



LOUISIANA BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Upcoming Credential Renewals (23-04-735)

The renewal cycle for all certified pharmacy technician (CPT), automated medication system (AMS), and emergency drug kit (EDK) credentials is May 1 through June 30. Please check your email regularly during the last week of April for your renewal notice. Accounts that do not have an email address on file should expect to receive a paper renewal notice by mail the first week of May. Any address change received after April 21, 2023, may not be reflected in the renewal mailing.

Any CPT, AMS, and EDK credentials not renewed by midnight on June 30, 2023, will expire.

Automated CPE Audit for CPTs (23-04-736)

As a reminder from the January 2023 *Louisiana Board of Pharmacy Newsletter*, beginning with the renewal cycle of a pharmacy technician certificate for 2023-2024, the Board will include an automated audit of the technician's continuing pharmacy education (CPE) records at CPE Monitor® during the online renewal process.

The online renewal process will begin with a question relative to 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

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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.

Board staff will check CPE Monitor for a transcript demonstrating compliance with the CPE requirements for all paper application forms received by the Board office. Should CPE Monitor not substantiate the applicant's compliance with CPE requirements, the paper application will be returned to the licensee unprocessed.

The Board encourages all technicians to verify their CPE records in their CPE Monitor accounts **now** to avoid delays in the renewal process. In addition, technicians should be aware of administrative policies from the Accreditation Council for Pharmacy Education (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.

All new technician certificates issued by the Board since July 1, 2022, are exempt from CPE compliance for the first renewal only. This group of technicians must meet CPE compliance for all renewals following the 2023-2024 renewal cycle.

Spotlight on Compliance (23-04-737)

Board regulations require the prescription department to be a restricted area and to have adequate security (Louisiana Administrative Code (LAC) 46:LIII.1103.B,F). In addition, a licensee holding a controlled dangerous substance license is required to provide effective controls and procedures to guard against theft or diversion of controlled substances (CS) (LAC 46:LIII.2713.A).

It is important for pharmacies to implement strict policies and procedures (P&Ps) that deter employee diversion and facilitate early detection of any suspicious activity involving CS. These P&Ps should be developed with consideration of the operation of the individual facility. Topics to consider adding to a pharmacy's P&Ps could include, but are not limited to:

- which personnel are allowed to order and receive medication from the wholesaler;
- if an electronic perpetual inventory is utilized, which personnel are allowed to adjust the on-hand quantities, and periodic review of adjustments made;
- the allowance of personal items such as purses, backpacks, and coats in the prescription department; and
- the use of cameras to monitor activity in the prescription department.

Further, if CS are stored separately from other inventory, the cabinet, safe, or drawer containing the products must remain locked at all times unless product is being removed or added, in accordance

with LAC 46:LIII.2717.B. It may not remain unlocked simply because the pharmacy is open, and the key should be secured by the pharmacist on duty.

The Board's regulations state that the owner of a pharmacy permit, the pharmacist-in-charge (PIC), and/or other designated responsible parties shall be accountable for shortages of CS (LAC 46:LIII.2747.F). Implementation and enforcement of adequate security P&Ps are important in deterring diversion.

Regulatory Proposal Decisions From the February 2023 Board Meeting (23-04-738)

During its February 15, 2023 meeting, the Board approved four regulatory proposals for promulgation.

- The members approved **Regulatory Proposal 2022-K – Pharmacy Change of Ownership** for promulgation. This proposal seeks to amend Section 1135 of the Board's rules relative to pharmacy change of ownership procedures.
- The members approved **Regulatory Proposal 2022-M – Staffing Ratios** for promulgation. This proposal seeks to amend Sections 709 and 907 of the Board's rules relative to staffing ratios for pharmacy interns and technicians.
- The members approved **Regulatory Proposal 2022-O – Marijuana Pharmacy** for promulgation. This proposal seeks to amend Chapter 24 of the Board's rules to address legislative changes from the 2022 regular session and reduce the quantity and scope of current regulations for marijuana pharmacies.
- The members approved **Regulatory Proposal 2023-A – DATA-Waiver Registration Elimination** for promulgation. This proposal seeks to amend Section 2745 of the Board's rules to remove the requirement for a DATA-Waiver registration number in response to the federal Consolidated Appropriations Act of 2023.

The progress of the Board's regulatory activity, which includes detailed information regarding each proposal and project, can be monitored on the Board's "Rulemaking Activity" section of its website.

Disciplinary and Other Licensure Actions (23-04-739)

During its February 15, 2023 meeting, the Board took action in the following matters:

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5331 (Shreveport, LA) (PHY.005773): For its failure to provide timely notice to the Board after a change of PIC, 42 days after the change, the Board assessed a fine of \$10,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 4068 (Haughton, LA) (PHY.005771): For its failure to designate a replacement PIC until 58 days after the previous PIC vacated that position, the Board assessed a fine of \$25,000 plus administrative and investigative costs.

Louisiana CVS Pharmacy, LLC, dba CVS Pharmacy No. 5607 (Alexandria, LA) (PHY.005768): For its failure to provide effective controls and procedures to guard against theft or diversion of CS and for its accountability for losses of CS, the Board issued a letter of warning; and further, assessed a fine of \$20,000 plus administrative and investigative costs.

Carly Kristin Bordelon (PST.020209): For removing 22 hydrocodone/acetaminophen 5/325 mg tablets from her employer pharmacy intended for destruction, the Board suspended her license, suspended the period of suspension, and placed the license on probation for five years beginning December 7, 2022, and terminating on December 7, 2027, subject to certain conditions enumerated within the voluntary consent agreement; and further, assessed administrative costs.

Parkway Pharmacy, LLC, dba Parkway Pharmacy (Sterlington, LA) (PHY.007954): For its processing and billing prescriptions for a brand-name product but filling the prescriptions with a generic or other brand and failure to conduct required CS inventories, the Board placed the permit on probation for five years beginning on February 15, 2023, and terminating on February 15, 2028, subject to conditions; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Parkway Pharmacy South, LLC, dba Parkway Pharmacy South (Richwood, LA) (PHY.008353): For its processing and billing prescriptions for a brand-name product but filling the prescriptions with a generic or other brand, the Board placed the permit on probation for five years beginning on February 15, 2023, and terminating on February 15, 2028, subject to conditions; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Lateef Abioye Odeyemi (PST.022134): For his actions, as owner and former PIC of Parkway Pharmacy, which involved the processing and billing of prescriptions for a brand-name product but filling the prescriptions with a generic or other brand and failure to conduct required CS inventories, the Board placed his license on probation for five years beginning on February 15, 2023, and terminating on February 15, 2028, subject to conditions; and further, assessed administrative costs.

Timothy Derek Hardy (PST.022161): For his actions, as PIC of Parkway Pharmacy, which involved the processing and billing of prescriptions for a brand-name product but filling the prescriptions with a generic or other brand and failure to conduct a required CS inventory, the Board issued a letter of reprimand; and further, assessed administrative costs.

Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 02012 (Alexandria) (PHY.005354): For its failure to provide effective controls and procedures to guard against theft or diversion of CS and for its accountability for losses of CS, the Board assessed a fine of \$15,000 plus administrative and investigative costs.

Walgreen Louisiana Co, Inc, dba Walgreen Pharmacy No. 110-02982 (Baton Rouge, LA) (PHY.002942): For its failure to provide effective controls and procedures to guard against theft or

diversion of CS, for its accountability for losses of CS, and failure to conduct a CS inventory upon discovery of a CS loss, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

Cecilia Medicine Shoppe, Inc, dba Cecilia Medicine Shoppe, Inc (Breux Bridge, LA) (PHY.008166):

For allowing an uncredentialed person to engage or assist in the practice of pharmacy by processing prescriptions remotely and for inaccurate record keeping, the Board issued a letter of warning; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Phillip Joseph Daigle, Jr (PST.014789): For his actions, as PIC of Cecilia Medicine Shoppe, Inc, in Breux Bridge, allowing an uncredentialed person to engage or assist in the practice of pharmacy by processing prescriptions remotely and for inaccurate record keeping, the Board issued a letter of warning; and further, assessed administrative costs.

Ochsner Clinic Foundation, dba Ochsner Foundation Hospital Pharmacy (New Orleans, LA)

(PHY.000835): For allowing an uncredentialed person to assist in the practice of pharmacy, the Board assessed a fine of \$2,500 plus administrative and investigative costs.

Toby Lynn Smart (CPT.005109): For her failure to disclose an arrest, which occurred on or about February 19, 2022, as part of her application for the renewal of her pharmacy technician certificate for 2022-2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$250 plus administrative costs.

Tony Roussell, Jr (CPT.007595): For his admission to the theft of CS from his employer pharmacy, the Board revoked his credential; and further, prohibited him from applying or reapplying to practice or assist in the practice of pharmacy.

Brittney Irene Champagne (PNT.049244): In lieu of immediate administrative action on a pending matter, the Board accepted the voluntary surrender of the credential, resulting in the active suspension of the registration for an indefinite period of time commencing on December 15, 2022.

Eugenia Marie Brignac Kocke (CPT.001732): For her admission to the theft of CS from her employer pharmacy, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Harlee Ellyssa Ellerbe Pierce (CPT.012161): For alleged incidences involving forged CS prescriptions from her employer pharmacy, the Board revoked her credential; and further, prohibited her from applying or reapplying to practice or assist in the practice of pharmacy.

Anh Thi-Tuyet Tran (PST.023429): For her failure to disclose the August 2022 Board order issued by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation – State Board of Pharmacy as part of her application for the renewal of her Louisiana pharmacist

license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Tabula Rasa HealthCare Group, Inc, dba CareKinesis (Moorestown, NJ) (PHY.007106): For its failure to disclose the January 2022 action taken by the Alabama State Board of Pharmacy as part of its application for the renewal of its Louisiana pharmacy permit for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Nancy Tidwell Randall (PST.021089): For her failure to disclose the June 2022 Board order issued by the Kansas State Board of Pharmacy as part of her application for the renewal of her Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Revive Rx, LLC, dba Revive Rx Pharmacy (Houston, TX) (PHY.008198): For its failure to disclose the August 2022 action taken by the Iowa Board of Pharmacy as part of its application for the renewal of its Louisiana pharmacy permit for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative costs.

Norman August Higginbotham (PST.015486): In lieu of immediate administrative action on a pending matter, the Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time commencing on January 27, 2023.

Leslie Markovic Comeaux (PST.017798): For her failure to disclose an arrest, which occurred on or about May 7, 2022, as part of her application for the renewal of her Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Cody Lane Guitreau (PST.022345): For his failure to disclose the July 2022 Board order issued by the Mississippi Board of Pharmacy as part of his application for the renewal of his Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Jerry Wayne Haynes, Jr (PST.022370): For probation imposed upon his North Carolina pharmacist license by the North Carolina Board of Pharmacy, the Board suspended his credential until January 17, 2024, in accordance with the period of probation imposed by the North Carolina Board of Pharmacy, suspended the suspension and placed his credential on probation for the period of suspension subject to conditions; and further, assessed administrative costs.

Claudia LaVerne Hale (PST.014415): For her failure to disclose the January 2022 Board order issued by the Alabama State Board of Pharmacy as part of her application for the renewal of her Louisiana

pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$1,000 plus administrative costs.

Robyn Ann Butler (PTC.029219): In lieu of immediate administrative action on a pending matter, the Board accepted the voluntary surrender of the credential, resulting in the active suspension of the registration for an indefinite period of time commencing on February 9, 2023.

Allen W. Anthony, Jr (PST.024606): For his failure to disclose the November 2022 Board order issued by the Kansas State Board of Pharmacy and the November 2022 Board order issued by the Oregon Board of Pharmacy as part of his application for the renewal of his Louisiana pharmacist license for 2023, despite specific questioning for such information, the Board issued a letter of reprimand; and further, assessed a fine of \$2,000 plus administrative costs.

Kyle Kaminski (PST.024728): The Board placed any credential issued by the Board to the respondent on suspension beginning on February 15, 2023, and terminating on April 13, 2027, suspended the suspension, and placed the credential on probation for the period of suspension, subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative costs.

Kimberly Lynn Norris (PTC.031675): The Board placed any credential issued by the Board to the respondent on suspension beginning on February 15, 2023, and terminating on February 15, 2028, suspended the suspension, and placed the credential on probation for the period of suspension, subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative costs.

Katie Elizabeth Yates (CPT.007869): For her failure to disclose an arrest as part of her application for the renewal of her pharmacy technician certificate for 2022-2023, despite specific questioning for such information, the Board suspended her credential for an indefinite period of time; and further, assessed a fine of \$500 plus hearing, administrative, and investigative costs; and further, conditioned the acceptance of any future application upon the satisfaction of certain requirements identified within the hearing order.

Deanna Alicia Miller (PTC.030161): For her written admission in response to a Drug Enforcement Administration Form 106 investigation by her employer pharmacy, the Board suspended her credential for an indefinite period of time; and further, assessed a fine of \$500 plus hearing, administrative, and investigative costs; and further, conditioned the acceptance of any future application upon the satisfaction of certain requirements identified within the hearing order.

New Rules (23-04-740)

The Board completed the rulemaking process for three regulatory projects with publication of the rule changes in the January 20, 2023 edition of the *Louisiana Register*, with immediate effective dates. The

Board distributed three separate email notices regarding the progress of these regulatory projects in addition to maintaining the information on the “Regulatory Projects” page of the Board’s website.

Regulatory Project 2022-07 – Licensing Dependents of Healthcare Professionals Relocating to Louisiana added new sections to two of the Board’s chapters of rules: Section 508 in Chapter 5 – Pharmacists and Section 906 in Chapter 9 – Pharmacy Technicians, to establish preferential licensing procedures for dependents of health care professionals relocating to Louisiana.

Regulatory Project 2022-08 – Transfer of Prescription Information amended Section 2523 of the Board’s rules relative to the transfer of prescription information to accommodate the transfer of prescriptions in electronic form.

Regulatory Project 2022-10 – Compounding amended the Board’s rules relative to standards for pharmacy compounding. The change removes the reference to a specific edition of the United States Pharmacopeia – National Formulary, thereby making the current edition applicable for pharmacy compounding.

Calendar Notes (23-04-741)

The Board office will be closed on May 29 for Memorial Day.

Special Note (23-04-742)

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 (23-04-743)

“Even when there is no law, there is conscience.” – Publilius Syrus

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