



# Louisiana Board of Pharmacy

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



## Minutes

### Regular Meeting

Wednesday, May 6, 2009 at 1:00 p.m.

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

### Administrative Hearing

Thursday, May 7, 2009 at 8:30 a.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 Wednesday, May 6, 2009 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 1:10 p.m.

*2. Invocation & Pledge*

Mr. Aron called upon Ms. Sydnie Durand, and she delivered the invocation. Mr. Brian Bond 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  
Dr. Reuben R. Dixon  
Ms. Sydnie M. Durand  
Ms. Jacqueline L. Hall – late arrival  
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:**

Mr. Allen W. Cassidy, Jr.

**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:**

Mr. Matthew Wilkinson – HCA Hospitals  
Mr. Michael Hymel – Baton Rouge General Hospital Pharmacy  
Mr. Brad Davic – CVS Pharmacies  
Mr. Mitch Ward – Target Pharmacies  
Mr. Richard Indovina – Walgreen Pharmacies  
Ms. Mary Staples – NACDS  
Mr. Patrick Seifer – Taylor Porter, for Baton Rouge General Hospital  
Ms. Jackie McCrey – Albertson's Pharmacies  
Mr. Randall Brooks – Pioneer Pharmacy  
Ms. Leah Michaels – Office of Public Health Pharmacy, DHH  
Mr. Randal Johnson – La. Independent Pharmacies  
Ms. Alisha Duhon – Adams & Reese, for Medco

Dr. Dixon certified that all but two 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. Pitre moved,

**Resolved**, that the Minutes of the Regular Board Meeting on February 11, 2009 and the Administrative Hearing on February 12, 2009, both held in Baton Rouge, Louisiana are approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative. Dr. Dixon reminded the members to sign the Minute Book.

*6. Report on Action Items*

Mr. Broussard reported on two action items from the previous meeting.

- HCR 198 of the 2008 Legislature requested the Board to consider its generic substitution laws and rules to determine whether any changes were appropriate. During the February 2009 meeting, the Board issued several findings and recommendations. As required by the legislative resolution, he filed the Board's report to the legislature on March 11. Further, he indicated a copy of the report resides in the Meetings & Notices section of the Board's website.
- The Board approved *Legislative Proposal 2009-1 ~ Reporting to Prescription Monitoring Program* during the February 2009 meeting and requested the filing of same in the current legislative session. A legislative sponsor was secured, and HB 207 was prefiled. The bill was making satisfactory progress at the time of the 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. McKay moved,

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 12, 2009 are approved, adopted, and ratified by the entire Board.

The motion was adopted 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 March 31, 2009
- *Statement of Revenue, Expenses & Budget Performance* for March 31, 2009
- *Summary of Income & Fund Balance Changes* for March 31, 2009
- *Hancock Bank Statement* for March 31, 2009

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 then reported staff had developed a second set of budget amendments for the current fiscal year and that the Finance Committee had met the previous day to review the proposal. Following their review, the committee voted to recommend the approval of the proposed amendments. Mr. Bond then reviewed the proposed budget amendment, noting the most significant revisions. He then moved,

**Resolved**, that the Board approve and adopt the proposed budget amendments for Fiscal Year 2008-2009 as presented, *in globo*, as Amendment No. 2.

The motion was adopted after a unanimous vote in the affirmative. Mr. Bond then reported the committee would next meeting prior to the next Board meeting, to review the final report for the current 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 April 15 to consider four referrals from the staff. He reported the disposition of three applications and then presented the following file for Board action.

**Jason Terry Holt – Applicant for Pharmacy Technician Candidate**

**Registration** Mr. McKay moved to deny the application and refuse to issue the registration. The motion was adopted 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 April meeting.

*C. Reciprocity Committee*

Mr. Aron called upon Ms. Melancon 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 indicated the committee had interviewed 20 applicants earlier that day. She then moved,

**Resolved**, that the Board approve  
Elizabeth Livingston Alwood  
John Edward Baker  
Jennifer Ming-Ting Chung  
Peter Dominic Deltoro  
Cari Lyn Doguet  
Steven Jay Gale  
Kelly Lynn Gottsman  
Darvis Keon Harvey  
Paula Marie Hedin  
Megan Reed Hepler  
Mark Allen Hoover  
Frank LaCorte  
Jessica Katherine Liska  
Kavitha Gutta Mallela  
Ray Ellis Manning  
Kamran Nazari  
Dana Louise Schambura  
Wesley Joe Skalak  
Lora Lee VanDyke, *and*  
Latoya Shentale Williams

for pharmacist licensure by reciprocity.

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

Finally, Ms. Melancon expressed her appreciation to the other members of the 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 March 11-12, 2009 and reviewed that docket. He also reported their next informal conference

was scheduled for June 10-11, 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.

**Michael Thomas Savario (Pharmacist License No. 16568)** Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective March 9, 2009.

**Brooks Marie Lafleur (Pharmacist License No. 18027)** Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective March 25, 2009.

**John Colby Bourque (Pharmacist License No. 16232)** Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective April 8, 2009.

**Jocelyn Hill Thevenote (Pharmacist License No. 10462)** Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective April 13, 2009.

**Dawne Chere Landry [Long] (Pharmacist License No. 17223)** Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective April 27, 2009.

**Charles Clinton McCartney, III (Pharmacist License 10565)** Mr. Rabb moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate 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.

**Scotty Paul Broussard (Pharmacist License No. 15681)** Mr. Rabb moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously suspended license, subject to the satisfaction of certain conditions itemized in the consent agreement, and then once reinstated, suspended the license for fifteen years and stayed the execution thereof, and then placed the license on probation for fifteen years, subject to certain terms as enumerated in the consent agreement.

**Jeffery Scott Mullican (Pharmacist License No. 13608)** Mr. Rabb moved to approve the consent agreement. The motion was adopted 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.

**Robert Andrew Launey (Pharmacist License No. 11335)** Mr. Rabb moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously suspended license, subject to certain terms as enumerated in the consent agreement.

**Stephen Brent Dearmon (Pharmacist License No. 15266)** Mr. Rabb moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate 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 five years, subject to certain terms as enumerated in the consent agreement.

**Lyndria Monnette Page (Technician Certificate No. 7882)** Mr. Rabb moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative.

Mr. Rabb then reported the committee had conducted their annual review of their *Roster of Approved Addictionists*. Pursuant to staff-initiated communications, the committee reviewed the credentials of Dr. Dean A. Hickman in Metairie, La. and then voted to recommend the addition of his information to the roster. Mr. Rabb moved,

**Resolved**, that the Board approve the addition of Dean A.

Hickman, MD to the Board's *Roster of Approved Addictionists*.

The motion was adopted 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.

**Nancy Davis Jones (Pharmacist License No. 16728)** Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously lapsed license, subject to the satisfaction of certain conditions itemized in the consent agreement.

**Patrick Glen Andrus (Pharmacist License No. 14226)** Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously lapsed license, subject to the satisfaction of certain conditions itemized in the consent agreement, and then once reinstated, suspended the license for five years and stay the execution thereof, and then placed the license on probation for five years, subject to certain terms enumerated in the consent agreement.

**Anh Hoang (Pharmacist License No. 16046)** Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously lapsed license, subject to the satisfaction of certain conditions itemized in the consent agreement.

**Louis Ray Adams (Pharmacist License No. 10077)** Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously lapsed license, subject to the satisfaction of certain conditions itemized in the consent agreement.

**Blane Edwin Perry (Pharmacist License No. 11249)** Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously suspended license, and then placed the license on probation for the remainder of the original suspensive period, terminating April 15, 2017, subject to certain terms enumerated in the consent agreement.

**Theron Timothy Jacks, Jr. (Pharmacist License No. 11519)** Mr. Adams moved to approve the consent agreement. The motion was adopted 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 the reinstatement of the license upon the satisfaction of certain conditions itemized in the consent agreement.

**Lee Benton Hankins (Pharmacist License No. 14142)** Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the previously lapsed license, subject to the satisfaction of certain conditions itemized in the consent agreement.

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

*G. Tripartite Committee*

Mr. Aron called upon Ms. Alderman for the committee report. She reported the committee last met on April 15. Following the reports from the educators and practitioners, the committee reviewed two matters referred by the Regulation Revision Committee:

- With respect to the necessity for an additional classification of pharmacy permit to benefit colleges of pharmacy and potentially other educational institutions, the committee achieved consensus the topic merited additional research and consideration, but declined to take a specific position either for or against such a proposal.
- With respect to the regulatory proposal for pharmacy interns, the committee voted to recommend the adoption of the proposal without changes.

Ms. Alderman communicated the committee's decisions to the Regulation Revision Committee, which met the following day.

Finally, Ms. Alderman expressed her appreciation to the other members of the committee for their efforts.

*H. Regulation Revision Committee*

Mr. Aron called upon Dr. Anderson for the committee report. She reported had met twice since the last Board meeting, and presented the results of their deliberations on the following topics:

- During the March 5 meeting, they considered the following topics:
  - Use of Coupons to Encourage Consumers to Switch Pharmacies  
Research prepared for the committee revealed only three states with rules that restrict the use of coupons to non-controlled prescriptions. The committee believed the issue does legitimately affect patient safety; however, they concluded the Board's current laws and rules are appropriate.  
The committee concluded its deliberations on the topic and returned it to the Board without recommendations.
  - Remote Processing by Out-of-State Pharmacies  
The committee requested additional research and deferred action until their next meeting.
  - Centralization of Medication Packaging by Health-System Pharmacies with Multiple Pharmacy Permits  
Dr. Anderson reminded the Board of their August 2008 decision to interpret their rules in such a manner as to permit Baton

Rouge General Hospital Pharmacy – Mid City to utilize a robotic drug distribution system for the purpose of prepackaging medications for the use of its patients located in the facility located on their Bluebonnet campus, and further, should the need arise for medications not used at the remote campus, to permit those medications to be returned to the Mid-City campus pharmacy for re-use under proper professional practice standards; and further, the Board placed a time limit on that interpretation such that it would expire either when an appropriate rule was promulgated, or upon the passage of one year, whichever would first occur.

Dr. Anderson informed the members that staff located a compliance policy guide statement from the federal Food and Drug Administration that allows hospital pharmacies to prepackage medications for dispensing within that hospital, for outpatient dispensing, or for transferral to another unit of the same hospital, but not to another hospital, even if both hospitals were owned by the same corporation. With that understanding, she suggested the pilot project at Baton Rouge General Hospital Pharmacy – Mid City should be concluded. She then moved,

**Resolved**, that the pilot project at Baton Rouge General Hospital Pharmacy authorized by the Board during its August 2008 meeting shall be concluded; and further, that pharmacy, located at 3600 Florida Street in Baton Rouge, may continue to utilize its robotic drug distribution system for the prepackaging of medications for its patients at any and all units of that hospital (as licensed by the Dept. of Health and Hospitals), but only in compliance with the requirements of the federal Food, Drug, & Cosmetic Act; and further, those prepackaged medications may not be returned or otherwise transferred to any other pharmacy permit.

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

➤ Ratio and Scope of Practice for Pharmacy Interns

The committee revised its first draft and deferred final action until their next meeting.

➤ Digital Imaging of Prescriptions

The committee revised their first draft and deferred final action until their next meeting.

➤ Prescription Transfer Procedures for Pharmacies with Common Electronic Prescription Files

The committee requested additional research and deferred action until their next meeting.

➤ Hospital Pharmacy Dispensing/Distribution Processes and Record-keeping Rules

The committee deferred consideration until their next meeting.

• During the April 16 meeting, they considered the following topics:

➤ Digital Imaging of Prescriptions

Dr. Anderson reported the committee made further revisions and then recommended the adoption of the third draft. She then moved,

**Resolved**, the Board approve Regulatory Proposal 2009-4 ~ Digital Imaging of Prescriptions, and further, authorize the Executive Director to submit the proposed rule for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Prescription Transfer Procedures for Pharmacies with Common Electronic Prescription Files

She reported the committee made further revisions and then recommended the adoption of the second draft. She then moved,

**Resolved**, the Board approve Regulatory Proposal 2009-3 ~ Rx Transfer in Common Electronic Files, and further, to authorize the Executive Director to submit the proposed rule for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Remote Processing by Out-of-State Pharmacies

Dr. Anderson reported the committee made further revisions and then recommended the adoption of the second draft. She then moved,

**Resolved**, the Board approve Regulatory Proposal 2009-5 ~ Remote Processing Services, and further, to authorize the Executive Director to submit the proposed rule for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

The motion failed: voting in favor were Mr. Adams, Dr. Anderson, Dr. Dixon, Mr. Moore, and Mr. Rabb; voting against were Ms. Alderman, Mr. Bond, Mr. Boudreaux, Ms. Durand, Mr. LeTard, Mr. McKay, Ms. Melancon, Mr. Pitre, and Mr. Soileau.

- Limited Practice Permits

The committee has continued its discussion, with no recommendations at that time.

- Ratio and Scope of Practice for Pharmacy Interns

Dr. Anderson reported the committee voted to recommend the adoption of the second draft. She then moved,

**Resolved**, the Board approve Regulatory Proposal 2009-2 ~ Pharmacy Interns, and further, to authorize the Executive Director to submit the proposed rule for promulgation upon

the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

➤ Pharmacist Immunization without Prescription

She reported the committee continued to work with the Board of Medical Examiners as well as the Office of Public Health, but they had no recommendations at that time.

➤ Hospital Pharmacy Dispensing/Distribution Processes and Record-keeping Rules

Dr. Anderson reported the committee had achieved consensus to review the current rules and compare them to prevailing hospital pharmacy practice, and further, indicated they would appoint a subcommittee of stakeholders for that purpose in the near future.

➤ Necessity of New Permit Classification and Rules for Colleges of Pharmacy

She reported the committee deferred further action until a future date.

➤ Prescription Drug Take-Back Programs

She reported the committee was aware the topic would be part of the deliberations at the NABP Annual Meeting later that month, and they deferred further action until a later date.

➤ USP Chapter 797

Dr. Anderson reported the committee reviewed the decision made during the Board's previous meeting. They declined to develop any new recommendations. They concluded their deliberations on the topic and returned it to the Board.

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 3:05 pm and then reconvened in open session at 3:30 pm. Mr. Aron noted the arrival of Ms. Hall during the recess, and he then returned to the posted agenda sequence.

*I. Executive Committee*

Mr. Aron reported the committee had met the previous day to review committee operations, administrative operations, as well as their annual review of contracts, agreements, and the policy and procedure manual. He indicated all vendors had fulfilled their contractual obligations and no performance issues were identified. He then called upon Mr. Rabb to present the committee recommendations. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, in an amount not to exceed \$20,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed licensure database software support agreement with Software Applications, Inc., at the stipulated rate, in an amount not to exceed \$20,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed purchase, installation, implementation, and operation of eLicense, a browser-based integrated software product for the automation of examination, certification, licensing, and enforcement processes from CAVU Corporation, at the stipulated rate, in an amount not to exceed \$500,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed information system network support service agreement with Essential Solutions, LLC, at the stipulated rate, in an amount not to exceed \$20,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the proposed website maintenance agreement with Mr. Michael Yoches, at the stipulated rate, in an amount not to exceed \$10,000 for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the National Association of Boards of Pharmacy as the administrator for the pharmacist licensure examinations (NAPLEX, MPJE, and FPGEE) for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the NABP Foundation as the publisher of the Board's newsletter, at the stipulated rate, in an amount not to exceed \$35,000 for Fiscal Year 2009-2010.

The motion was adopted after a majority vote in the affirmative; Mr. Adams objected. Mr. Rabb moved,

**Resolved**, that the Board approve the Pharmacy Technician Certification Board (PTCB) as the administrator for the pharmacy technician certification examination for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve FirstLab as the vendor for the drug screening program for Fiscal Year 2009-2010.

The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb moved,

**Resolved**, that the Board approve the Impairment Committee's *Roster of Approved Addictionists*, as amended earlier that day, for Fiscal Year 2009-2010.

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

Following the Board's approval of all the proposed contracts and agreements, Mr. Aron instructed the Executive Director to execute those instruments on behalf of the Board and to submit them to the appropriate administrative and legislative agencies exercising oversight of Board contracts and agreements.

Mr. Aron then reminded the members of the necessity for an annual review of the Board's *Policy & Procedure Manual*. He reminded them two new policies had been approved since the last review in May 2008.

Following their review, Mr. Rabb moved,

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

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

Finally, Mr. Aron expressed his appreciation to the members of the committee for their ongoing efforts.

## 10. Staff Reports

### J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. Mr. Fontenot provided follow-up information on two issues at the previous Board meeting. During the February meeting, he indicated approximately 50 pharmacies had not yet begun to report any data to the program. He then reported that only one pharmacy had not yet begun to report any data, and that pharmacy had been summoned to meet with the Violations Committee the following month. He then reminded the members of the necessity to terminate access privileges for a practitioner, and that the Board had deferred to the PMP Advisory Council for a recommendation on any potential reinstatement of access privileges. Mr. Fontenot reported the Advisory Council considered the matter and suggested the program refer potential offenders to the appropriate licensing agency, and request the agency to recommend whether or not privileges should be reinstated. The members accepted the recommendation from the Advisory Council and requested Mr. Fontenot follow that procedure.

Mr. Fontenot then presented statistical data about the program. As of the meeting date, the database contained approximately 9.6 million prescriptions. A total of 1,336 providers had received access privileges – 821 prescribers

and 515 dispensers. Further, he indicated their office was approving approximately 60 new applications per week. Since the program opened to queries on January 1, the program had received 99,800 online queries from the prescribers and dispensers. In addition, the program had received 104 queries from various licensing agencies, as well as 212 subpoenas from law enforcement agencies. Louisiana State Police accounted for almost all the law enforcement agency requests, and they shared outcome data with the program. To date, that agency has used PMP data to make 16 arrests, with a total of 150 various criminal counts.

Finally, he reviewed proceedings from the recent meeting of the Southern region of the Alliance of States with Prescription Monitoring Programs (ASPMP). Through networking with other states at that conference, it appeared the Louisiana program was well situated in terms of having appropriately crafted enabling legislation and rules, as well as the robust level of automation. In particular, the web-based orientation program used in Louisiana was very well-received. He also reported progress on the effort to install regional hubs around the country to facilitate the interstate sharing of information, noting the two major challenges of differing levels of permission and software compatibility issues.

Mr. Aron and other members related favorable reports they had received from various practitioners around the state.

At this point, Mr. Aron re-ordered the agenda to accommodate the representative from the Office of Public Health to address Agenda Item 13.

### *13. Request for Opinion re Labeling Requirements during Emergency Mass Prophylaxis Procedures*

Mr. Aron recognized Ms. Leah Michael, a pharmacist with the Pharmacy at the Office of Public Health in the Dept. of Health and Hospitals. She distributed some printed materials to the Board, and then presented a description of a procedure proposed to be followed in the event of a declared state of emergency pursuant to an exposure from a chemical agent requiring rapid dispensing of prophylactic medication to large volumes of populations. In particular, the printed materials depicted the medication packages with labels produced by the Centers for Disease Control (CDC) for the Strategic National Stockpile, as well as a patient information sheet. In addition, the packet of materials included a copy of the proposed standing order to be issued by the state health officer and other forms and procedures to be used at the point of dispensing. The Office of Public Health indicated that alterations from the current labeling requirements were necessary to facilitate advance preparation and dispensing to large numbers of people in a rapid fashion. Ms. Michaels indicated the required information would be provided, but in a manner different than described in the Board's current rule. She requested an opinion from the Board as to the compliance of the proposed procedure with the Board's current rule relative to labeling of medications dispensed to consumers.

Following Ms. Michael's presentation of the material, she responded to questions from the members. Mr. Aron requested Mr. Broussard to review the current rule, and he read the language of the relevant rule, LAC 46:LIII.2527. Following substantial

discussion, Mr. Adams moved,

**Resolved**, that the Board approve the proposed plan for emergency mass prophylaxis procedures developed by the Pharmacy at the Office of Public Health in the Dept. of Health and Hospitals (DHH-OPH), and further:

- These policies shall only be employed during a declared State of Emergency when there is an imminent threat to public health and the rapid dispensing of medications is essential to save lives;
- That the label provided by the Centers for Disease Control (CDC) on medication bottles from the Strategic National Stockpile fulfills the following label requirements: prescription number, drug name, drug strength, quantity dispensed, and directions for use.
- That the prescription number from the CDC medication bottle be placed on the patient information sheet provided by DHH-OPH.
- That the prescribing physician may be the Louisiana State Health Officer and that the name, address, and telephone number of the prescribing physician may be printed on the patient information sheet provided by DHH-OPH. This fulfills and replaces the labeling requirement that the physician's name appear on the prescription label.
- That the Louisiana Office of Public Health may be the dispenser of all prescriptions and be listed as such on the patient information sheet provided by DHH-OPH. The address and telephone number for the Louisiana Office of Public Health will be pre-printed on the patient information sheet. This fulfills and replaces the labeling requirement that the pharmacist's name appear on the prescription label.
- That the name of the individual for whom the medication was dispensed be written on the patient information sheet. The patient name is not required to be written on the medication bottle.
- That the patient information sheet provides adequate information to fulfill the requirement for auxiliary cautionary statements.

The motion was adopted after a unanimous vote in the affirmative. On behalf of the Office of Public Health, Ms. Michael expressed her appreciation to the Board for the favorable consideration of their proposal. Mr. Aron expressed his appreciation to Ms. Michael for sharing the plans with the Board.

At this point, Mr. Aron returned to the sequence of the posted agenda.

#### 10. *Staff Reports*

##### *K. 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, as well as investigation of several major complaints. She also reported that Dr. Adams had just received his certification as Basic Level Investigator from the Council of Licensure, Enforcement, and Regulation (CLEAR), and further, that Mr. Whaley had just received his certification as Advanced Level Investigator from CLEAR. She

also reported Mr. Collins had been out on medical leave for a period of time. Finally, she indicated she would report the final statistics for the compliance division at the next Board meeting.

*L. General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet relayed a request from a pharmacist who was previously disciplined by the Board in October 2006. The Board suspended the license for ten years, stayed the execution of all but the first six months, and then placed the license on probation for ten years, subject to certain terms. Among the terms was an installment plan for the payment of approximately \$60,000 in fines and costs, with a provision that any noncompliance with the payment plan would result in the automatic suspension of the license, and further, that no application for reinstatement could be accepted without complete payment of all assessments. Mr. Finalet indicated the pharmacist was initially compliant, paying approximately \$4,000 of the total amount due. When the pharmacist lapsed in compliance, the license was automatically suspended. The pharmacist has requested the opportunity to negotiate a different payment plan. Following their discussion of the request, the Board instructed Mr. Finalet to advise the pharmacist they would not entertain any modification of the previous consent agreement.

*M. 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
- Examinations
  - NAPLEX
  - MPJE
  - PTCB
- Operations
  - 2009 Renewal Cycle for Technicians and EDK & AMS Permits
  - 2009 Pharmacist CE Audit
  - Credential Information System
- Collaborations
  - Collaborative Drug Therapy Management (CDTM)
- Regulatory Activities at Other Agencies
  - Dept. of Health & Hospitals – Office of Public Health
- Legislative Activities

- NABP Annual Meeting

*11. Reconsideration of Prior Decision – Appeal from Petitioner for Approval of Life Safety Education & Training Program [American Safety & Health Institute (ASHI)]*

Mr. Aron reminded the members of their decision at the previous meeting to deny the request from ASHI. Following a review of the materials submitted by ASHI, the Board determined it did not have the expertise resident at the meeting to evaluate the materials for equivalency. Mr. Aron referred the request to the Regulation Revision Committee, and further, authorized that committee to appoint a subcommittee of clinical experts to determine the equivalency of the program and then report back to the Board as soon as possible

*12. Request for Approval of Immunization Training Program [Collaborative Education Institute]*

Mr. Aron presented the request for approval and directed the members to the supporting materials in their meeting packet. Mr. Broussard briefly described the results of his analysis of the materials. Following their review and discussion, Mr. Pitre moved,

**Resolved**, that the Board approve the Immunization Training Program offered by Collaborative Education Institute.

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

*14. Announcements*

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

*15. Recess*

With no further business before the Board, Mr. Aron recessed the meeting at 5:40 p.m.

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An Administrative Hearing was convened on Thursday, May 7, 2009 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 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 8:45 a.m.

*B. Invocation & Pledge of Allegiance*

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Ms. Melancon 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. Cindy Tregre was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron indicated the jury for 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, Ms. Melancon, 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, May 7, 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 05-02-2009

- 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. Pharmacy Permit No. 3867 – Medical Infusion Therapy Complaint No. 08-0218
  - 02. Technician Certificate No. 6463 – Homer Lee Johnson, III Complaint No. 08-0209
  - 03. Technician Certificate No. 8408 – Jessica Brewer Ballard Complaint No. 08-0283
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements

04.	Pharmacist License No. 11398 – Andree Desforges Casey	Complaint No. 08-0102
05.	Pharmacy Permit No. 5401 – CVS Pharmacy NO. 5383	Complaint No. 08-0194
+ 06.	Pharmacist License No. 17180 – DeShanda Eshalle Firmin	Complaint No. 08-0195
+ 07.	Technician Certificate No. 8578 – Kenethia Louise Morgan	Complaint No. 08-0196
08.	Pharmacy Permit No. 5790 – CVS Pharmacy No. 5345	Complaint No. 08-0120
09.	Pharmacy Permit No. 5835 – CVS Pharmacy No. 5327	Complaint No. 08-0160
+ 10.	Pharmacist License No. 17793 – Charles Fredrick Bruce	Complaint No. 08-0183
+ 11.	Technician Certificate No. 1717 – Loretta Neal Pye	Complaint No. 08-0164
12.	Technician Certificate No. 7505 – April Nicole Winzer	Complaint No. 08-0278
13.	Pharmacy Permit No. 5115 – Curry Pharmacy	Complaint No. 08-0269
+ 14.	Pharmacist License No. 17076 – Gregory Scott Curry	Complaint No. 08-0270
+ 15.	Applicant for Candidate Registration – Sarah Ann Venable	Complaint No. 08-0271
16.	Pharmacist License No. 15613 – Cynthia Ann Maxey	Complaint No. 08-0219
17.	Pharmacy Permit No. 1761 – Women & Children’s Hospital	Complaint No. 08-0294
18.	Pharmacy Permit No. 981 – Scallan’s Pharmacy	Complaint No. 09-0237
+ 19.	Technician Certificate No. 1452 – Patricia LaCombe Scallan	Complaint No. 09-0238
+ 20.	Technician Certificate No. 2621 – Stacey Angela Lemoine	Complaint No. 09-0239
21.	CDS License No. 29158 – Gregg Spaulding Hunter, MD	Complaint No. 08-0306

H. Report of General Counsel

*Consideration of Voluntary Consent Agreements*

22.	Pharmacy Permit No. 6073 – Advanced Care Scripts	Complaint No. 08-0154
23.	Pharmacy Permit No. 5747 – A Plus Healthcare Pharmacy	Complaint No. 09-0240
24.	Pharmacy Permit No. 4670 – CVS Pharmacy No. 6570	Complaint No. 09-0242
25.	Technician Certificate No. 7491 – Jamie Leeanette Simon	Complaint No. 09-0247
26.	Technician Certificate No. 3888 – Jill Marie Montz	Complaint No. 09-0253
27.	Pharmacy Permit No. 5485 – Carlisle Medical, Inc.	Complaint No. 09-0244
28.	Pharmacy Permit No. 5215 – Dendrite Pharmacy Department	Complaint No. 09-0251
29.	Pharmacy Permit No. 4583 – PMO Pharmacy Management	Complaint No. 09-0241

*Consideration of Voluntary Surrenders*

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| 30. | CDS License No. 19985 – James Whitton Lowe, MD       | Complaint No. 09-0269 |
| 31. | CDS License No. 8008 – Dale C. Fazio, DPM            | Complaint No. 09-0255 |
| 32. | CDS License No. 22261 – Terri L. Ditta, MD           | Complaint No. 08-0305 |
| 33. | CDS License No. 33931 – Tina M. Bernard, CAET        | Complaint No. 09-0293 |
| 34. | Pharmacist License No. 14392 – Wayne Adam Swiniarski | Complaint No. 09-0323 |

I. Adjourn

Mr. Aron indicated he would re-order the sequence of the agenda, moving first to the Report of the Violations Committee.

*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:

**Andree Desforges Casey (Pharmacist License No. 11398)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the pharmacist, and further, assessed administrative and investigative costs

**CVS Pharmacy No. 5383 (Pharmacy Permit No. 5401)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

**DeShanda Eshalle Firmin (Pharmacist License No. 17180)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 plus administrative and investigative costs.

**Kenethia Louise Morgan (Technician Certificate No. 8578)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$500 plus administrative costs.

**CVS Pharmacy No. 5345 (Pharmacy Permit No. 5790)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

**CVS Pharmacy No. 5327 (Pharmacy Permit No. 5835)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

**Charles Fredrick Bruce (Pharmacist License No. 17793)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 plus administrative costs, and further, restricted his license such that he may not accept an appointment as the pharmacist-in-charge of a pharmacy.

**Loretta Neal Pye (Technician Certificate No. 1717)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**April Nicole Winzer (Technician Certificate No. 7505)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Curry Pharmacy (Pharmacy Permit No. 5115)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative costs.

**Gregory Scott Curry (Pharmacist License No. 17076)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative costs.

**Sarah Ann Venable (Applicant for Candidate Registration)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the registration, and once issued, suspended the registration for two years and stayed the execution of same, and then placed the registration on probation for two years, subject to certain terms as enumerated in the agreement.

**Cynthia Ann Maxey (Pharmacist License No. 15613)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the pharmacist, and further, assessed administrative and investigative costs.

**Women & Children's Hospital (Pharmacy Permit No. 1761)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the owner of the permit, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

**Scallan's Pharmacy (Pharmacy Permit No. 981)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the

affirmative. The Board issued a Letter of Reprimand to the owner of the permit, and further, assessed administrative and investigative costs.

**Patricia LaCombe Scallan (Technician Certificate No. 1452)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the technician, and further, assessed administrative costs.

**Stacey Angela Lemoine (Technician Certificate No. 2621)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the technician, and further, assessed administrative costs.

**Gregg Spaulding Hunter, MD (CDS License No. 29158)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the suspension of the license for an indefinite period of time.

*H. Report of General Counsel*

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

**Advanced Care Scripts (Pharmacy Permit No. 6073)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

**A Plus Healthcare Pharmacy (Pharmacy Permit No. 5747)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

**CVS Pharmacy No. 6570 (Pharmacy Permit No. 4670)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

**Jamie Leeanette Simon (Technician Certificate No. 7491)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Jill Marie Montz (Technician Certificate No. 3888)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

**Carlisle Medical, Inc. (Pharmacy Permit No. 5485)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

**Dendrite Pharmacy Department (Pharmacy Permit No. 5215)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

**PMO Pharmacy Management (Pharmacy Permit No. 4583)** Dr. Dixon moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

**James Whitton Lowe, MD (CDS License No. 19982)** Dr. Dixon moved to accept the voluntary surrender of the credential. The motion was adopted 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.

**Dale C. Fazio, DPM (CDS License No. 8008)** Dr. Dixon moved to accept the voluntary surrender of the credential. The motion was adopted 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.

**Tina M. Bernard, CAET (CDS License No. 33931)** Dr. Dixon moved to accept the voluntary surrender of the credential. The motion was adopted 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.

**Wayne Adam Swiniarski (Pharmacist License No. 14392)** Dr. Dixon moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective May 1, 2009.

**Terri L. Ditta, MD (CDS License No. 22261)** Dr. Dixon moved to accept the voluntary surrender of the credential. The motion was adopted 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.

At this point, Mr. Aron returned to the formal hearings scheduled for that day.

#### *F. Formal Hearings*

Mr. Aron called upon Ms. Cangelosi, and she presented the following matters to the members for their consideration.

**Jessica Brewer Ballard (Technician Certificate No. 8408)** Ms. Cangelosi appeared for the Board and noted the 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. Ms. Cangelosi presented an opening statement, three witnesses, and five 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. Boudreaux moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:35 a.m. and then returned to open session, at the instant case, at 9:50 a.m.

Ms. Alderman moved,

**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 11 to correct the date to April 2, 2009 and Item 12 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 adopted after a unanimous vote in the affirmative. Ms. Alderman moved,

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

The motion was adopted after a unanimous vote in the affirmative. Ms. Alderman moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 8408, held by Jessica Brewer Ballard, shall be, and is hereby, revoked, effective on the entry of this order; 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; (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 adopted after a unanimous vote in the affirmative.

**MIT of Louisiana LLC, d/b/a Medical Infusion Therapy (Pharmacy Permit No. 3867)** 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 ten 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 to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:25 a.m. and then returned to open session, at the instant case, at 11:00 a.m.

Mr. McKay moved,

**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 correct the DEA Registration Number to read BM6130075, adopt the amended findings as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay moved,

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

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Permit No. 3867, held by MIT of Louisiana, LLC doing business as Medical Infusion Therapy, shall be, and is hereby, revoked, effective on the entry of this order; and further, the owner of the permit shall pay the following assessments: (1) a fine of \$20,000; (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 permit, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms: (1) Respondent shall have paid all assessments levied

herein; and (2) Respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

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

**Homer Lee Johnson, III (Technician Certificate No. 6463)** 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 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. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted 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 11:30 a.m.

Ms. Alderman moved,

**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 2 to correct the mailing address of record as 14444 Coursey Blvd. in Baton Rouge, La. and Item 15 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 adopted after a unanimous vote in the affirmative. Ms. Alderman moved,

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

The motion was adopted after a unanimous vote in the affirmative. Ms. Alderman moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 6463, held by Homer Lee Johnson, III, shall be, and is hereby, revoked, effective on the entry of this order; 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; and (2) Respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

The motion was adopted 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.

Prior to closing the meeting, Mr. Aron indicated Mr. Broussard wished to make two brief announcements. Mr. Broussard then informed the members that the State of Virginia had released an update about their database breach, indicating the data backups were secure, contrary to the hacker's assertions. He then discussed the three different sources of antiviral medications available for the H1N1 epidemic: (a) the National Stockpile, (b) the state stockpile, and (c) the commercial supply. He informed the members the owners of the stockpiles were authorized to waive certain rules and regulations relative to the labeling and dispensing of their products, but that the Board still regulated the labeling and dispensing of the drugs in the commercial supply. He informed the members the federal government had waived certain labeling and dispensing requirements for the drugs in the national stockpile; and further, he indicated the state had not yet released any drugs from the state stockpile. Finally, he indicated that should the Governor make a declaration of emergency, then the Board could waive certain requirements for labeling and dispensing of the drugs in the commercial supply, but at that point in time, no such waivers were in effect for the drugs in the commercial supply – only the drugs in the national stockpile.

*I. Adjourn*

Mr. Boudreaux moved to adjourn. The motion was adopted after a unanimous vote in the affirmative. With no further business before the Board, Mr. Aron adjourned the meeting at 11:45 a.m.

Respectfully submitted,

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Reuben R. Dixon, PharmD  
Secretary