



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Thursday, February 17, 2005 at 8:00 a.m.

University Library – Auditorium
University of Louisiana at Monroe
700 University Avenue
Monroe, Louisiana

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A regular meeting of the Louisiana Board of Pharmacy was held on Thursday, February

17, 2005 in the Auditorium of the University Library, on the campus of the University of Louisiana at Monroe, located at 700 University Avenue in Monroe, 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 8:10 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Michele Alderman 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. 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:

Approximately 350 students, as well as a number of faculty and administrative personnel, from the ULM School of Pharmacy were in attendance from 8:45 a.m. to 12:20 p.m.

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; Mr. Rabb requested an opportunity to discuss a potential requirement for live continuing education programs. Hearing no objections, Mr. Aron indicated he would place that topic on the agenda within the report from the Executive Committee.

Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Mr. McKay moved and Mr. Lantier seconded to grant the President the authority to reorder the agenda as necessary. The motion was approved after a unanimous vote in the affirmative.

5. Consideration of Minutes

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

Resolved, that the Minutes of the Board Meeting of November 17, 2004 and the Administrative Hearing of November 18, 2004, both held in Baton Rouge, Louisiana are hereby adopted, ratified, and approved in their entirety.

The motion was approved after a unanimous vote in the affirmative. Dr. Dixon reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard reported on several action items from the previous Board meeting.

A. HCR 292 from 2004 Louisiana Legislature

Mr. Broussard reminded the members that Rep. Labruzzo met with the Board during their last meeting to discuss his desired outcomes, and that the President had assigned the task for drafting potential practice act revisions to the Regulation Revision Committee.

The committee completed its task and was prepared to present its proposal later that day. Further, Mr. Broussard indicated he would submit the formal response to the legislature prior to the beginning of the legislative session.

B. Prescription Monitoring Program

He reminded the members they had adopted a resolution at their last meeting that authorized the creation of a task force with other stakeholders as well as the filing of an application for a federal planning grant.

President Aron convened the first meeting of the task force on January 12, with representatives from 14 other organizations. He was

prepared to report on that meeting during his committee report. Mr. Broussard announced the filing of the application on January 18. He anticipated the award announcement in August and receipt of the award in October.

C. *Evaluation of Current Fee Structure*

During the presentation of the finance committee report during the last Board meeting, Mr. Mills outlined his concern for the long-term fiscal outlook. The members directed staff to evaluate the current fee structure and make recommendations to you for possible legislation in the 2005 fiscal session.

Mr. Broussard informed the members that a proposal for fee adjustment would be presented during the finance committee report later that day.

D. *Request for Policy and Procedure Statements*

During the last Board meeting, the members requested staff to develop policy and procedure statements on two topics: (1) an authorization for compliance officers to collect photographic images during their inspection and investigation activities, and (2) a mechanism for approval of requests from pharmacists to serve as the pharmacist-in-charge at multiple locations. Mr. Broussard directed the members to their meeting packet for copies of the proposed policy and procedure statements.

Mr. McKay moved and Ms. Angelle seconded,

Resolved, that the Board approve the Policy and Procedure Statement entitled "*Inspectors – Photographic Evidence.*"

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

Resolved, that the Board approve the Policy and Procedure Statement entitled "*Pharmacist-in-Charge in Multiple Pharmacies.*"

During the discussion on the motion, a number of members requested concurrence of the President on each decision and a report to the Board on all such approvals. Mr. Cassidy moved and Ms. Alderman seconded to amend the policy to include those requirements. The motion was approved after a unanimous vote in the affirmative. The amended policy was then approved after a unanimous vote in the affirmative.

E. *Electronic Prescription Transmission Systems*

Mr. Broussard reminded the members they had disapproved requests from two vendors at their last meeting. Further, the members requested staff to notify the pharmacies of their decision.

Mr. Broussard reminded the members of the December 2004 bulletin on the topic that was circulated to all pharmacies and pharmacists, as well as the article in the January 2005 issue of the newsletter. He also informed the members the Regulation Revision Committee had reviewed the matter since the last Board meeting, and that a recommendation would be offered during their report later that day.

Mr. Aron thanked Mr. Broussard for his report.

7. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Bond moved and Dr. Dixon 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 November 18, 2004 are approved, adopted, and ratified by the entire Board.

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

8. *Opportunity for Public Comment*

Mr. Aron informed the Board and guests that the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings. He solicited general comments, but none were offered.

Mr. Aron noted the arrival of the students from the ULM School of Pharmacy. He then indicated his intent to re-order the agenda to take Item No. 13.A at this time, specifically, a request for an opinion from Wal-Mart Pharmacy.

13. *Request for Opinion – Wal-Mart Pharmacy*

Mr. Aron recognized Mr. Robert Dufour from the Wal-Mart corporate office in Bentonville, Arkansas. He directed the members to a binder of information supplied by Wal-Mart in their meeting packet.

Mr. Dufour presented information concerning corporate plans to renovate some of their pharmacy sites to enable drive-through services. He demonstrated several prototypical arrangements that could be utilized, depending on the circumstances at a given location. Following his presentation and the ensuing discussion, Mr. Lantier moved and Mr. Rabb seconded,

Resolved, that the Board accept the proposal as submitted by Wal-Mart, with the stipulation that no drive-through structure shall be located at an address different from the address of the permitted pharmacy to which the structure is attached.

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

At this point, Mr. Aron returned to the sequence of the posted agenda. He encouraged the students to ask questions during the meeting.

9. *Committee Reports*

C. *Reciprocity Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported that the committee had approved 68 pharmacists since the last board meeting in accordance with committee policies and procedures previously approved by the Board. He reported the committee interviewed 17 candidates the previous day. He then moved and Dr. Dixon seconded,

Resolved, that the Board approve
James Howard Anderson
Patricia Lynn Baker
David Norman Booher

Carol Diane Capps
Yasser Abdul Dehaini
David Scott Dessender
Andrew Jesus Escobedo
Karen Lynn Gibson
Michael Wayne Halfen
Todd Eugene Hare
Terry Joe Keith
Michael Koerner
Jaime Suzanne O'Bar
Olufunto Olayinka Sokoya
Christopher Lance Sonneschein
Chester Leon Stinnett, Jr., *and*
Yi Ling Zheng

for pharmacist licensure by reciprocity.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay then informed the members of some difficulties the committee had encountered with pharmacists with prior disciplinary history on their original license. He requested consideration of a proposal to amend the existing committee policy, as well as a review of the underlying statute by the Regulation Revision Committee. Mr. Aron directed the members to their meeting packet for a copy of the proposal to amend the committee policy. Mr. McKay moved and Mr. Lantier seconded,

Resolved, that the Board approve the proposed Article No. 3 of the Policy and Procedure Statement entitled "*Reciprocity Committee.*"

The motion was approved after a unanimous vote in the affirmative. Mr. Aron then directed staff to add a review of the reciprocity statute to the agenda for the Regulation Revision Committee.

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

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 1, 2004; that docket included three pharmacists, thirteen technicians, and one permit. He informed the members the next Informal Conference was scheduled for March 9-10; that docket includes seven pharmacists, six technicians, five interns, thirteen permits, and two unlicensed persons. He then announced there was no administrative hearing that day, but that there were a few consent agreements that required action by the Board. He then presented the following files for Board action:

William Scott Martin (Pharmacist License No. 15752) Dr. Dixon moved and Mr. Rabb seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for ten years, beginning October 31, 2004, assessed the respondent \$10,000 plus administrative and investigative costs, and further, conditioned the acceptance of any future application for reinstatement

upon certain terms as enumerated in the consent order. *Charges:*

- (1) LRS 37:1241.A.4 – has been convicted of a felony or other public offense involving moral turpitude in the courts of any state.
- (2) LRS 37:1241.A.6 – has had other disciplinary action taken by the proper authorities based upon conduct that would constitute grounds for action by the Board.
- (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.11 – has committed fraud in connection with the practice of pharmacy, including insurance fraud.
- (5) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

Jacqueline Harrington LeJeune (Technician Certificate No. 4793) Dr. Dixon moved and Mr. Lantier seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, assessed her administrative and investigative costs, and further, ordered the respondent to obtain ten (10) hours of ACPE-accredited continuing education within the time frame identified in the consent agreement. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a certificate by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failed to furnish information legally requested by the Board.
- (3) LAC 46:LIII.809 – failed to comply with continuing education requirements.

Sherrie Denise Martinez (Technician Certificate No. 5064) Dr. Dixon moved and Ms. Alderman seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and then assessed her \$250 plus administrative and investigative costs.

Charges:

- (1) LRS 37:1241.A.2 – obtained a certificate by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failed to furnish information legally requested by the Board.
- (3) LAC 46:LIII.809 – failed to comply with continuing education requirements.

Carolyn K. Minor (Technician Certificate No. 3668) Dr. Dixon moved and Mr. Bond seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, assessed her administrative and investigative costs, and further, ordered the respondent to obtain ten (10) hours of ACPE-accredited continuing education within the

time frame identified in the consent agreement. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a certificate by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failed to furnish information legally requested by the Board.
- (3) LAC 46:LIII.809 – failed to comply with continuing education requirements.

Loretta L. Williams (Technician Certificate No. 4472) Dr. Dixon moved and Ms. Angelle seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, assessed her administrative and investigative costs, and further, ordered the respondent to obtain ten (10) hours of ACPE-accredited continuing education within the time frame identified in the consent agreement. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a certificate by fraud or misrepresentation.
- (2) LRS 37:1241.A.22 – failed to furnish information legally requested by the Board.
- (3) LAC 46:LIII.809 – failed to comply with continuing education requirements.

Michael Gerard Chidester (Technician Certificate No. 6497) Dr. Dixon moved and Mr. Rabb seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, with no recourse for any future application for reinstatement or any other credential. *Charges:*

- (1) 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.
- (2) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LRS 40:971.B.1.b – unlawful acquisition or possession of controlled dangerous substance by misrepresentation, fraud, or deception.
- (4) LAC 46:LIII.3501 – unlawful possession of a prescription drug.

Kari O. Mathis (Technician Certificate No. 4559) Dr. Dixon moved and Mr. Rabb seconded to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, with no recourse for any future application for reinstatement or any other credential. *Charges:*

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

Finally, Dr. Dixon thanked the members of his committee for their efforts.

G. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb informed the members the committee met the previous day to consider voluntary surrender documents from six pharmacists and two interns, petitions for reinstatement from six pharmacists, to provide guidance to two pharmacists, and to consider diagnostic monitoring agreements for two technicians. He then presented the following files for Board action.

Myles Regan Stelly (Intern Registration No. 41194) Mr. Rabb moved and Dr. Dixon seconded to accept the voluntary surrender of the registration. The motion was approved after a unanimous vote. The Board accepted the voluntary surrender of the registration, resulting in the indefinite suspension of the registration, effective December 2, 2004.

Gary Victor Mantese (Pharmacist License No. 11065) Mr. Rabb moved and Mr. McKay seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective December 13, 2004.

Sherman Melvin Cutrer, Jr. (Pharmacist License No. 16739) Mr. Rabb moved and Dr. Dixon seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective January 24, 2005.

David Burch Stripling (Pharmacist License No. 14064) Mr. Rabb moved and Dr. Dixon seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective February 7, 2005.

Michael Lionell Orphey (Pharmacist License No. 16243) Mr. Rabb moved and Mr. Bond seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective February 2, 2005.

Mitchell John Kimball (Pharmacist License No. 13546) Mr. Rabb moved and Mr. Bond seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective February 11, 2005.

Reynold James Serrette (Pharmacist License No. 14945) Mr. Rabb moved and Ms. Alderman seconded to accept the voluntary surrender of the license.

The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective February 14, 2005.

Roy Kirk Fisher, Jr. (Intern Registration No. 41805) Mr. Rabb moved and Mr. Lantier seconded to accept the voluntary surrender of the registration. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the registration, resulting in the indefinite suspension of the registration, effective February 14, 2005.

Jeremy Christopher Powell (Pharmacist License No. 16108) Mr. Rabb moved and Dr. Dixon seconded to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order.

James Andrew McPherson, III (Pharmacist License No. 16237) Mr. Rabb moved and Dr. Dixon seconded to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order.

Norman August Higginbotham (Pharmacist License No. 15486) Mr. Rabb moved and Dr. Dixon seconded to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order.

Doddi Vidrine Alexander (Pharmacist License No. 16007) Mr. Rabb moved and Mr. McKay seconded to deny the request for reinstatement of the license, and further, to condition the acceptance of any future application for reinstatement on the receipt of a favorable evaluation from an addiction

specialist identified in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the license, and further, conditioned the acceptance of any future application for reinstatement upon the satisfaction of certain terms as enumerated in the consent order.

Zelda Simmons (Pharmacist License No. 10969) Mr. Rabb moved and Mr. McKay seconded to grant the application for renewal of the license, and then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, such period to run concurrently with the probation period imposed by the Texas State Board of Pharmacy on her pharmacist license in that state, and further, to require respondent to meet with the Board prior to returning to practice in Louisiana. The motion was approved after a unanimous vote in the affirmative. The Board ordered the renewal of the license, suspended it for five years, stayed the execution thereof, and then placed the license on probation for five years, such period to run concurrently with the probation period imposed by the Texas State Board of Pharmacy on her pharmacist license in that state, and further, required the respondent to meet with the Board prior to returning to practice in Louisiana.

Douglas Christopher Montecino (Pharmacist License No. 15620) Mr. Rabb moved and Mr. Oubre seconded to grant the application for reinstatement of the license, then suspend the license for ten years, stay the execution thereof, and then place the license on probation for ten years, beginning February 17, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board granted the application for reinstatement of the license, suspended the license for ten years, stayed the execution thereof, and then placed the license on probation for ten years, subject to certain terms as enumerated in the consent order.

Kimiko Tiesha Austin (Technician Certificate No. 5676) Mr. Rabb moved and Dr. Dixon seconded to accept the Diagnostic Monitoring Agreement, beginning August 19, 2004, subject to the time frame and certain terms as enumerated in the agreement. The motion was approved after a unanimous vote in the affirmative. The Board approved the Diagnostic Monitoring Agreement, subject to the time frame and certain other terms as enumerated in the consent order.

Tiffany Skye Harker (Technician Certificate No. 4973) Mr. Rabb moved and Mr. McKay seconded to dismiss Complaint No. 04-0053 for insufficient evidence and to renew the certificate without further penalty. The motion was approved after a unanimous vote in the affirmative. The Board dismissed Complaint No. 04-0053 for insufficient evidence, and further, ordered the renewal of the certificate without any further penalty to the respondent.

At Mr. Aron's request, Mr. Broussard presented a census report for the Practitioner Recovery Program. Finally, Mr. Rabb thanked the members of his committee for their work on the previous day.

D. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. Dr. Anderson reported on the two committee meetings held since the last Board meeting, and she then presented several topics for Board action.

1. *Hospital Pharmacy Permit Limitation in Section 1505.A*

Dr. Anderson reported the committee's recommendation to form a Subcommittee on Remote Order Entry & Dispensing, and to charge the subcommittee with the drafting of a proposed regulation to remedy the concern with the existing language in Section 1505.A of the Board's rules. She moved and Mr. McKay seconded,

Resolved, that the board continue the deferral on the enforcement of Section 1505.A of the Board's regulations. The motion was approved after a unanimous vote in the affirmative.

2. *Recycling of Prescription Drugs to Pharmacies in Penal Institutions*

Dr. Anderson reminded the members of HCR 292 from the 2004 legislative session and the directive from the Board to draft a suggested revision to the section of the practice act relative to donation of prescription drugs to charitable pharmacies to expand that section to include pharmacies in penal institutions. She moved and Mr. McKay seconded,

Resolved, that the Board approve the proposal to amend LRS 37:1226.2; and further, to direct staff to prepare a formal response to the legislative mandate of HCR 292; and further, to authorize the filing of the proposal in the Regular Session of the 2005 Louisiana Legislature upon the instruction of the President; and further, to grant the President the authority to approve appropriate and non-substantive revisions as may become necessary during the legislative process.

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

3. *Collaborative Drug Therapy Management*

Dr. Anderson reported on the current status of the pilot project with the Board of Medical Examiners. The Board just received information from the Board of Medical Examiners that they were ready to receive proposed regulatory language from the Board. Mr. Aron directed staff to add the topic to the agenda for the Regulation Revision Committee.

4. *Reconsideration of Prior Disapproval of Request from SafeMed*

Dr. Anderson reminded the members they had rejected a

proposal for electronic transmission of prescription information from SafeMed during their last meeting. She reported the company met with the committee during the interim and presented a modified proposal. The committee was satisfied that the modifications brought the operations into compliance with existing regulation. She then moved and Mr. Oubre seconded,

Resolved, that the Board accept the revised proposal from SafeMed, Inc., and further, find no conflict with existing regulations, based upon the representations made by corporate leadership.

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

5. Electronic Transmission of Prescriptions

Dr. Anderson informed the members the committee had reviewed Section 1129 of the Board's rules relative to confidentiality of prescription information, and they were concerned that a strict interpretation of the rule would be overly restrictive on evolving technology. To facilitate the movement toward electronic medical records, the committee recommended the recognition of entities referred to as 'routing companies.' She moved and Mr. Rabb seconded,

Resolved, that the Board approve the Policy and Procedure Statement entitled "*Electronic Transmission of Prescriptions.*"

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

6. Limitations on Scope of Practice for Pharmacy Technicians

Dr. Anderson reported that the Board had received several telephone calls and letters from pharmacists expressing displeasure and concern over the new pharmacy technician regulation, especially the prohibition on receipt of verbal prescriptions and the giving and receipt of verbal prescription transfers. The committee made no recommendation and yielded to the pleasure of the Board. Following substantial member and public discussion, Mr. McKay moved and Ms. Angelle seconded,

Resolved, that the Board refer Chapter 9 – Pharmacy Technicians to the Regulation Revision Committee for a reconsideration of the language in Section 907.

The motion was approved after a majority vote in the affirmative; Mr. Adams and Mr. Oubre objected. Mr. Aron directed staff to add the topic to the agenda for the committee.

Finally, Dr. Anderson expressed her appreciation to the members of her committee for their ongoing efforts.

Mr. Aron noted the hour and recessed the meeting for lunch. It was noted that the Board recessed at 12:20 p.m. and reconvened at 1:00 p.m. At that point, he resumed the posted agenda.

E. Reinstatement Committee

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams then presented the following files for Board action:

Elmer Lee Richardson (Intern Registration No. 41905) Mr. Adams moved and Mr. McKay seconded to condition the issuance of his registration upon the following requirement: respondent shall obtain confirmation from Xavier College of Pharmacy that his prior disciplinary history did not affect his status as a pharmacy student; and further, once issued, the registration (and any subsequent credential) shall be suspended for five years, with execution thereof stayed, and then placed on probation for five years, subject to certain terms as identified in the consent order. During the discussion on the motion, Mr. Adams moved and Dr. Dixon seconded to enter into executive session for the purpose of discussing the professional competency of the respondent. The motion for executive session was approved after a unanimous roll call vote.

It was noted that the Board entered into executive session at 1:05 p.m. and returned to open session at 1:30 p.m., at the instant case.

Mr. Aron recognized Mr. Adams for a substitute motion. He moved and Mr. McKay seconded to condition the issuance of the registration upon the receipt of a favorable confirmation from Xavier College of Pharmacy that respondent's prior disciplinary history does not affect his status as a student in Xavier College of Pharmacy. The substitute motion was approved after a unanimous vote in the affirmative. The Board instructed staff to direct the respondent to obtain the requested documentation prior to issuing his registration.

Kenneth Louis Hebert (Pharmacist License No. 9711) Mr. Adams moved and Mr. McKay seconded to grant the request for modification of the prior conditional reinstatement order from February 12, 2004; and further, to extend the deadline for successful completion of the Multistate Pharmacy Jurisprudence Examination (MPJE) to June 1, 2005, and further, to extend the expiration date of respondent's special work permit to June 1, 2005. The motion was approved after a majority vote in the affirmative; Mr. Oubre objected. The Board extended the deadline for the successful completion of MPJE to June 1, 2005, and they also extended the expiration date of his special work permit to June 1, 2005.

Finally, Mr. Adams thanked the members of his committee for their efforts.

A. Finance Committee

In the absence of the committee chair, Mr. Aron called upon Mr. Broussard for the committee report. Mr. Broussard directed the members to the various reports 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, 2004. He reviewed all of the reports, noting the budget variances. He answered questions from the members, and they determined the variances were justifiable. Mr. Broussard indicated the report was for information only and no action was required.

Mr. Aron requested Mr. Broussard to review the proposal for fee adjustments. Mr. Broussard directed the members to a copy of the proposal in their meeting packet. He reviewed each of the proposed changes, detailing the fiscal impact of each line item. Following discussion and public comment, Mr. McKay moved and Mr. Boudreaux seconded,

Resolved, that the Board approve the proposed fee adjustments as presented; and further, to authorize the filing of the proposal in the Regular Session of the 2005 Louisiana Legislature upon the instruction of the President; and further, to grant the President the authority to approve appropriate and non-substantive revisions as may become necessary in the legislative process.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. Broussard thanked the members of the Finance Committee for their efforts.

B. Examination/Technician Committee

Mr. Aron called upon Mr. Oubre for the committee report. Mr. Oubre directed the members to the meeting packet, which contained the NAPLEX, MPJE, and PTCB examination data, the licensure activity reports, as well as a report showing historical data for both schools of pharmacy for both examinations, dating back to 2000. Mr. Oubre reviewed all of the reports and answered questions from members and guests. He indicated the report was for information and required no action by the Board.

Mr. Oubre then requested direction from the members as to a possible need to revise the Minimum Competencies for Pharmacy Technician Training Programs document that was last revised in 2000. Following a short discussion, Mr. Aron requested the committee review the document for possible revisions.

H. Tripartite Committee

Mr. Aron called upon Mr. Lantier for the committee report. Mr. Lantier reported the committee had not met since the last Board meeting, but did have a meeting scheduled for April 13.

I. Legislative Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reminded the members the legislature would convene on April 25. Finally, he reminded

the members to watch for the weekly legislative report published by Mr. Broussard to track legislation through the process.

J. Executive Committee

Mr. Aron reported that his committee met on January 12, as part of the Prescription Monitoring Program (PMP) Task Force. He briefly described the PMP proposal, and he then asked Mr. Broussard to review the project timeline. Mr. Aron indicated his report was for information only and required no Board action.

Mr. Aron reminded the members he had added Mr. Rabb's request for a discussion of live continuing education to this agenda item. He noted the time and the requirement on the Board to vacate the meeting room by a certain hour. Mr. Rabb indicated he would be satisfied by the placement of this item on the advance agenda for the next Board meeting. Mr. Aron directed Mr. Broussard to insert the topic on the advance agenda of the next Board meeting.

10. Report of Chief Compliance Officer

Mr. Aron called upon Ms. Gaudet for her report. She presented an update to the Statistical Summary for the Compliance Division for the second quarter of the current fiscal year. Mr. Aron indicated his awareness of the increased level of investigative activities, and he complimented the compliance officers on the quality of their efforts.

11. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet informed the members of the status of those cases under judicial review.

Mr. Finalet reminded the members that the Board instituted the criminal background checks in January 2004. Since that time, staff had encountered some applicants with expunged criminal records, and he related the difficulties that imposed. He informed the members that a particular section of the state's public records law entitles a small number of agencies (primarily health care licensing agencies) to receive expunged records. He suggested it would be appropriate to request legislative authority to add the Board to that short list. Following a short discussion, Dr. Dixon moved and Mr. McKay seconded,

Resolved, that the Board approve the proposal to amend LRS 44:9; and further, to authorize the filing of the proposal in the Regular Session of the 2005 Louisiana Legislature upon the instruction of the President; and further, to grant the President the authority to approve appropriate and non-substantial revisions as may become necessary during the legislative process.

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

12. Report of Executive Director

Mr. Aron called upon Mr. Broussard for his report. He opened his report by reviewing his recent activities with other organizations on a variety of topics. He also directed the members to the census report in their meeting packet. He announced the

upcoming pharmacist continuing education audit. He reviewed the utilization of the online renewal option by pharmacists, indicating that approximately 25% of the eligible population took advantage of that option. He then reviewed current regulatory activities from the Boards of Pharmacy, Medical Examiners, Nursing, and Examiners of Psychologists. He then reviewed communications from the National Association of Boards of Pharmacy (NABP) concerning their annual meeting in New Orleans on May 21-24, as well as from ACPE concerning changes in provider accreditation status for pharmaceutical manufacturers.

Finally, Mr. Broussard reminded the members that the pharmacy law designates the Executive Director as the custodian of records. To facilitate the operations of the Board, he requested authority to designate subordinate custodians for certain limited purposes: (1) to provide certified copies of Board records, (2) to authenticate records or copies thereof as true and correct copies, and (3) to serve as a witness to verify Board records in administrative hearing or other legal proceedings. Following a short discussion, Mr. McKay moved and Ms. Angelle seconded,

Resolved, that the Board authorize its Executive Director, as the custodian of its records, to designate one or more staff members as a subordinate custodian of records.

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

14. Requests for Exception – Pharmacist-in-Charge at Multiple Locations

Mr. Aron informed the members that the Board had received requests from two pharmacists who wished to serve as the pharmacist-in-charge of more than one permit at the same time, but that one of the requests was withdrawn earlier that day. Following a discussion of the remaining request, Mr. Lantier moved and Mr. Oubre seconded,

Resolved, that the Board deny the request from Steve L. Wilson, Jr., holder of Pharmacist License No. 15952, to hold the position of pharmacist-in-charge at CoMed Pharmacy, Patient Care Pharmacy, and Respacare Pharmacy.

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

15. Appeal of Decision from Appeal Tribunal

Mr. Aron informed the members that the petitioner was not present, so the matter would be continued until the next Board meeting.

16. Announcements

Mr. Aron recognized Dr. Lamar Pritchard, Dean of the ULM School of Pharmacy, for an announcement. Dean Pritchard informed the Board of recent discussions with the Accreditation Council for Pharmacy Education (ACPE). That organization expressed concern about the state's funding of the school's budget, as evidenced by challenges in physical plant and faculty recruitment. ACPE has placed ULM School of Pharmacy on a conditional status, which is apparently the last step before probationary status. Dr. Pritchard informed the Board of a plan to move the pharmacy school to a new building in Monroe. He also informed the members of his extensive efforts to educate the Board of Regents and some legislators of the school's status with a request for additional funding. He requested assistance from the individual Board members.

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

17. Adjourn

Mr. Oubre moved and Ms. Alderman 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 meeting at 2:55 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary