VIRGINIA BOARD OF PHARMACY
MINUTES OF A PANEL OF THE BOARD OF PHARMACY

Tuesday, May 12, 2009
Second Floor
Training Room 2

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Richmond, Virginia 23233

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of the Board of Pharmacy ("Board") was called to order at 10:35 a.m.

PRESIDING: David C. Kozera, Chairman

MEMBERS PRESENT:
John O. Beckner
Jennifer H. Edwards
Bobby Ison
Leo H. Ross
Brandon K. Yi

STAFF PRESENT:
Cathy M. Reiniers-Day, Deputy Executive Director
Elizabeth M. Revere, Disciplinary Program Specialist
Howard Casway, Senior Assistant Attorney General

QUORUM: With six members of the Board present a panel was established.

Mr. Kozera was recused from the following hearing therefore, Mr. Beckner proceeded as the Acting Chairman.

CATEAMA R. JEAN-BAPTISTE
Registration # 0230-008323

A formal hearing was held in the matter of Cateama R. Jean-Baptiste following the summary suspension of her pharmacy technician registration on March 31, 2009, and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Jean-Baptiste was not present at the hearing. The Panel proceeded in Ms. Jean-Baptiste's absence as the Notice of Formal Hearing dated March 31, 2009, was mailed to Ms. Jean-Baptiste's legal address of record, both regular and certified mail. Mr. Beckner ruled that adequate notice was provided to Ms. Jean-Baptiste and the hearing proceeded in her absence.

Mr. Garrett, Assistant Attorney General, prosecuted the case with the assistance of Mr. Egan, DHP Adjudication Specialist.

John Struder, CVS Regional Loss Prevention Supervisor, testified on behalf of the Commonwealth.

Closed Meeting:

Upon a motion by Mr. Ison and duly seconded by Mr. Ross, the Panel voted 5-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose to reach a decision in the matter of Cateama R. Jean-Baptiste. Additionally, he moved that Cathy Reiniers-Day and Howard Casway attend the closed meeting.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Panel re-convened in open meeting.

Decision:

Upon a motion by Mr. Yi and duly seconded by Mr. Ross, the Panel voted 5-0 to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Garrett and amended by the Panel and read by Mr. Casway.

Upon a motion by Mr. Yi and duly seconded by Mr. Ross, the Panel voted 5-0 that Ms. Jean-Baptiste's registration be revoked.

PRESIDING:

David C. Kozera, Chairman

Mr. Ross was recused from the following hearing.

TARA Y. DAVIS
Registration # 0230-012876

A formal hearing was held in the matter of Tara Y. Davis following the summary suspension of her pharmacy technician registration on March 31, 2009, and to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians in Virginia.

Ms. Davis was not present at the hearing. The Panel proceeded in Ms. Davis' absence as the Notice of Formal Hearing dated March 31, 2009, was mailed to Ms. Davis' legal address of record, both regular and certified mail. Mr. Kozera ruled that adequate notice was provided to Ms. Davis and the hearing proceeded in her absence.

Mr. Garrett, prosecuted the case with the assistance of Mr. Egan.

John Struder, CVS Regional Loss Prevention Supervisor, testified on behalf of the Commonwealth.

Closed Meeting:

Upon a motion by Mr. Ison and duly seconded by Mr. Beckner, the Panel voted 5-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose to reach a decision in the matter of Tara Y. Davis. Additionally, he moved that Cathy Reiniers-Day and Howard Casway attend the closed meeting.

Reconvene:

Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Panel re-convened in open meeting.

Decision:

Upon a motion by Mr. Yi and duly seconded by Ms. Edwards, the Panel voted 5-0 to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Garrett. Further, Mr. Yi moved that Ms. Davis' pharmacy technician registration be revoked.

Ms. Edwards departed at 11:45 a.m.

A. CARL LUECKERT, III
License #0202-005105

A formal hearing was held in the matter of A. Carl Lueckert, III, following the summary suspension of his pharmacist license on April 3, 2009, and to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy in Virginia.

Elizabeth Scott Russell, Executive Director, was present for this hearing.

Mr. Ison stated that he knew of Mr. Lueckert and that he would be able to make a fair and impartial decision in this matter. There were no objections from Mr. Lueckert or the remaining board members.

Wayne T. Halbleib, Assistant Attorney General, prosecuted the case with the assistance of Mr. Egan.

Richard Waddell, Walgreens Loss Prevention Supervisor; Gerald J. (MJ) Ibraham, Walgreens Pharmacy Manager; and Nan Dunaway, DHP Pharmacy Inspector, testified on behalf

of the Commonwealth.

Mr. Lueckert testified on his own behalf.

Closed Meeting: Upon a motion by Mr. Ison and duly seconded by Mr. Ross, the Panel voted 5-0 to convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose to reach a decision in the matter of A. Carl Lueckert, III. Additionally, he moved that Elizabeth Scott Russell, Cathy Reiniers-Day and Howard Casway attend the closed meeting.

Reconvene: Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the Code, the Panel re-convened in open meeting.

Decision: Upon a motion by Mr. Yi and duly seconded by Mr. Ross, the Panel voted 5-0 to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Halbleib and amended by the Panel. Further, Mr. Yi moved to revoke Mr. Lueckert's' pharmacist license.

ADJOURN: With all business concluded, the meeting adjourned at 2:30 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

David C. Kozera, Chairman

John O. Beckner, Acting Chairman

6-10-09
Date