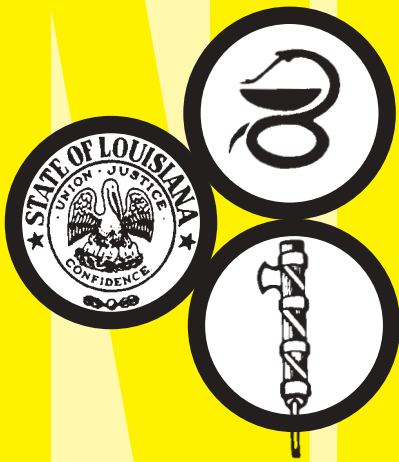


October 2003



NEWS

Louisiana Board of Pharmacy

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www.labp.com

Published to promote voluntary compliance of pharmacy and drug law.

License and Permit Renewals for 2004 (03-10-165)

The Louisiana Board of Pharmacy office will begin printing pharmacist license and permit renewal applications on October 13, 2003. Any address changes submitted to our office after October 10 will not be reflected on your renewal applications. We will mail renewal applications for pharmacist licenses and pharmacy permits during the week of October 27.

If you do not receive your renewal application by November 15, it is your responsibility to obtain a renewal application. Applications have been provided to all pharmacists-in-charge for placement in the *Louisiana Pharmacy Law Book* at page 336.9. We suggest you make a copy of the form and return the original form to the book for future use. A copy of the renewal form can also be obtained from our Web site at www.labp.com.

Pharmacist License Renewal

- ◆ Licenses expire December 31, 2003; a pharmacist may not practice with an expired license.
- ◆ If you need a current renewal on or before January 1, 2004, we suggest you submit your completed application and \$75 fee to the Board office on or before December 1, 2003. Do not forget to answer the additional questions on the application form, especially the question concerning prior legal history in any jurisdiction – if it is not answered, or if there is no supporting information with a positive response, the application will be returned as an incomplete document.
- ◆ The renewal of an expired license will incur a 100% penalty as well as a lapsed license reinstatement fee, resulting in a total charge of \$350.
- ◆ If it is important to you to know when your application is received in the Board office, we suggest you use a mail service with tracking options (United States Post Office certified mail, United Postal Service, FedEx, Airborne, etc).

Pharmacy Permit Renewal

- ◆ Permits expire December 31, 2003; a pharmacy may not operate with an expired permit.
- ◆ Completed application and \$100 permit fee (and \$25 Controlled Dangerous Substance [CDS] permit fee, if needed) are due in the Board office on or before December 31, 2003.
- ◆ After January 15, 2004, the renewal of an expired permit will incur a 50% penalty, resulting in a total charge of \$150 (and \$37.50 for a CDS permit, if needed).

Pharmacists, Technicians, and Interns (03-10-166)

If you are a pharmacist-in-charge, you must at all times ensure that all personnel allowed to perform professional functions in your prescription department are properly licensed, certified, registered, or in possession of a valid work permit (pharmacy technician trainee).

If you are a staff pharmacist or relief pharmacist, it is your responsibility to ensure that the employees assisting you in the prescription-dispensing process are legally able to perform their duties during your shift. If an inspection or investigation occurs while you are on duty and unqualified persons are performing duties under your supervision, then you will be identified as the responsible person in the Board's investigative report filed by the compliance officer.

Legislature Adopts Changes to Pharmacy Law (03-10-167)

Governor Mike Foster signed HB 1018 on July 2, 2003. It is now known as Act 1052, and became effective August 15, 2003. The bill added three new authorities to the list of powers and duties of the Board:

- (1) the Board may request and obtain state and national criminal history record information on any person applying for any license, registration, certificate, or permit issued by the Board
- (2) the Board may require any applicant for any license, registration, certificate, or permit to pro-

Continued on page 4

vide information that may be necessary to verify an applicant's identity, including birth certificate, passport document, legal status document, and any biometric information; and

- (3) the Board may compel any person applying for, or holding, any license, registration, certificate, or permit to submit to a medical evaluation when there is a reasonable suspicion of impairment.

Proposed Changes to Pharmacy Regulations (03-10-168)

The Board has filed a Notice of Intent to substantially revise and reorganize almost all of the existing pharmacy regulations. The notice, which included all of the proposed changes, was published in the July 20, 2003 edition of the *Louisiana Register*. You may access that information, free of charge, at the *Register's* Web site: www.doa.state.la.us/osr. The Board convened a public hearing on August 26, 2003, to receive comment and testimony on the proposed changes. At press time, the Board was considering the requests for changes to the proposed revision before making its final report to the legislative oversight committee. It is anticipated that the final rule will be published in the *Louisiana Register* within the final three months of this year, with a tentative effective date of January 1, 2004.

When the proposed changes have been finalized, the Board will communicate the changes to the entire pharmacy community throughout the state through several methods. The Board will reprint the entire *Louisiana Pharmacy Law Book*, and will mail one complimentary copy to every licensed pharmacy. Additional copies of the new law book will be available for purchase from the Board. Board members and staff will make educational presentations at meetings of local and state pharmacy organizations. The pharmacist compliance officers will also educate pharmacists and technicians during their routine visits to pharmacies throughout the state. Please be especially attentive to future mailings from the Board office.

Disciplinary Actions (03-10-169)

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

During its May 23, 2003 administrative hearing, the Board took final action in the following matters.

Ramona Sessions Ainsworth Mabile (Pharmacist License No. 15822), Formal Hearing: License suspended for five years, and reinstatement prohibited for at least one year; also fined \$5,000 plus administrative and investigative costs. *Charges*: (1) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, (2) unlawful possession of Schedule III controlled substance, (3) unlawful dispensation of Schedule III controlled substances, and (4) failure to perform required responsibilities as pharmacist-in-charge.

Dwight Edwin Brumfield (Pharmacist License No. 10088), Formal Hearing: License suspended for five years, and reinstatement prohibited for at least 18 months; also fined \$5,000 plus administrative and investigative costs. *Charges*: (1) unlawful distribution of Schedule III controlled substances, and (2) unlawful distribution of Schedule IV controlled substances.

During its August 21, 2003 administrative hearing, the Board took final action in the following matters.

Kyle Paul Ayme (Pharmacist License No. 11291), Voluntary Consent Agreement: License suspended indefinitely, with permanent prohibition on reinstatement. *Charge*: probation violation.

Live Oak Pharmacy (Pharmacy Permit No. 2119), Voluntary Consent Agreement: Permit placed on probation for five years, beginning August 21, 2003; also fined \$5,000 plus administrative and investigative costs. *Charges*: (1) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, (2) failure to maintain complete and accurate records of all controlled substances, and (3) dispensation of controlled substances by pharmacist with expired license.

Lucille McCasland Babb (Pharmacist License No. 11489), Voluntary Consent Agreement: License placed on probation for five years, beginning August 21, 2003; also fined \$5,000 plus administrative and investigative costs. *Charges*: (1) practiced pharmacy with an expired license, (2) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, and (3) responsible for shortages in audit of controlled substances.

Tyler Downtown Drugs (Pharmacy Permit No. 1117), Voluntary Consent Agreement: Prior probation revoked, and permit placed on probation for five years, beginning August 21, 2003; also assessed administrative and investigative costs. *Charges*: (1) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, (2) obtained DEA (Drug Enforcement Administration) registration by fraud or misrepresentation, and (3) assisted another person in evading local, state, or federal laws pertaining to the practice of pharmacy.

Michele Aldridge Naul (Pharmacist License No. 9614), Voluntary Consent Agreement: License placed on probation for five years, beginning August 21, 2003; also assessed administrative and investigative costs. *Charges*: (1) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, (2) unlawful possession and distribution of Schedule III controlled substance, (3) unlawful possession and distribution of Schedule IV controlled substance, (4) failure to maintain complete and accurate records of all controlled substances, and (5) unlawful distribution of controlled substances in school zone or other drug-free zone.

The Medicine Shoppe Pharmacy No. 989 (Pharmacy Permit No. 2599), Voluntary Consent Agreement: Permit was revoked. *Charge*: owner pled guilty to Medicaid fraud.

Luke Pierre Fremin (Pharmacist License No. 10204), Voluntary Consent Agreement: License was sus-

pended indefinitely, and reinstatement was prohibited for at least five years; also fined \$5,000 plus administrative and investigative costs. *Charges:* (1) has been convicted of a felony, and (2) has committed Medicaid fraud.

George Reuben Johnson (Pharmacist License No. 14849), Voluntary Consent Agreement: License was placed on probation for five years, beginning on the date of reinstatement; also fined \$5,000 plus administrative and investigative costs. *Charges:* (1) practiced pharmacy with an expired license, and (2) dispensation of prescription drugs without a valid pharmacist license.

Complete Patient Services (Pharmacy Permit No. 4040), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana residents with an expired permit.

CVP Pharmacy, d.b.a. Sinus Pharmacy (Pharmacy Permit No. 4923), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana residents with an expired permit.

Medaus Pharmacy (Pharmacy Permit No. 4946), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana residents with an expired permit.

Respacare of Jefferson Pharmacy (Pharmacy Permit No. 5010), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana resident with an expired permit.

Drugs For Less Mail Order Pharmacy (Pharmacy Permit No. 4660), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana resident with an expired permit.

American Home Patient (Pharmacy Permit No. 4225), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana residents with an expired permit.

Familymeds (Pharmacy Permit No. 4294), Voluntary Consent Agreement: Permit was fined \$5,000 plus administrative and investigative costs. *Charge:* dispensation of prescription drugs to Louisiana residents with an expired permit.

Charles' Pharmacy (Pharmacy Permit No. 4472), Voluntary Consent Agreement: Permit was placed on probation for five years, beginning July 30, 2003; also fined \$5,000 plus administrative and investigative costs. *Charges:* (1) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, (2) failure to close prescription department in absence of pharmacist, (3) unlawful dispensation of prescription drugs by pharmacy technicians, (4) failure to maintain complete and accurate records of all controlled substances, and (5) unlawful possession and distribution of controlled substances.

Charles Stuart Buck, Jr (Pharmacist License No. 11964), Voluntary Consent Agreement: License was suspended for five years, and reinstatement prohibited for at least two years; also fined \$5,000 plus administrative costs. *Charges:* (1) departed from or failed to conform to minimal standards of acceptable or prevailing pharmacy practice, (2) failure to maintain proper security of prescription department in absence of pharmacist, (2) failure to properly supervise pharmacy technicians, (3) failure to perform required responsibilities as pharmacist-in-charge, (4) unlawful possession and distribution of controlled substances, and (5) responsible for shortages in audit of controlled substances.

Motilall Soodeen, a.k.a. Motilall Sudeen (Pharmacist License No. 10721), Voluntary Consent Agreement: License was revoked. *Charge:* felony conviction of offense involving moral turpitude.

Gambina's Pharmacy (Pharmacy Permit No. 4359), Voluntary Consent Agreement: Permit was fined \$3,000 plus administrative and investigative costs. *Charges:* (1) failure to notify Board of change in pharmacist-in-charge within 10 days of departure, (2) failure to properly complete application for renewal of permit, and (3) operation of pharmacy without a designated pharmacist-in-charge.

Health Alliance (Pharmacy Permit No. 4969), Voluntary Consent Agreement: Permit was revoked. *Charge:* failure to properly secure prescription department.

Sarah Claire Alison (Pharmacy Technician Trainee Work Permit No. 6421), Voluntary Consent Agreement: Permit was revoked, with indefinite prohibition on reinstatement. *Charges:* (1) unlawful possession of Schedule III controlled substance, (2) unlawful possession of Schedule IV controlled substance, and (3) unlawful acquisition of controlled substances by fraud or forgery.

Rae Ann Allemand (Pharmacy Technician Certificate No. 5354), Voluntary Consent Agreement: Certificate was revoked, with indefinite prohibition on reinstatement. *Charges:* (1) unlawful possession and distribution of Schedule II controlled substances, (2) unlawful possession and distribution of Schedule III controlled substances, and (3) unlawful acquisition of controlled substances by fraud or forgery.

Randall John LeBoeuf (Pharmacist License No. 13605), Voluntary Consent Agreement: License was suspended indefinitely. *Charge:* failure to notify the Board of adverse action taken by another state board of pharmacy.

James Arnold Savage (Pharmacist License No. 9723), Voluntary Consent Agreement: License was suspended indefinitely. *Charge:* failure to notify the Board of adverse action taken by another state board of pharmacy.

Scott Haines Acosta (Pharmacist License No. 16115), Voluntary Consent Agreement: Respondent received Letter of Reprimand; also fined \$1,000 plus administrative and investigative costs; also assigned 30 hours of continuing education, not to be credited toward any future renewal. *Charges:* (1) obtained a license by fraud or misrepresentation, and

Continued from page 5

(2) failure to submit proof of continuing education credit for 2002 audit.

Karen Clemons Charlot (Pharmacist License No. 13191), Voluntary Consent Agreement: Respondent received Letter of Reprimand; also fined \$1,000 plus administrative and investigative costs; also assigned 30 hours of continuing education, not to be credited toward any future renewal. *Charges:* (1) obtained a license by fraud or misrepresentation, and (2) failure to submit proof of continuing education for 2002 audit.

Michael Arnold Ingersoll (Pharmacist License No. 10116), Voluntary Consent Agreement: License was suspended indefinitely. *Charges:* (1) obtained a license by fraud or misrepresentation, and (2) failure to submit proof of continuing education for 2002 audit.

Rowena Aquino Livingston (Pharmacist License No. 16481), Voluntary Consent Agreement: Respondent received a Letter of Reprimand; also assessed administrative and investigative costs; also assigned 15 hours of continuing education, not to be credited toward any future renewal. *Charges:* (1) obtained a license by fraud or misrepresentation, and (2) failure to furnish proof of continuing education for 2002 audit.

Stephanie Ann Richards (Pharmacist License No. 15339), Voluntary Consent Agreement: Respondent received a Letter of Reprimand; also assessed administrative and investigative costs; also assigned 15 hours of continuing education, not to be credited toward any future renewal. *Charges:* (1) obtained a license by fraud or misrepresentation, and (2) failure to submit proof of continuing education for 2002 audit.

Jarrell Raymond Sigmon (Pharmacist License No. 10992), Voluntary Consent Agreement: License was suspended indefinitely. *Charges:* (1) obtained a license by fraud or misrepresentation, and (2) failure to submit proof of continuing education for 2002 audit.

The Board also issued Letters of Warning to two pharmacists. With regard to the reinstatement of lapsed credentials, the Board denied a request from one pharmacy technician. With regard to impaired practitioners, the Board accepted the surrender of one

pharmacist license and one pharmacy technician certificate, denied the request for modification of probation from one pharmacist and one pharmacy technician, extended the probation of one pharmacist, and enrolled one pharmacy intern in a diagnostic monitoring contract.

Calendar Notes (03-10-170)

The next Board meeting will be held November 19-20, 2003, in the Board office in Baton Rouge. The office will be closed on November 11 in observance of Veterans' Day, November 27 for Thanksgiving Day, and December 25 for Christmas Day.

Special Note (03-10-171)

The *Louisiana Board of Pharmacy News* is considered an official method of notification to pharmacies, pharmacists, pharmacy interns, pharmacy technicians, and pharmacy technician trainees 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.

Page 6 – October 2003

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