



# Louisiana Board of Pharmacy

*Published to promote compliance of pharmacy and drug law*

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## ***New Board Member (12-01-396)***

Governor Bobby Jindal appointed a new public member to the Louisiana Board of Pharmacy on November 2, 2011. The term of service for Mr Don L. Resweber, from St Martinville, LA, will be at the pleasure of the governor. Mr Resweber retired from Penrod Drilling where he was the safety manager; he now owns and operates Tuffy's Quick Shop & Deli in St Martinville. Mr Resweber succeeds Ms Sydnie M. Durand, who passed away on October 11, 2011.

## ***Election of Officers (12-01-397)***

During their November 16, 2011 meeting, the members conducted their annual election of officers, with the following results:

- ◆ **Carl W. Aron**, from Monroe, LA, in District 5 – President
- ◆ **T. Morris Rabb**, from Monroe in District 5 – First Vice President
- ◆ **Marty R. McKay**, from Woodworth, LA, in District 8 – Second Vice President
- ◆ **Joseph L. Adams**, from Mandeville, LA, in District 1 – Third Vice President
- ◆ **Brian A. Bond**, from Jena, LA, in District 8 – Secretary

## ***Board Meeting Dates for Calendar Year 2012 (12-01-398)***

The Board has announced the following tentative meeting dates for calendar year 2012: February 1-2, May 2-3, August 15-16, and November 14-15. All meetings are planned for the Board office in Baton Rouge, LA.

## ***Board Proposes Amendments to Several Rules (12-01-399)***

During its November 16 meeting, the Board voted to initiate the formal rulemaking process to create one new chapter of rules and amend several other existing rules. Copies of these regulatory proposals may be accessed in the Library section of the Board's Web site at [www.pharmacy.la.gov](http://www.pharmacy.la.gov). The Board encourages your review of the proposals as well as your monitoring of the regulatory process via updates to the Web site.

- ◆ **Regulatory Proposal 2011-7 ~ Penal Pharmacies (Draft #2)** Pursuant to Act 315 of the 2011 Legislature, which amended the Pharmacy Practice Act to authorize the re-use of prescription medication by pharmacies in state-owned penal institutions, this proposal will create a new chapter of rules to enable and regulate that activity. The proposal will create a new classification of pharmacy permit for penal pharmacies, with authorization for drug cabinets, emergency drug kits, automated medication systems, and medication transfers. It also authorizes a penal pharmacy to re-use prescription medication it dispenses, consistent with good professional practice standards, similar to the authority currently used in hospital pharmacies.
- ◆ **Regulatory Proposal 2012-1 ~ Electronic Communications (Draft #1)** This proposal amends several existing rules to enable the use of electronic application forms in lieu of the current requirement to mail such forms.
- ◆ **Regulatory Proposal 2012-2 ~ Hospital Pharmacy (Draft #2)** This proposal creates a new section in the hospital pharmacy rules that enables a variation of the label required for prepackaging of prescription drugs, and further, amends the current labeling rule in the hospital pharmacy rules to include compounded sterile preparations.
- ◆ **Regulatory Proposal 2012-3 ~ Remote Order Processing (Draft #3)** This proposal seeks to remedy a disparity in the current rules relative to the remote processing of prescriptions and medical orders. With respect to hospital and institutional pharmacies, such activities may occur only when one of the two cooperating pharmacies is not operating; however, cooperating community pharmacies may engage in such practices at any time, without regard to the operating status of the pharmacy.

## ***Pharmacies – Are You Obtaining Drugs from a Legitimate Distributor? (12-01-400)***

As the number of drugs appearing on the drug shortage list continues to increase, the Board hears more about rogue companies attempting to profiteer from the situation. To minimize

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## **FDA Recommends Use of Sterile Needle and Syringe for Administration of Inactivated Influenza Vaccines**

Food and Drug Administration (FDA) recommends that health care providers use a sterile needle and syringe to administer inactivated influenza vaccines. The recommendation was released in response to questions regarding the use of jet injector devices to administer inactivated influenza vaccines. FDA advises that “inactivated influenza vaccines that are approved by FDA have information in their labeling stating how the vaccines should be administered, such as, by intramuscular (IM) or intradermal (ID) administration.” Further, FDA clarifies its October 21, 2011 communication “to inform the public that inactivated influenza vaccines labeled for IM injection are intended for administration using a sterile needle and syringe. There is one inactivated influenza vaccine labeled for ID administration, this vaccine is supplied in its own pre-filled syringe. The live attenuated influenza vaccine is given through the nose as a spray; the sprayer is not a jet injector.” FDA also notes the following:

- ◆ Currently, there is only one vaccine, Measles, Mumps, and Rubella (MMR), that is approved and specifically labeled for administration by jet injector.
- ◆ Safety and effectiveness information that would support labeling inactivated influenza vaccines for delivery by jet injector have not been submitted to FDA.
- ◆ At this time, there are no inactivated influenza vaccines that are approved and specifically labeled by FDA for administration by jet injector.

FDA recommends that all approved vaccines, including influenza, be administered in accordance with their approved labeling, and FDA advises that if a vaccine has been approved for administration with a jet injector, information specifically addressing vaccine use with a jet injector will appear in the vaccine labeling. Additional background information is available in the communication posted on the FDA Web site at [www.fda.gov/BiologicsBloodVaccines/Vaccines/QuestionsaboutVaccines/ucm276773.htm](http://www.fda.gov/BiologicsBloodVaccines/Vaccines/QuestionsaboutVaccines/ucm276773.htm).

The Centers for Disease Control and Prevention continues to encourage people to get vaccinated throughout the flu season, which can begin as early as October and last as late as May. For information about the flu vaccine visit [www.cdc.gov/flu](http://www.cdc.gov/flu).

## **‘Tell Back’ Works Best to Confirm Patient Understanding**



*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](http://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 an 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](http://www.ismp.org). ISMP address: 200 Lakeside Dr, Suite 200, Horsham, PA 19044. Phone: 215/947-7797. E-mail: [ismpinfo@ismp.org](mailto:ismpinfo@ismp.org).

In the past few years, multiple studies have demonstrated that patients often leave medical encounters with a poor understanding of their health conditions and recommended treatment. One recent study on this subject demonstrates the low level of understanding patients have about follow-up care and medication therapy upon discharge from the emergency department (Engel KG et al. Patient Comprehension of Emergency Department Care and Instructions: Are Patients Aware of When They Do Not Understand? *Ann Emerg Med*. Available on the journal Web site).

Given the importance of patient understanding of medical information, there are surprisingly few studies that point out how to approach this task. However, a study published in 2008 offers some insight into what approach to assessing understanding of medical information patients most prefer and perceive to be the most effective (Kemp EC, et al. Patients Prefer the Method of “Tell Back-Collaborative Inquiry” to Assess Understanding of Medical Information. *J Am Board Fam Med* 2008;21(1):24-30). Researchers tested three types of inquiry about the patient’s understanding:

- ◆ Yes-No
- ◆ Tell Back-Directive
- ◆ Tell Back-Collaborative

The Yes-No approach asked closed-ended questions to assess patient understanding. (Example: “I’ve given you a lot of information. Do you understand?”) The Tell Back-Directive method used open-ended questions that were physician-centered and paternalistic in that it was clear authority and control still remained with the physician. (Example: “It’s really important that you do this exactly the way I explained. What do you understand?”) The Tell Back-Collaborative approach used open-ended questions that were patient centered, making it clear that power and responsibility were shared between the health care provider and patient. (Example: I imagine you are really worried about your blood pressure. I’ve given you a lot of information. It would be helpful to me to hear your understanding about your clot and its treatment.)

Patients showed a significant preference for the Tell Back-Collaborative inquiry over other tested approaches. Because of the potential for embarrassment if patient misunderstandings are exposed, one might anticipate health care providers’ reluctance to put patients “on the spot” with open-ended questions. But a collaborative approach to Tell Back allows the patient to save face for misunderstandings by acknowledging the large amount of information being provided. Patients might also view the request for Tell Back as evidence of the health care provider’s care and concern for them personally, or evidence of the provider’s attention to detail and competence. So, when counseling patients about their medications, instead of asking “Do you have any questions?” or “Do you understand?” ask them to restate their understanding of the information you provided in their own words within a shame-free, blame-free environment.

## **DEA Clarifications on Certification Process for Audits of EPCS Software**

Drug Enforcement Administration (DEA) emphasizes that third-party audits of software applications for Electronic Prescriptions for Controlled Substances (EPCS) must encompass all applicable requirements in DEA regulations, including security, and must address “processing integrity” as set forth in the regulations. Further, DEA recommends that where questions or gaps may arise in reviewing a particular applica-



tion, federal guidelines set forth in National Institute of Standards and Technology Special Publication 800 – 53A should be consulted. DEA has also announced the first DEA-approved certification process for EPCS. Certifying organizations with a certification process approved by DEA pursuant to the regulations are posted on DEA's Web site at [www.deadiversion.usdoj.gov/e-comm/e\\_rx/thirdparty.htm#approved](http://www.deadiversion.usdoj.gov/e-comm/e_rx/thirdparty.htm#approved). Detailed background information is provided in the Federal Register Notice, available for download at [www.gpo.gov/fdsys/pkg/FR-2011-10-19/pdf/2011-26738.pdf](http://www.gpo.gov/fdsys/pkg/FR-2011-10-19/pdf/2011-26738.pdf).

### **'Script Your Future' Provides Tools and Outreach to Encourage Medication Adherence**

United States Surgeon General Regina Benjamin called upon pharmacists, physicians, nurses, and other health care providers to talk with their patients about the importance of taking medications as directed to help prevent serious health complications at the recent launch of the national campaign, "Script Your Future." Benjamin also "encouraged patients with chronic conditions to speak with their health care professionals about their medication" as noted in a press release. A survey released by the National Consumer League, the organization that developed Script Your Future, indicates that "patients who do not always take their medication as directed are less likely to have received a full explanation of the consequences of their condition, and are less convinced of the importance of adherence." The Script Your Future campaign is targeting six regional areas with outreach activities and advertising, and more information is available at [www.ScriptYourFuture.org](http://www.ScriptYourFuture.org). The campaign brings together "stakeholders in health care, business, and government to offer practical tools for patients to help them better adhere to their medication, and to help health care professionals better communicate with patients." More information about the campaign is available in a press release at [www.prnewswire.com/news-releases/us-surgeon-general-joins-baltimore-launch-of-the-national-script-your-future-campaign-to-highlight-importance-of-taking-medication-as-directed-133077423.html](http://www.prnewswire.com/news-releases/us-surgeon-general-joins-baltimore-launch-of-the-national-script-your-future-campaign-to-highlight-importance-of-taking-medication-as-directed-133077423.html).

### **FDA Releases 'Use Medicines Wisely' Video**

FDA Office of Women's Health has released a new public service announcement (PSA) video titled, "Use Medicines Wisely," to help raise awareness about safe medication use. As stated in an FDA news release, "Millions of people benefit from FDA approved medications and are living longer productive lives. However, when medications are used incorrectly, they can cause serious injuries, even death. Many of these injuries can be prevented."

The video shows simple steps women can take to use medications wisely. Viewers are reminded to:

- ◆ Make a list of the medications they take
- ◆ Keep their medication list with them at all times
- ◆ Know the name of each medication, why they are taking it, how much to take, and when to take it
- ◆ Talk with their doctor, nurse, or pharmacist to find out how to safely use their medications

In addition to the video, a medications record-keeper, fact sheets, and other safe medication use resources are available on the FDA Web site.

### **Training Video Provides Tips on Preventing Pharmacy Robbery**

Rx Pattern Analysis Tracking Robberies and Other Losses (RxPATROL) has released a training video discussing pharmacy robbery and how to prevent it. The video features a pharmacist and law enforcement

liaison as they tour a pharmacy, evaluating security measures and discussing additional steps that can be taken to prevent robbery. RxPATROL is an initiative designed to collect, collate, analyze, and disseminate pharmacy theft intelligence to law enforcement throughout the nation. RxPATROL is designed to gather and disseminate critical information to help protect pharmacists, guard against potential robberies, and assist law enforcement in their efforts to successfully apprehend and prosecute those involved in controlled substance pharmacy crime. The training video can be accessed on the RxPATROL Web site at <http://rxpatrol.org/TrainingVideos.aspx>.

