



Louisiana Board of Pharmacy

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



Minutes

Regular Meeting

Wednesday, November 16, 2011 at 1:00 p.m.

Louisiana Board of Pharmacy
3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700

Administrative Hearing

Thursday, November 17, 2011 at 8:30 a.m.

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 16, 2011 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 1:05 p.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Blake Pitre then led the group in the recitation of the Pledge of Allegiance.

At this point, Mr. Aron reminded the members of the recent death of a member, Ms. Sydnie M. Durand on October 11. He recalled her appointment in May 2008 as well as her service to the board and the state while a member of the legislature. He then announced the appointment of a new public member, Mr. Don Resweber.

3. Quorum Call

Mr. Aron called upon the Secretary, Dr. Lois Anderson, to call the roll.

Members Present:

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, Jr.
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

Members Absent:

Mr. Joseph L. Adams

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Prescription Monitoring Program Manager
Mr. Rayland M. Trisler, Pharmacist Compliance Officer

Guests:

Mr. James Bryce – Prevalence Health
Mr. Scott Dantonio – La. Society of Health-System Pharmacists
Ms. Amy Kerkemeyer – La. Society of Health-System Pharmacists
Mr. Mitch Ward – Target Pharmacies
Ms. Ginger Adams – Walgreen Pharmacies
Ms. Linda Spradley – Spradley & Spradley, Inc.
Mr. Chris Gaudet – La. Dept. of Public Safety & Corrections
Mr. Jonathan Travis – La. Dept. of Public Safety & Corrections
Mr. Derrell Calhoun – Capitol Partners for ESI
Ms. Judy McCleary – McCleary & Associates
Ms. Phyllis Perron – Perron & Associates
Ms. Jennifer McMahon – Metropolitan Hospital Association

Dr. Anderson certified 16 of the 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 August 17, 2011. 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. Dr. Anderson reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reported briefly on two items from the prior meeting – the delivery of the Board's Annual Report to the Governor's office and the posting of same on the Board's website, as well as an article in the most recent issue of the Board's newsletter reminding pharmacists how to register for access privileges to the state prescription monitoring program.

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. McKay 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 August 17, 2011 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. *Election of Officers*

Mr. Aron initiated the annual election of officers by soliciting nominations for each of the five positions. The following officers were elected and assumed their respective offices immediately:

President – Carl W. Aron
First Vice President – T. Morris Rabb
Second Vice President – Marty R. McKay
Third Vice President – Joseph L. Adams
Secretary – Brian A. Bond

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called on Mr. Pitre for the committee report. Mr. Pitre directed the members to the two documents in their meeting binders:

- *Current Financial Report for First Quarter of Fiscal Year 2011-2012*
- *Proposed Budget for Fiscal Year 2012-2013*

Mr. Pitre reviewed the current financial report and responded to questions from the members, following which he tendered the report for information only. He then directed the members to the proposed budget for the following fiscal year. He reported the committee had met the previous day to review the staff proposal in detail before voting to recommend the approval of the budget as presented. He then moved,

Resolved, that the Board approve and adopt the *Proposed Budget for Fiscal Year 2012-2013* as presented.

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

Finally, Mr. Pitre expressed his appreciation to the other members of the committee 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 on October 12 to consider eight referrals from the staff. Following their interviews and deliberations, the committee disposed of four of the applications. He then presented the following files for Board action.

Callie Leigh Chappell (Applicant for PTC Registration) Mr. McKay moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Betty Kierbow Davis (Applicant for PTC Registration) Mr. McKay moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, contingent upon the receipt and favorable review of previously requested legal documents, authorized the issuance of the pharmacy technician candidate registration, suspended the newly-issued registration and any subsequent credential for a period of two years and stayed the execution of the suspension, and then placed the newly-issued registration and any subsequent credential on probation for a period of two years, effective on the date of issue, subject to certain terms enumerated in the consent agreement.

Latonya Teshia Nelson (Applicant for PTC Registration) Mr. McKay moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, contingent upon the receipt and favorable review of previously requested legal documents, authorized the issuance of the pharmacy technician candidate registration, suspended the newly-issued registration for a period of one year and stayed the execution of the suspension, and then placed the newly-issued registration on probation for a period of one year, effective on the date of issue, subject to certain terms enumerated in the consent agreement.

