



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

&

Administrative Hearing

Wednesday, August 12, 2015 at 10:00 a.m.

Thursday, August 13, 2015 at 8:30 a.m.

Location:

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

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, August 12, 2015 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 10:05 a.m.

2. Invocation & Pledge

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

3. Quorum Call

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

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. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Mr. Don L. Resweber
Dr. Deborah H. Simonson
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Assistant Executive Director
Ms. Kelley L. Villeneuve, Office Manager

Guests:

Mr. Mohamad Salem – Wal-Mart Stores
Mr. Aaron Nash
Dr. Adam Chesler – PTCB
Mr. Zachary Green – PTCB
Mr. Deeb Eid – PTCB
Mr. Earl Wattigny

Mr. Charles Morvant
Mr. Edward Miller, Jr.
Mr. Russell Champagne, CPA
Ms. Penny Scruggins, CPA
Mr. Ben Sims – Brookshire Pharmacy
Mr. Justin Johnson – LIPA
Mr. David Ruckman – Target Pharmacies
Mr. Bud Courson – Courson & Nickel
Mr. Russell Caffery – LIPA

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

4. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, but none were offered. With no objection, the Board adopted the posted agenda dated August 10, 2015. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of accommodating certain 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 May 27, 2015 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. Aron called on Mr. Broussard for the report. Mr. Broussard reviewed the rulemaking activities directed during the previous Board meeting, specifically in reference to the following items:

- Proposal 2015-D ~ Compounding for Office Use for Veterinarians
- Proposal 2015-E ~ Electronic Signature on Facsimile Prescription
- Proposal 2015-F ~ Telepharmacy Services
- Proposal 2015-G ~ Remote Processor Pharmacy Permit
- Proposal 2015-H ~ Remote Access to Medical Orders
- Project 2015-3 ~ Electronic Product Verification

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 May 27, 2015 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, but none 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.

At this point, Mr. Aron exercised personal privilege to commend two members of the Board who had received awards at the recent meeting of the Louisiana Pharmacists Association. In particular, Mr. Pitre had been honored as the Independent Pharmacist of the Year, and Mr. Soileau as the Pharmacist of the Year. The rest of the members as well as the guests congratulated those two members with a generous round of applause.

** *Special Order of the Day – Presentation of Pharmacist Gold Certificates.*

Mr. Aron informed the members present that 134 pharmacists received their initial license from the Louisiana Board in 1965, and of that number, 51 were still actively licensed and qualified for their gold certificate, and further, that three of that number were present to receive their gold certificates. He then presented those certificates to:

PST.008994 – Edward Miller, Jr.

PST.008995 – Charles Lewis Morvant

PST.009017 – Earl Lawrence Wattigny

All of the members and guests congratulated each of the recipients with a round of generous applause.

9. *Committee Reports*

A. *Finance Committee*

Mr. Aron recognized Mr. Russell Champagne and Ms. Penny Scruggins, both CPAs from Kolder, Champagne & Slaven, the accounting firm which assists the Board and staff. Mr. Aron noted that Mr. Champagne usually meets with the Board during its August meeting every year, to review the annual financial report for the previous fiscal year. Mr. Broussard directed the members to a copy of the report in their electronic meeting binder. Mr. Aron invited both guests to the witness table. Mr. Champagne then reviewed the annual report for Fiscal Year 2014-2015, including an explanation for the just-implemented GASB-68 accounting standard relative to net pension liability and its effect on the Board's financial status. He answered questions from several members. Upon the completion of his report, Mr. Pitre moved,

Resolved, to accept the Final Report for Fiscal Year 2014-2015, subject to legislative audit.

The motion was adopted after a unanimous vote in the affirmative. Mr. Pitre then directed the members to a copy of a proposed budget amendment for Fiscal Year 2015-2016. He reviewed the proposed changes, which included

performance adjustments for the staff to be implemented on October 1, 2015. He also indicated the Finance Committee had considered the proposal during their meeting the previous day and voted to recommend the approval of the proposed amendment. Mr. Pitre then moved,

Resolved, to adopt, *in globo*, Proposed Budget Amendment No. 1 for Fiscal Year 2015-2016.

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

Finally, Mr. Pitre expressed his appreciation to the other members of the committee for their ongoing work, as well as Ms. Scruggins and Mr. Champagne.

B. Application Review Committee

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee had not met since the previous Board meeting, but their next meeting had been scheduled for September 22, 2015.

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 65 applications for pharmacist licensure by reciprocity and that none of them contained information that warranted a committee-level review. In conformance with policies and procedures previously approved by the Board, the staff approved the applications and issued the credentials.

Ms. Hall reported staff had referred one applicant to the committee, and the committee interviewed the applicant earlier that day. Following their interview and deliberation, the committee voted to issue the pharmacist license without restriction.

Finally, she closed her report with appreciation to the other 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 June 17 to consider their posted agenda which included 10 cases: one pharmacist, 4 pharmacy technicians, 2 technician candidates, and 3 pharmacy permits. After interviews and deliberations, the committee took no action against two of the cases and then granted a re-hearing request from a respondent who did not appear at the conference. The committee offered proposed voluntary consent agreements for the 7 remaining cases. Of that number, four declined and are scheduled for an administrative hearing. Mr. Bond presented the three remaining agreements to the members for their consideration.

Homer Memorial Hospital a/k/a Claiborne Memorial Medical Center (PHY.000469) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the permit owner a fine of \$5,000 plus

administrative and investigative costs.

NS3 Health, LLC d/b/a Commcare Pharmacy-FTL (PHY.006735) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed the permit owner a fine of \$50,000 plus administrative and investigative costs.

Advantage Pharmacy, LLC d/b/a Advantage Pharmacy (PHY.006676) 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 the permit owner a fine of \$10,000 plus administrative and investigative costs.

Mr. Bond reported the committee will meet on September 2-3 to consider that docket of 35 cases, which includes 14 pharmacists, 6 pharmacy technicians, one pharmacy technician candidate, 13 pharmacy permits, and one CDS license for a physician.

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 six referrals from the staff. Following their interviews and deliberations, the committee continued two of the cases, recommended the acceptance of both voluntary surrenders, and developed proposed voluntary consent agreements for the final two cases. He then presented the following files to the members for their consideration.

Ginger Allen Teekell (PST.016606) 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 June 19, 2015.

William Coleman Honeycutt (PST.010643) 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 June 19, 2015.

Kim Cox Vines (PST.015475) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the applicant's request for the reinstatement of the previously suspended license, contingent upon the satisfaction of certain requirements prior to December 31, 2016; and further,

upon completion of the stated requirements, the license shall be automatically reinstated, then suspended for fifteen years with execution of the suspension stayed, and then placed on probation for fifteen years, ending August 12, 2030, subject to certain terms enumerated in the consent agreement.

Elizabeth Farrell Heard (PST.020284) Mr. Rabb moved to approve the applicant's request for termination of the probationary period scheduled to conclude on February 5, 2018. The motion was adopted after a unanimous vote in the affirmative. The Board removed all probationary terms and restored the license to active and unrestricted status.

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

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. Ms. Melancon reported the committee had met the previous day to consider the three referrals from the staff. She then reported the following files to the members for their consideration.

John Alan Smith (PST.016824) Ms. Melancon moved to approve the application for reinstatement of the previously suspended license. The motion was adopted after a unanimous vote in the affirmative. The Board reinstated the license and restored it to active and unrestricted status.

Taddese Tewelde (PST.011262) Ms. Melancon moved to deny the request for reinstatement of the previously suspended license. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the suspended license.

Aaron Wayne Nash (PST.010983) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of two years and stayed the execution of the suspension, then placed the license on probation for two years, effective August 12, 2015, subject to certain terms enumerated in the consent agreement.

Ms. Melancon closed the 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.

H. Regulation Revision Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay initiated a discussion on Act 261 of the 2015 Legislature, relative to the use of marijuana for therapeutic purposes. Although the legislation had not yet been formally referred to the Committee, the committee considered that topic during their August 6 meeting – from a conceptual level with no specific language yet offered. During the discussion, Mr. Aron recognized two representatives from the Louisiana Cannabis Association, who provided additional information about similar initiatives in other states.

Following an extensive discussion, Mr. McKay moved to refer Act 261 of the 2015 Legislature to the Regulation Revision Committee for the purpose of developing a regulatory proposal to implement the legislation for future consideration by the Board. The motion was adopted after a unanimous roll vote in the affirmative. President Aron referred the matter to the committee and requested priority consideration so as to comply with the deadlines included in the legislation.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 11:50 a.m. and then reconvened in open session at 12:40 p.m.

I. Executive Committee

Mr. Aron indicated the committee met the previous day to consider their posted agenda. He then directed the members to the Final Legislative Brief prepared by staff. Mr. Broussard reviewed each of the measures in that report to report what action was required by either staff or the Board. By the end of that review, President Aron had referred the following items to the Board's Regulation Revision Committee for their development of regulatory proposals to be considered by the Board: (1) Act 391 (HB 319) relative to interchangeable biological products, (2) Act 409 (HB 568) relative to the use of independent marketing contractors by pharmacies, (3) Act 453 (SB 115) relative to Schedule II prescriptive authority for physician assistants and optometrists, as well as the previously-discussed (4) Act 261 (SB 143) relative to the use of marijuana for therapeutic purposes.

Mr. Aron informed the members of several ongoing questions relative to the requirement for practical experience for pharmacist licensure. The committee requested staff to research the prevalence of that requirement in other states; in reply, they provided an excerpt from the NABP Survey of Pharmacy Law, which was also provided to the members in their electronic meeting binder. At the committee's recommendation, Mr. Aron questioned the members whether they desired to maintain the requirement for additional practical experience beyond that provided during the academic professional experience program, or whether they were amenable to a reduction or elimination of that requirement. Mr. McKay moved to refer §705 of the Board's rules to the Regulation Revision Committee for their development of a regulatory proposal to amend that rule. The motion was adopted after a unanimous vote in the affirmative.

Mr. Aron then directed the members to two documents in the electronic meeting binder, both of which required approval. Mr. McKay then moved, **Resolved**, that the Board approve Amendment Three to the Memorandum of Understanding Between the National Association of Boards of Pharmacy and the State of Louisiana Relating to the Prescription Drug Monitoring Program.

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

Resolved, that the Board approve the Management Letter for the Legislative Auditor, in connection with their annual audit of the Board's operations, and further, authorize the Board's President and Executive Director to execute that document on our behalf.

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

10. Staff Reports

J. Report of Assistant Executive Director

Mr. Aron called upon Mr. Fontenot for his report. Mr. Fontenot then directed the members to a copy of the quarterly on the Prescription Monitoring Program (PMP) report in their electronic meeting binder. He reviewed the report and all of the reporting parameters.

Mr. Fontenot then directed the members to a copy of the PMP Annual Report for Fiscal Year 2014-2015. Since that report composed a portion of the Board's Annual Report, there was no action required for the PMP component since the full report was still pending.

Mr. Fontenot then directed the members to the requests for exemption – both partial and full – from the PMP reporting requirements. Mr. Rabb moved,

Resolved, to authorize the issuance of partial PMP reporting waivers to:
> PHY.005087-IR – Community Pharmacy Service;
once they have executed the standard consent agreement for that purpose.

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

Resolved, to authorize the issuance of PMP reporting waivers to:
> PHY.007140-NR – Alegria Pharmacy Services (NY);
> PHY.003045-HOS – Baton Rouge General Health Center Pharmacy (LA);
> PHY.000054-HOS – Baton Rouge General Medical Center Pharmacy (LA);
> PHY.000469-HOS – Claiborne Memorial Medical Center (LA);
> PHY.007113-NR – Complete Medical Homecare (MO);
> PHY.007133-HOS – Cornerstone Hospital of Bossier City (LA);
> PHY.007131-NR – Cystic Fibrosis Services (MD);
> PHY.007108-NR – Hemophilia Preferred Care of Memphis (TN);
> PHY.002953-CH – Lafayette Community Healthcare Clinic Pharmacy (LA);

- > PHY.007135-NR – NuFactor Infusion Pharmacy (NC);
 - > PHY.006453-NR – Pegasus Express Pharmacy Services (TN);
 - > PHY.007139-NR – Pet360 Pharmacy (KY);
 - > PHY.006402-NR – Retail Pharmacy Customer Care Center (RI);
- and
- > PHY.007130-NR – Total Vein Pharmacy (TX)
- once they have executed the standard consent agreement for that purpose.

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

Finally, Mr. Fontenot indicated completion of his report.

At this point, Mr. Aron declared a mid-afternoon recess. It was noted the members recessed at 2:50 p.m. and then reconvened in open session at 3:20 p.m. In Mr. Aron's temporary absence, Mr. Rabb resumed the meeting.

K. Report of General Counsel

Mr. Rabb called upon Mr. Finalet for the report. Mr. Finalet then presented the following files to the Board for its consideration.

Danielle Joy Raines (CPT.011269) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or any application for any other credential issued by the Board.

Custom Meds, Inc. f/k/a McCully-Snyder Pharmacy d/b/a Custom Meds (PHY.006141) 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 a one year and five months and stayed the execution of the suspension, then placed the permit on probation for one year and five months, ending on January 8, 2017, subject to certain terms enumerated in the consent agreement.

Jeremy John McCauley (CPT.012645) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or any application for any other credential issued by the Board.

It was noted Mr. Aron returned to the meeting at 3:30 p.m. and resumed the chair.

Mitchell Morris Sonnier, DDS (CDS.027061-DDS) 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 active suspension of the CDS license for an

indefinite period of time, effective May 8, 2015.

Barbara Ann Bruce, MD (CDS.034112-MD) Mr. McKay moved to suspend the CDS license due to the voluntary surrender of respondent's DEA 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 May 20, 2015.

Martin Fleming Schreeder, MD (CDS.043861-MD) Mr. McKay moved to suspend the CDS license due to the summary suspension of respondent's medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the CDS license for an indefinite period of time, effective June 25, 2015.

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

L. Report of Executive Director

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

- Meeting Activity
 - Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
 - Compliance Division Annual Summary
 - Annual Report for Fiscal Year 2014-2015
- Mr. McKay moved,
- Resolved**, to approve the *Annual Report for Fiscal Year 2014-2015.*
- The motion was adopted after a unanimous vote in the affirmative.
- Examinations
 - MPJE
 - NAPLEX
 - PARE
 - PTCB
 - Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
 - State Activities
 - 2015 Regular Session of Louisiana Legislature
 - National Activities
 - National Association of Boards of Pharmacy (NABP)
 - NABP-AACP District 6 Annual Meeting

MALTAGON

- International Activities

International Pharmaceutical Federation (FIP)

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

11. *Request for Interpretation of LAC 46:LIII.2745.C.2 and 2747.B.4.b – Fred’s Pharmacies*

Mr. Aron requested Mr. Broussard to provide the relevant background about the request, which questioned whether the requirement for the patient’s address on a controlled substance prescription, if omitted by the prescriber, could be satisfied by the use of a ‘backtag’ in lieu of pharmacy personnel recording the address on the prescription form itself. Mr. Broussard directed the members to a copy of the request, a copy of the rules at issue, as well as a copy of the reply from the DEA. After reviewing all of the documents, the members noted the rules require the address to be recorded on the prescription form. Although the ‘backtag’ is an addendum to the form, it is not the prescription form since it was not present when the form was issued by the prescriber. A literal interpretation of the Board’s rules indicates the address shall be recorded on the form, and there is no provision in the Board’s rules for a ‘backtag.’ Further, the information from the DEA quotes the corresponding federal rules, indicating the pharmacist’s corresponding responsibility for ensuring the prescription form is complete before dispensing it. Further, the DEA suggests the verifying pharmacist should ensure the consistency between the address information on the ‘backtag’ compared to the address information on the prescription form.

Mr. Pitre moved the Board interpret LAC 46:LIII.2745.C.2 and 2747.B.4.b to require the patient’s address for a controlled substance prescription shall be written on the prescription form itself, and further, the use of a ‘backtag’ in lieu of recording the information on the prescription form itself is not compliant with the Board’s rules. The motion was adopted after a unanimous vote in the affirmative.

12. *Announcements*

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

13. *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 4:15 p.m.

* * * * *

An Administrative Hearing was convened on Thursday, August 13, 2015 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 8:35 a.m.

B. Invocation & Pledge of Allegiance

Mr. Aron called upon Mr. Bond for the invocation, then Ms. Milano 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 all 17 members were present, constituting a quorum for the conduct of official business.

D. Call for Additional Agenda Items & Adoption of Agenda

Mr. Aron asked if there were any additional agenda items, and none were requested. With no objection, the Board adopted the posted agenda for the meeting. He then requested authority to re-order the agenda as may become necessary, and there was no objection to that 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 and prior to the vote on each agenda item. He solicited comments from the guests, but none were offered.

Appearances

Mr. Aron indicated he would serve as the Hearing Officer, Mr. Carlos Finalet as the Prosecuting Attorney, Mr. Mark LaCour as the Official Recorder, and Mr. Malcolm Broussard 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 08-03-2015

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call
- D. Call for Additional Agenda Items & Adoption of Agenda
- E. Opportunity for Public Comment

- F. Formal Hearings
- | | | |
|-----|--|------------------|
| 01. | CPT.004786 – Kelly Brocato Suttles | Case No. 14-0343 |
| 02. | PTC-A – Corsica Waynieca Northern | Case No. 15-0047 |
| 03. | CPT.008217 – Chasity Danae Maddie | Case No. 15-0045 |
| 04. | CPT.012350 – Christopher Captain Turnage | Case No. 15-0077 |
| 05. | PTC.022305 – Porcha Carnesha Aldredge | Case No. 15-0055 |
| 06. | PTC.021055 – Christy Le’Ann Bourque | Case No. 15-0111 |
- G. Adjourn

F. Formal Hearings

Mr. Aron asked Mr. Finalet if he was prepared, and he replied in the affirmative. Mr. Finalet then called the first case listed on the agenda.

Corsica Waynieca Northern (PTC Applicant) Mr. Finalet appeared for the Board and Ms. Northern appeared without counsel. At Mr. Aron’s question, Ms. Northern requested to hold the hearing in open session. Mr. Finalet presented an opening statement, one witness, and six exhibits. Ms. Northern responded to questions from the panel members. Mr. Finalet then offered a closing statement, proffered findings of fact, conclusions of law and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for 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 9:00 a.m. and then returned to open session at 9:40 a.m.

Ms. Hall moved,

Resolved, that the Board’s hearing panel, 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, 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. Hall then moved,

Resolved, that the Board’s hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, modify them by deleting the first citation, adopt the amended conclusions as our own, and then enter them into the hearing record.

The motion was adopted after a majority vote in the affirmative; Mr. Pitre objected. Ms. Hall then moved,

Resolved, that the Board’s hearing panel enter the following order

at this time:

It is ordered, adjudged, and decreed that the Application for a New Louisiana Pharmacy Technician Candidate Registration from Corsica Waynieca Northern is hereby granted, and further, the registration shall be suspended with the execution thereof stayed, and then placed on probation for one year after the date of issue, subject to the following term: she shall not violate, or be found guilty of violating, any law or rule pertaining to the practice of pharmacy or to controlled substances..

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

Kelly Brocato Suttles (CPT.004783) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed 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 executive session at 9:55 a.m. and then reconvened in open session at 10:10 a.m.

Ms. Hall moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by amending Item 3 to delete the phrase "*two different controlled dangerous substances*" and replace it with the phrase "*one controlled dangerous substance and one prescription medication*", and by amending Item 6 to reflect the absence of the respondent from these proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

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

Resolved, that the Board's hearing panel 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. Hall then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana

Pharmacy Technician Certificate No. 4783, held by Kelly Brocato Suttles, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (1) A fine of \$1,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder; and

It is further ordered the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary actions 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 addiction medicine specialist approved by the Board.

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

Chasity Danae Maddie (CPT.008217) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Soileau moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered executive session at 10:25 a.m. and then reconvened in open session at 10:45 a.m.

Ms. Hall moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board's hearing panel accept the Conclusions of Law as proposed by the Prosecuting Attorney, modify them by deleting the citations relative to R.S. 40:968(A)(1) and R.S. 40:978(B), adopt the amended conclusions as our own, and then enter them into the hearing record.

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

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 8217, held by Chasity Danae Maddie, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (1) A fine of \$1,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder; and

It is further ordered the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary actions 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 addiction medicine specialist approved by the Board.

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

Christopher Captain Turnage (CPT.012350) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Moore 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 executive session at 10:55 a.m. and then reconvened in open session at 11:00 a.m.

Mr. McKay moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board's hearing panel 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. McKay then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 12350, held by Christopher Captain Turnage, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (1) A fine of \$1,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder; and

It is further ordered the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon 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 actions against him in any jurisdiction.

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

Porsha Carnesha Aldredge (PTC.022305) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. 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 executive session at 12:40 p.m. and then reconvened in open session at 12:50 p.m.

Ms. Hall moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board's hearing panel 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. Hall then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 22305, held by Porsha Carnesha Aldredge, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (1) A fine of \$1,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder; and

It is further ordered the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon 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 actions against her in any jurisdiction.

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

Christy Le'Ann Bourque (PTC.021055) Mr. Finalet appeared for the Board and noted the absence of the respondent or counsel. After verifying the absence of the respondent, Mr. Aron ruled the hearing would proceed as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Ms. Melancon 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 executive session at 1:00 p.m. and then reconvened in open session at 1:05 p.m.

Mr. McKay moved,

Resolved, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, adopt them as our own, and then enter them into the hearing record.

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

Resolved, that the Board's hearing panel 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. McKay then moved,

Resolved, that the hearing panel enter the following order at this time:

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 21055, held by Christy Le'Ann Bourque, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (1) A fine of \$1,000;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder; and

It is further ordered the acceptance of any future application for the reinstatement of this certificate, or any application for any other credential issued by the Board, shall be conditioned upon the satisfaction of the following terms:

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary actions 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 addiction medicine specialist approved by the Board.

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

Mr. Finalet indicated completion of the formal hearings scheduled for that day. Mr. Aron expressed his appreciation to Mr. LaCour for his services that day.

G. 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 meeting at 1:10 p.m.

Respectfully submitted,

Brian A. Bond
Secretary