



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, February 12, 2014 at 10:00 a.m.

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

Administrative Hearing

Thursday, February 13, 2014 at 8:30 a.m.

Louisiana Board of Pharmacy
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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 12, 2014 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 10:15 a.m.

2. Invocation & Pledge

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

3. Quorum Call

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

Members Present:

Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Ryan M. Dartez
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina
Mr. Marty R. McKay
Ms. Chris B. Melancon
Ms. Diane G. Milano
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Don L. Resweber
Dr. Deborah H. Simonson
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine

Members Absent:

Mr. Ronald E. Moore

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director

Guests:

Mr. Joseph L. Adams
Mr. David Ruckman – Target Pharmacies
Ms. Rosamaend Oglesbee – CVS Pharmacies
Mr. Carl Gulino – Wal-Mart Pharmacies
Ms. Angie Huff – The Wellness Corner

Mr. Max Huff – The Wellness Corner
Mr. Karl Koch – Koch & Messer o/b/o The Wellness Corner
Ms. Mary Staples – NACDS
Ms. Crystal Carter – La. Pharmacists Association
Mr. Randal Johnson – La. Independent Pharmacies Association
Ms. Linda Spradley – Spradley & Spradley
Mr. Danny Donato – Omnicare Pharmacies
Ms. Rebecca LaRoche – Walgreen Pharmacies

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

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items, but none were offered.

Mr. Karl Koch requested an opportunity to be heard; without objection, Mr. Aron granted him three minutes. Mr. Koch informed the members the Board of Medical Examiners had recently filed a law suit against his clients, Ms. Angie Huff and The Wellness Corner, alleging the unlicensed practice of medicine. Mr. Koch informed the members he had submitted a petition for declaratory statement the previous week to the Board of Pharmacy. Mr. Koch suggested the matter was urgent and requested the petition be added to the agenda for this meeting in lieu of deferring it until the following meeting.

Mr. Aron repeated his request to the members asking for 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 or guests. There were no objections to that request.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on November 6, 2013, and the Administrative Hearing on November 7, 2013, both of which were held in Baton Rouge, Louisiana. With no objections, he waived the reading thereof. Hearing no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reported on the promulgation of the rule relative to collaborative drug therapy management as well as the re-publication of the emergency rule relative to pharmacy compounding. He also reported on activities relative to nonresident pharmacies. In particular, he reminded the members of the article in the January 2014 edition of the Board's newsletter advising nonresident pharmacies of the requirement for a recent inspection report in order to renew their permits for Calendar Year 2015, as well as the recent implementation of the Verified Pharmacy Program (VPP) by the National Association of Boards of Pharmacy (NABP). That program will assist boards by offering qualified inspections of pharmacies as well as offering a clearinghouse of licensure and disciplinary information for all pharmacies.

7. *Confirmation of Acts*

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

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 7, 2013 are approved, adopted, and ratified by the entire Board.

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

8. *Opportunity for Public Comment*

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments on non-agenda items from the guests present, and no comments were offered.

Statement of Purpose

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

9. *Committee Reports*

A. *Finance Committee*

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the interim financial report in their meeting binders. He reviewed the report which included data for the second quarter ending December 31, 2013. He responded to questions from the members and tendered the report for information only.

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

B. *Application Review Committee.*

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee met on November 12, 2013 to consider seven referrals from the staff. Following the committee's interviews and deliberations, they authorized the issuance of two credentials without restriction. Further, one applicant has re-filed another application and the matter has been continued. Further, one applicant has been referred to a formal administrative hearing scheduled for the following day. He then reported the following files to the members for their consideration.

Monica Leigh Goux-Hahn (Applicant for PTC Registration) Mr. Soileau moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Jaime Lea Anderson (Applicant for PTC Registration) Mr. Soileau moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

William Lee Pearson (Applicant for PST Licensure) Mr. Soileau moved to deny the application and refuse to issue the license. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the license.

Lifechek #19 (Applicant for PHY Permit) Mr. Soileau moved to approve the non-disciplinary agreement. The motion was adopted after a unanimous vote in the affirmative. The Board permitted the applicants to withdraw their application, and further, restricted the applicants from submitting any future application for a Louisiana pharmacy permit for at least ten years.

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

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 39 applicants in the interim since the previous board meeting, and in conformance with the policies and procedures previously approved by the board, had authorized the issuance of pharmacist licenses for those applicants. She noted their names were recorded on the posted committee meeting agenda for that day. She then reported the committee interviewed an additional 21 applicants earlier that day, and their names were also listed on the posted committee agenda, a copy of which was in the meeting binder. She informed the members that one of the applicants, Mr. Garcia, withdrew his application in lieu of any adverse action. She then moved for the Board to approve the remaining 20 applicants for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative. The Board ordered the issuance of the licenses.

Ms. Hall reminded the members of the President's directive at the previous Board meeting to review the committee's policy and develop a recommendation as to the necessity of continuing to require a personal interview with all reciprocity applicants. Following their deliberation, the committee voted to recommend a revision to their policy that would reserve the Board's right to require a personal interview based on any information contained within the application or otherwise acquired by the Board, but that personal interviews would no longer be a mandatory requirement for all applicants. She directed the members to a copy of the proposed policy revision in their meeting binders. Ms. Hall then moved,

Resolved, that the Board approve the proposed revision to Policy No. I.B.4.a ~ Reciprocity Committee.

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

Ms. Hall closed her report with appreciation to her fellow committee

members for their work earlier that day.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on December 11-12 to consider their posted agenda which included 31 cases: 11 pharmacists, 5 pharmacy technicians, one pharmacy technician candidate, 13 pharmacy permits, and one DME permit. Following their interviews and deliberations, the committee took no action on 18 of the cases. He then presented the following proposed voluntary consent agreements for their consideration.

Christine Adele Ackal (PST.015539) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and suspended the execution of the suspension, then placed the license on probation for five years, effective January 30, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$10,000 plus administrative costs.

Ackal's Community Pharmacy (PHY.005948 & CDS.039106) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit and CDS license for five years and suspended the execution of the suspension, then placed the permit and CDS license on probation for five years, effective January 30, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$10,000 plus administrative and investigative costs and attorney's fees.

Walgreen Louisiana Co., Inc. d/b/a Walgreen Pharmacy No. 110-06219 (PHY.001166) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$2,500 plus administrative and investigative costs.

Monica Piserell Harrington (PST.017453) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed administrative costs.

Stephanie Ann LaRocca (CPT.011775) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed administrative costs.

Walgreen Louisiana Co., Inc. d/b/a Walgreen Pharmacy No. 10399 (PHY.005672) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the

affirmative. The Board assessed a fine of \$10,000 plus administrative costs.

Sterling Associates, Inc. d/b/a Sterling Pharmacy (PHY.004944) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed administrative and investigative costs.

Charmisha Renea East (CPT.010697) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in active suspension of the certificate for an indefinite period of time, effective December 12, 2013.

Apothecary Pharmacy, Inc. d/b/a Ray's Apothecary Pharmacy (PHY.004444 & CDS.038642) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$7,500 plus administrative and investigative costs.

Noemi Amber Ray (CPT.003226) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$250 plus administrative costs.

Harmony Kay Ates (CPT.010435) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$250 plus administrative costs.

Nicole Ann Simmons [Spurlin] (CPT.010935) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$250 plus administrative costs.

Robert Allen Ray (PST.011612) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus administrative costs.

Mr. Bond reported the committee will meet on March 12-13 to consider that docket, which includes 8 pharmacists, 2 pharmacy technicians, 8 pharmacy permits, one DME permit, and one applicant for a pharmacy permit.

Finally, Mr. Bond concluded his report with appreciation to the other committee members for their ongoing efforts.

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider 13 referrals from staff. Mr. Rabb then presented the following files for Board action.

Kimm Rogers (PST.013660) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the license for an indefinite period of time, effective November 14, 2013.

Lauren Ashley Guess (CPT.010910) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the certificate for an indefinite period of time, effective December 4, 2013.

Hoa Thi Pham (PNT.046513) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the registration for an indefinite period of time, effective December 12, 2013.

Randy Wayne Owers (PST.018354) Mr. Rabb moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the license for an indefinite period of time, effective December 18, 2013.

Noel Gerard Faucheux (PST.011765) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of ten years and suspended the execution of the suspension, then placed the license on probation for ten years, effective February 12, 2014, subject to certain terms enumerated in the consent agreement.

Randi Lea Cassidy (CPT.010273) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended certificate, converted the duration of the suspensive period from an indefinite term to a term of five years and suspended the execution of the suspension, then placed the certificate on probation for five years, effective February 12, 2014, subject to certain terms enumerated in the consent agreement.

David Collins Evans (PST.014181) Mr. Rabb moved to grant the respondent's request for modification of the terms of probation. The motion was adopted after a unanimous vote in the affirmative. The Board modified the terms of probation by removing the restriction which prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy, but then placed certain restrictions on any such appointment in the future.

Douglas Christopher Montecino (PST.015620) Mr. Rabb moved to grant respondent's request for termination of all probationary restrictions. The motion was adopted after a unanimous vote in the affirmative. The Board removed all probationary restrictions and restored the license to active and unrestricted status.

Leon Jacob Barker (PST.011293) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for ten years and suspended the execution of the suspension, then placed the license on probation for ten years, effective February 12, 2014, subject to certain terms enumerated in the consent agreement.

Irish Elaine Lytle (Applicant for Pharmacist License by Reciprocity) Mr. Rabb moved to approve her application for pharmacist licensure by reciprocity and issue the license without restriction. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for pharmacist licensure by reciprocity and ordered the issuance of the license without restriction.

Elizabeth Farrell Heard (PST.020284) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revised the terms of her October 2013 Board Order and continued the probationary term as previously ordered.

Finally, Mr. Rabb closed his report with appreciation to his fellow committee members for their work the previous day.

At this point, Mr. Aron recognized a member of the audience. Mr. Joseph Adams recently completed 13 years of service to the Louisiana Board of Pharmacy. Further, he is currently serving on the Executive Committee of the National Association of Boards of Pharmacy (NABP) and is scheduled to assume the presidency of that organization during their upcoming meeting in May 2014. Mr. Aron congratulated Mr. Adams on his leadership position with NABP and offered the Louisiana Board's support. Mr. Adams expressed his appreciation to Mr. Aron and the other members.

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee had met the previous day to consider five referrals

from the staff. She then presented the following files for Board action.

Louis Charles Gambina (PST.011145) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, suspended the license for two years and stayed the execution of the suspension, then placed the license on probation for two years, effective February 12, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$2,500 plus investigative costs.

Tabitha Anne Norman (CPT.004353) Ms. Melancon moved to reinstate the credential without restriction. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed certificate and ordered the issuance of the certificate renewal without restriction.

Giselle Natasha Munroe (PST.015886) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the consent agreement.

Charles Fredrick Bruce (PST.017793) Ms. Melancon moved to approve the respondent's request for removal of all restrictions from his license. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for removal of all restrictions and restored his license to active and unrestricted status.

Patrick Glen Andrus (PST.014226) Ms. Melancon moved to deny the respondent's request for removal of all probationary terms. The motion was adopted after a unanimous vote in the affirmative. The Board denied the respondent's request for removal of all probationary terms.

Ms. Melancon reported the committee had voted to recommend a revision to their committee policies and procedures relative to reinstatement applications for credentials lapsed five years or more, to remove the mandatory committee hearing requirement in favor of a discretionary decision by the committee chair and president to require such appearances. She then moved,

Resolved, that the Board approve the proposed revision to Policy No. I.B.5.a ~ Reinstatement Committee.

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

Ms. Melancon closed her report with appreciation to the other committee members for their work the previous day.

G. *Tripartite Committee*

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

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 11:25 a.m. and reconvened in open session at 11:40 a.m.

H. *Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. He reported the committee met in November and February. During their November meeting, the committee voted to recommend two regulatory proposals, and during their February meeting, the committee voted to recommend two legislative proposals. He noted that all four proposals had been posted in the Boardroom Library as well as the Board's Public Library. He then moved,

Resolved, that the Board approve Regulatory Proposal 2014-A ~ PMP Delegates (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendments upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Resolved, that the Board approve Regulatory Proposal 2014-B ~ Veterinarian Exclusion from PMP (Draft #1), and further, to authorize the Executive Director to promulgate the proposed rule amendments upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Resolved, that the Board approve Legislative Proposal 2014-A ~ CDS Schedule Update (Draft #1), and further, to authorize the filing of same in the Regular Session of the 2014 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Resolved, that the Board approve Legislative Proposal 2014-B ~ PMP Data Reporting (Draft #2), and further, to authorize the filing of same in the Regular Session of the 2014 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Mr. McKay then reported on other subjects still under consideration by the committee. He indicated the committee would probably present a regulatory proposal for pharmacy compounding at the next Board meeting, and they

were also working on the assignment relative to pharmacists performing remote order entry services from home.

Finally, Mr. McKay concluded his report with appreciation to the other members for their ongoing efforts as well as for the staff support.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 12:00 noon and reconvened in open session at 12:40 p.m.

I. Executive Committee

Mr. Aron informed the members the committee had met the previous day to consider the matters on their posted agenda. He indicated the staff had begun the process of renewing all of their contracts and agreements for professional services. Staff had assessed the performance of all contractors and identified no deficiencies, then solicited and received signed agreements from those vendors. Mr. Aron reported the committee had reviewed all the staff reports and documentations and voted to recommend the renewal of all the relevant contracts and agreements. He noted Mr. Rabb was prepared to offer the necessary individual motions and that staff was prepared to answer any questions about any proposal. He directed the members to a summary of the proposals in their electronic meeting binders. Mr. Rabb then moved,

Resolved, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, at the stipulated rates, in an amount not to exceed \$25,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the maintenance agreement from Iron Data Corporation for the continued operation and support of *eLicense*, a browser-based integrated software product for automation of the Board's credentialing and compliance activities, at the stipulated rates, in an amount not to exceed \$75,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the proposed information system network support service agreement with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed

\$40,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the proposed agreement with Optimum Technology, Inc. to operate the state prescription monitoring program, at the stipulated rate, in an amount not to exceed \$100,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the NABP Foundation as the publisher of the Board's newsletter, at the stipulated rate, in an amount not to exceed \$2,000 for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the National Association of Boards of Pharmacy (NABP) as the administrator for the pharmacist licensure and remediation examinations (NAPLEX, MPJE, FPGEE and PARE) for Fiscal Year 2014-2015.

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

Resolved, that the Board approve the Pharmacy Technician Certification Board (PTCB) as the administrator for the pharmacy technician certification examination for Fiscal Year 2014-2015.

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

Mr. Aron then directed staff to execute the contracts and agreements on behalf of the Board and submit them to the appropriate administrative and legislative agencies exercising oversight of the Board's administrative operations.

Finally, Mr. Aron completed his report with appreciation to his fellow officers for their ongoing efforts.

10. Staff Reports

J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. He described the activities underway to transition the operation of the program from the previous vendor (Health Information Designs) to the new vendor (Optimum Technology). He then reviewed the quarterly statistical report

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. He then directed the members to a list of 8 pharmacies requesting such a waiver. Mr. Rabb moved,

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

- > PHY.005933-NR – Critical Care Systems (TX);
- > PHY.006443-NR – Critical Care Systems (AL);
- > PHY.006767-NR – Direct Pharmacy Source (FL);
- > PHY.006776-NR – Alliance Allergy Solutions (AL);
- > PHY.006790-NR – ASL Pharmacy (CA);

- > PHY.006812-NR – Infuserve America (FL);
- > PHY.004881-HOS – Teche Regional Med Ctr Pharmacy; and
- > PHY.006781-HOS – Lifecare Specialty Hospital of North La., once they have executed the standard consent agreement for that purpose.

The motion was adopted after a unanimous vote in the affirmative. Mr. Fontenot then described a request from a nonresident pharmacy seeking a waiver until such time as they obtain their DEA registration. Mr. Burch moved

Resolved, to deny the request for a waiver from One Stop Pharmacy (PHY.006809-NR) located in St. Petersburg, FL.

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

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

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. He reported on the status of the litigation against the Board. He then presented the following files to the members for their consideration.

Orenthal James Carter (PST.018123) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for a period of time ending May 14, 2018 and stayed the execution of the suspension, then placed the license on probation for a period of time ending May 14, 2018, subject to certain terms enumerated in the consent agreement.

Precision Pharmacies, LLC d/b/a Precision Pharmacy (PHY.006219) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the permit for three years and suspended the execution of the suspension, then placed the permit on probation for three years, effective February 12, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$10,000 plus administrative costs.

Main Street Family Pharmacy, LLC d/b/a Main Street Family Pharmacy (PHY.006371) Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the permit for an indefinite period of time, effective December 12, 2013.

Alex Anthony Capace (PST.013422) Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the license for an indefinite period of time, effective December 12, 2013.

Tara Lynn LeBlanc (CPT.010220) Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the certificate for an indefinite period of time, effective December 12, 2013.

Chelsey Andria Stevenson (CPT.011760) Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the certificate for an indefinite period of time, effective February 7, 2014.

Joseph Francis Sejud, III (CDS.024811-MD) Mr. McKay moved to suspend the credential for an indefinite period of time based on the suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective October 17, 2013.

Kenneth LeMoyné Wiley, Sr. (CDS.021832-MD) Mr. McKay moved to suspend the credential for an indefinite period of time based on the suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective October 14, 2013.

Mary Lisa Leonard (CDS.021287-MD) Mr. McKay moved to suspend the credential for an indefinite period of time based on the suspension of his medical license by the La. State Board of Medical Examiners. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective October 21, 2013.

Donald Allen Dreyer (CDS.016962-MD) Mr. McKay moved to suspend the credential for an indefinite period of time based on the voluntary surrender of his federal registration. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective December 16, 2013.

Starns Pharmacy, LLC d/b/a Starns Pharmacy (CDS.042068-PHY) Mr. McKay moved to accept the voluntary surrender of the credential based on the voluntary surrender of his federal registration. The motion was adopted after a unanimous vote in the affirmative.

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

L. *Report of Executive Director*

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

- Meeting Activity
- Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
- Examinations
 - MPJE
 - NAPLEX
 - PARE
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
- State Activities
 - 2014 Legislature
 - Board of Nursing
- National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6 Annual Meeting
 - MALTAGON
- International Activities
 - International Pharmaceutical Federation (FIP)
 - World Health Professions Alliance (WHPA)

Mr. Broussard responded to questions about the legislative report as well as the VPP service from NABP. Several members expressed concern about the documentation currently used by the compliance officers and encouraged the staff to continue their current project to review and revise. Mr. Aron requested the members to think about the program and be prepared to make a decision at their next meeting in May.

11. *Announcements*

Mr. Aron directed the members to the announcements in their meeting binder.

12. *Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 2:35 p.m.

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An Administrative Hearing was convened on Thursday, November 7, 2013 in the Boardroom of the Board's office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana. The hearing was held pursuant to public notice, each member received notice, each respondent received notice (unless specifically stated otherwise in the official transcript), and notice was properly posted.

A. Call to Order

Mr. Aron called the meeting to order at 8:50 a.m.

B. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond for the invocation, then Mr. Dartez led the group in the recitation of the Pledge of Allegiance

C. Quorum Call

Mr. Aron called upon Secretary Bond and he called the roll. After doing so, he certified 13 of the 17 members were present, constituting a quorum for the conduct of official business. Mr. Indovina, Ms. Melancon, Mr. Moore, and Mr. Soileau were absent.

D. Call for Additional Agenda Items

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

E. Opportunity for Public Comment

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

Appearances

Mr. Aron indicated his appointment of Mr. Wade Shows to serve as the Hearing Officer. Ms. Celia Cangelosi served as the Prosecuting Attorney, Ms. Susan Erkle was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Without objection, Mr. Aron waived the reading of the posted agenda and instead directed the insertion thereof into these minutes. The posted agenda is re-created here.

A G E N D A

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

Revised 02-07-2014

- 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. PST Applicant – Harvey Lee Smith, Jr.

Case No. 13-0273

G. Adjourn

F. Formal Hearings

Before calling Mr. Shows to assume the chair, Mr. Aron questioned Ms. Cangelosi whether she was prepared to begin the case. She informed Mr. Aron that the parties had reached agreement that very morning on a proposed voluntary consent agreement, and further, should the Board approve the proposed voluntary consent agreement, there would be no formal hearing.

Harvey Lee Smith, Jr. (Applicant for PST License)

Without objection, Mr. Aron asked Mr. Finalet to summarize the basis of the case as well as the provisions of the proposed consent agreements. Ms. Hall then moved,

Resolved, that the Board approve the proposed voluntary consent agreement proposed by the Prosecuting Attorney. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for pharmacist licensure by reciprocity, suspended the newly-issued license for five years and suspended the execution of the suspension, then placed the newly-issued license on probation for five years, effective February 13, 2014, subject to certain terms enumerated in the consent agreement, and further, assessed accrued costs for hearing preparation.

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

Ms. Cangelosi indicated the completion of the formal hearing.

G. Adjourn

Mr. Resweber moved to adjourn. Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the hearing at 9:20 a.m.

Respectfully submitted,

Brian A. Bond
Secretary