

# LOUISIANA BOARD OF DRUG AND DEVICE DISTRIBUTORS

Board Meeting- ANNUAL

Minutes

Tuesday, June 13, 2023

## ATTENDANCE:

### Members Present:

Michael Davis- Chairman, Chad Gielen-Compliance Officer, Scott Irelan- Member, Nicholas Latino- Member, Cindy Luton- Member, and James Delatte- Vice-Chairman

### Members Absent:

Trion Horgan- Secretary/Treasurer, Darrick LeBeouf- Member

### Office Staff Present:

George Lovecchio- Executive Director, Kimberly Barbier- Executive Assistant

### Contract Team Present:

Victoria Bienvenue- Compliance Management Consultant, John Becknell- Legal Counsel

## I. Call to Order

The meeting was called to order by Michael Davis, Board Chairman, on Tuesday, June 13, 2023 at approximately 9:12 am. The meeting was held at the Board's administrative office located at 12091 Bricksome Avenue, Suite B, Baton Rouge, Louisiana.

## II. Roll Call and Introduction of Guests

Roll call was taken by James Delatte, Board Vice-Chairman, with the above noted results. Members in attendance constituted a quorum. There were no public guest in attendance.

Mr. Davis called for a motion to add items to the agenda for executive session to discuss employee matters. **Motion was made by Chad Gielen to add agenda item XI. Executive Session, A. Employee Matters, seconded by Mr. Delatte, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

Mr. Davis called for a second agenda item be added to the agenda for review of unclassified employee compensation. **Motion was made by Mr. Delatte to add agenda item number XII. Unclassified Employee Compensation and to reassign**

item for *Adjournment* to agenda item *XIII.*, seconded by Mr. Gielen, and passed by voice vote - **FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

III. Approval of Meeting Minutes

A. March 21, 2023

Mr. George Lovecchio, Executive Director, presented draft minutes of the March 21, 2023 Board meeting. Individual review of the presented minutes was held. **Motion was made by Cindy Luton to dispense with full reading of the minutes and approve the minutes as presented, seconded by Nicholas Latino, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None..**

IV. Financial Matters

A. Financial Statements

1. March 2023

Mr. Lovecchio presented a financial transaction list and balance reports for the month of March 2023. General review and discussion were held.

2. April 2023

Mr. Lovecchio presented a financial transaction list and balance reports for the month of April 2023. General review and discussion were held.

3. May 2023

Mr. Lovecchio presented a financial transaction list and balance reports for the month of May 2023. General review and discussion were held.

No formal action was taken on this agenda item.

B. FY 2023 to Date Budget Review

Mr. Lovecchio presented a profit/loss report on budget versus actuals for current fiscal year 2023 through the month of May 2023. General review and discussions were held.

1. Outlook for Close of FY2023



Mr. Lovecchio presented an anticipated outlook for the close of FY2023.

No formal action was taken on this agenda item.

C. FY2023 Annual Attestation- Questionnaire

Mr. Lovecchio presented the annual financial attestation questionnaire and adoption resolution in preparation for the upcoming State financial review of fiscal year 2023 ending June 30, 2023. General discussion was held.

**Motion was made by Mr. Delatte to adopt the Attestation Questionnaire and approve the Resolution for the anticipated review and attestation of the finances of the Louisiana Board of Drug and Device Distributors for fiscal year 2023 ending June 30, 2023, seconded by Ms. Luton, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

V. Service Contracts

A. Renew Services- Legal Contract, Regulatory

Mr. Lovecchio presented for review the proposed contract for continuation of legal service provided by The Becknell Law Firm, APLC. General discussion was held. A resolution was presented to the members for the retention of services for consulting and advice on general and regulatory issues, and for review and advice on Board statutes and regulation as provided by counsel. **Motion was made by Ms. Luton to approve the contract with The Becknell Law Firm, APLC, to provide legal services for the one-year term of July 1, 2023 through June 30, 2024 for a maximum contract amount not to exceed \$35,000, and the Resolution as presented, seconded by Mr. Latino, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

B. Renew Services- Legal Contract, Compliance

Mr. Lovecchio presented for review the proposed contract for continuation of the legal services provided by Celia R. Cangelosi, Attorney at Law. General discussion was held. A resolution was presented to the members for the retention of services for consulting and advice on general, regulatory, and disciplinary matters as provided by counsel. **Motion was made by Mr. Gielen to approve the contract with Celia R. Cangelosi, Attorney at Law, to provide legal services for the**

one-year term of July 1, 2023 through June 30, 2024 for a maximum contract amount not to exceed \$10,000, and the Resolution as presented, seconded by Scott Irelan, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.

C. Renew Services- Facility Inspections

Mr. Lovecchio presented, for review, the proposed contract for continuation of the facility inspection services provided by Mr. Danny Andrus covering the northern and central part of Louisiana. Mr. Lovecchio noted that new per inspection fees had been presented and approved at the March 21, 2023 meeting; these new fee rates are noted in the proposed contract. General discussion was held.

*Mr. Davis stepped out of the meeting. Mr. James Delatte, Vice-Chairman, assumed the roll of presiding officer.*

**Motion was made by Mr. Gielen to approve the contract with Danny Andrus to provide facility inspection services for the one-year term of July 1, 2023 through June 30, 2024 for a maximum contract amount not to exceed \$42,000, seconded by Mr. Latino, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

VI. New Business

A. Louisiana State Archives- Designated Records Officer

Mr. Lovecchio presented the Louisiana Secretary of State, State Archives requirement for the annual designation and reporting of a records officer. General discussion was held. **Motion was made by Mr. Latino to re-designate George Lovecchio as the Board's records officer effective July 1, 2023 for the upcoming fiscal year 2024 and report such designation to State Archives as required, seconded by Ms. Luton. passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

B. FDA National Standards- Licensure of Wholesalers and 3PLPs

Mr. John Becknell, legal counsel, presented a review of the national standards for licensure of wholesalers and third-party logistic providers as released by the Food and Drug Administration.



*Mr. Davis returned to the meeting and re-assumed the position as presiding officer.*

General discussion was held. Mr. Davis called for volunteers for a committee to continue review of the federal standards and start preparations to meet the federal standards. **Motion was made by Mr. Latino to create a committee to review the national standards and start preparations towards meeting the standards; volunteers - James Delatte, Chad Gielen, and Nicholas Latino, seconded by Cindy Luton, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.** Mr. Davis assigned Mr. Delatte to head the committee. The committee will work with George Lovecchio and John Becknell on the issue.

## VII. Old Business

### A. 2023 Legislative Session Recap

Mr. Becknell presented a recap of the 2023 Louisiana Legislative session. Mr. Becknell presented information on some bills that passed that may affect the Board; House Bill 221 regarding rule promulgation, Senate Bill 201 regarding remote meetings, and Senate Bill 213 regarding charges for public record requests. General discussion was held. Mr. Becknell will review SB201 further and present an update at a future Board meeting. No formal action was taken on this agenda item.

### B. Compliance Management Update

Ms. Victoria Bienvenu, compliance management consultant, provided an update on the compliance management plan. Ms. Bienvenu presented a draft of the administrative office procedures for processing disciplinary cases that she is working on. Ms. Bienvenu presented a summary of inspections performed. General discussion was held. No formal action was taken on this agenda item.

### C. Suspicious/Excessive Orders Tracking Update

Ms. Bienvenu gave a general review of reports received from licensees regarding suspicious/excessive orders and lost product. No formal action was taken on this agenda item.

#### 1. Artificial Intelligence Data Entry (AIDE) Platform

Ms. Bienvenu gave a review of the AIDE platform hosted by InZata for tracking the suspicious/excessive orders. General discussion was held. No formal action was taken on this agenda item.

D. Licensee Newsletter- Cancelled License List

Mr. Lovecchio presented a listing prepared by Ms. Barbier of cancelled licenses in regards to the issue discussed at the March 21, 2023 Board meeting. Ms. Barbier reviewed the information presented and noted the cancelled license list format will be prepared and added to the licensee newsletters. General discussion was held. No formal action was taken on this agenda item.

E. Online Public Records Requests

Ms. Barbier presented a review of a proposed online portal for requesting public records through the Board's website which is in development. General discussion was held. No formal action was taken on this agenda item.

VIII. Board Matters

A. Election of Officers

Mr. Davis inquired if the current officers of the Board would like to continue serving in their current position; and if there were any other members that would like to serve as an officer. Mr. Davis called for nominations; no new nominations were had. **Motion was made by Mr. Latino to ratify the current officers serving to another year of service in their respective positions - Chairman- Michael Davis, Vice-Chairman- James Delatte, Secretary-Treasurer- Trion Horgan, and Compliance Officer- Chad Gielen, seconded by Ms. Luton, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

B. Board Hearings- Members and Attorneys Roles

Mr. Becknell presented an introduction to the disciplinary hearing process and the rolls of the members of the Board and attorneys based on the Administrative Procedures Act. General discussion was held. No formal action was taken on this agenda item.

Mr. Lovecchio introduced Ms. Paige Duvall, the temporary staff employee currently working at the Board office.

IX. Licensing Matters

A. New Licenses Issued

Mr. Lovecchio presented a list of new licenses issued since the March 2023 Board meeting as prepared by Ms. Barbier. It was noted that there had been 78 new licenses issued of which 45 licenses were first time, initial



licensure. The remainder of the new licenses issued were due to ownership or location changes and non-renewals. No formal action was taken on this agenda item.

X. Confirmation of Next Board Meeting

Mr. Davis noted that the next meeting of the Board is scheduled for Tuesday, September 12, 2023. Mr. Latino's offered to host the September meeting at Medline Industries' new facility location in Hammond Louisiana was accepted.

XI. Executive Session

A. Employee Matters

Mr. Davis requested the discussion of employee matters be held in executive session. **Motion was made by Mr. Latino to leave regular open session of the meeting and enter into closed executive session for discussion of annual unclassified employee compensation, seconded by Ms Luton, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

**Motion was made by Mr. Delatte to exit closed executive session and return to regular open session of the meeting, seconded by Mr. Latino, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

XII. Unclassified Employee Compensation

Upon return to regular open session, Mr. Gielen presented a summary of the matter discussed in executive session. The members discussed the annual work performance for the Executive Director, George Lovecchio. The members were in agreement that Mr. Lovecchio's work performance has been outstanding and a 5% merit salary adjustment was proposed.

**Motion was made by Mr. Gielen to accept the outstanding work performance rating and approve the 5% merit salary adjustment for George Lovecchio, Executive Director, effective July 1, 2023, seconded by Ms. Luton, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None; RECUSED: None.**

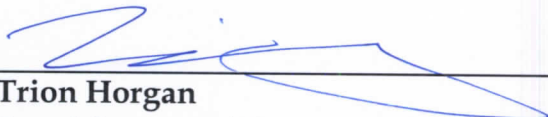
XIII. Adjournment

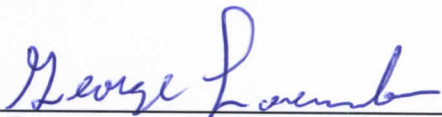
There being no further business before the Board, motion was made by Mr. Delatte to adjourn the meeting, seconded by Mr. Latino, and passed by voice vote - FOR: Mr. Delatte, Mr. Gielen, Ms. Luton, Mr. Irelan, Mr. Latino, and Mr. Davis; AGAINST: None; ABSENT: Mr. Horgan and Mr. LeBeouf; ABSTAINED: None;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

The meeting adjourned at approximately 12:14 pm.

Approved and accepted by the full Board -

Date: 7/12/23

  
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**Trion Horgan**  
Board Secretary/Treasurer

  
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**George Lovecchio**  
Executive Director