



# Louisiana Board of Pharmacy

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## Minutes

### Regular Meeting

Wednesday, May 8, 2002 at 1:00 p.m.

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

### Administrative Hearing

Thursday, May 9, 2002 at 9:00 a.m.

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

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 8, 2002 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 1:00 p.m.

*2. Invocation*

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

*3. Pledge of Allegiance*

Following the invocation, Mr. Larry Lantier led the group in the recitation of the Pledge of Allegiance.

*4. Quorum Call*

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

**Present:**

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

**Absent:**

Mr. Philip C. Aucoin

**Present by Board Invitation:**

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

**Guests:**

Mr. Wendell Alford, La. Substance Abuse Clinic (MTC)  
Ms. Michele Beck, La. DHH – Office of Addictive Disorders  
Mr. Terence Boyle, U.S. Drug Enforcement Administration  
Ms. JoAnn Brown, Choices of Louisiana – LaPlace (MTC)  
Mr. Roye Brown, Choices of Louisiana – LaPlace (MTC)  
Mr. Jack Burnette, La. Substance Abuse Clinic (MTC)  
Mr. Glenn T. Cambre, La. DHH – Office of Legal Affairs  
Mr. Oscar E. Carter, III – O.E. Carter Memorial Rehabilitation Center (MTC)  
Mr. Michael Coleman, La. DHH – Office of Legal Affairs  
Ms. Janice Conerly, DRD New Orleans Medical Clinic (MTC)  
Mr. Michael Duffy, La. DHH – Office of Addictive Disorders  
Dr. Alex John, New Orleans Narcotic Treatment Center (MTC)  
Ms. Diane John, New Orleans Narcotic Treatment Center (MTC)  
Mr. Mike Johnson, National Pharmacy Technicians Association  
Ms. Pat Ladner, La. State Board of Nursing  
Mr. Mark Malouse, U.S. Navy  
Dr. Melvin Morris, Lake Charles Substance Abuse Clinic (MTC)  
Ms. Letitia Nelson  
Mr. Frank H. Perez, La. DHH General Counsel  
Ms. Tonya Pons, Metropolitan Treatment Center (MTC)  
Ms. Erin Rabalais, La. DHH – Bureau of Health Standards  
Mr. Vernon J. Shorty, Desire Narcotic Rehabilitation Center (MTC)  
Mr. George Varino, La. DHH – Bureau of Health Standards

At this point, Mr. Aron introduced the newest member of the Board staff. Ms. Judy Dinecola is the office secretary. The board members welcomed her.

*5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items, and Mr. Camp requested permission to discuss the Board's website at some point during the meeting. The request was approved after a unanimous roll call vote in the affirmative. Mr. Aron indicated he would call for that matter at Agenda Item No. 15-A.

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

**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. Burch moved, and Ms. Jean seconded,

**Resolved**, that the Minutes of the Regular Board Meeting of February 20, 2002 and the Administrative Hearing of February 21,

2002, both held in New Orleans, 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.

#### 7. *Report on Action Items*

Mr. Aron asked Mr. Broussard to report on the action items from the February 2002 Board meeting. Mr. Broussard reported on one matter from that meeting.

##### A. *Memorandum of Understanding (MOU) with La. Board of Medical Examiners*

During the last meeting, the Board adopted a resolution authorizing the construction and implementation of an agreement between the La. Board of Medical Examiners and the Board to facilitate the initiation of a demonstration project at the Glenwood Anticoagulation Management Clinic in West Monroe. The clinic has proposed a pharmacist managed anticoagulation management clinic, utilizing physician approved collaborative practice protocols.

The MOU has been executed by authorized representatives of all three parties, was effective March 20, 2002, and authorizes the demonstration project for one year. The MOU explicitly states the demonstration project to be a prelude to joint rule-making effort by the boards.

#### 8. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Oubre moved, and Mr. Lantier 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 February 21, 2002 are approved, adopted, and ratified by the entire Board.

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

It was noted that Mr. Adams arrived at 1:10 p.m.

#### 9. *Opportunity for Public Comment*

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

#### 10. *Committee Reports*

##### A. *Finance Committee*

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to the Third Quarter Financial Report. He reviewed the various revenue and expense categories, and answered questions from Board members. Mr. Broussard provided relevant details as needed. Since there were no budget items to approve, Mr. Carmichael

indicated the report was presented for information only and required no action from the Board.

*B. Examination/Technician Committee*

Mr. Aron called upon Mr. Camp for the committee report. Mr. Camp noted that the committee had not met since the last Board meeting. He then presented data from the NAPLEX, MPJE, DSM, and PTCB examinations. The data from the September 1 – December 31 NAPLEX testing window, as well as the July 1 – December 31 MPJE testing window, were presented and reviewed. The Board also reviewed the PTCB test results, and discussed various reasons for the poor showing of Louisiana candidates. Mr. Camp also directed the members to the Licensure Activity Report listing 21 pharmacists and 91 technicians credentialed since the last Board meeting.

*C. Reciprocity Committee*

Mr. Aron called upon Ms. Jean for the committee report. Ms. Jean reported that five pharmacists had been approved for reciprocity since the last Board meeting, and that two pharmacists had been interviewed earlier that day. Ms. Jean moved, and Mr. Carmichael seconded,

**Resolved**, that Houda Sue Younes shall obtain, prior to November 9, 2002, one hundred (100) hours of updated practical experience in a Board-approved pharmacy under the authority of a special work permit that shall be jointly applied for by Ms. Younes and the Pharmacist-in-Charge of the pharmacy permit, and further that Ms. Younes shall submit documentation of successful completion of said hours prior to November 9, 2002, and further that licensure by reciprocity shall be automatic upon completion of all conditions and necessary processing by the Board office.

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

**Resolved**, that Betty Lou Everett shall obtain, prior to November 9, 2002, two hundred (200) hours of updated practical experience in a Board-approved pharmacy under the authority of a special work permit that shall be jointly applied for by Ms. Everett and the Pharmacist-in-Charge of the pharmacy permit, and further that Ms. Everett shall submit documentation of successful completion of said hours prior to November 9, 2002, and further that licensure by reciprocity shall be automatic upon completion of all conditions and necessary processing by the Board office.

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

It was noted that Mr. McKay arrived at 1:20 p.m.

*D. Regulation Revision Committee*

Mr. Aron called upon Mr. D'Angelo for the committee report. He reported on the committee's activity since the last Board meeting. He then moved, and Ms. Jean seconded, that the Louisiana Board of Pharmacy (1) interpret the

Louisiana Pharmacy Practice Act such that dispensing activities of methadone treatment centers are subject to the authority of the Board, and further, (2) methadone treatment centers dispensing methadone and/or any other legend drugs shall apply for and receive an institutional pharmacy permit, and further, (3) the Board shall revoke all temporary letters previously issued to pharmacists at methadone treatment centers and shall recall them no later than August 31, 2002. Following substantial discussion and public comment, Mr. D'Angelo withdrew his motion, with the consent of the second, Ms. Jean. He then moved, and Mr. Oubre seconded,

**Resolved**, the Louisiana Board of Pharmacy interpret the Louisiana Pharmacy Practice Act such that dispensing activities of methadone treatment centers and other drug abuse treatment centers are subject to the authority of the Board.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron directed the creation and operation of a subcommittee of the Regulation Revision Committee, to be chaired by Mr. D'Angelo with membership to include representation from the methadone treatment center community. Mr. Aron also requested Mr. D'Angelo to bring a proposal to the next board meeting

Finally, Mr. D'Angelo expressed his appreciation to his committee members and staff for their assistance in the regulation revision project.

At this point, Mr. Aron declared a 15-minute recess. It was noted that the Board recessed at 3:15 p.m. and reconvened at 3:35 p.m. Mr. Aron then resumed the posted agenda in open session.

*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 the next day. Mr. Rabb thanked his committee members for their work that day.

*F. Violations Committee*

Mr. Aron called upon Dr. Dixon for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for the next day.

*G. Impairment Committee*

Mr. Aron called upon Mr. Burch for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for the next day. Mr. Burch thanked his committee members for their work on the previous day.

*H. Executive Committee*

Mr. Aron reported on the committee's April 23 meeting. A portion of that committee meeting was reserved for the review of all professional service contracts. Since contracts exist on a fiscal year basis, board approval was necessary to continue the contract renewal process. Thus, Mr. Burch moved,

and Dr. Dixon seconded,

**Resolved**, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$25,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, in an amount not to exceed \$10,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the proposed database software support agreement with Software Applications, Inc., at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the proposed information system network support services agreement with Advanced Office Systems, Inc., at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the proposal from Software Applications, Inc. to (1) re-host the Board's website in-house, and (2) link the licensure databases to the website, all at the stipulated rate, in an amount not to exceed \$15,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the proposal from Software Applications, Inc. to create and install licensure database software improvements designed to automate the continuing education audit process, in an amount not to exceed \$5,000 for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the National Association of Boards of Pharmacy as the administrator for the NAPLEX and MPJE testing instruments for Fiscal Year 2002-2003.

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

**Resolved**, that the Board approve the Pharmacy Technician Certification Board as the administrator for the pharmacy technician certification examination for Fiscal Year 2002-2003.

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

*11. Report of General Counsel*

Mr. Finalet reminded the Board members of their November 2001 decision to request an opinion from the Attorney General's office as to whether the current language of the pharmacy practice act conferred sufficient authority to the board to allow the agency to purchase property. He reviewed recent events and discussions with attorneys within that office. Pursuant to his recommendation, Mr. McKay moved, and Mr. Lantier seconded,

**Resolved**, that by affirmative majority record vote of board members participating in the decision process, the Louisiana Board of Pharmacy rescinds its earlier request to the Attorney General for the State of Louisiana as to whether the Board has the authority to purchase, own, and possess immovable property such as land and buildings.

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

Finally, Mr. Finalet reported there was one pending item of legal business, since a pharmacist had appealed a prior disciplinary action.

*12. Report of Executive Director*

Mr. Broussard began his report with synopses of recent meetings. He also reported on presentations he delivered to state and local pharmacy organizations.

He then reported the current census: 5,826 pharmacists, 976 interns, 3,412 technicians, 2,184 technician trainees, and 1,750 pharmacy permits.

He presented the results of the pharmacist CE audit for 2002, which included approximately 20% of the pharmacists licensed by the Board.

In terms of human and physical resources, he reviewed recent personnel actions and office renovations.

Finally, he reported on several measures in the recent legislative special session, including the Louisiana Health Works Commission.

*13. Petition for Amendment to LAC 46:LIII.809*

Mr. Aron recognized Mr. Mike Johnston, Executive Director of the National Pharmacy Technician Association, who made a presentation to the Board in support of his petition to amend the regulation concerning continuing education requirements for pharmacy technicians. Specifically, his petition contained an objection to the requirement that the American Council on Pharmaceutical Education (ACPE) shall approve all continuing education.

Following Mr. Aron's explanation of the "rule by petition" process, Mr. Johnston presented his concerns to the Board, and asked that the rule be amended to allow some or all of the continuing education for pharmacy technicians be non-ACPE-approved. Mr. Johnston responded to questions from the members, and several members also offered their observations concerning the existing regulation.

In return for his inclusion on a group to be formed later to review and revise the entire pharmacy technician regulation, Mr. Johnston formally withdrew his petition. Mr. Aron directed staff to secure Mr. Johnston's contact information and ensure his invitation to the Regulation Revision Committee meeting at the appropriate time.

It was noted that Mr. Landry arrived at 4:50 p.m.

#### *14. Request to Address the Board*

Mr. Aron introduced Dr. Alex John, who had requested an opportunity to address the Board relative to Mr. Finalet's investigation of Dr. John's complaint against a member of the Board's staff. Mr. Aron cautioned that since the ensuing discussion would reference personnel issues, the Board should consider entering executive session. At that point, Mr. Bourg moved, and Mr. Adams seconded, that the Board enter executive session for the purpose of discussing the findings of an investigation of a complaint against a member of the Board's staff. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered executive session at 5:00 p.m. At 6:00 p.m., the Board concluded their executive session deliberations. Mr. Aron re-opened the meeting room, and resumed the posted agenda in open session. Mr. D'Angelo moved, and Mr. Burch seconded,

**Resolved**, that the Board accept and ratify the findings of General Counsel's investigation of a complaint against Mr. Jerome Foti, and further, that the Board dismiss the complaint against Mr. Foti, and further, that the Board accept the acknowledgement of the complainant as to his satisfaction with the outcome of the complainant's appearance before the Board today.

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

#### *15. Request for Clarification of Committee Responsibilities*

Mr. Aron recognized Mr. Bourg, who requested an opportunity to address the Board. He presented his concerns about operational considerations relative to the Violations, Impairment, and Reinstatement committees.

#### *15-A. Request to Address the Board Concerning the Website*

Mr. Aron recognized Mr. Camp, who requested an opportunity to address the Board. He expressed his dissatisfaction with the quality of the Board's website. He asked for information concerning the improvement project underway. Mr. Broussard described the tasks already completed, and outlined the remainder of the tasks already approved and budgeted.

#### *16. Announcements*

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

### *17. Recess*

Mr. Burch moved, and Ms. Jean 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 6:25 p.m.

An Administrative Hearing was convened on Thursday, May 9, 2002 in the Board office, located 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 9:10 a.m.

### *2. Invocation*

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

### *3. Pledge of Allegiance*

Following the invocation, Mr. Bourg 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. Aucoin and Mr. Landry were absent, but that all other members, constituting a quorum, were present.

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

**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.

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

Mr. Aron asked if there were any additional agenda items. None were offered.

### *6. Opportunity for Public Comment*

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

### *7. 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. Mr. E. Wade Shows served as Counsel to the Hearing Officer. Ms. Marlene Cashen was the Official Recorder. Due to prior knowledge, the members of the Violations Committee (Dr.

Dixon, Mr. D'Angelo, Mr. Burch, Mr. Rabb, and Mr. Bond) 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.

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

## 8. *Formal Hearings*

**April Lynn Washington (Technician Certificate No. 4395)** Mr. Aron requested Ms. Cangelosi to proceed with her presentation. Ms. Cangelosi noted that since the respondent was absent, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, she presented the Proposed Findings of Fact, Conclusions of Law, and recommended sanction.

Mr. Camp moved, and Mr. Adams seconded, to enter executive session for the purpose of discussing the respondent's physical and/or mental health as well as her professional competence. The motion was approved after a majority roll call vote in the affirmative; Mr. Oubre objected. It was noted that the Board entered executive session at 9:30 a.m. and came out of executive session at 9:50 a.m.

It was noted that Mr. Landry arrived at 9:40 a.m.

Following the Board's deliberations, Mr. McKay moved, and Mr. Camp seconded, **Resolved**, that the Board accept the Findings of Fact proposed by the Complaint Counsel, and adopt them as their own.

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

**Resolved**, that the Board accept the Conclusions of Law proposed by the Complaint Counsel, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Upon the recommendation of the Complaint Counsel, Mr. Oubre moved, and Mr. Bourq seconded,

**Resolved**, that the Board actively and indefinitely suspend Technician Certificate No. 4395, and further, the acceptance of any future application for reinstatement is conditioned upon the following terms: (1) Respondent shall submit a complete medication history, including any prescription(s) she may have been using on or about November 6, 2001, (2) Respondent shall meet with the Impairment Committee of the Board at a time designated by the Board, (3) Respondent shall pay administrative costs of \$250, and (4) Respondent shall pay investigative costs of \$500.

The motion was approved after a unanimous vote in the affirmative. The Board suspended the certificate indefinitely, and further, conditioned the acceptance of any future application for reinstatement upon the successful completion of certain

terms as identified in the Board Order. The Board also assessed administrative and investigative costs to the certificate.

Mr. Aron placed the Board in a short recess at 10:00 a.m., and they reconvened at 10:10 a.m. At that point, Mr. Camp moved, and Mr. Adams seconded, to enter executive session for the purpose of receiving legal advice from Mr. Shows. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered executive session at 10:11 a.m. and came out of executive session at 10:45 a.m. Mr. Aron then resumed the posted agenda in open session.

**Holmes Lowell Milliken (Pharmacist License No. 10297)** Mr. Aron requested Ms. Cangelosi to proceed with her presentation. Ms. Cangelosi requested Mr. Shows to advise the respondent of his right to an executive session, since he chose to appear before the Board without his own legal counsel. Following the explanation by Mr. Shows, Mr. Milliken requested an executive session.

At that point, Mr. Oubre moved, and Mr. Bourg seconded, to enter executive session for the purpose of conducting a formal trial and discussing the physical and/or mental health of the respondent as well as his professional competence during their deliberations. The motion was approved after a unanimous roll call vote in the affirmative. Mr. Aron excused the members of the Violations Committee. It was noted that the Board entered executive session at 10:50 a.m. and came out of executive session at 1:15 p.m. Mr. Aron then resumed the posted agenda at the instant case in open session.

Following the Board's deliberations, Mr. Bourg moved, and Mr. Lantier seconded, **Resolved**, that the Board accept the Findings of Fact proposed by the Complaint Counsel, and adopt them as their own.

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

**Resolved**, that the Board accept the Conclusions of Law proposed by the Complaint Counsel, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Mr. Bourg then moved, and Mr. Oubre seconded,

**Resolved**, that the Board actively and indefinitely suspend Pharmacist License No. 10297, and further, the acceptance of any application for reinstatement be conditioned upon the following terms: (1) pay administrative costs of \$250 and investigative costs of \$500, and (2) respondent shall not be eligible to apply for reinstatement for at least one year from the date of the execution of this judgment.

The motion was approved after a unanimous vote in the affirmative. The Board suspended the license indefinitely, and further, conditioned the acceptance of any future application for reinstatement upon the successful completion of certain terms as identified in the Board Order. The Board also assessed administrative and investigative costs.

At this point, Mr. Aron noted that the formal hearings had concluded.

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

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

**Lloyd Joseph Duplantis (Pharmacist License No. 9535)** Mr. Rabb moved, and Mr. Camp seconded, to deny the request for modification of the terms of probation contained in the respondent's November 29, 2000 Board Order. The motion was approved after a unanimous vote in the affirmative. The Board denied the respondent's request for modification of the terms of probation contained in the respondent's November 29, 2000 Board Order.

**Jimmy Pike Lewis (Pharmacist License No. 13628)** Mr. Rabb moved, and Mr. Bourg seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall obtain, prior to May 9, 2003, fifteen [15] hours of ACPE-approved continuing education in any manner respondent chooses, and (2) Respondent shall procure to the office or have directed to the office letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist. Said letters shall also indicate whether respondent has had any disciplinary action taken against him in those jurisdictions. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

**Cynthia Ann Maxey (Pharmacist License No. 15613)** Mr. Bourg moved, and Mr. McKay seconded, to continue the matter to the next scheduled meeting, and further, to apply the previously paid administrative fee to the next conference. The motion was approved after a unanimous vote in the affirmative. The Board continued this matter until the next scheduled meeting.

**David Albert Davis (Pharmacist License No. 9585)** Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully pass the Multistate Pharmacy Jurisprudence Examination (MPJE) for Louisiana prior to December 31, 2003. (2) Respondent shall obtain, prior to December 31, 2003, one thousand five hundred [1,500] hours of updated practical experience under a special work permit. However, before the Board office may issue this special work permit, respondent shall obtain approval from the Georgia Board of Pharmacy to receive this special training in the State of Georgia. Should respondent desire to receive any portion of these hours in another jurisdiction besides Georgia, he shall apply to the Board office for an additional work permit for that jurisdiction and pharmacy site. (a) The special work permit shall be requested in writing to the Board office by both the Pharmacist-in-Charge and the respondent. (b) This practical experience shall be obtained in a Board-approved pharmacy. (c) Respondent shall submit to the Board office, prior to December 31, 2003, documentation of successful completion of said hours. (d) A letter of competency from the supervising pharmacist attesting to respondent's ability to

practice pharmacy shall be submitted to the Board office prior to December 31, 2003. (3) In addition to the continuing education hours submitted for application to appear before the reinstatement committee on May 8, 2002, respondent shall obtain an additional fifteen [15] hours of ACPE-approved continuing education in any manner respondent chooses. Additionally, respondent shall obtain fifteen [15] hours of ACPE-approved continuing education by attendance to live continuing education presentations. The total required thirty [30] continuing education hours shall be obtained and submitted to the Board office prior to December 31, 2003. (4) Respondent shall procure to the office or have directed to the office before December 31, 2003, letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist. These letters shall also indicate whether respondent has had any disciplinary action taken against him in those jurisdictions. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

**Donald Raymond Aprill (Pharmacist License No. 10695)** Mr. Rabb moved, and Mr. Bourg seconded, to grant the automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully pass the Multistate Pharmacy Jurisprudence Examination (MPJE) prior to December 31, 2003. (2) Respondent shall obtain, prior to December 31, 2003, one thousand [1,000] hours of updated practical experience under a special work permit: (a) The special work permit shall be requested in writing to the Board office by both the Pharmacist-in-Charge and the respondent. (b) This practical experience shall be obtained in a Board-approved pharmacy. (c) Respondent shall submit to the Board office prior to December 31, 2003, documentation of successful completion of said hours. (d) A letter of competency from the supervising pharmacist attesting to respondent's ability to practice pharmacy shall be submitted to the Board office prior to December 31, 2003. (3) In addition to the fifteen [15] continuing education hours submitted for application to appear before the Reinstatement Committee on May 8, 2002, respondent shall obtain an additional thirty [30] hours of ACPE-approved continuing education in any manner respondent chooses. Additionally, respondent shall obtain fifteen [15] hours of ACPE-approved continuing education by attendance to live continuing education presentations. The required forty-five [45] continuing education hours shall be obtained and submitted to the Board office prior to December 31, 2003. (4) Respondent shall procure to the office or have directed to the office on or before December 31, 2003 letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist. These letters shall also indicate whether respondent has had any disciplinary action taken against him in those jurisdictions. (5) Respondent agrees to pay the remaining \$150 owed for administrative costs mandated by and in connection with the April 19, 1995 Board Order. Respondent also agrees to pay administrative costs of \$250 associated with this Board Order. The total amount of \$400 is due at the signing of this agreement. The motion was approved after a unanimous vote in the

affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

**Bonnie Lynn York (Pharmacist License No. 14885)** Mr. Rabb moved, and Mr. Carmichael seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully pass the Multistate Pharmacy Jurisprudence Examination (MPJE) prior to September 1, 2002. (2) Respondent shall obtain, prior to September 1, 2002, one thousand two hundred [1,200] hours of updated practical experience under a special work permit. (a) The special work permit shall be requested in writing to the Board office by both the Pharmacist-in-Charge and the respondent. (b) This practical experience shall be obtained in a Board-approved pharmacy. (c) Respondent shall submit to the Board office, prior to September 1, 2002, documentation of successful completion of said hours. (d) A letter of competency from the supervising pharmacist attesting to Respondent's ability to practice pharmacy shall be submitted to the Board office prior to September 1, 2002. (3) Respondent shall obtain fifteen [15] hours of ACPE-approved continuing education by attendance to live presentations. Respondent shall obtain an additional fifteen [15] hours of ACPE-approved continuing education in any manner respondent chooses. The total required thirty [30] hours of ACPE-approved continuing education shall be obtained by September 1, 2002. (4) Respondent shall pay the administrative hearing fee of \$250 no later than May 9, 2002. The motion was approved after a majority vote in the affirmative; Mr. Adams objected. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

**Janice Marie Heard (Technician Certificate No. 1002)** Mr. Rabb moved, and Mr. Oubre seconded, to deny the request for reinstatement of the revoked certificate. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

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

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

At this point, Mr. Camp moved, and Dr. Anderson seconded, to enter into executive session for the purpose of discussion of the professional competence and/or physical and mental health of several licensees. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 2:15 p.m. At 3:20 p.m., Mr. Aron invited the guests back into the meeting room and resumed the posted agenda. He then called upon Mr. Burch for the committee's report. Mr. Burch presented the following files for Board action.

**John Thomas Dunbar, Jr. (Technician Certificate No. 3639)** Mr. Burch moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board

accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective March 6, 2002.

**Gina D’Arcangelo Kulick (Pharmacist License No. 14642)** Mr. Burch moved, and Mr. McKay seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective March 28, 2002.

**Kimberly Scoggins Cunningham (Pharmacist License No. 15115)** Mr. Burch moved, and Mr. Rabb seconded, to reinstate the license, suspend the license for ten years, stay the suspension, then place the license on probation for ten years, beginning May 9, 2002 and ending May 8, 2012, with 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 in-patient treatment and aftercare. 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 any aftercare program and provide same to the Board upon request. Respondent also is to attend official NA/AA meetings at least once a week. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board within twenty-four [24] hours of such request and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. A missed screen or a screen submitted beyond the mandated period is considered a positive drug screen for the purposes of this probation. (8) Respondent shall and does by respondent’s subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent’s history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent’s pharmacist license until a hearing can be had on the matter. The motion was approved after a majority vote in the affirmative; Mr. Adams, Mr. Bond, Mr. Bourg, Mr. Camp, and Mr. Lantier objected, and Ms. Jean abstained. The Board reinstated the license, suspended it for ten years, stayed the suspension, then placed the license on probation for ten years, beginning May 9, 2002 and ending May 8, 2012, subject to certain

terms of probation as identified in the Board Order. The Board also assessed the license \$250 administrative costs.

**Mark Alan Herring (Pharmacist License No. 13768)** Mr. Burch moved, and Mr. Carmichael seconded, to reinstate the license, suspend it for twenty years, stay the suspension, then place the license on probation for twenty years, beginning May 9, 2002 and ending May 8, 2022, subject to the following terms 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 in-patient treatment and aftercare. 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 any aftercare program 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 is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board within twenty-four [24] hours of such request and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. A missed screen or a screen submitted beyond the mandated period is considered a positive drug screen for the purposes of this probation. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. (9) Respondent agrees that failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports or screens upon request by the Board or its agent shall result in immediate, automatic, and indefinite suspension of respondent's pharmacist license, with no recourse to appeal this action. Specifically, respondent waives all rights to informal conference, to notice of hearing, to a formal administrative hearing, and to judicial review of an automatic suspension of this probation based on the provisions of this subpart. Should respondent be actively suspended under the terms of this agreement, he shall not be allowed to petition/request the reinstatement of his license at any time. The motion was approved after a majority vote in the affirmative; Mr. Adams and Mr. Camp objected. The Board reinstated the license, suspended it for twenty years, stayed the suspension, then placed the license on probation for twenty years, beginning May 9, 2002 and ending May 8, 2022, subject to certain terms as identified in the Board Order. The Board also assessed the license \$450 administrative costs.

**Kyle Paul Ayme (Pharmacist License No. 11291)** Mr. Burch moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a majority vote in the affirmative; Mr. Adams and Mr. Camp objected, and Mr. D'Angelo abstained. The Board reinstated the license, suspended it for twenty years, stayed the suspension, then placed the license on probation for twenty years, beginning July 24, 2001 and ending July 23, 2021, subject to the following terms 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 in-patient treatment and aftercare. 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 any aftercare program 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 maintain a perpetual inventory of all controlled dangerous substances at his location(s) of employment. Said inventory shall be certified by the holder of the pharmacy permit(s) at which respondent is employed and provided to the Board upon request. (7) Respondent is prohibited from holding the position of pharmacist-in-charge. (8) Respondent shall submit to random urine, blood, and/or other drug screens upon request by the Board or agent of the Board the same calendar day that the screen is mandated and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. A missed screen or a screen submitted beyond the mandated period is considered a positive drug screen for the purposes of this probation. (9) Respondent agrees that failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports or screens upon request by the Board or its agent shall result in immediate, automatic, and indefinite suspension of respondent's pharmacist license, with no recourse to appeal this action. Specifically, respondent waives all rights to informal conference, to notice of hearing, to a formal administrative hearing, and to judicial review of an automatic suspension of this probation based on the provisions of this subpart. Should respondent be actively suspended under the terms of this agreement, he shall not be allowed to petition/request the reinstatement of his license at any time. The Board also assessed the license \$5,000 plus investigative and administrative costs.

*Charges:*

- (1) LRS 37:1241.A.1 – respondent has practiced pharmacy in violation of pharmacy laws or rules.
- (2) LRS 37:1241.A.5 – respondent is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs.
- (3) LRS 37:1241.A.10 – respondent has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice.

- (4) LRS 40:967.A.1 – respondent maintained unlawful possession of a Schedule II controlled dangerous substance.

**John Thomas Dunbar, Jr. (Technician Certificate No. 3639)** Mr. Burch moved, and Mr. Lantier seconded, to reinstate the certificate, suspend it for five years, stay the suspension, then place the certificate on probation for five years, beginning May 9, 2002 and ending May 8, 2007, 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 in-patient treatment and aftercare. 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 any aftercare program and provide same to the Board upon request. As part of this requirement, respondent shall attend AA meetings at least three times a week and keep documentation of said attendance and provide the same to the Board upon request. Additionally, respondent shall attend aftercare group therapy at least once a week for a minimum of two years. (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, and/or other drug screens upon request by the Board or agent of the Board within twenty-four [24] hours of such request and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. A missed screen or a screen submitted beyond the mandated period is considered a positive drug screen for the purposes of this probation. (7) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (8) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's certificate until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the certificate, suspended it for five years, stayed the suspension, and placed the certificate on probation for five years, beginning May 9, 2002 and ending May 8, 2007, subject to certain terms of probation as identified in the Board Order. The Board also assessed the certificate \$250 administrative costs.

Mr. Aron expressed his appreciation to Mr. Burch and the members of his committee for their efforts. It was noted that Mr. Bond, Mr. Burch, Mr. D'Angelo, and Mr. Rabb departed at 3:35 p.m.

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

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

**Cornell Jamard Slate (Technician Trainee Work Permit No. 6741)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the permit holder. *Charges:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LAC 46:LIII.803.A – has assisted in the practice of pharmacy without the required work permit.

**John Walter Walker (Pharmacist License No. 9470)** 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 assessed the license \$250 as well as administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LAC 46:LIII.803.A – has permitted anyone in his employ to assist in the practice of pharmacy without the required work permit.

**St. Patrick's Hospital (Pharmacy Permit No. 1060)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$500 as well as administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LAC 46:LIII.803.A – has permitted anyone in his employ to assist in the practice of pharmacy without the required work permit.

**PetMed Express, Inc. (Pharmacy Permit No. 4338)** 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 placed the permit on probation for five years, beginning May 10, 2002 and ending May 9, 2007, subject to the following condition of probation: respondent is not to violate any federal, state, or local laws or regulations relating to the practice of pharmacy. The Board also assessed the permit holder \$10,000 as well as administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded local, state, or federal laws pertaining to the practice of pharmacy. [2 counts from separate complaints]

**Joey Roy Etier (Technician Certificate No. 3706)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate. *Charges:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimum standards of acceptable and prevailing pharmacy practice.
- (3) LRS 37:1241.A.11 – has committed fraud in connection with the practice of pharmacy, including but not limited to Medicare, Medicaid, or other insurance fraud.
- (4) LAC 46:LIII.807.F – failure to notify the Board, in writing, within ten days of a change in employment.

**Tamika Necole Byrd (Technician Trainee Work Permit No. 6097)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the work permit. *Charges:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.
- (3) LRS 40:969.C – unlawful possession of a Schedule IV controlled dangerous substance.

**Randall Lee Block (Pharmacist License No. 13753)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, and further, conditioned the acceptance of any future application for reinstatement upon the respondent's meeting with the Board's Reinstatement Committee. *Charges:*

- (1) LRS 37:1241.A.6 – had had license revoked or suspended, or had had other disciplinary action taken by another state based upon conduct similar to conduct that would constitute grounds for action in this state.
- (2) LRS 37:1241.A.7 – has failed to report to the Board any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency, or court for conduct that would constitute grounds for action by the Board.

**Perret Odette Rivers (Pharmacist License No. 14853)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the respondent to submit proof of completion of six hours of continuing education within thirty days of the execution of this agreement, said hours to be in addition to the continuing education requirements for the calendar year 2002. The Board also assessed the license \$250 as well as administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.2 – has obtained a license to engage in the practice of pharmacy by fraud or misrepresentation.
- (2) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LRS 37:1241.A.22 – has failed to furnish to the Board information legally requested by the Board.

**Jessica Lee Laurent (Technician Trainee Work Permit No. 5572)** Dr. Dixon moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the work permit. *Charges:*

- (1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimum standards of acceptable and prevailing pharmacy practice.
- (3) LAC 46:LIII.801.A.2 – a pharmacy technician trainee shall be of good moral character.

**Michelle Guarino Bourque (Pharmacist License No. 15909)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. Prior to the vote, Mr. Bourg moved, and Mr. Carmichael seconded, to amend the motion by deleting the \$250 administrative cost from the consent agreement. The amendment was approved after a majority vote in the affirmative; Dr. Anderson, Mr. McKay, and Mr. Oubre objected. The amended motion was then approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the license. *Charges:*

- (1) LRS 37:1241.A.1 – has engaged in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimum standards of acceptable and prevailing pharmacy practice.
- (3) LAC 46:LIII.1111.B – verification of the accuracy and authenticity of any prescription is the responsibility of the pharmacist.
- (4) LAC 46:LIII.1115.G.1 – has failed to counsel the patient or caregiver.
- (5) LAC 46:LIII.1117.A.5 – has failed to review the patient record and prescription order for incorrect drug dosage.

**Robert Charles deVeer (Pharmacist License No. 14180)** Dr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. Prior to the vote, Mr. Bourg moved, and Mr. Carmichael seconded, to amend the motion by deleting the \$250 assessment and \$250 administrative cost from the consent agreement. The amendment was approved after a majority vote in the affirmative; Dr. Anderson, Mr. McKay, and Mr. Oubre objected. The amended motion was then approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the license. *Charges:*

- (1) LRS 37:1241.A.1 – has engaged in the practice of pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the

- minimum standards of acceptable and prevailing pharmacy practice.
- (3) LAC 46:LIII.1111.B – verification of the accuracy and authenticity of any prescription is the responsibility of the pharmacist.
  - (4) LAC 46:LIII.1115.G.1 – has failed to counsel the patient or caregiver.
  - (5) LAC 46:LIII.1117.A.5 – has failed to review the patient record and prescription order for incorrect drug dosage.

**Julio Lucilo Torres (Pharmacist License No. 11093)** 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 an indefinite period of time, and further, conditioned the acceptance of any future application for reinstatement upon the respondent's meeting with the Board's Impairment Committee. *Charge:*

- (1) LRS 37:1241.A.1 – has practice pharmacy in violation of pharmacy laws and regulations, specifically, violation of the terms of probation in respondent's April 17, 1997 Board Order.

**Robert Erskine Rosser, III (Pharmacist License No. 8061)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the license, and then assessed administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LAC 46:LIII.3537 – failure to provide for safe storage and effective security to avert diversion of controlled dangerous substances.

**Rosser's Prescription Shop (Pharmacy Permit No. 960)** Dr. Dixon moved, and Mr. Adams seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed administrative and investigative costs to the permit holder. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LAC 46:LIII.3537 – failure to provide for safe storage and effective security to avert diversion of controlled dangerous substances.

**Barbara Helen Bradley (Technician Certificate No. 1634)** Dr. Dixon moved, and Mr. Camp seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (2) 21 CFR 1306.04 – prescriptions for controlled dangerous substances must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his medical practice.
- (3) LRS 40:978.B – no controlled dangerous substances in Schedules III or IV may be dispensed without prescriptions.

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

*12. Adjourn*

Mr. Camp moved, and Mr. Carmichael 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 4:50 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary