

# LOUISIANA BOARD OF WHOLESALE DRUG DISTRIBUTORS

## Board Meeting

### MINUTES

March 12, 2013

#### AGENDA ITEM 1 - Call to Order

The meeting was called to order by Michael Davis, Vice-Chairman, at approximately 9:32 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. Davis that those members in attendance were Mr. Davis, Randall Brooks, Wayne Gremillion, Kenneth Dugas, and Chad Gielen. Robert Broadus and Hersh Paul were absent. The Board members in attendance constituted a quorum. Also present from the Board's administrative office were John Liggio, Kimberly Barbier, and George Lovecchio. There was a guest in attendance: Ms. Patricea Angelle of Prescription Compounds/IACP.

Ms. Angelle was recognized. Ms. Angelle introduced herself and gave a brief description of her company, a current licensee of the Board which is also a compounding pharmacy. Ms. Angelle gave a presentation on the reaction of the Louisiana Board of Pharmacy in response to the national meningitis outbreak connected to a compounding pharmacy (NECC). General discussion was held with Ms. Angelle. No formal action was taken on this matter. Ms. Angelle exited the meeting at approximately 10:03 am.

#### AGENDA ITEM 3 - Disciplinary/ Enforcement Matters

##### a. Disciplinary Actions

##### i. Consent Agreement

- 1) Docket No. 2013001 - Latex Welding Supply dba Arc-La-Tec Welding Supply, Inc., Shreveport LA, Louisiana license no. 4654; violation(s) - La. R.S. 37:3478.A and LAC 46:XCI.303.C, 301.A.1, and 303.B.1 - no person shall participate or engage in the wholesale drug distribution business without a license; a license shall be valid only for the person or the facility or physical address for which it is issued; The Board shall require a separate license for each facility or physical location directly or indirectly owned or operated by the same business entity; any licensee changing their physical location is required to submit an application for location change at least 30 days prior to such change of location; \$1,000 fine and \$250 administrative costs. **Motion was made by Mr. Brooks to approve and accept the consent agreement for Docket 2013001 as executed and presented, seconded by Mr. Dugas and passed by voice vote**

**- FOR: Mr. Davis, Mr. Brooks, Mr. Dugas, and Mr. Gielen;  
AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus  
and Mr. Paul; RECUSED: Mr. Gremillion.**

AGENDA ITEM 4 - Call for Additional Agenda Items *[for discussion in Agenda Item 13]*

- 1) The LA Board of Pharmacy's Emergency Rule published in the LA Register on 2/20/2013 - Mr. Liggiio.
- 2) Anonymous Complaint - Mr. Liggiio.
- 3) Letter from Bill Crates, Cardinal Health, Mississippi Board of Pharmacy, Counterfeit Distributor License - Mr. Liggiio.
- 4) Building Purchase Update - Mr. Liggiio

**Motion was made by Mr. Brooks to add the items to the agenda for discussion later in the meeting, seconded by Mr. Gremillion, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gremillion, Mr. Dugas, and Mr. Gielen; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus and Mr. Paul; RECUSED: None.**

AGENDA ITEM 5 - Approval of Meeting Minutes

The minutes of the December 13, 2012 Board meeting were presented. General discussion was held. A minor editorial change was made to the presented draft minutes. **Motion was made by Mr. Gremillion to dispense with full reading of the minutes and to accept and approve the minutes with the editorial change made, seconded by Mr. Gielen, and passed by voice vote - FOR: Mr. Davis, Mr. Brooks, Mr. Gremillion, Mr. Dugas, and Mr. Gielen; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus and Mr. Paul; RECUSED: None.**

AGENDA ITEM 6 - Financial Matters

a. Financial Statements

Financial information was presented for December 2012, January and February 2013. Review of presented information and general discussion was held. No formal action was taken on this matter.

b. Banking Matters - New Control Agreement

Mr. Liggiio presented a request from Whitney Banks for a new Control Agreement with the Board. The Board's old Bank, Hancock Bank, and Whitney Bank merged during 2012 and the new bank, Whitney Bank, requires a new Control Agreement which is for the safekeeping of securities relative to the public funds in the Board's account; and designation of authorized persons for the account. The Board designated Mr. Liggiio, Mr. Brooks, and Mr. Robert Broadus as authorized persons for the account. **Motion was made by Mr. Gielen to accept the Control Agreement for execution and submission to Whitney Bank, seconded by Mr. Brooks, and passed by voice vote: FOR: Mr. Davis, Mr. Brooks, Mr. Gremillion, Mr. Dugas, and Mr. Gielen; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus and Mr. Paul; RECUSED: None.**

AGENDA ITEM 7 – Professional Service Contracts

a. Celia Cangelosi

Information was presented regarding the current contract with Ms. Cangelosi for legal services. The current two-year contract expires on June 30, 2013. General discussion was held regarding renewal of the contract. **Motion was made by Mr. Dugas to approve a new (renewal) contract for two-years (July 1, 2013 through June 30, 2015) with Celia Cangelosi for legal services for \$15,000 per year; the two-year contract not to exceed \$30,000, seconded by Mr. Gielen, and passed by voice vote: FOR: Mr. Davis, Mr. Brooks, Mr. Gremillion, Mr. Dugas, and Mr. Gielen; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus and Mr. Paul; RECUSED: None.**

AGENDA ITEM 8 - Licensing Matters

a. New Licenses Issued

A list of approximately 154 new licenses as issued by the Board office on behalf of the Board since the December 13, 2012 Board meeting was available for review. General discussion was held. No formal action was taken on this matter.

AGENDA ITEM 9 – Old Business

a. New Database Program

Mr. Liggio presented an update on the new web-base database project. The Board did not execute a consulting contract with GL Solution for development, conversation, and implementation of the project; there is no separate charge for these services. A purchase order was issued to GL Solutions to start the project. Payment of the monthly fee to GL Solutions for hosting and support will begin when the new database goes live. No formal action was taken on this matter.

AGENDA ITEM 10 – General Matters

a. Medical Food Distributors

Mr. Liggio presented information received in the Board office regarding licensure of Rx medical food distributors. General discussion was held. The issue is to be assigned to the regulatory attorney for review and presentation of findings at the next Board meeting.

*[Mr. Davis called for a short break at 11:10 am after agenda item 10.a; the Board returned to regular session at 11:23 am and continued with agenda item 11.a.]*

AGENDA ITEM 11 - Statutes and Rules

a. Rule Promulgation Update

Mr. Liggio presented an update of current rule promulgation for amendments to LAC 46:XCI. 301, 305, and 311 – Requirements, Qualification, and Recordkeeping. Mr. Liggio noted that wording changes were made in the proposed new item LAC 46:XCI.305.B – “background checks” was changed to “criminal history record

information” which is the term used in the Board’s statutes; “applicants renewing” to “licensees of” - eliminating interpretation that changes requiring reports may be done at renewal time only. General discussion was held regarding other wording used in the amendments. No formal action was taken on this matter.

General discussion was held regarding performing inspections at out-of-state licensee facilities. No formal action was taken on this matter.

Questions arose and were discussed regarding requirement for licensee reporting of changes to license information which, by current regulation, requires submission of changes in writing within 60 days of the change and changes in location 30 days prior to change - if and how to handle violations; this issue to be turn over to regulatory attorney for review and presentation of findings at next Board meeting.

General discussion was held regarding requirements of the designated responsible party during a facility inspection. No formal action was taken on this matter.

#### AGENDA ITEM 12 - Policies and Procedures

##### a. Equal Employment Opportunity

The Board’s policy for equal employment opportunity was presented for review. No changes were made to the policy. **Motion was made by Mr. Gielen to re-approve the policy on equal employment opportunity as presented, seconded by Mr. Brooks, and passed by voice vote: For: Mr. Davis, Mr. Brooks, Mr. Gremillion, Mr. Dugas, and Mr. Gielen; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus and Mr. Paul; RECUSED: None.**

##### b. Quarantine of Drugs or Devices

Mr. Liggio presented proposed procedures for quarantine of legend drugs or legend devices. General discussion was held. No formal action was taken on this matter.

Mr. Liggio presented a draft revised policy for Board staff travel expense reimbursement. General discussion was held. **Motion was made by Mr. Dugas to approve the revised policy for Board staff travel expenses as presented, seconded by Mr. Gielen, and passed by voice vote: FOR: Mr. Davis, Mr. Brooks, Mr. Gremillion, Mr. Dugas, and Mr. Gielen; AGAINST: None; ABSTAINED: None; ABSENT: Mr. Broadus and Mr. Paul; RECUSED: None.**

#### AGENDA ITEM 13 - Additional Agenda Items *(added per Agenda Item 4)*

*[Agenda item added in agenda item 4.1) was discussed after agenda item added in agenda item 4.3).]*

1. Louisiana Board of Pharmacy, Emergency Rules, Compounding Pharmacy. Mr. Liggio presented items of concern in the emergency rule published in the Louisiana

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Register on February 20, 2013. General discussion was held. No formal action was taken on this matter.

2. Anonymous Complaint – sale and distribution of unapproved drugs. Mr. Liggio presented information received at the Board office. General discussion was held. No formal action was taken on this matter.

*[Agenda item added in agenda item 4.3) was discussed before agenda item added in agenda item 4.1).]*

3. Letter from Bill Crates, Cardinal Health, Mississippi Board of Pharmacy, Counterfeit (false) Mississippi distributor license. Mr. Liggio presented information received from Mr. Crates regarding a counterfeit distributor license found by the Mississippi Board of Pharmacy. General discussion of the matter was held. No formal action was taken on this matter.

4. Update on Building Purchase – Mr. Liggio presented an update on research into purchasing the current building where the Board’s administrative offices are located. General discussion was held. Mr. Liggio was instructed to get an opinion as to whether or not the Board has authority to purchase and own real estate.

#### AGENDA ITEM 14 – Confirmation of Next Board Meeting Date

The next Board meeting is tentatively set for Tuesday, June 25, 2013 (annual meeting).

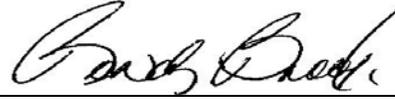
General discussion was held regarding identifying Board staff by requiring staff members to wear shirts monogrammed with Board seal/logo. No formal action was taken on this matter.

#### AGENDA ITEM 15 - Adjournment

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

The meeting adjourned at approximately 1:45 pm.

Approved and accepted by the full Board - Date: June 25, 2013



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**Randall Brooks**  
Board Secretary/Treasurer



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**John Liggio**  
Executive Director