



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, August 17, 2005 at 1:00 p.m.

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

Administrative Hearing

Thursday, August 18, 2005 at 8:30 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 17, 2005 in the Boardroom of the Louisiana Board of Pharmacy, located 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 1:05 p.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Patsy Angelle 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
Ms. Michele P. Alderman
Dr. Lois R. Anderson
Ms. Patsy L. Angelle
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. J. Douglas Boudreaux
Mr. Allen W. Cassidy, Jr.
Dr. Reuben R. Dixon
Mr. Joseph V. Greco – *late arrival*
Ms. Jacqueline L. Hall – *late arrival*
Mr. Alvin A. Haynes, Jr.
Mr. Marty R. McKay
Mr. Fred H. Mills, Jr.
Mr. Richard J. Oubre
Mr. T. Morris Rabb

Members Absent:

Mr. Larry J. Lantier, Jr.

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:

Mr. Kyle Ardoin – LIPA
Mr. Ken Bowden – Christus Schumpert Health Center
Mr. Russell Champagne, CPA
Dr. Michael Cockerham – LSHP
Dr. Charles Jastram – ULM College of Pharmacy
Mr. Devon Lewis – Christus Schumpert Health Center
Mr. Johnny Luu – Xavier College of Pharmacy
Mr. Mark Malouse
Ms. Deborah Mills – ULM College of Pharmacy (SNS)
Mr. Louis O'Connor – Southwest La. War Veterans Home
Mr. Dudley Pellegrin – CVS
Mr. Gregory Riley
Mr. Lee Smith – Office of Public Health (SNS)
Ms. Anna Vu – Xavier College of Pharmacy

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; none were offered.

Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. With no objections offered, Mr. Aron indicated he would exercise that authority only as necessary.

It was noted that Ms. Hall arrived at 1:10 p.m.

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 amendments. Hearing no corrections, Mr. Lantier moved and Mr. Bond seconded,

Resolved, that the Minutes of the Regular Board Meeting of May 11, 2005 and the Administrative Hearing of May 12, 2005, 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 reminded those members who had attended the Motion Hearing on June 16 they had also received the minutes of those proceedings in their advance-meeting packet, and he then requested any amendments. Hearing no corrections, Mr. Cassidy moved and Mr. Oubre seconded,

Resolved, that the Minutes of the Motion Hearing of June 16, 2005, 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 on the single action item from the previous Board meeting. During the consideration of the proposed revisions to the Board's Minimum Competencies for Pharmacy Technician Training Programs, the president had requested a staff analysis of the proposal prior to any decision and deferred consideration pending receipt of that analysis. Mr. Broussard reminded the members that analysis was included in the advance-meeting packet, and would be reviewed during that committee report. Mr. Aron thanked Mr. Broussard for his report.

7. Confirmation of Acts

At the request of Mr. Aron, Mr. Rabb moved and Dr. Anderson 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 12, 2005 are approved, adopted, and ratified by the entire Board.

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

It was noted that Mr. Greco arrived at 1:30 p.m.

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 from the guests present. Mr. Devon Lewis requested guidance from the Board relative to remote order entry at hospital pharmacies. Mr. Aron indicated that topic was already scheduled for discussion during the report from the Regulation Revision Committee.

13. Special Presentation – Role of Pharmacist in Emergency Preparedness

At this point, Mr. Aron re-ordered the agenda to receive a special presentation from Ms. Deborah Mills (Tri-Regional Pharmacist) and Mr. Lee Smith (SNS Coordinator), both of whom are affiliated with the state's management of the Strategic National Stockpile. Ms. Mills and Mr. Smith presented an overview of the SNS program as part of the state's plan to respond to certain disaster events. They outlined the role of pharmacists in that effort and indicated they were soliciting pharmacist volunteers. They responded to questions from the members. Mr. Aron expressed his appreciation to Ms. Mills and Mr. Smith for their presentation and information.

Mr. Aron returned to the posted agenda.

9. Committee Reports

A. Finance Committee

Mr. Aron called upon Mr. Mills for the committee report. Mr. Mills introduced Mr. Russell Champagne, CPA, indicating that Mr. Champagne was present to deliver his annual financial report to the Board. He directed the members to several reports in the meeting packet: Statement of Assets, Liabilities, and Equity, Final Budget Performance Report, and Summary of Fund Balance, all for the just-completed Fiscal Year 2004-2005, as well as

the Hancock Investment Account Bank Statement for June 30, 2005. He then reviewed the Cumulative Fund Balance Report, which was also contained in the meeting packet. He invited and responded to questions. With no further inquiries from members, Mr. Mills moved and Mr. Adams seconded,

Resolved, that the Board accept the Fiscal Year 2004-2005 Annual Financial Report, subject to audit.

The motion was approved after a unanimous vote in the affirmative. Mr. Mills then directed the members to the proposed amendment to the budget for Fiscal Year 2005-2006. He reviewed the proposal and responded to questions from the members. He then moved and Mr. Oubre seconded,

Resolved, that the Board approve the Proposed Budget Amendments for Fiscal Year 2005-2006, in globo, as Budget Amendment No. 1.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron expressed his appreciation to Mr. Champagne for his service over the past few years, as well as to Mr. Mills and his committee members for their work the previous day.

B. Examination/Technician Committee

Mr. Aron called upon Mr. Oubre for the committee report. Mr. Oubre directed the members to the copies of the proposed revision to the Board's Minimum Competencies for Pharmacy Technician Training Programs, the requested staff analysis of that proposal, as well as a copy of a portion of the Model Curriculum for Pharmacy Technician Training document previously endorsed by NACDS, APhA, ASHP, and PTCB. Following a short discussion, Mr. Oubre agreed to ask his committee to further examine the minimum competencies document in concert with the model curriculum document.

Mr. Oubre then directed the members to the meeting packet, which contained the NAPLEX, MPJE, and PTCB examination data, and the licensure activity reports. Finally, Mr. Oubre expressed his appreciation for the efforts of his committee members.

C. Reciprocity Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported that the committee had approved 8 pharmacists since the last board meeting in accordance with committee policies and procedures previously approved by the Board. He reported the committee interviewed 21 candidates earlier that day. He then moved and Mr. Mills seconded,

Resolved, that the Board approve
Lisa Anne Adamich
Ashley Quang Britson
Jeremiah Joe Burgert
Lena Thaotramhuyen Contang
Jay Dennis Costello
John Shaw DaVault
Joseph Leonard Dino

Jerome Edward Drogalis
Brian Keith Fontenot
Mary Beth Friedel
Ricky Wayne Gilmore
Lon Chamberlain Johnson, III
Parke Holt Largent
Lisa Beth Marsella
Anjana Mehta
Michelle Kathleen Posey
Alfred Romay
Kris Aaron Shubert
Jo Connolly Stewart
Robin Jean Stevenson, *and*
Thomas Joseph Westrich

for pharmacist licensure by reciprocity.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. McKay thanked the members of his committee for their work.

At this point, Mr. Aron declared a brief recess. It was noted that the Board recessed at 2:30 p.m., and then reconvened in open session at 2:45 p.m. Mr. Aron continued in the posted agenda sequence.

D. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported that the Subcommittee on Remote Order Entry & Dispensing met on July 26, achieving consensus on a draft proposal for remote order processing, and presenting that draft to the full committee that afternoon. However, in the absence of a consensus on remote order dispensing, the full committee felt no reason to proceed further. Dr. Anderson requested guidance from the Board as to whether remote order dispensing should be permitted; if not, there was no purpose for further discussion on the topic. To facilitate discussion on the issue, she moved and Mr. Rabb seconded,

Resolved, that the Board interpret the statutory definition of dispensing such that remote order processing, which causes a product to be released from an automated medication dispensing system, intended for administration by another health care provider, is not dispensing.

Following a lengthy discussion, and prior to any vote, Mr. Rabb withdrew his second and Dr. Anderson withdrew her motion. Dr. Anderson continued with her report on the July 26 meeting, indicating they had achieved consensus on a proposed revision to the pharmacy practice act relative to qualifications for licensure by reciprocity. She moved and Mr. Boudreaux seconded,

Resolved, that the Board approve the following amendment to the Louisiana Pharmacy Practice Act, specifically at LRS 37:1203.A.7, to wit:

- (7) Have presented to the board evidence ~~that any other license granted to the applicant by any other state has~~

not been suspended, revoked, or otherwise restricted for any reason except nonrenewal or for the failure to obtain the required continuing education credits in any state where the applicant is currently licensed but not engaged in the practice of pharmacy. of any disciplinary, criminal, or other adverse action, including arrests, taken against him by another licensing jurisdiction, government agency, law enforcement agency, or court. Such action may serve as grounds for the denial of reciprocity to an applicant.

and further, to authorize the staff to prepare the appropriate legislative instrument, and further, to authorize the filing of said instrument in the Regular Session of the 2006 Louisiana Legislature upon the instruction of the President, and finally, to authorize the President to approve any acceptable amendments as may become necessary during the legislative process.

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

At the conclusion of her report, Mr. Aron directed the committee to prepare some type of definitive statement relative to remote order processing and dispensing for the next Board meeting, including a possible interpretation of Section 1505.A of the Board's rules. Further, he requested the members to be prepared to make a decision at that next meeting. Finally, he expressed his appreciation to Dr. Anderson and her committee members for their ongoing efforts.

E. Reinstatement Committee

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams indicated that Mr. Rabb had presided over the committee meeting earlier that day, and requested Mr. Rabb to present the report. Mr. Rabb then presented the following files for Board action.

Amy Ragsdale Wright (Pharmacist License No. 13849) Mr. Rabb moved and Mr. Bond seconded to grant the request for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license.

Karen Elizabeth Christie (Technician Certificate No. 1980) Mr. Rabb moved and Mr. McKay seconded to grant the request for reinstatement, contingent upon the successful completion of several terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon the successful completion of certain requirements.

Finally, Mr. Rabb expressed his appreciation to his fellow committee members for their work earlier that day.

At this point, Mr. Aron re-ordered the agenda to accommodate certain guests.

17. Request for Opinion – Medication Therapy Management Services

Mr. Aron called upon Mr. Broussard to present the background information for the request. Mr. Broussard directed the members to the relevant information in their meeting packet. The petitioner was present and reviewed the supporting documentation; she also responded to questions seeking clarification of the intended practice activities. Following a substantial discussion of the issues contained in the request, Mr. Aron directed staff to prepare a response to the request for an opinion.

14. Consideration of Requirement for Live Continuing Education

Mr. Aron recognized Mr. Riley, and he made a short presentation to the Board, with a request to require some number of hours of live continuing education (CE) as a prerequisite for licensure renewal. Following substantial discussion by members, Mr. Oubre moved and Mr. Boudreaux seconded,

Resolved, that the Board direct the Regulation Revision Committee to draft a proposed revision to Section 507 of the Board's rules, for the purpose of requiring three (3) hours of live continuing education as a prerequisite for licensure renewal.

The motion was approved after a majority vote in the affirmative; Ms. Alderman, Mr. Bond, Dr. Dixon, Mr. Mills, and Mr. Oubre objected. Mr. Aron directed Dr. Anderson to add live CE to their agenda.

At this point, Mr. Aron returned to the posted agenda sequence.

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 6-8, 2005; that docket included 25 pharmacists, 4 technicians, 2 technician candidates, 2 non-licensed personnel, and 17 permits. He informed the members the next Informal Conference was scheduled for August 29-30; that docket includes 11 pharmacists, 6 technicians, and 12 permits. He then reported the docket for the administrative hearing the next day included 3 formal hearings and 28 consent agreements.

G. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider the voluntary surrender of two pharmacist licenses, seven requests for reinstatement from five pharmacists and two interns, three requests for probation modification from pharmacists, as well as three requests for guidance from pharmacists. He then presented the following files for Board action.

Jessica Amanda Jones (Pharmacist License No. 17055) Mr. Rabb moved and Dr. Anderson seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the

license, effective June 13, 2005.

Jean Terry Benoit (Pharmacist License No. 9922) Mr. Rabb moved and Mr. Oubre seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective August 16, 2005.

Stephanie Ann Richards (Pharmacist License No. 15339) Mr. Rabb moved and Mr. McKay seconded to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, beginning August 17, 2005, 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 the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning August 17, 2005, subject to certain terms as enumerated in the consent order.

Jarrett Aubrey Bamberg (Pharmacist License No. 10951) Mr. Rabb moved and Dr. Anderson seconded to grant the request for reinstatement of the license, then suspend the license for fifteen years, stay the execution thereof, and then place the license on probation for fifteen years, beginning on August 17, 2005, 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 the license for fifteen years, stayed the execution thereof, and then placed the license on probation for fifteen years, beginning on August 17, 2005, subject to certain terms as enumerated in the consent order.

Spencer Landis (Intern Registration No. 41818) Mr. Rabb moved and Mr. McKay seconded to grant the request for reinstatement of the registration, then suspend the registration and any subsequent license for five years, stay the execution thereof, and then place the registration and any subsequent license on probation for five years, beginning on August 17, 2005, 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 registration, suspended the registration and any subsequent license for five years, stayed the execution thereof, and then placed the registration and any subsequent license on probation for five years, beginning on August 17, 2005, subject to certain terms as enumerated in the consent order.

Mitchell John Kimball (Pharmacist License No. 13546) Mr. Rabb moved and Mr. McKay seconded to grant the request for reinstatement of the license, then suspend the license for ten years, stay the execution thereof, and then place the license on probation for ten years, beginning on August 17, 2005, 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, and then placed the license on probation for ten years, beginning on August 17, 2005, subject to certain terms as enumerated in the consent order.

Jason Conrad Dove (Pharmacist License No. 15811) Mr. Rabb moved and Ms. Alderman seconded to grant the request for reinstatement, to condition the reinstatement upon the acquisition of updated practical experience and other terms as enumerated in the consent order, to suspend the special work permit and any subsequent license for ten years, stay the execution thereof, and then place the special work permit and any subsequent license on probation for ten years, beginning on August 17, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board conditioned the reinstatement of the license upon certain terms, suspended the special work permit and any subsequent license for ten years, stayed the execution thereof, and then placed the special work permit and any subsequent license on probation for ten years, beginning on August 17, 2005, subject to certain terms as enumerated in the consent order.

Leo Gerard Riche (Pharmacist License No. 14961) Mr. Rabb moved and Mr. McKay seconded to grant the request for probation modification. The motion was approved after a unanimous vote in the affirmative. The Board modified the original probation order by removing the restriction on the respondent from assuming a pharmacist-in-charge position.

Kerry Michael Finney (Pharmacist License No. 13535) Mr. Rabb moved and Mr. Adams seconded to deny the request for probation modification. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for probation modification.

Eugene Wayne Dial (Pharmacist License No. 17168) Mr. Rabb moved and Mr. Bond seconded to grant the request for probation modification. The motion was approved after a unanimous vote in the affirmative. The Board modified the original probation order by removing the restriction on the respondent from assuming a pharmacist-in-charge position.

Finally, Mr. Rabb expressed his appreciation to his committee members for their ongoing efforts.

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 5:45 p.m., and then reconvened at 6:00 p.m., at the posted agenda sequence.

H. Tripartite Committee

In the absence of the chair, Mr. Aron called upon Mr. Broussard for the

committee report. He reported on the July 20 meeting, although in the interest of time, he deferred the presentation of the information from the schools of pharmacy and the pharmacy organizations. He described the web-based pharmacist preceptor training program that was demonstrated by ULM at that meeting. He also reported that both Xavier and ULM agreed that they would have no difficulty in completing the entire course and having that available for open enrollment by the end of 2005.

With the understanding that pharmacists would have calendar year 2006 to complete that training program, the committee recommended the removal of two transitional interpretations of Section 705 of the Board's rules. Following an explanation by Mr. Broussard and a short discussion by the members, Mr. McKay moved and Mr. Oubre seconded,

Resolved, that the Board interpret Section 705 of our rules in such a manner that the requirement of certification for a pharmacist preceptor would apply to all pharmacists who supervise pharmacy interns, including those in academic rotation sites, beginning January 1, 2007.

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

Resolved, that the Board interpret Section 705 of our rules in such a manner that beginning on January 1, 2007, all of the practical experience earned by a pharmacy intern shall be under the supervision of a certified pharmacist preceptor.

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

Mr. Broussard reported the committee also discussed the concept of pharmacist preceptors for the training of pharmacy technician candidates. Though there was support for the concept, the committee understood that would require a change in the current regulation, and further, suggested to the Board a referral to the appropriate committee if the Board wished to move in that direction.

Finally, the committee also received a request from ULM College of Pharmacy to reduce the amount of practical experience devoted to traditional dispensing activities. The current rule requires 300 hours of traditional community pharmacy dispensing plus 300 hours of traditional hospital pharmacy dispensing. Though the college originally requested a removal of that requirement, their representatives ultimately agreed that a "150/150" requirement would be acceptable. Following a short discussion of that request, Dr. Anderson moved and Mr. McKay seconded,

Resolved, that the Board direct the Regulation Revision Committee to draft a proposed revision to Section 705 of the Board's rules, for the purpose of reducing the amount of practical experience devoted to traditional dispensing activities.

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

I. Legislative Committee

Mr. Aron called upon Mr. Bond for the committee report. He directed the

members to the updated legislative report in the meeting packet. He responded to questions from the members. Mr. Broussard informed the members that some of the measures would require an update to the pharmacy law book, and that the update was planned for later in the year.

J. Executive Committee

Mr. Aron reported that his committee had met twice since the last Board meeting – June 16 and August 10. He described the June meeting with the compliance officers, and then focused on the recommendations from the August meeting.

He reported a request to amend the online credential verification module whereby the scrolling feature would only apply to alphabetical searches, and further, that numerical searches would supply the requested record with no scrolling. Mr. Rabb moved and Mr. McKay seconded,

Resolved, that the Board approve the proposal from Software Applications, Inc. to amend the online credential verification module, at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2005-2006.

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

Mr. Aron reported on a staff proposal to increase the size of the office by annexing four rooms in an adjacent suite. He indicated the increase was necessary to accommodate record storage space for an increasing number of licensees, to house additional office staff to process licensure applications, and to provide secure storage for a growing quantity of evidence in legal proceedings. Mr. Rabb moved and Mr. Oubre seconded,

Resolved, that the Board approve the amendment of our current lease with Corporate II Associates, wherein the Board may change the amount of the lease from 3,719 square feet at \$18.40 per square foot to 4,474 square feet at the same rate, and further, to authorize the Executive Director to execute that lease amendment, and further, to authorize the associated renovation costs of not more than \$5,000 [subject to further approval by the Executive Committee], and finally, to authorize the Executive Director to secure approval of all the above from the Division of Administration.

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

Mr. Aron then reported on a staff proposal to increase the size of the classified work force by two additional persons. Mr. Rabb moved and Mr. McKay seconded,

Resolved, that the Board authorize an increase in the classified work force by two positions, namely a clerical position in the licensure division and another clerical position in the administrative division.

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

Finally, Mr. Aron reported on the committee's review of the comments received at the public hearing on the Board's proposal to revise the current regulation governing the scope of practice for pharmacy technicians. Mr. Rabb moved and Mr. McKay seconded,

Resolved, that the Board certify that it has duly considered the testimony offered at the public hearing, and further, offers no amendments to the proposed rule for Section 907, and further, authorizes the Executive Director to file the Second Report to the Legislative Oversight Committee.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron thanked the members of his committee for their work since the last Board meeting.

10. Report of Chief Compliance Officer

In the absence of Ms. Gaudet, Mr. Aron called upon Mr. Broussard for her report. He directed the members to the statistical summary contained in the meeting packet. He reviewed the staff data, agency data, and cumulative data from the prior years. Mr. Aron expressed his appreciation to the compliance officers for the quality of their work.

11. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet indicated that a portion of his report involved development of strategy for pending negotiation, and he suggested the necessity for an executive session. Mr. McKay moved and Mr. Adams seconded to enter into executive session for the purpose of developing strategy in a matter that was currently pending in litigation. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered into executive session at 6:45 p.m., and then reconvened in open session at 7:00 p.m.

Mr. Aron directed counsel to respond to the negotiation offer as requested by the members.

12. 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, noting the total number of credentials issued by the Board at 15,190. He then announced the office would initiate the 2005 Technician CE Audit later that month. He reminded the members he had circulated the 2005 Annual Report in the advance meeting packet. Hearing no questions or amendments, Mr. Mills moved and Dr. Dixon seconded to accept the report as presented. The motion was approved after a unanimous vote in the affirmative.

Mr. Broussard informed the members the agency was currently participating in a scheduled biennial legislative audit, and that part of that process required the Board to certify the agency's compliance with all appropriate laws and regulations governing the administrative operations. He directed the members to the compliance questionnaire and responded to their questions. Ms. Alderman then moved and Mr. Adams seconded,

Resolved, that the Board adopt and approve the Louisiana Compliance Questionnaire for the FY 2003-2005 legislative audit.

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

Finally, Mr. Broussard informed the Board of the recent announcement from the Dept. of Justice to fully fund the Board's application for a \$50,000 planning grant to develop and implement a prescription monitoring program. He then reviewed the legislatively-authorized task force and their recent meeting. He reported the agency was on target for the project timeline.

15. Request for Opinion – Recycling of Prescription Drugs in Institutional Facility

Mr. Aron called upon Mr. Broussard for the background information. He explained the historical basis for the request and directed the members to additional information in their meeting packet. Following input from the compliance officer in the territory where the petitioner was located, Mr. Boudreaux moved and Mr. Bond seconded,

Resolved, that the Board interpret LRS 37:1226.2 in such a manner as to permit the Southwest Louisiana War Veterans Home Pharmacy to re-use returned prescription medications that it packaged and distributed for its patients, in accordance with good professional practice standards.

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

16. Request for Opinion – Centralized Prescription Processing by Out-of-State Hospital Pharmacy

Mr. Aron called upon Mr. Broussard for the background information. He explained the basis for the request and directed the members to additional information in their meeting packet. Following substantial discussion, Mr. Mills moved and Ms. Angelle seconded,

Resolved, that the Board interprets its statutes and rules in such a manner that a properly permitted out-of-state pharmacy may provide centralized prescription processing services, pursuant to the specifications of LAC 46:LIII.1117, to a Louisiana-licensed hospital pharmacy, and further, directs the Executive Director to solicit the following materials from the petitioner: proof of compliance with requirements of Section 1117 of the Board's rules, including reports of previous inspection reports, relevant policies and procedures, and ownership of the pharmacy.

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

18. Announcements

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

19. Recess

Mr. Oubre moved and Mr. Mills 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 7:45 p.m.

An Administrative Hearing was convened on Thursday, August 18, 2005 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 8:40 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Boudreaux, and he delivered the invocation. Mr. Cassidy 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 Mr. Greco, Mr. Haynes, and Mr. Lantier 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. Mr. Oubre requested the addition of a discussion of the NABP District Annual Meeting, and Mr. McKay requested the addition of consideration of two consent agreements of staff origin. Hearing no objections, Mr. Aron added those matters to the agenda.

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 and witnesses. Mr. Oubre moved and Mr. Adams seconded to grant the presiding officer the authority to reorder the agenda as necessary with respect to reports and witnesses. The motion was approved after a unanimous vote in the affirmative.

5. Opportunity for Public Comment

Mr. Aron informed the members 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, Dr. Anderson, Mr. Bond, Ms. Hall, 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 8:30 a.m. on Thursday, August 18, 2005, in the Board office, for the purpose to wit:

A G E N D A

- 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. Dave's Village Drugs – Pharmacy Permit No. 219
 - +
 - 2. David Louis Matherne – Pharmacist License No. 9961
 - 3. Brandi Denise Chapman – Technician Candidate Registration No. 2899
- G. Report of Violations Committee – Consideration of Consent Agreements
 - 4. Lawrence William Scott, Jr. – Pharmacist License No. 11355
 - 5. Walgreen Pharmacy No. 6274 – Pharmacy Permit No. 4657
 - +
 - 6. Bessie Louise Schooley – Pharmacist License No. 16921
 - +
 - 7. William Andrew Fletcher – [non-credentialed person]
 - 8. Maxor Pharmacies – Pharmacy Permit No. 4010
 - 9. Sav-On Pharmacy No. 4196 – Pharmacy Permit No. 4100
 - +
 - 10. Gerald Edward Sargent – Pharmacist License No. 15503
 - 11. Tel-Drug of Pennsylvania – Pharmacy Permit No. 4685
 - 12. Jerry Thomas Purcell, Jr. – Technician Certificate No. 1715
 - 13. Heather Rene Pilgreen – Technician Certificate No. 1600
 - 14. PharmaCare Specialty Pharmacy – Pharmacy Permit No. 4585
 - 15. CVS Pharmacy No. 5607 – Pharmacy Permit No. 5370
 - +
 - 16. William Robert Woodward – Pharmacist License No. 10507
 - +
 - 17. Joyce Louise Smallwood – Technician Candidate Registration No. 10773
 - 18. CVS Pharmacy No. 5396 – Pharmacy Permit No. 5400
 - +
 - 19. Roy Allison Tyson – Pharmacist License No. 17046
 - 20. Denise Ann Preston – Pharmacist License No. 11805

- 21. Pulmonary Homecare Pharmacy – Pharmacy Permit No. 4733
- +
- 22. Wayne Michael Collins – Pharmacist License No. 15316
- 23. Immediate Pharmaceutical Services – Pharmacy Permit No. 3217
- H. Report of General Counsel – Consideration of Consent Agreements
 - 24. Jared Keith Daigle – Technician Certificate No. 5025
 - 25. Trudy Ann Brown – Technician Certificate No. 3940
 - 26. Suzanne F. Talbot – Technician Certificate No. 4447
 - 27. Teresa Miller Doucet – Technician Certificate No. 5509
 - 28. Segmund Jermaine Freeman – Applicant for Technician Candidate Registration
- I. Report of General Counsel – Consideration of Voluntary Surrender Documents
 - 29. Roland Thaddeus Watts – Pharmacist License No. 11267
 - +
 - 30. Batiste Drugs – Pharmacy Permit No. 2134
 - 31. Thomas J Pharmacy – CDS Permit No. C-004212
- J. Adjourn

At this point, Mr. Aron indicated he would entertain Mr. Oubre’s request for a discussion of the NABP District VI Annual Meeting. Mr. Oubre indicated he had two issues related to that conference. In his research on the travel costs to the conference destination, he indicated there might be several options, some more economical than others. Mr. Broussard reminded the members they were obligated to adhere not only to their own travel policy, but also with the relevant portions of the state’s travel policy found in PPM-49. He suggested the members work with the office manager to ensure their compliance with all travel requirements. Mr. Oubre then informed the members that Mr. Broussard had submitted a letter of interest to NABP for the open position representing District VI on the NABP Executive Committee. He suggested it would be appropriate for the Board to support Mr. Broussard’s candidacy. He then moved and Mr. Mills seconded to endorse Mr. Broussard’s candidacy for the open position representing District VI on the NABP Executive Committee. The motion was approved after a unanimous vote in the affirmative. Mr. Aron then announced that Mr. Broussard had just received notice of his appointment as Chair of the Committee on Law Enforcement/Legislation for NABP.

At this point, Mr. Aron re-ordered the agenda to accommodate a respondent’s counsel in the audience.

8. Report of Violations Committee – Consideration of Consent Agreements

Maxor Pharmacies (Pharmacy Permit No. 4010) 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, assessed the respondent \$5,000 plus administrative and investigative costs.

It was noted that Mr. Greco arrived at 8:45 a.m., and Mr. Haynes arrived at 8:50 a.m.

7. Formal Hearings

Mr. Aron called upon Ms. Cangelosi, and she informed the members that three cases would be heard that day. She then presented the following cases for their consideration.

Dave's Village Drugs (Pharmacy Permit No. 219) and David Louis Matherne (Pharmacist License No. 9961) Ms. Cangelosi appeared for the Board; Mr. Eric Bopp appeared for the respondent. Ms. Cangelosi moved to consolidate the cases, based on the similarity of the fact patterns in both cases. Hearing no objections from Mr. Bopp, Mr. Aron ruled the cases would be heard in consolidated form, but that separate orders would be rendered. Ms. Cangelosi presented an opening statement; Mr. Bopp indicated he had no opening statement. Mr. Bopp moved to sequester witnesses. Mr. Shows explained the sequestration motion, and then ordered Mr. Finalet to be sequestered during the proceeding. Ms. Cangelosi offered witnesses and exhibits, and then rested her case. Mr. Bopp offered witnesses and exhibits, and then rested his case. Both sides then made closing statements and submitted the matter to the Board. Ms. Cangelosi offered proposed Findings of Fact and Conclusions of Law to the Board for its consideration. Mr. McKay moved and Ms. Angelle 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.

It was noted the hearing panel entered into executive session at 11:30 a.m., and then reconvened in open session at 1:15 p.m., at the instant case.

Mr. Oubre moved and Mr. McKay seconded,

Resolved, that the Board accept the Findings of Fact for Dave's Village Drugs (Pharmacy Permit No. 219) as proposed by the prosecuting attorney and subsequently amended by the hearing panel, and then adopt them as their own; and further, to accept the Conclusions of Law for Dave's Village Drugs (Pharmacy Permit No. 219) as 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 moved and Mr. McKay seconded,

Resolved, that the Board suspend Pharmacy Permit No. 219, held by Dave's Village Drugs, for a period of five years, beginning on the date the order becomes executory and final, stay the execution thereof, and then place said permit on probation for a period of five

years, beginning on the date the order becomes executory and final, subject to certain terms as enumerated in the order; and further, to assess the permit holder \$7,500 plus administrative, investigative, and hearing fees.

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

Resolved, that the Board accept the Findings of Fact for David Louis Matherne (Pharmacist License No. 9961) as proposed by the prosecuting attorney and subsequently amended by the hearing panel, then adopt them as their own; and further, to accept the Conclusions of Law for David Louis Matherne (Pharmacist License No. 9961) as 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 moved and Mr. McKay seconded,

Resolved, that the Board suspend Pharmacist License No. 9961, held by David Louis Matherne, for a period of five years, beginning on the date the order becomes executory and final, stay the execution thereof, and then place said license on probation for a period of five years, beginning on the date the order becomes executory and final, subject to certain terms as enumerated in the order; and further, to assess the license holder \$5,000 plus administrative, investigative, and hearing fees.

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

At this point, Mr. Aron declared a luncheon recess. It was noted the Board recessed at 1:30 p.m. and then reconvened in open session at 1:50 p.m.

Brandi Denise Chapman (Technician Candidate Registration No. 2899) Ms. Cangelosi appeared for the Board and noted the absence of the respondent or counsel. Mr. Aron ruled the hearing would continue as a default proceeding. Ms. Cangelosi presented an opening statement, witnesses, exhibits, closing statement and then rested her case. She submitted a proposed Findings of Fact, Conclusions of Law, and a proposed order, and then submitted the matter to the Board for its consideration. Mr. McKay then moved and Ms. Angelle seconded to enter into executive session for the purpose of discussing the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 2:00 p.m. and then reconvened at 2:10 p.m., at the instant case.

Mr. Oubre moved and Mr. Cassidy seconded,

Resolved, that the Board accept the Findings of Fact as proposed by the prosecuting attorney and subsequently amended by the hearing panel, and then adopt them as their own; and further, to accept the Conclusions of Law as 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 moved and Mr. Cassidy seconded,

Resolved, that the Board revoke Technician Candidate Registration No. 2899; and further, to assess the registration holder \$1,000 plus administrative, investigative, and hearing costs; and further, to condition the acceptance of any future application for any credential upon the satisfaction of all liabilities imposed by the order.

Ms. Cangelosi indicated the completion of the formal hearings scheduled for the day. Mr. Aron expressed his appreciation to Mr. Shows for his services that day.

8. Report of Violations Committee – Consideration of Consent Agreements

Mr. Aron requested Dr. Dixon to present the consent agreements scheduled for that day. He then presented the following matters for Board action.

CVS Pharmacy No. 5607 (Pharmacy Permit No. 5370) 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 permit for five years, beginning July 1, 2005, stayed the execution thereof, and then placed the permit on probation for five years, beginning on July 1, 2005, subject to certain terms as enumerated in the consent agreement; and further, assessed the permit holder \$25,000 plus administrative and investigative costs.

William Robert Woodward (Pharmacist License No. 10507) 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 Reprimand to the respondent; and further, assessed the respondent \$250 plus administrative costs.

Joyce Louise Smallwood (Technician Candidate Registration No. 10773) 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 revoked the registration; and further, prohibited any future application for any credential.

CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) Dr. Dixon moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for three years, beginning July 1, 2005, stayed the execution thereof, and then placed the permit on probation for three years, beginning on July 1, 2005, subject to certain terms as enumerated in the consent agreement; and further, assessed the permit holder \$5,000 plus administrative and investigative costs.

Roy Allison Tyson (Pharmacist License No. 17046) 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 further, assessed the respondent administrative costs.

Lawrence William Scott, Jr. (Pharmacist License No. 11355) 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; and further, assessed the respondent administrative and investigative costs.

Walgreen Pharmacy No. 6274 (Pharmacy Permit No. 4657) Dr. Dixon moved and Ms. Angelle 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 further, assessed the permit holder \$2,000 plus administrative and investigative costs.

Bessie Louise Schooley (Pharmacist License No. 16921) 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.

William Andrew Fletcher (non-credentialed person) 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 ordered the suspension of any credential issued to the respondent for a period of five years, stayed the execution thereof, and then placed that credential on probation for five years, beginning on the date of issuance of said credential, subject to certain terms as enumerated in the consent agreement; and further, assessed the respondent \$1,000 plus administrative costs.

Sav-on Pharmacy No. 4196 (Pharmacy Permit No. 4100) 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 further, assessed the permit holder \$1,000 plus administrative and investigative costs.

Gerald Edward Sargent (Pharmacist License No. 15503) Dr. Dixon moved and Mr. Cassidy seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for one year, stayed the execution thereof, and then placed the license on probation for one year, beginning on July 1, 2005, subject to certain terms as enumerated in the consent agreement; and further, assessed the respondent \$2,000 plus administrative costs.

Tel-Drug of Pennsylvania (Pharmacy Permit No. 4685) 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 permit holder; and further, assessed the permit holder \$5,000 plus administrative and investigative costs.

Jerry Thomas Purcell, Jr. (Technician Certificate No. 1715) 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 further, assessed the respondent \$500 plus administrative and investigative costs.

Heather Rene Pilgreen (Technician Certificate No. 1600) 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 certificate; and further, prohibited any future application for any credential.

PharmaCare Specialty Pharmacy (Pharmacy Permit No. 4585) Dr. Dixon moved and Mr. Cassidy 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 further, assessed the permit holder \$5,000 plus administrative and investigative costs.

Denise Ann Preston (Pharmacist License No. 11805) Dr. Dixon moved and Mr. McKay 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, beginning on June 30, 2005, stayed the execution of all but 15 days of the suspension, and directed that 15-day active suspension to be served starting on September 1, 2005, and then placed the license on probation for the remainder of the original suspensive period, subject to certain terms as enumerated in the consent agreement; and further, assessed the respondent \$500 plus administrative and investigative costs.

Pulmonary Homecare Pharmacy (Pharmacy Permit No. 4733) Dr. Dixon moved and Mr. Greco seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit holder \$2,500 plus administrative and investigative costs.

Wayne Michael Collins (Pharmacist License No. 15316) Dr. Dixon moved and Ms. Angelle 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, assessed the respondent \$250 plus administrative costs.

Immediate Pharmaceutical Services (Pharmacy Permit No. 3217) 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 further, assessed the permit

holder \$5,000 plus administrative and investigative costs.

9. Report of General Counsel – Consideration of Consent Agreements

Mr. Aron requested Mr. Finalet to present those matters negotiated by staff. He then presented the following files for Board action.

Jared Keith Daigle (Technician Certificate No. 5025) Mr. McKay moved and Mr. Boudreaux 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 any credential.

Trudy Ann Brown (Technician Certificate No. 3940) Mr. McKay moved and Ms. Alderman 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 any credential.

Suzanne Fay Talbot (Technician Certificate No. 4447) Mr. McKay moved and Ms. Angelle 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 any credential.

Teresa Miller Doucet (Technician Certificate No. 5509) Mr. McKay moved and Mr. Cassidy 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 any credential.

Segmund Jermaine Freeman (Applicant for Technician Candidate Registration) Mr. McKay moved and Mr. Cassidy seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the issuance of the registration, suspended that registration for two years, stayed the execution thereof, and then placed the registration on probation for two years, beginning on the date of issuance of the registration, subject to certain terms as enumerated in the consent agreement.

Joan Lynette Gordon (Applicant for Technician Candidate Registration) Mr. McKay moved and Ms. Angelle seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the issuance of the registration, and then entered the respondent into a diagnostic monitoring agreement for a period of one year, beginning on the date of issuance of the registration, subject to certain terms as enumerated in the consent agreement.

10. Report of General Counsel – Consideration of Voluntary Surrender Documents

Mr. Aron called upon Mr. Finalet, who presented the following files for Board action.

Roland Thaddeus Watts (Pharmacist License No. 11267) Mr. McKay moved and Ms. Angelle 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 11, 2005.

Batiste Drugs (Pharmacy Permit No. 2134) Mr. McKay moved and Ms. Angelle seconded to accept the voluntary surrender of the permit. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the permit, resulting in the indefinite suspension of the permit, effective August 11, 2005.

Thomas J Pharmacy (CDS Permit No. C-004212) Mr. McKay moved and Ms. Alderman seconded to accept the voluntary surrender of the CDS permit. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the CDS permit, resulting in the indefinite suspension of the CDS permit, effective July 27, 2005.

At this point, Mr. Aron permitted the introduction of the two consents requested at the outset of the meeting.

Mary Ellen Stutts (Technician Certificate No. 3556) Ms. Alderman moved and Mr. Adams 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 5, 2005.

America's Best Care Plus, Inc. (Pharmacy Permit No. 5262) Mr. McKay 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 further, assessed the permit holder \$5,000 plus administrative and investigative costs.

11. Adjourn

Mr. McKay moved and Ms. Angelle seconded to adjourn. With no further business before it, Mr. Aron adjourned the meeting at 2:50 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary