

LOUISIANA BOARD OF DRUG AND DEVICE DISTRIBUTORS
Board Meeting
MINUTES
March 21, 2017

AGENDA ITEM 1 - Call to Order

The meeting was called to order by Bob Broadus, Chairman, at approximately 9:35 am. The meeting was held in Baton Rouge, Louisiana at the Administrative Office of the Board located at 12091 Bricksome Avenue, Suite B.

AGENDA ITEM 2 - Roll Call and Introduction of Guests

It was noted by Mr. Broadus that those members in attendance were Mr. Broadus, Randall Brooks, Kenneth Dugas, Chad Gielen, Jacob Dickson, James DeLatte, and Trion Horgan. The members in attendance constituted a voting quorum. Also present from the Board's administrative office were George Lovechio, Executive Director, and Kimberly Barbier, Executive Assistant. There were no guests in attendance.

AGENDA ITEM 3 - General Motion

No motion was made.

AGENDA ITEM 4 - Call for Additional Agenda Items *[for discussion in Agenda Item 13]*

1. Medical Marijuana - Randall Brooks and George Lovechio
2. Narcotics - George Lovechio and Randall Brooks

Motion was made by Mr. Horgan to add items as noted to the agenda for discussion in agenda item 13, seconded by Mr. DeLatte, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.

AGENDA ITEM 5 - Approval of Meeting Minutes

a. The minutes of the December 6, 2016 Board meeting were presented. **Motion was made by Mr. Davis to dispense with full reading of the minutes and to accept and approve the minutes of the December 6, 2016 Board meeting as presented, seconded by Mr. DeLatte, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 6- Financial Matters

a. Financial Statements

Mr. Lovechio presented the financial statement for the months of December 2016, January and February 2017. General discussion of the presented information was held. No formal action was taken on this agenda item.

AGENDA ITEM 7 – Policy and Procedures

a. Facility Inspections- Complexity Rating

Mr. Lovecchio presented a proposed policy/procedure regarding complexity ratings for in-state facility inspections. General discussion was held. **Motion was made by Mr. Dickson to approve policy/procedure for complexity ratings for in-state facility inspections as presented, seconded by Mr. Davis, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 8 – Professional Services

a. Inspection Complexity Rating and Fee Schedule

Mr. Lovecchio presented a proposed fee schedule based on the inspection complexity rating to be used on future professional service contracts for facility inspectors. General discussion was held. The Board added a fee to the schedule for attempts to inspect a facility that is found to have been closed-down or has moved or is closed with no one available for the inspection. **Motion was made by Mr. Dugas to approve the fee schedule of use in contracts for facility inspectors based on the approved inspection complexity ratings – low complexity inspections at \$150 per inspection, moderate complexity inspections at \$200 per inspection, high complexity inspections at \$250 per inspection, and attempts to inspect visits at \$75 per visit, second by Mr. Horgan, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

b. Contracts

i. Inspection Services (South)

Mr. Lovecchio presented a proposed contract with John Liggio to provide in-state facility inspections. General discussion was held. **Motion was made by Mr. Brooks to approve the presented contract for inspection services to be provided by John Liggio and to add the fee for attempts to inspect visits rate as discussed and approved in agenda item 8.a to the contract; contract term for April 1, 2017 through March 31, 2018 at a maximum fee not to exceed \$24,000, seconded by Mr. Davis, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

ii. Legal Services

Mr. Lovecchio presented a renewal contract with Celia Cangelosi for legal service as general counsel to the Board. General discussion was held. **Motion was made by Mr. Dugas to approve the presented contract for continued legal service to be provided by Celia Cangelosi as general counsel to the Board; contract term for July 1, 2017 through June 30, 2019 (two-year) at a maximum fee not to exceed \$30,000, seconded by Mr. Horan, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen,**

Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.

[The Board took a short break after agenda item 8.b.ii at approximately 11:00 am; the Board returned to regular session at approximately 11:15 am and continued with agenda item 8.b.ii.1.]

1) Legal Services- Resolution

A resolution was presented to affirm the Board's requirement for legal counsel to advise the Board in general legal issues and assist the Board with regulatory, licensee, and disciplinary action issues paying counsel at hourly rates approved by the Attorney General of Louisiana, total of all sums payable not to exceed \$30,000 for the period of July 1, 2017 through June 30, 2019 (two-years). **Motion was made by Mr. Gielen to adopt the resolution affirming the requirement for legal counsel to advise the Board in general legal issues and assist the Board with regulatory, licensee, and disciplinary action issues; contract not to exceed the maximum payable amount of \$30,000 for the period of July 1, 2017 through June 30, 2019, seconded by Mr. Dickson, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 9 - New Business

a. 2017 Senate Resolution 10- Health Boards Voluntary Funds Appropriation

Mr. Lovecchio presented information regarding Resolution 10 enrolled during the 2017 First Extraordinary Session. Resolution 10 requests the health profession licensing boards under Department of Health and Hospitals to work with commissioner of administration to identify funds in cash and cash equivalent year-ending balances that could be transferred into the state's general fund during state financial crises. General discussion was held. Mr. Lovecchio and Mr. Brooks were instructed to review the Board's financials.

b. Requests to Link Public Health Websites

Mr. Lovecchio presented information regarding consumer oriented health protection groups making requests to have their websites linked on the Board's website. General discussion was held. The Board decided to research the issue more and consult with the Board's attorney. This agenda item was deferred to the next Board meeting.

c. NIS (National Identity Services) Audit for Non-Criminal Justice Use of CHRI (criminal history records information) Assessment

Ms. Barbier informed the Board that Board staff had undergone an audit of the Board's criminal history records (background) check (CHRck) program by the US Department of Justice, Federal Bureau of Investigations (FBI). Audit of the Board was part of the FBI's standard audit of the CHRck program of the Louisiana State Police. As the final report presented indicates, the FBI auditor found no derogatory issues with the

Board's use and storage of CHRck results. No formal action was taken on this agenda item.

AGENDA ITEM 10 – Old Business

a. Records Retention Schedule

Ms. Barbier presented the proposed records retention schedule that is required by the Secretary of State, Division of Archives. Approval of the schedule had been deferred at the December 2016 meeting for further research and consultation with the Board's attorney. General discussion was held. **Motion was made by Mr. Brooks to approve the records retention schedule as presented for submission to the appropriate state agency as required, seconded by Mr. DeLatte, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 11 – Statutes and Regulations

Mr. Lovecchio presented an update of the statutes and regulations – regulatory changes were published as final in December 2016 and re-promulgation of one section to correct citation errors was printed in January 2017. Ms. Barbier informed the Board that the Board's regulation title number had also changed from Title XCI (91) – Wholesale Drug Distributors to Title XXXIV (34)- Drug and Device Distributors because the titles are in alphabetical order. No formal action was taken on this agenda item.

AGENDA ITEM 12 – Licensing Matters

a. Forms

i. Mr. Lovecchio presented a proposed new application form incorporating the new licensee sub-types and application fee schedule. General discussion was held on the proposed application form and proposed new format for the license certificate presented in agenda item 12.a.ii. **Motion was made by Mr. Gielen to approve the application form and license certificate format as presented, seconded by Mr. Dickson, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

ii. License Certificate

This agenda item was reviewed during discussion of agenda item 12.a.i.

b. New Licenses Issued

Ms. Barbier presented for review a list of approximately 132 new licenses as issued by the Board office on behalf of the Board since the December 6, 2016 Board meeting. It was noted that approximately 72 of the new licenses issued were first-time Louisiana licensures. General discussion was held. No formal action was taken on this agenda item.

AGENDA ITEM 13 – Additional Agenda Items Properly Brought Before the Board (approved in agenda item 3)

1. Medical Marijuana

Mr. Lovecchio and Mr. Brooks presented information regarding Louisiana's medical marijuana program. Mr. Lovecchio had been contacted by a Senate attorney with questions regarding distribution. General discussion was held. The Board instructed Mr. Lovecchio to work with appropriate Board members and the Board attorney in contacting other states licensing agencies to gather information regarding medical marijuana licensing and safety issues.

[Mr. Davis exited the meeting at approximately 12:15 pm during discussion of agenda item 13.1.]

2. Narcotics

Mr. Lovecchio informed the Board that a Senate attorney had contacted him regarding suspicious dispensing of opiate narcotics with regards to the opiate addiction crisis. General discussion was held. The Board instructed that research be done on prescription monitoring programs and discussion with DEA.

AGENDA ITEM 14 – Employee Matters

a. Recognition and Rewards

Mr. Lovecchio requested discussion of Ms. Barbier's work performance. **Motion was made by Mr. Horgan to enter into executive session for agenda item 14.a to discuss employee work performance, seconded by Mr. DeLatte, and passed by voice vote - FOR: Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Davis; ABSTAINED: None; RECUSED: None.**

Motion was made by Mr. Brooks to close executive session and return to regular session, seconded by Mr. Dugas, and passed by voice vote - FOR: Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Davis; ABSTAINED: None; RECUSED: None.

Recognition and Rewards policy and work performance of Ms. Barbier were reviewed in executive session. **Motion was made by Mr. Dugas to recognize and acknowledge Ms. Barbier's exemplary work performance, efforts, measures, innovations, and initiatives, and outstanding work ethics and professionalism; and to award Ms. Barbier a \$1,250 monetary reward for her dedication and service to the Board, seconded by Mr. Horgan, and passed by voice vote - FOR: Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Davis; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 15 - Board Issues

a. Proposed Board Meeting dates for Year 2017 – September Change

Mr. Dickson indicated he has a conflict with the tentatively scheduled September 19, 2017 Board meeting. General discussion was held. The September 19, 2017 Board meeting date was tentatively re-scheduled to Tuesday, August 22, 2017.

Mr. Lovecchio and Mr. Brooks gave a brief summary of a one day meeting they both attended in Birmingham AL given by FDA. Mr. Lovecchio had been asked to sit on the panel. The meeting was touted as a discussion of 503b compounding – inspection and processes.

b. Confirmation of Next Board Meeting Date


the next Board meeting is tentatively set for Tuesday, June 20, 2017 (annual meeting).

AGENDA ITEM 16 – Adjournment

There being no further business before the Board, **motion was made by Mr. Dugas to adjourn the meeting, seconded by Mr. Brooks, and passed by voice vote - FOR: Mr. Brooks, Mr. Dugas, Mr. Gielen, Mr. Dickson, Mr. DeLatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Davis; ABSTAINED: None; RECUSED: None.**

The meeting adjourned at approximately 1:15 pm.

Approved and accepted by the full Board - Date: June 20, 2017



Randall Brooks
Board Secretary/Treasurer



George Lovecchio
Executive Director