



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
www.labp.com



Minutes

Regular Meeting

Tuesday, March 6, 2007 at 1:00 p.m.

Louisiana Board of Pharmacy
5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808

Administrative Hearing

Wednesday, March 7, 2007 at 9:00 a.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Tuesday, March 6, 2007 in the Boardroom of the Louisiana Board of Pharmacy, located on the 8th Floor at 5615 Corporate Blvd. in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:10 p.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. Patricea L. Angelle
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. J. Douglas Boudreaux
Mr. Allen W. Cassidy, Jr.
Dr. Reuben R. Dixon
Ms. Jacqueline L. Hall
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Fred H. Mills, Jr.
Mr. Blake P. Pitre
Mr. T. Morris Rabb

Members Absent:

Mr. Joseph V. Greco
Mr. Alvin A. Haynes, 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. H. Bland O'Connor – Executive Director, La. Society of Health-System Pharmacists
Mr. Chris R. Gaudet – Pharmacist-in-Charge at Hunt Correctional Center Pharmacy
Contingent of students and faculty from ULM College of Pharmacy

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

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. With no objections offered, Mr. Aron indicated he would exercise that authority only as necessary.

5. Consideration of Minutes

Mr. Aron reminded the Board members they had received the draft minutes from the previous meeting. He requested any amendments. Hearing no corrections, Mr. McKay moved and Ms. Alderman seconded,

Resolved, that the Minutes of the Regular Board Meeting of December 6, 2006 and the Administrative Hearing on December 7, 2006, both of which were held in Baton Rouge, Louisiana are hereby adopted, ratified, and approved in their entirety.

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

6. Report on Action Items

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard reported on the Distinguished Service Award commissioned and presented to Ms. Marlene Cashen upon her retirement from 30 years of service as the Board's court reporter.

7. Confirmation of Acts

At the request of Mr. Aron, Mr. Bond moved and Mr. Boudreaux 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 December 7, 2006 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

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

9. Committee Reports

A. Finance Committee

Mr. Aron called upon Mr. Mills for the committee report. Mr. Mills directed the members to the various reports in their meeting packet:

- Statement of Assets, Liabilities, & Equity for December 31, 2006

- Interim Budget Performance Report for December 31, 2006
- Summary of Fund Balance for December 31, 2006

Mr. Mills reviewed all the reports and answered questions from members. He indicated the report was informational only, requiring no further action by the Board.

B. Application Review Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee interviewed six applicants referred to the committee by staff. All of the applicants were seeking a Pharmacy Technician Candidate Registration. Following their deliberations, the committee approved three applicants and directed staff to issue the credentials. The committee deferred action in one case, requiring the applicant to submit to a medical evaluation and directing the applicant to return to the committee for further consideration following the receipt of the report of the evaluation. The committee recommended the denial of issuance of a registration for two of the applicants. Counsel informed the applicants of their right to appeal the recommendation to the full Board.

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

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She indicated the committee had approved 9 candidates for licensure by reciprocity since the last regular Board meeting, in accordance with policies and procedures previously approved by the Board. Further, the committee interviewed 13 candidates earlier that day. She then moved and Dr. Dixon seconded,

Resolved, that the Board approve
 Bryan Cameron Bitar
 Bradley David Buroker
 Gerald Eugene Finken
 Gregory Walter Greenwood
 Michael David Grindstaff
 Brad Lee Hopkins
 Dwandolyn Trenese Horton
 Chiu-Yu Lok
 Alan Lombardi
 Neely Kellum Ott
 Heather Hoyle Pike
 Lakeashia Marie Snedecor, *and*
 Gregory Donald Webb

for pharmacist licensure by reciprocity.

The motion was approved after a unanimous vote in the affirmative. Finally, Ms. Hall expressed her appreciation to the other members of her committee, for their efforts earlier that day.

D. Violations Committee

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reviewed the number of respondents at the last Informal Conference in December 2006, as well as their next Informal Conference on March 14-15, 2007. Finally, he expressed his appreciation to the other members of his committee for their ongoing work.

E. Impairment Committee

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

Benji Joseph Juneau (Pharmacist License No. 16348) Mr. Rabb moved and Mr. Bond seconded to accept the voluntary surrender of the license, resulting in the suspension of the license for an indefinite period of time, effective January 10, 2007. The motion was approved after a unanimous vote in the affirmative.

Russell Scott Knight (Pharmacist License No. 13444) Mr. Rabb moved and Dr. Dixon seconded to accept the voluntary surrender of the license, resulting in the suspension of the license for an indefinite period of time, effective February 13, 2007. The motion was approved after a unanimous vote in the affirmative.

Parrish Michael Begnaud (Pharmacist License No. 16598) Mr. Rabb moved and Ms. Alderman seconded to grant the request for the reinstatement of the suspended license, and then once reinstated, to suspend the license for five years and stay the execution thereof, and then place the license on probation for five years, beginning on March 6, 2007, subject to certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Stephanie Ann Richards (Pharmacist License No. 15339) Mr. Rabb moved and Dr. Dixon seconded to grant the request for the reinstatement of the suspended license, and then once reinstated, to suspend the license for ten years and stay the execution thereof, and then place the license on probation for ten years, beginning on March 6, 2007, subject to certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Kenneth Ralph Foster (Pharmacist License No. 9938) Mr. Rabb moved and Mr. Bond seconded to grant the request for the reinstatement of the suspended license, and then once reinstated, to suspend the license for five years and stay the execution thereof, and then place the license on probation for five years, beginning on March 6, 2007, subject to certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Douglas Christopher Montecino (Pharmacist License No. 15620) Mr. Rabb moved and Ms. Alderman seconded to grant the request for modification of the February 17, 2005 Probation Board Order, to remove Article 2-g restricting the respondent from accepting an appointment as a pharmacist-in-charge of a pharmacy, and further, to continue all other terms and conditions as enumerated in the original order. The motion was approved after a unanimous vote in the affirmative.

James Andrew McPherson, III (Pharmacist License No. 16237) Mr. Rabb moved and Dr. Dixon seconded to grant the request for modification of the February 17, 2005 Probation Board Order, to remove Article 2-g restricting the respondent from accepting an appointment as a pharmacist-in-charge of a pharmacy, and further, to continue all other terms and conditions as enumerated in the original order. The motion was approved after a unanimous vote in the affirmative.

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

F. Reinstatement Committee

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

Larry Sherman Chauvin (Pharmacist License No. 10453) Mr. Adams moved and Mr. Cassidy seconded to grant the request for the reinstatement of the lapsed license. The motion was approved after a unanimous vote in the affirmative.

Diana Chan Chauvin (Pharmacist License No. 10523) Mr. Adams moved and Mr. Boudreaux seconded to grant the request for the reinstatement of the lapsed license. The motion was approved after a unanimous vote in the affirmative.

Louis Oliver Lenfant, Jr. (Pharmacist License No. 10793) Mr. Adams moved and Mr. Boudreaux seconded to grant the request for the reinstatement of the suspended license, and then once reinstated, to suspend the license for ten years, beginning on May 12, 2005 and terminating on May 12, 2015 and stay the execution of the remaining period of suspension, and then place the license on probation for the remainder of the original suspensive period, terminating on May 12, 2015, subject to certain terms as enumerated in the consent agreement. The motion was approved after a majority vote in the affirmative; Ms. Alderman objected.

Dickie Ewell Hebert (Pharmacist License No. 9195) Mr. Adams moved and Mr. Pitre seconded to deny the request for modification of the May 18, 2006 Probation Board Order to allow respondent to accept an appointment as a pharmacist-in-charge of a pharmacy. The motion was approved after a

majority vote in the affirmative; Mr. Cassidy objected.

Monique Clarice Mansfield (Pharmacist License No. 15599) Mr. Adams moved and Mr. Rabb seconded to grant the petition to return respondent's inactive license to active status. The motion was approved after a unanimous vote in the affirmative.

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

G. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee had met twice since the December Board meeting. She described the activities during those meetings, related the topics under discussion by the committee, and then presented the following action items for consideration by the Board.

Regulatory Proposal 2007-05 ~ Administration of Medication by Pharmacy Interns

The committee received a presentation from a contingent of interns from the ULM College of Pharmacy, in support of their petition for an amendment of the current rule in §521 – *Prescription Orders to Administer Medications*, for the purpose of allowing interns to administer medications. She requested permission from the chair to allow the interns to repeat their presentation for the benefit of the entire Board. Hearing no objections, Mr. Aron invited the interns to repeat their presentation. Following the presentation and a short discussion, Dr. Anderson moved and Mr. Pitre seconded,

Resolved, that the Board approve *Regulatory Proposal 2007-05 ~ Administration of Medication by Pharmacy Interns*, and further, to authorize the Executive Director to submit this proposal for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the regulatory process.

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

Summary of Amendments to Notice of Intent re Project 2006-3 ~ Pharmacy Practice

The committee reviewed all of the proposed amendments to the proposed rule, concurring with the staff evaluation that the amendments concerning the collaborative drug therapy management provisions were substantive in nature, and further, that the substantive amendments to the proposed rule required a second public hearing. The committee agreed to interrupt the promulgation process for the remainder of the proposed rules in the Notice of Intent, pending the resolution of the collaborative drug therapy management provisions. Dr. Anderson moved and Dr. Dixon seconded

Resolved, that the Board approve the suggested amendments to the *Notice of Intent for Regulatory Project 2006-3 ~ Pharmacy*

Practice, and further, to authorize the Executive Director to publish the substantive amendments in §523 – Collaborative Drug Therapy Management along with a notice for public hearing to receive comments and testimony on those substantive amendments, and further, to authorize the President to approve any acceptable amendments as may become necessary during the regulatory process.

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

Regulatory Proposal 2007-01 ~ Prescription Monitoring Program

The committee received a draft of the new chapter of regulations from the Prescription Monitoring Program Advisory Council and made some additional modifications. Staff renumbered Draft #3 to Proposal 2007-01. Dr. Anderson then moved and Ms. Alderman seconded

Resolved, that the Board approve *Regulatory Proposal 2007-01 ~ Prescription Monitoring Program*, and further, to authorize the Executive Director to submit this proposal for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the regulatory process.

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

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 3:20 p.m., and then reconvened in open session at 3:40 p.m. Mr. Aron resumed the posted agenda and requested Dr. Anderson to continue with her committee report.

Regulatory Proposal 2007-02 ~ Drug Donations to Penal Institution Pharmacies

In compliance with Act 797 of 2006 legislative session, the committee drafted a proposed rule permitting some penal institution pharmacies to accept drug donations, using the same safeguards in place at charitable pharmacies. Dr. Anderson reported that Mr. Chris Gaudet, Pharmacist-in-Charge at Hunt Correctional Institute, worked with the committee as a liaison from the office of the Secretary of the Dept. of Public Safety and Corrections. She then moved and Mr. Adams seconded

Resolved, that the Board approve *Regulatory Proposal 2007-02 ~ Drug Donations to Penal Institution Pharmacies*, and further, to authorize the Executive Director to submit this proposal for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the regulatory process.

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

Regulatory Proposal 2007-03 ~ Practical Experience Requirements for Pharmacy Interns

The committee concluded its review of the current allocation of the 1,500 hours of practical experience required for pharmacist licensure. The current

rule awards 1,000 hours credit for successful completion of the academic program in an accredited college of pharmacy, as long as the intern acquires at least 500 hours of practical experience in a licensed pharmacy prior to the beginning of their final academic year. The committee's assessment was that new graduates have more than adequate clinical skills, but their dispensing skills – generally speaking – were less than satisfactory. Dr. Anderson reminded the members of a prior rule that required 300 hours of dispensing experience in a community pharmacy plus 300 hours of dispensing experience in a hospital pharmacy, all as part of the academic curriculum. The colleges of pharmacy had requested a repeal of that rule, and the Board complied with their request. The committee determined it was not appropriate to intrude on the academic curriculum, but that it was appropriate to require more hours of practical experience outside the academic curriculum. The proposal will award 500 hours credit for successful completion of the academic program, and will require the intern to acquire 1,000 hours of practical experience at any time prior to licensure. Further, since an important requirement was lost with the repeal of the preceptor program, the proposal will require a pharmacist supervising an intern to be licensed for at least two years. Dr. Anderson moved and Mr. McKay seconded.

Resolved, that the Board approve *Regulatory Proposal 2007-03 ~ Practical Experience Requirements for Pharmacy Interns*, and further, to authorize the Executive Director to submit this proposal for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the regulatory process.

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

Regulatory Proposal 2007-04 ~ Minimum Number of Hours of Operation for Pharmacies

Dr. Anderson reminded the members of the long-standing rule requiring a minimum of 40 hours of operation per week that was repealed in late 2003, with the understanding the decision would be reconsidered if necessary. Since that time, the office has received a small number of complaints from consumers unable to access certain pharmacies at reasonable business hours. To address the issue of reasonable public access, the committee determined it was reasonable to require pharmacies to be open at least ten (10) hours per week, as well as to require pharmacies to post their hours of operation. Dr. Anderson moved and Mr. Pitre seconded

Resolved, that the Board approve *Regulatory Proposal 2007-04 ~ Minimum Number of Hours of Operation for Pharmacies*, and further, to authorize the Executive Director to submit this proposal for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the regulatory process.

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

Finally, Dr. Anderson expressed her appreciation to the members of her

committee for their ongoing work.

H. Tripartite Committee

Mr. Aron called upon Mr. Bond for the committee report. He reported the committee had not met since the last Board meeting, and there were no assignments pending from the Board.

I. Legislative Committee

Mr. Aron called upon Ms. Alderman for the committee report. She directed the members to the report in their meeting packet. She reminded the members the regular session would convene on April 30 and adjourn no later than June 28. Several bills had already been prefiled, and staff had placed a few bills on the watch list. The members discussed the bills briefly, and then requested staff to keep them informed about the progress of the items on the alert list. The members agreed by consensus to the adoption of a resolution requesting Sen. McPherson to include pharmacists in his effort reflected in SB 1.

J. Executive Committee

Mr. Aron noted the committee had not met since the last Board meeting, and there was no report.

10. *Staff Reports*

A. Chief Compliance Officer

Mr. Aron called upon Ms. Gaudet for her report. She informed the members that the compliance division staff had made a concerted effort to increase the level of administrative/field corrections, when appropriate, to resolve complaints against pharmacies and pharmacists. During the first half of FY 2006-2007, the compliance staff closed 42% of the complaints received, referring the remaining 58% to the Violations Committee for their consideration. She discussed additional summary information for the Compliance Division, including the additional inspections required by the recent acquisition of the CDS Program from the Health Standards Section at the Dept. of Health and Hospitals.

B. General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet informed the members that some of the matters scheduled for formal hearing the next day had been settled that very day, and that the members should be able to adjourn at a reasonable hour.

C. Executive Director

Mr. Aron called upon Mr. Broussard for his report. He opened his report by reviewing his attendance at various conferences since the last Board meeting. He directed the members to the current census report in the Boardroom Library, and he then reported on the renewal activity. 62% of pharmacists utilized the online option, while 43% of pharmacies renewed

their permits online. He then reviewed the most recent information on the MPJE, NAPLEX, and PTCB testing results. He reviewed the just-completed annual item review session for the MPJE databank. He also reviewed the most recent PTCB data, showing a decline in the national average for the last test, as well as a continuation for the decline in the state pass rate. He reminded the members of the CE audit underway. He reviewed recent staffing changes and the impact of those changes in the processing of applications in the Pharmacy Program. He reported on the approval of two pharmacists to serve as the Pharmacist-in-Charge of two pharmacies at the same time, in accordance with the Board policy on that topic. He announced two recent changes in the CE rules from the ACPE. He reminded the members of the upcoming NABP Annual Meeting in Portland, OR as well as the travel and registration logistics. Finally, he reviewed a recent proposal from CAVU Corporation to analyze the Board's licensing procedures. At his request, Mr. McKay moved and Ms. Alderman seconded

Resolved, that the Board authorize the Executive Director to approve the offer from CAVU Corporation for *Requirements Validation / Gap Analysis Service*, with payment for said service not to exceed \$15,000.

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

11. *Announcements*

Mr. Broussard reminded the members and staff of several calendar notes, and then directed them to all of that information in their meeting packet.

12. *Recess*

Ms. Angelle moved and Mr. Cassidy seconded to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron recessed the meeting at 4:50 p.m.

An Administrative Hearing was convened on Wednesday, March 7, 2007 in the Boardroom of the Louisiana Board of Pharmacy, located on the 8th Floor at 5615 Corporate Blvd. in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

1. *Call to Order*

Mr. Aron called the meeting to order at 9:00 a.m.

2. *Invocation & Pledge*

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Ms. Melancon then led the group in the recitation of the Pledge of Allegiance.

3. *Quorum Call*

Mr. Aron called upon Secretary Dixon, and he called the roll. After doing so, he informed Mr. Aron that Dr. Anderson, Mr. Greco, Mr. Haynes, and Mr. Rabb were

absent, but that all other members, constituting a quorum, were present.

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. At this point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports and witnesses. Hearing no objections, he indicated he would exercise that option only when necessary to do so.

5. Opportunity for Public Comment

Mr. Aron reminded the members and guests that the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guests in attendance, but none were offered.

6. Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Celia R. Cangelosi served as Complaint Counsel for the Board, and Mr. E. Wade Shows served as Counsel to the Hearing Officer. Mr. Mark LaCour was the Official Recorder. Mr. Malcolm Broussard was the Hearing Clerk. Due to prior knowledge, the members of the Violations Committee (Mr. Adams, Mr. Bond, and Dr. Dixon) 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 should 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 Wednesday, March 7, 2007 in the Board office, for the purpose to wit:

A G E N D A

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
 - 01. Southern Discount Drugs (Pharmacy Permit No. 5144) Complaint No. 06-0410
 - 02. Pharmacy 101, Ltd. (Pharmacy Permit No. 5358) Complaint No. 06-0202
 - +
 - 03. Pharmacy 101, Ltd. (Pharmacy Permit No. 5358) Complaint No. 06-0047

- + 04. Pharmacy 101, Ltd. (Pharmacy Permit No. 5358) Complaint No. 06-0208
- 05. Blaine Edwin Perry (Pharmacist License No. 11249) Complaint No. 06-0172
- 06. Westmar Pharmacy (Pharmacy Permit No. 5174) Complaint No. 06-0021
- 07. Advanced Healthcare Pharmacy (Pharmacy Permit No. 5301)
Complaint No. 06-0014
- 08. DRD Management – Request for Declaratory Judgment

G. Report of Violations Committee – Consideration of Voluntary Consent Agreements

- 09. River Road Discount Pharmacy (Pharmacy Permit No. 5573)
Complaint No. 06-0135
- + 10. Mary Grace Constantino Oden (Pharmacist License No. 10761)
Complaint No. 06-0137
- 11. Pier Anderson Jackson (Pharmacist License No. 14150) Complaint No. 06-0005
- 12. James Robert Lang (Pharmacist License No. 10884) Complaint No. 06-0185
- 13. Michael Charles Wible (Pharmacist License No. 15153) Complaint No. 06-0205
- 14. Leesville Drug Co. (Pharmacy Permit No. 662) Complaint No. 06-0061
- 15. CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) Complaint No. 06-0035
- + 16. CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) Complaint No. 06-0048
- + 17. CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) Complaint No. 06-0107
- + 18. Frederick English Parker, Jr. (Pharmacist License No. 10219)
Complaint No. 06-0108
- 19. Terry Lee Bonnie (Technician Certificate No. 3949) Complaint No. 06-0207

To be considered following Formal Hearings:

- 20. Thadrian Marquis Johnson (Pharmacist License No. 13542)
Complaint No. 06-0141
- 21. Leesville Drug Co. (Pharmacy Permit No. 662) Complaint No. 06-0171
- 22. Jimmy Charles Hill (Pharmacist License No. 11155) Complaint No. 06-0015
- + 23. Ginger Brewer Hebron (Pharmacist License No. 10621) Complaint No. 06-0101

H. Report of General Counsel

Consideration of Voluntary Consent Agreements

- 24. Winter Faye Thelemann (Technician Certificate No. 6615)
Complaint No. 06-0233

- 25. Elizabeth Lynn O'Quin (Technician Certificate No. 7021) Complaint No. 07-0005
- 26. James Brett Harrington (Technician Certificate No. 6660) Complaint No. 06-0236
- 27. Red River Pharmacy Services (Pharmacy Permit No. 5235)
Complaint No. 07-0007
- 28. Shelita LaGrange Mott (Technician Certificate No. 3349) Complaint No. 06-0100
- 29. Associated Pharmacy (Pharmacy Permit No. 3910) Complaint No. 07-0006

Consideration of Voluntary Surrenders

- 30. David Gregory Tucker (Pharmacist License No. 17452)
- 31. Jabe Whitfield Maddox, IV (Technician Certificate No. 4027)
- 32. John Bull Pharmacy (CDS License No. C-001609) Complaint No. 07-0017
- 33. Avee Pharmacy (Pharmacy Permit No. 5647) Complaint No. 07-0020

G. Adjourn

7. Formal Hearings

Mr. Aron recognized Mr. Finalet, who presented the following matter to the Board:

DRD Management – Request for Declaratory Judgment Mr. Finalet reminded the Board this matter was initiated by DRD Management when they challenged the Board's regulation requiring a minimum of 300 square feet in the prescription department. Following the Board's issuance of its declaratory judgment, DRD appealed the judgment to the 19th Judicial District Court, which remanded the matter back to the Board on a procedural issue. In the interim, DRD renovated its methadone clinic following the aftermath of Hurricane Katrina, and the renovation placed the structure in compliance with the Board's rule. DRD requested the dismissal of the matter since the original challenge was moot. Mr. McKay moved and Ms. Angelle seconded,

Resolved, that the Board dismiss the pending matter relative to DRD Management's Request for Declaratory Judgment.

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

Before proceeding, Mr. Finalet informed the members that one of the respondents scheduled for hearing that day – *Advanced Healthcare Pharmacy (Pharmacy Permit No. 5301) re Complaint No. 06-0014* – had just settled the matter and executed a consent agreement. He requested Mr. Aron schedule the consideration of the agreement at the same time as the related matters (agenda items G-22 and G-23). Hearing no objection from the members, Mr. Aron scheduled that matter as requested.

Westmar Pharmacy, LLC (Pharmacy Permit No. 5174) re Complaint No. 06-0021 Mr. Finalet appeared for the Board and noted the absence of the respondent or any counsel. After verifying their absence, Mr. Aron ruled the matter would continue as a default proceeding. Mr. Finalet offered an opening statement, exhibits and witnesses, and then rested his case. He offered a

closing statement as well as proposed Findings of Fact and Conclusions of Law and a proposed Order of the Board; he then submitted the matter to the Board for its consideration. Mr. McKay moved and Ms. Alderman seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative. Dr. Anderson noted she had been present during the Informal Conference, and wished to abstain from the deliberations concerning the matter. She was not present during the deliberation, nor did she participate in any discussion or decision relative to the matter.

It was noted the hearing panel entered into executive session at 9:20 a.m. and then returned to open session at 9:40 a.m., at the instant case.

Mr. Boudreaux moved and Ms. Angelle seconded

Resolved, that the Board accept the Findings of Fact as offered by the General Counsel, amend the date in Item 3 to read May 5, 2005, and then adopt all of them as our own, and further, to enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law as offered by the General Counsel, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board revoke Pharmacy Permit No. 5174, held by Westmar Pharmacy, LLC, and further, to order Westmar Pharmacy, LLC to pay the following assessments: (1) a fine of \$10,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the complaint counsel, the advisor to the hearing officer, and the official recorder; and further: to condition the acceptance of any future application for the reinstatement of the permit upon the satisfaction of the following terms: (a) respondent shall have paid all assessments levied herein; and (b) respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

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

Mr. Finalet indicated the remaining matters scheduled for hearing would be prosecuted by Ms. Cangelosi. She then presented the following matters for consideration by the Board:

Pharmacy 101, Ltd. (Pharmacy Permit No. 5358) re Complaint No. 06-0202

Ms. Cangelosi appeared for the Board and noted the absence of the respondent or any counsel. After verifying their absence, Mr. Aron ruled the matter would continue as a default proceeding. Ms. Cangelosi offered an opening statement, exhibits and witnesses, and then rested her case. She offered a closing

statement as well as proposed Findings of Fact and Conclusions of Law and a proposed Order of the Board; she then submitted the matter to the Board for its consideration. Mr. Boudreaux moved and Ms. Angelle seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:20 a.m., and then reconvened in open session at 10:45 a.m., at the instant case.

Ms. Melancon moved and Mr. Boudreaux seconded

Resolved, that the Board accept the Findings of Fact as offered by Complaint Counsel, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law as offered by Complaint Counsel, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board revoke Pharmacy Permit No. 5358, held by Pharmacy 101, Ltd.; and further, to order Pharmacy 101, Ltd. to pay the following assessments: (1) a fine of \$5,000, (2) the administrative hearing fee of \$250, and (3) the investigative and hearing costs, including the costs of the complaint counsel, the advisor to the hearing officer, and the official recorder; and further, to condition the acceptance of any future application for the reinstatement of the permit upon the satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein, and (b) respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

Pharmacy 101, Ltd. (Pharmacy Permit No. 5358) re Complaint No. 06-0208

Ms. Cangelosi appeared for the Board and noted the absence of the respondent or any counsel. After verifying their absence, Mr. Aron ruled the matter would continue as a default proceeding. Ms. Cangelosi offered an opening statement, exhibits and witnesses, and then rested her case. She offered a closing statement as well as proposed Findings of Fact and Conclusions of Law and a proposed Order of the Board; she then submitted the matter to the Board for its consideration. Ms. Angelle moved and Mr. Boudreaux seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 11:05 a.m., and then reconvened in open session at 11:15 a.m., at the instant case.

Ms. Alderman moved and Mr. Cassidy seconded

Resolved, that the Board accept the Findings of Fact as offered by Complaint Counsel, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law as offered by Complaint Counsel, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board suspend Pharmacy Permit No. 5358, held by Pharmacy 101, Ltd.; and further, to order Pharmacy 101, Ltd. to pay the following assessments: (1) a fine of \$5,000, (2) the administrative hearing fee of \$250, and (3) the investigative and hearing costs, including the costs of the complaint counsel, the advisor to the hearing officer, and the official recorder; and further, to condition the acceptance of any future application for the reinstatement of the permit upon the satisfaction of the following terms: (a) respondent shall have paid all assessments levied herein, and (b) respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

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

Pharmacy 101, Ltd. (Pharmacy Permit No. 5358) re Complaint No. 06-0047

Ms. Cangelosi appeared for the Board and noted the absence of the respondent or any counsel. After verifying their absence, Mr. Aron ruled the matter would continue as a default proceeding. Ms. Cangelosi offered an opening statement, exhibits and witnesses, and then rested her case. She offered a closing statement as well as proposed Findings of Fact and Conclusions of Law and a proposed Order of the Board; she then submitted the matter to the Board for its consideration. Ms. Angelle moved and Mr. Boudreaux seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 11:40 a.m., and then reconvened in open session at 12:05 p.m., at the instant case.

Mr. Pitre moved and Ms. Alderman seconded

Resolved, that the Board accept the Findings of Fact as offered by Complaint Counsel, adopt them as our own, and then enter them into the hearing record.

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

Melancon moved and Mr. Pitre seconded

Resolved, that the Board accept the Conclusions of Law as offered

by Complaint Counsel, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board revoke Pharmacy Permit No. 5358, held by Pharmacy 101, Ltd; and further, to order Pharmacy 101, Ltd. to pay the following assessments: (1) a fine of \$258,572, (2) the administrative hearing fee of \$250, and (3) the investigative and hearing costs, including the costs of the complaint counsel, the advisor to the hearing officer, and the official recorder; and further, to condition the acceptance of any future application for the reinstatement of the permit upon the satisfaction of the following terms: (a) respondent shall have paid all assessments levied herein, and (b) respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

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

Ms. Cangelosi then announced that one of the respondents scheduled for hearing that day – *Southern Discount Drugs (Pharmacy Permit No. 5144)* – had just settled the matter and executed a consent agreement. She offered to present that agreement since the respondent was still present, with counsel. Hearing no objection from the members, Mr. Aron ruled the consideration was in order. Ms. Cangelosi presented the following matter for the Board’s consideration:

Southern Discount Drugs (Pharmacy Permit No. 5144) Mr. McKay moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the permit, and prohibited any future application for the reinstatement of the permit. Further, the Board assessed the respondent a fine of \$3,000 plus administrative and investigative costs.

Ms. Cangelosi then presented the final matter scheduled for hearing that day:

Blaine Edwin Perry (Pharmacist License No. 11249) Ms. Cangelosi informed Mr. Aron that the investigation of the allegations contained in the complaint revealed the necessity for additional charges not yet filed against the respondent. In order to file the additional charges and give proper notice to the respondent, she requested a continuance on behalf of the Board. Ms. Alderman moved and Ms. Angelle seconded to grant the motion for continuance in this matter. The motion was approved after a unanimous vote in the affirmative.

Ms. Cangelosi informed Mr. Aron that all matters scheduled for hearing that day had been presented. Mr. Aron expressed his appreciation to her and Mr. Shows for their services that day.

Mr. Aron declared a luncheon recess. It was noted the Board recessed at 12:15 p.m. and then reconvened at 12:55 p.m. Mr. Aron then resumed the posted agenda.

8. *Report of Violations Committee – Consideration of Voluntary Consent Agreements*
Mr. Aron called upon Dr. Dixon, who presented the following files for Board action.

River Road Discount Pharmacy (Pharmacy Permit No. 5573) Dr. Dixon moved and Mr. Pitre seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the permit, and prohibited any future application for the reinstatement of the permit, and further, permanently barred the owners from any future ownership of pharmacies in the state.

Mary Grace Constantino Oden (Pharmacist License No. 10761) 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 suspended the license for one year, stayed the execution thereof, and then placed the license on probation for one year, beginning October 15, 2006 and terminating October 15, 2007, subject to certain terms as enumerated in the agreement; and further, assessed the respondent a fine of \$1,000 as well as administrative costs.

Pier Anderson Jackson (Pharmacist License No. 14150) Dr. Dixon moved and Dr. Anderson seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning January 1, 2007 and terminating January 1, 2012, subject to certain terms as enumerated in the agreement; and further, assessed the respondent the administrative and investigative costs.

James Robert Lang (Pharmacist License No. 10884) Dr. Dixon moved and Mr. Boudreaux seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning January 1, 2007 and terminating January 1, 2012, subject to certain terms as enumerated in the agreement; and further, assessed the respondent a fine of \$5,000 as well as administrative and investigative costs.

At that point, Mr. Aron introduced State Representative Taylor Townsend, counsel for Mr. James R. Lang. Mr. Townsend requested the Board issue a waiver to allow Mr. Lang to train pharmacy technician candidates currently in his pharmacy's training program. Mr. Aron reminded the members that current Board rules prohibit pharmacy technician candidates from working under the supervision of a pharmacist whose license is on probation. Mr. McKay moved and Mr. Boudreaux seconded

Resolved, that the Board grant two pharmacy technician candidates currently employed under the supervision of Pharmacist James R. Lang to continue their training under his supervision, the

current rule prohibiting same notwithstanding.

The motion failed after a majority vote in the negative. Ms. Angelle and Mr. Boudreaux voted in the affirmative.

Mr. Aron declared a brief recess. It was noted the Board recessed at 1:45 p.m., and then reconvened in open session at 1:50 p.m. During the recess, Mr. Greco arrived and joined the hearing panel. Mr. Aron resumed the posted agenda.

Michael Charles Wible (Pharmacist License No. 15153) Dr. Dixon moved and Mr. Pitre 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 further, assessed him administrative and investigative costs.

Leesville Drug Co. (Pharmacy Permit No. 662) 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 permit holder, and further, assessed him administrative and investigative costs.

CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) re Complaint No. 06-0035 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 permit holder, and further, assessed him administrative and investigative costs.

CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) re Complaint No. 06-0048 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 permit holder, and further, assessed him administrative and investigative costs.

CVS Pharmacy No. 5396 (Pharmacy Permit No. 5400) re Complaint No. 06-0107 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 permit holder, and further, assessed him administrative and investigative costs.

Frederick English Parker, Jr. (Pharmacist License No. 10219) Dr. Dixon moved and Ms. Melancon 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 him a fine of \$2,500 as well as administrative and investigative costs.

Terry Lee Bonnie (Technician Certificate No. 3949) Dr. Dixon moved and Ms. Melancon seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the

certificate, and further, prohibited any future application for reinstatement of the certificate.

Thadrian Marquis Johnson (Pharmacist License No. 13542) 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 suspended the license for two years, stayed the execution thereof, and then placed the license on probation for two years, beginning October 15, 2006 and terminating October 15, 2008, subject to certain terms as enumerated in the agreement; and further, assessed the respondent a fine of \$3,000 as well as administrative and investigative costs.

At this point, Mr. Finalet informed the members the matter concerning *Leesville Drug Co. (Pharmacy Permit No. 662) re Complaint No. 06-0171* had been continued until a later date.

Advanced Healthcare Pharmacy (Pharmacy Permit No. 5301) 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 revoked the permit, and permanently barred the owners from any future ownership of pharmacies in the state; and further, assessed the permit holder a fine of \$100,000 as well as administrative costs.

Jimmy Charles Hill (Pharmacist License No. 11155) 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 suspended the license for ten years beginning November 1, 2006, mandated an active suspension for the first 45 days and stayed the execution of the remainder of the original suspensive period, and then placed the license on probation after the mandatory 45 day active suspension, with said probation terminating on November 1, 2016; and further, assessed the respondent a fine of \$22,000 as well as administrative and investigative costs.

Ginger Brewer Hebron (Pharmacist License No. 10621) Dr. Dixon moved and Dr. Anderson seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for two years, stayed the execution thereof, and then placed the license on probation for two years, beginning October 15, 2006 and terminating October 15, 2008, subject to certain terms as enumerated in the agreement; and further, assessed the respondent a fine of \$1,200 as well as administrative and investigative costs.

Dr. Dixon noted the completion of the report from the Violations Committee; Mr. Aron expressed his appreciation to him and the members of the committee for their ongoing efforts.

9. *Report of General Counsel*

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

Winter Faye Thelemann (Technician Certificate No. 6615) Mr. McKay moved and Mr. Boudreaux seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

Elizabeth Lynn O'Quin (Technician Certificate No. 7021) Ms. Alderman moved and Mr. Mills seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

James Brett Harrington (Technician Certificate No. 6660) Mr. McKay moved and Mr. Cassidy seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

Red River Pharmacy Services (Pharmacy Permit No. 5235) Mr. Pitre moved and Dr. Dixon seconded to accept the voluntary consent agreement. Prior to any discussion or decision, Mr. Boudreaux requested the record to reflect his abstention from any discussion or decision on the matter. The motion was approved after a unanimous vote in the affirmative of those members present and voting. The Board issued a Letter of Warning to the permit holder, and further, assessed the permit holder a fine of \$5,000 as well as administrative costs.

Shelita LaGrange Mott (Technician Certificate No. 3349) Mr. McKay moved and Dr. Anderson seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

Associated Pharmacy (Pharmacy Permit No. 3910) Ms. Alderman moved and Dr. Dixon seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the permit holder, and further, assessed him a fine of \$5,000 as well as administrative costs.

David Gregory Tucker (Pharmacist License No. 17452) Dr. Anderson moved and Ms. Angelle 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 suspension of the license for an indefinite period of time, effective December 27, 2006.

Jabe Whitfield Maddox, IV (Technician Certificate No. 4027) Mr. McKay moved and Ms. Angelle 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 of the certificate, resulting in the suspension of the certificate for an indefinite period of time, effective January 26, 2007.

John Bull Pharmacy (CDS License No. C-001609) Mr. Adams moved and Mr. McKay seconded to accept the voluntary surrender of the CDS license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the CDS license, resulting in the suspension of the CDS license for an indefinite period of time, effective February 1, 2007.

Avee Pharmacy (Pharmacy Permit No. 5647 & CDS License No. C-005647) Mr. Pitre moved and Mr. Bond seconded to accept the voluntary surrender of the permit and CDS license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the permit and CDS license, resulting in the suspension of the permit and CDS license for an indefinite period of time, effective February 19, 2007.

Mr. Finalet announced he had just received a voluntary consent agreement executed earlier that afternoon, and that he was prepared to present that matter to the Board for its consideration. Hearing no objection from the members to the request for an addition to the agenda, Mr. Aron requested Mr. Finalet to proceed with the final matter.

Janice Marie Heard (Technician Certificate No. 1002) Mr. Mills moved and Mr. Greco seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

Mr. Finalet noted the completion of all matters scheduled for that day. Mr. Aron expressed his appreciation to Mr. LaCour for his services. Mr. Mills and the members expressed their appreciation to the entire staff for their excellent work.

10. Adjourn

Mr. McKay moved and Ms. Angelle seconded to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron adjourned the meeting at 2:10 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary