



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
www.pharmacy.la.gov



Minutes

Regular Meeting

Wednesday, February 1, 2012 at 1:00 p.m.

Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700

Administrative Hearing

Thursday, February 2, 2012 at 8:30 a.m.

Louisiana Board of Pharmacy
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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 1, 2012 in the Boardroom of the Board's office, located at 3388 Brentwood Drive 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 1:40 p.m.

2. Invocation & Pledge

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

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Bond, to call the roll.

Members Present:

Mr. Joseph L. Adams
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Ryan M. Dartez
Ms. Jacqueline L. Hall
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Don L. Resweber
Dr. Deborah H. Simonson
Mr. Richard A. Soileau

Members Absent:

Dr. Lois R. Anderson
Mr. Richard M. Indovina

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Prescription Monitoring Program Manager

Guests:

Mr. James Bryce – Prevalence Health
Mr. Scott Dantonio – La. Society of Health-System Pharmacists
Ms. Nicole Richard – OmniCare
Ms. Jennifer Marusak – La. State Medical Society
Mr. Brad Reed – Wal-Mart Pharmacies

Mr. Bond certified 15 of the 17 members were present, constituting a quorum for the conduct of official business.

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 or guests. There were no objections to that request.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on November 16, 2011 and the Administrative Hearing on November 17, 2011, both of which were held in Baton Rouge, Louisiana. With no objections, he waived the reading thereof. Hearing no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reported briefly on the regulatory projects approved by the Board at their prior meeting, indicating their publication in the January 20, 2012 edition of the Louisiana Register as well as the pending public hearing to receive comments and testimony on those proposals scheduled for February 28, 2012.

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 November 17, 2011 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 Act 850 of the 2010 Legislature requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments from the guests present, but none were offered.

9. Committee Reports

A. Finance Committee

Mr. Aron called on Mr. Pitre for the committee report. Mr. Pitre directed the members to the interim report in their meeting binders, titled Current Financial Report for Second Quarter of Fiscal Year 2011-2012. Mr. Pitre reviewed the current financial report and responded to questions from the

members, following which he tendered the report for information only.

B. Application Review Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met earlier that day to consider three referrals from the staff. Following their interviews and deliberations, the committee disposed of two of the applications. He then presented the following file for Board action.

All Saints Pharmacy (Applicant for Pharmacy Permit) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application and authorized the issuance of the permit, and then restricted the pharmacy permit for a period of five years, beginning on the date of issuance of the permit, subject to certain terms enumerated in the consent agreement.

Finally, Mr. McKay expressed his appreciation to the members participating in their meeting earlier that day.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 15 candidates in the interim since the previous board meeting, and in conformance with the policies and procedures previously approved by the board, had authorized the issuance of pharmacist licenses for those 15 candidates. She then reported the committee interviewed an additional 11 candidates earlier that day. She reported that one candidate was required to provide additional documentation and that another candidate had withdrawn in lieu of a potential denial. She then moved,

Resolved, that the Board approve
Daniel Patrick Carmichael
Wen Hao Chan
Cari Divers
Tammy Elizabeth Dubuc
Apral Dawn Jones
Alexander Michael Knoeferi
Brian Neil Leyda
Wilber Mitchell Pleasants, *and*
Nicole Louise Zvosecz

for pharmacist licensure by reciprocity.

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

Finally, Ms. Hall expressed her appreciation to the other members of the committee for their work that morning.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on December 7-8, 2011 and reviewed the docket for that conference. He reported on the outcomes

of that event and the agenda for the administrative hearing the following day. He also indicated the committee would hold their next informal conference on March 7-8, 2012. With reference to the agenda for the administrative hearing the following day, he suggested the members may wish to consider the proposed consent agreements that day to provide more time for the formal hearings.

Without objection from the members, Mr. Aron re-ordered the agenda to transfer the Report of the Violations Committee from the next day to the current day.

Thursday, February 2, 2012

G. Report of the Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. He then presented the following files for Board action.

Scallan's Pharmacy (PHY.000981 & CDS.038721) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the permit owner a fine of \$3,000 plus administrative and investigative costs.

Prevalence Health (PHY.006198) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued the permit owner a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative and investigative costs.

McGee's Pharmacy, LLC (PHY.004706) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the permit.

Robert Mark McGee (PST.015107) Mr. Bond moved to approve the voluntary 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, and further, the Board revoked the Pharmacist-in-Charge privilege, which prohibits the acceptance of an appointment as the pharmacist-in-charge of any pharmacy.

Monroe Clinic Pharmacy (PHY.006121 & CDS.039313) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued the permit owner a Letter of Reprimand, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Angela Nicole Hotard (PST.016604) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

CVS Pharmacy No. 5360 (PHY.005774) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the permit owner a fine of \$5,000 plus administrative and investigative costs.

Paul Stephen Sims (PST.010994) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$500 plus administrative costs.

Southwest Medical Center (PHY.003089) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the permit owner a fine of \$10,000 plus administrative and investigative costs.

Intrathecal Compounding Specialists, LLC (PHY.005856) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the permit owner a fine of \$10,000 plus administrative and investigative costs.

Catherine Joette Pearson (CPT.007615) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the technician certificate for two years and stayed the execution thereof, and then placed the certificate on probation for two years, subject to certain terms enumerated in the consent agreement, and further, assessed administrative and investigative costs.

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

Having completed the transferred agenda item, Mr. Aron returned to the posted agenda.

Wednesday, February 1, 2012

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider eleven referrals from staff. He then presented the following files for Board action.

Sharron Renee Barnes Michael (PST.017155) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to a term of ten years and stayed the

execution of the suspension, and then placed the license on probation for ten years, effective February 1, 2012, subject to certain terms enumerated in the consent agreement.

Kristi Cupples Vial (PST.015607) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to a term of five years and stayed the execution of the suspension, and then placed the license on probation for a period of five years, effective February 1, 2012, subject to certain terms enumerated in the consent agreement.

Leo Gerard Riche (PST.014961) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to modify the terms of probation imposed in his 2009 probation order by amending the prohibition on the acceptance of an appointment as the pharmacist-in-charge of any pharmacy to allow him to accept an appointment as the Pharmacist-in-Charge of Fred's Pharmacy No. 3006 [PHY.004045] but no other pharmacy.

Wade Randall Veillon (PST.011709) Mr. Rabb moved to deny the request for modification of previously imposed probationary terms. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request.

Ginger Allen Teekell (PST.016606) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, effective February 1, 2012, subject to certain terms as enumerated in the consent agreement.

Cynthia Perkins Little (PTC.018464) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the technician candidate registration, immediately suspended it and any subsequently issued credential for five years and stayed the execution of the suspension, and then placed the registration and any subsequently issued credential on probation for five years, effective February 1, 2012, subject to certain terms enumerated in the consent agreement.

Magan Lynn Trahan (CPT.008312) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the technician certificate for one year and stayed the execution thereof, and then placed the certificate on probation for one year, effective February 1, 2012, subject to certain terms

enumerated in the consent agreement.

Cecil Ervin Price, III (PST.019726) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the pharmacist license by reciprocity, immediately suspended the license for five years and stayed the execution of the suspension, and then placed the license on probation for five years, effective February 1, 2012, subject to certain terms enumerated in the consent agreement.

Diane Nicole Drollinger (PST.019749) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the pharmacist license by examination, immediately suspended the license for three years and stayed the execution of the suspension, and then placed the license on probation for three years, effective February 1, 2012, subject to certain terms enumerated in the consent agreement.

Michael Edward Lenczynski (PST.019725) Mr. Rabb moved to authorize the issuance of the pharmacist license by reciprocity without restriction. The motion was adopted after a unanimous vote in the affirmative. The Board issued the license without restriction.

Valarie Fitzpatrick Nelson (PST.015138) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, effective February 1, 2012, subject to certain terms as enumerated in the consent agreement.

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

F. Reinstatement Committee

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams reported the committee had met earlier that same day to consider two referrals from the staff. He then presented the following files for Board action.

Motilall Soodeen (PST.010721) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the previously revoked license, and further, prohibited the acceptance of any future reinstatement application until July 1, 2013.

James Charles Hill (PST.011155) Mr. Adams moved to deny the request for early termination of probation. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request.

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

G. Tripartite Committee

Mr. Aron noted the committee had not met since the last Board meeting.

H. Regulation Revision Committee

Mr. Aron noted the committee had not met since the last Board meeting.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:50 p.m. and then reconvened in open session at 3:10 p.m.

I. Executive Committee

Mr. Aron reported the committee met the previous evening to consider its posted agenda. He related the committee's discussion of the security requirements for prescription departments found in §1103 of the Board's rules, in particular for those pharmacies whose hours of operations are identical to those for the prescription departments housed therein. He suggested a different interpretation of those requirements might be appropriate for such pharmacies. After a brief discussion, the members agreed by consensus to refer the issue to the Regulation Revision Committee for the development of a regulatory proposal to be considered by the full Board.

He also related the committee's discussion of the increasing number of requests for permits to issue durable medical equipment (DME) and medical gases from organizations that are not already licensed as pharmacies. The Pharmacy Practice Act includes legend devices and gases within the Board's jurisdiction. Currently, vendors requesting a credential for that purpose are required to obtain a regular pharmacy permit, the requirements for which some persons have suggested are excessive for organizations handling only DME and/or medical gases. Following a short discussion, Mr. Aron referred the matter to the Regulation Revision Committee for the development of a regulatory proposal to be considered by the full Board.

Mr. Aron also related the committee's review of administrative operations, in particular the potential for a new telephone system to increase the limited capacity inherent in the current system as well as the opportunity to improve customer service to the Board's clients. The members then related their expectations for different aspects of customer service. Mr. Aron directed staff to collect some data related to volume of communications and report that information to the committee for their further consideration.

Finally, Mr. Aron expressed appreciation to the other members of the committee for their efforts the previous evening.

10. Staff Reports

J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. Mr. Fontenot directed

the members to the quarterly statistical report in their meeting binder. He reported on the number of prescription transactions reported to the database, and the number of prescribers and dispensers who had acquired access privileges. He also reported on the number of queries made by those prescribers and dispensers, as well as law enforcement and regulatory agencies.

He reminded the members about the 2009 change in the PMP law that authorized the Board to issue waivers to the duty to report data to the program, especially for those pharmacies who have been submitting zero reports for the entire time frame. He reminded them of their previous decisions, granting approximately 210 waivers to date. He then presented a request from another pharmacy requesting such a waiver. Mr. Rabb moved,

Resolved, to authorize the issuance of PMP reporting waivers to Aetna Specialty Pharmacy (PHY.005627) once it had executed the standard consent agreement for that purpose.

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

Mr. Fontenot then directed the members to a proposal for a software enhancement that would allow the staff to export the prescriber's address from the database when performing a query. He indicated the vendor's price estimate at just under \$1,500. Mr. McKay moved,

Resolved, to allocate the necessary funds in the current fiscal year's budget to purchase and install the Export Prescriber Address enhancement for the PMP database.

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

Mr. Broussard directed the members to a legislative proposal in their meeting binder. He reminded the members of the new PMP-Interconnect available from the National Association of Boards of Pharmacy (NABP) that will permit state prescription monitoring programs to share data in a secure manner. He also reminded members the Louisiana PMP law currently permits the sharing of data with out-of-state law enforcement agencies and professional licensing agencies but not with out-of-state prescribers or dispensers. In order for the Louisiana PMP to participate in the PMP-Interconnect, it is necessary to amend the Louisiana PMP law, and the legislative proposal is designed to amend the law to permit the program to participate in the national network. Mr. McKay moved,

Resolved, to approve Legislative Proposal 2012-2 ~ PMP-Interconnect, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

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

Finally, Mr. Fontenot indicated the completion of his report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet suggested the members consideration of consent agreements and surrenders originally

scheduled for the following day during the administrative hearing

With no objection from the members, Mr. Aron re-ordered the agenda to transfer the Report of General Counsel from the next day to the current day.

Thursday, February 2, 2012

H. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet then presented the following files for Board action.

Mary Rush Schultz (PTC.017371) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration, and further, prohibited the acceptance of any future application for the reinstatement of the registration or any other application for any credential issued by the Board.

Paul Thomas DeFavero (CPT.010194) Mr. Moore moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Cathy Lynn Mitchell (CPT.001195) Mr. Soileau moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Jeffrey Wayne Welter (PST.017559) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Laura Jean Fairbanks (CDS.029124-MD) Mr. Bond 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 of the license, resulting in the suspension of the license for an indefinite period of time, effective January 11, 2012.

Having completed the transferred agenda item, Mr. Aron returned to the posted agenda.

Wednesday, February 1, 2012

L. 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; it was also included in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division
 - Mr. Broussard reported the completion of the renewal cycle for pharmacists and pharmacies on December 31, 2011.
 - Of the 7,428 pharmacists noticed for renewal, 96.2% of them renewed their license timely, and of that number, 91% did so online, compared to a 75% online utilization the previous year.
 - Of the 1,728 pharmacies noticed for renewal, 98.9% of them renewed their permit timely, and of that number, 87% did so online, compared to a 63% online utilization the previous year.
 - Of the 1,355 pharmacies noticed to renew their CDS licenses, 96.8% of them renewed their license timely, and of that number, 91% did so online.
 - Compliance Division
 - Mr. Broussard reported the compliance officers were making progress of their inspections of the 1,386 pharmacies within the state, as well as the 1,055 various types of facilities with CDS licenses.
 - He also reported on their progress with respect to the complaint caseload. He noted there were 160 open cases at the beginning of the current fiscal year and that 265 new cases have been received to date. Staff has closed 230 cases, representing a 54% closure rate for the year to date.
 - Administrative Division
 - Mr. Broussard related the resignation of one of the Board's compliance officers. Dr. Edwin Adams resigned his appointment in order to take a new position at the Dept. of Health and Hospitals. Mr. Broussard related his efforts to work with the Dept. of Civil Service to establish a position for a pharmacy technician as a compliance officer, and that he would keep them posted on those efforts.
- State Activities
 - 2011 Legislature

Mr. Broussard reported on the completion of the work mandated by two study resolutions from the prior legislative session, namely, the Legislative Workgroup on Electronic Prescribing established by SR 81 (Mills) / HR 108 (LeBas), as well as the Immunization Report requested by SR 122 (Mills).

2012 Legislature

Mr. Broussard reminded the members of their approval of a legislative proposal relative to electronic communications during their last meeting. He then presented copies of legislative proposals for all of the previous legislative sessions that had not yet been accomplished, to determine the Board's desire to move any of them forward in the 2012 legislative session. Following a review of each of the items, Mr. McKay moved,

Resolved, to approve Legislative Proposal 2012-3 ~ CDS Schedules, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

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

Resolved, to approve Legislative Proposal 2012-4 ~ Military Technicians, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

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

Resolved, to approve Legislative Proposal 2012-5 ~ Term Expiration Date, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

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

Resolved, to approve Legislative Proposal 2012-6 ~ Public Records, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve

acceptable amendments as may become necessary during the legislative process.

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

Resolved, to approve Legislative Proposal 2012-7 ~ Disciplinary Proceedings, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

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

- National Activities

- National Association of Boards of Pharmacy (NABP)

- Mr. Broussard reminded the members of the next annual meeting for the association and that they should begin their registration procedures as soon as possible. He indicated the Board had certified their delegate (Mr. Aron) and alternate delegate (Mr. Rabb). He also announced the candidates for the various offices open for election at the annual meeting. Finally, he indicated that copies of the resolutions to be considered at the annual meeting would be made available to the members for their next meeting in May.

- MALTAGON

- Mr. Broussard announced the meeting details for the 2012 conference, to be hosted by the Oklahoma Board of Pharmacy in Tulsa, OK on September 9-12. He indicated the planned distribution of conference materials within a few months.

- NABP-AACP District 6 Annual Meeting

- Mr. Broussard announced the meeting details for 2012 conference, to be hosted by the Arkansas Board of Pharmacy in Little Rock, AR on October 21-24. He indicated the planned distribution of conference materials within a few months.

- International Activities

- CHRE International Observatory on the Regulation of Health Professionals

- International Pharmaceutical Federation

Finally, Mr. Broussard indicated completion of his report.

11. *Request for Reconsideration of Prior Opinion re Reporting of Immunizations*

Mr. Aron reminded the members of their November 2011 opinion relative to the reporting of immunization information. He informed the members of the request for reconsideration of that opinion from the person making the original request. Following

substantial discussion, Mr. Dartez moved,

Resolved, that the Board interpret LAC 46:LIII.521.F to require all immunizing pharmacists to report all vaccine immunizations administered pursuant to a prescription or medical order to the prescribing practitioner.

The motion was adopted after a majority vote in the affirmative; Mr. Pitre objected.

12. Request for Approval – Drug Distribution to DHH-OPH Clinics

Mr. Aron requested Mr. Broussard to advise the members of the circumstances of the request. After doing so, Mr. Broussard directed the members to copies of the pertinent statute and other documents in their meeting binders. He then related a recent communication from the requestor, indicating that recent spending freezes instituted within the Dept. of Health and Hospitals would not permit the implementation of the requested policy, and of their desire to defer the request for approval for an indefinite period of time. With no objections from the members, Mr. Aron deferred the Board's consideration of the department's request for approval for an indefinite period of time, with leave for the department to request the approval at any time in the future.

13. Announcements

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

14. Recess

Mr. McKay moved to recess. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 6:55 p.m.

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An Administrative Hearing was convened on Thursday, February 2, 2012 in the Boardroom of the Board's office, located at 3388 Brentwood Drive 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 8:30 a.m.

B. Invocation & Pledge of Allegiance

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

C. Quorum Call

Mr. Aron called upon Secretary Bond, and he called the roll. After doing so, he certified that 13 of the 17 members were present, constituting a quorum for the conduct of official business.

D. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. At his request, the members granted him the authority to re-order the agenda with respect to the sequence of cases, witnesses and other items of business.

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 and prior to the vote on each agenda item. He solicited comments from the guests in attendance, but none were offered.

Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as Prosecuting Attorney for the Board, Ms. Susan Erkel was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron directed the insertion of the posted agenda into these minutes and waived the reading thereof. The posted agenda 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 2, 2012 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 01-30-2012

- 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. CPT.004390 – Yashika Thompson Calvey Case No. 11-0159
 - 02. PST.018921 – William Christopher Hasewinkle Case No. 10-0228
 - 03. CPT.008673 – Kasey Ajan Dupont Case No. 11-0272
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 04. PHY.000981 & CDS.038721 – Scallan’s Pharmacy Case No. 11-0251
 - 05. PHY.006198 – Prevalence Health Case No. 11-0305
 - 06. PHY.004706 – McGee’s Pharmacy, LLC Case No. 11-0308
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07. PST.015107 – Robert Mark McGee Case No. 11-0309

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| 08. | PHY.006121 & CDS.039313 – Monroe Clinic Pharmacy | Case No. 11-0161 |
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| 09. | PST.016604 – Angela Nicole Hotard | Case No. 11-0162 |
| 10. | PHY.005774 – CVS Pharmacy No. 5360 | Case No. 11-0275 |
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| 11. | PST.010994 – Paul Stephen Sims | Case No. 11-0276 |
| 12. | PHY.003089 – Southwest Medical Center | Case No. 11-0353 |
| 13. | PHY.005856 – Intrathecal Compounding Specialists | Case No. 11-0262 |
| 14. | CPT.007615 – Catherine Joette Pearson | Case No. 11-0318 |

H. Report of General Counsel

Consideration of Voluntary Consent Agreements

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| 15. | PTC.017371 – Mary Rush Schultz | Case No. 11-0427 |
| 16. | CPT.010194 – Paul Thomas DelFavero | Case No. 12-0013 |
| 17. | CPT.001195 – Cathy Lynn Mitchell | Case No. 12-0012 |
| 18. | PST.017559 – Jeffrey Wayne Welter | Case No. 12-0007 |

Consideration of Voluntary Surrenders

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| 19. | CDS.029124-MD – Laura Jean Fairbanks | Case No. 11-0418 |
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I. Adjourn

F. Formal Hearings

Mr. Aron called upon Mr. Finalet and he presented the following cases to the members of the hearing panel for their consideration.

Yashika Thompson Calvey (CPT.004390) Mr. Finalet 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. Mr. Finalet presented an opening statement, no witnesses and four exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel 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 8:40 a.m. and then returned to open session at 8:50 a.m.

Ms. Hall moved,

Resolved, that the Board, having heard the testimony and

considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 6 to reflect the absence of the respondent from these proceedings, 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. Hall then 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. Hall then moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 4390, held by Yashika Thompson Calvey, 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; and (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

William Christopher Hasewinkle (PST.018921) Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, he 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 an opening statement, no witnesses and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel 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 9:05 a.m. and returned to open session at 9:30 a.m.

Ms. Reed moved,

Resolved, that the Board, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed

by the Prosecuting Attorney, modify them by amending Item 3 to correct the arrest date as February 11, 2010, 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. Reed then 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. Reed then moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacist License No. 18921, held by William Christopher Hasewinkle, shall be, and is hereby, suspended for an indefinite period of time, 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 license, or any application for any other credential issued by the Board, shall be conditioned upon 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 the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

Kasey Ajan Dupont (CPT.008673) Mr. Finalet 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. Mr. Finalet presented an opening statement, no witnesses and four exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel 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 9:40 a.m. and returned to open session at 9:55 a.m.

Mr. Moore moved,

Resolved, that the Board, having heard the testimony and

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 8673, held by Kasey Ajan Dupont, 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 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 adopted after a unanimous vote in the affirmative.

Mr. Finalet indicated the completion of all hearings scheduled for that day. Mr. Aron expressed his appreciation to Mr. Finalet for his services that day.

G. Report of Violations Committee

This report was provided during the Board meeting on the prior day.

H. Report of General Counsel

This report was provided during the Board meeting on the prior day.

I. Adjourn

Mr. Dartez moved to adjourn. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron adjourned the meeting at 10:10 a.m.

Respectfully submitted,

Brian A. Bond
Secretary