



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

&

Administrative Hearing

Wednesday, November 16, 2016 at 9:00 a.m.

Wednesday, November 16, 2016 at 2:00 p.m.

Thursday, November 17, 2016 at 8:30 a.m.

Location:

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

Table of Contents

Wednesday, November 16, 2016

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
1.	Call to Order	04
2.	Invocation & Pledge of Allegiance	04
3.	Quorum Call	04
4.	Call for Additional Agenda Items & Adoption of Agenda	05
5.	Consideration of Minutes from Previous Meeting	05
6.	Report on Action Items	06
7.	Confirmation of Acts	06
8.	Opportunity for Public Comment	06
*	Statement of Purpose	06
9.	Annual Election of Board Offices	06
10.	Special Presentations:	
	Pharmacist Gold Certificates	07
	Distinguished Service Awards	07
11.	Committee Reports	
	A. Finance	07
	B. Application Review	07
	C. Reciprocity	08
	D. Violations	08
	E. Impairment	10
	F. Reinstatement	10
	G. Tripartite	12
	H. Regulation Revision	12
	I. Executive	13
12.	Staff Reports	
	J. Assistant Executive Director	13
	K. General Counsel	14
	L. Executive Director	18
13.	Request for Information from University of South Carolina – Columbia	19
14.	Announcements	19
15.	Recess	19

Table of Contents

Wednesday, November 16, 2016

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
A.	Call to Order	19
B.	Quorum Call	19
C.	Call for Additional Agenda Items & Adoption of Agenda	19
*	Statement of Purpose	20
D.	Opportunity for Public Comment	20
*	Appearances	20
E.	Formal Hearings	21

Thursday, November 17, 2016

A.	Call to Order	27
B.	Invocation & Pledge of Allegiance	27
C.	Quorum Call	27
*	Statement of Purpose	27
D.	Opportunity for Public Comment	27
*	Appearances	27
E.	Formal hearings (cont.)	27
F.	Adjourn	31

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, November 16, 2016 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 9:05 a.m.

2. Invocation & Pledge

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

At this point, Mr. Aron acknowledged the Governor's recent appointments to the Board in late August and early September. In particular:

- Mr. Allen W. Cassidy comes from District 7 and replaces Mr. Ryan Dartez, who completed one term of service. Mr. Aron noted Mr. Cassidy's prior service on the Board, serving a term from 2004 to 2010.
- Mr. Richard Mannino comes from District 6 and replaces Ms. Pam Reed, who completed one term of service.
- Mr. Douglas Robichaux comes from District 4 and he replaces Mr. Clovis Burch, who completed one term of service.
- Dr. Raymond Strong comes from District 2 and he replaces Dr. Deborah Simonson, who completed one term of service.
- Mr. Richard Indovina comes from District 1, and he was re-appointed to a second term of service.
- Mr. Don Resweber is a public member; he was appointed in 2011 by Gov. Jindal, and he has been re-appointed by Gov. Edwards. Mr. Aron noted the unusual nature of the public member appointment by successive governors.

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. 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

Members Absent:

Mr. Ronald E. Moore

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director
Mr. Benjamin S. Whaley, Chief Compliance Officer

Guests:

Mr. Errol Duplantis – Pharmacist
Mr. Robert Rock – Pharmacist
Mr. Joey Sturgeon – Silvergate Pharmaceuticals
Ms. Meghan Chilcott – Fred’s Pharmacy
Mr. Aurdie Bellard – Bellard’s Pharmacy
Mr. Ben J. Sims – Brookshire Grocery Co.
Ms. Connie Tinnerello – Channell Drugs
Mr. Michael Tinnerello – Bernard’s Pharmacy
Mr. Council Powell – CVS Pharmacy
Mr. Ralph C. Daigle – Pharmacist Gold Certificate Recipient
Ms. Kelley Henderson – La. Pharmacists Association
Mr. Gregory Poret – Pharmacist
Ms. Kimberly Wixson – La. Pharmacists Association
Mr. Nick Cahanin – National Association of Chain Drug Stores
Ms. Erin Robicheaux – National Association of Chain Drug Stores
Mr. Edmond Doucette – Pharmacist Gold Certificate Recipient
Mr. Randal Johnson – La. Independent Pharmacies Association
Ms. Linda Spradley – Spradley & Spradley
Mr. Bud Courson – Courson & Nickel
Dr. Barries Leung – Ochsner Medical Center – Kenner Pharmacy

Mr. Bond certified 16 of the 17 members were present, constituting a quorum for the conduct of official business.

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items but none were requested. With no further requests for amendment, and with no objection, the Board adopted the posted agenda dated November 13, 2016. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of accommodating certain 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 10, 2016 and the Administrative Hearing on August 11, 2016,

both of which were 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 reviewed the action items contained in the report which was posted in the 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 the 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 August 11, 2016 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 Mr. Errol Duplantis requested an opportunity to be heard. Mr. Aron invited him to offer his comments at that time.

Mr. Duplantis indicated he represented the La. Pharmacists Association and wished to present information concerning a resolution adopted at that organization's annual meeting in July 2016. In particular, the members of the association voted to request the Board of Pharmacy seriously discuss legislative options for PBM and PSAO oversight by the Board in lieu of the current model of oversight under the Dept. of Insurance.

** Statement of Purpose*

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

9. Annual Election of Board Officers

Mr. Aron reminded the members and guests the Board has five officer positions and that the Board conducts their annual election of officers during the last scheduled meeting of a calendar year, typically in November. He reviewed the procedures to be used during the election process. When he opened the nominations for the office of President, Mr. Valentine offered a substitute motion,

Resolved, to nominate and elect by acclamation all of the existing officers in their same positions.

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

his appreciation and announced the officers just elected:

- President – Carl W. Aron, from District 5;
- 1st Vice President – T. Morris Rabb, from District 5;
- 2nd Vice President – Marty R. McKay, from District 8;
- 3rd Vice President – Chris B. Melancon, from District 7; and
- Secretary – Brian A. Bond, from District 8.

10. *Special Orders of the Day*

Presentation of Pharmacist Gold Certificates

Mr. Aron reported the Board issued 142 new pharmacist licenses during 1966, and of that number, 50 pharmacists had maintained their license for 50 years and were eligible to receive their Pharmacist Gold Certificates in 2016. He then informed the members that two of those pharmacists were present that day to receive their certificates, although one of them had not yet arrived. Mr. Aron then recognized Mr. Ralph C. Daigle. He briefly reviewed highlights of Mr. Daigle's pharmacy career, presented his certificate, and encouraged him to offer his own comments. The members and guests present congratulated Mr. Daigle with a generous round of applause.

Presentation of Distinguished Service Award

Mr. Aron reminded the members of the new appointments made by the Governor and that one of the pharmacists completing their term of service on the Board was present. He invited Mr. Clovis Burch to the front of the room. Mr. Aron informed the members and guests that Mr. Burch had actually served several terms – from 1980 through 1992, again from 1996 through 2004, and from 2010 through 2016 – totaling 24 years in service to the Board, some of that time in leadership as President of the Board. Mr. Burch expressed his appreciation for the opportunity of service as well as for the recognition that day. The members and guests present congratulated him with a generous round of applause.

11. *Committee Reports*

A. Finance Committee

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre reported the committee had met the previous day to review two documents prepared by the staff. Mr. Pitre directed the members to the interim report for the current fiscal year, reviewed the highlights, and indicated the report was presented for information only and required no action by the Board. He then directed the members to the *Proposed Budget for Fiscal Year 2017-2018*. He indicated the committee members had reviewed the proposal and voted to recommend the adoption of the proposed budget as presented. He then moved,

Resolved, to approve and adopt the *Proposed Budget for Fiscal Year 2017-2018*.

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

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

B. Application Review Committee

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau

reported the committee met on September 27 to consider six referrals from the staff. Following their interviews of the applicants and subsequent deliberations, the committee authorized the issuance of two PTC registration, two PHY permits, and one DME permit. Mr. Soileau then presented the following file to the Board for their consideration of the committee recommendations.

Kumisa Rene's Walker (Applicant for PTC Registration) Mr. Soileau moved to deny the application and refuse to issue the credential. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

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

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 71 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.

Ms. Hall then reported staff had referred one applicant to the committee, and the committee had interviewed that applicant earlier that same day. Following their interview and deliberation, the committee recommended the approval of the application and the issuance of a license without restriction. On behalf of the committee, Ms. Hall moved,

Resolved, that the Board approve the application for a pharmacist license by reciprocity and authorize the issuance of a pharmacist license, without restriction, to Eric James Smith.

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

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 September 21-22 to consider their posted agenda, which included 29 cases: eight pharmacists, one pharmacy intern, seven pharmacy technicians, two pharmacy technician candidates, and eleven pharmacy permits. After interviews and deliberations at the meeting, the committee granted four continuances and took no formal action against nine of the respondents. Seven of the respondents failed to appear and the committee did not offer any proposals to them; of those seven respondents, four were scheduled for the formal hearing the following day and the other three have been deferred until a later hearing date. The committee issued non-disciplinary letters of non-compliance to two of the respondents and one pharmacist voluntarily surrendered his license. The

committee then offered proposed voluntary consent agreements to the remaining six respondents. All of the respondents accepted their proposed consent agreements, and Mr. Bond presented those proposed agreements to the members for their consideration.

Kristen Je’Nay Williams (PTC.021994) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion failed, receiving a minority of the votes cast. Members objecting were Mr. Cassidy, Ms. Hall, Mr. Indovina, Mr. Mannino, Mr. McKay, Ms. Milano, Mr. Resweber, and Mr. Soileau. Mr. Aron directed staff to notify the respondent and schedule the administrative hearing.

Sabrina Marie Malbrough (CPT.011889) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a majority vote in the affirmative; Mr. Mannino, Ms. Milano, Mr. Resweber, and Mr. Soileau objected. The Board issued a Letter of Warning, and further, assessed administrative costs.

Kmart Corporation d/b/a Kmart Pharmacy No. 3016 [Bossier City, LA] (PHY.002058) 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 investigative and administrative costs.

Daanaa Raajih Richard (PNT.047724) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a majority vote in the affirmative; Ms. Milano objected. The Board suspended the intern registration for five years and stayed the execution of the suspension, then placed the intern registration, and any subsequent credential, on probation for five years, effective November 16, 2016, subject to certain terms enumerated in the consent agreement, and further, assessed administrative costs.

Apothecare, LLC d/b/a Apothecare [Meadville, MS] (PHY.007269) 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 \$50,000 plus administrative and investigative costs.

AmeriPharm, Inc. d/b/a MedVantx Specialty Pharmacy [Louisville, KY] (PHY.007091) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative and investigative costs.

Mr. Bond reported the committee will meet on December 14-15, 2016 to consider that docket, which was still under development.

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 four referrals from the staff. Following their interviews of the applicants and subsequent deliberations, the committee took no action for two of the respondents. Mr. Rabb then presented the following files to the members for their consideration.

Tiffany Annette Pitre (CPT.001615) 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 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 November 16, 2016, subject to certain terms enumerated in the consent agreement.

Leo Gerard Riche (PST.014961) Mr. Rabb moved to grant the respondent's request for early termination of the probationary period. The motion was adopted after a unanimous vote in the affirmative. The Board terminated the probationary period, originally scheduled to conclude on August 5, 2019, and then restored the license to active and unrestricted status.

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 four referrals from staff. She then presented the following files to the members for their consideration.

Heidi Nicole Leger (CPT.008316) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the successful completion of certain requirements identified in the consent agreement.

Tahirih LaSyne Greene (CPT.002935) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the successful completion of certain requirements identified in the consent

agreement.

Brittany Fallon Claverie (CPT.005450) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the successful completion of certain requirements identified in the consent agreement.

Angela Nicole Hotard (PST.016604) Ms. Melancon moved to grant respondent's request for early termination of the probationary period. The motion was adopted after a unanimous vote in the affirmative. The Board terminated the probationary period, originally scheduled to conclude on February 24, 2017, and then restored the license to active and unrestricted status.

Ms. Melancon then reported a licensing procedure issue identified by the staff, as well as two proposals from the staff to address those issues. With respect to the reinstatement of CDS licenses held by practitioners which the Board of Pharmacy suspended based on disciplinary action taken against their primary professional license by their primary licensing agency, the Board's current rules require a hearing before the Board. Staff has suggested that when the primary licensing agency reinstates a previously revoked or suspended primary professional license, any further inquiry by the Board of Pharmacy on the reinstatement of the CDS license would be duplicative. More importantly, the time between quarterly meetings of the Board of Pharmacy would delay the restoration of the practitioner's ability to fully manage his patients' drug therapy. In order to streamline the process and reinstate the CDS license as soon as possible, staff has suggested (1) an amendment to the current rule, and (2) an amendment to the current Reinstatement Committee policy, and (3) a new licensing procedure policy. Ms. Melancon reported the Reinstatement Committee considered the proposed amendment to the current rule as well as the proposed amendment to the current committee policy during their meeting the previous day, and that the Executive Committee had considered proposed new licensing procedure policies the previous day and would report on those proposed policies during their report later that day. She then informed the members the Reinstatement Committee had voted to recommend the approval of both proposals. On behalf of the committee, she then moved,

Resolved, to approve *Regulatory Proposal 2016-H ~ Reinstatement of CDS Licenses (Draft #1)*, and further, to authorize the Executive Director to promulgate the proposed amendment 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. Ms. Melancon then moved,

Resolved, to approve the proposed amendments to the Board's Policy & Procedure Manual, more specifically at *PPM.I.B.5.a – Reinstatement Committee*.

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

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 and therefore no report was available.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 10:50 a.m., reconvened at 12:15 p.m., and resumed the posted agenda.

Mr. Aron noted the presence of an award recipient, and then reverted to the earlier agenda item.

10. Special Orders of the Day – Presentation of Pharmacist Gold Certificate

Mr. Aron then recognized Mr. Edmond J. Doucette. He briefly reviewed highlights of Mr. Doucette's pharmacy career, presented his certificate, and encouraged him to offer his own comments. The members and guests present congratulated Mr. Doucette with a generous round of applause.

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

11. Committee Reports (cont.)

H. Regulation Revision Committee

Mr. Aron called on Mr. McKay for the committee report. Mr. McKay reported the committee had met once since the previous board meeting. During that September 27 meeting, the members reviewed all of the new assignments from the August Board meeting as well as all of the remaining items on the agenda. They established priorities, noting some tasks have shorter deadlines than others. They set their next meeting date for December 6, during which they will focus on the specialty drugs topic requested from SCR 87 of the 2016 Legislature. They also set the following meeting date for January 12, 2017, during which they will focus on the final report required by SCR 87 as well as other legislative proposals intended for consideration during the 2017 legislative session.

Mr. Aron recalled the public comment offered at the beginning of the meeting that day; he then referred the topic of pharmacy benefit managers to the committee and requested the development of a proposal for the Board's consideration.

Mr. McKay closed his report with appreciation to the other members of the committee for their ongoing efforts.

I. *Executive Committee*

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. In particular, the committee reviewed the current Emergency Rules, the proposed rule recommended by the Reinstatement Committee, as well as proposed new policies relative to licensing procedures. The committee developed several recommendations for the Board's consideration. Mr. Aron requested Mr. Rabb to offer those motions. Mr. Rabb moved,

Resolved, to amend LAC 46:LIII.905.A.3.b, relative to the accreditation requirement for pharmacy technician training programs, to change the implementation date from January 1, 2016 to January 1, 2018.

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

Resolved, to approve the *Declaration of Emergency for Accreditation of Pharmacy Technician Training Programs*, to set the effective date of the revised Emergency Rule as November 17, 2016, and further, to authorize the Executive Director to re-issue this revised Emergency Rule as needed until the final rule is promulgated.

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

Resolved, to authorize the Executive Director to re-issue the original Emergency Rule titled *Standing Orders for the Distribution of Naloxone* as needed until the final rule is promulgated.

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

Resolved, to approve the *Declaration of Emergency for Reinstatement of CDS Licenses*, to set the effective date as November 17, 2016, and further, to authorize the Executive Director to re-issue this Emergency Rule as needed until the final rule is promulgated.

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

Resolved, to approve *Section IV – Licensing Procedures*, including Policies IV.A through IV.F, for the Board's *Policies & Procedures Manual*.

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

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

12. *Staff Reports*

J. *Report of Assistant Executive Director*

Mr. Fontenot reviewed progress on staffing changes authorized during the Board's August 2016 meeting; he introduced Mr. Ben Whaley, who has been working as a pharmacist compliance officer. He announced Mr. Whaley had been promoted to Chief Compliance Officer on October 31, 2016. He also

noted the territorial boundaries were under revision in preparation for posting the position announcement for a new staff compliance officer.

He then directed the members to the quarterly report for the Prescription Monitoring Program, reviewing transaction data, registration counts, and search data. In addition, he reviewed data for specific drugs – hydrocodone, tramadol, and oxycodone, showing numbers of prescriptions and units dispensed for the past several years. He then reviewed data from the PMP Interconnect and the Gateway, showing numbers of requests arriving from other states as well as interstate requests originating from within the state.

He then directed the members to the requests for exemption from the PMP reporting requirements. Mr. Pitre moved,

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

- > PHY.007361-NR – AllCare Specialty Pharmacy (AR);
 - > PHY.007362-NR – Baxter Healthcare Corporation (IL);
 - > PHY.006253-HOS – Central La. Surgical Hospital (LA);
 - > PHY.005474-NR – CVS Caremark (IL);
 - > PHY.006209-NR – DCRX Infusion/Patient Care America (FL);
 - > PHY.007308-NR – MacDill Pharmacy (FL);
 - > PHY.006762-NR – Marian Respiratory Care (AL);
 - > PHY.007351-NR – MedStar Pharmacy (FL);
 - > PHY.006890-NR – New Life Pharmacy (UT);
 - > PHY.007383-NR – Pharmacy Incorporated (KY);
 - > PHY.007334-NR – Reliance RX (NY);
 - > PHY.006738-NR – SimfaRose Pharmacy (FL);
 - > PHY.007369-NR – Solara Medical Supplies (CA);
 - > PHY.007352-NR – Stanley Pharmacy Compounding Center (AR);
 - > PHY.005817-NR – Transcript Pharmacy (MS);
 - > PHY.007206-NR – US Med (FL); and
 - > PHY.007375-NR – Value Pharmacy (CA);
- 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 completion of his report.

K. Report of General Counsel

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

Sandra Ann Charlot (CPT.011354) Ms. Hall moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, effective August 22, 2016, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

Ashley Marie Campbell (CPT.010201) Ms. Hall moved to approve the proposed voluntary consent agreement. The motion was adopted after a

unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Birdell Singleton Nichols (CPT.011443) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Heidi Ann Waites (CPT.009477) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

April Graham Picou (CPT.011123) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Alicia Darnell Johnson (CPT.011194) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Charlene Renee Simon (CPT.007131) Ms. Milano moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, effective October 10, 2016, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

Bianca Lanay Moore (CPT.012621) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Toya Marie Morris (CPT.009164) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Marie Anquinet Walker (CPT.009576) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus administrative costs.

Alissa Ann Henry (CPT.010953) Ms. Melancon 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 active suspension of the certificate for an indefinite period of time, effective September 16, 2016.

Alvin Watts, III (PST.018168) Ms. Melancon 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 active suspension of the license for an indefinite period of time, effective October 17, 2016.

Morris Albert Lottinger, II (PST.013756) Ms. Melancon 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 active suspension of the license for an indefinite period of time, effective October 17, 2016.

Timothy Keith Freeman (PST.020918) Ms. Melancon 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 active suspension of the license for an indefinite period of time, effective September 9, 2016.

John Gibson Fasick, II (CDS.027692-DPM) Mr. Rabb moved to suspend the CDS license, based on the suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective May 9, 2016.

Benjamin Andrew Deaton (CDS.046975-MD) Mr. Rabb moved to suspend the CDS license, based on the summary suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective June 7, 2016.

Leia Ann Frickey (CDS.024813-MD) Mr. Rabb moved to suspend the CDS license, based on the summary suspension of her medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective May 6, 2016.

Kapil Harilal Thakker (CDS.041988-MD) Mr. Rabb moved to suspend the CDS license, based on the summary suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective June 29, 2016.

Shannon Christopher Ceasar (CDS.037007-MD) Mr. Rabb moved to suspend the CDS license, based on the summary suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective August 30, 2016.

J. Foster Chapman (CDS.037673-MD) Mr. Rabb moved to suspend the CDS license, based on the 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 August 15, 2016.

Frederick William Floyd, III (CDS.027311-MD) Mr. Rabb moved to suspend the CDS license, based on the summary suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective September 1, 2016.

Dorothy Webb Minor (CDS.033772-APN) Mr. Rabb moved to suspend the CDS license, based on the surrender of her 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 August 30, 2016.

Kelly Elizabeth Rachal (CDS.036320-DVM) Mr. Rabb moved to suspend the CDS license, based on the surrender of her 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 September 2, 2016.

Kenneth Gregory Stephens (CDS.035848-MD) Mr. Rabb moved to suspend the CDS license, based on the summary suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective September 2, 2016.

Arnold Erwin Feldman (CDS.022668-MD) Mr. Rabb moved to suspend the CDS license, based on the suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective October 20, 2016.

Mr. Finalet then reviewed his participation on the SCR 65 Task Force and the issues being examined and some potential recommendations that might be made to the legislature in the final report from the task force.

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

L. *Report of Executive Director*

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

- Meeting Activity
- Reports

Census Reports – Credentials & Compliance Divisions

Production Reports – Credentials Division

Exceptions Report

Annual Report

Mr. McKay moved,

Resolved, to approve the *Annual Report for Fiscal Year 2015-2016*, and further, to direct a copy to the Office of the Governor, and further, to publish the report on the Board's website.

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

- Examinations
 - MPJE
 - NAPLEX
 - PARE
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - La. Board of Drug & Device Distributors
 - La. State Board of Medical Examiners
 - La. Dept. of Health – Bureau of Health Services Finances
 - La. Physical Therapy Board
 - La. Dept. of Health – Office for Citizens with Developmental Disabilities
 - La. State Radiologic Technology Board of Examiners
 - La. Dept. of Health – Office of Public Health
- Regional & National Activities
 - Accreditation Commission for Health Care (ACHC)
[*coalition of multiple organizations*]
 - Food & Drug Administration (FDA)
 - Drug Enforcement Administration (DEA)
 - National Association of Boards of Pharmacy (NABP)
NABP-AACP District 6
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)

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

13. Request for Information from University of South Carolina - Columbia

Mr. Aron requested Mr. Broussard review the request from the University of South Carolina. Mr. Broussard directed the members to the list of questions posed in the request. He reported he had contacted the Executive Director of the South Carolina Board of Pharmacy for a referral to the University of South Carolina College of Pharmacy, to query that institution for additional information before we attempted to answer their questions. He suggested a few different actions to respond to the request, depending on the information he received from his queries to South Carolina. Until the request is clarified, he suggested the matter remain pending on the Board's agenda. There were no objections to that suggestion.

14. Announcements

Mr. Aron directed the members to the announcements in their meeting binder. Mr. Broussard directed the members to the list of tentative meeting dates for the Board for Calendar Year 2017.

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 2:35 p.m.

* * * * *

An Administrative Hearing was convened on Wednesday, November 16, 2016 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 3:10 p.m.

B. Quorum Call

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

C. 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 November 5, 2016. He then requested authority to re-order the agenda as may become necessary, and there was no objection to that request.

* *Statement of Purpose*

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

D. 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 indicated he would serve as the Hearing Officer, Ms. Celia R. Cangelosi and Mr. Carlos Finalet as the Prosecuting Attorneys, Mr. Mark LaCour as the Official Recorder, and Mr. Malcolm Broussard 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 11-05-2016

- A. Call to Order
- B. Quorum Call
- C. Call for Additional Agenda Items & Adoption of Agenda
- * Statement of Purpose
- D. Opportunity for Public Comment
- E. Formal Hearings
 - 01. PTC.022223 – Kenyeta Rashun Graham Case No. 16-0043
 - 02. CPT.010966 – Sarah Elizabeth Kiley Case No. 16-0068
 - 03. PTC.022001 – Debra Ann Mercadel Case No. 16-0068
 - 04. CPT.009222 – Scarlet Thompson Johnson Case No. 16-0114
 - 05. CPT.011219 – Brooke Nicole LaFleur Case No. 16-0089

At the conclusion of the cases docketed above, the Board will recess; they will reconvene the following day at 8:30 a.m., in the Board office, to consider the following cases:

- E. Formal Hearings (continued)
 - 06. PHY.007110 – Northside Pharmacy, LLC d/b/a Global Pharmacy Case No. 15-0327

F. Adjourn

E. Formal Hearings

Kenyeta Rashun Graham (PTC.022223) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed 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 executive session at 3:20 p.m. and then reconvened in open session at 3:55 p.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 hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 22223, held by Kenya Rashun Graham, 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 \$1,000;
- (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 registration, 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 actions against her in any jurisdiction.

Prior to the vote, Mr. McKay moved to amend the proposed order by striking the third condition for the reinstatement application, leaving only the first two conditions. The motion was adopted after a unanimous vote in the affirmative. Ms. Milano then moved to amend the proposed order by increasing the amount of the fine from \$1,000 to \$2,800. The motion failed on a vote of 5-7; Mr. Mannino, Ms. Milano, Mr. Pitre, Mr. Resweber, and Mr. Soileau voted for the motion. With no further discussion or amendments, the amended motion for the proposed order was adopted after a unanimous vote in the affirmative.

Sarah Elizabeth Kiley (CPT.010966) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed 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 executive session at 4:10 p.m. and then reconvened in open session at 4:15 p.m.

Mr. McKay 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. Mr. McKay then moved,

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

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay 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. 10966, held by Sarah

Elizabeth Kiley, 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 \$1,000;
- (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 registration, 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 actions against her in any jurisdiction; and
- (3) Respondent shall 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 addiction medicine specialist approved by the Board.

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

Debra Ann Mercadel (PTC.022001) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and seven 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 executive session at 4:25 p.m. and then reconvened in open session at 4:40 p.m.

Mr. Robichaux 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. Mr. Robichaux then moved,

Resolved, that the Board's hearing panel accept the Conclusions

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 22001, held by Debra Ann Mercadel, 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 \$1,000;
- (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 registration, 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 actions against her in any jurisdiction.

The motion was adopted after a majority vote in the affirmative; Mr. Mannino objected.

Scarlet Thompson Johnson (CPT.009222) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed 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. Pitre 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 executive session at 4:50 p.m. and then reconvened in open session at 5:00 p.m.

Mr. Indovina 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. Mr. Indovina

then moved,

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

The motion was adopted after a unanimous vote in the affirmative. Mr. Indovina 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. 9222, held by Scarlet Thompson Johnson, 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 \$1,000;
- (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 actions against her in any jurisdiction.

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

Brooke Nicole LaFleur (CPT.011219) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed 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 executive session at 5:10 p.m. and then reconvened in open session at 6:05 p.m.

Mr. Cassidy moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to read "*On or about March 29, 2016, the Board*

office received notification from Pharmacist Barry Kent Laningham regarding Respondent.”, 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. Cassidy 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 majority vote in the affirmative; Mr. Mannino objected. Mr. Cassidy 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. 11219, held by Brooke Nicole LaFleur, 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 assessment:

- (1) The administrative hearing fee of \$250; 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 actions against her in any jurisdiction.

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 Mr. LaCour for his recording services that day.

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 6:10 p.m.

* * * * *

The Administrative Hearing was re-convened on Thursday, November 17, 2016 in the Boardroom of the Board’s office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

A. Call to Order

Mr. Aron called the meeting to order at 8:30 a.m.

B. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond, and he delivered the invocation. Ms. Melancon then led the members in reciting the Pledge of Allegiance.

C. Quorum Call

Mr. Aron called upon the Secretary, Mr. Bond, to call the roll to establish a quorum. Mr. Bond certified that Mr. Moore and Mr. Soileau were absent, but that the other 15 members were present, constituting a quorum for the conduct of Board business.

** Statement of Purpose*

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

D. 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 indicated he would serve as the Hearing Officer, Ms. Celia R. Cangelosi and Mr. Carlos Finalet as the Prosecuting Attorneys, Ms Trisha Gregory as the Official Recorder, and Mr. Malcolm Broussard as the Hearing Clerk.

E. Formal Hearings (continued)

Northside Pharmacy, LLC d/b/a Global Pharmacy [Haleyville, AL]

(PHY.007110) Ms. Cangelosi appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, one witness, and eight 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. 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 8:50 a.m. and then reconvened in open session at 9:15 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, modify them by amending Item 9 to read, in part, "*will no longer be doing business*" as well as Items 15 and 16 to reflect the absence of the respondent from these proceedings, to 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 Permit No. 7110, held by Northside Pharmacy, LLC *d/b/a* Global Pharmacy, 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 permit, 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 actions against them in any jurisdiction.

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

Ms. Cangelosi indicated the completion of the case and that Mr. Finalet was scheduled to prosecute the remaining cases that day. Mr. Aron expressed his appreciation to Ms. Cangelosi for her prosecutorial services that day.

Dicie Elizabeth Fulks (CPT.009540) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and six 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 9:30 a.m. and then reconvened in open session at 9:45 a.m.

Mr. Indovina moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to remove the duplicated words "*since her last*", to 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. Indovina then moved,

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

The motion was adopted after a unanimous vote in the affirmative. Mr. Indovina 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. 9540, held by Dicie Elizabeth Fulks, 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 assessment:

- (1) A fine of \$250;
- (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 actions against her in any jurisdiction.

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

Natalie Nicole Marshall (CPT.011282) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed 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. Cassidy 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 9:55 a.m. and then reconvened in open session at 10:15 a.m.

Mr. McKay moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to remove the duplicated words "*since her last*", to 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. McKay then moved,

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

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay 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. 11282, held by Natalie Nicole Marshall, 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 assessment:

- (1) A fine of \$250;
- (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 actions against her in any jurisdiction.

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. Gregory for her recording services that day.

F. Adjourn

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the meeting at 10:20 a.m.

Respectfully submitted,

Brian A. Bond
Secretary