



Louisiana Board of Pharmacy

3388 Brentwood Drive
Baton Rouge, Louisiana 70809-1700
www.pharmacy.la.gov



Minutes

Regular Meeting

Wednesday, May 2, 2012 at 1:00 p.m.

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

Administrative Hearing

Thursday, May 3, 2012 at 8:30 a.m.

Louisiana Board of Pharmacy
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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, May 2, 2012 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 1:10 p.m.

2. Invocation & Pledge

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

3. Quorum Call

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

Members Present:

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

Staff Present:

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

Guests:

Ms. Jennifer Thomas – RxRemote Solutions
Mr. Robert Brower – RxRemote Solutions
Mr. Rod Presnell
Ms. Crystal Carter – La. Pharmacists Association
Mr. Kenneth Doucet – Brookshire Bros. Pharmacies
Mr. Brad Reed – Wal-Mart Stores, Inc.
Mr. Mitch Ward – Target Pharmacies

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

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items. Mr. Rabb suggested the necessity of a discussion on durable medical equipment (DME) and its regulation. He indicated that recent actions by the federal Centers for Medicare & Medicaid Services have placed DME providers in an untenable position, and that an emergency action was necessary. There was no public comment in response to the request and there were no objections from the members. Mr. Aron added the item to the agenda at the report of the executive committee.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on February 1, 2012 and the Administrative Hearing on February 2, 2012, both of which were held in Baton Rouge, Louisiana. With no objections, he waived the reading thereof. Hearing no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reported briefly on the six active regulatory projects, indicating their acceptance for publication as Final Rules in the May 20, 2012 edition of the Louisiana Register. Further, he informed the members all of the legislative proposals adopted at the previous meeting had been pre-filed for consideration in the legislative session. At that point, all seven bills had cleared the Senate where they originated and were awaiting hearings in their respective House committees. Finally, he indicated staff had collected and compiled information concerning the volume of telephone calls, facsimiles and emails received over a four week period and then presented that information to the Executive Committee meeting the previous day.

7. Confirmation of Acts

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

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since February 2, 2012 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

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

9. Committee Reports

A. Finance Committee

Mr. Aron called on Mr. Pitre for the committee report. Mr. Pitre directed the members to the interim report in their meeting binders, titled Current Financial Report for Third Quarter of Fiscal Year 2011-2012. Mr. Pitre reviewed the current financial report and responded to questions from the members, following which he tendered the report for information only.

Mr. Pitre closed his report with appreciation to his fellow committee members for their ongoing efforts.

B. Application Review Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met earlier that day to consider two referrals from the staff. Following their interviews and deliberations, the committee disposed of both applications, and no further action by the Board was required.

Mr. McKay closed his report with appreciation to his fellow committee members for their work earlier that day.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 18 applicants in the interim since the previous board meeting, and in conformance with the policies and procedures previously approved by the board, had authorized the issuance of pharmacist licenses for those 18 applicants. She then reported the committee interviewed an additional 13 applicants earlier that day, and their names were listed on the posted committee agenda, a copy of which was in the meeting binder. She then moved the Board approve all 13 applicants for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative.

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

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on March 7-8, 2012 and reviewed the docket for that conference. He then presented the following proposed voluntary consent agreements for Board action.

Gaynell P. Perniciaro (CPT.001548) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in suspension of the certificate for an indefinite period of time, effective March 7, 2012.

Robert Mark McGee (PST.015107) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five

years, effective April 1, 2012, and further, required the service of six months active suspension and stayed the remainder of the original suspensive period and then ordered the placement of the license on probation for four years and six months, beginning October 1, 2012, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$7,500 plus administrative costs.

Fred's Pharmacy No. 2991 (PHY.004101 & CDS.039107) 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 \$7,500 plus administrative and investigative costs.

Kerry Michael Finney (PST.013535) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the Pharmacist-in-Charge (PIC) privilege for the remainder of his period of probation, and further, assessed a fine of \$1,000 plus administrative costs.

Dawnelle Devonn Alexander (CPT.007465) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for an indefinite period of time, effective March 17, 2012, and further, prohibited the acceptance of any application for the reinstatement of the certificate until after April 1, 2017.

Mr. Bond then continued his report with information about the committee's next informal conference scheduled for June 6-7, 2012.

Mr. Bond closed his report with appreciation to his fellow 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 ten referrals from staff. He then presented the following files and proposed voluntary consent agreements for Board action.

Scott Taylor Lovitt (PST.017931) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the license for an indefinite period of time, effective February 24, 2012.

Edwin Paul Domingue, Jr. (PST.010459) 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 request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to a term of five years and stayed the

execution of the suspension, and then placed the license on probation for five years, effective May 2, 2012, subject to certain terms enumerated in the consent agreement.

Barney Joseph Fusilier, Jr. (PST.013323) 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 request for reinstatement of the previously suspended license, converted the previous suspension from an indefinite term to a term of five years and stayed the execution of the suspension, and then placed the license on probation for a period of five years, effective May 2, 2012, subject to certain terms enumerated in the consent agreement.

LaShunda Renee Williams (CPT.006933) 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 request for reinstatement of the previously suspended certificate, converted the previous suspension from an indefinite term to a term of two years and stayed the execution of the suspension, and then placed the certificate on probation for a period of two years, effective May 2, 2012, subject to certain terms enumerated in the consent agreement.

Shawn Adrienne Mouton (PTC.016780) Mr. Rabb moved to deny the request for reinstatement of the previously suspended registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the suspended registration.

Leslie Eileen Rodgers (PST.016948) 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 request to modify the terms of probation imposed in her 2011 probation order by removing the provision requiring supervised practice as well as the provision prohibiting the acceptance of an appointment as the Pharmacist-in-Charge of a pharmacy.

Clay Devoe Jones (PST.015687) 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 request to modify the terms of probation imposed in his 2008 probation order by removing the provision prohibiting the acceptance of an appointment as the Pharmacist-in-Charge of a pharmacy.

Russell Allen Hays (PST.015916) Mr. Rabb moved to terminate the existing non-disciplinary monitoring agreement. The motion was adopted after a unanimous vote in the affirmative. The Board terminated the monitoring agreement.

Mr. Rabb closed his report with appreciation to his fellow committee

members for their work the previous day.

F. Reinstatement Committee

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams reported the committee had met earlier that same day to consider four referrals from the staff. He indicated one of the applications was deferred pending receipt of a report from a future evaluation and then presented the following proposed voluntary consent agreements for Board action.

Bryant Paul Pierce, Jr. (CPT.001594) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Takeia Sequet McDavis (CPT.007010) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Karen LaRuth Tillman (CPT.002420) Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the expired certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Mr. Adams closed his report with his appreciation to his fellow committee members for their work earlier that day.

G. Tripartite Committee

Mr. Aron noted the committee had not met since the last Board meeting.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 1:50 p.m. and then reconvened in open session at 2:05 p.m.

H. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. Dr. Anderson reported the committee met twice since the previous Board meeting. She briefly reviewed the discussions during the March 14 and April 10-11 meetings. During their April meeting the committee members voted to return the following assigned topics back to the Board with recommended regulatory proposals:

- Prescription monitoring program
- Institutional pharmacy
- Interstate remote processing
- Security of prescription department

- CDS license for non-resident distributor
- Controlled substances in emergency drug kits
- Pharmacy technician training programs

Dr. Anderson noted that copies of the regulatory proposals to be considered had been posted in the public library section of the Board's website, the boardroom library, as well as in the meeting binders for that day.

- *Regulatory Proposal 2011-4 ~ Prescription Monitoring Program (Draft #4)*

Dr. Anderson reminded the members of the provisions of Acts 144 and 488 of the 2010 Louisiana Legislature that amended the PMP Law in multiple parts for multiple purposes. Following substantial discussion, Dr. Anderson moved,

Resolved, to approve *Regulatory Proposal 2011-4 ~ Prescription Monitoring Program (Draft #4)*, and further, to authorize the Executive Director to submit the proposed amendments for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Mr. Aron then reported a request from the Board of Veterinary Medicine through their legal counsel, for the Board's opinion relative to two issues:

- The applicability of the '48 hour rule' absent a definition by rule of 'negligible amounts'; and
- Whether 'negligible amounts' can be legally defined by rule to have the same effect as the '48 hour rule.'

Mr. Broussard reviewed the '48 hour rule' and 'negligible amounts' concepts as they exist in the definition of excluded transactions as well as the Board of Veterinary Medicine's concerns for the implementation of the requirements for dispensing veterinarians to report non-excluded transactions to the PMP database. Following substantive discussion, the Board agreed:

- Absent a definition by rule of 'negligible amounts', the '48 hour rule' is not applicable; and
- Since 'negligible amounts' has not been defined by rule, there is no provision for any interpretation that it may have the same effect as the '48 hour rule.'

Mr. Aron requested Mr. Broussard communicate the Board of Pharmacy's opinions to the Board of Veterinary Medicine.

- *Regulatory Proposal 2012-5 ~ Institutional Pharmacy (Draft #1)*

Dr. Anderson reminded the members of the recent regulatory project relative to penal pharmacies. Mr. Broussard indicated the drafting for that project duplicated existing language in Chapter 17 for placement in the new Chapter 18 but overlooked the necessity of removing the original language in Chapter 17. This project seeks to correct the drafting error from the previous project.

Dr. Anderson then moved,

Resolved, to approve Regulatory Proposal 2012-5 ~ Institutional Pharmacy (Draft #1), and further, to authorize the Executive Director to submit the proposed amendments for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Regulatory Proposal 2012-6 ~ Interstate Remote Processing (Draft #2)

Dr. Anderson reviewed the history of the remote processing rule changes during the last several years. Mr. Finalet briefly reviewed the potential legal impact of limiting the authority for this professional service to pharmacies located within the state. Following substantial discussion, Dr. Anderson moved,

Resolved, to approve Regulatory Proposal 2012-6 ~ Interstate Remote Processing (Draft #2), and further, to authorize the Executive Director to submit the proposed amendments for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

The motion was adopted after a majority affirmative roll call vote; Messrs. McKay, Pitre and Soileau objected.

- Regulatory Proposal 2012-7 ~ Security of Prescription Department (Draft #1)

Dr. Anderson reviewed the directive from the Board to revise the security requirements for a prescription department and presented the committee's proposal to accomplish that directive. She then moved,

Resolved, to approve Regulatory Proposal 2012-7 ~ Security of Prescription Department, and further, to authorize the Executive Director to submit the proposed amendments for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Regulatory Proposal 2012-8 ~ CDS License for Non-Resident Distributor (Draft #1)

Dr. Anderson reviewed the absence of non-resident distributors from the CDS credentialing requirements and reported the committee's recommendation to revise the oversight. She then moved,

Resolved, to approve Regulatory Proposal 2012-8 ~ CDS

License for Non-Resident Distributor (Draft #1), and further, to authorize the Executive Director to submit the proposed amendment for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Regulatory Proposal 2012-9 ~ Controlled Substances in Emergency Drug Kits (Draft #2)

Dr. Anderson reported the committee's recommendation to promulgate specific authority for pharmacies supplying emergency drug kits to long term care facilities to place controlled substances within those kits in compliance with federal rules governing that activity. She then moved,

Resolved, to approve Regulatory Proposal 2012-9 ~ Controlled Substances in Emergency Drug Kits (Draft #2), and further, to authorize the Executive Director to submit the proposed amendments for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

- Regulatory Proposal 2012-10 ~ Pharmacy Technician Training Programs (Draft #2)

Dr. Anderson reported the committee's recommendation to improve the quality of the education offered to pharmacy technician candidates by requiring national accreditation no later than 2015 for all such programs in the state. She then moved,

Resolved, to approve Regulatory Proposal 2012-10 ~ Pharmacy Technician Training Programs (Draft #2), and further, to authorize the Executive Director to submit the proposed amendments for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

The motion failed after a majority negative roll call vote. Voting in favor of the motion were Dr. Anderson, Mr. McKay, Mr. Moore, Mr. Pitre, Mr. Resweber, and Dr. Simonson. Voting against were Mr. Adams, Mr. Bond, Mr. Burch, Mr. Dartez, Ms. Hall, Mr. Indovina, Ms. Melancon, Mr. Rabb, Ms. Reed, and Mr. Soileau.

