



Louisiana Board of Pharmacy
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Minutes

Regular Board Meeting

Wednesday, November 20, 2024
Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy (the “Board”) convened a regular meeting on **Wednesday, November 20, 2024** 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.

1. Call to Order

Mr. Marty McKay, President, called the meeting to order at 9:01 a.m.

2. Invocation & Pledge of Allegiance

Dr. J. Robert Cloud delivered the invocation and Mr. Don L. Resweber led the group in the Pledge of Allegiance.

3. Quorum Call

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

Members Present:

Dr. J. Robert Cloud, PharmD
Dr. David G. Collins, PharmD
Mr. David A. Darce
Ms. Jennifer E. Dupree
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. W. Charles Jones
Mr. Kevin LaGrange
Mr. Richard Mannino
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. J. Troy Menard
Mr. Anthony G. Mercante
Mr. Robert A. “Butch” Ray
Mr. Don L. Resweber
Mr. Richard A. “Andy” Soileau
Dr. Raymond J. Strong, PharmD

Members Absent:

None

Staff Present:

Mr. M. Joseph Fontenot Jr., Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. Benjamin S. Whaley, Chief Compliance Officer
Ms. Becky C. Parker, Compliance Officer
Ms. Sarah B. Stevens, Director of Licensing
Ms. Kelley L. Villeneuve, Office Manager
Ms. M. Danielle Hartzog, Administrative Program Specialist

Guests:

Mr. Dwayne R. Mitchell – Mitchell's Pharmacy
Ms. Ally T. Novel – XULA Student – Pharmacy Intern
Dr. William R. Kirchain, XULA College of Pharmacy
Mr. Malcolm J. Broussard – Hygeia Solutions
Mr. Myles Ford – New Orleans Career Center
Ms. Tanara Tenette – New Orleans Career Center
Dr. Paul D. Menasco – Ochsner
Mr. Charlie Corona – Louisiana Independent Pharmacies Association
Ms. Sarah A. Perkins – Breazeale, Sachse & Wilson
Ms. Jessica Elliot – Louisiana Alliance of Retail Pharmacies
Mr. Eric K. Vidrine – Professional Arts Pharmacy, Lafayette, LA
Ms. Lori M. Maraist – Professional Arts Pharmacy, Lafayette, LA
Mr. Michael Maylon – Gem Drugs, Inc.

Secretary Indovina certified all 17 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 November 15, 2024. 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 August 14, 2024. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection, Mr. McKay declared the minutes were approved as presented.

6. Report on Action Items

Mr. McKay called upon Mr. Fontenot for the report. Mr. Fontenot directed the members to the report in their meeting materials which provided an update on the current status of eight regulatory projects. The members had no questions and Mr. Fontenot concluded his report.

7. Confirmation of Acts

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

Resolved, that the decisions made and the actions taken by the Board officers, members and committees, and executive director in the general conduct and transactions of Board business since August 14, 2024 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 on 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 legislative mandate in mind as they considered all the matters before them.

9. Special Orders of the Day

A. Annual Election of Officers

Mr. McKay reminded the members and guests of the annual election of officers, for single year terms, conducted at the final meeting of the calendar year. He stated there are five officers for the Board: President, three Vice Presidents, and Secretary. He indicated he would conduct elections for each of the five officer positions in rank order, with the newly-elected officer assuming their position immediately. Ms. Jennifer Dupree motioned to keep the current slate of officers, moving Mr. Resweber to Second Vice President, and adding Dr. Robert Cloud as Third Vice President. Mr. McKay requested additional nominations but none were offered; he then closed the nominations. With no objections or public comments, the motion was adopted after a unanimous vote in the affirmative, followed by enthusiastic approval with clapping by the members. The following members were elected to officer positions:

- Mr. Marty McKay – President
- Ms. Jacqueline Hall – First Vice President
- Mr. Don Resweber – Second Vice President
- Dr. J. Robert Cloud – Third Vice President
- Mr. Richard Indovina – Secretary

Mr. McKay thanked all the members for their support.

B. Presentation of Gold Certificates

Mr. Fontenot presented a Gold Pharmacist Certificate to Mr. Marty McKay, PST.010482 noting during the presentation a synopsis of both his professional service as well as service to the State of Louisiana and the profession of pharmacy as a board member. The members and guests congratulated Mr. McKay with generous applause.

10. Committee Reports

A. Finance Committee

Mr. McKay called upon Mr. Resweber for the committee report. Mr. Resweber reported the committee met the previous day to consider three items on their posted agenda.

1. Legislative Auditor's Financial Audit Report for Fiscal Year 2023-2024
2. Proposed Budget Amendment No. 1 for Fiscal Year 2024-2025
3. Proposed Budget for Fiscal Year 2025-2026

Mr. Resweber proceeded by reminding the members that during the previous Board meeting, the Board's certified public accounts provided a presentation which detailed the Board's financial statements for the previous fiscal year, subject to legislative audit. The legislative auditor completed his audit on September 5, 2024 and the report was included in the member's meeting material.

Mr. Resweber referenced page 1 of the auditor's report in which it noted the financial statements present fairly, in all material aspects, the respective financial position of the Board as of June 30, 2024.

Additionally, on page 39 of the report, it noted no material weaknesses, no significant deficiencies, and no findings.

Mr. Resweber reported the committee reviewed the auditor's report and voted unanimously to recommend acceptance of the report. On behalf of the committee, Mr. Resweber moved,

Resolved, to accept the audited financial statements for fiscal year 2023-2024 as the Board's final report.

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

Mr. Resweber then reported the committee reviewed the proposed budget amendment for fiscal year 2024 - 2025 and voted unanimously to recommend adoption. On behalf of the committee, Mr. Resweber moved,

Resolved, to approve and adopt Proposed Budget Amendment No. 1 for Fiscal Year 2024 - 2025 (Draft #1).

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

Mr. Resweber informed the members that the State of Louisiana requires the Board to submit their budget for the next fiscal year prior to January 1, 2025. He reported the committee reviewed the proposed budget and voted unanimously to recommend its adoption. On behalf of the committee, Mr. Resweber moved,

Resolved, to approve and adopt the Proposed Budget for Fiscal Year 2025 - 2026 (Draft #1).

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

Mr. Resweber concluded his report by recognizing the other members of the committee – Ms. Melancon and Mr. Jones. Mr. McKay thanked Mr. Joe Fontenot and Ms. Kelley Villeneuve for their contributions.

B. Application Review Committee

Mr. McKay called upon Dr. Cloud for the committee report. Dr. Cloud reported that since the last Board meeting, the Board office has not received any applications which require committee consideration and as a result, the committee has not met.

Dr. Cloud concluded his report by recognizing the other members of the committee – Mr. Darce and Mr. Mannino.

C. Reciprocity Committee

Mr. McKay called upon Mr. Mannino for the committee report. Mr. Mannino reported the staff had evaluated 57 applications for pharmacist licensure by reciprocity since the last Board meeting and 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. Mr. Mannino then directed the members to the list of new pharmacists licensed by reciprocity in their meeting materials.

Mr. Mannino concluded the report by recognizing the other committee members – Mr. Jones, Mr. LaGrange, Mr. Mercante, and Mr. Resweber.

D. Violations Committee

Mr. McKay called upon Mr. Indovina to give the committee report. Mr. Indovina reported the committee met on September 17-18, 2024 to consider several cases on their agenda. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Mr. Indovina directed the members to copies of those proposals in their meeting materials and then presented the following cases to the members for their consideration.

Daniel Pharmacy, LLC, dba Daniel Pharmacy (Brusly, LA) (PHY.008230): Mr. Indovina 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. For its failure to notify the Board of a change in pharmacist-in-charge (PIC) within 30 days of the prior PIC's departure date, the Board issued a letter of warning; and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 110-02982 (Baton Rouge, LA) (PHY.002942): Mr. Indovina moved to approve the proposed voluntary consent agreement. There was member discussion and no public

comments. The motion was adopted after a unanimous vote in the affirmative. For its failure to notify the Board of a change in PIC within 30 days of the prior PIC's departure date, the Board assessed a fine of \$1,000 plus administrative and investigative costs.

Chris' Pharmacy and Gifts, LLC, dba Chris' Pharmacy and Gifts (Maurepas, LA) (PHY.006032): Mr. Indovina 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. For its accountability for shortages of CS and failure to provide effective controls and procedures to guard against theft or diversion of CS, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Wal-Mart Louisiana, LLC, dba Wal-Mart Pharmacy #10-5774 (Houma, LA) (PHY.007357): Mr. Indovina 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. For its failure to notify the Board of a change in PIC within 30 days of the prior PIC's departure date and renewal of the pharmacy permit without a validly designated PIC, the Board assessed a fine of \$2,500 plus administrative and investigative costs.

Wal-Mart Louisiana, LLC, dba Wal-Mart Pharmacy #10-3752 (Bossier City, LA) (PHY.007032): Mr. Indovina moved to approve the proposed voluntary consent agreement. There was member discussion and no public comments. The motion was adopted after a unanimous vote in the affirmative. For its failure to notify the Board of a change in PIC within 30 days of the prior PIC's departure date and renewal of the pharmacy permit without a validly designated PIC, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

Precision Compounding Pharmacy and Wellness, Inc, dba Precision Compounding Pharmacy (Bellmore, NY) (PHY.008778): Mr. Indovina 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. For dispensing 551 prescriptions to Louisiana residents without the required Louisiana nonresident pharmacy permit and subsequently obtaining a pharmacy permit by misrepresentation, the Board assessed a fine of \$25,000 plus administrative and investigative costs.

Wells Pharmacy Network, LLC, dba Wells Pharmacy Network (Ocala, FL) (PHY.006593): Mr. Indovina moved to approve the proposed voluntary consent agreement. There was member discussion and no public comments. The motion was adopted after a unanimous vote in the affirmative. For dispensing 2,826 prescriptions of compounded products into Louisiana that failed to conform to the minimal standards of acceptable pharmacy practice and dispensing 52 prescriptions into Louisiana without a valid pharmacy permit, the Board assessed a fine of \$52,390 plus administrative and investigative costs.

Rhonda Renee Rohr Drobiasziewicz (PST.015067): Mr. Indovina 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. For her accountability as PIC of Wells Pharmacy Network in regard to the dispensing of 2,826 prescriptions of compounded products into Louisiana that failed to conform to the minimal standards of acceptable pharmacy practice and for the dispensing of 52 prescriptions into Louisiana without a valid pharmacy permit, the Board assessed a fine of \$5,000 plus administrative costs.

WP Pharma Labs, Inc, dba WP Pharma Labs (Dallas, TX) (PHY.008392): Mr. Indovina 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. For dispensing approximately 606 prescriptions of compounded products into Louisiana that failed to conform to the minimal standards of acceptable pharmacy practice, the Board assessed a fine of \$9,090 plus administrative and investigative costs.

Jerry Lance May (PST.022491): Mr. Indovina 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. For his accountability as PIC of WP Pharma Labs in regard to the dispensing of approximately 606 prescriptions of compounded products into Louisiana that failed to conform to the minimal standards of acceptable pharmacy practice, the Board assessed a fine of \$5,000 plus administrative costs.

Revive Rx, LLC, dba Revive Rx Pharmacy (Houston, TX) (PHY.008198): Mr. Indovina 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. For dispensing prescriptions of compounded products into Louisiana that the Board alleges failed to conform to the minimal standards of acceptable pharmacy practice, the Board assessed a fine of \$36,570 plus administrative and investigative costs.

Aaron Michael Schneider (PST.023621): Mr. Indovina 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. For his accountability as PIC of Revive Rx Pharmacy in regard to dispensing prescriptions of compounded products into Louisiana that the Board alleges failed to conform to the minimal standards of acceptable pharmacy practice, the Board assessed a fine of \$5,000 plus administrative costs.

Drex, Inc (PBM.000035): Mr. Indovina moved to approve the proposed voluntary consent agreement. There was member discussion and no public comments. The motion was adopted after a unanimous vote in the affirmative. For operating as a pharmacy benefit manager processing 41,240 prescriptions for Louisiana patients prior to being credentialed, the Board assessed a fine of \$41,240 plus administrative and investigative costs.

Mr. Indovina concluded the report by advising of the next scheduled committee meeting to consider 14 cases on December 10-11, 2024. Mr. Indovina then recognized the other committee members – Dr. Cloud, Ms. Hall, and Mr. Mercante. Members thanked the Compliance Division, Mr. Finalet, and Mr. Fontenot for their contributions.

E. Impairment Committee

Mr. McKay called upon Ms. Hall for the committee report. Ms. Hall reported the committee met the previous day. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Ms. Hall then presented the following cases:

Mandy Renee Arrant (PST.019118): Ms. Hall moved to remove all probationary terms and conditions imposed by the Board order issued May 26, 2021. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request by removing all terms and conditions of her probation imposed from her May 26, 2021 Board order, and restored her license to an active and unrestricted status.

Daniel Riley Boalch (PST.025586): Ms. Hall moved to authorize the issuance of a pharmacist license and place it under the standard terms of the Impairment Recovery Program with a 10-year period of probation. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board placed any credential issued to the respondent on suspension beginning on November 20, 2024 and terminating on November 20, 2034, suspended the suspension, and placed the credential on probation for the period of suspension, subject to certain terms enumerated within the voluntary consent agreement.

Thomas Joseph Walker (PST.015721): Ms. Hall moved to reactivate the pharmacist license and place it under the standard terms of the Impairment Recovery Program with a 5-year period of probation. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years beginning on November 20, 2024 and terminating on November 20, 2029, suspended the suspension, then placed the credential on probation for the period of suspension, subject to certain conditions enumerated within the voluntary consent agreement.

Ms. Hall closed her report by recognizing the other committee members - Mr. Darce, Mr. Menard, Mr. Resweber and Dr. Strong.

F. Reinstatement Committee

Mr. McKay called upon Dr. Strong for the committee report. Dr. Strong reported the committee met the previous day. Following their interviews and subsequent deliberations, the committee developed recommendations for the Board's consideration. Dr. Strong then presented the following cases:

CPT.007059 – Sophia Omar: Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board order. 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 pharmacy technician certificate, conditioned upon her satisfaction of the following requirement prior to November 20, 2026: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit.

CPT.010445 – Pamela Rosa Barbee: Dr. Strong moved to approve the reinstatement of the lapsed certificate conditioned upon completion of certain requirements identified within the Board order. 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 pharmacy technician certificate, conditioned upon her satisfaction of the following requirement prior to November 20, 2026: (1) acquisition of at least 250 hours of updated practical experience under the authority of a special work permit.

Dr. Strong referred the members to the posted committee meeting agenda for a listing of all interim reinstatement actions by the committee chair and licensing staff.

Dr. Strong then concluded his report by recognizing the other committee members - Ms. Dupree, Mr. LaGrange, Mr. Mannino, and Mr. Mercante. Dr. Strong further thanked board staff for their contributions.

G. Tripartite Committee

Mr. McKay stated the committee has not met and there was no report for the committee.

At this point, Mr. McKay declared a recess. It was noted the members recessed at 9:58 a.m. and reconvened at 10:15 a.m.

H. Regulation Revision Committee

Mr. McKay called upon Mr. Indovina for the committee report. Mr. Indovina reported that the committee last met on October 17, 2024 to consider several items on their agenda and developed recommendations for the Board's consideration.

- Legislative Proposal 2025-A ~ PMP Record Retention (Draft #1)

Mr. Indovina reminded the members that PMP law defines two forms of information, "prescription monitoring information" and "audit trail information". Current law gives the Board authority to establish by regulation, standards for the retention, archiving, and destruction of "prescription monitoring information"; it failed to identify the other form of PMP information which is "audit trail information". The committee developed Draft #1 to add "audit trail information" to the information the Board could develop a regulation for retention, archiving, and destruction. Mr. Indovina then moved,

Resolved, to approve Legislative Proposal 2025-A ~ PMP Record Retention – Draft #1, and further, to authorize its filing in the regular session of the 2025 or 2026 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 2024-G ~ Pharmacist-in-Charge (PIC) Requirements (Draft #2)**

Mr. Indovina advised that the committee received a request to consider a change in the Board's experience requirement for a pharmacist to qualify for the PIC privilege. The current regulation imposes a minimum of two years of active pharmacy practice to qualify. Staff surveyed other boards of pharmacy in the south and learned that Texas, Arkansas, Oklahoma, Mississippi, Alabama, and Tennessee do not impose an experience requirement. The committee developed and approved draft #2. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2024-G ~ Pharmacist-in-Charge Requirements - 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.

Public comment was offered by Dr. Paul Menasco who questioned if pharmacists practicing their first year within a residency program would be eligible to serve as PIC under the proposed regulation. Mr. McKay clarified that one year of licensure as a pharmacist would be sufficient.

Further public comment was offered by Dr. William Kirchain expressing concern that graduates may not have the judgement required with one year of licensure to determine if they are ready to accept a PIC appointment and that the pharmacist may be pressured to take the responsibility. Mr. Indovina reminded Dr. Kirchain of the professional responsibilities and consequences for both the pharmacist and the permit holder when making decisions regarding PIC appointments. He further advised that limiting the designation to those with two or more years of licensure eliminates candidates that are capable and have the judgement needed to make the decision. Mr. McKay acknowledged the concern while reiterating that the limitations of some cannot impact capable pharmacists.

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

- Regulatory Proposal 2024-H ~ Emergency Drug Kit Permit (Draft #1)

Mr. Indovina advised that current regulation places a requirement on the administrator of a facility, for example a nursing home administrator, to sign an application for a pharmacy to acquire and renew an EDK Permit. The Board has no regulatory authority on such a facility; the Board has regulatory authority relative to a pharmacy permit and the PIC. Requiring the signature of a facility administrator on an application for the Board, creates an undue burden for those involved. The committee developed and approved draft #1. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2024-H ~ Emergency Drug Kit Permit - Draft #1, 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.

- Regulatory Proposal 2024-I ~ Marijuana Pharmacy (Draft #1)

Mr. Indovina reminded members that Act 693 from the 2024 legislative session transfers regulatory authority for medical marijuana from the Board of Pharmacy to the Louisiana Department of Health, effective January 1, 2025. Since the Board will no longer have regulatory authority, this proposal repeals all of the Board's therapeutic marijuana pharmacy regulations. The committee developed and approved draft #1. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2024-I ~ Marijuana Pharmacy - Draft #1, and further, to authorize the Executive Director to promulgate the proposed repeal of the 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 2024-J ~ Pharmacy Technician Certificate Qualifications (Draft #1)

Mr. Indovina reminded members that Act 253 from the 2024 legislative session created the ability for persons holding credentials in other states to reciprocate to Louisiana. The Board of Pharmacy already has processes to reciprocate. However, in regard to technicians, our regulation is slightly more stringent than law, so this proposal amends that difference. The committee developed and approved draft #1. Mr. Indovina then moved,

Resolved, to approve Regulatory Proposal 2024-J ~ Pharmacy Technician Certificate Qualifications - Draft #1, and further, to authorize the Executive Director to promulgate the proposed rule change, 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.

- Consideration of Interpretation LAC 46:LIII.2421-2425

Mr. Indovina reviewed a petition submitted to the Board by Pharmacist Dwayne Mitchell. The petition requested the Board to amend Section 2425.B.6. to increase the daily prescription threshold for converting from a telepharmacy dispensing site to a community pharmacy permit to 150 and increase staffing allowance to two certified pharmacy technicians. Pharmacist Mitchell also requested that the daily average be calculated on a calendar year instead of a 6-month average so that cold and flu season and summer months would not skew the numbers. Pharmacist Mitchell stated, that in his telepharmacy, a pharmacist is present on Mondays since that is their busiest day.

During the committee's discussion with Pharmacist Mitchell in which we learned that a pharmacist is present in the telepharmacy on Mondays, the committee members developed a consensus that the average daily prescription count be calculated using only business days when a pharmacist is not present for a full day of operation at the telepharmacy dispensing site.

The committee unanimously approved a motion to present the issue to the Board for interpretation. Mr. Indovina then moved,

Resolved, to interpret Louisiana Administrative Code Title 46, Part 53, Section 2425, Subsection B, Paragraph 6 (LAC 46:LIII.2425.B.6.) in such a manner, that the average daily prescription count be calculated using only business days when a pharmacist is not present for a full day of operation at the telepharmacy dispensing site.

Mr. McKay and Mr. Indovina explained the need for the telepharmacy dispensing site in this rural community, highlighting the complications the pharmacy and public would have if required to convert the permit. Members and the public expressed their agreement with the interpretation.

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

Mr. Indovina then concluded his report by recognizing the other committee members - Dr. Cloud, Mr. Darce, Ms. Dupree, Ms. Hall, Ms. Melancon, and Mr. Menard. Mr. Indovina further thanked board staff for their contributions.

I. Executive Committee

Prior to the Executive Committee report, Mr. McKay requested that Ms. Sarah Stevens present members with statistical data regarding licensing services which was provided to the committee the previous day. Ms. Stevens advised members of all services available through the Board's online services portal, provided an update on the number of submissions through the portal, and provided current average processing times for licensing submissions.

Mr. McKay reported the committee had met the previous day to consider the items on their posted agenda. Mr. McKay indicated Ms. Hall was prepared to offer one motion on behalf of the committee and reminded the members that copies of these documents could be found in the Board member meeting material.

- Consideration of Request for Approval from New Orleans Career Center Pharmacy Technician Training Program

Mr. McKay reported the Board received a request to add New Orleans Career Center Pharmacy Technician Training Program to the *List of Board-Approved Pharmacy Technician Training Programs*. The program is in candidate status with ASHP/ACPE. After reviewing the request, the committee voted to recommend conditional approval. Ms. Hall then moved,

Resolved, to approve New Orleans Career Center pharmacy technician training program as a Board-Approved Pharmacy Technician Training Program contingent upon maintaining an acceptable ASHP/ACPE status.

With respect to public comment, Mr. Myles Ford spoke on behalf of the program explaining that the program is in candidate status which requires the students to obtain a Pharmacy Technician Candidate Registration to earn hours. Mr. Joe Fontenot explained the requirements to obtain approved status. He further explained that the Board approval requires at least candidate status be maintained. There were no member questions. The motion was adopted after a unanimous vote in the affirmative.

- Exceptions Report

Mr. McKay reported Board policy permits the Board President to review and respond to requests for exceptions to laws, rules, and policies in the interim between meetings of the Board. Board Policy also permits the Executive Director, with concurrence of the Board President, to issue Special Work Permits and approve dual PIC privileges with notice to the Board at its next meeting. The committee reviewed the current "*Exceptions Report*" posted in the Board member reading room and the report is now presented to the full Board as required in policy. It does not require any action from the Board. There were no member questions or comments.

Mr. McKay then closed his report by expressing his appreciation to the other committee members - Ms. Hall, Mr. Resweber, and Mr. Indovina as well as Board staff.

11. Staff Reports

A. Report of General Counsel

Mr. McKay called upon Mr. Finalet for his report. After explaining the purpose and processes regarding staff consent agreements and surrenders for new members, Mr. Finalet presented the following proposed consent agreements and surrenders to the members for their consideration.

Lasheka Ann Quinn Martin (CPT.017702): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to report an adverse action as part of her pharmacy technician application, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Aubry Layne Moore (CPT.017424): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to report an adverse action as part of her pharmacy technician renewal application, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Mi'Jell Mijanea Doyle (CPT.017804): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to report an adverse action as part of her pharmacy technician application, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Deshaun Angelique Broussard (CPT.017799): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to report an adverse action as part of her pharmacy technician application, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Marlana Danae' Mumphord (CPT.017828): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to report an adverse action as part of her pharmacy technician application, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Patient Direct Rx, LLC, dba Patient Direct Rx (Yardley, PA) (PHY.007054):

Ms. Hall moved to accept the proposed consent agreement. There was member discussion and no public comments. The motion was adopted after a unanimous vote in the affirmative. For dispensing 541 prescriptions from January 1, 2024 to February 11, 2024 with an expired Louisiana nonresident pharmacy permit, the Board assessed a fine of \$20,000 plus administrative costs.

Stacey Andrea Swoffer (PTC.032023): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For an alleged diversion of controlled substances, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Vickie Sue Dorman (CPT.013714): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For an alleged diversion of controlled substances, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Tonya Lynn Fontenot Meche (CPT.011651): Ms. Hall moved to accept the proposed consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. For her failure to report an adverse action as part of her pharmacy technician renewal application, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Mr. Finalet then indicated completion of his report.

B. Report of the Executive Director

Mr. McKay called upon Mr. Fontenot for his report. Mr. Fontenot advised that Act 246 of the 2024 Legislative Session placed mifepristone and misoprostol in schedule IV of the state's list of controlled substances. After the Board office distributed the required notices mandated by the Act, Mr. Fontenot was made aware, through Bamboo Health, of a new amended federal regulation in regard to the HIPAA Privacy Rule, published in April 2024. The federal privacy rule change provides protections for information concerning reproductive health care. According to the federal rule, the deadline for compliance with its reproductive health care provisions will be December 23, 2024. Mr. Fontenot reported that he contacted the Louisiana Department of Health for guidance after learning of this anticipated federal rule change. The Louisiana Department of Health recommended that the Board seek an opinion from the Louisiana Attorney General. Mr. Fontenot further advised, due to timing, the Louisiana Department of Health submitted a request on the Board's behalf. At this time that opinion is pending. Mr. Fontenot explained that any mifepristone and misoprostol prescription transactions reported to the PMP are being masked and cannot be retrieved or viewed by anyone at this time. Mr. Fontenot commended the

Louisiana Department of Health for their willingness to assist and the timeliness of that assistance.

Mr. Fontenot then advised that with the upcoming transition of the medical marijuana program from the Louisiana Board of Pharmacy to the Louisiana Department of Health (LDH), that agency has published a Notice of Intent for their new regulations. Upon review of the proposed regulations, Mr. Fontenot noted the use of the terms “dispensed” and “dispensing” throughout the proposed rule. Mr. Fontenot advised the members that he has submitted public comment, on their behalf, as “dispensed” and “dispensing” is a function within the professional scope of practice exclusive to pharmacists, physicians, dentists, and veterinarians. Mr. Fontenot stated that the terms referencing dispensing were intentionally removed from the Act transferring the program. The public comment submitted, requests LDH do the same within their rules.

Next Mr. Fontenot reported to the members that on October 14, 2024 the Mississippi Board of Pharmacy released notice that they commissioned an audit of Optum commercial prescription drug claims for calendar year 2022. Mr. Fontenot reminded members that he previously shared that document with each of them. Mr. Fontenot advised that a meeting was scheduled and held with the Louisiana Department of Insurance after he made them aware of the audit. Following that meeting, Mr. Fontenot received communication from the Department of Insurance advising that they discussed this issue with the Commissioner and will reach out if any assistance is needed.

Mr. Fontenot then directed members to the quarterly report of the Louisiana Prescription Monitoring Program (PMP) found in their meeting material, there were no member comments or questions.

Mr. Fontenot then directed the members to the requests from 14 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the PMP. Ms. Hall then moved,

Resolved, to authorize the issuance of full PMP reporting waivers to the following permits once they have executed the standard consent agreement for that purpose:

Permit No.	Permit Name
PHY.008889-NR	Aequita Pharmacy
PHY.008848-NR	American Life Pharmacy
PHY.008790-NR	Big Country Dermatology Pharmacy
PHY.008837-NR	CoverMyMeds Pharmacy LLC
PHY.008860-HOS	Intensive Specialty Hospital - North Pharmacy
PHY.008905-NR	Next Step Tennessee, LLC
PHY.008856-NR	OSRX, Inc. #2675
PHY.008854-NRN	PharmaLogic Colorado, LLC
PHY.008869-HOX	Physician's Medical Center, LLC
PHY.008882-NR	Regional One Health Pharmacy Stage Post
PHY.008880-NRN	RLS USA, Inc.
PHY.008900-NR	Roman Health Pharmacy, LLC
PHY.008901-NR	Roman Health Pharmacy, LLC
PHY.008840-NR	Tampa Specialty Pharmacy

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

Mr. Fontenot then indicated completion of his report.

12. Request for Consideration – Remote Processing by Pharmacy Technicians – Eric Vidrine and Lori Maraist

Mr. Eric Vidrine presented the members with his request urging that the Board allow pharmacy technicians to work remotely to complete data entry as well as prescription processing, away from the pharmacy. He indicated that the pharmacy technician shortage is straining the ability to meet the needs of his patients and outlined his belief that the inability to work from home may contribute to this in Louisiana. Ms. Lori Maraist stated that pharmacy technicians want flexibility and the ability to work from home.

Mr. McKay asked that Mr. Fontenot provide an explanation of the laws regarding pharmacy technicians. Mr. Fontenot advised that, by statute, technicians require direct and immediate supervision from a pharmacist. Changes of this nature would require legislative changes. Ms. Lori Maraist asked if the Board would offer support for legislative change. Mr. McKay asked members for their comments.

The majority of members indicated that they would not be in favor of allowing technicians to work from home. Some members expressed concern regarding a lack of supervision and distractions while referencing the Board's responsibility to protect the health and welfare of the citizens of Louisiana.

Ms. Lori Maraist commended the Board for their recent change to pharmacy technician regulations which allow for a pharmacist to serve as a pharmacy technician educator. Mr. McKay advised that the Board will continue to work towards relieving the issues around the technician shortage.

13. New Agenda Items Added During Meeting

There were no new agenda items added during the meeting.

14. Announcements

Mr. McKay directed the members to the announcements in their meeting material.

Mr. Fontenot reminded members of the annual training requirements. Members were advised of upcoming meeting dates as well.

15. 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 11:21 a.m.

Minutes prepared by Joe Fontenot and then approved as presented during the subsequent meeting on February 19, 2025.

Richard M. Indovina, Jr.
Secretary