



# Louisiana Board of Pharmacy

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## Minutes

### **Regular Meeting**

Wednesday, May 16, 2001 at 1:00 p.m.

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

### **Administrative Hearing**

Thursday, May 17, 2001 at 9:00 a.m.

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

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 16, 2001 in the Board office at 5615 Corporate Blvd., Suite 8-E 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*

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

*3. Pledge of Allegiance*

Following the invocation, Mr. Richard Oubre led the group in the recitation of the Pledge of Allegiance.

*4. Quorum Call*

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

**Present:**

Mr. Carl W. Aron  
Mr. Philip C. Aucoin  
Mr. B. Belaire Bourg  
Mr. Reuben R. Dixon  
Mr. Joseph L. Adams  
Ms. Lois R. Anderson  
Mr. Brian A. Bond  
Mr. Clovis S. Burch  
Mr. Wayne A. Camp  
Mr. Theodore S. Carmichael  
Mr. Salvatore J. D'Angelo  
Ms. Ruth C. Jean  
Mr. Jeffrey M. Landry  
Mr. Larry J. Lantier, Jr.  
Mr. Marty R. McKay  
Mr. Richard J. Oubre  
Mr. T. Morris Rabb

**Present by Board Invitation:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. Stephen L. Collins, Inspector  
Mr. H. Jerome Foti, Inspector  
Ms. Kathleen V. Gaudet, Inspector  
Mr. W. Jerry Johnson, Inspector

**Guests:**

Mr. John A. King, representing Abbott Laboratories  
Mr. Mark R. Malouse, representing the U.S. Navy.  
Ms. Andrea Baham, representing Albertsons, Inc.  
Ms. Mary Staples, representing NACDS  
Dr. Kristi Dover, representing Purdue Pharma, Inc.  
Mr. Larry Watkins, representing Compaq Computer Corp.  
Ms. Stephanie Snow, representing Southern Isotopes, Inc.

At this time, Mr. Aron requested consent of the Board members to enter into executive session for the purpose of discussing the physical health and competency of several licensees. Mr. Wayne Camp so moved, and Mr. Oubre seconded that motion. Following the unanimous approval of the motion on a roll call vote, Mr. Aron requested all visitors to leave the room, leaving only Board members and staff. It was noted that the Board entered executive session at 1:15 p.m.; at 1:20 p.m., Mr. Aron invited the guests back into the meeting room, and he then resumed the posted agenda in open session.

*5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. Mr. Aucoin requested an opportunity to discuss the prevention of medication errors through quality assurance programs. Without objection, Mr. Aron accepted the request and indicated he would place the matter on the agenda after all previously scheduled reports. Mr. Dixon requested an opportunity to discuss a joint venture between Xavier College of Pharmacy and Rite Aid Drug Stores relative to the provision of pharmaceutical care in a community practice setting. Without objection, Mr. Aron accepted the request and indicated he would place the matter on the agenda after all previously scheduled reports.

At this point Mr. Aron requested the authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Mr. Bourg moved, and Mr. Aucoin seconded, that

**Resolved**, that the President may reorder the agenda with respect to the sequence of various reports as necessary.

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

*6. Consideration of Minutes*

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

**Resolved**, that the Minutes of the Regular Board Meeting of February 8, 2001 held in Monroe, Louisiana, are hereby adopted, ratified, and approved in their entirety.

The motion was approved after a unanimous vote in the affirmative. Mr. Dixon then reminded the Board members to sign the Book of Minutes.

## 7. *Report on Action Items*

Mr. Aron asked Mr. Broussard to report on the action items from the February 2001 Board meeting. Mr. Broussard reported on two matters from that meeting.

### A. *Request for Information from Mr. Landry*

During the report of the Reciprocity Committee at the February Board meeting, Mr. Landry had requested a comprehensive report on the differences between California and Florida and the rest of the country relative to the requirements of licensure by reciprocity.

Mr. Broussard reported that the data collection from all other states was still incomplete. Mr. Landry related that he had talked with several other Board members and had a much better understanding of the reciprocity process. He then requested that Mr. Aron release the staff from the remainder of the project. Hearing no objection, Mr. Aron granted the request.

### B. *Expiration of Special Authority to Impairment Committee*

During the report of the Impairment Committee at the February Board meeting, Mr. Bourg requested and received authority for the Impairment Committee to approve a request for modification of an existing Board Order for the purpose of allowing an impaired pharmacist to hold a Pharmacist-in-Charge position, provided such a position became available to that pharmacist within 30 days of the Board meeting.

The pharmacist in question had not reported the need for the probation modification. The time limit for the limited authority had expired. No further action was required or expected.

## 8. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Burch moved, and Mr. Adams seconded, that

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 8, 2001 are approved, adopted, and ratified by the entire Board.

Mr. Oubre requested a list of the actions to be ratified; Mr. Aron indicated there was no list of all actions to be ratified. Mr. Burch, Mr. D'Angelo, and Mr. Finalet explained the various processes involved to Mr. Oubre. Hearing no further discussion, Mr. Aron called for the question. The motion was approved after a unanimous vote in the affirmative.

## 9. *Committee Reports*

### A. *Finance Committee*

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to the Interim Budget Performance Report from March 31, 2001, which was contained in their meeting packet. Mr. Carmichael reviewed the various revenue and expense categories, focusing on the unusual events contributing to the current financial position. Mr. Broussard provided relevant details as needed and requested. He responded

to several questions from Board members. At the conclusion of his presentation, Mr. Carmichael moved, and Mr. Bourg seconded, that  
**Resolved**, that the Board accept the report of the Finance Committee, subject to further audit.

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

*B. Examination/Technician Committee*

Mr. Aron called upon Mr. Burch for the committee report. Mr. Burch noted that the committee had not met since the last Board meeting. He then presented data from the NAPLEX, MPJE, DSM, and PTCB examinations. While the data from the NAPLEX was the same as presented at the last Board meeting, the MPJE and PTCB data were just updated. The Board discussed various reasons for the poor showing of Louisiana candidates on the PTCB examination. With no further discussion, Mr. Burch moved, and Mr. Aucoin seconded, to accept the committee report. The motion was approved after a unanimous vote in the affirmative.

*C. Reciprocity Committee*

Mr. Aron called upon Mr. Aucoin for the committee report. Mr. Aucoin requested permission from the chair for Mr. Bond to present the committee's report. Hearing no objection, Mr. Aron asked Mr. Bond for the report. Mr. Bond presented the names of the reciprocity candidates as well as the results of the committee deliberations. Mr. Bond moved, and Mr. Oubre seconded, that

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

Douglas Jay Kaiser

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

**Resolved**, that the following candidates be approved for licensure by reciprocity pending the receipt of favorable endorsements from their respective boards of pharmacy.

Scott Patrick Egan

Jacqueline Ama Martin

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

*D. Regulation Revision Committee*

Mr. Aron called upon Mr. D'Angelo for the committee report. Mr. D'Angelo referred the members to drafts of Chapters 1, 3, and 23 that were distributed in their advance-meeting packet. He indicated that the committee had met twice since the last Board meeting and were scheduled to meet again next week. Mr. D'Angelo requested Board approval of the current drafts of each of the chapters. Mr. Aron requested Mr. D'Angelo move the approval of each chapter separately. Mr. D'Angelo then moved, and Mr. McKay seconded, that

**Resolved**, that the Board approve Draft No. 5, dated November 4, 2000, of the proposed revision to *Chapter 1 – Introduction*.

Early in the discussion, Mr. Aucoin objected to the consideration of the

question on the basis that even though copies of the drafts were circulated in advance and that the meeting notice requested their review of same prior to this meeting, there was no indication that approval would be requested; he offered a substitute motion, seconded by Mr. Adams, that the question of approval be postponed until the next Board meeting. During the discussion on the substitute motion, Mr. Oubre moved, and Mr. Rabb seconded, as a second substitute motion, to table the question until tomorrow's meeting. On a point of order, Mr. D'Angelo objected to the form of Mr. Oubre's motion; Mr. Oubre, with Mr. Rabb's consent, then restated his motion, not as a substitute motion, to table the question until tomorrow's meeting. Mr. Aron called for the question on Mr. Oubre's motion; it failed to pass. Mr. Aron then called for the question on Mr. Aucoin's motion; it failed to pass. Mr. Aron then called for the question on Mr. D'Angelo's original motion; it was approved after a majority vote in the affirmative. Mr. Aucoin objected. Mr. D'Angelo then moved, and Mr. McKay seconded, that

**Resolved**, that the Board approve Draft No. 5, dated November 4, 2000, of the proposed revision to *Chapter 3 – Board Hearings*.

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

**Resolved**, that the Board approve Draft No. 6, dated May 1, 2001, of the proposed revision to *Chapter 23 – Out-of-State Pharmacy*.

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

D'Angelo then continued his report, noting the committee's ongoing deliberations on Chapters 5, 11, 25, 27, and 29. Finally, he indicated that a new chapter of regulations, entitled *Chapter 6 – Illegal Payments; Required Disclosures of Financial Interests*, had been created, and that the committee had approved the third draft. He requested staff to circulate that document to the members before their departure from this meeting, and informed the chair of his intention to request the addition of the item to the agenda at tomorrow's meeting, for the purpose of Board approval. Hearing no further questions from the members, Mr. Aron thanked Mr. D'Angelo for his committee's diligent efforts.

Mr. Aron recessed the Board for approximately 20 minutes. It was noted that he reconvened the Board at 2:40 p.m. He informed the members that staff had circulated the document requested earlier by Mr. D'Angelo; he then requested the members review the document prior to tomorrow's meeting, and indicated he would request their consideration at that time. He then returned to the posted agenda.

*E. Reinstatement Committee*

Mr. Aron called upon Mr. Rabb for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for tomorrow morning.

*F. Violations Committee*

Mr. Aron called upon Mr. Dixon for the committee report. Mr. Dixon deferred the presentation of the report until the Administrative Hearing, scheduled for

tomorrow morning. He indicated that 18 cases were docketed for the hearing.

*G. Impairment Committee*

Mr. Aron called upon Mr. Bourg for the committee report. Mr. Bourg deferred the majority of his presentation to the Administrative Hearing, scheduled for tomorrow morning. He then updated the members on the progress of the committee's efforts to enlist the professional services of additional addictionists. Hearing no further questions, Mr. Aron thanked Mr. Bourg for his committee's efforts.

*H. Executive Committee*

Mr. Aron reported that he wished to review some personnel performance issues with the Board. Mr. Aucoin moved, and Mr. Oubre seconded, that the Board enter into executive session for the purpose of discussing personnel performance issues relative to Board staff. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered executive session for approximately 10 minutes. At 3:10 p.m., Mr. Aron invited the guests back into the meeting room, and he returned to the posted agenda in open session.

*10. Report of General Counsel*

Mr. Finalet reported there was no pending litigation.

At this time, Mr. Aron indicated his wish to re-order the agenda for the purpose of moving the Report of the Executive Director to the end of the meeting.

*11. Report on NABP Annual Meeting*

Several members reported on their experiences while attending the NABP meeting. Sessions concerning electronic transmission of prescriptions, workplace environmental assessments, reduction of medication errors through quality assurance, centralized prescription filling, and regulation of Internet pharmacies all proved to be timely and informative. Mr. Finalet also alerted the members to a pending legal action in another state between a pharmacy and a patient whose prescription records were transferred to a pharmacy without their consent. He indicated that he would bring the issue to the Regulation Revision Committee for their review and deliberation.

*12. Request for an Exception to LAC 46:LIII.1127*

Mr. Aron introduced Mr. Larry Watkins, a representative from Compaq Computer Corporation, who appeared in support of his company's request for an exception to the regulation containing minimum physical specifications for pharmacy permits. In particular, his company offers mobile units to pharmacies for use immediately after any disaster that would render the original pharmacy unusable. Since physical structures housing pharmacies must be inspected prior to being permitted, Mr. Watkins requested the Board issue "advance approval" for these mobile units, to facilitate their placement and use immediately following a disaster.

Mr. Watkins distributed materials illustrating the units and delineating some of the physical measurements. He then responded to several questions from members.

Following a short discussion, consensus was achieved to direct staff to research the issue and physically inspect at least one of the units, and report back to the Board for its consideration of the request.

### *13. Request for an Exception to LAC 46:LIII.1903*

Mr. Aron introduced Ms. Stephanie Snow, RPh, BCNP, a representative of Southern Isotopes, Inc. and the Biomedical Research Foundation of Northwest Louisiana, who appeared in support of their request for an exception to a portion of the nuclear pharmacy regulation. She described her company intentions to open a pharmacy in the near future that would restrict its practice to the acquisition and dispensing of only one particular nuclear isotope, F-18 fludeoxyglucose (FDG). She described the process involved as positron emission tomography (PET), and indicated that no compounding or quality control testing was involved. Therefore, the company specifically requested an exception to the minimum physical equipment requirements for (1) fume hood, (2) refrigerator, (3) radiochromatographic strip scanner, (4) microscope, (5) hot plate, and (6) Class A prescription balance. Additionally, the company requested a variance on the minimum square footage, the minimum number of hours of operation, and the prohibition on non-pharmacist personnel from entrance to closed prescription departments.

Ms. Snow explained several aspect of nuclear pharmacy to those members of the Board unfamiliar with that specialty practice. Following her presentation, Mr. Oubre moved, and Mr. Carmichael seconded, to grant all requests at this time. Acknowledging the availability of new technology and procedures, several members were nevertheless concerned about granting exceptions to a regulation already scheduled for revision. During the discussion on the motion, Mr. McKay moved a substitute motion, and Mr. Dixon seconded, that any decision on the request be deferred pending a review of the entire issue by an appropriately charged task force. The substitute motion was approved after a unanimous vote in the affirmative.

Mr. Aron then convened a Task Force on PET Pharmacies, naming Ms. Anderson as chair, and Mr. McKay, Mr. Oubre, and Mr. D'Angelo as members, with staff support from Mr. Broussard, Mr. Finalet, and Mr. Collins. He stated the charge of the task force to be a review of the regulatory requirements for PET pharmacies, and the development of recommendation(s) for the Board as to the pending request for exceptions.

### *14. Report of Executive Director*

Mr. Broussard reviewed his meeting and conference activity since the last Board meeting, as well as current status for physical and human resources. He then reviewed the current legislative report that was distributed to the members. Following Mr. Broussard's presentation, Mr. Landry requested and was granted a point of personal privilege. Mr. Landry expressed his concern for the manner in which some Board members may have acted relative to Board-sponsored legislation, and he then inquired as to the strategy the Board might pursue relative to a specific legislative measure. At that point, Mr. Bourg moved, and Mr. Oubre seconded, to enter into executive session

for the purpose of discussing possible strategies relative to pending legislation. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered executive session for approximately 20 minutes. At 5:35 p.m., Mr. Aron invited the guests back into the meeting room, and he then resumed the posted agenda in open session.

Upon returning to open session, Mr. D'Angelo moved, and Mr. Camp seconded, that **Resolved**, that the President of the Board be empowered to negotiate any modifications to HB 865 as he deemed appropriate and in the best interest of the Board.

The motion was approved after a majority vote in the affirmative. Mr. Oubre objected.

15. *Requested Additions to the Agenda*

A. *Prevention of Medication Errors & Quality Assurance Programs*

Noting that Mr. Aucoin found it necessary to leave the meeting prematurely, Mr. Aron related Mr. Aucoin's desire to convene a group to review the use of quality assurance activities relative to the prevention of medication errors. Mr. Aron reminded the members that substantial discussion of this topic had occurred at the recent NABP Annual Meeting. Mr. Camp moved, and Mr. Oubre seconded, to authorize the President to convene a Task Force on Quality Assurance Programs & Prevention of Medication Errors, for the purpose of developing recommendations concerning the use of quality assurance programs in the prevention of medication errors, and further, to report these recommendations to the Regulation Revision Committee. The motion was approved after a unanimous vote in the affirmative.

Mr. Aron then convened a Task Force on Quality Assurance Programs & Prevention of Medication Errors, naming Mr. Aucoin as chair, and Ms. Jean, Mr. Adams, Mr. Lantier, and Ms. Anderson as members.

B. *Rite Aid/Xavier University Pharmacy Care Center*

Mr. Dixon informed the Board of the opening of a new Pharmacy Care Center in Metairie. He described the facility as a joint venture between Rite Aid Drug Stores and Xavier College of Pharmacy, with new programs such as medication management services being offered. He offered the site as an example of progressive community based clinical services, and he also extended an invitation to Board members to attend the Grand Opening set for the evening of May 29.

16. *Announcements*

Mr. Broussard reminded the Board members of several calendar notes, especially the tentative dates for the remaining 2001 Board meetings.

At this point, Mr. Oubre requested permission to change his vote from objection to abstention on the motion granting the President negotiation authority for HB 865. In the absence of unanimous consent by the members, Mr. Aron denied Mr. Oubre's request, ordering the record to reflect Mr. Oubre's objection to the motion.

### *17. Recess*

Mr. Oubre moved, and Mr. Carmichael seconded, to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron placed the Board in recess at 6:00 p.m.

An Administrative Hearing was convened on Thursday, May 17, 2001 at the Board office at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member and respondent received notice, and notice was properly posted.

#### *1. Call to Order*

Mr. Aron called the meeting to order at 9:20 a.m.

#### *2. Invocation*

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

#### *3. Pledge of Allegiance*

Following the invocation, Ms. Anderson led the group in the recitation of the Pledge of Allegiance.

#### *4. Quorum Call*

Mr. Aron called upon Secretary Dixon, and he called the roll. After doing so, he informed Mr. Aron that Mr. Camp, Mr. Landry, and Mr. McKay were absent, but that all other members, constituting a quorum, were present.

#### *5. Appearances*

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Celia R. Cangelosi served as Prosecuting Attorney for the Board. Mr. E. Wade shows served as Counsel to the Hearing Officer. Mr. Mark Lacour was the Official Recorder. Due to prior knowledge, the members of the Violations Committee (Mr. Dixon, Mr. D'Angelo, Mr. Burch, and Mr. Rabb) were recused from the consideration of matters under their jurisdiction, and the remainder of the Board members present served as the jury, with Mr. Aron's reminder that any of them could recuse themselves from any particular matter where appropriate.

At this point, Mr. Aron requested the authority from the Board to reorder the agenda as necessary for the purpose to adjusting the sequence of various reports. Mr. Oubre moved, and Mr. Bourg seconded, that

**Resolved**, that the President may reorder the agenda as necessary with respect to the sequence of various reports.

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

#### *6. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. Mr. D'Angelo moved, and Mr. Aucoin seconded, to consider the approval of the proposed new chapter of

regulations entitled *Chapter 6 – Illegal Payments & Required Disclosures of Financial Interests*. The motion was approved after a unanimous vote in the affirmative. Mr. Aron indicated he would place the matter on the agenda following the consideration of all previously scheduled reports.

Mr. Aron then asked Mr. Foti to sound the docket, which he did then do.

#### *7. Report of Violations Committee – Consideration of Consent Agreements*

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

**Raymond Haynes Garrett (Pharmacist License No. 10018)** Mr. Aucoin moved, and Ms. Jean 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, beginning June 1, 2001 and ending May 31, 2006, then suspended all but forty-five days of the suspension, and then placed the license on probation for the remaining portion of the suspension period, said probation to begin July 16, 2001 and to terminate May 31, 2006, subject to the following special condition of probation: that respondent is not to violate any federal, state, or local laws or regulations pertaining to the practice of pharmacy. Further, the Board ordered that during the forty-five day period of active suspension, that is, from June 1, 2001 through July 16, 2001, respondent shall not have keys or access to or be present in the pharmacy department of Raymond's Family Pharmacy, or any other pharmacy. The Board also assessed the license \$5,000 and administrative costs of \$250. *Charges:*

- (1) LRS 37:1241.A.4 – conviction of a felony in the courts of any state, territory or country.
- (2) LRS 37:1241.A.15 – has evaded or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LRS 40:969.A.1 – unlawful distribution or dispensing of Schedule IV controlled substance.
- (4) LRS 40:976 – failure to maintain accurate records of controlled substances.
- (5) LAC 46:LIII.3529.E – pharmacist-in-charge shall be accountable for controlled substance audits.
- (6) LAC 46:LIII.3531.H.1.b – invoices for Schedule III, IV, and V controlled substances shall be readily retrievable.

**Raymond's Family Pharmacy (Pharmacy Permit No. 2108)** Mr. Lantier moved, and Mr. Adams seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for five years, then stayed the suspension, and placed the permit on probation for five years, beginning June 1, 2001 and ending May 31, 2006, subject to the following special conditions of probation: (1) respondent is not to violate any federal, state, or local laws or regulations pertaining to the practice of pharmacy, (2) during any period when his license may be actively

suspended, Raymond Haynes Garrett, may not be present in or have keys or access to the pharmacy department, and (3) the fine and cost assessments set forth must be timely paid. The Board also assessed the permit \$5,000, administrative costs of \$250, and investigative costs of \$1,329.96, for a total amount due of \$6,579.96. *Charges:*

- (1) LRS 37:1241.A.4 – conviction of a felony in the courts of any state, territory or country.
- (2) LRS 37:1241.A.15 – has evaded or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LRS 40:969.A.1 – unlawful distribution or dispensing of Schedule IV controlled substance.
- (4) LRS 40:976 – failure to maintain accurate records of controlled substances.
- (5) LAC 46:LIII.3529.E – pharmacist-in-charge shall be accountable for controlled substance audits.
- (6) LAC 46:LIII.3531.H.1.b – invoices for Schedule III, IV, and V controlled substances shall be readily retrievable.

**Huyson Tran (Pharmacist Intern Registration No. 434-79-3930)** Ms. Jean 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 Warning to the registration, and assessed administrative costs of \$250.

*Charges:*

- (1) LRS 37:1241.A.1 – practiced or assisted in the practice of pharmacy in violation of the provisions of this statute or any rules and regulations promulgated thereto.
- (2) LRS 37:1241.A.12 – engaged in the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy.

**Rite Aid Pharmacy No. 7275 (Pharmacy Permit No. 559)** Mr. Adams moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$500, administrative costs of \$250, and investigative costs of \$316.36, for a total due the Board of \$1,066.36. *Charges:*

- (1) LRS 37:1241.A.1 – practiced or assisted in the practice of pharmacy, or knowingly permitted, or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of this statute or any rules or regulations promulgated thereto.
- (2) LRS 37:1241.A.12 – has engaged, or aided and abetted a person to engage, in the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy.

**Perret Odette Rivers (Pharmacist License No. 14853)** Prior to the consideration of this matter, Mr. Oubre recused himself for this case only. Mr.

Bourg 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 Warning to the license, and assessed the license administrative costs of \$250. *Charges:*

- (1) LRS 37:1241.A.1 – practiced or assisted in the practice of pharmacy, or knowingly permitted, or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of this statute or any rules or regulations promulgated thereto.
- (2) LRS 37:1241.A.12 – has engaged, or aided and abetted a person to engage, in the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy.
- (3) LRS 37:1241.A.15 – has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

**Winn-Dixie Pharmacy No. 1501 (Pharmacy Permit No. 3243)** Mr. Aucoin 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 Warning to the permit, and assessed the permit \$250, administrative costs of \$250, and investigative costs of \$624.52, for a total due the Board of \$1,124.52. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (2) LRS 40:976 – failure to maintain accurate records for controlled substances.
- (3) LAC 46:LIII.3529.E – registrant shall be accountable for controlled substance audits.

**Walgreens Pharmacy No. 110-03610 (Pharmacy Permit No. 3786)** Mr. Oubre moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$2,000, as well as administrative costs of \$250 and investigative costs of \$202.14, for a total due the Board of \$2,452.14. *Charges:*

- (1) LRS 37:1241.A.12 – has engaged, or aided and abetted a person to engage in, the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy.

**Michael Thomas Savario (Pharmacist License No. 16568)** Mr. Oubre moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the license administrative costs of \$250. *Charges:*

- (1) LRS 37:1241.A.12 – aided and abetted a person to engage in the

practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy.

**Rochelle Charmaine Fernandez (Pharmacy Technician Trainee Work Permit No. 3283)** Mr. Oubre moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered that when respondent qualifies for certification, the certificate issued shall be placed on probation for one year, beginning on the date of issuance, subject to the following condition of probation: respondent is not to violate any local, state, or federal laws or regulations pertaining to the practice of pharmacy. *Charges:*

- (1) LRS 37:1201.C – unlawful for any individual to assist in the practice of pharmacy unless currently registered or certified by the Board.
- (2) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of the provisions of this statute or any rules and regulations promulgated thereto.

**Fred's Pharmacy No. 1826 (Pharmacy Permit No. 4023)** Mr. Bond moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit administrative costs of \$250 and investigative costs of \$1,784.64, for a total due the Board of \$2,034.64. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy in violation of the provisions of this statute or any rules and regulations promulgated thereto.

At this point, Mr. Aron declared a 20-minute recess to permit consultation with legal counsel. At 11:00 a.m., Mr. Aron reconvened the meeting, and then reordered the agenda to open the Formal Hearing; he also noted for the record that Mr. Shows was now in service as Counsel to the Hearing Officer.

#### *8. Formal Hearing*

Mr. Aron then requested Ms. Cangelosi to proceed with her presentation relative to **Maria M. Humphries (Pharmacy Technician Certificate No. 1278)**. Following her presentation of evidence and witnesses, Ms. Cangelosi offered her Proposed Findings of Fact, Conclusions of Law, and recommended sanctions during her closing argument. Following the Board's deliberations, Mr. Oubre moved, and Mr. Aucoin seconded, that **Resolved**, that the Board accept the Findings of Fact and Conclusions of Law proposed by the Prosecuting Attorney, and adopt them as their own. The motion was approved after a unanimous vote in the affirmative. Following further deliberations, Mr. Aucoin moved, and Mr. Oubre seconded, that **Resolved**, that the Board revoke Pharmacy Technician Certificate No. 1278, and further, to assess the certificate \$3,000 and investigative costs

of \$1,811.48, for a total due the Board of \$4,811.48, said assessments to be paid on or before any application for reinstatement.

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

Mr. Aron then requested Ms. Cangelosi to proceed with her presentation relative to **Gwenetta T. Long (Pharmacy Technician Trainee Work Permit No. 5287)**.

Following her presentation of evidence and witnesses, Ms. Cangelosi offered her Proposed Findings of Fact, Conclusions of Law, and recommended sanctions during her closing argument. Following the Board's deliberations, Mr. Aucoin moved, and Mr. Adams seconded, that

**Resolved**, that the Board accept the Findings of Fact and Conclusions of Law offered by the Prosecuting Attorney, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Following further deliberation, Mr. Bourg moved, and Mr. Adams seconded, that

**Resolved**, that the Board revoke Pharmacy Technician Applicant Work Permit No. 5287.

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

Mr. Aron then declared the Formal Hearing portion of the meeting completed. He then reordered the agenda to return to the Report of the Violations Committee.

#### *9. Report of Violations Committee (continued)*

**American Pharmaceutical Services (Pharmacy Permit No. 3129)** Ms. Jean moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$5,000, administrative costs of \$250, and investigative costs of \$1,811.48, for a total due the Board of \$7,061.48. *Charges:*

- (1) LRS 37:1241.A.15 – evaded, or assisted, directly or indirectly, another person in evading local, state, or federal laws or regulations pertaining to the practice of pharmacy.

**Medic Pharmacy of Ruston (Pharmacy Permit No. 2773)** Ms. Jean moved, and Mr. Adams seconded, to accept the Voluntary Consent Agreement.

During the consideration of the motion, it was determined that the deliberation and decision on this matter would be facilitated by a decision on a related matter concerning the permit owner, scheduled later in the agenda. Mr. Rabb moved, and Ms. Anderson seconded, that

**Resolved**, that the matter concerning Medic Pharmacy of Ruston be postponed until after the adjudication of the case of Edward Earl Bryan (Pharmacist License No. 9928).

The motion was approved after a unanimous vote in the affirmative. At this point, Mr. Aron reordered the agenda to request a portion of the report from the Impairment Committee.

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

At this point, Mr. Oubre moved, and Mr. Adams seconded, to enter into executive session for the purpose of discussing the physical and mental health of a licensee relative to his professional competence. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 12:25 p.m. At 12:45 p.m., Mr. Aron invited the guests back into the meeting room and resumed the posted agenda, as reordered. He then called upon Mr. Bourg for a portion of his committee's report.

**Edward Earl Bryan (Pharmacist License No. 9928)** Mr. Bourg moved, and Mr. Aucoin seconded, to deny the request for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

Having adjudicated the matter cited in the earlier motion for postponement, Mr. Aron again reordered the agenda back to the pending matter relative to Medic Pharmacy of Ruston.

*11. Report of Violations Committee (continued)*

**Medic Pharmacy of Ruston (Pharmacy Permit No. 2773)** Mr. Oubre moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for five years, then suspended the suspension, and placed the permit on probation for five years, beginning January 29, 2001 and ending January 28, 2006, subject to the following special conditions of probation: (1) respondent is not to violate any federal, state, or local laws or regulations pertaining to the practice of pharmacy, (2) to name a pharmacist-in-charge by January 29, 2001, and to continually maintain a pharmacist-in-charge or close the permit immediately, (3) neither respondent nor his spouse, Shirley Bryan, are permitted to be present in or have keys or other access to the pharmacy department, and (4) the fine and cost assessments must be timely paid. The Board also assessed the permit \$5,000, administrative costs of \$250, and investigative costs of \$1,905.64, for a total due the Board of \$7,155.64. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (2) LRS 40:968.A.1 – unlawful distribution or dispensing of Schedule III controlled substances.
- (3) LRS 40:969.A.1 – unlawful distribution or dispensing of Schedule IV controlled substances.
- (4) LRS 40:976 – failure to maintain accurate records of all controlled substances.
- (5) LAC 46:LIII.1127.7 – failure to maintain adequate security of prescription department.

**Charles Randall Rowe (Pharmacist License No. 10681)** Ms. Anderson moved, and Ms. Jean seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board placed the license on probation for one year, beginning and retroactive to August 24, 2000, and ending August 24, 2001, subject to the following special conditions of probation: (1) respondent is not to violate any federal, state, or local laws or regulations pertaining to the practice of pharmacy, and (2) all cost assessments must be timely paid. The Board also assessed the license administrative costs of \$250 and investigative costs of \$212.44, for a total due the Board of \$462.44.

*Charges:*

- (1) LRS 37:1241.A.4 – felony conviction in the courts of any state, territory, or country.

Noting the hour to be 1:00 p.m., Mr. Aron recessed the hearing for lunch. It was noted that he reconvened the hearing at 1:30 p.m. and he then returned to the posted agenda.

**Corey Gabriel Bordelon (Pharmacy Technician Certificate No. 1446)** Ms. Jean 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 certificate. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (2) LRS 40:968.C – unlawful possession with intent to distribute a Schedule III controlled substance.

**Walgreens Pharmacy No. 110-02997 (Pharmacy Permit No. 3031)** Ms. Jean moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Warning to the permit, and assessed administrative costs of \$250.

*Charges:*

- (1) LRS 37:1241.A.20 – has solicited professional practice by means of providing physicians or other practitioners with prescription blanks imprinted with any material referring to a pharmacy or pharmacist.

**Mark Alan Herring (Pharmacist License No. 13768)** Mr. Adams moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement.

During the consideration of the motion, it was determined to be necessary to discuss the respondent's health and professional competence. At that point, Mr. Bourg moved, and Mr. Adams seconded, to postpone the pending matter and enter into executive session for the purpose of discussing the physical or mental health of a licensee as it related to his professional competence. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered executive session at 1:40 p.m. At 1:45 p.m. Mr. Aron re-opened the meeting room to the guests, and resumed the posted agenda, specifically the pending motion.

The motion was approved after a unanimous vote in the affirmative. The Board revoked the probation order of September 14, 1998, then made executory the indefinite suspension order of April 23, 1998, resulting in the immediate and indefinite suspension of the license. The Board also assessed the license administrative costs of \$250 and investigative costs of \$650.12, for a total due the Board of \$900.12, said cost assessments to be paid on or before any application for reinstatement. Further, prior to any reinstatement, the respondent shall appear before the Reinstatement Committee and satisfy any and all conditions imposed by that committee and the Board. *Charges:*

- (1) admission to violation of Article I of his September 14, 1998 Board Order, to wit: to remain alcohol and drug free, and not to use any legend drug except when legally prescribed by a licensed practitioner who is aware of respondent's impairment.

Mr. Aron thanked Mr. Dixon and his committee for their extensive deliberations prior to this hearing. He noted that the members of the Violations Committee were then free to participate in the deliberations and decisions of the remainder of the cases pending.

*12. Report of General Counsel – Acceptance of Voluntary Surrender*

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

**Candace Ory Chataigner (Pharmacy Technician Certificate No. 1958)** Mr. D'Angelo moved, and Mr. Dixon seconded, to accept the Voluntary Surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, beginning April 26, 2001.

*13. Report of Reinstatement Committee – Consideration of Recommendations*

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

**Bonnie Lynn York (Pharmacist License No. 14885)** Mr. Rabb moved, and Mr. Dixon seconded, to grant the request for automatic reinstatement, contingent upon the following conditions: (1) Respondent shall successfully pass the Multistate Pharmacy Jurisprudence Examination (MPJE) prior to May 17, 2002, (2) Respondent shall obtain prior to May 17, 2002, one thousand two hundred (1,200) hours of updated practical experience under a Special Work Permit that shall be requested in writing by both the Pharmacist-in-Charge and the Respondent to the Board office. This practical experience shall be obtained in a Board-approved pharmacy. Respondent shall submit to the Board office documentation of successful completion of said hours, along with a letter of competency of Respondent to practice pharmacy from the supervising pharmacist. (3) Respondent shall obtain 15 hours of ACPE approved continuing education by attendance at live presentation(s). Respondent shall obtain an additional 15 hours of ACPE approved continuing education by any manner. The total 30 hours shall be obtained by May 17, 2002. (4) Respondent shall pay administrative costs of \$250 prior to May 17, 2001. The motion was approved

after a unanimous vote in the affirmative. The Board ordered the license automatically reinstated upon the successful completion of certain terms as identified in the Board order.

**Peter Joseph Dileo (Pharmacist License No. 10200)** Mr. Rabb moved, and Mr. Dixon seconded, to grant the automatic request for reinstatement, contingent upon the following condition: (1) Respondent shall pay the administrative cost of \$250 prior to May 17, 2001, and further, to place the license on probation for five years, beginning May 17, 2001 and terminating on May 16, 2006, subject to the following conditions of probation: (1) Respondent is not to violate any local, state, or federal pharmacy laws, (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's impairment. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall accept employment at Board-approved sites only. (4) Respondent shall inform prospective employers of all past disciplinary actions against respondent's pharmacist license by this Board, (5) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any positive drug screen may be grounds for sanction by the Board, and (6) any violation of any condition of reinstatement or probation shall be considered grounds for revocation of respondent's reinstatement, resulting in the indefinite suspension of said license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon certain terms as identified in the Board order, then placed the license on probation for five years, beginning May 17, 2001 and terminating May 16, 2006, subject to certain terms as identified in the Board order.

**Nolan Joseph Bernard (Pharmacist License No. 10850)** Mr. Rabb moved, and Mr. Adams seconded, to deny the request for reinstatement, and further, that respondent shall complete a competent treatment and counseling program with a favorable recommendation from a Board-approved addictionist prior to any further application for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement, and conditioned any future application for reinstatement upon the completion of certain terms as identified in the Board order.

Mr. Aron thanked Mr. Rabb and the members of his committee for their diligent efforts.

*14. Report of Impairment Committee (continued)*

Mr. Aron called upon Mr. Bourg for the remainder of his committee report. Mr. Bourg presented the following files for Board action:

**Clay Devoe Jones (Pharmacist License No. 15687)** Mr. Bourg moved, and Mr. D'Angelo seconded, to grant the request for reinstatement of the license, contingent upon the following conditions: (1) Respondent to submit to the Board

office copies of certificates of ACPE approved continuing education documenting completion and credit for a minimum of fifteen hours for the 2001 calendar year, and (2) Respondent to pay administrative costs of \$250 no later than May 17, 2001; and further, to place the reinstated license on probation for five years, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws, (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's impairment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with this aftercare program, including AA/NA meetings attended and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any positive drug screen may be grounds for sanction by the Board; and further, that any violation of any condition of reinstatement or probation shall be considered grounds for revocation of Respondent's reinstatement, resulting in the indefinite suspension of said license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated, contingent upon the completion of certain terms as identified in the Board order, then placed the reinstated license on probation for five years, beginning May 17, 2001 and terminating on May 16, 2006, subject to certain terms as identified in the Board order.

**Heather Dawn Richard (Pharmacy Technician Certificate No. 4061)** Mr. Bourg moved, and Mr. Oubre seconded, to grant the request for reinstatement, contingent upon the following conditions: (1) Respondent shall pay to the Board administrative costs of \$250 no later than May 17, 2001; further to place the reinstated certificate on probation for five years, beginning May 17, 2001 and terminating May 16, 2006, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of Respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of Respondent's impairment. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with this aftercare program, including AA/NA meetings attended and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any positive drug screen may be grounds for sanction by the Board; and further, that a violation of any condition of reinstatement or probation shall be grounds for revocation of Respondent's

reinstatement, resulting in the indefinite suspension of said certificate. The motion was approved after a unanimous vote in the affirmative. The Board ordered the certificate reinstated, contingent upon completion of certain terms as identified in the Board order, then placed the reinstated certificate on probation for five years, beginning May 17, 2001 and terminating on May 16, 2006, subject to certain terms as identified in the Board order.

**Brenda Irene Carraway (Pharmacist License No. 13262)** Prior to the consideration of this matter, Mr. Bourg requested recusal. Hearing no objection, Mr. Aron ordered the record to reflect the recusal of Mr. Bourg from the consideration of this matter. Ms. Anderson moved, and Mr. Aucoin 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, beginning April 23, 2001.

Mr. Aron thanked Mr. Bourg and the members of his committee for their ongoing efforts.

#### *15. New Business*

Mr. Aron called upon Mr. D'Angelo to present a proposed new chapter of regulations, entitled *Chapter 6 – Illegal Payments & Required Disclosures of Financial Interests*. Mr. D'Angelo reminded the members that staff had distributed the material to them the day before. He then related the origin of this proposed regulation as a statutory mandate from the Louisiana Legislature, and that other health professional licensing agencies were also promulgating similar regulations. Following a short discussion, Mr. D'Angelo moved, and Mr. Burch seconded, that

**Resolved**, that the Board approve Draft No. 3, dated April 4, 2001, of the proposed regulation entitled *Chapter 6 – Illegal Payments & Required Disclosures of Financial Interests*.

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

#### *16. Adjourn*

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

Respectfully submitted,

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Reuben R. Dixon,  
Secretary