



# Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808-2537  
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## Minutes

### Special Board Meeting & Administrative Hearing

Thursday, October 5, 2006 at 8:00 a.m.

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

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A special meeting and administrative hearing of the Louisiana Board of Pharmacy was held on Thursday, October 5, 2006 in the Boardroom of the Louisiana Board of Pharmacy, located at 5615 Corporate Boulevard, 8<sup>th</sup> Floor, in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, each respondent received notice (unless stated otherwise in the official transcript), and notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 8:05 a.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Jacqueline Hall 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  
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 – *Late arrival*  
Ms. Jacqueline L. Hall  
Mr. Marty R. McKay  
Ms. Chris B. Melancon  
Mr. Blake P. Pitre  
Mr. T. Morris Rabb

**Members Absent:**

Mr. Alvin A. Haynes, Jr.  
Mr. Fred H. Mills, 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:**

Mr. Alfred L. Gaudet – La. State Board of Medical Examiners

Mr. Charles Fleetwood – La. State Board of Medical Examiners

Mr. Aron noted the presence of two newly appointed members of the Board. Ms. Chris Melancon replaced Mr. Larry Lantier as one of the representatives from District 7, and Mr. Blake Pitre replaced Mr. Richard Oubre as one of the representatives from District 3. Mr. Aron welcomed the new members and encouraged their active participation.

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. Mr. Adams requested an opportunity to discuss the effect of a recent change in the law that required pharmacies to obtain photo identification for recipients of prescriptions for controlled substances. With no objection offered, Mr. Aron indicated he would entertain discussion of that item following the completion of the posted agenda. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports or witnesses. With no objection offered, Mr. Aron indicated he would exercise that authority only as necessary.

*5. Opportunity for Public Comment*

Mr. Aron 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 from the guests present, but none were offered.

*6. Report of Executive Director*

Mr. Aron called upon Mr. Broussard for the report. He indicated he would present an abbreviated report with only two items.

*A. Amendment to Previously Approved Contract for Information Technology Services.*

Mr. Broussard reminded the members of their previous approval of the licensure database software support agreement with Software Applications, Inc. He described the current activities relative to the CDS permit program, as mandated by the recent legislative session, as well as some of the unforeseen challenges presented by that new program. Dr. Dixon moved and Mr. Pitre seconded,

**Resolved**, that the Board approve an amendment to the existing licensure database software support agreement with Software Applications, Inc., to increase the maximum amount payable to an amount not to exceed \$50,000 for Fiscal Year 2006-2007.

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

*B. Consideration of Regulatory Proposal 2006-12 ~ Collaborative Drug Therapy Management*

Mr. Broussard verified that all members had received the proposal prior to the meeting. He described the activities that preceded the drafting

of the document under consideration, as well as the ongoing discussions. Mr. Aron opened the issue for general comments in anticipation of a motion. The members requested Mr. Aron refer the proposal to the Regulation Revision Committee for their consideration.

It was noted that Mr. Greco arrived at 8:45 a.m.

#### *7. Recess*

Mr. Oubre moved and Ms. Angelle seconded to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron recessed the meeting at 9:00 a.m.

#### *8. Administrative Hearing - Appearances*

Mr. Aron reconvened the meeting at 9:15 a.m. He 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. Mr. Mark Lacour was the Official Recorder. Mr. Malcolm Broussard was the Hearing Clerk. Due to prior knowledge, the following members of the Violations Committee abstained from participation during the Motion for Rehearing: Mr. Dixon, Mr. Adams, Dr. Anderson, Mr. Bond, and Mr. Rabb. 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 a Special Board Meeting and Administrative Hearing have been ordered and called for 8:00 a.m. on Thursday, October 5, 2006 in the Board office, for the purpose to wit:

#### **A G E N D A**

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Quorum Call
4. Call for Additional Agenda Items
5. Opportunity for Public Comment
6. Report of Executive Director – Mr. Broussard
7. Recess – Preparation for Administrative Hearing
8. Motion Hearing
  - A. For Rehearing – Downtown Drugs, Inc. (Applicant for Pharmacy Permit)

9. Formal Hearings
    - B. The Medicine Shoppe of Slidell (Pharmacy Permit No. 3901) [Complaint No. 05-0073]
    - + C. Michael's Discount Pharmacy (Pharmacy Permit No. 5108) [Complaint No. 05-0076]
    - + D. Michael Paul Hebert (Pharmacist License No. 13721) [Complaint No. 05-0074]
  10. Report of Violations Committee – Consideration of Voluntary Consent Agreements
    - E. Rodney Francis Zeringue (Pharmacist License No. 10163) [Complaint No. 05-0075]
    - + F. Larry Sidney Aranda (Pharmacist License No. 11018) [Complaint No. 05-0077]
    - + G. Vincent Steve Campo (Pharmacist License No. 13723) [Complaint No. 05-0078]
    - + H. Pierre Camille Madere (Pharmacist License No. 10484) [Complaint No. 05-0111]
    - I. Pharmacy #1 (Applicant for Pharmacy Permit) [Complaint No. 06-0155]
    - J. John Arvis Bailey (Pharmacist License No. 16088) [Complaint No. 06-0123]
    - K. Kimiko Tiesha Austin (Technician Certificate No. 5676) [Complaint No. 06-0028]
  11. Report of General Counsel – Consideration of Voluntary Consent Agreements
    - L. Cox Nuclear Pharmacy (Pharmacy Permit No. 5690) [Complaint No. 06-0076]
    - M. Fallon Arlene Bobb (Technician Certificate No. 11234) [Complaint No. 06-0177]
  12. Adjourn
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*9. Motion Hearing*

Mr. Aron indicated that due to his prior knowledge of this matter, he would abstain from his duties as Hearing Officer, and that Mr. Wade Shows would serve as Hearing Officer for this matter.

**Downtown Drugs, Inc. (Applicant for Pharmacy Permit)** Ms. Cangelosi appeared for the Board, and Mr. Eric Bopp appeared for the respondent, who was also present. Ms. Cangelosi informed the members that respondent had filed a Motion for Rehearing of the matter they had heard during their last meeting in August. She presented exhibits in support of her argument that the motion had not been filed in a timely manner. Mr. Bopp presented exhibits in support of his argument the motion was filed in a timely manner. Both parties rested, and Mr. Shows asked the panel to deliberate in open session. Mr. McKay moved and Mr. Boudreaux seconded,

**Resolved**, that the Board deny the Motion for Rehearing.

The motion was approved after a majority roll call vote in the affirmative; Mr. Cassidy objected.

Mr. Aron resumed the chair; he then indicated that due to her prior knowledge of the

next matter, Ms. Hall would abstain from any consideration, and that Dr. Anderson would resume her presence on the hearing panel for the next matter. He then announced that settlement discussions were underway for the matters scheduled for formal hearing that day. He then suggested that certain unrelated matters scheduled for later in the agenda could be resolved while waiting for the negotiations to conclude. There was no objection from the members; he then reordered the agenda to take certain matters out of sequence.

*11. Report of the Violations Committee*

Mr. Aron called upon Dr. Dixon for a portion of his report. Dr. Dixon then presented the following files for Board action.

**Pharmacy #1 (Applicant for Pharmacy Permit)** 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 authorized the issuance of a permit to the applicant, and then issued a Letter of Warning to the permit holder, and further, assessed him a fine of \$1,000 plus investigative costs of \$211.50 and administrative costs of \$250.

**John Arvis Bailey (Pharmacist License No. 16088)** Dr. Dixon moved and Mr. McKay seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent, and further, assessed him investigative costs of \$862.70 and administrative costs of \$250.

**Kimiko Tiesha Austin (Technician Certificate No. 5676)** Dr. Dixon moved and Mr. McKay seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent.

Mr. Aron then requested Mr. Broussard to present Mr. Finalet's report.

*12. Report of General Counsel*

Mr. Broussard presented the following files for Board action.

**Cox Nuclear Pharmacy (Pharmacy Permit No. 5690)** Mr. McKay 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 fine of \$5,000 plus investigative costs of \$645.24 and administrative costs of \$250.

**Fallon Arlene Bobb (Technician Candidate Registration No. 11234)** Mr. McKay moved and Mr. Pitre seconded to accept the voluntary consent agreement. The Board revoked the registration, and further, permanently prohibited any future reinstatement application or application for any credential.

### *13. Additional Agenda Item*

Mr. Aron recognized Mr. Adams for his request. Mr. Adams reminded the members of the new law requiring pharmacies to verify photo identification for all persons acquiring controlled substance prescriptions in pharmacies. He questioned how the new law would be enforced. The members discussed various scenarios where such a requirement could be difficult to enforce. Mr. Aron noted the new law was placed in the Uniform Controlled Substances Law in Title 40, which is historically the purview of law enforcement.

Mr. Aron then declared a brief recess, to facilitate settlement discussions. It was noted the Board recessed at 10:05 a.m., and then reconvened at 10:45 a.m., in open session.

### *10. Formal Hearings*

Mr. Aron called upon Ms. Cangelosi for the matters scheduled for hearing. She informed the members that all three respondents scheduled for formal hearing had just executed consent agreements. Mr. Finalet then presented the following matters for Board action.

**The Medicine Shoppe of Slidell (Pharmacy Permit No. 3901)** Mr. Boudreaux moved and Ms. Angelle seconded to accept the voluntary consent agreement. The motion was approved after a majority roll call vote in the affirmative; Mr. Adams objected. The Board revoked the permit; and further, assessed the permit holder a fine of \$15,000 plus administrative costs of \$250.

**Michael's Discount Pharmacy (Pharmacy Permit No. 5108)** Mr. Boudreaux moved and Ms. Angelle seconded to accept the voluntary consent agreement. The motion was approved after a majority roll call vote in the affirmative; Mr. Adams objected. The Board revoked the permit; and further, assessed the permit holder a fine of \$15,000 plus administrative costs of \$250.

**Michael Paul Hebert (Pharmacist License No. 13721)** Mr. Boudreaux moved and Ms. Angelle seconded to accept the voluntary consent agreement. The motion was approved after a majority roll call vote in the affirmative; Mr. Adams objected. The Board suspended the license for ten years, beginning October 5, 2006 and terminating October 5, 2016, then stayed the execution thereof of all but the first six months. The remaining period of suspension was suspended, and the license was placed on probation, subject to certain terms as enumerated in the consent agreement. In addition, the Board assessed the respondent a fine of \$15,000, plus investigative costs of \$20,000 and administrative costs of \$250.

Ms. Cangelosi noted the completion of all matters scheduled for hearing that day. Mr. Aron expressed his appreciation to Ms. Cangelosi and Mr. Shows for their services that day.

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

Mr. Aron called upon Mr. Finalet for the remainder of the committee report. He then presented the following files for Board action.

**Rodney Francis Zeringue (Pharmacist License No. 10163)** Ms. Alderman 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 Reprimand to the respondent, and further, assessed him a fine of \$1,000 plus administrative costs of \$250.

**Larry Sidney Aranda (Pharmacist License No. 11018)** Mr. 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 Reprimand to the respondent, and further, assessed him a fine of \$1,000 plus administrative costs of \$250.

**Vincent Steve Campo (Pharmacist License No. 13723)** Mr. McKay moved and Dr. Anderson seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and further, assessed him a fine of \$1,000 plus administrative costs of \$250.

**Pierre Camille Madere (Pharmacist License No. 10484)** Mr. McKay 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 him administrative costs of \$250.

At the request of the members, Mr. Aron declared a luncheon recess to allow the members to vacate their hotel rooms early to avoid late checkout fees. It was noted the Board recessed at 11:05 a.m., and then reconvened in open session at 12:00 noon.

*14. Consideration of Regulatory Proposal 2006-12 ~ Collaborative Drug Therapy Management*

Mr. Aron reminded the members they had requested the referral of this matter to the Regulation Revision Committee earlier that day. In order to give the committee members insight as to the members' thoughts on the proposal, he suggested further discussion and review of the proposal. The members then reviewed the proposal as well as the current draft of the corresponding proposal from the Board of Medical Examiners. The members suggested a number of revisions. Following substantial discussion, Mr. Boudreaux moved and Mr. McKay seconded,

**Resolved**, that the Board refer *Regulatory Proposal 2006-12 ~ Collaborative Drug Therapy Management* to the Regulation Revision Committee for further revision consistent with the amendments and concepts offered that day, and further, to authorize the Executive Director to submit the resulting Draft No. 3 of Regulatory Proposal 2006-12 for promulgation, and further, to authorize the President to approve acceptable amendments as may become necessary during the regulatory process.

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

*15. Adjourn*

Mr. Pitre moved and Dr. Dixon seconded to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron adjourned the meeting at 4:00 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary