



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, November 6, 2013 at 10:00 a.m.

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

Administrative Hearing

Thursday, November 7, 2013 at 8:30 a.m.

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 6, 2013 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 10:25 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Dr. Deborah Simonson 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 (late arrival)
Ms. Chris B. Melancon
Ms. Diane G. Milano
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Don L. Resweber
Dr. Deborah H. Simonson
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine (late arrival)

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director
Mr. Cary D. Aaron, Pharmacist Compliance Officer
Mr. Stephen L. Collins, Pharmacist Compliance Officer
Mr. Huey J. Savoie, Pharmacist Compliance Officer

Guests:

Ms. Rosamaend Oglesbee – CVS Pharmacies
Mr. David Ruckman – Target Pharmacies
Ms. Mary Staples – NACDS
Mr. Reginald Abrams – David Raines Community Health Center Pharmacy

Mr. Cyrus Miller – Albertson’s Pharmacies
Ms. Susie Murphy – David Raines Community Health Center Pharmacy
Mr. Willie White, III – David Raines Community Health Center Pharmacy
Mr. Carl Gulino – Wal-Mart Stores
Ms. Patricea Angelle – Prescription Compounds
Mr. Danny Donato – Omnicare
Ms. Berkley Durbin – MedicineLouisiana
Ms. Crystal Carter – La Pharmacists Association
Ms. Michelle Dunmiles – Walgreens Pharmacies
Ms. Rebecca LaRochelle – Walgreens Pharmacies
Mr. Bud Courson – Courson Nickel
Mr. Randal Johnson – La. Independent Pharmacies Association
Mr. Greg Waddell – La. State Medical Society
Mr. Max Huff – The Wellness Corner
Mr. Devin Richardson – Wal-Mart Stores
Mr. Eric Vidrine – Professional Arts Pharmacy
Mr. Bradley Howard – Brown & Fortunato

Mr. Bond certified 15 of the 17 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items

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

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on August 14, 2013, and the Administrative Hearing on August 15, 2013, 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.

6. Report on Action Items

Mr. Broussard directed the members to the report of the annual legislative audit in their meeting binder. He also provided an update on the three regulatory proposals discussed at the August 27 public hearing, as well as the re-publication of the emergency rule relative to compounding for prescriber use on September 27.

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. Burch moved,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general

conduct and transactions of Board business since August 15, 2013 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.

9. *Election of Officers*

Mr. Aron reminded the members of their duty to elect officers for the Board during the final Board meeting of the calendar year. He then conducted the election, and the following members assumed their respective offices immediately:

- President – Carl W. Aron
- First Vice President – T. Morris Rabb
- Second Vice President – Marty R. McKay
- Third Vice President – Chris B. Melancon
- Secretary – Brian A. Bond

At this point, Mr. Aron re-ordered the agenda to consider the request for an opinion.

12. *Request for Opinion: Return of Dispensed Prescriptions to Clinic Pharmacy (David Raines Community Health Center Pharmacy [DRCHC])*

Mr. Aron recognized the representatives from the pharmacy: Ms. Susie Murphy, PIC, Mr. Willie White, CEO, and Mr. Reginald Abrams, attorney. Mr. Aron directed the members to the information in their meeting binders, more specifically the most recent inspection report, a copy of the relevant pharmacy policy, and the letter from Ms. Murphy. During the presentation, Ms. Murphy indicated the policy previously provided to the Board had been recently updated, and she circulated a copy of that current version of the policy. The representatives responded to questions from the members. Following a short discussion among the members, Mr. Rabb moved,

Resolved, that the Board approve *DRCHC Pharmacy Policy No. 11-09 ~ Patient Prescription Delivery to Satellite Sites (August 30, 2013)*.

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

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 11:25 a.m. and then reconvened at 11:35 a.m. Mr. Aron then resumed 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 two documents in their meeting binders:

- *Interim Report for Fiscal Year 2013-2014*
- *Proposed Budget for Fiscal Year 2014-2015*

Mr. Pitre reviewed the current financial report which included data for the first quarter ending September 30, 2013. He responded to questions from the members and tendered the report for information only. He then directed the members to the proposed budget for the following fiscal year. He reported the committee had met the previous day to review the staff proposal in detail before voting to recommend the approval of the proposed budget as presented. He then moved,

Resolved, that the Board approve and adopt the Proposed Budget for Fiscal Year 2014-2015 as presented.

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

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

B. Application Review Committee.

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau indicated the committee had not met since the last Board meeting and their next meeting was scheduled for the following week, on November 12.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 24 applicants in the interim since the previous board meeting, and in conformance with the policies and procedures previously approved by the board, had authorized the issuance of pharmacist licenses for those applicants. She noted their names were recorded on the posted committee meeting agenda for that day. She then reported the committee interviewed an additional 23 applicants earlier that day, and their names were also listed on the posted committee agenda, a copy of which was in the meeting binder. She then moved for the Board to approve all 23 applicants for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative.

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

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

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider 13 referrals from staff. Mr. Rabb then presented the following files for Board action.

Scott Nolan Gewin (PST.017104) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the license for an indefinite period of time, effective September 30, 2013.

Sharon Renee Barnes Michael (PST.017155) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the license for an indefinite period of time, effective October 3, 2013.

Randi Lea Cassidy (CPT.010273) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the certificate for an indefinite period of time, effective October 15, 2013.

Noel Gerard Faucheux (PST.011765) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the license for an indefinite period of time, effective October 24, 2013.

William Francis McCarthy, Jr. (PST.013008) 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 November 6, 2013, subject to certain terms enumerated in the consent agreement.

Lanny Joseph Richard (PST.011807) 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 November 6, 2013, subject to certain terms enumerated in the consent agreement.

Edwin Paul Domingue, Jr. (PST.010459) Mr. Rabb moved to deny the respondent's request for termination of all probationary restrictions. The motion was adopted after a unanimous vote in the affirmative. The Board denied the respondent's request for termination of all probationary restrictions.

LaShunda Renee Williams (CPT.006933) 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 certificate to active and unrestricted status.

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

Steve Larry Wilson, Jr. (PST.015952) Mr. Rabb moved to grant the 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.

Matthew Paul Dixon (Applicant for Pharmacist License by Reciprocity) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for licensure by reciprocity, authorized the issuance of a pharmacist license, suspended the license for five years and suspended the execution of the suspension, and then placed the license on probation for five years, effective November 6, 2013, subject to certain terms enumerated in the consent agreement.

John David May (Applicant for Pharmacist License by Reciprocity) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for licensure by reciprocity, authorized the issuance of a pharmacist license, suspended the license for five years and suspended the execution of the suspension, and then placed the license on probation for five years effective November 6, 2013, subject to certain terms enumerated in the consent agreement.

Mr. Rabb informed the members of the results of a recent audit for compliance with probationary restrictions, in particular attendance at AA/NA meetings. For the 20% of pharmacists who failed to document their compliance with the requirements, Mr. Rabb directed each of the respondents to complete the Begin Recovery educational program as operated by Dr. Douglas Cook within six months of the assignment. He suggested the propriety of a standard proposed voluntary consent agreement to be offered to anyone in the future who fails the same type of compliance audit. He then moved,

Resolved, that the Board's administrative officers be authorized to offer a standard proposed voluntary consent agreement to any person on probation who fails a compliance audit of AA/NA meeting attendance; and further, the standard proposed voluntary consent agreement would include the following terms: (1) the issuance of a Letter of Warning; (2) the assessment of a \$250 administrative hearing fee; and (3) a requirement to complete the Begin Recovery educational program as operated by Dr. Douglas

Cook within six months of the assignment date; and further, all such standard proposed voluntary consent agreements accepted by respondents shall be presented to the Board for its approval.

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

Mr. Rabb closed his report with appreciation to his fellow committee members for their work the previous day.

At this point, Mr. Aron declared a luncheon recess. It was noted the Board recessed at 12:10 p.m. and reconvened in open session at 12:55 p.m. Mr. Aron re-ordered the agenda to consider the request for a new rule.

13. Request for Consideration of New Rule to Prohibit Physician Ownership of Pharmacies (The Picard Group)

Mr. Aron recognized Mr. Eric Vidrine and Mr. Bradley Howard, an attorney with Brown & Fortunato, a firm specializing in health care law. Mr. Howard distributed a binder to the members and reviewed the contents therein. He then presented a proposal to prohibit a physician from sending prescriptions to a pharmacy in which he holds a financial interest and requested the development and promulgation of a new rule to that effect. Following a brief discussion, Mr. Resweber moved to refer the topic to the Regulation Revision Committee for its consideration and development of a regulatory proposal. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron referred the request to the Board's Regulation Revision Committee for its consideration.

At this point, Mr. Aron re-ordered the agenda to receive the remainder of the committee reports. It was noted that Mr. Valentine arrived at approximately 1:50 p.m.

10. Committee Reports

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on August 28-29 to consider their posted agenda which included 8 pharmacists, 3 pharmacy technicians, 4 pharmacy technician candidates and 9 pharmacy permits. Following their interviews and deliberations, the committee took no action on ten cases.

Without objection from the members, Mr. Aron reordered the agenda to consider the proposed voluntary consent agreements originally scheduled for presentation by the Violations Committee during the following day's administrative hearing.

Thursday, November 7, 2013

G. Report of Violations Committee

Mr. Bond presented the following matters for the Board's consideration.

Robert Blake Vidrine (PST.010232) 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 an

indefinite period of time, and further, assessed a fine of \$5,000 plus administrative costs, and further, conditioned the acceptance of any future application for reinstatement of the license upon certain conditions itemized in the consent agreement.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 7224 (PHY.006153) 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 costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5432 (PHY.005782) 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 \$2,500 plus administrative and investigative costs.

Brent Michael Cantrelle (PST.018704) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,500 plus administrative costs.

Barry Joseph Robichaux (PST.010309) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board extended the active suspension already in place (from a previous unrelated matter earlier in the year) for an indefinite period of time, and further, assessed a fine of \$1,500 plus administrative costs.

Emma Harris Porter (CPT.001663) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for an indefinite period of time, effective August 26, 2013, and further, imposed a permanent prohibition on the acceptance of any future application for reinstatement of the certificate.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5331 (PHY.005773) 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 \$10,000 plus administrative costs.

Louisiana CVS Pharmacy LLC, d/b/a CVS Pharmacy No. 5396 (PHY.005963) 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 \$10,000 plus administrative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 4743 (PHY.006485) 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 \$10,000 plus administrative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5360 (PHY.005774) 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 \$10,000 plus administrative costs.

Chris Youree Kalstone (PST.010973) 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 requested its publication in the Board's quarterly newsletter, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

Michael Glenn Harlton (PTC.020106) 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 registration.

Mr. Bond indicated the committee was scheduled to meet again on December 11-12, the docket for which listed 11 pharmacists, 5 pharmacy technicians, one pharmacy technician candidates, 13 pharmacy permits, and one DME permit.

He then closed his report with appreciation to the other committee members for their ongoing efforts.

At this point, Mr. Aron resumed the posted agenda and called for the next committee report.

Wednesday, November 6, 2013

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee had met the previous day to consider six referrals from the staff. She then presented the following files for Board action.

Catina Elizabeth Wyre (CPT.003792) 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.

Desiree LaRita Craig-Francis (CPT.004513) 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.

Harold Scott Otwell (PST.015945) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the consent agreement.

Kiana Johnson Middlebrooks (CPT.005442) 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.

Debbie Jean Spoonhour (PST.017524) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the consent agreement.

April Rhiannon Muth (CPT.004096) 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.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:20 p.m. and reconvened in open session at 2:40 p.m.

H. Regulation Revision Committee

Since Mr. McKay had not yet arrived at the meeting, Mr. Aron requested Mr. Broussard to provide the committee's report. Mr. Broussard reported the committee had not met since the previous Board meeting but that their next meeting was scheduled for the following week, on November 13.

Mr. Broussard reminded the members the Board conducted a public hearing on August 27 to receive comments and testimony on three separate regulatory projects. He reported the project relative to preferential licensing for military personnel elicited no comments or testimony, and further, that the project relative to penal pharmacy permit revision had elicited one comment and request for non-substantive amendment, to which the Board agreed, and further, that both of those projects had been submitted to the legislative oversight committee and were scheduled for publication as final rules in the

November 2013 edition of the Louisiana Register.

Mr. Broussard then reported the project relative to collaborative drug therapy management had elicited several comments and testimonials at the public hearing. He directed the members to a compilation of the comments and testimony in their meeting binder. He then reminded them of their duty to consider the comments and testimony and then determine whether any changes to the original proposal were necessary, and secondly, to provide guidance to the staff for the required responses to the commentators.

Mr. Broussard then led the discussion guiding the members through each of the submissions listed in the compilation. Following their review and deliberations, the members determined that no changes to the original proposal were necessary, and further, they provided guidance to staff on how to respond to each of the commentators.

It was noted that Mr. McKay arrived at the meeting at 3:05 p.m.

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

I. Executive Committee

Mr. Aron informed the members the committee had met the previous day to consider the matters on their posted agenda. With respect to the current policy on salary administration for the office staff, Mr. Aron indicated the committee reviewed a proposed revision to that policy and he called upon Mr. Rabb for the committee's recommendation. Mr. Rabb moved to approve the proposed revision, Policy No. II.A.6 – Flexible Special Entrance Rates for Salaries. The motion was adopted after a unanimous vote in the affirmative.

With respect to the office's administrative operations, the committee reviewed the new legislation relative to non-resident pharmacies as well as the current administrative procedures. He informed the members the committee had directed staff to solicit a proposal from the National Association of Boards of Pharmacy (NABP) for the inspection of non-resident pharmacies and then refer that proposal to the Board for its consideration. The committee also requested the insertion of an article in the January 2014 edition of the Board's newsletter advising all pharmacies that the renewal of a pharmacy permit for Calendar Year 2015 and beyond will require the date of the most recent inspection to be less than three years prior to the date of the renewal application. The committee also requested that the criminal background check requirement be applied to all applicants for pharmacy permits.

With respect to the administrative operations relative to the processing of applications for pharmacist licensure by reciprocity, the committee reviewed staff research on the number of states still requiring mandatory interviews for all reciprocity applicants. There are seven states, including Louisiana, that still require mandatory interviews for all applicants. Another 15 states reserve the right to require an interview based on information contained within the application. Mr. Aron requested discussion among the members as to

whether they wished to retain the mandatory requirement for a face-to-face interview. Several members suggested the Board should reserve the right to require an interview but that perhaps it was not necessary for a mandatory interview for all applicants. Mr. Aron referred the matter to the Reciprocity Committee and requested their assistance on the development of a proposed policy revision relative to mandatory interviews for reciprocity applicants.

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

11. Staff Reports

J. Prescription Monitoring Program

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

He reminded the members about the 2009 change in the PMP law that authorized the Board to issue waivers to the duty to report data to the program. He then directed the members to a list of 15 pharmacies requesting such a waiver. Ms. Melancon moved,

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

- > PHY.005250-NR – Cystic Fibrosis Services;
 - > PHY.006125-HOS – Promise Hospital Pharmacy;
 - > PHY.006472-NR – Advanced Pharmacy;
 - > PHY.006567-NR – Henry Schein Animal Health Supply;
 - > PHY.006585-IR – HPC Biologicals;
 - > PHY.006615-NR – JCB Laboratories;
 - > PHY.006630-NR – Amber Pharmacy;
 - > PHY.006665-NR – QPHARxMACY;
 - > PHY.006685-HOS – LSU Health Baton Rouge – Surgical Center Pharmacy;
 - > PHY.006696-NRN – Cardinal Health 414;
 - > PHY.006706-NR – Advantage Pharmacy;
 - > PHY.006737-NR – EntrustTx;
 - > PHY.006744-HOS – Our Lady of the Lake Outpatient Infusion Pharmacy at Picardy;
 - > PHY.006728-HOS – University Medical Center Management Corporation (Interim LSU Hospital); and
 - > PHY.006608-NR – VetRxDirect,
- 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

Without objection from the members, Mr. Aron reordered the agenda to consider the proposed voluntary consent agreements originally scheduled for presentation by Mr. Finalet during the following day's administrative hearing.

Thursday, November 7, 2013

H. Report of General Counsel

Mr. Finalet presented the following matters for the Board's consideration.

Tony Xavier Neustadler (PTC.019472) 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, and further, issued a permanent prohibition on the acceptance of any future application for the reinstatement of the registration or for any other credential issued by the Board.

Jade Mychel Schultz (CPT.008106) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, issued a permanent prohibition on the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

LaToya Michelle Franklin (CPT.007151) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, issued a permanent prohibition on the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

Edozie Chukwudinma Okereke (CDS.025714-DPM) Mr. McKay moved to suspend the CDS license based on the suspension of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time effective July 15, 2013.

Randy Wayne Head (CDS.024040-MD) Mr. McKay moved to suspend the CDS license based on the suspension of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time effective September 4, 2013.

Barbara Ann Noguchi (CDS.023751-MD) Mr. McKay moved to suspend the CDS license based on the suspension of her medical license. The motion was adopted after a unanimous vote in the

affirmative. The Board suspended the CDS license for an indefinite period of time effective August 19, 2013.

Donald Peter Auzine, II (CDS.028735-MD) Mr. McKay moved to revoke the CDS license based on the revocation of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the CDS license effective August 19, 2013.

Linda Camille Bunch (CDS.016907-MD) Mr. McKay moved to suspend the CDS license based on the suspension of her medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time effective September 18, 2013.

Don Francis Peterson (CDS.019052-MD) Mr. McKay moved to suspend the CDS license based on the voluntary surrender of his federal registration to the U.S. Drug Enforcement Administration. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time effective October 23, 2013.

At this point, Mr. Aron resumed the posted agenda, still within the Report of the General Counsel.

Wednesday, November 6, 2013

Mr. Finalet then reported on the status of the pending litigation, as well as an article in a recent edition of the state pharmacy association journal.

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

L. Report of Executive Director

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

- Meeting Activity
- Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
 - Annual Audit Report from Legislative Auditor
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division

Compliance Division
Administrative Division

- State Activities
 - 2013 Legislature
 - Board of Nursing
 - Board of Medical Examiners
- National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6 Annual Meeting
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)

14. *Announcements*

Mr. Aron informed the members of recent accomplishments by Mr. Joe Fontenot, Assistant Executive Director. Having completed his one year term as Secretary of the Alliance of States with Prescription Monitoring Programs (ASPMP), he was elected to a one year term as Vice President of that organization during their recent annual meeting in October. During the annual meeting of the National Association of State Controlled Substance Authorities (NASCSA), which was also held in October, Mr. Fontenot was elected to a two year term as a member of the Executive Committee. Finally, he continues to represent Louisiana on the Prescription Monitoring Program (PMP) Work Group at the National Association of Boards of Pharmacy (NABP). In reciting Mr. Fontenot's accomplishments, Mr. Aron indicated his national service benefits the Louisiana Board of Pharmacy and its Prescription Monitoring Program and expressed his appreciation to Mr. Fontenot. The members expressed their appreciation with a round of applause.

Mr. Aron directed the members to the announcements in their meeting binder, which included the tentative dates for the board meetings in Calendar Year 2014.

15. *Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 3:50 p.m.

* * * * *

An Administrative Hearing was convened on Thursday, November 7, 2013 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

A. Call to Order

Mr. Aron called the meeting to order at 8:20 a.m.

B. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond for the invocation, then Mr. Valentine led the group in the recitation of the Pledge of Allegiance

C. Quorum Call

Mr. Aron called upon Secretary Bond and he called the roll. After doing so, he certified 14 of the 17 members were present, constituting a quorum for the conduct of official business. Ms. Melancon, Mr. Rabb, and Ms. Reed were absent.

D. Call for Additional Agenda Items

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

E. Opportunity for Public Comment

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

Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney, Ms. Susan Erkle was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. The posted agenda is re-created here.

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 10-28-2013

A. Call to Order

B. Invocation & Pledge of Allegiance

C. Quorum Call

D. Call for Additional Agenda Items

E. Opportunity for Public Comment

F. Formal Hearings

01. CPT.004539 – Charlene Marie Fletcher

Case No. 13-0235

02. CPT.008519 – Javondra Marie Raby

Case No. 13-0143

G. Report of Violations Committee – Consideration of Voluntary Consent Agreements

03.	PST.010232 – Robert Blake Vidrine	Case No. 13-0024
04.	PHY.006153 – Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 7224	Case No. 13-0133
05.	PHY.005782 – Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5432	Case No. 13-0056
+		
06.	PST.018704 – Brent Michael Cantrelle	Case No. 13-0157
+		
07.	PST.010309 – Barry Joseph Robichaux	Case No. 13-0170
08.	CPT.001663 – Emma Harris Porter	Case No. 12-0156
09.	PHY.005773 – Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5331	Case No. 13-0262
10.	PHY.005963 – Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5396	Case No. 13-0263
11.	PHY.006485 – Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 4743	Case No. 13-0264
12.	PHY.005774 – Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5360	Case No. 13-0265
13.	PST.010973 – Chris Youree Kalstone	Case No. 12-0292
14.	PTC.020106 – Michael Glenn Harlton	Case No. 13-0178

H. Report of General Counsel

Consideration of Voluntary Consent Agreements

15.	PTC.019472 – Tony Xavier Neustadter	Case No. 13-0296
16.	CPT.008106 – Jade Mychel Schultz	Case No. 13-0305
17.	CPT.007151 – LaToya Michelle Franklin	Case No. 13-0346

Consideration of Voluntary Surrenders

Consideration of CDS Licenses for Disciplined Practitioners

18.	CDS.025714-DPM – Edozie Chukwudinma Okereke	Case No. 13-0272
19.	CDS.024040-MD – Randy Wayne Head	Case No. 13-0408
20.	CDS.023751-MD – Barbara Ann Noguchi	Case No. 13-0409
21.	CDS.028735-MD – Donald Peter Auzine, II	Case No. 13-0410
22.	CDS.016907-MD – Linda Camille Bunch	Case No. 13-0417
23.	CDS.019052-MD – Don Francis Peterson	Case No. 13-0428

I. Adjourn

F. Formal Hearings

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

Javondra Marie Raby (CPT.008519) Mr. Finalet appeared for the Board and noted the absence of the respondent. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law and board order, and then tendered the matter to the hearing panel for its consideration. Mr. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:30 a.m. and then returned to open session at 8:45 a.m.

Ms. Hall moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney and modify them by amending Item 3 to correct a typographical error and adopt the amended findings as our own, and then enter them into the hearing record.

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

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

The motion was adopted after a unanimous vote in the affirmative. 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. 8519, held by Javondra Marie Raby, shall be and is hereby revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$5,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs

of the prosecuting attorney and the official recorder; and

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

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

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

Charlene Marie Fletcher (CPT.004539) Mr. Finalet appeared for the Board and noted the absence of the respondent. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses and four exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:00 a.m. and then returned to open session at 9:10 a.m.

Ms. Hall moved,

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

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

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 4539, held by Charlene Marie Fletcher, shall be and is hereby revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments:

- (1) A fine of \$5,000;
- (2) The administrative hearing fee of \$250; and

- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

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

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

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

Mr. Finalet indicated completion of the formal hearings.

I. Adjourn

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

Respectfully submitted,

Brian A. Bond
Secretary