

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

April 1-2, 2014
Marriott Westshore
1001 North Westshore Boulevard
Tampa, FL 33607
(800) 627-7468

Board Members:

Jeffrey J. Mesaros, PharmD, Chair, Orlando
Michele Weizer, PharmD, Vice-Chair, Boca Raton
Leo J. "Lee" Fallon, BPharm, PhD, The Villages
Albert Garcia, BPharm, MHL, Miami
Debra B. Glass, BPharm, Tallahassee
Gavin Meshad, Consumer Member, Sarasota
Mark Mikhael, PharmD, Orlando
Jeenu Philip, BPharm, Jacksonville

Board Staff:

Tammy Collins, Acting Executive Director
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, April 1, 2014 – 1:00p.m.

1:01 p.m. Call to Order by Jeffrey J. Mesaros, PharmD, Chair

All Board members were present.

TAB 1

REPORTS

A. Chair's Report – Jeffrey J. Mesaros, PharmD, Chair

Dr. Mesaros introduced Bob Macdonald as the new Executive Director of the PDMP (Prescription Drug Monitoring Program) and asked Mr. Macdonald to give a brief introduction of himself and his goals for the PDMP.

B. Acting Executive Director's Report – Tammy Collins

1. Compounding Rules Committee Report – Michele Weizer, PharmD

Dr. Weizer provided an update of the proceedings from the March 31, 2014 Compounding Rules Committee meeting. Dr. Weizer reiterated some of the changes that were voted on at the previous committee meeting including the definition of "low volume" and clarification regarding the "donning of sterile gloves." Dr. Weizer then went on to state that the committee discussed and decided that any Modified II B that limits itself to immediate use compounding does not need the new special sterile compounding permit.

Dr. Weizer discussed the NABP Verified Pharmacy Program and detailed the inspection forms that are being used nationally. Dr. Weizer then informed the Board that the Committee voted to recommend accepting the NABP Verified Pharmacy Program as a nationally recognized Board approved program that

would suffice as a sterile compounding inspection in lieu of sending our inspectors to another state for inspections.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to approve NABP Verified Pharmacy Program as Board approved program to be used for sterile compounding inspections of non-resident pharmacies. Motion carried.

Mr. Garcia stated it may be beneficial in having the NABP Verified Pharmacy Program inspect our resident pharmacies in regards to creating continuity and potential reduced costs.

Dr. Weizer stated the NABP's goal is to train the state inspectors to be able to use the NABP system.

Dr. Weizer reported on the 50 state inter-governmental meeting in Silver Springs, MD. Dr. Weizer informed the Board that David Flynn, Mary Crane, and herself attending from the State of Florida. Dr. Weizer stated that the most important take away from the meeting was the distinction between 503A and 503B and that Florida does not have any statutory authority for office-use compounding and stated that 503B registration will be required for office-use compounding.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to allow David Flynn to draft language that would align Rule 64B16-27.700 with the Federal requirements. Motion carried.

2. Update on Sterile Compounding Permits

Ms. Collins informed the Board that over 400 special sterile compounding permits had been issued since the February Board of Pharmacy meeting. Ms. Collins and Dr. Mesaros went on to thank Board staff for their hard work with this project.

3. Legislative Update

Ms. Collins informed the Board that the disk that was provided contained a comprehensive summary of the current legislation and opened the floor to any questions regarding any of the language.

4. Update on the Executive Director Position

Dr. Weizer informed the Board and members of the audience that the Department of Health has hired Mr. Patrick Kennedy as the next Executive Director for the Board of Pharmacy. Dr. Weizer stated Mr. Kennedy has his Bachelors and Masters degrees in Economics from the University of Florida and will begin his new role on April 11, 2014.

Dr. Mesaros thanked Ms. Tammy Collins for her hard work serving as Acting Executive Director over the past several months.

C. Attorney General's Report – Lynette Norr, Assistant Attorney General

1. Rules Report

Lynette Norr presented the following information as the rules report for the April 1, 2014 rules report:

Rule 64B16-28.140	Adopted Date – 3.4.2014	Effective Date – 3.24.2014
Rule 64B16-28.608	Adopted Date – 3.4.2014	Effective Date – 3.24.2014
Rule 64B16-28.303	Adopted Date – 3.31.2014	(Anticipated) Effective Date – 4.20.2014

Ms. Norr informed the Board that the following rules have had language approved by the Board but are still pending:

64B16-28.100, 64B16-26.1031, 64B16-27.797, 64B16-28.820, 64B16-26.2034, and 64B16-27.700

2. Requests for Declaratory Statements – Daniel Graver

Neither Mr. Graver nor anyone of else was present on behalf of Akin Gump.

Mr. Flynn requested the Board grant a continuance on this request for a declaratory statement in order to gather more information and provide another opportunity to contact the petitioner.

Motion: by Mr. Garcia, seconded by Ms. Glass, to grant the continuance. Motion carried.

D. Prosecution Services Report – Yolonda Green, Assistant General Counsel

Ms. Green informed the Board that Prosecution Services has hired Mr. Marc Taupier to serve as the final member of the pharmacy prosecution team.

Ms. Green stated that the pharmacy team has done a good job of keeping the case inventory below 500 cases and then informed the Board that the current inventory stands at 408 cases.

Ms. Green also stated that there was a 7 case reduction in cases one year and older bringing the total to 131 cases. Ms. Green then requested the Board vote to allow the unit to continue prosecuting cases one year and older.

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

E. Chief Investigative Services Report – Mark Whitten

Ms. Collins presented the Chief Investigative Services Report on behalf of Mark Whitten.

Ms. Collins informed the Board that 4,029 of 5,615 pharmacy inspections have been completed this fiscal year (71.75%). Ms. Collins also reported to the Board that 5,238 of 8,419 Dispensing Practitioners have been inspected this fiscal year (62.22%).

TAB 2 **BUSINESS – Jeffrey J. Mesaros, PharmD, Chair**

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 77
2. Pharmacist (Exam Eligibility) (Client 2201) – 80
3. Pharmacist Interns (Client 2202) – 86
4. Registered Pharmacy Technicians (Client 2208) – 956
5. Consultant Pharmacist (Client 2203) – 34
6. Nuclear Pharmacist (Client 2204) – 0
7. Pharmacies/Facilities (Client 2205) – 242
8. Registered Pharmacy Technician Ratios (2:1 or 3:1)- 240
9. Pharmacy Technician Training Program (Client 2209) - 37
10. CE Providers – 12
11. CE Courses – 23

12. CE Individual Requests (Approved) – 9
13. CE Individual Requests (Denied) - 2

Motion: by Dr. Fallon, seconded by Mrs. Glass, to ratify issues licenses/certificates & staffing ratios. Motion carried.

D. Review and Approval of Minutes

1. February 11-12, 2014 Meeting Minutes

Motion: by Mrs. Glass, seconded by Dr. Fallon, to approve the minutes from the February 11-12, 2014 Meeting. Motion carried.

Public Comments:

Dr. Mesaros opened up the floor to public comments.

No public comments were made.

Motion: by Dr. Fallon, seconded by Dr. Weizer, to adjourn the meeting at 2:05pm. Motion carried.

Wednesday, April 2, 2014 – 9:00 a.m.

9:06 a.m. Call To Order by Jeff J. Mesaros, PharmD

Absent: Albert Garcia was not present.

Dr. Mesaros recognized Fritz Hayes in the audience as a former Board member and thanked him for his attendance. Dr. Mesaros also welcomed the pharmacy students from the various pharmacy schools from around the State of Florida.

TAB 3 Rules Committee Report – Jeffrey J. Mesaros, PharmD, Chair

Ms. Norr presented the revised language from the Rules committee and requested a vote on Rule 64B16-28.810.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to accept the changes as written. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, 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 stated that Rule 64B16-26.2034 regarding direct supervision is open for development and data is being gathered.

Ms. Norr informed the Board of the discussion had by the committee to send a letter to the schools requesting they inform us when students are no longer enrolled in their programs.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to approve the issuing of letters to the various pharmacy schools requesting they send a list of the interns who are no longer enrolled in their programs. Motion carried.

Ms. Norr stated that the final agenda item for the rules committee regarding “closing of a pharmacy” was being rolled over to the next meeting due to the committee running out of time.

TAB 4 **DISCIPLINARY CASES – Yolonda Green, Assistant General Counsel**

A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES
A-1 Elizabeth James, PS 47984 – Pembroke Pines, FL
 Case No. 2013-05906 - PCP Fallon/Glass

Respondent violated:

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

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$250.00. Respondent shall pay costs not to exceed \$896.55. Respondent shall complete an 8 hour Medication Errors CE.

Respondent was present and sworn in by the court reporter. Respondent was not represented by counsel.

Motion: by Mr. Philip, seconded by Dr. Mikhael, to accept the Settlement Agreement. Motion carried.

A-2 Millenium Pharmacy, Inc., PH 25300 – Miami, FL
 Case No. 2013-02802 – PCP – Weizer/Meshad

Respondent violated:

Count One: Section 465.023(1)(c), F.S. (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-27.420(4)(a), Florida Administrative Code, by failing to insure a registered pharmacy technician was properly identified.

Count Two: Section 465.023(1)(c), F.S. (2012), through a violation of Rule 64B16-28.102(5)(a), Florida Administrative Code, by failing to have a copy of a current Facts and Comparisons.

Count Three: Section 465.023(1)(c), F.S. (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.110, Florida Administrative Code, by failing to remove from the prescription department all pharmaceuticals which bear upon the container an expiration date which has been reached.

Count Four: Section 465.023(1)(c), F.S. (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.118(4), Florida Administrative Code, because copy of inventory for purchased medication was missing lot numbers.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$1,000.00. Respondent shall pay costs of \$1,162.05

Respondent was not present nor represented by counsel.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to accept the Settlement Agreement. Motion carried with Dr. Mikhael and Mr. Philip in opposition.

A-3 Robert Bojarzin, PS 19647 – Ft. Myers, FL

Respondent violated:

Count One: Section 465.015(1)(g), F.S. (2010), by using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay an administrative fine in the amount of \$500.00 payable within six months. Respondent shall pay costs of \$2,293.37 within six months. Respondent shall complete an 12 hour med errors CE within one year.

Respondent was present and sworn in by the court reporter. Respondent was represented by Brandon Nichols, Esquire.

Motion: by Dr. Weizer, by Dr. Mikhael, to accept the Settlement Agreement. Motion carried.

A-4 Nubia Ortega, PS 29230 – Miami, FL
Case No. 2013-15707 – PCP – Mesaros/Mikhael

Respondent violated:

Count One: Section 456.072(1)(k), F.S. (2013), by violating Section 465.0022(11)(a), F.S. by failing to ensure the permittee's compliance with Rule 64B16-28.109(1), Florida Administrative Code, which provides that the prescription department of any community pharmacy permittee shall be considered closed whenever the establishment is open and a pharmacist is not present and on duty.

Count Two: Section 456.072(1)(k), F.S. (2013), by violating Section 465.022(11)(a), F.S., by failing to ensure the permittee's compliance with Rule 64B16-28.109(5), Florida Administrative Code, which states that whenever the prescription department of any community pharmacy establishment is closed, no person other than a pharmacist shall enter, be permitted to enter, or remain in the prescription department.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay administrative fine in the amount of \$1,000.00 payable within 30 days. Respondent shall pay costs of \$787.77. Respondent shall complete a 12 hour laws and rules CE to be completed within 1 year.

Respondent was present and sworn in by the court reporter. Respondent was not represented by counsel.

Motion: by Mr. Meshad, seconded by Dr. Fallon, to accept the Settlement Agreement. Motion carried.

A-5 Nadmi Ahmed Qayed, PS 48803 – Dearborn, MI
Case No. 2013-14316 – PCP – Mesaros/Mikhael

Respondent violated:

Count One: Section 465.016(1)(h), F.S. (2013), having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this Chapter.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall impose an administrative fine \$5,000.00 within 30 days. Respondent shall pay costs of \$413.67 within 90 days. Respondent shall be placed on probation for one year. Respondent shall complete a 12 hour Laws and Rules CE within one year.

Respondent was present and sworn in by the court reporter. Respondent was not represented by counsel.

Motion: by Mr. Philip, seconded by Dr. Fallon to reject the Settlement Agreement. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to suspend the respondent's license until their Michigan license is clear, impose costs of \$413.67, and require an appearance with PRN advocating on behalf of the respondent. Motion carried.

A-6 Kellie Quinn Flood, PS 49433 – Port Saint Lucie, FL
Case No. 2012-17794 – PCP – Glass/Mikhael

Respondent Violated

Count One: Section 465.016(1)(f), F.S. (2013), having been convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy that constitutes grounds for disciplinary action; a plea of nolo contendere that constitutes a conviction for purposes of this provision.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay administrative fine in the amount of \$3,000.00 payable within 1 year. Respondent must pay costs of \$779.94 within one year. Respondent shall be placed on probation for 5 years to run concurrent with the PRN contract beginning April 12, 2013, and terminating April 11, 2018.

Respondent was present and sworn in by the court reporter. Respondent was represented by Brian Kahan, Esquire.

Dr. Weizer requested that during the respondent's probationary period, she cannot serve as a PDM without written permission from the Board. Dr. Weizer also requested that a provision be added that states whenever the respondent is not in active practice, probation would toll.

The respondent verbally agreed to these additional provisions.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to accept the amended Settlement Agreement. Motion carried.

A-7 Edy Payout, PS 37775 – Palm Bay, FL
Case No. 2011-20031 – PCP Mesaros/Mikhael

Respondent Violated:

Count One: Section 456.072(1)(k), F.S. (2011, 2012), by violating Section 465.016(1)(r), F.S. (2011-2012), through a violation of Section 465.022(1)(a), F.S. (2011, 2012), by failing to ensure that deteriorated pharmaceuticals, or pharmaceuticals which bear upon the container an expiration date which date has been reached were removed from stock, as required by Rule 64B16-28.110, Florida Administrative Code.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$2,500.00 within 90 days. Respondent shall pay costs limited to \$2,266.50 within one year. Respondent shall complete a 12 hour laws and rules CE to be completed within one year. Respondent shall be placed on probation for a period of one year.

Respondent was present and sworn in by the court reporter. Respondent was represented by Robert Nicholson, Esquire.

Mrs. Glass requested that the CE credit hours be amended from 8 to 12 hours.

Motion: by Mr. Philip, seconded by Dr. Fallon, to accept the amended settlement agreement. Motion carried.

A-8 Alan C. Zimmer, PS 23369 – Boca Raton, FL
Case No. 2012-12992 – PCP Fallon/Meshad

Respondent Violated:

Count One: Section 456.072(1)(x), F.S. (2011), which provides that 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 constitutes grounds for discipline.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$1,000.00 within one year. Respondent shall pay costs not to exceed \$1,438.31 within one year. Respondent shall complete a 12 hour laws and rules CE course within one year.

This case was granted a continuance.

A-9 Anthony R. Carilli, PS 23041 – Jupiter, FL
Case No. 2010-22564 – PCP Glass/Mikhael

Respondent Violated:

Count One: Section 456.072(1)(k), F.S. (2011) by violating Section 465.016(1)(r), F. S. (2011), through a violation of Section 465.022(1)(a), F.S. (2011), 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 sale of prescription drugs.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay costs of \$891.00 within 90 days. Respondent shall complete a 12 hour laws and rules CE credit within one year.

Respondent was present and sworn in by the court reporter. Respondent was represented by William Furlow, Esquire.

Motion: by Dr. Weizer, seconded by Mr. Philip, to accept the settlement agreement. Motion carried.

A-10 Anthony's Drugs, PH 24221 – Palm Beach Gardens, FL
Case No. 2010-22563 – PCP Glass/Mikhael

Respondent Violated:

Count One: Section 465.023(1)(c), F.S. (2010, 2011), through a violation or Rule 64B16-28.110, Florida Administrative Code, by having expired medication in the prescription department's active stock.

Count Two: Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.140(3)(e), Florida Administrative Code, by failing to properly maintain a daily log as required by Board Rule.

Count Three: Section 465.023(1)(c), F.S. (2011), by violating Rule 64B16-28.108(3), Florida Administrative Code, by failing to properly label medication found with the Respondent's prescription department.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay an administrative fine of \$3,000.00 within 90 days. Respondent shall pay costs of \$2979.53 within 90 days.

Respondent shall be placed on probation for a period of two years with semi-annual inspections at the cost of the respondent.

Anthony Carilli was present on behalf of Anthony's Drugs. Respondent was represented by William Furlow, Esquire.

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

A-11 Seton Pharmacy, PH 17629 – Jacksonville, FL
Case No. 2013-07523 – PCP Mesaros/Mikhael

Respondent Violated:

Count One: Section 456.072(1)(k), F.S. (2009-2012), by violating Section 465.023(1)(c), F.S. (2009-2012), through a violation of Section 499.005(15), F.S. (2009-2012), which prohibits the sale or transfer of a prescription drug to a person that is not authorized under the law of the jurisdiction in which the person receives the drug to purchase or possess prescription drugs from the person selling or transferring the prescription drug.

Terms of the Settlement Agreement: Respondent shall be present. Respondent shall pay costs of \$1,176.18 within 90 days. PDM shall complete a 12 hour laws and rules CE within one year.

Charzeta James was present on behalf of Seton Pharmacy and sworn in by the court reporter. Respondent was represented by Martin Dix, Esquire.

Motion: by Dr. Fallon, seconded by Mr. Philip, to accept the settlement agreement. Motion carried.

A-12 Ryan Matthew Soehlig, PS 41324 – Jacksonville, FL
Case No. 2013-07522 – PCP Mesaros/Mikhael

Respondent Violated:

Count One: Section 456.072(1)(k), F.S. (2011, 2012), by violating Section 465.022(11)(a), F.S. (2011, 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 the Settlement Agreement: Respondent shall be present. Respondent shall pay costs of \$448.04 within one year. Respondent shall complete a 12 hour laws and rules CE within one year.

Respondent was present and sworn in by the court reporter. Respondent was represented by Martin Dix, Esquire.

Motion: by Mr. Philip, seconded by Dr. Fallon, to accept the settlement agreement. Motion carried.

A-13 John T. Reading, PS 10065 – Pensacola, FL
Case No. 2012-16088 – PCP Glass/Mesaros

Respondent violated:

Count One: Section 456.072(1)(k), and Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S., 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 the Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$2,000.00 within 90 days. Respondent shall pay costs of \$1,406.31.

Respondent was not present nor represented by counsel.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to waive appearance requirement. Motion carried.

Motion: by Dr. Fallon, seconded by Mr. Meshad, to reject the settlement agreement. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to provide respondent option to retire (dismissal) and to require an appearance upon potential reinstatement. Motion carried.

B. DETERMINATION OF WAIVER

DOW-1 Gene R. Lachney, PS 28290 – Pensacola, FL
Case No. 2013-06754 – PCP Mesaros/Glass

Respondent was not present nor represented by counsel.

Count One: Respondent 465.015(2)(c), F.S. (2012), by selling or dispensing drugs as defined in Section 465.003(8), F.S., without first being furnished with a prescription.

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

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

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

Motion: by Mr. Meshad, seconded by Dr. Mikhael, 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: Fine of \$2,000.00, 12 hour laws and rules CE, and suspension of license until an appearance in front of the Board with jurisdiction being reserved by the Board to select probation conditions.

Motion: by Mr. Meshad, seconded by Dr. Mikhael, for revocation of licensure. Motion carried.

DOW-2 Cantonment Pharmacy, Inc., PH 2748 – Cantonment, FL
Case No. 2012-16087 – PCP Glass/Mesaros

Respondent was not present nor represented by counsel.

Count One: Section 465.023(1)(c), F.S. (2012), by violating Section 465.015(2)(c), F.S. (2012), by selling or dispensing drugs as defined in Section 465.003(8) without first being furnished with a prescription.

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

Motion: by 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: Fine of \$10,000.00, costs, 5 year probationary period with semi-annual inspections at respondent's cost, and 12 hour laws and rules CE for the PDM to be completed within first year of probation.

Motion: by Dr. Fallon, seconded by Mr. Meshad, to accept the recommendations of the Department. Motion carried with Dr. Mikhael, Dr. Mesaros, and Mrs. Glass in opposition.

Motion: by Dr. Fallon, seconded Mr. Mesahd, for costs of \$1,129.39 and the fine of \$10,000.00 to be paid within 90 days. Motion carried.

DOW-3 Bruce Robert Kline, PS 46053 – Mansfield, MA
Case No. 2012-12130 – PCP Fallon/Risch

Count One: 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, a licensee's profession.

Count Two: 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 or adjudication, a crime in any jurisdiction.

Respondent was not present nor represented by counsel.

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

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

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

Motion: by Mrs. Glass, seconded by Mr. Philip, 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: costs, 12 hour laws and rules CE to be completed with 1 year, suspension of licensure until appearance before the Board with PRN advocating on their behalf.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept the recommendations of the Department. Motion carried with Mr. Meshad in opposition.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to assess costs of \$102.67 to be paid within 30 days. Motion carried.

DOW-4 Anne Colyn Miley, RPT – Jacksonville, FL
Case No. 2013-13813 – PCP Fallon/Glass

Respondent was not present nor represented by counsel.

Count One: Respondent violated Section 465.016(1)(e), F.S. (2012-2013), by violating Chapter 893 F.S. (2012-2013).

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

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

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

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to withdraw motion for costs. Motion carried.

C. VOLUNTARY RELINQUISHMENTS

VR's voted on at one time: 1 & 2

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

VR-1 Avalon Park Pharmacy, PH 24071 – Orlando, FL
Case No. 2012-13103 – PCP Meshad/Weizer

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

Motion: See above motion.

VR-2 Megan Elizabeth Crane, RPT 13859 – Tavares, FL
Case No. 2012-11172 – PCP Meshad/Weizer

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

Motion: see above motion.

VR-3 Mykel Chaney Thomas, RPT 12401 – St. Petersburg, FL
Case No. 2013-06571 – PCP Griffin/Mesaros

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

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

VR-4 Kiskeya Investment Group, LLC, PH 24806 – Plantation, FL
Case No. 2011-20030 – PCP Glass/Risch

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

Motion: by Dr. Fallon, seconded by Dr. Weizer, to accept the Voluntary Relinquishment. Motion carried.

VR-5 Delmer H. Parrish, PS 28206 – Naples, FL
Case No. 2013-10756– PCP Waived

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

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

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

I-1 Wells Pharmacy Network, LLC – Wellington, FL
Case No. 2012-18422 – PCP – Meshad/Weizer

Count One: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-27.300(3)(a), Florida Administrative Code, which requires a review of QREs at least every three months.

Count Two: Respondent violated Section 465.023(1)(c), Florida Statutes (2012), by violating Rule 64B16-27.797(1)(i)4., Florida Administrative Code, which requires that high-risk preparations are stored at certain temperatures for no more than certain time periods.

Count Three: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-27.797(1)(i)7., Florida Administrative Code, which requires each person authorized to compound high-risk level CSPs demonstrates competency by completing a media-filled test that represents high-level compounding semiannually.

This case was withdrawn from the agenda by Prosecution Services Unit.

I-2 Scott Anthony Cerami, PS 35168 – Lake Worth, FL

Count One: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by not ensuring permittee's compliance with Rule 64B16-27.300(3)(a), Florida Administrative Code, which requires a review of QREs at least every three months.

Count Two: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by not ensuring permittee's compliance with Rule 64B16-27.797(1)(i)4., Florida Administrative Code, which requires that high-risk preparations are stored at certain temperatures for no more than certain time periods.

Count Three: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating 465.022(11)(a), F.S. (2012), by not ensuring permittee's compliance with Rule 64B16-27.797(1)(i)7., Florida Administrative Code, which requires each person authorized to compound high-risk level CSPs demonstrates competency by completing a media-filled test that represents high-level compounding semiannually.

This case was withdrawn from the agenda by Prosecution Services Unit.

TAB 5 **APPLICATIONS REQUIRING BOARD REVIEW – Debra Glass, BPharm**

A. Examination Applicants

1. John Major, File: 43928 – Indian Shores, FL

Respondent was present and sworn in by the court reporter.

Dr. Martha Brown (PRN) stated for the record that Mr. Major has not been in compliance with the recommendations presented to him.

Board deemed that the application had expired and that he must submit a new application in order to be considered for licensure.

B. Endorsement Applications.

1. Sanford Jones, File: 44243 – Destin, FL

Respondent was present and sworn in by the court reporter.

Mrs. Glass recused herself from participation.

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

C. Registered Pharmacy Technician Applications.

1. Dana M. Fassbinder, File: 55101 – Ormond Beach, FL

Respondent was not present.

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

2. Seaton Hardeen, File: 51212 – Kissimmee, FL

Respondent was present and sworn in by the court reporter.

Motion: by Mr. Philip, seconded by Mrs. Glass, to reject the application. Motion carried.

3. Nicole Bolen, File: 55040 – Pembroke Pines, FL

Respondent was present and sworn in by the court reporter.

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

4. Kayla Cerritos, File: 51118 – Clearwater, FL

Respondent was present and sworn in by the court reporter.

Motion: by Dr. Mikhael, seconded by Mrs. Glass, to grant a continuance in order for applicant to provide updated medical documentation. Motion carried.

TAB 6 **LICENSURE ISSUES**

A. Request for Termination of Probation

1. Harry Horodeck, License #12646 – Cape Coral, FL

Respondent was present and sworn in by the court reporter. Respondent was represented by Edwin Bayo, Esquire.

Motion: by Mr. Philip, seconded by Dr. Fallon, to terminate probation. Motion carried.

B. Appeal of Intent to Deny Licensure

1. Andrew Maniscalco, File: 52809 – Gainesville, FL

Respondent was present and sworn in by the court reporter.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to not grant the application until PRN evaluation has been completed. Once evaluation has been completed, the Board Chair reserves jurisdiction to approve or deny licensure. Motion carried.

Public Comments:

Dr. Mesaros opened the floor up to public comments:

Mariah Montgomery (Change to Win) approached the Board to discuss direct supervision. Ms. Montgomery questioned the Board regarding the Walgreens “well experience” model that includes new methods of using technology in supervision.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to adjourn the meeting 1:49pm. Motion carried.