Nicolas Matthew Bullard (PNT.046745) Mr. McKay moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of the pharmacy intern registration, suspended the registration for a period of two years and stayed the execution of the suspension, and then placed the registration on probation for a period of two years, effective October 12, 2011, subject to certain terms enumerated in the consent agreement.

Finally, Mr. McKay expressed his appreciation to the members participating in the October 12 meeting.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 22 candidates 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 licenses for those 22 candidates. She then reported the committee interviewed an additional 26 candidates earlier that day. She then moved,

Resolved, that the Board approve
Matthew William Bouchard
Stacey Ann Elliott
William Alton Humphrey
Kristi Evans Phelps
Marion George Rizer, *and*
Kenneth Noel Webster

for pharmacist licensure by reciprocity, contingent upon the receipt and favorable review of pending criminal background check reports.

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

Resolved, that the Board approve
Bobby Tyler Bartlett
Kenneth Gerard Boutte, Jr.
Royce Allen Burruss
Ryan Miller Emfinger
Myla Yolin English
Ernest Okey Ezue
Jeffery Steven Fletcher
Rachel Delcambre Hamm
Jenny Lee
Misty-Anne Rebecca Lee
LuGina Bianca Mendez-Harper
Kathleen Nancy Metz
Vu Huy Nguyen
Laura Lee Oliver
Sukhninder Linda Shah
Gary Dee Souders
Suzanne Marie Speckman
Stephanie Elizabeth Lee Spradley
Anna Scott Thomas, and
April Cherie Walker

for pharmacist licensure by reciprocity.

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

Finally, Ms. Hall expressed her appreciation to the other members of the committee for their work that morning.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on September 14-15, 2011 and reviewed the docket for that conference. Since there were three formal hearings scheduled the following day, he suggested the consideration of the pending consent agreements at that time.

Without objection from the members, Mr. Aron re-ordered the agenda to advance the Reports of the Violations Committee and the General Counsel from the agenda for the administrative hearing the following day to that point in time.

Thursday, November 17, 2011

G. Report of Violations Committee

Mr. Bond presented the following files for Board action.

David Collins Evans (PST.014181) Mr. Bond moved to approve the

voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board continued the previously imposed suspension for an indefinite period of time and conditioned any future application for reinstatement on certain terms identified in the consent agreement, and further, assessed administrative costs.

Evans Drug Mart (PHY.002937 & CDS.039088) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for a period of five years and stayed the execution thereof, and then placed the permit on probation for a period of five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 as well as administrative and investigative costs. Further, in the event of a transfer of ownership during the probationary period, the probation shall terminate and the permit shall be revoked.

Blake's Family Pharmacy (PHY.000077 & CDS.038544) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for a period of five years and stayed the execution thereof, and then placed the permit on probation for a period of five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$25,000 as well as administrative and investigative costs.

Robert Blake Vidrine (PST.010232) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the license on probation for a period of five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$10,000 as well as administrative costs.

Ackal's Community Pharmacy (PHY.005948) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 as well as administrative and investigative costs.

Christine Adele Ackal (PST.015539) Mr. Bond moved to approve the 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 as well as administrative costs.

Emily Claire Fontenot (CPT.009242) Mr. Bond moved to approve the 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 as well as administrative costs.

Rosser's Prescription Shoppe (PHY.000960 & CDS.038716) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for a period of five years and stayed the execution thereof, and then placed the permit on probation for a period of five years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 as well as administrative and investigative costs. Further, in the event of a transfer of ownership during the probationary period, the probation shall terminate and the permit shall be revoked.

Robert Erskine Rosser, III (PST.008061) 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 the active suspension of the license for an indefinite period of time, effective November 14, 2011.

Hardin's Compounding Pharmacy (PHY.004511 & CDS.038654 – Case No. 10-0368) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 as well as administrative and investigative costs.

Timothy Alan Hardin (PST.015623 – Case No. 10-0369) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand and ordered the publication thereof, and further, assessed administrative costs.

Hardin's Compounding Pharmacy (PHY.004511 & CDS.038654 – Case No. 11-0105) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 as well as administrative and investigative costs.

Timothy Alan Hardin (PST.015623 – Case No. 11-0106) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for a period of two years and stayed the execution thereof, and then placed the license on probation for a period of two years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$2,000 as well as administrative costs.

Esplanade Pharmacy (PHY.006007 & CDS.039195) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the permit.

Conrad Augustus Isidore Charles (PST.013926) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective October 1, 2011, and further, assessed a fine of \$25,000 as well as administrative and investigative costs. Further, the Board prohibited any future reinstatement application until October 1, 2016 and conditioned the acceptance of any such application on the payment of all assessments levied by the Board. Further, the Board imposed 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.

Jack's Discount Pharmacy (PHY.006302 & CDS.039138) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for a period of ten years and stayed the execution thereof, and then placed the permit on probation for a period of ten years, effective October 1, 2011, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$25,000 as well as administrative and investigative costs. Further, the Board continued the previously imposed suspension of the CDS license for an indefinite period of time.

Lawrence Jackson, Jr. (PST.014930) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective October 1, 2011, and further, assessed a fine of \$10,000 as well as administrative costs. Further, the Board prohibited any future reinstatement application until October 1, 2013 and conditioned the acceptance of any such application on the payment of all assessments levied by the Board.

Injured Workers Pharmacy (PHY.005238) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$3,000 as well as administrative and investigative costs.

Kay's Hideaway Pharmacy, Inc. (PHY.003929 & CDS.039213) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$3,000 as well as administrative and investigative costs.

Finally, Mr. Bond expressed his appreciation to the other members of the committee for their ongoing efforts.

H. Report of General Counsel

Mr. Finalet presented the following files for Board action.

Tiffany Renada Thibodeaux (CPT.009221) Mr. Pitre moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

Danielle Marie Parker (CPT.006948) Ms. Melancon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

Alesandra Gail Reale (CPT.008391) Mr. Moore moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited any future application for the reinstatement of the certificate.

John Bull Pharmacy (CDS.038843) 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 license for an indefinite period of time, effective September 13, 2011.

Barney Joseph Fusilier, Jr. (PST.013323) 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 license for an indefinite period of time, effective September 13, 2011.

Charles Jude Mitchell, Jr. (PST.016284) 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 license for an indefinite period of time, effective September 13, 2011

Mr. Finalet then reported on the appeal status of a case previously adjudicated by the Board, and then indicated the completion of his report.

At this point, Mr. Aron returned to the posted agenda.

Wednesday, November 16, 2011

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider twelve referrals from staff. He then presented the following files for Board action.

Gary Victor Mantese (PST.011065) 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 August 29, 2011.

Edwin Paul Domingue, Jr. (PST.010459) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was approved 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 November 2, 2011.

Benji Joseph Juneau (PST.016348) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to one of ten years and stayed the execution of the suspension, and then placed the license on probation for a period of ten years, effective November 16, 2011, subject to certain terms enumerated in the consent agreement.

David Collins Evans (PST.014181) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to one of five years and stayed the execution of the suspension, and then placed the license on probation for a period of five years, beginning November 16, 2011, subject to certain terms enumerated in the consent agreement.

Barry Jude Fleet (PST.011407) Mr. Rabb moved to reinstate the previously suspended license without restriction. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously suspended license without restriction.

Sharron Renee Barnes Michael Provost (PST.017155) Mr. Rabb moved to deny the application for reinstatement. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the license and continued the license on active suspension for an indefinite period of time.

Steve John Soteropulos (PST.011704) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to one of ten years and stayed the execution of the suspension, and then placed the license on probation for a period of ten years, effective November 16, 2011, subject to certain terms enumerated in the consent agreement.

Wayne Adam Swiniarski (PST.014392) Mr. Rabb moved to grant the request for probation termination. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to terminate the probationary period.

Scotty Paul Broussard (PST.015681) Mr. Rabb moved to continue the license on active suspension for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board continued the license on active suspension for an indefinite period of time.

Finally, Mr. Rabb expressed his appreciation to the other members of the committee for their deliberations the previous day.

F. Reinstatement Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee had met earlier that same day to consider five referrals from the staff. He then presented the following files for Board action.

Rebecca Clark Anderson (CPT.001994) Mr. Bond moved to grant the request for reinstatement of the expired certificate. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired certificate.

Compound Care Plus Pharmacy (PHY.005251) Mr. Bond moved to grant the request for reinstatement of the expired permit. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired permit.

Deleca Latrice Reynolds (PST.015904) Mr. Bond moved to approve the 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.

Benjamin Michael Gordy (CPT.002864) Mr. Bond moved to grant the request for reinstatement of the expired certificate. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired certificate.

Angela Broussard Francise Zartler (PST.014298) Mr. Bond moved to approve the 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.

Finally, Mr. Bond expressed his appreciation to the other members of the committee for their deliberations earlier that day.

G. Tripartite Committee

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee met on October 13 to consider its posted agenda. In addition to receiving reports from the colleges of pharmacy as well as the state pharmacists association and state society of health-system pharmacists, the committee also reviewed the two topics referred by the Board.

With respect to the issue of patient counseling by pharmacists, the committee reviewed the educational preparation received by pharmacy interns and were satisfied that pharmacists are adequately trained for the task. There was some support for the development of a continuing education program for pharmacists, including such aspects as improvement of practice management to identify additional time for patient communications as well as case studies demonstrating legal and ethical issues related to patient counseling activities or the failure to perform such tasks. The committee took note of the Board's authority to require certain topics for continuing education requirements for renewal of licensure but was not prepared to make such a recommendation. The committee also discussed the difficulties in certain busy practice settings and wrestled with how to achieve some type of balance in the enforcement of the current regulation. At the end, the committee members voted to table their discussion of the topic pending receipt of additional information.

With respect to the education and training of pharmacy technicians, the committee reviewed the history of the Board's regulation of pharmacy technicians, in particular the requirements related to education and training, as well as the current requirements relative to the technician training programs approved by the Board. The committee also reviewed the current process of credentialing technician candidates and technicians, noting opportunities for improvement. The committee then discussed the question of whether the Board should be intimately involved with the education of technicians. There was no disagreement the Board should regulate the training of technicians, but there was not uniform support of a Board role in the education of technicians. The committee discussed a number of alternatives to the current system of regulation but the members requested input from additional stakeholders prior to developing any recommendations for the Board. The committee members voted to continue their deliberation of the topic at their next meeting and directed staff to include additional stakeholders to the list of invited organizations.

Finally, Ms. Melancon expressed her appreciation to the other members of the committee participating in the October 13 meeting

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:20 p.m. and then reconvened in open session at 2:50 p.m.

H. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee met on September 30 to consider its posted agenda. The members agreed to return the following assigned topics back to the Board with recommendations:

- Recycling of prescription drugs in penal pharmacies;
- Review of laws and rules for removal of barriers to full utilization of electronic communications and procedures in all aspects of Board operations;
- Hospital pharmacy dispensing / distribution processes and record-keeping rules; and
- Remote order processing of prescriptions and medical orders.

Dr. Anderson noted that copies of the legislative and regulatory proposals to be considered 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 2011-7 ~ Penal Pharmacies (Draft #2)

Dr. Anderson reminded the members of Act 315 of the 2011 Legislature which amended the Pharmacy Practice Act to authorize the re-use of previously dispensed prescription medication by pharmacies in state-owned penal institutions. With assistance from the Dept. of Public Safety & Corrections, the committee developed this proposal that will create a new chapter of rules for penal pharmacies which are currently regulated under the institutional permit. The proposal authorizes the use of drug cabinets in those institutions with on-site pharmacies as well as emergency drug kits in those institutions without on-site pharmacies. The proposal includes existing language relative to medication transfers to penal pharmacies, and further, provides authority for penal pharmacies to re-use prescription medication it dispenses, consistent with good professional practice standards, similar to the authority currently used in hospital pharmacies. Dr. Anderson then moved,

Resolved, to approve Regulatory Proposal 2011-7 ~ Penal Pharmacies (Draft #2), 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.

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

- Legislative Proposal 2012-1 ~ Electronic Communications
- Regulatory Proposal 2012-1 ~ Electronic Communications

Dr. Anderson reminded the members of their recent substantial infrastructure investments, as evidenced by the new licensure information system, new website, and new mass communications technology. She indicated that some operational procedures for written notices and postal mailings are fixed by law or rule. At the committee's request, staff reviewed the pharmacy practice act and the administrative code to determine where adjustments could be made in the manner of compliance with the

requirement using electronic communications. She then moved,

Resolved, to approve Legislative Proposal 2012-1 ~ Electronic Communications, and further, to authorize the filing of same in the Regular Session of the 2012 Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

Prior to the vote, an amendment was offered to restore the content stricken in lines 54 through 58 and change the word 'shall' at the end of line 56 to 'may.' The motion for the amendment failed on a roll call vote with nine members objecting. The original motion was adopted after a majority vote in the affirmative; Mr. McKay objected. Dr. Anderson then moved,

Resolved, to approve Regulatory Proposal 2012-1 ~ Electronic Communications, 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.

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

- Regulatory Proposal 2012-2 ~ Hospital Pharmacy (Draft #1)

Dr. Anderson reported the committee took note hospital pharmacies seldom dispense medications; instead, they hold them for administration to patients upon orders of practitioners. Given that difference, as well as difficulty in complying with a rule directed toward dispensing pharmacies, the committee proposed to delete the register or daily log required in §1127 of the rules. The committee also proposed a modification of the prepackaging rule found in §2529 as a new section in Chapter 15 for hospital pharmacies. Finally, the committee proposed an amendment to the existing labeling requirement in §1513 to include compounded medications, to remove the requirement for pharmacy address and telephone number from labels for compounded sterile preparations. Dr. Anderson then moved,

Resolved, to approve Regulatory Proposal 2012-2 ~ Hospital Pharmacy (Draft #1), 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.

Prior to the vote on the proposal, Mr. Aron solicited and received public comments on the proposal. Ms. Jennifer McMahan, representing the Metropolitan Hospital Association, read a statement of support for the proposal.

Prior to the vote, the members agreed to amend the proposal by restoring the content stricken in lines 6 through 9 as well as the content stricken in line 42. In addition, the members agreed to clarify the language in line 26 to indicate the activity must be performed by credentialed personnel in a

pharmacy. All of the amendments were incorporated in Draft #2 of the proposal. The motion for the approval of Regulatory Proposal 2012-2 ~ Hospital Pharmacy (Draft #2) was adopted after a unanimous vote in the affirmative.

- Regulatory Proposal 2012-3 ~ Remote Order Processing (Draft #1)

Dr. Anderson reviewed the history of the Board's current rules for the remote processing of prescriptions and medical orders, as well as the disparity in the current rules between remote processing in hospital pharmacies and community pharmacies. In particular, remote processing in hospital pharmacies may only occur when one of the pharmacies is not operating, while no such requirement exists for community pharmacies. The committee proposed to eliminate that disparity. She then moved,

Resolved, to approve Regulatory Proposal 2012-3 ~ Remote Order Processing (Draft #1), 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.

Prior to the vote, the members agreed to amend the proposal by restoring the content stricken in lines 9 through 14, and then to further amend that content by deleting the language up to and including the comma in line 9, the six words preceding the period in line 11, the three words following the word 'supplement' in line 12, as well as the six words following the word 'services' in line 13. In addition, the members agreed to delete §1525 in its entirety, noting that §1143 will serve as the basis for remote processing for all pharmacies. All of the amendments were incorporated in Draft #2 of the proposal. The motion for approval of Regulatory Proposal 2012-3 ~ Remote Order Processing (Draft #2) was adopted after a unanimous vote in the affirmative.

Finally, Dr. Anderson expressed her appreciation to the other members of the committee for their ongoing efforts.

I. *Executive Committee*

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

10. *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 the 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 200 waivers to date. He then presented a list of eleven additional pharmacies requesting such a waiver. Mr. Rabb moved,

Resolved, to authorize the issuance of PMP reporting waivers to each of the eleven pharmacies which had executed the standard consent agreement for that purpose.

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

Mr. Broussard directed the members to a rough copy of a brochure in their meeting binders. The brochure, intended for consumers, describes the prescription monitoring program and the focus on 'doctor shoppers.' Following a short discussion, the members encouraged further development of educational materials directed to consumers about the program.

Dr. Simonson then reported on a recent presentation by Mr. Fontenot to the medical leadership at Ochsner Hospital in New Orleans, describing the favorable reception as well as the desire to increase the level of participation at all system facilities. She indicated the presentation was videotaped to facilitate further distribution to other institutions in their corporate system. The members encouraged Mr. Fontenot to continue his presentations to practitioners as those opportunities arise.

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 indicated he had no additional information beyond that presented earlier.

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
 - Legislative Auditors Report
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division

Mr. Broussard requested guidance from the members as to their intent relative to the issuance of controlled

dangerous substance licenses to nonresident distributors and reviewed the pertinent sections of the current rule relative to the nonresident manufacturers and distributors. Following a short discussion, Mr. Aron referred the topic to the Board's Regulation Revision Committee.

Compliance Division

Administrative Division

Mr. Broussard informed the members of the purchase of an annual subscription to a web-based survey tool, as well as the use of that tool in a survey of immunizing pharmacists for the Dept. of Health and Hospitals, in support of their current efforts in responding to a legislative resolution requesting additional information about current immunization practices by pharmacists.

- State Activities
 - Louisiana Legislature
- National Activities
 - National Association of Boards of Pharmacy (NABP)
- International Activities
 - International Pharmaceutical Federation

Finally, Mr. Broussard indicated completion of his report.

12. Request for Opinion: Reporting of Immunizations

Mr. Aron requested Mr. Broussard to advise the members of the circumstances of the request. After doing so, Mr. Broussard directed the members to copies of the pertinent statute and rule in their meeting binders. Following substantial discussion, Mr. Dartez moved,

Resolved, that the Board interpret La. R.S. 37:1218 and LAC 46:LIII.521.F to require all immunizing pharmacists to report all vaccine administrations to the patient's physician, without respect to the existence of a prescription or medical order for such immunizations.

The motion was adopted after a majority vote in the affirmative; Dr. Anderson, Mr. Indovina, Ms. Melancon, Mr. Moore, Mr. Pitre, and Mr. Rabb objected.

13. Announcements

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

14. Recess

Mr. Soileau moved to recess. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 6:00 p.m.

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An Administrative Hearing was convened on Thursday, November 17, 2011 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

A. Call to Order

Mr. Aron called the meeting to order at 8:45 a.m.

B. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Ms. Reed then led the group in the recitation of the Pledge of Allegiance.

C. Quorum Call

Mr. Aron called upon Secretary Bond, and he called the roll. After doing so, he certified that 16 of the 17 members were present, constituting a quorum for the conduct of official business.

D. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. At his request, the members granted him the authority to re-order the agenda with respect to the sequence of cases, witnesses and other items of business.

E. Opportunity for Public Comment

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and prior to the vote on each agenda item. He solicited comments from the guests in attendance, but none were offered.

Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Ms. Celia Cangelosi served as the Prosecuting Attorney, and Mr. Carlos M. Finalet, III served as General Counsel for the Board. Mr. Mark Lacour was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron directed the insertion of the posted agenda into these minutes and waived the reading thereof. The posted agenda is re-created here.

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, November 17, 2011 in the Board office, for the purpose to wit:

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 11-14-2011

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call

- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
 - 01. CPT.003620 – Tammie Rochelle Wright Case No. 11-0008
 - 02. PTC.016247 – Rayneke Elizabeth Watts Case No. 11-0199
 - 03. PTC.017422 – Kiante Monat Harrell Case No. 11-0144
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 04. PST.014181 – David Collins Evans Case No. 10-0508
 - + 05. PHY.002937 & CDS.039088-PHY – Evans Drug Mart Case No. 10-0509
 - 06. PHY.000077 & CDS.038544-PHY – Blake’s Family Pharmacy Case No. 10-0177
 - + 07. PST.010232 – Robert Blake Vidrine Case No. 10-0179
 - 08. PHY.005948 – Ackal’s Community Pharmacy Case No. 11-0183
 - + 09. PST.015539 – Christine Adele Ackal Case No. 11-0184
 - + 10. CPT.009242 – Emily Claire Fontenot Case No. 11-0185
 - 11. PHY.000960 & CDS.038716-PHY– Rosser’s Prescription Shoppe Case No. 10-0337
 - + 12. PST.008061 – Robert Erskine Rosser, III Case No. 10-0338
 - 13. PHY.004511 & CDS.038654-PHY– Hardin’s Compounding Pharmacy Case No. 10-0368
 - + 14. PST.015623 – Timothy Alan Hardin Case No. 10-0369
 - 15. PHY.004511 & CDS.038654-PHY – Hardin’s Compounding Pharmacy Case No. 11-0105
 - + 16. PST.015623 – Timothy Alan Hardin Case No. 11-0106
 - 17. PHY.006007 & CDS.039195-PHY – Esplanade Pharmacy Case No. 10-0309
 - + 18. PST.013926 – Conrad Augustus Isidore Charles Case No. 10-0310
 - 19. PHY.006302 & CDS.039138-PHY – Jack’s Discount Pharmacy Case No. 11-0058
 - + 20. PST.014930 – Lawrence Jackson, Jr. Case No. 11-0059
 - 21. PHY.005238 – Injured Worker’s Pharmacy Case No. 11-0249
 - 22. PHY.003929 & CDS.039213 – Kay’s Hideaway Pharmacy, Inc
& Vital Care of Northeast LA Case No. 11-0250
- H. Report of General Counsel

Consideration of Voluntary Consent Agreements

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| 23. | CPT.009221 – Tiffany Renada Thibodeaux | Case No. 11-0273 |
| 24. | CPT.006948 – Danielle Marie Parker | Case No. 11-0281 |
| 25. | CPT.008391 – Alesandra Gail Reale | Case No. 11-0348 |

Consideration of Voluntary Surrenders

- | | | |
|-----|--|--------------------------------|
| 26. | CDS.038843-PHY – John Bull Pharmacy | Case No. 11-0296 |
| 27. | PST.013323 – Barney Joseph Fusilier, Jr. | Case No. 11-0293 |
| 28. | PST.016284 – Charles Jude Mitchell, Jr. | Case Nos.
11-0146 & 11-0210 |

I. Adjourn

F. Formal Hearings

Mr. Aron called upon Ms. Cangelosi and she presented the following cases to the members of the hearing panel for their consideration.

Tammie Rochelle Wright (CPT.003620) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent’s absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, two witnesses and seven exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent’s professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:10 a.m. and then returned to open session at 9:45 a.m.

Ms. Hall moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 1 to correct the date of issue of the credential, Item 2 to correct the spelling of the street name, Item 4 to correct a typographical error, Item 6 to amend the second sentence to read “The pharmacist-in-charge and the respondent were the only employees who had knowledge of the electronic ordering system.”, Item 10 to delete the final sentence, and Item 11 to reflect the absence of the respondent from these proceedings, to then adopt the amended findings as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, that the Board accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 3620, held by Tammie Rochelle Wright, shall be, and is hereby, revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms: (1) respondent shall not submit such application for at least ten years after the entry of this order; (2) respondent shall have paid all assessments levied herein; and (3) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

Rayneke Elizabeth Watts (PTC.016247) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, two witnesses and five exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:02 a.m. and returned to open session at 10:12 a.m.

Mr. Adams moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 9 to reflect the absence of the respondent from these

proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Mr. Adams then moved,

Resolved, that the Board accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Mr. Adams then moved,

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 16247, held by Rayneke Elizabeth Watts, shall be, and is hereby, revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this registration, or any application for any other credential issued by the Board, shall be conditioned upon satisfaction of the following terms: (1) respondent shall not submit such application until ten years after the entry of this order; (2) respondent shall have paid all assessments levied herein; (3) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction; and (4) respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

Kiante Monat Harrell (PTC.017422) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, one witness and six exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:32 a.m. and returned to open session at 11:05 a.m.

Ms. Reed moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witness and weighed the credibility, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Ms. Reed then moved,

Resolved, that the Board accept the Conclusions of Law as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Ms. Reed then moved,

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 17422, held by Kiante Monat Harrell, shall be, and is hereby, revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this registration, or any application for any other credential issued by the Board, shall be conditioned upon satisfaction of the following terms: (1) respondent shall not submit such application until ten years after the entry of this order; (2) respondent shall have paid all assessments levied herein; and (3) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

Ms. Cangelosi indicated the completion of all hearings scheduled for that day. Mr. Aron expressed his appreciation to Ms. Cangelosi for her services that day.

G. Report of Violations Committee

This report was provided during the Board meeting on the prior day.

H. Report of General Counsel

This report was provided during the Board meeting on the prior day.

I. Adjourn

Mr. Pitre moved to adjourn. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron adjourned the meeting at 11:10 a.m.

Respectfully submitted,

Brian A. Bond
Secretary