### **Nearly 20 Products Marketed as Natural Supplements Contain Sibutramine, FDA Warns**

FDA has posted public warnings regarding 19 products, frequently marketed as natural supplements, and found to contain sibutramine, a controlled substance that was removed from the US market in October 2010 for safety reasons. These products pose a threat to consumers because sibutramine is known to substantially increase blood pressure and/or pulse rate in some patients and may present a significant risk for patients with a history of coronary artery disease, congestive heart failure, arrhythmias, or stroke. These products may also interact in life-threatening ways with other medications a consumer may be taking. FDA warnings included products marketed as "Slender Slim 11," "Dream Body Slimming Capsule," "Acai Berry Soft Gel ABC," and 16 other product names. The products included in the warnings are being sold on Web sites and in some retail stores. FDA advises consumers not to purchase or use the products listed in the warnings. Consumers who have purchased any of these products should stop use immediately. And if consumers have experienced any negative side effects from using these products, they should consult a health care provider as soon as possible. The complete list of warnings is available on the FDA Web site at [www.fda.gov/Drugs/ResourcesForYou/Consumers/BuyingUsingMedicineSafely/MedicationHealthFraud/ucm234592.htm](http://www.fda.gov/Drugs/ResourcesForYou/Consumers/BuyingUsingMedicineSafely/MedicationHealthFraud/ucm234592.htm).

### **2012 Survey of Pharmacy Law Now Available**

Serving as a convenient reference source for individuals seeking an overview of the state laws and regulations that govern pharmacy practice, the updated 2012 *Survey of Pharmacy Law* is now available and can be purchased online for \$195 by visiting the NABP Web site at [www.nabp.net/publications](http://www.nabp.net/publications).

The *Survey*, produced in a CD format, consists of four sections including a state-by-state overview of organizational law, licensing law, drug law, and census data. Newly added this year, a question in Section 17, Wholesale Distributor Licensure Requirements, asks which state agency has regulatory authority over medical device distributors. In addition, a newly added question in Section 22, Electronic Transmission of Prescriptions: Computer-to-Computer, asks whether the state allows electronic prescribing of controlled substances.

Updates for the 2012 *Survey* were graciously provided by the state boards of pharmacy. In addition to the boards' support, NABP requested data from relevant health care associations for the *Survey's* prescribing authority and dispensing authority laws in Sections 24 and 25, and laws pertaining to the possession of non-controlled legend drugs and possession of controlled substances in Sections 26 and 27.

All final-year pharmacy students receive the *Survey* free of charge through the generous grant of Purdue Pharma L.P.

For more information on the *Survey*, please contact Customer Service via phone at 847/391-4406 or via e-mail at [custserv@nabp.net](mailto:custserv@nabp.net).

your risk of purchasing diverted or counterfeit drugs, the Board encourages you to verify the credentials of all your medication suppliers. The Louisiana Board of Wholesale Drug Distributors maintains a Web site at [www.lsbwdd.org](http://www.lsbwdd.org) where you can verify the credentials of every distributor licensed to conduct business in this state.

### **Corresponding Responsibility (12-01-401)**

Although the primary responsibility for ensuring that a prescription for a controlled substance is issued for a legitimate medical purpose rests upon the practitioner acting in the usual course of professional practice, the dispensing pharmacist bears a corresponding responsibility for ensuring that a prescription for a controlled substance is prescribed by a practitioner with the appropriate authority and dispensed for a legitimate medical purpose. This responsibility is imposed by both federal and state laws and rules. Moreover, Board rules require a pharmacist to verify the authenticity and legitimacy of every prescription he or she elects to dispense. While the Board does not specify the actions a pharmacist must employ in the verification process, the Board does expect a pharmacist to exercise sound professional judgment in making such determinations. There is nothing that requires a pharmacist to dispense a prescription of doubtful origin; in fact, a pharmacist who dispenses such prescriptions when he or she knew, or should have known, those prescriptions were doubtful is subject to prosecution.

As part of our professional education, pharmacists learn the signs and circumstances that suggest a prescription may not be authentic or legitimate, including patient behaviors and practitioner prescribing patterns. Just because a prescriber wrote something on a piece of paper does not make it authentic. Several courts have held that “deliberate ignorance” – sometimes called the “ostrich syndrome” – is not a valid defense for pharmacists.

Louisiana-licensed pharmacists are permitted to dispense prescriptions written by practitioners in other states. However, pharmacists electing to do so have more questions to answer: How do you know the practitioner holds a current license and is not restricted? How do you know the practitioner holds a current Drug Enforcement Administration registration and is not restricted? Some states have special forms for prescribing controlled substances; are you aware of those? We have heard of some rogue practitioners who generate prescriptions on a form other than what is required in that state and tell the patient to have it filled in another state. A prescription that is not legitimate when issued does not acquire legitimacy by crossing a state line.

There are well-known “pill mills” operating in the Houston, TX, area as well as the Mississippi Gulf Coast area. The Board urges your extreme caution when dispensing prescriptions for controlled substances originating from these areas. According to a recent report issued by the federal Centers for Disease Control & Prevention, Louisiana is ranked 10<sup>th</sup> in the nation in the death rate due to prescription drug abuse. Please make sure your pharmacy is not part of the problem.

### **Disciplinary Actions (12-01-402)**

Although every effort is made to ensure this information is correct, you should contact the Board office at 225/925-6496 to

verify the accuracy of any listing before making any decision based on this information.

During its November 16 meeting, the Board took final action in the following matters:

**Callie Leigh Chappell (PTC Applicant):** Application denied, and the Board refused to issue the registration.

**Betty Kierbow Davis (PTC.018209):** Application approved; newly issued registration suspended for two years with execution thereof stayed, and registration placed on probation for two years, effective November 17, 2011, subject to certain terms enumerated in the consent agreement; for one count, failure to report complete criminal history record on application for registration.

**Nicolas Matthew Bullard (PNT.046745):** Application approved; newly issued registration suspended for two years with execution thereof stayed, and registration placed on probation for two years, effective October 12, 2011, subject to certain terms enumerated in the consent agreement.

**Gary Victor Mantese (PST.011065):** Accepted voluntary surrender, resulting in suspension of the license for an indefinite period of time, effective August 29, 2011.

**Edwin Paul Domingue, Jr (PST.010459):** Accepted voluntary surrender, resulting in suspension of the license for an indefinite period of time, effective November 2, 2011.

**Benji Joseph Juneau (PST.016348):** Granted request for reinstatement of the previously suspended license, converted the indefinite term to one of 10 years and stayed the execution of the suspension, and then placed the license on probation for 10 years, effective November 16, 2011, subject to certain terms enumerated in the consent agreement.

**David Collins Evans (PST.014181):** Granted request for reinstatement of the previously suspended license, converted the indefinite term to one of five years and stayed the execution thereof, and then placed the license on probation for five years, effective November 16, 2011, subject to certain terms enumerated in the consent agreement.

**Barry Jude Fleet (PST.011407):** Granted request for reinstatement of the previously suspended license without restriction. Although public record, this order shall not be construed as disciplinary action.

**Sharron Renee Barnes Michael Provost (PST.017155):** Denied application for reinstatement of the previously suspended license; license remains on suspension for an indefinite period of time.

**Steve John Soteropulos (PST.011704):** Granted request for reinstatement of the previously suspended license, converted the indefinite term to one of 10 years and stayed the execution of the suspension, and then placed the license on probation for 10 years, effective November 16, 2011, subject to certain terms enumerated in the consent agreement.

