



# Louisiana Board of Pharmacy

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## Minutes

### Regular Meeting

Wednesday, February 11, 2004 at 1:00 p.m.

University Center, Room 205  
Xavier University of Louisiana  
1 Drexel Drive  
New Orleans, Louisiana 70125

### Administrative Hearing

Thursday, February 12, 2004 at 9:00 a.m.

University Center, Room 205  
Xavier University of Louisiana  
1 Drexel Drive  
New Orleans, Louisiana 70125

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 11, 2004 in Room 205 of the University Center located on the campus of Xavier University of Louisiana, at 1 Drexel Drive, in New Orleans, 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. Salvatore D'Angelo then led the group in the recitation of the Pledge of Allegiance.

*3. Quorum Call*

Mr. Aron called upon the Secretary, Dr. Reuben Dixon, to call the roll.

**Members Present:**

Mr. Joseph L. Adams  
Dr. Lois R. Anderson  
Mr. Carl W. Aron  
Mr. Brian A. Bond  
Mr. Clovis S. Burch  
Mr. Wayne A. Camp  
Mr. Theodore S. Carmichael  
Mr. Salvatore J. D'Angelo  
Dr. Reuben R. Dixon  
Ms. Jacqueline L. Hall  
Mr. Larry J. Lantier, Jr.  
Mr. Marty R. McKay  
Mr. Richard J. Oubre  
Mr. T. Morris Rabb

**Members Absent:**

Mr. Joseph V. Greco  
Mr. Jeffrey M. Landry  
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. Kenneth Bowden – Christus Schumpert Health System  
Mr. David Loftin – Louisiana Society of Health-System Pharmacists  
Mr. Michael Loftin – Willis Knighton Medical Center Pharmacy  
Dr. Raymond Strong – Chalmette Medical Center Pharmacy  
Mr. Richard Indovina – Walgreen Pharmacy  
Mr. Mark Malouse – U. S. Navy

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

*4. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items, and none were offered.

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

*5. Consideration of Minutes*

Mr. Aron reminded the Board members that they had received the draft minutes from the last meeting in their advance-meeting packet; he then requested any changes. Hearing no corrections, Mr. Bond moved, and Mr. Lantier seconded,

**Resolved**, that the Minutes of the Board Meeting of November 19, 2003 and the Administrative Hearing of November 20, 2003, both held in Baton Rouge, Louisiana are hereby adopted, ratified, and approved in their entirety.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron then informed the members that an Interlocutory Hearing had been convened on December 16, 2003. He reminded the members who had served on the panel they had received the draft minutes in their advance-meeting packet; he then requested any changes. Hearing no corrections, Mr. McKay moved, and Dr. Dixon seconded,

**Resolved**, that the Minutes of the Interlocutory Hearing of December 16, 2003 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. Confirmation of Acts*

At the request of Mr. Aron, Mr. Burch moved, and Mr. Rabb 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 August 21, 2003 are approved, adopted, and ratified by the entire Board.

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

## 7. *Opportunity for Public Comment*

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

## 8. *Committee Reports*

### A. *Finance Committee*

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to several documents in their meeting packet: Statement of Assets, Liabilities, and Equity, Interim Budget Performance Report, and Summary of Fund Balance, all for the Second Quarter of the current fiscal year, as well as the Hancock Bank Statement for December 31, 2003. He reviewed all of the reports, and answered questions from the members. He indicated that the reports were for information only and required no action from the members. Mr. Carmichael thanked the members of his committee for their work.

### B. *Examination/Technician Committee*

Mr. Aron called upon Mr. Camp for the committee report. Mr. Camp presented information concerning the NAPLEX results from the third trimester of 2003, as well as information concerning PTCB and DSM results. Data for the MPJE from the second half of 2003 were not yet available. Finally, he directed the members to the licensure activity report, showing new pharmacists and technicians credentialed since the last board meeting.

Mr. Camp then reported on his committee meeting from February 5, during which they contemplated the re-introduction of a practical component in the licensure examination process. Noting the logistical challenges posed by the reinstatement of the practical examination, as well as the absence of any clearly defined benefit from such a process, the committee recommended no further action at this time. By consensus, the members agreed with the committee's recommendation. Mr. Camp thanked the members of his committee for their work since the last board meeting.

### C. *Reciprocity Committee*

Mr. Aron called upon Mr. McKay for the committee report. He reported that the committee had approved two pharmacists since the last board meeting, and that they had interviewed eight candidates that morning. He then moved, and Mr. Lantier seconded,

**Resolved**, that the board approve

Daryl Dwayne Allen

Carey Neal Ford

Neil Arthur Menard

Tricia Feucht Menard

Nicole Marie LaGrange Robichaux

Georgia Anne Todd

Jonathan Barlow Travis, *and*

Lisa Octavia Butler White

for pharmacist licensure by reciprocity.

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

*D. Regulation Revision Committee*

Mr. Aron called upon Mr. D'Angelo for the committee report. Mr. D'Angelo reported that the committee had completed their drafting for the proposed revision to *Chapter 8 – Pharmacy Technicians*. He acknowledged some recent concerns, and yielded to the wishes of the chair. Mr. Aron suggested that the committee would be the most appropriate setting to address those concerns. At that point, Mr. D'Angelo moved, and Mr. Oubre seconded, **Resolved**, that the Board refer Draft No. 8 of the proposed revision to *Chapter 8 – Pharmacy Technicians* back to the Regulation Revision Committee for further consideration.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. D'Angelo thanked the members of his committee for their efforts.

*E. Reinstatement Committee*

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb informed the members that the credentials of four pharmacists and five technicians had been reinstated since the last meeting, using committee policies previously approved by the board. The committee met earlier that morning to consider petitions from three pharmacists and one technician. He deferred the presentation of the committee recommendations on those petitions until the Administrative Hearing, scheduled for the next day. He expressed appreciation to the members of his committee for their work that morning.

*F. Violations Committee*

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reported that the committee conducted their last Informal Conference on December 3-4, 2003; that docket included 4 pharmacists, 1 intern, 2 technicians, 2 technician candidates, and 7 permits. He informed the members the next Informal Conference was scheduled for March 11, 2004; that docket includes 4 pharmacists, 10 technicians, and 2 permits. He then announced that the docket for the Administrative Hearing scheduled for the next day includes 2 formal hearings and 16 consent agreements, as well as the files from the Reinstatement and Impairment Committees, for a total of 32 cases.

*G. Impairment Committee*

Mr. Aron called upon Mr. Burch for the committee report. Mr. Burch informed the members that the committee had met the previous day to consider voluntary surrenders from 4 pharmacists and 2 technicians, a petition for reinstatement from one pharmacist, and provided guidance to yet another pharmacist. He deferred the presentation of the committee recommendations for those petitions until the Administrative Hearing,

scheduled for the next day.

Mr. Burch then reported on a presentation from Mr. Robert Hull from the Texas Pharmacist Recovery Network. The committee noted the strengths and challenges associated with the use of an organization separate from the board. The board achieved consensus that the current approach used by the board is still the most appropriate approach for this state.

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

#### *H. Tripartite Committee*

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams indicated the committee had not met since the last board meeting.

#### *I. Legislative Committee*

Mr. Aron called upon Mr. Broussard for the committee report. Mr. Broussard directed the members to draft legislation included in their meeting packet. He indicated the proposed legislation was designed to achieve two objectives: (1) to enable the acquisition and possession of immovable property, and (2) revise the scope of practice for pharmacy technicians. Mr. Broussard reminded the members they had approved the language on pharmacy technicians at their last meeting, but still needed to approve the language on immovable property. Following their review and discussion of the proposal, Mr. D'Angelo moved, and Mr. McKay seconded,

**Resolved**, that the Board approves Draft No. 1 of the proposed revision to The Louisiana Pharmacy Practice Act, and further, authorizes the filing of the proposed revision in the Regular Session of the 2004 Louisiana Legislature upon the instruction of the President, and further, grants the President the authority to approve appropriate revisions as may become necessary during the legislative process.

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

#### *J. Executive Committee*

Mr. Aron reported that his committee met on December 16-17; they reviewed the activities of all committees and reviewed staff progress on a personnel policy and procedure manual. The committee then conducted a joint session with the compliance officers for a regulatory review of all the new regulations promulgated for 2004. The purpose of the review was to ensure consistent interpretations and enforcement guidelines for the implementation of the new rules. He thanked the members of his committee for their efforts in that meeting.

At this point, Mr. Aron declared a brief recess. It was noted that the Board recessed at 2:10 p.m. and reconvened at 2:30 p.m. He resumed the posted agenda, in open session.

#### *9. Report of Chief Compliance Officer*

Mr. Aron called upon Ms. Gaudet for her report. She informed the members that 100% of the pharmacies were inspected during calendar year 2003. She then reported on the recertification of compliance officers and administrative personnel as federal agents for the Consumer Product Safety Commission, and she also reported that the new compliance officers would soon earn their credentials as certified investigators. She also reviewed some major enforcement actions taken by the compliance officers; some of those activities included the forced closure of a pharmacy, and the necessary removal of all files, records, and drugs from the premises. In addition, the compliance officers had joined forces with other federal, state, and local law enforcement agencies to enforce orders of the Board. With the assistance of Mr. Fontenot, she also demonstrated some recently acquired technology as well as the capability of that technology. The members were able to view reports and photographs that would be of benefit in their disciplinary proceedings.

Mr. Aron complimented Ms. Gaudet and the other compliance officers on their improvement in the inspection rate of pharmacies.

#### *10. Report of General Counsel*

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet informed the members that Pharmacist Scott Nealy had appealed the Board's last order and the court considered that case in December and sustained the Board's decision. Mr. Finalet then reported on Pharmacist David Chauvin, Sr. and Chau-Mart Pharmacy Eastside. The Board had revoked those credentials in November; when the respondents failed to comply with the Board's orders, the compliance officers enforced the orders and forcibly closed the pharmacy, with the assistance of federal and local law enforcement agencies. Finally, he commented briefly on a current case involving an alleged Canadian storefront operation. In response to a member's question, he indicated that the FDA had requested our cooperation, and that we were doing so.

#### *11. Report of Executive Director*

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard reported that the new pharmacy law books had been mailed to every permitted pharmacy, and that staff was filling new orders for the new books. He then reported that the staff had implemented the new criminal history record check process on January 1, 2004. Following extensive discussion by the members, Mr. Aron directed Mr. Broussard to prepare a report on average processing time for the record checks, and to present that report during the next meeting in May.

Mr. Broussard also reviewed his MPJE item writing and review workshops, as well as a presentation to a local pharmacist group in Monroe. He then reported on his meeting with the Dept. of Education relative to technician training programs in high schools.

He directed the members to the census report in their meeting packet, to wit: 5,984 pharmacists – 1,097 interns – 3,929 technicians – 1,320 technician candidates – 1,732 pharmacy permits.

He announced that the pharmacist CE audit would begin on February 15, and the sample size this year would be 5% by random selection plus the mandatory selections.

Finally, he announced the NABP Annual Meeting would be held in Chicago, IL and that meeting registration forms and procedures were in their meeting packet.

12. *Consideration of Requests for Exception*

Mr. Aron called upon Mr. Broussard to present the various petitions. Mr. Broussard indicated there were three categories of requests: (a) petitions from pharmacists to be the Pharmacist-in-Charge (PIC) at multiple pharmacy permits, (b) appeal of a staff decision, and (c) request for waiver from new regulation.

A. Requests from Pharmacists to be PIC at Multiple Pharmacy Permits

Mr. Carmichael moved, and Mr. Adams seconded,

**Resolved**, to grant Mr. Frederick Gerard Fournet, holder of Pharmacist License No. 5821, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 379-IR: Fournet's Pharmacy, and (b) Pharmacy Permit No. 2290-IR: Professional Pharmacy Services of Franklin.

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

**Resolved**, to grant Mr. Kevin Paul Denoux, holder of Pharmacist License No. 11763, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 1874-IR: Medicine Shoppe of Baton Rouge, and (b) Pharmacy Permit No. 2583-IR: LSU Athletic Dept. Pharmacy.

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

**Resolved**, to grant Ms. Kelli Nolen Sciara, holder of Pharmacist License No. 15831, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give her the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 5243-H: West Carroll Hospital Pharmacy, and (b) Pharmacy Permit No. 5244-IR: West Carroll Hospital Outpatient Pharmacy.

The motion was approved after a majority vote in the affirmative; Mr. Lantier, Mr. McKay, and Mr. Oubre objected. Mr. Bond moved, and Dr. Anderson seconded,

**Resolved**, to grant Mr. Carl Michael Simon, holder of Pharmacist License No. 5888, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 1017-IR: Simon's Pharmacy, and (b) Pharmacy Permit No. 394-H: St. Martin Hospital Pharmacy.

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

**Resolved**, to grant Mr. Charles Harris Sides, holder of Pharmacist License No. 9724, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 3338-IR: Pennington Biomedical Research Center Pharmacy, and (b) Pharmacy Permit No. 3202-CH: St. Vincent de Paul Pharmacy of Baton Rouge.

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

**Resolved**, to grant Mr. Edmond Melancon, III, holder of Pharmacist License No. 11597, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 766-IR: Melancon Drug Store, and (b) Pharmacy Permit No. 5112-IR: Melancon Pharmacy Services.

The motion was approved after a majority vote in the affirmative; Mr. Oubre objected. Dr. Dixon moved, and Mr. Oubre seconded,

**Resolved**, to grant Mr. Joe Max Hatley, holder of Pharmacist License No. 9890, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 40-IR: Hatley's Pharmacy, and (b) Pharmacy Permit No. 1138-H: Tri-Ward General Hospital Pharmacy.

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

**Resolved**, to grant Mr. Joseph Todd Plauche, holder of Pharmacist License No. 15534, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 4107-IR: Davis Drugs, and (b) Pharmacy Permit No. 4755-CH: Medication Assistance for the Needy in Avoyelles.

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

**Resolved**, to grant Mr. Maurice Lewis Gold, holder of Pharmacist License No. 8745, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 633-IR: Lakeshore Medic Pharmacy, and (b) Pharmacy Permit No. 4578-CH: Calcasieu Community Clinic Pharmacy.

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

**Resolved**, to grant Mr. Steven Charles Barry, holder of Pharmacist License No. 10614, a waiver from the requirement of Section

1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 4744-IR: Church Point Pharmacy, and (b) Pharmacy Permit No. 4-H: Acadia St. Landry Hospital Pharmacy.

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

**Resolved**, to grant Mr. Larry Melton, a pharmacist not yet licensed in Louisiana, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 3910-OOS: Associated Pharmacy, and (b) Pharmacy Permit No. 4975-OOS: Community Pharmacy Services; provided, however, that this waiver shall expire on December 31, 2004.

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

**Resolved**, to grant Mr. William J. Thompson, a pharmacist not yet licensed in Louisiana, a waiver from the requirement of Section 1105.J of the Board's regulations in order to give him the authority to serve as the Pharmacist-in-Charge of the following two pharmacies at the same time: (a) Pharmacy Permit No. 5010-OOS: Respacare of Jefferson Pharmacy, and (b) Pharmacy Permit No. 5175-OOS: CME Pharmacy; provided, however, that this waiver shall expire on December 31, 2004.

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

B. Appeal of Staff Decision

Dr. Dixon moved, and Mr. Adams seconded,

**Resolved**, to deny the appeal of Ms. Theresa Ann Duplantis, holder of Pharmacy Technician Trainee Permit No. 8653, to allow credit for practical experience earned in a pharmacy whose permit was on probation, and further, to authorize a one-year extension of the expiration date of the permit, if requested by the appellant.

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

C. Request for Waiver from Section 1505.A of Board Regulations

Mr. Oubre moved, and Dr. Anderson seconded,

**Resolved**, to refer the request and the regulation at issue to the Regulation Revision Committee for their consideration and report to the Board.

The motion was approved after a unanimous vote in the affirmative. Dr. Anderson moved, and Mr. Burch seconded,

**Resolved**, to delay the enforcement of Section 1505.A of the Board's regulations until January 1, 2005.

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

### *13. Announcements*

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

### *14. Recess*

Mr. Burch moved, and Mr. Rabb seconded, to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron placed the Board in recess at 5:45 p.m.

An Administrative Hearing was convened on Thursday, February 12, 2004 in Room 205 of the University Center, located on the campus of Xavier University of Louisiana, at 1 Drexel Drive, in New Orleans, Louisiana. The hearing was held pursuant to public notice, each member and respondent received notice, and notice was properly posted.

#### *1. Call to Order*

Mr. Aron called the meeting to order at 8:55 a.m.

#### *2. Invocation & Pledge*

Mr. Aron called upon Mr. Oubre, 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 Mr. D'Angelo, Mr. Greco, Ms. Hall, Mr. Landry, 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 offered.

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

It was noted that Ms. Hall arrived at 9:00 a.m.

#### *5. Opportunity for Public Comment*

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

## 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. Due to prior knowledge, the members of the Violations Committee (Dr. Dixon, Mr. Burch, Mr. D'Angelo, Mr. Rabb, and Mr. Bond) 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 9:00 a.m. on Thursday, February 12, 2004, in Room 205 of the University Center, located on the campus of Xavier University of Louisiana, at 1 Drexel Drive, in New Orleans, Louisiana, for the purpose to wit:

### *A G E N D A*

- A. Call to Order
- B. Invocation
- C. Pledge of Allegiance
- D. Quorum Call
- E. Call for Additional Agenda Items
- G. Report of Violations Committee – Consideration of Consent Agreements

### *Appearances Required*

- 1. Intern Registration No. 41853 & Technician Trainee Permit No. 6830 – Joshua Ryan Reynolds
- 2. Pharmacy Permit No. 3738 – Eckerd Drugs No. 2941
- 3. Pharmacy Permit No. 2773 – Medic Pharmacy of Ruston
- +
- 4. Pharmacist License No. 9928 – Edward Earl Bryan
- H. Formal Hearings
  - 5. Technician Certificate No. 4082 – Freda A. Pearson
  - 6. Technician Certificate No. 1001 – Ursula Renee Haywood
- I. Report of Reinstatement Committee – Consideration of Recommendations
  - 7. Pharmacist License No. 9711 – Kenneth Louis Hebert

8. Pharmacist License No. 15548 – Sean Christopher Howell
9. Pharmacist License No. 14849 – George Reuben Johnson
10. Technician Certificate No. 1002 – Janice Marie Heard
11. Pharmacist License No. 9751 – Marilyn Vallee Dawdy

J. Report of Impairment Committee – Consideration of Recommendations

12. Pharmacist License No. 13351 – Penny Pouncey Hutcheson
13. Pharmacist License No. 10597 – James Edward Witchen
14. Technician Certificate No. 3883 – Christopher Aaron McClure
15. Pharmacist License No. 13535 – Kerry Michael Finney
16. Technician Certificate No. 2168 – Terra S. Solice
17. Pharmacist License No. 9922 – Jean Terry Benoit
18. Pharmacist License No. 14240 – James Walter Tucker
19. Pharmacist License No. 16704 – Trohn Peter Blanchard
20. Pharmacist License No. 15067 – Rhonda Renee Rohr

K. Report of Violations Committee – Consideration of Consent Agreements (cont)

*Appearances Not Required*

21. Pharmacy Permit No. 5195 – Excelsior Pharmaceutical, Inc.
22. Pharmacy Permit No. 4878 [closed] & 5170 – CoMed Pharmacy
23. Pharmacist License No. 13761 – Charlotte Hammett Whatley
24. Pharmacy Permit No. 451 – Haydel's Drug Store
- +  
25. Pharmacy Permit No. 4183 – Haydel's Drug Store No. 2
- +  
26. Pharmacist License No. 10582 – Robert Paul Rock
27. Pharmacy Permit No. 755 – Russo's Health Mart Pharmacy
28. Pharmacy Permit No. 1783 – Professional Pharmacy #3

L. Report of General Counsel – Consideration of Consent Agreements

29. Technician Certificate No. 6112 – Brandy Michelle Pizzolato
30. Pharmacist License No. 13300 – Henry Davis Billups
31. Pharmacist License No. 11674 – Gary Lynn Horne

M. Adjourn

It was noted that Mr. D'Angelo arrived at 9:05 a.m. At this point, Mr. Aron reordered the posted agenda to convene the formal hearings.

*7. Formal Hearing*

Mr. Aron declared his intent to abstain from the matters scheduled for the formal hearing, due to his prior knowledge of the cases on the docket. At Mr. Aron's request, Mr. Shows assumed the duty of Hearing Officer, and presided over the following matters.

**Ursula Renee Haywood (Technician Certificate No. 1001)** Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Mr. Shows indicated the hearing would continue as a default proceeding. Ms. Cangelosi presented an opening statement and three witnesses. At the conclusion of her presentation, Ms. Cangelosi offered proposed Findings of Fact and Conclusions of Law, and then submitted the matter to the Board for its consideration. Mr. Oubre moved, and Mr. Lantier seconded, to enter executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered executive session at 9:25 a.m., and then returned to open session at 9:30 a.m.

Mr. Oubre moved, and Mr. Adams seconded,

**Resolved**, that the Board amend the Findings of Fact offered by the prosecuting attorney, and then adopt them as their own; and further, to accept the Conclusions of Law offered by the prosecuting attorney and then adopt them as their own; and further, that the Board revoke Technician Certificate No. 1001 with no recourse for reinstatement, and further, assess the respondent \$2,000 administrative and hearing costs.

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

**Freda Ann Pearson (Technician Certificate No. 4082)** Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Mr. Shows indicated the hearing would continue as a default proceeding. Ms. Cangelosi presented an opening statement and one witness. At the conclusion of her presentation, Ms. Cangelosi offered proposed Findings of Fact and Conclusions of Law, and then submitted the matter to the Board for its consideration. Mr. Adams moved, and Mr. Camp seconded, to enter executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered executive session at 9:40 a.m., and then returned to open session at 9:45 a.m.

Mr. Adams moved, and Mr. Camp seconded,

**Resolved**, that the Board accept the Findings of Fact offered by the prosecuting attorney and adopt them as their own; and further, to accept the Conclusions of Law offered by the prosecuting attorney and adopt them as their own; and further, that the Board suspend Technician Certificate No. 4082 for an indefinite period of time; and further, conditioned the acceptance of any future application for reinstatement upon the following conditions: (a) payment of \$1,000 fine, as well as all administrative and hearing costs, (b) meeting with the Impairment Committee, and (c) submission of a complete medication history.

The motion was approved after a unanimous vote.

Ms. Cangelosi indicated the completion of the formal hearings. Mr. Shows returned the gavel to Mr. Aron. Mr. Aron expressed his appreciation to Mr. Shows and all the witnesses who appeared during the hearings. Mr. Aron then returned to the posted agenda.

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

Dr. Dixon presented the following files to the Board for its consideration.

**Joshua Ryan Reynolds (Intern Registration No. 41853 & Technician Trainee Permit No. 6830)**. Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. Prior to the vote, Mr. Adams moved, and Mr. Oubre seconded, to enter executive session for the purpose of discussing the physical health of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered executive session at 10:15 a.m., and then returned to open session at 10:30 a.m.

Mr. Carmichael moved, and Mr. Lantier seconded, to amend the proposed voluntary consent agreement by requiring a diagnostic monitoring agreement for a one year period. Dr. Dixon and Mr. Oubre accepted the amendment to their original motion, and there were no objections from the members. The respondent indicated his consent to the amendment. The amended motion was approved after a unanimous vote in the affirmative. The Board reinstated the intern registration, then suspended it for five years, stayed the execution thereof, then placed the registration (and any subsequent credential) on probation for five years, beginning on December 31, 2003 and ending on December 30, 2008; and further, assessed the respondent administrative costs; and further, ordered the respondent to comply with the terms of a Diagnostic Monitoring Contract for a one year period, beginning February 12, 2004. *Charges:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.5 – is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs.

- (3) LRS 37:1241.A.10 – has departed 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.
- (4) LRS 37:1241.A.15 – has evaded, directly or indirectly, any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (5) LRS 40:968.A.1 – unlawful possession with intent to distribute a Schedule III controlled dangerous substance.
- (6) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.
- (7) LRS 40:969.A.1 – unlawful possession with intent to distribute a Schedule IV controlled dangerous substance.
- (8) LRS 40:969.C – unlawful possession of a Schedule IV controlled dangerous substance.
- (9) LRS 40:971.B.1.b – unlawful acquisition of a controlled dangerous substance by misrepresentation, fraud, or forgery.
- (10) LAC 46:LIII.3501 – unlawful possession of a legend drug without a prescription.
- (11) LAC 46:LIII.3529.A.1.a – unlawful dispensation of a controlled dangerous substance.

Mr. Aron declared a brief recess. The Board recessed at 10:40 a.m., and then returned to open session at 10:50 a.m. Mr. Aron called upon Dr. Dixon to continue his report.

**Eckerd Drugs No. 2941 (Pharmacy Permit No. 3738)** Dr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. Prior to the vote, Mr. Camp and Mr. Oubre indicated they would abstain from the vote on this particular matter. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for two years, stayed the execution thereof, then placed the permit on probation for two years, beginning on December 31, 2003 and ending on December 30, 2005, subject to certain terms as identified in the Board Order; and further, the Board assessed the permit holder \$10,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice, or assist in the practice, of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LRS 37:1241.A.15 – has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (4) LAC 46:LIII.2901.B.1.b – failure to account for all prescription drugs sold.
- (5) LAC 46:LIII.3529.A.1.a – failure to prevent diversion of controlled dangerous substances.
- (6) LAC 46:LIII.3529.E – permit holder is accountable for shortages in audits of controlled dangerous substances.

**Medic Pharmacy of Ruston (Pharmacy Permit No. 2773)** 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 permit, effective February 1, 2004. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 40:976 – failure to maintain complete and accurate records of all controlled dangerous substances.
- (3) LAC 46:LIII.2901.B.1.c – failure to maintain proper inventory records for all transactions involving prescription drugs.
- (4) LAC 46:LIII.3501 – unlawful possession of prescription drugs.
- (5) LAC 46:LIII.3529.E – permit holder is accountable for shortages in audits of controlled dangerous substances.

**Edward Earl Bryan (Pharmacist License No. 9928)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective February 1, 2004; and further, conditioned the acceptance of any future application for reinstatement upon the following terms: (a) Respondent must present a favorable evaluation for reinstatement by a Board-approved addictionist, and (b) Respondent must have served at least two years of active suspension, i.e., until at least February 1, 2006; and further, the Board assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LRS 40:968.A.1 – unlawful possession with intent to distribute a Schedule III controlled dangerous substance.
- (4) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.
- (5) LRS 40:971.B.1.b – unlawful acquisition of a controlled dangerous substance by misrepresentation, fraud, or forgery.
- (6) LAC 46:LIII.3501 – unlawful dispensation of prescription drugs.
- (7) LAC 46:LIII.3529.A.1 – unlawful dispensation of controlled dangerous substances.

Mr. Aron declared a recess for lunch. The Board recessed at 11:35 a.m., and then reconvened in open session at 12:15 p.m. Mr. Aron requested Dr. Dixon to continue with the second portion of his report. Dr. Dixon presented the following files for Board action:

**Excelsior Pharmaceutical, Inc. (Pharmacy Permit No. 5195)** Dr. Dixon moved, and Mr. D'Angelo seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board

issued a Letter of Warning to the respondent, and further, assessed the respondent \$5,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.12 – has engaged in the practice of pharmacy without the necessary permit to do so.
- (3) LRS 37:1241.A.22 – has failed to furnish any information legally requested by the board.
- (4) LRS 1221.B – failure to maintain a current permit to operate a pharmacy.

**CoMed Pharmacy (Pharmacy Permit No. 5170)** 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 assessed the permit holder \$2,500 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1221.B – failure to maintain a current permit to operate a pharmacy.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to engage in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LAC 46:LIII.1101.C.2 – failure to renew a pharmacy permit by January 15.

**Charlotte Hammett Whatley (Pharmacist License No. 13761)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the execution thereof, then placed the license on probation for five years, beginning on January 31, 2004 and ending on January 30, 2009, subject to certain terms as identified in the Board Order, and further, assessed the respondent administrative and investigative costs. *Charge:*

- (1) LRS 37:1241.A.4 – has been convicted of a felony.

**Haydel's Drug Store (Pharmacy Permit No. 451)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the permit holder; and further, ordered corrective action as identified in the agreement; and further, assessed the permit holder \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LAC 46:LIII.1107.I – failure of the pharmacist-in-charge to operate a pharmacy in compliance with all federal and state pharmacy laws and regulations.

- (4) LAC 46:LIII.2905 – failure of the dispensing pharmacist to verify accuracy of daily dispensing record.
- (5) LAC 46:LIII.2915 – failure of the dispensing pharmacist to verify accuracy of prescription information in dispensing record.

**Haydel's Drug Store No. 2 (Pharmacy Permit No. 4183)** 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, ordered corrective action as identified in the agreement; and further, assessed the permit holder \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LAC 46:LIII.1107.I – failure of the pharmacist-in-charge to operate a pharmacy in compliance with all federal and state pharmacy laws and regulations.
- (4) LAC 46:LIII.2905 – failure of the dispensing pharmacist to verify accuracy of daily dispensing record.
- (5) LAC 46:LIII.2915 – failure of the dispensing pharmacist to verify accuracy of prescription information in dispensing record.

**Robert Paul Rock (Pharmacist License No. 10582)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent, then assessed the respondent \$1,000 plus administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LAC 46:LIII.1107.I – failure as pharmacist-in-charge to operate a pharmacy in compliance with all federal and state pharmacy laws and regulations.
- (4) LAC 46:LIII.2905 – failure to verify accuracy of daily dispensing record.
- (5) LAC 46:LIII.2915 – failure to verify accuracy of prescription information in dispensing record.

**Russo's Health Mart Pharmacy (Pharmacy Permit No. 755)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for two years, stayed the execution thereof, then placed the permit on probation for two years, beginning on December 31, 2003 and ending on December 30, 2005, subject to certain terms as identified in the Board

Order; and further, the Board assessed the permit holder \$2,500 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LRS 40:976 – has failed to maintain a complete and accurate inventory of all controlled dangerous substances.

**Professional Pharmacy No. 3 (Pharmacy Permit No. 1783)** 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 permit; and further; conditioned the acceptance of any future application for a pharmacy permit from the permit holder on meeting with the designated committee of the Board; and further, assessed the permit holder administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LAC 46:LIII.2703 – has failed to notify the Board of the anticipated closing of a pharmacy.
- (4) LAC 46:LIII.2703.B – has failed to give adequate notice to the public of the anticipated closing of a pharmacy.
- (5) LAC 46:LIII.2703.D – has failed to provide for adequate security and availability of records from a closed pharmacy.
- (6) LAC 46:LIII.2705 – has failed to notify the Board of the complete divestiture of prescription drug inventory by a closing pharmacy.

Mr. Aron expressed his appreciation to Dr. Dixon and the members of his committee for their efforts.

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

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

**Kenneth Louis Hebert (Pharmacist License No. 9711)** Mr. Rabb moved, and Dr. Dixon seconded, to condition the reinstatement of the license upon satisfaction of the following terms prior to February 12, 2005: (a) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination (MPJE); (b) Respondent shall acquire 250 hours of updated practical experience, under the authority of a special work permit; and (c) Respondent shall acquire 45 hours of ACPE-accredited continuing education, and further, the continuing education submitted by the respondent prior to meeting with the committee shall count toward the required total; and further, reinstatement is to be automatic

upon completion of all conditions and necessary processing by the board office. The motion was approved after a unanimous vote in the affirmative. The Board issued a conditional order for the reinstatement of the license.

**Sean Christopher Howell (Pharmacist License No. 15548)** Mr. Rabb moved, and Mr. McKay seconded, to condition the reinstatement of the license upon satisfaction of the following terms prior to February 12, 2005: (a) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination (MPJE); (b) Respondent shall acquire 500 hours of updated practical experience, under the authority of a special work permit; and (c) Respondent shall acquire 45 hours of ACPE-accredited continuing education, and further, the continuing education submitted by the respondent prior to meeting with the committee shall count toward the required total; and further, reinstatement is to be automatic upon completion of all conditions and necessary processing by the board office. The motion was approved after a unanimous vote in the affirmative. The Board issued a conditional order for the reinstatement of the license.

**George Reuben Johnson (Pharmacist License No. 14849)** Mr. Rabb moved, and Mr. Burch seconded, to grant the request for reinstatement, suspend the license for five years, stay the execution thereof, then place the license on probation for five years, subject to certain terms. The motion was approved after a unanimous vote in the affirmative; Mr. Adams stated his abstention from the vote. The Board reinstated the license, suspended it for five years, stayed the execution thereof, then placed the license on probation for five years, beginning on February 12, 2004 and ending on February 11, 2009, subject to certain terms as identified in the Board Order.

**Janice Marie Heard (Technician Certificate No. 1022)** Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the certificate.

Mr. Aron expressed his appreciation to Mr. Rabb and the members of his committee for their efforts.

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

Mr. Aron called upon Mr. Burch for his report; Mr. Burch presented the following files for Board action:

**Penny Pouncey Hutcheson (Pharmacist License No. 13351)** Mr. Burch moved, and Dr. Dixon seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective November 29, 2003.

**James Edward Witchen (Pharmacist License No. 10597)** Mr. Burch moved, and Mr. Rabb seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective December 9, 2003.

**Christopher Aaron McClure (Technician Certificate No. 3883)** Mr. Burch moved, and Mr. Lantier 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, resulting in the indefinite suspension of the certificate, effective December 1, 2003.

**Kerry Michael Finney (Pharmacist License No. 13535)** Mr. Burch moved, and Dr. Dixon seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective December 29, 2003.

**Jean Terry Benoit (Pharmacist License No. 9922)** Mr. Burch moved, and Mr. Oubre seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective January 30, 2004.

**Terra S. Solice (Technician Certificate No. 2168)** Mr. Burch moved, and Mr. Lantier 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, resulting in the indefinite suspension of the certificate, effective February 5, 2004.

**James Walter Tucker (Pharmacist License No. 14240)** Mr. Burch moved, and Mr. Rabb seconded, to deny the request for reinstatement, and further, to condition the acceptance of any future application for reinstatement upon the receipt of favorable evaluations by Board-approved addictionists as identified in the Board Order.

**Trohn Peter Blanchard (Pharmacist License No. 16704)** Mr. Burch moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board accepted the Diagnostic Monitoring Agreement, beginning on November 21, 2003 and ending on November 20, 2004.

**Rhonda Renee Rohr (Pharmacist License No. 15067)** Mr. Burch moved, and Mr. Oubre seconded, to issue a renewal, suspend the license for five years, stay the execution of the suspension, then place the license on probation for five years, subject to certain terms. The motion was approved after a unanimous vote in the affirmative. The Board ordered the issuance of a renewal for 2004,

then suspended the license for five years, stayed the execution of the suspension, then placed the license on probation for five years, beginning on March 17, 2003 and ending on March 16, 2008, subject to certain terms as identified in the Board Order.

Mr. Aron expressed his appreciation to Mr. Burch and the members of his committee for their efforts.

*11. Report of General Counsel – Consideration of Consent Agreements*

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet presented the following files to the Board for their action.

**Brandy Michelle Pizzolato (Technician Certificate No. 6112)** Mr. Oubre 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, without recourse for reinstatement. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded, directly or indirectly, any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (2) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.
- (3) LRS 40:971.B.1.b – unlawful acquisition of a controlled dangerous substance by fraud or forgery.
- (4) LAC 46:LIII.3501.1 – unlawful dispensation of prescription drugs.
- (5) LAC 46:LIII.3501.3 – unlawful possession of prescription drugs.
- (6) LAC 46:LIII.3529.A.1.a – unlawful dispensation of controlled dangerous substances.

**Henry Davis Billups (Pharmacist License No. 13300)** Mr. Camp moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for three years, stayed the execution thereof, then placed the license on probation for three years, beginning on October 12, 2001 and ending on October 11, 2004, subject to certain terms as identified in the Board Order.

*Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.6 – has had his license in another jurisdiction suspended for conduct that would constitute grounds for action in this state.

**Gary Lynne Horne (Pharmacist License No. 11674)** Mr. Camp moved, and Mr. Burch seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for three years, stayed the execution thereof, then placed the license on probation for three years, beginning on September 6, 2003 and ending on September 5, 2006, subject to certain terms as identified in the Board Order.

*Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.6 – has had his license in another jurisdiction suspended for conduct that would constitute grounds for action in this state.

**Albert Lee Brazzel (Pharmacist License No. 11200)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for one year, stayed the execution thereof, then placed the license on probation for one year, beginning on November 19, 2003 and ending on November 18, 2004, subject to certain terms as identified in the Board Order.

*Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.6 – has had his license in another jurisdiction suspended for conduct that would constitute grounds for action in this state.

Mr. Aron expressed his appreciation to Mr. Finalet for his report. The members expressed satisfaction for the methodology of mirroring action from other boards.

#### *12. Adjourn*

Mr. D'Angelo moved, and Mr. McKay seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron adjourned the Board at 1:40 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary