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# LOUISIANA BOARD OF PHARMACY

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*newsletter to promote pharmacy and drug law compliance*

## ***Board Elects Officers for Calendar Year 2022 (22-01-688)***

During the November 17, 2021 meeting, the Louisiana Board of Pharmacy members conducted their annual election of officers, with the following results:

- President – Marty R. McKay, from Woodworth, LA, in District 8
- First Vice President – Jacqueline L. Hall, from New Orleans, LA, in District 2
- Second Vice President – Rhonny K. Valentine, from Natchitoches, LA, in District 4
- Third Vice President – Don L. Resweber, from St Martinville, LA, public member
- Secretary – Richard M. Indovina, Jr, from River Ridge, LA, in District 1

## ***Board Meeting Dates for Calendar Year 2022 (22-01-689)***

The Board has announced the following tentative meeting dates for calendar year 2022: February 15-17, May 10-12, August 16-18, and November 15-17. Based on conditions at the time, the meetings may be physical or virtual.

## ***Board Member Nomination Election (22-01-690)***

Appointments of members to the Board are made in accordance with Louisiana Revised Statute 37:1175, which provides that whenever a vacancy occurs among the members representing one of the eight pharmacy districts, the pharmacists who are bona fide residents of the district in which the vacancy occurs shall nominate from among their number a representative to the Board. Whenever that vacancy shall occur by reason of an expiring term, the nomination shall be made by mail at least 60 days in advance of the expiration date of the term.

The Board's secretary is responsible for mailing a ballot by United States Postal Service First Class Mail to each pharmacist holding an active license and residing in the district in which the vacancy will occur, at the last known address as indicated in the Board's records. The pharmacist may participate in the nomination election by recording the name of their pharmacist nominee on the ballot, completing the signature slip,

and mailing both items to the Board office in the manner indicated on the ballot. The nominee may be any pharmacist holding an active license and residing in the district; there are no term limits for members of the Board. The ballot or another enclosed communication will state the date, time, and place for counting ballots. At a gathering open to the public, the secretary and one or more persons designated by him will open and count the ballots. The secretary will then certify to the governor the names of the three nominees in each district receiving the highest number of votes. For each district in which the vacancy will occur, the governor may appoint one of those three nominees to the Board.

The terms of five current Board members will expire on June 30, 2022. The deadline for any address changes relative to this nomination election is March 4, 2022. The ballots with the necessary information will be mailed to the pharmacists in the respective pharmacy districts on or about March 21, 2022. The deadline for the return of the ballots to the Board office will be April 15, 2022. The ballots will be opened and counted at the Board office on April 20, 2022; the information about the exact time will be included with the ballot.

Board member terms that will expire on June 30, 2022, and their district information are as follows:

- **Richard M. Indovina, Jr:** River Ridge (District 1, composed of the parishes of Jefferson and St Tammany.)
- **Raymond J. Strong:** New Orleans (District 2, composed of the parishes of Orleans, Plaquemines, and St Bernard.)
- **Douglas E. Robichaux:** Shreveport, LA (District 4, composed of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster.)
- **Richard Mannino:** Hammond, LA (District 6, composed of the parishes of East Baton Rouge, East Feliciana, Livingston, St Helena, Tangipahoa, Washington, and West Feliciana.)
- **Allen W. Cassidy, Jr:** Jennings, LA (District 7, composed of the parishes of Acadia, Calcasieu, Cameron, Jefferson Davis, Lafayette, and Vermilion.)

Should any pharmacist need a list of pharmacists in their own district for purposes related to this nomination election, the Board office will supply one complimentary list upon receipt of a written request by the pharmacist. The expiration date of the term for the new appointees will be June 30, 2028.

### ***Multiple Declarations of Emergency Remain in Effect (22-01-691)***

Governor John Bel Edwards issued his initial declaration of emergency for the coronavirus disease 2019 (COVID-19) public health emergency on March 11, 2020; it has been renewed continuously and remains in effect at press time. The Board has issued multiple guidance documents, which have included multiple waivers and exemptions from certain rules. Some of those exemptions have expired, some have been terminated, and some remain in effect. The Board established a [COVID-19 web page](#) on the Board's website at [www.pharmacy.la.gov](http://www.pharmacy.la.gov), now located under the State of Emergency tab in the upper left corner of the home page. The status of all the interim policies is available there.

