



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, February 25, 2015 at 10:00 a.m.

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

Administrative Hearing

Thursday, February 26, 2015 at 8:30 a.m.

Louisiana Board of Pharmacy
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Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Wednesday, February 25, 2015</i>		
1.	Call to Order	4
2.	Invocation & Pledge of Allegiance	4
3.	Quorum Call	4
4.	Call for Additional Agenda Items & Adoption of Agenda	5
5.	Consideration of Minutes from Previous Meeting	5
6.	Report on Action Items	5
7.	Confirmation of Acts	5
8.	Opportunity for Public Comment	6
*	Statement of Purpose	6
9.	Committee Reports	
	A. Finance	6
	B. Application Review	7
	C. Reciprocity	7
	D. Violations	7
	E. Impairment	14
	F. Reinstatement	9
	G. Tripartite	10
	H. Regulation Revision	10
	I. Executive	11
10.	Staff Reports	
	J. Assistant Executive Director	15
	K. General Counsel	16
	L. Executive Director	18
11.	Announcements	19
12.	Recess	19

Table of Contents

<u>Agenda Item No.</u>	<u>Description</u>	<u>Page No.</u>
<i>Thursday, February 26, 2015</i>		
A.	Call to Order	19
B.	Invocation & Pledge of Allegiance	19
C.	Quorum Call	19
D.	Call for Additional Agenda Items & Adoption of Agenda	19
E.	Opportunity for Public Comment	19
*	Appearances	19
F.	Formal Hearings	20
G.	Adjourn	26

A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 25, 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 10:00 a.m.

2. Invocation & Pledge

Mr. Aron called upon Mr. Brian Bond, and he delivered the invocation. Mr. Richard Indovina 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
Dr. Deborah H. Simonson
Mr. Richard A. Soileau
Mr. Rhonny K. Valentine

Member Absent:

Mr. Don L. Resweber

Staff Present:

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

Guests:

Mr. Shane Domingue – Lafayette Gen Med Ctr Pharmacy
Mr. Dan Luce – Walgreen Pharmacies
Mr. Kevin LaGrange – Professional Arts Pharmacy
Ms. Cathy LaGrange – Walgreen Pharmacies
Ms. Wendy Gaudet – Our Lady of the Lake Reg Med Ctr Pharmacy

Ms. Teri Ducote – Our Lady of the Lake Reg Med Ctr Pharmacy
Mr. Justin Johnson – La Independent Pharmacies Association
Mr. Amit Kamdar – Wal-Mart Stores
Mr. Michael Weber – Roadrunner Pharmacy
Mr. David Ruckman – Target Pharmacies
Mr. Nick Caharin – The Picard Group o/b/o NACDS
Ms. Tijonne Edmond – La Pharmacists Association
Mr. Michael Mohundro – Our Lady of the Lake Reg Med Ctr Pharmacy
Mr. Scott Huhn – Omnicare
Mr. Wes Hataway – La State Medical Society
Ms. Deborah Jarratt – Aesynt
Ms. Linda Spradley – Spradley & Spradley o/b/o CVS Health
Mr. Randal Johnson – La. Independent Pharmacies Association

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

4. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items. Mr. Dartez moved and Mr. Indovina seconded to add the topic of pharmacy technician ratios to the agenda, to see if there was any interest in changing the ratio currently in the Board's rule. Although the vote on the motion was 12-3 in favor, the Open Meetings Law requires a unanimous vote in the affirmative to add an additional agenda during the meeting. Mr. Aron therefore ruled the motion had failed. With no further requests for any additions, and without objection, the Board adopted the posted agenda for that meeting. Mr. Aron then requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports or guests. There were no objections to that request.

5. Consideration of Minutes

Mr. Aron reminded the members they had received the draft minutes from the Regular Board Meeting on November 13, 2014 which was held in Baton Rouge, Louisiana. With no objections, he waived the reading thereof. Hearing no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reminded the members of their rulemaking decisions at their previous meeting and reviewed the subsequent activities for those regulatory projects. He also reminded the members he had reported on the new law and federal rule relative to the disposal of controlled substances at their last meeting, but had neglected to suggest the need for reviewing the Board's current rules on that topic in order to conform the state rules to the federal rules. Mr. Aron referred the topic to the Regulation Revision Committee.

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. Moore moved,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 13, 2014 are approved, adopted, and ratified by the entire Board.

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

8. Opportunity for Public Comment

Mr. Aron reminded the members and guests the Open Meetings Law requires all public bodies to provide an opportunity for public comment at all meetings and for each agenda item upon which a vote is to be taken. He solicited general comments on non-agenda items from the guests present, and the following comments were offered.

- Mr. Nick Cahanin (The Picard Group *o/b/o* National Association of Chain Drug Stores) indicated he had recently met with representatives of several drug manufacturers concerning their intent to introduce legislation relative to biosimilars and interchangeable products. The legislation will apparently make changes to the pharmacy law, and his client has expressed concerns with some of the aspects of the legislation. He offered to work with the Board during the legislative session on that topic.
- Mr. Michael Weber (Roadrunner Pharmacy) appeared on behalf of several veterinarians who were concerned for the recent loss of pharmacies' ability to compound medications for office use. He offered letters from several veterinarians around the state who wished the Board to re-consider its rule so that pharmacies could compound medications for office use for veterinarians.

Statement of Purpose

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

9. Committee Reports

A. Finance Committee

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre reviewed the interim report for the first half of the current fiscal year. Mr. Broussard also reviewed new information just announced relative to a new liability that will be added to the Board's financial report at the end of the current fiscal year – an actuarial calculation of retirement benefits. Mr. Finalet gave a brief report on the status of the effort to sell the undeveloped parcel of land owned by the Board. The members had no questions. Mr. Pitre tendered the report for information only, requiring no formal action by the Board.

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

B. Application Review Committee

Mr. Aron called upon Mr. Soileau for the committee report. Mr. Soileau reported the committee met on January 22 to consider two referrals from the staff: one application for a PTC registration and one application for a PHY permit. After interviews and deliberations, the Committee approved both applications and directed staff to issue the credentials. Mr. Soileau tendered the report for information only, requiring no formal action by the Board.

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

C. Reciprocity Committee

Mr. Aron called upon Ms. Hall for the committee report. She reported the staff had evaluated 58 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. After interview and deliberation, the committee voted to defer any further consideration of the application pending receipt of additional documentation. That action did not require any action by the Board.

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 December 10-11, 2014 to consider their posted agenda which included 26 cases: 7 pharmacists, 5 pharmacy technicians, 3 pharmacy technician candidates, one person holding a Special Work Permit, and 10 pharmacy permits. After interviews and deliberations, the Committee took no action against 12 of the 26 cases. They developed proposed consent agreements for the remaining 14 cases; of that number, 10 respondents accepted the proposed agreements and 4 did not. The four cases that did not were scheduled for a future formal administrative hearing. Mr. Bond then presented the following proposed consent agreements for the Board's consideration.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 5330

(PHY.005862) 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 \$2,500 plus administrative costs.

Louisiana CVS Pharmacy, LLC d/b/a CVS Pharmacy No. 3730

(PHY.006329) 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 \$25,000 plus administrative and investigative costs.

Institutional Pharmacy Solutions, LLC d/b/a Institutional Pharmacy Solutions (PHY.006424-IR) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the pharmacy permit.

Institutional Pharmacy Solutions, LLC d/b/a Institutional Pharmacy Solutions (PHY.006801-HOS) Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board revoked the pharmacy permit.

George Joseph Hebert, III d/b/a Hebert's Pharmacy (PHY.002260) 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 \$10,000 plus administrative and investigative costs.

Christopher Regis Robin (PST.016333) 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 a fine of \$1,000 plus administrative and investigative costs.

BesScript, Inc. d/b/a BesScript (PHY.006712) 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.

Shantrell Trineese Landry (CPT.010019) Mr. Bond 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, prohibited the acceptance of any future application for the reinstatement of the certificate.

Kmart Corporation d/b/a Kmart Pharmacy No. 3016 (PHY.002058) 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 \$10,000 plus administrative and investigative costs.

John Henry Cunningham (PST.016578) 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 directed its publication in the Board's quarterly newsletter, and further, assessed a fine of \$500 plus administrative and investigative costs.

Mr. Bond reported the committee will meet on March 4, 2015 to consider that docket of 14 cases, which includes 2 pharmacists, 4 pharmacy technicians, and 8 pharmacy permits.

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

At this point, Mr. Aron indicated the Impairment Committee had some unfinished business and would tender their report later that day.

F. Reinstatement Committee

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee had met earlier the previous day to consider four referrals from the staff. She then presented the following files for Board action.

Charles Jude Mitchell, Jr. (PST.016284) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years, effective February 25, 2015, subject to certain terms enumerated in the consent agreement.

Thadrian Marquis Johnson (PST.013542) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, contingent upon the satisfaction of certain requirements identified in the consent agreement, and further, suspended the license and any other temporary credentials for five years and stayed the execution thereof, then placed the license and any other temporary credentials on probation for five years, effective February 25, 2015, subject to certain terms enumerated in the consent agreement.

Kelly Elizabeth Reinhardt (CPT.006044) Ms. Melancon moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain requirements identified in the consent agreement.

Starns Pharmacy, LLC d/b/a Starns Pharmacy (CDS.042068-PHY) Ms. Melancon moved to grant the respondent's request for reinstatement of the previously suspended CDS license. The motion was adopted after a unanimous vote in the affirmative. The Board reinstated the CDS license and restored the license to active and unrestricted status.

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

G. *Tripartite Committee*

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

H. *Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. He reported the committee met on January 22 and voted to recommend the approval of one new regulatory proposal and three new legislative proposals. He also reminded the members the Board had conducted a public hearing on January 29 to receive comments and testimony on two regulatory projects previously approved by the Board. He suggested the consideration of the comments and testimony received for those two projects before considering the new proposals. There was no objection to that suggestion. Mr. McKay directed the members to their meeting binders for copies of all the documents. He then moved,

Resolved, on consideration of the absence of any public comments and testimony at the public hearing, and in the absence of any need for further revision of Regulatory Project 2015-1 ~ Dispenser Reporting to PMP, we authorize the Executive Director to prepare and submit the required report for the legislative oversight committee upon the instruction of the President, and in the absence of any further intervention, to publish the proposal as a Final Rule.

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

Resolved, on consideration of the absence of any public comments and testimony at the public hearing, and in the absence of any need for further revision of Regulatory Project 2015-2 ~ Expiration Date of Schedule II Prescriptions, we authorize the Executive Director to prepare and submit the required report for the legislative oversight committee upon the instruction of the President, and in the absence of any further intervention, to publish the proposal as a Final Rule.

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

Resolved, to approve Regulatory Proposal 2015-A ~ Electronic Product Verification (Draft #2), and further, to authorize the Executive Director to promulgate the proposed rule amendments upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

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

Resolved, to approve Legislative Proposal 2015-A ~ Public

Records (Draft #2), and further, to authorize the filing of same in the Regular Session of the 2015 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Resolved, to approve Legislative Proposal 2015-B ~ CDS Schedule Update (Draft #1), and further, to authorize the filing of same in the Regular Session of the 2015 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

Resolved, to approve Legislative Proposal 2015-C ~ PMP Interstate Sharing Update (Draft #2), and further, to authorize the filing of same in the Regular Session of the 2015 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

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

I. Executive Committee

Mr. Aron informed the members the committee had met the previous day to consider the matters on their posted agenda. He noted the committee had reviewed the contracts and agreements for the Board's operations, some new required resolutions for professional legal services and other administrative operations. He indicated Mr. Rabb would be making the motions on behalf of the committee. Mr. Rabb then moved,

Resolved, that the Board approve the proposed legal services contract with Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2015-2016.

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

Resolved, that the Board approve the proposed legal services contract with Shows, Cali & Walsh, LLC, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2015-2016.

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

Resolved, that the Board approve the proposed accounting services contract with Kolder, Champagne, Slaven & Company, at the stipulated rates, in an amount not to exceed \$25,000 for Fiscal Year 2015-2016.

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

then moved,

Resolved, that the Board approve the maintenance agreement from Iron Data Corporation for the continued operation and support of eLicense, a browser-based integrated software product for automation of the Board's credentialing and compliance activities, at the stipulated rates, in an amount not to exceed \$100,000 for Fiscal Year 2015-2016.

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

Resolved, that the Board approve the proposed information system network support services agreement with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$40,000 for Fiscal Year 2015-2016.

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

Resolved, that the Board approve the proposed agreement with Optimum Technology, Inc. to operate the state prescription monitoring program, at the stipulated rate, in an amount not to exceed \$100,000 for Fiscal Year 2015-2016.

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

Resolved, that the Board approve the NABP Foundation as the publisher of the Board's newsletter, at the stipulated rate, in an amount not to exceed \$2,000 for Fiscal Year 2015-2016.

The motion was adopted after a unanimous vote in the affirmative. At this point, Mr. Aron instructed the Executive Director to execute all of the approved contracts on behalf of the Board and then submit them to the appropriate administrative and legislative agencies exercising oversight of the Board's contracts and agreements. Mr. Rabb then moved,

Resolved, that the Board approve the National Association of Boards of Pharmacy (NABP) as the administrator for the pharmacist licensure and remediation examinations (NAPLEX, MPJE, FPGEE, and PARE) for Fiscal Year 2015-2016.

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

Resolved, that the Board approve the Pharmacy Technician Certification Board (PTCB) as the administrator for the pharmacy technician certification examination for Fiscal Year 2015-2016.

The motion was adopted after a unanimous vote in the affirmative. At this point, Mr. Aron informed the members of a new requirement from the state legislature: with respect to any contracts for professional legal services, the contracting agency shall adopt a separate resolution detailing the existence of any contingency fees in the proposed contract. For the record, Mr. Aron indicated the Board does not enter into professional legal service contracts that contain contingency fees. He indicated Mr. Rabb was prepared to introduce the resolutions for the two legal service contracts. Mr. Rabb then moved,

Resolved, to approve the Resolution for Professional Legal Services for Celia R. Cangelosi for Fiscal Year 2015-2016.

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

Resolved, to approve the Resolution for Professional Legal Services for Shows, Cali & Walsh, LLC for Fiscal Year 2015-2016.

The motion was adopted after a unanimous vote in the affirmative. At this point, Mr. Aron informed the members of the committee's deliberations relative to several areas of administrative operations. He reminded the members of the upcoming annual meeting of the National Association of Boards of Pharmacy (NABP), scheduled for May 16-19 in New Orleans, La. He reported communications from the NABP Office which indicated since the Louisiana Board was the host board, it had the opportunity to select one or more charities to receive the proceeds from the Fun Run, t-shirt sales, and other activities during the annual meeting. The committee discussed several options and suggested the New Orleans Pharmacy Museum. Mr. Rabb then moved,

Resolved, to designate the New Orleans Pharmacy Museum as the recipient of any funds donated by NABP following their 2015 Annual Meeting.

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 11:30 am and then reconvened in open session at 1:05 pm.

Mr. Aron then reported the committee's favorable review of a proposal from the Executive Director for the development of a continuing education program focused on an update of state pharmacy law that he would present in several locations around the state. Given his other obligations to the Board, those presentations could not be accredited by ACPE; however, if the Board were to approve the program, then it could be used by pharmacists and technicians for their license renewal requirements. Mr. Rabb then moved,

Resolved, to approve the continuing education presentation entitled Louisiana Pharmacy Law Update for 2015 as delivered by the Executive Director, and further, to award participants two hours of credit for the live presentation, and further, to approve the presentation for re-licensure purposes in this state.

The motion was adopted after a unanimous vote in the affirmative. Mr. Aron then reported on a directive from the state division of administration requiring all agencies to develop a policy requiring use of a state travel card relative to certain travel expenses. He directed the members to a copy of the proposed policy in their meeting binder. Mr. Rabb then moved,

Resolved, to approve the proposed Travel Card Policy, and further, to authorize the President to approve any acceptable amendments as may become necessary during the implementation process.

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

Finally, Mr. Aron completed his report with appreciation to his fellow officers 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 staff. Following interviews and deliberations, the committee developed proposed consent agreements for the Board's consideration. Mr. Rabb then presented the following files for Board action.

Richard Jeffrey Gaude (PST.015640) 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 December 11, 2014.

Matthew Marston Lane (PST.018065) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the respondent's request for reinstatement of the previously suspended license, converted the duration of the suspensive period from an indefinite term to a term of five years and stayed the execution of the suspension, then placed the license on probation for five years effective February 25, 2015 subject to certain terms enumerated in the consent agreement.

Steve John Soteropulos (PST.011704) Mr. Rabb moved to approve the proposed voluntary consent agreement. During the discussion, Dr. Simonson moved to enter into executive session for the purpose of discussing respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the Board entered into executive session at 1:50 p.m. and then reconvened in open session at 2:05 p.m.

Mr. Aron reminded the members of Mr. Rabb's motion offered prior to the executive session. He then called for the vote. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for modification of previously-imposed probationary terms, specifically by modifying the terms of his March 2013 Probation Board Order to remove the restriction which had prevented him from accepting an appointment as the pharmacist-in-charge of a pharmacy. However, all other terms remain in force.

Melissa Kay Sherer (PST.020952) Mr. Rabb moved to approve the respondent's application for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for pharmacist licensure by reciprocity and directed staff to

issue the license without restriction.

Lenard Neil Shaw (PST.020951) Mr. Rabb moved to approve the respondent's application for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative. The Board approved the application for pharmacist licensure by reciprocity and directed staff to issue the license without restriction.

Joseph Percy Ricard, Jr. (PST.016310) Mr. Rabb moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for 4 years, 3 months, and 12 days and stayed the execution of the suspension, then placed the license on probation for 4 years, 3 months, and 12 days, effective February 25, 2015 subject to certain terms enumerated in the consent agreement.

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.

On personal privilege, Mr. Rabb announced his recent retirement from 40 years of practice at Glenwood Regional Medical Center. In addition, he expressed appreciation for the prayers and supportive messages during his recuperation from a recent surgery. He indicated satisfactory recovery and looked forward to continuing his service on the Board.

10. Staff Reports

J. Prescription Monitoring Program

Mr. Aron called on Mr. Fontenot for the report. Mr. Fontenot reviewed the quarterly statistics for the program. He then reminded the members about the 2009 change in the PMP law that authorized the Board to issue waivers to the duty to report data to the program. He directed the members to a list of 22 pharmacies requesting such a waiver. Mr. McKay moved,

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

- > PHY.007015-HOS – Acadia Gen Hosp – Crowley (LA);
- > PHY.007045-NR – American Homecare Federation (CT);
- > PHY.006888-NR – AnovoRx Group (TN);
- > PHY.006898-NR – Arriva Pharmacy (FL);
- > PHY.006970-HOS – Brentwood Hosp – Shreveport (LA);
- > PHY.007062-NRN – Cardinal Health (IN);
- > PHY.006015-IR – Carmichael's LTC of Crowley (LA);
- > PHY.006051-IR – Carmichael's IHP – Lake Charles (LA);
- > PHY.006244-HOS – Christus Schumpert – Shreveport (LA);
- > PHY.006840-NR – Complete Medical Homecare (KS);
- > PHY.006842-IR – HaloCare Specialty Therapeutics (LA);
- > PHY.006692-HOS – La Continuing Care Hosp – Marrero (LA)
- > PHY.003996-HOS – Madison Parish Hosp Pharmacy –

- Tallulah (LA);
- > PHY.005105-CH – NW LA Interfaith Pharmacy – Shreveport (LA);
 - > PHY.007028-NR – Onco360 (NY);
 - > PHY.006853-HOS – Our Lady of the Angels Hosp Pharmacy – Bogalusa (LA);
 - > PHY.006854-IR – Our Lady of the Angels Hosp Outpatient Pharmacy – Bogalusa (LA);
 - > PHY.006484-IR – Restore Rx (TN);
 - > PHY.005967-HOS – Specialty Hosp of Winnfield (LA);
 - > PHY.006331-HOS – St. Martin Hosp Pharmacy (LA);
 - > PHY.006932-HOS – University Health Conway (LA); and
 - > PHY.006192-HOS – Winn Parish Med Ctr Pharmacy (LA);
- 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 the completion of his report.

K. Report of General Counsel

Mr. Aron called upon Mr. Finalet for the report. He then presented the following files to the members for their consideration.

Lydia Nicole Wallace (CPT.010431) 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.

Frank Louis Pallaria, Jr. (PST.018881) Mr. McKay 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 to the respondent, and further, assessed administrative costs.

Yasheka Deann Bolton (CPT.011798) 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.

Orenthal James Carter (PST.018123) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, and further, assessed a fine of \$1,000 plus administrative costs.

Amberlynn Jaree Reney (PTC.020713) 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 registration, and further, permanently prohibited the acceptance of any future application for the reinstatement of the registration.

Gene Raymond Lachney (PST.016415) Mr. McKay moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for 6 months and 15 days and stayed the execution of the suspension, then placed the license on probation for 6 months and 15 days effective February 25, 2015 subject to certain terms enumerated in the consent agreement.

Southern Tier Home Infusion, Inc. d/b/a Pharmacy Innovations (PHY.006430) Mr. McKay 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 Warning to the owner of the permit, and further, assessed a fine of \$15,000 plus administrative costs.

Appling Enterprises, LLC d/b/a Denton Prescription Shop (PHY.006778) 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 one year, six months, and eleven days and stayed the execution of the suspension, then placed the permit on probation for one year, six months, and eleven days effective February 25, 2015 subject to certain terms enumerated in the consent agreement.

Aaron Wayne Nash (PST.010983) 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 license for an indefinite period of time effective December 18, 2014.

Laura Lindsey Deane Thomas (CPT.011941) 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 certificate for an indefinite period of time effective December 31, 2014.

Ashley Elizabeth Reynolds (PST.020382) 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 license for an indefinite period of time effective January 23, 2015.

Majeste's St. Claude Pharmacy, Inc. d/b/a St. Claude Pharmacy (CDS.039058-PHY) Mr. McKay moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the

active suspension of the CDS license for an indefinite period of time effective February 6, 2015.

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

L. Report of Executive Director

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

- Meeting Activity
- Reports
 - Census Reports – Credentials & Compliance Divisions
 - Production Reports – Credentials Division
 - Exceptions Report
 - Year-End Reports
 - Boards & Commissions Office – Div. of Administration
 - Comprehensive Annual Financial Report – Joint Legislative Committee on the Budget
 - Document Production Report – Poynter Legislative Research Library
 - Document Depository Program – Louisiana State Library
- Examinations
 - MPJE
 - NAPLEX
 - PARE
 - PTCB
- Operations
 - Credentials Division
 - Compliance Division
 - Administrative Division
- State Activities
 - Roadrunner Pharmacy & Southeast Louisiana Veterinary Medical Association
 - Following a brief discussion, Mr. Aron referred this topic to the Board's Regulation Revision Committee, for the development and consideration of an adjustment to the Board's compounding rules to authorize the compounding of medications for office use by veterinarians.
- 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. *Announcements*

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

12. *Recess*

Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron recessed the meeting at 2:45 p.m.

* * * * *

An Administrative Hearing was convened on Thursday, February 26, 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 8:30 a.m.

B. *Invocation & Pledge of Allegiance*

Mr. Aron called upon Mr. Bond for the invocation, then Mr. Valentine 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 15 of the 17 members were present, constituting a quorum for the conduct of official business. Mr. Dartez and Mr. Resweber were absent.

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 02-11-2015

- 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. PTC.019957 – Jessica Renee Chantel Bowen Case No. 14-0046
 - 02. CPT.011395 – Shalana Necole Cartwright Case No. 14-0311
 - 03. CPT.011810 – Dana Elizabeth Berchtold Case No. 14-0277
 - 04. CPT.008650 – Winfield Gregory Woodruff Case No. 14-0231
 - 05. PTC.021416 – Jasmine O’Neal Case No. 14-0291
- 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.

Jessica Renee Chantel Bowen (PTC.019957) Mr. Finalet appeared for the Board and Ms. Bowen appeared without counsel. At Mr. Aron’s question, Ms. Bowen requested to hold the hearing in open session. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. Ms. Bowen 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. Soileau 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 9:30 a.m.

Mr. Moore 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, modify them by

adding Item No. 8: *“During the hearing, respondent offered credible testimony in explanation of the circumstances surrounding her failure to respond to the Board’s request for information.”*, 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. Moore 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. Moore then moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Candidate Registration No. 19957, held by Jessica Renee Chantel Bowen, shall be, and is hereby, suspended for an indefinite period of time, effective on the entry of this order; and further, the respondent shall pay the following assessments:

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

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

- (1) Respondent shall have paid all assessments levied herein;
- (2) Respondent shall have no pending legal or disciplinary matters against her in any jurisdiction; and
- (3) Respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public’s health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board, the cost of which shall be borne by the Board.

The motion was adopted after a unanimous vote in the affirmative

Dana Elizabeth Berchtold (CPT.011810) Mr. Finalet appeared for the Board, and Ms. Berchtold appeared without counsel. At Mr. Aron’s question, Ms. Berchtold requested to hold the hearing in open session. Mr. Finalet presented an opening statement, no witnesses, and five exhibits. Ms. Berchtold responded to questions from the hearing 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. Soileau

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 10:00 a.m. and then returned to open session at 10:50 a.m.

Mr. Moore 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. Mr. Moore 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. Moore then moved,

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

It is ordered, adjudged, and decreed that Louisiana Pharmacy Technician Certificate No. 11810, held by Dana Elizabeth Berchtold, shall be, and is hereby, suspended for five years with the execution of the suspension stayed, then placed on probation for five years, effective on the entry of this order, subject to the following terms:

- (1) The respondent shall pay the administrative hearing fee of \$250;
- (2) The respondent shall pay the investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder;
- (3) The respondent shall disclose the terms of this order to her current and any future pharmacy employer; and
- (4) The respondent shall not violate, or be found guilty of violating, any local, state, or federal laws relating to pharmacy or controlled substances.

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

Shalana Necole Cartwright (CPT.011395) 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. He 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 11:10 a.m. and then reconvened in open session at 11:20 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, 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. 11395, held by Shalana Necole Cartwright, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (1) The administrative hearing fee of \$250; and
- (2) The investigative and hearing costs, including the costs of the prosecuting attorney, and the official recorder; 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 addictionist approved by the Board.

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

Winfield Gregory Woodruff (CPT.008650) 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. He 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 11:30 a.m. and then reconvened in open session at 11:40 a.m.

Mr. Moore 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. Mr. Moore 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. Moore 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. 8650, held by Winfield Gregory Woodruff, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

- (3) The administrative hearing fee of \$250; and
- (4) 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:

- (4) Respondent shall have paid all assessments levied herein;
- (5) Respondent shall have no pending legal or

- disciplinary actions against her in any jurisdiction;
and
- (6) Respondent shall have received a favorable recommendation for her return to the practice of pharmacy without posing a threat to the public's health, safety, or welfare pursuant to a medical evaluation from an addictionist approved by the Board.

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

Jasmine O'Neal (PTC.021416) 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. He 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 11:45 a.m. and then reconvened in open session at 11:50 a.m.

Mr. Soileau 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. Mr. Soileau 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. Soileau 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. 21416, held by Jasmine O'Neal, shall be and is hereby revoked, effective on the entry of this order, and further, the respondent shall pay the following assessments:

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

recorder; and

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

- (1) Respondent shall have paid all assessments levied herein;
- (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 addictionist approved by the Board.

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

Mr. Finalet indicated the completion of the formal hearings.

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 hearing at 11:55 a.m.

Respectfully submitted,

Brian A. Bond
Secretary