



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, May 11, 2005 at 1:00 p.m.

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

Administrative Hearing

Thursday, May 12, 2005 at 8:30 a.m.

Louisiana Board of Pharmacy
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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 11, 2005 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Blvd., Suite 8-E, in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:10 p.m.

2. Invocation & Pledge

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

3. Quorum Call

Mr. Aron called upon the Secretary, Dr. Reuben Dixon, to call the roll.

Members Present:

Mr. Joseph L. Adams
Ms. Michele P. Alderman
Dr. Lois R. Anderson
Ms. Patsy L. Angelle – *late arrival*
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. J. Douglas Boudreaux
Mr. Allen W. Cassidy, Jr.
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 – *late arrival*

Members Absent:

Mr. Alvin A. Haynes, Jr.

Staff Present:

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

Guests:

Honorees

Mr. Edward S. Bopp
Mr. Salvatore J. D'Angelo
Ms. Doris J. Goins
Mr. James T. Hopkins, with family and friends
Mr. Joseph A. Maggio, Jr.
Mr. Richard A. Polizzi

Applicants

Mr. John Oliver – Advance Care Hospital
Ms. Stephanie Wells – Advance Care Hospital
Dr. Makeba Jones – Advance Care Hospital
Mr. Thomas Parker – Advance Care Hospital
Mr. Steve Sullivan – Advance Care Hospital
Mr. Oscar E. Carter, III – Oscar Carter Memorial Rehabilitation Center
Mr. Edward Lang – Oscar Carter Memorial Rehabilitation Center

Appellants

Ms. Joan Gordon
Ms. Sherrie Chapman
Mr. Butch Ray – Ray's Pharmacy

Interested Parties

Mr. Kyle Ardoin – LIPA
Mr. Nolton Causey – LIPA
Dr. Michael Cockerham – LSHP
Mr. Thomas Mannino – LSHP
Mr. Dudley Pellegrin – CVS
Ms. Deanna Murray – Purdue Pharma
Mr. Mark Malouse – U.S. Navy

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

4. Call for Additional Agenda Items

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

Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. With no objections offered, Mr. Aron indicated he would exercise that authority only as necessary.

5. Consideration of Minutes

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

Resolved, that the Minutes of the Board Meeting of February 17, 2005, 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.

6. *Report on Action Items*

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard reported on three action items from the previous Board meeting.

A. *Donation of unused previously dispensed prescription drugs to pharmacies in penal institutions*

Mr. Broussard reminded the members they had approved proposed legislation at the request of Rep. LaBruzzo. The proposal was filed in the 2005 Regular Session as HB 558. The bill was amended and then reported favorably by the House Health & Welfare Committee. The bill was amended further on the floor of the House, and was then passed unanimously. It was scheduled for consideration by the Senate Health & Welfare Committee.

B. *Adjustment of fees in pharmacy practice act*

He reminded the members they had approved proposed legislation. The proposal was filed in the 2005 Regular Session as HB 816, and was scheduled for consideration by the House Health & Welfare Committee.

C. *Access to expunged criminal records*

He reminded the members they had approved proposed legislation. As authorized, the president considered the priority of this matter during the current fiscal session, and he deferred the filing of the proposal until the 2006 Regular Session.

Mr. Aron thanked Mr. Broussard for his report.

7. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Oubre moved and Ms. Alderman 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 17, 2005 are approved, adopted, and ratified by the entire Board.

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

8. *Opportunity for Public Comment*

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

It was noted that Ms. Angelle arrived at 1:20 p.m.

9. *Special Order of the Day – Presentation of Gold Certificates*

Mr. Aron called upon the following honorees, individually:

Pharmacist License No. 7052 – Mr. Salvatore J. D'Angelo
Pharmacist License No. 7057 – Mr. James T. Hopkins
Pharmacist License No. 7072 – Mr. Edward S. Bopp
Pharmacist License No. 7073 – Mr. Joseph V. Greco
Pharmacist License No. 7075 – Mr. Richard A. Polizzi
Pharmacist License No. 7076 – Mr. Joseph A. Maggio, Jr.

Pharmacist License No. 7086 – Ms. Doris J. Goins

Mr. Aron presented each honoree a pharmacist certificate engraved in gold, commemorating fifty years of practice as a pharmacist licensed in Louisiana. He thanked them for their service to the citizens of the state and to the profession of pharmacy. He also informed them that one of the benefits of the gold certificate was a waiver of all future renewal fees. The members and guests congratulated each of the honorees with a standing ovation.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called upon Mr. Mills for the committee report. Mr. Mills reported that the committee had not met since the last Board meeting. He noted the distribution of several reports in the meeting packet: Statement of Assets, Liabilities, and Equity, Interim Budget Performance Report, and Summary of Fund Balance, all for the third quarter of the current fiscal year. He invited questions, and then he indicated the reports were for information only and required no action by the Board.

Mr. Aron extended his appreciation to Mr. Mills and his committee members for their ongoing efforts.

B. *Examination/Technician Committee*

Mr. Aron called upon Mr. Oubre for the committee report. Mr. Oubre reported on his committee's May 4 meeting, which included several stakeholders as interested parties. He directed the members to a document distributed at that time, showing proposed amendments to the currently approved Minimum Competencies of Pharmacy Technician Training Programs. He responded to questions from members. Mr. Aron reported that since staff had not yet reviewed the document for potential impact on currently-approved training programs, he requested staff to review the document prior to the next Board meeting and to distribute the document to all members in advance of the next meeting.

Mr. Oubre then directed the members to the meeting packet, which contained the NAPLEX, MPJE, and PTCB examination data, and the licensure activity reports. Finally, Mr. Oubre expressed his appreciation for the efforts of his committee members.

C. *Reciprocity Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported that the committee had approved 18 pharmacists since the last board meeting in accordance with committee policies and procedures previously approved by the Board. He reported the committee interviewed 16 candidates earlier that day. He then moved and Mr. Oubre seconded,

Resolved, that the Board approve
John Andrew Ahler
Ashley Quang Britson
Steve Wilcox Compton
Christi Throneberry Hightower

Maria Nicole Johnson
Mark Robert Kestler
Joyce Knowles-Cox
Scott Anthony Mazza
Joseph Frank McClendon, Jr.
Bruce Elliott Miller
Andrea Leigh Raftery
John Robert Rains
Mischelle Creel Smoot
Michael Charles Snieckus
Gener Dolnemar Tejero, *and*
Timothy David Weathers

for pharmacist licensure by reciprocity.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. McKay thanked the members of his committee for their work.

D. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported on the two committee meetings held since the last Board meeting, specifically on March 31 and April 28. She reported the committee discussed the remanded Section 907 relative to scope of practice for pharmacy technicians and pharmacy technician candidates. Staff prepared a draft revision for consideration. Dr. Anderson moved and Mr. Adams seconded,

Resolved, that the Board approve the proposed revision to Section 907 of the Board's rules, and further, to authorize staff to initiate the promulgation process as soon as possible.

Prior to the vote, the members suggested several amendments, most of which were accepted. The motion to accept the amended revision was approved after a unanimous vote in the affirmative.

Mr. Aron requested a brief recess. It was noted the Board recessed at 2:35 p.m. and reconvened at 2:55 p.m., still within the committee report.

Dr. Anderson explained the rationale for amending HB 753 of the 2005 Regular Session. She then moved and Mr. Adams seconded,

Resolved, that the Board approve the proposed amendment to HB 753.

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

Mr. Mills then moved and Mr. Oubre seconded,

Resolved, that the Board request Representative Sydnie Mae Durand to urge the adoption of HB 753 as amended; further, to inform Ms. Durand of the unanimous support of the Louisiana Pharmacy Congress for this initiative; and further, to extend its appreciation to Ms. Durand for her support in this endeavor.

The motion was approved after a unanimous vote in the affirmative. Finally, Dr. Anderson expressed her appreciation to the members of her committee for their ongoing efforts.

E. Reinstatement Committee

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

Leah Frances Michael (Pharmacist License No. 11003) Mr. Adams moved and Mr. Cassidy seconded to grant the request for reinstatement, contingent upon the successful completion of several terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the license, contingent upon the successful completion of certain requirements.

Gabriel Rademene Edu (Intern Registration No. 41538) Mr. Adams moved and Mr. Boudreaux seconded to grant the request for reinstatement of the registration, contingent upon the successful completion of NAPLEX and MPJE on or before April 16, 2006, and further, to immediately place the reinstated registration on probation for one year subject to certain terms, and further, to require the acquisition of at least 1,500 hours of updated practical experience prior to pharmacist licensure. The motion was approved after a unanimous vote in the affirmative. The Board ordered the reinstatement of the registration, contingent upon the successful completion of certain requirements; further, it probated any reinstated registration for one year, and further, it ordered the respondent to earn at least 1,500 hours of updated practical experience with no credit for any prior experience, prior to pharmacist licensure.

Glenn Edward Gough (Pharmacist License No. 11874) Mr. Adams moved and Mr. Lantier seconded to grant the request for reinstatement of the license, contingent upon the successful completion of certain terms as enumerated in the consent agreement. The motion was approved after a majority vote in the affirmative; Mr. Oubre objected. The Board ordered the reinstatement of the license, contingent upon the successful completion of certain requirements.

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

F. Violations Committee

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reported that the committee conducted their last Informal Conference on March 9-10, 2005; that docket included 7 pharmacists, 5 interns, 5 technicians, 2 technician candidates, and 13 permits. He informed the members the next Informal Conference was scheduled for June 6-8; that docket includes 25 pharmacists, 4 technicians, 2 technician candidates, 2 unlicensed persons, and 17 permits. He then reported the docket for the administrative hearing the next day included 5 formal hearings and 16 consent agreements.

Mr. Aron reordered the agenda at this point, moving past the report from the Impairment Committee.

H. Tripartite Committee

Mr. Aron called upon Mr. Lantier for the committee report. He reported on their April 13 meeting, particularly with respect to pharmacist preceptor training programs and requirements of certified pharmacist preceptors on the practical experience requirements of pharmacy interns. He reported healthy discussions but no decisions at that meeting, and he indicated their next meeting was scheduled for July 21. Finally, he expressed his appreciation to the members of his committee for their ongoing efforts.

I. Legislative Committee

Mr. Aron called upon Mr. Bond for the committee report. He directed the members to the updated legislative report in the meeting packet. He reviewed several pharmacy related measures, and he responded to questions from the members.

J. Executive Committee

Mr. Aron reported that his committee had met twice since the last Board meeting – March 16 and April 13. The March meeting was the second meeting of the Prescription Monitoring Program (PMP) Task Force. The group received a presentation from a representative of the National Alliance for Model State Drug Laws that provided an overview of the approximately twenty such programs then operating. The group agreed with the staff proposal to continue research and data collection for the project. The task force set their next meeting for May 18.

Mr. Aron reported the April 13 meeting focused on reviews of contracts and agreements, policies and procedures, and proposed legislation. With respect to contracts and agreements, the committee reviewed all of the contracts for professional services. All of the vendors fulfilled their contractual obligations, and no performance issues were identified. The committee recommended the continuation of all existing contracts. Mr. McKay 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 \$80,000 for Fiscal Year 2005-2006.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay 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 \$40,000 for Fiscal Year 2005-2006.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay moved and Mr. Mills 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 2005-2006. The motion was approved after a unanimous vote in the affirmative. Mr. McKay moved and Mr. Lantier seconded,

Resolved, that the Board approve the proposed licensure database software support agreement with Software Applications, Inc., at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2005-2006.

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

Resolved, that the Board approve the proposed information system network support service agreement with Essential Solutions, LLC, at the stipulated rate, in an amount not to exceed \$5,000 for Fiscal Year 2005-2006.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay moved and Mr. Cassidy 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 2005-2006.

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

Resolved, that the Board approve the National Association of Boards of Pharmacy (NABP) as the administrator for the pharmacist licensure examinations (NAPLEX, MPJE, and FPGEE) for Fiscal Year 2005-2006.

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

Resolved, that the Board approve the Pharmacy Technician Certification Board (PTCB) as the administrator for the pharmacy technician certification examination for Fiscal Year 2005-2006.

The motion was approved after a unanimous vote in the affirmative. Mr. McKay moved and Dr. Dixon 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 2005-2006.

The motion was approved after a majority vote in the affirmative; Mr. Adams objected. Mr. McKay moved and Dr. Dixon seconded,

Resolved, that the Board approve the National Confederation of Professional Services (NCPS) as the vendor for the drug screening program for Fiscal Year 2005-2006.

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

Resolved, that the Board approve the Impairment Committee's *Roster of Approved Addictionists* for Fiscal Year 2005-2006.

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

Resolved, that the Board approve the *Pharmacy Technician Certificate Online Renewal System Development Proposal* from

Software Applications, Inc., in an amount not to exceed \$12,000 for Fiscal Year 2005-2006.

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

Resolved, that the Board approve the Pharmacy Permit Online Renewal System Development Proposal from Software Applications, Inc., in an amount not to exceed \$12,000 for Fiscal Year 2005-2006.

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

Resolved, that the Board render inactive the following previously approved policy documents: (1) Pharmacist Licensure Reexamination, (2) Employee Drug Testing, and (3) Inspectors – Drug Disposal; and further, to continue its approval for all other existing policy documents.

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

Resolved, that the Board approve the proposed Personnel Policies and Procedures.

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

Finally, Mr. Aron expressed his appreciation to the members of his committee for their ongoing efforts.

11. Report of Chief Compliance Officer

Mr. Aron called upon Ms. Gaudet for her report. She indicated that the entire compliance officer team had been extremely busy the last several months working with other federal, state, and local agencies on several investigations, some of which were widely reported in the news media. Since most of those matters were still pending resolution before the Board, she was able to offer little additional information. Mr. Aron complimented Ms. Gaudet and her team of compliance officers for the excellent reputation their work has engendered among other agencies.

12. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet indicated that a portion of his report involved development of strategy for pending litigation, and he suggested the necessity for an executive session. Mr. McKay moved and Mr. Adams seconded to enter into executive session for the purpose of developing strategy in a matter that was currently pending in litigation. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered into executive session at 4:10 p.m., and then reconvened in open session at 4:25 p.m.

Mr. Cassidy moved and Mr. Lantier seconded,

Resolved, that the Board deny the proposed settlement offer from DRD Management, Inc. in the matter of *DRD Management, Inc. v. Louisiana Board of Pharmacy*, [Docket No. 524-915, Division I, 19th

Judicial District Court].

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

13. Report of Executive Director

Mr. Aron called upon Mr. Broussard for his report. He opened his report by reviewing his recent activities with other organizations on a variety of topics. He also directed the members to the census report in their meeting packet, noting the total number of credentials issued by the Board at 15,132. He then announced the results of the 2005 Pharmacist CE Audit, citing a 10% rate of non-compliance. He then reviewed recent regulatory activities by the Louisiana State Board of Nursing. Finally, he reviewed recent communications from NABP, DEA, and PTCB.

It was noted that Mr. Rabb arrived at 4:30 p.m. Mr. Aron reordered the agenda to take up the report of the Impairment Committee.

10. Committee Reports

G. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider the voluntary surrender of one pharmacist license, three requests for reinstatement, and one request for guidance. He then presented the following files for Board action.

Ronald Yancy LaFitte (Pharmacist License No. 10882) Mr. Rabb moved and Dr. Anderson seconded to accept the voluntary surrender of the license. The motion was approved after a unanimous vote. The Board accepted the voluntary surrender of the license, resulting in the indefinite suspension of the license, effective March 10, 2005.

Si Dinh Pham (Pharmacist License No. 15979) Mr. Rabb moved and Mr. Oubre seconded to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, beginning May 11, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning May 11, 2005, subject to certain terms as enumerated in the consent order.

Myles Regan Stelly (Intern Registration No. 41194) Mr. Rabb moved and Mr. Adams seconded to grant the request for reinstatement of the intern registration, then suspend the registration and any subsequently issued pharmacist license for five years, stay the execution thereof, and then place the registration and any subsequently issued pharmacist license on probation for five years, beginning on May 11, 2005, subject to certain terms as enumerated in the consent order, and further, to condition the issuance of a pharmacist license upon the acquisition of at least 500 hours of additional

practical experience. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the registration, suspended the registration and any subsequently issued pharmacist license for five years, stayed the execution thereof, and then placed the registration and any subsequently issued pharmacist license on probation for five years, subject to certain terms, and further, conditioned the issuance of a pharmacist license upon the acquisition of at least 500 hours of additional practical experience.

Doddi Vidrine Alexander (Pharmacist License No. 16007) Mr. Rabb moved and Mr. Bond seconded to grant the request for reinstatement of the license, then suspend the license for five years, stay the execution thereof, and then place the license on probation for five years, beginning on May 11, 2005, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning on May 11, 2005, subject to certain terms.

Scott Randall Darbonne (Pharmacist License No. 13192) Mr. Rabb moved and Dr. Anderson seconded to compel the respondent to submit to a medical evaluation for impairment, and further, should the evaluation result in a recommendation for treatment of drug dependence, the respondent shall surrender his license to the Board, or in the alternative, should the evaluation result in a recommendation favorable for continued practice, then to suspend the license for ten years, stay the execution thereof, and then place the license on probation for ten years, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. The Board ordered the respondent to submit to a medical evaluation for impairment, and further, ordered certain other actions as may be required by the results of said evaluation.

Finally, Mr. Rabb expressed his appreciation to his committee members for their ongoing efforts.

Mr. Aron returned to the posted agenda sequence.

14. Consideration of Requirement for Live Continuing Education

Mr. Aron reminded the members the topic had been deferred from the last meeting. Mr. Lantier informed the members that the Tripartite Committee discussed the topic during their last meeting, and the consensus of the committee was to recommend the institution of a requirement for live continuing education, but they could not agree on the appropriate number of hours. He indicated the committee members discussed a 3-5 hour range. Mr. Rabb moved and Mr. Lantier seconded,

Resolved, that the Board exercise the authority granted in Section 507.C.2 of its rules and require pharmacists to earn no less than five (5) hours of ACPE-accredited continuing education on any specific subject via a live presentation during calendar year 2006;

and further, the only acceptable evidence of compliance with this requirement shall be a valid certificate issued by an ACPE-accredited provider with the appropriate designation (-L-) contained within the program identification number.

During the discussion on the motion, the members reached consensus to defer any decision on the matter until their next meeting. The motion was properly withdrawn. Mr. Aron directed the placement of the topic on the agenda for the next Board meeting.

15. Appeal of Decision from Appeal Tribunal

Mr. Aron informed the members of the procedures relative to analysis of applications, denials, and the appeal tribunal. Mr. Broussard then presented the following files for Board action.

Joan L. Gordon (Application for Pharmacy Technician Candidate Registration) Ms. Gordon made an opening statement. Mr. Adams moved and Mr. McKay seconded to enter into executive session for the purpose of discussing the applicant's physical and mental health. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered into executive session at 5:35 p.m., and then returned to open session at 5:40 p.m., at the instant case.

Dr. Dixon moved and Mr. McKay seconded to compel the applicant to submit to a medical evaluation for impairment; and further, if the results of the evaluation were favorable for the applicant to assist in the practice of pharmacy safely, then to issue a pharmacy technician candidate registration, immediately suspend it for one year, stay the execution thereof, and then place the registration on probation for one year, subject to certain terms as enumerated in the consent order. The motion was approved after a unanimous vote in the affirmative. Mr. Aron directed Mr. Broussard to furnish the applicant a Roster of Approved Addictionists. Further, Mr. Aron noted that since the original application was received prior to the recent rule change for pharmacy technician candidates, then the registration issued should reflect the requirements in effect at the time the application was received.

Velissa B. Frank (Application for Pharmacy Technician Candidate Registration) Ms. Frank did not appear. Mr. McKay moved and Mr. Adams seconded to deny the appeal of the denial of the application. The motion was approved after a unanimous vote in the affirmative. The Board denied the application.

Sherrie J. Chapman (Application for Pharmacy Technician Certificate) Ms. Chapman requested that her matter be heard in executive session. Mr. McKay moved and Mr. Adams seconded to enter into executive session for the purpose of discussing the applicant's professional competence. The motion was approved after a unanimous

roll call vote in the affirmative.

It was noted the Board entered into executive session at 5:50 p.m., and then returned to open session at 6:10 p.m., at the instant case.

Mr. Lantier moved and Mr. McKay seconded to issue a certificate. The motion was approved after a unanimous vote in the affirmative. The applicant requested a deferral of the issuance until after July 1, so as to avoid the immediate renewal of a newly-issued certificate. Mr. Aron directed Mr. Broussard to issue the certificate after July 1.

16. Request for Exception – Advance Care Hospital Pharmacy

Mr. Aron requested Mr. Broussard to provide the necessary background information for the requested exception. Mr. Broussard explained that the applicant requested a hospital classification for the pharmacy permit, even though the pharmacy was located at a different address from the hospital it purported to serve. Staff recommended the issuance of a community pharmacy permit since the addresses of the pharmacy and the hospital were different, albeit in adjoining buildings. Mr. Aron called upon the applicants and their legal counsel to make their presentation. Following their presentation and substantial discussion by members, Dr. Anderson moved and Mr. Boudreaux seconded,

Resolved, that for the purpose of permitting a hospital pharmacy, a valid site consists of adjoining buildings under the same hospital license issued by the Louisiana Department of Health and Hospitals. “Adjoining” for this purpose means physically connected and attached by an enclosure to allow for human access between buildings without the necessity for outside access.

The motion was approved after a majority vote in the affirmative; Ms. Angelle, Mr. Cassidy, and Mr. Lantier objected.

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 7:10 p.m., and then reconvened at 7:20 p.m.

17. Request for Exception – Oscar Carter Memorial Rehabilitation Center

Mr. Aron requested Mr. Broussard to provide the necessary background information for the requested exception. Mr. Broussard informed the members that the petitioner operated a methadone treatment center and had applied for a pharmacy permit. During the required interview, petitioner indicated that he did not have the minimum 300 square feet required by Section 1105.C, nor was he able to restrict the access of the 200 square feet he did have, as required by Section 1105.B. Staff suspended the processing of the application pending the Board’s resolution of the petitioner’s request for exceptions. Mr. Aron called upon the petitioner to make his presentation. Following extensive discussion with the petitioner, Mr. Mills moved and Mr. McKay seconded,

Resolved, that the Board deny the request for exceptions to the requirements of Section 1105.B and Section 1105.C.

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

18. Announcements

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

19. Recess

Mr. Rabb moved and Mr. Bond 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 8:10 p.m.

An Administrative Hearing was convened on Thursday, May 12, 2005 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The hearing 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 8:40 a.m.

2. Invocation & Pledge

Mr. Aron called upon Ms. Angelle, and she delivered the invocation. Dr. Dixon then led the group in the recitation of the Pledge of Allegiance.

3. Quorum Call

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

4. Call for Additional Agenda Items

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

At this point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports and witnesses. Mr. Cassidy moved and Dr. Dixon seconded to grant the presiding officer the authority to reorder the agenda as necessary with respect to reports and witnesses. The motion was approved after a unanimous vote in the affirmative.

5. Opportunity for Public Comment

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

6. *Appearances*

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Celia R. Cangelosi served as Prosecuting Attorney for the Board. Mr. E Wade Shows served as Counsel to the Hearing Officer. Ms. Marlene Cashen was the Official Recorder. Mr. Malcolm Broussard was the Hearing Clerk. Due to prior knowledge, the members of the Violations Committee (Dr. Dixon, Dr. Anderson, Mr. Adams, Mr. Bond, and Mr. Rabb) abstained from the formal hearings, and the remainder of the Board members present served as the jury, with Mr. Aron's reminder that any of them could abstain from any particular matter where appropriate.

Mr. Aron directed the entry of the posted docket into these minutes, and waived the reading thereof. The posted docket is re-created here:

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, May 12, 2005, in the Board office, for the purpose to wit:

A G E N D A

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
 - 1. Juliana Jenese Lanns (Technician Certificate No. 6190)
 - 2. Victoria Grabert Mickail (Pharmacist License No. 15335)
 - 3. Sondra F. Johnson (Technician Certificate No. 4168)
 - 4. Rebecca L. Darby (Technician Certificate No. 4130)
 - 5. Kristen E. Coleman (Technician Certificate No. 3781)
 - 6. Louis Oliver Lenfant, Jr. (Pharmacist License No. 10793)
 - 7. Tyler Drugs (Pharmacy Permit No. 1117)
- G. Report of Violations Committee – Consideration of Consent Agreements
 - 8. Jennifer Mary Russo (Technician Certificate No. 5636)
 - 9. Monica Pierre (Technician Certificate No. 3751)
 - 10. Brishea J. Lee (Technician Certificate No. 3510)

11. Walgreen Pharmacy No. 32-2262 (Pharmacy Permit No. 2385)
+
12. Christopher Sylvain (Pharmacist License No. 13363)
+
13. Jada S. Boudoin (Technician Candidate Registration No. 8656)

14. Medicap Pharmacy No. 338 (Pharmacy Permit No. 5253)
+
15. Gary C. Richardson (Pharmacist License No. 10910)

16. PharMerica (Pharmacy Permit No. 5123)

17. American Diversified Pharmacies (Pharmacy Permit No. 5349)

18. Express Scripts [AZ] (Pharmacy Permit No. 4481)

19. Express Scripts [PA] (Pharmacy Permit No. 4460)

20. Latresca Turette Stumon (Technician Certificate No. 5296)

21. Dana Cecile Galliano (Pharmacist License No. 14375)

22. Eckerd Drugs No. 561 (Pharmacy Permit No. 3643)

23. SafeScript Pharmacy No. 18 (Pharmacy Permit No. 5317)
now known as QVL Pharmacy No. 223 (Pharmacy Permit No. 5447)

H. Adjourn

7. Formal Hearings

Mr. Aron called upon Ms. Cangelosi, and she informed the members that two of the matters scheduled for hearing recently executed consents, and those consents would be presented to the Board for its consideration later that day. Further, another respondent scheduled for hearing recently executed a voluntary surrender of pharmacist license, and that document would also be presented to the Board for its consideration later that day. She then presented the following cases.

Victoria Grabert Mickail (Pharmacist License No. 15335) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Mr. Aron indicated the matter would proceed as a default proceeding. Mr. Aron informed the members that he was aware of some of the preliminary activities in the case, but that he felt he could render an impartial decision. There were no objections.

It was noted that Mr. Greco arrived at 9:10 a.m.

Ms. Cangelosi presented an opening statement, offered witnesses and exhibits, and then rested her case. She offered proposed Findings of Fact and Conclusions of Law, and a proposed order and then submitted the matter to the Board for its consideration. Mr. McKay moved and Ms. Angelle seconded to enter into executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the Board entered into executive session at 9:55 a.m., and then reconvened in open session at 10:20 a.m., at the instant case.

Mr. Oubre moved and Mr. Lantier seconded,

Resolved, that the Board accept the Findings of Fact proposed by the prosecuting attorney and further amended by the hearing panel and then adopt them as their own; and further, to accept the Conclusions of Law proposed by the prosecuting attorney and then adopt them as their own.

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

Resolved, that the Board revoke Pharmacist License No. 15535; and further, to condition the acceptance of any future application for reinstatement upon certain terms as enumerated in the final order.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron expressed his appreciation to the several witnesses that appeared at the hearing, and he then discharged them.

At this point, Mr. Aron declared a brief recess. It was noted that the Board recessed at 10:25 a.m., and then reconvened in open session at 10:35 a.m.

Rebecca Lynn Darby (Technician Certificate No. 4130) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Mr. Aron indicated the matter would proceed as a default proceeding. Ms. Cangelosi presented an opening statement, offered witnesses and exhibits, and then rested her case. She offered proposed Findings of Fact and Conclusions of Law, and a proposed order, and then submitted the matter to the Board for its consideration. Mr. Oubre moved and Mr. Lantier seconded to enter into executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the Board entered into executive session at 10:40 a.m., and then reconvened in open session at 10:45 a.m., at the instant case.

Mr. Lantier moved and Mr. Cassidy seconded,

Resolved, that the Board accept the Findings of Fact proposed by the prosecuting attorney and further amended by the hearing panel and then adopt them as their own; and further, to accept the Conclusions of Law proposed by the prosecuting attorney and then adopt them as their own.

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

Resolved, that the Board revoke Pharmacy Technician Certificate No. 4130; and further, to condition the acceptance of any future application for reinstatement upon certain terms as enumerated in the final order.

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

Kristen Elizabeth Coleman (Technician Certificate No. 3781) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Mr. Aron indicated the matter would proceed as a default proceeding. Ms. Cangelosi presented an opening statement, offered witnesses and exhibits, and then rested her case. She offered proposed Findings of Fact and Conclusions of Law, and a proposed order, and then submitted the matter to the Board for its consideration. Mr. McKay moved and Ms. Alderman seconded to enter into executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered into executive session at 11:00 A.M., and then reconvened in open session at 11:05 a.m.

Mr. Mills moved and Mr. Oubre seconded,

Resolved, that the Board accept the Findings of Fact proposed by the prosecuting attorney and further amended by the hearing panel and then adopt them as their own.

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

Resolved, that the Board accept the Conclusions of Law proposed by the prosecuting attorney and then adopt them as their own.

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

Resolved, that the Board suspend Pharmacy Technician Certificate No. 3781 for an indefinite period of time; and further, to condition the acceptance of any future application for reinstatement upon certain terms as enumerated in the final order.

Ms. Cangelosi indicated the completion of the formal hearings scheduled for the morning session. Mr. Aron he would entertain the proposed consent agreements.

8. Report of Violations Committee – Consideration of Consent Agreements

Mr. Aron requested Mr. Finalet to present the files of the respondents originally scheduled for hearing earlier that day. Mr. Finalet presented the following files for Board action.

Juliana Jenese Lanns (Technician Certificate No. 6190) 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 revoked the certificate, and further, prohibited any future application for reinstatement.

Sondra Fay Johnson (Technician Certificate No. 4168) 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.

Louis Oliver Lenfant, Jr. (Pharmacist License No. 10793) Dr. Dixon 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 of the license, resulting in the indefinite suspension of the license, effective May 12, 2005.

Mr. Aron then requested Dr. Dixon to present the matters of those respondents who had executed voluntary consent agreements. Dr. Dixon presented the following files for Board action.

Jennifer Mary Russo (Technician Certificate No. 5636) 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 revoked the certificate; and further, prohibited any future application for reinstatement.

Monica Pierre (Technician Certificate No. 3751) 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 issued a Letter of Reprimand to the respondent; and further, assessed the respondent a fine of \$250 plus administrative and investigative costs; and finally, ordered the respondent to earn at least 20 hours of continuing education prior to the next renewal date, and that said hours could not be used to satisfy continuing education requirements for the renewal.

Brishea J. Lee (Technician Certificate No. 3510) Dr. Dixon moved and Ms. Angelle 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; and finally, ordered the respondent to earn at least 10 hours of continuing education prior to the next renewal date, and that said hours could not be used to satisfy continuing education requirements for the renewal.

Walgreen Pharmacy No. 032-2262 (Pharmacy Permit No. 2385) Dr. Dixon moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit holder a \$1,000 fine plus administrative and investigative costs.

Christopher Anthony Sylvain (Pharmacist License No. 13363) Dr. Dixon moved and Mr. Cassidy 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.

Jada Simone Boudoin (Technician Candidate Registration No. 8656) 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 issued a Letter of Warning to the respondent.

Medicap Pharmacy No. 338 (Pharmacy Permit No. 5253) Dr. Dixon moved and Ms. Angelle seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit holder a \$1,000 fine plus administrative and investigative costs.

Gary Charles Richardson (Pharmacist License No. 10910) Dr. Dixon moved and Mr. Cassidy 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 a \$500 fine plus administrative costs.

PharMerica (Pharmacy Permit No. 5123) 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 issued a Letter of Warning to the permit holder; and further, assessed the permit holder a \$1,000 fine plus administrative and investigative costs.

American Diversified Pharmacies (Pharmacy Permit No. 5349) Dr. Dixon moved and Mr. Cassidy seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit holder a \$5,000 fine plus administrative and investigative costs.

Express Scripts [AZ] (Pharmacy Permit No. 4481) Dr. Dixon moved and Mr. Cassidy 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 permit holder a \$5,000 fine plus administrative and investigative costs.

Express Scripts [PA] (Pharmacy Permit No. 4460) Dr. Dixon moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent; and further, assessed the permit holder a \$5,000 fine plus administrative and investigative costs.

Latesca Turette Stumon (Technician Certificate No. 5296) Dr. Dixon moved and Dr. Anderson seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for reinstatement.

Dana Cecile Galliano (Pharmacist License No. 14375) Dr. Dixon moved and Mr. Rabb seconded to accept the voluntary consent agreement. The motion was

approved after a unanimous vote in the affirmative. The Board suspended the license for three years, stayed the execution thereof, and then placed the license on probation for three years, beginning on March 31, 2005, subject to certain terms as enumerated in the consent agreement; and further, assessed the respondent a \$2,750 fine plus administrative costs.

Eckerd Drugs No. 561 (Pharmacy Permit No. 3643) 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 permit holder a \$10,000 fine plus administrative and investigative costs.

Safescript Pharmacy No. 18 (Pharmacy Permit No. 5317) aka QVL Pharmacy No. 223 (Pharmacy Permit No. 5447) Dr. Dixon moved and Ms. Angelle seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for one year, stayed the execution thereof, and then placed the permit on probation for one year, beginning on March 31, 2005, subject to certain terms as enumerated in the consent agreement; and further, assessed the permit holder a \$20,000 fine plus administrative and investigative costs.

At this point, Mr. Aron informed the members that lunch had been delivered and requested their pleasure as to a course of action. Mr. Rabb moved and Mr. Bond seconded to recess for lunch. It was noted that the Board recessed at 11:55 a.m., and then reconvened at 1:10 p.m. Mr. Aron informed the members the sole remaining matter to be considered was a formal hearing. He called upon Ms. Cangelosi to present that matter.

Tyler Drugs (Pharmacy Permit No. 1117) Ms. Cangelosi appeared for the Board; Mr. Edward Bopp and Mr. Eric Bopp appeared for the respondent.

Prior to any opening statements, Mr. Eric Bopp presented a Motion for Continuance, and requested a continuance until the next administrative hearing date. Ms. Cangelosi objected the motion for continuance. Mr. Aron requested Mr. Bopp to introduce evidence in support of his motion for a continuance. Mr. Bopp then requested the sequestration of various witnesses. Mr. Shows summoned all the witnesses, swore all of them simultaneously, explained the sequestration rule, and then ordered the witnesses to be sequestered. With the witnesses sequestered, Mr. Bopp and Ms. Cangelosi presented witnesses and evidence. At the conclusion of the presentations, Mr. Aron requested a decision from the hearing panel. Mr. Lantier moved and Mr. Boudreaux seconded,

Resolved, that the Board deny the motion for continuance from Tyler Drugs.

The motion was approved after a majority roll call vote in the affirmative; Mr. Oubre objected. Mr. Bopp requested his objection to the decision be noted in the record.

At this point, Mr. Aron requested a short recess prior to initiating the formal hearing. It was noted that the Board recessed at 2:10 p.m., and reconvened in open session at

2:35 p.m., at the instant case.

Prior to any opening statements, Mr. Bopp presented a motion to stay the proceedings pending writ application to the 19th Judicial District Court. Ms. Cangelosi objected to the motion, citing a lack of authority in the Administrative Procedure Act. Following a short explanation by Mr. Shows, Mr. Aron requested a decision from the hearing panel. Mr. Oubre moved and Mr. Boudreaux seconded,

Resolved, that the Board deny the motion for a stay of the proceedings.

The motion was approved after a unanimous vote in the affirmative. Mr. Bopp requested his objection to the decision be noted in the record. In the absence of any further motions by Mr. Bopp, Mr. Aron initiated the formal hearing.

Ms. Cangelosi appeared for the Board and made an opening statement. Mr. Bopp appeared for the respondent and made an opening statement. Ms. Cangelosi then presented witnesses and evidence. During Ms. Cangelosi's presentation, Mr. Aron requested a brief recess between witnesses.

It was noted that Mr. Boudreaux and Mr. Mills departed at 4:10 p.m. It was further noted the Board recessed at 4:45 p.m., and then reconvened in open session at 4:55 p.m., at the instant case.

Ms. Cangelosi continued her presentation with another witness, following which Mr. Aron requested another brief recess for dinner.

It was noted the Board recessed for dinner at 7:00 p.m., and then reconvened in open session at 7:30 p.m., at the instant case.

Ms. Cangelosi continued her presentation with another witness, following which she rested her case. Mr. Bopp then presented one witness and several exhibits, and then rested his case. Ms. Cangelosi and Mr. Bopp then presented their closing arguments. Ms. Cangelosi offered proposed Findings of Fact and Conclusions of Law, and then submitted the matter to the Board for its consideration. Ms. Angelle moved and Mr. Oubre seconded to enter into executive session for the purpose of discussing the professional competence of the respondent. The motion was approved after a unanimous roll call vote in the affirmative. Prior to the executive session, Mr. Aron summoned all the witnesses to the hearing room, where he expressed his appreciation for their cooperation with the proceedings. He then discharged them.

It was noted the Board entered into executive session at 9:15 p.m., and then reconvened in open session at 10:05 p.m., at the instant case.

Ms. Angelle moved and Mr. Oubre seconded,

Resolved, that the Board accept Finding of Fact No. 1 as proposed by the prosecuting attorney and then adopt it as their own.

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

moved and Mr. Lantier seconded,

Resolved, that the Board accept Finding of Fact No. 2 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 3 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 4 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 5 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 6 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 7 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 8 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 9 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 10 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 11 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 12 as proposed by the prosecuting attorney and further amended by the

hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 13 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 14 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board reject Finding of Fact No. 15 as proposed by the prosecuting attorney, based on the absence of testimony.

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

Resolved, that the Board accept Finding of Fact No. 16 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 17 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 18 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 19 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 20 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 21 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 22 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 23 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 24 as proposed by the prosecuting attorney and further amended by the hearing panel and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 25 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 26 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board accept Finding of Fact No. 27 as proposed by the prosecuting attorney and then adopt it as their own.

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

Resolved, that the Board find the respondent to be in violation of LRS 37:1241.A.1.

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

Resolved, that the Board find the respondent to be in violation of LRS 37:1241.A.10.

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

Resolved, that the Board find the respondent to be in violation of LRS 37:1241.A.15.

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

Resolved, that the Board find the respondent to be in violation of LAC 46:LIII.1103.B.

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

Resolved, that the Board find the respondent to be in violation of

LAC 46:LIII.1103.I.

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

Resolved, that the Board find the respondent to be in violation of LAC 46:LIII.1111.A & B.

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

Resolved, that the Board find the respondent to be in violation of LAC 46:LIII.2501.A.3.

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

Resolved, that the Board find the respondent to be in violation of LAC 46:LIII.2545.C.

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

Resolved, that the Board permanently revoke Pharmacy Permit No. 1117, and further, to assess the permit holder a fine of \$10,000 plus administrative and investigative costs.

Prior to the vote, Mr. Oubre offered an amendment that would strike the word 'permanently' and that would also require the satisfaction of all assessments prior to the acceptance of any future application for reinstatement. It was properly seconded and the motion was approved after a unanimous vote in the affirmative. Mr. Lantier then offered an amendment that would condition the acceptance of any future application for reinstatement upon the passage of five years after the date of the final order. After discussion and before a vote, the amendment was withdrawn. Mr. Aron then directed a roll call vote for the amended motion, which read

Resolved, that the Board revoke Pharmacy Permit No. 1117 held by Tyler Drugs, and further, to assess the permit holder a fine of \$10,000 plus administrative and investigative costs, and further, to condition the acceptance of any future application for reinstatement upon the satisfaction of all assessments and the absence of any pending legal or disciplinary matters against the respondent.

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

Ms. Cangelosi indicated the completion of the docket. Mr. Aron expressed his appreciation to Mr. Shows for his service that day.

9. Adjourn

Mr. McKay moved and Mr. Cassidy seconded to adjourn. With no further business before it, Mr. Aron adjourned the meeting at 10:30 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary