

LOUISIANA BOARD OF WHOLESALE DRUG DISTRIBUTORS

Board Meeting

MINUTES

March 13, 2012

AGENDA ITEM 1 - Call to Order

The meeting was called to order by Robert Broadus, Chairman, at approximately 9:50 am. The meeting was held in Baton Rouge, Louisiana at the Administrative Office of the Board located at 12091 Bricksome Avenue, Suite B, Baton Rouge, Louisiana.

AGENDA ITEM 2 - Roll Call

It was noted by Mr. Broadus that those members in attendance were Mr. Broadus, William Crates, Randall Brooks, Hershal Paul, Wayne Gremillion, Michael Davis, and Kenneth Dugas. Also present from the Board's administrative office were John Liggio, Kimberly Barbier, and George Lovecchio; and Ms. Celia Cangelosi, the Board's general counsel. The Board members in attendance constituted a quorum. There were no guests in attendance.

AGENDA ITEM 3 - Call for Additional Agenda Items [*for discussion in Agenda Item 10*]

No additional items were presented to add to the agenda.

AGENDA ITEM 4 - Disciplinary Matters

a. Disciplinary Actions

i. Consent Agreements - Mr. Gremillion, Compliance Officer, presented consent agreement for review and approval as follows:

- 1) Docket No. 2011010 - Central Admixture Pharmacy Services, Inc. dba CAPS, Harahan LA, Louisiana license no. 4348; violation(s) - Louisiana Administrative Code 46:XCI.309.A.2.a.i - facility used for wholesale drug distribution shall be secure from unauthorized entry and access from outside premises shall be kept to a minimum and be well-controlled; \$500 fine and \$250 administrative costs. **Motion was made by Mr. Paul to approve and 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, Mr. Davis and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: Mr. Gremillion.**

b. Enforcement Action

i. Mr. Gremillion requested to add one enforcement action case to the agenda for presentation and review. **Motion was made by Mr. Crates to add one enforcement action case to the agenda, seconded by Mr. Dugas and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Davis and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: Mr. Gremillion.**

1) Docket No. 2012EA1001 - Prijatel's Pharmacy, Cleveland Ohio; violation(s) - La. R.S. 37:3474.2.A(1) - engaging in wholesale drug distribution in Louisiana without being licensed to do so; \$1,000 fine and \$250 administrative costs. **Motion was made by Mr. Davis to approve and 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, Mr. Davis and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: Mr. Gremillion.**

The Board members suggested reporting suspicious purchases to the Louisiana Board of Pharmacy, Food and Drug Administration, and National Association of Boards of Pharmacy.

AGENDA ITEM 5 - Approval of Meeting Minutes

The minutes of the December 15, 2011 Board meeting were presented. **Motion was made by Mr. Gremillion to dispense with full reading of the minutes and to accept and approve the minutes as presented, seconded by Mr. Davis, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Gremillion, Mr. Davis and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: None.**

AGENDA ITEM 6 - Financial Matters

a. Financial Statements

Financial information was presented for December 2011, January, and February 2012. Review of presented information and general discussion was held. No formal action was taken on this matter.

General discussion of the inspection process was held. No formal action was taken on this matter.

b. Travel Card Program

i) Ms. Barbier presented information related to the new state issue, state liability travel card program. **Motion was made by Mr. Gremillion to accept the requirements of the State Liability Travel Card and CBA Policy of the Louisiana Office of State Travel, designation of Mr. Liggio as the program Administrator for the travel card program, and set amount limits at \$5,000 overall card limit, \$5,000 billing cycle limit, and \$1,000 single transaction limit for each card issued, seconded by Mr. Davis, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Gremillion, Mr. Davis, and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: None.**

ii) Ms. Barbier presented information regarding the state issue, state liability purchasing card program. The Board acknowledged that it desires to join the State's LaCarte Procurement Card Program. **Motion was made by Mr. Davis to accept the**

requirements of the Corporate Liability "LaCarte" Purchasing Card Policy of the Louisiana Office of State Travel, designation of Mr. Liggio as the program Administrator for the purchasing card (LaCart) program, and set amount limits at \$5,000 overall card limit, \$5,000 billing cycle limit, and \$1,500 single transaction limit for each card issued, seconded by Mr. Paul, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Gremillion, Mr. Davis, and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: None.

iii) Ms. Barbier presented a proposed policy and procedure for a State Liability Travel Card and Purchasing Card Program administered by the Board. **Motion was made by Mr. Crates to approve and adopt the policy and procedure for the State Liability Travel Card and Purchasing Card Program as presented, seconded by Mr. Gremillion, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Gremillion, Mr. Davis, and Mr. Dugas; AGAINST: None; ABSTAINED: None; ABSENT: None; RECUSED: None.**

AGENDA ITEM 7 - Licensing Matters

a. New License Issued

A list of approximately 105 new licenses as issued by the Board office on behalf of the Board since the December 15, 2011 Board meeting was available for review. No formal action was taken on this matter.

AGENDA ITEM 8 - General

a. Committee Report - Licensing Qualification Comparison

Mr. Crates and Mr. Brooks presented information gathered from other state Boards/Agencies of wholesale drug distributors regarding surety bonds, background checks and designated responsible parties. General discussion was held. Mr. Crates and Mr. Brooks do not recommend the Board pursue the requirement of surety bonds at this time. The Board instructed Mr. Crates and Mr. Brooks work further with Mr. Liggio and Ms. Cangelosi with regards to qualification requirements for the designated responsible party.

[The Board took a short break at approximately 11:45 am after agenda item 8.a. The Board returned to regular session at approximately 12:00 pm continuing with agenda item 8.b.]

b. Report - New Physical Therapy Regulations

Ms. Cangelosi presented a report of her findings regarding the new regulations promulgated by the Physical Therapy Board. General discussion was held regarding the Physical Therapy Board's statutory authority to promulgate the new regulations and the vagueness of the new regulation regarding the purchasing of legend drugs or devices by physical therapist from licensed wholesale drug distributors. Ms. Cangelosi was instructed by the Board to contact the Physical Therapy Board to obtain an authoritative listing of "legend devices and topical legend drugs which are employed in the delivery of physical therapy".

AGENDA ITEM 9 - Statutes and Rules

a. Proposed Rule Amendment

i) LAC 46:XCI.103 - Definitions

Mr. Liggio presented proposed amendment regarding definition of the word "possess". General discussion was held. No formal action was taken on this matter.

ii) LAC 46:XCI.311 - Drug or Device Distribution Recordkeeping

Mr. Liggio presented proposed amendment regarding recordkeeping to include financial records related to drug or device purchases and receipt and distribution. General discussion was held. No formal action was taken on this matter.

iii) LAC 46:XCI.313 - Policy and Procedures

Mr. Liggio presented amendments to correct items 6. and 7. of section 313. **Motion was made by Mr. Davis to start promulgation to amend LAC 46:XCI.313.6 and 7 wording: word "required" corrected to "acquired", seconded by Mr. Crates, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Gremillion, and Mr. Davis; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Dugas; RECUSED: None.**

[Mr. Dugas excused himself from the meeting and departed at approximately 1:25 pm during agenda item 9.a.iii.]

iv) LAC 46:XCI - Chapter 10 - Procedures for Quarantine of Legend Drugs or Legend Devices

Mr. Liggio presented proposed procedures for quarantine of drugs or devices as per La. R.S. 37:3474.4. General discussion was held; revisions made to the presented information. **Motion was made by Mr. Crates to start promulgation to amend LAC 46:XCI by adding Chapter 10 - Quarantine of Legend Drugs or Devices as revised by the Board, seconded by Mr. Gremillion, and passed by voice vote - FOR: Mr. Broadus, Mr. Crates, Mr. Brooks, Mr. Paul, Mr. Gremillion, and Mr. Davis; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Dugas; RECUSED: None.** If no levy is issued against the licensee with regards to quarantined product, quarantine orders will be presented for ratification by the full Board at the next scheduled Board meeting. A proposed quarantine order format was presented for review; the Board office will send the document to Ms. Cangelosi for review and possible revisions.

b. Rule Promulgation Update

Mr. Liggio presented an update of promulgation of revisions to LAC 45:XCI.801 - Fees. No formal action was taken on this issued.

AGENDA ITEM 10 - Additional Agenda Items (*added per Agenda Item 3*)

There were no additional agenda items for discussion.

AGENDA ITEM 11 - Schedule Board Meeting Dates for 2012

Ms. Barbier presented proposed Board meeting dates for the remainder of calendar year 2012. General discussion was held. Mr. Broadus requested Ms. Barbier email new proposed dates to all Board members and Ms. Cangelosi to check their calendars and respond with their schedule.

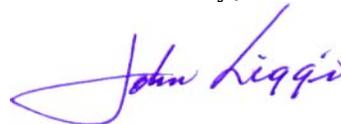
AGENDA ITEM 13 - Adjournment

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

The meeting adjourned at approximately 2:30 pm.



Randall Brooks
Board Secretary/Treasurer



John Liggi
Executive Director

Approved and accepted by the full Board -

Date: June 19, 2012