



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, May 7, 2014 at 10:00 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, May 7, 2014 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 10:05 a.m.

2. Invocation & Pledge

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

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 (*late arrival*)
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
Mr. Huey J. Savoie, Pharmacist Compliance Officer

Guests:

Mr. Joseph L. Adams – National Association of Boards of Pharmacy
Mr. Jeff Gaude – Walgreen Pharmacies
Mr. Rob Braley – Walgreen Pharmacies
Mr. Richard Palombo – Express Scripts
Ms. Rosalind Oglesbee – CVS Pharmacies
Mr. Kevin LaGrange – Professional Arts Pharmacy

Ms. Mary Staples – National Association of Chain Drug Stores
Mr. Mike Hudak – Fred’s Pharmacies
Mr. Brad Reed – Wal-Mart Pharmacies
Dr. Camtu Ho – Cubist Pharmaceuticals
Ms. Angelle Huff – The Wellness Corner
Ms. Alison Williams – Wal-Mart Pharmacies
Mr. John Voliva – Professional Compounding Centers of America
Mr. Max Huff – The Wellness Corner
Mr. Bill Chaney – Cenla Professional Pharmacy Services
Mr. Korey Patty – La. Independent Pharmacies Association
Sen. Ronnie Johns – Louisiana Senate
Ms. Crystal Carter – La. Pharmacists Association
Dr. Cecilia Mouton – La. State Board of Medical Examiners
Mr. Ralph Wall – Adams & Reese
Ms. Patsy Angelle – Prescription Compounds
Mr. Bryan Jones – LifePoint Hospitals
Mr. Ward Blackwell – La. Dental Association
Dr. Maria Burmaster – La. Dental Association
Mr. Karl Koch – Koch & Messer

Mr. Bond 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. With no requests for any additions, and without objection, the Board adopted the posted agenda for that meeting. 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 February 12, 2014 and the Administrative Hearing on February 13, 2014, both of which were held in Baton Rouge, Louisiana. With no objections, he waived the reading thereof. Hearing no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

Mr. Moore then moved,

Resolved, to *Amend Minutes Previously Adopted*, more specifically, to amend the Minutes from the Board’s Regular Meeting on May 29, 2013, by inserting a record of the Board’s Opinion rendered at that meeting titled *I.A.17 ~ Temporary Central Distribution System for Louisiana AIDS Drug Assistance Program (ADAP) [Office of Public Health at the Louisiana Department of Health and Hospitals]*.

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

6. *Report on Action Items*

Mr. Broussard reminded the members of their approval of two regulatory proposals and two legislative proposals as well as several contracts and agreements during their last meeting. He reported on the progress of each of those initiatives as well as the re-publication of the emergency rule relative to compounding.

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 February 13, 2014 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 the Open Meetings Law 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.

Statement of Purpose

Mr. Aron reminded the members of the purpose and mission of the Board of Pharmacy by reciting the relevant portion of the Louisiana Pharmacy Practice Act. He urged the members to keep their mission in mind as they considered all the matters before them.

** Special Order of the Day – Presentation of Distinguished Service Award*

Mr. Aron informed the members and guests the Board's secretary, Ms. Judy Dinicola, had given notice of her decision to retire from state service and that this would be her final meeting. In recognition of her 12 years of faithful and distinguished service to the Board, he presented her the Distinguished Service Award plaque. The members and guests congratulated her with a standing ovation.

Before moving to the committee reports, Mr. Aron exercised personal privilege and recognized two guests in the audience. Mr. Joseph Adams is a former member of the Board and was currently serving as President-Elect of the National Association of Boards of Pharmacy (NABP). Mr. Aron noted his installation as President was scheduled for the following week during the association's annual meeting in Phoenix, AZ. Mr. Aron also recognized Mr. Richard Palombo, currently affiliated with Express Scripts, as a Past President of NABP.

9. *Committee Reports*

A. Finance Committee

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the interim financial report in their meeting binders. He reviewed the report which included data for the third quarter ending March

31, 2014. He responded to questions from the members and tendered the report for information only.

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

B. Application Review Committee.

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee met on February 25, 2014 to consider ten referrals from staff and then again on April 16, 2014 to consider five referrals from staff. Following the committee's interviews and deliberations, they authorized the issuance of several credentials without restriction. He then reported the following files to the members for their consideration.

JoAnn Harris (Applicant for PTC Registration) Mr. Soileau 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.

Breanna Michelle Williamson (Applicant for PTC Registration) Mr. Soileau moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, authorized the issuance of the registration, suspended the newly-issued registration for two years and stayed the execution of the suspension, then placed the registration on probation for two years, effective May 7, 2014, subject to certain terms enumerated in the consent agreement.

Ashley Kristen Simon (Applicant for PTC Registration) Mr. Soileau moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, authorized the issuance of the registration, suspended the newly-issued registration for one year and stayed the execution of the suspension, then placed the registration on probation for one year, effective May 7, 2014, subject to certain terms enumerated in the consent agreement.

Tiffanie Lakayma Lebby (Applicant for PTC Registration) Mr. Soileau moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, authorized the issuance of the registration, suspended the newly-issued registration for two years and stayed the execution of the suspension, then placed the registration on probation for two years, effective May 7, 2014, subject to certain terms enumerated in the consent agreement.

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

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee had not met since the last Board meeting because none of the reciprocity applications had any issues requiring committee-level review.

D. *Violations Committee*

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on March 12-13 to consider their posted agenda which included 20 cases: 8 pharmacists, 2 pharmacy technicians, 8 pharmacy permits, one DME permit, and one applicant for a pharmacy permit. Following their interviews and deliberations, the committee took no action on 9 of the cases. He then presented the following proposed voluntary consent agreements for their consideration.

Orthofix, Inc. d/b/a Orthofix (DME.000217) 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 a period of time ending December 14, 2017 and stayed the execution of the suspension, then placed the permit on probation for a period of time ending December 14, 2017, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative costs.

Sentry Drugs of Louisiana, Inc. d/b/a Sentry Drugs (PHY.001670) 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 \$15,000 plus administrative and investigative costs.

Vicki Leigh Allen (PST.015346) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed administrative costs.

Robert Blake Vidrine d/b/a Blake's Family Pharmacy (PHY.000077 & CDS.038544) 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 previously-imposed probation, suspended both credentials for ten years and stayed the execution of the suspension, then placed both credentials on probation for ten years, effective May 7, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$10,000 plus administrative and investigative costs.

Loye's Pharmacy, Inc. d/b/a Loye's Pharmacy (PHY.000683) 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 administrative and investigative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5327

(PHY.005835) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board added two additional years to the previously-imposed term of probation, effective July 1, 2014, and further, assessed a fine of \$25,000 plus administrative and investigative costs.

Jewella Avenue Pharmacy, LLC d/b/a Jewella Avenue Pharmacy

(PHY.006603) 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.

Kawanda McCarty Williams (PST.017842) 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 lifetime restriction on the holding any ownership interest in any pharmacy licensed by the Board, and further, assessed a fine of \$1,000 plus administrative and investigative costs.

Donald Kermit Fellows, Jr. d/b/a Central Rexall Drugs (PHY.000151)

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 \$5,000 plus administrative and investigative costs.

Starns Pharmacy, LLC d/b/a Starns Pharmacy (PHY.006581)

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 of the suspension, then placed the permit on probation for five years, effective May 7, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed administrative and investigative costs.

Karl Lindell Starns, III (PST.011259)

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 of the suspension, then placed the license on probation for five years, effective May 7, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$2,000 plus administrative costs.

Mr. Bond reported the committee will meet on June 4 to consider that docket, which includes 3 pharmacists, 4 pharmacy technicians, one pharmacy technician candidate, and 4 pharmacy permits.

Finally, Mr. Bond concluded 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 five referrals from staff. Mr. Rabb then presented the following files for Board action.

Donald Wayne Crawley (PST.010199) 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 March 31, 2014.

Tiffany Cathleen Luse Upshaw (PST.018936) 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 April 21, 2014.

Kasey Leah Hart (CPT.011051) 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 certificate for an indefinite period of time effective May 1, 2014.

Randy Wayne Owers (PST.018354) 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 May 7, 2014, subject to certain terms enumerated in the consent agreement.

Scott Nolan Gewin (PST.017104) 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 May 7, 2014, subject to certain terms enumerated in the consent agreement.

Jeremy Christopher Powell (PST.016108) Mr. Rabb moved to grant respondent's request for termination of all probationary restrictions. The motion was adopted after a unanimous vote in the affirmative. The Board removed all probationary restrictions and restored the license to active and unrestricted status.

Mr. Rabb reported the committee had reviewed its current roster of approved addiction medicine specialists and was satisfied with all of the current participants. The committee voted to recommend the continuing approval of that roster for the next fiscal year. Mr. Rabb then moved,

Resolved, that the Board continue its approval of the Roster of Approved Addictionists for Fiscal Year 2014-2015.

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

Finally, Mr. Rabb closed his report with appreciation to his fellow committee members for their work the previous day and for the ongoing staff support.

At this point, Mr. Aron recognized a member of the audience. State Senator Ronnie Johns had taken advantage of a break in the legislative session to visit the Board. He reported on the Board's legislation making its way through the legislature. Mr. Aron expressed the Board's appreciation for the Senator's support in the legislature.

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 11:00 and then reconvened in open session at 11:15 am.

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee had met earlier that day to consider one referral from the staff. She then presented the following files for Board action.

Kriste Lynne Bass (CPT.005681) 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 certificate, 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.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. He reported the committee met in February and April and that the committee had voted to recommend a new regulatory proposal relative to prescriptions. He noted the proposal had been posted in the Boardroom Library as well as the Board's Public Library. He then moved,

Resolved, that the Board approve Regulatory Proposal 2013-F ~ Prescriptions (Draft #3), and further, to authorize the Executive Director to promulgate the proposed rule amendments 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. Mr. McKay then reminded the members of the April 29 public hearing on three regulatory proposals previously approved by the Board. He referred the members to the compilation of comments and testimony from the public hearing that was prepared by staff and found within their meeting binder.

With respect to Regulatory Project 2014-1 ~ Prescription Monitoring Program Delegates, the Board received no comments or testimony on the original proposal as published in the state register. He then moved,

Resolved, in the absence of any public comments or testimony, and in the absence of any need for revision of Regulatory Project 2014-1 ~ Prescription Monitoring Program Delegates as originally published, to authorize the Executive Director to prepare and submit the required report for the legislative oversight committee upon the instruction of the President, and in the absence of any further intervention, to publish the original proposal as a Final Rule.

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

With respect to Regulatory Project 2014-2 ~ Veterinarian Exclusion from Prescription Monitoring Program, the Board received no comments or testimony on the original proposal as published in the state register. He then moved,

Resolved, in the absence of any public comment or testimony, and in the absence of any need for revision of Regulatory Project 2014-2 ~ Veterinarian Exclusion from Prescription Monitoring Program as originally published, to authorize the Executive Director to prepare and submit the required report for the legislative oversight committee upon the instruction of the President, and in the absence of any further intervention, to publish the original proposal as a Final Rule.

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

With respect to Regulatory Project 2014-3 ~ Pharmacy Records, Mr. McKay referred the members to the questions posed by the commentators. Following extensive discussion, Mr. Indovina moved,

Resolved, to amend §1124.B.3.d.iv of Regulatory Project 2014-3 ~ Pharmacy Records by deleting the word “positive.”

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

Resolved, to amend §1124.B.3.c.vii AND §1509.A.3.c.vii of Regulatory Project 2014-3 ~ Pharmacy Records by deleting the word “positive” in each of the referenced clauses.

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

Resolved, on consideration of the public comments and testimony, the Board approves the amendment of Regulatory Project 2014-3 ~ Pharmacy Records by deleting the word “positive” in §1124.B.3.d.iv, §1124.B.3.c.vii, and §1509.A.3.c.vii, and further, to authorize the Executive Director to respond to the public

commentators as directed by the Board, and further, to submit the proposed revisions to the original proposal for publication in the state register, and further, to schedule a public hearing on these proposed revisions.

The motion was adopted after a unanimous vote in the affirmative. With respect to the commentator's question of whether the proposed rule addressed the electronic storage of faxed prescriptions received by pharmacies serving patients in long term care facilities, Mr. McKay moved, **Resolved**, the Board interprets its rules such that the provisions of §1123.J allow pharmacies serving patients in long term care facilities that receive written prescriptions by facsimile to preserve those prescriptions using an electronic imaging system in compliance with the specifications enumerated within §1123.J.

The motion was adopted after a unanimous vote in the affirmative. With respect to the commentator's question of whether the proposed rule superseded any of the recordkeeping provisions found in §1143.A.1 of the Board's rules, the Board agreed that with respect to the pharmacies engaged in remote processing of medical orders or prescription drug orders, the provisions of §1143.A.1 require the pharmacies to record their respective recordkeeping requirements in the contract or agreement for remote processing services.

Finally, Mr. McKay concluded his report with appreciation to the other members for their ongoing efforts as well as for the staff support.

I. Executive Committee

Mr. Aron informed the members the committee had met the previous day to consider the matters on their posted agenda. He indicated the staff had completed their annual review of the Board's Policy & Procedure Manual as well as the Loss Prevention Manual. He reported staff had requested a minor amendment to the policy relative to annual and sick leave. He indicated the committee had voted to recommend the approval of that minor policy adjustment as well as continuing approval of both manuals for the next fiscal year. He noted Mr. Rabb was prepared to offer the necessary individual motions and that staff was prepared to answer any questions about any proposal. He directed the members to the materials in their meeting binder. Mr. Rabb then moved,

Resolved, that the Board approve the proposed amendment to Policy No. II.D.2 ~ Annual & Sick Leave in the Board's Policy & Procedure Manual.

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

Resolved, that the Board renew its approval of the updated Policy & Procedure Manual for Fiscal Year 2014-2015.

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

Resolved, that the Board renew its approval of the May 2013 edition of the Loss Prevention Manual for Fiscal Year 2014-2015.

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

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

At this point, Mr. Aron declared a luncheon recess. It was noted the Board recessed at 12:10 p.m. and then reconvened in open session at 1:00 p.m. He re-ordered the agenda to Item No. 11.

11. Petition for Advisory Opinion or Declaratory Statement – Ms. Angelle Huff & The Wellness Corner

Mr. Aron recognized Mr. Koch and Ms. Huff and invited them to make their presentation to the Board. Following their presentation, Ms. Huff and Mr. Koch responded to several questions from the members. Mr. Koch offered a proposed declaratory statement for consideration by the Board. Mr. Aron then recognized Dr. Cecilia Mouton, Executive Director of the La. State Board of Medical Examiners, who was accompanied by Mr. Ralph Wall, an attorney hired by that Board for their pending litigation against Ms. Huff and The Wellness Corner. Following their presentation, Dr. Mouton and Mr. Wall responded to several questions from the members. Mr. Aron then recognized Ms. Huff and Mr. Koch to offer any rebuttals they wished to make. Following those comments, they responded to several questions from the members.

It was noted Mr. Soileau departed the meeting at approximately 2:30 p.m.

Mr. Aron then offered an opportunity for public comments. Ms. Patsy Angelle encouraged the Board to endorse the principles of medication therapy management as endorsed by several national pharmacist membership organizations.

It was noted Mr. Resweber arrived at the meeting at approximately 3:05 p.m.

At the conclusion of the presentations and public discussions, Mr. McKay suggested the staff prepare a proposed statement relying on the proposed declaratory statement offered by Mr. Koch as well as a September 4, 2005 letter from the Board to a pharmacist who had sought guidance on certain aspects of medication therapy management. Mr. Aron noted the Board's policy on advisory opinions and declaratory statements permitted the Chair to either request an immediate ruling or in the alternative take the matter under advisement. He indicated his belief the matter was too complex to be fully resolved that day and would direct staff to prepare a proposed statement for the Board's consideration at its next meeting in August 2014. However, a number of members expressed dissatisfaction with that approach. Mr. Burch then moved for the Board to adopt the proposed declaratory statement offered by Mr. Koch. Following some discussion, Mr. Moore offered a substitute motion, to wit:

Resolved, to direct staff to prepare a draft document responsive to the petition, relying on interim guidance from the Board's Executive Committee, for presentation and consideration at the Board's next meeting.

The motion was adopted after a majority roll call vote in the affirmative; Mr. Burch objected. Mr. Aron expressed his appreciation to the petitioners as well as the representatives from the La. State Board of Medical Examiners for their information and participation.

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 3:25

p.m. and then reconvened at 3:40 p.m.

12. *Request for New Rule for Special Event Pharmacy Permit – Louisiana Dental Association*

Mr. Aron recognized Mr. Ward Blackwell, Executive Director of the Louisiana Dental Association. Mr. Blackwell introduced Dr. Maria Burmaster, a dental practitioner from Marrero who also serves as the association's project manager for their "Mission of Mercy" event. The association representatives described the two-day event planned for February 2015 which will enlist about 1,000 volunteers to provide free and comprehensive dental care to approximately 2,000 indigent and low-income patients. Similar to other events held around the country, the organizers would prefer their dentist volunteers not be required to dispense prescription medications but instead allow pharmacists to provide such services under the authority of a special event permit. Mr. Blackwell related their difficulty with the event held the previous year and requested the Board initiate the rulemaking process now so that they would be able to have pharmacists participating in the February 2015 event.

The representatives responded to questions from the members. They also pointed to similar rules existing in some of the other states. Following a short discussion, Mr. Aron referred the request to the Board's Regulation Revision Committee for their development and recommendation of a regulatory proposal to the Board.

13. *Request for Waiver from Requirements for Remote Order Entry – LifePoint Hospitals*

Mr. Aron recognized Mr. Bryan Jones and invited him to make his presentation. Mr. Jones requested the Board consider allowing his firm to engage pharmacists to process medical orders remotely from home as opposed to requiring them to be located within pharmacies. Mr. McKay informed Mr. Jones that topic was currently under consideration by the Board's Regulation Revision Committee. Mr. Aron relayed the Board's historical position against issuing waivers to individual pharmacies while rules were under development. Mr. Jones offered his assistance to the committee and then withdrew his request for the waiver.

14. *Request for Approvals of Life Safety Programs – American Red Cross and ProTrainings, LLC*

In the absence of any representatives at the meeting, Mr. Aron called upon Mr. Broussard, who directed the members to the materials in their meeting binders. He provided the historical information relevant to the requests and noted the staff recommendations. Mr. McKay then moved,

Resolved, that the Board approve the life safety program Basic Life Support as offered by the American Red Cross.

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

Resolved, that the Board approve the life safety program ProCPR as offered by ProTraining, LLC.

The motion was adopted after a unanimous vote in the affirmative. Mr. Aron directed Mr. Broussard to notify the respective organizations of the approvals and to modify the Board's relevant forms as appropriate.

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

10. Staff Reports

J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. He described the activities underway to transition the operation of the program from the previous vendor (Health Information Designs) to the new vendor (Optimum Technology).

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 33 pharmacies requesting such a waiver. Mr. McKay moved,

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

- > PHY.005859-NR – AllergyChoices Pharmacy (WI);
- > PHY.006041-NR – Animal Rx Pharmacy (KS);
- > PHY.004578-CH – Calcasieu Community Clinic Pharmacy (LA);
- > PHY.006766-NR – Cardinal Health Pharmacy Services (TX);
- > PHY.005460-HOS – Christus Coughatta Health Care Center Pharmacy (LA);
- > PHY.005175-NR – CME Pharmacy (MS);
- > PHY.006840-NR – Complete Medical Homecare (KS);
- > PHY.006698-NR – Crescent Healthcare (FL);
- > PHY.006584-IR – CTU Pharmacy (LA);
- > PHY.004670-NR – CVS Pharmacy No. 6570 (IN);
- > PHY.002479-NU – GE Healthcare (LA);
- > PHY.006803-NR – Greer Pharmacy (NC);
- > PHY.006801-HOS – Institutional Pharmacy Solutions (LA);
- > PHY.004193-HOS – Lake Area Medical Center (LA);
- > PHY.000642-HOX – Lallie Kemp Regional Medical Center (LA);
- > PHY.006787-HOS – LifeCare Hospitals of Shreveport (LA);
- > PHY.006789-HOS – LifeCare Hospitals of Shreveport (LA);
- > PHY.006781-HOS – LifeCare Specialty Hospital of North Louisiana (LA);
- > PHY.001477-IRX – LSU Veterinary Teaching Hospital Pharmacy (LA);
- > PHY.006247-IR – Medic Specialty Pharmacy (LA);
- > PHY.006820-NR – OncoMed (NY);
- > PHY.006394-HOS – Our Lady of Lourdes Regional Medical Center Pharmacy (LA);
- > PHY.006639-HOS – Our Lady of the Lake Livingston Hospital Pharmacy (LA);
- > PHY.006856-HOS – Our Lady of the Lake Outpatient Oncology Pharmacy (LA);
- > PHY.006810-NR – PharmaCare Remote Resources (TX);
- > PHY.000894-HOX – Pinecrest Supports & Services Center (LA);
- > PHY.006771-IR – QoL Meds – Marrero (LA);

- > PHY.004328-NR – Reliant Pharmacy Service (MS);
 - > PHY.002045-HOS – Shriners' Hospital for Children Pharmacy (LA);
 - > PHY.006321-HOS – Specialty Hospital Pharmacy (LA);
 - > PHY.001063-HOS – St. Tammany Parish Hospital Pharmacy (LA);
 - > PHY.006813-NR – Transition Pharmacy (PA); and
 - > PHY.006792-HOS – University Hospital & Clinics (LA)
- 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. He then presented the following files to the members for their consideration.

Leehar Distributors, Inc. d/b/a LDI Pharmacy (PHY.006208) 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 to the permit owner, and further, assessed a fine of \$5,000 plus administrative costs.

Failla's Vital Care, Inc. d/b/a Failla's Vital Care (Applicant for PHY Permit) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the issuance of a pharmacy permit, then issued a Letter of Warning to the permit owner, and further, assessed a fine of \$5,000 plus administrative costs.

Cynthia Marie Pedone (PST.013650) 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 a fine of \$1,000 plus administrative costs.

Clinical Solutions, LLC d/b/a Clinical Solutions (PHY.005543) 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 to the permit owner, and further, assessed a fine of \$5,000 plus administrative costs.

Wanda Jean Tamplin (CPT.002283) 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 effective April 4, 2014, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board..

Alexandra Nicole McCrory (PTC.020116) 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 registration effective February 20, 2014, and further, prohibited the acceptance of any future application for the reinstatement of the registration or for any other credential issued by the Board.

Saundra Avis Zeringue (CPT.003936) 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 effective April 7, 2014, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

MinuRx, LLC d/b/a Memorial Compounding Pharmacy (PHY.006201) Mr. Rabb 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 owners, and further, assessed a fine of \$5,000 plus administrative costs.

Jessica Rose Murnane (CPT.010353) 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 effective April 21, 2014, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

Sharissa Ann Taylor (CDS.035537-APN) Mr. Rabb moved to suspend the credential for an indefinite period of time based on the suspension of her nursing license by the La. State Board of Nursing. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time effective January 15, 2014.

Paul Arthur Jackson, Jr. (CDS.035537-MD) Mr. Rabb moved to suspend the credential for an indefinite period of time based on the suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time effective January 24, 2014.

James Thomas Nichols, III (CDS.041173-MD) Mr. Rabb moved to suspend the credential for an indefinite period of time based on the suspension of his medical license by the La. State Board of Medical Examiners. 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 5, 2014.

Chidiadi Alozie Dike (CDS.027414-MD) Mr. Rabb moved to suspend the credential for an indefinite period of time based on the suspension of his medical license by the La. State Board of Medical Examiners. 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 17, 2014.

Walter Wright Ellis (CDS.028530-MD) Mr. Rabb moved suspend the credential for an indefinite period of time based on the voluntary surrender 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 April 22, 2014.

Finally, Mr. Finalet indicated the conclusion 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
- Examinations
 - MPJE
 - NAPLEX
 - PARE
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - 2014 Legislature
 - Board of Nursing
- National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6 Annual Meeting
 - MALTAGON
 - National Council for Prescription Drug Plans (NCPDP)

Mr. McKay moved,

Resolved, that the Board endorse the *NCPDP Recommendations and Guidance for Standardizing the Dosing Designations on Prescription Container*

Labels of Oral Liquid Medications, and further, communicate the recommendations to all pharmacies and encourage their adoption in their practice sites.

The motion was adopted after a unanimous vote in the affirmative. At Dr. Simonson's suggestion, Mr. Aron indicated he would investigate submitting that topic for consideration by District 6 during its meeting in September.

- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)

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

15. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. In addition, Mr. Broussard reminded the members of the end of the fiscal year ending on June 30. He requested the submission of all outstanding expense reports to the Board's office no later than June 15 to allow adequate time for their processing and the required report compilation in a timely manner.

16. 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 meeting at 4:40 p.m.

Respectfully submitted,

Brian A. Bond
Secretary