



Louisiana Board of Pharmacy

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Minutes

Interlocutory Hearing

Thursday, July 29, 2004 at 8:00 a.m.

Louisiana Board of Pharmacy
5615 Corporate Blvd., Suite 8-E
Baton Rouge, Louisiana 70808-2537

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The Violations Committee of the Board convened an Interlocutory Hearing on Thursday, July 29, 2004 at 8:00 a.m. in the Board office, which is located at 5615 Corporate Blvd., Suite 8-E, in Baton Rouge, La. The meeting was held pursuant to public notice, each member and respondent 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. Clovis Burch, and he delivered the invocation. Dr. Reuben Dixon 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. Carl W. Aron
- Mr. Brian A. Bond
- Mr. Clovis S. Burch
- Mr. Salvatore J. D'Angelo
- Dr. Reuben R. Dixon
- Mr. T. Morris Rabb

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

Dr. Dixon certified that a quorum of the Hearing Panel 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 Hearing Panel to reorder the agenda as necessary for the purpose of adjusting the sequence of various cases. Mr. Burch moved, and Mr. Bond 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. Opportunity for Public Comment

Mr. Aron informed the Hearing Panel 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.

6. Appearances

Mr. Aron declared the Interlocutory Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as General Counsel, Ms. Celia R. Cangelosi as Prosecuting Attorney, and Mr. E. Wade Shows as Counsel to the Hearing Officer, all for the Hearing Panel. Ms. Marlene Cashen served as the Official Recorder. Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron then introduced the hearing panel members: Dr. Reuben Dixon, Mr. Brian Bond, Mr. Clovis Burch, Mr. Salvatore D'Angelo, and Mr. Morris Rabb.

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 the Violations Committee has ordered and called an Interlocutory Hearing on Thursday, July 29, 2004 at 8:00 a.m. in the Board office, located at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana, for the purpose to wit:

A G E N D A

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Quorum Call
4. Request for Additional Agenda Items
5. Opportunity for Public Comment
6. Appearances
7. Interlocutory Hearing
 - a. Pharmacist License No. 11850 – John Dwayne Baque
 - b. Pharmacy Permit No. 1386 – Budget Saver Pharmacy
 - c. Pharmacist License No. 10299 – Norman George Nasif
8. Adjourn

7. Interlocutory Hearings

Mr. Aron requested Ms. Cangelosi to call her first case. She called for Mr. John Baque.

John Dwayne Baque (Pharmacist License No. 11850) Ms. Cangelosi appeared for the Hearing Panel, and then noted the presence of the respondent with his counsel. Mr. Aron requested the preference of the respondent for open session or executive session; his counsel expressed a preference for executive session. Mr. Burch moved, and Mr. Bond seconded, to enter executive session for the purpose of discussing the professional competency of the respondent.

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

The Hearing Panel entered executive session at 8:15 a.m., and then returned to open session at 11:10 a.m.

Ms. Cangelosi announced that the respondent had just agreed to enter into a voluntary consent agreement with the Board. Ms. Cangelosi distributed a copy of the proposed agreement to the hearing panel. Mr. D'Angelo moved, and Dr. Dixon seconded, to enter into executive session for the purpose of discussing the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Hearing Panel entered executive session at 11:15 a.m., and then returned to open session at 11:40 a.m.

Mr. Shows indicated that the Interlocutory Hearing for this matter was dismissed, and the proposed voluntary consent agreement was then subject to action by the hearing panel. Dr. Dixon moved, and Mr. D'Angelo seconded, to accept the Voluntary Consent Agreement, and then recommend approval of same to the full Board during its next administrative hearing, scheduled for August 19, 2004. The motion was approved after a unanimous roll call vote in the affirmative.

Mr. Aron declared a luncheon recess. It was noted the Hearing Panel recessed at 11:45 a.m., and reconvened at 12:35 p.m.

Budget Saver Pharmacy (Pharmacy Permit No. 1386) and Norman George Nasif (Pharmacist License No. 10299) Ms. Cangelosi appeared for the Hearing Panel, and noted the absence of both respondents and their counsel. Mr. Aron indicated the hearing would continue as a default proceeding. Ms. Cangelosi then noted the similarities in factual evidence in both cases and moved to consolidate the matters. Without objection, Mr. Aron permitted the consolidation of the cases. Ms. Cangelosi presented an opening statement, then offered witnesses and exhibits. At the conclusion of her presentation, she offered proposed Findings of Fact and Conclusions of Law, as well as the basis for the emergency action requested. She then submitted the matter to the Hearing Panel for its consideration. Mr. Bond moved, and Mr. Burch seconded, to enter into executive session for the purpose of discussing the professional competency of the respondents.

The Hearing Panel entered executive session at 1:25 p.m., and then returned to open session at 1:35 p.m.

Mr. D'Angelo moved, and Mr. Burch seconded,
Resolved, that the Hearing Panel accept 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 adopt them as their own; and further, to summarily suspend Pharmacy

Permit No. 1386 held by Budget Saver Pharmacy, effective immediately and until a formal hearing can be held on this matter.

The motion was approved after a unanimous roll call vote in the affirmative. Mr. D'Angelo then moved, and Mr. Burch seconded,

Resolved, that the Hearing Panel accept 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, to summarily suspend Pharmacist License No. 10299 held by Norman George Nasif, effective immediately and until a formal hearing can be held on this matter.

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

Ms. Cangelosi indicated that all cases scheduled for the day had been adjudicated. Mr. Aron expressed his appreciation to Ms. Cangelosi and Mr. Shows for their services, and to the witnesses for their cooperation with the Hearing Panel.

8. Adjourn

Mr. Bond moved, and Mr. Rabb seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron adjourned the Hearing Panel at 1:40 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary