



Louisiana Board of Pharmacy

5615 Corporate Blvd., Suite 8-E, Baton Rouge, LA 70808-2537

Telephone (225) 925-6496 ~ Facsimile (225) 925-6499

www.labp.com email: labp@labp.com

Minutes

Regular Meeting

Thursday, May 22, 2003 at 1:00 p.m.

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

Administrative Hearing

Friday, May 23, 2003 at 8:00 a.m.

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

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Thursday, May 22, 2003</i>		
1.	Call to Order	4
2.	Invocation	4
3.	Pledge of Allegiance	4
4.	Quorum Call	4
5.	Call for Additional Agenda Items	5
6.	Consideration of Minutes	5
7.	Report on Action Items	5
8.	Confirmation of Acts	6
9.	Opportunity for Public Comment	6
10.	Committee Reports	
	A. Finance Committee	6
	B. Regulation Revision Committee	6
	C. Reinstatement Committee	6
	D. Violations Committee	7
	E. Impairment Committee	7
	F. Tripartite Committee	7
	G. Legislative Committee	7
	H. Executive Committee	8
	I. Examination/Technician	9
	J. Reciprocity	10
11.	Report of General Counsel	10
12.	Report of Executive Director	10
13.	Petition from Health Works Commission	10
14.	Request from NPTA for Technician Continuing Education Provider Approval	11
15.	Announcements	11
16.	Recess	11

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Friday, May 23, 2003</i>		
1.	Call to Order	11
2.	Invocation	11
3.	Pledge of Allegiance	11
4.	Quorum Call	11
5.	Call for Additional Agenda Items	12
6.	Opportunity for Public Comment	12
7.	Appearances	12
8.	Report of Violations Committee	12
9.	Formal Hearings	16
10.	Report of Reinstatement Committee	18
11.	Report of Impairment Committee	21
12.	Report of Violations Committee	24
13.	Adjourn	29

A regular meeting of the Louisiana Board of Pharmacy was held on Thursday, May 22, 2003 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 1:05 p.m.

2. Invocation

Mr. Aron called upon Mr. Clovis Burch, and he delivered the invocation.

3. Pledge of Allegiance

Following the invocation, Mr. Fred Mills 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.

Present:

Mr. Joseph L. Adams
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Wayne A. Camp
Mr. Theodore S. Carmichael
Mr. Salvatore J. D'Angelo
Dr. Reuben R. Dixon
Mr. Joseph V. Greco
Ms. Jacqueline L. Hall
Mr. Larry J. Lantier, Jr.
Mr. Marty R. McKay
Mr. Fred H. Mills, Jr.
Mr. Richard J. Oubre
Mr. T. Morris Rabb

Absent:

Mr. Jeffrey M. Landry

Present by Board Invitation:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Ms. Kathleen V. Gaudet, Chief Compliance Officer
Mr. Stephen L. Collins, Compliance Officer
Mr. Melvin J. Fontenot, Compliance Officer
Mr. Huey J. Savoie, Compliance Officer
Mr. Rayland M. Trisler, Compliance Officer

Guests:

Mr. Mark R. Malouse, RPh – U.S. Navy
Dr. William M. Bourn – Dean, ULM College of Pharmacy
Dr. W. Gregory Leader – Chair of DCAS, ULM College of Pharmacy

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

5. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items, and none were requested.

At this point Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Dr. Anderson moved, and Mr. Adams 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 two meetings in their advance-meeting packet; he then requested any changes. Hearing no corrections, Mr. Oubre moved, and Mr. Bond seconded,

Resolved, that the Minutes of the Special Board Meeting of February 11-12, 2003 held in the Board office in Baton Rouge, Louisiana are hereby adopted, ratified, and approved in their entirety.

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

Resolved, that the Minutes of the Regular Board Meeting of February 19, 2003 and the Administrative Hearing of February 20, 2003, both held in Monroe, 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 2003 Board meeting. Mr. Broussard reported on three matters from that meeting.

A. Fiscal Note for Proposed Regulation Revisions

At the conclusion of the February 12 Board meeting, staff was instructed to prepare the necessary fiscal and economic impact statement and initiate the promulgation process.

The fiscal note is still under construction. When it is completed, the promulgation process will be initiated.

B. State Ranking of NAPLEX Scores

During the Board meeting last November, Mr. Camp requested

information concerning our state's ranking with respect to NAPLEX scores.

When we asked NABP about the availability of such information, they responded they do not compile that data. They indicated that other relational data is provided, such as the score frequency reports.

C. NAPLEX Competency Sub-group Scores

During the Board meeting last November, Mr. Adams requested Additional information concerning the competency sub-group scores for the NAPLEX.

The report for the examination committee now includes that data.

8. Confirmation of Acts

At the request of Mr. Aron, Mr. McKay moved, and Mr. Mills 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 20, 2003 are approved, adopted, and ratified by the entire Board.

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

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 from the guests in attendance, but 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.

At this point, Mr. Aron re-ordered the examination and reciprocity committee reports until the end of the committee reports.

B. Regulation Revision Committee

Mr. Aron called upon Mr. D'Angelo for the committee report. Mr. D'Angelo indicated that the committee was now working on Chapter 8 – Pharmacy Technicians. He discussed his plan to invite pharmacy technician educators to assist the committee with discussions concerning technician education and training.

C. 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 earlier that day.

D. 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.

E. Impairment Committee

Mr. Aron called upon Mr. Burch for the committee report, and he deferred the presentation of the committee recommendations on individual petitions until the Administrative Hearing, scheduled for the next day. He then presented a committee recommendation concerning the addition of a new addictionist to the Board's Roster of Approved Addictionists. Mr. Burch moved, and Dr. Dixon seconded,

Resolved, that the Board approve Dr. Richard W. Williams as an addictionist for the Practitioner Recovery Program.

The motion was approved after a unanimous vote in the affirmative. Mr. Burch thanked his committee members for their work on the previous day.

F. Tripartite Committee

Mr. Aron called upon Mr. Adams for the committee report. He related the committee met twice since the last Board meeting, had reviewed a proposed preceptor training program proposal from the two colleges of pharmacy, and he recommended the Board approve that proposal. The discussion centered on a number of aspects, including the restriction that only the colleges of pharmacy may deliver the presentations, the length of the required presentation, the number and location of the presentations, and technical issues related to continuing education certificates and certificates for preceptor pharmacists. Mr. Adams then moved, and Mr. Oubre seconded,

Resolved, that the Board approve the preceptor training program proposal from the ULM and Xavier colleges of pharmacy, which provides for a program not less than three hours in length, and further, request staff to notify all pharmacists in the October 2003 board newsletter that affidavits for practical experience received from interns and pharmacy technician trainees on or after January 1, 2005 may only be signed by certified pharmacist preceptors.

The amended motion was approved after a unanimous vote in the affirmative. Mr. Aron directed the committee to meet at least once prior to the next board meeting in order to further develop all logistical issues related to the proposal.

G. Legislative Committee

Mr. Aron noted Mr. Landry's absence and reported on the current status of HB 1018. He also responded to questions about SB 23 and HB 929.

H. Executive Committee

Mr. Aron reported on the committee's April 16 meeting. The committee reviewed the status of all committee activities. They agreed with a staff recommendation to permit members of the Violations Committee to participate in deliberations and decisions related to voluntary consent agreements, but continue recusal during administrative hearings. The new procedure was initiated the next day. The committee also reviewed proposed resolutions and other materials for the NABP Annual Meeting in Philadelphia on May 7. Finally, 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. Lantier 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 2003-2004.

The motion was approved after a unanimous vote in the affirmative. Mr. Burch moved, and Dr. Dixon 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 2003-2004.

The motion was approved after a unanimous vote in the affirmative. Mr. Burch moved, and Mr. Camp 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 2003-2004.

The motion was approved after a unanimous vote in the affirmative. Mr. Burch moved, and Mr. Camp 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 2003-2004.

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

Resolved, that the Board approve the proposed information system network support services agreement with Essential Solutions, LLC, at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2003-2004.

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

Resolved, that the Board approve the proposed website maintenance agreement with Mr. Michael Yoches, at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2003-2004.

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

Resolved, that the Board approve the National Association of Boards of Pharmacy as the administrator for the pharmacist licensure examinations (NAPLEX, MPJE, and FPGEE) for Fiscal

Year 2003-2004.

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 2003-2004.

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

Resolved, that the Board approve the NABP Foundation as the publisher of the Board's newsletter, at the stipulated rate, in an amount not to exceed \$25,000 for Fiscal Year 2003-2004.

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

Resolved, that the Board approve National Confederation of Professional Services, Inc. (NCPS) as the vendor of the drug screening program for Fiscal Year 2003-2004.

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

Resolved, that the Board approve the Impairment Committee's *Roster of Approved Addictionists* for Fiscal Year 2003-2004.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron expressed his appreciation to the members of his committee for their efforts.

At this point, Mr. Aron declared a brief recess. It was noted that the Board recessed at 2:55 p.m. and reconvened at 3:20 p.m. He resumed the posted agenda, as re-ordered, in open session. Prior to receiving the next committee report, Mr. Aron recognized Dean William Bourn from the ULM College of Pharmacy on a point of personal privilege. Dean Bourn informed the Board of the current funding needs of the school, as well as a proposal currently pending before the legislature.

I. Examination/Technician Committee

Mr. Aron called upon Mr. Camp for the committee report. Mr. Camp opened a special presentation concerning medication errors and the potential re-introduction of a practical examination as part of the licensure process. Dr. Leader reviewed results of research from other state boards of pharmacy concerning existing practical exams, such as compounding, patient care, or errors and omissions. Dr. Leader presented a proposal to establish a single or dual purpose practical examination, to assess an applicant's ability to detect errors and omissions as well as the ability to appropriately counsel patients.

The members discussed a variety of issues related to testing. The discussion concluded with a request for additional information from the states that currently utilize practical testing, e.g., methodology, validation, and frequency.

Mr. Camp then presented information concerning the current performance data on the NAPLEX, MPJE, PTCB, and DSM examinations, as well as the licensure activity report.

J. Reciprocity Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay moved, and Dr. Dixon seconded, to enter into executive session for the purpose of discussing the professional competency of a reciprocity applicant. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 4:20 p.m. and returned to open session at 4:25 p.m. Mr. Aron resumed the posted agenda, as re-ordered, at the same committee report. Mr. McKay moved, and Mr. Lantier seconded,

Resolved, that the Board deny licensure by reciprocity to Reginald Dimitri Thompson.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay thanked the members of his committee for their efforts earlier that day.

11. Report of General Counsel

Mr. Finalet reported on the conclusion of a case pending in the Civil District Court of New Orleans, relative to the forgery of, and use of, a pharmacist license by an unlicensed person. He concluded with the information that there were no other matters of pending litigation.

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: 5,873 pharmacists, 937 interns, 3,783 technicians, 1,360 technician trainees, and 1,803 pharmacy permits.

He presented the results of the pharmacist CE audit for 2003, which included approximately 10% of the pharmacists licensed by the Board. 89% of the surveyed pharmacists demonstrated compliance with the continuing education requirements.

Finally, he reported on the NABP Annual Meeting in Philadelphia, Penn. on May 3-7. In addition to the usual business sessions, there were educational sessions covering several issues relevant to current and future Board activities, including HIPAA security issues, review of medication error data, return and reuse of medications in long-term care settings, regulation of listed chemicals, substance abuse treatment, continuing professional development, and a review of recent regulatory cases.

Mr. D'Angelo requested information concerning the issuance of a photographic identification card for licensees. Mr. Aron directed Mr. Broussard to investigate the costs and procedures related to that type of credential.

13. Report from Health Works Commission

Mr. Aron called upon Dr. Anderson for the report. She presented the commission's findings and recommendations. Mr. Aron expressed his appreciation to Dr. Anderson for her work on the commission.

14. Request from National Pharmacy Technician Association (NPTA) for Approval as a Continuing Education Provider for Technicians

Mr. Aron noted that Mr. Michael Johnston, Executive Director of NPTA, has requested the Board approve NPTA as a provider of continuing education for technicians. Following a short discussion, Mr. McKay moved, and Mr. Burch seconded, **Resolved**, that the Board deny the request from the National Pharmacy Technician Association to be recognized as an approved provider for continuing education for pharmacy technicians, unless that organization achieves appropriate accreditation from the American Council on Pharmaceutical Education.

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

15. Announcements

Mr. Broussard reminded the Board members of several calendar notes, and alerted them to the report from the Louisiana Commission on HIV/AIDS in the meeting packet.

16. Recess

Mr. Lantier moved, and Mr. Adams 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 5:00 p.m.

An Administrative Hearing was convened on Friday, May 23, 2003 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 8:05 a.m.

2. Invocation

Mr. Aron called upon Mr. Carmichael, and he delivered the invocation.

3. Pledge of Allegiance

Following the invocation, Mr. Camp 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. Greco, Mr. Landry, and Mr. Mills were absent, but that all other members, constituting a quorum, were present.

5. Call for Additional Agenda Items

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

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. Adams moved, and Mr. Carmichael seconded,

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

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

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. 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. Collins to sound the docket, which he did then do.

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

Mr. Aron called upon Dr. Dixon to present his committee's report. Dr. Dixon indicated that certain respondents had been requested to appear for the consideration of their proposed consent agreements; those files would be presented first, and the remaining files would be presented later in the day.

It was noted that Mr. Greco arrived at 8:25 a.m.

Gardiner's Pharmacy (Pharmacy Permit No. 392) Prior to consideration of the matter, the respondent requested an executive session. Mr. McKay then moved, and Mr. Lantier seconded, to enter into executive session for the purpose of considering the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative. The Board entered into executive session to review the matter and deliberate. After coming out of executive session, 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 permit \$5,000 plus investigative and administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 40:976 – failure to maintain accurate records of transactions for

controlled dangerous substances

Complete Vital Care (Pharmacy Permit No. 3763) Prior to consideration of the matter, the respondent requested an executive session. Mr. McKay then moved, and Mr. Lantier seconded, to enter into executive session for the purpose of considering the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative. The Board entered into executive session to review the matter and deliberate. After coming out of executive session, Dr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$5,000 plus investigative and administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

George Edward Gardiner, Jr. (Pharmacist License No. 8537) Prior to consideration of the matter, the respondent requested an executive session. Mr. McKay then moved, and Mr. Lantier seconded, to enter into executive session for the purpose of considering the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative. The Board entered into executive session to review the matter and deliberate. After coming out of executive session, 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 issued a Letter of Reprimand to the respondent, then assessed administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 40:976 – failure to maintain accurate records of transactions of controlled dangerous substances.
- (3) LAC 46:LIII.1107.1 – failure to meet responsibility as pharmacist-in-charge in lawful operation of prescription department.
- (4) LAC 46:LIII.3529.E – pharmacist-in-charge shall be accountable for shortages in audits of controlled dangerous substances.

Comprehensive Pharmacy Services d/b/a Jennings American Legion Hospital Pharmacy (Pharmacy Permit No. 5020) 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 issued a Letter of Warning to the permit holder, and then assessed \$3,000 plus investigative and administrative costs. *Charges:*

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

minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.

- (3) LRS 37:1201.A – has permitted someone to practice pharmacy without a license.
- (4) LRS 37:1201.C – has permitted someone to assist in the practice of pharmacy without a certificate.
- (5) LAC 46:LIII.1107.2 – has circumvented the authority of the pharmacist -in-charge by impeding the management of the prescription department in compliance with pharmacy laws and regulations.
- (6) LAC 46:LIII.3501.1 – has permitted the dispensation of prescription drugs by someone other than a Louisiana-licensed pharmacist.
- (7) LAC 46:LIII.3529 – has permitted the improper dispensation of controlled dangerous substances.

Michael Charles Regan (Pharmacist License No. 11445) 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 issued a Letter of Warning to the respondent, then assessed administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A. 10 – has departed from or failed to conform to the minimal standards of acceptable and prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (3) LRS 37:1241.A.12 – has aided and abetted a person to practice pharmacy without a license.
- (4) LAC 46:LIII.1107.1 – has failed to exercise responsibility of pharmacist-in-charge to manage prescription department in compliance with pharmacy laws and regulations.
- (5) LAC 46:LIII.3507.1 – has permitted the dispensation of prescription drugs by someone other than a Louisiana-licensed pharmacist.
- (6) LAC 46:LIII.3529 – has permitted the dispensation of controlled dangerous substances.

Lawrence Edward Carver, Jr. (Reciprocity Applicant – Tennessee Pharmacist License No. C-6083) 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 ordered the issuance of a Louisiana pharmacist license [No. 17182] on this date, suspended the license for one year, stayed the execution of the suspension, then placed the license on probation for one year, beginning May 23, 2003 and terminating on May 22, 2004, subject to the following conditions of probation: (a) Respondent shall not

violate any federal or state laws or regulations relating to the practice of pharmacy, and (b) Respondent shall pay all fines and expenses prior to the issuance of the license. Further, the Board assessed the respondent \$1,000 plus administrative costs. *Charges:*

- (1) LRS 37:1201.A.1 – practiced pharmacy without a license.
- (2) LRS 37:1201.A.3 – has permitted someone in his employ to assist in the practice of pharmacy without a certificate.
- (3) LAC 46:LIII.1107.2 – circumvented the authority of the pharmacist-in-charge by impeding the management of the prescription department in compliance with pharmacy laws or regulations.
- (4) LAC 46:LIII.3501.1 – improper dispensation of prescription drugs.
- (5) LAC 46:LIII.3529 – improper dispensation of controlled dangerous substances.

Amy Wallace Weems (Pharmacist License No. 16349) 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 five years, beginning April 1, 2003 and terminating March 31, 2008, then stayed the execution of all but the first ninety days of the suspensive period, and then placed the license on probation for the remaining suspensive period, commencing July 1, 2003 and terminating March 31, 2008, subject to the following conditions of probation: (a) Respondent shall not violate any local, state, or federal pharmacy laws or regulations, and (b) Respondent shall pay all fines and fees according to the payment plan identified in the order; and further, the Board assessed the respondent \$1,000 plus investigative and administrative costs. *Charges:*

- (1) LRS 37:1241.A.10 – has departed from or failed to conform to the minimal standards of acceptable or prevailing pharmacy practice, whether or not actual injury to a patient has occurred.
- (2) LRS 37:1241.A.15 – has evaded pharmacy laws or regulations.
- (3) LRS 40:968.C – unlawful possession of Schedule III controlled dangerous substance.
- (4) LRS 40:971.B.1.b – unlawful acquisition or possession of a controlled dangerous substance by misrepresentation or fraud.
- (5) LAC 46:LIII.1107.1 – failure to meet responsibility of pharmacist-in-charge to maintain prescription department in compliance with pharmacy laws or regulations.
- (6) LAC 46:LIII.3529 – improper dispensation of controlled dangerous substances.
- (7) LAC 46:LIII.3531.H.2.g – pharmacist-in-charge is accountable for shortages in audits of controlled dangerous substances.

At 9:00 a.m., Mr. Aron declared a brief recess to allow counsel to set up for the formal hearings. It was noted that the Board reconvened at 9:15 a.m.

9. Formal Hearings

Mr. Aron requested Mr. Shows to assume the chair and function as Hearing Officer. Mr. Shows then presided over the following matters:

Ramona Sessions Ainsworth Mabile (Pharmacist License No. 15822)

Counselors for each party entered their appearances – Ms. Cangelosi for the Board and Ms. Paula Cobb for the respondent. Mr. Shows informed the Board that Ms. Cobb had filed a Motion for Continuance on the previous day and that Mr. Aron had denied the motion. Mr. Shows invited both counselors to present their opening statements. Mr. Shows then requested Ms. Cangelosi proceed with her presentation of witnesses and evidence. At 10:25 a.m., Mr. Shows declared a brief recess. He reconvened at 10:35 a.m. and invited Ms. Cangelosi to continue her presentation. Mr. Shows declared a brief recess at 11:25 a.m., then reconvened at 11:35 a.m. Ms. Cangelosi continued her presentation until 11:55 a.m. At that point, Mr. Shows declared a recess for lunch. The Board reconvened at 12:55 p.m. Ms. Cangelosi continued her presentation until Mr. Shows declared a brief recess at 2:40 p.m. The Board reconvened at 2:45 p.m., at which point Ms. Cangelosi continued with her case presentation. When she rested her case at 3:30 p.m., Ms. Cobb began her case presentation. At 4:00 p.m., Mr. Shows declared a brief recess, and the Board reconvened at 4:20 p.m. Ms. Cobb continued until she rested her case at 5:30 p.m. Mr. Shows declared a short recess, then reconvened the Board at 5:35 p.m. At that time, Ms. Cangelosi offered two witnesses in rebuttal. At the conclusion of all evidence and witnesses, Ms. Cangelosi offered proposed Findings of Fact and Conclusions of Law. Mr. Lantier then moved, and Mr. McKay seconded, to enter into executive session for the purpose of considering the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the Board entered executive session at 5:40 p.m. and reconvened in open session at 6:10 p.m.

Mr. Camp moved, and Mr. Lantier seconded,

Resolved, that the Board accept the Findings of Fact proposed by Complaint Counsel, and adopt them as their own.

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

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

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

Resolved, that the Board suspend Pharmacist License No. 15822 for five years, and further, that application for reinstatement shall be prohibited for one year, and further, to assess the respondent \$5,000 plus investigative, administrative, and hearing costs, and further, to order the respondent to submit to an evaluation by a

Board-approved addictionist and have resulting evaluation submitted to the Board, and further, to condition the acceptance of any future application for reinstatement upon the payment of all fines and fees, as well as the absence of any pending legal or disciplinary matters against her in any jurisdiction.

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

Mr. Shows declared a brief recess at 6:20 p.m. and reconvened the Board at 6:25 p.m.

Dwight Edwin Brumfield (Pharmacist License No. 10088) Prior to beginning the case, Mr. McKay indicated his intention to recuse himself from any participation or deliberation in the case. Counselors for each party entered their appearances – Ms. Cangelosi for the Board and Ms. E. Grey Burns Talley for the respondent. Mr. Shows informed the Board that Mr. Brumfield had previously executed a document that would permit Mr. Aron to participate in the matter, his prior knowledge notwithstanding. Ms. Talley offered no objection. Both counselors waived opening statements and stipulated to several exhibits. Ms. Cangelosi presented her witnesses and evidence. When Ms. Cangelosi rested, Ms. Talley presented her witness and evidence. When the respondent rested, Mr. Lantier moved, and Mr. Oubre seconded, to enter into executive session for the purpose of considering the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered executive session at 7:20 p.m. and returned to open session at 8:00 p.m.

Mr. Oubre moved, and Mr. Carmichael seconded,

Resolved, that the Board accept the Findings of Fact proposed by Complaint Counsel, modify items 5 and 7 as noted in the order, and add item 9 as noted in the order, and adopt them as their own.

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

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

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

Resolved, that the Board suspend Pharmacist License No. 10088 for five years, and further, that application for reinstatement be prohibited for 18 months, and further, to assess the respondent \$5,000 plus investigative, administrative, and hearing costs, and further, to condition the acceptance of any future application for reinstatement upon the payment of all fines and fees, as well as the absence of any pending legal or disciplinary matters against him in any jurisdiction.

The motion was approved after a unanimous vote in the affirmative. Ms. Talley requested the Board give credit for the four months of self-imposed suspension; the Board declined to do so.

At this point, Mr. Shows declared a brief recess to set up for the next case. The Board recessed at 8:05 p.m. and reconvened at 8:15 p.m.

Scott Davis Nealy (Pharmacist License No. 11172) Counselors for each party entered their appearances – Ms. Cangelosi for the Board and Mr. Nealy in proper person for himself. Ms. Cangelosi presented an opening statement, then both parties stipulated to certain exhibits. When Ms. Cangelosi rested, Mr. Nealy entered his statement. Following questions from members, both parties rested. Mr. Oubre moved, and Mr. Camp seconded, to enter into executive session for the purpose of considering the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

The Board entered executive session at 9:00 p.m. and reconvened at 9:35 p.m. in open session.

Mr. McKay moved, and Mr. Lantier seconded,

Resolved, that the Board accept the amended Findings of Fact from the Complaint Counsel and adopt them as their own.

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

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

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

Resolved, that the Board revoke the probation imposed in respondent's August 22, 2002 Board Order, and suspend Pharmacist License No. 11172 for an indefinite period of time, and further, that application for reinstatement shall be prohibited for one year, and further, to assess the respondent \$2,000 plus investigative, administrative, and hearing costs, and further, to condition the acceptance of any future application for reinstatement upon the payment of all fines and fees, as well as the absence of any pending legal or disciplinary matters against him in any jurisdiction.

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

Mr. Shows noted the conclusion of the formal hearings. Mr. Aron expressed his appreciation to Mr. Shows for his assistance with the hearings. It was noted that Mr. Shows departed at 9:40 p.m.

