



# Louisiana Board of Pharmacy

5615 Corporate Blvd., Suite 8-E, Baton Rouge, LA 70808-2537

Telephone (225) 925-6496 \*\*\* Facsimile (225) 925-6499

[www.labp.com](http://www.labp.com) email: [labp@labp.com](mailto:labp@labp.com)

## Minutes

### **Regular Meeting**

Wednesday, August 15, 2001 at 1:00 p.m.

Louisiana Board of Pharmacy (Conference Room)  
5615 Corporate Blvd., Suite 8-E  
Baton Rouge, Louisiana 70808-2537

### **Administrative Hearing**

Thursday, August 16, 2001 at 9:00 a.m.

Louisiana Board of Pharmacy (Conference Room)  
5615 Corporate Blvd., Suite 8-E  
Baton Rouge, Louisiana 70808-2537

# Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Wednesday, August 15, 2001</i>		
1.	Call to Order	4
2.	Invocation	4
3.	Pledge of Allegiance	4
4.	Quorum Call	4
5.	Call for Additional Agenda Items	5
6.	Consideration of Minutes	5
7.	Report on Action Items	5
8.	Confirmation of Acts	6
9.	Opportunity for Public Comment	6
10.	Committee Reports	
	A. Finance Committee	6
	B. Examination/Technician Committee	7
	C. Reciprocity Committee	7
	D. Task Force on PET Pharmacies	8
	E. Regulation Revision Committee	8
	F. Reinstatement Committee	8
	G. Violations Committee	8
	H. Impairment Committee	8
	I. <i>Added Agenda Item</i>	9
	J. Executive Committee	9
11.	Report of General Counsel	9
12.	Report of Executive Director	11
13.	Announcements	12
14.	Recess	12

## *Appendices*

- A. Reciprocity Committee Guidelines

## Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Thursday, August 16, 2001</i>		
1.	Call to Order	12
2.	Invocation	12
3.	Pledge of Allegiance	12
4.	Quorum Call	12
5.	Call for Additional Agenda Items	12
6.	Opportunity for Public Comment	13
7.	Proposed Amendment to LAC 46:LIII.1109	13
8.	Appearances	13
9.	Report of Reinstatement Committee	13
10.	Report of Impairment Committee	14
11.	Report of Violations Committee	19
12.	Formal Hearing	20
13.	Adjourn	27

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 15, 2001 in the Board office at 5615 Corporate Blvd., Suite 8-E 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 1:00 p.m.

*2. Invocation*

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

*3. Pledge of Allegiance*

Following the invocation, Mr. Joseph Adams 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.

**Present:**

Mr. Carl W. Aron  
Mr. Philip C. Aucoin  
Mr. B. Belaire Bourg  
Mr. Reuben R. Dixon  
Mr. Joseph L. Adams  
Ms. Lois R. Anderson  
Mr. Brian A. Bond  
Mr. Clovis S. Burch  
Mr. Wayne A. Camp  
Mr. Theodore S. Carmichael  
Mr. Salvatore J. D'Angelo  
Ms. Ruth C. Jean  
Mr. Mr. Larry J. Lantier, Jr.  
Mr. Marty R. McKay  
Mr. Richard J. Oubre  
Mr. T. Morris Rabb

**Absent:**

Mr. Jeffrey M. Landry

**Present by Board Invitation:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. Stephen L. Collins, Inspector  
Mr. H. Jerome Foti, Inspector  
Ms. Kathleen V. Gaudet, Inspector  
Mr. W. Jerry Johnson, Inspector

**Guests:**

Mr. Michael Wilkerson – *late arrival*

*5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. Mr. Carmichael requested an opportunity to discuss the feasibility of sending an inventory listing of controlled substances to all pharmacies in the state. Without objection, Mr. Aron accepted the request and indicated he would place the matter on the agenda after all previously scheduled committee reports.

At this point Mr. Aron requested the authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Mr. Dixon moved, and Mr. Bourg seconded, that

**Resolved**, that the President may reorder the agenda with respect to the sequence of various reports as necessary.

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. Hearing no corrections, Mr. Bourg moved, and Mr. Adams seconded, that

**Resolved**, that the Minutes of the Regular Board Meeting of May 16 and the Administrative Hearing of May 17, 2001 held 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 then 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 May 2001 Board meeting. Mr. Broussard reported on four matters from that meeting.

*A. Civil Service Reclassification of Board Inspectors*

During the April 2000 meeting, the Board unanimously approved a motion to authorize the Civil Service reclassification of the Inspectors to "Compliance Officers" with a commensurate increase in compensation according to the MS-70 level.

The Civil Service Commission notified the Board it had completed their job study for the Inspector and Chief Inspector positions, and that effective August 17, it will re-title those positions as "Compliance Officer" and "Chief Compliance Officer". The Commission had authorized an interim premium pay plan, which granted the inspectors a 15% pay increase, effective July 15. However, the Commission denied the request for placement in the MS-70 salary level; it appeared the pay plan they implemented would place the compliance officers in the MS-68 level.

*B. Directive from Impairment Committee*

During the May 2001 Board meeting, staff was instructed to enroll the services of additional addictionists. Three physicians have confirmed their willingness to provide professional services to the Board's Practitioner Recovery Program.

*C. Request for Exception from Mobile Pharmacies*

During the May 2001 Board meeting, a representative from Compaq Corporation made a presentation to the Board in support of his request for an exception to the regulation requiring inspection of a pharmacy prior to the issuance of a permit for that pharmacy. The Board directed staff to research the issue, inspect one of the units, and make a recommendation to the Board for its consideration.

The Executive Committee considered this action item during their June 26 meeting, and their report later today will address this issue.

*D. Request for Exception from PET Pharmacies*

During the May 2001 Board meeting, a representative from Southern Isotopes made a presentation to the Board in support of her request for an exception to the regulation containing minimum specifications for nuclear pharmacies. The Board authorized the President to convene a Task Force on PET Pharmacies, with instructions to review the concerns of PET pharmacies and develop recommendations for the Board for its consideration.

The task force met on June 20. Ms. Anderson will present the report from that task force later today.

*8. Confirmation of Acts*

At the request of Mr. Aron, Mr. D'Angelo moved, and Mr. Oubre 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 May 17, 2001 are approved, adopted, and ratified by the entire Board.

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

*9. Opportunity for Public Comment*

Mr. Aron informed the Board that Act 285 of the 2001 Louisiana Legislature required all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guest in attendance, but none were offered.

*10. Committee Reports*

*A. Finance Committee*

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to the 2001 Annual Financial Report from June 30, 2001, which was mailed in the advance-meeting packet. Mr. Carmichael reviewed the various revenue and expense categories, and answered questions from Board members. Mr. Broussard provided relevant

details as needed and requested. He responded to several questions from Board members. At the conclusion of his presentation, Mr. Carmichael moved, and Mr. Aucoin seconded, that

**Resolved**, that the Board approve the 2001 Annual Financial Report, subject to further audit.

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

Mr. Carmichael then directed the members to the proposal entitled "Budget Amendment No. 1." He reviewed the proposal, and explained each entry, with assistance from Mr. Broussard. Following the discussion, Mr. Carmichael moved, and Mr. Lantier seconded, that

**Resolved**, that the Board approve the FY 2001-2002 Budget Amendment No. 1.

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

#### *B. Examination/Technician Committee*

Mr. Aron called upon Mr. Burch for the committee report. Mr. Burch noted that the committee had not met since the last Board meeting. He then presented data from the NAPLEX, MPJE, DSM, and PTCB examinations. The data from the January 1 – April 30 NAPLEX testing window, as well as the January 1 – June 30 MPJE testing window, were presented and reviewed.

The Board also reviewed the PTCB test results, and discussed various reasons for the poor showing of Louisiana candidates. Mr. Burch also directed the members to a new feature of the report: a report of licensure activity, showing all new pharmacist and technicians credentialed since the last Board meeting. With no further discussion, Mr. Burch moved, and Mr. Camp seconded, to accept the committee report. The motion was approved after a unanimous vote in the affirmative.

#### *C. Reciprocity Committee*

Mr. Aron called upon Mr. Aucoin for the committee report. Mr. Aucoin moved, and Mr. Burch seconded, that

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

Todd Michael Durham  
Biljana Ivkovic Lanier  
Gail Lingefelt Patrick  
Jacinta Therese Robinet  
Karen Sue Smolenski  
Thomas Arthur Smolenski  
Stephanie Ann Snow

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

Mr. Aucoin then directed the members to a proposed policy from the committee. He reviewed the different procedures and answered questions from the members. Following the discussion, Mr. Aucoin moved, and Mr. Burch seconded, that

**Resolved**, that the Board approve the policy document entitled "Reciprocity Committee Guidelines". (*Appendix A*)

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

*D. Task Force on PET Pharmacies*

Mr. Aron called upon Ms. Anderson to present the report of the task force. She reported on their June 20 meeting and reviewed their deliberations and recommendations. Following the discussion, Ms. Anderson moved, and Mr. D'Angelo seconded, that

**Resolved**, that the Board deny the Southern Isotopes request for exceptions from the nuclear pharmacy regulation, specifically the minimum physical equipment requirements, the minimum square footage, the minimum number of hours of operation, and the prohibition on non-pharmacist personnel from entrance to closed prescription departments.

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

*E. Regulation Revision Committee*

Mr. Aron called upon Mr. D'Angelo for the committee report. Mr. D'Angelo reviewed the recent committee meetings. The staff then distributed Draft No. 3 of *Chapter 19 – Nuclear Pharmacy* and Draft No. 5 of *Chapter 25 – Hospital Pharmacy*. Mr. D'Angelo requested the members to review these documents prior to the next Board meeting, and he stated his intent to ask for approval of each chapter at that meeting.

Mr. D'Angelo then requested staff to distribute a proposal to amend LAC 46:LIII.1109 relative to prescriptions. Mr. Aron requested the members to review the document, and he indicated the motion for approval would be presented the next day prior to the Administrative Hearing.

At this point, Mr. Aron declared a 20-minute recess. It was noted that the Board recessed at 2:35 p.m. and reconvened at 2:55 p.m. Mr. Aron then resumed the posted agenda in open session.

*F. Reinstatement Committee*

Mr. Aron called upon Mr. Rabb for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for the next day. Mr. Aron thanked Mr. Rabb for his committee's activities.

*G. Violations Committee*

Mr. Aron called upon Mr. Dixon for the committee report. Mr. Dixon deferred the presentation of the report until the Administrative Hearing, scheduled for the next day. He indicated that 24 cases were docketed for the hearing. Mr. Aron thanked Mr. Dixon for his committee's work.

*H. Impairment Committee*

Mr. Aron called upon Mr. Bourg for the committee report. Mr. Bourg deferred the presentation of the report until the Administrative Hearing, scheduled for the next day. Mr. Aron thanked Mr. Bourg for his committee's efforts.

At this point, Mr. Aron re-ordered the agenda to allow Mr. Carmichael to present his request.

*I. Added Agenda Item – CDS Inventory List*

Mr. Carmichael requested the Board revise and re-issue the Controlled Dangerous Substance Inventory List. After a short discussion, Mr. Aucoin moved, and Mr. Oubre seconded, that

**Resolved**, that staff research the issues involved with the revision and issuance of a Controlled Dangerous Substance Inventory List, and make recommendations at the next Board meeting.

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

At this point, Mr. Aron again re-ordered the agenda, calling for the report from General Counsel.

*11. Report of General Counsel*

Mr. Finalet reported there was no pending litigation. He did offer to provide some focused reviews of pending litigation or other special topics in the future; the members indicated they would appreciate that information.

At 3:15 p.m., Mr. Aron returned to the posted agenda. It was noted that the first guest arrived at this point.

*J. Executive Committee*

Mr. Aron reported on the committee's June 26 meeting. The committee gave conditional approval to a request for an exception to the travel policy guidelines. They also reviewed the action items from the May 2001 Board meeting. The committee specifically reviewed the request from Compaq Computer Corporation for an exception to the regulation relative to minimum physical requirements for pharmacies. The committee decided against issuing exceptions to multiple vendors, and they directed the regulation revision committee to incorporate a disaster plan with a mechanism to allow the use of pre-fabricated mobile pharmacy units under certain circumstances. Mr. Aucoin moved, and Mr. Bourg seconded, that

**Resolved**, that the Board deny the request from Compaq Computer Corporation to provide an exception to LAC 46:LIII.1127 by issuing advance approval of their pre-fabricated mobile pharmacy units.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron then reported that the committee had reviewed all existing contracts, as well as some new proposals. The committee recommended the continuation of all existing contracts as well as the approval of two new ones.

Mr. Aucoin moved, and Ms. Jean seconded, that

**Resolved**, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2001-2002.

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

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

**Resolved**, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$25,000 for Fiscal Year 2001-2002.

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

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

**Resolved**, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven, & Rainey in an amount not to exceed \$15,000 for Fiscal Year 2001-2002.

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

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

**Resolved**, that the Board approve the proposed database software support agreement with Software Applications, Inc., at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2001-2002.

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

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

**Resolved**, that the Board approve the proposal from Software Applications, Inc. to (1) install new website server hardware and software, (2) re-host the Board's website in-house, and (3) link the licensure databases to the website, all at the stipulated rate, in an amount not to exceed \$15,000 for Fiscal Year 2001-2002.

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

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

**Resolved**, that the Board approve the proposal from Advanced Office Systems, Inc. for computer hardware and network support services, at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2001-2002.

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

Mr. Camp moved, and Mr. Oubre seconded, that

**Resolved**, that the Board approve the National Association of Boards of Pharmacy as the administrator for the NAPLEX and MPJE testing instruments for Fiscal Year 2001-2002.

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

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

**Resolved**, that the Board approve the Pharmacy Technician Certification Board as the administrator for the pharmacy technician certification examination for Fiscal Year 2001-2002.

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

Mr. Aron closed his committee report with a review of the committee's meeting with the compliance officers, wherein they discussed several concerns. Following a short discussion, Mr. Burch moved, and Mr. Oubre seconded, that

**Resolved**, that the Board authorize the Executive Director to:  
(1) purchase five mobile telephones for the General Counsel and Compliance Officers; (2) execute a lease agreement with Cingular Wireless Services to provide wireless telephone service, and

further, to establish a policy such that the Board pay the base rate and the employees pay all identifiable personal charges; (3) purchase five portable printers for the General Counsel and Compliance Officers; and (4) acquire Internet service connections for all laptop computers owned by the Board.

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

#### 12. *Report of Executive Director*

Mr. Broussard began his report with synopses of recent meetings, including such topics as the National Pharmaceutical Stockpile, the University of Utah's School on Alcoholism, and covert reviews of NAPLEX and MPJE testing centers.

The Board reviewed the Legislative Report Summary, focusing on the two bills that amended the pharmacy practice act, as well as a new law relative to suspension of licenses for non-payment of court-ordered child support. Mr. Camp moved, and Mr. Adams seconded, that

**Resolved**, that the Board authorize the Executive Director to execute a Memorandum of Understanding with the Office of Family Support in the Dept. of Social Services relative to support enforcement services.

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

Mr. Broussard then reviewed recent communications from other state licensing agencies. The Louisiana Board of Veterinary Medicine recently promulgated a regulation describing the minimum elements of a valid prescriber-client relationship. The Louisiana Board of Medical Examiners recently issued a position statement describing minimal standards for valid prescriber-patient relationships.

Mr. Aron then asked the members if there were any corrections or amendments to the 2001 Annual Report of the Board that was distributed in their advance-meeting packet. Hearing none, Mr. Aucoin moved, and Mr. Rabb seconded, that

**Resolved**, that the Board accept and approve the 2001 Annual Report.

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

Finally, Mr. Broussard reviewed the recent activities of the Legislative Auditor. A preliminary report of the audit covering July 1, 1999 through June 30, 2001 was presented to the Board. Mr. Aron reviewed the individual declarations completed by each board member, as well as the compliance questionnaire. After a short discussion, Mr. Bourg moved, and Mr. Lantier seconded, that

**Resolved**, that the Board adopt the Louisiana Compliance Questionnaire, as completed and executed by the President and Executive Director.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron then presented the single finding from the auditor's report, together with the explanation of the circumstances, as well as the plan of correction. After a lengthy discussion, Mr. Aucoin moved, and Mr. Adams seconded, that

**Resolved**, that the Board request an opinion from the Office of the Attorney General as to whether the Board members are subject to the requirements of *Policy & Procedure Memorandum No. 49* (PPM-49).

The motion was approved after a unanimous vote in the affirmative. Mr. Broussard then reviewed the correct procedures for completion of the Travel Expense Account Report (BA-12).

### *13. Announcements*

Mr. Broussard reminded the Board members of several calendar notes. Mr. Aron noted that several Board members had recently been honored. Mr. Bourg, Mr. Camp, and Mr. McKay were recently honored during the Annual Meeting of the Louisiana Pharmacists Association. Mr. D'Angelo received notice of his selection for the Dargavel Award from the NCPA Foundation, to be presented during their meeting in October.

### *14. Recess*

Mr. Rabb moved, and Mr. Bond seconded, to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron placed the Board in recess at 5:00 p.m.

An Administrative Hearing was convened on Thursday, August 16, 2001 at the Board office at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member and respondent received notice, and notice was properly posted.

### *1. Call to Order*

Mr. Aron called the meeting to order at 9:05 a.m.

### *2. Invocation*

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

### *3. Pledge of Allegiance*

Following the invocation, Ms. Anderson led the group in the recitation of the Pledge of Allegiance.

### *4. Quorum Call*

Mr. Aron called upon Secretary Dixon, and he called the roll. After doing so, he informed Mr. Aron that Mr. Landry was absent, but that all other members, constituting a quorum, were present.

At this point, Mr. Aron requested the authority from the Board to reorder the agenda as necessary for the purpose to adjusting the sequence of various reports. Mr. Oubre moved, and Mr. D'Angelo seconded, that

**Resolved**, that the President may reorder the agenda as necessary with respect to the sequence of various reports.

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

#### *5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. Mr. D'Angelo reminded Mr. Aron of his intention to request consideration of the proposed regulation introduced the day before. Mr. Aron informed Mr. D'Angelo that matter would be heard prior to any committee reports.

At this point, Mr. Aron re-ordered the agenda.

#### *6. Opportunity for Public Comment*

Mr. Aron informed the Board that Act 285 of the 2001 Louisiana Legislature required all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guests in attendance, but none were offered.

Mr. Aron then resumed the posted agenda.

#### *7. Proposed Amendment to LAC 46:LIII.1109 – Prescriptions*

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

**Resolved**, that the Board approve Draft No. 4 of Regulation 1109, and further, to direct staff to initiate the promulgation process as quickly as possible, and further, to authorize the Executive Committee to approve any interim revisions that may arise subsequent to the public hearing.

Prior to the vote, three technical corrections were offered and received, without objection. The corrected proposal was approved after a unanimous vote in the affirmative.

#### *8. Appearances*

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Celia R. Cangelosi served as Prosecuting Attorney for the Board. Mr. E. Wade shows served as Counsel to the Hearing Officer. Ms. Marlene Cashen was the Official Recorder. Due to prior knowledge, the members of the Violations Committee (Mr. Dixon, Mr. D'Angelo, Mr. Burch, Mr. Rabb, and Mr. Camp) were recused from the consideration of matters under their jurisdiction, and the remainder of the Board members present served as the jury, with Mr. Aron's reminder that any of them could recuse themselves from any particular matter where appropriate.

Mr. Aron then asked Mr. Johnson to sound the docket, which he did then do.

#### *9. Report of Reinstatement Committee – Consideration of Recommendations*

Mr. Aron called upon Mr. Rabb to present his committee's report. Mr. Rabb presented the following files for Board action:

**Cynthia Marie Willis (Pharmacist License No. 14177)** Mr. Rabb moved, and Mr. Dixon seconded, to grant the request for probation modification in the following manner: Effective September 2, 2001, all probation restrictions imposed in the November 18, 1999 Board Order are removed, subject to the following

conditions: (1) Should she desire to practice in Louisiana, she shall meet with the Reinstatement Committee, who may recommend certain restrictions to the full Board, and (2) should respondent fail to meet with the committee prior to resumption of practice in Louisiana, the license shall be placed on indefinite active suspension. The motion was approved after a unanimous vote in the affirmative. The Board ordered the probationary terms imposed by the November 18, 1999 Board Order removed from the license, subject to certain conditions as identified in the Board Order.

**Cynthia Denise Wiginton Cloud (Pharmacist License No. 13372)** Mr. Rabb moved, and Mr. McKay seconded, to grant the request for reinstatement of the lapsed license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated.

**Gwendolyn Owens Harrison (Pharmacist License No. 14076)** Mr. Rabb moved, and Ms. Jean seconded, to grant the request for reinstatement of the lapsed license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated.

**Hubert Joseph Morton, Jr. (Pharmacist License No. 9666)** Mr. Rabb moved, and Mr. Lantier seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to August 16, 2002. (2) Respondent shall obtain prior to August 16, 2002 a total of 500 hours of update practical experience under a Special Work Permit that shall be requested in writing by both the Pharmacist-in-Charge and the Respondent to the Board office. This experience shall be obtained in a Board-approved pharmacy. Respondent shall submit to the Board office documentation of successful completion of said hours, along with a Letter of Competency of Respondent to practice pharmacy from the supervising pharmacist. (3) Respondent shall obtain prior to August 16, 2002 a total fifteen hours of ACPE approved continuing education in any manner he chooses. (4) Respondent shall cause letters of good standing to be received in the Board office from every jurisdiction in which he holds a license to practice pharmacy; the letters shall indicate any disciplinary history. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

*10. Report of Impairment Committee – Consideration of Recommendations*

At this point, Mr. Camp moved, and Mr. Oubre seconded, to enter into executive session for the purpose of discussing the physical and mental health of several licensees relative to their professional competence. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 9:40 a.m. At 11:15 a.m., Mr. Aron invited the guests back into the meeting room and resumed the posted agenda. He then called upon Mr. Bourg for his committee's report.

**Frank Taylor Watson (Pharmacist License No. 11005)** Mr. Bourg moved, and Mr. Oubre seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective May 24, 2001.

**Frank Taylor Watson (Pharmacist License No. 11005)** Mr. Bourg moved, and Mr. Burch seconded, to deny the request for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

**Mark Lindsey Schexnayder (Pharmacist License No. 14670)** Mr. Bourg moved, and Mr. Oubre seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective June 15, 2001.

**Juanita Tarver Gilbert (Pharmacist License No. 14600)** Mr. Bourg moved, and Mr. Bond seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective June 25, 2001.

**Kyle Paul Ayme (Pharmacist License No. 11291)** Mr. Bourg moved, and Mr. Dixon seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective June 24, 2001.

**Jennifer Lynn Orkus (Technician Trainee Permit No. 5574)** Mr. Bourg moved, and Mr. Lantier seconded, to accept the voluntary surrender of the trainee permit. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the trainee permit, effective July 24, 2001.

**Jerry Dale Walters (Pharmacist License No. 16806)** Mr. Bourg moved, and Mr. McKay seconded, to reinstate the license, suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning August 16, 2001 and ending August 15, 2006, with following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of

compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of Pharmacist-in-Charge. (7) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. (8) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in the immediate and indefinite suspension of Respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the suspension, then placed the license on probation for five years, beginning August 16, 2001 and terminating on August 15, 2006, subject to certain terms as identified in the Board Order.

**Melvin Louis Jackson III (Pharmacist License No. 14588)** Mr. Bourg moved, and Mr. Burch seconded, to reinstate the license, suspend it for four years, stay the suspension, then place the license on probation for four years, beginning August 22, 2001 and terminating on August 21, 2005, with the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of Pharmacist-in-Charge. (7) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. (8) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in the immediate and indefinite suspension of Respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for four years, stayed the suspension, then placed the license on probation for four years, beginning August 22, 2001 and terminating August 21, 2005, subject to certain terms as identified in the Board Order.

**Edward Earl Bryan (Pharmacist License No. 9928)** Mr. Bourg moved, and Mr. Lantier seconded, to reinstate the license, suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning August 16, 2001 and terminating August 15, 2006, subject to the following term

of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is to maintain and submit to the Board upon request a perpetual inventory of all controlled dangerous substances (Schedules II-V). (7) Respondent's wife, Shirley Bryan, is prohibited from entering the prescription department of Medic's Pharmacy of Ruston for the entire period of Respondent's probation. (8) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in the immediate and indefinite suspension of Respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the suspension, then placed the license on probation for five years, beginning August 16, 2001 and terminating August 15, 2006, subject to certain terms as identified in the Board Order.

**John Colby Bourque (Pharmacist License 16232)** Mr. Bourque moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, beginning November 17, 2000, stayed the last forty eight months of the suspension, then placed the license on probation for four years, beginning November 17, 2001 and terminating November 10, 2005, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position as Pharmacist-in-Charge. (7) Respondent is to maintain and submit to the Board upon request a perpetual inventory of all controlled dangerous substances (Schedule II-V). (8) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board and

have results submitted to the Board office. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in the immediate and indefinite suspension of Respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the last forty eight months of the suspension, then placed the license on probation for four years, beginning November 17, 2001 and terminating November 10, 2005, subject to certain terms as identified in the Board Order.

**Michael Anthony Joplin (Pharmacist License No. 11329)** Mr. Bourg moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for three years, stayed the suspension, then placed the license on probation for three years, beginning July 15, 2001 and terminating July 14, 2004, subject to the following conditions of probation: (1) Respondent is to follow the recommendations of Dr. A. Kenison Roy, III, FASAM, as delineated in his Letter of Evaluation dated June 15, 2001. (2) Respondent shall not violate any local, state, or federal pharmacy laws. (3) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (4) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (5) Respondent shall accept employment at Board-approved sites only. (6) Respondent is prohibited from holding the position of Pharmacist-in-Charge. (7) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. (8) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in the immediate and indefinite suspension of Respondent's pharmacist license until a hearing can be had on the matter.

**Ronnie Steve Polito (Pharmacist License No. 11348)** Mr. Bourg moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a majority vote in the affirmative. Mr. Adams objected. Mr. D'Angelo and Ms. Jean requested the record to reflect their abstention from this particular question. Hearing no objection to the request, Mr. Aron ordered the record to reflect those abstentions. The Board suspended the license for two years, stayed the suspension, then placed the license on probation for two years, beginning July 15, 2001 and terminating July 14, 2003, subject to the following conditions of probation: (1) Respondent is to follow the recommendations of Dr. A. Kenison Roy, III, FASAM, as delineated in his Letter of Evaluation dated June 21, 2001. (2) Respondent shall not violate any local, state, or federal pharmacy laws. (3) Respondent shall remain alcohol and drug free. Respondent is not to

use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (4) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (5) Respondent shall accept employment at Board-approved sites only. (6) Respondent is prohibited from holding the position of Pharmacist-in-Charge. (7) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. (8) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in the immediate and indefinite suspension of Respondent's pharmacist license until a hearing can be had on the matter.

**Deborah Ann Evans (Pharmacist License No. 11143)** Mr. Bourg moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board placed the license on indefinite active suspension.

Mr. Aron thanked the committee for its ongoing efforts.

*11. Report of Violations Committee – Consideration of Consent Agreements*

Mr. Aron called upon Mr. Dixon to present his committee's report. Mr. Dixon presented the following files for Board action.

**Cynthia Ann Maxey (Pharmacist License No. 15613)** Mr. Dixon moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, beginning March 27, 2000 and terminating March 26, 2005, then prohibited application for probated reinstatement until after March 26, 2001. The Board also assessed the license \$2,500 plus administrative and investigative costs. Any reinstatement prior to the termination of the suspensive period shall be served on probation, subject to the following conditions: (1) Respondent is not to violate any local, state, or federal laws or regulations pertaining to the practice of pharmacy. (2) Respondent may not hold position of Pharmacist-in-Charge. (3) All assessments shall be paid prior to reinstatement.

*Charges:*

- (1) LRS 37:1241.A.15 – practiced pharmacy, or knowingly permitted anyone in her employ or under her supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this law and/or any rules and regulations promulgated thereto;
- (2) LAC 46:LIII.1107.1 – the pharmacist-in-charge shall be responsible for complete supervision, management, and compliance with all federal and state pharmacy laws and regulations pertaining to the practice of pharmacy of the entire prescription department.

- (3) LAC 46:LIII.3529.E – pharmacist-in-charge shall be accountable for audits of controlled dangerous substances.

**Slidell Memorial Hospital (Pharmacy Permit No. 1021)** Mr. Dixon moved, and Mr. Aucoin seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the permit, and then assessed the permit \$3,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1222.A – the owner of a pharmacy permit shall designate a pharmacist-in-charge.
- (2) LRS 37:1241.A.15 – has evaded, or assisted another person in evading, any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LAC 46:LIII.1107.3 – notice shall be required when the pharmacist-in-charge resigns, retires, is terminated or transferred, and this disclosure must be afforded the Board office in writing by the permit holder and the new pharmacist-in-charge within 10 days of the departure or transfer.

Noting the hour to be 11:45 a.m., Mr. Aron recessed the hearing for lunch. It was noted that he reconvened the hearing at 12:30 p.m. and he then re-ordered the agenda to open the Formal Hearing. He also noted for the record that Mr. Shows was then in service as Counsel to the Hearing Officer.

## 12. *Formal Hearings*

**Annetta Jean Hathorne (Technician Certificate No. 3064)** Mr. Aron requested Ms. Cangelosi to proceed with her presentation. Ms. Cangelosi noted that since the respondent was absent, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, Ms. Cangelosi offered her Proposed Findings of Fact, Conclusions of Law, and recommended sanctions during her closing argument. Following the Board's deliberations, Mr. Lantier moved, and Mr. Oubre seconded, that

**Resolved**, that the Board accept the Findings of Fact proposed by the Prosecuting Attorney, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Following further deliberations, Mr. Lantier moved, and Mr. Bourg seconded, that

**Resolved**, that the Board accept the Conclusions of Law proposed by the Prosecuting Attorney, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Upon the recommendation of the Prosecuting Attorney, Ms. Jean moved, and Mr. Bond seconded, that

**Resolved**, that the Board revoke Pharmacy Technician Certificate No. 3064.

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

**Gwenetta T. Long (Technician Trainee Permit No. 5287)** Mr. Aron requested Ms. Cangelosi to proceed with her presentation, and she then reminded the Board members that they had previously sanctioned this licensee. The respondent requested a rehearing, and the request was timely filed. Mr. Aucoin moved, and Mr. McKay seconded, that

**Resolved**, that the Board grant the rehearing request, and further, to re-hear the case immediately.

The motion was approved after a unanimous vote in the affirmative. At that point, Mr. Aron invited the respondent to present her case. Following the presentation of evidence and cross-examination of witnesses, the matter was placed for consideration. Mr. McKay moved, and Mr. Bond seconded, to enter executive session for the purpose of discussing character and competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered executive session at 1:30 p.m., reconvened at 1:55 p.m. Mr. Aron re-opened the meeting room and resumed the posted agenda, on the instant case.

Mr. Bourg proposed the Findings of Fact; he then moved, and Mr. Carmichael seconded, that

**Resolved**, that the Board accept the proposed Findings of Fact, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Mr. Bourg proposed the Conclusions of Law: he then moved, and Mr. Carmichael seconded, that

**Resolved**, that the Board accept the proposed Conclusions of Law, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Following further deliberations, Mr. Bourg moved, and Mr. Bond seconded, that

**Resolved**, that the Board revoke Pharmacy Technician Trainee Permit No. 5287.

The motion was approved after a majority vote in the affirmative. Mr. Aucoin objected.

**Demetria Marie Ketchens (Technician Certificate No. 1677)** Mr. Aron requested Ms. Cangelosi to make her presentation. Ms. Cangelosi noted that since the respondent was absent, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, Ms. Cangelosi offered her Proposed Findings of Fact, Conclusions of Law, and recommended sanction during her closing argument. Following the Board's deliberations, Mr. Aucoin moved, and Ms. Anderson seconded, that

**Resolved**, that the Board accept the Findings of Fact and Conclusions of Law proposed by the Prosecuting Attorney, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. After further deliberations, Mr. Aucoin moved, and Mr. Adams seconded, that

**Resolved**, that the Board revoke Pharmacy Technician Certificate No. 1677.

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

At this point, Mr. Aron noted that the formal hearings had concluded. He excused Mr. Shows with appreciation for his service, then placed the Board in recess at 3:00 p.m. It was noted the Board reconvened at 3:20 p.m. Mr. Aron resumed the posted agenda, returning to the report from the Violations Committee.

*11. Report of Violations Committee (continued)*

**Addie Veronica Villavasso (Pharmacist License No. 14586)** Mr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the license \$500 plus administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – practiced, or knowingly permitted or has permitted anyone in her employ or under her supervision to assist in the practice of pharmacy, in violation of the provisions of this law and any rules and regulations promulgated thereto.
- (2) LAC 46:LIII.3501 – dispensing legend medications without legitimate prescriptions.

**Kathleen Ann Williams (Pharmacist License No. 9989)** Mr. Dixon moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent, and assessed the license administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – practiced, or knowingly permitted or has permitted anyone in her employ or under her supervision to assist in the practice of pharmacy, in violation of the provisions of this law and any rules and regulations promulgated thereto.
- (2) LAC 46:LIII.3501 – dispensing legend medications without legitimate prescriptions.

**Winn-Dixie Pharmacy No. 1417(Pharmacy Permit No. 2182)** Mr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the permit investigative and administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of any provision of this law and any rules and regulations promulgated thereto.
- (2) LAC 46:LIII.2903.A – failure to maintain accurate and readily retrievable records regarding legend drugs.
- (3) LAC 46:LIII.3531.H.2 – failure to maintain complete and accurate records of transactions for controlled dangerous substances.

**Elizabeth Rose Boudreaux (Pharmacist License No. 16295)** Mr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the license administrative costs. The Board also required the respondent to obtain fifteen hours of ACPE approved continuing education, at least three hours of which shall be obtained through live presentation(s); the assigned hours are in addition to the fifteen hours required for licensure renewal, and shall be obtained prior to December 31, 2001. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a license by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failure to furnish information legally requested by the Board.

**James Henry Dykes (Pharmacist License No. 16216)** Mr. Dixon moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the license administrative costs. The Board also required the respondent to obtain fifteen hours of ACPE approved continuing education, at least three hours of which shall be obtained through live presentation(s); the assigned hours are in addition to the fifteen hours required for licensure renewal, and shall be obtained prior to December 31, 2001. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a license by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failure to furnish information legally requested by the Board.

**Zeta Lyn Hayes (Pharmacist License No. 14935)** Mr. Dixon moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the license administrative costs. The Board also required the respondent to obtain fifteen hours of ACPE approved continuing education, at least three hours of which shall be obtained through live presentation(s); the assigned hours are in addition to the fifteen hours required for licensure renewal, and shall be obtained prior to December 31, 2001. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a license by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failure to furnish information legally requested by the Board.

**Bruce Samuel Taylor (Pharmacist License No. 13364)** Mr. Dixon moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for two years, stayed the suspension, then placed the license on probation for two years, beginning July 15, 2001 and terminating July 14, 2003, subject to the following conditions of probation: (1) Respondent shall earn ten hours of ACPE approved continuing education prior to December 31, 2001; the

assigned hours are in addition to the fifteen hours required for licensure renewal. (2) Failure to comply with terms of probation shall result in the immediate active suspension of the license for three years. The Board also assessed the license administrative costs. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a license by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failure to furnish information legally requested by the Board.

**Peter Joseph Willis, Jr. (Pharmacist License No. 13146)** Mr. Dixon 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 license for two years, stayed the suspension, then placed the license on probation for two years, beginning August 16, 2001 and terminating August 15, 2003, subject to the following condition of probation: Respondent shall earn twenty five hours of ACPE approved continuing education prior to December 31, 2001; the assigned hours are in addition to the fifteen hours required for licensure renewal. The Board also assessed the license \$1,000 plus administrative costs. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a license by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failure to furnish information legally requested by the Board.

**Eckerd Drugs No. 2530 (Pharmacy Permit No. 3672)** Mr. Dixon 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 permit \$1,000 plus investigative and administrative costs. *Charge:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of this law and any rule and regulation promulgated thereto.

**Rodney James Fandal (Pharmacist License No. 10768)** Mr. Dixon moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent. *Charge:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of this law and any rule and regulation promulgated thereto.

**Candace Elizabeth Klotthor (Technician Trainee Permit No. 4329 – now Technician Certificate No. 4759)** Mr. Dixon moved, and Mr. Carmichael seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent. *Charge:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of this law and any rule and regulation promulgated thereto.

**Frederick Arthur Vanderliet, Jr. (Technician Trainee Permit No. 4030 – now Technician Certificate No. 4766)** Mr. Dixon moved, and Mr. Oubre seconded, to

accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent. *Charge:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of this law and any rule and regulation promulgated thereto.

**Thrift-T-Way Pharmacy (Pharmacy Permit No. 1248)** Mr. Dixon moved, and Ms. Anderson seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the permit investigative and administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of this law and any rule and regulation promulgated thereto.
- (2) LRS 37:1241.A.17 – has knowingly selected an equivalent drug product when the practitioner instructed otherwise.

**Alfred Dean Richard (Pharmacist License No. 8415)** Mr. Dixon moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the license administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of this law and any rule and regulation promulgated thereto.
- (2) LRS 37:1241.A.17 – has knowingly selected an equivalent drug product when the practitioner instructed otherwise.

**Sandy Soileau Jarrell (Pharmacist License No. 13540)** Mr. Dixon moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and assessed the license administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of this law and any rule and regulation promulgated thereto.
- (2) LRS 37:1241.A.17 – has knowingly selected an equivalent drug product when the practitioner instructed otherwise.

**Charles Stuart Buck, Jr. (Pharmacist License No. 11964)** Mr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent, and assessed the license investigative and administrative costs. *Charges:*

- (1) LRS 37:1207.A – practiced pharmacy without a current license.
- (2) LRS 37:1241.A.1 – practiced pharmacy in violation of this law and any rule and regulation promulgated thereto.

**Charles Scott Weatherford (Pharmacist License No. 15275)** Mr. Dixon moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a majority vote in the affirmative. Mr. Bourg and Mr. Oubre objected. The Board suspended the license for ten years, beginning November 7, 2000, then prohibited any application for reinstatement until November 6, 2005; further, any reinstatement granted prior to November 6, 2010 shall be served on probation until that date. The Board then assessed the license \$10,000 plus investigative and administrative costs; one-half of the assessment was paid on execution of the agreement, and the remainder of the assessment shall be paid prior to any application for reinstatement. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of this law and any rule and regulation promulgated thereto.
- (2) LRS 37:1241.A.4 – has been convicted of a felony involving moral turpitude in the courts of any state, territory, or country.
- (3) LRS 40:969.A.1 – unlawful distribution of Schedule IV controlled dangerous substance.
- (4) LAC 46:LIII.3501 – unlawful dispensation of legend drugs without legitimate prescriptions.
- (5) LAC 46:LIII.3529.E – pharmacist-in-charge is accountable for audits of controlled dangerous substances.
- (6) LAC 46:LIII.3531.A – prescriptions for controlled dangerous substances must be issued for a legitimate medical purpose by a licensed medical practitioner in the usual course of professional practice and dispensed by a licensed pharmacist.

**Joyce Ann Boyd (Technician Certificate No. 1605)** Mr. Dixon moved, and Mr. Aucoin seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate. *Charges:*

- (1) LRS 37:1241.A.15 – evaded local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 40:968.C – unlawful distribution of Schedule III controlled dangerous substances.

**Shawne L. Karcher (Technician Certificate No. 4170)** Mr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate. *Charges:*

- (1) LRS 37:1241.A.15 – evaded local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 40:968.C – unlawful possession with intent to distribute Schedule III controlled dangerous substance.
- (3) LRS 40:969.C – unlawful possession with intent to distribute Schedule IV controlled dangerous substance.

Mr. Aron thanked Mr. Dixon and his committee for their extensive deliberations prior to this hearing.

Mr. Aucoin requested that staff open an investigation relative to the apparent failure of a pharmacy to file a report on theft of controlled substances to the Board office. Without objection, Mr. Aron issued that directive to staff.

*13. Adjourn*

Mr. Oubre moved, and Mr. Adams seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron adjourned the Board at 4:30 p.m.

Respectfully submitted,

---

Reuben R. Dixon,  
Secretary