

**MEETING MINUTES
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
FULL BOARD MEETING**

October 8-9, 2013

Wyndham Bay Point Resort
4114 Jan Cooley Drive
Panama City Beach, FL 32408
(850) 236-6000

Board Members:

Albert Garcia, BPharm, MHL, Chair, Miami
Jeffery J. Mesaros, PharmD, Vice-Chair, Tampa
Leo J. "Lee" Fallon, BPharm, PhD, The Villages
Debra B. Glass, BPharm, Tallahassee
Gavin Meshad, Consumer Member, Sarasota
Mark Mikhael, PharmD, Orlando
DeAnn Mullins, BPharm, Lynn Haven
Lorena Risch, Consumer Member, Bradenton
Michele Weizer, PharmD, Boca Raton

Board Staff:

Mark Whitten, Executive Director
Tammy Collins, Program Operations Administrator
Jay Cumbie, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General
Lynette Norr, Assistant Attorney General

Department of Health Staff:

Yolonda Green, Assistant General Counsel
Matthew Witters, Assistant General Counsel

Tuesday, October 8, 2013 – 1:00 p.m.

1:00 p.m. Call to Order by Albert Garcia, BPharm, MHL, Chair

All Members were present.

Mr. Garcia introduced Dr. Mark Mikhael as the newest Board Member.

TAB 1

REPORTS

A. Chair's Report – Albert Garcia, BPharm, MHL, Chair

1. Letter from the Deputy Secretary

Mr. Garcia presented a letter he received from Deputy Secretary J. Martin Stubblefield.

Mr. Garcia thanked Executive Director Mark Whitten and his team for their hard work over the past year.

B. Executive Director's Report – Mark Whitten

1. Compounding Rules Committee Report – Michele Weizer, PharmD

Dr. Weizer informed the Board that Ms. Scotti Russell of the National Association of Boards of Pharmacy (NABP) attended the September 20, 2013 Compounding Rules Committee meeting. Dr. Weizer then thanked Ms. Russell for her attendance and participation in the meeting.

Dr. Weizer discussed the concept of a centralized inspection program.

Mr. Garcia supported the idea of having a centralized inspection program from a cost and resource perspective.

Dr. Weizer introduced office-use compounding as the next topic of discussion and provided examples of the necessity of office-use compounding in a hospital setting.

Members of the Board and members of the audience discussed the benefits and dangers of office-use compounding.

Mr. Whitten suggested we schedule a Compounding Rules Committee meeting or workshop with “office-use compounding” being the main topic of discussion.

Dr. Weizer introduced uniform training and inspections as the next topic from her report.

Dr. Weizer suggested creating educational/training processes for pharmacists regarding USP797 prior to it becoming subject to discipline.

Mr. Flynn stated his opinion that current 797 exempts other physical requirements, specifically the negative pressure room, as long as a pharmacy has a barrier isolator and is being used in compliance with the manufacturer’s guidelines.

Dr. Weizer introduced exemptions regarding facility design as the next topic from her report.

The Board members and audience members discussed specific examples of exceptions needed from the current USP797 guidelines regarding facility design.

Dr. Weizer suggested the Board release a positive public service announcement regarding good compounding and good pharmacies for the public.

George Malone (Chair of Legal and Regulatory Advisory Board for Florida Society of Health-System Pharmacists) approached the Board to state on the record that his organization is in support of the adoption of USP797.

2. Request for Declaratory Statement – Eric J. Renker, PharmD

Dr. Renker was present and presented his petition for a declaratory statement to the members of the Board.

Motion: by Dr. Mikhael, seconded by Dr. Weizer, to deny the declaratory statement on the grounds that the rule is clear. Motion carried.

Mr. Flynn suggested that the rule in question be sent to the Rules Committee to further define “direct supervision”.

3. MedAvail Technologies

MedAvail Technologies presented their “MedAvail MedCenter” remote dispensing system for prescription and over the counter medications.

Members of the Board asked questions regarding the functionality of the system.

4. Senate Bill 248

Mr. Whitten provided a description of the Senate Bill 248 and requested a vote from the Board.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to keep the current system in place. Motion carried.

C. Attorney General's Report – David Flynn, Assistant Attorney General
1. Rules Report

Ms. Norr provided the rules report. Ms. Norr stated that two rules have been adopted and have become effective since the last meeting. Ms. Norr stated that Rule 64B16-28.100 became effective on September 23, 2013 and that Rule 64B16-28.802 will become effective October 17, 2013. Ms. Norr also provided an update to several rules that are still going through the adoption process.

D. Prosecuting Attorney Report – Yolanda Green, Assistant General Counsel
1. Prosecuting Services Report

Ms. Green provided the Prosecuting Services Report.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to allow PSU to continue to prosecute cases older than one year. Motion carried.

E. Chief Investigative Services Report – Jeanne Clyne

Mr. Whitten provided the Chief Investigative Services Report on behalf of Jeanne Clyne. Mr. Whitten stated that of the 4,775 pharmacy inspections pending as of July 1, 2013, 1,230 have been completed. Mr. Whitten stated that of the 7,861 dispensing inspections pending as of July 1, 2013, 1,881 have been completed. Mr. Whitten also reported that ISU is aggressively researching Internet pharmacies to identify the unlicensed practice of pharmacy in Florida. ISU is also partnering with the Metropolitan Bureau of Investigation in Orlando and Drug Enforcement Administration to conduct joint investigations on any unlicensed internet pharmacies identified.

Dr. Mesaros presented Mrs. DeAnn Mullins with a plaque on behalf of Florida Department of Health thanking her for her dedicated service to the citizens of Florida.

Mrs. Mullins thanked her fellow Board Members, Mr. Flynn, Mr. Whitten, and Board staff for all their support over her time on the Board.

TAB 2 BUSINESS – Albert Garcia, BPharm, MHL, Chair

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 737
2. Pharmacist (Exam Eligibility) (Client 2201) – 1,298
3. Pharmacist Interns (Client 2202) – 150
4. Registered Pharmacy Technicians (Client 2208) – 1,065
5. Consultant Pharmacist (Client 2203) – 30
6. Nuclear Pharmacist (Client 2204) – 1
7. Pharmacies/Facilities (Client 2205) – 121
8. Registered Pharmacy Technician Ratios (2:1 or 3:1)- 54
9. Pharmacy Technician Training Program (Client 2209) - 16
10. CE Providers – 19
11. CE Courses – 28
12. CE Individual Requests (Approved) – 6

13. CE Individual Requests (Denied) - 0

Motion: by Dr. Fallon, seconded by Mrs. Glass, to ratify items #1-13. Motion carried.

B. Review and Approval of Minutes

1. August 13-14, 2013

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to approve the minutes from the August 13-14, 2013 Board of Pharmacy meeting. Motion carried.

Public Comments:

Dr. Mesaros opens the floor up to public comments:

Michael Jackson approached the Board and thanked Mr. Whitten for attending the September FPA Law conference and informed the Board that October is American Pharmacist Month.

Larisa Odessky (Intern to Mr. Michael Jackson – FPA) gave a brief presentation regarding Breast Cancer Awareness Week.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to **ADJOURN** the meeting at 4:22PM. Motion carried.

Wednesday, October 9, 2013 – 9:00 a.m

9:00 a.m. Call To Order by Albert Garcia, BPharm, MHL, Chair

All Members were present with the exception of Dr. Weizer and Mrs. Mullins.

Mr. Garcia informed the audience that the agenda has been modified to have the Rules Committee report be heard at the end of the meeting.

TAB 3 DISCIPLINARY CASES – Yolanda Green, Assistant General Counsel

A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES
A-1 Premier Compounding Pharmacy, Inc., PH 23481. Palm Beach Gardens, FL
Case No. 2012-02690 – PCP: Weizer/Mesaros

Respondent violated:

Count One: Section 465.023(1)(c), Florida Statutes (2011), by violating Chapter 499, Florida Statutes, through a violation of Section 499.005(22), Florida Statutes (2011), which establishes that it is unlawful for any person to fail to obtain a permit or registration, or operate without a valid permit or registration as required by Chapter 499, in this case a prescription drug repackager permit and/or a retail pharmacy drug wholesaler distributor permit.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay fine of \$3,000.00. Respondent shall pay costs not to exceed \$3,976.92.

Respondent was present and sworn in by the court reporter. Respondent was represented by Ed Bayo, Esq.

Motion: by Dr. Fallon, seconded by Dr. Mikhael, to reject the settlement agreement. Motion carried with Mrs. Glass and Mr. Garcia in opposition.

Motion: by Dr. Fallon, seconded by Mrs. Risch, for respondent to pay costs of \$3,976.92. Motion carried with Mrs. Glass and Mr. Garcia in opposition.

A-2 Cody Fay Ballance, PS 46832. St. Petersburg, FL
Case No. 2012-16677. PCP: Risch/Mesaros

Respondent violated:

Count One: Section 465.016(1)(g), Florida Statutes (2012), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$500.00. Respondent shall pay costs not exceed \$1,012.62. Respondent must complete an eight hour Quality Related Events CE.

Respondent was present and sworn in by the court reporter. Respondent was represented by Mike Schwartz, Esq.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to accept the settlement agreement. Motion carried.

A-3 Florida Solutions Pharmacy, PH 21697. Miami Springs, FL
Case No. 2013-00163 – PCP Mesaros/Risch

Respondent violated:

Count One: Section 465.023(1)(c), Florida Statutes (2012), by violating Rules 64B16-28.102, 64B16-27.300, 64B16-28.830(2), and 64B16-28.118, F.A.C., and/or Sections 893.07(1)(a), and 465.016(1)(l), Florida Statutes (2012), during an inspection.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$4,000.00. Respondent shall pay costs not to exceed \$1,179.44. Respondent shall be placed on one year probationary period requiring quarterly inspections at Respondent's cost; and mandatory appearance by representative of respondent during the last three months of probation.

Geno Delgado (Owner of Florida Solutions Pharmacy) was present and sworn in by the court reporter.

Motion: by Dr. Fallon, seconded by Mr. Meshad, to accept the settlement agreement. Motion carried with Dr. Mikhael in opposition.

A-4 Scott Edward Kierenia, PS 47160. Winter Garden, FL.
Case No. 2013-06313 – PCP Weizer/Meshad

Case was granted a continuance to a later meeting.

A-5 Monika Marie Girgis, PS 38789. Belleair Bluffs, FL.
Case No. 2013-03899 – PCP Mesaros/Risch

Count One: Respondent violated Section 456.072(1)(k), F.S. (2011, 2012), by violating Section 456.072(1)(m), F.S. (2011-2012), by making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

Count Two: Respondent violated Section 465.016(1)(e), F.S. (2011-2012), by violating 893.013(7)(a)(9), F.S. by acquiring or obtaining, or attempting to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine in the amount of \$2,500.00. Respondent shall pay costs of \$1,784.76. Respondent shall complete 12 hour Laws and Rules course. Respondent shall be placed on a two years of probation.

Respondent was present and sworn in by the court reporter. Respondent was represented by Ed Bayo, Esq.

Motion: by Mr. Garcia, seconded by Mrs. Glass, to reject the settlement agreement. Motion carried.

Motion: by Mr. Garcia, seconded by Mr. Meshad, to recommend the same settlement with the addition of a re-evaluation by PRN, no later than December 31, 2013, with determination being delegated to the Board chair. Motion carried with Dr. Mikhael in opposition.

Mr. Bayo informed the Board that his client accepted the counter-offer.

A-6 Adorys Martinez Flores, PS 48533. Miami, FL.
Case No. 2013-01123 – PCP Mesaros/Risch

Count One: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by failing to ensure the permittee's compliance with all rules adopted under those chapters as they relate to the practice of the profession of pharmacy and the sale of prescription drugs.

Terms of Settlement Agreement: Respondent must be present. Respondent shall pay a fine of \$1,000.00. Respondent shall pay costs not to exceed \$1,263.12. Respondent must complete a 12 Laws and Rules CE within one year.

Respondent was present and sworn in by the court reporter. Respondent was represented James M. Barclay, Esq.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to accept the settlement agreement. Motion carried.

A-7 Jessica Danielle Bramble, RPT 24357. Port Charlotte, FL.
Case No. 2012-16397 – PCP Fallon/Risch

Count One: Respondent violated 465.016(1)(e), F.S. (2011), by admitting to a violation of Section 893.13(7)(a)(9), F.S. by acquiring or obtaining, or attempting to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

Count Two: Respondent violated Section 465.016(1)(e), F.S. (2011), by violating Section 499.005(4), F.S. (2011), by admittingly substituting hydromorphone with sterile water and returning it to the Pyxis machine.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay costs not to exceed \$1,869.43. Revocation of License.

Respondent was not present and was not represented by counsel.

Motion: by Mrs. Glass, seconded by Mr. Meshad, to accept the settlement agreement. Motion carried.

B. VOLUNTARY RELINQUISHMENTS

VR's voted on at one time: VR1, VR2, VR4, VR6, VR7, VR8.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to take the above listed Voluntary Relinquishments in one vote. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to accept the Voluntary Relinquishments listed above. Motion carried.

VR-1 Healthy Choice Pharmacy, Inc., PH 25637. Tampa, FL.
Case No. 2013-07687 – PCP Waived.

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: See motion at the beginning of the Voluntary Relinquishment section.

VR-2 DRM Enterprises, Inc., PH 16061. Lakeland, FL.
Case No. 2013-07692 – PCP Waived.

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: See motion at the beginning of the Voluntary Relinquishment section.

VR-3 Joshua Stephen Ezzo, RPT 32450. Orange Park, FL.
Case No. 2012-15204 – PCP Weizer/Meshad

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to accept the Voluntary Relinquishment. Motion carried.

VR-4 Malissa Sue Bender, RPT 37251. Port St. Lucie, FL.
Case No. 2013-10982 – PCP Wavied.

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: See motion at the beginning of the Voluntary Relinquishment section.

VR-5 Deborah Louise Chenoweth, PS 43436. Fort Meyers, FL.
Case No. 2013-00800 – Fallon/Glass

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: by Dr. Mesaros, seconded by Dr. Mikhael, to accept the Voluntary Relinquishment. Motion carried.

VR-6 DRM Enterprises, Inc. d/b/a Wilson Drug, PH 18748. Lakeland, FL.
Case No. 2013-07691 – PCP Waived

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: See motion at the beginning of the Voluntary Relinquishment section.

VR-7 Eric Hamilton Cairns, PS 34472. St. Augustine, FL.
Case No. 2013-05212 – PCP Waived.

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: See motion at the beginning of the Voluntary Relinquishment section.

VR-8 Brothers Pharmacy and Discount, LLC, PS 23338. Miami, FL.
Case No. 2013-01267 – PCP Waived.

The Department suggests that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: See motion at the beginning of the Voluntary Relinquishment section.

C. DETERMINATION OF WAIVERS

DOW-1 Ihab S. Barsoum, PS 30945. Tampa, FL.
Case No. 2011-17660 – PCP Glass/Mullins

This case was granted a continuance.

DOW-2 Good Sight Pharmacy, Inc., PH 25104. Coral Gables, FL.
Case No. 2013-00708 – PCP Meshad/Weizer

Count One: Respondent violated Section 465.023(1)(c), F.S. (2011), by violating Rule 64B16-28.202(3), F.A.C., by failing to notify the Board of Pharmacy in writing as to the effective date of closure, and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy, and notify the Board of Pharmacy which permittee is to receive the prescription files.

Motion: by Mrs. Glass, seconded by Dr. Mesaros, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Revocation

Motion: by Dr. Fallon, seconded by Mrs. Glass, to accept the recommendations of the Department. Motion carried.

DOW-3 George Adriazola, RPT 39191. Miami, FL.
Case No. 2012-16942 – PCP Meshad/Weizer

Count One: Respondent violated Section 456.072(1)(c), F.S. (2012), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, pharmacy.

Count Two: Respondent violated Section 456.072(1)(x), F.S. (2012), by failing to report to the Board, or the department if there is no Board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Revocation

Motion: by Mrs. Glass, seconded by Dr. Fallon, to accept the recommendations of the Department. Motion carried.

DOW-4 Speed II Pharmacy, PH 26049. Hialeah, FL.
Case No. 2012-18551 - PCP Meshad/Weizer

Count One: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Section 465.022(10), F.S. (2012), a permittee must notify the department, on a form approved by the Board, within 10 days after any change in prescription department manager or consultant pharmacist of record, and/or by

violating 465.022(11), F.S. (2012), a permittee must notify the department of the identity of the prescription department manager within 10 days after employment.

Count Two: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.1081, F.A.C., which requires that any person who receives a community pharmacy permit pursuant to Section 465.018, F.S., and commences to operate such an establishment shall keep the prescription department of the establishment open for a minimum of forty (40) hours per week.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: \$2,500.00 fine, 1 year of probation with semi-annual inspections at the cost of the respondent, appearance before the Board in the final 3 months of probation, and costs.

Motion: by Dr. Fallon, seconded by Dr. Mikhael, to accept the recommendations of the Department. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to allow the Department to assess costs of \$808.91. Motion carried.

DOW-5 Ryan Daniel Rodriguez, RPT 5867. Jacksonville, FL.
Case No. 2012-13596 & 2012-13608 – PCP Mulins/Glass

Count One: Respondent violated 465.016(1)(e), F.S. (2011-2012), when he stole, and possessed, hydrocodone and/or alprazolam from Walgreen's, which he did not obtain lawfully or pursuant to a valid prescription or order, in violation of Section 893.13(6)(a), F.S. (2012).

Count Two: Respondent violated Section 456.072(1)(c), F.S., (2012), when he pled guilty to unlawful possession of a controlled substance.

Motion: by Dr. Fallon, seconded by Dr. Mikhael, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: Dr. Mikhael, seconded by Dr. Fallon, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Recommended Penalty: Revocation

Motion: by Dr. Fallon, seconded by Dr. Mikhael, to accept the recommendations of the Department. Motion carried.

D. BOARD ACTION BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

I-1 James M. Maister, PS 34202. Wesley Chapel, FL.
Case No. 2010-19143 – PCP Meshad/Weizer

Case was granted a continuance to a later meeting.

I-2 Dino Jose Antonioni, PS 38504. Miramar, FL.
Case No. 2012-14458 – PCP Griffin/Mesaros

Case was granted a continuance to a later meeting.

I-3 Eric Jansen Gaines, II, RPT 45259. Crawfordville, FL.
Case No. 2012-16863 – PCP Mesaros/Risch

Count One: Respondent violated Section 465.016(1)(e), F.S. (2012), by violating Chapter 893, F.S. (2012).

Count Two: Respondent violated Section 456.072(1)(c), F.S. (2012), by being convicted of or entering a plea of nolo contendere to a crime in any jurisdiction which relates to the practice of, or the ability to practice, Respondent’s profession.

Respondent was present and sworn in by the court reporter.

Respondent requested a continuance to a later Board meeting.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to allow the case to be continued. Motion carried.

I-4 Lamonte George Hambrick, RPT 8527. Bowling Green, FL.
Case No. 2013-01501 – PCP Weizer/Meshad.

Case was granted a continuance to a later meeting.

TAB 4 APPLICATIONS REQUIRING BOARD REVIEW

A. Examination Applicants

1. Joseph Thomas Brown, File: 44114. Lake Worth, Florida.

Applicant was present and was sworn in by the court reporter. Respondent was represented by Ed Bayo, Esq.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to approve the application. Motion carried.

2. Arlen Trevor Harter, File: 43350. Bradenton, Florida.

Applicant was not present nor represented by counsel.

Penny Zeigler (PRN – Professionals Resource Network) advocated on behalf of Mr. Harter.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to approve the application. Motion carried.

3. Clifton Webb, File: 44069. Pembroke Pines, Florida.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded Dr. Fallon, to approve the application with the condition that, prior to the license being granted, the applicant must complete a PRN evaluation and have that evaluation reviewed by the Board Chair. Motion carried.

B. Endorsement Applicants

1. Rodney Vuurens, File: 42822. Harlingen Texas.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to approve the application. Motion carried.

2. Mark Alan Kemp, File: 43630. Decatur, Illinois.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to approve the application with the condition that, prior to the license being granted, the applicant must complete a PRN evaluation and have that evaluation reviewed by the Board Chair. Motion carried.

3. Darren James Palmer, File: 42962. Ft. Lauderdale, Florida.

Applicant was not present nor represented by counsel.

Motion: by Mr. Garcia, seconded by Dr. Mesaros, to require an appearance at one of the next two Board meetings. Motion carried.

4. Richard P. Becker, File: 42747. Fort Lauderdale, Florida.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded Dr. Mesaros, to approve the application. Motion carried.

5. Janet Dwigans, File: 43834. Greencastle, Indiana.

Applicant was not present nor represented by counsel.

Motion: by Dr. Fallon, seconded by Mr. Garcia, to approve the application with the condition that, prior to the license being granted, the applicant must complete a PRN evaluation and have that evaluation reviewed by the Board Chair. Motion carried.

6. Rosemary Tecza, File: 44101. Wadsworth, Ohio.

Applicant was present and sworn in by the court reporter.

Motion: by Mrs. Glass, seconded by Mrs. Risch, to approve the application. Motion carried.

C. Pharmacy Intern Applications.

1. Curtis Michael Drees, File: 19170. Fort Loramie, Ohio.

Applicant was not present nor represented by counsel.

Motion: by Dr. Mesaros, seconded by Dr. Mikhael, to require an appearance at one of the next two Board meetings. Motion carried.

D. Registered Pharmacy Technician Applications.

1. Joshua Klasinski, File: 51724. Sarasota, Florida.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to reject the application. Motion carried.

2. Whitney Elizabeth Mack, File: 49600. Jacksonville, Florida.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to approve the application. Motion carried.

E. Non-Resident Pharmacy Permit Applications.

1. Wiley Chemists Pharmacy, Inc. File: 19943. Santa Fe, New Mexico.

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded by Dr. Mesaros, to approve the application. Motion carried.

TAB 5 LICENSURE ISSUES

A. Informal Hearing

1. EntirelyPets Pharmacy, File: 19899. Union City, California.

Applicant was not present nor represented by counsel.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to allow a continuance until the next Board meeting.

2. Pride Pharmacy, File: 15738. Oakland Park, Florida.

Applicant was not present. The applicant was represented by Craig Smith, Esquire.

Mr. Smith was sworn in by the court reporter.

Motion: by Dr. Mikhael, seconded by Mr. Garcia, to refuse certification. Motion carried with Dr. Mesaros and Mrs. Risch in opposition.

TAB 6 COMMITTEE REPORTS

A. Rules Committee Report – Jeff Mesaros, PharmD.

Dr. Mesaros provided the Rules Committee Report from the October 8, 2013 Florida Board of Pharmacy Rules Committee.

Ms. Norr informed the Board of what rules are going to be discussed at the December Rules Committee.

Dr. Mesaros discussed the proposed changes to Rule 64B16-28.301 and requested a motion from the Board.

Motion: by Mrs. Glass, seconded by Dr. Fallon, to approve the proposed changes to Rule 64B16-28.301. Motion carried.

Motion: by Dr. Fallon, seconded by Mrs. Risch, that there is no negative economic impact on small business from the proposed rule changes. Motion carried.

Motion: by Dr. Fallon, seconded by Dr. Mikhael, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Dr. Mesaros then discussed the proposed rule changes to Rule 64B16-28.810 and requested a motion from the Board.

Motion: by Dr. Mikhael, seconded by Mrs. Glass, to accept the approved changes to Rule 64B16-28.810. Motion carried.

Motion: by Dr. Fallon, seconded by Mrs. Glass, that there is no negative economic impact on small business from the proposed rule changes. Motion carried.

Motion: by Dr. Fallon, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Public Comments:

Mr. Garcia opened the floor up to public comments:

There were no comments from the public.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to **ADJOURN** the meeting at 1:16 PM. Motion carried.