Governor Edwards issued his initial declaration of emergency for the severe weather associated with **Hurricane Laura** on August 21, 2020; it has been renewed continuously and remains in effect at press time. The Board established a [Hurricane Laura web page](#) on its website, located under the State of Emergency tab in the upper left corner of the home page. The posted guidance documents and other resources include information on dispensing of emergency prescriptions, assessment of medication integrity in storm-damaged pharmacies, disposal of contaminated medical waste and hazardous waste, and reporting of theft or loss of controlled substances (CS).

Governor Edwards issued his initial declaration of emergency for the severe weather associated with **Hurricane Delta** on October 6, 2020; it has been renewed continuously and remains in effect at press time. The Board established a [Hurricane Delta web page](#) on its website, located under the State of Emergency tab in the upper left corner of the home page.

Governor Edwards issued his initial declaration of emergency for the severe weather associated with **Hurricane Ida** on August 26, 2021; it has been renewed continuously and remains in effect at press time. The Board established a [Hurricane Ida web page](#) on its website, located under the State of Emergency tab in the upper left corner of the home page.

The declarations of emergency previously issued for the severe weather associated with Hurricane Sally, Tropical Storm Beta, Hurricane Zeta, Tropical Storm Claudette, and Hurricane Nicholas have all been terminated.

### ***Decisions From November 2021 Board Meeting (22-01-692)***

During its November 17, 2021 meeting, the Board made several decisions concerning the items of business on its meeting agenda.

- The members approved the proposed budget for Fiscal Year 2022-2023.
- The members approved **Regulatory Proposal 2021-D – Raw Marijuana Products** for promulgation. This proposal will amend the rules for marijuana pharmacies to allow for the dispensing of raw marijuana products when recommended for therapeutic use by physicians.
- The members approved **Regulatory Proposal 2021-G – Fees** for promulgation. This proposal will create a new section of rules to itemize all the fees charged by the Board. The fees listed in the proposal represent the first fee increase since 2005.
- The members approved a revision of their guidance document relative to the Public Readiness and Emergency Preparedness Act to include the ninth amendment posted by the US Department of Health and Human Services in September 2021.
- The members voted to further extend to December 31, 2022, the expiration date of their interim policy allowing for flexible staffing ratios for licensed pharmacy personnel in pharmacies. This interim policy suspends the ordinary staffing ratios applicable to pharmacy interns, pharmacy

technician candidates, and pharmacy technicians; and further, permits one pharmacist to supervise up to four licensed pharmacy personnel (not including other pharmacists).

- The members voted to further extend to December 31, 2022, the expiration date of their interim policy relative to the continuing pharmacy education (CPE) requirements for the renewal of pharmacist licenses. The effect of this decision is to waive the requirement for live CPE for the renewal of pharmacist licenses for calendar year 2023. During calendar year 2022, pharmacists intending to renew their license for calendar year 2023 shall obtain at least 15 hours of CPE, which may or may not include live presentations. No additional CPE is required beyond the 15 hours required for renewal.
- The members voted to further extend to February 28, 2022, the expiration date of their interim policy authorizing pharmacists licensed elsewhere to practice within disaster zones associated with Hurricane Ida within the state. Pharmacists licensed elsewhere who intend to practice temporarily within a disaster zone inside the state associated with Hurricane Ida shall obtain an Emergency Passport from the National Association of Boards of Pharmacy® prior to engaging in that activity.
- The members voted to terminate on December 31, 2021, their interim policy relative to the compounding of hand sanitizer for over-the-counter (OTC) sale. Food and Drug Administration announced its intent to terminate its temporary allowance for the compounding of certain hand sanitizers for OTC sale on December 31, 2021. Since the Board's interim policy was based on the federal allowance, the Board voted to terminate its interim policy at the same time that the federal allowance was terminated.
- The members voted to terminate on December 31, 2021, their interim policy relative to temporary extensions of the expiration date of medication administrations. The Board had been temporarily extending the expiration date of medication administration registrations until December 31, 2021, based on the limited availability of life safety recertification opportunities. Since those opportunities are now more widely available, the Board will no longer extend expiration dates of CPR cards beyond the expiration date printed on such cards. The Board encourages pharmacy personnel to monitor the expiration dates of their CPR cards and take the necessary steps to renew those credentials in a timely manner.

### ***Disciplinary and Other Licensure Actions (22-01-693)***

During its November 17, 2021 meeting, the Board took action on several items of business, including:

**Enclara Pharmacia, Inc, dba Enclara Pharmacia (Memphis, TN) (PHY.007178):** For its reporting of incorrect prescriber information for approximately 115 prescriptions to the state prescription monitoring program, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

**Kevin Troy Marks (PST.015077):** Board granted request for reinstatement of the lapsed license, contingent upon completion of certain requirements identified within the hearing order no later than November 17, 2024.

**Lisa Efferson Gonzales (CPT.003941):** Board granted request for reinstatement of the lapsed certificate without further requirement, then restored the certificate to active and unrestricted status.

**Kimberly Juanita Murphy (PST.016122):** Board denied her request for modification of previous orders, more specifically, her request for the removal of the restriction in her May 2019 Probation Board Order, which prevents her from accepting an appointment as the pharmacist-in-charge (PIC) of a pharmacy; and further, reconfirmed all terms and conditions imposed by that order.

**Christopher Brooks Klingman (PST.017980):** Board released him from a previously executed private agreement, then suspended the license for five years and stayed the execution of the suspension, then placed the license on probation for five years, subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative and investigative costs.

**Mandy Renee Arrant (PST.019118):** 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, subject to certain terms enumerated within the voluntary consent agreement.

**Michael Thomas Savario (PST.016568):** Board granted request for modification of previous orders, removed all probationary terms, then restored the license to active and unrestricted status.

**Wade Randall Veillon (PST.011709):** Board granted request for modification of previous orders, removed all probationary terms, then restored the license to active and unrestricted status.

**Lisa Kay Moreau (PST.014955):** Board granted her request for modification of previous orders, then removed Condition #2e from her November 2020 Probation Board Order to allow her to accept an appointment as the PIC of a pharmacy; and further, reconfirmed all other terms and conditions in that order.

**Tiffany Annette Pitre (CPT.001615):** For her violation of the terms of her November 2016 Probation Board Order, the Board summarily suspended the certificate, effective November 16, 2021.

**Bryan Meredith Ness (CPT.009182):** For his failure to disclose his October 2020 arrest on his June 2021 application for the renewal of his pharmacy technician certificate despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

**Marlene Yvette Owens (CPT.013733):** For her failure to disclose her April 2021 arrest on her June 2021 application for the renewal of her pharmacy technician certificate despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

**Lacoryer Deshawn Nicholas (CPT.014323):** For her failure to disclose her July 2020 arrest on her June 2021 application for the renewal of her pharmacy technician certificate despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

**Nikki Meyers Hawkins (CPT.006693):** For her failure to disclose her March 2021 arrest on her July 2021 application for the renewal of her pharmacy technician certificate despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

**Jason Warren Dupeire (PST.018298):** For his violation of the terms of his February 2018 Probation Board Order, the Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective September 17, 2021.

**Ariel Nekia Tobias (CPT.010655):** For her failure to disclose her September 2020 arrest on her June 2021 application for the renewal of her pharmacy technician certificate despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

**Fisher Clinical Services, Inc, dba Fisher BioServices (Rockville, MD) (PHY.005649):** For its failure to disclose the March 2015 disciplinary action imposed by the Kentucky Board of Pharmacy on its November 2015 application for the renewal of its Louisiana pharmacy permit, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

### ***New Rules (22-01-694)***

The Board completed the rulemaking process for two regulatory projects with publication of the rule changes in the November 20, 2021 edition of the *Louisiana Register*, both with immediate effective dates.

