



# Louisiana Board of Pharmacy

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## Minutes

### **Regular Meeting**

Wednesday, November 14, 2001 at 1:00 p.m.

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

### **Administrative Hearing**

Thursday, November 15, 2001 at 9:00 a.m.

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



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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 14, 2001 in the Board office at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 1:00 p.m.

*2. Invocation*

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

*3. Pledge of Allegiance*

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

*4. Quorum Call*

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

**Present:**

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

**Absent:**

Mr. B. Belaire Bourg  
Mr. Jeffrey M. Landry

**Present by Board Invitation:**

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

**Guests:**

Mr. Mark Malouse  
Ms. Meredith Hamilton  
Ms. Kathy Amiss  
Mr. Steve Francesconi  
Ms. Andrea Baham  
Mr. Kevin Dufour

*5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. Mr. Aucoin requested an opportunity to discuss a recent inquiry relative to pharmacist reciprocity from the State of Florida. Without objection, Mr. Aron accepted the request and indicated he would place the matter on the agenda after the report of the Reciprocity Committee. Mr. Aucoin also requested an opportunity to consider a request for an exception to LRS 37:1202.B.4 from a pharmacist applicant with an examination score beyond the one year expiration date. Without objection, Mr. Aron accepted the request and indicated he would place the matter on the agenda following the previously scheduled requests for exception. There were no other requests for additions to the agenda

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

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

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

*6. Consideration of Minutes*

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

**Resolved**, that the Minutes of the Regular Board Meeting of August 15 and the Administrative Hearing of August 16, 2001 held in Baton Rouge, Louisiana, are hereby adopted, ratified, and approved in their entirety.

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

*7. Report on Action Items*

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

A. *CDS Inventory List*

During the August 2001 Board meeting, staff was directed to research the issues involved with the revision and issuance of a Controlled Dangerous Substance Inventory List, and make recommendations at the next meeting.

The listing appended to the Law Book is known to be obsolete due to market dynamics. The remedy would require a comprehensive

identification of all commercially available products, as well as the maintenance of that data on a continuous basis. The resulting product could be maintained electronically and printed on demand. An alternative listing of only the generic names without regard to trade name, dosage form, and strength could be made available within a short time frame without any additional resources.

Mr. Aucoin suggested that staff solicit electronic CDS listings from Morris Dickson and Louisiana Wholesale, insert a disclaimer that the Board does not warrant the comprehensive nature of the listings, and maintain the listings in electronic form only. In addition, he acknowledged that the project was not of an urgent priority, but he did request that the website revision incorporate that feature. Mr. Carmichael and other members agreed with Mr. Aucoin. Mr. Aron directed staff to include the CDS Inventory List on the website revision.

*B. Request for Attorney General Opinion*

During the August 2001 Board meeting, staff was directed to request an opinion as to whether the Board members are subject to the requirements of Policy & Procedure Memorandum No. 49 (PPM-49).

The La. Attorney General issued Opinion No. 01-322 on September 5, 2001. Board members may receive reimbursement of their legitimate expenses as provided in PPM-49.

*C. Promulgation of Proposed Regulation*

During the August 2001 Board meeting, staff was directed to initiate the promulgation process for the proposed revision to LAC 46:LIII.1109 – Prescriptions. The Fiscal and Economic Impact Statement, the Family Impact Statement, the full text of the proposed revision, and the Notice of Intent were published in the September 2001 issue of the *Louisiana Register*. As required by the Administrative Procedure Act, a public hearing to receive comments and testimony was conducted on October 25. As authorized by Board motion, the Executive Committee approved some minor clarifications as a result of comments received. The Oversight Committee Report to the Joint Health & Welfare Committee was submitted on November 5. Staff reported that if no objection was received from the oversight committee, the final rule would be published in the December 2001 *Louisiana Register* with an effective date of January 1, 2002.

*D. Initiation of Investigation*

At the conclusion of the last administrative hearing, staff was Directed to initiate an investigation relative to the apparent failure of a pharmacy to send the Board a copy of a report on the theft of controlled substances.

The compliance officer for the pharmacy in question conducted a separate investigation into that question. Information was obtained from several sources; however, there were insufficient facts to prove or

disprove non-compliance with the reporting regulation.

#### 8. *Confirmation of Acts*

At the request of Mr. Aron, Mr. Burch moved, and Ms. Jean 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 August 16, 2001 are approved, adopted, and ratified by the entire Board.

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

At this point, Mr. Aron re-ordered the agenda to move directly to the election of officers.

#### 9. *Election of Officers*

Mr. Aron initiated the annual election of officers by indicating the process would be conducted in accordance with *Robert's Rules of Order* and the *Open Meetings Law*.

**President** – Mr. D'Angelo nominated Mr. Aron.

Hearing no further nominations, Mr. Aron closed the nominations. Mr. McKay moved, and Ms. Jean seconded, for approval by acclamation. There were no objections.

**First Vice President** – Mr. Aucoin nominated Mr. Burch.

Hearing no further nominations, Mr. Aron closed the nominations. Mr. Oubre moved, and Mr. McKay seconded, for approval by acclamation. There were no objections.

**Second Vice President** – Mr. Aucoin nominated Mr. Rabb.

Hearing no further nominations, Mr. Aron closed the nominations. Mr. Carmichael moved, and Mr. Bond seconded, for approval by acclamation. There were no objections.

**Third Vice President** – Ms. Jean nominated Mr. Carmichael.

Hearing no further nominations, Mr. Aron closed the nominations. Mr. Bond moved, and Mr. Lantier seconded, for approval by acclamation. There were no objections.

**Secretary** – Ms. Jean nominated Dr. Dixon.

Hearing no further nominations, Mr. Aron closed the nominations. Mr. Burch moved, and Mr. Oubre seconded, for approval by acclamation. There were no objections.

Mr. Aron offered his appreciation to Mr. Aucoin and Mr. Bourg for their service on the Executive Committee during the prior year.

#### 10. *Committee Reports*

##### A. *Finance Committee*

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to the First Quarter Financial Report that was distributed in the advance-meeting packet. He reviewed the various revenue and expense categories, and answered questions from Board members. Mr. Broussard provided relevant details as needed. At the conclusion of the presentation, Mr. Aron accepted the committee's First Quarter Financial Report, without objection.

Mr. Aron re-ordered the agenda to take up a prior item inadvertently overlooked.

*11. 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.

Mr. Aron then returned to the posted agenda, and the next committee report.

*10. Committee Reports (cont.)*

*B. Examination/Technician Committee*

Mr. Aron called upon Mr. Burch for the committee report. Mr. Burch noted that the committee had not met since the last Board meeting. He then presented data from the NAPLEX, MPJE, DSM, and PTCB examinations. The data from the May 1 – August 31 NAPLEX testing window, as well as the January 1 – June 30 MPJE testing window, were presented and reviewed. The Board also reviewed the PTCB test results, and discussed various reasons for the poor showing of Louisiana candidates. Mr. Burch also directed the members to the Licensure Activity Report listing 51 pharmacists and 102 technicians credentialed since the last Board meeting.

*C. Reciprocity Committee*

Mr. Aron called upon Mr. Aucoin for the committee report. Mr. Aucoin moved, and Mr. Burch seconded,

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

Karen Jean Binford  
Kalpana Gopalan  
Randy Ray Moore  
Susan Maureen Sirmans

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

*12. Additional Agenda Item No. 1 – Florida Reciprocity*

Mr. Aron informed the members about the recent proposal from the Florida Board of Pharmacy. The proposal allows reciprocity for pharmacists with NAPLEX scores less than twelve years old. The question for the Louisiana Board was whether to allow reciprocity from Florida-licensed pharmacists under the same or any other terms. After short discussion, the consensus reached was to wait for the NABP decision relative to active or associate member status from Florida.

*10. Committee Reports (cont.)*

*D. Regulation Revision Committee*

Mr. D'Angelo reported on the committee's activity since the last Board meeting. He reminded the members they received copies of Chapters 19 and 25 for review and approval. Mr. D'Angelo moved, and Mr. Lantier seconded,

**Resolved**, that the Board approve Draft No. 3 of the proposed revision to *Chapter 19 – Nuclear Pharmacy*, and further, to direct staff to initiate the promulgation process upon the President’s instruction.

During the discussion, Mr. Oubre offered a technical amendment, which was received without objection. The amended motion was approved after a unanimous vote in the affirmative. The approved document is appended (*Appendix A*). Mr. D’Angelo then moved, and Mr. McKay seconded,

**Resolved**, that the Board approve Draft No. 5 of the proposed revision to Chapter 25 – Hospital Pharmacy, and further, to direct staff to initiate the promulgation process upon the President’s instruction.

The motion was approved after a unanimous vote in the affirmative. The approved document is appended (*Appendix B*).

Mr. D’Angelo then directed the members to the committee’s project record, which was distributed during the meeting. He alerted them to the upcoming topics of Chapters 14, 17, and 21, as well as new areas such as methadone treatment centers and pharmacy benefit managers.

Mr. D’Angelo then reminded the members they had already approved final committee drafts for Chapters 1 and 3; however, recent events required some minor additions to those chapters. He then deferred to Mr. Finalet, who explained new sections relative to per diem, public comments at open meetings, and declaratory statements/advisory opinions. The proposed revisions were approved by the committee October 24 and circulated to the members during the Board meeting. Hearing no questions, Mr. D’Angelo moved, and Dr. Dixon seconded, that

**Resolved**, that the Board approve the proposed insertion of LAC 46:LIII.103.D, LAC 46:LIII.105.C, and LAC 46:LIII.359 into their respective chapters, and further, to direct staff to initiate the promulgation process upon the President’s instruction.

The motion was approved after a unanimous vote in the affirmative. The approved amendments are appended (*Appendix C*). Finally, Mr. D’Angelo expressed his appreciation to his committee members and staff for their assistance in the revision project.

At this point, Mr. Aron declared a 20-minute recess. It was noted that the Board recessed at 2:35 p.m. and reconvened at 2:55 p.m. Mr. Aron then resumed the posted agenda in open session.

*E. Reinstatement Committee*

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

*F. Violations Committee*

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

next day. Dr. Dixon directed the members to a worksheet prepared by Mr. Finalet to facilitate their deliberations. Mr. Finalet reminded the members the worksheet is “attorney work product”, and as such is not a public record.

*G. Impairment Committee*

Mr. Aron called upon Ms. Anderson for the committee report, and she deferred the presentation of the report until the Administrative Hearing, scheduled for the next day.

*H. Executive Committee*

Mr. Aron reported on the committee’s November 13 meeting. Among other issues, the committee discussed long range planning issues related to Board office space. It was felt that the Board should acquire its own office space. Mr. Finalet felt that our statute contained sufficient authority to enable us to acquire property, but he suggested an opinion from the Attorney General’s office would be a prudent course of action. Mr. D’Angelo moved, and Mr. Lantier seconded,

**Resolved**, that by affirmative majority record vote of board members participating in the decision process, the Louisiana Board of Pharmacy requests an Attorney General’s opinion from Richard P. Ieyoub, Attorney General for the State of Louisiana, on whether the Louisiana Board of Pharmacy has the authority to purchase, own, and possess immovable property such as land and buildings.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron then indicated that personnel issues needed discussion. At that point, Mr. Camp moved, and Mr. Adams seconded, to enter into executive session for the purpose of discussing personnel issues. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 3:10 p.m. At 3:35 p.m., Mr. Aron reopened the meeting, invited the guests back into the meeting room, and then resumed the posted agenda. He indicated the committee report was concluded.

*13. Report of General Counsel*

Mr. Finalet reported on two conferences he attended since the last Board meeting, specifically, the Council on Licensure, Enforcement, and Regulation (CLEAR) and the Federation of Associations of Regulatory Boards (FARB). He then briefly reviewed three recent legal cases that concerned different compliance and licensure issues; while the cases arose in other health professions, the decisions definitely impact this Board. Finally, he reported there was no pending litigation.

*14. Report of Executive Director*

Mr. Broussard began his report with synopses of recent meetings, including the NABP District VI meeting in Lawrence, KS, the NABP Executive Officers Conference in Monterey, CA, and an FDLI Introduction to Drug Law Seminar in Washington, DC. He also reported on presentations he delivered to both schools of pharmacy as well as the LSHP MidYear Meeting and local pharmacy organizations.

He then reported on the ongoing information system upgrade project, as well as some recent staffing changes. He also reported on some recent administrative changes relative to payroll processing; while the pay period remains at two weeks, the pay date was changed. When asked, none of the members expressed any concerns.

Finally, he requested Board approval of an equal employment opportunity policy, as required by the Dept. of Civil Service. Ms. Jean moved, and Mr. Aucoin seconded,

**Resolved**, that the Board approve the Policy & Procedure document entitled Equal Opportunity Employment.

The motion was approved after a unanimous vote in the affirmative. The approved document is appended (*Appendix D*).

*15. Request for Exception to LAC 46:LIII.2541.E.2*

Jennings American Legion Hospital Pharmacy (Permit No. 3887-H) requested a 90-day extension of the deadline imposed in August 2000 for compliance with the referenced regulation. The petitioner was not present, but the letter of request was distributed to the members, along with the relevant background information. Mr. D'Angelo moved, and Dr. Dixon seconded,

**Resolved**, that the Board deny the request for exception from Jennings American Legion Hospital Pharmacy.

The motion failed by a vote of 11-3, with Mr. D'Angelo, Dr. Dixon, and Mr. Oubre voting for the motion. Mr. Aucoin then moved, and Mr. Carmichael seconded,

**Resolved**, that the Board grant the request from Jennings American Legion Hospital Pharmacy (Permit No. 3887-H) to provide a 90-day extension of the deadline for compliance with LAC 46:LIII.2541.E.2.

The motion was approved after a majority vote in the affirmative. Mr. D'Angelo, Dr. Dixon, and Mr. Oubre objected.

*16. Request for Exception to LAC 46:LIII.703.B.1*

Mr. Aron requested the deferral of this request until the next day. There were no objections.

*17. Request for Exception to LAC 46:LIII.3517.A.2*

St. Charles Parish Correctional Center Pharmacy (Permit No. 4678-CO) requested permission to re-use previously dispensed legend drugs. Ms. Meredith Hamilton and Ms. Kathy Amiss appeared on behalf of the permit, and Ms. Hamilton demonstrated the dispensing equipment and procedures in use. Following an extensive discussion, Mr. Oubre moved, and Mr. McKay seconded,

**Resolved**, that the Board deny the request for exception from St. Charles Parish Correctional Center Pharmacy.

The motion was approved after a majority vote in the affirmative. Dr. Anderson, Mr. Bond, Mr. Camp, and Mr. Rabb objected. Mr. D'Angelo abstained from voting on this motion.

*18. Additional Agenda Item No. 2 – Request for Exception to LRS 37:1202.B.4*

Pharmacist Anthony Loreno has applied for licensure by application. Since his NAPLEX score is more than one year old, he requested an extension of the expiration date.

**Comment:** Check name in records!

Following a review of the circumstances of his petition, Dr. Dixon moved, and Mr. Adams seconded.

**Resolved**, that the Board grant the request to extend the expiration date of Pharmacist Anthony Lorenzo's most recent NAPLEX score to December 31, 2001, and deny the request for an exception to the licensure application fee.

The motion failed by a vote of 9-5, with Mr. Adams, Dr. Anderson, Mr. Carmichael, Dr. Dixon, and Mr. Rabb voting for the motion.

*19. Announcements*

Mr. Broussard reminded the Board members of several calendar notes. Mr. Lantier requested a change in the proposed meeting date for August 2002. Mr. Aron directed staff to change the tentative date to August 7-8, 2002.

*20. Recess*

Mr. McKay moved, and Mr. Oubre 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 Thursday, November 15, 2001 at the Board office at 5615 Corporate Blvd., Suite 8-E in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member and respondent received notice, and notice was properly posted.

*1. Call to Order*

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

*2. Invocation*

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

*3. Pledge of Allegiance*

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

*4. Quorum Call*

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

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

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

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

*5. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items. None were offered. Mr. Aron reminded the members of an item deferred yesterday; he indicated his intention to address that item prior to the committee reports. There were no objections.

*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. Request for Exception to LAC 46:LIII.703.B.1*

Ms. Lesley Ann Alexis (Intern Registration No. 41434) requested a waiver from the regulation requiring all interns to obtain a registration from the Board. Dr. Alexis was present; she made a short presentation and responded to questions from members. Ms. Jean moved, and Mr. Carmichael seconded.

**Resolved**, that the Board accept all hours of practical experience earned under the original registration, and further, that the intern earn an additional 400 hours of practical experience from November 15, 2001 forward.

The motion was approved after a majority vote in the affirmative. Mr. Bourg, Mr. Burch, Mr. D'Angelo, Mr. Lantier, and Mr. Oubre objected.

*8. 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 (Mr. Dixon, Mr. D'Angelo, Mr. Burch, Mr. Rabb, and Mr. Camp) 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 Ms. Gaudet to sound the docket, which she did then do. Mr. Aron then re-ordered the agenda so as to convene the formal hearings.

*9. Formal Hearings*

**Shelly M. McLain (Technician Certificate No. 3344)** Mr. Aron requested Ms. Cangelosi to proceed with her presentation. Ms. Cangelosi noted that since the respondent was absent, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, Mr. Shows presented the Proposed

Findings of Fact, Conclusions of Law, and recommended sanctions. Following the Board's deliberations, Mr. Oubre moved, and Mr. Adams seconded,

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

The motion was approved after a unanimous vote in the affirmative. Following further deliberations, Mr. Lantier moved, and Ms. Jean seconded,

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

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

**Resolved**, that the Board revoke Pharmacy Technician Certificate No. 3344.

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

**Scott Davis Nealy (Pharmacist License No. 11172)** Mr. Aron requested Ms. Cangelosi to proceed with her presentation. She noted that since the respondent was not present, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, Mr. McKay moved, and Mr. Adams seconded, to enter into executive session for the purpose of discussing the professional competency of the respondent. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted that the Board entered executive session at 10:25 a.m. Mr. Aron re-opened the meeting room at 10:50 a.m., and resumed the posted agenda, specifically, on the instant case.

Mr. Shows presented the Proposed Findings of Fact. Mr. Lantier moved, and Ms. Jean seconded,

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

The motion was approved after a unanimous vote in the affirmative. Mr. Shows then presented the Conclusions of Law. Mr. McKay moved, and Mr. Oubre seconded,

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

The motion was approved after a unanimous vote in the affirmative. Mr. Shows then presented the recommended sanctions. Mr. McKay moved, and Mr. Bond seconded.

**Resolved**, that the Board immediately suspend Pharmacist License No. 11172 for an indefinite period of time, and further, that administrative costs of \$2,000 be paid prior to any application for reinstatement, and further, that any future reinstatement order be conditioned upon the payment of a disciplinary assessment of \$3,000.

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

At this point, Mr. Aron noted that the formal hearings had concluded. He excused Mr. Shows with appreciation for his service, and then placed the Board in recess at 11:00 a.m. It was noted the Board reconvened at 11:15 a.m. Mr. Aron re-ordered the agenda to receive the report of the Reinstatement Committee.

*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:

**Angela Karnes Kellum (Pharmacist License No. 14572)** Mr. Rabb moved, and Mr. Bourg seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to November 15, 2002. (2) Respondent shall procure to the office or have directed to the office letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist. These letters shall also indicate whether there has been any disciplinary action taken against respondent in those jurisdictions. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

**Danny James Guidry (Pharmacist License No. 10351)** Mr. Rabb moved, and McKay seconded, to deny the request for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

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

Mr. Aron asked Dr. Anderson to present the committee report. She presented the following files for Board action.

**Charissa Dawn Guidry (Pharmacist License No. 15560)** Mr. Adams moved, and Mr. Lantier 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 7, 2001.

**Donald Allen Day (Pharmacist License No. 16853)** Mr. Adams moved, and Mr. Lantier 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 27, 2001.

**Marco Bisa Moran (Pharmacist License No. 16442)** Mr. Adams moved, and Mr. Lantier 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 November 9, 2001.

**Evelyn M. McDowell (Technician Certificate No. 2437)** Mr. Adams moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective August 29, 2001.

**Terrie L. Gaskins (Technician Certificate No. 2738)** Mr. Adams moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective October 1, 2001.

**Amy R. Maynor (Technician Certificate No. 4693)** Mr. Adams moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective October 2, 2001.

**Louis Hanson, Jr. (Technician Certificate No. 3634)** Mr. Adams moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective September 14, 2001.

At this point, Mr. Oubre moved, and Mr. Lantier seconded, to enter into executive session for the purpose of discussing the physical and mental health of several licensees relative to their professional competence. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 11:35 a.m. At 12:30 p.m., Mr. Aron invited the guests back into the meeting room and resumed the posted agenda. He then called upon Dr. Anderson for the remainder of the committee's report.

**Linda Susan Kemp (Pharmacist License No. 12099)** Dr. Anderson moved, and Ms. Jean seconded, to reinstate the license, suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning November 15, 2001 and ending November 14, 2006, with the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (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, or other drug screens upon request by the Board or agent of the Board 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. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the suspension, then placed the license on probation for five years, beginning November 15, 2001 and ending November 14, 2006, subject to certain terms as identified in the Board Order.

**Frank Taylor Watson (Pharmacist License No. 11005)** Dr. Anderson moved, and Ms. Jean seconded, to reinstate the license, suspend the license for ten years, stay the suspension, then place the license on probation for ten years, beginning November 15, 2001 and ending November 14, 2011, 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. (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, or other drug screens upon request by the Board or agent of the Board 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. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the

Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for ten years, stayed the suspension, then placed the license on probation for ten years, beginning November 15, 2001 and ending November 14, 2011, subject to certain terms as identified in the Board Order.

**Mark Lindsey Schexnayder (Pharmacist License No. 14670)** Dr. Anderson moved, and Ms. Jean seconded, to reinstate the license on January 1, 2002, subject to the following condition: respondent is to provide to the Board copies of all Drug Enforcement Administration (DEA) Loss & Theft Reports (Form 106) filed in the last six months (between June 15, 2001 and November 15, 2001); suspend the reinstated license for five years, stay the suspension, then place the license on probation for five years beginning January 1, 2002 and ending December 31, 2006, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board 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. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, on non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board ordered the conditional reinstatement of the license, suspended the reinstated

license for five years, stayed the suspension, then placed the license on probation for five years, beginning January 1, 2002 and ending December 31, 2006, subject to certain terms as identified in the Board Order.

**Charissa Dawn Guidry (Pharmacist License No. 15560)** Dr. Anderson moved, and Ms. Jean seconded, to reinstate the license on January 1, 2002, suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning January 1, 2002 and ending December 31, 2006, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall work in a supervised position only, i.e., respondent shall not be the only pharmacist on duty at any time at a place of employment, from January 1, 2002 to December 31, 2002. (8) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any 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. (9) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (10) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board ordered the license reinstated on January 1, 2002, suspended the reinstated license for five years, stayed the suspension, then placed the license on probation for five years, beginning January 1, 2002 and ending December 31, 2006, subject to certain terms as identified in the Board Order.

**Juanita Tarver Gilbert (Pharmacist License No. 14600)** Dr. Anderson moved, and Ms. Jean seconded, to deny the request for reinstatement. The motion was

approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

**Eugene Wayne Dial (Intern Registration No. 40618)** Dr. Anderson moved, and Ms. Jean seconded, to reinstate the registration, suspend the registration and any subsequent pharmacist license for five years, stay the suspension, then place the registration and any subsequent license on probation for five years, beginning November 15, 2001 and ending November 14, 2006, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board 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. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's intern registration or subsequent license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the registration, suspended it and any subsequent license for five years, stayed the suspension, then placed the registration and any subsequent license on probation for five years, beginning November 15, 2001 and ending November 14, 2006, subject to certain terms as identified in the Board Order.

**Rodger Lynn Richey (Pharmacist License No. 10307)** Dr. Anderson moved, and Ms. Jean seconded, to accept the voluntary surrender of the license, to reinstate the license, to suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning November 15, 2001 and ending November 14, 2006, subject to the following conditions of probation:

(1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board 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. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's intern registration or subsequent license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the license, reinstated the license, suspended it for five years, stayed the suspension, then placed the license on probation for five years, beginning November 15, 2001 and ending November 14, 2006, subject to certain terms as identified in the Board Order.

Mr. Aron thanked the committee for its ongoing efforts. Noting the hour to be 12:45 p.m., Mr. Aron recessed the meeting for lunch. It was noted that he reconvened the meeting at 1:20 p.m. and he then resumed the posted agenda.

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

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

**Wal-Mart Pharmacy No. 10-1206 (Pharmacy Permit No. 3820)** 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 \$2,500 plus administrative and investigative costs.

*Charges:*

(1) LRS 37:1241.A.1 – has permitted anyone in his employ to practice

- pharmacy in violation of any provision of pharmacy law.
- (2) LRS 37:1230.A – pharmacy permit shall be renewed annually.
  - (3) LRS 37:1230.C – pharmacy permits not renewed within prescribed time period shall expire and become null and void.
  - (4) LAC 46:LIII.1101.C.2 – pharmacy permit shall be renewed by January 1, and shall become null and void on January 15.

**Donald Ray Richard (Pharmacist License No. 10661)** 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 and assessed the license administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of any provision of pharmacy law.
- (2) LRS 37:1207.A – pharmacist license shall be renewed annually at time designated by Board.

**Mock's Pharmacy (Pharmacy Permit No. 4434)** 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 \$500 plus administrative and investigative costs. *Charge:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of any provision of pharmacy law.

**Melinda Hill Jones (Pharmacist License No. 16189)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning and assessed the license \$250 plus administrative costs. *Charge:*

- (1) LRS 37:1241.A.1 – has permitted anyone in her employ to assist in the practice of pharmacy in violation of any provision of pharmacy law.

**Lisa Gay Sanderson Patton (Technician Certificate No. 4908)** 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 certificate holder. *Charges:*

- (1) LRS 37:1241.A.2 – obtained a work permit by fraud or misrepresentation.
- (2) LAC 46:LIII.803.A.4 – pharmacy technician trainee must be high school graduate or have educational equivalency certificate.

**Rite Aid Pharmacy No. 7286 (Pharmacy Permit No. 2893)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$2,500 plus administrative costs. *Charge:*

- (1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of any provision of pharmacy law.

**Stephanie Gay Houeye (Pharmacist License No. 15095)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Reprimand and assessed the license an administrative fee. *Charge:*  
(1) LRS 37:1241.A.1 – has assisted anyone in her employ to assist in the practice of pharmacy in violation of any provision of pharmacy law.

**Jennifer Leigh Holmes (Technician Certificate No. 4761)** Dr. Dixon moved, and 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 and assessed the certificate an administrative fee. *Charge:*  
(1) LRS 37:1241.A.1 – has assisted in the practice of pharmacy in violation of any provision of pharmacy law.

**K-Mart Pharmacy No. 4922 (Pharmacy Permit No. 3042)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$250 plus administrative and investigative costs. *Charges:*  
(1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of any provision of pharmacy law.  
(2) LRS 37:1201.C – it shall be unlawful to assist in the practice of pharmacy unless registered or certified by the Board.  
(3) LAC 46:LIII.703.B.1 – all students and graduates shall register with the Board.

**William Charles Jones (Pharmacist License No. 15818)** Dr. Dixon moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Warning and assessed the license an administrative fee. *Charges:*  
(1) LRS 37:1241.A.1 – has permitted anyone in his employ to assist in the practice of pharmacy in violation of any provision of pharmacy law.  
(2) LRS 37:1201.C – it shall be unlawful to assist in the practice of pharmacy unless registered or certified by the Board.  
(3) LAC 46:LIII.703.B.1 – all students and graduates shall register with the Board.

**Curascript Pharmacy, Inc. (Pharmacy Permit No. 4541)** Dr. Dixon moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit \$2,500 plus administrative costs. *Charges:*  
(1) LRS 37:1241.A.1 – has practiced pharmacy in violation of any provisions of pharmacy law.  
(2) LRS 37:1241.A.12 – has engaged in the practice of pharmacy without a permit.  
(3) LRS 37:1232.A – a pharmacy located outside this state which does business in this state shall hold a current pharmacy permit.

**IVP Pharmaceutical Care, Inc. d/b/a ivpcare, inc. (Pharmacy Permit No. 4119)** 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 \$2,500 plus administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of any provisions of pharmacy law.
- (2) LRS 37:1241.A.12 – has engaged in the practice of pharmacy without a permit.
- (3) LRS 37:1232.A – a pharmacy located outside this state which does business in this state shall hold a current pharmacy permit.

**PrescriptionOnline.com (Pharmacy Permit No. 4363)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for one year, stayed the execution, then placed the permit on probation for one year, beginning October 11, 2001 and ending October 10, 2002, subject to the following condition of probation: respondent shall not violate any local, state, or federal pharmacy law. The Board also assessed the permit \$2,500 plus administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – has practiced pharmacy in violation of any provisions of pharmacy law.
- (2) LRS 37:1241.A.12 – has engaged in the practice of pharmacy without a permit.
- (3) LRS 37:1232.A – a pharmacy located outside this state which does business in this state shall hold a current pharmacy permit.

**Gina Elizabeth Brown (Intern Registration No. 7506)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent. *Charge:*

- (1) LRS 37:1241.A.1 – assisted in the practice of pharmacy in violation of any provision of pharmacy law.

At this point, a discussion arose as to the decision process used by staff to direct the previous case (and similar cases) to either the Impairment or Violations Committees. Mr. Bourg indicated he perceived the Violations Committee to be the clearinghouse for cases that contained potential impairment issues, a practice to which he strenuously objected. It was noted that Mr. Bourg abruptly departed the meeting at 2:00 p.m.

**Erika Faith Degetaire (Technician Certificate No. 4300)** 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. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 40:968.A – unlawful distribution or dispensation of Schedule III

controlled dangerous substances.

**Lisa Monette Smith (Technician Certificate No. 3550)** Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate. *Charge:*

(1) LRS 37:1207.A – each person certified by the Board shall apply for annual renewal and pay the fee designated by the Board.

**Marilyn R. Doyle (Technician Certificate No. 4650)** 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 and assessed the certificate an administrative fee. *Charge:*

(1) LRS 37:1207.A – each person certified by the Board shall apply for annual renewal and pay the fee designated by the Board.

Mr. Aron thanked Dr. Dixon and his committee for their extensive deliberations prior to this hearing.

*13. Report of General Counsel*

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

**Kristina M. Bennett (Technician Certificate No. 3808)** Ms. Jean moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective September 25, 2001.

**Mary Louise Bowden (Technician Certificate No. 1573)** Ms. Jean moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective September 6, 2001.

**Brenda A. Simmons (Technician Certificate No. 3549)** Ms. Jean moved, and Mr. Lantier seconded, to accept the voluntary surrender of the certificate. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the certificate, effective October 18, 2001. Further, the Board conditioned the acceptance of any application for reinstatement upon completion of high school or GED equivalent, as evidenced by copy of the appropriate credential.

**Michelle A. Vidal (Technician Trainee Work Permit No. 4333)** Ms. Jean moved, and Mr. Lantier seconded, to accept the voluntary surrender of the work permit. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the work permit, effective August 31, 2001.

*14. Additional Agenda Items*

Mr. D'Angelo requested permission to introduce a motion concerning business not on the agenda, but germane to the earlier discussion concerning staff procedures for committee assignment. Mr. Aron requested and heard no objections to the introduction of that subject matter. Mr. D'Angelo moved, and Mr. Burch seconded,

**Resolved**, that the Board's professional staff, in consultation with the Board President, shall determine the appropriate committee for referral of matters to be considered by the Board.

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

Mr. McKay questioned Mr. Aron about the effective date of the proposed revision of the regulation governing the payment of per diems to board members that was approved the previous day during the report of the Regulation Revision Committee. Mr. Aron confirmed that until such time as the regulation is promulgated, per diem payments are made according to the current policy. Mr. McKay requested permission to introduce a motion concerning business not on the agenda, but germane to the discussion held the prior day. Mr. Aron requested and heard no objections to the introduction of that subject matter. Mr. McKay moved, and Dr. Dixon seconded,

**Resolved**, that a per diem is defined as compensation to be received by a board member for each day of service while attending regular or called board meetings, while attending to official business of the board, or while attending a board related or board sanctioned conference, including travel days for members to and from these meetings, conferences, and related business. Further, the per diem shall not serve as reimbursement for meals, lodging, and other expenses incurred as a result of these meetings, conferences, and related business. Further, this new per diem policy shall become effective November 16, 2001.

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

*15. Adjourn*

Mr. Oubre moved, and Mr. Adams seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron adjourned the Board at 2:20 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary