



# Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808-2537  
[www.lbp.com](http://www.lbp.com)



## Minutes

**Regular Meeting**

Wednesday, February 3, 2010 at 1:00 p.m.

Louisiana Board of Pharmacy  
5615 Corporate Boulevard, 8<sup>th</sup> Floor  
Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 3, 2010 in the Boardroom of the Board's office, located on the 8<sup>th</sup> 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 1:00 p.m.

*2. Invocation & Pledge*

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

*3. Quorum Call*

Mr. Aron called upon the Secretary, Dr. Reuben Dixon, to call the roll.

**Members Present:**

Mr. Joseph L. Adams  
Ms. Michele P. Alderman  
Mr. Carl W. Aron  
Mr. Brian A. Bond  
Mr. Allen W. Cassidy, Jr.  
Dr. Reuben R. Dixon  
Ms. Sydnie M. Durand  
Ms. Jacqueline L. Hall  
Mr. John O. LeTard  
Mr. Marty R. McKay  
Mr. Ronald E. Moore  
Mr. T. Morris Rabb  
Mr. Richard A. Soileau

**Members Absent:**

Dr. Lois R. Anderson  
Mr. J. Douglas Boudreaux  
Ms. Chris B. Melancon  
Mr. Blake P. Pitre

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. M. Joseph Fontenot, Prescription Monitoring Program Manager  
Dr. Edwin H. Adams, Compliance Officer  
Mr. Stephen L. Collins, Compliance Officer  
Mr. Huey J. Savoie, Compliance Officer  
Mr. Rayland M. Trisler, Compliance Officer  
Mr. Benjamin S. Whaley, Compliance Officer

**Guests:**

Mr. Joseph S. Black – Gulfcoast Pharmaceutical Specialties  
Mr. Peter W. Harris – Gulfcoast Pharmaceutical Specialties  
Mr. Alfred Gaudet  
Ms. Kathleen Gaudet  
Mr. Mitch Ward – Target Pharmacies

Dr. Dixon certified that all of the members except Dr. Anderson, Mr. Boudreaux, Ms. Melancon, and Mr. Pitre 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. With no objections offered, Mr. Aron indicated he would exercise that authority only as necessary.

*5. Consideration of Minutes*

Mr. Aron reminded the Board members they had received the draft minutes from the Regular Board Meeting on November 18, 2009 and the Administrative Hearing on November 19, 2009. Hearing no requests for amendments, he asked if there was any objection to the approval of the minutes as presented. Hearing no objections, he declared the minutes were approved as presented. Dr. Dixon reminded the members to sign the Minute Book.

*6. Report on Action Items*

Mr. Broussard reported there were no action items from the previous 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 November 19, 2009 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 the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings. He solicited general comments from the guests present, but none were offered.

*9. Committee Reports*

*A. Finance Committee*

Mr. Aron called upon Mr. Bond for the report. He directed the members to the current financial report in their meeting binder, which reflected the Board's fiscal status as of December 31, 2009. He reviewed the different

schedules and supplemental information, and then submitted the report for information only. He then reminded the members of their deferral of a decision from their February 2009 meeting relative to the construction of new office building for the Board. He informed the members the Finance and Executive Committees had reviewed the recent and current financial reports as well as projections of revenues and expenses prepared by staff. Both committees recommended moving forward with a plan for a maximum three million dollar bond to be repaid over ten years. Mr. Bond then moved,

**Resolved**, that the Board approve an application to the State Bond Commission, seeking permission to issue a bond to finance the construction of a new office building for the Board, in an amount not to exceed three million dollars, the note for which shall bear an interest rate not to exceed ten percent per annum and shall mature no later than twenty years after the date of issue.

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

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

*B. Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. He reported the committee met on January 13 to consider 14 referrals from the staff. He reported the disposition of 11 applications and then presented the following files for Board action.

**Amy Dawn King (PTC Applicant)** 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.

**LaZandra LaShae Singleton (PTC Applicant)** 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.

**Jamie Lee Fontenot (PTC Applicant)** Mr. McKay moved to issue the registration, then immediately suspend the registration for one year and stay the execution thereof, and then place the registration and any subsequent credential on probation for one year, subject to certain terms as enumerated in the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The board authorized the issuance of the registration, then directed the immediate suspension of the newly-issued registration and stayed the execution thereof, and then ordered the newly-issued registration and any subsequent credential to be placed on probation for one year, subject to certain terms as enumerated in the consent agreement.

Finally, Mr. McKay expressed his appreciation to the other committee members for their participation in the August meeting.

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 17 candidates earlier that day. She then moved,

**Resolved**, that the Board approve

Jeffrey Leo Bossio  
Eric Christian Daume  
Urmi Desai  
Mark Joseph Druffel  
Otovwe Eduvie  
Janice Lee Erickson  
Miley Fowler, Jr.  
Michael Scott Gladieux  
Lynn Marie Grani  
Ronald Lewis Jackson  
Ben R. Johnson  
Douglas Richard Lang  
Victoria Lynn Lotzow  
Anthony James Mangiapanello  
Ron Glenn Rahe  
Elizabeth Lee Rawley, *and*  
Javit Simon Thekkumkattil

for pharmacist licensure by reciprocity.

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 Dr. Dixon for the committee report. Dr. Dixon reported the committee held an informal conference on November 9-10, 2009 and reviewed that docket. He then presented the following files from that conference for Board action.

**Norman Henry Pendergrass (PST.010491)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a majority vote in the affirmative. Messrs. Cassidy and Moore objected. The Board issued a Letter of Reprimand and directed the publication thereof, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

**John Erick Myers (PST.018538)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a majority vote in the affirmative. Messrs. Cassidy, Moore, and Soileau objected. The Board

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***Editor's Note:*** In preparation for the transition to a new licensure information system, the Board has adopted a coding system for its credentials, such that a three-lettered prefix will be followed by a period and then immediately by the 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.

issued a Letter of Reprimand and directed the publication thereof, and further, ordered the completion of certain educational programming, and further, assessed a fine of \$2,500 plus administrative and investigative costs.

**CVS Pharmacy No. 8309 (PHY.006026)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for six months and stayed the execution thereof, then placed the permit on probation for six months, beginning January 1, 2010, subject to certain terms as enumerated in the consent agreement, and further, assessed the owner of the permit a fine of \$10,000 plus administrative and investigative costs.

**Roshondra Genel Lee (PST.018550)** Dr. Dixon 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.

**Takanya Bryant White (PST.018482)** Dr. Dixon 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 \$500 plus administrative costs.

**Lee Road Drugs (PHY.005193)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the permanent closure of the pharmacy no later than December 31, 2009.

**Wal-Mart Pharmacy No. 10-3703 (PHY.005654)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

**Bellemeade Discount Pharmacy (PHY.000065)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the permanent closure of the pharmacy no later than December 31, 2009, and further, assessed the owner of the permit a fine of \$30,000 plus administrative and investigative costs.

**Joseph Carl Henry (PST.009598)** Dr. Dixon 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, beginning December 31, 2009, subject to certain terms enumerated in the agreement, and further, assessed a fine of \$10,000 plus administrative costs.

Dr. Dixon then reported their next informal conference was scheduled for

March 3-4, 2010 and reviewed the docket for that conference.

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

*E. Impairment Committee*

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

**Wayne Adam Swiniarski (PST.014392)** 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 to reinstate the previously suspended license, and then once reinstated, suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, subject to certain terms as enumerated in the consent agreement.

**Charissa Dawn Abshire (PST.015560)** 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 to reinstate the previously suspended license, and then once reinstated, suspended the license for fifteen years and stayed the execution thereof, and then placed the license on probation for fifteen years, subject to certain terms as enumerated in the consent agreement.

**David Thomas Boudreaux (PST.014968)** Mr. Rabb 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, subject to certain terms as enumerated in the consent agreement.

**Magan Lynn Trahan (CPT.008312)** Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the completion of certain procedures as enumerated in the consent agreement.

Mr. Rabb then reported the committee had reviewed the credentials and request for affiliation from Dr. Joan E. Brunson and determined her suitability for affiliation with the Board's Practitioner Recovery Program. He then moved

**Resolved**, that Dr. Joan E. Brunson be enrolled on the Board's Roster of Approved Addictionists.

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

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



*F. Reinstatement Committee*

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

**James Carroll Bruce, II (PST.011857)** Mr. Adams moved to deny the request for reinstatement of the previously suspended license, on the basis that the applicant had not proved said reinstatement would be in the best interest of the public's health, safety, and welfare. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the previously suspended license, on the basis that such a decision would not be in the best interest of the public's health, safety, and welfare.

**Karl Louis Fuselier (PST.014141)** 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 previously lapsed license, contingent upon the completion of certain requirements as identified in the consent agreement.

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

*G. Tripartite Committee*  
(No report.)

*H. Regulation Revision Committee*

Mr. Aron called upon Mr. Adams for the committee report. He reported the committee met on January 14 to review three topics.

- With respect to hospital pharmacy dispensing and distribution processes and recordkeeping rules, the committee discussed the types of records the compliance officers should expect to find relative to various types of transactions. The committee discussed the impact of new, various, and still-evolving integrated recordkeeping systems found in some hospitals on the ability of hospital pharmacies to comply with existing pharmacy recordkeeping rules, which envision a segregated recordkeeping system. The committee will continue its review of this topic and may develop recommendations for changes to the current recordkeeping rules.
- The committee briefly reviewed a staff proposal relative to prescription drug take-back programs, and agreed to continue that discussion at the next meeting.
- The committee did not have time to discuss the sale of medical gases and devices pursuant to a prescription and agreed to continue that topic at the next meeting.

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

### I. Executive Committee

Mr. Aron reported the committee met the previous day and reviewed a number of topics:

- Mr. Aron reminded the members the Board conducted a Public Hearing on January 27, 2010 to receive comments and testimony on the following regulatory projects:
  - 2009-1 ~ Drugs of Concern
  - 2009-2 ~ Pharmacy Interns
  - 2009-3 ~ Prescription Transfers
  - 2009-4 ~ Digital Imaging of Prescriptions

Mr. Aron indicated there were no comments or testimony offered on any of the four proposed rules. The committee had no recommendations for any changes to the proposed rules and recommended the proposed rules be forwarded to the Joint Legislative Oversight Committee as originally published. The members concurred but suggested some additional time might be necessary for some pharmacies to adjust their recordkeeping systems to accommodate the drugs of concern. The members reached consensus that in the event the legislative oversight committee approved the rules to move forward, that the effective date of the proposal for drugs of concern be delayed until September 1, 2010. Further, staff was directed to advise pharmacies of the new requirements in the July 2010 newsletter.

- The committee reviewed Board Policy I.B.2.a ~ Expense Report Guidelines and recommended no changes.
- The committee reviewed the recent revisions to PPM 49 ~ General Travel Regulations issued by the Division of Administration and the impact on the travel restrictions imposed on the compliance officers. Staff was directed to monitor the costs incurred and/or saved due to the recent changes.
- Staff reported they had been working for some time to improve the Board's website and had recently received a proposal from a state-approved vendor with experience in re-designing websites for different state agencies. Mr. Rabb moved

**Resolved**, that the Board approve the proposal from Covalent Logic for professional services to renovate the Board's website, at the stipulated rate, in an amount not to exceed \$40,000.

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

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

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 3:30 pm and then reconvened in open session at 3:50 pm.

### 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. Beyond those numbers, he indicated the average number of prescriptions per month

reported to the database was 900,000, and further, that a total of just under 11,000,000 prescription transactions were received for calendar year 2009. In terms of queries, the average number per day for the 2009 calendar year was just over 800.

Mr. Fontenot reported three new requests for exemptions from the duty to report data to the program: (1) Baxter Healthcare in Hammond, LA (PHY.003325), (2) Baxter Healthcare in Buford, GA (PHY.006034), and (3) Louisiana Expressway Pharmacy in Baton Rouge, LA (PHY.003555). Mr. Adams reminded the members of their previous deliberation and desire to not grant such requests until after the implementation of reporting of transactions for drugs of concern. He then moved,

**Resolved**, that the Board deny the three pending requests for exemption from the duty to report data to the Prescription Monitoring Program.

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

Mr. Fontenot then reminded the members of their previous approval of an enhancement to the program that would facilitate the ability of law enforcement agencies to submit electronic queries for program information. He indicated the enhancement process was complete and had already provided time savings in the response time to law enforcement requests for program information.

Mr. Fontenot then discussed the new type of communication being sent to certain prescribers and dispensers: the unsolicited report, wherein the program identifies certain patients as possible doctor or pharmacy shoppers and then notifies the prescribers and dispensers involved for their own determination as to the appropriateness of their ongoing participation in the patient's care.

Mr. Fontenot then reported two requests from the PMP Advisory Council, both of them legislative requests. The first relates to the necessity to remove a member of the council and the second relates to the inclusion of veterinarians in the program. Ms. Alderman then moved

**Resolved**, that the Board approve *Legislative Proposal 2010-2 ~ Prescription Monitoring Program Advisory Council Membership*, and further, to authorize the filing of same in the Regular Session of the 2010 Louisiana Legislature upon the instruction of the President, and further, to grant to the President the authority to approve any acceptable amendments as may become necessary during the legislative process.

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

**Resolved**, that the Board approve *Legislative Proposal 2010-3 ~ Inclusion of Veterinarians in Prescription Monitoring Program*, and further, to authorize the filing of same in the Regular Session of the 2010 Louisiana Legislature upon the instruction of the President, and further, to grant to the President the authority to approve any acceptable amendments as may become necessary during the legislative process.

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

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

*K. Report of General Counsel*

Mr. Aron called upon Mr. Finalet for the report. He presented the following files for Board action.

**Ashley Nicole Jackson (CPT.008479)** Dr. Dixon 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, permanently prohibited any future application for the reinstatement of the certificate.

**Barbara Elizabeth Melancon (CPT.004524)** Dr. Dixon 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 \$500 plus administrative costs.

**Latonia Latrice Hubbard (CPT.007440)** Dr. Dixon 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 \$500 plus administrative costs.

**Alicia Collette Alexander (CPT.005632)** Dr. Dixon 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, permanently prohibited any future application for the reinstatement of the certificate.

**Erica Nicole Llorance (PTC.015242)** Dr. Dixon 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, permanently prohibited any future application for the reinstatement of the registration.

**Ravin Michelle Ellis (PST.016945)** Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for two years and stayed the execution thereof, and then placed the license on probation for two years, and further, assessed administrative costs.

**Casey Kendall Gisclair (PST.017305)** Dr. Dixon 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 November 24, 2009.

**Dennis Anderson Casey, III (CDS.006119.MD)** Dr. Dixon 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 November 30, 2009.

**Kenneth Starling (CDS.025407.DDS)** Dr. Dixon 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 December 9, 2009.

**Glendale Gray (CPT.003713)** Dr. Dixon 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 certificate for an indefinite period of time, effective December 18, 2009.

**Robert J. Barnes (CDS.031112.MD)** Dr. Dixon 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 December 28, 2009.

**Salvadore Joseph Russo (PST.010667)** Dr. Dixon 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 January 7, 2010.

**Gary Lynn Godair (PST.009106)** Dr. Dixon 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 January 19, 2010.

Mr. Finalet indicated the completion of all files scheduled for action that day.

Mr. Aron indicated he would like to accommodate certain guests, so he re-ordered the agenda to temporarily skip over the final staff report.

#### *11. Request for Acute Care Pharmacy Permit*

Mr. Joseph Black and Mr. Peter Harris appeared on behalf of Gulfcoast Pharmaceuticals, a firm located in Gonzales, currently holding two separate permits from the Board: (1) GPS, holding PHY.005084, classified as an independent retail (IR) permit, as well as (2) GPS Acute Care Pharmacy, holding PHY.006077, also classified as an IR permit. Mr. Broussard reminded the members of the current permit

classification system and the rationale for the requirements of each type of permit. Finally he indicated the petitioners were requesting an exception to the current rule so that one of their current pharmacies could be re-classified as a hospital pharmacy even though it was not located within a hospital.

The members questioned the petitioners and then suggested a more appropriate course of action would be to contract with one of the hospitals to obtain sufficient space within the hospital to operate a pharmacy, and then use that hospital pharmacy permit to service their other hospitals.

The petitioners expressed their appreciation to the members for consideration of their request as well as their guidance.

#### *12. Appropriate Disciplinary Measures for Dispensing Errors*

Mr. Aron reminded the members they had expressed a desire to have substantive discussion on this topic. He then requested Mr. Finalet to describe staff's procedure in resolving consumer complaints regarding dispensing errors. Mr. Finalet described the current procedures as well as the current practices of the Violations Committee.

The members discussed a variety of issues related to dispensing errors and the appropriateness of disciplinary measures against licensees. The members suggested that all practice sites ought to encourage the reporting of errors as well as the review of those errors to determine appropriate workplace procedure and other remedies to prevent their reoccurrence.

Mr. Aron closed the discussion with a request for the members to further consider the issue and return with specific suggestions for the members of the Violations Committee.

#### *13. Request for Mandatory Meal Breaks in Pharmacies*

Mr. Aron reported the receipt of written requests from three pharmacists that the Board consider a rule requiring mandatory meal breaks in pharmacies. The members acknowledged the importance of meal and rest breaks and suggested that all practitioners should work with their employers to establish appropriate meal and rest breaks in practice settings.

The members declined to engage in specific rule making, and directed replies to the petitioners that encouraged them to take meal and rest breaks as appropriate and to work with their employers to establish those procedures.

Mr. Aron returned to the posted agenda for the final staff report.

#### *10. Staff Reports*

##### *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 Division

- Census Reports – Compliance Division
- Licensure Activity Report
- Exceptions Report
  1. PIC at Multiple Pharmacies
  2. Special Work Permits
- Examinations
  - MPJE
  - NAPLEX
  - PTCB
- Operations
  - 2009 Renewal Cycle for Pharmacists & Pharmacies
  - 2010 Pharmacist CE Audit
  - e-License Project
  - Board Website
- Collaborations
  - Collaborative Drug Therapy Management (CDTM)
- Regulatory Activities at Other Agencies
  - DHH – Bureau of Health Services Financing
- Legislative Activities
 

Mr. Broussard reminded the members of the necessity to maintain the state's list of controlled substances in Title 40 of the La. Revised Statutes. He presented *Legislative Proposal 2010-1 ~ CDS Schedules*, which included all the new drugs added to the federal list since the 2009 legislative session. Mr. McKay moved **Resolved**, that the Board approve *Legislative Proposal 2010-1 ~ CDS Schedules*, and further, to authorize the filing of same in the Regular Session of the 2010 Louisiana Legislature upon the instruction of the President, and further, to grant the President the authority to approve acceptable amendments as may become necessary during the legislative process.

The motion was adopted after a unanimous vote in the affirmative.
- Operational Activities at Other Agencies
 

Mr. Broussard reported on the current situation with the state's War Veterans Homes closing. He noted the state's interest in closing all but one of the pharmacies and allowing that remaining pharmacy to service all of the residents at the other state War Veterans Homes. He reported that §1701 of the Board's rules permitted an institutional pharmacy to serve the patients of that institution only. Upon consultation with Mr. Aron, they reviewed the Board's prior action relative to hospital pharmacies and determined it would be appropriate to grant an exception to the requirements of §1701 to the one remaining pharmacy in the state's War Veterans Home system.

Mr. Broussard reminded the members of the previously-announced intent to close several pharmacies found in various state-owned correctional facilities. The members, by consensus,

indicated a similar exception would be appropriate should that request be made.

Finally, Mr. Broussard introduced *Regulatory Proposal 2010-1 ~ Institutional Pharmacies*, which would make the same type of change made earlier in the hospital pharmacy rule, such that an institutional pharmacy could supply products and services to another institution. A question arose as to the possible impact on several types of institutional facilities. Mr. Aron referred the proposal to the Regulation Revision Committee with a request to report any findings or recommendations back to the Board.

- NABP
- Electronic Medical Record

Mr. Broussard reported receipt of a request for approval of an electronic medical record system that appeared to be inconsistent with the Board's rules relative to pharmacy recordkeeping systems. He noted the historical paradigm of pharmacy recordkeeping rules relates to segregated recordkeeping systems isolated in pharmacy prescription departments.

He referred the members to the specific request in the meeting binder, wherein the petitioner described their integrated electronic medical record system and requested approval of several proposed procedures. He indicated he had replied to most of the questions relying on current rules but that two issues required the Board's consideration. The members then discussed the different procedures used in some hospital pharmacies, expressing satisfaction with some and reservations for others. Following substantial discussion, the members reached consensus on the following statements:

- The Board has interpreted its rules on pharmacy recordkeeping system to provide that where an integrated information system is in use, and such system incorporates a pharmacy module operated by a pharmacy licensed by the Board, then the entry of a medication order outside the pharmacy module intended for review and approval by the pharmacist is permitted as long as that medication order is entered by a licensed health care practitioner, and further, such orders entered outside the pharmacy module are communicated to the pharmacy module and then isolated within the pharmacy module and kept separate until the pharmacist has approved the medication order. The Board is aware of the desire of some systems to authorize non-licensed personnel to initiate medication order entry; however, the Board still believes that public safety is best served by restricting such medication order entry to licensed health care practitioners.
- With respect to the documentation of retrieval of medications from medication storage areas, the Board acknowledges that pharmacies in hospital or other organized health care settings



hold medications for both dispensing as well as administration. Pharmacies are required to account for the acquisition and disposition of all drugs they hold, therefore, documentation of medications retrieved for administration must be available to the pharmacy. Further, sound professional practice would dictate the availability of a complete record of medications for pharmacist review. Therefore, it would be appropriate for a health care practitioner removing a medication from a medication storage area to document the medication retrieved and administered. Such records are to be construed as a record of medication administered as opposed to a record of medication dispensed, and such records should be identifiable as such in the pharmacy recordkeeping system

Mr. Aron directed Mr. Broussard to respond appropriately to the petitioner using the consensus statements developed.

Finally, Mr. Aron referred the entire subject matter to the Regulation Revision Committee for their review and development of recommendations for the revision of pharmacy recordkeeping rules.

#### *14. Announcements*

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

#### *15. Recess*

Mr. Cassidy moved 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 7:15 p.m.

Respectfully submitted,

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Reuben R. Dixon, PharmD  
Secretary