



Louisiana Board of Pharmacy

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



Minutes

Regular Meeting

Wednesday, February 16, 2011 at 1:00 p.m.

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

Administrative Hearing

Thursday, February 17, 2011 at 8:30 a.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 16, 2011 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:00 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, Dr. Lois Anderson, to call the roll.

Members Present:

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

Mr. Carl Gulino – Wal-Mart Pharmacies
Dr. Reuben Dixon
Mr. Brad Need – Wal-Mart Pharmacies
Ms. Crystal Carter – Louisiana Pharmacists Association
Dr. Patrick McGrath – Antigen Laboratories, Inc.
Mr. Matthew Spradley – Spradley & Spradley
Mr. Mitch Ward – Target Pharmacies

Mr. Danny Donato – Omnicare

Dr. Anderson certified that all of the members were present, constituting a quorum.

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items, but none were offered. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. With no objections offered, Mr. Aron indicated he would exercise that authority only as necessary.

5. Consideration of Minutes

Mr. Aron reminded the Board members they had received the draft minutes from the Regular Board Meeting on November 9, 2010 and the Administrative Hearing on November 10, 2010. With no objections, he waived the reading thereof. He called attention to a typographical error on Page 9 and requested correction of the error. Hearing no further requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as amended. Dr. Anderson reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reported on three tasks assigned during the prior meeting of the Board.

- During the report from the Finance Committee, the members adopted a resolution authorizing the incurrence of debt, to a maximum of \$1,500,000, in connection with the proposed purchase of an office building on Brentwood Drive in Baton Rouge to house the Board's operations. The State Bond Commission approved the debt application the following week. Following additional appraisals and other procedures related to due diligence, Board representatives came to terms with the seller and financier, Omni Bank. The property sale was completed on January 12, 2011. The Board borrowed a total of \$1,300,000 from Omni Bank, which established a five year payment plan for the Board. The Board tendered \$1,000,025 to the seller, retaining \$275,000 to fund renovations necessary prior to the Board's occupancy of the building.
- During the report from the Executive Committee, the members adopted a resolution authorizing Board administrative officers to initiate the procedures necessary to sell the separate property in Towne Center for a price acceptable to the Board's Executive Committee. Mr. Broussard indicated the engagement of a listing agent for the property.
- Following the members' consideration of the presentation from InstyMeds, the members voted to refer the request to the La. State Board of Medical Examiners, along with supplemental information describing the members' concerns with the practice described in the presentation. Mr. Broussard indicated referral of the matter to the medical board, as well as subsequent conversations with that board's executive director and general counsel.

7. Confirmation of Acts

Pursuant to Mr. Aron's declaration that the officers, committees, and executive director

had attended to the business of the Board since the last meeting in accordance with policies and procedures previously approved by the Board, Mr. McKay moved,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 10, 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 Act 850 of the 2010 Legislature now 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 several documents in their meeting binder:

- Current Financial Report for Second Quarter of FY 2010-2011
- Mortgage Proposal for Separate Property
- Proposed Budget Amendment No. 3 for FY 2010-2011

Mr. Pitre reviewed the current financial report and responded to questions from the members, following which he tendered the report for information only. He then directed members to the mortgage proposal, reminding the members of the deferral of their original plan to build a new building on the separate property already acquired as well as the building loan lender's desire for additional collateral beyond the existing pledge of future receivables. The request for the mortgage was already scheduled for consideration by the bond commission and required the board's approval. Mr. Pitre moved,

Resolved, to approve the resolution authorizing the mortgaging of certain property as additional security for a Note in the amount of \$1,300,000 held by Omni Bank.

The motion was approved after a unanimous roll call vote in the affirmative. Mr. Pitre indicated the purchase of the office building required a third amendment for the current fiscal year. He then directed the members to the proposed budget amendment for the current fiscal year. He reported the committee had met the previous day to review the staff proposal in detail before voting to recommend the approval of the budget amendment as presented. He then moved,

Resolved, that the Board approve and adopt the proposed budget amendments for FY 2010-2011 as presented, *in globo*, as Amendment No. 3.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. Pitre expressed his appreciation to the members of his committee for their work the previous day.

B. Application Review Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee had not met since the previous Board meeting.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee had interviewed three candidates since the previous Board meeting, and in conformance with the policies and procedures previously approved by the Board, had authorized the issuance of licenses for those three candidates. She then reported the committee had interviewed an additional 36 candidates earlier that day. She then moved,

Resolved, that the Board approve

Amir Ahmed
Janet Lynn Blunt
Robin Kelly Bradberry
Michael Shane Brewer
Mary Donalda Butcher
Doug Frederick Cammann
Jacinto Michael d'Almeida
Phyllis Pratt Damron
Donald Francis Dean
Michael Olumuyiwa Fadeyi
John David Hamilton
Shanna Lea Hampton
Jennifer Siliven Hardesty
Eric Alan Hart
Jason Andrew Hollingworth
Glen Roy Howell
Lilian Tochukwu Ibe
Laura Arnold Isolani
Deborah Scollins Johnson
Hong-Anh Thi Kim
Theresa O'Reilly Meyer
Jeffrey Alan Miller
Clint Edward Myers
Norman Satoru Nagaishi
Karla Marie Olson
Lisa Beth Pritchett
Mark Jay Rubin
Bradley Alan Shaw
Stephanie Rena Sloan
Vera Elaine Sturm
Inez Cenri Suarez
Arun Govindram Tahiliani
Codi Jean Triesch
Joseph Onuorah Udeaja
Janice Darlene Wilkinson, *and*

John David Winn, Sr.

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 – as well as Mr. McKay, for their work that morning.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on December 8-9, 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 informal conference in March 2011.

Mr. Bond then related highlights of the committee's discussion during their last meeting relative to pharmacy technician training programs as well as the rules pertaining to such programs, all within the context of a general discussion relative to the education and training of pharmacy technicians. He related instances of several cases before the committee for infractions of the procedural rules. The committee suggested the necessity of a review of the policy relative to the education and training of pharmacy technicians, as well as a review of the rules relative to pharmacy technician training programs.

Following substantial discussion, Mr. Aron issued two assignments:

- He requested the Tripartite Committee to reconsider the public policy issue of education and training of pharmacy technicians, and if necessary, the revision to the Board's Minimum Competencies for Pharmacy Technician Training Programs, issued by the Board in 2000.
- He requested the Regulation Revision Committee to review the current rule relative to pharmacy technician training programs. In particular, he requested they reconsider the allocation of the 600 hours of practical experience; further, he encouraged their effort to streamline the components of the program.

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

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:40 p.m. and then reconvened in open session at 3:05 p.m.

E. Impairment Committee

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

David Collins Evans (PST.014181) 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 the active suspension of the license for an indefinite period of time, effective January 6, 2011.

Justin Matthew Scalfano (PST.018787) 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 the active suspension of the license for an indefinite period of time, effective January 19, 2011.

Stephen Brent Dearmon (PST.015266) 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 the active suspension of the license for an indefinite period of time, effective February 15, 2011.

Jennifer Elizabeth Koruna (PST.016255) 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, effective May 1, 2011, subject to certain terms as enumerated in the consent agreement.

Brett Joseph Bertrand (PST.016794) 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, effective April 15, 2011, subject to certain terms as enumerated in the consent agreement.

Ronald Allen Barrett (PST.011925) 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 ten years and stayed the execution thereof, and then placed the license on probation for ten years, effective February 16, 2011, subject to certain terms as enumerated in the consent agreement.

Wayne Adam Swiniarski (PST.014392) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for early termination of probation; however, they granted the request to modify Article 2-e of the probationary terms. In particular, they permitted him to accept an

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

appointment as Pharmacist-in-Charge of a pharmacy, but only at Paragon Pharmacy, located in Sulphur, Louisiana and holding Pharmacy Permit PHY.003275. Further, the Board renewed all other terms and conditions imposed in his previous Board Order dated February 3, 2010.

Kerry Michael Finney (PST.013535) Mr. Rabb moved to deny the request for early termination of probation. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for the early termination of probation.

Claude Albert Henderson, Jr. (PST.011775) Mr. Rabb moved to approve the voluntary consent agreement. The motion was approved after a unanimous vote in the affirmative. The Board granted the request for an extension of the deadline by which to successfully complete the NAPLEX and MPJE assessments, from December 31, 2010 to December 31, 2011.

Leslie Eileen Rodgers (PST.016948) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the I license on probation for five years, effective May 1, 2011, subject to certain terms as enumerated in the consent agreement.

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 then presented the following files for Board action.

Brenda Lee Childs (CPT.001978) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Jarrell Raymond Sigmon (PST.010992) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously suspended license, without further restriction.

Randolph Eugene McEwen (PST.014282) Mr. Adams moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously 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, effective February 16,

2011, subject to certain terms as enumerated in the consent agreement.

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

G. Tripartite Committee

Mr. Aron called upon Ms. Melancon for the committee report. She indicated the committee had not met since the previous Board meeting, but acknowledged the new assignment.

H. Regulation Revision Committee

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee met on January 13 to consider its posted agenda. Although the committee made progress on several issues, they were not prepared to report any proposals at that time.

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

I. Executive Committee

Mr. Aron offered the report of the committee's meeting the previous evening. The committee reviewed the same financial materials reviewed by the Finance Committee, but in the context of long-range financial planning for the Board. He reminded the members they had already reviewed that information during the report of the Finance Committee earlier that day.

He then presented a proposed policy and procedure document reviewed and endorsed by the committee, entitled Board Policy III.D ~ Gold Inactive Pharmacist License. Following a brief explanation, and on behalf of the committee, Mr. Rabb moved

Resolved, to approve the proposed policy document Board Policy III.D ~ Gold Inactive Pharmacist License.

The motion was approved after a unanimous vote in the affirmative. Ms. Hall questioned whether there would be any opportunity for those pharmacists with gold certificates who had already allowed their license to expire to change their licensure status to gold inactive status. Following a brief discussion, Ms. Hall moved

Resolved, to amend Board Policy III.D ~ Gold Inactive Pharmacist License by inserting a new provision within Article 5, to read:

- a. The holder of an expired gold certificate may petition for the return of his expired gold certificate to active status for the sole purpose of converting his active gold certificate to gold inactive status. The staff shall be authorized to grant such a request without the payment of any fee, without the necessity of an appearance before any committee of the Board, and without regard to the amount of time the gold certificate has been expired.

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

Finally, Mr. Aron expressed his appreciation to Mr. Rabb for moderating

the committee meeting in his absence, as well as the other 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 the meeting binder. He reported on the number of prescription transactions reported to the database, and the number of prescribers and dispensers who had acquired access privileges. He also reported on the number of queries of the database made by those prescribers and dispensers, as well as law enforcement and regulatory agencies. He then described the unsolicited reports, providing three specific examples and the impact of those unsolicited reports on those cases. He indicated the program vendor had recently completed the enhancement permitting prescribers to query the database for all prescriptions associated with their DEA registration number. He described his current work with the vendor to update the orientation program on the PMP portal site.

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 decision at their last meeting to approve of a list of 182 pharmacies which had requested waivers from the duty to report transactions to the program. He then presented a list of six additional pharmacies requesting such a waiver. Mr. McKay moved

Resolved, to authorize the issuance of PMP reporting waivers to each of the six pharmacies which had executed the standard consent agreement for that purpose.

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

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

K. *Report of General Counsel*

Mr. Aron called upon Mr. Finalet for the report. Mr. Finalet reported on further appeal-related developments of a case previously adjudicated by the Board.

L. *Report of Executive Director*

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

- Meeting Activity
- Reports

Census Reports – Credentials & Compliance Divisions
Production Reports – Credentials Division

Exceptions Report

1. PIC at Multiple Pharmacies
2. Special Work Permits

Annual Report for Fiscal Year 2009-2010

Mr. Aron requested the members' approval for the distribution of the report, as required by law. Dr. Simonson moved

Resolved, to approve the Annual Report for Fiscal Year 2009-2010.

The motion was approved after a unanimous vote in the affirmative. Mr. Broussard then continued with the remainder of his report.

- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- National Activities
 - National Association of Boards of Pharmacy
 - US Drug Enforcement Administration
 - US Pharmacopeia
- International Activities
 - CHRE International Observatory on the Regulation of Health Professionals
 - International Pharmaceutical Federation

11. Manufacture & Distribution at Wholesale of Patient Specific Treatment Sets

Mr. Aron called upon Mr. Broussard to establish the basis for the request, who referred the members to the petitioners' materials in their meeting binder. Following substantial discussion, Mr. Aron indicated his desire to collect further information from the Board of Wholesale Drug Distributors as to their scope of practice. With no objection from the members or the petitioner, Mr. Aron indicated the Board would take the matter under advisement and then render their decision at a later date.

12. Announcements

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

13. Recess

Mr. Burch 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 6:00 p.m.

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An Administrative Hearing was convened on Thursday, February 17, 2011 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

A. Call to Order

Mr. Aron called the meeting to order at 8:35 a.m.

B. Invocation & Pledge of Allegiance

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

C. Quorum Call

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

D. Call for Additional Agenda Items

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

E. Opportunity for Public Comment

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

Appearances

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

NOTICE IS HEREBY GIVEN that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, February 17, 2011 in the Board office, for the purpose to wit:

A G E N D A

NOTE: This agenda is tentative until 24 hours in advance of the meeting, at which time the most recent revision becomes official.
Revised 02-15-2011

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items

E. Opportunity for Public Comment

F. Formal Hearings

- | | | |
|-----|---------------------------------------|------------------|
| 01. | PTC-A.000000 – Peter Manuel | Case No. 10-04 |
| 02. | CPT.009376 – Regan Elizabeth Holliday | Case No. 10-0169 |
| 03. | CDS.024062.MD – Charles Edward Baxter | Case No. 10-0215 |

G. Report of Violations Committee – Consideration of Voluntary Consent Agreements

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|-----|--|------------------|
| 04. | PHY.005825 – CVS Pharmacy No. 5617 | Case No. 10-0115 |
| + | | |
| 05. | PST.018306 – Gina Renee Dimattia | Case No. 10-0116 |
| 06. | PHY.005825 – CVS Pharmacy No. 5617 | Case No. 10-0118 |
| 07. | PHY.006026 – CVS Pharmacy No. 8309 | Case No. 10-0165 |
| 08. | PHY.005940 – CVS Pharmacy No. 5528 | Case No. 10-0121 |
| + | | |
| 09. | CPT.002966 – Cheryl Gueret Vicknair | Case No. 10-0123 |
| 10. | PST.016631 – Dwaina Brimmer Markey | Case No. 10-0281 |
| 11. | PHY.005790 – CVS Pharmacy No. 5345 | Case No. 10-0255 |
| 12. | PST.005821 - Frederick Gerard Fournet | Case No. 10-0124 |
| 13. | PST.014318 – Anthony L. Crain | Case No. 10-0314 |
| 14. | PHY.002889 – Fred’s Pharmacy No. 2891 | Case No. 10-0250 |
| 15. | PHY.004773 – Wal-Mart Pharmacy No. 10-1169 | Case No. 10-0252 |
| 16. | PHY.001852 – Rite Aid Pharmacy No. 7327 | Case No. 10-0254 |
| 17. | PHY.001943 – Mall Pharmacy | Case No. 10-0274 |
| 18. | CPT.007948 – Santantra Yvette Hall | Case No. 10-0171 |
| 19. | PHY.002980 – Melville Pharmacy | Case No. 10-0259 |
| 20. | CDS.028765.MD – Allison Campo Hargrave | Case No. 10-0208 |
| 21. | PHY.006038 – Walgreen Pharmacy No. 11497 | Case No. 10-0253 |
| 22. | PST.011217 – Marc Stephen Cappello | Case No. 10-0217 |

H. Report of General Counsel

Consideration of Voluntary Consent Agreements

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|-----|--|------------------|
| 23. | PHY.005743 – Home Care Solutions, Inc. | Case No. 10-0364 |
| 24. | PHY.005736 – C’s Discount Pharmacy #2 | Case No. 10-0384 |
| 25. | PHY.005737 - C’s Discount Pharmacy | Case No. 10-0385 |
| 26. | PST.016676 – Minh Van Nguyen | Case No. 10-0376 |
| 27. | PST.014306 – Laura Graham LeBlanc | Case No. 10-0395 |

28. CPT.008407 – Sarah Louise Irwin

Case No. 10-0336

29. CDS.039138.PHY – Jack’s Discount Pharmacy

Case No. 11-0071

I. Adjourn

F. Formal Hearings

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

Charles Edward Baxter (CDS.024062.MD) 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. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and two exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent’s professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:45 a.m. and then returned to open session, at the instant case, at 9:20 a.m.

Ms. Hall moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the General Counsel, modify them by amending Item 1 to read “*Respondent, Charles Edward Baxter, MD, initially applied for a Louisiana Controlled Dangerous Substance License No. 024062 on October 6, 1995. Respondent last renewed his credential on October 6, 2009 which expired on October 6, 2010. Respondent no longer holds a current credential with the Board.*”, and further, amend Item 5 by correcting the pronoun on line 2 from “*her*” to “*his*”, and then adopt the amended findings as our own and further, enter them into the hearing record.

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

Resolved, that the Board, accept the Conclusions of Law as proposed by the General Counsel, modify them by amending the first sentence to read “*Respondent, Charles Edward Baxter, MD, is found to be in violation of the following regulation.*”, and further, to delete the item referencing La. R.S. 40:975(A)(3), and then adopt the amended conclusions as our own and further, enter them into the hearing record.

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

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

It is ordered, adjudged, and decreed that Louisiana Controlled Dangerous Substance License No. 024062, held by Charles Edward Baxter, MD, 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) an administrative hearing fee of \$250, and (2) 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 license, 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.

Regan Elizabeth Holliday (CPT.009376) 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. Aron 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. McKay moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:35 a.m. and then returned to open session, at the instant case, at 9:55 a.m.

Dr. Anderson moved,

Resolved, that the Board, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the General Counsel, modify them by amending Item 4 to replace "*Lortab 10/650*" with "*Hydrocodone 10/650*" and to replace "*Lortab 7.5/500*" with "*Hydrocodone 7.5/500*", 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. Dr. Anderson moved,

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

The motion was adopted after a unanimous vote in the affirmative. Dr. Anderson moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 9376, held by Regan Elizabeth Holliday, shall be, and is hereby, revoked effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000, (2) the administrative hearing fee of \$250, and (3) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered, the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms: (1) respondent shall have paid all assessments levied herein, (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction, and (3) respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

Mr. Aron declared a brief recess to reset the members of the hearing panel. It was noted the hearing panel returned to open session at 10:00 a.m.

Peter Manuel (PTC-A.000000) Ms. Cangelosi appeared for the Board. Mr. Manuel was present, and he was not represented by counsel. Mr. Aron explained the procedures to be followed during the hearing. Ms. Cangelosi presented an opening statement, three witnesses, and sixteen exhibits. Mr. Manuel then testified on his behalf and presented one witness. Both parties presented closing statements. Ms. Cangelosi then proffered proposed findings of fact, conclusions of law, and board order; she then tendered the matter to the hearing panel for its consideration. Mr. Adams moved to enter into executive session for the purpose of deliberating the disciplinary matter. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 11:00 a.m. and then returned to open session, at the instant case at 11:25 a.m.

Ms. Melancon moved,

Resolved, that the Board, having heard the testimony, considered the evidence, observed the demeanor of the witnesses and weighed the credibility of each, accept the Findings of Fact as proposed by the prosecuting attorney, modify them by amending Item 11 to correct the month from "*June*" to "*July*" and Item 16 to reflect the presence of the respondent at these proceedings, to then 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. Melancon moved,

Resolved, that the Board accept the Conclusions of Law as proposed by the prosecuting attorney, modify them by amending the introductory

statement to change “*certified pharmacy technician*” to “*pharmacy technician candidate*”, adopt the amended conclusions as our own, and then enter them into the record.

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

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

It is ordered, adjudged, and decreed that the Application for Pharmacy Technician Candidate Registration, filed by Peter Manuel, shall be, and is hereby, denied; and further, the respondent shall pay the following assessments: (1) the administrative hearing fee of \$250, and (2) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder.

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

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

G. Report of Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. He presented the following files for the Board’s consideration.

CVS Pharmacy No. 5617 (PHY.005825 re Case No. 10-0115) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus costs.

Gina Renee Dimattia (PST.018306) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus costs.

CVS Pharmacy No. 5617 (PHY.005825 re Case No. 10-0118) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$500 plus costs.

CVS Pharmacy No. 8309 (PHY.006026) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus costs.

CVS Pharmacy No. 5528 (PHY.005940) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus costs.

Cheryl Gueret Vicknair (CPT.002966) Mr. Bond moved to approve the 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 the suspension of the certificate for an indefinite period of time, effective November 20, 2010.

Dwaina Brimmer Markey (PST.016631) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

CVS Pharmacy No. 5345 (PHY.005790) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

Frederick Gerard Fournet (PST.005821) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$1,000 plus costs.

Anthony L. Crain (PST.014318) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, and further, conditioned the acceptance of any future application for reinstatement of the license upon satisfaction of the following terms: (1) shall not submit any application until after July 1, 2012, (2) shall pay a fine of \$10,000 plus administrative costs, and (3) shall have no pending criminal matters against him in any jurisdiction.

Fred's Pharmacy No. 2891 (PHY.002889) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

Wal-Mart Pharmacy No. 10-1169 (PHY.004773) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

Rite Aid Pharmacy No. 7327 (PHY.001852) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

Mall Pharmacy (PHY.001943) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

Santantra Yvette Hall (CPT.007948) Mr. Bond moved to approve the 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 the suspension of the certificate for an indefinite period of time, effective December 8, 2010.

Melville Pharmacy (PHY.002980) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed a fine of \$250 plus costs.

Allison Campo Hargrave (CDS.028765.MD) Mr. Bond moved to approve the 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 the suspension of the license for an indefinite period of time, effective November 22, 2010.

Marc Stephen Cappello (PST.011217) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, effective January 1, 2011, subject to certain terms as enumerated in the agreement; and further, assessed a fine of \$500 plus costs.

H. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet presented the following files to the Board for its consideration.

Home Care Solutions (PHY.005743) Mr. McKay 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.

C's Discount Pharmacy #2 (PHY.005736) Mr. McKay 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.

C's Discount Pharmacy (PHY.005737) Mr. McKay 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.

Min Van Nguyen (PST.014306) Mr. McKay 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.

Laura Graham LeBlanc (PST.014306) Mr. McKay moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for three years and stayed the execution thereof, and then placed the license on probation for three years, effective August 31, 2010, subject to certain terms enumerated in the consent agreement.

Sarah Louise Irwin (CPT.008407) 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 the suspension of the certificate for an indefinite period of time, effective November 30, 2010.

Jack's Discount Pharmacy (CDS.039138.PHY) 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 the suspension of the license for an indefinite period of time, effective February 11, 2011.

I. Adjourn

Mr. Soileau motioned to adjourn. Having completed the tasks itemized on the posted agenda and with no further business before the Board, Mr. Aron adjourned the meeting at 12:05 p.m.

Respectfully submitted,

Lois R. Anderson, PharmD
Secretary