



LOUISIANA BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

A New Day! A New Executive Director! (22-07-708)

The Louisiana Board of Pharmacy is pleased to announce its new executive director, Mr M. Joseph Fontenot, Jr, RPh. Joe joined the Board staff as a compliance officer in 2002. He has managed the state prescription monitoring program since its inception in 2008, and he was named the assistant executive director in 2013. He has also been active in national associations, including the Accreditation Council for Pharmacy Education (ACPE) and the National Association of State Controlled Substances Authorities (NASCSA). He recently completed a two-year term as the president of NASCSA.

Joe brings to the executive director position over 30 years of pharmacy practice experience that will benefit the Board and the clients it serves. Thank you, Joe, for accepting this challenge, and best wishes from the Board!

Decisions From May 2022 Board Meeting (22-07-709)

During its May 11, 2022 meeting, the Board made several decisions concerning the items of business on the meeting agenda.

- The members approved **Regulatory Proposal 2022-C – Partial Fills of CDS Prescriptions** for promulgation. This proposal seeks to amend the rules for controlled substances (CS) to require pharmacies dispensing prescriptions for CS to use a dispensing information system capable of accurately recording partial fills and refills of such prescriptions, and to require pharmacies to dispense partial fills of such prescriptions when requested by the prescriber or patient.

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- The members approved **Regulatory Proposal 2022-J – Compounding** for promulgation. This proposal seeks to update the compounding rule by removing the specific reference to the 2014 edition of the United States Pharmacopeia – National Formulary (USP–NF), the effect of which would require pharmacies to comply with the currently official version of the USP–NF for their compounding activities.
- The members reviewed all the interim policies in light of the March 16, 2022 termination of the declaration of emergency for the coronavirus disease 2019 (COVID-19) pandemic. The members voted to terminate some of the policies effective May 31 and to further extend some of the policies until the end of the calendar year. Shortly after the meeting, the Board issued *Bulletin No. 22-01 – Status of Interim Policies From COVID-19 Declaration of Emergency* and distributed the bulletin to all of its licensees via email on May 16. A copy of that **bulletin** resides in the Public Library of the Board’s website.
- The members completed their annual review and renewal of their *Policy & Procedure Manual, Loss Prevention Manual, Roster of Approved Colleges of Pharmacy, and Roster of Approved Pharmacy Technician Training Programs*, as well as the credentialing examinations for pharmacists and pharmacy technicians. The members also reviewed all their contracts and agreements and authorized extensions where appropriate.
- Finally, the members completed the administrative procedures necessary to transition staff leadership to a new executive director effective July 1, 2022.

Status of Regulatory Projects (22-07-710)

- **Regulatory Project 2022-1 – Raw Marijuana Products** seeks to implement the provisions of Act 424 of the 2021 Legislature, which authorized the use of raw cannabis for therapeutic purposes. The proposed rule changes include the addition of edible and combustible dosage forms to the list of authorized dosage forms as well as the dispensing limitation for raw cannabis products imposed in that legislation. The Board anticipates publication of the final rule in the July 20, 2022 edition of the *Louisiana Register* with an immediate effective date.
- **Regulatory Project 2022-2 – Fees** seeks to add a new section of rule to itemize all the fees that the Board is currently authorized by law to charge for its products and services, and to provide for increases in most of those fees, the first such increase since 2005. The Board anticipates publication of the final rule in the July 20, 2022 edition of the *Louisiana Register* with an immediate effective date.
- **Regulatory Project 2022-3 – Marijuana Pharmacies** seeks to amend the rules for marijuana pharmacies to repeal the requirement for licensed pharmacy personnel to obtain the separate therapeutic marijuana designation to work in a marijuana pharmacy, to repeal the restriction that prohibits pharmacy technician candidates from working

in a marijuana pharmacy, and to require a marijuana pharmacy to comply with a patient request to review product testing results for a cannabis product prior to its dispensing. Additional procedures are necessary to complete the promulgation process; the earliest possible effective date is August 20, 2022.

- **Regulatory Project 2022-4 – Pharmacy Benefit Managers** seeks to amend the rules for pharmacy benefit managers (PBMs) to repeal the requirement for the inclusion of an audited financial statement in the application for the initial issuance of a PBM permit. Additional procedures are necessary to complete the promulgation process; the earliest possible effective date is August 20, 2022.
- **Regulatory Project 2022-5 – Pharmacy Operations** seeks to amend the rules for all pharmacies to require the owner of the pharmacy permit 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 when the pharmacy is open to competently and safely perform patient care services and dispense prescriptions accurately. In addition, the current rule that prohibits any licensed personnel from being required to practice for longer than six hours without a rest break is being amended to prohibit any licensed personnel from practicing for longer than six hours without a rest break. Finally, the proposed rule changes require the owner of a pharmacy to develop plans, policies, and procedures to ensure business continuity in the event of natural or other disasters or emergencies; and further, for such plans, policies, and procedures to include provisions for continuity of patient care when the pharmacy is unable to open for business. Additional procedures are necessary to complete the promulgation process; the earliest possible effective date is August 20, 2022.
- **Regulatory Project 2022-6 – Nonresident Pharmacies** seeks to amend the chapter of rules for nonresident pharmacies to update the notice requirements relative to a change in the pharmacist-in-charge (PIC) position to the same requirements recently changed for resident pharmacies, and further, to make several technical changes to that chapter of rules. The Board anticipates completion of this project in fall 2022.
- **Regulatory Project 2022-7 – Licensing Dependents of Healthcare Professionals Relocating to Louisiana** seeks to implement the provisions of Act 279 of the 2021 Legislature by implementing licensure procedures similar to those currently available to military applicants and their dependents. The Board anticipates completion of this project in fall 2022.
- **Regulatory Project 2022-8 – Transfer of Prescription Information** seeks to update the current procedures relative to the transfer of prescription information for refill purposes to accommodate electronic prescriptions in addition to written prescriptions identified in the current rule. The Board anticipates completion of this project in fall 2022.

You can follow the progress of the regulatory proposals and regulatory projects by visiting those respective web pages in the Public Library section of the Board's website.

Automated Audit of CPE Requirements During Renewal of Pharmacist Licenses and Pharmacy Technician Certificates (22-07-711)

The Board's rules for pharmacists and pharmacy technicians stipulate compliance with continuing pharmacy education (CPE) requirements as a prerequisite for the renewal of pharmacist licenses and pharmacy technician certificates. The Board has historically used retrospective audits and random audits of CPE records to assess compliance with the CPE requirements. Given the increasing number of credentials issued over time, the administrative costs of such retrospective and random audits have become significant. To improve the Board's ability to ensure continuing competency of pharmacists and pharmacy technicians credentialed by the Board, staff has been working with the National Association of Boards of Pharmacy® (NABP®) to develop an automated audit of CPE records during the renewal process.

The Board's rules for pharmacists and pharmacy technicians require them to maintain their CPE records at CPE Monitor®, a service offered by NABP free of charge to pharmacists and pharmacy technicians, and further, to make those CPE records available to the Board by recording their Louisiana credential number within their NABP e-Profile account. The Board's renewal application forms have included for several years a question relative to the applicant's compliance with the CPE requirement. Beginning with the renewal cycle of a pharmacist license for calendar year 2023, the Board will include an automated audit of the applicant's CPE records at CPE Monitor during the online renewal process. The automated audit of CPE records for pharmacy technicians will begin with the renewal cycle in the summer of calendar year 2023.

The online renewal process will begin with a query for the applicant's e-Profile number and a question relative to their compliance with the CPE requirements. The renewal process will then pause for an automated check of the applicant's records at CPE Monitor. Upon verification of compliance with CPE requirements by CPE Monitor, the applicant will be permitted to complete the renewal process. In the event that compliance cannot be verified by CPE Monitor, the renewal process will be terminated, and the applicant will be invited to return to complete the renewal process when their records at CPE Monitor can substantiate their compliance with CPE requirements. The time for receipt of the return message from CPE Monitor is anticipated to be less than one minute. Applicants using a paper application form should be prepared to include a copy of their CPE Monitor transcript demonstrating compliance with the CPE requirements.

The Board encourages pharmacists and pharmacy technicians to verify their CPE records in their CPE Monitor accounts prior to the beginning of the renewal cycle. In addition, pharmacists and pharmacy technicians should be aware of administrative policies from ACPE that require ACPE-accredited providers of CPE programs to report their program participant records to ACPE no later than 60 days after completion of the program. While some providers submit such reports

within days following a program, the Board also knows that some providers may take several weeks to submit such reports. In the event that your CPE Monitor account does not contain the records you believe should be there, the Board encourages you to contact the CPE provider. Board staff will not be able to assist you with such inquiries.

Multiple Declarations of Emergency Remain in Effect (22-07-712)

Governor John Bel 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, accessible through the [State of Emergency link](#) under the Resources section 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 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, accessible through the State of Emergency link under the Resources section 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 at press time. The Board established a [Hurricane Ida web page](#) on its website, accessible through the State of Emergency link under the Resources section at the top of the home page.

The declaration of emergency previously issued for the COVID-19 pandemic was terminated effective March 16, 2022.

Disciplinary and Other Licensure Actions (22-07-713)

During its May 11, 2022 meeting, the Board took action in the following matters:

Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 16395 (New Orleans, LA)

(PHY.007157): For its accountability for shortages of CS discovered during an inventory of CS, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 10510 (West Monroe, LA)

(PHY.005696): For permitting a pharmacy technician with an expired pharmacy technician certificate to practice from December 1, 2021, to January 4, 2022, the Board issued a letter of reprimand; and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Gina Ann Creel (PST.018403): For permitting a pharmacy technician to practice with an expired pharmacy technician certificate under her supervision as the PIC at Walgreen Pharmacy No. 10510, the Board issued a letter of warning; and further, assessed administrative costs.

Ebony Ivory Spencer (CPT.011006): For practicing with an expired pharmacy technician certificate from December 1, 2021, to January 4, 2022, at Walgreen Pharmacy No. 10510, the Board issued a letter of warning; and further, assessed administrative costs.

Darlene Elease Hooks (PST.013800): For her failure to comply with Centers for Disease Control and Prevention universal precautions for preventing transmission of bloodborne pathogens during the administration of a vaccine, the Board issued a letter of warning; and further, assessed administrative and investigative costs.

Tiffany Shantell Vaughn (PTC.029112): For her written admission to the theft of Adderall® and Vyvanse® from her employer pharmacy, the Board revoked the registration effective March 18, 2022; and further, permanently prohibited the acceptance of any future application for any credential issued by the Board.

Postmeds, Inc, dba Truepill (Hayward, CA) (PHY.007761): For its failure to obtain a new pharmacy permit upon the 100% change in ownership of the pharmacy on November 6, 2019, and for its continued operation without a valid pharmacy permit until December 2021, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5323 (Bossier City, LA) (PHY.005763): For its failure to designate a replacement PIC until 49 days after the previous PIC vacated the position, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5326 (Shreveport, LA) (PHY.005866): For its failure to designate a replacement PIC until 98 days after the previous PIC vacated that position, and for its failure to conduct a complete inventory of all CS upon the change of its PIC, the Board assessed a fine of \$50,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5306 (Marksville, LA) (PHY.005788): For its failure to designate a replacement PIC until 50 days after the previous PIC vacated the position, and in recognition of the Board's previous disciplinary action for the same reason in 2014, the Board assessed a fine of \$75,000 plus administrative and investigative costs.

David Collins Evans (PST.014181): Board granted his request for modification of previous orders, removed Article 2-f from his May 2019 Probation Board Order, which had restricted him from accepting an appointment as the PIC of a pharmacy, then reiterated all remaining terms of that Board Order.

Aurdie Kent Bellard (PST.014340): Board granted his request for modification of previous orders, removed Article 2-e from his February 2019 Probation Board Order, which had restricted him from accepting an appointment as the PIC of a pharmacy, then reiterated all remaining terms of that Board Order.

Steve John Soteropulos (PST.011704): Board granted his request for modification of previous orders, removed all probationary terms from his March 2013 Probation Board Order, terminated the probationary period originally scheduled to conclude on March 6, 2028, then restored the license to active and unrestricted status.

Sally Therese Moore (CPT.010149): Board granted her request for reinstatement of the previously suspended certificate conditioned upon her satisfaction of the following terms prior to May 11, 2024: (1) obtain 250 hours of updated practical experience in a Board-approved pharmacy under the authority of a special work permit, to be supplemented with a letter of competency from the supervising pharmacist; and (2) obtain 10 hours of ACPE-accredited technician-specific CPE. Upon completion of these requirements, the pharmacy technician certificate shall be automatically reinstated and then restored to active and unrestricted status.

Jamie Danielle Trichell (CPT.012335): Board granted her request for reinstatement of the previously lapsed certificate, then restored the certificate to active and unrestricted status.

Maria Castillo Withers (CPT.003034): Board granted her request for reinstatement of the previously lapsed certificate conditioned upon her satisfaction of the following terms prior to May 11, 2024: (1) obtain 250 hours of updated practical experience in a Board-approved pharmacy under the authority of a special work permit, to be supplemented with a letter of competency from the supervising pharmacist; and (2) obtain 10 hours of ACPE-accredited technician-specific CPE. Upon completion of these requirements, the pharmacy technician certificate shall be automatically reinstated and then restored to active and unrestricted status.

Darvis Keon Harvey (PST.018760): Board granted his request for modification of previous orders, removed the restriction from his February 2021 Board Order, which had required him to personally appear before the Board in connection with any future application for a pharmacy permit, then reiterated all remaining terms of that Board Order.

Vishal Dilip Gandhi (PST.021291): For his failure to disclose the May 3, 2021 action taken by the Kansas State Board of Pharmacy on his Kansas pharmacist license and the November 10, 2021 action taken by the Alabama State Board of Pharmacy on his Alabama pharmacist license on his November 30, 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 \$2,000 plus administrative costs.

Heather Davis Smith (CPT.010292): For her written admission to the theft of butalbital/acetaminophen from her employer pharmacy, the Board revoked the certificate effective March 18, 2022; and further, permanently prohibited the acceptance of any future application for any credential issued by the Board.

Brooke Renee Gibson (PST.020955): In lieu of immediate administrative action on the allegation of her illegal possession of CS, the Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time effective March 21, 2022.

Cassi Craft Vallee (PST.017391): For her failure to disclose a November 8, 2021 malpractice settlement agreement on her December 27, 2021 application for the renewal of her 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.

Desire Ebot Eyong (PST.023079): For his failure to disclose the August 7, 2021 action taken by the Alabama State Board of Pharmacy on his Alabama pharmacist license on his December 9, 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.

Chime Roseizina Dozier (CPT.009262): For her written admission to the theft of CS from her employer pharmacy, the Board revoked the certificate effective May 5, 2022; and further, permanently prohibited the acceptance of any future application for any credential issued by the Board.

Calendar Notes (22-07-714)

The Board office will be closed on September 5, 2022, for Labor Day.

Special Note (22-07-715)

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.

On a Personal Note (22-07-716)

By Malcolm J. Broussard, RPh

This will be my final *Newsletter* publication. I have retired from my position as the executive director of the Board and state news editor of the *Newsletter*. When I joined the Board in June 1999, it was my hope to make a positive contribution to the pharmacy profession through the Board's work in protecting the health and safety of Louisiana citizens. Since then, I have had the privilege of working with dozens of dedicated Board members as well as a staff with an amazing reservoir of talent and commitment to public service. In addition, I have watched Louisiana pharmacists rise up to meet great challenges in their delivery of pharmacy care to our fellow citizens – from natural disasters named Katrina and Ida (and too many others in between to name) to a worldwide viral pandemic, and from an opioid epidemic to deteriorating economic

policies that threaten the existence of pharmacy care delivery systems as we know them. To my fellow colleagues, thank you for giving me so many reasons to be a proud Louisiana pharmacist. To the Board, thank you for the opportunity to be of service. Best wishes to all.

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