



# Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808-2537  
[www.labp.com](http://www.labp.com)



## Minutes

### **Regular Meeting**

Tuesday, August 15, 2006 at 1:00 p.m.

Louisiana Board of Pharmacy  
5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808

### **Administrative Hearing**

Wednesday, August 16, 2006 at 8:30 a.m.

Louisiana Board of Pharmacy  
5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Tuesday, August 15, 2006 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Blvd., 8<sup>th</sup> Floor, in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 1:00 p.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Allen Cassidy 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  
Ms. Jacqueline L. Hall  
Mr. Marty R. McKay  
Mr. Richard J. Oubre – *Late arrival*  
Mr. T. Morris Rabb

**Members Absent:**

Mr. Joseph V. Greco  
Mr. Alvin A. Haynes, Jr.  
Mr. Larry J. Lantier, Jr.  
Mr. Fred H. Mills, 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. Chris R. Gaudet - Hunt Correctional Center 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 requested. 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.

At that point, Mr. Aron asserted the privilege of the chair for the purpose of recognizing certain Board members and staff who had received awards during the recent Louisiana Pharmacists Association Annual Meeting. He acknowledged Mr. Boudreaux as the recipient of the *Compounding Pharmacist of the Year Award*, Mr. Cassidy as the recipient of the *Independent Pharmacist of the Year Award*, and Mr. Broussard as the recipient of the *Pharmacist of the Year Award*.

*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. Cassidy moved and Mr. Bond seconded,

**Resolved**, that the Minutes of the Regular Board Meeting of May 17, 2006 and the Administrative Hearing on May 18, 2006, both of which were 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 indicated there were no action items from the last meeting.

*7. Confirmation of Acts*

At the request of Mr. Aron, Dr. Anderson moved and Ms. Alderman 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 18, 2006 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 reminded 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 general comments from the guests present, but none were offered.

## 9. Committee Reports

### A. Finance Committee

Mr. Aron called upon Ms. Angelle for the committee report. She introduced Mr. Russell Champagne, CPA; his firm oversees the Board's accounting procedures, prepares quarterly financial statements, and he makes an annual presentation to the Board. Mr. Champagne directed the members to the various reports in their meeting packet:

- Statement of Assets, Liabilities, & Equity for June 30, 2006
- Final Budget Performance Report for June 30, 2006
- Summary of Fund Balance for June 30, 2006
- Variance Report for June 30, 2006
- Cumulative Fund Balance Report for June 30, 2006

Mr. Champagne reviewed all the reports and answered all the questions from the members. He reviewed the financial progress of the Board over the past several years, and indicated the Board was in solid financial status. Ms. Angelle indicated the committee had met the day before and recommended acceptance of the report. She then moved and Mr. Boudreaux seconded,

**Resolved**, that the Board accept the Final Report for Fiscal Year 2005-2006, subject to audit.

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

Ms. Angelle then requested Mr. Broussard to review the proposed amendments to the budget for the current fiscal year. He directed the members to the Proposed Budget Amendments for Fiscal Year 2006-2007. He presented the amendments and reviewed the rationale for the changes. Mr. Adams questioned the necessity of eliminating the convenience fees for online renewals; Mr. Broussard indicated the reduction in indirect labor costs more than offset the proposed reduction in revenue. After all questions had been addressed, Ms. Angelle indicated the committee recommended approval of the amendments. She then moved and Mr. McKay seconded,

**Resolved**, that the Board approve the proposed budget amendments, *in globo*, as Budget Amendment No. 1 to Fiscal Year 2006-2007 Budget.

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

Mr. Aron expressed his appreciation to Ms. Angelle for her report, to the committee for their work on the previous day, and to Mr. Champagne for the quality of his firm's work for the Board for the last several years.

It was noted that Mr. Oubre arrived at 1:20 p.m.

### B. Examination/Technician Committee

Mr. Aron called upon Mr. Oubre for the committee report. Mr. Oubre directed the members to the NAPLEX and PTCB examination data as well as the licensure activity reports in their meeting packet. He reviewed the information for the members and responded to their questions.

Mr. Oubre then requested information on the possibility of issuing

temporary credentials to pharmacy technician candidates while waiting for the criminal background checks to clear through the State Police and FBI. Several members raised questions about the procedures of processing applications at the Board office. Mr. Broussard reviewed the procedures for both the Board office as well as the criminal background checks. The members also discussed the wisdom of issuing temporary credentials, and determined not to proceed toward that objective. The members made no recommendations for change in the current procedures for processing applications at the Board office.

*C. Reciprocity Committee*

Mr. Aron called upon Mr. McKay for the committee report. He indicated the committee did not interview any candidates since the last Board meeting, but had interviewed 31 candidates earlier that day. Two additional candidates who were scheduled failed to appear for their appointment; they will be rescheduled for a later date. He then moved and Mr. Oubre seconded,

**Resolved**, that the Board approve

Thomas William Bader  
Cynthia Hill Bamburg  
James Michael Bennett  
Dung Anh Bui  
David Scott Bush  
Deidre Lin Chopoorian  
Michael Joseph Clepper  
Robert Philip DaSilva  
Anita Marie Dopkosky  
Robert Lee Harger, III  
Jennifer Lynn Hildebrand  
James Mark Hinchey  
Rhonda Gail Ivey  
Latasha K. Johnson  
Daniel Louis Katzer  
Earl Lloyd Klay  
Pamela Denise Knight  
Richard Barton Lamb  
Jin Kyung Lee  
Thomas John Mathews  
Linda Maria Mihm  
Lee Raymond Moore  
Richard Arthur Morrill  
Jimit Kirit Parekh  
Nioca Thomas Parks  
Nimesh Chandrakant Patel  
Ronald Allen Read  
John William Reuter  
Janine Elizabeth Sadek

Melissa Cochran Wallace, *and*  
Joanna Fay Wilson

for pharmacist licensure by reciprocity.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay then responded to a member's question about feedback from the reciprocity candidates to the Louisiana MPJE. He indicated the general comments continue that our state law test is a challenging one. Mr. Broussard confirmed that one of the objectives of the test was to ensure that a candidate could not guess the answers and pass the test.

Finally, Mr. McKay expressed his appreciation to the other members of his committee, for their efforts earlier that day.

*D. Regulation Revision Committee*

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee had not met since the last Board meeting because the committee had completed its work. Mr. Aron indicated some new items would be referred to the committee later that day.

*E. Reinstatement Committee*

Mr. Aron called upon Mr. Bond for the committee report. He reported that Mr. Adams had reinstated one pharmacist license and one technician certificate, and that Mr. Broussard had reinstated one pharmacy permit since the last Board meeting, all according to the committee guidelines previously approved by the Board. He then presented the following files for Board action.

**Nnodum Iheme (Pharmacist License No. 15177)** Mr. Bond moved and Mr. Boudreaux seconded to grant the request to reinstate the lapsed license. The motion was approved after a unanimous vote in the affirmative.

**Kerry Lane Nelson (Pharmacist License No. 16539)** Mr. Bond moved and Mr. Cassidy seconded to grant the request for reinstatement of the suspended license, and then once reinstated, to suspend the license for the remainder of the original suspensive period, stay the execution thereof, and then place the license on probation for the remainder of the original suspensive period, terminating September 15, 2014, subject to certain terms as enumerated in the order. The motion was approved after a unanimous vote in the affirmative.

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

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 2:30 p.m., and then reconvened in open session at 2:55 p.m.

*F. Violations Committee*

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon

reviewed the number of respondents at the last Informal Conference in May 2006, as well as their next Informal Conference in September 2006. He also reported a similar review of the docket for the administrative hearing scheduled for the following day. He then presented the following files for Board action:

**Kay McKinney Clark (Pharmacist License No. 11808)** Dr. Dixon moved and Mr. Oubre seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative.

**Stephanie Ann Richards (Pharmacist License No. 15339)** Dr. Dixon 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 probationary status and placed the license on active suspension for five years, beginning June 15, 2006.

Finally, Dr. Dixon expressed his appreciation to the members of his committee for their ongoing work.

*G. Impairment Committee*

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb presented the following files for Board action.

**Christy Leann Henson (Intern Registration No. 42604)** Mr. Rabb moved and Mr. McKay seconded to accept the voluntary surrender of the registration, resulting in the suspension of the registration for an indefinite period of time, effective June 19, 2006. The motion was approved after a unanimous vote in the affirmative.

**Glenn Young Adams (Pharmacist License No. 11017)** Mr. Rabb moved and Mr. McKay seconded to accept the voluntary surrender of the license, resulting in the suspension of the license for an indefinite period of time, effective July 14, 2006. The motion was approved after a unanimous vote in the affirmative.

**Jerald Allen Justice (Pharmacy Technician Certificate No. 5258)** Mr. Rabb moved and Mr. Bond seconded to accept the voluntary surrender of the certificate, resulting in the suspension of the certificate for an indefinite period of time, effective August 4, 2006. The motion was approved after a unanimous vote in the affirmative.

**Jessica Amanda Jones (Pharmacist License No. 17055)** Mr. Rabb moved and Mr. McKay seconded to grant the request for the reinstatement of the suspended license, and then once reinstated, to suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, ending August 15, 2011, subject to certain terms as enumerated in the agreement. The motion was approved after a unanimous vote in the

affirmative.

**Karen Rena Ross (Technician Candidate Registration No. 11297)** Mr. Rabb moved and Dr. Dixon seconded to grant the request for the reinstatement of the suspended registration, and then once reinstated, to suspend the registration and any subsequent credential for five years, stay the execution thereof, and then place the registration and any subsequent credential on probation for five years, ending August 15, 2011, subject to certain terms as enumerated in the agreement. The motion was approved after a unanimous vote in the affirmative.

**James Brett Herrington (Technician Certificate No. 6660)** Mr. Rabb moved and Mr. Oubre seconded to accept the proposed consent agreement. The motion was approved after a unanimous vote in the affirmative.

Finally, Mr. Rabb expressed his appreciation to the members of the committee for their efforts the previous day.

#### *H. Legislative Committee*

Mr. Aron called upon Mr. Bond for the committee report. He deferred to Mr. Broussard to review the Final Summary of the 2006 Louisiana Legislature. He reviewed and highlighted the measures that may require rulemaking activity through the Regulation Revision Committee. He also suggested that the Board might want to consider an interpretation of a portion of Act No. 797. That law amended the Pharmacy Practice Act, in particular R.S. 37:1226.2.B, by adding Paragraph (9), to wit:

- (9) In the event that a charitable pharmacy in the closest proximity to the donor refuses the donation, such refusal shall be documented by the donor, who then may make the donation to the Department of Public Safety and Corrections – Corrections Services for distribution to the penal institution pharmacies under its authority.

Based on the language of the statute, as well as the hearing testimony of the author during the legislative session, Mr. Broussard suggested that the Dept. of Public Safety could be construed as a 'distributor,' and subject to the authority of the Board of Wholesale Drug Distributors for their distribution of donated drugs to the penal pharmacies under its authority. Since this law requires rulemaking activity to give the penal pharmacies guidance on how to acquire, process, and dispense donated drugs, the Board should consider an interpretation of its own law for guidance to the committee. Mr. McKay moved and Mr. Bond seconded,

**Resolved**, that the Board of Pharmacy interpret R.S. 36:1226.2.B.9 such that the distribution activities conducted by the Department of Public Safety and Corrections – Corrections Services on behalf of its penal institution pharmacies may be subject to the authority and regulation by the Board of Wholesale Drug Distributors, and further, to recommend the Department of Public Safety and Corrections inquire with that Board as to whether these contemplated actions are subject to their authority and regulation.

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

Mr. Aron referred Acts No. 627, 643, 676, 797, and 834 to the Regulation Revision Committee for their review and consideration.

Mr. Broussard informed the members of the current project to update the law book, especially the new sections of law in Title 40.

*I. Tripartite Committee*

Mr. Aron requested Mr. Broussard to review the history of the Certified Pharmacist Preceptor program, as well as the question posed by the two colleges of pharmacy at the last Board meeting. Mr. Broussard directed the members to the review document in the advance meeting packet and offered additional insights. He closed the review with information as to the current number of certified pharmacist preceptors in the state.

Mr. Aron opened the discussion as to the amount of practical experience that should be required for pharmacist licensure, as well as to the necessity for a certified pharmacist preceptor program. Following substantial discussion, Dr. Dixon moved and Mr. Adams seconded

**Resolved**, that the Board suspend the Certified Pharmacist Preceptor Program.

Prior to any vote, Mr. Oubre offered a substitute motion; he moved and Mr. Rabb seconded

**Resolved**, that the Board repeal the Certified Pharmacist Preceptor Program and amend any other rules relative to certified pharmacist preceptors.

Prior to any vote, Mr. Oubre withdrew his substitute motion and Dr. Dixon withdrew his original motion. At that point, Mr. McKay moved and Mr. Oubre seconded

**Resolved**, that the Board delay until January 1, 2008 the implementation of the requirement that the first hour of practical experience earned by a pharmacy intern must be under the supervision of a certified pharmacist preceptor, provided however, that the pharmacist signing an affidavit for practical experience for a pharmacy intern shall be a certified pharmacist preceptor.

Prior to any vote, Mr. McKay withdrew that motion, with Mr. Oubre's concurrence. Mr. Broussard then questioned the members as to their professional opinion relative to the connection between an insufficient number of certified pharmacist preceptors and the ability of pharmacy interns to earn the required amount of practical experience for licensure in a timely manner, as well as the impact of any significant delays in pharmacist licensure upon the existing shortage of pharmacists in the state and the impact of that effect upon the public's health, safety, and welfare. Following that discussion, Mr. McKay moved and Ms. Angelle seconded,

**Resolved**, the Board finds that the requirement for pharmacists supervising pharmacy interns to be certified pharmacist preceptors, along with the phenomenon of an insufficient number of currently certified pharmacist preceptors, will adversely affect the ability of

pharmacy interns to earn their required practical experience in a timely manner; and further, the resultant delay in pharmacist licensure by such adversely affected pharmacy interns will aggravate a pre-existing shortage of pharmacists in this state; and further, the Board determines that an emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare; and further, the Board directs the Executive Director to file an Emergency Rule to repeal LAC 46:LIII.513 and to amend the portions of LAC 46:LIII.705 and any other rule that contains any references to 'certified pharmacist preceptors' to read 'pharmacists'; and further, the Board directs the Executive Director to simultaneously file a Notice of Intent to amend the same rule(s) in the same manner.

The motion was approved after a majority vote in the affirmative. Mr. Cassidy objected, and Mr. Adams abstained from that vote. Mr. Aron requested Mr. Broussard to inform the colleges of pharmacy, the pharmacy interns, and the pharmacists in the state of the Board's decision. Finally, he referred the question of the allocation of practical experience hours required for pharmacist licensure to the Regulation Revision Committee.

#### *J. Executive Committee*

Mr. Aron reviewed the results of the committee meeting held on August 10. They met to review the committee and administrative operations, as well as to review the staff preparations for the transition of the CDS program from the Dept. of Health & Hospitals to the Board. The committee identified two previously approved contracts that merited amendment. Mr. Rabb moved and Ms. Alderman seconded,

**Resolved**, that the Board approve an amendment to the existing licensure database software support agreement with Software Applications, Inc., to increase the maximum amount payable to an amount not to exceed \$20,000 for Fiscal Year 2006-2007.

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

**Resolved**, that the Board approve an amendment to the existing information system network support service agreement with Essential Solutions, LLC, to increase the maximum amount payable to an amount not to exceed \$20,000 for Fiscal Year 2006-2007.

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

Mr. Aron reported the committee had also conducted the annual performance review for the executive director. They provided specific guidance to him for improvement, found his overall position performance to be very satisfactory, and authorized an adjustment to his compensation.

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

## 10. *Staff Reports*

A. *Chief Compliance Officer*

Mr. Aron called upon Ms. Gaudet for the report. She directed the members to a copy of her report on inspections and investigations in the meeting packet. She reviewed all the material and answered the questions from members.

B. *General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet informed the members of the status of two matters that had been litigated, including the full payment of the assessment against Tyler Drugs. He then presented the following files for Board action.

**United Prescription Services (Pharmacy Permit No. 4750)** 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 then assessed the permit holder \$5,000 plus administrative costs.

**Yolanda Marie Brown (Technician Candidate Registration No. 11155)** Dr. Dixon 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 registration, and further, prohibited any future application for any credential.

**Andrea Nicole Harris (Technician Certificate No. 7291)** Dr. Dixon 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.

**Rosa Maria Jarrell (Technician Certificate No. 7457)** 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 certificate, and further, prohibited any future application for any credential.

**Priority Healthcare Pharmacy (Pharmacy Permit No. 5669)** [Complaint No. 06-0117] Dr. Dixon moved and Mr. Boudreaux 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 administrative costs.

**Priority Healthcare Pharmacy (Pharmacy Permit No. 5669)** [Complaint No. 06-0118] Dr. Dixon moved and Mr. Boudreaux 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 administrative costs.

**Angela Marie Johnson (Technician Certificate No. 3101)** Dr. Dixon 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.

**Rodney J. Krumm, Jr. (Pharmacist License No. 16050)** Mr. Oubre moved and Mr. McKay seconded to accept the voluntary surrender of the license, resulting in the suspension of the license for an indefinite period of time, effective June 8, 2006. The motion was approved after a unanimous vote in the affirmative.

*C. Executive Director*

Mr. Aron called upon Mr. Broussard for the report. He opened his report by reviewing his attendance at various conferences since the last Board meeting. He then directed the members to the quarterly census report in their meeting packet. He reminded the members of the draft copy of the 2006 Annual Report posted in the Boardroom Library, and informed them Board approval was necessary before its release and filing. With no suggestions for amendment, Ms. Alderman moved and Dr. Anderson seconded,

**Resolved**, that the Board approve the 2006 Annual Report as presented.

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

*11. Announcements*

Mr. Broussard reminded the members and staff of several calendar notes, and then directed them to all of that information in their meeting packet. He also announced the state's representation on various NABP task forces and standing committees.

*12. Recess*

Mr. Oubre moved and Ms. Angelle seconded to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron recessed the meeting at 5:55 p.m.

An Administrative Hearing was convened on Wednesday, August 16, 2006 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Blvd., 8<sup>th</sup>

Floor in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

*1. Call to Order*

Mr. Aron called the meeting to order at 8:30 a.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Mr. Rabb 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 Dr. Anderson, Mr. Greco, and Mr. Mills 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 requested. 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. Hearing no objections, he indicated he would exercise that option only when necessary to do so.

*5. Opportunity for Public Comment*

Mr. Aron reminded 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 (Mr. Adams, Dr. Anderson, Mr. Bond, Dr. Dixon, 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 Wednesday, August 16, 2006, 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. Downtown Drugs, Inc. (Applicant for Pharmacy Permit)
  - 2. Karen Clemons Charlot (Pharmacist License No. 13191)
  - 3. Jared Paul Latiolais (Technician Certificate No. 1889)
  - 4. The Medicine Shoppe of Morgan City (Pharmacy Permit No. 2662)
  - +
  - 5. Steve Patrick Michel (Pharmacist License No. 11999)
- G. Adjourn

At this point, Mr. Aron asserted the privilege of the chair, and invited Mr. Donald L. Hickman, Diversion Program Manager for the New Orleans Regional Office of the U. S. Drug Enforcement Administration, to make special presentations. Mr. Hickman read aloud a letter from the Special Agent in Charge of the Region, Mr. James Renton, congratulating the Board on its role in the passage of legislation authorizing the establishment and operation of a prescription monitoring program for the state. Finally, he presented certificates of appreciation to Mr. Aron, Mr. Finalet, and Mr. Broussard.

It was noted that Mr. Greco arrived at 8:55 a.m.

### *7. Formal Hearings*

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

**Jared Paul Latiolais (Technician Certificate No. 1889)** Ms. Cangelosi appeared for the Board and noted the absence of the respondent. After verifying his absence, Mr. Aron ruled the matter would continue as a default proceeding. Ms. Cangelosi offered an opening statement, exhibits and witnesses, and then rested her case. She offered a closing statement as well as proposed Findings of Fact and Conclusions of Law and a proposed Order of the Board; she then submitted the matter to the Board for its consideration. Mr. McKay moved and Ms. Alderman seconded to enter into executive session for the purpose of discussing the respondent's professional competence. 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 9:05 a.m. and then

reconvened in open session at 9:30 a.m.

Mr. McKay moved and Ms. Angelle seconded,

**Resolved**, that the Board accept the Findings of Fact as offered by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

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

**Resolved**, that the Board accept the Conclusions of Law as offered by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

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

**Resolved**, that the Board revoke Technician Certificate No. 1889, and further, to assess the respondent \$5,000 plus all investigative, administrative, and hearing costs, and further, to condition the acceptance of any future application for reinstatement upon the completion of certain terms as enumerated in the Final Order.

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

**Karen Clemons Charlot (Pharmacist License No. 13191)** Ms. Cangelosi appeared for the Board and noted the absence of the respondent. After verifying the absence of the respondent, Mr. Aron ruled the matter would continue as a default proceeding. Due to the nature of the allegations against the next respondent, Ms. Cangelosi suggested the propriety of an executive session. Mr. McKay moved and Ms. Alderman moved to enter into executive session for the purpose of discussing the respondent's mental or physical health and professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the Board entered into executive session at 9:40 a.m., and then reconvened in open session at 10:25 a.m.

Ms. Alderman moved and Ms. Angelle seconded,

**Resolved**, that the Board accept the Findings of Fact as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

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

**Resolved**, that the Board accept the Conclusions of Law as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

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

**Resolved**, that the Board suspend Pharmacist License No. 13191 for an indefinite period of time, and further, assess the respondent all administrative, hearing, and investigative costs, and further, condition the

acceptance of any future application for reinstatement upon the completion of certain terms as enumerated in the Final Order. The motion was approved after a unanimous vote in the affirmative.

Mr. Aron declared a brief recess to prepare for the next case. It was noted the Board recessed at 10:30 a.m., and then reconvened in open session at 10:50 a.m. Mr. Aron announced that Mr. Shows would assume the role of Hearing Officer for the remainder of the formal hearings that day.

**Downtown Drugs, Inc. (Applicant for Pharmacy Permit)** Ms. Cangelosi appeared for the Board and Mr. Eric Bopp appeared for the respondent. Both counselors presented opening statements, submitted witnesses and exhibits, cross-examined witnesses, offered rebuttal arguments, and closing statements. Ms. Cangelosi offered proposed Findings of Fact, proposed Conclusions of Law, and a proposed Final Order. Mr. McKay moved and Mr. Oubre 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 obtained their lunch at 2:10 p.m. and consumed it during their deliberations. They reconvened in open session at 4:25 p.m. at the instant case.

Mr. Boudreaux moved and Mr. McKay seconded,  
**Resolved**, that the Board accept the Findings of Fact as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

The motion was approved after a majority roll call vote in the affirmative; Mr. Cassidy objected. Mr. McKay moved and Mr. Boudreaux seconded,

**Resolved**, that the Board accept the Conclusions of Law as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

The motion was approved after a majority roll call vote in the affirmative; Mr. Cassidy and Mr. Oubre objected. Ms. Alderman moved and Mr. McKay seconded,

**Resolved**, that the Board refuse to issue a pharmacy permit to the respondent, and further, to assess the respondent all administrative, hearing, and investigative costs.

The motion was approved after a majority roll call vote in the affirmative; Mr. Cassidy objected.

Mr. Shows declared a brief recess to facilitate preparation for the next case. It was noted the Board recessed at 4:40 p.m. and then reconvened at 4:50 p.m.

**The Medicine Shoppe of Morgan City (Pharmacy Permit No. 2662) and Steve Patrick Michel (Pharmacist License No. 11999)** Ms. Cangelosi appeared for the Board and Mr. Eric Bopp appeared for the respondents, who were both present. Ms. Cangelosi noted the similarities in fact patterns and suggested the propriety of consolidating the matters. Mr. Bopp offered no objection. Mr. Shows

informed the members that the respondents had filed a Motion for Continuance, and that Ms. Cangelosi filed an objection to that motion. Mr. Bopp offered testimony from the respondent. Mr. Greco moved and Mr. Haynes seconded,

**Resolved**, to grant the respondent's Motion for Continuance.

The motion failed after a majority roll call vote in the negative. Mr. Cassidy and Mr. Haynes voted for the motion; Ms. Alderman, Ms. Angelle, Mr. Boudreaux, Mr. Greco, Ms. Hall, Mr. Lantier, Mr. McKay, and Mr. Oubre objected.

Mr. Shows declared a very brief recess to prepare for the formal hearing. It was noted the hearing panel reconvened in open session at 5:20 p.m.

**The Medicine Shoppe of Morgan City (Pharmacy Permit No. 2662) and Steve Patrick Michel (Pharmacist License No. 11999)** Ms. Cangelosi appeared for the Board and Mr. Eric Bopp appeared for the respondents, both of whom were present. Ms. Cangelosi noted the similarities in fact patterns and suggested the propriety of consolidating the matters. Mr. Bopp offered no objection. Mr. Shows consolidated the matters and explained the procedures to the hearing panel. Both counselors offered opening statements, witnesses and exhibits, cross-examined witnesses, offered rebuttal arguments, and closing statements. Ms. Cangelosi offered proposed Findings of Fact, proposed Conclusions of Law, and a proposed Final Order. Mr. McKay moved and Mr. Cassidy seconded to enter into executive session for the purpose of discussing the professional competence of the respondents. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the Board entered into executive session for their deliberations and then reconvened in open session at 10:00 p.m. at the instant case.

Mr. McKay moved and Mr. Oubre seconded,

**Resolved**, that the Board accept the Findings of Fact for Steve Patrick Michel as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

The motion was approved after a unanimous roll call vote in the affirmative. Mr. McKay moved and Ms. Alderman seconded,

**Resolved**, that the board accept the Conclusions of Law for Steve Patrick Michel as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

The motion was approved after a unanimous roll call vote in the affirmative. Mr. McKay moved and Ms. Alderman seconded,

**Resolved**, that the Board suspend Pharmacist License No. 11999 for five years, held by Steve Patrick Michel, stay the execution of all but the first six months, and then place the license on probation for the remainder of the five year term; and further, to assess the respondent a fine of \$3.00 for each of the 36,259 prescriptions entered into evidence, totaling \$108,777, *in solido* with MPI, Inc.,

doing business as The Medicine Shoppe of Morgan City, holder of Pharmacy Permit No. 2662-IR; and further, to assess the respondent all administrative, hearing, and investigative costs; and further, to require the full payment of all fines and costs within one year of the date the order is executory; and further, in the event said assessments are not satisfied by the required date, then the probationary term shall be revoked and the license shall be suspended for five years; and further, in the event of said suspension, the acceptance of any future application for reinstatement shall be conditioned upon the payment of all fines and costs set out herein.

The motion was approved after a majority roll call vote; Ms. Angelle objected.

Mr. McKay moved and Ms. Alderman seconded,

**Resolved**, that the Board accept the Findings of Fact for The Medicine Shoppe of Morgan City as proposed by the prosecuting attorney, amend them as reflected in the Final Order, and then adopt them as their own.

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

**Resolved**, that the Board accept the Conclusions of Law for The Medicine Shoppe of Morgan City as proposed by the prosecuting attorney, and then adopt them as their own.

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

**Resolved**, that the Board suspend Pharmacy Permit No. 2662-IR for five years, stay the execution thereof, and then place the permit on probation for five years; and further, to assess the respondent a fine of \$3.00 for each of the 36,259 prescriptions entered into evidence, totaling \$108,777, *in solido* with Steve Patrick Michel; and further, to assess the respondent all administrative, hearing, and investigative costs; and further, to require the full payment of all fines and costs within one year of the date the order is executory; and further, in the event said assessments are not satisfied by the required date, then the probationary term shall be revoked and the permit shall be suspended for five years; and further, in the event of said suspension, the acceptance of any future application for reinstatement shall be conditioned upon the payment of all fines and costs set out herein.

The motion was approved after a majority roll call vote in the affirmative; Ms. Angelle objected.

Ms. Cangelosi noted the completion of all matters scheduled for hearing that day. Mr. Aron expressed his appreciation to Ms. Cangelosi and Mr. Shows for their services that day.

8. *Adjourn*

Mr. McKay moved and Ms. Alderman seconded to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron adjourned the meeting at 10:30 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary