



Louisiana Board of Pharmacy
3388 Brentwood Drive
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Minutes

Regular Meeting

&

Administrative Hearing

Wednesday, May 23, 2018 at 9:00 a.m.

Wednesday, May 23, 2018 at 1:00 p.m.

Location:

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 23, 2018 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 public notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 9:07 a.m.

2. Invocation & Pledge

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

3. Quorum Call

Mr. Aron called upon the Secretary, Mr. Bond, to call the roll to establish a quorum.

Members Present:

Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Allen W. Cassidy, Jr.
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Richard Mannino
Mr. Marty R. McKay
Ms. Chris B. Melancon
Ms. Diane G. Milano
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Don L. Resweber
Mr. Douglas E. Robichaux
Mr. Richard A. Soileau
Dr. Raymond J. Strong
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. Mr. Joel A. Fruge – Acadiana Prescription Shop
Mr. Robert P. Rock – Haydel's Drug Store
Ms. Sandy Rock – Haydel's Drug Store
Mr. Ben Orlando
Mr. Don Couvillon – La. Wholesale Drug Co.
Dr. Kirk Ryan, DVM – La. Veterinary Medical Association
Dr. Trisha C. Marullo, DVM – La. Veterinary Medical Association

Mr. Joey Sturgeon – Silvergate Pharmaceuticals
Mr. Eddie Lau – RM Strategies
Mr. Greg Gossen – RM Strategies
Ms. Heather Hutton – RM Strategies
Ms. Deborah Duvic – The Picard Group
Ms. Mary Staples – National Association of Chain Drug Stores
Mr. Jeff Gaude – Walgreen Pharmacies
Ms. Kayla Mims – La. Pharmacists Association
Mr. Jeenu Philip – Walgreen Pharmacies
Mr. Perry Catching – Wal-Mart Pharmacies
Mr. Ben J. Sims – Brookshire Grocery Co. Pharmacies
Mr. John N. Rocchio – CVS Health
Ms. Lanie Cook – KATC-TV, Lafayette

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

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, but none were requested. Without objection, the members adopted the posted agenda dated May 14, 2018

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting, Administrative Hearing, and Special Board Meeting on February 21-22, 2018, the Administrative Hearings on March 27-28, 2018, and the Administrative Hearings on April 17-18, 2018, all held in Baton Rouge, Louisiana. With no objections, he waived the reading of the draft minutes. With 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. Aron called on Mr. Broussard for the report. Mr. Broussard directed the members to a copy of the report in their meeting binder. There were no questions from the members.

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 their last meeting in accordance with policies and procedures previously approved by the Board, Mr. Rabb moved,
Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 21, 2018 are approved, adopted, and ratified by the entire Board.

There was no member discussion or public comment. 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 none 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 legislative mandate in mind as they considered all the matters before them.

9. *Special Orders of the Day*

A. *Presentation of Distinguished Service Awards*

Mr. Aron reminded the members and guests the terms of five members were scheduled to expire on June 30, 2018. While the new appointments had not yet been announced, Mr. Aron wanted to recognize all five members for their service to the Board. He then presented Distinguished Service Awards to the following members:

- Blake P. Pitre (District 3), who served from 1976 to 2000 and from 2006 to 2018;
- Rhonny K. Valentine (District 4), who served from 2012 to 2018;
- T. Morris Rabb (District 5), who served from 1996 to 2018;
- Ms. Chris B. Melancon (District 7), who served from 2006 to 2018; and
- Mr. Brian A. Bond (District 8), who served from 2000 to 2018.

Mr. Aron indicated all of the members were eligible for additional terms, and if they were re-appointed, they would receive additional service awards at the completion of those terms.

Mr. Aron indicated he would re-order the agenda to accommodate certain guests.

12. *Pharmacists Dispensing Veterinary Prescriptions*

Mr. Aron asked Mr. Broussard for information about the agenda item. Mr. Broussard directed the members to the letter from Dr. Wayne Guillory, DVM in their meeting packet, describing his experiences with pharmacists' errors when dispensing veterinary prescriptions and questioning why pharmacists should be able to dispense such prescriptions in the absence of any evidence of the education and training necessary to dispense veterinary prescriptions. Mr. Broussard informed the members he had reached out to the La. Board of Veterinary Medicine and the La. Veterinary Medical Association to collect any additional information they might have to offer. In addition, he inquired with both schools of pharmacy for any information about veterinary pharmacy in their curricula. He had received information from ULM about an elective course in veterinary pharmacy, but had not yet received any information from Xavier. Finally, he indicated representatives from the La. Veterinary Medical Association (LVMA) had been invited to offer additional information on the topic to the members and that two officers from the LVMA were present that day.

Mr. Aron invited Dr. Trisha Marullo, DVM and Dr. Kirk Ryan, DVM to the witness

table. They indicated Mr. Broussard had shared Dr. Guillory's letter with them. They reported generally positive experiences with pharmacists dispensing veterinary prescriptions. They related their encouragement for pharmacists to call their office to discuss veterinary prescriptions, primarily to encourage clear communication of the intended therapy.

Following brief discussion among the members, Mr. Aron referred the topic to the Tripartite Committee, to receive additional information from the pharmacy educators and other stakeholders relative to curricular and continuing education about veterinary pharmacy, and to develop a recommendation for the Board's consideration.

Finally, Mr. Aron expressed his appreciation to Drs. Marullo and Ryan for their visit and information.

Mr. Aron then returned to the sequence of the posted agenda.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the *Interim Report for Fiscal Year 2017-2018* in their meeting binder. Mr. Pitre reviewed the report and answered questions from the members. He reminded them the report did not require any action by the Board. He then informed the members that staff had prepared a second budget amendment for the current fiscal year. Following their review of that proposal the previous day, the committee voted to recommend its approval by the Board. He then moved,

Resolved, to approve *Proposed Budget Amendment No. 2 for Fiscal Year 2017-2018*.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Finally, he expressed his appreciation to the other committee members for their ongoing efforts.

B. *Application Review Committee*

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee had met the previous day to consider two referrals from the staff – one applicant for a PTC registration and one applicant for a PHY permit. Following their interviews and deliberations, the committee authorized staff to issue the pharmacy permit. He then presented the following file to the members for their consideration.

Racquel Monique Williams (PTC Applicant): Mr. Soileau moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application and authorized issuance of the registration, then suspended the registration and any subsequent credential for two years and stayed the execution of the suspension, then placed the registration and any subsequent credential on probation for two years, effective May 23, 2018, subject to certain terms

enumerated in the consent agreement.

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

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 61 applications for pharmacist licensure by reciprocity since the last Board meeting and that none of them contained information that warranted a committee level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials.

Finally, she closed the report with appreciation to the other committee members for their ongoing efforts.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held preliminary hearings on March 21, 2018 to consider their posted agenda which included 14 cases: eight pharmacists, two pharmacy technicians, and four pharmacy permits. After interviews and deliberations, the committee continued two of the cases until a later date, took no action on six of the respondents, and issued a non-disciplinary Letter of Noncompliance to one respondent. The committee then offered proposed voluntary consent agreements to the remaining five respondents. He reported two respondents had not accepted the proposals and had been scheduled for the next administrative hearing. He then presented the following proposals to the members for their consideration.

Walgreen La. Co., Inc. d/b/a Walgreen Pharmacy No. 05992 [Shreveport, LA] (PHY.004502): Mr. Bond moved to approve the proposed voluntary consent agreement. He responded to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Catherine Rose Freeman (PST.020613): Mr. Bond moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for 4 years plus 9 months plus 25 days and stayed the execution of the suspension, then placed the license on probation for 4 years plus 9 months plus 25 days, effective May 23, 2018, subject to certain terms enumerated in the consent agreement.

David Raines Community Health Centers, Inc. d/b/a David Raines Community Health Centers Pharmacy [Bossier City, LA] (PHY.006318): Mr. Bond moved to approve the proposed voluntary consent agreement. He responded to questions from two members; there were no public comments.

The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs. Further, the Board required the pharmacy to maintain a perpetual inventory record for all controlled substances.

Mr. Bond reported the committee was scheduled to meet on June 13-14 to consider the 19 cases on that docket, which included four pharmacists, two pharmacy technicians, one technician candidate, 10 pharmacy permits, and two applicants for pharmacy permit.

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 11 referrals from the staff – two applications for reinstatement of credentials, three applications for modification of previous orders, two appearances for informal conference, and four appearances for guidance. They also reviewed the roster of approved addiction medicine specialists. Following their interviews of the applicants and subsequent deliberations, the committee took no action on three of the respondents appearing for guidance, and released the other respondent appearing for guidance from a previously-executed agreement to refrain from practice. Mr. Rabb then presented the following files to the members for their consideration.

Laura Elizabeth Lyons (CPT.007340) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended certificate, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the certificate on probation for five years, effective May 23, 2018, subject to certain terms enumerated in the consent agreement.

Gerald Edward Sargent (PST.015503) Mr. Rabb moved to approve the proposed voluntary consent agreement. He responded to a question from one member; there were no public comments. 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, contingent upon the satisfaction of certain requirements identified in the consent agreement no later than May 23, 2020; and further, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the preliminary special work permit and subsequently-reinstated license on probation for five years, effective on the date of issuance of the special work permit, subject to certain terms enumerated in the consent agreement; and further, shall obtain at least

one hour of ACPE-accredited and pharmacist-specific continuing education on the topic of ethics and boundary issues during each year his credentials remain on probation.

Ricky Thomas Guidry (PST.013683) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for modification of previous orders, then removed Article 2-e from his May 2017 Probation Board Order which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy.

Alex Anthony Capace (PST.013422) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for modification of previous orders, removed all probationary terms, and then restored the license to active and unrestricted status.

Kevin Trenouth Kellow (PST.019095) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for modification of previous orders, then removed Article 2-e from his May 2017 Probation Board Order which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy.

Rasia Keishawn Ford (CPT.011733) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for five years and stayed the execution of the suspension, then placed the certificate on probation for five years, effective May 23, 2018, subject to certain terms enumerated in the consent agreement.

Heather Hoyle Honeycutt (PST.018141) Mr. Rabb moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. 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 23, 2018, subject to certain terms enumerated in the consent agreement.

Mr. Rabb then reported the committee performed the annual review of the roster of approved addiction medicine specialists, had no recommendations for change, and voted to recommend the Board's continuing approval of the current roster. He then moved,

Resolved, that the Board renew its approval of the May 23, 2018 Roster of Approved Addictionists for Fiscal Year 2018-2019.

There was no member discussion or public comment. 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.

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. Ms. Melancon reported the committee met the previous day to consider two referrals from the staff, both from pharmacy technicians. Following their interviews and deliberations, the committee offered one respondent the opportunity to withdraw her application in lieu of a formal administrative hearing and the potential denial of her application. Ms. Melancon then presented the following file to the members for their consideration.

Huong Thi Mai (CPT.008377) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. 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 requirements identified in the consent agreement no later than May 23, 2020.

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

G. Tripartite Committee

Mr. Aron called upon Mr. Moore for the committee report. Mr. Moore noted the committee had not met since the previous Board meeting and there was no report.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay noted the committee had not met since the previous Board meeting and there was no report.

I. Executive Committee

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee reviewed several policy proposals and then performed their annual review of the policy manuals and pharmacy education programs. He indicated Mr. Rabb was prepared to offer motions on behalf of the committee.

- Mr. Aron reported the committee reviewed several policies recommended for revision by the staff. Mr. Aron asked Mr. Broussard to

explain the proposed revisions. The committee voted to recommend the approval of all staff proposals. Mr. Rabb then moved,

Resolved, that the Board approve the proposed revision of *PPM.I.B.6.c – Sanction Guideline for CE Audits* for the Board's *Policy & Procedure Manual*.

Mr. Aron responded to questions from two members; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Cassidy posed a question about the current rule for pharmacists and technicians to maintain their CE records at their primary practice site; Mr. Broussard indicated that since pharmacists and technicians have now certified their compliance with CPE Monitor for the past two years of renewal applications, this rule would be referred to the Regulation Revision Committee for their reconsideration of that rule.

Mr. Rabb indicated the next proposed policy required some background information; he then reminded the members the rule for marijuana pharmacy permits requires Board approval for any proposed change in the ownership of that permit, even for minor changes. He informed the members that Willow Pharmacy, the successful applicant for Region 9, submitted a request to change the current 50/50 split to bring in one new owner, resulting in a 33/33/34 split. The committee voted to recommend the approval of that request. Mr. Rabb then moved,

Resolved, that the Board approve the proposed change in ownership for the marijuana pharmacy permit held by Willow Pharmacy, Inc., to add Mr. R. David Brown as an owner.

There was no member discussion and no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then reported the committee discussed an appropriate delegation of this request for approval of ownership changes in marijuana pharmacy permits and directed staff to develop a proposed policy describing how such requests would be processed by the Application Review Committee. He then moved,

Resolved, that the Board approve the proposed new policy *PPM.I.B.7 – Application Review Committee* for the Board's *Policy & Procedure Manual*.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the proposed revision of *PPM.II.A.7 – Pay for Extraordinary Qualifications / Credentials* for the Board's *Policy & Procedure Manual*.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the proposed revision of *PPM.II.B.9 – Drug Policy* for the Board's *Policy & Procedure Manual*.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved,

Resolved, that the Board approve the proposed revision of

PPM.II.H.2 – Sexual Harassment for the Board's Policy & Procedure Manual.

There was no member discussion or public comment. 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 Loss Prevention Manual for Fiscal Year 2018-2019.

There was no member discussion or public comment. 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 2018-2019.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

➤ Mr. Aron then reported the committee reviewed a request from Nursing Assistant Network Association (NANA), located in New Orleans, as well as Career Step, an on-line provider located in Utah, both nationally-accredited pharmacy technician training programs, seeking Board approval. The committee reviewed the requests and voted to recommend the approval of both programs. Mr. Rabb then moved, **Resolved**, that the Board approve Nursing Assistant Network Association (NANA) as an approved pharmacy technician training program for the remainder of Fiscal Year 2017-2018. .

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then moved, **Resolved**, that the Board approve Career Step as an approved pharmacy technician training program for the remainder of Fiscal Year 2017-2018.

Mr. Aron replied to a question from one member. There was no public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Rabb then reported the committee performed its annual review of pharmacy technician education programs for pharmacists and pharmacy technicians. He then moved,

Resolved, that the Board renew its approval of the updated Roster of Accredited Pharmacy Technician Training Programs for Fiscal Year 2018-2019.

There was some member discussion about the criminal history of some of the applicants from some of the training programs, but no decisions were made or directives provided. There was no public comment. 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 Roster of Accredited Colleges & Schools of Pharmacy for Fiscal Year 2018-2019.

Mr. Aron responded to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative.

- Mr. Aron reminded the members the Office of the Legislative Auditor had released their report on their audit of the Board's oversight of the state prescription monitoring program. The committee reviewed the report as well as staff's implementation of some the recommendations, and directed staff to initiate the drafting of new policies and procedures for the program.
- Mr. Aron informed the members of an invitation from the Office of the Attorney General which has begun to offer board member training sessions for members of all boards and commission in the state. The committee recommended we send some members of the Executive Committee to participate in those sessions to assure suitability for the Board's needs.
- Mr. Aron reported the committee also reviewed the office building renovation project, and directed staff to find alternative locations for all meetings scheduled from July through October.

Finally, Mr. Aron closed his report with appreciation for the other committee members and their work the previous day.

At this point, Mr. Aron declared a recess. It was noted the members recessed at 10:35 a.m. and then reconvened at 11:05 a.m.

11. Staff Reports

J. Report of Assistant Executive Director

Mr. Aron called upon Mr. Fontenot for the report. He directed the members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. He indicated he would not present that report verbally but was ready to answer any questions from the members. There were none.

Mr. Fontenot then directed the members to the requests from pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. Mannino then moved,

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

- > PHY.007658-NR – Ardon Health (OR);
- > PHY.007593-HOS – BridgePoint Continuing Care Hospital (LA);
- > PHY.006363-NR – BriovaRx Infusion Services 305 (KS);
- > PHY.007680-HOS – Christus Dubuis Hosp. of Alexandria (LA);
- > PHY.007562-NR – Costco Pharmacy No. 583 (WA);
- > PHY.007673-NR – Decillion Healthcare (OH);
- > PHY.007669-NR – Direct Success Pharmacy Dept. (NJ);
- > PHY.007672-NR – Elwyn Specialty Care (PA);
- > PHY.007661-NR – Encompass Rx (GA);
- > PHY.006943-NR – GenRx Pharmacy (AZ);

- > PHY.007552-NR – Heritage Biologics (MO);
 - > PHY.007555-NR – Highland Specialty Pharmacy (MS);
 - > PHY.007657-NR – Keystone Choice Pharmacy (PA);
 - > PHY.007551-NR – NRH Pharmacy (TX);
 - > PHY.007704-NR – Omnicare of Northern Illinois (IL);
 - > PHY.007598-NR – PharMerica (IN);
 - > PHY.007560-NR – Restore Rx (TN);
 - > PHY.007548-HOS – River Place Behavioral Health (LA); and
 - > PHY.006701-NR – Shared Solutions Pharmacy (KS);
- once they have executed the standard consent agreement for that purpose.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Mr. Fontenot reminded the members of the recent audit of the state prescription monitoring program and one of the recommendations to ensure pharmacies were reporting all of their eligible prescription transactions to the PMP database. He informed the members the vendor had released an enhancement to the program which permitted pharmacies to prepare a report listing all of the pharmacy's transactions in the PMP database. By comparing that report to the pharmacy's log of controlled substance dispensing, the pharmacy can ensure all of their transactions have been reported. Mr. Fontenot reported staff had sent a letter to all pharmacies on May 1 informing them of the new feature and encouraging them to take advantage of it.

Finally, Mr. Fontenot indicated completion of his report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet then presented the following files to the members for their consideration.

Angela Angotti Morris (PST.020192) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Reena Jaimin Desai (PST.020803) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board Issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Mark Kelso Taylor (PST.021436) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Roy Allen Martin (PST.021385) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Robert Henry Harshbarger, III (PST.019704) Ms. Hall moved to approve the proposed voluntary consent agreement. Mr. Finalet responded to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Jennifer Louise Morrison (PST.018658) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Algunas, Inc. d/b/a Woodland Hills Pharmacy [Woodland Hills, CA] (PHY.007093) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for 3 years plus 9 months plus 17 days and stayed the execution of the suspension, then placed the permit on probation for 3 years plus 9 months plus 17 days, effective May 23, 2018, subject to certain terms enumerated in the consent agreement, and further, assessed administrative costs.

Steven Arthur Levin (PST.020926) Ms. Hall moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for 3 years plus 9 months plus 17 days and stayed the execution of the suspension, then placed the license on probation for 3 years plus 9 months plus 17 days, effective May 23, 2018, subject to certain terms enumerated in the consent agreement, and further, assessed administrative costs.

Medical Center Pharmacy of Many, Louisiana, Inc. d/b/a Medical Center Pharmacy of Many [Many, LA] (CDS.038838-PHY) Ms. Melancon moved to accept the voluntary surrender of the credential. Mr. Finalet responded to questions from two members; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective March 21, 2018.

Choice Medical Healthcare, Inc. d/b/a Choice Medical Healthcare [Salt Lake City, UT] (DME.000206) Ms. Melancon moved to approve the

proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$5,000 plus administrative costs.

Lauren Ruffino Etienne (PST.019969) Ms. Melancon moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective March 29, 2018.

Terry James Veillon, Jr. (PST.018988) Ms. Melancon moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective April 5, 2018.

Bruce Lee Minto (PST.020962) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Erika Janemarie Wanner (PST.020993) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Quality Medical Care & Services, LLC d/b/a Quality Medical Care & Services [Ville Platte, LA] (DME.000259) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$5,000 plus administrative costs.

Quality Medical Care & Services, LLC d/b/a Quality Medical Care & Services [Oakdale, LA] (DME.000260) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning, and further, assessed a fine of \$5,000 plus administrative costs.

Derek Anthony Sapone (PST.022266) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion

or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Walgreen.com, Inc. d/b/a Walgreens Pharmacy No. 02445 [Orlando, FL (PHY.007457)] Ms. Melancon moved to approve the proposed voluntary consent agreement. Mr. Finalet responded to a question from one member; there were no public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative costs.

Jeremy Rashad Branch (PST.019656) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for 2 years plus 8 months plus 28 days and stayed the execution of the suspension, then placed the license on probation for 2 years plus 8 months plus 28 days, effective May 23, 2018, subject to certain terms enumerated in the consent agreement; and further, assessed administrative costs.

US Healthlink, Inc. d/b/a US Healthlink Pharmacy [Orlando, FL] (PHY.007405) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$15,000 plus administrative costs.

Andrew Wright Coney (PST.020141) Ms. Melancon moved to approve the proposed voluntary consent agreement. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus administrative costs.

Chau Thai Nguyen (PST.022285) Ms. Melancon moved to accept the voluntary surrender of the credential. There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective May 18, 2018.

