



**Louisiana Board of Pharmacy**  
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# Minutes

**Regular Meeting**

Thursday, February 10, 2000 at 8:30 a.m.

Baton Rouge Hilton Hotel (Azalea Room)  
5500 Hilton Avenue  
Baton Rouge, LA 70808

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### *Appendices*

- A. Letter of Resignation from Mr. Hewitt P. Theriot
- B. Approved Budget for Fiscal Year 2000-2001
- C. Approved Board Policy "Reinstatement Committee"

A regular meeting of the Louisiana Board of Pharmacy was held on Thursday, February 10, 2000, in the Azalea Room of the Baton Rouge Hilton Hotel in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

*1. Call to Order*

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

*2. Invocation*

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

*3. Pledge of Allegiance*

Following the invocation, Mr. Belaire Bourg led the group in the recitation of the Pledge of Allegiance.

*4. Roll Call*

Mr. Aron called upon the Secretary, Mr. Reuben Dixon, to call the roll. After doing so, Mr. Dixon stated that a quorum of the Board was present.

**Present:**

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

**Absent:**

Mr. Hewitt P. Theriot

**Present by Board Invitation:**

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

Ms. Jeri Villeneuve, Administrative Specialist I (*late arrival*)

**Guests in Attendance:**

Mr. Aubrey "Trey" Wynn  
Mr. Troy Menard  
Ms. Judy McCleary  
Mr. Allen Cassidy  
Ms. Judy Blalock  
Ms. Andrea Baham  
Mr. Chris Lagrange  
Mr. Thomas Greene  
Ms. Andrea Baham  
Ms. Germaine Robottom  
Mr. Tom Lane

On a point of personal privilege, Mr. Aucoin read a letter from Mr. Theriot announcing his resignation from the Board. Mr. Aron ordered the letter inserted into these minutes. (*Appendix A*)

*5. Call for Agenda Items*

There were no requests to amend the agenda.

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

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

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

*6. Consideration of Minutes*

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

**Resolved**, that the Minutes of the Regular Board Meeting of November 17, 2000 in Baton Rouge, Louisiana, are hereby adopted, ratified, and approved in their entirety.

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

*7. Report on Action Items*

Mr. Aron asked Mr. Broussard to report on the action items from the November 1999 Board meeting. Mr. Broussard reminded the Board that staff was given three directives.

a. Reinstatement Committee Policy & Procedure

Staff was directed to prepare a policy and procedure document for the Reinstatement Committee. The draft was prepared and circulated to the committee members. After a considerable review and revision, the committee approved the revised draft; it will be presented for Board approval during their report today.

b. UNO Testing Contract

During its last meeting, the Board discussed the question of whether to retain the UNO testing contract for the possible purpose of developing a technician law examination; the decision was deferred until this meeting. The Executive Committee discussed the issue yesterday, and the outcome will be presented during their report later today.

c. Request for Attorney General Opinion re LRS 37:1241.A.17

Staff was directed to request a formal opinion from the Attorney General concerning the interpretation of LRS 37:1241.A.17. The request was submitted November 30, 1999. In their communication dated January 20, 2000, the office of the Attorney General confirmed receipt of the request, noted the case number as 00-35, and the assignment to Mr. Charles Braud.

8. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Pitre moved, and Mr. Bourg seconded, that

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 17, 1999 are approved, adopted, and ratified by the entire Board.

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

9. *Committee Reports*

A. *Violations Committee*

**Petmed Express, Inc. (Permit No. 3667)** Mr. Pitre moved, and Mr. Boudreaux seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the permit assessed \$3,000.00. *Charges:* failure to verify a prescription prior to dispensing Heartgard.

**Gary M. Gunn (License No. 11151)** Mr. Aucoin moved, and Mr. Pitre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The license was suspended indefinitely, assessed \$5,000.00, and prohibited from applying for reinstatement before January 1, 2003. *Charges:* unprofessional conduct or conduct endangering the public health; violating or attempting to violate pharmacy laws or other federal or state laws pertaining to the practice of pharmacy; dispensing medications with improper labeling; dispensing misbranded medications.

**Bloom Drug Co. (Permit No. 2110)** The Board accepted the voluntary surrender of the permit. *Charges:* unprofessional conduct or conduct endangering the public health; violating or attempting to violate pharmacy laws or other federal or state laws pertaining to the practice of pharmacy; dispensing medications with improper labeling; dispensing misbranded medications.

**Steve L. Wilson (License No. 15952)** Mr. Pitre moved, and Ms. Jean seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. *Charges:* practiced pharmacy in violation of pharmacy laws, rules, or regulations; has departed

from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

**Kathleen Williams (CPT No. 3576)** Mr. Pitre moved, and Mr. Seal seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the pharmacy technician certificate suspended indefinitely. *Charges:* unprofessional conduct or conduct endangering the public, violating or attempting to violate pharmacy laws, rules, or regulations, dispensing a Schedule II controlled substance with no valid prescription, and obtaining possession of a controlled substance by forgery.

**Katherine Barz (CPT No. 3416)** Mr. Pitre moved, and Mr. Dixon seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the pharmacy technician certificate. *Charges:* unprofessional conduct or conduct endangering the public, violating or attempting to violate pharmacy laws, rules, or regulations, dispensing or distributing or possessing with intent to dispense or distribute a controlled dangerous substance in Schedule III without a valid prescription.

*B. Finance Committee*

The committee met jointly with the Executive Committee yesterday to review the proposed budget for the next fiscal year. The committee recommended approval and adoption of the budget as presented, without amendment. Mr. Broussard presented the budget to the Board. (*Appendix B*) Mr. Aucoin moved, and Mr. Boudreaux seconded, that

**Resolved**, that the Board approve and adopt the proposed budget, without amendment, for fiscal year 2000-2001.

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

*C. Examination/Technician Committee*

Mr. Seal reminded the Board that the Board's last technician examination was conducted on January 9 in New Orleans. The next technician examination will be administered under the auspices of the Pharmacy Technician Certification Board (PTCB) on March 25.

*D. Reinstatement Committee*

Mr. Trahan presented the revised draft of a proposed policy and procedure document for the committee's activities and operations. Mr. Trahan moved, and Mr. Boudreaux seconded, that

**Resolved**, that the Board approve the proposed policy and procedure document entitled "Reinstatement Committee".

After some discussion, and prior to the vote on the motion, Mr. Aucoin offered a substitute motion, and Mr. Bourg seconded, that

**Resolved**, that staff continue to revise the proposed policy document and present to the next Executive Committee meeting for its review and presentation to the next Board meeting.

After some discussion, Mr. Aucoin withdrew his substitute motion, with Mr. Bourg's second. Mr. Aucoin moved to amend the proposal, and Mr. Seal seconded, that

**Resolved**, that the February 1 delinquency date in the proposed policy be

changed to January 1.

The amendment was adopted after a unanimous vote in the affirmative.

The policy "Reinstatement Committee" (*Appendix C*), as amended, was then adopted after a unanimous vote in the affirmative.

*E. Reciprocity Committee*

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

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

Mark Allen Cutro

James William Hatfield

James Henry Murungi

Kelly White Russo

Betty Sue Hamm Singleton

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

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

**Resolved**, that Jane Denise McCoy be approved for licensure by reciprocity upon completion of the required work experience, which is currently in progress.

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

At this point, Mr. Aucoin moved, and Mr. Seal seconded, that

**Resolved**, that the Board enter into executive session for the purpose of discussing the docket of impaired pharmacists prior to formal action.

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

It was noted that at 10:45 a.m., Mr. Foster moved, and Mr. Aucoin seconded to come out of executive session and resume the posted agenda.

*F. Impaired Committee*

**Kim Cox Vines (License No. 15475)** Mr. Bourg moved, and Mr. Pitre seconded, to accept the voluntary surrender of the license. Following a unanimous vote in the affirmative, the Board ordered the license suspended indefinitely beginning November 17, 1999.

**Kimberly S. Cunningham (License No. 15115)** Mr. Bourg moved, and Mr. Boudreaux seconded, to accept the voluntary surrender of the license. Following a unanimous vote in the affirmative, the Board ordered the license suspended indefinitely beginning December 23, 1999.

**Christopher Entwisle (License No. 14302)** Mr. Bourg moved, and Mr. Pitre seconded, to approve the respondent's request to modify Condition No. 6 in the Board order dated August 12, 1999. Following a unanimous vote in the affirmative, the Board ordered Condition No. 6 to read as follows: "Be supervised by a pharmacist-in-charge and work only in the presence of another licensed pharmacist, except for a maximum of three (3) hours per shift." Further, all other conditions of probation remain in force.

**Mark A. Herring (License No. 13768)** Mr. Bourg moved, and Mr. Boudreaux seconded, to deny the respondent's request for removal of probation. Following a unanimous vote in the affirmative, the Board ordered the probation be continued, without modification.

**Kim Cox Vines (License No. 15475)** Mr. Bourg moved, and Mr. Pitre seconded to reinstate the license and requested a five-year probation. Following a unanimous vote in the affirmative, the Board ordered the license reinstated, then placed on probation for five years, ending February 8, 2005, subject to the general and special conditions of probation contained the Board order executed today.

G. *Reinstatement Committee (addendum)*

**Charles L. Haygood (License No. 8863)** Mr. Trahan moved, and Mr. Bourg seconded, to modify the Board order dated April 23, 1998 in order to permit the respondent additional time to obtain the required 500 hours of practical experience. Following a majority affirmative vote, the Board amended its April 23, 1998 order to extend until August 31, 2000 the deadline by which the respondent shall obtain the required 500 hours of practical experience. In addition, the respondent shall also submit evidence of 15 hours of ACPE-approved continuing pharmacy education credited during the period December 1, 1999 through August 31, 2000. All other conditions of probation contained in the April 23, 1998 Board order remain in effect.

**Peter J. Dileo (License No. 10200)** Mr. Trahan moved, and Mr. D'Angelo seconded, to permit the respondent to petition for reinstatement of the license. Following a majority affirmative vote, the Board established the conditions under which it will permit the respondent to petition the Reinstatement Committee to reinstate the license. The conditions are contained in the Board order executed today.

H. *Executive Committee*

Mr. Aron reported on the results of his committee meeting yesterday.

i. UNO Testing Service Contract

The committee decided not to cancel the contract but to leave it in place. There were no objections by the Board members.

ii. Management of Current Pool of Pharmacy Technician Applicants

The committee reviewed and approved a staff proposal, made necessary by the conflicts between new statute, current regulation, and new Board policies. Mr. Pitre moved, and Mr. Aucoin seconded, that

**Resolved**, that (1) new pharmacy technician applicants who already possess PTCB certification be permitted to obtain a work permit to obtain the required 200 hours of practical experience prior to application for Board licensure, and (2) that pharmacy technician applicant work permits not be extended beyond one year from the original effective date.

iii. MALTAGO(N) Conference for 2000

Mr. Aron reported that the Oklahoma Board of Pharmacy, through its Executive Director, Mr. Potter, had made an offer to host this year's conference, notwithstanding the prior assignment of host duties to the Louisiana Board. Mr. Aron reported that he had accepted Mr. Potter's offer. There were no objections by the Board members.

iv. Travel Policies

- a. Mr. Aron reminded the Board members of the amendment to the airline travel procedures in the state travel policy. Complete information was contained in the advance-meeting packet.
- b. The committee reviewed and approved a travel expense reimbursement request submitted after the deadline noted in the Board's travel policy. There were no objections by the Board members. Following a short discussion concerning the wording of Paragraph 12 of the Expense Report Guidelines, Mr. Aucoin moved, and Mr. Bourg seconded, that

**Resolved**, to amend the Expense Report Guidelines policy of the Board such that Paragraph No. 12 on page 3 shall read as follows:

12. Submitting Expense Forms

Completed and signed reports ~~should~~ shall be submitted on original forms, directed to the Board office, within 10 days of the function for which reimbursement is sought, and no later than one month after the event.

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

v. Methadone Treatment Centers

Mr. Aron reported on recent activity in the eleven Methadone Treatment Centers around the state. At the request of surveyors from the Dept. of Health and Hospitals (DHH), the Board was asked to examine medication procedures in place at the various clinics. Following site visits to all the clinics, it was determined that clinic personnel were administering methadone to patients at the clinic as well as dispensing "take home" doses of methadone. None of the clinics possessed permits from the Board. Following discussions with the Board of Practical Nurse Examiners and the DHH Methadone Treatment Program office, it was determined that the Board of Pharmacy would issue temporary permits to the clinics to cover the dispensing activity. As of this date, all but two of the clinics have been issued temporary permits by the Board. These permits are temporary until the Board is able to promulgate new regulations changing and/or expanding the types of permits available from the Board. There were no objections from the Board members.

*10. Report of Attorney*

Mr. Finalet reported there was no pending litigation. He also reported that he had spoken with Mr. Braud in the Attorney General's office concerning the Board's request. Mr. Braud is researching the issue and is willing to discuss the matter with Board members should they wish to do so.

*11. Report of Executive Director*

Mr. Broussard reviewed his meeting activity since the last Board meeting. He then reviewed the results of the most recent licensure and permit renewal activity from December 1999. He noted that the Dept. of State Civil Service had recently given preliminary approval to the staff reorganization plan. The recently released report from the Institute of Medicine, entitled "To Err is Human: Building a Safer Health System" was then discussed. The Board discussed the portion of the report that focused on medication errors, and reviewed some of the implications for licensure agencies. Mr. Broussard then informed the Board about the National Practitioner Data Bank as well as the Healthcare Integrity and Protection Data Bank. The Board discussed some of the implications relative to increased workload on staff as well as potential changes in workload for the disciplinary process. Finally, Mr. Broussard recounted some of the more recent activities relative to telepharmacy, especially the proliferation of online prescribing and dispensing of prescription medications. The Board reviewed some of the implications related to problems with Internet pharmacy websites.

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

Mr. Aucoin reported that model legislation has recently been developed by a coalition of the American Pharmaceutical Association (APhA), the National Association of Chain Drug Stores (NACDS), and the National Community Pharmacists Association (NCPA), with the objective of standardizing prescription benefit cards issued by the insurance industry. Mr. Aron referred the matter to the Regulation Revision Committee, with the charge of developing a regulatory/legislative proposal for review and action by the Board.

#### *13. Announcements*

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

#### *14. Adjourn*

Mr. D'Angelo moved, and Mr. Foster seconded, to adjourn. With no further business before it, Mr. Aron adjourned the Board at 11:45 a.m.

Respectfully submitted,

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Reuben R. Dixon, Secretary