



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
www.pharmacy.la.gov



Minutes

Regular Meeting

Wednesday, August 11, 2010 at 1:00 p.m.

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

Administrative Hearing

Thursday, August 12, 2010 at 8:30 a.m.

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

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Wednesday, August 11, 2010</i>		
1.	Call to Order	4
2.	Invocation & Pledge of Allegiance	4
3.	Quorum Call	4
4.	Call for Additional Agenda Items	5
5.	Consideration of Minutes	5
6.	Report on Action Items	5
7.	Confirmation of Acts	6
8.	Opportunity for Public Comment	6
9.	Committee Reports	
	A. Finance	6
	B. Application Review	6
	C. Reciprocity	8
	D. Violations	9
	E. Impairment	12
	F. Reinstatement	12
	G. Tripartite	13
	H. Regulation Revision	13
	I. Executive	13
10.	Staff Reports	
	J. Prescription Monitoring Program	13
	K. General Counsel	14
	L. Executive Director	14
11.	Request for Waiver for Electronic Storage of Faxed Prescriptions	15
12.	Appeal of President's Decision re Disposition of Prescription Files on Closure of Pharmacy	15
13.	Announcements	16
14.	Recess	16

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Thursday, August 12, 2010</i>		
A.	Call to Order	16
B.	Invocation & Pledge of Allegiance	16
C.	Quorum Call	16
D.	Call for Additional Agenda Items	16
E.	Opportunity for Public Comment	16
	Appearances	16
F.	Formal Hearings	18
G.	Report of the Violations Committee	9
H.	Report of General Counsel	10
I.	Presentation of Distinguished Service Awards	21
J.	Adjourn	23

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 11, 2010 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:00 p.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Doug Boudreaux 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
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. J. Douglas Boudreaux
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 (*late arrival: 1:15 p.m.*)
Ms. Chris B. Melancon
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Mr. Richard A. Soileau (*late arrival: 1:10 p.m.*)

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. Rayland M. Trisler, Compliance Officer

Guests:

Mr. Russell Champagne, CPA
Mr. Larry R. Cockrell
Mr. Ross Cockrell
Ms. Therese Craft
Mr. Ryan Boudreau

Mr. Mitch Ward – Target Pharmacies
Ms. KarenSue Ziegler – La. Hospital Association
Ms. Debra Jarratt – Baton Rouge General Hospital Pharmacy
Mr. Robert Freeze – Omnicare
Mr. Roger Melching – Omnicare
Mr. Danny Donato – Omnicare
Ms. Linda Spradley – Spradley & Spradley
Mr. Randal Johnson – LIPA
Mr. T. J. Spaulding – J&S

Dr. Dixon certified that all of the members except Mr. McKay and Mr. Soileau 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 May 5, 2010 and the Administrative Hearing on May 6, 2010. Hearing no request for amendments nor any objection to their approval, Mr. Aron 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 on three initiatives requested during the previous meeting of the Board.

- During the report from the Regulation Revision Committee, the members had approved the Guidance for Medication Disposal Programs document and directed staff to advertise the document to its clients. Mr. Broussard directed the members to the Guidance Documents section in the Public Library on the Board's new website, as well as the July 2010 edition of the Board's newsletter. He also reviewed the issue during his recent report at the state association's annual meeting.
- During the report from the Executive Committee, the members had approved several contracts and agreements for the Board's operations and directed the executive director to execute those items on the Board's behalf and submit them for review and approval by the various legislative and administrative agencies with oversight of the Board's operations. Mr. Broussard reported all items had been submitted and approved, and were operational.
- During the report from the Executive Director, the President requested staff to continue its research on matching technician candidates to the training programs they completed, to facilitate a review of the relative rate of success of the programs. Mr. Broussard reported the research was continuing.

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. Cassidy 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 May 6, 2010 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 welcomed Mr. Russell Champagne, CPA, noting his firm had provided accounting services to the Board for just over a decade. As was customary, Mr. Champagne was present to review the Board's annual financial report, provide some additional perspective, and respond to any concerns from the members. Mr. Champagne began by directing the members to the *Final Report for Fiscal Year 2009-2010* and the several sections of the report in their meeting binder. He reviewed each of the sections, responding to questions from the members. At the conclusion of the review, Mr. Bond informed the members of the committee's review the previous day, as well as their recommendation. He moved,

Resolved, that the Board accept the *Final Report for Fiscal Year 2009-2010*, subject to audit.

The motion was adopted after a unanimous vote in the affirmative. Mr. Bond then directed the members to the Proposed Budget Amendments for Fiscal Year 2010-2011, noting the suggested amendments as well as the committee's recommendation. Mr. Cassidy expressed concern for the adoption of a budget containing a year-end deficit. Mr. McKay explained staff's conservative approach to budgeting as well as the results from recent years. Mr. Bond moved,

Resolved, that the Board approve and adopt the *Proposed Budget Amendments for Fiscal Year 2010-2011* as presented, *in globo*, as Amendment No. 1.

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

Finally, Mr. Bond expressed his appreciation to the other committee members for their ongoing efforts. Mr. Aron expressed his appreciation to Mr. Champagne and his staff for their excellent service.

B. *Application Review Committee*

Mr. Aron called upon Mr. McKay for the committee report. He reported the committee met the previous day to consider 9 referrals from the staff. He

reported the disposition of 3 applications and then presented the following files for Board action.

College Pharmacy (PHY Applicant) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a pharmacy permit, to be followed immediately by suspension of the permit for seven years with execution thereof stayed, then placed on probation for seven years beginning April 10, 2009 and terminating April 10, 2016 to coincide with the relevant order from the Colorado Board of Pharmacy.

Antoine Denard Clinton (PNT Applicant) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of an intern registration, and then ordered the issuance of a Letter of Reprimand.

Medi-Stat Rx (PHY Applicant) Mr. McKay moved to deny the application and refuse to issue the permit. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the permit.

Corandilus Tyron Williams (PTC Applicant) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a registration, and then ordered the issuance of a Letter of Reprimand.

Bishop McCane, Jr. (PTC Applicant) Mr. McKay moved approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a registration, and then ordered the issuance of a Letter of Reprimand.

Leon Cardell Guidry (PTC Applicant) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a registration, and then ordered the issuance of a Letter of Reprimand.

Finally, Mr. McKay expressed his appreciation to the other committee members for their participation in the prior day's meeting.

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

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 34 candidates earlier that day. She then moved,

Resolved, that with respect to the application for pharmacist licensure from Christopher Patrick Kelley, the Board authorize the issuance of his pharmacist license by reciprocity upon receipt of the requested documentation.

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

Resolved, that the Board approve

Kornkanok Arntson
Kathryn Elizabeth Asti
Sarah Kirby Boydstun
Andrea Leigh Carpenter
John Bradley Casalino
Ajay Babu Cherukuri
Jill Marie Comeau
Allison Marie Davis
Christina Marie Dooley
Lynne Marie Frazier
Robert Frederick Hahn
Avita Kamia Johnson
Lisa Harman Kelly
Jessica Hunt Kremeier
John Alan Long
Sadegh Mohammed Maleki
Alison Gerard Mercadel
Dalia Fouad Moussa
Rebecca Linn Nelson
Nhu Van Thi Nguyen
Johnny Marnit Oparakum
Jeremy Scott Patterson
Alexander Petrovich
Thomas David Proctor
Robert Mitchell Self
James Gerald Smith
Natalie ReShan Smith
Mary Paul Stevens
Anik Vailancourt
Abraham Mathes Walk
Thishanti Kumari Wijewickrama
Gerald Dee Winegardner, *and*
Christine Ann Woods

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 June 9-10, 2010 and reviewed that docket. He then reviewed the docket for the administrative hearing slated for the following day, as well as the committee's next conference in September 2010.

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

At this point, Mr. Aron reminded the members of the substantial docket of formal hearings scheduled for the following day. He suggested the members consider the consent agreements slated for consideration during the hearing that day instead, to reduce the potential for the agreements to be considered very late in the night. Without objections from the members, he then re-ordered the agenda to advance the Reports of the Violations Committee and the General Counsel from the agenda for the administrative hearing the following day to that point in time.

* *Report of Violations Committee – Consideration of Voluntary Consent Agreements*

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

Wal-Mart Pharmacy No. 10-5315 (PHY.005063) 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 \$3,000 plus costs.

Michael Roger Chamberlain (PST.014768) 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 costs.

Abita Pharmacy (PHY.004842) 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, ordered the publication thereof, and further, assessed a fine of \$500 plus costs.

John Henry Cunningham (PST.016578) 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 Warning, and further, assessed costs.

Comtrela Vonsetta Hanking (CPT.009406) 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 Warning, and further, assessed costs.

Bruce Samuel Taylor (PST.013364) 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 costs.

John Scott Soileau (PST.014858) 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 an indefinite period of time, and further, conditioned the acceptance of any future application for the reinstatement of the license upon the completion of at least eighteen months of active suspension, and further, assessed a fine of \$50,000 plus costs.

Thrift Clinic Pharmacy (PHY.004400) Dr. Dixon moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the permit, and further, prohibited the acceptance of any future application for the reinstatement of the permit.

**** *Report of General Counsel – Consideration of Voluntary Consent Agreements and Voluntary Surrenders***

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

Cystic Fibrosis Services, Inc. (PHY.005250) 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 Warning, and further, assessed a fine of \$5,000 plus costs.

Jamie Leigh Douglas (CPT.009472) 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, prohibited the acceptance of any future application for the reinstatement of the certificate.

Clifton Eugene Shaw (PST.010166) 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 costs.

Franck's Compounding Pharmacy (PHY.005484) 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 costs.

Ryshita Nicole Reed (CPT.007922) 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, prohibited any future application for the reinstatement of the certificate.

Tonya Natasha Dixon (CPT.004305) 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 June 3, 2010.

Ashley Elizabeth Reynolds (CPT.001775) 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 June 4, 2010.

Jason Lance Cassagne (PST.016173) 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 June 22, 2010.

Melinda Patrice Simon (CPT.007033) 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 June 9, 2010.

Darby Shae Noland (CPT.009152) 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 July 19, 2010.

Randia Jeree Nicole Derousselle (CPT.009365) 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 July 28, 2010.

Bernard Luke Manale (CDS.007014-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 July 30, 2010.

Sharon Denise Moore (CPT.008643) 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 suspension of the certificate for an indefinite period of time, effective July 19, 2010.

C'Shontee Kinyetta Webb (PTC.015869) 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 registration for an indefinite period of time, effective July 19, 2010.

At that time, Mr. Aron returned to the posted agenda.

E. Impairment Committee

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

Barlow Bertrand Miller, III (PST.010236) 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.

Casey Kendall Gisclair (PST.017305) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request 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.

Claude Albert Henderson, Jr. (PST.011775) Mr. Rabb moved to approve voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board granted the request for a modification of Condition No. 1 of the previous conditional reinstatement order dated August 5, 2009.

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.

Lincare, Inc. d/b/a United Medical (PHY.004647) Mr. Adams moved to grant the request to reinstate the permit, which had been surrendered in 2009 in lieu of disciplinary action. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously lapsed permit.

Gary Charles Richardson (PST.010910) Mr. Adams moved to deny the application for reinstatement of the previously suspended license. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application for reinstatement of the previously suspended license.

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
(No report.)

I. Executive Committee
(No report.)

At this point, Mr. Aron declared a brief recess. It was noted the Board recessed at 2:20 pm and then reconvened in open session at 2:40 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, the average number of queries per day was approximately 1,200.

He then responded to questions from several members about various aspects of the program operations, and then directed the members to a menu of possible enhancements offered by the program vendor.

Mr. Aron informed the members of some discussion during the prior meeting of the PMP Advisory Council, wherein a suggestion was made to lower the \$25 annual fee to offset some excess revenues from the prior fiscal year. The members reached consensus to make further improvements to the program at this time in lieu of any fee reduction. Mr. Broussard reminded the members the budget amendment for the current fiscal year adopted earlier that day during the report of the Finance Committee did not include any enhancements for the program. Mr. McKay moved to reconsider the vote by which the budget amendment had been adopted earlier that same day. That motion was adopted after a unanimous vote in the affirmative.

Mr. Aron advised the members the Proposed Budget Amendment of the Fiscal Year 2010-2011 Budget was again open for consideration. Mr. Adams moved to amend the proposed budget amendment by the addition of \$25,000 for program enhancements in Schedule A – Prescription Monitoring Program. That motion was adopted after a unanimous vote in the affirmative. Mr. Moore then moved,

Resolved, that the Board approve and adopt the Proposed Budget Amendments for Fiscal Year 2010-2011 as amended, *in globo*, as Amendment No. 2.

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

(No 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 Division
 - Census Reports – Compliance Division
 - Licensure Activity Report
 - Exceptions Report
 - 1. PIC at Multiple Pharmacies
 - 2. Special Work Permits
 - Louisiana Compliance Questionnaire

Mr. Broussard advised the members of the requirement of the legislative audit process and their need to review and approve the document. He responded to questions from members. Ms. Alderman then moved to approve the Louisiana Compliance Questionnaire for Fiscal Year 2010; the motion was adopted after a unanimous vote in the affirmative.
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - eLicense Project
 - New Website
- Collaborations
 - Collaborative Drug Therapy Management (CDTM)
- Legislative Activities
 - Mr. Broussard directed the members to the Final Legislative Brief from the 2010 Louisiana Legislature, wherein he reviewed the

measures passed the by the legislature. During that review, Mr. Aron referred the following measures to the Regulation Revision Committee: HB 114, HB 197, and HB 1095.

During the review of HB 872, Mr. Cassidy relayed a question posed to him by some pharmacists relative to proper recordkeeping procedures for pharmacists engaged in administration of influenza immunizations as authorized by that law. Following substantive discussion, Mr. Boudreaux moved

Resolved, that the Board adopt the following statement as guidance for pharmacists seeking to comply with Act 287 of the 2010 Legislature:

For the purposes of record keeping and facilitating access to influenza immunization to the public, and for the benefit of public health, pharmacists shall create a document in their prescription files which contains a prescription number and lists the immunizing pharmacist as the prescriber.

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

- Activities at Other Agencies
- National Activities
- International Activities

11. Request for Waiver for Electronic Storage of Faxed Prescriptions

Mr. Aron noted the agenda item originated with Pharmacist Danny Donato at Campo's Medical Pharmacy in Jefferson, La., on behalf of Omnicare. Mr. Aron invited Mr. Donato and the Omnicare representatives to make their presentation to the Board. Following their presentation and substantive discussion, the members suggested that in lieu of granting waivers to individual pharmacies, the entire topic should be referred to the Regulation Revision Committee for their review and development of an amendment to the current recordkeeping rules. Mr. Aron directed the Regulation Revision Committee to add the topic to their current list of assignments. As to the specific request at issue, Mr. Donato chose to withdraw the request in lieu of a denial, and then offered his firm's assistance to the Board.

12. Appeal of President's Decision re Disposition of Prescription Files on Closure of Pharmacy

Mr. Aron requested Mr. Broussard to review the rules relative to the permanent closure of a pharmacy, the specific information related to the petitioner, and the history of the request. Mr. Aron recognized Mr. Cockrell as the petitioner and invited him to make his request to the Board. Following his presentation and some discussion, Mr. Pitre moved

Resolved, that Clinton Drug Store be permitted to transfer its residual patient prescriptions to any pharmacy in East Feliciana Parish, as part of its closure proceeding.

The motion was approved after a unanimous vote in the affirmative. Mr. Aron requested the Regulation Revision Committee to review the rule at issue to determine the necessity of any amendment. In the interim, the members agreed to maintain the historical guidance for staff.

13. *Announcements*

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

14. *Recess*

Mr. Rabb moved to recess. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 6:05 p.m.

*

*

*

An Administrative Hearing was convened on Thursday, August 12, 2010 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

A. Call to Order

Mr. Aron called the meeting to order at 8:55 a.m.

B. Invocation & Pledge of Allegiance

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

C. Quorum Call

Mr. Aron called upon Secretary Dixon, and he called the roll. After doing so, he informed Mr. Aron that all of the members except Dr. Anderson and Ms. Melancon were present, constituting a quorum.

D. Call for Additional Agenda Items

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

E. Opportunity for Public Comment

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

Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Ms. Celia R. Cangelosi served as the Prosecuting Attorney, and Mr. Carlos M. Finalet, III served as General Counsel for the Board. Mr. E. Wade Shows served as Advisor to the Hearing Officer. Ms. Jennifer Pickett was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron indicated the jury for

the formal hearings would be composed of all the members present except for those members participating in the most recent meeting of the Violations Committee – specifically, Mr. Adams, Mr. Bond, Dr. Dixon, and Ms. Melancon. Mr. Aron directed the insertion of the posted agenda into these minutes and waived the reading thereof. The posted agenda is re-created here.

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, August 12, 2010 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 08-05-2010

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
 - 01. CPT.009112 – Christina Morales Complaint No. 10-0017
 - 02. PTC.014393 – Maurice Terrell Mitchell Complaint No. 09-0562
 - 03. PHY.001159 – Tewelde's Lafitte Drugs Complaint No. 10-0097
 - +
 - 04. PST.011262 – Taddese Tewelde Complaint No. 10-0098
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 05. PHY.005063 – Wal-Mart Pharmacy No. 10-5315 Complaint No. 10-0023
 - 06. PST.014768 – Michael Roger Chamberlain Complaint No. 09-0447
 - +
 - 07. PHY.004842 – Abita Pharmacy Complaint No. 09-0448
 - 08. PST.016578 – John Henry Cunningham Complaint No. 10-0014
 - +
 - 09. CPT.009406 – Comtrella Vonsetta Hanking Complaint No. 10-0015
 - 10. PST.013364 – Bruce Samuel Taylor Complaint No. 10-0095
 - 11. PHY.004400 – Thrift Clinic Pharmacy Complaint No. 10-0035
 - +
 - 12. PST.014858 – John Scott Soileau Complaint No. 09-0563
- H. Report of General Counsel
 - Consideration of Voluntary Consent Agreements*
 - 13. PHY.005250 – Cystic Fibrosis Services, Inc. Complaint No. 10-0096
 - 14. CPT.009472 – Jamie Leigh Douglas Complaint No. 10-0140
 - 15. PST.010166 – Clifton Eugene Shaw Complaint No. 10-0168
 - 16. PHY.005484 – Franck's Compounding Pharmacy Complaint No. 09-0316

17.	CPT.007922 – Ryshita Nicole Reed	Complaint No. 10-0200
<i>Consideration of Voluntary Surrenders</i>		
18.	CPT.004305 – Tonya Natasha Dixon	Complaint No. 09-0297
19.	CPT.001775 – Ashley Elizabeth Reynolds	Complaint No. 09-0527
20.	PST.016173 – Jason Lance Cassagne	Complaint No. 10-0152
21.	CPT.007033 – Melinda Patrice Simon	Complaint No. 10-0158
22.	CPT.009152 – Darby Shae Noland	Complaint No. 10-0159
23.	CPT.009365 – Randia Jeree Nicole Derousselle	Complaint No. 10-0219
24.	CDS.007014-MD – Bernard Luke Manale	Complaint No. 10-0207
25.	CPT.008643 – Sharon Denise Moore	Complaint No. 10-0214
26.	PTC.015869 – C'Shontee Kinyetta Webb	Complaint No. 10-0213

I. Presentation of Distinguished Service Awards

J. Adjourn

F. Formal Hearings

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

Maurice Terrell Mitchell (PTC.014393) Ms. Cangelosi 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. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, two witnesses, and ten exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. 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 9:20 a.m. and then returned to open session, at the instant case, at 9:50 a.m.

Ms. Alderman moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to reflect proper status as candidate instead of certified technician, Item 4 to reflect the Emergency Room as the intended destination for the 60 Percocet tablets and Medical Intensive Care Unit as the intended destination for the 40

Percocet tablets, and Item 10 to reflect the absence of the respondent from these proceedings, adopt the amended findings as our own, and then enter them into the record.

The motion was adopted after a unanimous vote in the affirmative. Ms. Alderman 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. Alderman 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. 14393, held by Maurice Terrell Mitchell, shall be, and is hereby revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney, the advisor to the hearing officer, and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of the registration, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms: (1) Respondent shall have paid all assessments levied herein; and (2) Respondent shall have no pending legal or disciplinary matters against him in any jurisdiction.

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

Mr. Aron declared a brief recess at 9:55 a.m., and then reconvened at 10:05 a.m. Mr. Aron declared his prior knowledge of the next case, and the appointment of Mr. Shows as the Hearing Officer.

Tewelde's Lafitte Drugs (PHY.001159) & Taddese Tewelde (PST.011262)

Ms. Cangelosi appeared for the Board. Tewelde's Lafitte Drugs was present through its owner, Mr. Taddese Tewelde, and was represented by counsel, Mr. David Voss. Pharmacist Tewelde was present and was represented by counsel, Mr. David Voss. Ms. Cangelosi indicated her preference for the case to be heard in executive session. Mr. Cassidy moved to enter into executive session for the purpose of conducting an administrative hearing for the cited respondents. The motion was adopted after a unanimous roll call vote in the affirmative.

Mr. Shows declared the hearing to be in executive session at 10:10 a.m. Before that hearing concluded, he declared a luncheon recess at 12:35 p.m. During the recess, the members agreed to hear the remaining case scheduled for that day. Mr. Shows relinquished the chair to Mr. Aron, and he presided over the following matter.

Christina Morales (CPT.009112) Ms. Cangelosi appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Aron ruled the hearing

would continue as scheduled in the form of a default proceeding. Ms. Cangelosi presented an opening statement, two witnesses, and three exhibits. She then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. 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 1:10 p.m. and then returned to open session, at the instant case, at 1:15 P.M.

Ms. Alderman moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 7 to reflect the absence of the respondent from these proceedings, and to adopt the amended findings as our own, and then enter them into the hearing record.

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

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 9112, held by Christina Morales, shall be, and is hereby revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney, the advisor to the hearing officer, and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of the certificate, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms: (1) Respondent shall have paid all assessments levied herein; and (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

The motion was adopted after a unanimous vote in the affirmative. Ms. Cangelosi indicated the completion of the case.

Mr. Aron then re-ordered the agenda to present Distinguished Service Awards to several members who were completing their terms of service.

I. Presentation of Distinguished Service Awards

Mr. Aron noted that five members would complete their terms of service later that month. He expressed his appreciation to them for their years of service. He then presented their award plaques. The members and their terms are noted here:

- Michele P. Alderman ~ 2004 – 2010
- J. Douglas Boudreaux ~ 2004 – 2010
- Allen W. Cassidy, Jr. ~ 2004 – 2010
- Reuben R. Dixon ~ 1988 – 2010
- John O. LeTard ~ 2008 – 2010

Mr. Aron then relinquished the chair to Mr. Shows to continue with the formal hearings.

F. Formal Hearings (cont.)

Mr. Shows reconvened the recessed consolidated matters at 1:40 p.m., reminding the members they were still in executive session. When both sides had rested their cases, Mr. Shows recessed the hearing panel at 7:00 p.m. for dinner and to deliberate the matters. Having completed their deliberations, Mr. Shows invited the hearing panel to exit executive session and return to open session. All remaining visitors were invited to the hearing room at 9:45 p.m.

Mr. Shows informed the audience of the advice he rendered to the hearing panel relative to the proposals offered by both attorneys; specifically, the panel reviewed each item and determined whether to accept or delete each proposal from their final order. He then requested motions from the hearing panel for each of the cases cited.

Taddese Tewelde (PST.011262) Mr. McKay moved

Resolved, to accept the Findings of Fact as proposed by the Board's Prosecuting Attorney, and then modify them by deleting Item 27; and further, to accept Items 7, 11, and 15 from the proposal submitted by respondent's attorney; and further to adopt the collective findings as our own and then enter them into the hearing record.

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

Resolved, to accept the Conclusions of Law as proposed by the Board's Prosecuting Attorney, and then modify them by deleting the reference to La. R.S. 40:981.3(a)(1); and further, to accept none of the items submitted by respondent's attorney; and further, to adopt the collective conclusions as our own, and then enter them into the hearing record.

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

Resolved, to suspend the license for an indefinite period of time; and further, to assess a fine of \$15 for each of the 3,048 prescriptions identified in evidence as improperly dispensed, the administrative hearing fee of \$250, as well as the investigative and

hearing costs, including the costs of the prosecuting attorney, the advisor to the hearing officer, and the official recorder; and further, to condition the acceptance of any future application for the reinstatement of the license upon the satisfaction of the following terms: respondent shall have served at least ten years of active suspension, shall have paid all fines and assessments levied herein, and shall have no pending legal or disciplinary matters against him in any jurisdiction.

The motion was adopted after a majority roll call vote in the affirmative; Mr. Cassidy objected.

Tewelde's Lafitte Drugs (PHY.001159) Mr. McKay moved

Resolved, to accept the Findings of Fact as proposed by the Board's Prosecuting Attorney, and then modify them by deleting Item 27 and amending Item 30 to reflect the presence of the respondent at these proceedings; and further, to accept Items 7, 11, and 15 as proposed by respondent's attorney; and further, to adopt the collective findings as our own and then enter them into the hearing record.

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

Resolved, to accept the Conclusions of Law as proposed by the Board's Prosecuting Attorney, and then modify them by deleting the reference to La. R.S. 40:981.3(a)(1); and further, to accept none of the items submitted by respondent's attorney; and further, to adopt the collective conclusions as our own and then enter them into the hearing record.

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

Resolved, to suspend the permit for five years and stay the execution thereof, and then place the permit on probation for five years, subject to the following terms of probation: (1) respondent shall pay the following assessments within 90 days of the entry of the order: (a) a fine of \$35 for each of the 3,048 prescriptions identified in evidence as improperly dispensed, (b) the administrative hearing fee of \$250, and (c) the investigative and hearing costs, including the costs of the prosecuting attorney, the advisor to the hearing officer, and the official recorder; (2) respondent shall not violate, or be found guilty of violating, any state or federal law or rule relative to pharmacy or controlled substances; and (3) Taddese Tewelde shall not have access to the prescription department.

The motion was adopted after a unanimous vote in the affirmative. In response to the discovery of an oversight with respect to the Findings of Fact for the pharmacist respondent, Mr. McKay moved

Resolved, with respect to the Findings of Fact for Taddese Tewelde, holder of Pharmacist License No. 11262, to amend Item

30 as proposed by the Board's Prosecuting Attorney to reflect the presence of the respondent at these proceedings.

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

Ms. Cangelosi indicated the completion of all hearings scheduled for the day. Mr. Shows relinquished the chair to Mr. Rabb, the ranking officer still present. Mr. Rabb expressed his appreciation to Mr. Shows for his service to the hearing panel that day.

I. Adjourn

Ms. Alderman motioned 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 10:10 p.m.

Respectfully submitted,

Reuben R. Dixon, PharmD
Secretary