

Louisiana Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Disciplinary Actions (09-07-326)

Although every effort is made to ensure this information is correct, you should contact the Louisiana Board of Pharmacy office at 225/925-6496 or labp@labp.com to verify the accuracy of any listing before making any decision based on this information.

During its February 12, 2009 formal administrative hearing, the Board took final action in the following matters:

Stormey Urane Holiday (Applicant for Candidate Registration):

Board denied the application and refused to issue the registration; and further, assessed the applicant \$5,000 plus administrative and hearing costs; and further, conditioned the acceptance of any future application upon the satisfaction of certain terms as noted in the order.

Josette Briggs Trahan (Technician Certificate No. 6896): Certificate revoked; and further, assessed \$5,000 plus administrative and hearing costs; and further, conditioned the acceptance of future application upon the satisfaction of certain terms as noted in the order.

Theresa Renee Criss (Technician Certificate No. 7253): Certificate revoked; and further, assessed \$1,000 plus administrative and hearing costs; and further, conditioned the acceptance of any future application upon the satisfaction of certain terms as noted in the order.

Timothy Boyd Brown (Candidate Registration No. 13098): Registration revoked; and further, assessed \$1,000 plus administrative and hearing costs; and further, conditioned the acceptance of any future application upon the satisfaction of certain terms as noted in the order.

During its May 6-7, 2009 meetings, the Board took final action in the following matters:

Jason Terry Holt (Applicant for Candidate Registration): Board denied the application and refused to issue the registration.

Michael Thomas Savario (Pharmacist License No. 16568): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective March 9, 2009.

Brooks Marie Laffleur (Pharmacist License No. 18027): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective March 25, 2009.

John Colby Bourque (Pharmacist License No. 16232): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective April 8, 2009.

Jocelyn Hill Thevenote (Pharmacist License No. 10462): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective April 13, 2009.

Dawne Chere Landry (Pharmacist License No. 17223): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective April 27, 2009.

Charles Clinton McCartney, III (Pharmacist License No. 10565):

Consent Order: Granted request for reinstatement of previously suspended license, then placed the license on probation for 10 years, beginning May 6, 2009, subject to certain terms as noted in the order.

Scotty Paul Broussard (Pharmacist License No. 15681):

Consent Order: Granted request for reinstatement of previously suspended license, conditioned upon the satisfaction of certain prerequisites, and then ordered the reinstated license to be placed on probation for 15 years, subject to certain terms as noted in the order.

Jeffery Scott Mullican (Pharmacist License No. 13608):

Consent Order: Granted request for reinstatement of previously suspended license, then placed license on probation for five years, beginning May 6, 2009, subject to certain terms as noted in the order.

Stephen Brent Dearmon (Pharmacist License No. 15266):

Consent Order: Granted request for reinstatement of previously suspended license, then placed license on probation for 10 years, beginning May 6, 2009, subject to certain terms as noted in the order.

Patrick Glen Andrus (Pharmacist License No. 14226):

Consent Order: Granted request for reinstatement of lapsed license, conditioned upon the satisfaction of certain prerequisites, and then ordered the reinstated license to be placed on probation for five years, subject to certain terms as noted in the order.

Blane Edwin Perry (Pharmacist License No. 11249):

Consent Order: Granted request for reinstatement of the previously suspended license, then placed the license on probation for the remainder of the original period of suspension, terminating on April 15, 2017, subject to certain terms as noted in the order.

Theron Timothy Jacks, Jr (Pharmacist License No. 11519):

Consent Order: Denied request for reinstatement of previously suspended license; and further, conditioned the acceptance of any future application upon the satisfaction of certain terms as noted in the order.

CVS Pharmacy No. 5383 (Pharmacy Permit No. 5401):

Consent Order: Assessed \$2,500 plus costs, for allowing unregistered candidate to practice.

DeShanda Eshalle Firmin (Pharmacist License No. 17180):

Consent Order: Assessed \$1,000 plus costs, for allowing unregistered candidate to practice at CVS Pharmacy No. 5383.

Kenethia Louise Morgan (Technician Certificate No. 8578):

Consent Order: Assessed \$500 plus costs, for practicing without registration at CVS Pharmacy No. 5383.

CVS Pharmacy No. 5345 (Pharmacy Permit No. 5790):

Consent Order: Assessed \$2,500 plus costs, for operating a pharmacy without a pharmacist-in-charge for five months.

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Pharmaceutical Cargo Theft of Copaxone®

The Food and Drug Administration (FDA) Office of Criminal Investigations (OCI) reported that a shipment of approximately 14 pallets/994 cartons/5,962 packs of Copaxone® (glatiramer acetate) 20 mg, a non-controlled substance, was stolen during the week of April 13-17, 2009. The tractor trailer was recovered at a rest stop on the New Jersey Turnpike on April 20. Unfortunately the trailer was empty. Corporate security from Teva Pharmaceutical Industries Ltd recalled the remainder of lot #P53159, which has an expiration date of January 2011. If that particular product is found anywhere or offered for sale, it would be the stolen product.

Copaxone is a unique product and is used only to treat patients suffering from multiple sclerosis. If the product is not stored below 74° F and out of the sunlight, it becomes ineffective and may not be safe for use.

Immediately notify the FDA OCI if you are contacted by individuals offering to sell this product, if you have purchased this product, or if you know of anyone that may be involved with the theft and the distribution of this product.

Any information should be provided to Special Agent Gregg Goneconto or Special Agent Nancy Kennedy at OCI Headquarters (800/551-3989), or at www.fda.gov/oci/contact.html.

Failed Check System Leads to Pharmacist's No Contest Plea for Involuntary Manslaughter



This column was prepared by the Institute for Safe Medication Practices (ISMP). ISMP is an independent nonprofit agency that analyzes medication errors, near misses, and potentially hazardous conditions as reported by pharmacists and other practitioners. ISMP then makes appropriate contacts with companies and regulators, gathers expert opinion about prevention measures, and publishes its recommendations. To read about the risk reduction strategies that you can put into practice today, subscribe to ISMP Medication Safety Alert!® Community/Ambulatory Care Edition by visiting www.ismp.org. ISMP is a federally certified Patient Safety Organization, providing legal protection and confidentiality for submitted patient safety data and error reports. ISMP is also a FDA MedWatch partner. Call 1-800-FAIL-SAF(E) to report medication errors to the ISMP Medication Errors Reporting Program or report online at www.ismp.org. ISMP address: 200 Lakeside Dr, Suite 200, Horsham, PA 19044. Phone: 215/947-7797. E-mail: ismpinfo@ismp.org.

A former Ohio pharmacist will plead no contest to involuntary manslaughter of a two-year-old child who died in 2006 as a result of a chemotherapy compounding error.¹ The pharmacy board revoked the pharmacist's license and, after

holding a criminal investigation, a grand jury indicted him on charges of reckless homicide and involuntary manslaughter. The pharmacist faces up to five years in prison.

Prosecutors hold the pharmacist responsible for the toddler's death because he oversaw the preparation of her chemotherapy. A pharmacy technician mistakenly prepared the infusion using too much 23.4% sodium chloride. The infusion was administered to the child, who died three days later.

Though we cannot shed more light on the root causes of the error, our experiences with analyzing other errors strongly suggest that underlying system vulnerabilities played a role. Compounding the solution from scratch is error prone. Communication failures between technicians and pharmacists, IV compounding-related failures, inadequate documentation of the exact products and amounts of additives, and other system issues have contributed to numerous fatal errors. ISMP has also received reports of compounding errors and subsequent failed double-checks due to adverse performance-shaping factors such as poor lighting, clutter, noise, and interruptions. In fact, in this particular case, news reports suggest that the pharmacist felt rushed, causing him to miss any flags that may have signaled an error.²

Without minimizing the loss of life in this case, we continue to be deeply concerned about the criminalization of human errors in health care. Safety experts including ISMP advocate for a fair and just path for individuals involved in adverse events, arguing that punishment simply because the patient was harmed does not serve the public interest. Its potential impact on patient safety is enormous, sending the wrong message to health care professionals about the importance of reporting and analyzing errors. All professionals are fallible human beings destined to make mistakes and drift away from safe behaviors as perceptions of risk fade when trying to do more in resource-strapped professions. When warranted, licensing boards can protect patients from reckless or incompetent actions of health care practitioners by limiting or revoking licenses.

While the law clearly allows for the criminal indictment of health care professionals who make harmful errors, the greater good is served by focusing on system issues that allow tragedies like this to happen. Focusing on the easy target, the pharmacist, makes us wonder whether any regulatory or accreditation agency is ensuring that all hospitals learn from this event and adjust their systems to prevent the same type of error. If not, the death of this little girl is a heartbreaking commentary on health care's inability to truly learn from mistakes so that they are not destined to repeat.

References

1. McCarty J. *Eric Cropp, ex-pharmacist in case in which Emily Jerry died, is ready to plead no contest.* Cleve-



land Plain Dealer. April 19, 2009. Available at: www.cleveland.com/news/plaindealer/index.ssf?/base/cuyahoga/1240129922221300.xml&coll=2.

2. McCoy K, Brady E. *Rx for Errors: Drug error killed their little girl*. USA Today. February 25, 2008. Available at: www.usatoday.com/money/industries/health/2008-02-24-emily_N.htm.

NABP Wins ASAE's 2009 Associations Advance America Award of Excellence

In recognition of its efforts for educating patients on the potential dangers of buying medications online and empowering patients to make informed choices through its Internet Drug Outlet Identification program, the National Association of Boards of Pharmacy® (NABP®) recently received the 2009 Associations Advance America (AAA) Award from the American Society of Association Executives (ASAE) and the Center for Association Leadership in Washington, DC.

Launched in May 2008, the Internet Drug Outlet Identification program reviews and monitors Web sites selling prescription medications and distinguishes those sites that do and do not meet state and federal laws and/or NABP patient safety and pharmacy practice standards. Internet drug outlets that appear to be operating in conflict with program criteria, such as dispensing drugs that are unapproved and potentially counterfeit, frequently without a valid prescription, pose a significant risk to the public health. Such findings underscore the importance of this project and other efforts to contain the Web-based distribution of prescription drugs within the appropriate legal and regulatory framework.

"NABP is honored to have been selected for this prestigious award for our efforts to bring about positive change," says NABP President Gary A. Schnabel, RN, RPh. "This program represents a strong demonstration of our commitment to the NABP mission of assisting the state boards of pharmacy in protecting the public health."

NABP is one of only 21 organizations nationally to receive an award of excellence in the first round of ASAE's 2009 AAA Award program, an award that recognizes associations that propel America forward with innovative projects in education, skills training, standards setting, business and social innovation, knowledge creation, citizenship, and community service.

Consumer Directed Questions and Answers about FDA's Initiative Against Contaminated Weight-Loss Products

FDA has developed questions and answers to help consumers, health care practitioners, and the general public understand FDA's actions regarding weight-loss products contaminated with various prescription drugs and chemicals.

Many of these products are marketed as dietary supplements. Unfortunately, FDA cannot test and identify all weight-loss products on the market that have potentially harmful contaminants in order to ensure their safety. FDA laboratory tests have revealed the presence of sibutramine, fenproporex, fluoxetine, bumetanide, furosemide, phenytoin, rimonabant, cetilistat, and phenolphthalein in weight-loss products being sold over-the-counter. Enforcement actions and consumer advisories for unapproved products only cover a small fraction of the potentially hazardous weight-loss products marketed to consumers on the Internet and at some retail establishments.

Pharmacists can advise patients to help protect themselves from harm by consulting with their health care professional before taking dietary supplements to treat obesity or other diseases. Patients should be advised of the following signs of health fraud:

- ◆ Promises of an "easy" fix for problems like excess weight, hair loss, or impotency
- ◆ Claims such as "scientific breakthrough," "miraculous cure," "secret ingredient," and "ancient remedy"
- ◆ Impressive-sounding terms, such as "hunger stimulation point" and "thermogenesis" for a weight-loss product
- ◆ Claims that the product is safe because it is "natural"
- ◆ Undocumented case histories or personal testimonials by consumers or doctors claiming amazing results
- ◆ Promises of no-risk, money-back guarantees

More information is available on the FDA Web site at www.fda.gov/Drugs/ResourcesForYou/Consumers/QuestionsAnswers/ucm136187.htm.

Jury Trial Set for Doctor Charged with Bringing Misbranded Foreign Cancer Drugs into US

A jury trial to hear the case of *USA v. Vinod Chandrashekm Patwardhan, MD* was set to begin on April 21, 2009, in the US District Court for the Central District of California. Patwardhan, an Upland, CA doctor who specialized in treating cancer patients, was arrested in August 2008 by federal authorities after being charged with introducing foreign misbranded drugs into interstate commerce. These drugs reportedly were sometimes diluted when they were administered to his patients, according to a news release issued by Thomas P. O'Brien, US attorney for the Central District of California, on the day of the arrest. The charge of delivering misbranded drugs into interstate commerce with the intent to defraud or mislead carries a penalty of up to three years in federal prison.

CVS Pharmacy No. 5327 (Pharmacy Permit No. 5835): Consent Order: Assessed \$5,000 plus costs, for negligence in the prevention of substantial diversion of controlled substances.

Charles Fredrick Bruce (Pharmacist License No. 17793): Consent Order: Assessed \$1,000 plus costs; further, license restricted to prohibit future appointment as pharmacist-in-charge (PIC), for negligence in the prevention of substantial diversion of controlled substances while PIC of CVS Pharmacy No. 5327.

Loretta Neal Pye (Technician Certificate No. 1717): Consent Order: Certificate revoked, with permanent prohibition on any future application for reinstatement, for substantial diversion of controlled substances from CVS Pharmacy No. 5327 [*nolo contendere*].

April Nicole Winzer (Technician Certificate No. 7505): Consent Order: Certificate revoked, with permanent prohibition on any future application for reinstatement, for diversion of controlled substances from CVS Pharmacy No. 4068.

Curry Pharmacy (Pharmacy Permit No. 5115): Consent Order: Assessed \$2,500 plus costs, for allowing an unregistered candidate to practice.

Gregory Scott Curry (Pharmacist License No. 17076): Consent Order: Assessed \$2,500 plus costs, for allowing an unregistered candidate to practice at Curry Pharmacy.

Sarah Ann Venable (Applicant for Candidate Registration): Consent Order: Assessed costs; further, once issued, registration and any subsequent credential to be placed on probation for two years, subject to certain terms as noted in the order.

Gregg Spaulding Hunter, MD (CDS License No. 29158): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective March 12, 2009.

Jamie Leeannette Simon (Technician Certificate No. 7491): Consent Order: Certificate revoked, with permanent prohibition on any future application for reinstatement, for forgery of a prescription for a controlled substance at Sam's Club Pharmacy No. 10-6527.

Jill Marie Montz (Technician Certificate No. 3888): Consent Order: Certificate revoked, with permanent prohibition on any future application for reinstatement, for diversion of controlled substances from Wal-Mart Pharmacy No. 10-0961.

James Whitton Lowe, MD (CDS License No. 19982): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective March 31, 2009.

Dale C. Fazio, DPM (CDS License No. 8008): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective April 8, 2009.

Terri L. Ditta, MD (CDS License No. 22261): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective April 13, 2009.

Tina M. Bernard, CAET (CDS License No. 33931): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective April 20, 2009.

Wayne Adam Swiniarski (Pharmacist License No. 14392): Accepted voluntary surrender, resulting in active suspension for an indefinite period of time, effective May 1, 2009.

On this same date, the Board also issued Letters of Warning to one pharmacist and six pharmacy permit owners, as well as Letters of Reprimand to one pharmacist, two technicians, and two pharmacy permit owners. In addition, they granted requests for the reinstatement of lapsed credentials from four pharmacists, as well as a request for reinstatement of a suspended license from one pharmacist.

Calendar Notes (09-07-327)

The next Board meeting and administrative hearing will be August 5-6, 2009, at the Board office. The office will be closed September 7 in observance of Labor Day.

Special Note (09-07-328)

The *Louisiana Board of Pharmacy Newsletter* is considered an official method of notification to pharmacies, pharmacists, pharmacy interns, pharmacy technicians, and pharmacy technician candidates credentialed by the Board. **These Newsletters will be used in administrative hearings as proof of notification.** Please read them carefully. We encourage you to keep them in the back of the *Louisiana Pharmacy Law Book* for future reference.

Lagniappe (09-07-329)

An interesting observation of human behavior:

"Men in all societies possess the biological equipment to remove their hats or shoes, but it is the birth within a particular culture that decides that a Jew will keep his hat and shoes on in his place of worship, a Mohammedan will take off his shoes, and a Christian will keep his shoes on but remove his hat."

[Peter Farb, *Man's Rise to Civilization* (1968)]

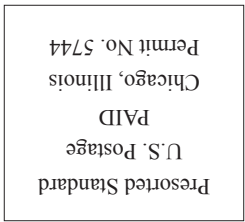
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