**Wayne Adam Swiniarski (PST.014392):** Granted request for termination of probation, effective November 16, 2011.

**Evans Drug Mart (PHY.002937 and CDS.039088):** Permit suspended for five years with execution thereof stayed, then

placed on probation for five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement; further, assessed a fine of \$5,000 plus costs; further, in the event of a change of ownership during the probationary period, the permit and controlled dangerous substance (CDS) license shall be revoked; for seven counts, including failure to provide effective security against loss of controlled substances, accountability for significant losses of controlled substances, and repeated occasions of negligence or incompetence in the practice of pharmacy.

**Blake's Family Pharmacy (PHY.000077 and CDS.038544):** Permit suspended for five years with execution thereof stayed, then placed on probation for five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement; further, assessed a fine of \$25,000 plus costs; for 23 counts, commission of fraud in connection with practice of pharmacy, unlawful possession with intent to distribute controlled substances in Schedules III, IV, and V, failure to remove expired medications from pharmacy inventory, accountability for shortages of controlled substances, failure to report all eligible prescription transactions to state prescription monitoring program, and repeated occasions of negligence or incompetence in the practice of pharmacy.

**Robert Blake Vidrine (PST.010232):** License suspended for five years with execution thereof stayed, then placed on probation for five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement; further, assessed a fine of \$10,000 plus costs; for 22 counts, as owner and pharmacist-in-charge of Blake's Family Pharmacy, including failure to report prior arrests on renewal application forms, acquisition of license renewal by fraud or misrepresentation, commission of fraud in connection with practice of pharmacy, unlawful possession with intent to distribute controlled substances in Schedules III, IV, and V, failure to remove expired medications from pharmacy inventory, failure to properly label prescription containers, failure to report all eligible prescription transactions to state prescription monitoring program, and repeated occasions of negligence or incompetence in the practice of pharmacy.

**Ackal's Community Pharmacy (PHY.005948):** Assessed a fine of \$1,000 plus costs; for seven counts, including allowing a technician to practice for approximately one year with an expired certificate.

**Rosser's Prescription Shoppe (PHY.000960 and CDS.038716):** Permit suspended for five years with execution thereof stayed, then placed on probation for five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$5,000 plus costs; and further, in the event of a transfer of ownership during the probationary period, the permit and CDS license shall be revoked; for 10 counts, including failure to report losses of controlled substances to proper authorities, accountability for substantial losses of controlled substances (more than 100,000 tablets of hydrocodone, more than 100,000 tablets of oxycodone, and more than 3,000 pints of promethazine with

codeine), and repeated occasions of negligence or incompetence in the practice of pharmacy.

**Robert Erskine Rosser III (PST.008061):** Accepted voluntary surrender, resulting in suspension of the license for an indefinite period of time, effective November 14, 2011.

**Hardin's Compounding Pharmacy (PHY.004511 and CDS.038654 – Case No. 10-368):** Assessed a fine of \$2,500 plus costs; for four counts, including accountability for losses of controlled substances.

**Timothy Alan Hardin (PST.015623 – Case No. 10-369):** Issued letter of reprimand; and further, assessed costs; for four counts, including accountability for losses of controlled substances.

**Hardin's Compounding Pharmacy (PHY.004511 and CDS.038654 – Case No. 11-105):** Assessed a fine of \$1,000 plus costs; for 27 counts, including permitting unlicensed pharmacy personnel to counsel patients concerning medication therapy and failure to remove expired controlled substances from the pharmacy inventory.

**Timothy Alan Hardin (PST.015623 – Case No. 11-106):** License suspended for two years with execution thereof stayed, and then placed on probation for two years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$2,000 plus costs; for 27 counts, as owner and pharmacist-in-charge of Hardin's Compounding Pharmacy, including dispensing of unauthorized prescriptions for personal use.

**Esplanade Pharmacy (PHY.006007 and CDS.039195):** Pharmacy permit and CDS license were revoked, with permanent prohibition on any future application for reinstatement; for 15 counts, including accountability for substantial losses of controlled substances (more than 100,000 tablets of hydrocodone and more than 3,000 pints of promethazine with codeine), violation of various controlled substance laws at pharmacy located within designated drug-free zone, and violation of prior agreement to prohibit access to the prescription department by the previous owner, Carlton Charles.

**Conrad Augustus Isidore Charles (PST.013926):** License suspended for an indefinite period of time, effective October 1, 2011; and further, assessed a fine of \$25,000 plus costs; and further, any future application for reinstatement requires the completion of at least five years of suspension and payment of all assessments; and further, the consent agreement contains a lifetime prohibition on the acceptance of a pharmacist-in-charge appointment at any pharmacy permitted by the Board as well as a lifetime prohibition on any ownership interest in any pharmacy permitted by the Board; for 15 counts, as owner and pharmacist-in-charge of Esplanade Pharmacy, including accountability for substantial losses of controlled substances, and repeated occasions of negligence or incompetence in the practice of pharmacy.

**Jack's Discount Pharmacy (PHY.006302 and CDS.039138):** Permit suspended for 10 years with execution thereof stayed, then placed on probation for 10 years, effective October 1, 2011, subject to certain terms enumerated in the consent

agreement; and further, assessed a fine of \$25,000 plus costs; and further, the CDS license shall remain suspended for an indefinite period of time; for 25 counts, failure to comply with pharmacy's own policies and procedures, resulting in the dispensing of controlled substances pursuant to forged prescriptions, and violation of various controlled substance laws in pharmacy located within designated drug-free zone.

**Lawrence Jackson, Jr (PST.014930):** License suspended for an indefinite period of time, effective October 1, 2011; and further, assessed a fine of \$10,000 plus costs; and further, any future application for reinstatement requires the completion of at least two years of suspension and payment of all assessment; for 25 counts, as owner and pharmacist-in-charge of Jack's Discount Pharmacy, including failure to exercise corresponding responsibility in the dispensing of purported prescriptions for controlled substances, and repeated occasions of negligence or incompetence in the practice of pharmacy.

**Injured Workers Pharmacy (PHY.005238):** Assessed a fine of \$3,000 plus costs; for six counts, including failure to report all eligible prescription transactions to the state prescription monitoring program.

**Kay's Hideaway Pharmacy & Vital Care of Northeast Louisiana (PHY.003929 and CDS.039213):** Assessed a fine of \$3,000 plus costs; for six counts, including failure to report all eligible prescription transactions to the state prescription monitoring program.

**Tiffany Renada Thibodeaux (CPT.009221):** Certificate revoked, with permanent bar on any future reinstatement application; for five counts, including the diversion of controlled substances from her employer pharmacy.

**Danielle Marie Parker (CPT.006948):** Certificate revoked, with permanent bar on any future reinstatement application; for four counts, including the diversion of tramadol through prescription forgery.

**Alesandra Gail Reale (CPT.008391):** Certificate revoked, with permanent bar on any future reinstatement application; for five counts, including the diversion of controlled substances from her employer pharmacy.

**John Bull Pharmacy (CDS.038843):** Accepted voluntary surrender, resulting in suspension of the license for an indefinite period of time, effective September 13, 2011.

**Barney Joseph Fusilier, Jr (PST.013323):** Accepted voluntary surrender, resulting in suspension of the license for an indefinite period of time, effective September 13, 2011.

**Charles Jude Mitchell, Jr (PST.016284):** Accepted voluntary surrender, resulting in suspension of the license for an indefinite period of time, effective September 13, 2011.

At the same meeting in November, the Board also issued letters of reprimand to one pharmacist and one technician; and further, the Board granted five requests for the reinstatement of previously lapsed credentials to one pharmacy, to two pharmacists, contingent upon the completion of certain tasks, and to two technicians, with no further requirements.

### **Calendar Notes (12-01-403)**

The next Board meeting and administrative hearing will be February 1-2, 2012, at the Board office. The office will be closed February 21, in observance of Mardi Gras Day.

### **Special Note (12-01-404)**

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. The Board encourages you to keep them in the back of the *Louisiana Pharmacy Law Book* for future reference.

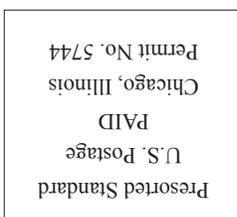
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