



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537

www.pharmacy.la.gov



Minutes

Regular Meeting

Wednesday, May 4, 2011 at 1:00 p.m.

Louisiana Board of Pharmacy
5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808

Administrative Hearing

Thursday, May 5, 2011 at 8:30 a.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 4, 2011 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:05 p.m.

2. Invocation & Pledge

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

3. Quorum Call

Mr. Aron called upon the Secretary, Dr. Lois Anderson, to call the roll.

Members Present:

Mr. Joseph L. Adams
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Ryan M. Dartez
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Marty R. McKay
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Richard A. Soileau

Members Absent:

Ms. Sydnie M. Durand
Ms. Chris B. Melancon
Dr. Deborah H. Simonson

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Prescription Monitoring Program Manager

Guests:

Ms. Fallon Walker – Walgreen Pharmacies
Dr. William M. Bourn
Ms. Simone Ginn
Mr. William T. Lee – Rx Remote Solutions
Mr. Mitch Ward – Target Pharmacies

Dr. Bryan C. McCann
Mr. Danny Donato – Omnicare
Mr. Paul D'Aunoy – CAPS
Mr. Randal Johnson – LIPA

Dr. Anderson certified that 14 members were present, constituting a quorum.

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 February 16, 2011 and the Administrative Hearing on February 17, 2011. 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. Dr. Anderson reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard indicated there were no action items pending from the prior meeting.

7. Confirmation of Acts

Pursuant to Mr. Aron's declaration that the officers, committees, and executive director had attended to the business of the Board since the last meeting in accordance with policies and procedures previously approved by the Board, Mr. McKay moved,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 17, 2011 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

Mr. Aron reminded the members and guests that Act 850 of the 2010 Legislature requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments from the guests present, but none were offered.

At this point, Mr. Aron re-ordered the agenda.

11. Patient Counseling by Pharmacists

Mr. Aron recognized two guests, Dr. William Bourn and Ms. Simone Ginn, who noted they were appearing that day in their private capacities and not in connection with their professional appointments. They related their observations that very few pharmacists were counseling patients on their medications as required by the Board. Following a brief discussion, Mr. Aron directed the Tripartite Committee to include the topic on its

agenda. He also suggested the re-activation of the pharmacy congress and the inclusion of this topic on its agenda.

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

9. *Committee Reports*

A. *Finance Committee*

Mr. Aron called on Mr. Pitre for the committee report. Mr. Pitre directed the members to the Interim Financial Report for Third Quarter of FY 2010-2011 in their meeting binder. He reviewed the report and responded to questions from the members. He then tendered the report for information only. Finally, Mr. Pitre expressed his appreciation to the members of his committee for their ongoing efforts.

B. *Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on March 22 to consider nine referrals from the staff. Following their interviews and deliberations, the committee disposed of four of the applications. He then presented the following files for Board action.

St. Mary's Pharmacy, LLC (Applicant for Pharmacy Permit) Mr. McKay moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, authorized the issuance of a new pharmacy permit, suspended the newly-issued permit for four years, stayed the execution of the suspension, and then placed the newly-issued permit on probation for four years, terminating April 1, 2015, subject to certain terms as enumerated in the consent agreement.

Ana Myra Garcia (Applicant for PTC Registration) Mr. McKay moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Amy Elizabeth Suarez (Applicant for PTC Registration) Mr. McKay moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Michelle Leigh Leonard (Applicant for PTC Registration) Mr. McKay moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Christopher Nathaniel Dispenza (PTC.015432 – Applicant for CPT Certificate) Mr. McKay moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application, authorized the issuance of a pharmacy technician certificate, suspended the newly-issued certificate for an indefinite period of time, stayed the execution of the suspension, and then placed the newly-issued certificate on probation for an indefinite period of time.

Finally, Mr. McKay expressed his appreciation to the members participating in the March 22 meeting, Dr. Anderson and Mr. Aron.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 21 candidates earlier that day. She then moved,

Resolved, that the Board approve
Brooke Elizabeth Baetz
Kathryn Peterson Cartwright
Rose Virginia Ferlita
Shannon Wayne Hattaway
Bryan Christopher Horne
Bridgette-Thanh-Thao Marie Lai
Tiffany Diane Lawson
Alison Blazich Lynch
Mary Kathryn Meares
Joyce Ann Napierkowski
Denise Licking Nesbitt
Michael Hai Nguyen
Jerry Michael Partridge
Hannah Nichole Williams Pennington
Brian Douglas Schafer
Jeffery Edward Scott
Terry Glen Smith
Lee Wayne Waits
Mark William Webb, *and*
Jennifer Downing Yoakum

for pharmacist licensure by reciprocity.

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

Resolved, the Board approves the application for pharmacist licensure by reciprocity filed by Heather Ashlee Fountain,

Editor's Note: The Board has adopted a coding system for its credentials, such that a two, three, or four-lettered prefix will be followed by a period and then immediately by a six-digit credential number. Some of the relevant prefixes include PHY for pharmacy permit, PST for pharmacist license, PNT for pharmacy intern registration, CPT for certified pharmacy technician certificate, PTC for pharmacy technician candidate registration, and CDS for controlled dangerous substance license. Some credential numbers may also contain a suffix.

contingent upon the receipt and favorable staff review of certain required documents.

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

Finally, Ms. Hall expressed her appreciation to the other members of the committee for their work that morning.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on March 1-2, 2011 and reviewed that docket. He then reviewed the docket for the administrative hearing slated for the following day, as well as the committee's next informal conference in June 2011.

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

E. Impairment Committee

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

Casey Kendall Gisclair (PST.017305) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for modification of probationary terms by removing the restriction which prohibited the acceptance of an appointment as the pharmacist-in-charge of a pharmacy; however, the Board limited the future acceptance of any such appointments during the probationary period to specific pharmacies approved by the Board.

James Edward Witchen (PST.010597) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a voluntary consent agreement. The Board granted the request for termination of probation and removal of all restrictions.

Edward John Rabalais (PST.009897) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for modification of probationary terms by removing the restriction which prohibited the acceptance of an appointment as the pharmacist-in-charge of a pharmacy.

Troy Renard Guilbeaux (PST.017854) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for modification of probationary terms by removing the restriction which prohibited the acceptance of an appointment as the pharmacist-in-charge of a pharmacy.

Christy Leann Morales (PST.019322) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for modification of

probationary terms by removing the restriction which prohibited the acceptance of an appointment as the pharmacist-in-charge of a pharmacy; however, the Board limited the future acceptance of any such appointments during the probationary period to specific pharmacies approved by the Board.

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

F. Reinstatement Committee

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

Jerome Segura, Jr. (PST.011533) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed license, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

James Albert Colligan (PST.008387) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed license, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Regina Mary Corliss (CPT.003797) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Finally, Mr. Adams expressed his appreciation to the other members of the committee for their deliberations earlier that day.

G. Tripartite Committee

Mr. Aron noted the absence of the committee chair, Ms. Melancon, as well as his awareness of no committee meeting since the prior Board meeting.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:05 p.m. and then reconvened in open session at 2:25 p.m.

H. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee met on March 23 to consider its posted agenda. The members agreed to return the following assigned topics back to the Board with no recommendations for any changes:

- Limitation of service at institutional pharmacies
- Permissible activities for unlicensed persons in prescription

departments, e.g., whether non-credentialed persons may view prescription information

- Classification of facility as 'long-term care', along with discussion of 'agent' faxing prescriptions for Schedule II substances
- Hours of practical experience for pharmacy interns.

Dr. Anderson indicated the committee also voted to submit two regulatory proposals, along with a policy and procedure document relevant to one of the regulatory proposals. She then presented the following proposals for consideration by the Board.

- Regulatory Proposal 2011-1 ~ PIC Requirements (Draft #5)

Dr. Anderson reminded the members they considered an earlier draft during their November 2010 meeting and had remanded the proposal back to the committee for further consideration. She indicated the committee made suggested revisions. She then moved,

Resolved, to approve Regulatory Proposal 2011-1 ~ PIC Requirements (Draft #5), and further, to authorize the Executive Director to submit the proposed rule for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Policy & Procedure I.A.11 ~ PIC Requirements

Following a brief discussion, Mr. Aron remanded the document back to the committee for further revision.

- Regulatory Proposal 2011-6 ~ Remote Order Processing (Draft #1)

Following substantial discussion, Mr. Aron remanded the document back to the committee for further revision.

Finally, Dr. Anderson expressed her appreciation to the other members of the committee for their ongoing efforts.

I. Executive Committee

Mr. Aron reported the committee met the previous day to review all of the Board's contracts and agreements as well as the policies and procedures. With respect to the contracts and agreements, all of the vendors fulfilled their contractual obligations and no performance issues were identified by staff. He then called upon Mr. Rabb to report the committee's recommendations relative to the renewal of contracts and agreements. Mr. Rabb moved,

Resolved, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2011-2012.

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

moved,

Resolved, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, at the stipulated rates, in an amount not to exceed \$25,000 for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the completion of the implementation, as well as the continued development and operation, of eLicense from CAVU Corporation and its successor, Iron Data Corporation, at the stipulated rates, in an amount not to exceed \$150,000 for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the proposed information system network support services agreement with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$30,000 for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the agreement with Health Information Designs, Inc. as the vendor for the Board's Prescription Monitoring Program, at the stipulated rates, in an amount not to exceed \$220,000 for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the agreement with Portico Learning Solutions as the vendor for the Board's electronic education initiative, at the stipulated rates, in an amount not to exceed \$20,000 for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the National Association of Boards of Pharmacy (NABP) as the administrator for the pharmacist licensure examinations (NAPLEX, MPJE, and FPGE) for Fiscal Year 2011-2012.

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

Resolved, that the Board approve the Pharmacy Technician Certification Board (PTCB) as the administrator for the pharmacy technician certification examination for Fiscal Year 2011-2012.

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

moved,

Resolved, that the Board approve the NABP Foundation as the publisher of the Board's newsletter – both electronic and printed editions – at the stipulated rate, in an amount not to exceed \$30,000 for Fiscal Year 2011-2012.

The motion was adopted after a majority vote in the affirmative; Mr. Adams objected to the total amount authorized, favoring an electronic version over a printed version of the newsletter. Mr. Rabb moved,

Resolved, that the Board continue its approval of the Board's Policy & Procedure Manual for Fiscal Year 2011-2012.

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

Resolved, that the Board continue its approval of the Board's Loss Prevention Manual for Fiscal Year 2011-2012.

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

Resolved, that the Board continue its approval of FirstLab as the vendor for the Board's drug screening program for Fiscal Year 2011-2012.

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

Resolved, that the Board continue its approval of the Board's Roster of Approved Addictionists for Fiscal Year 2011-2012.

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

Following the approval of all the proposed contracts and agreements, Mr. Aron authorized Mr. Broussard to execute all of the contracts and agreements on behalf of the Board and to complete the required filing process with the various legislative and administrative agencies.

Mr. Aron then reminded the members of their obligation to file the required financial disclosure report with the state Ethics Committee prior to the deadline in early May.

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

10. Staff Reports

J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. Mr. Fontenot directed the members to the quarterly statistical report in the 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 of the database 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, especially for those pharmacies who have been submitting zero reports for the entire time frame. He reminded them of their previous

decisions, granting approximately 180 waivers to date. He then presented a list of six additional pharmacies requesting such a waiver. Mr. Bond moved **Resolved**, to authorize the issuance of PMP reporting waivers to each of the six pharmacies which had executed the standard consent agreement for that purpose.

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

Mr. Fontenot described some pending enhancements planned for the program, including log-outs and other minor improvements.

Mr. Fontenot then reported on the PMP Advisory Council meeting from April 13. Following a presentation from Mr. Josh Bolin, Director of Government Affairs at the National Association of Boards of Pharmacy (NABP) which described the association's new PMP-Interconnect[®] program, the council unanimously adopted a resolution encouraging the Board of Pharmacy to complete the procedures necessary to enter into the required Memorandum of Understanding with NABP to participate in that interstate data sharing program. Following a short discussion, Mr. Pitre moved, **Resolved**, to direct staff to complete the procedures necessary to enter into a Memorandum of Understanding with the National Association of Boards of Pharmacy for the implementation and operation of the PMP-Interconnect[®] program.

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

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

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet reported on further appeal-related developments of a case previously adjudicated by the Board. Further, the respondent – Taddese Tewelde – filed a motion requesting an extension of time for the payment of the fine levied in the Board Order. Mr. Finalet explained the payment schedule offered the respondent concluded with the end of the current fiscal year and that the respondent had completed all but the final two monthly payments. Mr. McKay moved to deny the request for an extension of the payment schedule. The motion was adopted after a unanimous vote in the affirmative.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 4:35 p.m. and then reconvened in open session at 4:50 p.m.

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

1. PIC at Multiple Pharmacies
 2. Special Work Permits
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
 - Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - National Activities
 - National Association of Boards of Pharmacy (NABP)
 - US Drug Enforcement Administration (DEA)
 - US Pharmacopeia (USP)
 - NABP-AACP District 6
 - Office of National Drug Control Policy (ONDCP)
 - International Activities
 - CHRE International Observatory on the Regulation of Health Professionals
 - International Pharmaceutical Federation
 - Louisiana Legislature
 - Mr. Broussard directed the members to SB 60, which sought to amend the pharmacy law to authorize pharmacists to administer certain immunizations without a prescription or medical order. The members discussed the current language as well as some potential amendments. Mr. Aron questioned the members as to their opinion of the legislation. Dr. Anderson moved to place the Board in support of SB 60. The motion was adopted after a unanimous vote in the affirmative.

Mr. Aron informed the members of the need to vacate the premises as soon as possible after the administrative hearing scheduled for the following day. He reminded the members the staff needed time to complete the packing of all the furniture and other assets for pickup by the movers on the morning of May 6. He questioned the members whether they were prepared to stay a bit longer that day to facilitate an early departure the following day, by transferring a portion of the hearing agenda to that point in time, specifically, the proposed consent agreements. There was no objection to considering the proposed agreements at that time and holding the formal hearings as scheduled the following day. Mr. Aron then re-ordered the agenda.

Administrative Hearing – Thursday, May 5, 2011

G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
Mr. Aron called upon Mr. Bond for the report. Mr. Bond then presented the following files for consideration by the Board.

Richard Robert Heap (PST.010874) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one year and stayed the execution thereof, and then placed the license on probation for one year, and further, assessed a fine of \$1,000 plus administrative and investigative costs.

Blake's Southside Pharmacy (PHY.001569) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative and investigative costs.

Sidney William Prudhomme (PST.009450) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine \$1,000 plus administrative costs.

Meshell's Home Respiratory Meds (PHY.005261) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the permit.

Cindi Ann Reed (PST.014589) Mr. Bond moved to approve the voluntary consent agreement. 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.

Paragon Drug Store (PHY.003275) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for five years and stayed the execution thereof, and then placed the permit on probation for five years, and further, assessed a fine of \$10,000 plus administrative and investigative costs.

John Edward Broussard (PST.013303) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, and further, assessed the owner of the permit a fine of \$2,500 plus administrative and investigative costs.

Walgreens Tech Builder Program (PTTP.01023) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the owner of the program a fine of \$5,000 plus administrative costs.

Buell Dunn Polk (PST.017336) Mr. Bond moved to approve the voluntary consent agreement. 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 and investigative costs.

Medicine Shoppe of Bayou Vista (PHY.002662) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for one year and stayed the execution thereof, and then placed the permit on probation for one year, and further, assessed the owner of the permit a fine of \$5,000 plus administrative and investigative costs. The Board ordered the new probationary period to begin automatically and immediately following completion of the current probationary period.

Steve Patrick Michel (PST.011999) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one year and stayed the execution thereof, and then placed the license on probation for one year, and further, assessed a fine of \$5,000 plus administrative costs. The Board ordered the new probationary period to begin automatically and immediately following completion of the current probationary period.

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

H. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet presented the following matters for consideration by the Board.

Consideration of Voluntary Consent Agreements

Scallan's Pharmacy (PHY.000981) Dr. Anderson moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit, and further, assessed a fine of \$5,000 plus administrative costs.

Paige Elizabeth LeBlanc (PTC.017142) Dr. Anderson moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration and further, prohibited any future application for the reinstatement of the registration or any other application for any other credential issued by the Board.

Jimmie Wayne Plumer (PST.014513) Dr. Anderson moved to approve the voluntary consent agreement. 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.

Cardinal Health (PHY.005019) Dr. Anderson moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the owner of the permit,

and further, assessed a fine of \$5,000 plus administrative costs.

Sharonda Denise Russ (CPT.007386) Dr. Anderson moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate and further, prohibited any future application for the reinstatement of the certificate or any other application for any other credential issued by the Board.

Consideration of Voluntary Surrenders

Donald Rochon Parker (CDS.026578-MD) Dr. Anderson moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the suspension of the license for an indefinite period of time, effective May 3, 2011.

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

12. Announcements

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

13. Recess

Mr. McKay moved to recess. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 6:50 p.m.

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An Administrative Hearing was held on Thursday, May 5, 2011 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard 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 8:35 a.m.

B. Invocation & Pledge of Allegiance

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

C. Quorum Call

Mr. Aron called upon Secretary Anderson, and she called the roll. After doing so, she informed Mr. Aron that 13 members were present, constituting a quorum.

D. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. At that point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports and witnesses. There were no objections to his request.

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. He solicited comments from the guests in attendance, but none were offered.

Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Ms. Celia Cangelosi served as the Prosecuting Attorney, and Mr. Carlos M. Finalet, III served as General Counsel for the Board. Mr. Mark Lacour was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron directed the insertion of the posted agenda into these minutes and waived the reading thereof. The posted agenda is re-created here.

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, May 5, 2011 in the Board office, for the purpose to wit:

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 05-03-2011

- 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.009064 – Deontralease Gabriel Henderson Case No. 10-0291
 - 02. CPT.004711 – Kristin Smith Quarrella Case No. 10-0354
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 03. PST.010874 – Richard Robert Heap Case No. 10-0155
 - 04. PHY.001569 – Blake's Southside Pharmacy Case No. 10-0178
 - + 05. PST.009450 – S. William Prudhomme Case No. 10-0288
 - 06. PHY.005261 – Meshell's Home Respiratory Meds Case No. 10-0221
 - + 07. PST.014589 – Cindi Ann Reed Case No. 10-0222
 - 08. PHY.003275 – Paragon Drug Store Case No. 10-0125
 - 09. PST.013303 – John Edward Broussard Case No. 10-0323

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| 10. | PTTP.01023 – Walgreen Pharmacies Tech Builder Program | Case No. 10-0306 |
| 11. | PST.017336 - Buell Dunn Polk | Case No. 10-0316 |
| 12. | PHY.002662 – Medicine Shoppe of Bayou Vista | Case No. 10-0358 |
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| 13. | PST.011999 – Steve Patrick Michel | Case No. 10-0359 |

H. Report of General Counsel

Consideration of Voluntary Consent Agreements

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| 14. | PHY.000981 – Scallan’s Pharmacy | Case No. 11-0050 |
| 15. | PTC.017142 – Paige Elizabeth LeBlanc | Case No. 11-0070 |
| 16. | PST.014513 – Jimmie Wayne Plumer | Case No. 11-0088 |
| 17. | PHY.005019 – Cardinal Health Pharmacy | Case No. 11-0117 |
| 18. | CPT.007386 – Sharonda Denise Russ | Case No. 11-0142 |

Consideration of Voluntary Surrenders

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| 19. | CDS.026578-MD – Donald Rochon Parker | Case No. 11-0119 |
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I. Adjourn

F. Formal Hearings

Mr. Aron called upon Ms. Cangelosi, and she presented the following cases to the members of the hearing panel for their consideration.

Kristin Smith Quarrella (CPT.004711) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent’s absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, three witnesses, and four exhibits. She 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. Soileau 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 9:10 a.m. and then returned to open session, at the instant case, at 9:40 a.m.

Ms. Hall moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 11 to reflect the absence of the respondent from the proceedings, and then adopt the

amended findings as our own and further, enter them into the hearing record.

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

Resolved, that the Board, accept the Conclusions of Law as proposed by the Prosecuting Attorney, modify them by deleting the reference to RS 40:968.C and inserting a reference to RS 40:967.C “It is unlawful for any person to knowingly or intentionally to possess a controlled dangerous substance as classified in Schedule II unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner”, and then adopt the amended conclusions as our own and further, enter them into the hearing record.

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

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 7411, held by Kristin Smith Quarrella, 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 pending legal or disciplinary matters against her in any jurisdiction, and (3) respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public’s health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board..

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

Before beginning the next case, Ms. Cangelosi suggested the necessity of a correction to the Conclusions of Law as determined by the Board. Following a short review of the matter, Mr. McKay moved to reconsider the vote by which the hearing panel adopted its Conclusions of Law. The motion for reconsideration was adopted after a unanimous vote in the affirmative. Mr. Moore offered a substitute motion

Resolved, that the Board accept the Conclusions of Law as proposed by the Prosecuting Attorney, modify them by deleting the reference to RS 40:968.C, adopt the amended conclusions as our own, and then enter them into the hearing record.

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

Mr. Aron expressed his appreciation to Ms. Cangelosi for helping ensure the accuracy of their proceedings. Ms. Cangelosi then presented the following case to the hearing panel for its consideration.

Prior to the opening statement, Mr. Aron indicated Mr. Richard Indovina would be excused from any participation on the hearing panel for this case.

Deontralease Gabriel Henderson (CPT.009064) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, four witnesses, and six exhibits. She 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. Dr. Anderson 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 10:20 a.m. and then returned to open session, at the instant case, at 10:40 a.m.

Mr. Moore moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 4 to correct the spelling of '*hydrocodone*' and Item 12 to reflect the absence of the respondent from the proceeding, adopt the amended findings as our own, and then enter them into the hearing record.

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

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

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

Resolved, that the Board enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 9064, held by Deontralease Gabriel Henderson, 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 pending legal or disciplinary matters against her in any jurisdiction.

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

Ms. Cangelosi indicated the completion of the formal hearings scheduled for the day. Mr. Aron expressed his appreciation for her legal services that day.

I. Adjourn

Mr. Soileau motioned to adjourn. Having completed the tasks itemized on the posted agenda and with no further business before the Board, Mr. Aron adjourned the meeting at 10:45 a.m.

Respectfully submitted,

Lois R. Anderson, PharmD
Secretary