



# Louisiana Board of Pharmacy

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



## Minutes

**Regular Meeting**

Wednesday, May 7, 2008 at 1:00 p.m.

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

## Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
1.	Call to Order	3
2.	Invocation & Pledge of Allegiance	3
3.	Quorum Call	3
4.	Call for Additional Agenda Items	4
5.	Consideration of Minutes	4
6.	Report on Action Items	4
7.	Confirmation of Acts	4
8.	Opportunity for Public Comment	4
9.	Committee Reports	
	A. Finance	4
	B. Application Review	6
	C. Reciprocity	8
	D. Violations	8
	E. Impairment	10
	F. Reinstatement	11
	G. Regulation Revision	12
	H. Legislative	5
	I. Executive	13
10.	Staff Reports	
	A. Chief Compliance Officer	15
	B. General Counsel	15
	C. Executive Director	22
11.	Request for Exception to LAC 46:LIII.903.A.1.b	14
12.	Request for Endorsement	23
13.	Announcements	23
14.	Adjourn	23

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 8, 2008 in the Boardroom of the Louisiana Board of Pharmacy, located on the 8<sup>th</sup> 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 1:05 p.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Elizabeth Barker 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. 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.

**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:**

Ms. Michelle Morgan (Petitioner for Agenda Item No. 11)  
Ms. Lori Maraist (CVS)  
Mr. Bland O'Connor (LSHP)  
Mr. Mitch Ward (NACDS)  
Ms. Mary Staples (NACDS)  
Ms. Judy McCleary (Walgreens)

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, 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 on February 21, 2008 and the Administrative Hearing on February 22, 2008, 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 indicated there were no action items from the previous meeting.

*7. Confirmation of Acts*

At the request of Mr. Aron, Mr. Rabb moved and Mr. McKay seconded,

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 22, 2008 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, but none were offered.

*9. Committee Reports*

*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 March 31, 2008
- Statement of Revenue, Expenses and Budget Performance for March 31, 2008
- Summary of Income and Fund Balance Changes for March 31, 2008
- Statement, Hancock Bank Investments for March 31, 2008

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.

Mr. Bond then reviewed the work of the committee the previous day, where they reviewed a proposed amendment to the current fiscal year budget. Since the Prescription Monitoring Program affects significant portions of both revenue and expenses and since the implementation of that program was deferred until the next fiscal year, the committee recommended the budget amendment to reduce the year-end variance. Mr. Bond moved and Ms. Alderman seconded,

**Resolved**, that the Board approve and adopt the proposed budget amendments for FY 2007-2008 as presented, *in globo*, as Budget Amendment No. 2.

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

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

At this point, Mr. Aron indicated he would reorder the sequence of committee reports.

#### *H. Legislative Committee*

Mr. Aron called upon Ms. Alderman for the committee report. She reminded the members the regular legislative session convened on March 31 and was required to adjourn no later than June 23. She informed the members that staff had arranged for the filing of two legislative measures pursuant to the Board's approval of several legislative proposals during their previous meeting. HB 46, sponsored by Rep. Fred Mills, contained the language from Legislative Proposal 2008-4 ~ Revision of CDS Schedules. HB 205, also sponsored by Rep. Mills, contained the language from Legislative Proposal 2008-1 ~ Electronic Renewals, Legislative Proposal 2008-2 ~ Required Notifications, and Legislative Proposal 2008-3 ~ Technicians in Military Service. Ms. Alderman informed the members both of these bills had cleared the House and were awaiting hearings by the respective Senate committees. She then reminded the members that staff prepares weekly summaries of all the legislative measures being monitored by the Board, that those summaries were emailed to all members and staff, and that the most recent summary had been posted in the Boardroom Library.

At this point, Mr. Aron interrupted the committee report to recognize a guest in the audience. Ms. Judy McCleary, a legislative lobbyist representing Walgreen

Pharmacies, informed the members of her client's intent to insert an amendment into HB 205 relative to prescription transfers. She requested staff distribute the proposed language to the members, and establish a speakerphone connection to a representative at the Walgreen Pharmacies corporate office. Following a discussion between the members and the corporate representatives, the members approved the following language as a new Subsection F in §1224 of the Pharmacy Practice Act:  
[Note: underscored language represents new text to be added to current law.]

Title 37 – Professions and Occupations  
Chapter 14 – Pharmacy Practice Act

§1224. Compounding and filling of prescriptions; absence of pharmacist; prescription transfers

A. – E. (no change)

F. A prescription may be filled, compounded, and dispensed at the permitted pharmacy which first received the prescription or at any other permitted pharmacy that shares a common electronic file to maintain required dispensing information in real-time. Pharmacies using such a common electronic file are not required to physically or electronically transfer prescriptions for information dispensing purposes between or among pharmacies participating in the same common prescription file; provided, however, any such common file must contain complete and adequate records of such prescription. This accommodation shall comply with all state and federal laws and regulations regarding controlled dangerous substance prescription transfers.

Mr. Aron then called upon Ms. Alderman to complete her committee report. She then related the receipt of a request from the Office of Public Health in the Dept. of Health and Hospitals to endorse SB 238, relative to Expedited Partner Therapy. Mr. Broussard reviewed the language of the bill as well as additional information concerning the concept of Expedited Partner Therapy. One of the members questioned some specific language relative to dispensing of medication by certain health care providers and suggested some potential unanticipated consequences. Unable to resolve that issue at that time, Mr. Pitre moved and Mr. Adams seconded,

**Resolved**, that the Board endorse the concept of Expedited Partner Therapy as well as legislation to authorize the practice in Louisiana.

The motion was approved after a unanimous vote in the affirmative. The members instructed Mr. Broussard to convey the Board's support for SB 238 once their concern was resolved.

At that point, Mr. Aron indicated his intent to return to the sequence in the posted agenda.

*B. Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on April 16 to review 7 referrals from staff. The docket included five applications for pharmacy technician candidate registration as well as a reconsideration of an application for a pharmacy

permit.

Following their deliberations, the committee had authorized the issuance of a registration to two pharmacy technician candidate applicants. Mr. McKay then presented the remaining files for Board action.

**Marco Antonio Pinon – Applicant for Pharmacy Technician Candidate Registration** Mr. McKay moved and Dr. Dixon 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 registration upon certain terms as enumerated in the agreement.

**Rhonda LaCheryl Jackson – Applicant for Pharmacy Technician Candidate Registration** Mr. McKay moved and Dr. Anderson 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.

**Kuriel Anthony Breaux – Applicant for Pharmacy Technician Candidate Registration** Mr. McKay moved and Dr. Anderson 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.

**Esplanade Pharmacy – Applicant for Pharmacy Permit** 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 conditioned the issuance of the permit upon certain terms as enumerated in the agreement.

**William Kendall Rutherford – Applicant for Pharmacist License by Examination** Mr. McKay reminded the members the Board had previously voted to condition the issuance of the license on certain terms enumerated in the consent agreement approved at that time. Pursuant to the requirements of that agreement, the applicant entered into a second consent agreement with the Board. Mr. McKay moved and Mr. Rabb seconded to accept the voluntary consent agreement, and that motion was approved after a unanimous vote in the affirmative.

Mr. McKay then informed the members of a brief discussion at their committee meeting concerning the resurrection of expired non-renewable credentials, specifically the technician candidate registration. Following a brief discussion, the members voted unanimously to allow the president to request a committee hearing for a technician candidate requesting the resurrection of an expired non-renewable technician candidate registration, and further, to authorize the issuance of a special work permit when the committee recommends same.

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

*C. Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee had approved four 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 14 applicants earlier that day. She moved and Ms. Alderman seconded,

**Resolved**, that the Board approve

Carrie Lynn Assar  
Michael Richard Blaire  
Angela Lei Lei Chen  
Richard Wayne Dillow  
Jennifer Goff Harris  
Thomas Chao-Hui Huang  
Helena Hyun Kim  
Kamini H. Mahatma  
Kevn Mabrey McNamara  
Glen Michael Melick  
Vy Kiem Nguyen  
Donald Eldwood Smart  
David Alan Sorenson, *and*  
Shomichael Lopez Stephens

for pharmacist licensure by reciprocity.

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.

*D. Violations Committee*

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reported the committee last met on March 6, 2008. The docket for that Informal Conference included 7 pharmacists, 4 technicians, and 4 pharmacy permits. He reported the committee would meet again on June 4, 2008. The docket for that Informal Conference included 11 pharmacists, 2 technician candidates, and 5 pharmacy permits.

Dr. Dixon reminded the members of the cancellation of the formal administrative hearing originally scheduled for the following day. He indicated there were several voluntary consent agreements ready for their consideration. He then presented the following files for Board action.

**Constance Ann Edwards (Technician Certificate No. 7561)** 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 certificate for an indefinite period of time, effective May 7, 2008.

**CVS Pharmacy No. 5435 (Pharmacy Permit No. 5430)** 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 owner of the permit, and further, assessed the permit owner a fine of \$1,000 plus investigative and administrative costs.

**Earl Raymond Wilkes, Jr. (Pharmacist License No. 10160)** 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 Warning to the respondent, and further, assessed him administrative costs.

**CVS Pharmacy No. 5469 (Pharmacy Permit No. 5808)** 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 issued a Letter of Reprimand to the owner of the permit, and further, assessed the permit owner a fine of \$1,000 plus investigative and administrative costs.

**Kenneth William Holden (Pharmacist License No. 10206)** 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 issued a Letter of Warning to the respondent, and further, assessed him administrative costs.

**Lacey Husser Fleming (Technician Certificate No. 6207)** Dr. Dixon moved and Mr. Cassidy 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 March 25, 2008.

**David Ernest Jones (Pharmacist License No. 14624)** 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 Reprimand to the respondent, and further, assessed him a fine of \$2,500 plus administrative costs.

**Raynotte Ann Rideau (Technician Candidate Registration No. 11902)** Dr. Dixon moved and Mr. Cassidy seconded to accept the voluntary surrender of the registration. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the registration for an indefinite period of time, effective March 6, 2008.

**Scotty Paul Broussard (Pharmacist License No. 15681)** 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 ten years, stayed the execution thereof, and then placed the license on probation for ten years, beginning March 31, 2008 and terminating March 31, 2018, subject to certain terms as enumerated in the agreement, and further, assessed the respondent a fine of \$2,000 plus investigative and administrative costs.

**Lakeisha Shawanda Stanley (Technician Certificate No. 7352)** 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 revoked the certificate, and further, prohibited any future application for reinstatement of the certificate.

Finally, Dr. Dixon 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.

**Michael Anthony Joplin (Pharmacist License No. 11329)** 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 March 4, 2008.

**Wade Randall Veillon (Pharmacist License No. 11709)** 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 May 1, 2008

**Brandy Nicole Bush (Technician Certificate No. 7306)** Mr. Rabb moved and Ms. Alderman seconded to reinstate the certificate without restriction. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the certificate without restriction.

**Charles Lafayette Mullin, Jr. (Pharmacist License No. 16188)** Mr. Rabb moved and Ms. Alderman seconded to grant the request for the reinstatement of the suspended license, but only pursuant to the receipt of a medical evaluation favorable for the respondent's return to pharmacy practice, and further, to immediately suspend the reinstated license for five years, stay the execution thereof, and then place the license on probation for five years, subject to certain terms as enumerated in the agreement. The motion was approved after a unanimous vote in the affirmative.

**Fyona Meshelle Daenen (Technician Certificate No. 7335)** Mr. Rabb moved and Dr. Dixon seconded to grant the request for the reinstatement of

the suspended license, but only pursuant to the acceptance of a voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative.

**Aurdie Kent Bellard (Pharmacist License No. 14340)** Mr. Rabb moved and Ms. Alderman seconded to grant the request for modification of probationary terms, specifically to remove the restriction which prevents him from serving as the pharmacist-in-charge of a pharmacy. The motion was approved after a unanimous vote in the affirmative.

**Ronald Yancy LaFitte (Pharmacist License No. 10882)** Mr. Rabb moved and Mr. McKay seconded to deny the request for removal of all probationary terms. The motion was approved after a unanimous vote in the affirmative.

**Kerry Michael Finney (Pharmacist License No. 13535)** Mr. Rabb moved and Mr. Bond seconded to grant the request for modification of probationary terms, specifically to reduce the number of certain meetings he was required to attend.

Prior to the vote, Mr. Adams requested the opportunity to discuss the respondent's professional competency. Mr. McKay moved and Ms. Alderman seconded to enter into executive session for the purpose of discussing the respondent's professional competency. The motion was approved after a unanimous roll call vote in the affirmative. It was noted the Board entered into executive session at 4:10 p.m. and returned to open session, at the instant case, at 4:20 p.m.

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

**Russell Allen Hays (Pharmacist License No. 15916)** Mr. Rabb moved and Ms. Alderman seconded to accept the voluntary consent agreement. 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.

**Glenn Samuel Warciski (Pharmacist License No. 16387)** Mr. Adams moved and Dr. Dixon seconded to grant the request for reinstatement of the lapsed license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license without restriction.

**Cheryl Ann Batiste (Pharmacist License No. 10442)** Mr. Adams moved and Ms. Barker seconded to grant the request for reinstatement of the suspended license. The motion was approved after a unanimous vote in the

affirmative. The Board reinstated the license, and then suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, beginning May 7, 2008, subject to certain terms as enumerated in the consent agreement.

**Rodney Joseph Krumm, Jr. (Pharmacist License No. 16050)** Mr. Adams moved and Ms. Melancon seconded to grant the request for reinstatement of the suspended license. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, and then suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, beginning May 7, 2008, subject to certain terms as enumerated in the consent agreement.

**Steve Patrick Michel (Pharmacist License No. 11999)** Mr. Adams moved and Ms. Barker seconded to grant the request for reinstatement of the suspended license. The motion was approved after a majority vote in the affirmative; Dr. Anderson, Mr. Cassidy, Ms. Melancon, and Mr. Pitre objected. The Board reinstated the license, and then suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, beginning May 7, 2008, subject to certain terms as enumerated in the consent agreement.

**James Robert Lang (Pharmacist License No. 10884)** Mr. Adams moved and Ms. Alderman seconded to deny the request for the removal of all probationary terms. 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 April 17 to review the final committee draft of the proposed new chapter of rules for controlled substances. She indicated the final draft incorporated comments from a variety of stakeholders and represents a comprehensive revision and compilation of all appropriate regulations relative to controlled substances, not only for pharmacies but also for all other types of practitioners and facilities with controlled substance privileges. She then moved and Mr. Pitre seconded

**Resolved**, that the Board approve Draft No. 6 of Chapter 27 – Controlled Dangerous Substances, and further, to authorize the Executive Director to submit the proposed rule for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

The motion was approved after a unanimous vote in the affirmative. She then reported on a presentation made by a Walgreen Pharmacies representative

relative to their new “Stickerless Pharmacy Environment.” The presentation revealed a relatively new capability for converting hard-copy prescriptions to scanned images for processing and data retention. The representative reviewed regulations from some states specifically permitting the retention of digital images in lieu of hard copies of prescription records. The committee members supplemented her report with their general support for moving toward electronic records but with concern for the quality of scanned images. Mr. Aron directed the committee to continue its review of electronic prescription records to determine whether any rule changes were necessary, and if so, to produce recommended language for those changes for the Board’s consideration.

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

*I. Executive Committee*

Mr. Aron informed the members of the necessity to approve proposed contracts and agreements for the next fiscal year, as well as the necessity to conduct its annual review and approval of its standing policies and procedures. Mr. Rabb moved and Mr. Cassidy seconded

**Resolved**, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, at the stipulated rate, in an amount not to exceed \$15,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the proposed licensure database software support agreement with Software Applications, Inc., at the stipulated rate, in an amount not to exceed \$20,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the proposed information system network support service agreement with Essential Solutions, LLC, at the stipulated rate, in an amount not to exceed \$20,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the proposed website maintenance agreement with Mr. Michael Yoches, at the stipulated rate, in an amount not to exceed \$10,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the National Association of Boards of Pharmacy as the administrator for the pharmacist licensure examinations (NAPLEX, MPJE, and FPGEE) for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the Pharmacy Technician Certification Board as the administrator for the pharmacy technician certification examinations for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the NABP Foundation as the publisher of the Board's newsletter, at the stipulated rate, in an amount not to exceed \$35,000 for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the National Confederation of Professional Services (NCPS) as the vendor for the drug screening program for Fiscal Year 2008-2009.

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

**Resolved**, that the Board approve the Impairment Committee's Roster of Approved Addictionists for Fiscal Year 2008-2009.

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

**Resolved**, that the Board rescind Policy No. I.A.6 – Centralized Prescription Processing by Out-of-State Hospital Pharmacy.

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

**Resolved**, that the Board renew its approval of the Board's Policy & Procedure Manual.

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

Finally, Mr. Aron expressed his appreciation to the other members of his committee for their ongoing work between Board meetings.

At this point, Mr. Aron indicated he would reorder the agenda sequence to accommodate a petitioner in the audience.

11. *Request for Exception to LAC 46:LIII.903.A.1.b (Minimum age for pharmacy technician candidate registration)*

Mr. Aron described the rule at issue and then reminded the members of the

Memorandum of Understanding (MOU) the Board entered into with the Louisiana Department of Education and the Louisiana Workforce Commission in the Office of the Governor in November of 2004. He described the nature of the request and then recognized the petitioner; he invited the petitioner to discuss her request. Following her presentation, the members clarified her intention to request a change in the date for eligibility to attend the educational program in the high school, and did not include a request to change the date of eligibility for a candidate registration. The members developed a consensus to defer to the educational community as to the most appropriate age for eligibility for educational program, and further, to make no change in the eligibility date for a candidate registration. Mr. Aron instructed staff to contact the other two parties to the MOU to inform them of the Board's willingness to renegotiate the terms of the MOU document relative to the eligibility date for the educational program.

#### 10. *Staff Reports*

##### A. *Chief Compliance Officer*

Mr. Aron called upon Ms. Gaudet for the report. Ms. Gaudet reported on the completion of the contract with the U.S. Consumer Product Safety Commission whereby the Board's pharmacist compliance officers inspected certain pharmacies to assess their compliance with the federal prescription container closure rules. She also reported on the recent educational sessions attended by the compliance officers. Finally, she indicated the compliance officers were making satisfactory progress on the pharmacy and CDS inspections as well as their investigations.

Mr. Aron asked Dr. Anderson to report on some complaints she had received from some hospital pharmacies relative to the compliance officers' enforcement of the rules relative to daily logs and registers. Dr. Anderson related some hospital pharmacies contacted her and asserted that these required documents applied to prescriptions and not medical orders, as found in hospitals, and that compliance officers were inappropriately enforcing the rule. The members engaged in a protracted discussion of whether that rule applied to all pharmacies or not, as well as several other compliance issues that appeared to be problematic for hospital pharmacies. The members reached consensus that the rule for registers (§1127) applied to all pharmacies and that compliance officers should enforce the rule equitably in all practice settings. Mr. Aron charged the Regulation Revision Committee with reviewing the rule to determine whether any changes were in order, and if so, to forward proposed language to the full Board for its consideration.

##### B. *General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet informed the members that the pharmacist who had filed suit against the Board withdrew his suit, and further, there was no longer any pending litigation against the Board.

Mr. Finalet then reported on the progress of the Homeland Development Project. He reminded the members they had authorized the purchase of a

parcel of land in order to construct an office building for the Board, and he indicated the closing date on the purchase was scheduled for May 30. He also informed the members he was working with the Facility Planning & Control Office in the Div. of Administration to secure an appearance before the Architect Selection Board. He also informed the members he was working with an attorney to facilitate the presentation of a financing proposal to the State Bond Commission. He suggested the necessity of a resolution to authorize the issuance of bonds to finance the construction of the office building. Mr. McKay moved and Dr. Anderson seconded

**WHEREAS**, the Louisiana Board of Pharmacy (the "Board") was created within the Department of Health and Hospitals by Section 37:1171 *et seq.*, of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other statutory authority supplemental thereto, and paragraph (8) of Section 1182(B) of the Act authorizes the Board to borrow funds for the acquisition of immovable property and improvements thereon; and

WHEREAS, the Board desires to borrow not exceeding \$4,000,000 for the purpose of financing the acquisition, construction, renovation, furnishing and equipping of property located at [Towne Center], Baton Rouge, Louisiana, which will house the operations of the Board (the "Project"), and pay costs of issuance, and to provide for the payment of any indebtedness issued under the provisions of the Act; and

WHEREAS, this Board has found and determined that the general funds of the Board, the estimated fees specified by the Board and the issuance of licenses, certificates or registrations and any related materials for pharmacists and pharmacy locations and certification and examination fees for pharmacy technicians (collectively, the "Fees") collected by the Board will be sufficient to pay such indebtedness;

NOW, THEREFORE, THE LOUISIANA BOARD OF PHARMACY hereby resolves that:

SECTION 1: Subject to the approval of the State Bond Commission, there is hereby authorized the borrowing of not exceeding \$4,000,000 in the name of and on behalf of the Board to finance the Project, said borrowing to be issued in the form of a note or other evidence of indebtedness (the "Indebtedness") and payable from the general funds of the Board, including Fees. Such note or other evidence of indebtedness shall be sold to a bank selected by the Board (the "Bank"), and shall bear interest from the date thereof at a fixed or variable rate not exceeding 10% per annum and shall mature no later than 20 years from the date thereof.

SECTION 2: The President and/or the Vice President of the Board are hereby authorized, empowered and directed to execute the Indebtedness set forth herein. Said President and/or Vice President are further authorized and empowered to deliver the Indebtedness to the Bank upon the payment of the purchase price thereof for deposit in the general fund of the Board to be used for the purpose of financing the Project and to take any other action or execute and deliver any other documents which may be required to accomplish the purpose of this resolution.

SECTION 3: Prior to the issuance of the Bonds, the Board anticipates that it may pay not exceeding \$500,000 of the costs of the Project from other available funds. Upon the issuance of the Bonds, the Board reasonably expects to reimburse said expenditures from the proceeds of the Bonds. Any such allocation of the proceeds of the Bonds for reimbursement will be with respect to capital expenditures [as defined in Treasury Regulation 1.150-1(h)] and will be made upon the delivery of the Bonds and not later than one year after the date of (i) the date such expenditure was made or (ii) the date the improvements were placed in service. This resolution is intended to be a declaration of intent to reimburse in accordance with the provisions of Treasury Regulation 1.150-2.

SECTION 4: The Board is hereby authorized to publish a **Notice of Intention to Issue Bonds** with respect to the Bonds in the official journal of the State, at such time and in such form and manner as appropriate. Such **Notice of Intention to Issue Bonds** shall be substantially in the form attached hereto as **Exhibit A**, with such necessary or appropriate variations, omissions and insertions as are required by or permitted by law. Within thirty (30) days after publication of such **Notice of Intention to Issue Bonds**, any person in interest may contest the legality of such **Notice of Intention to Issue Bonds**, the legality of the Resolution, any provision of the Bonds and the provisions securing the Bonds, and all other provisions and proceedings relating to the authorization and issuance of the Bonds. However, if pursuant to La. R.S. 13:5121 *et seq.*, a suit has been filed and finally adjudicated and a permanent injunction has been issued pursuant to La. R.S. 13:5129, then no person may institute any action or proceeding contesting the validity of the Bonds or any other matter adjudicated or which might have been called in question in such proceedings. If no action or proceeding is instituted within the thirty (30) day period set forth above, or if the validity of the Bonds has been finally adjudicated and a permanent injunction has been issued, then no person may contest the validity of the Bonds, the provisions of the Resolution, the security of the Bonds, or any other provisions or

proceedings relating to the authorization and issuance of the Bonds, and the Bonds shall be presumed conclusively to be legal. Thereafter, no court shall have authority to inquire into such matters.

SECTION 5: The law firm of Foley & Judell, L.L.P., Bond Counsel, is hereby employed as Bond Counsel to handle all matters of a legal nature in connection with the borrowing. The fee of special bond counsel in this connection is hereby fixed at a sum not to exceed the maximum fee allowed by the Attorney General's fee schedule for comprehensive legal and coordinate professional services in the issuance of revenue obligations, based on the amount of the actual borrowing, plus "out-of-pocket" expenses, said fee to be contingent upon the actual borrowing as provided herein. A certified copy of this resolution shall be forwarded to the Attorney General of the State of Louisiana for his approval of the employment herein provided for.

SECTION 6: Application be and the same is hereby formally made to the State Bond Commission for consent and authority to borrow not exceeding \$4,000,000, bearing interest at a fixed or variable rate not exceeding 10% and maturing not more than 20 years from date of such Indebtedness. A certified copy of this resolution shall be forwarded to the State Bond Commission, together with a letter requesting the prompt consideration and approval of this application.

SECTION 7: By virtue of the Board's application for, acceptance and utilization of the benefits of the State Bond Commission's approval requested herein, the Board understands and agrees that such approval is expressly conditioned upon, and further understands, agrees and binds itself, its successors and assigns, to full and continuing compliance with the "*State Bond Commission Policy on Approval of the Proposed Use of Swaps, or other forms of Derivative Products, Hedges, Etc.*," adopted by the Commission on July 20, 2006, as to the borrowing and other matters subject to the approval, including subsequent application and approval under said Policy of the implementation or use of any swaps or other products or enhancements covered thereby.

SECTION 8: The Board covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986 and any amendment thereto (the "Code") in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Indebtedness under the Code. The Board further covenants and agrees that it will not take any action, fail to take any action, or

permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Indebtedness or any other funds of the Board to be used directly or indirectly in any manner, the effect of which would be to cause the Indebtedness to be an “arbitrage bond” or would result in the inclusion of the interest on the Indebtedness in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Indebtedness proceeds or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Indebtedness in a manner which would cause the Indebtedness to be “private activity bonds.” The President and/or the Vice President are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 9: If any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this resolution which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this resolution are hereby declared severable.

**Exhibit A: *Notice of Intention to Issue Bonds* {Not Exceeding \$4,000,000 - Louisiana Board of Pharmacy – Revenue Bonds – Series 2006}**

Notice is hereby given that the Louisiana Board of Pharmacy (the “Issuer”), created within the Department of Health and Hospitals of the State of Louisiana (the “State”), intends to issue the captioned bonds (the “Bonds”) pursuant to resolution adopted by the Issuer on May 7, 2008 (the “Resolution”). The Bonds shall be payable solely from the pledged revenues of the Issuer, which includes the general funds of the Board, the estimated fees specified by the Board and the issuance of licenses, certificates or registration and any related materials for pharmacists and pharmacy locations and certification and examination fees for pharmacy technicians provided under Part I of Chapter 14 of Title 37. The obligation to make payments under the Resolution are secured by a mortgage on the hereinafter defined Project. The owners of the Bonds may not look to any other source for repayment of the principal of or interest on the Bonds.

The Bonds shall be special, limited obligations of the Issuer payable solely as to principal and interest from the Revenues of the Issuer and its programs and the Project (as defined below). The full faith and credit of the State is not pledged to the repayment of the Bonds in any manner.

The Bonds shall be in fully registered form and shall be

dated as of the date of delivery thereof. The unpaid principal shall bear interest at fixed or variable rates not to exceed 10% per annum from date thereof until paid, provided that any payments which are greater than ten (10) days past due shall bear interest at the rate of \_\_\_% until the payments are made and provided further that this late rate shall not be applicable if the owners of the Bonds have declared a default under the Resolution. The Bonds shall mature not more than 20 years from the date thereof. The Bonds shall be executed by the President or the Vice President and the Secretary of the Issuer.

The Bonds will be issued to provide funds to finance the acquisition, construction, renovation, furnishing and equipping of property located at [Towne Center], Baton Rouge, Louisiana, which will house the operations of the Board (the "Project"), and to pay the costs of issuance thereof.

The Resolution, which includes authorization of the form and publication of this Notice is available for inspection at the office of the Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, Louisiana, 70808, during normal business hours on weekdays.

Within thirty (30) days after publication of this ***Notice of Intention to Issue Bonds***, any person in interest may contest the legality of the Resolution, any provisions of the Bonds, the provisions securing the Bonds, including the Mortgage, and the validity of all other provisions and proceedings relating to the authorization and issuance of the Bonds. However, if pursuant to La. R.S. 13:5121 et seq., a suit has been filed and finally adjudicated and a permanent injunction has been issued pursuant to La. R.S. 13:5129, then no person may institute any action or proceeding contesting the validity of the Bonds, the Resolution, or any other matter adjudicated or which might have been called in question in such proceedings. If no action or proceeding is instituted within the thirty (30) day period set forth above, or if the validity of the Bonds has been finally adjudicated and a permanent injunction has been issued, then no person may contest the validity of the Bonds, the provisions of the Resolution, the security of the Bonds, or the validity of any other provisions or proceedings relating to the authorization and issuance of the Bonds, and the Bonds shall be presumed conclusively to be legal. Thereafter, no court shall have authority to inquire into such matters.

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

Mr. Finalet then presented the following files for Board action.

**Patricia B. Hogan (Technician Certificate No. 1158)** Dr. Dixon moved and Mr. Bond 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 March 11, 2008.

**Scarlett Francine Sumrall (Technician Certificate No. 7519)** Mr. McKay moved and Ms. Alderman 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 March 31, 2008.

**Laura Elizabeth Lyons (Technician Certificate No. 7340)** Mr. Pitre moved and Mr. Cassidy 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 April 1, 2008.

**Kenneth Delbert Knowlton (Pharmacist License No. 10881)** Dr. Dixon 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 April 4, 2008.

**Donald Peter Auzine, II, MD (CDS License No. 28735)** Dr. Dixon moved and Ms. Barker 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 CDS license for an indefinite period of time, effective April 15, 2008

**CME Pharmacy (Pharmacy Permit No. 5175)** Dr. Dixon moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed the permit owner a fine of \$5,000 plus administrative costs.

**Holli Gay Palmer (Technician Certificate No. 7851)** Dr. Dixon moved and Mr. McKay seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for reinstatement.

**BioScrip Pharmacy (Pharmacy Permit No. 4451)** Dr. Dixon moved and Mr. Cassidy seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed the permit owner a fine of \$5,000 plus administrative costs.

**AnazaoHealth Corporation [Florida] (Pharmacy Permit No. 4144)** Dr. Dixon moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed the permit owner a fine of \$5,000 plus administrative costs.

**AnazaoHealth Corporation [Nevada] (Pharmacy Permit No. 5961)** 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 owner of the permit, and further, assessed the permit owner a fine of \$5,000 plus administrative costs.

**James Claude McGee (Pharmacist License No. 16890)** 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, resulting in the suspension of the license for an indefinite period of time, effective May 7, 2008.

Mr. Finalet indicated the conclusion of his report.

*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 – Credentials Division
  - Census Reports – Compliance Division
  - Licensure Activity Report
- Examinations
  - NAPLEX
  - MPJE
  - PTCB

- Operations

With respect to the annual legislative audit that would occur prior to the next Board meeting, Mr. Broussard reminded the members of the necessity to approve the annual compliance questionnaire. Mr. McKay moved and Mr. Pitre seconded

**Resolved**, that the Board approve the 2008 Louisiana Compliance Questionnaire, and further, to authorize the President and Secretary to execute same.

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

- Collaborations
  - Prescription Monitoring Program (PMP)
  - Collaborative Drug Therapy Management (CDTM)

- Regulatory & Legislative Activities for the Board
  - Regulatory Activities
  - Legislative Activities
- 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

Mr. Broussard indicated the conclusion of his report.

#### *12. Request for Endorsement*

Mr. Aron requested Mr. Broussard to provide background information on the request from the Louisiana Dental Association. Mr. Broussard directed the members to the documents in their meeting packet, which provided information on a request for endorsement of a legislative measure encouraging fluoridation of community water systems across the state. Following a short discussion including the reasons for and against such a proposal, Mr. Pitre moved and Mr. Cassidy seconded

**Resolved**, that the Board endorse Louisiana Dental Association's *Tap Into a Healthier Smile* fluoridation campaign, and further, give that organization permission to include the Board as a member of its coalition in its promotional efforts.

Prior to the vote, Mr. McKay offered a substitute motion; he moved and Mr. Adams seconded to defer action on the request for endorsement. The substitute motion was approved after a majority vote in the affirmative; Mr. Cassidy objected.

#### *13. Announcements*

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

#### *14. Adjourn*

Mr. McKay moved and Ms. Alderman 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 6:15 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary