



**Louisiana Board of Pharmacy**  
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# Minutes

## **Regular Board Meeting**

Wednesday, August 18, 2021 at 9:00 a.m.  
Embassy Suites Baton Rouge Hotel  
4914 Constitution Avenue  
Baton Rouge, Louisiana 70808

## **Administrative Hearing**

Thursday, August 19, 2021 at 8:30 a.m.  
Louisiana Board of Pharmacy  
3388 Brentwood Drive  
Baton Rouge, Louisiana 70809

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The Louisiana Board of Pharmacy convened a regular meeting on Wednesday, August 18, 2021 at the Embassy Suites Baton Rouge Hotel located at 4914 Constitution Avenue in Baton Rouge, Louisiana 70808. The meeting was held pursuant to public notice, each member received notice, and public notice was properly posted.

*1. Call to Order*

Mr. Carl Aron, President, called the meeting to order at 9:10 a.m.

*2. Invocation & Pledge of Allegiance*

Mr. Rhonny Valentine delivered the invocation and Mr. David Darce led the group in the Pledge of Allegiance.

*3. Quorum Call*

Mr. Aron called upon the Secretary, Mr. Richard Indovina, to call the roll of members to establish a quorum.

**Members Present:**

Mr. Carl W. Aron  
Mr. Allen W. Cassidy, Jr.  
Dr. J. Robert Cloud  
Mr. David A. Darce  
Ms. Jacqueline L. Hall  
Mr. Richard M. Indovina, Jr.  
Mr. Kevin LaGrange  
Mr. Richard Mannino  
Mr. Marty R. McKay  
Mr. J. Troy Menard  
Mr. Anthony G. Mercante  
Mr. Blake P. Pitre  
Mr. Don L. Resweber  
Mr. Douglas E. Robichaux  
Dr. Raymond J. Strong  
Mr. Rhonny K. Valentine

**Member Absent:**

Mr. Robert C. LeBas

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. M. Joseph Fontenot, Assistant Executive Director  
Mr. Benjamin S. Whaley, Chief Compliance Officer  
Ms. Kelley L. Villeneuve, Office Manager

**Guests:**

Mr. David K. Chauvin, Jr. – Lil Daves Pharmacy  
Mr. Russell Champagne, CPA – Champagne & Company  
Ms. Penny Scruggins, CPA – Champagne & Company

Ms. Grace Tate – La. Pharmacists Association  
Ms. Adria Kerr – FMOL Health System  
Mr. T. Morris Rabb – Award recipient  
Ms. Mary Rabb  
Mr. Herbert Richardson – Award recipient  
Ms. Sylvia Johnson  
Mr. Danny Ford – Louisiana Lobbying Solutions  
Ms. Jessica Elliott – La. Alliance of Retail Pharmacies  
Ms. Shelly Dupre – National Association of Chain Drug Stores  
Mr. Randal Johnson – La. Independent Pharmacies Association

Mr. Indovina certified Mr. LeBas was absent; however, the remaining 16 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 to be added; none were requested. Without objection, the members adopted the posted agenda dated August 16, 2021. There were no objections to Mr. Aron's request for authority to re-order the agenda should he determine it appropriate to do so.

*5. Consideration of Draft Minutes from Previous Meeting*

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting and Administrative Hearing held on May 26, 2021. With no objections, he waived the reading of the draft minutes. With no requests for amendments or corrections, and with no objection to their approval, Mr. Aron declared the minutes were approved as presented.

*6. Report on Action Items*

Mr. Aron called upon Mr. Broussard for the report. Mr. Broussard directed the members to the report in their meeting binder. There were no questions from the members.

*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 their last physical 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, members and committees, and executive director in the general conduct and transactions of Board business since May 26, 2021 are approved, adopted, and ratified by the entire Board.

There were no member questions or public comments. 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; 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 legislative mandate in mind as they considered all the matters before them.

9. *Special Orders of the Day*

A. *Presentation of Pharmacist Gold Certificates*

Mr. Aron reminded the members and guests of the special recognition granted by the Board to pharmacists who achieve 50 years of practice as a licensed pharmacist in Louisiana. On receipt of a Pharmacist Gold Certificate, the recipient is granted a waiver of license renewal fees for the remainder of their life. Mr. Aron presented a Pharmacist Gold Certificate to each of the following pharmacists:

**Mr. Herbert Joseph Richardson, Jr. (PST.009847)** was licensed by the Board on January 22, 1971 and has maintained his license continuously since then.

**Mr. T. Morris Rabb (PST.009898)** was licensed by the Board on June 4, 1971 and has maintained his license continuously since then.

The members and guests congratulated both recipients with standing ovations.

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron invited Mr. Russell Champagne, CPA and Ms. Penny Scruggins, CPA, both from Champagne & Company, to review the *Final Report for Fiscal Year 2020-2021*. Mr. Aron directed the members to a copy of that report in their meeting binder. Mr. Champagne reviewed the report and discussed at length the significant adverse impact of the state assignment of premium for the state employee retirement plan. He answered questions from the members. Mr. Aron then recognized the chair of the Finance Committee, Mr. Don Resweber. Mr. Resweber informed the members the committee had reviewed the report the previous day and voted to recommend the approval of the report subject to legislative audit. On behalf of the committee, he moved,

**Resolved**, to accept the *Final Report for Fiscal Year 2020-2021*, subject to legislative audit.

There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Resweber reminded the members they had approved the budget for the current fiscal year in November 2020, and that staff had prepared a proposed budget amendment using the final report for the previous fiscal year just approved. He reported the committee had voted to approve the proposed budget amendment and offered a motion for the approval of that proposed budget amendment. During the discussion of that motion, Mr. McKay reported the Executive Committee had met the previous day following the meeting of the Finance Committee, and the members of the Executive Committee had requested an amendment to the proposal in order to fund a new

administrative program specialist position in the administrative division. Mr. McKay identified the budget line items affected by the requested amendment and directed the members to a second draft of the proposed budget amendment in their meeting binder. Mr. McKay then offered a substitute motion on behalf of the Executive Committee:

**Resolved**, to adopt, *in globo*, Draft #2 of Proposed Budget Amendment No. 1 for Fiscal Year 2021-2022.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Resweber expressed his appreciation to the accountants at Champagne & Company for their ongoing assistance to the staff, as well as the other committee members for their ongoing efforts.

*B. Application Review Committee*

Mr. Aron called upon Mr. Robichaux for the committee report. Mr. Robichaux reported the committee met the previous day to consider two applications referred by the staff. Since neither of the applicants appeared, the committee deferred further review of both applications until their next committee meeting. Mr. Robichaux noted staff had received about a dozen applications for the new Pharmacy Benefit Manager (PBM) permit and the committee was planning an October meeting to act on those applications.

Finally, Mr. Robichaux expressed his appreciation to the other committee members for their efforts the previous day.

*C. Reciprocity Committee*

Mr. Aron called upon Mr. Cassidy for the committee report. He reported the staff had evaluated 58 applications for pharmacist licensure by reciprocity since the last Board meeting 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. Mr. Cassidy then directed the members to a list of the new pharmacists licensed by reciprocity in their meeting binder. Mr. Cassidy also directed the members to a report prepared by staff noting the percentage of new licenses issued the previous five years that were obtained by license transfer. For the previous five fiscal years, an average of 52% of new pharmacist licenses issued were obtained by license transfer.

Finally, he closed his report with appreciation to the other committee members for their ongoing efforts.

*D. Violations Committee*

Mr. Aron called upon Mr. Indovina for the committee report. Mr. Indovina reported the committee met on June 9 to consider the 17 cases on their docket. Prior to that meeting, the committee authorized continuances for three of those cases until their next meeting. Following their interviews and deliberations, the committee took no action in one case, issued non-disciplinary Letters of Noncompliance to six of the respondents, referred one respondent for a formal administrative hearing, and then offered proposed

voluntary consent agreements to the remaining six respondents. Mr. Indovina noted the respondent referred for an administrative hearing was listed on the docket for the administrative hearing the following day and that all six of the respondents had accepted their proposed consent agreements. Mr. Indovina then presented the following agreements to the members for their consideration.

**Walgreen Louisiana Co., Inc. d/b/a Walgreen Pharmacy No. 11830 [Marksville, LA] (PHY.006062):** Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

**Walgreen Louisiana Co., Inc. d/b/a Walgreen Pharmacy No. 06028 [Baton Rouge, LA] (PHY.004463):** Mr. Indovina moved to approve the proposed voluntary consent agreement. He answered a question from one member as to the amount of the fine compared to the previous case for a similar fact pattern. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$1,000 plus administrative and investigative costs.

**Walgreen Louisiana Co., Inc. d/b/a Walgreen Pharmacy No. 02012 [Alexandria, LA] (PHY.005354):** Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$10,000 plus administrative and investigative costs.

**Archway Apothecary, LLC d/b/a Archway Apothecary [Covington, LA] (PHY.007333):** Mr. Indovina moved to approve the proposed voluntary consent agreement. He answered a question from one member as to the correct citation of the federal law. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$25,000 plus administrative and investigative costs.

**Earl Raymond Wilkes, Jr. (PST.010160):** Mr. Indovina moved to approve the proposed voluntary consent agreement. He answered a question from a member as to the source of the complaint. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one year and stayed the execution of the suspension, then placed the license on probation for one year effective August 18, 2021 subject to certain terms enumerated within the voluntary consent agreement; and further, assessed administrative costs.

**Tamara Adams Veal (CPT.003942):** Mr. Indovina moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the certificate effective July 8, 2021, and further, permanently prohibited the acceptance of any future application for the reinstatement of the certificate or for any other credential issued by the Board.

Mr. Indovina then directed the members to the complaint investigation policy monitor report in their meeting binder. He informed the members there



were 182 open cases at the beginning of the previous fiscal year, that staff had opened 454 new cases and closed 462 cases, leaving 174 cases for the current fiscal year. Of the 462 case closures, he reported the average number of days to complete the investigation was 41 days, an 18% improvement from the prior fiscal year. In addition, 13 of those case closures (2.8%) had exceeded the policy benchmark of 180 days. He noted that 2.8% was a slight improvement from the 3.3% the prior fiscal year. He also reminded the members the most common reason for an investigation to exceed the 180-day threshold was a collaborative investigation with other state or federal agencies and that another reason for a nonresident case would be a nonresident case on appeal.

Mr. Indovina informed the members the committee had reviewed its existing committee policy for the resolution of cases relative to failure of continuing education audits and voted to recommend an amendment to that policy. He directed the members to a copy of the proposed amendment in their meeting binder and then moved,

**Resolved**, to approve the proposed revision of PPM.I.C.7.c ~ Violations Committee – CE Audits/Cases.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. Indovina reported the committee's next meeting was scheduled for September 8-9, 2021 to consider the 28 cases on that docket. He closed his report with appreciation to the other committee members for their ongoing work.

#### *E. Impairment Committee*

Mr. Aron called upon Ms. Hall for the committee report. Ms. Hall informed the members of an error in the staff-prepared committee report she delivered during their previous meeting in May 2021. She indicated the need to correct the record and presented the following case to the members:

**John Scott Soileau (PST.014858)**: Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, conditioned upon his completion of the following requirements prior to May 26, 2023: (1) acquisition of at least 1,000 hours of supervised practice under the authority of a Special Work Permit, and (2) submission of a letter of competency from the supervising pharmacist; and further, the Board suspended the Special Work Permit and subsequently reinstated license for five years and stayed the execution of the suspension, then placed the Special Work Permit and subsequently reinstated license on probation for five years effective on the date of issuance of the Special Work Permit, subject to certain terms enumerated within the voluntary consent agreement; and further, among the enumerated terms, the restriction against any ownership interest in any pharmacy licensed by the Board shall survive the period of probation and remain in effect for the remainder of his life.

Ms. Hall then reported the committee met the previous day to consider seven referrals from the staff – four requests for reinstatement, two requests for modification of previous orders, and one appearance for guidance. Following their interviews of the applicants and subsequent deliberations, the

committee referred one applicant for a medical evaluation and deferred consideration of one application until their next meeting. Ms. Hall then presented the following recommendations to the members for their consideration:

**Brent Van Landry (PST.017440):** Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years effective August 18, 2021 subject to certain terms enumerated within the voluntary consent agreement.

**Charles Scott Weatherford (PST.015275):** Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the previously suspended license, converted the duration of the suspensive period to a term of 10 years and stayed the execution of the suspension, then placed the license on probation for 10 years effective August 18, 2021 subject to certain terms enumerated within the voluntary consent agreement.

**Terry James Veillon, Jr. (PST.018988):** Ms. Hall moved to grant the request for modification of previous orders. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for modification of previous orders, removed all probationary terms, terminated the probationary period originally scheduled to conclude on September 6, 2023, and then restored the license to active and unrestricted status.

**Ginger Allen Teekell Coffey (PST.016606)** Ms. Hall moved to grant the request for modification of previous orders. There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. The Board granted her request for modification of previous orders and removed Article 2-e from her August 2016 Probation Board Order which had prevented her from accepting an appointment as the pharmacist-in-charge of a pharmacy, then reaffirmed all other probationary terms

Ms. Hall then reported the committee began their annual review of the roster of board-approved addiction medicine specialists, requested some additional information for some of the physicians, then deferred further consideration of the annual roster review until their next committee meeting.

Finally, Ms. Hall closed her report with appreciation to her fellow committee members for their work the previous day.

#### *F. Reinstatement Committee*

Mr. Aron called upon Mr. Valentine for the committee report. Mr. Valentine reported the committee had not met since the previous Board meeting. He reported receipt of only one application from a pharmacy technician seeking to reinstate a lapsed certification. He reported he

consulted the Board President and they agreed to approve a proposed voluntary consent agreement which the applicant had also agreed to. He then presented the following case for information only; no further action was required:

**Pamela Karen Pollar (CPT.006138):** Mr. Valentine reported the approval of a voluntary consent agreement for the reinstatement of the lapsed certificate, conditioned upon the applicant's acquisition of at least 250 hours of supervised experience in a board-approved pharmacy under the authority of a Special Work Permit prior to July 16, 2023.

Mr. Valentine closed his report with appreciation to the other committee members for their ongoing efforts.

*G. Tripartite Committee*

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

*H. Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on August 3 to consider the items on their posted agenda. He reminded the members of their action during the previous May 26 Board meeting during which the members considered the comments and testimony from the public hearing for two regulatory projects:

- Project 2020-10 ~ CDS License for Hemp Facility; and
- Project 2021-1 ~ Pharmacists, Pharmacies and Prescriptions.

The Board directed the committee to consider the changes requested in the comments and determine an appropriate course of action. Mr. McKay reported the committee members agreed with the changes requested in both regulatory projects. However, if the Board would continue with the rule promulgation process to make the requested changes, the Board would be unable to publish any final rule within the one year anniversary of the publication of the notice of intent, as required by the state administrative procedure act. The committee recommended the members continue the current regulatory projects with no changes and then begin new regulatory projects with the requested changes. To facilitate consideration of the committee's recommendations, Mr. McKay offered the following motion:

**Resolved**, to make no changes to Regulatory Project 2020-10 ~ CDS License for Hemp Facility, and further, to authorize the executive director to promulgate the proposed rule amendments.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then offered the following motion:

**Resolved**, to make no changes to Regulatory Project 2021-1 ~ Pharmacists, Pharmacies & Prescriptions, and further, to authorize the executive director to promulgate the proposed rule amendments.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay reported the committee reviewed two regulatory proposals constructed with the changes

requested in the two previous regulatory projects, made a change to one of them and then voted to recommend their approval. To facilitate consideration of the committee's recommendations, Mr. McKay offered the following motion:

**Resolved**, to approve *Regulatory Proposal 2021-E ~ Hemp Facility (Draft #1)*, and further, to authorize the executive director to promulgate the proposed rule amendments

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then offered the following motion:

**Resolved**, to approve *Regulatory Proposal 2021-F ~ Medication Administration (Draft #2)*, and further, to authorize the executive director to promulgate the proposed rule amendments.

Mr. McKay noted the committee made one change to the initial draft, to remove the requirement for the immunizing pharmacist to report the immunization to the patient's physician within 24 hours. The committee determined immunizing pharmacists are already required to report immunizations to the state immunization registry and the requirement for an additional report to the patient's physician was an unnecessary redundancy. Mr. McKay requested Mr. Broussard review the proposal relative to the credentialing requirement for the medication administration registration. Mr. Broussard indicated the proposal would still require the same education, training and continuing competency requirements currently in place but will require the licensees to maintain their own records of that education, training and continuing competency. Further, in the event of an inquiry, the licensees will be required to produce those records. The proposal will eliminate the medication administration registration credential. He replied to a question from one member relative to a pharmacy benefit manager audit of the pharmacy which included a requirement to produce evidence of a valid medication administration registration. Mr. Broussard suggested the audit related to a required credential and if the credential no longer exists there can no longer be an audit of that credential. There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. McKay reminded the members of their February 2019 assignment to the committee of the topic of prescription video games. He reminded the members of the staff presentation relative to a category of medical devices – software as medical device (SaMD). The video game at issue has been approved by the FDA, bears an NDC number, and is indicated for the treatment of ADHD and autism in pediatric patients. The sponsor intends to use a centralized dispensing system which appears to comply with the Board's rules. The committee reviewed all of the information and believes current federal and board rules provide sufficient regulatory oversight, and further, the committee does not believe additional rules are required and voted to return the assignment to the Board with no action or recommendation. At Mr. McKay's request, Mr. Broussard described the dispensing process as the issuance of an access code which authorizes a 30-minute session once daily for the time period authorized by the

prescription. At Mr. Aron's request, Mr. Broussard indicated the return of an assignment back to the Board by the committee does not require a motion for acceptance. However, in the event the Board disagreed with the committee's recommendation of no action, they could re-direct the assignment back to the committee with definitive guidance for the committee.

Mr. McKay reviewed the topics still remaining on the committee's agenda, some of which are pending further action by federal-level organizations.

Mr. McKay closed his report with appreciation to the other committee members and staff for their ongoing efforts.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 10:37 a.m. and then reconvened at 11:15 a.m. Mr. Aron re-ordered the sequence of the agenda to consider the requests for exceptions.

*12. Request for Exception to LAC 46:LIII.1137.A.2 re Relocation of Existing Pharmacy Permit – Franciscan Missionaries of Our Lady Health System, Inc. d/b/a RxONE Livingston (PHY.007558-RC) [Walker, LA]*

Mr. Aron recognized Ms. Adria A. Kerr, Senior Director of Retail Pharmacy Operations for FMOLHS, who appeared for the petitioner. Ms. Kerr presented the request for an exception to the Board's existing rule relative to the 'reasonably close proximity' requirement for a change of location for an existing pharmacy permit. She included data indicating the impact of the proposed relocation on different patient groups including emergency room patients, health system employees and other patients. Following substantial discussion, Mr. McKay moved,

**Resolved**, to grant an exception to the Board's current interpretation of the 'reasonably close proximity' requirement of LAC 46:LIII.1137.A.2 to allow Franciscan Missionaries of Our Lady Health System, Inc. (FMOLHS) to relocate its existing RxONE Livingston Pharmacy, holding PHY.007558 from Walker, La. to Gonzales, La., contingent upon the pharmacy's advance written disclosure (no less than 10 days prior) of the relocation to its existing patient base and guidance to patients objecting to the transfer of their prescription files to the new location.

There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 11:45 a.m. and then reconvened at 12:50 p.m. Mr. Aron continued with the requests for exception agenda items.

*13. Request for Exception to LAC 46:LIII.1133.A.2.b re Transfer of Prescription Files on Permanent Closure of Pharmacy Permit – Melior, Inc. d/b/a Lil Daves Pharmacy (PHY.008021-IR) [Donaldsonville, LA]*

Mr. Aron recognized Mr. David K. Chauvin, Jr. who appeared for Melior, Inc. Mr. Chauvin presented information in support of his request for an exception to the 'reasonably close proximity' requirement for the disposition of prescription files by pharmacies contemplating permanent closure. Following a brief discussion, Mr. McKay moved,

**Resolved**, to grant an exception to the Board's current interpretation of the 'reasonably close proximity' requirement of LAC 46:LIII.1133.A.2.b to allow Melior, Inc. to transfer the prescription files from his Lil Daves Pharmacy, holding PHY.008021-IR and located in Donaldsonville, La. and which is pending permanent closure, to his Lil Daves, holding PHY.008099-IR and located in Plaquemine, La., contingent upon the pharmacy's advance written disclosure (no less than 10 days prior) of the relocation to its existing patient base and guidance to patients objecting to the transfer of their prescription files to the new location.

There were no further member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

At this point, Mr. Aron re-ordered the agenda to resume the sequence of the posted agenda, beginning with the single remaining committee report.

#### 10. *Committee Reports (cont.)*

##### *I. Executive Committee*

Mr. Aron reported the committee had met the previous day to consider the items on their posted agenda. The committee members considered a number of policy statements, took formal notice of new legislation adopted during the Regular Session of the 2021 Legislature, reviewed the compliance questionnaire for the current legislative audit, and reviewed staffing issues. He indicated Mr. McKay was prepared to offer motions on behalf of the committee.

- *Reconsideration of PPM.I.A.33 ~ Statement on Dispensing of Prescriptions for Cannabidiol (Epidiolex™)*

Mr. Aron reminded the members they adopted this enforcement discretion policy in November 2020 while planning for the removal of cannabidiol from the state list of controlled substances. The 2021 Legislature adopted Act 101 which made several changes to the state list of controlled substances including the removal of cannabidiol from Schedule V. The committee voted to recommend the enforcement discretion policy be rescinded. Mr. McKay moved,

**Resolved**, to rescind *PPM.I.A.33 ~ Statement on Dispensing of Prescriptions for Cannabidiol (Epidiolex™)*.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Consideration of Proposed Revision of PPM.I.D.28 ~ COVID-19 Public Health Emergency: Guidance for Licensees re PREP Act Declaration by HHS (Draft #1)*

Mr. Aron reminded the members of their initial approval of this interim policy in February 2021 and its multiple revisions to reflect the various amendments to the PREP Act Declaration by the federal government. The HHS Secretary issued the 8<sup>th</sup> amendment in early August 2021. The committee voted to recommend the approval of this revision which incorporates that latest amendment. Mr. McKay moved,

**Resolved**, to approve the proposed revision of *PPM.I.D.28 ~ COVID-19 Public Health Emergency: Guidance of Licensees re PREP Act Declaration by HHS (Draft #1)*.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Consideration of Proposed New PPM.I.D.29 ~ COVID-19 Public Health Emergency: Telehealth Waiver for CDTM Consultations (Draft #1)*

In response to a request from Christus Health, staff prepared a proposed new interim policy that would grant a waiver from the current requirement in the CDTM rule that requires a pharmacist to be physically present with a patient for consultations. The waiver would allow for the use of telehealth to facilitate such consultations. The committee voted to recommend the approval of the proposed new interim policy. Mr. McKay moved,

**Resolved**, to approve the proposed new PPM.I.D.29 ~ COVID-19 Public Health Emergency: Telehealth Waiver for CDTM Consultations (Draft #1).

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Consideration of Interim Policies (I.D.1 through I.D.28)*

Mr. Aron reported the committee reviewed all of the interim policies issued during the public health and other emergencies identified within the August 18, 2021 summary document. The committee voted to recommend the continuation of all unexpired interim policies and to make no changes to the listed future expiration dates. Mr. McKay moved,

**Resolved**, to continue the unexpired interim policies noted in the August 18, 2021 summary and to make no changes to the listed future expiration dates.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Consideration of Final Legislative Brief from 2021 Legislature*

Mr. Aron reported the committee reviewed the final brief from the 2021 Legislature and noted the suggested action plans for the implementation of new legislation. Some of the items have already been implemented and others require committee referrals. Mr. McKay moved,

**Resolved**, to approve the Final Brief from the Regular Session of the 2021 Legislature and its action plans for implementation of legislation.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Reconsideration of Previous Decision re 10<sup>th</sup> Marijuana Pharmacy Permit*

Mr. Aron reminded the members of their decision during the previous Board meeting on May 26, 2021 to implement the process necessary to award the 10<sup>th</sup> marijuana pharmacy permit. Subsequent to that vote, the governor signed a legislative act that will allow for the use of raw or crude marijuana for therapeutic purposes. The decision to issue the 10<sup>th</sup> marijuana pharmacy permit was based on current

utilization as reflected in patient counts in the various regions. Since the utilization of raw marijuana is anticipated to have a dramatic effect on the market, the committee directed staff to pause their efforts to implement the Board's decision to award the 10<sup>th</sup> and final marijuana pharmacy permit to provide an opportunity for the Board to reconsider its original decision in light of new legislation. The new legislation authorizing the use of raw product will become effective on January 1, 2022. Based on the Board's previous history of one-year waiting periods after significant market changes, the committee voted to recommend the deferral of a decision to award the 10<sup>th</sup> marijuana pharmacy permit until after January 1, 2023. Mr. Aron indicated two motions would be required – the first to reconsider the Board's previous decision, and the second to make any different decision. Mr. McKay moved,

**Resolved**, to reconsider the Board's May 26, 2021 decision to implement the process to award the 10<sup>th</sup> marijuana pharmacy permit in Region 9.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron indicated the affirmative vote to reconsider their previous decision placed the original motion back on the floor for consideration. Mr. McKay then offered a substitute motion; he moved,

**Resolved**, to defer any action to award the 10<sup>th</sup> marijuana pharmacy permit until after January 1, 2023.

There were no member questions or public comments. The substitute motion was adopted after a unanimous vote in the affirmative.

- *Consideration of Compliance Questionnaire for Annual Legislative Audit*

Mr. Aron reported the committee reviewed the compliance questionnaire for the 2021 legislative audit prepared by the staff and voted to recommend its approval. Mr. McKay then moved,

**Resolved**, to approve the *Compliance Questionnaire for the 2021 Legislative Audit*.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

- *Credit Card Processing & Transaction Fees*

Mr. Aron reported the committee reviewed information from the staff concerning the current mechanism to process credit card payments to the Board. The current process involves two different vendors. Staff reported receipt of a proposal from one of those vendors that would consolidate all processes to a single vendor; the proposal contemplates substantial savings for the Board. The committee voted to recommend the approval of the proposal. Mr. McKay moved,

**Resolved**, to authorize the executive director to seek approval from the Dept. of Treasury to change our current multiple vendors for credit card processing services to a single vendor, PayPal.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Aron



reported the committee also reviewed information concerning the collection of credit card processing fees from its clients. Mr. Aron provided historical context from 2004. The Board began accepting credit card payments in that year and assessed a \$3.00 state charge for each credit card transaction. The Board discontinued the collection of the state charge in 2006 in order to improve the utilization of online renewal applications. During the previous fiscal year, the percentage of renewal application processed online exceeded 90%; however, the costs of credit card processing fees totaled approximately \$86,000. The committee voted to recommend re-starting the collection of a state charge for credit card transactions. Mr. McKay then moved,

**Resolved**, to direct staff to investigate the best option and procedures necessary to begin adding a state charge to credit card transactions.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Finally, Mr. Aron closed his report with appreciation to the other committee members for their ongoing work.

## 11. Staff Reports

### J. Report of Assistant Executive Director

Mr. Aron called upon Mr. Fontenot for his report. Mr. Fontenot directed the members to the quarterly report of the prescription monitoring program, detailing the prescription transaction counts as well as queries from prescribers, dispensers, and law enforcement agencies. The report also included information on the dispensing of medical cannabis products in the marijuana pharmacies. He reported the program staff continues to issue prescriber report cards detailing their opioid prescribing rate in comparison to their peers. He also reported the program staff continues to notify prescriber licensing boards of their licensees who appear to not be compliant with the mandatory use law for prescribers. He noted the program staff continues to monitor compliance with mandatory reporting requirements and noted the compliance rate in pharmacies is very high.

Mr. Fontenot then directed the members to the requests from 11 pharmacies seeking a waiver from the duty to report zero prescription transaction reports to the prescription monitoring program. Mr. McKay then moved,

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

- > PHY.008285-HOS – CHRISTUS Central Louisiana Surgical Hospital (LA);
- > PHY.008041-NR – CSI Pharmacy (AR);
- > PHY.008247-NR – Genoa Healthcare (MN);
- > PHY.008283-NR – Manifest Pharmacy (SC);
- > PHY.008255-NR – Nucara Compounding Pharmacy (IA);
- > PHY.008256-NR – Optum Infusion Services 500 (TX);
- > PHY.008264-NR – Pinnacle Medical Solutions (MS);
- > PHY.008274-NR – Script Partner Pharmacy (TX)

- > PHY.008272-NU – Shreveport Nuclear Pharmacy (LA);
  - > PHY.008250-NR – The Pill Club (CA); and
  - > PHY.007482-NR – Wells Specialty Pharmacy (FL)
- once they have executed the standard consent agreement for that purpose.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Fontenot then reported a request for a partial exemption from the duty to report controlled substance dispensing transactions. The petitioner is a pharmacy serving patients in a long-term care facility using automated medication systems. Mr. McKay then offered a motion for discussion purposes,

**Resolved**, to authorize the issuance of a partial PMP reporting waiver to Advanced Pharmacy [Stafford, TX] (PHY.007430-NR) once they have executed the standard consent agreement for that purpose.

Mr. Fontenot answered questions from several members relative to the impact of reporting numerous daily transactions to the PMP as opposed to a monthly reporting of a resident's controlled substance utilization. There were no public comments. The motion failed after a majority vote in the negative. Dr. Cloud and Dr. Strong voted for the motion.

Finally, Mr. Fontenot indicated completion of his report.

#### *K. Report of General Counsel*

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet presented the following proposed voluntary consent agreements to the members for their consideration.

**John Thomas Copeland (PST.023812):** Ms. Hall moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. 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 administrative costs.

**Kelly Marie Authement (CPT.012948):** Dr. Strong moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. 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 administrative costs.

**Amanda Nicole Terrebonne (CPT.013598):** Mr. Cassidy moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. 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 administrative costs.

**Yolanda Rashaye Mallet (CPT.012587):** Mr. Cassidy moved to approve the proposed voluntary consent agreement. There were no member questions or public comments. 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 administrative costs.

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

*L. Report of Executive Director*

Mr. Aron called upon Mr. Broussard for his report. Mr. Broussard directed the members to his report in the meeting binder. He reviewed the following topics:

- Meeting Activity
- Reports
  - Internal Reports
    - Credentials Division
      - Census Report
      - Licensure Activity Report
      - Application Activity Report
      - Exceptions Report
    - Compliance Division
      - Census Report
      - Complaint Investigation Policy Monitor
  - External Reports
    - Board Reports to Administrative and Legislative Agencies
- Examinations
  - MPJE
  - NAPLEX
  - ExCPT
  - PTCE
- Operations
  - Credentials Division
  - Compliance Division
  - Administrative Division
  - Marijuana Pharmacies
- State Activities
  - Louisiana Legislature
- Regional & National Activities
  - National Association of Boards of Pharmacy (NABP)
  - NABP-AACP District 6
  - MALTAGON
- International Activities
  - International Pharmaceutical Federation (FIP)
  - World Health Professions Alliance (WHPA)

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

At this point, Mr. Aron indicated he neglected to report the Executive Committee's recommendations relative to staffing issues during that committee's report. He then returned to that agenda item.

*10. Committee Reports (cont.)*

*I. Executive Committee*

Mr. Aron reported the committee reviewed the recent notice from the

Board's current executive director of his intent to retire from state service in June 2022. The committee discussed multiple options on how to proceed. Mr. Aron indicated since the Board's consideration of the committee's recommendation would involve discussions of personnel issues including current members of the Board's staff, he requested a motion for executive session. Mr. McKay then moved to enter into executive session for the purpose of discussing personnel issues including current members of the Board's staff. There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the members entered into executive session at 1:35 p.m. and then returned to open session at 4:05 p.m.

Mr. Aron reported no votes were taken during the executive session and questioned the members as to any decision they wished to make at that time. Mr. McKay then moved, **Resolved**, to select the Board's current assistant executive director, Mr. Joe Fontenot, as the Board's executive director-designate and for Mr. Fontenot to assume the position of executive director upon the retirement of the current executive director.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

*14. New Agenda Items Added During Meeting*

There were no new agenda items added during the meeting.

*15. Announcements*

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

*16. Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board and without objection, Mr. Aron placed the Board in recess at 4:15 p.m.

\* \* \* \* \*

The Louisiana Board of Pharmacy convened an administrative hearing on Thursday, August 19, 2021 at the Board office, located at 3388 Brentwood Drive in Baton Rouge, Louisiana 70809. 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 public notice was properly posted.

*A. Call to Order*

Mr. Aron called the hearing to order at 8:30 a.m.

*B. Invocation & Pledge*

Mr. Valentine delivered the invocation and Mr. Cassidy led the group in the Pledge of Allegiance.

*C. Quorum Call*

Mr. Aron called upon the Secretary, Mr. Indovina, to call the roll of members to establish a quorum.

**Members Present:**

Mr. Carl W. Aron  
Mr. Allen W. Cassidy, Jr.  
Mr. David A. Darce  
Ms. Jacqueline L. Hall  
Mr. Richard M. Indovina, Jr.  
Mr. Kevin LaGrange  
Mr. Marty R. McKay  
Mr. J. Troy Menard  
Mr. Anthony G. Mercante  
Mr. Blake P. Pitre  
Mr. Don L. Resweber  
Dr. Raymond J. Strong  
Mr. Rhonny K. Valentine

**Member Absent:**

Dr. J. Robert Cloud  
Mr. Robert C. LeBas  
Mr. Richard Mannino  
Mr. Douglas E. Robichaux

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. M. Joseph Fontenot, Assistant Executive Director  
Mr. Benjamin S. Whaley, Chief Compliance Officer  
Ms. Kelley L. Villeneuve, Office Manager

After doing so, Mr. Indovina certified Dr. Cloud, Mr. LeBas, Mr. Mannino, and Mr. Robichaux were absent; however, the remaining 13 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. Without objection, the Board adopted the posted agenda dated August 6, 2021.

*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 general comments on non-agenda items from the guests present; none were offered.

*F. Appearances*

Mr. Aron indicated he would serve as the Hearing Officer. Mr. Carlos Finalet

served as the Prosecuting Attorney and Mr. Malcolm Broussard served as the Hearing Clerk.

Mr. Aron informed the members all four cases on the docket originated with the Violations Committee; therefore, all of the members of that committee were recused from the hearing. In particular, Dr. Cloud, Ms. Hall, Mr. Indovina, Mr. Robichaux, and Mr. Valentine were excused. He reminded the other members they should recuse themselves should the need arise.

Without objection, Mr. Aon 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 08-06-2021

- 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. Appearances
- G. Formal Hearing
  - 1. Case No. 20-0222 ~ CPT.008404 – Danielle Kristen Ducote
  - 2. Case No. 21-0016 ~ CPT.014230 – Jenna Marie Graves
  - 3. Case No. 20-0368 ~ CPT.012037 – Brittney Nicole Artison
  - 4. Case No. 21-0150 ~ SWP.000932 – Karla Michelle Abbitt
- H. New Agenda Items Added During Meeting
- I. Adjourn

### *G. Formal Hearings*

With Mr. Aron's approval, Mr. Finalet began the hearing by calling the first case listed on the agenda.

**Danielle Kristen Ducote (CPT.008404)** Mr. Finalet appeared for the Board. The respondent, Danielle Kristen Ducote, did not appear and was not represented by counsel. Mr. Finalet verified the respondent's absence from the Board office. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Dr. Strong moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's

professional competency and fitness for practice. There were no member questions or public comments. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 8:40 a.m. and then reconvened at 8:50 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. Darce then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Darce then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Darce 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. CPT.008404, held by Danielle Kristen Ducote, shall be suspended, and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

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

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

**Jenna Marie Graves (CPT.014230)** Mr. Finalet appeared for the Board. The respondent, Jenna Marie Graves, did not appear and was not represented by counsel. Mr. Finalet verified the respondent's absence from the Board office. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet tendered the matter to the hearing panel for its consideration. Dr. Strong moved to enter into executive session for the

purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There were no member questions or public comments. The motion for executive session 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 reconvened at 9:10 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. LaGrange then moved,

**Resolved**, that the 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 4 to correct the ZIP Code, adopt the amended findings as our own, and then enter them into the hearing record.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. LaGrange then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. LaGrange 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. CPT.014230, held by Jenna Marie Graves, shall be suspended, and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

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

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

**Brittney Nicole Artison (CPT.012037)** Mr. Finalet appeared for the Board. The respondent, Brittney Nicole Artison, did not appear and was not represented by counsel. Mr. Finalet verified the respondent's absence from the Board office. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits and then proffered proposed Findings of Fact, Conclusions of



Law, and Board Order. Mr. Finalet answered questions from several members. Mr. Finalet 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 and fitness for practice. There were no member questions or public comments. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:20 a.m. and then reconvened at 9:30 a.m. Mr. Aron noted for the record that although Mr. Resweber had stepped out of the room momentarily during the roll call vote for the executive session, he returned in time to participate in the deliberations. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. Menard then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Menard then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Menard 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. CPT.012037, held by Brittney Nicole Artison, shall be suspended, and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

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

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

**Karla Michelle Abbitt (SWP.000932)** Mr. Finalet appeared for the Board. The respondent, Karla Michelle Abbitt, did not appear and was not represented by

counsel. Mr. Finalet verified the respondent's absence from the Board office. Mr. Aron ruled the hearing would proceed as noticed in the form of a default proceeding. Mr. Finalet offered an opening statement, presented no witnesses and five exhibits and then proffered proposed Findings of Fact, Conclusions of Law, and Board Order. Mr. Finalet answered questions from several members about the issuance of special work permits to persons with expired pharmacy technician candidate registrations. Mr. Finalet then tendered the matter to the hearing panel for its consideration. Mr. Cassidy moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency and fitness for practice. There were no member questions or public comments. The motion for executive session was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 9:40 a.m. and then reconvened at 10:05 a.m. Mr. Aron returned the hearing panel to open session; he reported no decision was made during the executive session and questioned the members as to their disposition of the case.

Mr. Mercante then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous roll call vote in the affirmative. Mr. Mercante then moved,

**Resolved**, that the 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.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative. Mr. Mercante then moved,

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

It is ordered, adjudged, and decreed that Louisiana Special Work Permit No. SWP.000932, held by Karla Michelle Abbitt, shall be suspended, and further, the respondent shall pay the following assessments:

- (1) A fine of \$500;
- (2) The administrative hearing fee of \$250; and
- (3) The investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

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

- (1) Respondent shall have paid all assessments levied herein; and
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

There were no member questions or public comments. The motion was adopted after a unanimous vote in the affirmative.

Mr. Finalet indicated completion of the formal hearings scheduled for that day.

*H. New Agenda Items Added During Meeting*

There were no new agenda items added during the meeting.

*I. 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 10:10 a.m.

*Minutes prepared by Malcolm Broussard and then approved as presented during the subsequent meeting on November 17, 2021.*

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Richard M. Indovina, Jr.  
Secretary