Dr. Anderson then reported on the several topics still pending before the committee, and she closed her report with appreciation to her fellow committee members for their ongoing work.

I. *Executive Committee*

Mr. Aron reported the committee met the previous evening to consider its posted agenda, along with another item added to that agenda at the beginning of the meeting. Mr. Aron reported the committee reviewed all of the Board's contracts and agreements as well as the policies and procedure and loss prevention manuals. With respect to the contracts and agreements, all of the vendors fulfilled their contractual obligations and no performance issues were identified by staff. He then called upon Mr. Rabb to report the committee's recommendations relative to the renewal of contracts and agreements. Mr. Rabb moved,

Resolved, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, at the stipulated rates, in an amount not to exceed \$25,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the completion of the implementation, as well as the continued development and operation, of eLicense from CAVU Corporation and its successor, Iron Data Corporation, at the stipulated rates, in an amount not to exceed \$150,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the proposed information system network support services agreement with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$40,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the agreement with Health Information Designs, Inc. as the vendor for the Board's Prescription Monitoring Program, at the stipulated rates, in an amount not to exceed \$120,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the agreement with Portico Learning Solutions as the vendor for the Board's electronic

education initiative, at the stipulated rates, in an amount not to exceed \$20,000 for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the National Association of Boards of Pharmacy (NABP) as the administrator for the pharmacist licensure and remediation examinations (NAPLEX, MPJE, FPGEE, and PARE) for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the Pharmacy Technician Certification Board (PTCB) as the administrator for the pharmacy technician certification examination for Fiscal Year 2012-2013.

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

Resolved, that the Board approve the NABP Foundation as the publisher of the Board's newsletter – both electronic and printed editions – at the stipulated rate, in an amount not to exceed \$35,000 for Fiscal Year 2012-2013.

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

Mr. Rabb then reminded the members that opinions and declaratory statements made by the Board were catalogued in the Board's Policy & Procedure Manual, and further, that two opinions had been rendered since the Board's last review of the manual in May 2011. He also presented a proposed new policy drafted by staff following the recent successful state audit as well as a proposed amendment to an existing policy also proposed by staff. He then moved,

Resolved, that the Board approve the new Policy II.E.5 ~ Travel Card and CBA.

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

Resolved, that the Board approve the proposed amendment to Policy II.I.3 ~ Smoking.

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

Resolved, that the Board continue its approval of the Board's updated Policy & Procedure Manual for Fiscal Year 2012-2013.

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

Mr. Rabb then reminded the members of the Board's annual review process for its Loss Prevention Manual and reported that staff had drafted two new policies and a revision to one existing policies. He then moved,

Resolved, that the Board approve the proposed revision to Policy I.C ~ Safety Rules.

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

Resolved, that the Board approve the proposed new Policy III.H ~ Key Control.

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

Resolved, that the Board approve the proposed new Policy IV.A ~ Equipment Management.

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

Resolved, that the Board continue its approval of the Board's updated Loss Prevention Manual for Fiscal Year 2012-2013.

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

Mr. Rabb then reminded the members of the Practitioner Recovery Program utilization of two resources that require continuing approval. He then moved,

Resolved, that the Board continue its approval of FirstLab as the vendor for the Board's drug screening program for Fiscal Year 2012-2013.

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

Resolved, that the Board continue its approval of the Board's Roster of Approved Addictionists for Fiscal Year 2012-2013.

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

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

Mr. Aron then reported some recent actions by the federal Centers for Medicare & Medicaid Services (CMS) relative to their policies and procedures relative to reimbursement of claims for durable medical equipment (DME) from DME providers. In particular, CMS had recently updated their credentialing requirements for providers attempting to qualify for participation in the recently-established system to submit bid proposals to Medicare. From a practical perspective, CMS informed providers of the necessity to be licensed by the Board of Pharmacy less than 60 days before the qualification deadline. The Board office was swamped with telephone calls and other communications from DME providers seeking a license, only to discover the only credential available to them is a pharmacy permit. Although the Board's Regulation Revision Committee has been working on the development of a chapter of rules and a credential suitable for DME providers, it had not completed its assignment in deference to other topics deemed more urgent. Mr. Aron reported the executive committee asked Mr. Broussard during their meeting the previous evening to prepare a draft rule for DME providers, as well as a proposed declaration of emergency that would allow the Board to move forward immediately. Mr. Broussard distributed the proposed rule and the proposed declaration of emergency to the members, and Mr. Aron reviewed the procedural requirements for emergency rules vs the routine promulgation process. Following substantial discussion, Mr. McKay moved,

Whereas, the federal Centers for Medicare & Medicaid Services (CMS) has recently changed their eligibility criteria for DME providers intending to submit claims for services to Medicare to require evidence of compliance with state credentialing requirements; and

Whereas, the Board has determined that public safety does not require the same level of minimum specifications in business settings that do not contain prescription drugs or controlled substances; and

Whereas, the Board seeks to establish a separate set of rules for DME providers that do not stock or supply prescription drugs to facilitate the creation and issuance of a DME permit in lieu of the presently-required pharmacy permit; and

Whereas, a delay in promulgating this proposed rule will result in some DME suppliers that do not stock prescription drugs being disqualified from participation in Medicare, which has the potential of adversely affecting their financial position; and

Whereas, since these suppliers provide vital services to Medicare beneficiaries across the state; then

Resolved, the Board has determined that immediate action is necessary to prevent imminent peril to the public health, safety and welfare; and further,

Resolved, the Board approves the Declaration of Emergency, to be effective immediately on this second day of May in 2012, and further, which shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever shall first occur.

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

Resolved, to approve Regulatory Proposal 2012-11 ~ Durable Medical Equipment as an Emergency Rule, and further, to authorize the Executive Director to submit the Declaration of Emergency and this Emergency Rule to all offices and agencies in compliance with the Administrative Procedure Act, and further, to instruct the Executive Director to establish all forms, credentials and procedures necessary to implement the rule.

The motion was adopted after a majority vote in the affirmative; Mr. Soileau objected. Mr. Aron expressed his appreciation to the staff for their quick response to the executive committee's directive from the previous evening

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

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 their meeting binder. He reported on the number of prescription transactions reported to the database,

and the number of prescribers and dispensers who had acquired access privileges. He also reported on the number of queries made by those prescribers and dispensers, as well as law enforcement and regulatory agencies.

He reminded the members about the 2009 change in the PMP law that authorized the Board to issue waivers to the duty to report data to the program, especially for those pharmacies who have been submitting zero reports for the entire time frame. He reminded them of their previous decisions, granting approximately 210 waivers to date. He then directed the members to a list of six pharmacies requesting a waiver. Mr. Rabb moved,

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

- > AcariaHealth Pharmacy #11 (PHY.006410);
- > Alk-Abello, Inc. (PHY.005685);
- > Christus Schumpert Highland Hospital Pharmacy (PHY.006207);
- > Med 4 Home Pharmacy (PHY.004745);
- > Meds at Home – Las Vegas (PHY.006467); and
- > Senderra Rx (PHY.006482)

once they have executed the standard consent agreement for that purpose.

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

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

K. Report of General Counsel

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

Chelsie Marie Chouest (CPT.009954) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Natalie Natasha Darrington (CPT.008353) Mr. McKay 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 to the respondent, and further, assessed a fine of \$500 plus administrative costs.

Barry Kent Powers (PST.016002) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years beginning September 7, 2011 and stayed the execution thereof, and then placed the license on probation for the remainder of the original suspensive period, subject to certain terms enumerated in the consent agreement; and further, assessed administrative costs.

Alicia Dupre Marcel (CPT.006682) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Specialty Veterinary Pharmacy (PHY.006428) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent, and further, assessed a fine of \$5,000 plus administrative costs.

Larissa Elizabeth Walraven (CPT.010243) 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, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Lindsay Alexandra Pantalion (CPT.007361) Mr. Burch moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Truong Van Tran (PNT.046139) Mr. Burch moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the registration, and further, prohibited the acceptance of any future application for the reinstatement of the registration or any other application for any credential issued by the Board.

Lee Eric Ori (PST.018721) Mr. Pitre 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 to the respondent, and further, assessed a fine of \$1,000 plus administrative costs.

Dennis Mervin Barnes (PST.017471) Mr. McKay 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 to the respondent, and further, assessed a fine of \$1,000 plus administrative costs.

Hang (Belynda) Thi Nguyen (CPT.001385) Mr. McKay 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 to the respondent, and further, assessed a fine of \$1,000 plus administrative costs.

Anika Shantell Barnes (CPT.010701) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, prohibited the acceptance of any future application for the reinstatement of the certificate or any other application for any credential issued by the Board.

Monique Rashae Morris (CPT.008384) 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 to the respondent, and further, assessed a fine of \$500 plus administrative costs.

Curtis Lee Beauregard (CDS.033691-MD) Mr. McKay 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 active suspension of the license for an indefinite period of time, effective February 15, 2012.

Lori Nicole Cicero (CPT.007583) Mr. McKay 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 active suspension of the certificate, effective March 5, 2012.

Tyler John Sylve (PNT.045809) Mr. McKay 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 active suspension of the registration, effective March 30, 2012.

Dahlia V. Kirkpatrick (CDS.027029-MD) Mr. McKay moved to suspend the license, based upon the suspension of her medical license by the Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board placed the CDS license on active suspension for an indefinite period of time, effective February 13, 2012.

Ralph Maxwell, III (CDS.006879-MD) Mr. McKay moved to suspend the license, based upon the voluntary surrender of his medical license to the Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board placed the CDS license on active suspension for an indefinite period of time, effective February 13, 2012.

John William Krenek (CDS.034976-PA) Mr. McKay moved to suspend the license, based upon the summary suspension of his physician assistant

license by the Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board placed the CDS license on active suspension for an indefinite period of time, effective January 24, 2012.

Kirkland Daniel Jeane (PST.018892) Mr. McKay 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 active suspension of the license for an indefinite period of time, effective April 30, 2012.

Village Pharmacy, LLC (PHY.006278 & CDS.039387-PHY) Mr. McKay moved to accept the voluntary surrender of the credentials. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the active suspension of both credentials for an indefinite period of time, effective May 4, 2012, and further, the Board ordered the pharmacy to close all operations no later than May 4, 2012.

Mr. Finalet indicated 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
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - 2012 Louisiana Legislature
 - Dept. of Health & Hospitals
- National Activities
 - National Association of Boards of Pharmacy (NABP)
 - MALTAGON
 - NABP-AACP Districts 6-7-8 Annual Meeting
- International Activities
 - International Pharmaceutical Federation

Finally, Mr. Broussard indicated completion of his report.

11. Request for Opinion: Storage of Regulated Materials and Records External to the Permitted Prescription Department

Mr. Aron requested Mr. Broussard to review the background information for the request. Mr. Broussard directed the members to his memorandum in their meeting binders, informing them of multiple requests from different types of settings, requesting guidance for the storage of prescription drugs and devices (regulated materials) as well as prescription records and other types of pharmacy records outside the permitted prescription department. Following discussion, the Board reached consensus on the following guidance:

- With respect to prescription records and other types of pharmacy records, they may be stored outside a permitted prescription department, without notice to the Board; provided however the pharmacy is able to comply with the Board's rule requiring the production of records requested by the Board no later than 72 hours following such request.
- With respect to prescription drugs, the storage of such regulated materials shall be limited to the permitted prescription department identified on the permit authorizing the acquisition of such drugs.

12. Request for Opinion: Acceptable Generic Substitute for Animal Drug Product

Mr. Aron requested Mr. Broussard to advise the members of the circumstances of the request. After doing so, Mr. Broussard directed the members to copies of the pertinent statute and other documents in their meeting binders. Following substantial discussion, the members took note the federal FDA makes determinations regarding equivalence for animal drugs, and that such determinations are available to pharmacists even though they are not formally published. The members declined to opine on a subject matter within the jurisdiction of the federal FDA and instructed the executive director to communicate that decision to the requestor.

13. Request for Rulemaking: Expansion of Disease States Eligible for Collaborative Drug Therapy Management

Mr. Aron called upon the requestor, Dr. Simonson. She informed the Board of her belief the collaborative drug therapy management rule should be revisited for the purpose of expanding the list of conditions which are amenable to such collaboration between physicians and pharmacists. Mr. Aron reminded the Board that rule was jointly promulgated with the Board of Medical Examiners. He then instructed the executive director to approach that board to determine their interest in revising the rule in the manner requested.

14. Request for Rulemaking: Expansion of Pharmacy Permits to Include Call Centers

Mr. Aron called upon the requestor, Dr. Simonson. She reminded the members of their discussion earlier that day relative to the remote processing of prescriptions and medical orders by call centers in other states. She expressed her belief that the Board should authorize the establishment of call centers in this state. Given the level of interest expressed by the members, Mr. Aron referred the matter to the Board's Regulation Revision Committee.

15. Announcements

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

16. Recess

Mr. Soileau moved to recess. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 7:15 p.m.

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An Administrative Hearing was convened on Thursday, May 3, 2012 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

In the absence of the President, First Vice President Morris Rabb called the meeting to order at 8:30 a.m.

B. Invocation & Pledge of Allegiance

Mr. Rabb called upon Mr. Bond, and he delivered the invocation. Mr. Indovina then led the group in the recitation of the Pledge of Allegiance.

C. Quorum Call

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

D. Call for Additional Agenda Items

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

E. Opportunity for Public Comment

Mr. Rabb 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 in attendance, but none were offered.

Appearances

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

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, May 3, 2012 in the Board office, for the purpose to wit:

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 04-30-2012

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
 - 01. PTC.017211 – Tommi Dawn Roberts Case No. 11-0379
 - 02. PTC.016375 – Luke Joseph Bordelon Case No. 11-0363
 - 03. CPT.008436 – Summer Crystal Berlanga Case No. 11-0367
 - 04. CPT.007460 – Nastassajja Von-L Simon Case No. 11-0392
- G. Adjourn

F. Formal Hearings

Mr. Rabb called upon Mr. Finalet and he presented the following cases to the members of the hearing panel for their consideration.

Tommi Dawn Roberts (PTC.017211) Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Rabb ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Soileau moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:40 a.m. and then returned to open session at 9:05 a.m.

Ms. Reed moved,

Resolved, that the Board, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 7 to

reflect the absence of the respondent from these proceedings, 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. Reed then moved,

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 17211, held by Tommi Dawn Roberts, shall be, and is hereby suspended for an indefinite period of time effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$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 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 matters against her in any jurisdiction; and (3) respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

It was noted that Mr. Dartez left the hearing chamber prior to the beginning of the next case.

Luke Joseph Bordelon (PTC.016375) Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, he was not represented by counsel. After verifying the respondent's absence, Mr. Rabb ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Soileau moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:15 a.m. and returned

to open session at 9:40 a.m.

Mr. Soileau moved,

Resolved, that the Board, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 4 to add the following: "Respondent received the certified mailing on November 29, 2011.", 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. Soileau then moved,

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 16375, held by Luke Joseph Bordelon, 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 \$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 registration, or any application for any other credential issued by the Board, shall be conditioned upon satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein; (2) respondent shall have no pending legal or disciplinary matters against him in any jurisdiction; and (3) respondent shall have received a favorable recommendation for his return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

It was noted Mr. Dartez returned to the hearing chamber after the previous case and before the next case.

Summer Crystal Berlanga (CPT.008436) Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Rabb ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses and four exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its

consideration. Mr. Soileau moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:50 a.m. and returned to open session at 10:05 a.m.

Mr. Moore moved,

Resolved, that the Board, 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. Moore then moved,

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 8436, held by Summer Crystal Berlanga, 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 satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein; and (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

Nastassajia Von-L Simon (CPT.007460) Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Rabb ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. 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 into executive session at 10:10 a.m. and returned to open session at 10:20 a.m.

Ms. Reed moved,

Resolved, that the Board, 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. Reed then moved,

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

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 7460, held by Nastassajia Von-L Simon, 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 \$500; (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 satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein; and (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

Mr. Finalet indicated the completion of all hearings scheduled for that day. Mr. Rabb expressed his appreciation to Mr. Finalet for his services that day.

G. Adjourn

Mr. Dartez moved to adjourn. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Rabb adjourned the meeting at 10:25 a.m.

Respectfully submitted,

Brian A. Bond
Secretary