



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
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Minutes

Regular Meeting

Wednesday, August 6, 2008 at 1:00 p.m.

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

Administrative Hearing

Thursday, August 7, 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 Wednesday, August 6, 2008 in the Boardroom of the Board's office, 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 1:05 p.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Marty McKay then led the group in the recitation of the Pledge of Allegiance.

At this point, Mr. Aron noted the presence of three new members: Ms. Sydnie M. Durand is the new public member, replacing Mr. Alvin Haynes. Mr. Ronald E. Moore is a new pharmacist representative from District 6, replacing Mr. Joseph V. Greco. Mr. Richard A. Soileau is a new pharmacist representative from District 3, replacing Mr. Fred H. Mills, Jr.

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
Mr. Brian A. Bond
Mr. J. Douglas Boudreaux
Mr. Allen W. Cassidy, Jr.
Dr. Reuben R. Dixon
Ms. Sydnie M. Durand
Ms. Jacqueline L. Hall
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Richard A. Soileau

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. Elizabeth W. Barker
Mr. Clovis S. Burch
Mr. Joseph V. Greco

Dr. Dixon certified that all members were present, constituting a quorum.

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 Dr. Dixon seconded, **Resolved**, that the Minutes of the Regular Board Meeting on May 7, 2008, 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 reviewed two matters directed to staff at the previous meeting: a desired amendment to SB 238 and the status of a request to allow certain high school students to attend pharmacy technician training classes during their senior year.

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 May 7, 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, and one person requested an opportunity to be heard.

Pharmacist Tommy J. Woodard, Jr. presented his concern for the widespread and growing use of coupons to induce potentially new customers to transfer their prescriptions to other pharmacies. In particular, he noted the fragmentation of patient records and the resulting difficulty with prospective drug use review and the ability to

properly counsel patients concerning their medication therapy. He expressed concern for patient safety and recommended the Board review a law or rule from the State of New York that apparently restricts or prohibits such practices. Mr. Aron expressed his appreciation to Mr. Woodard for presenting that concern, and then he referred the matter to the Regulation Revision Committee for its research and consideration.

9. *Special Order of the Day – Presentation of Distinguished Service Awards*

Mr. Aron presented a Distinguished Service Award to the following three past Board members to commemorate their service to the public and the Board:

- Ms. Elizabeth W. Barker ~ 2007 – 2008
- Mr. Joseph V. Greco ~ 2002 – 2008
- Mr. Clovis S. Burch ~ 1980 – 1992 & 1998 – 2004

Mr. Aron then presented a Gold Certificate to Mr. Burch to commemorate his 50 years of practice as a pharmacist.

10. *Committee Reports*

A. *Finance Committee*

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

- > FY 2007-2008 Final Report
- > FY 2008-2009 Proposed Budget Amendment No. 1

Mr. Bond then introduced Mr. Russell Champagne, CPA to the members. Mr. Bond noted that the Board contracts with Mr. Champagne for professional accounting services and has done so for about 10 years. Mr. Champagne has traditionally visited with the Board during their August meeting to review the Board's financial status and answer questions from the members.

Mr. Champagne reviewed all the reports and answered questions from the members. Mr. Bond then moved and Dr. Dixon seconded

Resolved, that the Board approve and accept the Fiscal Year 2007-2008 Final Report, subject to audit.

The motion was approved after a unanimous vote in the affirmative. Mr. Bond then reviewed the work of the committee the previous day, where they reviewed the proposed budget amendment to the current fiscal year. He answered questions from the members; he then moved and Mr. Pitre seconded

Resolved, that the Board approve and adopt the proposed budget amendments for Fiscal Year 2008-2009 as presented, *in globo*, as Budget Amendment No. 1.

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

Finally, Mr. Bond expressed appreciation to the other members of the committee for their ongoing efforts. Mr. Aron expressed his appreciation on behalf of the Board to Mr. Champagne for his assistance throughout the year.

B. *Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on July 10 to review 14 referrals from staff. The docket included ten applications for pharmacy technician candidate

registration, one application for pharmacy intern registration, one application for renewal of a pharmacy technician certificate, and two requests for special work permits from petitioners with expired technician candidate registrations.

Following their deliberations, the committee had authorized the issuance of four pharmacy technician candidate registrations and one pharmacy intern registration. Mr. McKay then presented the remaining files for Board action.

Amanda Marie Angell – Applicant for Pharmacy Technician Candidate Registration Mr. McKay 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 the registration, and then immediately suspended it, stayed the execution of the suspension, and then placed the registration on probation for one year beginning on the date of its issuance, subject to certain terms as enumerated in the agreement.

Christopher Michael DeBarbieris – Applicant for Renewal of Pharmacy Technician Certificate No. 4735 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 authorized the renewal of the certificate, and then immediately suspended it for four years, stayed the execution of the suspension, and then placed the certificate on probation for four years, beginning on the date of its renewal, subject to certain terms as enumerated in the agreement.

Deidre Danielle Jones – 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.

Rachael Elizabeth Lassetter – Applicant for Pharmacy Technician Candidate Registration Mr. McKay moved and Dr. Dixon 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.

Michael David Quatrevingt – Applicant for Pharmacy Technician Candidate Registration Mr. McKay moved and Ms. Alderman 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.

Tiffanie Kaye Vice – 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.

Ashley Rogel Hulbert – Petitioner for Special Work Permit Mr. McKay moved and Mr. Bond seconded to authorize the issuance of a Special Work Permit to be valid for eighteen months after the date of issuance, to allow the holder one final opportunity to qualify for a pharmacy technician certificate. The motion was approved after a unanimous vote in the affirmative. The Board authorized the issuance of a Special Work Permit, to be valid for eighteen months after the date of issuance, to allow the holder to practice as a pharmacy technician candidate.

Martha Isabel Williams – Petitioner for Special Work Permit Mr. McKay moved and Dr. Dixon seconded to authorize the issuance of a Special Work Permit to be valid for one year after the date of issuance, to allow the holder one final opportunity to qualify for a pharmacy technician certificate. The motion was approved after a unanimous vote in the affirmative. The Board authorized the issuance of a Special Work Permit, to be valid for one year after the date of issuance, to allow the holder to practice as a pharmacy technician candidate.

Mr. McKay reported the committee recommended the denial of an application for a pharmacy technician candidate registration. Since the applicant had filed an appeal of the committee’s recommendation, that matter was not discussed since the members will hear the case during the next administrative hearing.

Mr. McKay then informed the members the committee had requested staff to draft a proposed policy relative to the issuance of Special Work Permits to be used for the resurrection of expired non-renewable credentials, with the parameters to be comparable to the policy for granting requests to pharmacists wishing to serve as pharmacist-in-charge at multiple pharmacies. Mr. McKay reported the draft policy was on the agenda for consideration later that day.

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 one candidate 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 20 applicants earlier that day. She moved and Mr. Boudreaux seconded,

Resolved, that the Board approve
Susan Lee Allen
Charles Harvey Anderson
Kaveh Askari
Kelly Ann Buehler

Daniel Lee Downing
Amy Lynn Ehlers
Joseph Paul Frost
Anthony John Grzib
Stephanie Fliess Gustafson
David Frank Hagedorn
Gay Nelle Koenig
Nathalie Ann Krier
Michael James Kuratko
Venita Sharma Mishra
Bobby Joe Morris, Jr.
Stephen Lynn Murley
Mark Robert Novembre
David Einar Nygren
David Allen Simons, *and*
Donald Anthony Sublett

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 June 4, 2008. The docket for that Informal Conference included 11 pharmacists, 2 technician candidates, and 5 pharmacy permits. He reported the committee would meet again on September 10-11, 2008. The docket for that Informal Conference includes 16 pharmacists, 1 technician, 2 technician candidates, and 9 pharmacy permits.

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.

Ronald Allen Barrett (Pharmacist License No. 11925) 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 July 2, 2008.

Edward John Rabalais (Pharmacist License No. 9897) 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 July 30, 2008.

Scott Taylor Lovitt (Pharmacist License No. 17931) Mr. Rabb moved and Ms. Alderman seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously suspended license, then suspended the license for ten years and stayed the execution thereof, and then placed the license on probation for ten years, subject to certain terms as enumerated in the consent agreement.

Reynold James Serrette (Pharmacist License No. 14945) Mr. Rabb moved and Dr. Dixon 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.

Mitchell John Kimball (Pharmacist License No. 13546) Mr. Rabb moved and Mr. Boudreaux 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.

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.

Clarence Kenneth Mitchell (Pharmacist License No. 11440) Mr. Adams moved and Mr. Rabb seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the reinstatement of the lapsed license upon the completion of certain terms as enumerated in the consent agreement.

Juel Ray Michael Taylor, MD (Pharmacist License No. 10150) Mr. Adams moved and Mr. Pitre seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the reinstatement of the lapsed license upon the completion of certain terms as enumerated in the consent agreement.

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

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 2:30 pm and then reconvened in open session at 2:55 pm.

G. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. Dr.

Anderson reviewed the regulation revision process for the benefit of the new members. She directed the members to the cumulative record of regulatory projects, finally indicating the one open project related to controlled substances. She requested Mr. Broussard to review the status of that project.

Mr. Broussard reminded the members of the notice of intent and public hearing relative to *Project 2008-3 ~ Controlled Dangerous Substances* and the current necessity to review and assess the comments offered at the public hearing.

- With respect to the comment offered by Dr. James Sandefur at the Optometry Association of Louisiana, the Board determined the suggestion to require electronic recordkeeping for dispensing prescribers as a prerequisite to acquiring a CDS license would certainly support the operation of the prescription monitoring program. However, since that amendment would be a substantive one, requiring re-publication with a fiscal analysis and another public hearing, thereby delaying the entire project, the Board determined by consensus to defer action on that request to a later date.
- With respect to the comments offered by Ms. Kathleen Gaudet, the Board determined the responses offered by Mr. Broussard clarified the Board's intent and corrected a number of technical and printing errors.

The Board accepted and approved the proposed amendments to the proposed rule and characterized them as non-substantive. Mr. Broussard reviewed the remainder of the promulgation process and estimated the final rule would be published in the October 2008 edition of the *Louisiana Register*.

Dr. Anderson then reviewed the topics still under consideration by the Regulation Revision committee, including digital imaging of prescriptions, remote processing by out-of-state pharmacies, prescription transfer procedures for pharmacies with common electronic files, necessity of new permit classification and rules for colleges of pharmacy, necessity to maintain nuclear pharmacy permits as a separate category of permit, ratio and scope of practice for pharmacy interns, and as noted earlier that day, patient safety implications from the use of coupons to facilitate transfer of prescriptions from one pharmacy to another.

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 legislative brief in their meeting packet, which described those measures on the Board's legislative watch list that were passed into law. She requested Mr. Broussard to review the most relevant issues.

Mr. Broussard directed the members to HCR 85 and 198, as well as SCR 102. He described the impact on the Board and its operations. At Mr. Aron's request, he also reviewed the implications of HB 842 and SB 718, both relative to required financial disclosures applicable to board members. He also noted the passage of SB 233, which provides for term limits for boards and commissions, including the Board of Pharmacy. Finally, he also reviewed

the implications of HB 1384, which authorizes the practice of telemedicine. As some members noted, the outcome of the rulemaking from the Board of Medical Examiners may set a precedent for the state relative to the regulation of electronic modalities of practice by multiple professions.

Finally, Mr. Aron gave a detailed report on the proceedings conducted by the Joint Legislative Oversight Committee on Criminal Justice on July 14, in response to the mandate of SCR 102. Mr. Broussard submitted the required report concerning the prescription monitoring program. Mr. Aron and Mr. Broussard appeared before the committee and responded to their questions. The committee concluded its proceedings with a request for additional information on or before November 1, 2008.

I. Executive Committee

Mr. Aron informed the members of three items requiring their consideration:

- *Proposed Policy for Resurrection of Expired Non-Renewable Credentials*

Mr. Aron directed the members to a copy of the proposed policy in their meeting packet. He reminded the members of the earlier action by the Application Review Committee and suggested that procedure could be processed by staff under the proposed policy. Ms. Alderman moved and Mr. Bond seconded

Resolved, that the Board approve *Policy No. I.A.7 ~ Resurrection of Expired Non-Renewable Credentials*.

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

- *Proposed Revision to Policy No. II.E.1 ~ Purchases*

Mr. Aron directed the members to a copy of the proposed revision in their meeting packet. He explained the proposed procedure and Mr. Broussard indicated sample uses of the new card system. Dr. Anderson moved and Mr. McKay seconded

Resolved, that the Board approve the proposed revision to *Policy No. II.E.1 ~ Purchases*.

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

- *Board-Approved Vendor for Drug Screens in Practitioner Recovery Program*

Mr. Aron reminded the members they had approved the National Confederation of Professional Services (NCPS) as the vendor for drug screens during their last meeting in May 2008. Since that time, staff has learned that NCPS has initiated a merge process with another vendor, FirstLab. He suggested the propriety of amending the original authorizing resolution to include FirstLab. Mr. Rabb moved and Ms. Alderman seconded

Resolved, that the Board approve National Confederation of Professional Services (NCPS)/FirstLab 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. Aron indicated he wished to report on a specific legislative matter to

the members. In particular, he reminded the members of their action during their May 2008 meeting, wherein they approved an amendment to HB 205, at the request of a lobbyist for Walgreen & Co. After the Board meeting and prior to the introduction of that bill to the Senate Health & Welfare Committee, both Mr. Aron and Rep. Fred Mills began receiving complaints about the Board's decision relative to the proposed amendment with suggestions it ought to be reconsidered as a formal agenda item, for either legislative or regulatory resolution. At the hearing before the Senate Health & Welfare Committee, Rep. Mills requested the Walgreen lobbyist to withdraw the proposed amendment, but she refused, and further, she convinced the legislative committee members to attach the amendment to HB 205 over the sponsor's objection. Following that hearing, Mr. Aron reported he requested Rep. Mills to not advance the amended HB 205 and let it die upon adjournment. Upon learning of that instruction, Mr. Aron indicated the Walgreen lobbyist expressed her contempt for the Board's decision. Further, she indicated her intent to have Walgreen & Co. oppose the Board at every future legislative and regulatory opportunity. Mr. Aron suggested that SCR 102 and its subsequent legislative hearing was a direct result of that Walgreen lobbyist's continuing efforts to discredit the Board and its members and staff.

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

11. *Staff Reports*

A. *Chief Compliance Officer*

Mr. Aron called upon Ms. Gaudet for the report. Ms. Gaudet reminded the members she had posted the annual statistical summary report in the Boardroom Library prior to the meeting. She then reviewed the elements of the report, including site visits and other activities, and then described the complaint resolution and adjudication process.

Mr. Aron expressed his appreciation to Ms. Gaudet not only for the report but also the manner in which the compliance officers make their rounds across the state as well as the quality of their work.

B. *General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet indicated he had two items for consideration that day, and the balance of his report would be deferred until the administrative hearing the following day.

- *Homeland Development Project*

Mr. Finalet reported the Division of Administration had recently reversed their prior issuance of an exemption to the necessity of appearing before the Architect Selection Board. He then indicated the Board's request was on the agenda for the August 12 meeting of that Board. He reported he would express his preference for the firm already working with the Board on associated matters, Poche Prouet & Associates.

- *Request from Grand Coteau Prescription Shoppe & Paul Williams*

Mr. Finalet reported he had received a request from the respondent for an extension of time for the payment of the fines assessed at the conclusion of the administrative hearing. He reminded the members the pharmacy permit was disciplined by revocation of the permit and an assessment of \$75,000 plus costs, and the pharmacist license was disciplined by revocation of the license and an assessment of \$20,000. With respect to the assessment on the permit, the agreement required complete payment by June 30, 2009. With respect to the assessment on the license, the agreement required payment of \$5,000 immediately and the remaining \$15,000 to be paid before June 30, 2008. Mr. Williams requested an extension of time for the \$15,000 to be due by June 30, 2009. Mr. Pitre moved and Dr. Dixon seconded to grant the extension of time as requested by the respondent. Following substantial discussion, the motion failed to pass, with only one vote in support. Mr. Finalet indicated he would submit a number of matters for consideration at the administrative hearing the following day.

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
 - Annual Report
 - Mr. Bond moved and Mr. Adams seconded
 - Resolved**, that the Board accept and approve the *Annual Report for 2008*, as presented.
 - The motion was approved after a unanimous vote in the affirmative.
 - Exceptions Report
- Examinations
 - NAPLEX
 - MPJE
 - PTCB
- Operations
- Collaborations
 - Prescription Monitoring Program (PMP)
 - Collaborative Drug Therapy Management (CDTM)
- Regulatory Activities at Other Agencies
 - Board of Medical Examiners
 - Board of Wholesale Drug Distributors
 - Dept. of Health & Hospitals – Bureau of Health Services Financing
 - Board of Optometry Examiners

Mr. Broussard then presented four items for consideration by the members.

- *Practical Experience Requirements for Pharmacy Interns*

Mr. Broussard related a recent application for pharmacist licensure submitted by a graduate of a Louisiana-based college of pharmacy, which included an affidavit certifying 1,200 hours of practical experience earned in connection with her attendance at a college of pharmacy located in another state, prior to her enrollment at the Louisiana-based college of pharmacy. Mr. Broussard reminded the members the Board's rule places an expiration date on hours earned in this state and questioned whether there ought to be an expiration date applied to hours earned in another state or even prior to enrollment in this state. Following substantial discussion, the Board reached a consensus that should a future application contain similar information, then a referral to the Application Review Committee would be in order.

- *Board-Approved Pharmacy Technician Training Programs*

Mr. Broussard reminded the members of the approval process for Board-approved pharmacy technician training programs, and then related there were no criteria or other mechanisms for programs to be disapproved or disqualified. He then described issues related to some of the proprietary schools. Following substantial discussion, the members suggested referrals as necessary to the Application Review Committee.

- *Reciprocity with Florida*

Mr. Broussard informed the members the Florida Legislature had just passed a legislative measure repealing the prior limitation on the age of the NAPLEX score relative to applicants for licensure by reciprocity. Since the outcome of the legislation positioned Florida to resemble the rest of the states relative to its requirements for licensure by reciprocity, Mr. Broussard suggested the propriety of the reconsideration of the Board's prior and long-standing decision to not reciprocate with Florida. Mr. McKay moved and Mr. Adams seconded

Resolved, that the Board accept applications for licensure by reciprocity demonstrating original licensure by the State of Florida, based upon that state's acceptance of applications for licensure by reciprocity demonstrating original licensure by the State of Louisiana.

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

- *Request for Opinion by Baton Rouge General Medical Center re Repackaging of Medications for Use in Robotic Drug Distribution System*

Mr. Broussard reminded the members of their original consideration of this matter in their August 2007 meeting. At that time, the members approved the use of the robotic technology for the prepackaging of medications at the home campus. With respect to the request to use that technology for medications at another campus, the Board referred the question to the Regulation Revision Committee. He also described the committee's suggestion the hospital acquire an authoritative opinion on whether the use of that technology for the benefit of another campus might

be considered repackaging as opposed to prepackaging and would therefore require a federal credential. Further, the issue of returns of prescription drugs to the pharmacy also needed to be addressed. Mr. Broussard then related the petitioner had obtained a private legal opinion favorable to their petition and had requested Board approval to continue.

Following substantial and protracted discussion, Mr. Rabb moved and Dr. Anderson seconded

Resolved, that the Board interpret its rules in such a manner as to permit Baton Rouge General Medical Center Pharmacy at its Mid-City campus to utilize its robotic drug distribution system for the purpose of prepackaging medications for the use of its patients located in the Bluebonnet facility, and further, should the need arise for those medications that are not used, said medications may be returned to the pharmacy at the Mid-City campus for re-use under proper professional practice standards.

Prior to the vote on the motion and following additional discussion, some members wished to amend the motion to limit the interpretation of the rule until such time as the revised rule could be promulgated. Mr. Boudreaux moved and Ms. Alderman seconded

Resolved, that the interpretation at issue remain valid only for the time required to promulgate a new regulation, or for one year from this date, whichever shall first occur.

The motion for the amendment was approved after a majority vote in the affirmative; Mr. Cassidy and Mr. Pitre objected. Mr. Aron then asked the members if they were ready for the final vote. The amended motion was approved after a majority vote in the affirmative; Mr. Cassidy and Mr. Pitre objected.

12. Request for Approval of Medication Administration Educational Program by University of Findlay School of Pharmacy

Mr. Aron reminded the members of the request and supporting documentation posted in the Boardroom Library prior to the meeting. Mr. Broussard reviewed the rule at issue. Following a short discussion, Dr. Anderson moved and Dr. Dixon seconded

Resolved, that the Board deny the request for approval of a medication administration educational program sponsored by the University of Findlay School of Pharmacy to qualify pharmacists for medication administration certification.

The motion was approved after a majority vote in the affirmative; Mr. Adams, Ms. Hall, Mr. McKay, and Mr. Soileau 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. Recess

Mr. Cassidy moved and Mr. Pitre 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 6:30 p.m.

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An Administrative Hearing was convened on Thursday, August 7, 2008 in the Boardroom of the Board's office, 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 8:30 a.m.

2. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Ms. Hall 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 all members were present, constituting a quorum.

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. There were no objections to his request.

5. Opportunity for Public Comment

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guests in attendance, but none were offered.

6. Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Ms. Celia Cangelosi served as Prosecuting Attorney, and Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Tara Torres was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron indicated that the jury for the formal hearings would be composed of the members of the Board, with the exception of the members of the Violations Committee at the time of their last meeting, who were excused due to prior knowledge of the matters. The members excused from the formal hearings were Mr. Adams, Mr. Bond, Dr. Dixon, and Mr. Rabb.

Mr. Aron directed the insertion of the posted agenda into these minutes and waived the reading thereof. The posted docket is re-created here.

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, August 7, 2008 in the Board office, for the purpose to wit:

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 07-21-2008

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
 - 01. Tom William Bader – Pharmacist License No. 17987 Complaint No. 08-0008
 - 02. Shatina Danielle Johnson – Candidate Registration No. 13114 Complaint No. 08-0068
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 03. Dave’s Village Drugs – Pharmacy Permit No. 219 Complaint No. 07-0270
 - +
04. David Louis Matherne – Pharmacist License No. 9961 Complaint No. 07-0259
 - 05. Tri-Care Home Medical & Pharmacy – Pharmacy Permit No. 5645
Complaint No. 07-0218
 - 06. GlobalNet Pharmacies – Pharmacy Permit No. 5668 Complaint No. 07-0274
 - +
07. Brian Gregory Bazajou – Pharmacist License No. 16814 Complaint No. 07-0275
 - 08. Tashima Karvette Weary – Candidate Registration No. 12573 Complaint No. 08-0067
 - 09. Medical Analysis Pharmacy – Pharmacy Permit No. 5689 Complaint No. 08-0045
 - 10. Henry Joseph LeBlanc, Jr. – Pharmacist License No. 9338 Complaint No. 08-0075
- H. Report of General Counsel
 - Consideration of Voluntary Surrenders*
 - 11. Tiffany LeBlanc Richard – Pharmacist License No. 15766Complaint No. 08-0113
 - 12. John Russell Davis, MD – CDS License No. 5427
 - 13. Sharon Renee Barnes Michael – Pharmacist License No. 17155 Complaint No. 08-0157
 - 14. Glenn Morris Crochet, Sr. – Pharmacist License No. 10340 Complaint No. 08-0132
 - 15. Larry James McManus – Pharmacist License No. 9716 Complaint No. 08-0147
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| 16. | Nicole Colton Faust – Technician Certificate No. 5720 | Complaint No. 08-0148 |
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| 17. | Rebecca Shane King – Candidate Registration No. 13772 | Complaint No. 08-0149 |
| 18. | Megan Elizabeth LaGrange – Intern Registration No. 45109 | Complaint No. 08-0159 |

Consideration of Voluntary Consent Agreements

- | | | |
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| 19. | Derrick Lamar Franklin – Technician Certificate No. 7844 | Complaint No. 08-0049 |
| 20. | Zerina Faye Johnson – Technician Certificate No. 1519 | Complaint No. 08-0106 |
| 21. | Gwendolyn Phillips Green – Technician Certificate No. 2928 | Complaint No. 08-0146 |
| 22. | Yolanda Renee Turner – Candidate Registration No. 12694 | Complaint No. 08-0163 |

I. Adjourn

7. Formal Hearings

Mr. Aron called upon Ms. Cangelosi, and she presented the following matters for Board action:

Shatina Danielle Johnson (Pharmacy Technician Candidate Registration No. 13114) Ms. Cangelosi appeared for the Board, and she noted the absence of the respondent or counsel. After verifying her absence, Mr. Aron ruled the matter would continue as a default proceeding. Ms. Cangelosi presented an opening statement, two witnesses, and two exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and a suggested board order, and then tendered the matter to the Board for its consideration. Mr. Cassidy moved and Ms. Melancon seconded to enter into executive session for the purpose of deliberating the disciplinary matter and 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 9:00 a.m. and then returned to open session, at the instant case, at 9:25 a.m.

Ms. Alderman moved and Mr. McKay seconded

Resolved, that having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, the Board accept the Findings of Fact as proposed by the Prosecuting Attorney, modify Item 9 to indicate the absence of the respondent from these proceedings, adopt them as our own, and then enter them into the hearing record.

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

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

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

Alderman moved and Mr. McKay seconded

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 13114, held by Shatina Danielle Johnson, shall be, and is hereby, revoked; and further, the respondent shall 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 prosecuting attorney, the advisor to the hearing officer, and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this registration, or any application for any other credential issued by the Board, shall be conditioned 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 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.

Tom William Bader (Pharmacist License No. 17987) Ms. Cangelosi appeared for the Board, and she noted the absence of the respondent or counsel. After verifying his absence, Mr. Aron ruled the matter would continue as a default proceeding. Ms. Cangelosi presented an opening statement, one witness, and six exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and a suggested board order, and then tendered the matter to the Board for its consideration. Mr. Pitre moved and Ms. Alderman seconded to enter into executive session for the purpose of deliberating the disciplinary matter and 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 9:45 a.m. and then returned to open session, at the instant case, at 10:00 a.m.

Mr. Moore moved and Mr. Pitre seconded

Resolved, that having heard the testimony and considered the evidence, the Board accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

The motion was approved after a unanimous vote in the affirmative of those members present and voting; Mr. Boudreaux abstained. Mr. Moore moved and Ms. Alderman seconded

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

The motion was approved after a unanimous vote in the affirmative of those

members present and voting; Mr. Boudreaux abstained. Mr. Moore moved and Mr. Pitre seconded

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacist License No. 17987, held by Tom William Bader, shall be, and is hereby, revoked; and further, the respondent shall pay the following assessments: (1) a fine of \$10,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney, the advisor to the hearing officer, and the official recorder; and It is further ordered, the acceptance of any future application for the reinstatement of this license, or any application for any other credential issued by the Board, shall be conditioned 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 him in any jurisdiction.

The motion was approved after a unanimous vote in the affirmative of those members present and voting; Mr. Boudreaux abstained.

Ms. Cangelosi indicated the completion of the formal hearings scheduled for that day. Mr. Aron expressed his appreciation to Ms. Cangelosi for her services that day.

8. *Report of Violations Committee – Consideration of Voluntary Consent Agreements*
Mr. Aron called upon Dr. Dixon for the report, and he presented the following files for Board action.

Dave's Village Drugs (Pharmacy Permit No. 219) 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.

David Louis Matherne (Pharmacist License No. 9961) 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 five years, effective July 1, 2008; and further, ordered the automatic reinstatement of the license after 90 days of active suspension; and further, placed the reinstated license on probation for the remainder of the original suspensive period, subject to certain terms as enumerated in the agreement; and further, assessed the respondent \$5,000 plus administrative and investigative costs.

Tri-Care Home Medical & Pharmacy (Pharmacy Permit No. 5645) 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 permit holder, and further, assessed him \$2,500 plus administrative and investigative costs.

GlobalNet Pharmacies (Pharmacy Permit No. 5668) 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 authorized the renewal of the permit, and then ordered the suspension of the renewed permit for two years and stayed the execution thereof, and then placed the renewed permit on probation for two years, subject to certain terms as enumerated in the agreement; and further, assessed the permit holder \$10,000 plus administrative and investigative costs.

Brian Gregory Bazajou (Pharmacist License No. 16814) 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 application for the reinstatement of the license upon the satisfaction of certain terms, including the service of no less than five years of active suspension; and further, assessed the respondent \$5,000 plus administrative and investigative costs.

Tashima Karvette Weary (Technician Candidate Registration No. 12573) 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 accepted the voluntary surrender of the credential, resulting in the suspension of the registration for an indefinite period of time, effective June 4, 2008.

Medical Analysis Pharmacy (Pharmacy Permit No. 5689) 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 permit holder, and further, assessed him \$5,000 plus administrative and investigative costs.

Henry Joseph LeBlanc, Jr. (Pharmacist License No. 9338) 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 Reprimand to the respondent, and further, assessed him \$500 plus administrative costs.

Dr. Dixon indicated the completion of his report.

9. Report of General Counsel

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

Tiffany LeBlanc Richard (Pharmacist License No. 15766) Mr. Pitre moved and Mr. Rabb seconded to accept the voluntary surrender. 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 June 9, 2008.

John Russell Davis, MD (CDS License No. 5427) Mr. McKay moved and Mr. Soileau seconded to accept the voluntary surrender. 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.

Sharron Renee Barnes Michael (Pharmacist License No. 17155) Mr. Adams moved and Ms. Hall seconded to accept the voluntary surrender. 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 June 13, 2008.

Glenn Morris Crochet, Sr. (Pharmacist License No. 10340) Mr. McKay moved and Mr. Soileau seconded to accept the voluntary surrender. 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 June 10, 2008.

Larry James McManus (Pharmacist License No. 9716) Mr. McKay moved and Mr. Adams seconded to accept the voluntary surrender. 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 June 30, 2008.

Nicole Colton Faust (Technician Certificate No. 5720) Ms. Melancon moved and Mr. Soileau seconded to accept the voluntary surrender. 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 June 30, 2008.

Rebecca Shane King (Technician Candidate Registration No. 13772) Ms. Alderman moved and Ms. Hall seconded to accept the voluntary surrender. 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 June 30, 2008.

Derrick Lamar Franklin (Technician Certificate No. 7844) Mr. McKay 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 the reinstatement of the certificate.

Zerina Faye Johnson (Technician Certificate No. 1519) Mr. Soileau moved and Mr. Pitre 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 the reinstatement of the certificate.

Gwendolyn Phillips Green (Technician Certificate No. 2928) Mr. Cassidy moved and Ms. Hall 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 the reinstatement of the certificate.

Megan Elizabeth LaGrange (Intern Registration No. 45109) Mr. Pitre moved and Ms. Melancon seconded to accept the voluntary surrender. 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 July 15, 2008.

Yolanda Renee Turner (Technician Candidate Registration No. 12694) Mr. McKay moved and Mr. Bond 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 the reinstatement of the registration.

Mr. Finalet indicated the completion of his report.

10. Adjourn

Mr. Soileau moved and Mr. Rabb 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 10:35 a.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary