



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
www.labp.com



Minutes

Regular Meeting

Thursday, February 21, 2008 at 1:00 p.m.

Louisiana Board of Pharmacy
5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808

Administrative Hearing

Friday, February 22, 2008 at 8:30 a.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Thursday, February 21, 2008 in the Boardroom of the Louisiana Board of Pharmacy, located on the 8th Floor at 5615 Corporate Boulevard 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 & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Michele Alderman 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
Mr. Carl W. Aron
Ms. Elizabeth W. Barker
Mr. Brian A. Bond
Mr. Allen W. Cassidy, Jr.
Dr. Reuben R. Dixon
Mr. Joseph V. Greco
Ms. Jacqueline L. Hall
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Blake P. Pitre
Mr. T. Morris Rabb

Members Absent:

Mr. J. Douglas Boudreaux
Mr. Alvin A. Haynes, Jr.
Mr. Fred H. Mills, Jr. (Resigned 02-13-2008; not replaced by meeting date)

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
Mr. Benjamin S. Whaley, Compliance Officer

Guests:

Mr. Barries Leung – Louisiana Society of Health-System Pharmacists

Mr. James Poche – Poche Prouet Associates

Mr. Daniel Nugier – Poche Prouet Associates

Mr. James Kovata – Sullivan Stolier & Associates – Counsel for HCA Hospitals, Inc.

Mr. Noel Hodges – Director of Pharmacy Services, HCA Hospitals

Mr. Anthony Laurent – Director of Pharmacy Services, HCA – Tulane-Lakeside Hospital

Mr. Matthew Wilkinson – Director of Pharmacy Services, HCA – Lakeview Regional
Medical Center

Mr. Edward Broussard – Director of Pharmacy Services, HCA – Southwest Medical
Center

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

Mr. Aron noted the presence of Ms. Barker, who was appointed to the Board in December 2007 by then Gov. Blanco to complete the remainder of the unexpired term previously held by Ms. Patricea Angelle. Mr. Aron welcomed her to the Board and encouraged her to actively participate in Board discussions and deliberations.

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items, but 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 previous meeting. Hearing no amendments, Mr. Pitre moved and Ms. Alderman seconded,

Resolved, that the Minutes of the Regular Board Meeting of November 14, 2007 and the Administrative Hearing on November 15, 2007, both of which were 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. Dr. Dixon reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard reminded members of their request at the last meeting to publish a newsletter article explaining the new ACPE standards for continuing education providers and the impact of those standards on the renewal of credentials for pharmacists and technicians. Mr. Broussard reminded the members of that article in the January 2008 issue of the Board's newsletter.

7. Confirmation of Acts

At the request of Mr. Aron, Mr. McKay 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 November 15, 2007 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 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. Mr. Barries Leung, President of the Louisiana Society of Health-System Pharmacists, expressed his organization's appreciation and support of the recent proposal to modify the allocation of practical experience requirements for pharmacy interns [*Regulatory Proposal 2008-1*], and he requested the Board to consider the promulgation of that proposal as soon as possible. Mr. Aron thanked Mr. Leung for his comments.

9. Committee Reports

Mr. Aron indicated he would reorder the sequence of the committee reports.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee had approved three candidates for pharmacist licensure by reciprocity since the last regular Board meeting, in accordance with policies and procedures previously approved by the Board. She then indicated the committee had interviewed 24 applicants earlier that day. She moved and Ms. Alderman seconded,

Resolved, that the Board approve
Sharon Ann Alcorn
Klinton Kyp Curtis
Lisa Fife Dimick
Jonathan Howard Dodd
Kristin Jill Hall
Jennifer Louise Hegeduis
Nicole Ann Hubach
Laura Ann Batman Hysen
Shannon Gayle Irving-Panther
Gary Kamenetz
Nancy Eileen Koshko
Faith Naym-Young Ku
Magnar Helge Kvilhaug
Jennifer Lynn Meagher
Rachel Fay Meyer
Royce Chausse Norris
Jimmy Claud O'Brian
Terrence Naoto Otani
Lisa May Rave
Cynthia Jean Harvin Reich
John Joseph Riccardi
Christopher William Simmons
Claudia Elsa Vargas, *and*

Monica Katrice Wilson

for pharmacist licensure by reciprocity.

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

Ms. Hall then reported the committee had reviewed its operational policy and procedures and recommended no changes and a renewal of their approval. She then moved, and Ms. Alderman seconded,

Resolved, that the Board renew its approval of *Board Policy No. I.B.4.a – Reciprocity Committee*.

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

Finally, Ms. Hall expressed her appreciation to the other members of her committee, for their work that morning.

A. *Finance Committee*

Mr. Aron called upon Mr. Bond. Mr. Bond directed the members to the various reports in their meeting packet:

- Statement of Assets, Liabilities, & Equity for December 31, 2007
- Statement of Revenue, Expenses and Budget Performance for December 31, 2007
- Summary of Income and Fund Balance Changes for December 31, 2007
- Statement, Hancock Bank Investments for December 31, 2007

Mr. Bond reviewed all the reports and answered questions from the members. He then submitted the report for information only, requiring no action by the Board.

B. *Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on January 15 to review 6 referrals from staff. The docket included two applications for pharmacist licensure, one for technician certification, two for technician candidate registration, and one application for a pharmacy permit.

Following their deliberations, the committee authorized the issuance of a technician certificate to the applicant. Mr. McKay then presented the remaining files for Board action.

William Kendall Rutherford – Applicant for Pharmacist License by Examination Mr. McKay moved and Mr. Adams seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board conditioned the issuance of the license upon certain terms as enumerated in the agreement.

Aaron Matthew Hare – Applicant for Pharmacy Technician Candidate Registration Mr. McKay moved and Mr. Pitre seconded to deny the application and refuse to issue the registration. The motion was approved after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Sarah Mae Ardoin – Applicant for Pharmacy Technician Candidate Registration Mr. McKay moved and Mr. Pitre seconded to deny the application and refuse to issue the registration. The motion was approved after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Taeho Oh – Applicant for Pharmacist License by Reciprocity Mr. McKay moved and Dr. Dixon seconded to deny the application and refuse to issue the license. The motion was approved after a unanimous vote in the affirmative. The Board denied the application and refused to issue the license.

Esplanade Pharmacy – Applicant for Pharmacy Permit Mr. McKay reported the committee recommended denial of the application; however, the applicant had filed notice of his intent to appeal the committee's recommendation to the full Board. Since the members will be considering that matter at the May 2008 administrative hearing, no further discussion on the matter was held.

Finally, Mr. McKay expressed his appreciation to the members of the committee for their efforts at the previous meeting.

D. Violations Committee

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reported the committee last met on December 12-13, 2007. The docket for that Informal Conference included 9 pharmacists, 4 technicians, and 7 pharmacy permits. He then reviewed the agenda for the administrative hearing scheduled for the following day; the docket included 5 formal hearings involving one pharmacist, one intern, one technician, two technician candidate applicants, and one pharmacy permit, along with 11 consent agreements from the committee as well as the report from staff, which included four voluntary surrenders and four consent agreements. He reported the committee would meet again on March 6, 2008. The docket for that Informal Conference included 7 pharmacists, 4 technicians, one technician candidate, and four pharmacy permits.

Finally, he expressed his appreciation to the other members of his committee for their ongoing work.

E. Impairment Committee

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

Kenneth Ray Richard (Pharmacist License No. 14439) Mr. Rabb moved and Mr. Cassidy 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 suspension of the license for an indefinite period of time, effective November 26, 2007.

Charles Lafayette Mullin, Jr. Mr. Rabb moved and Dr. Dixon 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 suspension of the license for an indefinite period of time, effective November 29, 2007.

Jerry Dale Walters (Pharmacist License No. 16806) Mr. Rabb moved and Ms. Alderman 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 suspension of the license for an indefinite period of time, effective January 15, 2008.

Scott Taylor Lovitt (Pharmacist License No. 17931) Mr. Rabb moved and Mr. Bond 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 suspension of the license for an indefinite period of time, effective February 7, 2008.

Brandy Nicole Bush (Technician Certificate No. 7306) Mr. Rabb moved and Mr. Adams 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 suspension of the certificate for an indefinite period of time, effective February 7, 2008.

Clay Devoe Jones (Pharmacist License No. 15687) Mr. Rabb moved and Ms. Alderman seconded to grant the request for the reinstatement of the suspended license, to then suspend the license for ten years and stay the execution thereof, and then place the license on probation for ten years, beginning February 21, 2008 and ending February 20, 2018, subject to certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Gina Jo Palermo (Pharmacist License No. 16692) Mr. Rabb moved and Dr. Dixon seconded to grant the request for the reinstatement of the suspended license, to then suspend the license for five years and stay the execution thereof, and then place the license on probation for five years, beginning February 21, 2008 and ending February 20, 2013, subject to certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Kerry Michael Finney (Pharmacist License No. 13535) Mr. Rabb moved and Ms. Alderman seconded to grant the request for modification of probationary terms, specifically to modify Article 3-g of his November 17, 2004 Board Order to allow him to accept an appointment as Pharmacist-in-Charge, but only at Fred's Pharmacy No. 2991, holder of Pharmacy Permit No. 4101, and located in St. Francisville, Louisiana. The motion was

approved after a unanimous vote in the affirmative.

Kenneth Ralph Foster (Pharmacist License No. 9938) Mr. Rabb moved and Mr. Bond seconded to grant the request for modification of probationary terms, specifically to remove the restriction identified in Article 2-d of his March 6, 2007 Board Order to allow him to practice pharmacy without immediate supervision by another pharmacist at all times. The motion was approved after a unanimous vote in the affirmative.

Mr. Rabb then reported the receipt of information that one of the addiction medicine specialists listed on the Board's *Roster of Approved Addictionists* was no longer affiliated with the practice site noted on the roster. While reserving the committee's right to re-establish a relationship with the physician in the future, the committee members believed it prudent to remove the physician from the roster at that time. Mr. Rabb then moved and Ms. Alderman seconded to remove Dr. Douglas W. Cook from the Board's *Roster of Approved Addictionists*. The motion was approved after a unanimous vote in the affirmative.

Finally, Mr. Rabb expressed his appreciation to the other members of his committee for their deliberations the previous day.

F. Reinstatement Committee

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

Terry Ann Spears (Pharmacist License No. 9903) Mr. Adams moved and Dr. Dixon seconded to grant the request for reinstatement of the lapsed license, conditioned upon the satisfaction of certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

David Michael Pelous (Pharmacist License No. 11181) Mr. Adams moved and Mr. Bond seconded to deny the request for reinstatement of the suspended license, and further, to condition the acceptance of any future application for reinstatement upon the satisfaction of certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Glenn Edwin Gough (Pharmacist License No. 11874) Mr. Adams moved and Ms. Alderman seconded to grant the request for return of his inactive license to active status, conditioned upon the satisfaction of certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Mia Sunshine John (Technician Certificate No. 3957) Mr. Adams moved and Mr. Pitre seconded to grant the request for reinstatement of the expired

certificate, conditioned upon the satisfaction of certain terms as enumerated in the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Steve Patrick Michel (Pharmacist License No. 11999) Mr. Adams moved and Mr. Cassidy seconded to deny the request for reinstatement of the suspended license. The motion was approved after a unanimous vote in the affirmative.

Mr. Adams then reported the committee had reviewed its existing policy [Board Policy No. I.B.5.a] and recommended the insertion of new language relative to reports of criminal background checks. He then moved and Mr. Pitre seconded

Resolved, that the Board amend its Policy No. I.B.5.a by inserting the following language as Article 5.c:

“report of criminal background check, provided, however, that the non-receipt of said report shall not serve to automatically delay the consideration of the application by the committee.”

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

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

G. *Regulation Revision Committee*

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee had met on January 16 to discuss a number of topics. The committee received substantial comments from various stakeholders on the proposed revision to Chapter 27 – Controlled Dangerous Substances; staff members were still working on a subsequent draft integrating those requested revisions. The committee also discussed nuclear pharmacy permits and electronic signatures on prescriptions, and staff was still conducting research requested by the committee. Finally, the committee reviewed the practical experience requirements for pharmacist licensure. Dr. Anderson reminded the members of the current requirements, as well as the provisions of Regulatory Proposal 2007-3, which had not yet been promulgated. She reported the committee wanted to change the proposed amendment to the current rule and had prepared another regulatory proposal to substitute for 2007-3. The substitute proposal would grant 1,000 hours credit for the successful completion of the curriculum of an approved college of pharmacy and require the acquisition of at least 500 hours of practical experience in a permitted pharmacy, with no restriction on when those hours could be earned. She then moved and Mr. Rabb seconded

Resolved, that the Board approve *Regulatory Proposal 2008-1 ~ Practical Experience Requirements for Pharmacy Interns* as a substitute for Regulatory Proposal 2007-3 of the same title, and further, to authorize the Executive Director to submit the substitute proposal for promulgation upon the instruction of the President, 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.

Finally, Dr. Anderson expressed her appreciation to the members of her committee for their ongoing work.

H. Legislative Committee

Mr. Aron called upon Ms. Alderman for the report. She directed the members to the four legislative proposals circulated in advance of the meeting. She then moved and Mr. Bond seconded,

Resolved, that the Board approve the following legislative proposals:

- *Legislative Proposal 2008-1 ~ Electronic renewals*
- *Legislative Proposal 2008-2 ~ Required notifications*
- *Legislative Proposal 2008-3 ~ Technicians in military service*
- *Legislative Proposal 2008-4 ~ CDS Revision of Schedules I, II, III, and V*

and further, to authorize the filing of same in the Regular Session of the 2008 Louisiana Legislature, and further, to grant the President the authority to approve any acceptable amendments as may become necessary during the legislative process.

The motion was approved after a unanimous vote in the affirmative. Ms. Alderman reminded the members that there were still some legislative proposals approved by the Board that had not yet been filed, for strategic reasons at that time. Proposals still active and not yet filed include the following:

- *Legislative Proposal 2006-01 ~ Public records*
- *Legislative Proposal 2006-08 ~ Disciplinary proceedings*
- *Legislative Proposal 2006-10 ~ Reinstatement restrictions*

Ms. Alderman advised the members these proposals would be pursued at the most strategic opportunity.

At this point, Mr. Aron indicated he would reorder the agenda to consider some of the special requests.

11. Request for Exception to LAC 46:LIII.1115.B (Advertising) – Bain & Co. Apothecary

Mr. Aron directed the members to the petition and background information in the meeting packet. He then requested Mr. Finalet to introduce the matter and request for consideration by the members. Following a brief discussion of the issue, Mr. Adams moved and Ms. Alderman seconded,

Resolved, that the Board deny the request from Bain & Co.

Apothecary to provide an exception to the restriction on the use of the word “apothecary” as defined in LAC 46:LIII.1115.B.

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

13. *Request for Endorsement – Xanodyne Pharmaceuticals*

Mr. Aron directed the members to the company's request as circulated prior to the meeting as well as the background information prepared by staff in the meeting packet. He then requested Mr. Broussard to introduce the matter and request for consideration by the members. Following a brief discussion of the issue, Mr. Bond moved and Dr. Anderson seconded,

Resolved, that the Board encourage Xanodyne Pharmaceuticals continue their educational efforts relative to appropriate substitution of prescription drug products by pharmacists, and further, instruct staff to continue its own educational efforts on the same topic, and further, to decline to issue a product-specific endorsement to Xanodyne Pharmaceuticals.

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

Mr. Aron declared a brief recess. It was noted the Board recessed at 2:05 p.m., and then reconvened at 2:20 p.m.

At this point, Mr. Aron indicated he would request the presentation of a portion of the staff reports before moving to other agenda items.

10. *Staff Reports*

B. General Counsel

Mr. Aron informed the members the Board had executed a Purchase Agreement on February 7, 2008 relative to a tract of land located in an office park approximately a mile from the current location of the Board office. He reminded the members they had authorized this action at their last meeting, and further, they had authorized the engagement of Poche Prouet Associates to assist the Board in its evaluation of the property prior to the closing date. Mr. Aron then requested Mr. Finalet to update the members on the current progress.

Mr. Finalet then introduced Mr. Jim Poche and Mr. Daniel Nugier from Poche Prouet Associates. Mr. Poche reminded the members of their approval of an agreement to engage their firm's services at the last Board meeting, for the purpose of conducting a Phase I Property Assessment. Mr. Poche then described the process and outcomes of that assessment, closing with information the final price for the project was less than the amount authorized by the Board. He then described the remaining tasks recommended for completion prior to the closing on the act of sale. He directed the members to three documents in their meeting packets. In particular, he requested their consideration of the proposal contained in his February 20, 2008 letter to the Board. At Mr. Aron's request, Mr. McKay moved and Mr. Rabb seconded

Resolved, that the Board approve the proposed agreement with Poche Prouet Associates for the purpose of acquiring various services including title research, topographic survey, site analysis, building program, and architectural design services for an amount

not to exceed \$150,000, and further, to authorize the President, Executive Committee, Mr. Finalet, and Mr. Broussard to work with Poche Prouet Associates and make the decisions necessary to complete the services contemplated in the agreement; and further, to report on the progress of the project at the next meeting of the Board.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron expressed his appreciation to Messrs. Poche and Nugier for their presentation.

At this point, Mr. Aron indicated he would reorder the agenda to accommodate a petitioner for one of the requests for exception.

12. Request for Exception to LAC 46:LIII.1143 ~ Remote Processing of Medical Orders – HCA Hospitals

Mr. Aron requested Mr. Broussard to provide some background information on the rule at issue. Mr. Broussard directed the members to the information provided by HCA and posted in the Boardroom Library, as well as the additional materials provided in the meeting packet. Mr. Aron then called upon the HCA representatives to make their presentation in support of their request for an exception. Following the presentation and substantial discussion of the request, Mr. Aron referred the request to the Regulation Revision Committee. He requested the committee to consider the current rule and the request, and determine what changes to laws and rules would be appropriate. He instructed staff to include the petitioners on committee communications relative to their request.

At this point, Mr. Aron revealed his concern for the potential of not having a quorum for the following day's administrative hearing. To facilitate the consideration of various consent agreements and voluntary surrenders, he offered the members an opportunity to consider those matters earlier than originally scheduled. Mr. Rabb moved and Mr. McKay seconded to consider the Report of General Counsel and then the Report of the Violations Committee, both originally scheduled for the following day. The motion was approved after a unanimous vote in the affirmative.

Friday, February 22, 2008

9. Report of General Counsel

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

Grand Coteau Prescription Shoppe (CDS License No. C-001889) Dr. Dixon moved and Mr. Pitre 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 credential, resulting in the suspension of the license for an indefinite period of time, effective November 26, 2007

Jeremy Christopher Powell (Pharmacist License No. 16108) Mr. Rabb moved and Mr. McKay seconded to accept the voluntary consent agreement. The

motion was approved after a unanimous vote in the affirmative.

Pryce's Pharmacy (CDS License No. C-000917) Mr. McKay moved and Ms. Melancon 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 suspension of the license for an indefinite period of time, effective December 12, 2007.

Mark Alan Parent, MD (CDS License No. 15811) Dr. Dixon moved and Mr. Rabb 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 suspension of the license for an indefinite period of time, effective September 14, 2007.

Aileen Branch Legg (Pharmacist License No. 11637) Dr. Dixon moved and Ms. Alderman 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 suspension of the license for an indefinite period of time, effective December 17, 2007.

Fyona Meshelle Daenen (Technician Certificate No. 7335) Dr. Dixon moved and Ms. Hall 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 of the certificate, resulting in the suspension of the certificate for an indefinite period of time, effective February 14, 2008.

Brittany Shanae Austin (Candidate Registration No. 12298) 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 revoked the registration, and further, permanently prohibited any future application for reinstatement of the registration.

Med 4 Home Pharmacy (Pharmacy Permit No. 4745) 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 Reprimand to the permit owner, and further, assessed him administrative costs.

Sure Scripts d/b/a Senior Respiratory Solutions (Pharmacy Permit No. 5072) Dr. Dixon moved and Ms. Barker 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 owner, and further, assessed a fine of \$5,000 plus administrative costs.

Ronald Brian Ainsworth (Pharmacist License No. 8946) 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 him administrative costs.

Meghan Michelle Sturdivant (Candidate Registration No. 12797) 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 revoked the registration, and further, permanently prohibited any future application for reinstatement of the registration.

Mr. Finalet indicated the conclusion of his report.

8. Report of the Violations Committee

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

Phil's Pharmacy (Pharmacy Permit No. 2488) 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 suspended the permit for three years and stayed the execution thereof, and then placed the permit on probation for three years, beginning January 1, 2008, subject to certain terms as enumerated in the consent agreement, and further, assessed the permit owner a fine of \$5,000 plus administrative and investigative costs.

Philip Wayne Beard (Pharmacist License No. 10513) Dr. Dixon moved and Ms. Melancon seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the respondent a fine of \$1,000 plus administrative costs.

Allyson Beard McCleon (Technician Certificate No. 6568) Dr. Dixon moved and Ms. Melancon 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, permanently prohibited any future application for reinstatement of the certificate.

Thrift-T-Way Pharmacy (Pharmacy Permit No. 1111) Dr. Dixon moved and Ms. Hall seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the permit for five years and stayed the execution thereof, and then placed the permit on probation for five years, beginning January 1, 2008, subject to certain terms as enumerated in the consent agreement, and further, assessed the permit owner a fine of \$7,500 plus administrative and investigative costs.

Ted Michael Mayeux (Pharmacist License No. 9048) 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 him a fine of \$2,000 plus administrative costs.

Kenneth Ray Richard (Pharmacist License No. 14439) 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 suspended the license for an indefinite period of time, and further, conditioned the acceptance of any future reinstatement application upon the satisfaction of certain terms enumerated in the consent agreement, and further, assessed the respondent a fine of \$1,000 plus administrative and investigative costs.

Teresa Renee Criss (Technician Certificate No. 7253) Dr. Dixon moved and Mr. McKay seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative.

William Alan Barclay, Jr. (Pharmacist License No. 8887) 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 issued a Letter of Reprimand to the respondent, and further, restricted his practice to Board-approved sites only, and further, assessed the respondent a fine of \$500 plus administrative and investigative costs.

Gerald Edward Sargent (Pharmacist License No. 15503) 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 suspended the license for an indefinite period of time, and further, conditioned the acceptance of any future reinstatement application upon the satisfaction of certain terms enumerated in the consent agreement, and further, assessed the respondent a fine of \$25,000 plus administrative and investigative costs.

The Corner Drug Store (Pharmacy Permit No. 2317) 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 suspended the permit for five years and stayed the execution thereof, and then placed the permit on probation for five years, beginning January 1, 2008, subject to certain terms as enumerated in the consent agreement, and further, assessed the permit owner a fine of \$25,000 plus administrative and investigative costs.

Gilford Raymond Birch (Pharmacist License No. 9924) Dr. Dixon moved and Mr. McKay seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, and further, conditioned the acceptance of any future reinstatement application upon the satisfaction of certain terms enumerated in the consent agreement, and further, assessed the respondent administrative and investigative costs.

At this point, Mr. Aron indicated he would return to the agenda for that day, and to the staff reports in particular.

Thursday, February 21, 2008

10. Staff Reports

A. Report of Chief Compliance Officer

Mr. Aron called upon Ms. Gaudet for the report. She indicated that for the first half of the fiscal year, the compliance officers had conducted 637 pharmacy inspections and 98 site inspections for the CDS license. She also reported that the newest compliance officer had recently achieved board certification as an investigator.

At this point, Mr. Aron indicated he would return to the final committee report.

9. Committee Reports

I. Executive Committee

Mr. Aron informed the members of his intention to contact a member of the Board who has missed the previous four meetings to determine whether the member was still interested in serving on the Board. The members supported the President in his intended course of action.

At this point, Mr. Aron indicated he would call for the last remaining report.

10. Staff Reports

C. Report of Executive Director

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard directed the members to his report which was posted in the Boardroom Library prior to the meeting. He reviewed the following topics:

- Meeting Activity
- Reports
 - Census Reports – CDS and Pharmacy Programs
 - Licensure Activity Report
- Examinations
 - NAPLEX
 - MPJE
 - PTCB
- Operations
- Collaborations
 - Prescription Monitoring Program
 - Collaborative Drug Therapy Management (CDTM)

Mr. Broussard directed the members to a proposed policy document in their meeting packet. Policy No. III.C describes the procedures for pharmacists to obtain a CDTM registration number and then how to jointly file a Notice of Intent to Collaborate with the Board of Medical Examiners. After responding members' questions, Mr. McKay moved and Mr. Rabb seconded

Resolved, that the Board approve *Policy No. III.C ~ Collaborative Drug Therapy Management Registry*.

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

- Regulatory Activities at Other Agencies
 - Board of Medical Examiners
 - Board of Wholesale Drug Distributors
 - Dept. of Health & Hospitals – Bureau of Health Services Financing
 - Dept. of Health & Hospitals – Health Standards Section
 - Board of Optometry Examiners
- 104th Annual Meeting of National Association of Boards of Pharmacy

14. Announcements

Mr. Broussard reminded the members and staff of the calendar notes, and then directed them to that information in their meeting packets.

15. Recess

Mr. Cassidy moved and Ms. Alderman 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 4:50 p.m.

* * *

An Administrative Hearing was convened on Friday, February 22, 2008 in the Boardroom of the Louisiana Board of Pharmacy, located on the 8th Floor at 5615 Corporate Boulevard in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

1. Call to Order

Mr. Aron called the meeting to order at 8:40 a.m.

2. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Mr. Adams 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 Dr. Anderson, Mr. Boudreaux, Mr. Haynes, and Mr. Mills 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 requested. At this point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports and witnesses. Hearing no objections, he indicated he would exercise that option only when necessary to do so.

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

- +
09. Allyson Beard McCleon – Technician Certificate No. 6568
Complaint No. 07-0215
- 10. Thrift-T-Way Pharmacy – Pharmacy Permit No. 1111 Complaint No. 07-0151
- +
11. Ted Michael Mayeux – Pharmacist License No. 9048 Complaint No. 07-0152
- 12. Kenneth Ray Richard – Pharmacist License No. 14439 Complaint No. 07-0098
- 13. Teresa Renee Criss – Technician Certificate No. 7253 Complaint No. 07-0131
- 14. William Alan Barclay, Jr. – Pharmacist License No. 8887 Complaint No. 07-0027
- 15. Gerald Edward Sargent – Pharmacist License No. 15503 Complaint No. 07-0041
- 16. The Corner Drug Store – Pharmacy Permit No. 2317 Complaint No. 07-0112
- +
17. Gilford Raymond Birch – Pharmacist License No. 9924 Complaint No. 07-0113
+
Complaint No. 07-0219

H. Report of General Counsel

Consideration of Voluntary Surrenders

- 18. Grand Coteau Prescription Shoppe – CDS License No. C-001889
Complaint No. 07-0137
- 19. Pryce’s Pharmacy – CDS License No. C-000917
- 20. Mark Alan Parent, MD – CDS License No. 15811
- 21. Aileen Branch Legg – Pharmacist License No. 11637

Consideration of Staff-Initiated Voluntary Consent Agreements

- 22. Brittany Shane Austin – Candidate Registration No. 12288
Complaint No. 07-0246
- 24. Med 4 Home – Pharmacy Permit No. 4745 Complaint No. 07-0273

I. Adjourn

7. Formal Hearings

Mr. Aron indicated that Ms. Cangelosi was conferring with some respondents, and he then called upon Mr. Finalet, who presented the following files for Board action:

Bettina Renee Brown (Applicant for Technician Candidate Registration)

Since this matter was referred from the Application Review Committee, Mr. Aron indicated that all members were eligible to consider the matter. Mr. Finalet appeared for the Board and the respondent was present without counsel. Mr. Finalet presented an opening statement, several exhibits, and then rested his case. The respondent presented herself as a witness but no exhibits. Mr. Finalet then offered a closing statement as well as proposed Findings of Fact and

Conclusions of Law; he then submitted the matter of the Board for its consideration. Mr. Adams moved and Ms. Melancon seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:55 a.m. and then returned to open session at 9:35 a.m., at the instant case.

Dr. Dixon moved and Ms. Alderman seconded

Resolved, that the Board accept the Findings of Fact as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Resolved, that the Board deny the application and refuse to issue a Pharmacy Technician Candidate Registration to the respondent; and further, to order the respondent to pay the following assessments: the administrative hearing fee of \$250; and further, to condition the acceptance of any future application for the issuance of this or any other credential issued by the Board upon the satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein, (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction, and (3) respondent shall have received a favorable recommendation for her entry to the practice of pharmacy without posing a threat to the public's health, safety or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

The motion was approved after a majority vote in the affirmative; Ms. Hall objected.

At this point, Mr. Aron declared a brief recess to enable the members of the Violations Committee to review a proposed settlement offer from one of the respondents scheduled for hearing later that same day. It was noted the Board recessed at 9:40 a.m. and returned to open session at 10:00 a.m. Mr. Aron requested Mr. Finalet to proceed with his next case.

Charlotte Larette Wyatt (Applicant for Technician Candidate Registration)

Since this matter was also referred from the Application Review Committee, Mr. Aron indicated that all members were eligible to consider this matter. Mr. Finalet appeared for the Board, and the respondent was present without counsel. Mr. Finalet presented an opening statement and several exhibits. The respondent

presented her testimony and responded to questions from the members. Both sides offered closing statements and rested their cases. Mr. Finalet offered proposed Findings of Fact and Conclusions of Law and then submitted the matter to the Board for its consideration. Mr. Adams moved and Mr. Pitre seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:15 a.m. and then returned to open session at 10:25 a.m., at the instant case.

Ms. Alderman moved and Mr. Cassidy seconded

Resolved, that the Board accept the Findings of Fact as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Resolved, that the Board deny the application and refuse to issue a Pharmacy Technician Candidate Registration to the respondent; and further, to order the respondent to pay the following assessments: the administrative hearing fee of \$250; and further, to condition the acceptance of any future application for the issuance of this or any other credential issued by the Board upon the satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein, and (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

At this point, Mr. Finalet indicated Ms. Cangelosi was prepared to present proposed settlement offers for two cases originally scheduled for hearing that day.

Paul Willis Williams, Jr. (Pharmacist License No. 11089) re Complaint No. 07-0138 + Grand Coteau Prescription Shoppe (Pharmacy Permit No. 1889) re Complaint No. 07-0137. Mr. Aron indicated these matters were referred from the Violations Committee, but those members were still eligible to participate in the consideration of this matter. Ms. Cangelosi appeared for the Board and the respondents were present with counsel. Ms. Cangelosi presented an opening statement and then informed the members the respondents had executed proposed consent agreements to settle the matters. Mr. McKay moved and Ms. Alderman seconded to enter into executive session for the purpose of discussing the respondents' professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:40 a.m. and then returned to open session at 10:55 a.m., at the instant case.

With respect to **Paul Willis Williams, Jr. (Pharmacist License No. 11089)**, 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 license, effective March 31, 2008; and further, the Board ordered the respondent to pay the following assessments: (1) a fine of \$20,000 and (2) the administrative hearing fee of \$250; and further, \$5,000 of the total amount payable shall be paid no later than February 26, 2008 and the remainder no later than June 30, 2008; and further, the Board conditioned the acceptance of any future application for the reinstatement of the license upon the satisfaction of the following terms: (1) no application shall be accepted prior to January 1, 2018, (2) all assessments levied herein as well as those associated with the disposition of Complaint No. 07-0137 against Grand Coteau Prescription Shoppe shall be paid in full, and (3) respondent shall have no pending criminal matters against him in any jurisdiction.

With respect to **Grand Coteau Prescription Shoppe (Pharmacy Permit No. 1889)**, 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 permit, effective March 31, 2008; and further, the Board ordered the respondent to pay the following assessments no later than June 30, 2009: (1) a fine of \$75,000, (2) the administrative hearing fee of \$250, and (3) investigative costs of \$974.71.

Mr. Aron requested Mr. Finalet to present the remaining cases scheduled for hearing.

Caleb Lamar Cox (Intern Registration No. 41143) re Complaint No. 07-0207
Mr. Aron indicated this matter was referred by the Impairment Committee and he then offered to excuse those members from consideration of the matter. However, upon direct questioning by Mr. Shows, the respondent indicated he had no opposition to those members participating in the hearing. Mr. Finalet presented an opening statement, several exhibits, and then rested his case. The respondent presented himself as a witness and responded to questions from the members. Mr. Finalet offered a closing statement as well as proposed Findings of Fact and Conclusions of Law; he then submitted the matter to the Board for its consideration. Mr. McKay moved and Mr. Adams seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 11:20 a.m. and returned to open session at 11:50 a.m., at the instant case.

Mr. Rabb moved and Mr. Cassidy seconded

Resolved, that the Board accept the Findings of Fact as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Resolved, that the Board suspend Pharmacy Intern Registration No. 41143, held by Caleb Lamar Cox for five years; and further, to order the respondent to pay the following assessments: (1) a fine of \$5,000, (2) the administrative hearing fee of \$250, and (3) the investigative and hearing costs, including the costs of the general counsel and the official recorder; and further, to condition the acceptance of any future application for the reinstatement of the registration, or any application for any other credential issued by the Board, upon the satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein, (2) respondent shall have no pending legal or disciplinary matters against him in any jurisdiction, and (3) respondent shall have received a favorable recommendation for his return to the practice of pharmacy without posing a threat to the public's health, safety or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

At this point, Mr. Aron declared a luncheon recess. It was noted the Board recessed at 11:55 a.m. and then reconvened in open session at 12:30 p.m.

Tammy Lynn Nicholas Scott (Technician Certificate No. 5130) re Complaint No. 07-0155 Mr. Aron indicated this matter was referred by the Violations Committee, and he then excused Dr. Dixon, Mr. Adams, Mr. Bond, and Mr. Rabb from consideration of this matter. Mr. Finalet appeared for the Board, and noted the absence of the respondent. After verifying her absence, Mr. Aron ruled the matter would continue as a default proceeding. Mr. Finalet then presented an opening statement, several exhibits, and then rested his case. He offered a closing statement as well as proposed Findings of Fact and Conclusions of Law; he then submitted the matter to the Board for its consideration. Mr. Cassidy moved and Ms. Alderman seconded to enter into executive session for the purpose of discussing the respondent's professional competence. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 12:45 p.m. and returned to open session at 12:50 p.m., at the instant case.

Ms. Melancon moved and Mr. Cassidy seconded

Resolved, that the Board accept the Findings of Fact as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Melancon moved and Mr. Cassidy seconded

Resolved, that the Board accept the Conclusions of Law as proposed by General Counsel, adopt them as our own, and enter them into the hearing record.

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

Melancon moved and Mr. Pitre seconded

Resolved, that the Board revoke Technician Certificate No. 5130, held by Tammy Lynn Nicholas Scott; and further, to order the respondent to pay the following assessments: (1) a fine of \$5,000, (2) the administrative hearing fee of \$250, and (3) the investigative and hearing costs, including the costs of the general counsel and the official recorder; and further, to condition the acceptance of any future application for the reinstatement of the certificate, or any application for any other credential issued by the Board, upon the satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein, and (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction, and (3) respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

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

10. Adjourn

Ms. Alderman moved and Mr. Cassidy 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 12:55 p.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary