



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
[www.pharmacy.la.gov](http://www.pharmacy.la.gov)



## Minutes

### **Regular Meeting**

Wednesday, August 14, 2013 at 10:00 a.m.

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

### **Administrative Hearing**

Thursday, August 15, 2013 at 8:30 a.m.

Louisiana Board of Pharmacy  
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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 14, 2013 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 10:15 a.m.

*2. Invocation & Pledge*

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

Mr. Aron took notice of a new member of the Board attending her first meeting. He recognized Ms. Diane Milano, a pharmacist from Metairie, La. who was appointed by Governor Jindal on June 28 to represent Pharmacy District 1; her six year term will expire on June 30, 2019. She replaced Mr. Joseph Adams, who completed 13 years of service to the Board.

*3. Quorum Call*

Mr. Aron then called upon the Secretary, Mr. Bond, to call the roll.

**Members Present:**

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  
Ms. Diane G. Milano  
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  
Mr. Rhonny K. Valentine

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. M. Joseph Fontenot, Assistant Executive Director

**Guests:**

Mr. David Ruckman – Target Pharmacies

Ms. Kathy Puglise – BioScrip Pharmacy  
Dr. Marc Stranz – BioScrip Pharmacy  
Ms. Janine Juneau – CarePoint Partners  
Mr. Brad Reed – Wal-Mart Stores  
Mr. Russell Champagne – Kolder, Champagne, Slaven & Co.  
Ms. Penny Scruggins – Kolder, Champagne, Slaven & Co.  
Ms. Crystal Carter – La. Pharmacists Association  
Mr. Carl Gulino – Wal-Mart Stores  
Ms. Kori Forster – Humana  
Mr. Bud Courson – Courson Nickel  
Mr. Jim Nickel – Courson Nickel  
Ms. Pat Riddick – Riddick & Associates  
Mr. Winston Riddick – Riddick & Associates  
Mr. Merrill Patin – Pharmaceutical Specialties  
Mr. Randal Johnson – La. Independent Pharmacies Association  
Ms. Patricea Angelle – Prescription Compounds  
Mr. Devin Richardson – Wal-Mart Stores  
Mr. Danny Donato – Omnicare Pharmacies

Mr. Bond certified all 17 members were present, constituting a quorum for the conduct of official business.

#### *4. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items, but none were offered. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports or guests. There were no objections to that request.

#### *5. Consideration of Minutes*

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on May 29, 2013, 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 provided an update on the four regulatory proposals approved at the May 29 meeting, as well as the regulatory project for pharmacy technician training programs that became a Final Rule on July 20, 2013.

#### *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. Soileau moved,

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since May 29, 2013

are approved, adopted, and ratified by the entire Board.

Prior to the vote on the motion and during the opportunity for public comment on the motion, Mr. Danny Donato requested the Board to consider an amendment to the pharmacy recordkeeping regulatory proposal approved during the prior Board meeting on May 29. At Mr. Aron's request, Mr. Broussard explained the procedural process for the regulatory proposal at issue and Mr. Donato agreed to re-submit his requested amendment during the public hearing that will be held on that proposal. Thereafter, 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 on non-agenda items from the guests present, and no comments were offered.

#### 9. *Committee Reports*

##### A. *Finance Committee*

Mr. Aron recognized Mr. Russell Champagne, CPA, from Kolder, Champagne, Slaven & Co. for his presentation of the final report from the previous fiscal year. Mr. Champagne directed the members to the copy of the report in their meeting binder. He reviewed the report and responded to questions from the members. Mr. Pitre noted the committee had met the previous day to review the report; he then moved,

**Resolved**, that the Board accept the *Final Report for Fiscal Year 2012-2013*, subject to legislative audit.

The motion was adopted after a unanimous vote in the affirmative. Mr. Pitre then directed the members to a proposal to amend the budget for the current fiscal year. He noted the committee had met the previous day to review the report; he then moved.

**Resolved**, that the Board approve the *Proposed Budget Amendment No. 1 for Fiscal Year 2013-2014*.

The motion was adopted after a unanimous vote in the affirmative. Mr. Aron expressed his appreciation to Mr. Champagne for his continued service as a financial advisor to the Board.

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

At this point, Mr. Aron re-ordered the agenda to consider the report from the Regulation Revision Committee.

##### H. *Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on July 25 to discuss all the topics on their posted agenda. He reported draft rules on multiple topics would be brought forward at a later date. He then asked Mr. Broussard to brief the members

on the regulatory proposals that were discussed at the May 30 public hearing. Mr. Broussard reported the results of the May 30 public hearing – no comments on the proposal relative to pharmacy technician training programs and the subsequent promulgation of that final rule in July, as well as substantial comments and testimony on the proposal relative to compounding for prescriber use. He directed the members to the compilation of those comments and testimony in their meeting binder.

Mr. McKay reminded the members of their obligation to consider those comments and testimony to determine whether any changes should be made to the proposed rule. He also took note of the recent state legislation on the topic and suggested that new legislative language should be added to the proposed rule. Mr. Aron agreed the addition of the new legislative language to the proposed rule would be a substantive change, and he remanded the proposed rule back to the Regulation Revision Committee for their consideration of that new legislation. However, he encouraged the other members of the Board to voice any concerns they may have so the committee members could take those comments into consideration during their deliberation and drafting process. In addition to comments from the members, Mr. Aron also solicited public comments. Two commentators expressed their desire to participate in the committee's further consideration of the proposed rule relative to compounding for prescriber use.

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

At this point, Mr. Aron declared a luncheon recess. It was noted the Board recessed at 11:20 a.m. and reconvened in open session at 12:20 p.m. Mr. Aron re-ordered the agenda to consider the formal request for opinion so the petitioners could have adequate time to complete their interstate travel arrangements.

*11. Request for Opinion – Addition of Medications by Non-Pharmacy Practitioners to Parenteral Preparations Previously Compounded by Pharmacies (BioScrip Pharmacy)*

Mr. Aron requested Mr. Broussard to provide the historical basis of the request. Mr. Aron then recognized the representatives from BioScrip Pharmacy. Mr. Marc Stranz, PharmD and Ms. Kathy Puglise, RN from BioScrip Pharmacy and Ms. Janine Juneau, RN from CarePoint Partners presented their request to the Board. The petitioners presented their request for some consideration that would allow home infusion nurses to add short stability medications to parenteral nutrition solutions previously compounded by pharmacies.

Dr. Simonson expressed concern for the further manipulation of a complex compounded sterile preparation and suggested such medications should be administered separately. Mr. Rabb expressed his support for the petitioner's request. Mr. Broussard suggested the members of the pharmacy board could not authorize any activity by a practitioner licensed by another agency. Given the impact of pharmacy compounding laws and rules on nursing practice, Mr. Broussard suggested the members consider taking the request under advisement to allow the professional staff from the nursing and pharmacy boards to collaborate and draft a guidance document

for consideration and approval by both boards.

With no objection from the members, Mr. Aron took the request under advisement, directed the staff to collaborate with the nursing board staff to draft a proposed guidance document, and then docket that proposed guidance document for the Board's consideration. Further, he invited the petitioners to provide any additional information relevant to their request.

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

## 9. *Committee Reports*

### B. *Application Review*

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee met on July 25 to consider four referrals from the staff. After interviews and deliberation, the committee provided guidance to one applicant, and further, one of the applicants has been referred to a formal administrative hearing before the Board at its November meeting. She then referred the following matters to the Board.

**Fred's Pharmacy No. 2679 ~ Applicant for PHY Permit** Ms. Melancon moved to authorize the issuance of a pharmacy permit, and then issue a Letter of Warning to the permit holder. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a pharmacy permit, and then directed the issuance of a Letter of Warning to the permit holder.

**Broderick Drell Matthews ~ Applicant for PTC Registration** Ms. Melancon moved to deny the application for the registration and refuse to issue the credential. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Ms. Melancon closed her report with appreciation for the other members of the committee and their ongoing efforts. Further, she expressed appreciation for the service opportunity as committee chair and offered her best wishes to Mr. Soileau as the new committee chair.

### C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 25 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 25 applicants earlier that day, and their names were also listed on the posted committee agenda, a copy of which was in the meeting binder. She then moved for the Board to approve all 25 applicants for pharmacist licensure by reciprocity. The motion was adopted after a



unanimous vote in the affirmative.

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

*D. Violations Committee*

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on June 19-20 to consider their posted agenda which included five pharmacists, one pharmacy technician, two pharmacy technician candidates and eight pharmacy permits. He reported the committee was scheduled to meet again on August 28-29, the docket for which listed eight pharmacists, two pharmacy technicians, four pharmacy technician candidates, and nine 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 12 referrals from staff. Mr. Rabb then presented the following files for Board action.

**Lanny Joseph Richard (PST.011807)** 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 of the credential, resulting in active suspension of the license for an indefinite period of time, effective June 18, 2013.

**William Francis McCarthy, Jr. (PST.013008)** 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 of the credential, resulting in active suspension of the license for an indefinite period of time, effective August 1, 2013.

**Matthew Marston Lane (PST.018065)** 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 of the credential, resulting in active suspension of the license for an indefinite period of time, effective August 7, 2013.

**Paul Ryan Lemaire (PST.018503)** Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the 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 five years and suspended the execution of the suspension, then placed the license on probation for five years, effective August 15, 2013, subject to certain terms enumerated in the consent agreement.

**Brian Gregory Bazajou (PST.016814)** Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the 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 five years and suspended the execution of the suspension, then placed the license on probation for five years, effective August 15, 2013, subject to certain terms enumerated in the consent agreement.

**Karen Odom Howington (PST.014835)** Mr. Rabb moved to grant the respondent's request for termination of all probationary terms. The motion was adopted after a unanimous vote in the affirmative. The Board terminated all probationary terms and restored the license to active and unrestricted status.

**David Collins Evans (PST.014181)** Mr. Rabb moved to deny the respondent's request for modification of previously imposed probationary terms. The motion was adopted after a unanimous vote in the affirmative. The Board denied the respondent's request for modification of previously imposed probationary terms.

**John Oliver Capezzuto (Applicant for Pharmacist License by Reciprocity)** Mr. Rabb moved to authorize the issuance of a pharmacist license, and then issue a Letter of Reprimand. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of pharmacist license, and then directed the issuance of a Letter of Reprimand to the respondent.

**John Adam Lochridge (Applicant for Pharmacist License by Reciprocity)** 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 upon completion of all requirements, ordered the suspension of the license for a period of time concluding on October 23, 2022 and suspended the execution of the suspension, then ordered the placement of the newly-issued license on probation for a period of time concluding on October 23, 2022, subject to certain terms enumerated in the consent agreement.

**Elizabeth Farrell Heard (Applicant for Pharmacist License by Reciprocity)** 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 upon completion of all requirements, ordered the suspension of the license for a period of time concluding on February 5, 2018 and suspended the execution of the suspension, then ordered the placement of the newly-issued license on probation for a period of time concluding on February 5, 2018, subject to certain terms enumerated in the 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 Ms. Melancon for the committee report. She reported the committee had met the previous day to consider six referrals from the staff. She then presented the following files for Board action.

**Brian Alan Burford (PST.017587)** Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the consent agreement.

**Robert Lee Harger, III (PST.017996)** Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the consent agreement.

**Motilall Soodeen (PST.010721)** Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board deferred any further consideration of the respondent's request for reinstatement of the previously revoked license, pending successful completion of the Multistate Pharmacy Jurisprudence Examination and the Pharmacist Assessment for Remediation Evaluation instruments.

**Nikita Antoinetta Bush (CPT.007472)** Ms. Melancon moved to grant the respondent's request for reinstatement of the lapsed certificate. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the lapsed certificate.

**Ingrid Aisha Hughes (CPT.006479)** Ms. Melancon moved to grant the respondent's request for reinstatement of the lapsed certificate. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the lapsed certificate.

**Gradney Donald Couvillon (PST.010009)** Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the applicant's request for reinstatement of the lapsed license, contingent upon the satisfaction of certain conditions identified in the consent agreement.

Ms. Melancon closed her report with appreciation to the other committee members for their work the previous day.

G. *Tripartite Committee*

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

I. *Executive Committee*

Mr. Aron informed the members the executive office had requested consideration of amendments to several existing policies, one new policy and one contract amendment. He reported the committee met the previous day to review the staff recommendations. He called upon Mr. Rabb to present the committee's recommendations. Mr. Rabb moved,

**Resolved**, to approve the proposed amendments to the following items in the Board's *Policy & Procedure Manual*:

- *Policy # II.B.7 – Dress Code*;
- *Policy # II.C.2 – Employment*;
- *Policy # II.C.3 – Employment Benefits*;
- *Policy # II.C.5 – Office Hours*;
- *Policy # II.C.6 – Attendance*;
- *Policy # II.C.7 – Performance Planning & Review*;
- *Policy # II.C.9 – Holidays*;
- *Policy # III.B – Document Depository Program*; and

**Be it further resolved**, to approve the proposed new policy entitled *Policy # II.C.10 – Layoffs & Layoff Avoidance Measures*.

Prior to the vote, Ms. Reed moved to further amend *Policy # II.B.7 – Dress Code*. The motion for the amendment was adopted after a unanimous vote in the affirmative. The amended motion was then adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

**Resolved**, to approve the proposed amendment to the existing contract with NexLearn entitled *Appendix D ~ Amendment to "CareerMap License Agreement."*

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

Mr. Aron requested Mr. Broussard review the newly adopted policy relative to layoffs and layoff avoidance measures. Mr. Broussard described the procedures available to state agencies to manage their operations in circumstances where there are insufficient revenues for anticipated expenditures. In particular, the agency must file written plans with the Dept. of State Civil Service. The new policy provides authority for several measures, including elimination of performance adjustments, reduction in work hours, furlough without pay, and incentives for early retirement. Mr. Broussard reminded the members the budget amendment adopted earlier that day included cancellation of all raises and travel reimbursements for staff. He also reported the committee's approval of a plan to reduce printing and postage costs by converting the Board's quarterly newsletter from a document printed and mailed to licensees to an electronic document posted on the Board's website with reminder alerts emailed to the licensees. Further, the office will research the elimination of printed credentials. He assured the members there would be an article in the next newsletter describing these plans as well as plenty of notice prior to implementation of such measures.

Finally, Mr. Aron completed his report with appreciation to his fellow officers for their ongoing efforts.

At this point, Mr. Aron declared a brief recess. The Board recessed at 1:40 p.m. and then reconvened in open session at 2:10 p.m.

## 11. Staff Reports

### J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. He directed the members to the quarterly statistical report in their meeting binder. He reported on the number of prescription transactions reported to the database, and the number of prescribers and dispensers who had acquired access privileges. He also reported on the number of queries made by those prescribers and dispensers, as well as law enforcement and regulatory agencies.

He reminded the members about the 2009 change in the PMP law that authorized the Board to issue waivers to the duty to report data to the program. He then directed the members to a list of three pharmacies requesting such a waiver. Mr. Soileau moved,

**Resolved**, to authorize the issuance of PMP reporting waivers to:  
> PHY.006723, held by Brand Direct Health Pharmacy,  
> PHY.006730, held by Ochsner Medical Center – Baptist Pharmacy, and  
> PHY.006417, held by Valley Vet Pharmacy,  
once they have executed the standard consent agreement for that purpose.

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

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 reviewed the status of one pending litigation as well as one potential litigation.

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

### L. Report of Executive Director

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard directed the members to his report which was posted in the Boardroom Library prior to the meeting; it was also included in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports

Census Reports – Credentials & Compliance Divisions

Production Reports – Credentials Division

Exceptions Report

Annual Report

Mr. McKay moved,

**Resolved**, to approve the Annual Report dated July

1, 2013, and further, to authorize the Executive Director to send a copy of the Report to the Office of the Governor, and further, to post a copy on the Board's website.

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

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

Mr. Pitre moved,

**Resolved**, to approve the Louisiana Compliance Questionnaire for 2013, and further, to authorize the President and Secretary to execute the document for the Board.

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

- State Activities
  - 2013 Legislature

> Dr. Simonson moved,

**Resolved**, to approve the June 2013 Roster of Colleges and Schools of Pharmacy for Fiscal Year 2013-2014.

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

> Mr. Broussard reviewed the legislation affecting the Board and suggested the propriety of several committee referrals:

**Act 110** re delegates for prescribers and dispensers to retrieve data from the PMP database – Mr. Aron referred the topic to the Regulation Revision Committee for the required rulemaking.

**Act 282** re non-resident pharmacies and authorized inspections thereof – Mr. Aron referred the topic to the Executive Committee for operational implementation.

**Act 168** re pharmacy generated drug for compounding pharmacies – Mr. Aron referred the topic to the Regulation Revision Committee for the required rulemaking.

**Act 27** re removal of veterinarians from participation in the prescription monitoring program – Mr. Aron referred the topic to the Regulation Revision

- Committee for the required rulemaking.  
Board of Nursing  
Board of Medical Examiners
- National Activities  
National Association of Boards of Pharmacy (NABP)  
MALTAGON  
NABP-AACP Districts 6-7-8 Annual Meeting
  - International Activities  
International Pharmaceutical Federation

At this point, Mr. Aron noted essential completion of the tasks for that day. Given the earlier-than-usual completion time, he requested the pleasure of the members on whether to consider the proposed voluntary consent agreements scheduled for consideration the following day along. He indicated the formal administrative hearing could not be considered at that time but the proposed consent agreements could. The members reached consensus to consider the proposed consent agreements at that time instead of the following day. Mr. Aron then re-ordered the agenda for the following day.

*Thursday, August 15, 2013*

*G. Report of Violations Committee*

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

**LaShanda Toural Miles (CPT.008886)** 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 certificate for two years and suspended the execution of the suspension, then placed the certificate on probation for two years, effective August 15, 2013, subject to certain terms enumerated in the consent agreement, and further, assessed investigative and administrative costs.

**Custom Pharmacy Solutions (PHY.006113)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the pharmacy permit for an indefinite period of time, effective June 25, 2013, and further, conditioned the reinstatement of the permit upon the satisfaction of certain requirements identified in the consent agreement, and further, assessed a fine of \$250 plus administrative costs.

**Wellcare Pharmacy & Home Infusion, LLC d/b/a Wellcare Pharmacy & Medical Supply (PHY.006168)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the pharmacy permit for an indefinite period of time, effective July 15, 2013, and further, conditioned the reinstatement of the permit upon the satisfaction of certain requirements identified in the consent agreement, and further, assessed a fine of \$250 plus administrative costs.

**Pharmacy Alternatives, LLC d/b/a Pharmacy Alternatives of Texas (PHY.006235)**

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 Warning to the permit holder, and further, assessed a fine of \$5,000 plus investigative and administrative costs.

**Lato Drug Co., Inc. d/b/a Post Haste Pharmacy (PHY.006650)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the pharmacy permit for an indefinite period of time, and further, assessed a fine of \$500 plus investigative and administrative costs.

**Jeffery Paul Bolotte (PST.011492)** 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 Warning, and further, assessed a fine of \$250 plus administrative costs.

Mr. Bond indicated the completion of the committee report.

*H. Report of General Counsel*

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

**KEBD Enterprises, Inc. d/b/a Belmar Pharmacy (PHY.006694)** Mr. Pitre moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the permit holder, and further, assessed a fine of \$5,000 plus administrative costs.

**Ilyssa Monique Johnson (CPT.008541)** Mr. McKay 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, and further, assessed administrative costs.

**Greer Laboratories, Inc. d/b/a Greer Pharmacy (PHY.006390)** Mr. Soileau 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 permit holder, and further, assessed a fine of \$5,000 plus administrative costs.

**Christian Allen Reuter, Jr. (PST.014543)** Dr. Simonson moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the license for an indefinite period of time, effective July 15, 2013.

**Cynthia Perkins Little (PTC.018464)** Dr. Simonson moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the registration for an indefinite period of time, effective July 24, 2013.



**Louis Charles Gambina (PST.011145)** 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 of the credential, resulting in active suspension of the license for an indefinite period of time, effective August 12, 2013.

**Albert John Bauer, III (CPT.010826)** 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 of the credential, resulting in active suspension of the certificate for an indefinite period of time, effective August 14, 2013.

**Andre Stephen Viator (CDS.035358-MD)** Mr. McKay moved to suspend the license, based on the voluntary surrender of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective April 30, 2013.

**Ronald Dane Sylvest (CDS.017125-MD)** Ms. Melancon moved to suspend the license, based on the voluntary surrender of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective March 21, 2013.

**David Louis Ruegsegger (CDS.021107-DDS)** Dr. Simonson moved to suspend the license, based on the suspension of his federal DEA registration. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective June 1, 2013.

**Jerry Dwayne Helms (CDS.006972-MD)** Ms. Melancon moved to suspend the license, based on the voluntary surrender of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective June 6, 2013.

**Brian Allen Heise (CDS.025779-MD)** Mr. McKay moved to suspend the license, based on the suspension of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective June 19, 2013.

**Howard Eugene Gidden (CDS.027772-MD)** Mr. Moore moved to suspend the license, based on the suspension of his federal DEA registration. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective July 12, 2013.

Mr. Finalet indicated completion of his report. At this point, Mr. Aron returned to the posted agenda.

Wednesday, August 14, 2013

*12. Announcements*

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

*13. Recess*

Mr. Soileau moved to recess. Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 3:15 p.m.

\* \* \* \* \*

An Administrative Hearing was convened on Thursday, August 15, 2013 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 8:30 a.m.

*B. Invocation & Pledge of Allegiance*

Mr. Aron called upon Mr. Bond for the invocation, then Mr. Pitre 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 14 of the 17 members were present, constituting a quorum for the conduct of official business. Mr. Rabb, Ms. Reed, and Dr. Simonson were absent.

*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 Mr. Aron 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, but none were offered.

*Appearances*

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney, Ms. Susan

Erkle was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. 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, August 15, 2013 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 08-12-2013**

- 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. PST.014998 - Nick Christopher Tran Case No. 10-0057
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
  - 02. CPT.008886 – LaShanda Toural Miles Case No. 12-0354
  - 03. PHY.006113 – Custom Pharmacy Solutions Case No. 13-0122
  - 04. PHY.006168 – Wellcare Pharmacy & Medical Supply Case No. 13-0125
  - 05. PHY.006235 – Pharmacy Alternatives of Texas Case No. 13-0059
  - 06. PHY.006650 – Post Haste Pharmacy Case Nos. 13-0129 & 13-013
  - 07. PST.011492 – Jeffery Paul Bolotte Case No. 13-0137
- H. Report of General Counsel
  - Consideration of Voluntary Consent Agreements*
  - 08. PHY.006694 – Belmar Pharmacy Case No. 13-0183
  - 09. CPT.008541 – Ilyssa Monique Johnson Case No. 13-0241
  - 10. PHY.006390 – Greer Pharmacy Case No. 13-0240
  - Consideration of Voluntary Surrenders*
  - 11. PST.014543 – Christian Allen Reuter, Jr. Case No. 13-0238
  - 12. PTC.018464 – Cynthia Perkins Little Case No. 13-0248

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|--|---------------------------------------|------------------|
| 13.  | PST.011145 – Louis Charles Gambina    | Case No. 13-0285 |
| <i>Consideration of CDS Licenses for Disciplined Practitioners</i> |                                       |                  |
| 14.  | CDS.035358-MD – Andre' Stephen Viator | Case No. 13-0168 |
| 15.  | CDS.017125-MD – Ronald Dane Sylvest   | Case No. 13-0169 |
| 16.  | CDS.021107-DDS – David L. Ruegsegger  | Case No. 13-0186 |
| 17.  | CDS.006972-MD – Jerry Dwayne Helms    | Case No. 13-0244 |
| 18.  | CDS.025779-MD – Brian Allen Heise     | Case No. 13-0245 |
| 19.  | CDS.027772-MD – Howard Eugene Gidden  | Case No. 13-0255 |

I. Adjourn

*F. Formal Hearings*

Mr. Aron excused Mr. Bond and Mr. Burch from participating on the Board's hearing panel for this hearing due to their prior knowledge of the case, which was previously considered by the Violations Committee. Mr. Aron called upon Mr. Finalet and he presented the following case to the members of the Board's hearing panel for their consideration.

**Nick Christopher Tran (PST.014998)** Mr. Finalet appeared for the Board and noted the absence of the respondent due to his incarceration. Further, he 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. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. He 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 8:45 a.m. and then returned to open session at 9:10 a.m.

Mr. Soileau moved,

**Resolved**, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 6 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. Soileau then moved,

**Resolved**, that the Board's hearing panel 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. Soileau then moved,

**Resolved**, that the Board's hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacist License No. 14998, held by Nick Christopher Tran, 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 \$35,000;
- (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 license, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

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

Mr. Finalet indicated completion of the formal hearings.

*I. Adjourn*

Mr. Pitre moved to adjourn. Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the hearing at 9:15 a.m.

Respectfully submitted,

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Brian A. Bond  
Secretary