



**Louisiana Board of Pharmacy**  
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# Minutes

## **Regular Meeting**

Wednesday, April 26, 2000 at 1:00 p.m.

Holiday Inn – South Baton Rouge (Meeting Room No. 1)  
9940 Airline Highway  
Baton Rouge, Louisiana

## **Regular Meeting**

Thursday, April 27, 2000 at 9:00 a.m.

Holiday Inn – South Baton Rouge (Louisiana Suite)  
9940 Airline Highway  
Baton Rouge, Louisiana

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*Thursday, April 27, 2000*

1.	Call to Order	16
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*Appendices*

A.	Policy & Procedure “ <u>Violations Committee – RS 46:2625</u> ”
B.	<u>Pharmacy Technician Training Program Minimum Competencies</u>
C.	Policy & Procedure “ <u>Reinstatement Committee</u> ”
D.	Policy & Procedure “ <u>Salary Administration – Flexible Maximum Hire Rate</u> ”

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, April 26, 2000 in Meeting Room No. 1 of the Holiday Inn – South Baton Rouge Hotel in Baton

Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 1:05 p.m.

*2. Invocation*

Mr. Aron called upon Ms. Ruth Jean, and she delivered the invocation.

*3. Pledge of Allegiance*

Following the invocation, Mr. Morris Rabb led the group in the recitation of the Pledge of Allegiance.

*4. Quorum Call*

Mr. Aron called upon the Secretary, Mr. Reuben Dixon, to call the roll. After doing so, Mr. Dixon stated that a quorum of the Board was present. Mr. Aron noted that he had received communication from Mr. Landry indicating that he would be absent today due to a commitment secured prior to his appointment by Gov. Foster. Without objection, Mr. Aron noted Mr. Landry's absence as excused.

**Present:**

Mr. Carl W. Aron  
Mr. Philip C. Aucoin  
Mr. Blake P. Pitre  
Mr. B. Belaire Bourg  
Mr. Reuben R. Dixon  
Mr. George L. Boudreaux  
Mr. Clovis S. Burch  
Mr. Wayne A. Camp  
Mr. Theodore S. Carmichael  
Mr. Salvatore J. D'Angelo  
Mr. Lee C. Foster  
Ms. Ruth C. Jean  
Mr. Marty R. McKay  
Mr. T. Morris Rabb  
Mr. Willie R. Seal  
Mr. Charles D. Trahan

**Absent:**

Mr. Jeffrey M. Landry

**Present by Board Invitation:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, Legal Counsel  
Ms. Celia Cangelosi, Prosecuting Attorney  
Mr. Fred H. Shiel, Chief Inspector  
Mr. Stephen L. Collins, Inspector

Mr. H. Jerome Foti, Inspector  
Ms. Kathleen V. Gaudet, Inspector

**Guests in Attendance:**

Mr. Mark Malouse  
Ms. Mary Rabb  
Ms. Angie Hicks  
Mr. Paul Menasco  
Ms. Tondia Leonard Richardson  
Ms. Christine Parks  
Ms. Chris Wheat  
Mr. Gary Raphael  
Mr. Felix Weill  
Mr. Milton Siepman  
Mr. Edward Broussard  
Mr. E. Wade Shows  
Mr. Mark Lescale  
Mr. Aubrey B. "Trey" Wynn  
Mr. George Jackson  
Mr. Leonard Sullivan  
Ms. Andrea Baham  
Mr. Sean Lewis  
Mr. Michael Marshall  
Mr. Kevin Scott

*5. Call for Additional Agenda Items*

There were no requests to amend the agenda.

At this point Mr. Aron requested the consent of the Board to reorder the agenda for the purpose of moving the report of the Violations Committee to the point in time that the Board's prosecuting attorney, Ms. Celia Cangelosi, was prepared to present the report. Mr. Boudreaux moved, and Mr. Aucoin seconded, that

**Resolved**, that the President may reorder the agenda with respect to the report of the Violations Committee.

The motion was approved after a unanimous vote in the affirmative.

*6. Consideration of Minutes*

Mr. Aron reminded the Board members that they had received the draft minutes from the last meeting in their advance-meeting packet; he then requested any changes. Mr. Dixon moved, and Mr. Foster seconded, that

**Resolved**, that the Minutes of the Regular Board Meeting of February 20, 2000 in Baton Rouge, Louisiana, are hereby adopted, ratified, and approved in their entirety.

The motion was approved after a unanimous vote in the affirmative. Mr. Dixon reminded the Board members to sign the Book of Minutes.

*7. Report on Action Items*

Mr. Aron asked Mr. Broussard to report on the action items from the February 2000

Board meeting. Mr. Broussard reminded the Board that staff members were given three directives.

- A. Conference with Legislative Auditor  
Pursuant to a request from the Finance Committee, staff was asked to confer with the Legislative Auditor regarding the travel allowance. The details of that conference were presented.
- B. Pharmacy Technician Regulation Revision  
The Executive Committee requested the staff to prioritize this chapter of regulations. The goal was to insert the Notice of Intent in the April 2000 edition of the *Louisiana Register*. A copy of that notice was presented to the Board.
- C. Standardized Prescription Benefit Cards  
During its discussion on this topic at the last meeting, the Board requested staff to procure any and all materials from NABP relevant to this topic. There were no additional materials available from NABP. There will be a session entitled "Smart Cards" during the NABP Annual Meeting on May 6-10, 2000.

#### 8. Confirmation of Acts

At the request of Mr. Aron, Mr. Burch moved, and Mr. Boudreaux seconded, that  
**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 10, 2000 are approved, adopted, and ratified by the entire Board.

The motion was approved after a unanimous vote in the affirmative.

#### 9. Committee Reports

##### A. Violations Committee

Mr. Pitre announced the committee met on February 9, 2000 to consider 53 cases. The results of their deliberations were presented to this meeting of the Board. Mr. Pitre also indicated that the next meeting of the committee would be May 4, 2000. Mr. Aron then called upon Ms. Cangelosi to present the recommendations of the Violations Committee, noting that the members of the Violations Committee (Mr. Pitre, Mr. Burch, Mr. Dixon, Mr. Foster, and Mr. Rabb) were recused from discussion and decisions during the consideration of the Voluntary Consent Agreements.

**Baton Rouge General Medical Center (Permit No. 0054)** Mr. D'Angelo moved, and Mr. Boudreaux seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$10,000.00. *Charges:*

- (1) RS 37:1201.C: unlawful for any individual to assist in the practice of pharmacy unless currently registered or certified by the Board,
- (2) RS 37:1224.A: the filling, compounding, and dispensing of prescriptions shall be limited to pharmacists and pharmacy technicians acting under the supervision of a pharmacist.
- (3) RS 37:1241.A.(1): practiced or assisted in the practice of pharmacy, or

knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act,

(4) RS 37:1241.A.(12): has engaged, or aided and abetted a person to engage in the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy, and

(5) LAC 46:LIII.2535: pharmacy personnel performing pharmacy technician functions in a hospital pharmacy shall hold a current pharmacy technician certificate from the Louisiana Board of Pharmacy.

**Baton Rouge General Health Center (Permit No. 3045)** Mr. Seal moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$5,000.00. *Charges:*

(1) RS 37:1201.C: unlawful for any individual to assist in the practice of pharmacy unless currently registered or certified by the Board,

(2) RS 37:1224.A: the filling, compounding, and dispensing of prescriptions shall be limited to pharmacists and pharmacy technicians acting under the supervision of a pharmacist.

(3) RS 37:1241.A.(1): practiced or assisted in the practice of pharmacy, or knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act,

(4) RS 37:1241.A.(12): has engaged, or aided and abetted a person to engage in the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy, and

(5) LAC 46:LIII.2535: pharmacy personnel performing pharmacy technician functions in a hospital pharmacy shall hold a current pharmacy technician certificate from the Louisiana Board of Pharmacy.

**Ochsner Foundation Hospital Pharmacy (Permit No. 0835)** Mr. Camp moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$5,000.00. *Charges:*

(1) RS 37:1225.(23): violating, or attempting to violate, any of the provisions of the Louisiana Pharmacy Law, Code of Ethics, or any other local, state, or federal law regulating or pertaining to the practice of pharmacy,

(2) RS 40:976 and LAC 35:LIII.3531.H: every registrant must maintain an accurate record of all legend drugs received, sold, or dispensed,

(3) LAC 46:LIII.3529.E: the registrant shall be accountable for schedule drug audits, and

(4) LAC 46:LIII.2927: pharmacy records shall be available and readily retrievable for inspection or review.

**Richard E. Hartenstein (License No. 10641)** Mr. Boudreaux moved, and Mr.

Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the license \$1,000.00. *Charges:*

- (1) RS 37:1225(23): violating, or attempting to violate, any of the provisions of the Louisiana Pharmacy Law, Code of Ethics, or any other local, state, or federal law regulating or pertaining to the practice of pharmacy,
- (2) RS 40:976 and LAC 35:LIII.3531.H: every registrant must maintain an accurate record of all legend drugs received, sold, or dispensed,
- (3) LAC 46:LIII.3529.E: the registrant shall be accountable for schedule drug audits, and
- (4) LAC 46:LIII.2927: pharmacy records shall be available and readily retrievable for inspection or review.

**Rehabilitation Hospital of Baton Rouge (Permit No. 2302)** Mr. Camp moved, and Mr. Seal seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$500.00. *Charges:*

- (1) RS 37:1225(3): unprofessional conduct or conduct endangering the public health or safety,
- (2) RS 37:1225(23): violating or attempting to violate pharmacy laws or other local, state, or federal laws, and
- (3) RS 37:1184.A: no person shall operate, maintain, open, or establish any pharmacy in this state unless he has been issued a permit by the Board.

**Jean L. Falcone (CPT No. 3707)** Mr. Bourg moved, and Mr. Carmichael seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the certificate for one year, then stayed the suspension and placed the certificate on probation for one year ending February 8, 2001, subject to the general and special conditions of probation contained in the Board order executed today. The Board also assessed the certificate \$190.00. *Charges:*

- (1) RS 40:966.D: possession of marijuana.

Mr. Bourg then moved, and Mr. Carmichael seconded, to extend the deadline by which the respondent shall submit to a substance abuse evaluation to May 26, 2000. The motion was approved after a unanimous vote in the affirmative. The failure of the respondent to meet the extended deadline would constitute a violation of probation.

**Melissa A. Romero (CPT No. 3627)** Mr. Trahan moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the certificate indefinitely until the respondent submits proof of either high school graduation or completion of GED, at which time her certificate will be reinstated. *Charges:*

- (1) LAC 46:LIII.803.A.(4): pharmacy technician must be a high school graduate or have a GED.

**Edward J. Broussard, Jr. (License No. 11752)** Mr. Trahan moved, and Mr. Boudreaux seconded, to accept the Voluntary Consent Agreement. The

motion was approved after a unanimous vote in the affirmative. The Board suspended the license for 7 years from February 9, 2000 until February 8, 2007, then stayed 6 years and 6 months of the suspension and placed the license on probation for that period of time. The Board also assessed the license \$5,000.00, to be paid prior to August 9, 2000 and prior to reinstatement. *Charges:*

(1) RS 37:1225(3): unprofessional conduct or conduct endangering the public health, safety, or welfare,

(2) RS 37:1225(23): violating, or attempting to violate, any of the provisions of the Louisiana Pharmacy Law, the Code of Ethics, or any other local, state, or federal law regulating or pertaining to the practice of pharmacy,

(3) RS 40:968.A.1: to produce, manufacture, distribute, or dispense or possess with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified as Schedule II, and

(4) LAC 46:LIII.3529.A.1.a: drug diversion – attempted, actual, or conspired distribution, manufacture, dispensing, administering, or diversion of schedule drugs not pursuant to a valid prescription/order, while acting in the primary course of professional pharmacy practice.

**Jock N. Baker (License No. 13295)** Mr. Boudreaux moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the license \$500.00. *Charges:*

(1) RS 37:1241.A.(15): has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy,

(2) RS 37:1241.A.(1): practiced or assisted in the practice of pharmacy, or knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act, and

(3) RS 37:1241.A.(12): has engaged, or aided and abetted a person to engage in the practice of pharmacy without a license, registration, certificate, permit or any other designation deemed necessary to engage in the practice of pharmacy.

**David K. Chauvin, Sr. (License No. 8584)** Mr. Trahan moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the license \$500.00. *Charges:*

(1) RS 37:1241.A.(1): practiced or assisted in the practice of pharmacy, or knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act, and

(2) RS 37:1241.A.(15): has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

**Chaumont Eastside Pharmacy (Permit No. 2963)** Mr. Boudreaux moved, and Mr. D'Angelo seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$250.00. *Charges:*

- (1) RS 37:1241.A.(1): practiced or assisted in the practice of pharmacy, or knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act, and
- (2) RS 37:1241.A.(15): has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

Following consideration of the Voluntary Consent Agreements, Mr. Pitre resumed his committee report by introducing a proposed policy regarding disposition of violations complaints relative to RS 46:2625. Mr. Pitre reviewed the policy, answered questions from the Board, and indicated the Violations Committee recommends the policy. Mr. Aucoin moved, and Mr. Boudreaux seconded, that

**Resolved**, that the Policy & Procedures document entitled "Violations Committee – RS 46:2625" is approved.

The motion was approved after a majority vote in the affirmative. Mr. Carmichael was the lone dissenting vote. A copy of the policy is attached to these minutes (*Appendix A*).

*B. Finance Committee*

Mr. Boudreaux reviewed the financial report dated February 29, 2000, a copy of which was distributed to the Board members. He indicated that the office renovation is currently underway, but that no expenditures have been made in connection therewith.

*C. Examination/Technician Committee*

Mr. Seal announced that the last PTCB examination was administered March 25. Individual scores are not released to the Board, only to examinees. Summary data for the state should be available in 2-3 weeks. Mr. Broussard then introduced a revision to the previously approved document entitled "Pharmacy Technician Training Program Minimum Competencies". The document was revised to be consistent with the new Pharmacy Practice Act. After an extended discussion, Mr. Aucoin moved, and Mr. Seal seconded, that

**Resolved**, that the document entitled "Pharmacy Technician Training Program Minimum Competencies" as revised and dated April 26, 2000 is approved.

The motion was approved after a unanimous vote in the affirmative. A copy of the approved document is attached to these minutes (*Appendix B*).

*D. Violations Committee (addendum)*

At this point, Mr. Aron reordered the agenda so as to complete the report of the Violations Committee. Mr. Aron noted that the members of the committee (Mr. Pitre, Mr. Burch, Mr. Dixon, Mr. Foster, and Mr. Rabb) were recused from discussion and deliberation for the remainder of the disciplinary proceedings.

He then called upon Ms. Cangelosi to present the remaining two cases under the auspices of an Administrative Hearing. Ms. Cangelosi announced that one of the two cases had been dismissed due to the inadmissibility of the sole evidence supporting the charges. She also announced that the remaining case had just agreed to a negotiated Voluntary Consent Agreement. She then presented that matter to the Board for its consideration.

**Kevin M. Scott (CPT No. 2058)** Mr. Boudreaux moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for one year, effective today, then stayed the suspension and placed the certificate on probation for one year, subject to the special and general terms of probation as contained in the Board order executed today. The Board also assessed the certificate \$190.00. *Charges:*

(1) RS 37:1241.A.(1): practiced or assisted in the practice of pharmacy, or knowingly permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter, or any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act, and

(2) LAC 46:LIII.825.A.1.b: improper or excessive use of a drug to the detriment of the public and/or the individual.

Ms. Cangelosi indicated that all disciplinary proceedings scheduled for today were completed. Mr. Shiel acknowledged the various witnesses who had been summoned, and Mr. Aron conveyed the appreciation of the Board for their presence and cooperation.

*E. Reinstatement Committee*

**Beverly R. Addison (License No. 14165)** Mr. Trahan moved, and Mr. Pitre seconded, to reinstate the license, suspend the license indefinitely, stay the suspension, and place the license on probation. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, then immediately suspended the license, stayed the suspension, and placed the license on indefinite probation. The length and terms of the probation shall be the same as and concurrent with the length and terms of the respondent's agreement with the Virginia Board of Pharmacy, as evidenced by their Board Order.

**Deborah J. Wade (License No. 14325)** Mr. Trahan moved, and Mr. Carmichael seconded, to reinstate the license upon the successful completion of the Multistate Pharmacy Jurisprudence Examination. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license to be reinstated following successful completion of the Multistate

Pharmacy Jurisprudence Examination.

**Dorothy A. Becker (License No. 13180)** Mr. Bourg moved, and Mr. Burch seconded, to reinstate the license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license.

**George L. Boudreaux (License No. 10084)** Mr. Bourg moved, and Mr. Burch seconded, to reinstate the license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license.

**Mary P. Crowe (License No. 16471)** Mr. Bourg moved, and Mr. Burch seconded, to reinstate the license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license.

**Earl Gassenberger, Jr. (License No. 10465)** Mr. Bourg moved, and Mr. Burch seconded, to reinstate the license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license.

**Daren A. White (License No. 15112)** Mr. Bourg moved, and Mr. Burch seconded, to reinstate the license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license.

Mr. Trahan reviewed the committee discussion regarding the committee's policy approved at the last Board meeting. The committee recommends that staff be permitted to exercise administrative discretion for licenses lapsed for less than one year. Further, the committee indicated their understanding that it was not necessary for every candidate for reinstatement to personally appear before the committee. Staff should consult with the committee chair to determine the necessity for personal appearance of a reinstatement applicant. Mr. Pitre moved, and Mr. Aucoin seconded, that

**Resolved**, that the Policy and Procedure document entitled "Reinstatement Committee" be revised to provide that staff may exercise administrative discretion for reinstatement applications for licenses lapsed for less than one year, and further, that staff should consult with the committee chair to determine the necessity for the personal appearance of a reinstatement applicant.

The motion was approved after a unanimous vote in the affirmative. A copy of the amended policy is attached (*Appendix C*).

#### *F. Reciprocity Committee*

Mr. Aucoin moved, and Mr. Bourg seconded, that

**Resolved**, that the following four candidates be approved for licensure by reciprocity:

Shewan M. Aziz

Erin V. Graves

Paula D. Kessel

Elizabeth A. Wright

The motion was approved after a unanimous vote in the affirmative.

Mr. Aucoin moved, and Mr. Bourg seconded, that

**Resolved**, that Lisa Kay Reisinger be approved for licensure by reciprocity upon completion of the following conditions: (1) completion of at least 500 hours of practice experience at a Board

approved site under the auspices of a special work permit, (2) submission of the evidence of at least 15 hours of ACPE approved continuing pharmacy education submitted to the Missouri Board of Pharmacy in support of the renewal of her 1999 license from that board, and (3) submission of the evidence of successful completion of 15 hours of committee directed and Board approved continuing pharmacy education.

The motion was approved after a unanimous vote in the affirmative.

Mr. Aucoin related to the Board concerns voluntarily submitted by one of the reciprocity candidates concerning the alleged lack of patient counseling by pharmacists. After a short time, Mr. Aron ruled the discussion was not germane to the report of the committee and was out of order. Mr. D'Angelo then moved, and Mr. Burch seconded, to amend the agenda to include the subject of patient counseling. The motion was approved after a unanimous roll call vote in the affirmative. Mr. Aron accepted the agenda amendment and ruled the matter would be discussed immediately.

*G. Reciprocity Committee Addendum – Patient Counseling*

After a short discussion, including the use of “mystery shoppers”, Mr. Aucoin moved, and Mr. Trahan seconded, that

**Resolved**, that staff is directed to ensure that pharmacists are complying with patient counseling regulations as specified in LAC 46:LIII.1115.

The motion was approved after a unanimous vote in the affirmative.

*H. Impaired Committee*

**Fabian A. Robinson (License No. 10912)** Mr. Bourg moved, and Mr. Boudreaux seconded, to amend the probation conditions contained in the prior Board order dated June 15, 1998 in order to remove items 5 (be supervised by Pharmacist-in-Charge) and 8 (shall not be a Pharmacist-in-Charge). The motion was approved after a unanimous vote in the affirmative.

The Board amended the terms of probation by deleting items 5 and 8. All other terms and conditions remain in force.

**Peter J. Dileo (License No. 10200)** Mr. Bourg reported the results of the committee’s Board-ordered evaluation of the respondent. The committee determined that his impairment is not an issue with respect to his pending application for reinstatement.

Mr. Bourg then reported the receipt of a positive drug screen from a student enrolled in the final year of a college of pharmacy. The student has not registered or obtained a work permit from the Board, therefore, the Board has no jurisdiction over the student. The Board discussed the legal implications of transmitting the report to the dean of the pharmacy school, as well as the regulatory resolution of the lack of jurisdiction over certain students.

At this point, Mr. D'Angelo moved, and Mr. Pitre seconded, that

**Resolved**, that the Board enter into executive session for the purpose of discussing the pharmacy student in question, as well as Board personnel matters.

The motion was approved after a unanimous roll call vote in the affirmative.

At the conclusion of the executive session, Mr. Aron declared a brief recess to re-open the meeting. He then returned to the posted agenda.

*I. Regulation Revision Committee*

Mr. D'Angelo presented the committee's report, detailing the status of 5 separate revision projects. (1) Chapter 12 – Automated Medication Systems: the Oversight Committee Report was submitted on March 13, and the last step is publication of the Final Rule in the *Louisiana Register*. (2) LAC 46:LIII 3517 – Drug Returns: the Emergency Rule was published in the March issue of the *Register*, a Notice of Intent was published in the April issue of the *Register*, and a public hearing is scheduled for May 30, 2000. (3) Chapter 8 – Pharmacy Technicians: a Notice of Intent was published in the April issue of the *Register*, and a public hearing is scheduled for May 30, 2000. (4) Chapter 7 – Pharmacy Education: the committee is currently working on the fifth draft of this chapter. (5) LAC 46:LIII.1113.B – Generic Substitution: the committee has prepared a second draft, and that draft is presented to the Board today for its review and approval. Mr. Aucoin moved, and Mr. Boudreaux seconded, that

**Resolved**, that the Board defer action on the proposed regulation revision concerning generic substitution, pending further discussion with other interested parties.

The motion was approved after a unanimous vote in the affirmative.

*J. Executive Committee*

Mr. Aron reported on the results of two separate committee meetings. During the February 29, 2000 meeting, the committee authorized action on two items from the Regulation Revision Committee (Chapter 12 – Automated Medication Systems and LAC 46:LIII.3517 – Drug Returns). The committee also reviewed progress on the staff directives reviewed earlier today. During its meeting earlier today, the committee reviewed several matters concerning personnel in the Compliance Division, renewal of professional service contracts, and certain Civil Service requirements. The committee developed several recommendations, and they were presented for Board approval.

Mr. Trahan moved, and Mr. Bourg seconded, that

**Resolved**, that the Board approve the Policy and Procedure document entitled "Salary Administration – Flexible Maximum Hire Rates".

The motion was approved after a unanimous vote in the affirmative. A copy of the policy is attached (*Appendix D*).

Mr. Trahan moved, and Mr. Bourg seconded, that

**Resolved**, that the Board authorize the adjustment of salaries for Mr. Foti, Ms. Gaudet, and Mr. Johnson to the top of their present pay scale (MS-65) and for Mr. Collins by the same dollar amount, all effective immediately.

The motion was approved after a unanimous vote in the affirmative.

Mr. Trahan moved, and Mr. Bourg seconded, that

**Resolved**, that the Board authorize the reclassification of the field inspectors from "Pharmacist/Pharmacy Inspector" (MS-65) to "Pharmacist/Compliance Officer" (MS-70), effective January 1, 2001.

The motion was approved after a unanimous vote in the affirmative.

Mr. Burch moved, and Mr. Boudreaux seconded, that

**Resolved**, that the Board authorize the Executive Director to execute a contract with Celia R. Cangelosi for FY 2000-2001, at the stipulated hourly rate, in an amount not to exceed \$25,000.00.

The motion was approved after a unanimous vote in the affirmative.

Mr. Aucoin moved, and Mr. Foster seconded, that

**Resolved**, that the Board authorize the Executive Director to amend the current contract with McRight & Associates to increase the stipulated fee by \$150.00, such that the total fee for the June 30, 2001 audit will be \$3,750.00.

The motion was approved after a unanimous vote in the affirmative.

Mr. Pitre moved, and Mr. Boudreaux seconded, that

**Resolved**, that the Executive Director serves as the appointing authority and may appoint any additional employees for professional, clerical, and special work necessary to carry out the Board's functions, and with the Board's approval, may establish standards for the conduct of employees.

The motion was approved after a unanimous vote in the affirmative.

Mr. D'Angelo moved, and Mr. Aucoin seconded, that

**Resolved**, that the Board authorize the Executive Director to make the necessary amendments to the FY 1999-2000 and FY 2000-2001 budgets to implement the actions authorized today.

The motion was approved after a unanimous vote in the affirmative.

#### *10. Report of Attorney*

Mr. Finalet reported there was no pending litigation.

#### *11. Report of Executive Director*

Mr. Broussard reviewed his meeting activity since the last Board meeting. He then reviewed the recent activity in the Louisiana Legislature, both the First Special Session and the current Regular Session. He also distributed reference copies of the two policy documents approved at the last Board meeting (Expense Report Guidelines and Reinstatement Committee).

#### *12. Standardized Prescription Benefit Cards*

Mr. Aucoin reported no progress since the last Board meeting.

*13. Request for Exception to LAC 46:LIII.717*

A request was presented from LaTonya Howard, a pharmacy student enrolled in the College of Pharmacy at the University of Louisiana at Monroe. Subsequent to a motor vehicle accident in February 1998, in which she sustained a T4-T7 spinal burst injury, Ms. Howard remains a paraplegic. She obtained 100 hours of practical experience prior to the accident, but has been unable to secure any additional hours in a permitted site. She has been working in the Drug Information Center in the College of Pharmacy at the University of Louisiana at Monroe, but the hours do not count toward her 1500-hour requirement for licensure. She remains enrolled in the professional program, and she plans to graduate in summer of 2002. She has requested a waiver from the requirement that all the non-rotation hours be obtained in a permitted site, and more specifically, that she be allowed to obtain all of her non-rotation hours in the Drug Information Center at the College of Pharmacy at the University of Louisiana at Monroe. Mr. Bourg moved, and Mr. Rabb seconded, that

**Resolved**, that the Board issue a Special Work Permit for Ms. LaTonya Howard, with the stipulation that the permit allow Ms. Howard to obtain all of her required hours at the Drug Information Center in the College of Pharmacy at the University of Louisiana at Monroe.

The motion was approved after a unanimous vote in the affirmative.

*14. Request for Interpretation & Application of Pharmacy Law to Specific Practices*

Mr. Merrill Patin, the Pharmacist-in-Charge of Pharmaceutical Specialties, Inc, had petitioned the Board for this agenda item. His petition contained a request for the Board to consider various compounding activities and determine whether those activities were allowed under the permit issued by the Board. This petition was received subsequent to an advisory opinion rendered by staff on February 16. However, at the beginning of his presentation, Mr. Patin altered his petition. He deferred on the request for interpretation and instead made three requests of the Board: (1) rescind the advisory opinion issued by staff on February 16, 2000, (2) inhibit any regulatory action against Pharmaceutical Specialties, and (3) put into abeyance certain statutes contained in the Louisiana Pharmacy Practice Act as promulgated by the 1999 Louisiana Legislature until such time as certain ambiguities contained in those statutes can be clarified. After considerable discussion, there were no motions or decisions reached. In the absence of deliberative action, Mr. Aron ruled that the matter was tabled.

*15. Announcements*

Mr. Broussard reminded the Board members of several calendar notes, especially the date for the next Board meeting.

*16. Recess*

Mr. Aucoin moved, and Mr. Dixon seconded, to recess. Given the lateness of the hour, Mr. Aron placed the Board in recess at 6:30 p.m.

The regular meeting of the Louisiana Board of Pharmacy was reconvened on Thursday, April 27, 2000 in the Louisiana Suite at the Holiday Inn – South Baton Rouge Hotel in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 9:00 a.m.

*2. Quorum Call*

Mr. Broussard noted that the following members were present: Mr. Aron, Mr. Burch, Mr. Carmichael, Mr. Foster, Mr. McKay, Mr. Rabb, and Mr. Seal.

*3. Adjourn*

Noting the absence of a quorum and the inability to conduct business, Mr. Aron adjourned the Board at 9:05 a.m.

Respectfully submitted,

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Reuben R. Dixon, Secretary