



Louisiana Board of Pharmacy

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



Minutes

Regular Meeting

Wednesday, December 12, 2012 at 1:00 p.m.
Thursday, December 13, 2012 at 8:05 a.m.

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

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, December 12, 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 1:05 p.m.

2. Invocation & Pledge

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

3. Quorum Call

Prior to the quorum call, Mr. Aron recognized the Board's newest member, Mr. Rhonny K. Valentine. Mr. Aron introduced him as the pharmacist owner of Valentine's Pharmacy in Mansfield, La. and one of the representatives of Board District 4. Mr. Aron indicated Governor Jindal appointed him to the Board on September 27, 2012 to replace Dr. Lois R. Anderson, who completed 12 years of service to the Board. Mr. Aron welcomed Mr. Valentine to the Board and encouraged his active participation. Mr. Valentine expressed his appreciation for the warm reception and looked forward to working with the other members of the Board. Mr. Aron then called upon the Secretary, Mr. Bond, to call the roll.

Members Present:

Mr. Joseph L. Adams
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. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Don L. Resweber
Dr. Deborah H. Simonson
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine

Members Absent:

Mr. Ronald E. Moore

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. Richard A. Palombo – Express Scripts, Inc.
Mr. Frank Whitchurch – Optum Rx
Ms. Jennifer Thomas – Kean Miller obo Rx Remote Solutions
Mr. Robert Brower – Rx Remote Solutions
Ms. Thanh Nguyen – Lifepoint Hospitals & River Parishes Hospital
Ms. Sarah Nickel – Louisiana Pharmacists Association
Ms. Linda Spradley – Spradley & Spradley

Mr. Bond certified that 16 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 22, 2012 which was 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 a Memorandum of Understanding with the National Association of Boards of Pharmacy (NABP) relative to the Prescription Monitoring Program InterConnect operated by NABP. He indicated he had executed the MOU and delivered it to NABP, and further, that the vendor was actively working on the technical requirements for the Louisiana program to participate in the national network.

He also reminded the members of their directive to make a special one-time payment of \$125,000 to Iberia Bank, for the express purpose of reducing the remaining principal balance of the loan securing the Board's office building. He reported the payment was made in early November, following which the bank provided a revised amortization schedule showing the reduced monthly payments as well as the reduced balloon payment at the end of the five year term of the loan.

Finally, he reminded the members of their approval of a regulatory proposal relative to DME permits. He reported the development of the required legal notices and

impact statements as well as publication of the Notice of Intent in the November 2012 edition of the Louisiana Register. He announced the public hearing would be held on December 27, 2012 to receive comments and testimony on the proposed rule.

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 22, 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, and one person responded.

Richard A. Palombo, speaking on behalf of Express Scripts requested the Board to reconsider their recent opinion on the provision of cognitive services by pharmacists located outside a prescription department. Mr. Palombo indicated his membership on the New Jersey Board of Pharmacy and reported that board's adoption of a 'work from home' rule that allowed pharmacists – working with secure information systems – to work for their pharmacy employers from home, in what has been described as a 'hub-and-spoke' model.

Mr. Aron responded by indicating a connection between the comment offered and Agenda Item 12 scheduled later for that day [Application for Permit for Non-Resident Cognitive Services Pharmacy]. He indicated he would give Mr. Palombo another opportunity to participate with additional comment during the consideration of that agenda item.

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 positions 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 upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the two documents in their meeting binders:

➤ *Interim Report for Fiscal Year 2012-2013*

➤ Proposed Budget for Fiscal Year 2013-2014

Mr. Pitre reviewed the current financial report which included data for the first quarter ending September 30, 2012. He responded to questions from the members and then 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 proposed budget as presented. He then moved,

Resolved, that the Board approve and adopt the Proposed Budget for Fiscal Year 2013-2014 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 Ms. Melancon for the committee report. She reported the committee met on October 30 to consider six referrals from the staff. After interviews and deliberation, the committee approved the issuance of credentials to two pharmacy technician candidates and two pharmacies. Another applicant for a pharmacy technician candidate registration was referred for a medical evaluation so his application required no action by the Board at that time. Finally, the application for a DME permit was already re-scheduled for the next committee meeting, and no action was needed by the Board on any matter that day.

Ms. Melancon closed her report with appreciation for the other committee members participating in the October meeting.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 33 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 noted their names were recorded on the posted committee meeting agenda for that day. She then reported the committee interviewed an additional 16 applicants earlier that day, and their names were also listed on the posted committee agenda, a copy of which was in the meeting binder. Ms. Hall noted that the committee had deferred action for one applicant pending the outcome of an issue with another state board of pharmacy. She then moved the Board approve the remaining 15 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 September 5-6 to

consider their posted agenda which included 9 pharmacists, one technician, one technician candidate, and 6 pharmacy permits. The committee also met on December 5-6 to consider that posted agenda which included 9 pharmacists, one technician, two technician candidates, and 7 pharmacy permits.

He then closed his report with appreciation to the other 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 13 referrals from staff. Following interviews and deliberations, the committee took no action on two cases, and deferred action for one applicant until their next meeting. Further, one applicant withdrew her application. Mr. Rabb then presented the following files for Board action.

David Collins Evans (PST.014181) 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 27, 2012.

Nancy Lynn Odom (PST.014796) 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 September 21, 2012.

Steve John Soteropulos (PST.011704) 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 November 5, 2012.

Nicholas Matthew Bullard (PNT.046745) 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 registration for an indefinite period of time, effective November 30, 2012.

Michael Wayne Lindsey (PST.015624) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of ten years and then stayed the execution of the suspension, and then placed the license on probation for ten years, effective December 12, 2012, subject to certain

terms enumerated in the consent agreement.

Jimmy Ray Donald, Jr. (PNT.046103) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board terminated the previously-imposed probationary period and restored the registration to unrestricted status.

Leslie Eileen Rodgers (PST.016948) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board amended respondent's February 2011 Probation Board Order by removing Article 2-h which stipulated certain meeting attendance requirements; however, all remaining terms were reinforced.

Edwin Paul Domingue, Jr. (PST.010459) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board amended respondent's May 2012 Probation Board Order by removing Article 2-e which prohibited the acceptance of an appointment as the pharmacist-in-charge of any pharmacy; however, all remaining terms were reinforced.

Michael Scott Gallotte (PST.020036) Mr. Rabb 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 pharmacist license by reciprocity on January 1, 2013, ordered the suspension of the newly-issued license for a period of time ending November 18, 2019 and stayed the execution of the suspension, and then ordered the probation of the newly-issued license for a period of time ending November 18, 2019, subject to certain terms enumerated in the voluntary consent agreement.

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 five referrals from the staff. Mr. Adams then presented the following files for Board action.

Bianca Anais Rome (CPT.007283) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

Lamar Dale Jones (PST.013211) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

Salisa Marie FitzSimons (CPT.002190) Mr. Adams moved to approve the proposed voluntary consent agreement. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

Nerissa Ida Montgomery (CPT.001288) Mr. Adams moved to approve respondent's request for reinstatement of the previously lapsed certificate. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate.

Blaine Edwin Perry (PST.011249) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board amended respondent's May 2009 Probation Board Order by removing Article 2-c which prohibited the acceptance of an appointment as the pharmacist-in-charge of a pharmacy; however, all remaining terms were reinforced.

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.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reviewed the progress of several regulatory proposals that were approved by the Board during its May 2012 meeting. All six of the proposals were advertised and the Board held a public hearing on August 27, 2012 to receive comments and testimony. Mr. McKay informed the members their task that day was to evaluate the comments and testimony to determine whether any changes to the original language were necessary or appropriate. He indicated five of the proposals elicited no or minimal comments and that one of the proposals generated substantial comments. Mr. McKay then moved,

Resolved, having duly considered the comments and testimony offered during the public hearing, we determine that no changes to *Regulatory Proposal 2011-4 ~ Prescription Monitoring Program* are

in order, and further, we authorize the Executive Director to respond to all the commentators as instructed during our discussion, and further, we authorize the Executive Director to submit the proposal for legislative oversight and then publication as a final rule.

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

Resolved, having duly considered the comments and testimony offered during the public hearing, we determine that no changes to Regulatory Proposal 2012-5 ~ Institutional Pharmacy are in order, and further, we authorize the Executive Director to respond to all the commentators as instructed during our discussion, and further, we authorize the Executive Director to submit the proposal for legislative oversight and then publication as a final rule.

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

Resolved, having duly considered the comments and testimony offered during the public hearing, we determine that no changes to Regulatory Proposal 2012-7 ~ Security of Prescription Department are in order, and further, we authorize the Executive Director to respond to all the commentators as instructed during our discussion, and further, we authorize the Executive Director to submit the proposal for legislative oversight and then publication as a final rule.

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

Resolved, having duly considered the comments and testimony offered during the public hearing, we determine that no changes to Regulatory Proposal 2012-8 ~ CDS License for Non-Resident Distributor are in order, and further, we authorize the Executive Director to respond to all the commentators as instructed during our discussion, and further, we authorize the Executive Director to submit the proposal for legislative oversight and then publication as a final rule.

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

Resolved, having duly considered the comments and testimony offered during the public hearing, we determine that no changes to Regulatory Proposal 2012-9 ~ Controlled Substances in Emergency Drug Kits are in order, and further, we authorize the Executive Director to respond to all the commentators as instructed during our discussion, and further, we authorize the Executive Director to submit the proposal for legislative oversight and then publication as a final rule.

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay informed Mr. Aron that the remaining proposal generated substantial comment; Mr. Aron indicated he would take up that matter after the recess

he intended to call shortly thereafter.

Mr. McKay then reported the committee met on October 30 and completed its work on a regulatory proposal relative to hospital off-site satellite pharmacies, and voted to recommend its adoption by the Board. On behalf of the committee, Mr. McKay then moved,

Resolved, to approve Regulatory Proposal 2013-B ~ Satellite Pharmacies (Draft #2), and further, to authorize the Executive Director to submit the proposed amendment 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.

I. Executive Committee

Mr. Aron noted the committee had met earlier that week to review the applications received for the Board's recent advertisement for the newly created staff position of Chief Operations Officer / Assistant Executive Director. He indicated three applications were received but only one candidate met all the stated qualifications. He reported the committee extended an offer to the applicant and the applicant had accepted the offer. He then introduced Mr. Joe Fontenot as the new Assistant Executive Director, and that his promotion would become effective on December 31, 2012. The members congratulated Mr. Fontenot on his promotion with a round of applause.

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 2:45 p.m. Mr. Aron then returned to the report from the Regulation Revision Committee to address the remaining regulatory proposal.

10. Committee Reports

H. Regulation Revision Committee

Mr. Aron asked Mr. McKay to present the remaining proposal for the Board's consideration. Mr. McKay then moved,

Resolved, having duly considered the comments and testimony offered during the public hearing, we determine that no changes to Regulatory Proposal 2012-6 ~ Interstate Remote Processing are in order, and further, we authorize the Executive Director to respond to all the commentators as instructed during our discussion, and further, we authorize the Executive Director to submit the proposal for legislative oversight and then publication as a final rule.

Mr. Aron invited comments from the members working in hospital pharmacy environments and then comments from the guests present. One of the commentators reminded the members of their work to change the definition of the term 'remote processor' and how long that effort had been underway. She encouraged the Board to do nothing to derail that effort so that litigation would not be required. At that point, Dr. Simonson requested permission to

enter into executive session for the purpose of discussing strategic options for the potential litigation. The motion was adopted after a majority vote in the affirmative; Mr. Adams, Mr. Bond, and Mr. McKay objected. With more than two-thirds of the members voting in the affirmative, Mr. Aron declared the Board would enter into executive session.

The Board entered into executive session to review their strategic options. About thirty minutes later, the Board returned to open session, and Mr. Aron reminded the members of the pending motion.

Mr. Rabb requested an opportunity to offer a clarifying amendment to the original proposal. Several members of the committee had suggested when they considered the 100-bed threshold, they were thinking of 100 patients requiring pharmacist care, not 100 licensed beds in the facility. Mr. Rabb then moved,

Resolved, to amend the original regulatory proposal by inserting the word 'occupied' after the number 100, so that §1143.A.2.a would read as follows: *"In the event the pharmacy soliciting remote processing services is located within a hospital with more than 100 occupied beds, there shall be at least one pharmacist on duty at that hospital at all time, and any remote processing services provided to that pharmacy shall be supplemental in nature."*

Mr. Rabb indicated one of the commentators had specifically requested that clarification in their testimony, questioning whether the Board meant licensed or occupied. The amendment seeks to clarify the Board's intent. Mr. Finalet stated in his opinion, that amendment would not be substantive in nature. There were no public comments offered in response to the proposed amendment. The motion for the amendment was adopted after a unanimous vote in the affirmative. Mr. Aron then reminded the members the motion for approval of the regulatory proposal as amended was under consideration. There was no further member discussion or public comment. The motion for the approval of the regulatory proposal as amended was adopted after a unanimous vote in the affirmative.

Finally, Mr. McKay closed his report with appreciation to the other members of the committee as well as the administrative officers for their ongoing efforts.

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 then reported on the implementation of the PMP InterConnect. There has been substantial progress in the technical aspects of the project, and he

was hopeful that the connection would be operational within three months.

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 225 waivers to date. He then directed the members to a list of seven pharmacies requesting a waiver. Mr. Soileau moved,

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

- > Brand Direct Health Pharmax (PHY.006218);
- > Cystic Fibrosis Services (PHY.004133);
- > Fresenius Medical Care Pharmacy (PHY.006135);
- > Liberty Medical Supply of Virginia (PHY.005727);
- > Pennington Biomedical Research Center (PHY.003338);
- > Riverside Medical Center Pharmacy (PHY.004233); and
- > Welvista (PHY.006620)

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

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

Mr. Soileau opened a discussion on outcome measures of the program, and more specifically, arrests and/or convictions of persons apprehended for alleged violations of the doctor shopping law. Mr. Fontenot indicated that law enforcement agencies were not especially responsive to our initial efforts to collect that information. Mr. Broussard reminded the members of the findings during the Board's research and development of the program in 2004-2006 that the law enforcement community had discovered substantial opportunities for improvement after surveying the local police departments, sheriffs offices, and district attorney's offices. In particular, there was a lack of consistency in data collection tools used by those entities. Mr. Broussard indicated that perhaps the data collection activities had improved since then. Mr. Aron indicated he would approach the PMP Advisory Council with a request to re-visit data collection efforts in the law enforcement community.

Finally, Mr. Fontenot indicated the completion of his report.

At this point, Mr. Aron re-ordered the agenda to accommodate certain guests. He then directed the members to Agenda Item 12.

12. Request for Opinion: Application for Permit for Non-resident Cognitive Services Pharmacy

Mr. Aron directed the members to the background memorandum in their electronic meeting binder. He informed the members of a pending application for a Louisiana pharmacy permit submitted by a pharmacy in another state. That pharmacy indicated the pharmacy possessed no drug inventory and rendered cognitive services only. Mr. Aron reminded the members the statutory definition of the term 'pharmacy' in the Louisiana Pharmacy Practice Act requires that drugs be dispensed and that care be rendered.

As promised earlier in the meeting, he permitted Mr. Palombo another

opportunity to present comments. Mr. Palombo requested the Board to consider the 'hub-and-spoke' model whereby pharmacists working for a pharmacy may work at home from time to time, and that they should not be required to obtain a Louisiana pharmacist license when they work at home, since they work for a pharmacy that has a Louisiana-licensed pharmacist-in-charge.

Mr. Aron indicated he would refer the topic to the Board's Regulation Revision Committee since a similar topic was already under consideration by the committee. As to the application pending before the Board, Mr. McKay moved,

Resolved, to direct staff to inform any applicant for a pharmacy permit that operates a pharmacy not meeting the Louisiana statutory definition of a pharmacy would be subject to denial by the Board.

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

At that point, Mr. Aron re-ordered the agenda to return to the staff reports.

11. *Staff Reports*

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet presented an update on two litigation matters. With respect to the suit filed by Mr. Taddese Tewelde, Mr. Finalet reported the Louisiana Supreme Court denied Mr. Tewelde's writs; therefore, the Board's decision was affirmed and final. With respect to the suit filed by Mr. Randal Johnson, Mr. Finalet reported the case was now pending before the First Circuit Court of Appeal.

At that point, Mr. Aron re-ordered the agenda to consider the proposed voluntary consent agreements originating from the Violations Committee as well as General Counsel, which were originally scheduled for the following day.

Thursday, December 13, 2012

G. Report of Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond presented the following files for Board action:

Northlake Pharmacy (PHY.006184) 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 permit.

Michael Roger Chamberlain (PST.014768) 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 to the respondent and directed the publication thereof, and further, assessed a fine of \$1,000 plus administrative costs.

Steven's Pharmacy (PHY.004535 & CDS.038660) 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 permit for five years and stayed the execution thereof, and then placed the

permit on probation for five years, effective October 1, 2012, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$10,000 plus administrative and investigative costs.

Steven Walter Gough (PST.013199) 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 five years and stayed the execution thereof, and then placed the license on probation for five years, effective October 1, 2012, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative costs.

Danna Marie Harris (CPT.010899) 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 to the respondent and directed the publication thereof, and further, assessed administrative costs.

Larry Craig Jackson (PTC.015570 & CPT.010647) 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 to the respondent, and further, assessed a fine of \$250 plus administrative costs.

Walgreen Pharmacy No. 11413 (PHY.005926) 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.

Emile Henry Clay, III (PST.017461) 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 to the respondent and directed the publication thereof, and further, assessed a fine of \$500 plus administrative costs.

Emma Osiris Dolmo (PST.017273) 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 to the respondent and directed the publication thereof, and further, assessed a fine of \$250 plus administrative costs.

Village Pharmacy (PHY.006278 & CDS.039387) 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 permit, and further, permanently prohibited the acceptance of any future application for the reinstatement of the permit, and further, assessed administrative and investigative costs.

Kirkland Daniel Jeane (PST.018892) 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 license, and further, permanently prohibited the acceptance of any future application for the reinstatement of the license, and further, permanently prohibited any ownership interest in any pharmacy licensed by the Board.

H. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet presented the following files for Board action.

Stacy Lyn Shields Corcoran (CPT.005104) Mr. McKay 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, permanently prohibited the acceptance of any future application for the reinstatement of the certificate.

Shaasta Monique Moore (CPT.009526) Mr. Resweber 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, permanently prohibited the acceptance of any future application for the reinstatement of the certificate.

Melisa Ann Cowan (CPT.004403) Mr. Rabb 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, permanently prohibited the acceptance of any future application for the reinstatement of the certificate.

Drugplace.com (PHY.004403) Mr. Adams 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 Warning to the respondent, and further, assessed a fine of \$5,000 plus administrative costs.

Robert Joseph Gaspard (PTC.017871) 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 registration, and further, permanently prohibited the acceptance of any future application for the reinstatement of the registration.

Franck's Compounding Pharmacy (PHY.005484) 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 the active suspension of the permit for an indefinite period of time, effective August 31, 2012.

Paul Ryan Lemaire (PST.018503) 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 the active suspension of the license for an indefinite period of time, effective October 15, 2012.

New England Compounding Center (PHY.005145) 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 the active suspension of the permit for an indefinite period of time, effective October 29, 2012.

Barry James Cadden (PST.017479) Mr. Resweber 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 December 3, 2012.

Daniel Joseph Mompont (CDS.018373-MD) Ms. Melancon moved to suspend the license for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective August 20, 2012.

Ciro Randolpho Cerrato (CDS.007862-MD) Ms. Melancon moved to suspend the license for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective October 2, 2012.

Neil Alan DeLude (CDS.033480-PA) Ms. Melancon moved to suspend the license for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective November 1, 2012.

Zizhuang Li (CDS.040121-MD) Mr. Soileau moved to suspend the license for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective November 1, 2012.

Richard Colon-Ortiz (CDS.020143-MD) Mr. Adams moved to suspend the license for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective November 1, 2012.

James Arthur Hargroder (CDS.006773-MD) Mr. Resweber moved to suspend the license for an indefinite period of time. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective November 1, 2012.

Ginger Marisa Greenwood (SWP.000222) 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 permit for an indefinite period of time, effective December 12, 2012.

Mr. Finalet indicated completion of his report. At this point, Mr. Aron declared a brief recess. The Board recessed at 5:20 p.m. and then reconvened in open session at 5:45 p.m.

Mr. Aron re-ordered the agenda to return to the posted sequence. In particular, he returned to the staff reports and the report of the executive director.

Wednesday, December 12, 2012

11. Staff Reports

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
 - Production Report – Compliance Division
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - 2013 Louisiana Legislature
- National Activities
 - National Association of Boards of Pharmacy (NABP)
 - MALTAGON
 - NABP-AACP Districts 6-7-8 Annual Meeting
 - United States Congress
 - U. S. Food & Drug Administration
- International Activities
 - International Pharmaceutical Federation

During their discussion of the FDA's examination of compounding pharmacies, Mr.

McKay noted the late hour as well as the need for substantive discussion still remaining. He moved to recess, and Mr. Aron recessed the meeting at 7:10 p.m.

Mr. Aron reconvened the Board at 8:05 a.m. on Thursday, December 13, 2012 in the same location. Following a quorum call, Secretary Bond certified that the same 16 members from the previous day were present, constituting a quorum for the conduct of official business.

Mr. Aron reminded the members they recessed the previous evening while discussing the executive director's report relative to the Board's rule on compounding medications for practitioner administration [LAC 46:LIII.2535 and 2537].

Following substantial discussion, Dr. Simonson moved

Resolved, to approve the Declaration of Emergency ~ Compounding for Prescriber's Use, and further, to approve Regulatory Proposal 2013-D ~ Compounding for Prescriber's Use, and further, to implement the proposal as an Emergency Rule, effective January 14, 2013, and further, to authorize the Executive Director to submit the proposal 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 majority vote in the affirmative; Mr. Adams, Mr. Bond, Mr. McKay, and Ms. Reed objected.

Mr. Broussard indicated the completion of his report.

13. *Announcements*

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

14. *Adjourn*

Having completed the tasks itemized on the posted agenda, and with no further business pending before the Board, Mr. Aron adjourned the meeting at 8:55 a.m.

Respectfully submitted,

Brian A. Bond
Secretary