



Louisiana Board of Pharmacy

5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808-2537
www.pharmacy.la.gov



Minutes

Regular Meeting

Tuesday, November 9, 2010 at 1:00 p.m.

Louisiana Board of Pharmacy
5615 Corporate Boulevard, 8th Floor
Baton Rouge, Louisiana 70808

Administrative Hearing

Wednesday, November 10, 2010 at 8:30 a.m.

Louisiana Board of Pharmacy
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Baton Rouge, Louisiana 70808

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A regular meeting of the Louisiana Board of Pharmacy was held on Tuesday, November 9, 2010 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard 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 1:00 p.m.

2. Invocation & Pledge

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

3. Quorum Call

Before calling the roll of members to establish a quorum, Mr. Aron introduced the five new members of the Board, noting their practice affiliations. He encouraged them to participate in the proceedings and ask questions for clarification when needed. He then requested Mr. Broussard to call the roll.

Members Present:

Mr. Joseph L. Adams
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Brian A. Bond
Mr. Clovis S. Burch
Mr. Ryan M. Dartez
Ms. Jacqueline L. Hall
Mr. Richard M. Indovina, Jr.
Mr. Marty R. McKay
Ms. Chris B. Melancon
Mr. Ronald E. Moore
Mr. Blake P. Pitre
Mr. T. Morris Rabb
Ms. Pamela G. Reed
Dr. Deborah H. Simonson
Mr. Richard A. Soileau

Members Absent:

Ms. Sydney M. Durand

Staff Present:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. M. Joseph Fontenot, Prescription Monitoring Program Manager
Dr. Edwin H. Adams, Compliance Officer
Mr. Stephen L. Collins, Compliance Officer
Mr. Huey J. Savoie, Compliance Officer
Mr. Rayland M. Trisler, Compliance Officer

Mr. Benjamin S. Whaley, Compliance Officer

Guests:

Ms. Julie Geason – InstyMeds
Ms. Anne O'Brien – Krieg DeVault
Mr. Jonathan Savoy – Intern at ULM College of Pharmacy
Ms. Sophia Tompkins – Intern at ULM College of Pharmacy
Mr. Brian Primeaux – Intern at ULM College of Pharmacy
Mr. Caleb Stephenson – Intern at ULM College of Pharmacy
Mr. Dan Baust – PharmaCorr
Mr. Reed Heflin – PharmaCorr
Mr. Adam Curling – PharmaCorr
Mr. Brad Reed – Wal-Mart Pharmacies
Mr. Kenny Doucet – Brookshire Brothers Pharmacies
Mr. Danny Donato – Omnicare
Ms. Crystal Carter – Louisiana Pharmacists Association
Mr. Mitch Ward – Target Pharmacies
Mr. Steve Sellars – Lake After Hours Clinic
Dr. Kevin DiBenedetto – Lake After Hours Clinic
Ms. Linda Spradley – Spradley & Spradley

Mr. Broussard certified that all of the members except Ms. Durand were present, constituting a quorum.

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. With no objections offered, Mr. Aron indicated he would exercise that authority only as necessary.

5. Consideration of Minutes

Mr. Aron reminded the Board members they had received the draft minutes from the Regular Board Meeting on August 11, 2010 and the Administrative Hearing on August 12, 2010. With no objections, he waived the reading thereof. Hearing no request for amendment or any objection to their approval, Mr. Aron declared the minutes were approved as presented. Mr. Broussard reminded the members to sign the Minute Book.

6. Report on Action Items

Mr. Broussard reported on the initiative requested during the prior meeting of the Board.

- During the report from the Executive Director, the members developed a guidance document for those pharmacists wishing to administer influenza immunizations under the authority of Act 287 of the 2010 Legislature, and then requested dissemination of that information as quickly as possible. During the evening recess of that meeting, staff composed the guidance document and posted it in the Public Library section of the Board's website, and further, developed a news article directing interested pharmacists to that document. For

those pharmacists using RSS technology with the Board's website, they received that information immediately.

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. Pitre 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 August 12, 2010 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 now 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 from the guests present, but none were offered.

9. *Election of Officers*

Mr. Aron initiated the annual election of officers by soliciting nominations for each of the five positions. The following officers were elected and assumed their respective offices immediately:

President – Carl W. Aron
First Vice President – T. Morris Rabb
Second Vice President – Marty R. McKay
Third Vice President – Joseph L. Adams
Secretary – Lois R. Anderson

10. *Committee Reports*

A. *Finance Committee*

Mr. Aron called on Mr. Bond for the committee report. Mr. Bond directed The members to several documents in their meeting binder:

- Current Financial Report for First Quarter of FY 2010-2011
- Bond Proposal for Acquisition of Property
- Proposed Budget for FY 2011-2012

Mr. Bond reviewed the current financial report and responded to questions from the members, following which he tendered the report for information only. He then directed members to the bond proposal, reminding the members of the deferral of their original plan to build a new building on property already acquired and the directive to search for an existing office building. He informed the members staff had located a suitable property and was in the process of performing due diligence. Since the prior approval from the State Bond Commission for the original plan was not appropriate for the new plan, staff had prepared another application for the bond commission, and that application was already scheduled for consideration by the bond commission. The bond proposal required the board's approval. Mr.

Bond moved,

Resolved, to approve the resolution entitled *A Resolution Authorizing the Incurrence of One Million Five Hundred Thousand Dollars (\$1,500,000) of Indebtedness of the Louisiana Board of Pharmacy.*

The motion was approved after a unanimous roll call vote in the affirmative. Mr. Bond indicated the purchase would require a third amendment of the budget for the current fiscal year but recommended the deferral of that amendment until the Board's next meeting. Mr. Bond then directed the members to the proposed budget for the following fiscal year. He reported the committee had met the previous day to review the staff proposal in detail before voting to recommend the approval of the budget as presented. He then moved,

Resolved, that the Board approve and adopt the Proposed Budget for Fiscal Year 2011-2012 as presented.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. Bond expressed his appreciation to the members of his committee for their work the previous day.

B. Application Review Committee

Mr. Aron called upon Mr. McKay for the committee report. He reported the committee met the previous day to consider four referrals from the staff. He reported the disposition of one application and then presented the following files for Board action.

Kimberly Schovanda Bertrand (PTC Applicant) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a pharmacy technician candidate registration, to be followed immediately by the issuance of a Letter of Reprimand.

Danna Marie Harris (PTC Applicant) Mr. McKay moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board authorized the issuance of a pharmacy technician candidate registration, to be followed immediately by the issuance of a Letter of Reprimand.

Hayley Elizabeth Nugent (PTC Applicant) Mr. McKay moved to deny the application and refuse to issue the registration. The motion was adopted after a unanimous vote in the affirmative. The Board denied the application and refused to issue the registration.

Editor's Note: The Board has adopted a coding system for its credentials, such that a two, three, or four-lettered prefix will be followed by a period and then immediately by a six-digit credential number. Some of the relevant prefixes include PHY for pharmacy permit, PST for pharmacist license, PNT for pharmacy intern registration, CPT for certified pharmacy technician certificate, PTC for pharmacy technician candidate registration, and CDS for controlled dangerous substance license. Some credentials may also contain a suffix.

Finally, Mr. McKay expressed his appreciation to the other members of the committee for their participation in their September 16 meeting.

C. *Reciprocity Committee*

Mr. Aron called upon Ms. Hall for the committee report. She reported the committee had interviewed 15 candidates since the previous Board meeting, and in conformance with the policies and procedures previously approved by the Board, has authorized the issuance of licenses for those 15 candidates. She the reported the committee had interviewed 26 candidates earlier that day. She then moved,

Resolved, that with respect to the application for pharmacist licensure from Erin Marie-Callan Crisson, the Board authorizes the issuance of her pharmacist license by reciprocity upon staff's receipt and favorable review of the required documentation.

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

Resolved, that the Board approve

Tanyia Lyn Abel
Valerie Denise Barnes
Ralph Michael Bonofiglio, II
Brittany Rochea Cochran
Stephen Francis Hamilton
Jessie Brent Heaton
Alexis Estes Horace
Luval Crystal Jones
Steven Russell Knott
Brian Robert Newton
Bryan Michael O'Neill
Sophia Pasedis
Adam Newell Pate
Kristen Ater Pate
George Busby Perry
Darios Phiroze Randeria
Deanna Carol Smith
Jennifer Gail Smith
William Jay Stuman
Lee Michael Stutzman
Kristina Maria Vasys
Leslie Jeanne Vaughan
Jamie Trang Vu
Claire Lyday Wilkinson, *and*
Nichole Renae Wilson

for pharmacist licensure by reciprocity.

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

Ms. Hall then reported the committee's discussion of its own policies and procedures, especially the receipt of the criminal background check report and the timing of the interview. The members were of the opinion that the

delay in receipt of that report should not automatically delay the interview as long as licensure still required receipt and favorable review of the report by staff. She then moved,

Resolved, to approve the amendment of Board Policy No. I.B.4.a by the addition of Paragraph 5.a, and further, to ratify the entire policy as amended.

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

Finally, Ms. Hall expressed her appreciation to the other members of the committee for their work that morning.

D. Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. Mr. Bond reported the committee held an informal conference on September 1-2, 2010 and reviewed that docket. He then reviewed the docket for the administrative hearing slated for the following day, as well as the committee's next informal conference in December 2010.

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

E. Impairment Committee

Mr. Aron called upon Mr. Rabb for the committee report. Mr. Rabb presented the following files for Board action.

Brett Joseph Bertrand (PST.016794) 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 October 6, 2010.

Jennifer Elizabeth Koruna (PST.016255) 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 November 4, 2010.

Barry Jude Fleet (PST.011407) 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 November 5, 2010.

Angela Waldron Allums (PST.014219) Mr. Rabb moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the previously suspended license, and then once reinstated, suspended the license for one year and stayed the execution thereof, and then placed the license on probation for one year, effective November 9, 2010, subject to

certain terms as enumerated in the consent agreement.

Kimiko Tiesha Austin (CPT.005676) Mr. Rabb moved to deny the request for reinstatement. The motion was adopted after a unanimous vote in the affirmative. The Board denied the request for reinstatement of the suspended certificate.

Finally, Mr. Rabb expressed his appreciation to the other members of his committee for their deliberations the previous day, as well as the other member observers.

F. Reinstatement Committee

Mr. Aron called upon Mr. Adams for the committee report. Mr. Adams presented the following files for Board action.

Cardinal Health (PHY.005019) Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request for reinstatement of the lapsed permit, contingent upon the payment of certain delinquent fees.

Laura Nell Collins (CPT.003425) Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Angela Bridges Verdun (CPT.005527) Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Jolene Louise Yelverton (CPT.003793) Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Kevin Charles Eberhardt (CPT.003112) Mr. Adams moved to approve the consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board granted the request to reinstate the lapsed certificate, contingent upon the satisfaction of certain terms enumerated in the consent agreement.

Finally, Mr. Adams expressed his appreciation to the other members of his committee for their deliberations earlier that day, as well as the other member observers.

G. *Tripartite Committee*
(No report.)

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 2:10 p.m. and then reconvened in open session at 2:25 p.m.

H. *Regulation Revision Committee*

Mr. Aron called upon Dr. Anderson for the committee report. She reported the committee met on October 14 to consider its agenda. By the conclusion of that meeting, the committee members requested the reporting of three issues to the Board.

- During the previous Board meeting, a question arose as to §1133 of the Board's rules, relative to the disposition of the prescription files on the permanent closure of a pharmacy. During the Board meeting, the members voted to grant the appeal from a prior staff decision, who had denied a request to transfer the prescription files to a pharmacy located in another town instead of to another pharmacy within the same town. During the committee meeting, the members reviewed the current language as well as the historical interpretation for staff guidance. Following substantive discussion, the members determined the current rule requires no change, that the historical guidance for staff is still appropriate, and that the appeal process is appropriate for rare exceptions.
- With respect to the assignment from the Board to consider additional requirements to qualify for the acquisition of a privilege to accept an appointment as the pharmacist-in-charge of a pharmacy, the committee prepared a regulatory proposal. Dr. Anderson moved,

Resolved, to approve Regulatory Proposal 2011-1 ~ PIC Requirements, and further, to authorize the Executive Director to submit the proposed rule 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, the members offered several alternative suggestions for the proposal submitted. Mr. Aron referred the matter back to the committee for their further development of the proposal.

- With respect to the assignment from the Board to consider off-site computer access and the provision of cognitive – as opposed to dispensing – services, the committee prepared a regulatory proposal. Dr. Anderson moved,

Resolved, to approve Regulatory Proposal 2011-2 ~ Cognitive Services, and further, to authorize the Executive Director to submit the proposed rule 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 unanimous vote in the affirmative. Dr. Anderson then reviewed the remaining topics on the committee's standing agenda, giving updates on each item.

Finally, she expressed her appreciation to the other members of the committee for their ongoing efforts.

I. Executive Committee

Mr. Aron offered the report of the committee's meeting the previous evening. The committee reviewed the work of all the committees as well as the operations of the Board office. Although the members of the committee had requested staff to initiate the process to sell the parcel of land purchased in 2007, Mr. Aron wanted to ensure the other members of the Board were of the same opinion. Mr. McKay moved,

Resolved, to direct staff to initiate the procedures necessary to sell the parcel of land purchased in 2007, at a price deemed acceptable to the Board's Executive Committee.

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

11. *Staff Reports*

J. Prescription Monitoring Program

Mr. Aron called upon Mr. Fontenot for the report. Mr. Fontenot directed the members to the quarterly statistical report in the meeting binder. He reported on the number of prescription transactions reported to the database, the number of prescribers and dispensers who had acquired access privileges, as well as the number of queries of the database made by those prescribers and dispensers. He then described the unsolicited reports, providing three specific examples and the impact of those unsolicited reports on those cases. He indicated the program vendor was currently implementing a software update that would permit prescribers to access all of the prescription records associated with the DEA registration number.

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, especially for those pharmacies who have been submitting zero reports for the entire time frame. He presented a list of 182 pharmacies which had requested waivers from the duty to report transactions to the program. The members expressed support for the concept but voiced concern for how to know when the pharmacy's business plan would change and the pharmacy should resume reporting to the program. Mr. Bond moved,

Resolved, that the Board staff construct a standing consent agreement to offer those pharmacies that desire to stop reporting zero transactions to the program, such that in return for the authority to cease submitting zero reports, the pharmacy would agree to accept a disciplinary sanction in the event it was determined the pharmacy ever failed to report any transactions it

should have reported, and further, the disciplinary sanction would consist of a fine of \$5,000, and further, to require the pharmacy to display the consent agreement with the pharmacy's permit.

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

Resolved, to authorize the issuance of PMP reporting waivers to each of the 182 pharmacies which executed the required consent agreement.

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 reported on further appeal-related developments of two cases previously adjudicated by the Board.

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 Division
 - Census Reports – Compliance Division
 - Licensure Activity Report
 - Exceptions Report
 - 1. PIC at Multiple Pharmacies
 - 2. Special Work Permits
 - Legislative Auditor's Report
- Examinations
 - MPJE
 - NAPLEX
 - PTCB
- Operations
 - eLicense Project
 - New Website
- National Activities
- International Activities

At this point, Mr. Aron declared a brief recess. It was noted the members recessed at 4:50 p.m. and then reconvened in open session at 5:05 p.m. To accommodate guests present for other items of business, Mr. Aron temporarily passed over Item 12 on the posted agenda.

13. Return of Previously Dispensed Medications to Correctional Facilities for Reuse in Alternative Jurisdictions

Mr. Aron called upon Mr. Broussard to establish the basis for the request, who referred the members to a background memorandum in their meeting binder. The issue revolved around §2503 of the Board's rules, which provides that medications previously dispensed to a patient shall not be accepted for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs were removed from the pharmacy premises where they were dispensed. Slightly differing interpretations had been rendered by two of the Board's committees, resulting in a request for a formal interpretation by the full Board. Following substantive discussion, Mr. Pitre moved, **Resolved**, that the Board interpret §2503 of its rules to prohibit any Louisiana-licensed pharmacy from accepting the return of any previously dispensed medication.

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

14. Automated Dispensing Devices [InstyMeds®]

Mr. Aron called upon Mr. Broussard to establish the basis for the request to review the petitioner's product and process; Mr. Broussard referred the members to a background memorandum in their meeting binder. The corporate representatives delivered a 42-slide PowerPoint® presentation and then answered questions from the members. Following substantive discussion, the Board requested staff to notify the Louisiana Board of Medical Examiners of the Board of Pharmacy's referral of this matter to the medical board given the presence of the device within a physician's office. However, the members also requested staff to communicate the concerns and issues identified during their discussion. Mr. Aron expressed his appreciation to the corporate representatives as well as the local representatives of an urgent care clinic who are evaluating the use of the device in their practice setting.

15. Request for Rule Change: Re-allocation of Hours of Practical Experience for Pharmacy Interns

Mr. Aron called upon Mr. Broussard to establish the basis for the request; Mr. Broussard referred the members to a copy of the relevant rule in their meeting binder, along with a copy of the petitioner's communication to the Board. Mr. Aron recognized the several pharmacy interns present from ULM College of Pharmacy and then invited Mr. Michael Savoy to deliver his presentation. Mr. Savoy presented results of his research on how different states allocate the required number of hours of practical experience for pharmacist licensure between the curricular experiential program and non-curricular practical experience. Mr. Savoy then responded to questions from members. Following further discussion, Mr. Aron referred the request to the Board's Regulation Revision Committee. He expressed his appreciation to Mr. Savoy for his research and presentation.

12. Random Drug Screens at Colleges of Pharmacy

Mr. Aron called upon Mr. Broussard to present the issue. Mr. Broussard directed the members to a background memorandum in their meeting binder. He reviewed the current rule placing pharmacy interns at risk for random urine drug screens, as well as the history of the enforcement of the rule since its promulgation since 2000. He

reviewed the experiences with both colleges of pharmacy, especially the departure of the process from the Board's original intent when it promulgated the rule. He suggested the Board should re-visit the rule to determine whether the original intent was still appropriate, and if so, they should convene discussions with the colleges of pharmacy to determine appropriate procedures. In the interim, he suggested a temporary suspension of the Board's participation in the random urine drug screen program would be appropriate. Following discussion, Mr. Moore moved,

Resolved, that the Board suspend its participation in the random urine drug screen program for pharmacy interns at the colleges of pharmacy.

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

16. Announcements

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

17. Recess

Mr. Moore moved to recess. Having completed the tasks itemized on the posted agenda, and with no further business before the Board, Mr. Aron recessed the meeting at 7:40 p.m.

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An Administrative Hearing was convened on Wednesday, November 10, 2010 in the Boardroom of the Board's office, located on the 8th Floor at 5615 Corporate Boulevard 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, and he delivered the invocation. Ms. Durand then led the group in the recitation of the Pledge of Allegiance.

C. Quorum Call

Mr. Aron called upon Secretary Anderson, and she called the roll. After doing so, she informed Mr. Aron that all of the members were present, constituting a quorum.

D. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items; none were requested. At that point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports and witnesses. There were no objections to his 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. 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 M. Finalet, III served as General Counsel for the Board, 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 Wednesday, November 10, 2010 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 10-26-2010

- 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 – none scheduled
- G. Report of Violations Committee – Consideration of Voluntary Consent Agreements
 - 01. PHY.005088 – Tersco, LLC d/b/a Castellon Pharmacy Case No. 10-0055
 - + 02. PST.010514 – Scott David Beninato Case No. 10-0144
 - 03. PHY.006106 – Health First Pharmacy, Incl Case No. 10-0108
 - + 04. PST.017283 – Rashida Carter Case No. 10-0109
 - + 05. PST.017471 – Dennis Mervin Barnes Case No. 10-0110
 - 06. PHY.005078 – Healthcare Warehouse Pharmacy Case No. 10-0163
 - 07. CPT.007882 – Lyndria Monette Page Case No. 10-0112
 - 08. PST.014653 – Darren Wayne Davis Case No. 10-0164
 - 09. CDS.026408.MD – Jose Gonzalo Zavaleta Case No. 10-0201
 - 10. PHY.000981 – Jeffery J. Scallan d/b/a Scallan's Pharmacy Case No. 10-0170
 - 11. PHY.006175 – T S Rx, Inc. Case No. 10-0174
 - 12. PST.014644 – Jimmy Martin Taylor Case No. 09-0284
 - 13. PST.014603 – Michael James Adkins Case No. 10-0153

H. Report of General Counsel

Consideration of Voluntary Consent Agreements

14.	CPT.009425 – Dustin Cale Smith	Case No. 10-0223
15.	PST.016515 – Christopher Michael Schulte	Case No. 10-0167
16.	PST.016596 – Ashish Govindial Modi	Case No. 10-0218
17.	CPT.005033 – Ron Christopher Clark	Case No. 10-0289
18.	CPT.002625 – Allison Ann Walters	Case No. 10-0102

I. Adjourn

F. Formal Hearings

Mr. Aron informed the members that no formal hearings were scheduled that day.

G. Report of Violations Committee

Mr. Aron called upon Mr. Bond for the committee report. He presented the following files for the Board's consideration.

Tersco, LLC d/b/a Castellon Pharmacy (PHY.005088) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$500 plus costs, and further, ordered the development and submission of a quality assurance program for medication errors by the pharmacy.

Scott David Beninato (PST.010514) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed costs, and further, ordered the acquisition of three hours of continuing education relative to medication errors.

Health First Pharmacy, Inc. (PHY.006106) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$5,000 plus costs.

Rashida Carter (PST.017283) Mr. Bond moved to approve the 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 thereof, then placed the license on probation for one year, effective October 1, 2010, subject to certain terms enumerated in the agreement, and further, assessed a fine of \$3,500 plus costs.

Dennis Mervin Barnes (PST.017471) Mr. Bond moved to approve the 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 \$500 plus costs.

Healthcare Warehouse Pharmacy, LLC (PHY.005078) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed costs.

Lyndria Monette Page (CPT.007882) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the certificate for five years and stayed the execution thereof, and then placed the certificate on probation for five years, effective October 1, 2010, subject to certain terms enumerated in the agreement.

Darren Wayne Davis (PST.014653) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand and ordered the publication thereof, and further, assessed a fine of \$500 plus costs.

Jose Gonzalo Zavaleta (CDS.026408.MD) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective September 2, 2010.

Jeffery J. Scallan d/b/a Scallan's Pharmacy (PHY.000981) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board assessed a fine of \$500 plus costs.

T S Rx, Inc. (PHY.006175) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand, and further, assessed costs.

Jimmy Martin Taylor (PST.014644) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board accepted the voluntary surrender of the credential, resulting in the active suspension of the license for an indefinite period of time, effective June 8, 2009.

Michael James Adkins (PST.014603) Mr. Bond moved to approve the voluntary consent agreement. The motion was adopted after a unanimous vote in the affirmative. The Board suspended the license for five years and stayed the execution thereof, and then placed the license on probation for five years, effective October 1, 2010, subject to certain terms enumerated in the agreement, and further, assessed a fine of \$5,000 plus costs

H. Report of General Counsel

Mr. Aron called upon Mr. Finalet for his report. Mr. Finalet presented the following files to the Board for its consideration.

Dustin Cale Smith (CPT.009425) Mr. Pitre moved to approve the 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.

Christopher Michael Schulte (PST.016515) Mr. McKay moved to approve the 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 costs.

Ashish Govindial Modi (PST.016596) Mr. Soileau moved to approve the 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 costs.

Ron Christopher Clark (CPT.005033) Mr. Pitre moved to approve the 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.

Allison Ann Walters (CPT.002625) Ms. Melancon moved to approve the 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.

I. Adjourn

Mr. Rabb motioned to adjourn. Having completed the tasks itemized on the posted agenda and with no further business before the Board, Mr. Aron adjourned the meeting at 9:15 a.m.

Respectfully submitted,

Lois R. Anderson, PharmD
Secretary