



# Louisiana Board of Pharmacy

3388 Brentwood Drive  
Baton Rouge, Louisiana 70809-1700  
[www.pharmacy.la.gov](http://www.pharmacy.la.gov)



## Minutes

### **Regular Meeting**

Wednesday, March 6, 2013 at 10:00 a.m.

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

### **Administrative Hearing**

Thursday, March 7, 2013 at 8:30 a.m.

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

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, March 6, 2013 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 10:10 a.m.

*2. Invocation & Pledge*

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

*3. Quorum Call*

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

**Members Present:**

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

**Members Absent:**

Ms. Chris B. Melancon

**Staff Present:**

Mr. Malcolm J. Broussard, Executive Director  
Mr. Carlos M. Finalet, III, General Counsel  
Mr. M. Joseph Fontenot, Assistant Executive Director  
Mr. Rayland M. Trisler, Pharmacist Compliance Officer

**Guests:**

Mr. Richard A. Palombo – Express Scripts, Inc.  
Mr. Mitch Ward – Target Pharmacies  
Ms. Ann Halphen – Wal-Mart Pharmacies  
Mr. Timothy Koch – Wal-Mart Pharmacies

Mr. Danny Jackson – LSU Health Care Services Division  
Mr. Karl Hoffpauir – LSU Health Care Services Division  
Ms. Patricea Angelle – Prescription Compounds, IACP, and P<sub>2</sub>C<sub>2</sub>  
Ms. Deborah Pearce – Attorney  
Mr. Clint Daniel – Boudreaux’s New Drugs  
Ms. Angie Huff – The Wellness Corner  
Ms. Mary Staples – NACDS  
Mr. Danny Donato – Omnicare Pharmacies  
Mr. Jay Wiley – Mason’s Pharmacy  
Mr. Karl Koch – Attorney  
Mr. Korey Patty – LIPA  
Mr. Randal Johnson – LIPA  
Mr. Eric Vidrine – Professional Arts Pharmacy

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

*4. Call for Additional Agenda Items*

Mr. Aron asked if there were any additional agenda items, but none were offered. Mr. 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 December 12-13, 2012 as well as the Special Board Meeting on January 29, 2013, both of which were held in Baton Rouge, Louisiana. With no objections, he waived the reading thereof. Hearing no requests for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Bond reminded the members to sign the Minute Book.

*6. Report on Action Items*

Mr. Broussard provided an update on all the regulatory projects currently in process.

*7. Confirmation of Acts*

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

**Resolved**, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since December 13, 2012 are approved, adopted, and ratified by the entire Board.

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

*8. Opportunity for Public Comment*

Mr. Aron reminded the members and guests that Act 850 of the 2010 Legislature

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

## 9. *Committee Reports*

### A. *Finance Committee*

Mr. Aron called upon Mr. Pitre for the committee report. Mr. Pitre directed the members to the interim financial report for the current fiscal year. He reviewed the different statements, responded to questions from the members, and then tendered the report for information only since it required no action by the Board.

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

### B. *Application Review Committee*

Mr. Aron called upon Ms. Melancon for the committee report. She reported the committee met on January 10 to consider four referrals from the staff. After interviews and deliberation, the committee approved the issuance of credentials to all four applicants. She then reported the committee met again on February 20 to consider two referrals from the staff. After interviews and deliberation, the committee approved the issuance of credentials to both applicants. She then tendered her report for information only since none of the committee actions required any further action by the Board.

Ms. Melancon closed her report with appreciation for the other committee members participating in the January and February meetings.

### C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee interviewed 15 applicants in the interim since the previous board meeting, and in conformance with the policies and procedures previously approved by the board, had authorized the issuance of pharmacist licenses for those applicants. She noted their names were recorded on the posted committee meeting agenda for that day. She then reported the committee interviewed an additional 10 applicants earlier that day, and their names were also listed on the posted committee agenda, a copy of which was in the meeting binder. She then moved for the Board to approve all ten applicants for pharmacist licensure by reciprocity. The motion was adopted after a unanimous vote in the affirmative.

Ms. Hall closed her report with appreciation to her fellow committee members for their work earlier that day.

### D. *Violations Committee*

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on December 5-6 to consider their posted agenda which included 9 pharmacists, one technician, two technician candidates, and 7 pharmacy permits. The committee also

was scheduled to meet the following week to consider that posted agenda, which included two pharmacists, one pharmacy permit, and six pharmacy technicians.

He then closed his report with appreciation to the other committee members for their ongoing efforts.

*E. Impairment Committee*

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb reported the committee met the previous day to consider 6 referrals from staff. Mr. Rabb then presented the following files for Board action.

**Kerry Michael Finney (PST.013535)** 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 15 years and then stayed the execution of the suspension, and then placed the license on probation for 15 years, effective March 6, 2013, subject to certain terms enumerated in the consent agreement.

**Wade Randall Veillon (PST.011709)** 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 15 years and then stayed the execution of the suspension, and then placed the license on probation for 15 years, effective March 6, 2013, subject to certain terms enumerated in the consent agreement.

**Steven John Soteropulos (PST.011704)** 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 15 years and then stayed the execution of the suspension, and then placed the license on probation for 15 years, effective March 6, 2013, subject to certain terms enumerated in the consent agreement.

**Roger Thi Ly (PST Applicant)** Mr. Rabb moved to deny the application for pharmacist licensure by reciprocity and refuse to issue the credential, and further, to condition the acceptance of any future application for pharmacist licensure by reciprocity upon the reinstatement of applicant's New Mexico pharmacist license by the New Mexico Board of Pharmacy. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the credential, and further, conditioned the acceptance of any future application.

**David Allen Guillory (PST.015750)** 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 a period of time beginning March 6, 2013 and terminating on September 5, 2017 and then stayed the execution of the suspension, then placed the license on probation for the original suspensive period, subject to certain terms enumerated in the consent agreement.

**Derek Anthony Sapone (PST Applicant)** Mr. Rabb moved to deny the application for pharmacist licensure by reciprocity and refuse to issue the credential. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the credential.

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

*F. Reinstatement Committee*

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams reported the committee had met the previous day to consider six referrals from the staff. Following interviews and deliberations, the committee approved the issuance of one credential with no further requirements. Mr. Adams then presented the following files for Board action.

**Stephanie Ann Fontenot (CPT.003395)** Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

**Dempsey Meyer Levi (PST.009208)** Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed license, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

**Tanya Maria Lewis (CPT.004564)** Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

**Chez Petri Campo (CPT.004360)** Mr. Adams moved to approve the proposed voluntary consent agreement. The motion was adopted after a



unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

**Brenda Lee Childs (CPT.00198)** Mr. Adams moved to approve respondent's request for reinstatement of the previously lapsed certificate. The motion was adopted after a unanimous vote in the affirmative. The Board granted respondent's request for reinstatement of the previously lapsed certificate, contingent upon the satisfaction of certain conditions identified in the voluntary consent agreement.

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

*G. Tripartite Committee*

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

*H. Regulation Revision Committee*

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported the committee met on January 10, January 23, and February 20 and that several regulatory and legislative proposals had been developed by the committee. Before presenting those proposals, Mr. McKay reminded the members of the February 27 public hearing and the necessity to review the comments and testimony offered during that hearing for the two proposals on the hearing agenda. Mr. McKay then moved,

**Resolved**, having duly considered the comments and testimony offered during the public hearing, we determine that substantive changes to Regulatory Project 2013-1 ~ Compounding for Prescriber Use are required, and further, we authorize the Executive Director to substitute the language of the January 31, 2013 Emergency Rule for the original language of the proposal, and further, we authorize the Executive Director to re-publish the substituted proposal for additional comment and testimony.

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

**Resolved**, having duly considered the absence of comments and testimony during the public hearing, we determine that no changes to Regulatory Project 2013-2 ~ Satellite Pharmacies are in order, and further, we authorize the Executive Director to submit the proposal to legislative oversight and then publication as a final rule.

The motion was adopted after a unanimous vote in the affirmative. Mr. McKay then directed the members to copies of the regulatory and legislative proposals developed by the committee for recommendation to the Board. On behalf of the committee, Mr. McKay moved,

**Resolved**, to approve Regulatory Proposal 2013-A ~ Pharmacy Recordkeeping (Draft #4), and further, to authorize the Executive

Director to submit the proposed amendment for promulgation upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the promulgation process.

During the discussion on the motion, Mr. Aron determined the members were not prepared to approve the proposal in its current form and suggested the committee reconsider their proposal using suggestions offered during that discussion. Without objection, he remanded the proposal back to the Regulation Revision Committee. Mr. McKay then moved,

**Resolved**, to approve Regulatory Proposal 2013-C ~ Pharmacy Technician Training Programs (Draft #2), and further, to authorize the Executive Director to submit the proposed amendment for promulgation 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 majority vote in the affirmative; Mr. Burch, Ms. Hall, Ms. Reed, and Mr. Valentine objected.

At this point, Mr. Aron declared a luncheon recess. It was noted the members recessed at 12:00 noon, and then reconvened in open session at 1:00 p.m. Mr. Aron resumed the posted agenda to conclude the report from the Regulation Revision Committee.

Mr. McKay then moved,

**Resolved**, to approve Legislative Proposal 2013-A ~ Pharmacy-generated Product, and further, to authorize the filing of same in the Regular Session of the 2013 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.

During the discussion, Mr. Aron received comments from multiple guests in attendance requesting modification of the term. Following substantial discussion of potential alternative language and the apparent development of consensus, and in lieu of multiple amendments, Mr. McKay offered a substitute motion,

**Resolved**, to amend the Louisiana Pharmacy Practice Act, more specifically at La. R.S. 37:1164, by adding a new term and definition, consisting of the term '*compounded pharmacy-generated product*' and a corresponding definition of '*means a drug product prepared by a pharmacy for distribution as defined by rule.*', and further, to authorize the filing of same in the Regular Session of the 2013 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 majority vote in the affirmative; Mr. Adams objected. Mr. McKay then moved,

**Resolved**, to approve Legislative Proposal 2013-B ~ Nonresident Pharmacies, and further, to authorize the filing of same in the

Regular Session of the 2013 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

**Resolved**, to approve Legislative Proposal 2013-C ~ Pharmacy Schools, and further, to authorize the filing of same in the Regular Session of the 2013 Legislature upon the instruction of the President, and further, to authorize the President to approve acceptable amendments as may become necessary during the legislative process.

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

**Resolved**, to approve Legislative Proposal 2013-D ~ PMP Delegates, and further, to authorize the filing of same in the Regular Session of the 2013 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 closed his report with appreciation to his fellow committee members and the administrative officers for their ongoing efforts.

At this point, Mr. Aron re-ordered the agenda to accommodate certain guests.

*11. Request for Opinion: Disposition of Dispensed but Undelivered Prescription Medications from Central Fill Pharmacy [LAC 46:LIII.1141] – Timothy Koch, Wal-Mart Pharmacies*

Mr. Aron recognized Ms. Ann Halphen and Mr. Timothy Koch from Wal-Mart Pharmacies. They presented their request for an opinion from the Board relative to the disposition of prescription drugs dispensed from a central fill pharmacy that had been transported to a local pharmacy but never retrieved by the patient. They presented information in support of their position the medications should be returned to the inventory of the local pharmacy instead of being returned to the central fill pharmacy. Following substantial discussion and no apparent consensus, Mr. Aron referred the matter to the Regulation Revision Committee for development of a regulatory proposal to consider the disposition of medications dispensed from a central fill pharmacy but never retrieved by the intended patient at the local pharmacy.

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 3:25 p.m. and then reconvened in open session at 3:50 p.m.

*12. Request for Review of Penal Pharmacy Rule [LAC 46:LIII.Chapter 18] – Joseph Wiley, Mason's Pharmacy*

Mr. Aron recognized Mr. Jay Wiley from Mason's Pharmacy and Mr. Karl Koch. They presented their request for a review of the penal pharmacy rule. Following a brief

discussion, Mr. Aron referred the matter to the Regulation Revision Committee for development of a regulatory proposal to amend Chapter 18 of the Board's rules relative to provision of pharmacy services and products to facilities operated by entities other than the La. Dept. of Public Safety and Corrections.

At this point, Mr. Aron returned to the posted agenda, and more specifically at the report from the Executive Committee.

## 9. *Committee Reports*

### *I. Executive Committee*

Mr. Aron informed the members the state's Division of Administration had imposed new and earlier deadlines for the submission of contracts and agreements requiring state approval. He then reported the committee had met earlier that week to review all the contracts and agreements used in the Board's operations. He indicated no performance issues had been identified with any of the vendors, and further, the committee voted to recommend the continuation of all existing contracts and agreements. 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 2013-2014.

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 Celia R. Cangelosi, at the stipulated rate, in an amount not to exceed \$80,000 for Fiscal Year 2013-2014.

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

**Resolved**, that the Board approve the proposed legal services contract with E. Wade Shows, at the stipulated rate, in an amount not to exceed \$40,000 for Fiscal Year 2013-2014.

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

**Resolved**, that the Board approve the maintenance agreement from Iron Data Corporation for the continued operation and support of *eLicense*, a browser-based integrated software product for automation of the Board's credentialing and compliance activities, at the stipulated rates, in an amount not to exceed \$75,000 for Fiscal Year 2013-2014.

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

**Resolved**, that the Board approve the proposed information system network support service agreement with Essential Solutions, LLC, at the stipulated rates, in an amount not to exceed \$40,000 for Fiscal Year 2013-2014.

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

**Resolved**, that the Board approve the agreement with NexLearn as the vendor for the Board's electronic education initiative, at the stipulated rates, in an amount not to exceed \$20,000 for Fiscal Year 2013-2014.

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 – both electronic and printed editions – at the stipulated rate, in an amount not to exceed \$35,000 for Fiscal Year 2013-2014.

The motion was adopted after a majority vote in the affirmative; Mr. Adams, Dr. Simonson, and Mr. Soileau objected. Mr. Rabb then moved,

**Resolved**, that the Board approve the National Association of Boards of Pharmacy as the administrator for the pharmacist licensure and remediation examinations (NAPLEX, MPJE, FPGEE and PARE) for Fiscal Year 2013-2014.

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 2013-2014.

The motion was adopted after a unanimous vote in the affirmative. Without objection, Mr. Aron instructed the Executive Director to execute all of the approved contracts and agreements 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. Aron then reported the recent hiring of a pharmacist compliance officer. Mr. Cary Aaron, a pharmacist residing in Shreveport, will begin his affiliation with the Board on April 8, 2013 and will be responsible for a territory covering the northwestern area of the state.

Finally, Mr. Aron closed his report with appreciation to his fellow committee members for their ongoing efforts.

## 10. *Staff Reports*

### *J. Prescription Monitoring Program*

Mr. Aron called upon Mr. Fontenot for the report. He opened his report with news the interstate sharing capability was operational. He then directed the members to the quarterly statistical report in their meeting binder. He reported on the number of prescription transactions reported to the database, and the number of prescribers and dispensers who had acquired access privileges. He also reported on the number of queries made by those prescribers and dispensers, as well as law enforcement and regulatory agencies.

He reminded the members about the 2009 change in the PMP law that authorized the Board to issue waivers to the duty to report data to the program. He then directed the members to a list of two pharmacies requesting a waiver. Mr. McKay moved,

**Resolved**, to authorize the issuance of PMP reporting waivers to:  
> OncoSource Rx Pharmacy (PHY.006481); and  
> PetMart Pharmacy (PHY.006651)  
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. Mr. Finalet deferred the presentation of his report until the following day.

*L. Report of Executive Director*

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

- Meeting Activity
- Reports
  - Census Reports – Credentials & Compliance Divisions
  - Production Reports – Credentials Division
  - Exceptions Report
- Examinations
  - MPJE
  - NAPLEX
  - PTCB
- Operations
  - Credentials Division
  - Compliance Division
- State Activities
  - 2013 Legislature
  - Dept. of Health and Hospitals
- National Activities
  - National Association of Boards of Pharmacy (NABP)
  - MALTAGON
  - NABP-AACP Districts 6-7-8 Annual Meeting
- International Activities
  - International Pharmaceutical Federation

*13. Announcements*

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

*14. Recess*

Having completed the tasks itemized on the posted agenda, and with no further business pending before the Board, Mr. Aron recessed the meeting at 5:05 p.m.

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

*A. Call to Order*

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

*B. Invocation & Pledge of Allegiance*

Mr. Aron called upon Mr. Valentine, and he delivered the invocation. Ms. Reed then 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 16 of the 17 members were present, constituting a quorum for the conduct of official business.

*D. Call for Additional Agenda Items*

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

*E. Opportunity for Public Comment*

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

*Appearances*

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos Finalet served as the Prosecuting Attorney, Ms. Tara Blank was the Official Recorder, and Mr. Malcolm Broussard served as the Hearing Clerk. Mr. Aron directed the insertion of the posted agenda into these minutes and waived the reading thereof. The posted agenda is re-created here.

**NOTICE IS HEREBY GIVEN** that an Administrative Hearing has been ordered and called for 8:30 a.m. on Thursday, March 7, 2013 in the Board office, for the purpose to wit:

*A G E N D A*

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

Revised 03-06-2013

- A. Call to Order
- B. Invocation & Pledge of Allegiance
- C. Quorum Call

- D. Call for Additional Agenda Items
- E. Opportunity for Public Comment
- F. Formal Hearings
  - 01. PTC.015614 – Lauren Elise Arceneaux Case No. 12-0188
  - 02. CPT.009386 – Nicole Danielle Dorame Case No. 12-0273
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
  - 03. PHY.005943 – CVS Pharmacy #5349 Case No. 12-0187
  - 04. PHY.006070 & CDS.039279 – The Compounding Corner Case No. 12-0107
  - +
    - 05. PST.016625 – Kristian Raymond Hahn Case No. 12-0117
  - 06. PHY.003693 & CDS.039204 – Medic’s Compounding Lab Case Nos. 12-0039
  - +
    - 07. PST.014279 – David Stanley Burch Case Nos. 12-0205 & 12-0206
  - 08. PHY.005538 & CDS.038926 – QVL Pharmacy #224 Case No. 10-0339
  - +
    - 09. PST.014930 – Lawrence Jackson, Jr. Case No. 11-0080
  - +
    - 10. PST.009123 – Eugene John McKeon Case No. 11-0082
- H. Report of General Counsel

*Consideration of Voluntary Consent Agreements*

- 11. PTC.017735 – Clayton Thomas Aldridge Case No. 12-0352
- 12. CPT.007015 – LaStacia Ja'Monique Moore Case No. 13-0005
- 13. CPT.003186 – Phyllis Deann Lanclos Case No. 13-0019
- 14. PST.017477 – Perry Wayne Brown Case No. 13-0016
- 15. PST.018832 – Hieu Trung Nguyen Case No. 13-0014
- 16. PST.017630 – Olufunto Olainka Sokoya Case No. 13-0013
- 17. CPT.008022 – Tenisha Rashonda McGee Case No. 13-0039
- 18. PHY.005747 – A Plus Healthcare Pharmacy Case No. 13-0038

*Consideration of Voluntary Surrenders*

- 19. CPT.001615 – Tiffany Annette Pitre Case No. 13-0011
- 20. CPT.007041 – Michael Andrew Wallace Case No. 12-0056

*Consideration of CDS Licenses for Disciplined Practitioners*

- 21. CDS.037198-MD – Yelena Ivanova Case No. 12-0356



22. CDS.028558-MD – William Franklin Yost

Case No. 12-0357

23. CDS.033659-MD – Tosheiba Mistique Holmes

Case No. 12-0358

I. Adjourn

At this point, Mr. Aron re-ordered the agenda to consider the proposed voluntary consent agreements before conducting the formal hearings.

*G. Report of Violations Committee*

Mr. Aron called on Mr. Bond for the report, and he presented the following files for Board action.

**CVS Pharmacy No. 5349 (PHY.005943)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$25,000 plus administrative costs.

**Madisonville Compounding, Inc. d/b/a The Compounding Corner (PHY.006070 & CDS.039279)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended both credentials for one year then stayed the execution of the suspension, and then placed both credentials on probation for one year, effective January 1, 2013, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative and investigative costs.

**Kristian Raymond Hahn (PST.016625)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one year and stayed the execution of the suspension, and then placed the license on probation for one year, effective January 1, 2013, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative costs.

**Inca Enterprises, Inc. d/b/a Medic's Compounding Lab (PHY.003693 & CDS.039204)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended both credentials for one year and stayed the execution of the suspension, and then placed both credentials on probation for one year, effective January 1, 2013, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative and investigative costs.

**David Stanley Burch (PST.014279)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one

year and stayed the execution of the suspension, and then placed the license on probation for one year, effective January 1, 2013, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$5,000 plus administrative costs.

**QVL Pharmacy No. 224 (PHY.005538 & CDS.038926)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended both credentials for two years and stayed the execution of the suspension, and then placed both credentials on probation for two years, effective January 1, 2013, subject to certain terms enumerated in the consent agreement, and further, assessed a fine of \$25,000 plus investigative and administrative costs.

**Lawrence Jackson, Jr. (PST.014930)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board continued the license on active suspension for an indefinite period of time, and further, extended the earliest date on which the Board may accept any application for reinstatement of the license until October 1, 2015, and further, assessed a fine of \$10,000 plus administrative costs.

**Eugene John McKeon (PST.009123)** Mr. Bond moved to approve the proposed voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for one year and stayed the execution of the suspension, and then placed the license on probation for one year, effective January 1, 2013, subject to certain terms enumerated in the consent agreement, and further assessed a fine of \$5,000 plus administrative costs.

Mr. Bond indicated the completion of his report.

*H. Report of General Counsel*

Mr. Aron called upon Mr. Finalet for the report, and he presented the following files for Board action.

**Clayton Thomas Aldridge (PTC.017735)** Mr. Moore 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.

**LaStacia Ja'Monique Moore (CPT.007015)** Mr. Soileau 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.

**Phyllis Deann Lanclos (CPT.003186)** Mr. Rabb 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.

**Perry Wayne Brown (PST.017477)** Mr. Moore 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.

**Hieu Trung Nguyen (PST.018832)** Ms. Hall 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.

**Olufunto Olainka Sokoya (PST.017630)** Ms. Hall 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.

**Tenisha Roshonda McGee (CPT.008022)** 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.

**Tiffany Ann Pitre (CPT.001615)** Ms. Hall 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 January 18, 2013.

**Yelena Ivanova (CDS.037198-MD)** Ms. Hall moved to suspend the license for an indefinite period of time based on the suspension of her medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective December 3, 2012.

**William Franklin Yost (CDS.028558-MD)** Mr. McKay moved to suspend the license for an indefinite period of time based on the suspension of his medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective December 3, 2012.

**Tosheiba Mistique Holmes (CDS.033659-MD)** Mr. McKay moved to suspend the license for an indefinite period of time based on the summary suspension of her medical license. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for an indefinite period of time, effective December 4, 2012.

**A Plus Healthcare Pharmacy (PHY.005747)** Mr. Dartez 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 respondent, and further, assessed a fine of \$5,000 plus administrative costs.

**Michael Andrew Wallace (CPT.007041)** Mr. Dartez moved to accept the voluntary surrender of the credential. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in active suspension of the certificate for an indefinite period of time, effective March 6, 2013.

Mr. Finalet indicated completion of his report.

At this point, Mr. Aron returned to the sequence of the posted agenda.

*F. Formal Hearings*

Mr. Aron excused Mr. Adams, Mr. Bond, and Mr. Rabb from participating on the Board's hearing panel for these formal hearings due to their prior knowledge of these cases. Mr. Aron called upon Mr. Finalet and he presented the following cases to the members of the Board's hearing panel for their consideration.

**Lauren Elise Arceneaux (PTC.015614)** Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent's absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, no witnesses, and 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. Pitre moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent's professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

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

Ms. Reed moved,

**Resolved**, that the Board's hearing panel, having heard the testimony and considered the evidence, accept the Findings of

Fact as proposed by the Prosecuting Attorney, modify them by amending Item 5 to correct the recipient of the certified mailing as “L Arceneaux”, and Item 7 to reflect the absence of the respondent from these proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Ms. Reed 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. Reed 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. 15614, held by Lauren Elise Arceneaux, shall be and is hereby revoked, effective on the entry of this order; and further, the respondent shall pay the following assessments: (1) a fine of \$5,000; (2) the administrative hearing fee of \$250; and (3) the investigative and hearing costs, including the costs of the prosecuting attorney and the official recorder; and

It is further ordered the acceptance of any future application for the reinstatement of this 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; and (2) respondent shall have no pending legal or disciplinary matters against her in any jurisdiction.

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

**Nicole Danielle Dorame (CPT.009386)** Mr. Finalet appeared for the Board and noted the absence of the respondent. Further, she was not represented by counsel. After verifying the respondent’s absence, Mr. Aron ruled the hearing would continue as scheduled in the form of a default proceeding. Mr. Finalet presented an opening statement, one witness, and six exhibits. He then offered a closing statement, proffered proposed findings of fact, conclusions of law, and board order, and then tendered the matter to the hearing panel for its consideration. Mr. Moore moved to enter into executive session for the purpose of deliberating the disciplinary matter and discussing the respondent’s professional competency. The motion was adopted after a unanimous roll call vote in the affirmative.

It was noted the hearing panel entered into executive session at 10:10 a.m. and then returned to open session at 10:50 a.m.

Mr. Valentine moved,

**Resolved**, that the Board’s hearing panel, having heard the

testimony and considered the evidence, accept the Findings of Fact as proposed by the Prosecuting Attorney, modify them by inserting a new finding to read as follows: "#3. Respondent sent a change of employment notice on January 12, 2012, indicating her change from James Drug Store to Village Pharmacy, effective on October 20, 2011", then renumber the subsequent findings accordingly, modify the final item to reflect the absence of the respondent from these proceedings, adopt the amended findings as our own, and then enter them into the hearing record.

The motion was adopted after a unanimous vote in the affirmative. Mr. Valentine 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. Valentine 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. 9386, held by Nicole Danielle Dorame, 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) 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 terms: (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.

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

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

*I. Adjourn*

Mr. Pitre moved to adjourn. Having completed the tasks itemized on the posted agenda, with no further business pending before the Board, and without objection, Mr. Aron adjourned the hearing at 11:00 a.m.

Respectfully submitted,

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Brian A. Bond  
Secretary