



Louisiana Board of Pharmacy

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



Minutes

Regular Meeting

Wednesday, February 11, 2009 at 1:00 p.m.

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

Administrative Hearing

Thursday, February 12, 2009 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, February 11, 2009 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 1:15 p.m.

2. Invocation & Pledge

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

Prior to the quorum call, Mr. Aron introduced the Board's newest member. Mr. John LeTard was appointed to the Board on December 31, 2008. Mr. Aron also introduced a new pharmacist compliance officer. Dr. Edwin H. Adams joined the Board's staff on January 5, 2009.

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. Jacqueline L. Hall
Mr. John O. LeTard
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Richard A. Soileau

Members Absent:

Ms. Sydnie M. Durand

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Ms. Kathleen V. Gaudet, Chief Compliance Officer
Dr. Edwin H. Adams, 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. Mary Staples – NACDS
Mr. Mark Malouse
Ms. Linda Spradley – CVS Caremark
Ms. Alisha Duhon – Medco
Mr. Oscar Wood
Mr. Mitch Ward – Target
Ms. Sarah Miller – Brookshire Brothers
Mr. Kenneth Doucet – Brookshire Brothers
Mr. Randal Johnson – LIPA
Mr. Bud Courson – NACDS / Courson Nickel, LLC

Dr. Dixon certified that all but one of the 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. Adams moved and Mr. McKay seconded,

Resolved, that the Minutes of the Regular Board Meeting on November 13, 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. 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 since the last meeting in accordance with policies and procedures previously approved by the Board, Mr. Pitre moved and Mr. Moore seconded,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 13, 2008 are approved, adopted, and ratified by the entire Board.

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

8. *Opportunity for Public Comment*

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

9. *Committee Reports*

A. *Finance Committee*

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

- *Statement of Assets, Liabilities & Equity* for December 31, 2008
- *Statement of Revenue, Expenses & Budget Performance* for December 31, 2008
- *Summary of Income & Fund Balance Changes* for December 31, 2008
- *Hancock Bank Statement* for December 31, 2008

Mr. Bond reviewed all the reports and 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. He reported the committee would meet prior to the next Board meeting to determine whether any budget amendments were necessary before the end of the fiscal year.

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

B. *Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on January 7 to consider ten referrals from the staff. He reported the disposition of eight applications and then presented the following files for Board action.

Michelle Sandra Hosek – Applicant for Pharmacy Technician Candidate Registration Mr. McKay moved and Dr. Anderson seconded to deny the application and refuse to issue the registration. The motion was approved after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

JoAnn Harris – Applicant for Pharmacy Technician Candidate Registration Mr. McKay moved and Mr. Soileau 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.

Finally, Mr. McKay expressed his appreciation to the other committee members for their participation in the January meeting.

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee had approved five 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 23 applicants earlier that day. She moved and Mr. Soileau seconded,

Resolved, that the Board approve

Arijit Aichbhaumik
Shelley Sousa Albert
Agnes Sylvia Bergeron
Eric Jason Borell
Ajay Desai
Terri Duga Ghitman
Levon Gibson
Thomas Mason Gliko
Melinda Rene Griffin
Stephanie Kay Hagan
Paula Marie Hedin
Jeanna Lee Hester
Thomas Harry Koontz
Steven Michael Lerch
Bridget Antoinette Moore
Catherine Marie Mousel
Lee Eric Ori
Anya Patel
Diane Lynn Sadauskas
Cassandra Marie Spaccapannicia
Sarah Elizabeth Spangler
James Edwin Valcik, *and*
Chad Edward Valdez.

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 held an informal conference on November 5-6, 2008 and reviewed that docket. He also reported their next informal conference was scheduled for March 11-12, 2009 and reviewed that docket.

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.

Charles Clinton McCartney, III (Pharmacist License No. 10565) 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 December 23, 2008.

Kendra Ann Roberts (Technician Certificate No. 6629) Mr. Rabb moved and Mr. Moore 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 certificate, subject to certain terms enumerated in the consent agreement.

Sharron Renee Barnes Michael [Provost] (Pharmacist License No. 17155) 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 five years and stayed the execution thereof, and then placed the license on probation for five years, subject to certain terms as enumerated in the consent agreement.

Kenneth Ray Richard (Pharmacist License No. 14439) 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 five years and stayed the execution thereof, and then placed the license on probation for five years, subject to certain terms as enumerated in the consent agreement.

Megan Elizabeth LaGrange (Intern Registration No. 45109) Mr. Rabb moved and Mr. McKay 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 registration, subject to certain terms as enumerated in the consent agreement.

Gilford Raymond Birch (Pharmacist License No. 9924) Mr. Rabb moved and Mr. Bond 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.

Claude Albert Henderson, Jr. (Pharmacist License No. 11775) Mr. Rabb moved and Mr. Moore seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for the reinstatement of the previously suspended license, and further, conditioned the acceptance of any future application for reinstatement upon the successful completion of certain terms as enumerated in the consent agreement.

Laura Elizabeth Lyons (Technician Certificate No. 7340) 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 certificate, and then suspended the certificate for five years and stayed the execution thereof, and then placed the certificate on probation for five years, subject to certain terms as enumerated in the consent agreement.

James Claude McGee (Pharmacist License No. 16890) Mr. Rabb moved and Dr. Anderson 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 five years and stayed the execution thereof, and then placed the license on probation for five years, subject to certain terms as enumerated in the consent agreement.

Clay Devoe Jones (Pharmacist License No. 15687) Mr. Rabb moved and Dr. Dixon seconded to approve the consent agreement. The motion was approved after a unanimous vote of those members present and voting; Mr. Boudreaux abstained from consideration and voting in this matter. The Board granted the request for the removal of one probationary term and the reduction of another probationary term, contingent upon the receipt of a favorable recommendation for same from the medical professional identified in the consent agreement.

Tiffanie Kaye Vice (Applicant for Pharmacy Technician Candidate Registration) Mr. Rabb moved and Mr. McKay 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.

Jason Lance Cassagne (Pharmacist License No. 16173) Mr. Rabb moved and Mr. Cassidy seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Robert Trevor McClanahan (Pharmacist License No. 15630) 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

placed the license on probation for five years, subject to certain terms as enumerated in the consent agreement.

Christopher Perry LaCour (Intern Registration No. 45012) Mr. Rabb moved and Mr. Boudreaux seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative.

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

F. Reinstatement Committee

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

Ronald Patrick Murray (Pharmacist License No. 14370) Mr. Adams moved and Mr. Pitre seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative.

Allen Eugene Zimmerman, Jr. (Pharmacist License No. 14366) 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.

David Lawrence Snow (Pharmacist License No. 10718) Mr. Adams moved and Ms. Alderman seconded to approve the consent agreement. The Board authorized the automatic reinstatement of the lapsed license upon the successful completion of certain terms as enumerated in the consent agreement.

Susan Kum Lee (Pharmacist License No. 14662) Mr. Adams moved and Ms. Melancon 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.

Lafilya Katelik Simmons (Technician Certificate No. 7760) Mr. Adams moved and Mr. Bond 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.

Yvette Anita King (Pharmacist License No. 17635) Mr. Adams moved and Ms. Alderman seconded to approve the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board removed all

terms of probation and returned her license to unrestricted status.

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

G. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee's deliberations during their January 8 meeting.

- *HCR 198 of the 2008 Legislature*

Dr. Anderson reviewed the resolution and its mandate for the committee. She then described the level of participation from the stakeholders, indicating that only the Epilepsy Foundation of Louisiana and some interested consumers chose to attend the meeting. Staff did receive some written communications from other interested parties, but none from the invited stakeholders. As a result of the suggestions requested by the Epilepsy Foundation, staff prepared a legislative proposal to amend the pharmacy law relative to generic interchange. For discussion purposes, Dr. Anderson moved and Mr. Adams seconded to approve the proposal. Following substantial discussion, the motion failed after a unanimous roll call vote in opposition to the proposal.

By consensus, the Board members then made the following findings:

- The current language of the pharmacy practice act exceeds the requirements requested by the legislative resolution.
- Stakeholder input has identified educational opportunities to ensure prescribers are familiar with proper prescribing procedures.
- Stakeholder input has identified educational opportunities to ensure dispensers are familiar with proper dispensing procedures.
- Stakeholder input has identified educational opportunities to ensure consumers are aware of their rights to file complaints against pharmacies and pharmacists.
- The number of complaints received do not appear to correlate with the number of anecdotal reports received.

By consensus, the Board members then made the following recommendations:

- Engage in collaborative efforts with prescribers to ensure their understanding of proper prescribing procedures.
- Engage in additional educational efforts with dispensers to ensure their understanding of proper generic interchange procedures.
- Engage in collaborative efforts with the Epilepsy Foundation of Louisiana and other consumers to ensure their understanding of the requirements for generic interchange and how to file complaints against pharmacies and pharmacists for alleged violations of those requirements.
- To make no changes in the requirements for generic interchange at this time.

- *Necessity of New Permit Classification and Rules for Colleges of Pharmacy*

Dr. Anderson reported this item had been deferred until the committee's April 16 meeting, and further, noted the Tripartite Committee would be meeting the prior day and that this topic would be on their agenda.

- *Ratio & Scope of Practice for Pharmacy Interns*

Dr. Anderson reported the committee requested staff research and drafting of an initial proposal, and that the matter was deferred until a later date.

- *Necessity to Maintain Nuclear Pharmacy Permits as Separate Category of Permits*

Dr. Anderson reported the committee discussed the matter and ultimately voted to recommend no changes at this time. The Board accepted the committee's recommendation and requested no changes to the maintenance of nuclear pharmacy permits as a separate category of permits.

- *Digital Imaging of Prescriptions and*

- *Prescription Transfer Procedures for Pharmacies with Common Electronic Prescription Files*

Dr. Anderson reported the committee received a presentation from Walgreen Corporation, and following substantial discussion, requested an initial proposal to be drafted by staff. The matter was deferred until a later date.

- *Use of Coupons to Encourage Consumers to Switch Pharmacies*

Dr. Anderson reported this matter was deferred until their next meeting on March 5 because they ran out of time at their last meeting.

Before concluding her report, Dr. Anderson requested an opportunity to discuss two additional regulatory topics that have arisen through several telephone calls to several board members since the last board meeting. Without objection from the members, Mr. Aron indicated he would allow those discussions at that time.

Dr. Anderson then reported that several members of the Board had received telephone calls from various pharmacies that were being inspected for their compliance with the sterile compounding requirements found in USP Chapter 797. In particular, several small hospital facilities had expressed their concern about the ability of their facilities to achieve compliance with the federal mandates in that USP chapter. Mr. Aron requested Mr. Broussard to review the Board's compliance activities concerning the initial set of standards from 2004 as well as the newer standards from 2008. Following substantial discussion, the members arrived at the following consensus positions:

- With respect to the USP Chapter 797 standards from 2004, the Board's compliance officers shall continue to enforce those standards in all pharmacies permitted by the Board where sterile compounding activities are performed, including those out-of-state pharmacies that dispense sterile products into Louisiana.
- With respect to the USP Chapter 797 standards from 2008, the Board's

compliance officers shall continue to educate those existing pharmacies engaged in sterile compounding activities of the existence of the new standards, and further, the compliance officers shall enforce those newer standards as of December 31, 2010. However, for all new permits issued by the Board, the compliance officers shall continue to require the demonstration of compliance with current standards at the time the permit is issued.

Dr. Anderson then reported contacts from several pharmacists engaged in medication administration activities, more specifically, immunizations. The current rule requires a patient-specific medical order, which works well with certain types of immunizations, but is not conducive to public health programs that would function smoothly on a protocol basis. Dr. Anderson reminded the members of the current rules for CDTM that permit such protocols to include immunization activities, and further, that the same rule makes an exception for immunization activities operating pursuant to any rule that might be promulgated by the Office of Public Health. Following a limited discussion, Mr. Aron referred the topic to the committee for its further consideration.

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

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 3:20 pm and then reconvened in open session at 3:40 pm.

10. *Staff Reports*

H. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. Mr. Fontenot directed the members to his written report in their meeting binder.

Mr. Fontenot related that seven pharmacies had submitted requests for waivers to report their data by paper instead of electronically:

- Abrom Kaplan Hospital Pharmacy (Permit No. 3)
- Associated Veterinary Services Pharmacy (Permit No. 4069)
- Women's & Children's Hospital Pharmacy (Permit No. 1761)
- Natchitoches Regional Medical Center Pharmacy (Permit No. 812)
- Tulane University Hospital & Clinic (Permit No. 4324)
- United Medical (Permit No. 4630)
- Savoy Medical Center Pharmacy (Permit No. 4440)

In each case, the Board authorized the issuance of a waiver so that each pharmacy could report their eligible transactions using the required paper claim form; provided, however, that the waiver would expire on March 1, 2009, and further, any noncompliance following that date would be referred to the Board's Violations Committee for its consideration of the appropriate charges against the pharmacy permit.

Mr. Fontenot then reminded the members they had instructed the staff during the November 2008 meeting to initiate the disciplinary process against any pharmacy that had not reported any data to the program by January 1, 2009. Mr. Fontenot reported that 221 pharmacies were not compliant on that date. He indicated Mr. Broussard issued a Letter of Noncompliance to each of those pharmacies, and that perhaps as many as 50 pharmacies had still

not achieved compliance by that February 11, 2009 meeting date. The members then directed staff that any remaining pharmacies not in compliance by March 1, 2009 should be referred to the Board's Violations Committee for its consideration of the appropriate charges against the pharmacy permit.

Mr. Fontenot then presented documents from the VA Medical Centers around the state explaining why they are prohibited from sharing their prescription transaction information with the program. The pharmacists have been accessing the program information and using that information to interrupt and prevent diversion of controlled substances, and they would like to continue with that access. They would also like to keep their permit even though they operate a federal facility; they use the permit to allow them to train pharmacy interns. Following a protracted discussion, the Board determined to let the previously determined directions stand.

Mr. Fontenot then presented a request for an interpretation of §2917 of the Board's rules. That rule identifies the persons authorized to access prescription information in the program:

§2917. Authorized Direct Access Users of Prescription Monitoring Information.

- A. The following persons may access prescription monitoring information in the same or similar manner, and the for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:
 1. persons authorized to prescribe or dispense controlled substances or drugs of concern, for the purpose of providing medical or pharmaceutical care for their patients;

...

The request for guidance came from a pharmacist providing pharmaceutical care in a non-dispensing location. Following a short discussion, the Board achieved consensus that the location of the pharmacist should not be restricted to a dispensing location, as long as the pharmacist was providing pharmaceutical care to that patient.

Mr. Fontenot then advised the members that the staff had terminated the PMP access privileges for a prescriber who admitted he had used the program information inappropriately. Staff raised two questions: (i) should they continue to act on such issues immediately, and (ii) how long should access be withheld? The members indicated that staff should continue to act promptly on matters suggesting the necessity to terminate access privileges, in order to protect the integrity of the program. As to whether or not access should ever be restored to a prescriber (or dispenser) following such a termination, the members suggested the Prescription Monitoring Program Advisory Council should be consulted for its input on the matter.

Mr. Fontenot then presented statistical data about program capacity. Almost 1,200 persons had completed the required orientation program, and just over 600 had completed the enrollment process. Since the program went live on January 1, just under 13,000 queries had been received at the program's website. Mr. Fontenot also reported he had received approximately 60 requests for program information from law enforcement and

regulatory agencies. He also indicated the number of prescription records in the program database was just under 6.7 million prescriptions. He also presented data concerning the top ranking drugs and therapeutic categories.

Finally, he presented information about the positive and appreciative reactions to the program from prescribers, dispensers, and law enforcement agencies. He also expressed his appreciation to Ms. Sarah Blakey for her work as the administrative assistant for the program.

Mr. Aron then called upon Mr. Broussard to review the legislative proposal to authorize the Board to issue waivers to dispensers that would exempt them from reporting to the program. Following some discussion on the potential applications of such authority, Mr. Rabb moved and Mr. McKay seconded,

Resolved, that the Board approve *Legislative Proposal 2009-1 ~ Reporting to Prescription Monitoring Program*, and further, to authorize the filing of same in the Regular Session of the 2009 Louisiana Legislature upon the instruction of the President, and further, to grant to the President the authority to approve any acceptable amendments as may become necessary during the legislative process.

The motion was approved after a unanimous vote in the affirmative. Finally, the members expressed their appreciation to Mr. Fontenot for his report.

I. Chief Compliance Officer

Mr. Aron called upon Ms. Gaudet for the report. She reported on the progress of the compliance officers in the inspection of pharmacies and other facilities for CDS permits. During calendar year 2008, the compliance officers completed inspections of 992 pharmacies of the 1,359 pharmacies located within the state. In addition, the number of facilities requiring inspections for their CDS permits rose during the year from 500 to 641. With respect to investigations, the compliance officers submitted reports closing out 228 complaints. She reminded the members of the disruption to the compliance officers' progress caused by the storms in September, as well as the loss of one compliance officer during the last half of the year, when Mr. Fontenot was transferred to the Prescription Monitoring Program.

J. General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet reported on the progress of the Homeland Development Project. He related that Mr. Broussard and Mr. Aron had reviewed the financial projections for the next 20 years and determined there was an insufficient level of confidence in the ability of the Board to complete a twenty year payout, based primarily on the lack of complete data from the Prescription Monitoring Program. Mr. Finalet reminded the members the program was less than one year old, and that a full year's data should help increase the confidence level of the Board's ability to meet a bond obligation. He also informed the members the staff was reviewing modifications in the original proposal in terms of a smaller amount of square footage for the building and a lower amount of money to be financed. He indicated that staff recommended a deferral of the initiation of

the project until February 2010. The members voiced no objection.

K. 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

Mr. Broussard reported that he and Mr. Aron had granted one request and denied another. The petitioner whose request was denied appealed that determination to the full Board. Mr. Broussard reviewed the relevant facts of the matter. Mr. McKay moved and Mr. Cassidy seconded,

Resolved, that the Board deny the appeal and request from Ms. Sinoe Naji at Rite Aid Pharmacy No. 0777, who wished to also serve as the PIC at drugstore.com d/b/a DS Pharmacy.

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

2. Special Work Permits

- Examinations
 - NAPLEX
 - MPJE
 - PTCB

Mr. Broussard reviewed the data from the final testing window of 2008, noting the poor 55% pass rate. He then led a short discussion about pharmacy technician training programs, the Board's criteria for the approval of such programs, and the absence of any criteria by which to remove approval from any programs. He also revealed that, to date, all programs approved by the Board were located in pharmacies – which are regulated by the Board – or educational institutions – which are regulated by the Dept. of Education. He then revealed an application for approval of a technician training program from an organization that was neither a pharmacy nor an educational institution. Upon questioning, he revealed it was from a software company located within the state. Following a brief discussion, Mr. Adams moved and Mr. McKay seconded,

Resolved, that the Board deny the application for

approval of a pharmacy technician training program submitted by a software company not regulated by either the Board of Pharmacy or by the Dept. of Education.

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

- Operations
 - 2009 Renewal Cycle for Pharmacists and Pharmacies
 - 2009 Pharmacist CE Audit
 - 2009 Renewal Cycle for Technicians
- Collaborations
 - Collaborative Drug Therapy Management (CDTM)
- Regulatory Activities at Other Agencies
 - Dept. of Health & Hospitals – Office of Public Health
- Prescription Drug Take-Back Programs

Mr. Broussard presented requests from two sources wishing to conduct prescription drug take-back programs in their respective communities during April 2009. He presented background information relative to statutes and rules from other states, as well as additional information about different methodologies used in other parts of the country. The Board indicated it was not prepared to either approve or issue any guidance about such programs by April 2009. Mr. Aron referred the matter to the Regulation Revision Committee for its consideration, requesting their report to the Board no later than the end of the 2009 calendar year.
- NABP Annual Meeting
- ACPE Decision – Probationary Status for College of Pharmacy

Mr. Broussard reported that ACPE had just announced their decision to place Xavier College of Pharmacy on probation, and that ACPE would conduct a site visit during the first week of March 2009. He also indicated that Ms. Alderman would represent the Board as an observer on the site visit team. Mr. Broussard reported his communication with Dr. Wayne Harris, Dean of Xavier College of Pharmacy. Dr. Harris indicated that Xavier disagreed with at least some of the bases for the ACPE decision and that Xavier was considering legal action against ACPE. Finally, Mr. Broussard indicated that since the matter would most likely be litigated, it would not be appropriate to have any further public discussion of the matter.

Mr. Broussard informed the members of the impact of accreditation decisions for colleges of pharmacy. The ability of a graduate to sit for a licensure examination requires a degree from an accredited college of pharmacy. A person graduating from an accredited college of pharmacy on probation would be eligible to sit for the licensure examination, where as a person graduating from a non-accredited college of pharmacy would not be eligible to sit for the licensure examination.

11. *Request for Rulemaking re Patient Assessment by Pharmacists*

Mr. Aron reported the petitioner had just recently withdrawn his request for consideration at this meeting, asking his request be deferred until a later meeting.

12. *Request for Approval of Life Safety Education & Training Program*

Mr. Aron requested background information from Mr. Broussard, who reviewed the Board's rule on medication administration, in particular the requirement of that rule that the life safety education and training required of a pharmacist was the American Heart Association's *Basic Cardiac Life Support for the Healthcare Provider*, or a board-approved equivalent. Mr. Broussard reminded the Board the American Red Cross (ARC) petitioned the Board shortly after the promulgation of that rule for recognition of its *CPR/AED for the Professional Rescuer* as a program equivalent to the cited program offered by the American Heart Association (AHA). In particular, the ARC produced a document signed by the AHA stipulating to the equivalency of the ARC program to the AHA program. The Board granted the request from the ARC at that time.

Mr. Broussard distributed the materials submitted by the petitioner, American Safety & Health Institute (ASHI). Mr. Aron suggested the members were not able to perform a meaningful comparison between the AHA and ASHI programs at that time and questioned whether a representative was present. There was none. Mr. Aron requested Mr. Broussard to respond to ASHI's request to either send a representative to a future Board meeting prepared to substantiate their request, or in the alternative, to submit a document from AHA stipulating to the equivalency of the ASHI program.

13. *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 informed the members of a recent conference call in which he participated. The topic was proposed legislation relative to the sale of ephedrine, pseudoephedrine, and phenylpropanolamine. There appeared to be some interest in a legislative classification of such drugs as controlled substances and their transactions being restricted to pharmacies and reported to the prescription monitoring program. While there was no draft for review at that time, he wanted to alert the members that the Board may be asked to participate in that effort.

Finally, Mr. Aron requested input from the members as to whether or not they wished to revisit their proposed legislation from the 2008 session that did not pass. The members reached consensus not to pursue those initiatives during the 2009 session.

14. *Recess*

Mr. Cassidy moved and Mr. Moore 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 6:45 p.m.

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An Administrative Hearing was convened on Thursday, February 12, 2009 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.

A. Call to Order

Mr. Aron called the meeting to order at 8:35 a.m.

B. Invocation & Pledge of Allegiance

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

C. Quorum Call

Mr. Aron called upon Secretary Dixon, and he called the roll. After doing so, he informed Mr. Aron that all but one of the members were present, constituting a quorum.

D. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. At that 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.

E. 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.

F. Formal Hearings

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Ms. Celia Cangelosi served as the Prosecuting Attorney, and Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Susan Erkle was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron indicated the jury for the first formal hearing would be composed of all the members, and further, the jury for the remainder of the formal hearings would be composed of all the members except for those members present at the last meeting of the Violations Committee – specifically, 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, February 12, 2009 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 02-11-2009

- 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. Candidate Registration Applicant – Stormey Urane Holiday
 - 02. Technician Certificate No. 6896 – Josette Briggs Trahan Complaint No. 08-0169
 - 03. Technician Certificate No. 7253 – Theresa Renee Criss Complaint No. 08-0123
 - 04. Candidate Registration No. 13098 – Timothy Boyd Brown Complaint No. 08-0138
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 05. Pharmacy Permit No. 4434 – Mock’s Pharmacy Complaint No. 08-0165
 - + 06. Pharmacist License No. 16189 – Melinda Hill Jones Complaint No. 08-0166
 - 07. Pharmacist License No. 9535 – Lloyd Joseph Duplantis, Jr. Complaint No. 08-0176
 - 08. Pharmacist License No. 15766 – Tiffany LeBlanc Richard Complaint No. 08-0113
 - 09. Pharmacist License No. 15613 – Cynthia Ann Maxey Complaint No. 08-0047
 - 10. Pharmacy Permit No. 3275 – Paragon Drug Store Complaint No. 08-0105
 - 11. Pharmacy Permit No. 3245 – Walgreen Pharmacy # 110-03047 Complaint No. 08-0026
 - + 12. Pharmacy Permit No. 5320 – Walgreen Pharmacy # 07083 Complaint No. 08-0028
 - 13. Pharmacy Permit No. 3305 – Walgreen Pharmacy # 032-03558 Complaint No. 08-0108
 - 14. Pharmacy Permit No. 5705 – Walgreen Pharmacy # 09690 Complaint No. 08-0114
 - + 15. Pharmacist License No. 17735 – Sindy Petkovich Bollich Complaint No. 08-0115
 - 16. Pharmacy Permit No. 2841 – Walgreen Pharmacy # 110-02920 Complaint No. 08-0073
 - + 17. Pharmacist License No. 14392 – Wayne Adam Swiniarski Complaint No. 08-0074
 - 18. Pharmacy Permit No. 3890 – Cardinal Health d/b/a
DeSoto Regional Health System Complaint No. 07-0261
 - + 19. Pharmacist License No. 15488 – Ernest Roy Russo, Jr. Complaint No. 07-0262
 - + 20. Pharmacist License No. 15231 – Philip Dale Rolland Complaint No. 08-0069
 - 21. Pharmacist License No. 15231 – Philip Dale Rolland Complaint No. 08-0192
- H. Report of General Counsel
 - Consideration of Voluntary Consent Agreements*
 - 22. Pharmacy Permit No. 6066 – Mandell’s Clinical Pharmacy Complaint No. 08-0125

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| 23. | Candidate Registration No. 13567 – Ericka Lynne LaCoste | Complaint No. 09-0002 |
| <i>Consideration of Voluntary Surrenders</i> | | |
| 24. | Technician Certificate No. 3059 – Christa Agathe Coates | Complaint No. 08-0299 |
| 25. | Technician Certificate No. 6012 – Theodore Michael Dryden, Jr. | Complaint No. 08-0229 |
| 26. | Technician Certificate No. 8091 – Mason Lee Burch | Complaint No. 08-0275 |
| 27. | Candidate Registration No. 12817 – Erikesia Dionne Henry | Complaint No. 08-0274 |
| 28. | CDS License No. 15166 – James Ralph Bush, DDS | Complaint No. 09-0243 |
| 29. | Pharmacist License No. 11335 – Robert Andrew Launey | Complaint No. 08-0254 |
| 30. | Pharmacist License No. 9938 – Kenneth Ralph Foster | Complaint No. 09-0249 |

I. Adjourn

Mr. Aron called upon Mr. Finalet, and he presented the following matter to the Board for its consideration.

Stormey Urane Holiday (Applicant for Candidate Registration) Mr. Finalet appeared for the Board and noted the unexpected absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented a brief opening statement, indicating the matter would involve consideration of information obtained from the applicant's criminal background check, which was considered confidential information, and he suggested the propriety of conducting the hearing in executive session. Mr. Aron agreed. Mr. Soileau then moved and Mr. Adams seconded to enter into executive session for the purpose of discussing the applicant's fitness for practice. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:20 a.m. and then returned to open session, at the instant case, at 9:15 a.m.

Ms. Alderman moved and Mr. Cassidy seconded

Resolved, that the Board accept the Findings of Fact as proposed by the General Counsel, modify them by amending Item 5 to correct multiple incorrect dates and Item 6 to reflect the absence of the respondent, adopt the amended findings 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. Moore seconded

Resolved, that the Board accept the Conclusions of Law as proposed by the General Counsel, 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 Ms. Melancon seconded

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

It is ordered, adjudged, and decreed that the Application for Louisiana Pharmacy Technician Candidate Registration filed by Stormey Urane Holiday shall be, and is hereby, denied; and further, the Board shall, and does hereby, refuse to issue the registration; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250, the receipt of which is acknowledged; and (3) the investigative and hearing costs, including the costs of the general counsel and the official recorder; and

It is further ordered, the acceptance of any future application for this or 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 her in any jurisdiction.

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

Following the conclusion of the first case, Mr. Aron called upon Ms. Cangelosi; she then presented the following matters to the Board for its consideration.

Theresa Renee Criss (Technician Certificate No. 7253) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, two witnesses, and seven exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the Board for its consideration. Mr. Cassidy moved and Ms. Alderman seconded to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. 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 10:10 a.m.

Mr. Moore moved and Mr. Pitre seconded

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Items 1, 3, and 11 to remedy incorrect dates, deleting Item 9 and renumbering subsequent items, and Item 13 to reflect the absence of the respondent from the proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

The motion was approved after a unanimous vote in the affirmative. Mr. Moore moved and Mr. Pitre seconded,

Resolved, that the Board accept the Conclusions of Law offered by the Prosecuting Attorney, modify them to remedy an incorrect credential

number and deleting the final item relative to change of address, adopt the amended conclusions as our own, and then enter them into the hearing record.

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 7253, held by Theresa Renee Criss, shall be, and is hereby, revoked; and further, the respondent shall pay the following assessments: (1) a fine of \$1,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, 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 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.

Josette Briggs Trahan (Technician Certificate No. 6896) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of 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 board order, and then tendered the matter to the Board for its consideration. Mr. McKay moved and Ms. Alderman seconded to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:40 a.m. and then returned to open session, at the instant case, at 11:00 a.m.

Mr. McKay moved and Ms. Melancon seconded

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 12 to reflect the absence of the respondent from the proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law offered 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. Mr. McKay moved and Mr. Pitre seconded,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 6896, held by Theresa Renee Criss, 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 and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, 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 her in any jurisdiction.

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

Timothy Boyd Brown (Candidate Registration No. 13098) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, one witness, and nine exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the Board for its consideration. Mr. McKay moved and Mr. Soileau seconded to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was approved after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 11:20 a.m. and then returned to open session, at the instant case, at 11:40 a.m.

Mr. McKay moved and Mr. Cassidy seconded

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 13 to reflect the absence of the respondent from the proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

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

Resolved, that the Board accept the Conclusions of Law offered 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. Mr. McKay moved and Mr. Cassidy 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. 13098, held by Timothy Boyd Brown, shall be, and is hereby, revoked; and further, the respondent shall pay the following assessments: (1) a fine of \$1,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney 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 him in any jurisdiction; and (3) Respondent shall have received a favorable recommendation for his return to 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.

Ms. Cangelosi noted the completion of all formal hearings scheduled for that day. Mr. Aron expressed his appreciation to Ms. Cangelosi for her legal services that day. Mr. Aron then declared a luncheon recess. It was noted the members recessed at 11:45 a.m. and then returned to the posted agenda at 12:10 p.m.

G. Report of Violations Committee – Consideration of Voluntary Consent Agreements

Mr. Aron called upon Dr. Dixon for the report. Dr. Dixon presented the following matters to the members for their consideration:

Mock's Pharmacy (Pharmacy Permit No. 4434) Dr. Dixon moved and Mr. Rabb seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board revoked the permit, and further, prohibited the owner of the permit from any future ownership of any pharmacy.

Melinda Hill Jones (Pharmacist License No. 16189) Dr. Dixon moved and Mr. Bond seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the execution thereof, and then placed the license on probation for five years, beginning December 15, 2008, subject to certain terms as enumerated in the agreement. Further, the Board assessed a fine of \$5,000 plus administrative and investigative costs.

Lloyd Joseph Duplantis, Jr. (Pharmacist License No. 9535) Dr. Dixon moved and Ms. Alderman seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of

Reprimand, ordered the completion of certain tasks, and assessed administrative costs.

Tiffany LeBlanc Richard (Pharmacist License No. 15766) Dr. Dixon moved and Mr. McKay seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board ordered the completion of certain tasks as enumerated in the agreement.

Cynthia Ann Maxey (Pharmacist License No. 15613) Dr. Dixon moved and Mr. LeTard seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time effective December 15, 2008, and further, conditioned the acceptance of any future application for the reinstatement of the license upon the satisfaction of certain terms: (1) at least two years of active suspension, (2) no pending legal or disciplinary matters against her in any jurisdiction, (3) favorable recommendation for her return to practice, and (4) payment of the \$20,000 fine.

Paragon Drug Store (Pharmacy Permit No. 3275) Dr. Dixon moved and Ms. Melancon seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed a fine of \$500 plus administrative and investigative costs.

Walgreen Pharmacy No. 3047 (Pharmacy Permit No. 3245) Dr. Dixon moved and Ms. Alderman seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Walgreen Pharmacy No. 7083 (Pharmacy Permit No. 5320) Dr. Dixon moved and Ms. Alderman seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Walgreen Pharmacy No. 3558 (Pharmacy Permit No. 3305) Dr. Dixon moved and Mr. McKay seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Walgreen Pharmacy No. 9690 (Pharmacy Permit No. 5705) Dr. Dixon moved and Mr. McKay seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Sindy Petkovich Bollich (Pharmacist License No. 17735) Dr. Dixon moved and Mr. LeTard seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$500 plus administrative costs.

Walgreen Pharmacy No. 2920 (Pharmacy Permit No. 2841) Dr. Dixon moved and Mr. McKay seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the owner of the permit, and further, ordered the permit owner to submit a written plan to reduce prescription dispensing errors, and also assessed administrative and investigative costs.

Wayne Adam Swiniarski (Pharmacist License No. 14392) Dr. Dixon moved and Mr. Rabb seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, ordered the acquisition of continuing education relative to the reduction of prescription dispensing errors, and assessed administrative costs.

Cardinal Health dba DeSoto Regional Health System (Pharmacy Permit No. 3890) Dr. Dixon moved and Ms. Alderman seconded to accept the consent agreement. Prior to any discussion, Mr. Moore indicated his intent to abstain from the consideration and decision in this matter. The motion was approved after a unanimous vote in the affirmative of those members present and voting. The Board ordered the permanent closure of the permit, and further, assessed administrative and investigative costs.

Ernest Roy Russo, Jr. (Pharmacy Permit No. 15488) Dr. Dixon moved and Mr. McKay seconded to accept the consent agreement. Prior to any discussion, Mr. Moore indicated his intent to abstain from the consideration and decision in this matter. The motion was approved after a unanimous vote in the affirmative of those members present and voting. The Board issued a Letter of Reprimand, and further, assessed administrative costs.

Philip Dale Rolland (Pharmacist License No. 15231)[Complaint No. 08-0069] Dr. Dixon moved and Mr. McKay seconded to accept the consent agreement. Prior to any discussion, Messrs. Boudreaux and Moore indicated their intent to abstain from the consideration and decision in this matter. The motion was approved after a unanimous vote in the affirmative of those members present and voting. The Board issued a Letter of Reprimand, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Philip Dale Rolland (Pharmacist License No. 15231)[Complaint No. 08-0192] Dr. Dixon moved and Ms. Melancon seconded to accept the consent agreement. Prior to any discussion, Messrs. Boudreaux and Moore indicated their intent to abstain from the consideration and decision in this matter. The motion was approved after a unanimous vote in the affirmative of those members present and voting. The Board issued a Letter of Reprimand, and further, assessed a fine of \$5,000 plus administrative costs.

Dr. Dixon indicated the completion of all agreements originating from the committee. He expressed his appreciation to the members of the committee for their ongoing efforts.

H. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet presented the following matters to the members for their consideration:

Mandell's Clinical Pharmacy (Pharmacy Permit No. 6066) Mr. Pitre moved and Mr. McKay seconded to accept the consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$5,000 plus administrative costs.

Ericka Lynne LaCoste (Candidate Registration No. 13567) Mr. McKay moved and Dr. Dixon seconded to accept the 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, or for any other credential issued by the Board.

Christa Agathe Coates (Technician Certificate No. 3059) Dr. Dixon 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 December 8, 2008.

Theodore Michael Dryden, Jr. (Technician Certificate No. 6012) Dr. Dixon moved and Mr. Cassidy 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 6, 2008.

Mason Lee Burch (Technician Certificate No. 8091) Dr. Dixon moved and Mr. LeTard 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 December 12, 2008.

Erikesia Dionne Henry (Candidate Registration No. 12817) Dr. Dixon moved and Mr. Cassidy 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 December 21, 2008.

James Ralph Bush, DDS (CDS License No. 15166) Dr. Dixon moved and Mr. McKay 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 February 7, 2009.

Robert Andrew Launey (Pharmacist License No. 11335) Dr. Dixon moved and Mr. Pitre 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 February 11, 2009.

Kenneth Ralph Foster (Pharmacist License No. 9938) Mr. Moore moved and Mr. Pitre 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 February 10, 2009.

Mr. Finalet indicated the completion of all disciplinary matters scheduled for that day.

I. Adjourn

Ms. Alderman moved and Mr. McKay seconded to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron adjourned the meeting at 12:45 p.m.

Respectfully submitted,

Reuben R. Dixon, PharmD
Secretary