



# 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**

Thursday, November 13, 2008 at 1:00 p.m.

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

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A regular meeting of the Louisiana Board of Pharmacy was held on Thursday, November 13, 2008 in the Boardroom of the Board's office, 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 1:00 p.m.

*2. Invocation & Pledge*

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Ms. Sydnie Durand 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  
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. Jeannine Hinton, Healthworks  
Mr. John Lode, Healthworks  
Mr. Mitch Ward

Mr. Mark Malouse  
Mr. Butch Tolbert, St. Francis Medical Center  
Ms. Heather Spragis  
Ms. Alicia Ladner  
Mr. Randal Johnson, LIPA  
Dr. Steven T. Boyd,

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, Dr. Dixon moved and Ms. Alderman seconded,

**Resolved**, that the Minutes of the Regular Board Meeting on August 6, 2008 and the Administrative Hearing on August 7, 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. Broussard indicated there were no action items from the previous meeting.

*7. Confirmation of Acts*

Pursuant to Mr. Aron's declaration that the officers, committees, and executive director had attended to the business of the Board in accordance with policies and procedures previously approved by the Board, Ms. Melancon moved and Mr. Pitre 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 August 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, but none were offered.

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

Since the recipient was unexpectedly absent, the presentation was deferred.

## 10. Election of Officers

Mr. Aron initiated the annual election of officers by indicating the process would be conducted in accordance with Robert's Rules of Order and the Open Meetings Law.

**President** – Mr. Bond nominated Mr. Aron. Hearing no further nominations, Mr. Aron closed the nominations. Mr. Bond then moved, and Ms. Alderman seconded, for election by acclamation. The motion was approved after a unanimous vote in the affirmative.

**First Vice President** – Mr. Bond nominated Mr. Rabb. Hearing no further nominations, Mr. Aron closed the nominations. Mr. Bond then moved, and Ms. Alderman seconded, for election by acclamation. The motion was approved after a unanimous vote in the affirmative.

**Second Vice President** – Mr. Adams nominated Mr. McKay. Hearing no further nominations, Mr. Aron closed the nominations. Mr. Adams then moved, and Mr. Bond seconded, for election by acclamation. The motion was approved after a unanimous vote in the affirmative.

**Third Vice President** – Mr. Bond nominated Mr. Adams. Hearing no further nominations, Mr. Aron closed the nominations. Mr. Bond then moved, and Ms. Alderman seconded, for election by acclamation. The motion was approved after a unanimous vote in the affirmative.

**Secretary** – Mr. McKay nominated Dr. Dixon. Hearing no further nominations, Mr. Aron closed the nominations. Mr. McKay then moved, and Mr. Bond seconded, for election by acclamation. The motion was approved after a unanimous vote in the affirmative.

Mr. Aron extended his congratulations to the other officers on their election, and then he expressed his gratitude to all of the members for their renewed vote of confidence.

## 11. Committee Reports

### A. Finance Committee

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

- *Statement of Assets, Liabilities, & Equity* for September 30, 2008
- *Interim Budget Performance Report* for September 30, 2008
- *Summary of Fund Balance* for September 30, 2008
- *Budget Worksheet for Fiscal Year 2009-2010*
- *Proposed Budget for Fiscal Year 2009-2010*

Mr. Bond reviewed all the reports and relayed the committee's recommendations from their meeting the previous day. He and Mr. Broussard answered all the questions from the members. Mr. Bond indicated the current financial report was for information purposes only and required no action by the Board. However, the proposed budget did require approval. Hearing no requests for amendments or any further questions, Mr. Bond moved and Mr. McKay seconded,

**Resolved**, the Board approves the Proposed Budget for Fiscal Year 2009-2010 as presented, reviewed, and recommended by the Finance Committee.

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

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

*B. 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 46 applicants earlier that day. She moved and Ms. Alderman seconded,

**Resolved**, that the Board approve  
Charles Frank Best  
Gregory Robert Blaies  
Ann Montgomery Campagna  
Beth Anne Chen  
Jarrod Lynn Clark  
Matthew Joel Cook  
Andrea Ann Cox  
Daphne Tate Crawford  
Jeffrey Allen Davis  
Danielle Lawrence Dorsett  
Michelle Marie Dupuy  
Jane Temitope Fadesere  
Howard Mead Fass  
Tara Burke Flowers  
Lori Ann Gabriel  
Gaurang Jawaher Gandhi  
Christine Marie Hansen  
Michael Kent James  
Tushima Ramesh Jhaveri  
Danita Dawn Jones  
Ronald Benjamin Koelher  
Marie Roussel Landry  
Joseph Mark LaRochelle  
Ernie Chi-Keung Lau  
Wytoka Desone Loyd  
David L. Lubchansky  
Brian Derek Marquis  
Quenton Bryan McEntee  
Jennifer Louise Morrison  
Susan Brister Morrison  
Beth Lynn Neiman  
Arpan Pravin Patel  
Purvi Purvaj Patel  
Jagruti Patel-Herron  
Janice Ann Reeves  
Jonathan Moss Reibstein

Matthew David Roesch  
Jeffrey Mark Rowe  
Shelley Marie Shehane  
Chad Mark Sherard  
Alisha Elizabeth Smith  
Charlie Clarence Sneed, Jr.  
Anthony Tascione  
Phillip Stephen Vowels  
Theresa Marie Waugh, *and*  
Andrew James Wilhelm

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; she also informed the members that Board records reflect 46 applicants to the largest number ever processed at one committee meeting.

*C. Violations Committee*

Mr. Aron called upon Dr. Dixon for the committee report. Dr. Dixon reported the committee was unable to meet on their scheduled date of September 10-11, due to the impact of Hurricanes Gustav and Ike. That informal conference was postponed until November 5-6. The docket for that conference included 22 pharmacists, 6 technicians, 2 technician candidates, and 11 pharmacy permits. Since that conference was held the week prior to this meeting, there were no formal hearings scheduled for this meeting. He then announced the committee would next meet during the second week of March 2009, and the docket for that conference was not yet finalized.

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

*D. Impairment Committee*

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

**Kendra Ann Roberts (Technician Certificate No. 6629)** Mr. Rabb moved and Ms. Alderman seconded to accept the voluntary surrender of the credential. 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 September 8, 2008.

**Stephen Brent Dearmon (Pharmacist License No. 15266)** Mr. Rabb moved and Mr. Boudreaux seconded to accept the voluntary surrender of the credential. 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 September 25, 2008.

**Jeffery Scott Mullican (Pharmacist License No. 13608)** Mr. Rabb moved and Dr. Dixon seconded to accept the voluntary surrender of the credential. 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 October 8, 2008.

**Chris David Bonvillain (Pharmacist License No. 14463)** Mr. Rabb moved and Mr. Boudreaux seconded to accept the voluntary surrender of the credential. 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 October 3, 2008.

**Tara Marie Strahan (Technician Certificate No. 5678)** Mr. Rabb moved and Dr. Dixon seconded to accept the voluntary surrender of the credential. 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 October 27, 2008.

**Leo Gerard Riche (Pharmacist License No. 14961)** Mr. Rabb moved and Ms. Alderman seconded to accept the voluntary surrender of the credential. 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 October 31, 2008.

**Gary Victor Mantese (Pharmacist License No. 11065)** Mr. Rabb moved and Mr. Boudreaux seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, then suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, subject to certain terms enumerated in the consent agreement.

**Larry James McManus (Pharmacist License No. 9716)** Mr. Rabb moved and Mr. Boudreaux seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, and then suspended the license for ten years and stayed the execution of all but the first five months, and then placed the license on probation from November 30, 2008 through June 30, 2018, subject to certain terms as enumerated in the consent agreement; and further, assessed a fine of \$5,000 plus investigative costs and administrative fees.

**Edward John Rabalais (Pharmacist License No. 9897)** Mr. Rabb moved and Mr. Boudreaux seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board

granted the request for reinstatement of the previously suspended license, and then suspended the license for two years and stayed the execution thereof, and then placed the license on probation for two years, subject to certain terms as enumerated in the consent agreement.

**James Claude McGee (Pharmacist License No. 16890)** Mr. Rabb moved and Mr. Boudreaux seconded to deny the request for reinstatement of the previously suspended license. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the previously suspended license.

**Jeremy Christopher Powell (Pharmacist License No. 16108)** 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 reinstatement of the previously suspended license, and 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.

**Royal Clifford Shelton (Pharmacist License No. 10146)** Mr. Rabb moved and Ms. Durand 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, conditioned upon the successful completion of certain terms no later than November 13, 2010; and further, the Board ordered the automatic reinstatement of the license upon completion of said terms; and further, the Board ordered the suspension of the reinstated license for five years and stayed the execution thereof, and then ordered the probation of the reinstated license for five years, subject to certain terms as enumerated in the consent agreement.

**Wade Randall Veillon (Pharmacist License No. 11709)** Mr. Rabb moved and Mr. Boudreaux 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, and 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.

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

*E. Reinstatement Committee*

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

**Karl Louis Fuselier (Pharmacist License No. 14141)** Mr. Adams moved

and Mr. Boudreaux seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the automatic reinstatement of the lapsed license upon the successful completion of certain terms as enumerated in the consent agreement.

**Melissa Ann Songe Norris (Technician Certificate No. 3892)** 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 automatic reinstatement of the lapsed certificate upon the successful completion of certain terms as enumerated in the consent agreement.

**Robert O'Neil Boudreaux (Pharmacist License No. 8333)** Mr. Adams moved and Mr. Cassidy seconded to approve the consent agreement. Prior to the vote, Ms. Alderman moved and Dr. Anderson seconded to amend the motion for approval of the agreement by modifying the terms of the consent agreement to require the successful completion of the pharmacy law test as a condition for reinstatement of the license. The motion to amend was approved after a majority vote in the affirmative; Mr. Cassidy objected, and Messrs. Boudreaux and Pitre abstained. The amended motion was then approved after a majority vote in the affirmative; Mr. Cassidy objected, and Messrs. Boudreaux and Pitre abstained. The Board authorized the automatic reinstatement of the lapsed license upon the successful completion of certain terms as enumerated in the modified consent agreement.

**Charles Arthur Leach (Pharmacist License No. 10365)** Mr. Adams moved and Dr. Dixon seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the automatic reinstatement of the lapsed license upon the successful completion of certain terms as enumerated in the consent agreement.

**Scarlett Eva Renaud (Technician Certificate No. 5460)** Mr. Adams moved and Mr. Boudreaux seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board authorized the automatic reinstatement of the lapsed certificate upon the successful completion of certain terms as enumerated in the consent agreement.

**James Robert Lang (Pharmacist License No. 10884)** Mr. Adams moved and Mr. Bond seconded to deny the requests for probation modification or probation termination. The motion was approved after a unanimous vote in the affirmative. The Board denied the requests for probation modification or probation termination.

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 2:25 pm and then reconvened in open session at 2:40 pm.

## 12. *Staff Reports*

### *F. Prescription Monitoring Program*

Mr. Aron called upon Mr. Fontenot for the report. Mr. Fontenot made a short presentation illustrating the capabilities of the RxSentry<sup>®</sup> software program used to manage the program's database. He reviewed the procedures necessary to gain access to the program, as well as sample queries to the program's database.

Mr. Fontenot then reviewed the reporting requirements for dispensers, and reminded the Board the PMP rule provides authority for the Board to issue waivers for those dispensers to report their data by other than electronic means if they are unable to report their data electronically. In particular, the vendor accepts a paper Universal Claim Form (UCF) completed by the dispenser and faxed to the vendor. The vendor then inputs the data into the program database. Mr. Fontenot revealed his receipt of requests from waivers from approximately 15 pharmacies unable to report their data electronically. He characterized most of the requests as coming from pharmacies located in hospitals that dispense occasional outpatient prescriptions; their inpatient pharmacy information systems do not typically contain the same capabilities as community pharmacy information systems. Further, some of the requests also came from community pharmacies using a certain software package for their sterile compounding activities. Following a short discussion, Mr. Adams moved and Mr. Pitre seconded,

**Resolved**, that the Board grant a waiver from the requirement to submit reports to the PMP database by electronic means and allow those dispensers with pending requests for waivers to submit their reports by use of the Universal Claim Form; provided, however, that the waivers issued shall expire on February 15, 2009.

The motion was approved after a majority vote in the affirmative; Mr. Cassidy objected. A question then arose as to how staff should process future requests for waivers. By consensus, the Board agreed that Mr. Fontenot should present such requests to the Board President for concurrence on the decision to grant a waiver. When staff questioned the Board's wishes on how to proceed if a pharmacy was unable to report their data electronically by February 15, 2009, the Board instructed staff to initiate the disciplinary process: file a complaint against the pharmacy and summon the respondent to the Board's Violations Committee.

Mr. Fontenot then presented a number of requests from different pharmacies desiring an exemption from the requirement to report. In particular, he reviewed pharmacies in long term care facilities, correctional center pharmacies, nuclear pharmacies, and pharmacies in methadone treatment centers. Mr. Broussard reminded the Board the PMP law provides no authority for the Board to exempt any dispensers from the requirement to report their data. He further indicated the Board should consider whether or

not they wish to pursue a statutory modification of the term 'dispenser' to include any pharmacies whose activities are not germane to the program.

Mr. Fontenot then reminded the members of the recent rule from the Board of Medical Examiners restricting the dispensing of controlled substances by dispensing physicians. In particular, he relayed requests from the dispensing physician community, particularly those physicians no longer able to dispense controlled substance prescriptions, as to whether the historical transactions back to June 1 were still required to be reported. Following a brief discussion about the potential value of that limited amount of information, Dr. Anderson moved and Mr. Boudreaux seconded,

**Resolved**, that the Board shall not require the reporting of controlled substance prescription transactions from dispensing physicians for those transactions during June 1 through November 1, 2008.

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

Mr. Fontenot then relayed a request for guidance about the reporting of the distribution of samples of controlled substances or other drugs of concern in a quantity greater than a 48-hour supply. Following a brief discussion of the statutory requirements, Dr. Anderson moved and Mr. Bond seconded,

**Resolved**, that the Board interpret La. R.S. 40:1003(6)(b) such that the distribution of samples of controlled substances or other drugs of concern in a quantity greater than a 48-hour supply is a reportable transaction, and further, such transactions shall be reported to the program.

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

Finally, Mr. Fontenot requested guidance from the Board on how to process information that a dispenser had failed to initiate reporting of their eligible transactions by the November 15 deadline. The Board reached a consensus that staff should initiate the disciplinary process by issuing a formal complaint against the pharmacy and then issuing a Letter of Noncompliance to the pharmacy, indicating their failure to report all historical transactions by December 31, 2008 shall result in their automatic referral to the Board's Violations Committee.

#### *G. Chief Compliance Officer*

Mr. Aron called upon Ms. Gaudet for the report. Ms. Gaudet reviewed the activities of the compliance officers, indicating that 80% of the pharmacies had been inspected for the year. She briefly discussed the impact of the implementation of the PMP program, as well as some temporary staffing shortages. She then introduced Mr. Savoie for a special report.

Mr. Savoie presented a visual report on the impact of Hurricanes Gustav and Ike on the pharmacies throughout the state. In particular, he reported on the issue of power interruptions and the prevalence of the use of electrical generators. He also presented photographs of different pharmacies that were affected by the storms.

Mr. Soileau related that he had been contacted during the aftermath of the storm about potentially receiving an electrical generator but never actually

received one. He then questioned the Board's role in the disaster response process. Mr. Broussard responded with a brief recap of the staff response to the necessity of relocating the office on a temporary basis and also assisting the governor's office by calling all the pharmacies in the affected areas and obtaining information about their power generation and operating abilities. Mr. Broussard also related preliminary information concerning potential legislation requiring certain types of businesses, including pharmacies, to possess or have access to electrical generators. Mr. Adams responded with specific information about the costs of that requirement on Walgreens pharmacies in Louisiana.

Mr. Aron expressed his appreciation to Mr. Savoie and Ms. Gaudet for their reports.

#### *H. General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet indicated he had two matters to report: preliminary plans for the new office building as well as the consent agreements and voluntary surrenders for the Board's consideration.

- *Homeland Development Project*

Mr. Finalet presented the preliminary plans from the architect and reviewed some different planning issues. He invited the members to provide additional feedback concerning any of the planning aspects.

- *Consideration of Disciplinary Matters*

Mr. Finalet presented the following files for Board action:

**Theron Timothy Jacks, Jr. (Pharmacist License No. 11519)** Dr. Dixon moved and Mr. Soileau seconded to accept the voluntary surrender of the credential. 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 September 9, 2008.

**Sarah Alicia Munn (Candidate Registration No. 13468)** Ms. Alderman moved and Mr. Moore seconded to accept the voluntary surrender of the credential. 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 October 27, 2008.

**Scotty Paul Broussard (Pharmacist License No. 15681)** Dr. Dixon moved and Mr. Soileau seconded to accept the voluntary surrender of the credential. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective November 5, 2008.

**Thadrian Marquis Johnson (Pharmacist License No. 13542)** 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 extended the probation of the license, which was originally scheduled to terminate on October 15, 2008, for an indefinite period of time, subject to certain terms as enumerated in the consent agreement.

**Travis Devel Robateau (Technician Certificate No. 7758)** Dr. Dixon moved and Mr. Cassidy seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Franck's Compounding Pharmacy (Pharmacy Permit No. 5484)** Mr. McKay moved and Mr. Bond seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote of those members present and voting; Mr. Boudreaux abstained. The Board issued a Letter of Warning to the owner of the permit, and further, assessed him a fine of \$5,000 plus administrative costs.

**Marisa Marie Wilson (Technician Certificate No. 6860)** Mr. McKay moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Dana Danette Weber (Technician Certificate No. 7085)** Dr. Dixon moved and Ms. Melancon seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Antoinette Marie Garrick (Technician Certificate No. 7269)** Mr. Pitre moved and Ms. Alderman seconded to accept the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Daneshia DaShawn Lyons (Candidate Registration No. 13602)** Mr. Adams 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 registration, and further, prohibited any future application for the reinstatement of the registration.

**Theresa Jones Ross, MD (CDS License No. 15741)** Dr. Anderson moved and Ms. Alderman seconded to accept the voluntary surrender of the credential. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the

suspension of the license for an indefinite period of time, effective November 13, 2008.

Mr. Finalet indicated the conclusion of his report. Mr. Aron expressed his appreciation to Mr. Finalet for his work, especially the homeland development project.

*I. 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
  - Exceptions Report
    1. PIC at Multiple Pharmacies
    2. Special Work Permits
    3. Request for CDTM Registration

Mr. Broussard reminded the members the current rules governing collaborative drug therapy management (CDTM) activities includes eligibility criteria to qualify for a CDTM registration, as well as exclusion criteria. The rules also permit the Board to waive those exclusions on a case-by-case basis.

He then presented an applicant for CDTM registration with a prior history of probation on the license, and then inquired whether the Board was prepared to waive the limitations applicable to this applicant. The members questioned the history of the disciplinary action. After a brief discussion, Mr. McKay moved and Mr. Adams seconded to waive the limitations presented by this applicant and to issue a CDTM registration. The motion was approved after a unanimous vote in the affirmative.

Finally, Mr. Broussard requested guidance from the Board as to whether they wished to develop a formal policy for the processing of similar applications between Board meetings. The Board reached consensus to bring all such requests to the full Board meeting and defer the construction of relevant policy document at that time.

- Legislative Auditor
- Examinations
  - NAPLEX
  - MPJE

- PTCB
- Operations
  - 2008 Technician CE Audit
  - 2009 Renewal Cycle for Pharmacists and Pharmacies
- Collaborations
  - Collaborative Drug Therapy Management (CDTM)
- Regulatory Activities at Other Agencies
  - Board of Medical Examiners
  - Dept. of Health & Hospitals – Bureau of Health Services Financing

Mr. Broussard then reminded the members that his three year term representing District VI on the NABP Executive Committee was scheduled to expire at the NABP Annual Meeting scheduled for May 2009. He indicated he had already served notice that he did not intend to pursue a second three-year term representing the district. He related he had received several requests to consider additional service to the association, particularly in a leadership role. He revealed his consideration of those requests in light of his responsibilities to the Board, and that he believed he could offer his further service to the association, but only with the full support of the Board.

Prior to entertaining any motion, Mr. Aron announced that Mr. Adams had been nominated at the recently concluded NABP District VI meeting for the soon-to-be-vacant district representative seat on the NABP Executive Committee. Mr. Aron thought it appropriate that both Mr. Adams and Mr. Broussard should receive the full support of the Board in their respective campaigns at the NABP Annual Meeting in May 2009. Mr. Pitre then moved, with a unanimous second,

**Resolved**, that the Board fully support the candidacy of its member, Mr. Joseph L. Adams, in seeking election to the National Association of Boards of Pharmacy's Executive Committee as a representative of District VI; and further, that the Board fully support the candidacy of its executive director, Mr. Malcolm J. Broussard, in seeking nomination and election to the office of Treasurer of the National Association of Boards of Pharmacy.

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

### *13. Request for Reconsideration of Prior Request*

Mr. Aron requested Mr. Broussard to provide information relevant to the request. Mr. Broussard reminded the members that the University of Findlay – School of Pharmacy had previously requested approval for their educational program for immunization training of pharmacists. The Board had considered that request at their August 2008 meeting and declined to approve their request. In particular, the Board had not received any evidence that the guidelines and educational material were in compliance with the guidelines from the federal Centers for Disease Control (CDC), as required by §521 of the Board's rules. In their response to the Board's letter communicating the reasons for the Board's action, the university provided additional information and then requested a reconsideration of their request for approval of the program. Mr. Broussard certified the

program materials contained evidence of the compliance with CDC guidelines. Mr. Adams then moved and Mr. McKay seconded,

**Resolved**, that the Board approve the *Pharmacy Based Immunization Program* offered by the School of Pharmacy at the University of Findlay, as compliant with the requirements of §521 of the Board's rules.

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

*14. Request for Approval of Demonstration Project*

Mr. Aron recognized Ms. Jeannine Hinton and her colleague, Mr. John Lode. Ms. Hinton indicated they were principals in a consulting firm known as Healthworks, LLC. Their firm had contracted with South Cameron Memorial Hospital Foundation for the primary purpose of health care system assessment following Hurricane Katrina. As part of their assessment, their firm had identified access to pharmacy services as a critical issue. In their pursuit of a remedy, the firm had identified telepharmacy services as worthy of consideration. The firm requested approval for a demonstration project to utilize telepharmacy services at an outpatient clinic to be located in or close to the existing hospital emergency room. Following a substantial discussion, several members expressed support for the telepharmacy concept, but had reservations due to the lack of specific information from the pharmacists involved in the proposal. In response to the petitioner's request for guidance, Mr. Aron suggested a pharmacist associated with the proposal develop a specific plan of action for consideration at the Board's next meeting in February 2009. Dr. Anderson suggested that the initial presentation of that action plan could be made at the next meeting of the Regulation Revision Committee tentatively scheduled for January 2009. That would permit the members to provide preliminary comments for review prior to the full Board meeting. The petitioners expressed their appreciation to the Board for the opportunity to present their request, as well as the guidance on how to move forward.

*15. Request for Approval of Proposal: Centralization of Medication Packaging, Bar-coding, & Dispensing at Hospital Pharmacy – St. Francis Hospital Pharmacy in Monroe*

Mr. Aron recognized Mr. Butch Tolbert, Vice President of Ancillary Services at St. Francis Medical Center in Monroe, as well as other pharmacy personnel from the facility. Prior to the presentation, Mr. Moore – a board member associated with the petitioner – presented preliminary information for the board's consideration. He indicated the St. Francis Hospital system in Monroe is composed of two separate campuses – the main campus and a remote campus known as St. Francis Hospital North, and further, that each facility housed a pharmacy permitted by the Board. The pharmacy staff then delivered a presentation describing medication packaging and distribution procedures at two separate campuses: St. Francis Hospital and St. Francis Hospital North. The proposal entails the pharmacy at the main campus changing the packaging of its stock and then transferring the medication to automated medication systems at the remote campus. They noted the medication being transferred was not labeled with the patient's name.

At Mr. Aron's request, Mr. Broussard reviewed the federal drug law and its jurisdiction over manufacturing, packaging, and labeling of prescription drugs. He indicated the absence of a patient name on the drug package label prior to its receipt at

the remote campus would characterize the process as ‘repackaging’ (as opposed to ‘pre-packaging’), and further, would render the process as ‘distribution’ instead of ‘dispensing.’ He reminded the members that packaging and repackaging of prescription drugs is an activity regulated by the federal Food & Drug Administration (FDA), and further, that the FDA credentials and regulates repackagers. He suggested the board could not authorize a pharmacy to perform functions regulated by the federal FDA. He also indicated the issue of common ownership of multiple facilities may have a bearing on the interpretation of that federal rule, and further, he indicated the federal government may have already provided guidance to some other health-system on this or similar issues. Finally, he indicated that if the federal FDA does permit the packaging and sharing of medications by facilities under common ownership, then the movement of those drugs to a remote facility with a pharmacy permit on-site would then resemble the situation at Baton Rouge Medical Center previously addressed by the board.

Mr. Rabb moved and Dr. Anderson seconded,

**Resolved**, to approve the proposal from St. Francis Medical Center as a pilot project, which may continue until such time as the board promulgates a rule relevant to that practice, or until August 9, 2009 – whichever shall first occur.

The motion failed to pass. Voting for the motion were Dr. Anderson, Mr. Bond, Ms. Melancon, Mr. Moore, Mr. Pitre, and Mr. Rabb. Voting against were Mr. Adams, Ms. Alderman, Mr. Boudreaux, Mr. Cassidy, Dr. Dixon, Ms. Hall, Mr. McKay, and Mr. Soileau. Ms. Durand abstained.

In the absence of approval for the proposal, Mr. Moore requested guidance from the Board. The consensus suggested the acquisition of guidance from the federal FDA; and further, should the FDA provide clear guidance permitting the packaging and sharing of drugs by facilities under common ownership, then the staff could provide guidance similar to that rendered to the Baton Rouge Medical Center: i.e., the pharmacy at the main campus could send medications to the remote campus, provided both pharmacies demonstrate through policies and procedures the absence of mingling of inventories from the respective pharmacies. Further, that guidance would expire at the termination of the pilot project with Baton Rouge Medical Center.

#### 16. *Announcements*

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

Mr. Aron recognized Dr. Steven Boyd, who informed the members of the governor’s anticipated announcement the following day concerning his health care reform effort, titled *Louisiana Health First*. Dr. Boyd alerted the members he had been appointed to represent pharmacy interests on the Medical Reform Advisory Group (MRAG), and that he welcomed any comments and suggestions for that group.

*17. Adjourn*

Dr. Dixon moved and Mr. Pitre 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 6:25 p.m.

Respectfully submitted,

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Reuben R. Dixon, Pharm.D.  
Secretary