Minutes

Regular Meeting

Wednesday, August 18, 2004 at 1:00 p.m.

Louisiana Board of Pharmacy
5615 Corporate Blvd., Suite 8-E
Baton Rouge, Louisiana 70808

Administrative Hearing

Thursday, August 19, 2004 at 8:00 a.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70808
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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 18, 2004 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Boulevard, 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 1:35 p.m.

2. **Invocation & Pledge**
Mr. Aron called upon Mr. Clovis Burch, and he delivered the invocation. Dr. Lois Anderson then led the group in the recitation of the Pledge of Allegiance.

3. **Quorum Call**
Mr. Aron called upon the Secretary, Dr. Reuben Dixon, to call the roll.

**Members Present:**
- Mr. Joseph L. Adams
- Dr. Lois R. Anderson
- Mr. Carl W. Aron
- Mr. Brian A. Bond
- Mr. Clovis S. Burch
- Mr. Wayne A. Camp
- Mr. Theodore S. Carmichael
- Mr. Salvatore J. D'Angelo
- Dr. Reuben R. Dixon
- Mr. Joseph V. Greco *(late arrival)*
- Mr. Larry J. Lantier, Jr.
- Mr. Marty R. McKay
- Mr. Fred H. Mills, Jr.
- Mr. Richard J. Oubre
- Mr. T. Morris Rabb

**Members Absent:**
- Ms. Jacqueline L. Hall
- Mr. Jeffrey M. Landry

**Staff Present:**
- Mr. Malcolm J. Broussard, Executive Director
- Mr. Carlos M. Finalet, III, General Counsel
- Ms. Kathleen V. Gaudet, Chief Compliance Officer
- Mr. Stephen L. Collins, Compliance Officer
- Mr. Melvin J. Fontenot, Compliance Officer
- Mr. Huey J. Savoie, Compliance Officer
- Mr. Rayland M. Trisler, Compliance Officer
Guests:
   Rep. Ronnie S. Johns – Louisiana House of Representatives
   Dr. F. Lamar Pritchard – Dean, ULM College of Health Sciences
   Mr. Mark R. Malouse – U.S. Navy
   Mr. Norman J. Nichols – Unisys

Dr. Dixon certified that a quorum of the Board was present.

4. Call for Additional Agenda Items
Mr. Aron asked if there were any additional agenda items, and none were offered.

At this point Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Mr. Camp moved, and Mr. Oubre seconded, to grant the President the authority to reorder the agenda as necessary. The motion was approved after a unanimous vote in the affirmative.

5. Consideration of Minutes
Mr. Aron reminded the Board members they had received the draft minutes from the last meeting in their advance-meeting packet; he then requested any changes. Hearing no corrections, Mr. Oubre moved and Mr. Adams seconded,

    Resolved, that the Minutes of the Board Meeting of May 5, 2004 and the Administrative Hearing of May 6, 2004, both 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. Aron then reminded the members of the Violations Committee they had received the draft minutes from the Interlocutory Hearing on July 29, 2004 in a supplemental advance-meeting packet; he then requested any changes in that document. Hearing no corrections, Mr. Burch moved and Mr. Rabb seconded,

    Resolved, that the Minutes of the Interlocutory Hearing of July 29, 2004, 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. Dr. Dixon reminded the members to sign the Minute Book.

6. Report on Action Items
Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard reported there were no action items from the last Board meeting.

7. Confirmation of Acts
At the request of Mr. Aron, Mr. D'Angelo moved and Mr. Lantier seconded,

    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 6, 2004 are approved, adopted, and ratified by the entire Board.

The motion was approved after a unanimous vote in the affirmative.
8. **Opportunity for Public Comment**
Mr. Aron informed the Board and guests that the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings. He solicited general comments, but none were offered.

At that point, Mr. Aron recognized Rep. Ronnie S. Johns, who gave a short report on the recently completed legislative session, and then closed with an offer of assistance at the 2005 legislative session.

9. **Special Order of the Day – Presentation of Gold Certificate**
Mr. Aron called upon Mr. D’Angelo, who then presented to Mr. Edward K. Skinner a pharmacist certificate engraved in gold, commemorating fifty years of practice as a pharmacist licensed in Louisiana. Mr. D’Angelo thanked Mr. Skinner for his service to the citizens of the state and to the profession of pharmacy; he also informed Mr. Skinner that one of the benefits of the gold certificate is a waiver of all future renewal fees. The members and guests congratulated Mr. Skinner with a standing ovation.

10. **Introduction of Special Guest**
Mr. Aron informed the members that the University of Louisiana at Monroe had recently appointed F. Lamar Pritchard, Ph.D., as Dean of their College of Health Sciences, which includes the School of Pharmacy. Mr. Aron then introduced Dr. Pritchard, who made a short presentation to the Board. He requested the Board reconsider the continuing education requirements to require some number of ‘live’ or ‘contact’ hours as part of that total requirement. In addition, he also expressed concern for the certified pharmacist preceptor training program and its impact on his interns. He closed with a pledge to work with the Board.

It was noted that Mr. Greco arrived at 1:55 p.m.

11. **Committee Reports**
   **A. Finance Committee**
   Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael then introduced Mr. Russell Champagne, CPA. Mr. Champagne then made his annual report to the Board. He directed the members to several documents in their meeting packet: Statement of Assets, Liabilities, and Equity, Final Budget Performance Report, and Summary of Fund Balance, all for the Fourth Quarter of the prior fiscal year, as well as the Hancock Bank Statement for June 30, 2004. He also noted the Variance Report, which contained line item details. He reviewed all of the reports, and answered questions from the members.

   **Action Item:** During the discussion, Mr. Carmichael requested staff research the historical data relative to staff salaries, wages, and benefits as a percentage of operating revenue.

   Hearing no further questions, Mr. Carmichael moved and Mr. Bond seconded,

   **Resolved,** that the Board approve the Annual Financial Report for
Fiscal Year 2003-2004, subject to audit. The motion was approved after a unanimous vote in the affirmative.

Mr. Carmichael then reminded the members they had approved the Fiscal Year 2004-2005 budget in November 2003. He indicated the committee met the previous day to consider amendments to that budget, using the final numbers from the prior fiscal year. He directed the members to that information in their meeting packet, and then answered their questions. With no further discussion, Mr. Carmichael moved and Mr. Greco seconded,

**Resolved**, that the Board approve the propose budget amendments, *in globo*, as Budget Amendment No. 1 to the Fiscal Year 2004-2005 Budget.

The motion was approved after a unanimous vote in the affirmative. Mr. Carmichael thanked Mr. Champagne for his service and presentation, and he also thanked the members of his committee for their work the previous day.

B. **Examination/Technician Committee**

Mr. Aron called upon Mr. Camp for the committee report. Mr. Camp directed the members to the meeting packet, which contained the NAPLEX data for the first trimester of 2004, as well as rosters of newly licensed pharmacists and newly certified technicians.

C. **Reciprocity Committee**

Mr. Aron called upon Mr. McKay for the committee report. He reported that the committee had approved three pharmacists since the last board meeting in accordance with committee policies and procedures previously approved by the Board. He reported the committee interviewed 28 candidates that morning. He then moved and Mr. Oubre seconded,

**Resolved**, that the Board approve

- Tracy Elizabeth Aunkst
- Sherry Ann Boyer
- Sherrie Rae Cooper
- Ginger Jo Ertel
- Ian David Essen
- John Steven Giordullo
- Kathleen Elizabeth Henson
- Deyanda Ozay Jones
- Francesca Antoinette Joubert
- Gary Gilbert Koesten
- Brent Van Landry
- Norman Donald Lazar
- Loretta Virgil Lemoine
- Julia Knowles Manuel
- Larry Eugene Niederkorh
- Rudolph Frank Prinz, Jr.
- Jack Arlen Ridenour, Jr.
- Larry Wallis Schallock
- O'Rita Marie Siddall
Mamdouh Emil Sous  
Larry Don Stephens  
Lisa Watkins Thomas  
David Gregory Tucker  
Allen Phillip Walls  
Oneka Barnes Watson  
Michael Gerard Zeglinski, and  
John Louis Lightle  

for pharmacist licensure by reciprocity. The motion was approved after a unanimous vote in the affirmative. Mr. McKay then moved and Mr. Burch seconded,  

Resolved, that the Board approve Yvette Anita King for licensure by reciprocity, contingent upon her successful completion of the requirements enumerated in the executed consent agreement, and further, to place said license on probation for an indefinite period of time.  
The motion was approved after a unanimous vote in the affirmative. Finally, Mr. McKay thanked the members of his committee for their work that morning.

D. Regulation Revision Committee  
Mr. Aron called upon Mr. D'Angelo for the committee report. Mr. D'Angelo reported on the committee’s May 12 meeting with representatives from the Health Works Commission and the state Department of Education. He also indicated that staff has been researching the next topic – Role of Technology in Pharmacy Practice.

Mr. D'Angelo requested Mr. Finalet to summarize the findings of the requested opinion received from the office of the Attorney General. Mr. Finalet directed the members to a copy of the opinion in their meeting packet, then reviewed and summarized that document. Some of the members suggested the possibility of a pilot project to enable those parties to achieve their objective, as opposed to revising the proposed technician regulation.

Finally, Mr. D'Angelo thanked the members of his committee for their efforts.  

At this point, Mr. Aron declared a brief recess. It was noted that the Board recessed at 3:25 p.m. and reconvened at 4:00 p.m. He resumed the posted agenda, in open session.

E. Reinstatement Committee  
Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb informed the members that the credentials of two pharmacists and four pharmacy technicians had been reinstated since the last meeting, in accordance with committee policies and procedures previously approved by the board.

The committee met earlier that morning to consider petitions from six pharmacists. Mr. Rabb then presented the following files for Board action.
Marilyn Vallee Dawdy (Pharmacist License No. 9751) Mr. Rabb moved, and Dr. Dixon seconded, to grant the application to return her inactive license to active status, and further, to condition the reinstatement of the license upon completion of certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon successful completion of certain requirements enumerated in the consent order.

John Henry Verhulst (Pharmacist License No. 9834) Mr. Rabb moved, and Mr. Oubre seconded, to grant the application for reinstatement, and further, to condition the reinstatement of the license upon completion of certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon successful completion of certain requirements enumerated in the consent order.

Dana Welin Thornton (Pharmacist License No. 16212) Mr. Rabb moved, and Mr. Camp seconded, to grant the application for reinstatement, and further, to condition the reinstatement of the license upon completion of certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon successful completion of certain requirements enumerated in the consent order.

Zelda Coleman Lewis (Pharmacist License No. 14769) Mr. Rabb moved, and Mr. Camp seconded, to grant the application for reinstatement, and further, to condition the reinstatement of the license upon completion of certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon successful completion of certain requirements enumerated in the consent order.

Andrew Richardson Cale (Pharmacist License No. 13305) Mr. Rabb moved, and Mr. Oubre seconded, to grant the application for reinstatement, and further, to condition the reinstatement of the license upon completion of certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon successful completion of certain requirements enumerated in the consent order.

John Joseph Morgan, Jr. (Pharmacist License No. 13009) Mr. Rabb moved, and Mr. McKay seconded, to deny the application for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the application for reinstatement.

Finally, Mr. Rabb expressed appreciation to the members of his committee for their work earlier that morning.
F. Violations Committee

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reported that the committee conducted their last Informal Conference on June 8-9, 2004; that docket included 19 pharmacists, 6 technicians, 1 intern, and 10 permits. The committee also conducted an Interlocutory Hearing on July 29, 2004; that docket included 2 pharmacists and one permit. He informed the members the next Informal Conference was scheduled for September 1; that docket includes 4 pharmacists, 4 interns, 5 technicians, and 2 permits. He then announced that the docket for the Administrative Hearing scheduled for the next day included 5 formal hearings, 27 consent agreements from the committee, and 6 consent agreements from staff, as well as the petition for declaratory judgment from La. Methadone Treatment Association. Finally, Dr. Dixon thanked the members of his committee for their efforts.

G. Impairment Committee

Mr. Aron called upon Mr. Burch for the committee report. Mr. Burch informed the members that the committee had met the previous day to consider voluntary surrenders from 5 pharmacists, 2 interns, and one technician; petitions for reinstatement from 6 pharmacists; petitions for probation modification from 3 pharmacists, as well as to provide guidance to 2 interns, one pharmacist, one technician, and one technician candidate. He then presented the following files for Board action.

Scott Taylor Lovitt (Intern Registration No. 41953) Mr. Burch moved, and Dr. Anderson seconded, to accept the voluntary surrender of the registration. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the registration, resulting in the indefinite suspension of the registration, effective June 22, 2004.

Si Dinh Pham (Pharmacist License No. 15979) Mr. Burch moved, and Dr. 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 of the license, resulting in the indefinite suspension of the license, effective June 29, 2004.

Spencer Landis (Intern Registration No. 41818) Mr. Burch moved, and Mr. Oubre seconded, to accept the voluntary surrender of the registration. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the registration, resulting in the indefinite suspension of the registration, effective July 9, 2004.

Therese J. Benson (Technician Certificate No. 4674) Mr. Burch moved, and Mr. Camp seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the certificate, resulting in the indefinite suspension of the certificate, effective August 4, 2004.
James Andrew McPherson, III (Pharmacist License No. 16237) Mr. Burch moved, and Mr. Camp seconded, to accept the voluntary surrender to the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective August 6, 2004.

Steven James Cozine (Pharmacist License No. 16801) Mr. Burch 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 of the license, resulting in the indefinite suspension of the license, effective August 12, 2004.

Norman August Higginbotham (Pharmacist License No. 15486) Mr. Burch moved, and Mr. Camp 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 of the license, resulting in the indefinite suspension of the license, effective August 12, 2004.

Victoria Grabert Mickail (Pharmacist License No. 15335) Mr. Burch 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 of the license, resulting in the indefinite suspension of the license, effective August 16, 2004.

Kerry Michael Finney (Pharmacist License No. 13535) Mr. Burch moved, and Dr. Anderson 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.

Charles Steven Hundley (Pharmacist License No. 15460) Mr. Burch moved, and Mr. Rabb seconded, to grant the application for reinstatement, then suspend the license for five years, stay the execution thereof, then place the license on probation for five years, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the execution thereof, then placed the license on probation for five years, beginning on August 18, 2004 and terminating on August 17, 2009, subject to certain terms as enumerated in the consent order.

James Edward Witchen (Pharmacist License No. 10597) Mr. Burch moved, and Dr. Dixon seconded, to grant the application for reinstatement, then suspend the license for ten years, stay the execution thereof, then place the license on probation for ten years, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for ten years, stayed the execution thereof, then placed the license on probation for ten years, beginning on August 18, 2004 and terminating on August 17, 2014,
subject to certain terms as enumerated in the consent order.

**Penny Pouncey Hutcheson (Pharmacist License No. 13351)** Mr. Burch moved, and Dr. Anderson seconded, to grant the application for reinstatement, then suspend the license for five years, stay the execution thereof, then place the license on probation for five years, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the execution thereof, then placed the license on probation for five years, beginning on August 18, 2004 and terminating on August 17, 2009, subject to certain terms as enumerated in the consent order.

**Marco Bisa Moran (Pharmacist License No. 16442)** Mr. Burch moved, and Mr. Bond seconded, to deny the application for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

**Jerry Dale Walters (Pharmacist License No. 16806)** Mr. Burch moved, and Dr. Dixon seconded, to grant the request for probation modification. The motion was approved after a unanimous vote in the affirmative. The Board ordered the modification of Article 2(f) of his May 5, 2004 consent order, as reflected in the consent order.

**Russell Allen Hays (Pharmacist License No. 15916)** Mr. Burch moved, and Dr. Dixon seconded, to grant the request for probation modification. The motion was approved after a unanimous vote in the affirmative. The Board ordered the removal of restrictions imposed by Article 2(f) of his May 3, 2004 consent order.

**Stephen Brent Dearmon (Pharmacist License No. 15266)** Mr. Burch moved, and Mr. Camp seconded, to grant the request for probation modification. The motion was approved after a unanimous vote in the affirmative. The Board ordered the removal of restrictions imposed by Article 2(d) of his November 20, 2003 consent order.

Finally, Mr. Burch thanked the members of his committee for their work on the previous day.

**H. Tripartite Committee**

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams reported the committee had not met since the last board meeting; however, he indicated plans for a meeting in October relative to the pharmacist preceptor training program.

**Action Item:** Board requested staff to research the feasibility of preparing web-based educational programs.
I. Legislative Committee

Mr. Aron called upon Mr. Broussard for the committee report. Mr. Broussard directed the members to the final legislative summary in their meeting packet. He itemized those items that will require updates in the pharmacy law book, and he responded to questions on several bills.

J. Executive Committee

Mr. Aron reported that because of recent increases in the utilization of legal services, staff reviewed the current fiscal year contract that was approved at the last Board meeting. They determined that the contract would most likely be exhausted prior to the end of the fiscal year. Following a short discussion, Mr. Burch moved and Mr. Camp seconded,

Resolved, that the Board approve an amendment to the legal services contract with Celia R. Cangelosi, at the stipulated rate, to authorize an amount not to exceed $80,000 for Fiscal Year 2004-2005.

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

12. Report of Chief Compliance Officer

Mr. Aron called upon Ms. Gaudet for her report. She presented the Statistical Summary for the Compliance Division for the prior fiscal year, as well as the similar data for the prior three fiscal years. She also reported on the range and scope of collaborative investigations (without identification or specific details) with a number of local, state, and federal agencies. She informed the compliance officers that they were to receive new laptop computers, mobile printers, and cameras. She expressed appreciation to the Board for the new equipment. Mr. Aron informed the members that the compliance officers had been field testing a mobile printer and camera; he complimented the compliance officers on the quality of their reports and exhibits at recent disciplinary proceedings, and noted the justification for the additional equipment.

13. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet reviewed several current pending legal matters, as well as the petition for declaratory judgment scheduled for the following day.

14. Report of Executive Director

Mr. Aron called upon Mr. Broussard for his report. He opened his report by reviewing his recent activities with other organizations on a variety of topics. He also directed the members to the census report in their meeting packet. He noted the initiation of the technician continuing education audit earlier that month. Due to the lateness of the hour, he did not demonstrate, but did announce, that the software program for online renewal of pharmacist licenses was essentially complete.

15. Requests for Opinion

A. SureScripts

Following a short discussion of the request and surrounding
issues, the Board reached a consensus to refer the matter to the Board’s Regulation Revision Committee, with a request for expedited consideration. The members noted that the request was within the scope of the pending Role of Technology in Pharmacy Practice project.

B. HealthSouth

Following a short presentation of the circumstances and proposed response by Mr. Broussard, the members reached consensus that his original interpretation was correct: since compounding is an integral part of the dispensing process, such activities may not be performed at one location for the benefit of another location.

C. American Red Cross

Following their review of the memorandum between the American Heart Association and the American Red Cross, Mr. D’Angelo moved and Mr. Burch seconded, 

Resolved, that the Board approve the American Red Cross’s CPR/AED for the Professional Rescuer as equivalent in scope and content to the American Heart Association’s Basic Life Support for Healthcare Providers.

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

16. Requests for Exception

A. Louis B. O’Connor

Following their review of the request and supporting materials, Mr. McKay moved and Mr. Adams seconded, 

Resolved, that the Board approve Pharmacist Louis B. O’Connor to serve as the Pharmacist-in-Charge at The Medicine Shoppe Pharmacy in Jennings as well as the Southwest War Veterans Home in Jennings.

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

B. Emmett L. Ward

Following their review of the request and supporting materials, Mr. McKay moved and Mr. D’Angelo seconded, 

Resolved, that the Board deny the request for Pharmacist Emmett L. Ward to serve as the Pharmacist-in-Charge at both Wal-Mart Pharmacy No. 10-0541 in Covington as well as the River Trace Pharmacy in Mandeville.

Prior to the vote being taken, Mr. Oubre moved and Mr. Lantier seconded, to enter into executive session for the purpose of discussing the competency of the applicant. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered executive session at 6:20 p.m., and then returned to open session at 6:25 p.m., at the instant request.
The motion was approved after a unanimous vote in the affirmative.

17. **Announcements**
Mr. Broussard reminded the Board members of several calendar notes, and alerted them to the calendar in their meeting packet.

18. **Recess**
Mr. D’Angelo moved, and Mr. Camp 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 6:30 p.m.

An Administrative Hearing was convened on Thursday, August 19, 2004 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The hearing 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 8:55 a.m.

2. **Invocation & Pledge**
Mr. Aron called upon Mr. Bond, and he delivered the invocation. Dr. Dixon then led the group in the recitation of the Pledge of Allegiance.

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

4. **Call for Additional Agenda Items**
Mr. Aron asked if there were any additional agenda items. None were offered.

At this point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various witnesses and reports. Mr. Camp moved, and Dr. Anderson seconded, to grant the President the authority to reorder the agenda as necessary with respect to witnesses and reports. The motion was approved after a unanimous vote in the affirmative.

5. **Opportunity for Public Comment**
Mr. Aron informed the Board and guests that the Open Meetings Law requires 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.

6. **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. Mr. Malcolm Broussard was the Hearing Clerk. Due to prior knowledge, the members of the Violations Committee (Dr. Dixon, Mr. Bond, Mr. Burch, Mr. D’Angelo, and Mr. Rabb) abstained from the formal hearings, and the remainder of the Board members present served as the jury, with Mr. Aron’s reminder that any of them could abstain from any particular matter where appropriate.

Mr. Aron directed the entry of the posted docket into these minutes, and waived the reading thereof. The posted docket is re-created here:

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:00 a.m. on Thursday, August 19, 2004, in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana, for the purpose to wit:

AGENDA

A. Call to Order
B. Invocation & Pledge of Allegiance
C. Quorum Call
D. Call for Additional Agenda Items
E. Opportunity for Public Comment
F. Formal Hearings
   1. Pharmacist License No. 11805 – Denise A. Preston
   2. Technician Certificate No. 1653 – Joan L. Blount
   3. Pharmacist License No. 15439 – Steven L. Elliott
   4. Pharmacy Permit No. 1386 – Budget Saver Pharmacy
   +
   5. Pharmacist License No. 10299 – Norman G. Nasif
G. Petition for Declaratory Judgment – Louisiana Methadone Treatment Association
H. Report of Violations Committee – Consideration of Consent Agreements
   7. Pharmacy Permit No. 1697 – Rite Aid Pharmacy No. 7330
   8. Pharmacy Permit No. 1697 – Rite Aid Pharmacy No. 7280
   +
   9. Pharmacist License No. 10134 – Kay M. Gilmore
   +
   10. Pharmacist License No. 10309 – Barry J. Robichaux
   11. Pharmacy Permit No. 3040 – Rite Aid Pharmacy No. 7335

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12. Pharmacist License No. 13205 – Mahmoud Hassan
13. Intern Registration No. 41538 – Gabriel R. Edu
14. Pharmacy Permit No. 5013 – Low Cost Pharmacy
15. Pharmacy Permit No. 2908 – Community Pharmacy No. 1
16. Pharmacist License No. 14953 – Mona P. Carter
17. Technician Certificate No. 5714 – Kendra L. Eatmon
18. Pharmacy Permit No. 2212 – Walgreen Pharmacy No. 032-03156
19. Pharmacist License No. 16619 – Wendy A. Ledet
20. Technician Certificate No. 3609 – Jan T. Crowley
21. Pharmacy Permit No. 2317 – The Corner Drug Store
22. Pharmacist License No. 9924 – Gilford R. Birch
23. Pharmacist License No. 15893 – Heather J. Furr
24. Pharmacy Permit No. 5094 – Statscript Pharmacy
25. Pharmacist License No. 11850 – John D. Baque
27. Technician Certificate No. 2036 – Rachel H. Graves
28. Pharmacist License No. 14835 – Karen O. Howington
29. Pharmacist License No. 16099 – Fahed O. Al-Nabki
30. Pharmacist License No. 15007 – Roxanne Doley
31. Pharmacist License No. 11684 – Shirley P. Jeter
32. Pharmacist License No. 14795 – Barry J. Sylvester

I. Report of General Counsel – Consideration of Consent Agreements/Surrenders
33. Technician Certificate No. 4500 – Krissy M. Lacobee
34. Technician Certificate No. 5191 – Kelly M. Cleveland
35. Pharmacy Permit No. 4472 – Charles’ Pharmacy
36. Pharmacist License No. 11857 – James C. Bruce, II
37. Technician Certificate No. 5511 – Margaret R. Saunier
38. Pharmacist License No. 16157 – Guy F. Airey, III
7. **Formal Hearings**
Mr. Aron called upon Ms. Cangelosi, and she informed the members that the respondent in the first case had just agreed to a consent order; she requested Mr. Aron take up that matter under the appropriate agenda heading. Hearing no objection from the members, Mr. Aron directed that consent order to be agenda item 32-A.

**Joan L. Blount (Technician Certificate No. 1653)** Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Mr. Aron indicated the matter would proceed as a default proceeding. Ms. Cangelosi presented an opening statement, offered witnesses and exhibits, and then rested her case. She offered proposed Findings of Fact, Conclusions of Law, and a proposed order, and then submitted the matter to the Board for its consideration. Mr. Camp moved, and Mr. Adams seconded, to enter into executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered executive session at 9:15 a.m., and then returned to open session at 9:20 a.m., at the instant case.

Mr. McKay moved, and Mr. Lantier seconded,

**Resolved**, the Board accept the Findings of Fact proposed by the prosecuting attorney and then adopt them as their own; and further, to accept the Conclusions of Law proposed by the prosecuting attorney and then adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Mr. Oubre then moved, and Mr. Adams seconded,

**Resolved**, that the Board revoke Technician Certificate No. 1653; and further, to assess the respondent $5,000 plus administrative, investigative, and hearing costs; and further, to condition the acceptance of any future application for reinstatement upon certain terms as enumerated in the Board Order.

**Steven Louis Elliott (Pharmacist License No. 15439)** Ms. Cangelosi appeared for the Board, and she noted the absence of the respondent due to his incarceration. Mr. Aron ruled the matter would proceed as a default proceeding. Ms. Cangelosi presented an opening statement, offered witnesses and exhibits, and then rested her case. She offered proposed Findings of Fact, Conclusions of Law, and a proposed order, and then submitted the matter to the Board for its consideration. Mr. Oubre moved, and Mr. McKay seconded, to enter into executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered into executive session at 9:40 a.m., and then returned to open session at 9:45 a.m., at the instant case.
Dr. Anderson moved, and Mr. Lantier seconded,

**Resolved**, that the Board accept the corrected Findings of Fact
offered by the prosecuting attorney and then adopt them as their
own; and further, to accept the Conclusions of Law offered by the
prosecuting attorney and then adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Mr. Camp
then moved, and Mr. Lantier seconded,

**Resolved**, that the Board revoke Pharmacist License No. 15439;
and further, to assess the respondent $10,000 plus administrative,
investigative, and hearing costs; and further, to condition the
acceptance of any future application for reinstatement upon certain
terms as enumerated in the Board Order.

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

At this point, Mr. Aron declared a brief recess to prepare for the following case. It was
noted the Board recessed at 9:50 a.m., and then reconvened in open session at 10:05
a.m. Mr. Aron indicated that Mr. Shows would assume the chair as the hearing officer;
Mr. Shows then presided over the following case.

**Budget Saver Pharmacy (Pharmacy Permit No. 1386) & Norman George
Nasif (Pharmacist License No. 10299)** Ms. Cangelosi appeared for the Board,
and Mr. Paul Breaux appeared for the respondents, who were also present. Ms.
Cangelosi noted the similarities in fact patterns and suggested the matters be
consolidated; hearing no objections, Mr. Shows consolidated the cases. Ms.
Cangelosi indicated that the hearing was preceded by an Interlocutory Hearing
on July 29, 2004; she then introduced the transcript of that hearing, and
circulated individual copies to the members. While still in open session, Mr.
Shows permitted the members to read the approximate 60 page transcript. After
offering other exhibits, Ms. Cangelosi rested her case. Mr. Breaux offered his
client’s answers in written form. While still in open session, Mr. Shows permitted
the members to read the approximate 7 page document. The respondent then
responded to questions from the members of the hearing panel.

Mr. Shows declared a brief recess at 11:45 a.m., and then reconvened the hearing
panel at 11:55 a.m., at the instant case.

Ms. Cangelosi conducted her cross-examination of the respondent. She then
offered her closing argument, as then did Mr. Breaux. Ms. Cangelosi requested
the Board to ratify the Interlocutory Decree, offered proposed Findings of Fact
and Conclusions of Law, and a proposed order; she then submitted the matter to
the Board for its consideration. Mr. McKay then moved, and Mr. Oubre
seconded, to enter into executive session for the purpose of discussing the
fitness and competence of the respondent to practice pharmacy. The motion
was approved after a unanimous roll call vote in the affirmative.

It was noted that the hearing panel entered into executive session at 1:10 p.m., and
then returned to open session at 2:10 p.m., at the instant case.

Mr. Adams moved, and Mr. McKay seconded,

Resolved, that the Board ratify the actions of the Interlocutory Committee from July 29, 2004, wherein the committee summarily suspended Pharmacist License No. 10299, held by Norman George Nasif, as well as Pharmacy Permit No. 1386, held by Budget Saver Pharmacy, and further, the Board affirms those actions were sufficiently grounded upon the endangerment of the public health, safety, and welfare.

The motion was approved after a unanimous vote in the affirmative. Mr. Oubre then moved, and Mr. McKay seconded,

Resolved, that the Board accept the proposed Findings of Fact and Conclusions of Law as regards Pharmacist License No. 10299, held by Norman George Nasif, offered by the prosecuting attorney and then adopt them as their own, and further, that they be entered into the record of these proceedings.

The motion was approved after a unanimous vote in the affirmative. Mr. Oubre then moved, and Mr. McKay seconded,

Resolved, that the Board revoke Pharmacist License No. 10299, held by Norman George Nasif, and further, to assess the respondent (in solido with Nasif Enterprises, Inc., doing business as Budget Saver Pharmacy) $172,200, said amount calculated at $100 per count of offense as set forth in Exhibit H, as well as investigative and administrative costs, and further, to prohibit any application for reinstatement for five years, and further, to condition the acceptance of any future application for reinstatement upon the satisfaction of certain terms as enumerated in the Board Order.

The motion was approved after a unanimous vote in the affirmative. Mr. Oubre then moved, and Mr. McKay seconded,

Resolved, that the Board accept the proposed Findings of Fact and Conclusions of Law as regards Pharmacy Permit No. 1386, held by Budget Saver Pharmacy, offered by the prosecuting attorney and then adopt them as their own, and further, that they be entered into the record of these proceedings.

The motion was approved after a unanimous vote in the affirmative. Mr. Oubre then moved, and Mr. McKay seconded,

Resolved, that the Board revoke Pharmacy Permit No. 1386, held by Budget Saver Pharmacy, and further, to assess respondent (in solido with Norman George Nasif) $172,200, said amount calculated at $100 per count of offense as set forth in Exhibit H, as well as investigative and administrative costs, and further, to prohibit any application for reinstatement for five years, and further, to condition the acceptance of any future application for reinstatement upon the satisfaction of certain terms as enumerated in the Board Order.

The motion was approved after a unanimous vote in the affirmative.
Mr. Shows indicated the completion of the matters scheduled for formal hearing. Mr. Aron returned to the chair as presiding officer. He declared a brief recess to enable preparation for the next matter. The Board recessed at 2:20 p.m., and then reconvened at 2:35 p.m.

8. Petition for Declaratory Judgment – Louisiana Methadone Treatment Association

Mr. Aron explained the rules of procedure for the hearing. Mr. Burt Carnahan appeared for the petitioner, and Mr. Finalet appeared for the Board. Mr. Shows appeared as Counsel to the Hearing Officer. Mr. Aron called upon Mr. Carnahan for his presentation.

Mr. Carnahan provided oral and written comments, submitted exhibits, and provided witnesses. Mr. Finalet then provided oral and written comments, and also submitted exhibits and provided witnesses. Both counsel were afforded opportunities for cross-examinations of all witnesses. Both counsel were then offered opportunities for rebuttal and closing arguments.

Mr. Aron then called for comments from interested members of the audience; several parties were sworn and offered testimony.

Mr. Finalet offered proposed Findings of Fact, Conclusions of Law, and Declaratory Statement. Mr. Mills moved, and Dr. Dixon seconded, Resolved, that the Board declares that it has jurisdiction over dispensing of prescription drugs from Drug Abuse Treatment Centers and all other aspects related to the practice of pharmacy at these locations, and further, the Board declares that the Louisiana Administrative Code 46:LIII. 1701 et seq, 1101 et seq, and all other regulations challenged by Petitioners are not vague or ambiguous and are clear and appropriate to the Board’s authority over and regulation of the practice of pharmacy, and further, the Board’s laws and regulations are not federally preempted with regard to the regulation and practice of pharmacy at Drug Abuse Treatment Centers, and further, Petitioners and the public were afforded proper notice of the promulgation of Board’s regulations pursuant to the Louisiana Administrative Procedure Act, LRS 49:953, and further, the Board has not exceeded its scope of power in its regulation of the practice of pharmacy within Drug Abuse Treatment Centers.

Prior to the taking of the vote on the motion, Mr. Carnahan objected to the consideration of the question, due to the absence of opportunity for Petitioners to review the proposal. When asked, Mr. Carnahan requested ten to fifteen minutes to review the proposal with his clients. Mr. Aron declared a recess. It was noted the Board recessed at 4:55 p.m., and then re-entered open session at 5:10 p.m., at the instant case.

Mr. Aron returned to the motion on the table. With no further discussion, Mr. Aron called for the vote. Mr. Carnahan objected to the proposed adoption of a final order predicated on Findings of Fact and Conclusions of Law not yet approved. Mr. Aron noted the objection and called for the question. The motion was approved after a
unanimous vote in the affirmative. Dr. Dixon then moved, and Mr. Camp seconded, 
**Resolved**, that the Board accept the proposed Findings of Fact, 
Conclusions of Law, and Declaratory Statement as outlined in 
*Louisiana Methadone Treatment Association, et al, versus 
Louisiana Board of Pharmacy, Department of Health and Hospitals.*

Prior to the taking of the vote on the motion, Mr. Carnahan objected to the consideration of the question, due to the presence of some elements in the motion that were not presented during the hearing. Mr. Aron noted the objection and called for the question. The motion was approved after a unanimous vote in the affirmative.

9. **Report of the Violations Committee – Consideration of Consent Agreements**
Mr. Aron called upon Dr. Dixon for his report. He presented the following files for Board consideration.

**Temika Lashawn Small (Technician Certificate No. 2128)** Dr. Dixon moved, and Mr. Rabb 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 then assessed the respondent $250 plus administrative costs. **Charges:**
(1) LRS 37:1241.A.22 – failure to furnish information to the Board.
(2) LAC 46:LIII.809 – failure to comply with continuing education requirements.

**Rite Aid Pharmacy No. 7330 (Pharmacy Permit No. 1880)** Dr. Dixon moved, and Mr. Bond 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 permit holder, and then assessed the respondent $2,500 plus investigative and administrative costs. **Charges:**
(2) LAC 46:LIII.1107.3 – failure to properly notice the Board for changes in pharmacist-in-charge.

**Rite Aid Pharmacy No. 7280 (Pharmacy Permit No. 1697)** Dr. Dixon 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 holder investigative and administrative costs. **Charges:**
(1) LRS 37:1212 – failure of pharmacist to verify prescription prepared by pharmacy technician.
(2) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

**Kay Martin Gilmore (Pharmacist License No. 10134)** Dr. 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. Charges:
(1) LRS 37:1212 – failure of pharmacist to verify prescription prepared by pharmacy technician.
(2) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

Barry Joseph Robichaux (Pharmacist License No. 10309) Dr. 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 then assessed administrative costs. Charges:
(1) LRS 37:1212 – failure of pharmacist to verify prescription prepared by pharmacy technician.
(2) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

Rite Aid Pharmacy No. 7335 (Pharmacy Permit No. 3040) Dr. 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 permit holder, and then assessed the respondent $10,000 plus investigative and administrative costs. Charges:
(1) LRS 37:1241.A.12 – has permitted a person to engage in the practice of pharmacy without the necessary registration to do so.
(2) LAC 46:LIII.703.A.1.c – permitted intern with expired registration to practice pharmacy.

Mahmoud Hassan (Pharmacist License No. 13205) Dr. Dixon moved, and Mr. Bond 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 then assessed him administrative costs. Charges:
(1) LRS 37:1241.A.12 – has permitted a person to engage in the practice of pharmacy without the necessary registration to do so.
(2) LAC 46:LIII.703.A.1.c – permitted intern with expired registration to practice pharmacy.

Gabriel Rademene Edu (Intern Registration No. 41538) Dr. 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 revoked the registration, and further, conditioned the acceptance of any future application for licensure upon certain terms as enumerated in the agreement, and then assessed the respondent administrative costs. Charges:
(1) LRS 37:1241.A.12 – has engaged in the practice of pharmacy without the necessary registration to do so.
Low Cost Pharmacy (Pharmacy Permit No. 5013) Dr. 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 permit holder, and then assessed the respondent $5,000 plus investigative and administrative costs. Charges:


Community Pharmacy No. 1 (Pharmacy Permit No. 2908) Dr. Dixon moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for five years, stayed the execution thereof, then placed the permit on probation for five years, beginning July 1, 2004, subject to certain terms of probation as enumerated in the agreement, and further, the Board assessed the respondent $2,500 plus investigative and administrative costs. Charges:

1. LRS 37:1224.A – failure to limit the dispensing of prescriptions to pharmacists.
2. LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
3. LAC 46:LIII.1127.7 – failure to secure a prescription department in the absence of the pharmacist.
4. LAC 46:LIII.3501.1 – failure to prevent dispensing of prescription drugs by pharmacy technicians.

Mona Patrice Carter (Pharmacist License No. 14953) Dr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a majority vote in the affirmative; Mr. Adams objected. The Board suspended the license for one year, stayed the execution thereof, then placed the license on probation for one year, beginning July 1, 2004, subject to certain terms as enumerated in the agreement, and further, assessed the respondent $3,500 plus administrative costs. Charges:

1. LRS 37:1224.A – failure to limit the dispensing of prescriptions to pharmacists.
2. LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
3. LAC 46:LIII.1127.7 – failure to secure a prescription department in the absence of the pharmacist.
4. LAC 46:LIII.3501.1 – failure to prevent dispensing of prescription drugs by pharmacy technicians.

Kendra Linette Eatmon (Technician Certificate No. 5714) Dr. 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
suspended the certificate for one year, stayed the execution thereof, then placed the certificate on probation for one year, beginning July 1, 2004, subject to certain terms as enumerated in the agreement, and further, assessed the respondent $250 plus administrative costs. Charges:

1. LRS 37:1241.A.11 – has committed fraud in connection with the practice of pharmacy, including Medicaid, Medicare, or insurance fraud.
2. LRS 37:1241.A.15 – has assisted another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
3. LAC 46:LIII.1127.7 – failure to secure a prescription department in the absence of the pharmacist.
4. LAC 46:LIII.3501.1 – failure to prevent dispensing of prescription drugs by pharmacy technicians.

Walgreen Pharmacy No. 3156 (Pharmacy Permit No. 2212) Dr. 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 permit holder, and then assessed the respondent investigative and administrative costs. Charges:

1. LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
2. LAC 46:LIII.1113 – failure of pharmacist to dispense prescription accurately.

Wendy Ann Ledet (Pharmacist License No. 16619) Dr. Dixon moved, and Mr. Mills 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. Charges:

1. LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
2. LAC 46:LIII.1113 – failure of pharmacist to dispense prescription accurately.

Jan Teresa Crowley (Technician Certificate No. 3609) Dr. Dixon moved, and Mr. Camp 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.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

The Corner Drug Store (Pharmacy Permit No. 2317) Dr. 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 assessed the permit holder investigative and administrative costs. Charge:

(1) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

**Gilford Raymond Birch (Pharmacist License No. 9924)** Dr. 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 further, ordered a written action plan to prevent dispensing errors, and then assessed the respondent administrative costs. Charges:

(1) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
(2) LAC 46:LIII.1117 – failure to perform prospective drug use review.
(3) LAC 46:LIII.1119.9 – failure to accurately label prescription drug container.

**Heather Jewel Furr (Pharmacist License No. 15893)** Dr. Dixon moved, and Mr. Camp 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. Charges:

(1) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
(2) LAC 46:LIII.1115.D – failure to provide proper patient counseling.
(3) LAC 46:LIII.1117 – failure to perform prospective drug use review.

**Statscript Pharmacy (Pharmacy Permit No. 5094)** Dr. Dixon moved, and Mr. Mills 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 holder, and then assessed the respondent $5,000 plus investigative and administrative costs. Charges:


**John Dwayne Baque (Pharmacist License No. 11850)** Dr. 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 suspended the license for three years, stayed the execution thereof, then placed the license on probation for three years, beginning July 30, 2004, subject to certain terms as enumerated in the agreement, and then assessed the respondent $3,000 plus administrative costs. Charges:

(1) LRS 37:1241.A.3 – has committed repeated occasions of negligence or incompetence in the practice of pharmacy.
(2) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
(3) LRS 37:1241.A.12 – has permitted a person to engage in the practice of pharmacy without the necessary license to do so.
(4) LRS 37:1241.A.15 – has assisted another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
(5) LRS 37:1241.A.16 – has divulged or revealed confidential information to someone not authorized to receive such information.
(6) LAC 46:LIII.1103.I – failure to properly secure the prescription department.
(8) LAC 46:LIII.1125.A – failure to provide adequate safeguards against improper access to electronic recordkeeping system in prescription department.
(9) LAC 46:LIII.2545.B.1.a – accountable for diversion of controlled substances.

Kevyn W. Woodward (Technician Certificate No. 3652) Dr. Dixon 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 certificate for three years, stayed the execution thereof, then placed the certificate on probation for three years, beginning July 1, 2004, subject to certain terms as enumerated in the agreement, and further, assessed the respondent investigative and administrative costs. Charges:

(1) LRS 37:1241.A.4 – has been convicted of a felony.
(2) LRS 37:1241.A.7 – failure to report felony conviction to the Board.
(3) LRS 37:1241.A.10 – failure to conform to minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
(4) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

Rachel Hilburn Graves (Technician Certificate No. 2036) Dr. 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 then assessed the respondent investigative and administrative costs. Charges:

(1) LRS 37:1207.A – failure to properly renew technician certificate.
(2) LRS 37:1241.A.12 – has assisted in the practice of pharmacy with an expired certificate.
(3) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
(4) LRS 37:1241.A.22 – has failed to furnish information legally requested by the Board.
Karen Odom Howington (Pharmacist License No. 14835) Dr. 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 an indefinite period of time, and further, conditioned the acceptance of any future application for reinstatement upon the satisfaction of certain terms as enumerated in the agreement, and further, assessed the respondent $1,000 plus investigative and administrative costs. Charges:

1. LRS 37:1241.A.3 – has committed repeated occasions of negligence or incompetence in the practice of pharmacy.
2. LRS 37:1241.A.5 – is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs.
3. LRS 37:1241.A.10 – has departed form or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
4. LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
8. LAC 46:LIII.2549.A – failure to report theft or loss of controlled substances to appropriate authorities.

Fahed Omar Al-Nabki (Pharmacist License No. 16099) Dr. 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 further, ordered respondent to obtain additional continuing education as specified in the agreement, and further, assessed the respondent $750 plus investigative and administrative costs. Charges:

1. LRS 37:1241.A.2 – has obtained a license by fraud or misrepresentation.
2. LRS 37:1241.A.22 – has failed to furnish information legally requested by the Board.
3. LAC 46:LIII.707 – failure to comply with continuing education requirements.

Roxanne Doley (Pharmacist License No. 15007) Dr. Dixon moved, and Mr. Camp 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 then assessed the respondent $500 plus investigative and administrative costs. **Charges:**

1. LRS 37:1241.A.2 – has obtained a license by fraud or misrepresentation.
2. LRS 37:1241.A.22 – has failed to furnish information legally requested by the Board.
3. LAC 46:LIII.707 – failure to comply with continuing education requirements.

**Shirley Patience Jeter (Pharmacist License No. 11684)** Dr. Dixon moved, and Mr. Rabb 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 then assessed the respondent $500 plus investigative and administrative costs. **Charges:**

1. LRS 37:1241.A.2 – has obtained a license by fraud or misrepresentation.
2. LRS 37:1241.A.22 – has failed to furnish information legally requested by the Board.
3. LAC 46:LIII.707 – failure to comply with continuing education requirements.

**Barry J. Sylvester (Pharmacist License No. 14795)** Dr. Dixon moved, and Mr. Burch 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 then assessed the respondent $500 plus investigative and administrative costs. **Charges:**

1. LRS 37:1241.A.2 – has obtained a license by fraud or misrepresentation.
2. LRS 37:1241.A.22 – has failed to furnish information legally requested by the Board.
3. LAC 46:LIII.707 – failure to comply with continuing education requirements.

**Denise A. Preston (Pharmacist License No. 11805)** Dr. Dixon 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 issued a Letter of Reprimand to the respondent, and further, ordered the respondent to obtain additional continuing education as specified in the agreement, and further, assessed the respondent $500 plus investigative and administrative costs. **Charges:**

1. LRS 37:1241.A.2 – has obtained a license by fraud or misrepresentation.
2. LRS 37:1241.A.22 – has failed to furnish information legally requested by the Board.
3. LAC 46:LIII.707 – failure to comply with continuing education requirements.

10. **Report of General Counsel – Consideration of Consent Agreements/Surrenders**
Mr. Aron called upon Mr. Finalet for the report. He presented the following files for Board consideration.

**Krissy M. Lacobee (Technician Certificate No. 4500)** Mr. D’Angelo moved, and Dr. Dixon seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for reinstatement. **Charges:**

1. LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

**Kelly Michelle Cleveland (Technician Certificate No. 5191)** Mr. Burch 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, and further, prohibited any future application for reinstatement. **Charges:**

1. LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
2. LAC 46:LIII.3501 – illegal dispensation of prescription drugs.

**Charles’ Pharmacy (Pharmacy Permit No. 4472)** Mr. Oubre moved, and Dr. Anderson seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the permit, and further, prohibited any future ownership of a pharmacy by the permit holders, and further, assessed the permit holder investigative costs. **Charges:**

1. LRS 37:1241.A.3 – has committed repeated occasions of negligence or incompetence in the practice of pharmacy.
2. LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
3. LRS 37:1241.A.12 – has aided and abetted a person to engage in the practice of pharmacy without the necessary license to do so.
4. LRS 37:1241.A.15 – has assisted another person to evade any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
5. LRS 37:1241.A.16 – has divulged or revealed confidential information or personally identifiable information to a person not authorized to receive such information.
6. LAC 46:LIII.1103.I – failure to properly secure a prescription department against unauthorized access.
7. LAC 46:LIII.1125.A – failure to secure the electronic recordkeeping system against unauthorized access.
8. LAC 46:LIII.2545.A – failure to prevent dispensing of controlled substances by an unlicensed pharmacist.

James Carroll Bruce, II (Pharmacist License No. 11857) Mr. Oubre moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for ten years, beginning July 26, 2004, and further, prohibited the respondent from entering any prescription department, and further, prohibited any application for reinstatement for five years, and further, conditioned the acceptance of any future application for reinstatement upon the satisfaction of certain terms enumerated in the agreement, and further, assessed the respondent investigative costs. Charges:

(1) LRS 37:1241.A.3 – has committed repeated occasions of negligence or incompetence in the practice of pharmacy.
(2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
(3) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
(4) LRS 40:967.A.1 – unlawful possession with intent to distribute a Schedule II controlled dangerous substance.
(5) LRS 40:968.A.1 – unlawful possession with intent to distribute a Schedule III controlled dangerous substance.
(6) LRS 40:969.A.1 – unlawful possession with intent to distribute a Schedule IV controlled dangerous substance.
(7) LRS 40:971.A.1.d – unlawful failure to keep proper records of controlled dangerous substances.
(8) LRS 40:971.B.1.c – unlawful refusal to furnish proper records of controlled dangerous substances.
(9) LRS 40:971.B.1.f – unlawful alteration of prescription for controlled dangerous substances.
(10) LRS 40:971.C.2 – unlawful dispensation of prescriptions for controlled dangerous substances.

Margaret Renee’ Saunier (Technician Certificate No. 5511) Mr. Camp 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, and further, prohibited any future application for reinstatement. Charges:

(1) LRS 37:1182.A – failure to submit to an evaluation required by the Board.
(2) LRS 37:1213 – failure to notify the Board of change of employment.
(3) LRS 37:1214 – failure to notify the Board of change in mailing address.
(4) LRS 37:1241.A.10 – failure to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
(5) LRS 37:1241.A.22 – failure to furnish information legally requested by the Board.

Guy Francis Airey, III (Pharmacist License No. 16157) Mr. Mills moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, beginning August 7, 2004, and further, conditioned the acceptance of any future application for reinstatement upon the satisfaction of certain terms enumerated in the agreement. 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.
(3) LAC 46:LIII.707 – failure to comply with continuing education requirements.

11. Adjourn
Mr. Mills moved, and Mr. Oubre 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 6:15 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary