



Louisiana Board of Pharmacy

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



Minutes

Regular Meeting

Wednesday, August 22, 2012 at 1:00 p.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70809-1700

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 22, 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 1:20 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
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Ryan M. Dartez
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina
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

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Prescription Monitoring Program Manager
Mr. Stephen L. Collins, Pharmacist Compliance Officer
Mr. Huey J. Savoie, Pharmacist Compliance Officer
Mr. Rayland M. Trisler, Pharmacist Compliance Officer
Mr. Benjamin S. Whaley, Pharmacist Compliance Officer

Guests:

Mr. Carmen Catizone – National Association of Boards of Pharmacy
Dr. Curtis Hebert – Slidell Memorial Hospital Pharmacy
Mr. Frank Whitchurch – Prescription Solutions (Optum Rx)

Mr. William Lawley – Wal-Mart Pharmacies
Mr. Devin Richardson – Wal-Mart Pharmacies
Mr. Russell Champagne – Kolder, Champagne, Slaven & Rainey
Ms. Penny Scruggins – Kolder, Champagne, Slaven & Rainey
Mr. Mitch Ward – Target Pharmacies
Ms. Crystal Carter – Louisiana Pharmacists Association
Dr. Michael Mohundro – Our Lady of the Lake Reg Med Ctr Pharmacy
Dr. John Kleiss – ROi
Dr. Marianne Billeter – Ochsner Medical Center
Mr. Daniel Donato – Omnicare Pharmacies
Mr. Paul D’Aunoy – Central Admixture Pharmacy Services
Mr. Joseph LeTourneau – CoMed Pharmacy

Mr. Bond certified that all 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 May 2, 2012 and the Administrative Hearing on May 3, 2012, 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 reminded the members of their approval of six new regulatory proposals at their last meeting and their request to initiate the formal rulemaking process. He reported the development of the required fiscal and economic impact statements and the publication of the Notice of Intent in the July 20, 2012 edition of the Louisiana Register. As indicated in the notices, a public hearing was scheduled on August 27 to receive comments and testimony about the proposals.

He also reminded the members of their adoption of a Declaration of Emergency and the issuance of an Emergency Rule relative to the regulation of durable medical equipment (DME) providers during their May 2 meeting. He indicated staff had developed the credentials, forms and procedures necessary to implement the new rule, and advertised the emergency rule as required by the Administrative Procedure Act. He reported the issuance of 260 DME permits since May 7.

Finally, he reminded the members of their request for him to consult with the executive director of the Louisiana State Board of Medical Examiners relative to potential amendments to the collaborative drug therapy management rules. He reported the Collaborative Drug Therapy Management Advisory Council met on August

8 to review a preliminary draft that was scheduled for consideration by the medical board during its August 20 meeting. He suggested the referral of the topic to the Regulation Revision Committee for its consideration of draft language. Without objection from the members, Mr. Aron referred that topic to the Regulation Revision Committee.

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. Rabb 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 May 3, 2012 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. Special Orders of the Day

A. Presentation of Gold Certificates

Mr. Broussard noted the Board had issued new pharmacist licenses to 123 people in 1962 and that 30 of those pharmacists had qualified for their gold certificate this year.

1. PST.008704 – Ted W. Plunk
2. PST.008687 – Carl W. Aron

Mr. Broussard introduced Sen. Fred Mills, who served as the executive director of the Board prior to Mr. Broussard. In addition, Mr. Broussard introduced Mr. Carmen Catizone, Executive Secretary of the National Association of Boards of Pharmacy (NABP). The presenters recognized Mr. Plunk for his service on the Mississippi Board of Pharmacy as well as Mr. Aron for his service on the Louisiana Board of Pharmacy. Mr. Catizone noted that Mr. Aron's 41 years of service on the Louisiana Board was a national record and made a special presentation in recognition of that achievement.

B. Consideration of Memorandum of Understanding (MOU) with National Association of Boards of Pharmacy for Participation in the PMP-InterConnect

Mr. Broussard briefly reviewed the history of the Board's Prescription Monitoring Program and the necessity to share data beyond the state's borders. He briefly reviewed the development of the PMP-InterConnect by NABP as an electronic switching program that allowed multiple state prescription monitoring programs to share prescription data. He then reminded the members the Board had sponsored legislation

earlier that year to specifically allow the Louisiana PMP to share data with other state programs in accordance with the legal standards in place in Louisiana. He indicated the necessity of the approval of the MOU for Louisiana to join the interstate system. He then reminded the members of the advance posting of the MOU document as well as its presence in their meeting binder. Mr. Pitre then moved,

Resolved, to approve the Memorandum of Understanding between the National Association of Boards of Pharmacy and the Louisiana Board of Pharmacy Prescription Monitoring Program, and further, to authorize the Board's Executive Director to execute the document on behalf of the Board.

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

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron introduced Mr. Russell Champagne, CPA and indicated his affiliation with the Board since the 1990s. Mr. Aron reminded the members of the standing invitation for Mr. Champagne to present and review the Board's annual financial report at the Board's summer meeting.

Mr. Champagne directed the members to a copy of the annual financial report in their meeting binder. He reviewed the various statements noting highlights of each. Following his presentation, Mr. Adams moved,

Resolved, that the Board accept the Final Report for Fiscal Year 2011-2012, subject to legislative audit.

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

Mr. Pitre directed the members to a proposed budget amendment document in their meeting binder. He indicated the Finance Committee had met the previous day to review the staff proposal and voted to recommend its approval as presented. Mr. Pitre then moved,

Resolved, that the Board approve and adopt Proposed Budget Amendment No. 1 for Fiscal Year 2012-2013.

The motion was adopted after a unanimous vote in the affirmative. Mr. Pitre then noted the committee's consideration of the \$130,000 net income from the previous fiscal year and a staff recommendation to allocate almost that entire amount to an extra payment to the principal of the bank loan secured by the Board's office building. Mr. Pitre then moved,

Resolved, to direct the Executive Director to make an extra payment of \$125,000 to Iberia Bank, for the specific purpose of reducing the principal amount of the loan secured by the Board's office building.

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

Mr. Pitre closed his report with appreciation to his fellow committee members for their work the previous day.

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 six referrals from the staff. Following their interviews and deliberations, the committee approved the issuance of credentials to two technician candidates and one pharmacist. The application for a pharmacy permit was withdrawn. No further committee action was necessary for those applications, and Mr. McKay presented the following files to the members for their consideration of the committee's recommendations.

Ramere Jovon Jackson (Applicant for PTC Registration) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a pharmacy technician candidate registration, suspended the registration immediately upon its issuance and any subsequent credential for a term of three years and stayed the execution of the suspension, and then placed the newly-issued registration and any subsequent credential on probation for three years, subject to certain terms enumerated in the consent agreement.

Aretha Fay Smith (Applicant for PTC Registration) Mr. McKay moved to deny the application for a pharmacy technician candidate registration and refuse to issue the credential, based on the potential harm to the public's health, safety or welfare. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the credential.

Jamon Fabian Roberson, Sr. (Applicant for PTC Registration) Mr. McKay moved to deny the application for a pharmacy technician candidate registration and refuse to issue the credential, based on the potential harm to the public's health, safety or welfare. The motion was adopted after a unanimous vote in the affirmative. The board denied the application and refused to issue the credential.

Mr. McKay closed his report with appreciation to his fellow committee members for their work earlier that day.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 19 applicants 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 applicants. She then reported the committee interviewed an additional 17 applicants earlier that day, and their names were listed on the posted committee agenda, a copy of which was in the meeting binder. Ms. Hall noted that one applicant, Mr. Richard Raskin, withdrew his application following his interview. She then moved the Board approve the remaining 16 applicants for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative.

Ms. Hall closed her report with appreciation to her fellow committee members for their work earlier that day.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on June 6-7, 2012 and reviewed the docket for that conference. He then presented the following proposed voluntary consent agreements for Board action.

Open Door Pharmacy (PHY.006366 & CDS.040105) Mr. Bond moved to approve the proposed 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.

Tena Louise Parker (PST.018076) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one year and stayed the execution thereof, and then placed the license on probation for one year, effective July 1, 2012, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$2,500 plus administrative costs.

Community Pharmacy #1 (PHY.002908 & CDS.039086) Mr. Bond moved to approve the proposed 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.

Mona Patrice Carter (PST.014953) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$500 plus administrative costs.

Kerry Michael Finney (PST.013535) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board ratified the summary suspension order issued April 6, 2012, continued the license on active suspension for an indefinite period of time, and conditioned the acceptance of any future application for the reinstatement of the license upon the completion of certain terms identified in the consent agreement.

Ashley Elizabeth Reynolds (PNT.046202) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the intern registration for three months and stayed the execution thereof, and then placed the registration on probation for three months, effective July 1, 2012, subject to certain terms enumerated in the consent agreement; and further, cancelled the acceptance of all hours of practical experience earned prior to

June 6, 2012, and further, imposed a requirement of 1,000 hours of practical experience separate and apart from the professional experience program requirement as a condition of future pharmacist licensure in Louisiana.

Walgreen Pharmacy No. 05358 (PHY.005752) Mr. Bond moves to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 plus administrative costs.

Chandra Jordan Green (PST.015286) Mr. Bond moved to approve the proposed 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.

Elkisha Rayford (PTC.016514 & CPT.010673) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed administrative costs.

Walgreen Pharmacy No. 05358 (PHY.005752) Mr. Bond moved to approve the proposed 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.

Chandra Jordan Green (PST.015286) Mr. Bond moved to approve the proposed 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 \$1,500 plus administrative costs; and further, suspended her Pharmacist-in-Charge (PIC) privilege for six months and stayed the execution thereof, and then placed her PIC privilege on probation for six months, effective July 1, 2012, subject to certain terms enumerated in the consent agreement.

Megan Alyssa Boudouin (PTC.016560 & CPT.010815) Mr. Bond moved to approve the proposed 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 \$250 plus administrative costs.

Bocage Pharmacy Centre (PHY.006047 & CDS.039257) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the pharmacy permit and controlled dangerous substance license for two years and stayed the execution of the suspensions, and then placed the pharmacy permit and controlled dangerous substance license on probation for two years, effective July 1, 2012, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$12,500 plus administrative and investigative costs.

Marla DeLouise Gibbens (PST.013867) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for two years and stayed the execution thereof, and then placed the license in probation for two years, effective July 1, 2012, subject to certain terms enumerated in the consent agreement; and further, assessed a fine of \$7,500 plus administrative costs.

Michael Joseph Hardiman (CPT.009707) Mr. Bond moved to approve the proposed 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 credential issued by the Board.

Mr. Bond continued his report with information about the committee's next informal conference scheduled for December 5-6, 2012, and then closed his report with appreciation to his fellow committee members for their ongoing efforts.

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider three referrals from staff. Following their interviews and deliberations, one of the applicants seeking modification or removal of his probationary terms withdrew his request, and one of the applicants was heard for informal guidance only. Mr. Rabb then presented the following file for Board action.

Wade Randall Veillon (PST.011709) Mr. Rabb 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, resulting in active suspension of the license for an indefinite period of time, effective May 5, 2012.

Mr. Rabb reported the committee had received two requests from addiction medicine specialists seeking approval by the Board. The committee reviewed their credentials and voted to recommend their approval by the Board. Mr. Rabb then moved,

Resolved, that the Board approve the addition of Georgette Somjen, MD, MS as well as Roy D. Ary, Jr., MD to the Board's Roster of Approved Addictionists.

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

Mr. Rabb closed his report with appreciation to his fellow committee members for their work 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 eight referrals from the staff. Following the committee's interviews and deliberations, one of the applicants withdrew his request. Mr. Adams then presented the following files for Board action.

Billy Earl Amos (PST.011488) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired license, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Nicola Michelle Albritton (CPT.004095) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Ginger Marisa Greenwood (CPT.005267) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Christie Elizabeth Madere (CPT.002763) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Raven Cason Dillard (CPT.006107) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Carolyn Marie Hunt (CPT.004767) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Yvonne Denise Navarro (PST.016152) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for the reinstatement of the expired license, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Mr. Adams closed his report with his appreciation to his fellow committee members for their work earlier that day.

G. Tripartite 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 2:45 p.m. and then reconvened in open session at 3:20 p.m.

H. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. Dr. Anderson reported the committee met on July 24. She briefly reviewed the status of all the items on the committee's agenda. She reported the committee had voted to present one regulatory proposal to the Board at this meeting, relative to Durable Medical Equipment (DME) permits. She noted a copy of the regulatory proposal had been posted in the public library section of the Board's website, the boardroom library, as well as in the meeting binders for that day.

- *Regulatory Proposal 2012-11 ~ Durable Medical Equipment (DME) Permit (Draft #3)*

Dr. Anderson reminded the members of the Emergency Rule adopted by the Board during their May 2012 meeting and reviewed the timeline for the formal rulemaking process to give permanence to that regulatory language.

Following a brief discussion, Dr. Anderson moved,

Resolved, to approve *Regulatory Proposal 2012-11 ~ Durable Medical Equipment (DME) Permit (Draft #3)*, and further, to authorize the Executive Director to submit the proposed rule for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process, and further, to authorize the Executive Director to re-publish the Emergency Rule as may become necessary during the promulgation process.

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

Finally, Dr. Anderson closed her report with appreciation to her fellow committee members for their continuing efforts.

I. Executive Committee

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

11. *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 216 waivers to date. He then directed the members to a list of eight pharmacies requesting a waiver. Mr. Pitre moved,

Resolved, to authorize the issuance of PMP reporting waivers to:

- > Fresenius Medical Care Pharmacy Services (PHY.004429);
- > United States Pharmaceutical Group (PHY.005127);
- > Wedgewood Village Pharmacy (PHY.006055);
- > Cypress Pointe Hospital East (PHY.006451);
- > Surgical Center Pharmacy of Baton Rouge (PHY.006473);
- > IBA Molecular North America (PHY.006506);
- > Sterile Compounding of America (PHY.006521); and
- > St. Bernard Parish Hospital Pharmacy (PHY.006578)

once they have executed the standard consent agreement for that purpose.

The motion was adopted after a majority vote in the affirmative; Mr. Adams, Mr. Resweber, Dr. Simonson, and Mr. Soileau objected.

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 presented the following files for Board action.

Rosalyn LeCompte Matherne (CPT.006246) Mr. Soileau moved to approve the proposed 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.

GE Pharmacy Services (PHY.006507) Mr. Pitre moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed administrative costs.

Alexander Petrovich (PST.019194) Dr. Simonson moved to approve the proposed 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.

Emma Osiris Dolmo (PST.017273) Mr. Pitre moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The board issued a Letter of Reprimand and directed the publication thereof, and further, assessed a fine of \$250 plus administrative costs.

Shawana Quinette LaCour (CPT.009463) Ms. Melancon moved to approve the proposed 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 application for any credential issued by the Board.

Michael Wayne Lindsey (PST.015624) Dr. Simonson 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, resulting in active suspension of the license for an indefinite period of time, effective June 19, 2012.

Sally Terese Moore (CPT.010149) Ms. Melancon 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, resulting in active suspension of the certificate for an indefinite period of time, effective July 3, 2012.

Mercaedes Kaira Kyser (PTC.018247) Mr. Moore 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, resulting in active suspension of the registration for an indefinite period of time, effective July 23, 2012.

Chris Cole's Pharmacy (CDS.038692) Ms. Melancon 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, resulting in active suspension of the controlled dangerous substance license for an indefinite period of time, effective August 3, 2012.

Gwendolyn Muse Charles (PST.011860) 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, resulting in active suspension of the license for an indefinite period of time, effective August 6, 2012.

Jerry Temple Thornton (PST.009545) Mr. Soileau 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, resulting in active suspension of the license for an indefinite

period of time, effective August 10, 2012.

William Lee Gibson, Jr. (CDS.038176-MD) Mr. McKay 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, resulting in active suspension of the controlled dangerous substance license for an indefinite period of time, effective May 23, 2012.

Sudhir Eugene Finch (CDS.036087-MD) Mr. Pitre 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, resulting in active suspension of the controlled dangerous substance license for an indefinite period of time, effective March 29, 2012.

David Scott Burkett (CDS.031589-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, resulting in active suspension of the controlled dangerous substance for an indefinite period of time, effective May 23, 2012.

Clay Marc Duos (CDS.009883-DDS) Mr. Pitre 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, resulting in active suspension of the controlled dangerous substance license for an indefinite period of time, effective July 6, 2012.

Lynn Edward Foret (CDS.007612-MD) Ms. Melancon 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, resulting in active suspension of the controlled dangerous substance license for an indefinite period of time, effective June 28, 2012.

Glenn David Steeb (CDS.023894-MD) Ms. Melancon 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, resulting in active suspension of the controlled dangerous substance license for an indefinite period of time, effective June 25, 2012.

Adam Dale Hounshell (CPT.004162) Mr. McKay moved to modify the consent agreement previously approved by the Board on November 21, 2002. The motion was adopted after a unanimous vote in the affirmative. The Board modified the consent agreement previously approved by the Board on November 21, 2002 by deleting the citation for La. R.S. 37:1241(A)(4).

Mr. Finalet indicated completion of his report.

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
 - Compliance Division Statistical Report for FY 2011-2012
 - Annual Report for Fiscal Year 2011-2012

Mr. Pitre moved,

Resolved, that the Board approve the Annual Report for Fiscal Year 2011-2012, and further, directed a copy to the Office of the Governor.

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

- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division

Mr. Resweber moved,

Resolved, that the Board approve the Louisiana Compliance Questionnaire for Fiscal Year 2011-2012, and further, authorize the President and Secretary to execute the document on our behalf.

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

- State Activities
 - 2012 Louisiana Legislature
 - Mr. Broussard directed the members to the legislative brief, and in particular, the description of Act 276, which provides for the licensure of individuals with military training and their spouses. He briefly described the legislation and its impact on Board operations, and he suggested the referral of the new law to the Regulation Revision Committee. Following a brief discussion, Mr. Aron referred the matter to the Board's Regulation Revision Committee for development of a regulatory proposal.
- National Activities
 - National Association of Boards of Pharmacy (NABP)
 - MALTAGON
 - NABP-AACP Districts 6-7-8 Annual Meeting
- International Activities
 - International Pharmaceutical Federation

Finally, Mr. Broussard indicated completion of his report.

12. Request for Opinion: Storage of Regulated Material in Regulated Environment External to a Prescription Department (Our Lady of the Lake Regional Medical Center Pharmacy)

Mr. Aron requested Mr. Broussard to review the background information for the request. Mr. Broussard directed the members to his memorandum in their meeting binders, and differentiated this request from a similar request at their last meeting. The previous request concerned regulated materials and records in an unregulated environment and this request concerned regulated materials in a regulated environment. He also introduced Dr. Michael Mohundro, Director of Pharmacy at Our Lady of the Lake Regional Medical Center, and Dr. John Kleiss, Executive Director of ROi and a consultant to the pharmacy. The petitioners described their plan to establish a drug storage area close to but separate from the permitted prescription department. The storage area would be permitted by the Food & Drug Unit of the Office of Public Health in the Dept. of Health & Hospitals as a drug warehouse. That credential will subject to drug storage area to oversight by that agency primarily for enforcement of the state's sanitation code. The petitioners indicated their proposal specifically excludes controlled substances and further restricts access to pharmacy personnel under the supervision of the pharmacist-in-charge. They also indicated that no packaging activities would occur in the storage area. The petitioners responded to several questions from the members.

Following their discussion, Mr. Soileau moved

Resolved, that the Board allow a permitted pharmacy to store prescription drug products under its control in a drug storage area separate and apart from the permitted prescription department, but only under the following provisions:

1. The drug storage area shall be subject to the authority of a currently active Drug Warehouse permit issued by the Food & Drug Unit of the Office of Public Health in the Dept. of Health & Hospitals.
2. The pharmacist-in-charge of the permitted prescription department shall advise the Board of the existence of the drug storage area and shall allow the Board's agent to inspect that area.
3. The pharmacist-in-charge of the permitted prescription department shall be responsible establish appropriate security measures for the drug storage area and limit access to personnel holding a credential from the Board of Pharmacy.
4. A pharmacy shall not store controlled substances or drugs of concern in the drug storage area.
5. A pharmacy shall not engage in packaging activities within a drug storage area.

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

13. Request for Opinion: Cognitive Services from Consultant Pharmacists Affiliated with Permitted Pharmacies (Optum Rx fka Prescription Solutions)

Mr. Aron requested Mr. Broussard to advise the members of the circumstances of the request. After doing so, Mr. Broussard directed the members to the petitioner's letter in

the meeting binders, along with other supporting documents. In addition, he introduced Mr. Frank Whitchurch, the pharmacist-in-charge of Optum Rx, a non-resident pharmacy licensed by the Board. The petitioner took note of the Board's recently promulgated rule in Section 525 relative to cognitive services. The rule requires any pharmacist providing cognitive services to a Louisiana resident to possess an active Louisiana pharmacist license prior to performing such services. The Board had previously determined that the rule was applicable to those pharmacists not located within the prescription department of a pharmacy licensed by the Board, but the rule did not require every pharmacist located within a non-resident pharmacy to obtain a Louisiana pharmacist license. The petitioner inquired about pharmacists working for a non-resident Louisiana-licensed pharmacy but not physically located within the prescription department; as an example, some states permit pharmacists employed by a pharmacy to perform cognitive services from homes, offices or other locations outside a prescription department. Following substantive discussion, Dr. Anderson moved

Resolved, that the Board interpret LAC 46:LIII.525.B such that any pharmacist located outside the physical space of a permitted prescription department who performs cognitive services for a Louisiana resident shall possess an active Louisiana pharmacist license prior to performing such services.

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

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 5:30 p.m. and then reconvened in open session at 5:45 p.m.

14. Request for Exception: Rule for Pharmacist Verification of Prepackaged Medications in Automated Dispensing System (Slidell Memorial Hospital Pharmacy)
Mr. Aron requested Mr. Broussard to advise the members of the circumstances of the request. Mr. Broussard directed the members to a copy of the request found in their meeting binder, as well as additional information about the robotic technology at issue. In addition, he introduced Dr. Curtis Hebert, Director of Pharmacy at Slidell Memorial Hospital Pharmacy. Dr. Hebert described the current use of the system where the pharmacist performs a final check of 100% of every medication dispensed by the robot. Based on the absence of any error by the robot, Dr. Hebert requested an exception to the rule requiring 100% verification and an allowance to verify 10% or some other percentage approved by the Board. Following extensive discussion, Dr. Anderson indicated while she was supportive of the concept, the Board would be better served by amending the rule to incorporate use of technology rather than entertaining multiple requests for exceptions by different pharmacies. She then moved to refer the topic to the Board's Regulation Revision Committee, direct the committee to evaluate the rule for potential amendment to incorporate the use of technology in pharmacist verification, and then submit a regulatory proposal to the Board for its consideration. That motion was adopted after a unanimous vote in the affirmative. Mr. Aron referred the topic to the Regulation Revision Committee. He expressed his appreciation to Dr. Hebert for bringing the topic to the Board's attention.

15. Request for Exception: Credentialing of Foreign Pharmacy Students and Graduates Not Seeking Licensure in the USA (Ochsner Foundation Hospital)

Mr. Aron called upon Mr. Broussard for background information on the request. He directed the members to his memorandum in their meeting binder. He also introduced Dr. Marianne Billeter, Director of Pharmacy at Ochsner Foundation Hospital, who provided additional information to the members. Following extensive discussion, Mr. Aron referred the topic to the Board's Regulation Revision Committee for the development of policies and procedures or a regulatory proposal to facilitate the credentialing of foreign pharmacy students and graduates not seeking licensure in the USA.

16. Review of Advertising Rule [LAC 46:LIII.1115.D] re Controlled Substances

Mr. Aron requested Mr. Broussard provide background information on the topic. He directed the members to his memorandum in their meeting binders. Following extensive discussion by the members concerning the different varieties of advertising campaigns and materials in use, Mr. Adams moved,

Resolved, that the Board interpret LAC 46:LIII.1115.D such that drug manufacturer sponsored patient assistance program materials shall not be construed as advertising and may cover prescriptions for controlled substances; however, materials originating with pharmacies and other organizations shall be construed as advertising and shall not apply to prescriptions for controlled substances.

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

17. Announcements

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

18. Adjourn

Mr. McKay moved to adjourn. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 7:30 p.m.

Respectfully submitted,

Brian A. Bond
Secretary