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 in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports

- Internal Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
- External Reports
 - Administrative and Legislative Agency Reports
- Examinations
 - MPJE
 - NAPLEX
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - La. Legislature
 - La. State Board of Medical Examiners
 - La. State Board of Nursing
 - La. Dept. of Health – Bureau of Health Services Financing
- Regional & National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - .Pharmacy Verified Websites Program
 - World Health Professions Alliance (WHPA)

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

At Mr. Aron's request, Mr. Moore moved to enter into executive session for the purpose of reviewing personnel performance issues. There was no member discussion or public comment. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Aron requested Mr. Finalet and Mr. Fontenot to remain on stand-by near the meeting room, and he requested Mr. Broussard to remain in the room. All other guests and staff were requested to leave the room.

It was noted the members entered into executive session at 11:30 a.m. and then reconvened in open session at 12:50 p.m. Mr. Aron reported no decisions were made during the executive session, and then returned to the posted agenda.

13. Announcements

Mr. Aron directed the members to the announcements in their meeting binder.

14. 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 12:55 p.m.

An Administrative Hearing was convened on Wednesday, May 23, 2018 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 public notice was properly posted.

A. Call to Order

Mr. Aron called the hearing to order at 1:40 p.m.

B. Invocation & Pledge

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Mr. Marty McKay then led the group in the Pledge of Allegiance.

C. Quorum Call

Mr. Aron called upon Secretary Bond and he called the roll. After doing so, he certified Ms. Melancon was absent; however, the remaining 16 members were present, constituting a quorum for the conduct of official business.

D. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda, dated May 10, 2018.

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 general comments on non-agenda items from the guests present, and none were offered.

Appearances

Mr. Aron indicated he would serve as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney. Ms. Susan Erkle served as the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk.

Mr. Aron indicated both cases originated with the Violations Committee; therefore the members of that committee present at their March 2018 meeting would be recused. In particular, Mr. Bond, Mr. Indovina, Ms. Melancon, Mr. Rabb, and Mr. Valentine were recused from that case.

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.

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 05-10-2018

A. Call to Order

- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items & Adoption of Agenda
- E. Opportunity for Public Comment
- * Appearances
- F. Formal Hearings
 - 01. Case No. 17-0361 ~ CPT.008697 – Tiffany Richelle Straughter
 - 02. Case No. 18-0024 ~ CPT.006762 – Ashley Marie Estes
- G. Adjourn

F. Formal Hearings

Tiffany Richelle Straughter (CPT.008697) Mr. Finalet appeared for the Board. The respondent, Tiffany Richelle Straughter, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits, and then proffered proposed Findings of Facts, Conclusions of Law, and Board Order. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Mr. Soileau moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There was no member discussion or public comment. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 1:55 p.m. and then reconvened at 2:10 p.m. Mr. Aron reported no decision was made during the executive session; he then returned the hearing panel to open session and questioned them as to their disposition of the case.

Ms. Hall then moved,

Resolved, that the 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 Items 5 and 6 to correct minor typographical errors, adopt the amended findings as our own, and then enter them into the hearing record.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, that the hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, modify them by correcting the second citation to read La. R.S. 40:971(B)(1)(b), adopt the amended conclusions as our own, and then enter them into the

hearing record.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Ms. Hall then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 8697, held by Tiffany Richelle Straughter, shall be, and is hereby, suspended for an indefinite period of time, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary matters pending against her in any jurisdiction; and
- (3) Respondent shall have received a favorable recommendation for her return to practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addiction medicine specialist approved by the Board.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Ashley Marie Estes (CPT.006762) Mr. Finalet appeared for the Board. The respondent, Ashley Marie Estes, did not appear and was not represented by counsel. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits, and then proffered proposed Findings of Facts, Conclusions of Law, and Board Order. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There was no member discussion or public comment. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 2:20 p.m. and then

reconvened at 2:26 p.m. Mr. Aron reported no decision was made during the executive session; he then returned the hearing panel to open session and questioned them as to their disposition of the case.

Mr. Moore then moved,

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

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Moore then moved,

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

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative. Mr. Moore then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 6762, held by Ashley Marie Estes, shall be, and is hereby, suspended for an indefinite period of time, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary matters pending against her in any jurisdiction; and
- (3) Respondent shall have received a favorable recommendation for her return to practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addiction medicine specialist approved by the Board.

There was no member discussion or public comment. The motion was adopted after a unanimous vote in the affirmative.

Mr. Finalet indicated completion of the cases scheduled for that day. Mr. Aron expressed his appreciation to Ms. Erkle for her recording services that day.

G. 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 2:30 p.m.

Respectfully submitted,

Malcolm J. Broussard
Executive Director