



# Louisiana Board of Pharmacy

Published to promote voluntary compliance of pharmacy and drug law.

5615 Corporate Blvd, Suite 8E, Baton Rouge, LA 70808

### **Chief Inspector Retires (00-07-79)**

It is with mixed emotions that the Louisiana Board of Pharmacy announces the retirement of **Fred H. Shiel, Jr.**, as chief inspector of the Board. Mr Shiel joined the Board as a field inspector on April 1, 1983, and was promoted to chief inspector on August 1, 1988. During his 17 years of loyal service, Mr Shiel developed a reputation for his knowledge of federal drug law, especially with respect to controlled substances. The US Drug Enforcement Administration (DEA) has invited Mr Shiel to join their organization; he will begin his federal service on July 18 as program analyst in the Office of Diversion Control within the Liaison and Policy Section of the DEA at its central office in Arlington, Va.

The Board acknowledges with grateful appreciation Mr Shiel's dedication and service to the pharmacy profession and the general public of the state of Louisiana, and we certainly extend our congratulations and best wishes to him as he assumes his new position at the DEA.

At press time, the Board was evaluating its options with respect to the chief inspector position.

### **Louisiana Medicaid Quarterly Fee Report (00-07-80)**

Act 1192 of the 1999 Louisiana Legislature requires the Louisiana Board of Pharmacy to take the necessary action to suspend the permit of any pharmacy the Medicaid Program reports to the Board as being delinquent in meeting the requirements of the Medicaid Quarterly Fee Report. There is a duty to file the report and to pay any fees owed. Pharmacies that have received a delinquency notice must settle with the Medicaid Program, not the Board. When the Medicaid Program has certified compliance by the pharmacy, the Board will cease its actions against the pharmacy's permit.

### **Take Care of Your Student Loans (00-07-81)**

Act 689 of the 1990 Louisiana Legislature requires all professional licensing boards to refuse to issue or renew licenses, registrations, or certificates to individuals found to be in default of any outstanding student loan repayment agreements. The Board is required to submit names of all pharmacists, students, and technicians to the Louisiana Office of Student Financial Assistance (LOSFA) for clearance. When the agency certifies an individual to be in compliance, the Board may then issue the license, registration, or certificate.

### **Prohibited Substitutions (00-07-82)**

The Federal Food, Drug, and Cosmetic Act of 1938 required that drugs be shown to meet certain safety requirements prior to their being marketed. Drugs already on the market at that time were

"grandfathered" and were allowed to remain on the market without further regulatory approval. Since these drugs have never been approved by the US Food and Drug Administration (FDA), they do not appear in the listing of approved drug products with therapeutic equivalence evaluations (the "Orange Book").

A listing of the approximately 60 "pre-1938" drugs can be found in Section III, Volume III of the 2000 edition of the *USP-DI*; it includes such items as digoxin, hydrocodone bitartrate, levothyroxine sodium, oxycodone, phenazopyridine hydrochloride, and thyroid.

Because these drugs do not appear in the "Orange Book," there are no FDA-approved therapeutic equivalents. Therefore, if a prescription is written for a "pre-1938" drug under its proprietary name, the pharmacist must dispense it as written. The substitution of a different drug by the pharmacist would result in a misbranded prescription, and could be a violation of the Louisiana Pharmacy Practice Act (RS 37:1241.A.1, 10, and 15).

### **New and Revised Regulations (00-07-83)**

The Board has promulgated an entirely new chapter of regulations, which became effective July 1, 2000, entitled *Chapter 14 – Automated Medication Systems*. The Board will issue a bulletin in the near future, which will include the complete text of the regulation, as well as all of the information necessary for pharmacies and other facilities utilizing automated medication systems to achieve compliance. The Board is revising existing regulations concerning pharmacy technicians, pharmacy education, and returns of prescription drugs.

### **Disciplinary Actions (00-07-84)**

During its April 26 meeting, the Louisiana Board of Pharmacy took final action on the following cases. Although every effort is made to ensure the information is correct, you should check with the Board office (225/925-6496) to verify the accuracy of the listing before making any decision based on this information.

**Beverly R. Addison (License No. 14165)** The Board reinstated the license, then suspended it, stayed the suspension, and placed it on indefinite probation. The terms shall be concurrent with the terms of the pharmacist's agreement with the Virginia Board of Pharmacy.

**Jock N. Baker (License No. 13295)** Voluntary Consent Agreement: License assessed \$500. *Charges:* has engaged, or aided and abetted a person to engage in the practice of pharmacy without a license, registration, certificate, permit, or any other designation deemed necessary to engage in the practice of pharmacy.

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**Baton Rouge General Medical Center (Permit No. 0054)** Voluntary Consent Agreement: Permit owner assessed \$10,000. *Charges:* unlawful for any individual to assist in the practice of pharmacy unless currently registered or certified by the Board; and pharmacy personnel performing pharmacy technician functions in a hospital pharmacy shall hold a current pharmacy technician certificate from the Louisiana Board of Pharmacy.

**Baton Rouge General Health Center (Permit No. 3045)** Voluntary Consent Agreement: Permit owner assessed \$5,000. *Charges:* unlawful for any individual to assist in the practice of pharmacy unless currently registered or certified by the Board; and pharmacy personnel performing pharmacy technician functions in a hospital pharmacy shall hold a current pharmacy technician certificate from the Louisiana Board of Pharmacy.

**Edward J. Broussard, Jr (License No. 11752)** Voluntary Consent Agreement: The Board suspended the license for seven years, then stayed six years and six months of the suspension and placed the license on probation for that period of time; also assessed the license \$5,000. *Charges:* attempted, actual, or conspired distribution, manufacture, dispensing, administering, or diversion of schedule drugs not pursuant to a valid prescription/order, while acting in the primary course of professional pharmacy practice.

**Chau-Mart Eastside Pharmacy (Permit No. 2963)** Voluntary Consent Agreement: Permit owner assessed \$250. *Charges:* has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

**David K. Chauvin, Sr (License No. 8584)** Voluntary Consent Agreement: License assessed \$500. *Charges:* has evaded, or assisted, directly or indirectly, another person in evading any local, state, or federal laws or regulations pertaining to the practice of pharmacy.

**Jean L. Falcone (CPT No. 3707)** Voluntary Consent Agreement: The Board suspended the certificate for one year, then stayed the suspension and placed the certificate on probation for one year; also assessed the certificate holder \$190. *Charges:* possession of marijuana.

**Richard E. Hartenstein (License No. 10641)** Voluntary Consent Agreement: License assessed \$1,000. *Charges:* the registrant shall be accountable for schedule drug audits; and pharmacy records shall be available and readily retrievable for inspection or review.

**Ochsner Foundation Hospital Pharmacy (Permit No. 0835)** Voluntary Consent Agreement: Permit owner assessed \$5,000. *Charges:* the registrant shall be accountable for schedule drug audits; and pharmacy records shall be available and readily retrievable for inspection or review.

**Rehabilitation Hospital of Baton Rouge (Permit No. 2302)** Voluntary Consent Agreement: Permit owner assessed \$500. *Charges:* no person shall operate, maintain, open, or establish any pharmacy in this state unless he has been issued a permit by the Board.

**Melissa A. Romero (CPT No. 3627)** Voluntary Consent Agreement: The Board suspended the certificate indefinitely until the respondent submits proof of either high school graduation or completion of GED, at which time her certificate will be reinstated. *Charges:* pharmacy technician must be a high school graduate or have a GED.

**Kevin M. Scott (CPT No. 2058)** Voluntary Consent Agreement: The Board suspended the certificate for one year, then stayed the suspension and placed the certificate on probation for one year; also assessed the certificate \$190. *Charges:* improper or excessive use of a drug to the detriment of the public and/or the individual.

In addition, the Board reinstated six licenses and granted one request for probation modification from an impaired pharmacist.

**Special Note (00-07-85)**

The *Louisiana Board of Pharmacy News* is considered an official method of notification to pharmacists and certified pharmacy technicians licensed by the Louisiana Board of Pharmacy. **These newsletters will be used in hearings as proof of notification.** Please read them carefully and keep them for future reference.

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