10. 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:

Keith Gregory Hickey, M.D. (Pharmacist License No. 14131) Mr. Rabb moved, and Mr. Camp seconded, to grant the request for reinstatement of the

lapsed license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the lapsed license.

Richard Keith McCollough (Pharmacist License No. 11544) Mr. Rabb moved, and Mr. Camp seconded, to grant the automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to May 22, 2004. (2) Respondent shall obtain, prior to May 22, 2004, five hundred hours of updated practical experience in a Board-approved pharmacy while under the authority of a special work permit; the special work permit shall be requested in writing by the respondent and the pharmacist-in-charge of the Board-approved pharmacy, and the supervising pharmacist shall submit a written statement attesting to the respondent's ability to practice pharmacy prior to May 22, 2004. (3) Respondent shall obtain forty-five hours of ACPE-approved continuing education and submit appropriate documentation of same to the Board office prior to May 22, 2004. (4) Respondent shall procure to the office, or have directed to the office, prior to May 22, 2004, letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist, and further, these letters shall indicate whether respondent has had any disciplinary actions taken against him in those jurisdictions. (5) Respondent agrees to pay administrative costs of \$250. 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.

Claude Creighton Azlin (Pharmacist License No. 9213) Mr. Rabb moved, and Mr. Camp seconded, to grant the automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to May 22, 2004. (2) Respondent shall obtain, prior to May 22, 2004, five hundred hours of updated practical experience in a Board-approved pharmacy while under the authority of a special work permit; the special work permit shall be requested in writing by the respondent and the pharmacist-in-charge of the Board-approved pharmacy, and the supervising pharmacist shall submit a written statement attesting to the respondent's ability to practice pharmacy prior to May 22, 2004. (3) Respondent shall obtain forty-five hours of ACPE-approved continuing education and submit appropriate documentation of same to the Board office prior to May 22, 2004. (4) Respondent shall procure to the office, or have directed to the office, prior to May 22, 2004, letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist, and further, these letters shall indicate whether respondent has had any disciplinary actions taken against him in those jurisdictions. (5) Respondent agrees to pay administrative costs of \$250. 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.

Oliver Richard Butler (Pharmacist License No. 8674) Mr. Rabb moved, and Mr. Camp seconded, to grant the automatic reinstatement of the lapsed license,

subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to May 22, 2004. (2) Respondent shall obtain, prior to May 22, 2004, five hundred hours of updated practical experience in a Board-approved pharmacy while under the authority of a special work permit; the special work permit shall be requested in writing by the respondent and the pharmacist-in-charge of the Board-approved pharmacy, and the supervising pharmacist shall submit a written statement attesting to the respondent's ability to practice pharmacy prior to May 22, 2004. (3) Respondent shall obtain forty-five hours of ACPE-approved continuing education and submit appropriate documentation of same to the Board office prior to May 22, 2004. (4) Respondent shall procure to the office, or have directed to the office, prior to May 22, 2004, letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist, and further, these letters shall indicate whether respondent has had any disciplinary actions taken against him in those jurisdictions. (5) Respondent agrees to pay administrative costs of \$250. 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.

Marilyn Joyce Felton (Pharmacist License No. 15321) Mr. Rabb moved, and Mr. Camp seconded, to grant the request for reinstatement of the license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license.

Dawn Michelle Johnston (Technician Certificate No. 1545) Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for reinstatement of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the certificate.

Iris Renita Ann Daniel (Technician Certificate No. 2194) Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for reinstatement of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the certificate.

Tammy Williams Glapion (Technician Certificate No. 4249) Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for reinstatement of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the certificate.

Jared Eugene Reeves (Technician Certificate No. 3231) Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for reinstatement of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the certificate.

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

11. Report of Impairment Committee – Consideration of Recommendations

Mr. Aron called upon Mr. Burch for his report; Mr. Burch presented the following files for Board action:

Mark Timothy Brewer (Pharmacist License No. 15654) Mr. Burch moved, and Mr. Camp 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 September 3, 2002.

Timothy Emile Deligans (Pharmacist License No. 11665) Mr. Burch moved, and Mr. Camp 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 26, 2003.

Russell Allen Hays (Pharmacist License No. 15916) Mr. Burch moved, and Mr. McKay seconded, to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution, then place the license on probation for five years, beginning May 23, 2003 and terminating on May 22, 2008, 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. Respondent shall also 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 on the same calendar day 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, an adulterated or altered 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 with 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 or screens 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; and further, to assess the respondent administrative costs. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, suspended it for five years, stayed the execution, then placed the license on probation for five years, beginning May 23, 2003 and terminating on May 22, 2008, subject to certain terms of probation as identified in the Board Order.

Charles Stuart Buck, Jr. (Pharmacist License No. 11964) Mr. Burch moved, and Mr. McKay seconded, to deny the request for reinstatement of the license. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the license.

Holmes Lowell Milliken (Pharmacist License No. 10297) Mr. Burch moved, and Mr. McKay seconded, the grant the automatic reinstatement of the license, subject to the following condition: respondent shall submit to an evaluation by a Board-approved addictionist, and have report of such evaluation submitted to the Board office, and further, the chair of the impairment committee and the executive director shall jointly concur with the favorable evaluation and issuance of the license; and further, upon reinstatement of the license, to suspend that license for five years, stay the execution, then place the license on probation for five years, beginning with the date of reinstatement of the license and terminating five years later, 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. Respondent shall also 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 on the same calendar day 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, an adulterated or altered 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 with 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 or screens 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; and further, to assess the respondent administrative costs. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon the completion of certain terms, and further, suspended the reinstated license for five years, stayed the execution, then placed the license on probation for five years, beginning on the date of reinstatement and terminating five years later, subject to certain terms of probation as identified in the Board Order.

Philip Anderson Hughes (Pharmacist License No. 10610) Mr. Burch moved, and Mr. Adams seconded, to grant the request for modification by amending Article 9 to permit respondent to serve as pharmacist-in-charge of Winn-Dixie Pharmacy No. 1418 (Pharmacy Permit No. 3219), and further, that all other conditions of probation contained in the September 22, 1997 Board Order shall remain in full effect. The motion was approved after a unanimous vote in the affirmative. The Board amended Article 9 of the September 22, 1997 Board Order to allow the respondent to serve as pharmacist-in-charge of Winn-Dixie Pharmacy No. 1418 (Pharmacy Permit No. 3219).

Diane Hollis Morris (Pharmacist License No. 11525) Mr. Burch moved, and Mr. McKay seconded, to deny the request for probation modification, and further, that all conditions of probation contained in the November 18, 1999 Board Order shall remain in full effect. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for probation modification, and reiterated that all conditions of probation contained in the November 18, 1999 Board Order shall remain in full effect.

David Dal Baker (Pharmacist License No. 8802) Mr. Burch moved, and Dr. Anderson seconded, to amend the April 17, 1997 Board Order by removing Article 7 ("submit personal assessments to the Board on a monthly basis") and Article 8 ("avail himself to random urine screens and have results submitted to the Board"), and further, that all other remaining conditions of probation shall remain in full effect. The motion was approved after a unanimous vote in the affirmative. The Board amended the April 17, 1997 Board Order by removing Articles 7 and 8, and reiterated that all other conditions of probation shall remain in full effect.

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

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

Mr. Aron called upon Dr. Dixon for the remainder of his report, and Dr. Dixon presented the following files for Board action:

Kirby's Family Pharmacy (Pharmacy Permit No. 2248) 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 issued a Letter of Warning to the holder of the permit, then assessed the respondent administrative costs. *Charges:*

- (1) LRS 37:1201.A – permitted someone to engage in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LRS 37:1241.A.12 – has engaged, or aided and abetted, a person to assist in the practice of pharmacy without the proper credentials.
- (4) LAC 46:LIII.803 – failure to secure and/or maintain a training permit for technician trainee.

Kirby George Desormeaux (Pharmacist License No. 9239) 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 issued a Letter of Warning to the respondent. *Charges:*

- (1) LRS 37:1201.A – permitted someone to engage in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LRS 37:1241.A.12 – has engaged, or aided and abetted, a person to assist in the practice of pharmacy without the proper credentials.
- (4) LAC 46:LIII.803 – failure to secure and/or maintain a training permit for technician trainee.
- (5) LAC 46:LIII.1107.1 – failure to exercise responsibility as pharmacist-in-charge to manage prescription department in compliance with pharmacy laws and regulations.

Rachel Elise Voorhies Iles (Technician Certificate No. 5580) 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 issued a Letter of Warning to the respondent, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1201.A – assisted in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.12 – has engaged in the practice of pharmacy without the proper credentials.

- (3) LAC 46:LIII.803 – failure to secure and/or maintain a training permit.

Medicine Shoppe of Alexandria (Pharmacy Permit No. 3816) Dr. Dixon moved, and Ms. Hall 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 holder of the permit, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1201.A – permitted someone to engage in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LRS 37:1241.A.12 – has engaged, or aided and abetted, a person to assist in the practice of pharmacy without the proper credentials.
- (4) LAC 46:LIII.803 – failure to secure and/or maintain a training permit for technician trainee.

Scott Reuben Hunt (Pharmacist License No. 13627) Dr. Dixon moved, and Ms. Hall seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent. *Charges:*

- (1) LRS 37:1201.A – permitted someone to engage in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LRS 37:1241.A.12 – has engaged, or aided and abetted, a person to assist in the practice of pharmacy without the proper credentials.
- (4) LAC 46:LIII.803 – failure to secure and/or maintain a training permit for technician trainee.
- (5) LAC 46:LIII.1107.1 – failure to exercise responsibility as pharmacist-in-charge to manage prescription department in compliance with pharmacy laws and regulations.

Laurie Ann Shields Nunez (Technician Certificate No. 3377) 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 certificate, and further, prohibited any future application for reinstatement, or for any application for registration or licensure. *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.15 – has evaded local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.

- (4) LRS 40:971.B.1.b – unlawful acquisition or possession of a controlled dangerous substance by misrepresentation or fraud.

Maxie Joseph Borne (Pharmacist License No. 8525) Dr. Dixon moved, and Mr. Carmichael seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the license, and further, conditioned the acceptance of any future application for reinstatement upon the respondent's meeting with the Board's Reinstatement Committee and compliance with any and all conditions imposed by that committee. *Charge:*

- (1) Revocation of Texas pharmacist license for improper dispensing.

Complete Vital Care of Shreveport (Pharmacy Permit No. 4864) Dr. Dixon moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the holder of the permit, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1201.A – permitted someone to engage in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LAC 46:LIII.803.B – failure to display annual renewal of technician certificate.
- (4) LAC 46:LIII.803.D – permitted technician to practice with expired certificate.

Lesla Marie Galjour Majeste (Pharmacist License No. 13824) Dr. Dixon moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1201.A – permitted someone to engage in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.1 – has permitted anyone in his employ to practice or assist in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LAC 46:LIII. 803.B – failure to display annual renewal of technician certificate.
- (4) LAC 46:LIII.803.D – permitted technician to practice with expired certificate.
- (5) LAC 46:LIII.1107.1 – failure to exercise responsibility as pharmacist-in-charge to manage prescription department in compliance with pharmacy laws and regulations.

Rashunda Shenik Morrison (Technician Certificate No. 4200) Dr. Dixon moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1201.A – has assisted in the practice of pharmacy without the proper credentials.
- (2) LRS 37:1241.A.12 – has assisted in the practice of pharmacy in violation of pharmacy laws or regulations.
- (3) LAC 46:LIII. 803.B – failure to display annual renewal of technician certificate.
- (4) LAC 46:LIII.803.D – practiced with expired certificate.

Simone Renee Dorr (Technician Trainee Permit No. 7836) Dr. Dixon moved, and Mr. Greco seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the permit, and further, prohibited any future application to practice, or assist in the practice of, pharmacy. *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 of Schedule III controlled dangerous substance.
- (3) LRS 40:969.C – unlawful possession of Schedule IV controlled dangerous substance.
- (4) LRS 40:971.B.1.b – unlawful acquisition or possession of controlled dangerous substance by misrepresentation or fraud.
- (5) LAC 46:LIII.3529.A.1.a – unlawful dispensation of prescription drugs.

Eckerd Pharmacy No. 2429 (Pharmacy Permit No. 3707) 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 issued a Letter of Reprimand to the respondent, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1201.A – permitted anyone to assist in the practice of pharmacy without the proper credentials.
- (2) 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.
- (3) LAC 46:LIII.803 – failure to obtain and display permit for technician trainee.

Jerrold Walker Smith (Pharmacist License No. 10165) 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 issued a Letter of Reprimand to the respondent, and further, assessed the respondent administrative costs. *Charges:*

- (1) LRS 37:1201.A – permitted anyone to assist in the practice of

- pharmacy without the proper credentials.
- (2) 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.
 - (3) LAC 46:LIII.803 – failure to obtain and display permit for technician trainee.
 - (4) LAC 46:LIII.1107.1 – failure to exercise responsibility as pharmacist-in-charge to manage prescription department in compliance with pharmacy laws and regulations.

Niah Dionne Shanks (Intern Registration No. 40228) 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 registration, and further, conditioned any future application for reinstatement upon the respondent's meeting with the Board's Reinstatement Committee and compliance with any and all conditions imposed by that committee. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.4 – has been convicted of a felony in a court of any jurisdiction.
- (3) LRS 37:1241.A.15 – has evaded any local, state, or federal law or regulation pertaining to the practice of pharmacy.
- (4) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.
- (5) LRS 40:971.B.1.b – unlawful acquisition or possession of a controlled dangerous substance by misrepresentation or fraud.
- (5) LAC 46:LIII.3529.A.1.a – unlawful dispensation of a prescription drug.

Rite Aid Pharmacy No. 7234 (Pharmacy Permit No. 588) Mr. Burch moved, and Dr. Anderson 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 holder of the permit, and further, assessed the respondent administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has operated a pharmacy permit in violation of pharmacy laws or regulations.
- (2) LAC 46:LIII.1305 – community pharmacy must be operated in compliance with all applicable federal and state laws and regulations.
- (3) LAC 46:LIII.3511 – dispensation of expired prescription drugs.

Marco Bisa Moran (Pharmacist License No. 16442) Dr. Dixon moved, and Mr. Carmichael seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended Pharmacist License No. 16442 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 and compliance with any and all conditions imposed by that committee. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of pharmacy laws or regulations.
- (2) LRS 37:1241.A.4 – has been convicted of a felony in a court of any jurisdiction.
- (3) LRS 37:1241.A.15 – has evaded any local, state, or federal law or regulation pertaining to the practice of pharmacy.
- (4) LRS 40:968.C – unlawful possession of a Schedule III controlled dangerous substance.
- (5) LRS 40:971.B.1.b – unlawful acquisition or possession of a controlled dangerous substance by misrepresentation or fraud.

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

13. Adjourn

Mr. Bond moved, and Mr. Greco 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 10:10 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary