

# LOUISIANA BOARD OF WHOLESALE DRUG DISTRIBUTORS

## Board Meeting

### MINUTES

December 15, 2009

#### AGENDA ITEM 1 - Call to Order

The meeting was called to order by Robert Broadus, Chairman, at approximately 10:10 am. The meeting was held in Baton Rouge, Louisiana at the administrative office of the Board located at 12046 Justice Avenue, Suite C.

#### AGENDA ITEM 2 - Roll Call

It was noted by Mr. Broadus that those members in attendance were Mr. Broadus, William Crates, Randall Brooks, Wayne Gremillion, Hersh Paul, Michael Davis, and Kenneth Dugas; also present were John Liggio, Kimberly Barbier, George Lovecchio, and Celia Cangelosi. The Board members in attendance constituted a quorum. There were no guests in attendance. Mr. Kenneth Dugas was introduced as the newest Board member appointed by the Governor on November 5, 2009. Mr. Dugas replaces Mr. Eric Vidrine who resigned from the Board in September 2009. Mr. Dugas' term is currently set to expire on May 10, 2011. Mr. Dugas was made welcome.

#### AGENDA ITEM 3a - Disciplinary Matters/ Consent Agreements

Mr. Gremillion, Compliance Officer, presented consent agreements for review and approval as follows:

- i. Mr. Gremillion presented the Consent Agreement executed for Docket No. 2009001 for Lifecare Technology, Slidell LA, License No. 4542; violation of Louisiana Administrative Code 46:XCI.301.A.1 in relation to licensing of each facility or physical location directly or indirectly owned or operated by the same business entity or for a parent entity with divisions subdivisions, subsidiaries, and /or affiliate companies when operations are conducted at more than one location and there exists joint ownership and control among all entities, specifically the facility located at 113 Production Drive, Slidell LA which was distributing legend drugs or devices prior to Board approval and issuance of a license as a wholesale drug distributor. **Motion was made by Mr. Crates to accept the consent agreement as executed and presented, seconded by Mr. Davis and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Davis, and Mr. Dugas; AGAINST: None; ABSTAINED: Mr. Gremillion; ABSENT: None.**
- ii. Mr. Gremillion presented the Consent Agreement executed for Docket No. 2009002 for Industrial Welding Supply Company of Harvey, Belle Chasse LA, License No. 4166; violation of Louisiana Revised Statute 37:3480 in relation to selling or distributing to persons not authorized, by law or regulation, to procure or possess legend drugs or devices, specifically

medical nitrogen. **Motion was made by Mr. Paul to accept the consent agreement as executed and presented, seconded by Mr. Crates and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, and Mr. Dugas; AGAINST: None; ABSTAINED: Mr. Gremillion and Mr. Davis; ABSENT: None.**

- iii. Mr. Gremillion presented the Consent Agreement executed for Docket No. 2009003 for Ciolino Pharmacy Wholesale Distributors, Metairie LA, License No. 4499; violation of Louisiana Administrative Code 46:XCI.311.F in relation to verifying prior to purchasing or receiving product that their suppliers of drugs or devices are licensed by the Board to ship or sell in or into Louisiana; and responsibility for notifying the Board of any unlicensed wholesalers. **Motion was made by Mr. Crates to accept the consent agreement as executed and presented, seconded by Mr. Brooks and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Davis, and Mr. Dugas; AGAINST: None; ABSTAINED: Mr. Gremillion; ABSENT: None.**

AGENDA ITEM 3.b - Disciplinary Actions/ Enforcement Actions  
DEFERRED. *[None were complete for presentation at this Board meeting.]*

AGENDA ITEM 4 - Call for Additional Agenda Items *[for discussion in Agenda Item 9a]*

1. Mr. Brooks - Temporary Licenses
2. Mr. Liggi - Difference between Business and Mailing Addresses
3. Mr. Liggi - Retail Pharmacy Warehouses

**Motion was made by Mr. Gremillion to add the presented items to the agenda for discussion in Agenda Item 9a, seconded by Mr. Crates, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Gremillion, Mr. Paul, Mr. Davis and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None.**

AGENDA ITEM 5 - Approval of Meeting Minutes/ September 22, 2009

The minutes of the September 22, 2009 Board meeting were presented. **Motion was made by Mr. Brooks to dispense with full reading of the minutes and to accept the minutes as presented, seconded by Mr. Gremillion, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Gremillion, Mr. Paul, Mr. Davis and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None.**

AGENDA ITEM 6a - Financial Matters/ Financial Statements

Financial information was presented for September, October, and November 2009. General discussion was held. No formal action on this item was taken.

AGENDA ITEM 6b - Financial Matters/ Proposed Budget/ Fiscal Year 2011

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Mr. Liggio presented a proposed budget for fiscal year 2011. General discussion was held. **Motion was made by Mr. Brooks to approve the 2011 Budget with a minor editorial correction noted, seconded by Mr. Crates, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Gremillion, Mr. Paul, Mr. Davis and Mr. Dugas; AGAISNT: None; ABSTAINED: None; ABSENT: None**

#### AGENDA ITEM 7a - Licensing Issues/ New Licenses Issued

A list of approximately 63 new licenses as issued by the Board office on behalf of the Board since the September 22, 2009 Board meeting was available for review. No formal action on this item was taken.

#### AGENDA ITEM 7b - Licensing Issues/ 2010 License Renewal Update

Mr. Liggio presented information regarding the 2010 license renewal currently in progress. Mr. Liggio noted how smoothly the new process was working. General discussion was held. No formal action on this item was taken.

#### AGENDA ITEM 8a - Statutes and Rules/ Rule Promulgation Update

Ms. Barbier presented promulgation tracking reports for the rule amendments currently in promulgation for LAC 46:XCI.105; LAC 46:XCI.301 and 311; LAC 46:XCI.901; and LAC 46:XCI.303. General discussion was held. No formal action on this item was taken.

#### AGENDA ITEM 8b - Proposed Rule Amendments

Mr. Liggio presented proposed additions to LAC 46:XCI.301. General discussion was held. The Board deferred this item to the next Board meeting; appointing a committee consisting of Mr. Paul, Mr. Brooks, and Mr. Crates to work with Mr. Liggio and Ms. Cangelosi to further review the issues presented and present finding to the full Board at the next Board meeting.

#### AGENDA ITEM 9a - General/ Additional Agenda Items *(added per Agenda Item 4)*

##### 1. (Item 4#2) Difference between Business and Mailing Addresses

Mr. Liggio presented the issue regarding the difference between a mailing address and business address as required on the current application form. General discussion was held regarding licensing of distribution location as well as selling locations. The Board deferred this item to the next Board meeting; the committee appointed for agenda item 8b will review this matter also and present findings to the full Board at the next Board meeting.

##### 2. (Item 4#3) Retail Pharmacy Warehouses

Mr. Liggio presented information regarding the Board's current statute and regulation with regards to retail pharmacy warehouses. The Board deferred this item to the next Board meeting; the committee appointed

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for agenda item 8b will review this matter also and present findings to the full Board at the next Board meeting.

*[The Board broke for lunch after Agenda Item 9.a.2 at approximately 12:20 pm.]*

*[The Board returned to regular session at approximately 1:00 pm and returned to Agenda Item 9.a.3.]*

3. (Item 4#1) Temporary Licenses

Mr. Brooks presented discussion regarding the issuance of a temporary license. General discussion was held. No formal action was taken.

AGENDA ITEM 9b - General/ License- Medical Examiners and Physical Therapy Boards

Mr. Liggio presented information regarding licenses issued by the Medical Examiner's Board for Occupational Therapists, Respiratory Therapists, and Physician Assistants; and Physical Therapists as issued by the Physical Therapy Board. The Board office has found that none of these licenses allow the holder to procure or possess legend drug or devices on their own license. Therefore they would only be allowed to procure and possess legend drugs or devices under the auspice of a supervising physician's license. The Board directed such information to be published in the licensee newsletter. No formal action was taken

AGENDA ITEM 9c - Licensure Requirements

This issue was discussed as part of the additional agenda item presented in Agenda item 9.a.1.

AGENDA ITEM 9d - Proposed Meeting Dates for 2010

The Board skipped this item requesting the proposed dates to be emailed to Board members for consideration.

AGENDA ITEM 9d.i. - Confirmation of Next Board Meeting Date

The Board skipped this item requesting the proposed date of Tuesday, March 16, 2010 be tentatively set for the next Board meeting upon confirmation from each Board member as directed in Agenda item 9d.

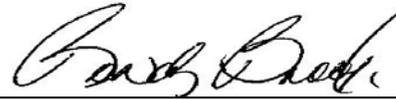
AGENDA ITEM 10 - Executive Session

No items for discussion.

AGENDA ITEM 11 - Adjournment

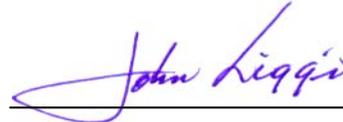
There being no further business before the Board, **motion was made by Mr. Gremillion to adjourn the meeting, seconded by Mr. Paul, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Gremillion, Mr. Paul, Mr. Davis, and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None.**

The meeting adjourned at approximately 1:45 pm.



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**Randall Brooks**  
Board Secretary/Treasurer



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**John Liggio**  
Executive Director

Approved and accepted by the full Board -

Date: March 16, 2010