**Regulatory Project 2020-10 – CDS License for Hemp Facility** amended the Board’s rules for controlled dangerous substances (CDS) licenses by adding a hemp facility as a type of laboratory eligible to apply for a CDS license. Hemp facilities need to test their hemp crop materials to ensure that they contain less than the maximum amount of tetrahydrocannabinol (THC) legally permissible. If the THC level exceeds the maximum amount permissible, it is no longer considered hemp and instead is deemed marijuana, a CS listed in Schedule I of both federal and state lists of CS; the hemp facility must then follow prescribed procedures for the destruction of such materials.

**Regulatory Project 2021-1 – Pharmacists, Pharmacies, and Prescriptions** amended several chapters of the Board’s rules. Some of the rule changes are summarized here:

- The changes in **Section 521 – Administration of Medications** removed the previous requirement for a separate “Authority to Administer” document and clarified the existing eligibility criteria for the medication administration registration.
- The changes in **Section 1103 – Prescription Department Requirements** removed the previous requirements for 300 square feet of floor space, 24 square feet of counter space, and 30 inches of aisle space, in favor of resources commensurate with the nature and scope of the pharmacy practice. In addition, those pharmacies offering veterinary pharmacy services shall maintain appropriate reference materials for that practice.

- The changes in **Section 1105 – Pharmacist-in-Charge** provide additional time for pharmacies and pharmacists to report changes of the PIC to the Board office. While a PIC shall continue to give the Board and permit owner at least 10 days' written notice prior to vacating that position, and the pharmacy shall continue to appoint a PIC no later than 10 days after the departure of the prior PIC, the new PIC and the pharmacy will have up to 30 days to report those changes to the Board office.
- The change to **Section 1107 – Pharmacy Operation** includes a new provision that no person credentialed by the Board shall be required to engage in the practice of pharmacy for longer than six hours without a rest break.
- The changes in **Section 1123 – Records of Prescription Drug Orders and Chart Orders** permit the disposal of hard copy prescription records after they have been imaged and stored in the electronic record-keeping system, subject to the limitations identified in that rule.
- The changes in **Section 2425 – Telepharmacy Dispensing Site** removed outdated minimum specifications, similar to those made in Section 1103 described above, provided that pharmacy technician candidates and pharmacy interns may not practice in telepharmacy dispensing sites, and clarify the pharmacist's responsibilities for patient counseling and drug utilization review in such practice sites.
- The changes in **Section 2513 – Receipt and Verification of Prescription Drug Orders and Chart Orders** clarify that the receiving pharmacist is responsible for verification of the authenticity of a prescription and the dispensing pharmacist is responsible for the accuracy of the medication or devices dispensed.
- The change in **Section 2521 – Emergency Refills** increases the quantity of medication that a pharmacist may dispense for an emergency refill, from the previous 72-hour supply to now a 30-day supply.
- The changes in Sections 2519, 2525, 2745, and 2747 all relate to the expiration date and refill limitations for prescriptions for CS listed in Schedule V. Previously, such prescriptions were treated the same as prescriptions for medications listed in Schedules III and IV – a six-month expiration date and a maximum of five refills. Under the new rule, Schedule V prescriptions are treated the same as prescriptions for other non-controlled prescription medications – a one-year expiration date and no limits on refills subject to the one-year expiration date. These changes make Louisiana rules for Schedule V prescriptions consistent with federal rules.

Replacement chapters with the new rules have been posted on the [Laws & Rules](#) page of the Board's website.

### ***Calendar Notes (22-01-695)***

The Board office will be closed on January 17 in observance of Martin Luther King, Jr Day and March 1 for Mardi Gras Day.

## Special Note (22-01-696)

The *Louisiana Board of Pharmacy Newsletter* is considered an official method of notification to pharmacies, pharmacists, pharmacy interns, pharmacy technicians, and pharmacy technician candidates credentialed by the Board. **These Newsletters will be used in administrative hearings as proof of notification.** Please read them carefully. Electronic copies dating back to 1998 are posted on the Board's website.

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## Louisiana Lagniappe (22-01-697)

"On the human chessboard, all moves are possible." – Miriam Schiff

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