

# LOUISIANA BOARD OF DRUG AND DEVICE DISTRIBUTORS

## Board Meeting

### MINUTES

July 9, 2018

#### AGENDA ITEM 1 - Call to Order

The meeting was called to order by Robert 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, Michael Davis, Randall Brooks, Chad Gielen, Jacob Dickson, James DeLatte, and Trion Horgan. Those members absent were Ken Dugas. The members in attendance constituted a voting quorum. Also present from the Board's administrative office were George Lovecchio, Executive Director, and Kimberly Barbier, Executive Assistant. John Becknell III, the Board's regulatory counsel, was also in attendance. There were no other guests in attendance.

#### AGENDA ITEM 3 - Call for Additional Agenda Items [*for discussion in Agenda Item 11*]

##### a. Partial Budget Adjustment for Fiscal Year 2019 Budget - Bob Broadus

**Motion was made by Mr. Davis to approve the additional item to be added to the agenda for discussion in agenda item 11, seconded by Mr. Gielen, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

##### b. Update of 2018 Louisiana Legislative Sessions- John Becknell

**Motion was made by Mr. Delatte to approve the additional item to be added to the agenda for discussion in agenda item 11, seconded by Mr. Horgan, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

#### AGENDA ITEM 4 - Approval of Meeting Minutes

##### a. Regular Meeting- March 20, 2018

The minutes of the March 20, 2018 Board meeting were presented. **Motion was made by Mr. Brooks to dispense with full reading of the minutes and to accept and approve the minutes of the March 20, 2018 Board meeting as presented, seconded by Mr. Davis, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 5- Financial Matters

a. Financial Statements

Mr. Lovecchio presented a general review of the financial information for the months of March, April, and May 2018. General discussion was held. No formal action was taken on this agenda item.

b. Fiscal Year 2018 Review for Year Ending

Mr. Lovecchio presented a review of the 2018 fiscal year budget for the year ending June 30, 2018. General discussion was held. No formal action was taken on this agenda item.

c. Annual Financial Attestation for Fiscal Year 2018

The Board reviewed the annual financial attestation questionnaire required for the contracted certified public account to start the accounting attestation process for review of the Board's financials for the fiscal year closed June 30, 2018. General discussion was held. **Motion was made by Mr. Hogan to adopt and approve the questionnaire as presented for the appropriate signatures, and to adopt a resolution of said action by the Board, seconded by Mr. Davis, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 6 - Service Contracts

a. Accounting Services- Ouida Nugent

Ms. Barbier presented for review and approval a contract for continuation of general accounting services presently provided by Ms. Ouida Nugent, Nugent Accounting Services. **Motion was made by Mr. Dickson to approve the proposed contract between the Board and Ouida Nugent, Proprietor, Nugent Accounting Services, for general accounting services covering the two-year period of July 1, 2018 through June 30, 2020, for the maximum contract amount of \$4,300, seconded by Mr. Delatte, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

b. Inspection Services- Danny Andrus

Ms. Barbier presented for review and approval a contract for continuation of inspection services presently provided by Mr. Danny Andrus. **Motion was made Mr. Brooks to approve the proposed contract between the Board and Mr. Danny Andrus for inspection services covering the period of July 1, 2018 through June 30, 2019 for the maximum contract amount of \$28,000, seconded by Mr. Gielen, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

c. Legal Services- Celia Cangelosi, Attorney

Ms. Barbier presented for review and approval a contract for continuation of general legal services presently provided by Ms. Celia Cangelosi, Attorney at Law. **Motion was made by Mr. Gielen to approve the proposed contract between the Board and Celia R. Cangelosi, Attorney at Law, for continuation of legal services covering the period of July 1, 2018 through June 30, 2019 for the maximum contract amount of \$15,000, and to adopt a resolution of said action by the Board, seconded by Mr. Dickson, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

d. Legal Services- The Becknell Law Firm, APLC

Ms. Barbier presented for review and approval a contract for continuation of legal services (regulatory) presently provided by The Becknell Law Firm. **Motion was made by Mr. Delatte to approve the proposed contract between the Board and The Becknell Law Firm, APLC for continuation of legal services covering the period of July 1, 2018 through June 30, 2019 for the maximum contract amount of \$25,000, and to adopt a resolution of said action by the Board, seconded by Mr. Brooks, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

e. Legal Services- Aertker Legal LLC

Ms. Barbier presented for review and approval a contract for continuation of legal services (general) presently provided by Aertker Legal LLC. **Motion was made by Mr. Gielen to approve the proposed contract between the Board and Aertker Legal LLC for continuation of legal services covering the period of September 1, 2018 through August 31, 2019 for the maximum contract amount of \$20,000, and to adopt a resolution of said action by the Board, seconded by Mr. Davis, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 7 – Policy and Procedures

a. Board Bank Accounts and Certificates of Deposit

Mr. Lovecchio and Mr. Becknell presented a proposed policy and procedures outlining utilization of bank accounts and certificate of deposit investments for management of the self-generated funds collected by the Board. General discussion was held. **Motion was made by Mr. Horgan to approve the policy and procedures for Board Bank Accounts and Certificates of Deposit investments as presented, seconded by Mr. Dickson, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

b. Board Member Reimbursements

Mr. Becknell presented a proposed policy and procedures for reimbursement of expenses to Board Members. Mr. Becknell noted that the Board had already had a policy and procedure for Board member reimbursements in place approved in March 2011. Mr. Becknell presented a proposed amended policy and procedures. General discussion was held. **Motion was made by Mr. Brooks to approve the proposed amendments to the current policy and procedures for Board Member reimbursements, seconded by Mr. Davis, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

#### AGENDA ITEM 8 - Old Business

a. Update- Licensure Exemption, Pharmacy to Pharmacy

Mr. Lovecchio presented an update on this issue from the March 20, 2018 meeting. He presented a copy of the response letter drafted by Ms. Celia Cangelosi, Attorney, for Mr. Lovecchio's signature that was sent out as instructed. General discussion was held. Mr. Lovecchio was instructed that he and Ms. Cangelosi should monitor this matter for any future updates.

The Board instructed Mr. Becknell to review the Board's current statutes for the Board's rule making authority.

b. Opioid Task Force

Mr. Lovecchio presented an update on his involvement with the Heroin and Opioid Prevention and Education (HOPE) advisory council created by Act 88 of the 2017 Regular Legislative Session. No formal action was taken on this agenda item.

#### AGENDA ITEM 9 - New Business

a. Office of State Procurement, Signature Authority for Service Contracts

Ms. Barbier presented a requirement from the Division of Administration, Office of State Procurement for submission of the name(s) of the person(s) authorized by the Board to sign professional and consulting service contracts. General discussion was held. **Motion was made by Mr. Delatte to authorize the Board Chairman, Mr. Bob Broadus, and the Board Vice-Chairman, Mr. Michael Davis, to sign professional and consulting service contracts on behalf of the Board, seconded by Mr. Gielen, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

b. Secretary of State, Division of Archives, Records Management Officer Designation

Ms. Barbier presented the annual designation form for a records management officer required annually by the Secretary of State, Division of Archives. **Motion was made by Mr. Horgan to re-appoint Mr. George Lovecchio as the Board's records management officer for fiscal year 2019, and to make report of such decision as required to the Secretary of State, Division of Archives, seconded by Mr. Brooks, and**

passed by voice vote- **FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 10- Licensing Matters

a. New Licenses Issued

Ms. Barbier presented a list of approximately 97 new Louisiana drug and device distributor licenses issued by the Board office on behalf of the Board since the March 20, 2018 Board meeting. Ms. Barbier noted that approximately 62 of the new licenses issued represent first-time Louisiana licensure. No formal action was taken on this agenda item.

AGENDA ITEM 11 - Additional Agenda Items Properly Brought Before the Board (approved in agenda item 3)

*[Agenda item 11.a was discussed after agenda item 12.a.]*

a. Partial Budget Adjustment for Fiscal Year 2019 Budget

Mr. Broadus presented discussed on 2019 budget item for salaries, regular employees, specifically payroll, executive director/inspector gross. General discussion was held. **Motion was made by Mr. Horgan to adjust the budget for fiscal year 2019, salaries, regular employees from \$196,633 to \$221,633, representing specifically, payroll, executive director/inspector gross from \$93,705 to \$118,705 effective July 1, 2018, seconded by Mr. Delatte, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

*[Agenda item 13 was discussed after agenda item 11.a.]*

*[Agenda item 11.b was discussed after agenda item 10.a.]*

b. Update of 2018 Legislative Sessions

Mr. Becknell presented information regarding several items from the 2018 Louisiana Legislative Sessions. General discussion was held. No formal action was taken on this agenda item.

*[Mr. Broadus called for a short break after agenda item 11.b at approximately 11:15 am.]*

*[The Board returned to open session at approximately 11:30 am and continued with agenda item 12.a.]*

AGENDA ITEM 12 - Employee Issues

a. Annual Performance Review

Mr. Broadus called for executive session. **Motion was made by Mr. Gielen to enter an executive session, seconded by Mr. Davis, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

**Motion was made by Mr. Davis to close executive session and return to open meeting session, seconded by Mr. Dickson, and passed by voice vote- FOR: Mr. Davis,**

**Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

*[Agenda item 11.a was discussed after agenda item 12.a.]*

*[The Board returned to agenda item 12.a after agenda item 13.c.]*

It was noted that the performance review for the executive director, Mr. Lovecchio, was discussed in executive session. **Motion was made by Mr. Horgan that based on a favorable performance rating, evolution of the executive director's position, and added job descriptions, the Board grant a merit increase of \$25,000 to the current annual salary for Mr. George Lovecchio, effective July 1, 2018, seconded by Mr. Dickson, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

*[Agenda item 14 was discussed after (returned to) agenda item 12.a.]*

*[Agenda item 13 was discussed after agenda item 11.a.]*

AGENDA ITEM 13 – Board Issues

a. Board Appointments Update

Mr. Becknell presented an update of Board appointments. General discussion was held. No formal action was taken on this agenda item.

b. Annual Election of Officers

Mr. Broadus called for nominations to officer positions. Mr. Delatte requested the current officers in place remain. All individuals accepted nomination to their respective positions: Compliance Officer- Chad Gielen, Secretary/Treasurer- Randall Brooks, Vice-Chairman- Michael Davis, and Chairman- Robert "Bob" Broadus. **Motion was made by Mr. Delatte to close the nominations, seconded by Mr. Horgan, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

Mr. Broadus call for vote. **Motion was made by Mr. Davis to ratify the unanimous election of officers: Robert "Bob" Broadus, Chairman; Michael Davis, Vice-Chairman; Randall Brooks, Secretary/Treasurer; and Chad Gielen, Compliance Officer; seconded by Mr. Dickson, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

c. Confirmation of Next Board Meeting Date

The next Board meeting is tentatively set for Tuesday, September 18, 2018.

*[Mr. Becknell exited the meeting after agenda item 13.c.]*

*[The Board returned to agenda item 12.a after agenda item 13.c.]*

*[Agenda item 14 was discussed after (return to) agenda item 12.a.]*

AGENDA ITEM 14 - General Motion

It is noted that the following agenda items were taken out of the presented agenda order:

- (1) agenda item 11.a after agenda item 12.a;
- (2) agenda item 13 after agenda item 11.a;
- (3) agenda item 11.b after agenda item 10.a;
- (4) return to agenda item 12.a after agenda item 13.c; and
- (5) agenda item 14 after (returned to) agenda item 12.a.

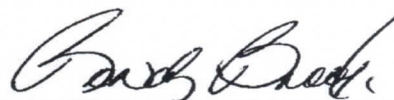
**Motion was made by Mr. Gielen to approve all agenda items that were taken out of the presented agenda order to be noted in the meeting minutes, seconded by Mr. Davis, and passed by voice vote- FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dugas; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 15- Adjournment

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

The meeting adjourned at approximately 12:30 pm.

Approved and accepted by the full Board - Date: September 18, 2018



**Randall Brooks**  
Board Secretary-Treasurer



**George Lovecchio**  
Executive Director