



# Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808-2537  
[www.lbp.com](http://www.lbp.com)



## Minutes

**Interlocutory Hearing**

Thursday, November 9, 2006 at 1:00 p.m.

Louisiana Board of Pharmacy  
5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808

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The Violations Committee of the Louisiana Board of Pharmacy conducted an Emergency Interlocutory Hearing on Thursday, November 9, 2006 in the Board office at 5615 Corporate Boulevard, 8<sup>th</sup> Floor 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*

Dr. Reuben Dixon, Chair of the Violations Committee, called the hearing to order at 1:05 p.m.

*2. Quorum Call*

Dr. Dixon called upon the Hearing Clerk, Mr. Malcolm Broussard, to call the roll.

**Members Present:**

Mr. Joseph L. Adams  
Dr. Lois R. Anderson  
Dr. Reuben R. Dixon

**Members Absent:**

Mr. Brian A. Bond  
Mr. T. Morris Rabb

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Ms. Kathleen V. Gaudet, Chief Compliance Officer  
Mr. Huey J. Savoie, Compliance Officer

**Guests:**

Ms. Celia R. Cangelosi, Prosecuting Attorney  
Mr. E. Wade Shows, Counsel to Hearing Officer  
Mr. Mark LaCour, Court Reporter

Mr. Broussard certified that a quorum of the committee was present.

*3. Call for Additional Agenda Items*

Dr. Dixon asked if there were any additional agenda items, and none were offered.

*4. Opportunity for Public Comment*

Dr. Dixon reminded 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 general comments, but none were offered.

*5. Appearances*

Dr. Dixon called the hearing to order and then served as the Hearing Officer. He 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 Emergency Interlocutory Hearing of the Violations Committee has been ordered and called for 1:00 p.m. on Thursday, November 9, 2006, in the Board office, or the purpose to wit:

*A G E N D A*

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Request for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Emergency Hearing
  - 1. Pharmacy 101 (Pharmacy Permit No. 5358 – Complaint No. 06-0202)
- G. Adjourn

Dr. Dixon noted the following appearances: Ms. Cangelosi served as Complaint Counsel for the Board, Mr. Shows as Advisor to the Hearing Officer, Mr. Broussard as the Hearing Clerk, and Mr. LaCour as the Official Recorder.

*6. Emergency Hearing*

Dr. Dixon noted the only matter on the agenda involved Pharmacy 101, Ltd., holder of Pharmacy Permit No. 5358, relative to the disposition of Complaint No. 06-0202. He requested the parties to identify themselves for the record. Ms. Cangelosi appeared for the Board; the respondent was not present but was represented by counsel, Mr. Robert C. Stern.

Mr. Stern requested the Board to identify its witnesses in anticipation of his request for sequestration of those witnesses. Ms. Cangelosi identified Mr. Finalet, Mr. Hickman, and Ms. Gaudet as her witnesses, and then designated Mr. Finalet as the Board's representative. Mr. Shows then explained the sequestration rule to the remaining witnesses. They were sequestered for the remainder of the hearing until they were released.

Mr. Stern requested that the public guests be identified. Ms. Cangelosi objected. Mr. Shows ruled that members of the public who were not participants in the hearing were not required to be identified.

Both sides made opening statements. Ms. Cangelosi then presented her case, including witnesses and exhibits. Mr. Stern cross-examined the witnesses. Mr. Stern did not present any witnesses or exhibits. Both sides made closing arguments. Ms. Cangelosi offered Proposed Findings of Fact, Proposed Conclusions of Law, and a Proposed Order for the hearing panel's consideration. At that time, Mr. Adams moved, and Dr. Anderson seconded, to enter into executive session for the purpose of discussing the allegations of respondent's misconduct. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 3:20 p.m., and then reconvened in open session at 4:05 p.m.

Mr. Adams moved, and Dr. Anderson seconded,

**Resolved**, that the hearing panel accept the Proposed Findings of Fact offered by Complaint Counsel, modify them as reflected in the Emergency Interlocutory Order, and then adopt them as their own.

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

**Resolved**, that the hearing panel accept the Proposed Conclusions of Law offered by Complaint Counsel, and then adopt them as their own.

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

**Resolved**, that the hearing panel enter an Emergency Interlocutory Order, as follows:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Permit No. 5358, belonging to Pharmacy 101, Ltd., is summarily suspended, effective immediately, until a formal hearing can be held in this matter before the Louisiana Board of Pharmacy, which hearing is currently scheduled for December 7, 2006, based upon a finding that the public health, safety, and welfare imperatively requires emergency action.

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

Ms. Cangelosi noted the completion of all matters scheduled for that day. Dr. Dixon expressed his appreciation to all participants for their service.

#### *7. Adjourn*

Mr. Adams moved, and Dr. Anderson seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Dr. Dixon adjourned the hearing panel at 4:10 p.m.

Respectfully submitted,

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Malcolm J. Broussard  
Executive Director