Board's consideration. Mr. Cassidy presented the following cases to the members for their consideration.

Fay Marie Ricaud (CPT.003586): Mr. Cassidy moved to deny the application and refuse to reinstate the lapsed certificate. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to reinstate the lapsed certificate; and further, conditioned the acceptance of any future reinstatement application upon the following requirements: (1) The applicant shall not submit a reinstatement application until after February 17, 2023; and (2) The applicant shall include with her application evidence of her successful completion of a board-approved pharmacy technician certification examination (either PTCB or ExCPT).

Ricky Allan Chambers (PST.021312): Mr. Cassidy moved to reinstate the pharmacist license and restore the license to active and unrestricted status. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted his request for reinstatement of the previously suspended license, then restored the license to active and unrestricted status.

Sarah Elizabeth Granger (CPT.006205): Mr. Cassidy moved to grant the request for reinstatement of the lapsed certificate contingent upon the satisfaction of certain requirements. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the lapsed certificate conditioned upon the satisfaction of the following requirements prior to February 17, 2024: (1) Acquire 350 hours of updated practical experience under the authority of a Special Work Permit; and (2) Acquire 10 hours of ACPE-accredited technician-specific continuing pharmacy education.

Robyn Franke Wimberly (CPT.004715): Mr. Cassidy moved to grant the request for reinstatement of the lapsed certificate contingent upon the satisfaction of certain requirements. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the lapsed certificate conditioned upon the satisfaction of the following requirements prior to February 17, 2024: (1) Pass a board-approved pharmacy technician certification examination (either PTCB or ExCPT); (2) Acquire 250 hours of updated practical experience under the authority of a Special Work Permit; and (3) Acquire 10 hours of ACPE-accredited technician-specific continuing pharmacy education.

Noah's Pharmacy, LLC d/b/a Noah's Pharmacy [Brusly, LA] (PHY.006145): Mr. Cassidy moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for modification of previous orders, reinstated the pharmacy's controlled substance license, reaffirmed the terms of the pharmacy's May 2019 Probation Board Order, and further, imposed a new requirement for a written perpetual inventory of all controlled substances.

Mr. Cassidy closed his report with appreciation to the other committee members for their efforts the previous day.

G. *Tripartite Committee*

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong reported the committee had not met since the previous Board meeting.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee met on January 5 and February 2 during which time they developed several legislative and regulatory proposals. He then presented the committee's recommendations.

- Legislative Proposal 2022-A ~ CDS Schedule Update (Draft #2)

Mr. Indovina reported the committee voted to approve the first draft of the annual proposal to update the state list of controlled substances. Subsequent to the committee meeting, staff discovered additional scheduling actions taken by the federal government. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2022-A CDS Schedule Update (Draft #2), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

Mr. McKay reported he had requested consideration of potential legislation that would provide for the automatic update of the state list of controlled substances whenever the federal list of controlled substances was amended. There were no member questions or public comments on this legislative proposal. The motion was adopted after a unanimous vote in the affirmative.

- Legislative Proposal 2022-B ~ Collaborative Practice (Draft #1)

Mr. Indovina reported the Board approved this same proposal the previous year but was unable to secure a legislative sponsor. The committee voted to recommend its approval again this year. Mr. Indovina then moved.

Resolved, to approve Legislative Proposal 2022-B ~ Collaborative Practice (Draft #1), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

- Legislative Proposal 2022-C ~ Statewide Protocols for Patient Care Services (Draft #4)

Mr. Indovina reported the committee reviewed the statewide protocol program operated by the Oregon Board of Pharmacy on which this legislative proposal is based. In that model, the state board of pharmacy convenes a multidisciplinary advisory group of physicians, nurse practitioners and pharmacists to develop protocols for a variety of patient care services provided by pharmacists. The protocols may include education and training standards for the service contemplated, as well as authorization for post-diagnostic laboratory assessments, authorization to initiate treatment, and medical referral parameters. Once developed by the advisory group, the board promulgates the protocols as standing

rules and they are available for use by any qualified pharmacist in the state. The committee voted to recommend approval of the proposal. Mr. Indovina then moved.

Resolved, to approve Legislative Proposal 2022-C ~ Statewide Protocols for Patient Care Services (Draft #4), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

- Legislative Proposal 2022-D ~ Pharmacy Benefit Managers (Draft #1)
Mr. Indovina reminded the members the PBM Licensing Law was adopted by the 2019 Legislature. The operative part of the law which provides for the licensing of PBMs that perform any of the 10 activities identified in the law and construed to be within the practice of pharmacy indicates the PBM “may” obtain a permit from the Board of Pharmacy. Given the low number of PBMs which have obtained a permit from the Louisiana Board of Pharmacy in comparison to the number of PBMs licensed by the Mississippi Board of Pharmacy, and the expressed intent by at least one PBM who cited the “may” language in the law as the reason they do not intend to apply for a permit, the committee believed it appropriate to ask the legislature to clarify its intent of the necessity for a PBM to obtain a permit from the Board if it performs any of the 10 listed activities. The proposal changes the word “may” to “shall” in the licensing provision. The committee voted to recommend approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2022-D ~ Pharmacy Benefit Managers (Draft #1), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

Mr. Robert Rieger, on behalf of the Pharmaceutical Care Management Association (PCMA), expressed his client’s opposition to the proposal for the same reasons as have been previously presented. The motion was adopted after a unanimous vote in the affirmative.

- Legislative Proposal 2022-E ~ PMP Audit Trail for Medicaid (Draft #1)
Mr. Indovina reminded the members they had approved this proposal the previous year but the Board was unable to secure a legislative sponsor. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2022-E ~ PMP Audit Trail for Medicaid (Draft #1), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

Mr. McKay informed the members that if the Board approved the proposal, the responsibility for securing a sponsor and managing the legislative process would be transferred to the Dept. of Health, at whose request the original legislative proposal was drafted. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Legislative Proposal 2022-F ~ Pharmacy Permit Display (Draft #1)

Mr. Indovina referenced the recent conversion of the Board's credentials to virtual format with no paper copies prepared or mailed. Staff recommended the repeal of the single sentence requirement for the public display of the pharmacy permit. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2022-F ~ Pharmacy Permit Display (Draft #1), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

- Legislative Proposal 2022-G ~ Pharmacist License Reciprocity (Draft #1)

Mr. Indovina reminded the members of the current pharmacist license transfer, or reciprocity, process, noting the law requires Louisiana to reciprocate with other states who reciprocate with Louisiana "under comparable circumstances and conditions." With the standardization of the license transfer requirements across the United States, there remains one state where there is an exception. California will only accept pre-2004 licensure examinations administered in that state and not from any other state. As a consequence, Louisiana cannot accept a reciprocity applicant licensed by examination in California prior to 2004. Staff recommended the removal of the clause "under comparable circumstances and conditions" which would allow Louisiana to accept reciprocity applicants licensed by examination in California prior to 2004. The Board has already turned away multiple applicants licensed in California prior to 2004. The remainder of the law relative to license transfer keeps all other requirements intact. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2022-G ~ Pharmacist License Reciprocity (Draft #1), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

Mr. Cassidy questioned whether California accepts reciprocity applicants from Louisiana. Mr. McKay replied Louisiana pharmacists licensed by examination after 2004 are eligible for reciprocity to California but those licensed prior to 2004 are not eligible for reciprocity to that state. There

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

- Legislative Proposal 2022-H ~ Immunizations (Draft #2)

Mr. Indovina reminded the members of the current section of pharmacy law relative to immunizations that authorizes pharmacists to administer influenza immunizations without a prescription or medical order to any person aged seven and older and to administer other immunizations without a prescription or medical order to any person aged 17 and older. He referenced the federal PREP Act Declaration issued in the early days of the COVID-19 pandemic, and more particularly the Third Amendment of that Declaration issued in August 2020. That federal guidance, which preempts any contrary state law, authorizes pharmacy personnel to administer COVID-19 vaccines, influenza and all other immunizations to persons aged three to 18. The proposal seeks to amend the immunization section of the pharmacy law to lower the age threshold to three years of age for both influenza and other immunizations, and further, to add pharmacy interns and pharmacy technicians as authorized immunizers. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2022-H ~ Immunizations (Draft #2), and further, to authorize its filing in the Regular Session of the 2022 Legislature, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

- Regulatory Proposal 2022-A ~ Marijuana Pharmacies (Draft #3)

Mr. Indovina reported the committee had received requests from stakeholders to remove some of the practice limitations in marijuana pharmacies, and in addition, had also received a request from patient advocates to require marijuana pharmacies to make available cannabis product testing results to patients and their caregivers before dispensing those cannabis products. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-A ~ Marijuana Pharmacies (Draft #3), and further, to authorize the Executive Director to promulgate the proposed rule changes, 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 vote in the affirmative.

Mr. McKay informed the members of a request from the marijuana pharmacies to consider an enforcement discretion relative to the sale of dispensed cannabis products by non-licensed pharmacy personnel in marijuana pharmacies. He noted it is standard practice in all pharmacies to allow any pharmacy personnel to sell prescriptions after they have been

dispensed by the pharmacist. He noted the regulatory proposal included a provision allowing any pharmacy personnel to sell cannabis products after they have been dispensed, and that he was inclined to issue a staff directive to exercise enforcement discretion to allow that practice to occur now while the promulgation process is underway. There were no objections by the members or public. Mr. McKay directed staff to exercise that enforcement discretion for the remainder of the rule promulgation process.

Mr. LaGrange questioned whether that enforcement discretion could be extended to other proposed changes in the regulatory proposal, specifically the requirement to obtain the separate Therapeutic Marijuana (TM) designation. Mr. McKay asked Mr. Broussard to respond to that request. Mr. Broussard indicated it would be the Board's prerogative whether to grant such a request, and he encouraged them to consider all the aspects surrounding the temporary suspension of an existing credential before making such a decision. Mr. LaGrange then asked how long it would take for the promulgation process. Mr. Broussard replied it would take at least 120 days but that it was not possible to accurately forecast the completion date at that time since the meeting dates of the Occupational Licensing Review Commission are set at the end of the previous meeting. He indicated he would be able to forecast a date certain after the required public hearing but was not able to do so that date. Mr. LaGrange asked what guidance the marijuana pharmacies could have on whether personnel need to obtain the TM designation, and Mr. Broussard replied that unless the Board takes a different approach, Board staff will reply to such inquiries with directions to comply with the current rule.

- Regulatory Proposal 2022-B ~ Nonresident Pharmacies (Draft #2)

Mr. Indovina referenced the 2021 regulatory project which made a change in the Board notification requirements relative to changes in the pharmacist-in-charge position at a resident pharmacy. Staff developed a proposal to make the same changes in the chapter of rules for nonresident pharmacies as well as other technical changes in that chapter. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-B ~ Nonresident Pharmacies (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve any 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 vote in the affirmative.

- Regulatory Proposal 2022-D ~ Licensing of Dependents of Healthcare Professionals (Draft #1)

Mr. Indovina reminded the members of Act 279 of the 2021 Legislature which created a new section of healthcare licensing law targeting

dependents of healthcare professionals relocating to Louisiana to provide a pathway for expedited credentialing similar to pathways previously established for military applicants and their dependents. Staff prepared the proposal which adds new sections in the chapters of rules for pharmacists and pharmacy technicians. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-D ~ Licensing of Dependents of Healthcare Professionals (Draft #1), and further, to authorize the Executive Director to promulgate the proposed new rules, 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 vote in the affirmative.

- Regulatory Proposal 2022-E ~ Pharmacy Benefit Managers (Draft #2)

Mr. Indovina reminded the members of their promulgation of the new rules for pharmacy benefit managers in May 2021. The staff then received applications for new pharmacy benefit manager permits, all of which were referred to the Board's Application Review Committee. With approximately 12 applications approved, that committee has indicated they have not relied on the audited financial statements included in the applications during their deliberations. The Regulation Revision Committee reviewed a proposal to repeal the requirement for the inclusion of an audited financial statement with the application for the initial issuance of a pharmacy benefit manager permit and voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-E ~ Pharmacy Benefit Managers (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

There were no member questions. Mr. Robert Rieger, on behalf PCMA, reiterated his client's position the Board should not have required audited financial statements in the original rule and expressed their support of the Board's proposal to repeal that requirement. Mr. Rieger requested the Board also remove from the application a requirement to submit the standard generic contract template used. Mr. Mannino asked Mr. Rieger why he objected to the inclusion of that document with the application. Mr. Rieger replied his client believes the Board is not entitled to have that information. Mr. McKay replied the Board would consider that request as it further reviews the entire application for potential revision.

At this point, Mr. McKay declared a recess. It was noted the members recessed at 10:20 a.m. and then reconvened at 10:50 a.m. Mr. Indovina continued his committee report.

- Regulatory Proposal 2022-F ~ Transfer of Prescription Information (Draft #2)

Mr. Indovina reported the committee received a request to authorize the transfer of prescription information between pharmacies by facsimile instead of verbally. During their review of the relevant rule, the committee determined the current rule does not restrict the transfer of prescription information between pharmacies to any particular mode of transmission. The committee opted to not insert specific modes of transmission into the current rule. During their review of the rule, the committee discovered other portions of the rule which referenced written prescriptions and determined it appropriate to revise those items to accommodate electronic prescriptions and electronic recordkeeping systems. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-F ~ Transfer of Prescription Information (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Mr. Cassidy asked what, specifically, would change in the current rule. Mr. McKay asked Mr. Broussard to review the two proposed changes. Mr. Broussard directed the members to the proposal and reviewed the specific changes. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2022-G ~ Pharmacy Operations (Draft #3)

Mr. Indovina reported an inquiry from a state representative in the aftermath of Hurricane Ida seeking what requirements the Board has for pharmacies to notify their patients how to obtain their prescriptions when the pharmacies are temporarily closed following natural disasters. While reviewing the rules for pharmacy operations to address that issue, the committee elected to also address long-standing complaints about pharmacy staffing and patient safety. Rather than attempt to construct arbitrary numbers for a variety of practice settings, the committee opted to set a general requirement for the pharmacy owner to employ and staff a pharmacy with an appropriate number and mix of professional, technical and clerical personnel to safely operate a pharmacy and dispense prescriptions accurately. The committee also included language codifying a long-standing staff guidance to certain types of pharmacies to waive the requirement to publicly post their hours of operation. The committee voted to recommend the approval of the proposal. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2022-G ~ Pharmacy Operations (Draft #3), and further, to authorize the Executive Director to promulgate the proposed rule changes, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

Mr. McKay noted a recent announcement from a major chain pharmacy of their intent to close most of their pharmacies for a 30 minute break in the

early afternoon. Mr. LaGrange applauded the pharmacies which created such operational breaks. He added his concern for pharmacists who were practicing 10 and 12 hour shifts without breaks and wondered whether such practices might violate certain federal labor laws or rules. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- Proposed Policy PPM.I.A.36 ~ Laboratory Testing in Pharmacies (Draft #1)

Mr. Indovina reminded the members of the earlier legislative proposal relative to statewide protocols for patient care services which included a reference to pharmacists administering laboratory assessments. During that portion of the committee's deliberations, they were reminded by staff the Board had issued a guidance document in 2009 relative to the performance of moderately complex laboratory assessments, but there were no other guidance documents relative to CLIA-waived laboratory assessments. The committee requested staff to develop a policy statement relative to all laboratory assessments, with the intent to approve the new statement and then rescind the older more limited guidance document. The committee voted to recommend the approval of the proposed new policy. Mr. Indovina then moved,

Resolved, to approve PPM.I.A.36 ~ Laboratory Testing in Pharmacies (Draft #1).

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

- Policy PPM.I.A.9 ~ Moderately Complex Laboratory Testing

Mr. Indovina then moved,

Resolved, to rescind PPM.I.A.9 ~ Moderately Complex Laboratory Tests.

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

Mr. Indovina informed the members the committee had also voted to return two topics assigned to the committee back to the Board with no recommendation. In particular:

- During the committee's review of the request to revise the CDS licensing rules for drug detection canine handlers and animal euthanasia technicians, it became apparent the underlying law (Part X-C of the state controlled substance law in Title 40) needs revision from its original 1987 language. The committee voted to return this assignment with no action and a recommendation to re-visit the topic after the legislature updates that law.
- The committee also reviewed the request to define "electronic prescription" in such a manner as to require electronic prescriptions for all medications to meet the same security requirements applicable to prescriptions for controlled substances. The committee opined the marketplace for vendors of electronic prescribing software had

evolved too much to attempt to force the additional requirement for two-factor authentication for electronic prescriptions for medications not listed as controlled substances. The committee voted to return the topic to the Board with no action.

Finally, Mr. Indovina identified several of the topics remaining on the committee's agenda, and then closed his report with appreciation to the other committee members for their ongoing efforts.

At this point, Mr. McKay reordered the agenda to return to Agenda Item 9 ~ Special Orders of the Day.

9. *Special Orders of the Day*

A. *Presentation of Pharmacist Gold Certificates*

Mr. McKay reminded the members and guests of the special recognition granted by the Board to pharmacists who achieve 50 years of practice as a licensed pharmacist in Louisiana. On receipt of a Pharmacist Gold Certificate, the recipient is granted a waiver of license renewal fees for the remainder of their life.

He noted the Board issued new licenses to 116 pharmacists during Calendar Year 1970, and of that number, 40 of them had qualified for their Gold Certificate. He announced one pharmacist had requested the presentation of their Gold Certificates that day. Mr. McKay then presented a Pharmacist Gold Certificate to Mr. John Gabriel Biglane. Mr. Biglane expressed his appreciation to the Board for the recognition. The members and guests congratulated Mr. Biglane with a standing ovation.

At that point, Mr. McKay reordered the agenda to return to the committee reports.

I. *Executive Committee*

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. The committee members considered a number of policy statements and reviewed the administrative operations. He indicated Ms. Hall was prepared to offer motions on behalf of the committee.

- Proposed Revision of PPM.I.D.28 ~ COVID-19 Public Health Emergency: Guidance for Licensees re PREP Act Declaration by HHS

Mr. McKay reminded the members of their adoption of the interim policy in February 2021 and its subsequent multiple amendments. Staff prepared the revision to incorporate the issuance of the 10th Amendment to the HHS Declaration in January 2022. The committee voted to recommend the approval of the proposed revision. Ms. Hall then moved,

Resolved to approve the proposed revision of PPM.I.D.28 ~ COVID-19 Public Health Emergency: Guidance for Licensees re PREP Act Declaration by HHS.

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

- Consideration of Interim Policies (I.D.1 through I.D.29)
 Mr. McKay reported the committee reviewed all of the interim policies and determined it appropriate to terminate the interim policy issued for Hurricane Ida relative to the NABP Passport program on February 28, 2022, and further, to make no changes to any of the existing expiration dates of the remaining interim policies. Ms. Hall then moved,
Resolved, with respect to the February 2022 Summary of Interim Policies, to terminate PPM.I.D.30 ~ Hurricane Ida: NABP Passport on February 28, 2022, and further, to make no changes to any other interim policies listed in that summary. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.
- Proposed Revision of PPM.III.B.1 ~ Application for New Pharmacist License by Examination or Score Transfer
 Mr. McKay reported the committee considered a proposal from the staff to insert a technical amendment relative to the requirement for a criminal background check. The committee voted to recommend the approval of the proposed revision. Ms. Hall then moved,
Resolved, to approve the proposed revision of PPM.III.B.1 ~ Application for New Pharmacist License by Examination or Score Transfer. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.
- Proposed Revision of PPM.III.B.2 ~ Application for New Pharmacist License by Reciprocity or License Transfer
 Mr. McKay reported the committee considered a staff proposal to insert a technical amendment relative to the requirement for a criminal background check. The committee voted to recommend the approval of the proposed revision. Ms. Hall then moved,
Resolved, to approve the proposed revision of PPM.III.B.2 ~ Application for New Pharmacist License by Reciprocity or License Transfer. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.
- Proposed Revision of PPM.III.B.6 ~ Application for New Resident Pharmacy Permit
 Mr. McKay reported the committee considered a proposal to remove the requirement for a criminal background check for the pharmacist-in-charge signing the application as well as any person holding a 20% or more share of ownership of the pharmacy. The committee voted to recommend the approval of the proposed revision. Ms. Hall then moved,
Resolved, to approve the proposed revision of PPM.III.B.6 ~

Application for New Resident Pharmacy Permit.

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

- Proposed Revision of PPM.III.B.7 ~ Application for New Nonresident Pharmacy Permit

Mr. McKay reported the committee considered making the same change in this policy for nonresident pharmacy permits as just adopted for resident pharmacy permits. The committee voted to recommend the approval of the proposed revision. Ms. Hall then moved,

Resolved, to approve the proposed revision of *PPM.III.B.7 ~ Application for New Nonresident Pharmacy Permit.*

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

- Proposed New PPM.III.B.8 ~ Application for New Pharmacy Benefit Manager (PBM) Permit

Mr. McKay reported the Application Review Committee recommended the development of a licensing policy for PBM permits similar to other licensing policies for pharmacy permits and other credentials, such that staff would be authorized to issue new PBM permits pursuant to completed applications which present no concerns warranting a committee-level review. The Executive Committee reviewed the proposal developed by staff and then voted to recommend the approval of the new policy. Ms. Hall then moved,

Resolved, to approve the proposed new *PPM.III.B.8 ~ Application for New Pharmacy Benefit Manager (PBM) Permit.*

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

- Proposed Revision of PPM.III.F ~ Attachment of Disciplinary Action to Credentials

Mr. McKay reported the committee reviewed a recommendation to update this policy relative to publication of final adverse actions to mirror the August 2020 change in the specific policy relative to publication of final adverse actions, found at PPM.I.C.7.a. Ms. Hall then moved,

Resolved, to approve the proposed revision of *PPM.III.F ~ Attachment of Disciplinary Action to Credentials.*

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

- Proposed Revision of PPM.III.J ~ Criminal Background Checks

Mr. McKay reported the committee reviewed a proposal to remove the 5-year expiration dates on criminal background check reports and to remove the requirement for a criminal background check from the applications for new pharmacy permits and new PBM permits. The

committee voted to recommend the approval of the proposed revision. Ms. Hall then moved,

Resolved, to approve the proposed revision of PPM.III.J ~ Criminal Background Checks.

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

- Bank Resolution for Executive Director Designate

Mr. McKay reported the committee reviewed a proposal to authorize the Executive Director Designate to sign checks and other financial documents for the Board. The committee voted to recommend the approval of the proposal. Ms. Hall then moved,

Resolved, to authorize Mr. Joseph Fontenot, in his current role as the Board's Executive Director Designate and then as Executive Director, to execute any negotiable financial instrument and to initiate any financial transaction on behalf of the Board.

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

Mr. McKay reported the committee also reviewed a request from staff for guidance in responding to multiple inquiries from licensed pharmacy personnel relative to the use of medical cannabis products when recommended by a physician. He noted these requests are similar to other requests relative to their use of other prescribed controlled substances while engaged in the practice of pharmacy. The committee reviewed a declaratory statement on this topic issued by the state nursing board in 2010. The committee requested staff assistance in drafting a document for the Board's consideration at a future meeting.

Finally, Mr. McKay closed his report with appreciation to the other committee members for their ongoing efforts.

At this point, Mr. McKay declared a luncheon recess. It was noted the members recessed at 11:35 a.m. and then reconvened at 12:32 p.m. Mr. McKay resumed the sequence of the posted agenda.

11. *Staff Reports*

J. *Report of Executive Director Designate*

Mr. McKay called upon Mr. Fontenot for his report. Mr. Fontenot directed the members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. The report also included information on the dispensing of medical cannabis products in the marijuana pharmacies. He reported the program staff continues to issue prescriber report cards detailing their opioid prescribing rate in comparison to their peers. He also reported the program staff continues to notify prescriber licensing boards of their licensees who appear to not be compliant with the

mandatory use law for prescribers. He noted the program staff continues to monitor compliance with mandatory reporting requirements and noted the compliance rate in pharmacies is very high.

Mr. Fontenot then directed the members to the requests from eight pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Pitre then moved,

Resolved, to authorize the issuance of full PMP reporting waivers to:

- > PHY.008394-NR – Albertsons Specialty Care Pharmacy (ID);
- > PHY.008381-NR – ARJ Infusion Services (KS);
- > PHY.008294-NR – CVS Pharmacy No. 11340 (FL);
- > PHY.008389-NR – Ethical Factor Rx (PA);
- > PHY.008358-HOS – Northern Louisiana Medical Center (LA);
- > PHY.008343-IR – Oceans Healthcare Pharmacy (LA);
- > PHY.008327-NR – Specialty Care Rx (TN); and
- > PHY.008375-NR – Valley Vet Pharmacy (KS)

once they have executed the standard consent agreement for that purpose.

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

Mr. Fontenot reported that he and Mr. Broussard had been summoned to appear the previous day before the House Health & Welfare Committee during their deliberations convened pursuant to House Concurrent Resolution 6 of the 2021 Legislature. That legislative resolution directed the review of the medical marijuana program in the state and solicited the development of recommendations for improvements to the program. Mr. Fontenot reported the House Health & Welfare Committee ultimately determined they did not need the information he had prepared, but instead of filing the presentation away, he presented it to the members at that time. The presentation included the quarterly dispensing report for medical cannabis reports usually given during the Board meeting, but also included more detailed information on the growth of the program metrics (patients, recommendations dispensed, and physicians) since the raw product became available in January 2022.

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

Mr. McKay called upon Mr. Finalet for his report. Mr. Finalet presented the following proposed voluntary consent agreements to the members for their consideration.

Melinda Gail Roberts (PTC.029876): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective December 14, 2021, and further, permanently prohibited the acceptance of any future application for any credential issued by the Board.

Jennifer Lauren Pilgrim (CPT.009422): Mr. Robichaux moved to accept the voluntary surrender of the credential. Mr. Indovina asked if he could discuss the

case in open session and Mr. Finalet indicated that would be inappropriate since the underlying case is still pending. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in suspension of the certificate for an indefinite period of time effective December 22, 2021.

Kelly Corpstein Todd (PST.019568): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Antoinette Tyquedallyn Brown (CPT.014001): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed a fine of \$250 plus administrative costs.

John Peter Sullivan (PST.023276): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Alexis Rochelle Verdin (PTC.029185): Mr. Robichaux moved the approve the proposed voluntary consent agreement. In reply to a question from Mr. Robichaux, Mr. Finalet clarified the multiple COVID-19 claims submitted by the respondent were determined to be fraudulent. In reply to a question from Ms. Hall, Mr. Finalet indicated the complaint was submitted by the respondent's employer pharmacy. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration effective January 8, 2022, and further, permanently prohibited the acceptance of any future application for any credential issued by the Board.

Ron Group, LLC d/b/a Blue Sky Specialty Pharmacy [Mount Pleasant, SC] (PHY.007958): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Optime Care, Inc. d/b/a Optime Care [Earth City, MO] (PHY.007762): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$5,000 plus administrative costs.

Irene Cox Creswell (PST.011671): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Jacob Daniel Jamron (PST.023369): Mr. Robichaux moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Finally, Mr. Finalet indicated the completion of his report.

L. Report of Executive Director

Mr. McKay called upon Mr. Broussard for his report. Mr. Broussard directed the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
 - Internal Reports
 - Credentials Division
 - Census Report
 - Licensure Activity Report
 - Application Activity Report
 - Exceptions Report
 - Compliance Division
 - Census Report
 - Complaint Investigation Policy Monitor
 - External Reports
 - Board Reports to Administrative and Legislative Agencies
- Examinations
 - MPJE
 - NAPLEX
 - ExCPT
 - PTCE
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - Mr. Broussard reminded the members they had authorized a renovation of the Board's website. He indicated the renovation had just been completed. The Board staff had scheduled training and final review of the website content for the next two weeks. He indicated staff would post a pre-launch notice on the current website and also send email messaging to all of the Board's licensees and interested parties of the launch date for the renovated website.
- State Activities
 - Louisiana Legislature
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6

MALTAGON

- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)

Finally, Mr. Broussard indicated the completion of his report.

12. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

13. Announcements

Mr. McKay directed the members to the announcements in their meeting binder, and noted the listing of the remaining board meeting dates for Calendar Year 2022.

14. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. McKay adjourned the meeting at 12:52 p.m.

Minutes prepared by Malcolm Broussard and then approved as presented during the subsequent meeting on May 11, 2022.

Richard M. Indovina, Jr.
Secretary