

LOUISIANA BOARD OF DRUG AND DEVICE DISTRIBUTORS

Board Meeting

MINUTES

June 25, 2019

AGENDA ITEM 1 - Call to Order

The meeting was called to order by Robert Broadus, Chairman, at approximately 9:30 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. There were no seated members absent; there is one vacant Board seat. The members in attendance constituted a 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, and Celia Cangelosi, the Board's General Counsel, were also in attendance.

Mr. Lovecchio requested to be allowed to make an announcement which was granted. Mr. Lovecchio informed the parties present that Mr. Broadus had recently been inducted into the Mississippi Hall of Fame by the Mississippi Board of Pharmacy. Congratulations were offered to Mr. Broadus.

Mr. Lovecchio introduced guests in attendance: Mr. John Liggio, the Board's contract inspector and Ms. Vonda Macsay, Certified Court Reporter.

AGENDA ITEM 3 - Call for Additional Agenda Items *[for discussion in Agenda Item 13]*

Mr. Lovecchio requested to add one items to the meeting agenda:

- a. Self-Evaluation Report (SER) of Act 693 of the 2018 Legislative Session

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

AGENDA ITEM 4 - Approval of Meeting Minutes

a. The minutes of the April 8, 2019 Board meeting were presented. **Motion was made by Mr. Delatte to dispense with full reading of the minutes and to accept and approve**

the minutes of the April 8, 2019 Board meeting as presented, seconded by Mr. Horgan, and passed by voice vote – FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.

AGENDA ITEM 5 - Disciplinary Actions

a. Disciplinary Hearing- Docket No. 2018007- AGC DISTRIBUTORS LLC

The hearing was opened by Mr. Broadus at approximately 9:39 am. Board members in attendance were Mr. Broadus, Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Delatte, and Mr. Horgan. Mr. Gielen was recused because he was the compliance officer who investigated the matter. There was no representation for the licensee/respondent present at the hearing. Ms. Cangelosi presented the case including interview of two witnesses: Ms. Barbier and Mr. Liggio.

Motion was made by Mr. Horgan to open executive session for review and discussion of the disciplinary case presented in hearing for docket 2018007 against AGC Distributors LLC, seconded by Mr. Davis, and passed by voice vote – FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: Mr. Gielen.

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

Mr. Davis read into hearing record the members conclusions after review and discussion of the factors presented. **Motion was made by Mr. Davis to accept the proposed findings of fact and conclusions of law with noted corrections and additions along with issuance of the Board's Order that Louisiana license 8271 issued to AGC Distributors LLC be revoked and that AGC Distributors LLC be fined \$50,000 plus all costs incurred in connection with these proceedings to include, but not be limited to, investigator, stenographer, administrative, and hearing costs, and all attorney fees to be paid by AGC Distributors LLC, seconded by Mr. Brooks, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: Mr. Gielen.**

AGENDA ITEM 6 – Financial Matters

a. Financial Statements

Mr. Lovecchio presented financial statements for November and December 2018, January, February, March, April, and May 2019. Mr. Broadus asked if all members had a chance to review and if anyone had any questions regarding the monthly statements. No formal action was taken on this agenda item.

Mr. Lovecchio presented for review the budget versus actual report through May 2019 of the current fiscal year (2019). General discussion was held. No formal action was taken on this matter.

b. Annual Financial Attestation FY2019

Ms. Barbier presented the questionnaire for the upcoming annual financial attestation. General discussion was held. **Motion was made by Mr. Davis to adopt and resolve the Attestation Questionnaire as presented for the review of Board financials of fiscal year 2019 (July 1, 2018 through June 30, 2019), seconded by Mr. Delatte, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 7- Service Contracts

a. Consulting Contract- Facility Inspections- Danny Andrus- Amendment

Mr. Lovecchio presented an amendment to Mr. Andrus' current facility inspection contract covering July 1, 2018 through June 30, 2019. General discussion was held. **Motion was made by Mr. Gielen to approve the contract amendment as presented for inspection services provided by Danny Andrus covering the period of July 1, 2018 through June 30, 2019 increasing the maximum contract amount from \$28,000 to \$30,000, seconded by Mr. Horgan, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

b. Consulting Contract- Facility Inspections- Danny Andrus- Renewal of Services

Mr. Lovecchio presented a new contract for renewal of facility inspection services provided by Danny Andrus covering July 1, 2019 through June 30, 2019. General discussion was held. **Motion was made by Mr. Gielen to approve the new contract as presented to renew facility inspection services provided by Danny Andrus to cover the period of July 1, 2019 through June 30, 2020 at a maximum contract amount not to exceed \$30,000, seconded by Mr. Dickson, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

c. Professional Contract- Legal Services- The Becknell Law Firm- Renewal of Services

Mr. Lovecchio presented a new contract for renewal of legal services as provided by The Becknell Law Firm covering the period of July 1, 2019 through June 30, 2020. General discussion was held. **Motion was made by Mr. Davis to approve the new contract as presented and adopt a resolution to the effect to renew legal services provided by the Becknell Law Firm covering the period of July 1, 2019 through June 30, 2020 at a maximum contract amount not to exceed \$25,000, seconded by Mr. Delatte, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

d. Professional Contract- Legal Services- Celia R. Cangelosi, Attorney at Law-
Renewal of Services

Mr. Lovecchio presented a new contract for renewal of legal services as provided by Celia R. Cangelosi, Attorney at Law, covering the period of July 1, 2019 through June 30, 2020. General discussion was held. **Motion was made by Mr. Horgan to approve the new contract as presented and adopt a resolution to the effect to renew legal services provided by Celia R. Cangelosi, Attorney at Law for the period of July 1, 2019 through June 30, 2020 at a maximum contract amount not to exceed \$15,000, seconded by Mr. Delatte, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 8 – Policy and Procedures

a. Disaster Preparation and Response- Update

Ms. Barbier presented an updated version of the Board's policy and procedure for Disaster Preparation and Response which is required by LRS 29:769(E) enacted by Act 207 of the 2006 regular legislative session; and that was initially approved by the Board in September 2006. General review of the updates was held and minor corrections made. **Motion was made by Mr. Brooks to approve the updates to the Disaster Preparation and Response policy and procedure as presented with noted corrections, seconded by Mr. Horgan, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Dickson, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: None; ABSTAINED: None; RECUSED: None.**

b. General Statement for Workplace Violence Reporting

Mr. Lovecchio presented a proposed administrative policy on General Statement for Workplace Violence Reporting in response to a recent legislative committee review of another regulatory board. No formal action was taken on this agenda item. The matter was deferred to the next Board meeting.

AGENDA ITEM 9 – Old Business

a. Informal Information paper on Temperature Monitoring Requirements

This item was deferred from the April 8, 2019 Board meeting. Mr. Becknell presented his conclusions after his review of the matter, and the Board's basic authorization and responsibility regarding temperature monitoring and devices. General discussion was held. Mr. Becknell presented a proposed article on the matter for the Board's next newsletter. No formal action was taken on this agenda item.

[Mr. Dickson exited the meeting after agenda item 9.a. and before agenda item 9.b. at approximately 11:54 am.]

b. Legislative Session Review

This item is furthered from the April 8, 2019 Board meeting. Mr. Becknell gave general review of some bills he had been watching on behalf of the Board in the recently

concluded 2019 regular Louisiana legislative session, their outcome, and any effects to the Board. General discussion was held regarding another regulatory board's review before a legislative committee; general discussion was held regarding upcoming training programs of possible interest to the Board and staff. No formal action was taken on this agenda item.

AGENDA ITEM 10 - New Business

a. Record Management Designee

Ms. Barbier made request for the Board's annual designation of a Records Manager as required by the state Division of Archives- Records Management Section; and she presented the required Division of Archives designation form for signature. **Motion was made by Mr. Brooks to designate Mr. Lovecchio as the Record Management designee for state Division of Archives and approve signing of the required form stating such, seconded by Mr. Gielen, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dickson; ABSTAINED: None; RECUSED: None.**

b. Designated Responsible Party (DRP) Qualifications

Mr. Lovecchio presented an issue when a DRP appointee for an application or licensee may not have the Board's requirement of two-year minimum experience, but they are the certified designated representative in a state such as California or Florida which require some experience but also has a passing test requirement. General discussion was held. No formal action was taken on this agenda item.

AGENDA ITEM 11 - Licensing Matters

a. Ms. Barbier presented a list of new licenses issued since the December 11, 2018 Board meeting. General discussion was held. No formal action was taken on this agenda item.

AGENDA ITEM 12 - Employee Matters

a. Annual Report of Recognition and Rewards

As required by the Board's Employee Recognition and Reward Policy, Ms. Barbier presented that there were no monetary or non-monetary awards rewarded to any employees during the fiscal year 2019 (July 1, 2018 through June 30, 2019). No formal action was taken on this agenda item.

AGENDA ITEM 13 - Additional Agenda Items Properly Brought Before the Board as Approved in Agenda Item 3

a. Act 693 of the 2018 Legislative Session- Self-Evaluation Report (SER)

Mr. Broadus and Mr. Lovecchio presented information regarding a self-evaluation report requirement established in Act 693 of the 2018 Legislative Session. Generally, every year the Governor will require several regulatory Boards to complete the SER. Last year, the boards chosen were notify in or around November and the SERs were due the first of the next calendar year; several of the boards chosen have provided that their

completed SERs were several hundred pages long. Mr. Lovecchio has generally spoken with the consulting firm previously used by the Board for research on a past matter about helping with preliminarily completing the SER for the Board. General discussion was held. **Motion was made by Mr. Brooks to engage a consulting firm to help with preliminary completion of the self-evaluation report; to appoint a committee suggestive of Mr. Broadus being Mr. Brooks and Mr. Davis to work with Mr. Lovecchio and Mr. Becknell to engage the consulting firm and oversee the consulting work and preparation of the self-evaluation report; and to approve that cost of consulting services for preparation of the self-evaluation report is not to exceed \$49,000, seconded by Mr. Horgan, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dickson; ABSTAINED: None; RECUSED: None.**

AGENDA ITEM 14 - Board Matters

a. Election of Officers

Mr. Broadus made a call for nominations. **Motion was made by Mr. Delatte to ratify the current officer as they stand - Mr. Broadus- Chairman, Mr. Davis- Vice-Chairman, Mr. Brooks- Secretary/Treasurer, and Mr. Gielen- Compliance Officer - to serve another year, seconded by Mr. Gielen, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gielen, Mr. Delatte, and Mr. Horgan; AGAINST: None; ABSENT: Mr. Dickson; ABSTAINED: None; RECUSED: None.**

b. Confirmation of Next Board Meeting Date

The next Board meeting is tentatively scheduled for Tuesday, September 10, 2019.

Mr. Liggio requested to be recognized; he was recognized by Mr. Broadus. Mr. Liggio asserted to the Board to consider the requirement of surety bonds. General discussion was held. No formal action was taken on this matter.

Mr. Lovecchio inquired as to who on the Board would be interested in members being issued electronic devices (computer/laptop/tablet) for use regarding board business such as receiving the board book for the meetings by power point or some other program instead of the paper/binder copy. General discussion was held. No formal action was taken on this issue.

AGENDA ITEM 15 - General Motion

There were no changes to the order of the agenda items as set.


AGENDA ITEM 16 - Adjournment

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

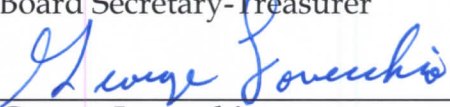
The meeting adjourned at approximately 2:10 pm.

Approved and accepted by the full Board -

Date: September 10, 2019



Randall Brooks
Board Secretary-Treasurer



George Lovecchio
Executive Director