



LOUISIANA BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Board Mourns Carl W. Aron (22-04-698)

The Louisiana Board of Pharmacy and the profession of pharmacy lost a friend and leader with the passing of Carl W. Aron, RPh, on January 5, 2022. Carl was appointed to the Board in 1971 and served continuously until his death, including the last 25 years as president of the Board. He held the distinction as the member with the longest tenure of any state board of pharmacy in the United States. His many personal and professional accomplishments and contributions were the subject of [Senate Resolution 96 of the 2021 Louisiana Legislature](#), adopted in recognition of his 50 years of service to the Board. He was a friend to all who knew him. The Board extends its condolences to his family and friends.

Renewal of Pharmacy Technician Certificates (22-04-699)

The renewal cycle for pharmacy technicians will open on May 1, 2022, and conclude on June 30, 2022. The Board will mail a renewal reminder mailer just prior to May 1. The renewal reminder will lay out the three options you have to renew your certificate:

1. Visit the Board's website at www.pharmacy.la.gov and renew your certificate online using a credit card.
2. Visit the same website to download and print an application form. Then, complete and mail the application form with the appropriate fee using a check or money order.
3. Send a written request to the Board office (mail or email) with your name, certificate number, and current mailing address, requesting the Board to mail a paper application form to you.

Any address changes received at the Board office after April 15, 2022, will not be reflected on your renewal reminder mailer. In the event the postal

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service fails to deliver your renewal reminder mailer by May 15, 2022, then it becomes your responsibility to obtain an application form or renew your certificate online. Certificates renewed online will be mailed within one or two business days; certificates renewed using paper application forms will be mailed within two to four weeks, depending on the volume of paper application forms received for processing.

The online renewal function of the website is programmed to activate at 12:01 AM on May 1, 2022, and to deactivate at midnight on June 30, 2022. While the Board makes every effort to maintain this online convenience during the renewal cycle, the Board's service provider may experience weather-related or other unforeseen technical difficulties from time to time. You have 60 days to renew your certificate, and it is your choice as to when to complete that duty. If you choose to wait until the last day and the website is not available, then you will be responsible for the consequences of your failure to renew your certificate in a timely manner. The Board does not waive late fees in that situation. Why take a chance? Please do not wait until the last minute of the last day.

All technician certificates expire on June 30, 2022, regardless of the date of issue. You may not practice with an expired certificate. The fee for the timely renewal of an active certificate is \$50. For the first 30 days past the expiration date, the renewal of an expired certificate will incur an additional \$25 penalty fee, for a total fee of \$75. Applications received in the Board office more than 30 days after the expiration date will incur an additional \$200 reinstatement fee, for a total fee of \$275. Applications bearing a postal service mark of July 1, 2022, or later must be accompanied by the additional fee(s) or the application package will be returned to the sender unprocessed. If it is important to you to know if or when the Board receives your paper application form, the Board suggests that you use the mail tracking service of your choice. With more than 7,000 pharmacy technician certificates to be renewed, the staff will not be able to respond to your request to confirm mail deliveries.

Renewal of Other Credentials (22-04-700)

In addition to the pharmacy technician certificate renewal cycle, the Board will also be renewing other credentials this spring and summer. Of these credentials, approximately:

- 1,800 automated medication system (AMS) registrations expire June 30;
- 450 emergency drug kit (EDK) permits expire June 30;
- 7,000 controlled dangerous substances (CDS) licenses for facilities and practitioners expire between May 1 and July 31; and
- 650 durable medical equipment (DME) permits expire August 31.

The AMS and EDK credentials must be renewed using paper application forms. The Board will mail those pre-printed application forms just prior to May 1, 2022, and timely renewals must be accomplished on or before the expiration date; penalties will apply to the renewal of expired credentials.

The CDS credentials may be renewed either online or using paper application forms. The Board will mail the renewal reminder mailer in late April, and timely renewals must be accomplished on or before the expiration date; penalties will apply to the renewal of expired credentials.

The DME permits may be renewed either online or using paper application forms. The Board will mail the renewal reminder mailer just prior to July 1, 2022, and timely renewals must be accomplished on or before August 31, 2022; penalties will apply to the renewal of expired credentials.

Multiple Declarations of Emergency Remain in Effect (22-04-701)

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 was terminated on March 16, 2022. The Board issued numerous interim policies and rule waivers during the COVID-19 pandemic. Some of these policies were only to remain in effect for the duration of the emergency declaration, while others are still in effect but have specific expiration dates. The Board has established a [State of Emergency page](#) on its website at www.pharmacy.la.gov, now located at the top of the home page. All of the interim policies and their expiration dates are 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 until April 25, 2022. The Board established a [Hurricane Laura web page](#) on its website, located under the State of Emergency tab at the top 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 until April 29, 2022. The Board established a [Hurricane Delta web page](#) on its website, located under the State of Emergency tab at the top 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 until May 4, 2022. The Board established a [Hurricane Ida web page](#) on its website, located under the State of Emergency tab at the top 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 February 2022 Board Meeting (22-04-702)

During its February 17, 2022 meeting, the Board made several decisions concerning the items of business on the meeting agenda.

- The members approved **Regulatory Proposal 2022-A – Marijuana Pharmacies** for promulgation. This proposal seeks to repeal the requirement for licensed pharmacy personnel to obtain a separate therapeutic marijuana designation to work in a marijuana pharmacy and will allow pharmacy technician candidates to work in marijuana pharmacies. The proposed rule changes also include a requirement for marijuana pharmacies to provide cannabis product testing results to patients prior to dispensing those cannabis products.
- The members approved **Regulatory Proposal 2022-B – Nonresident Pharmacies** for promulgation. This proposal seeks to update the pharmacist-in-charge (PIC) appointment and notification requirements consistent with the recent changes for resident pharmacies: 10 days to appoint a new PIC and 30 days for notification to the Board of such appointments.
- The members approved **Regulatory Proposal 2022-D – Licensing of Dependents of Healthcare Professionals** for promulgation. This proposal will establish preferential licensing procedures for dependents of health care professionals relocating to Louisiana, similar to such procedures for military applicants and their dependents.
- The members approved **Regulatory Proposal 2022-E – Pharmacy Benefit Managers** for promulgation. This proposal will repeal the requirement for a pharmacy benefit manager (PBM) to submit an audited financial statement as part of its application for the initial issuance of a PBM permit.
- The members approved **Regulatory Project 2022-F – Transfer of Prescription Information** for promulgation. This proposal seeks to update the existing prescription transfer rule to accommodate electronic prescriptions.
- The members approved **Regulatory Proposal 2022-G – Pharmacy Operations** for promulgation. This proposal establishes a general standard for pharmacy owners to employ an appropriate number of professional, technical, and clerical personnel commensurate with the nature and scope of the pharmacy practice; and further, to ensure that there is a sufficient number of licensed personnel on site whenever the pharmacy is open to competently and safely perform patient care services and dispense prescriptions accurately. The pharmacy owner shall develop plans, policies, and procedures to ensure business continuity in the event of natural or other disasters or emergencies. Such plans shall include provisions for continuity of patient care in the event the pharmacy is unable to open for business.
- The members approved a new policy relative to laboratory testing by pharmacies, a copy of which is posted on the Board’s website. The policy addresses Clinical Laboratory Improvement Amendments-waived tests as well as moderately complex laboratory tests.

- The members approved a revision of their guidance document relative to the Public Readiness and Emergency Preparedness Act to include the 10th amendment posted by the US Department of Health and Human Services in January 2022.
- The members voted to terminate, effective February 28, 2022, the interim policy recognizing the National Association of Boards of Pharmacy® Emergency Passport for Hurricane Laura as the sole basis for practice in Louisiana. For as long as the state is under a declaration of emergency, the Board's rules permit the issuance of special work permits (SWPs) for eligible non-licensed pharmacy personnel who provide assistance in disaster relief efforts.

Disciplinary and Other Licensure Actions (22-04-703)

During its February 17, 2022 meeting, the Board took action in the following matters:

Rachael Jordan Flores (PST.021687): 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 (PTC.030698): The Board authorized the issuance of a new pharmacy technician candidate 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.

Fay Marie Ricaud (CPT.003586): For her forgery of character reference letters submitted in her application for reinstatement of the expired pharmacy technician certificate, the Board denied the application and refused to reinstate the certificate; and further, prohibited the acceptance of any future reinstatement application until after February 17, 2023.

Ricky Allan Chambers (PST.021312): 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): Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to February 17, 2024: (1) acquisition of at least 350 hours of updated practical experience under the authority of an SWP; and (2) acquisition of at least 10 hours of Accreditation Council for Pharmacy Education (ACPE)-accredited technician-specific continuing pharmacy education (CPE).

Robyn Franke Wimberly (CPT.004715): Board granted her request for reinstatement of the lapsed pharmacy technician certificate, conditioned upon her satisfaction of the following requirements prior to February 17, 2024: (1) acquisition of at least 250 hours of updated practical experience under the authority of an SWP; and (2) acquisition of at least 10 hours of ACPE-accredited technician-specific CPE.

Noah's Pharmacy, LLC, dba Noah's Pharmacy (Brosly, LA) (PHY.006145): Board granted its request for reinstatement of the state CS license, reiterated all remaining terms and conditions of the May 2019 Probation Board Order, and further, imposed a new requirement for the pharmacy to maintain a written perpetual inventory of all CS.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 10558 (Leesville, LA) (PHY.006832) (Case No. 21-0216): For its failure to notify the Board of the April 14, 2021 change in the PIC position until 49 days after the change, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Lynn Ann Johnson (PST.019325): For her failure to notify the Board of her acceptance of an appointment as the PIC of CVS Pharmacy No. 10558 in Leesville until 49 days after the April 14, 2021 change, the Board issued a letter of warning; and further, assessed a fine of \$250 plus administrative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 10558 (Leesville) (Case No. 21-0414): For its failure to designate a replacement PIC within 10 days after the departure of the previous PIC on August 30, 2021, and for its continued operation of the pharmacy without a PIC until October 28, 2021, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5331 (Shreveport, LA) (PHY.005773): For its failure to provide effective controls and procedures to prevent theft or diversion of CS, its accountability for substantial losses of CS reported in May 2020, and for its failure to conduct a complete inventory of its CS upon the discovery of those losses, the Board assessed a fine of \$10,000 plus administrative and investigative costs. Further, the Board directed the pharmacy to submit a plan of correction to the Board no later than March 31, 2022, to address the inadequate security of its CS, protocols to address future shortages, and remedies for the inadequate performance of the PIC.

Ashley Elizabeth Reynolds (PST.020382): For her failure as the PIC at CVS Pharmacy No. 5331 in Shreveport to provide effective controls and procedures to prevent the theft of CS, for her accountability for losses of CS identified at that pharmacy in May 2020, and for her failure to conduct a complete inventory of the pharmacy's CS upon the discovery of those losses, the Board issued a letter of warning and assessed administrative costs; and further, restricted her license for an indefinite period of time by prohibiting her acceptance of an appointment as the PIC of any pharmacy licensed by the Board.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5345 (Minden, LA) (PHY.005790): For its failure to designate a replacement PIC when the previous PIC took an authorized leave of absence in February 2021, and for its continued operation of the pharmacy without a PIC for approximately seven months, the Board issued a letter of reprimand; and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 2597 (Chalmette, LA) (PHY.006582): For its

failure to notify the Board of the October 19, 2019 change in its PIC until 529 days later on March 31, 2021, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5442 (Destrehan, LA) (PHY.005939): For its failure to provide adequate security for its CS, for its accountability for significant losses of CS reported to federal authorities in September 2020, and for its failure to submit the required report for those losses to the Board until May 2021, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 10219 (West Monroe, LA) (PHY.006759): For its failure to maintain accurate CS prescription records by repeatedly designating the wrong prescriber, and considering previous disciplinary actions against two of the owner's other pharmacies for the same violation with the same wrong prescriber, the Board assessed a fine of \$5,000 plus administrative and investigative costs. Further, the Board directed the pharmacy to submit a plan of correction no later than March 31, 2022, to address the repeated assignment of prescriptions to the specific prescriber identified in the voluntary consent agreement, and further, to provide a copy of the plan of correction to that prescriber.

Pharmaceutical Specialties, LLC, dba Pharmaceutical Specialties (Baton Rouge, LA) (PHY.008107): For its compounding and distribution of approximately 1,200 testosterone 100 mg pellets to a prescriber for office administration without any patient-specific prescriptions for such items, resulting in the distribution of adulterated and misbranded drugs as well as improper record keeping of CS, the Board assessed a fine of \$2,500 plus administrative and investigative costs.

Michael Marist Bourg (PST.016141): For his actions as the owner and PIC of Pharmaceutical Specialties in Baton Rouge to compound and distribute approximately 1,200 testosterone 100 mg pellets to a prescriber for office administration without any patient-specific prescriptions for such items, resulting in the distribution of adulterated and misbranded drugs as well as improper record keeping of CS, the Board issued a letter of reprimand and assessed administrative costs. Further, respondent shall successfully complete the QP503A Certification program offered by CriticalPoint no later than December 31, 2022. Should the respondent fail to complete the assignment prior to December 31, 2022, he has agreed to the suspension of his license until he completes the certification program.

John Joseph Costanza (PST.009412): For his action as the owner and PIC of Medi-Thrift Drugs in Harrisonburg, LA, to knowingly permit Crystal M. Pendarvis, pharmacy technician candidate, to practice in his pharmacy after her registration expired on August 28, 2021, until discovered by Board staff on September 23, 2021, the Board issued a letter of reprimand; and further, assessed administrative and investigative costs.

Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 09526 (Pineville, LA) (PHY.005545): For its failure to provide adequate security for its CS and for its accountability for the loss of approximately 9,400 alprazolam tablets identified in its June 2021 Drug Enforcement Administration Form 106 report,

the Board assessed a fine of \$15,000 plus administrative and investigative costs. Further, in light of its previous significant losses of alprazolam tablets for which the pharmacy was disciplined in 2020, the Board directed the pharmacy to submit a plan of correction no later than March 31, 2022, to address the inadequate security of its CS as well as other deficiencies identified in the Board's report of its October 2021 inspection of the pharmacy. Further, the Board cautioned the pharmacy of the disciplinary risk to its state CS license in the event of any future losses of CS.

Melinda Gail Roberts (PTC.029876): For her written admission to the theft of hydrocodone from Walgreen Pharmacy No. 09645 in Covington, LA, the Board revoked her 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): In lieu of immediate administrative action for her alleged diversion of CS from her employer pharmacy, the Board accepted the voluntary surrender of the credential, resulting in the suspension of her pharmacy technician certificate for an indefinite period of time, effective December 18, 2021.

Kelly Corpstein Todd (PST.019568): For her failure to disclose the October 2021 action taken against her Kansas pharmacist license by the Kansas State Board of Pharmacy on her November 2021 application for the renewal of her Louisiana pharmacist license despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Antoinette Tyquedallyn Brown (CPT.014001): For her failure to disclose her December 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.

John Peter Sullivan (PST.023276): For his failure to disclose the April 2021 action taken against his Kansas pharmacist license by the Kansas State Board of Pharmacy on his November 2021 application for the renewal of his Louisiana pharmacist license despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Alexis Rochelle Verdin (PTC.029185): For her submission of multiple false claims for COVID-19 immunizations at her employer pharmacy, the Board revoked her registration effective January 8, 2022; and further, permanently prohibited the acceptance of any application for any credential issued by the Board.

Ron Group, LLC, dba Blue Sky Specialty Pharmacy (Mount Pleasant, SC) (PHY.007958): For its failure to disclose the August 2021 action taken by the Alabama State Board of Pharmacy on its December 2021 application for the renewal of its Louisiana pharmacy permit despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Optime Care, Inc, dba Optime Care (Earth City, MO) (PHY.007762): For its failure to disclose the February 2019 action taken by the Michigan Board of Pharmacy on its November 2019 application for the renewal of its Louisiana pharmacy permit despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Irene Cox Crowell (PST.011671): For her failure to disclose the February 2021 action taken against her Oregon pharmacist license by the Oregon State Board of Pharmacy on her December 2021 application for the renewal of her Louisiana pharmacist license despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Jacob Daniel Jamron (PST.023369): For his failure to disclose the August 2021 action taken against his Kansas pharmacist license by the Kansas State Board of Pharmacy on his December 2021 application for the renewal of his Louisiana pharmacist license despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

New Rules (22-04-704)

The Board completed the rulemaking process for two regulatory projects with publication of the rule changes in the March 20, 2022 edition of the *Louisiana Register*, both with immediate effective dates.

Regulatory Project 2021-3 – Hemp Facility amended the Board’s rules for CDS licenses for hemp facilities by removing the requirement for such facilities to demonstrate compliance with ISO/IES 17025 accreditation standards.

Regulatory Project 2021-4 – Medication Administration amended several chapters of the Board’s rules. Some of the rule changes are summarized here:

- The changes in **Section 521 – Administration of Medications** eliminate the requirement for pharmacy immunizers to obtain and maintain a medication administration registration from the Board. Pharmacist immunizers are still required to obtain the same education and training as well as maintain their continuing competency through recertification and continuing education; however, pharmacists are responsible for maintaining their own records and providing copies to the Board when requested.
- The new **Section 711 – Administration of Medications** establishes the education, training, and continuing competency requirements for pharmacy interns who intend to administer medications to patients. Pharmacy interns are responsible for maintaining their own records and providing copies to the Board when requested.
- The change in **Section 907** clarifies the scope of practice for pharmacy technician candi-

dates such that they may not administer medications to patients. The new **Section 913 – Administration of Medications** establishes the education, training, and continuing competency requirements for pharmacy technicians who intend to administer medications to patients. Like pharmacists and pharmacy interns, pharmacy technicians are responsible for maintaining their own records of education, training, and continuing competency, and shall provide copies to the Board when requested.

- The change in **Section 1103 – Prescription Department Requirements** establishes the minimum standards for pharmacies hosting immunization activities. The standards have not changed; they have been merely relocated from **Section 521**.

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

Calendar Notes (22-04-705)

The Board office will be closed on April 15 in observance of Good Friday and May 30 for Memorial Day.

Special Note (22-04-706)

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.

Louisiana Lagniappe (22-04-707)

Pharmacist tells patient: "This is a time released medication. It doesn't go off until your check clears!" – Lester E. Hosto, *Humor PRN*

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