



LOUISIANA BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Multiple Declarations of Emergency Remain in Effect (21-07-673)

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 Louisiana Board of Pharmacy 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, 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 on this web page.

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).

The previously declared state of emergency for **Hurricane Sally** was terminated on October 11, 2020. The previously declared state of emergency for **Hurricane Beta** was terminated on October 19, 2020.

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 Zeta** on October 26, 2020; it has been renewed continuously and remains in effect at press time. The Board established a [Hurricane Zeta web page](#) on its website, located under the State of Emergency tab in the upper left corner of the home page.

Decisions From May 2021 Board Meeting (21-07-674)

During its May 26, 2021 meeting, the Board conducted its annual review of policies and procedures. The Board also agreed to consider revisions to two proposed rules. Members voted to:

- update their guidance document relative to the Public Readiness and Emergency Preparedness Act to include additional amendments posted by the United States Department of Health and Human Services;
- terminate two interim policies for the state of emergency because the underlying rules have been changed to incorporate those interim policies;
- continue their approval of their updated policy and procedure manuals;
- approve the pharmacy technician training program at Louisiana Delta Community College in Monroe, LA; and further, voted to continue their approval of the updated roster of approved pharmacy technician training programs;
- continue their approval of the roster of approved colleges of pharmacy;
- continue their approval of the National Association of Boards of Pharmacy® as the administrator of the pharmacist licensure examinations (North American Pharmacist Licensure Examination®, Multistate Pharmacy Jurisprudence Examination® (MPJE®), and Foreign Pharmacy Graduate Equivalency Examination®);
- continue their approval of the National Healthcareer Association and Pharmacy Technician Certification Board as administrators of pharmacy technician certification examinations;
- approve an implementation plan for the issuance of the 10th marijuana pharmacy permit, which will be the final such permit issued until the state legislature increases the number of marijuana pharmacy permits allowed to be issued;
- revise the proposed rule relative to state CS licenses for hemp facilities to remove a laboratory accreditation requirement; and
- revise the proposed rule relative to medication administration to require pharmacy technicians to obtain education and training before engaging in that activity.

Status of Regulatory Projects (21-07-675)

As previously reported, the Board has initiated several regulatory projects that are currently in various stages of the promulgation process.

- **Project 2020-4 – Pharmacy Benefit Managers:** This new chapter of rules requires a pharmacy benefit manager (PBM) engaged in certain activities construed to be within the scope of the practice of pharmacy to obtain and maintain a PBM permit from the Board. The rule details the process for permit application, issuance, and maintenance. The Board published the final rule in the May 20, 2021 edition of the *Louisiana Register* with an immediate effective date, as well as an August 1, 2021 deadline for the receipt of applications for PBM permits from firms currently engaged in that activity within the state.
- **Project 2020-10 – CDS License for Hemp Facility:** This proposed rule establishes a hemp facility as an entity authorized to obtain a controlled dangerous substances (CDS) license. Pursuant to the February 25, 2021 public hearing on the proposed rule, the Board agreed to revise the original proposed rule to remove the laboratory accreditation requirement. The Board will convene a second public hearing to receive comments on that proposed change.
- **Project 2020-11 – Labeling and Delivery of Marijuana Products:** This proposed rule simplifies the labeling requirement imposed on producers of marijuana products; and further, it authorizes marijuana pharmacies to deliver dispensed marijuana products to patients. The Board published the final rule in the May 20, 2021 edition of the *Louisiana Register* with an immediate effective date.
- **Project 2020-12 – State of Emergency:** This rule amended Rule 519 – State of Emergency to add public health emergencies in addition to natural disaster emergencies, which automatically activate the rule. In addition, the rule change increases the amount of medication that may be dispensed pursuant to an emergency prescription during a state of emergency, from a maximum 30-day supply to a maximum 90-day supply. The Board published the final rule in the May 20, 2021 edition of the *Louisiana Register* with an immediate effective date.
- **Project 2021-1 – Pharmacists, Pharmacies, and Prescriptions:** This proposed rule contains many proposed rule changes, which originated as Regulatory Project 454-2019. Pursuant to the February 25, 2021 public hearing on the proposed rule, the Board agreed to revise the section of rule relative to medication administration to require pharmacy technicians to obtain certain education and training prior to administering medications.
- **Project 2021-2 – Transfer of Marijuana Recommendations:** This proposed rule change will require a marijuana pharmacy to transfer an unexpired recommendation

for medical marijuana to another marijuana pharmacy when requested by the patient or caregiver. The Board received no comments or testimony on the proposed rule or any requests for revisions. The Board filed a request with the Occupational Licensing Review Commission to continue the promulgation process.

You can track the progress of the Board's regulatory projects by monitoring the [Regulatory Projects page](#) in the Public Library section of the Board's website.

Disciplinary and Other Licensure Actions (21-07-676)

During its May 26, 2021 meeting, the Board took action on several items of business, including:

DMD Ventures, LLC, dba NOLA Discount Pharmacy #2 (Metairie, LA) (PHY.007194): For its failure to provide adequate security for its CS, and for its accountability for shortages of oxycodone following an audit thereof, the Board issued a letter of reprimand; and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Kristel Lynn Maes (PST.019520): For her failure as the pharmacist-in-charge at NOLA Discount Pharmacy #2 to provide adequate security for the pharmacy's CS, and for her accountability for shortages of oxycodone following an audit thereof, the Board issued a letter of reprimand; and further, assessed a fine of \$500 plus administrative costs.

Joshua Shabazz Higgins (PTC.027749): For his alleged diversion of prescription drugs from his employer pharmacy, CVS Pharmacy, and subsequent termination therefrom, the Board revoked his registration; and further, permanently prohibited the acceptance of any application for any credential issued by the Board.

Jennifer Dawn Tucker (CPT.005080): In lieu of immediate administrative action on the allegation of her diversion of CS from her employer pharmacy, the Board accepted the voluntary surrender of the credential, resulting in the suspension of the certificate for an indefinite period of time, effective March 17, 2021.

Brianna Courtney Bertrand (CPT.012104): For her failure to disclose the March 2020 action by the California State Board of Pharmacy against her California pharmacy technician credential on her May 2020 application for the renewal of her Louisiana 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.

Nnodum Iheme (PST.015177): In recognition of the probationary period imposed on his Ohio pharmacist license by the State of Ohio Board of Pharmacy for certain unprofessional conduct, which also constitutes a basis for action in Louisiana, the Board placed his Louisiana pharmacist license on probation for eight months plus 24 days, subject to certain terms identified within the voluntary consent agreement, noting the probationary period is concurrent with the probationary period imposed by the State of Ohio Board of Pharmacy; and further, assessed administrative costs.

Joseph Charles Campo (PST.009089): Pursuant to his guilty plea to conspiracy to commit health care fraud, the Board accepted the voluntary surrender of the credential, resulting in the suspension of the license for an indefinite period of time, effective March 10, 2021.

Hai Dinh Nguyen (PST.023811): For his failure to disclose the September 2019 action against his Kansas pharmacist license by the Kansas State Board of Pharmacy on his October 2020 application for 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.

Integrity Rx Specialty Pharmacy, LLC, dba Integrity Rx Specialty Pharmacy (Scottsdale, AZ) (PHY.008165): For its dispensing of approximately 220 prescriptions into Louisiana before obtaining the required nonresident pharmacy permit, the Board issued a letter of reprimand; and further, assessed a fine of \$15,000 plus administrative costs.

Kacee Lynn Fitzpatrick (CPT.014889): In lieu of immediate administrative action, the Board accepted the voluntary surrender of the credential, resulting in the suspension of the certificate for an indefinite period of time, effective May 4, 2021.

Mandy Renee Arrant (PST.019118): In lieu of immediate administrative action, the Board accepted the voluntary surrender of the credential, resulting in the suspension of the license for an indefinite period of time, effective May 13, 2021.

Jovana Claire Cormier (CPT.004701): Board granted her request for reinstatement of the lapsed certificate, conditioned upon her completion of the following requirements prior to May 12, 2023: (1) acquisition of at least 250 hours of supervised practice in a Board-approved pharmacy under the authority of a special work permit; and (2) submission of a letter of competency from the supervising pharmacist.

Peter Michael Hanley, Jr (PST.015158): Board granted his request for reinstatement of the lapsed license, conditioned upon his successful completion of the MPJE prior to May 26, 2023.

Steven's Pharmacy, LLC, dba Steven's Pharmacy (Port Allen, LA) (CDS.038660-PHY): Board granted request for reinstatement of the pharmacy's previously suspended CDS license, converted the duration of the suspensive period to a term of one year plus four months, 26 days, and stayed the execution of the suspension. The Board then placed the CDS license on probation for one year plus four months, 26 days, subject to certain terms enumerated within the voluntary consent agreement, noting the probationary period is concurrent with the remainder of the probationary period previously imposed on the pharmacy's permit; and further, assessed administrative costs.

Patience Viator Bergeron (PST.019238): 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.

John Scott Soileau (PST.014858): Board granted his request for reinstatement of the previously suspended license, conditioned upon his completion of the following requirements prior to May 26, 2023: (1) acquisition of at least 1,000 hours of supervised practice in a Board-approved pharmacy under the authority of a special work permit; and (2) submission of a letter of competency from the supervising pharmacist. Further, the special work permit and subsequently reinstated license shall be suspended for five years with the execution of the suspension stayed and the special work permit and subsequently reinstated license shall be placed on probation for five years effective on the date of issuance of the special work permit, subject to certain terms enumerated within the voluntary consent agreement. Among the terms of probation, the restriction against any ownership interest in any pharmacy licensed by the Board shall survive the probationary period and continue for the remainder of his life.

Amy Rebecca Johnson (PST.021377): Board granted her request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of 10 years and stayed the execution of the suspension, then placed the license on probation for 10 years subject to certain terms enumerated within the voluntary consent agreement.

Lauren Ruffino Etienne (PST.019969): Board granted her request for modification of previous orders, removed all probationary terms, terminated the probationary period originally scheduled to conclude on November 14, 2023, and then restored the license to active and unrestricted status.

Nancy Lynn Odom (PST.014796): Board granted her request for modification of previous orders, removed all probationary terms, terminated the probationary period originally scheduled to conclude on November 26, 2023, and then restored the license to active and unrestricted status.

Matthew John Guarisco (PST.014303): Board denied his request for modification of previous orders; and further, all terms imposed in his February 2020 Probation Board Order shall remain in effect.

Rebecca Ann Champion (PTC applicant): Board denied her application for a pharmacy technician candidate registration and refused to issue the credential; and further, conditioned the acceptance of any future application upon her completion of certain requirements identified within the hearing order.

Calendar Notes (21-07-677)

The Board office will be closed on on September 6 for Labor Day.

Special Note (21-07-678)

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 (21-07-679)

"The US Constitution doesn't guarantee happiness, only the pursuit of it. You have to catch up with it yourself." – Benjamin Franklin

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