

## MINUTES

### DEPARTMENT OF HEALTH BOARD OF PHARMACY FULL BOARD MEETING

June 7-8, 2016

Boca Raton Marriott

5150 Town Center Circle

Boca Raton, Florida 33486

(561) 392-4600

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#### **Board Members**

Debra B. Glass, BPharm, Chair,  
Tallahassee  
Mark Mikhael, PharmD, Vice-Chair,  
Orlando  
Michelle Weizer, PharmD, Boca Raton  
Goar Alvarez, PharmD, Cooper City  
Leo "Lee" Fallon, BPharm, PhD,  
The Villages  
Gavin Meshad, Consumer Member,  
Sarasota  
Jeenu Philip, BPharm, Jacksonville  
Jeffrey J. Mesaros, PharmD, JD, Orlando  
David Bisailon, Consumer Member,  
Bradenton

#### **Board Staff**

Allison Dudley, Executive Director  
Emily Roach, Program Operations  
Administrator

#### **Board Counsel**

David Flynn, Assistant Attorney General  
Larry Harris, Assistant Attorney General

#### **Department of Health Staff**

Matthew Witters, Assistant General  
Counsel  
Christopher Jurich, Assistant General  
Counsel

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

#### **Tuesday, June 7, 2016**

Chair Debra Glass called the meeting to order at 8:14 a.m.  
Board members Gavin Meshad and David Bisailon were excused.

#### **TAB 1: REPORTS – Debra Glass, BPharm, Chair**

- A. Chair's Report – Debra Glass, BPharm, Chair
  - 1. NABP meeting update

Ms. Glass reviewed the NABP resolutions that were passed at the National Association of Board of Pharmacy annual meeting in San Diego, Calif., in May. She pointed out that the voting process in the future will be electronic, rather than hand-written. The 2017 meeting will be held in Orlando, Florida.

The NABP District 3 meeting will be Aug. 13-16 in Alabama. Dr. Jeffrey Mesaros pointed out that registration has opened.

Dr. Mark Mikhael said tech-check-tech was discussed and pharmacist prescribing in collaboration with physicians.

## B. Executive Director's Report – Allison Dudley, Executive Director

Ms. Dudley said hotel reimbursement rates will be capped at \$150.

### 1. NABP Inspection Blueprint

Ms. Dudley said she had been involved in conference calls with NABP regarding the universal inspection blueprint the group is developing for sterile compounding and community pharmacies. She said she informed them Florida would not be able to help test it because our inspection form is completely based on Florida rules. If the universal form does not follow Florida rules, the Department would not be able to use it.

However, if all states moved toward the same type of inspection form for sterile compounding pharmacies, it would be easier for review.

### 2. Healthiest Weight Update- Emily Roach to present

Ms. Roach said the Division of Medical Quality Assurance will be at the Florida Pharmacy Association meeting the first weekend of July and will hold a 5K race to promote Healthiest Weight. She encouraged participation.

The Department is updating its Healthiest Weight continuing education course and it will be made available in the future as a credit for pharmacists. The course will be free.

### 3. Versa Online- Emily Roach to present

Ms. Roach explained that MQA is converting to a new online application system for the pharmacy professions on June 25. It will require licensees and applicants to create an account in the new system. More information will be provided.

### 4. 2017 meeting dates

Ms. Dudley said if the Board agreed, the office would submit dates and locations that matched 2016 with industry meetings and holidays accommodated.

## 5. Disciplinary matrix

This issue will be brought back to the August meeting to provide a revised matrix.

Ms. Dudley said she was creating three prongs of disciplinary incidents so that staff could clear ones that the Board did not determine needed full Board review.

## 6. Web iViewer update – Emily Roach to present

Ms. Roach said MQA and a technical design team are working on a revised interface for the cloud-based iViewer, which should be available with the August agenda. It features better navigation and faster loading speeds in response to feedback from Board members.

## 7. PDM Change

Ms. Dudley said the Department is required to re-check fingerprints every year for pharmacy owners with a 5 percent interest or more and Prescription Department Managers. When the application comes in, the PDM submits fingerprints. After the license is issued, changes to the PDM does not require fingerprinting. Ms. Dudley said she did not think that was the intent of the Board. She said Board counsel Larry Harris will open the rule so that the Board can review it at the next meeting.

Board member Jeenu Philip said most of the corporate chain pharmacies are already fingerprinting any new PDM.

Mr. Harris said rule 64B16-27.104 does not mesh well with the rest of the PDM rule requirements. He said it would be easier to use a new rule number and put all of the PDM requirements together and revise for consistency and clarity.

Motion: by member Michele Weizer to open a new rule for development and within that rule to support with PDM change have fingerprinting required. Motion carried.

Ms. Dudley said FPA and FSHP have requested delegates for upcoming meetings and she wanted to ask what those delegates are expected to do and who would be designed.

Dr. Weizer said she acts as parliamentarian for Florida Society of Health-System Pharmacists. Dr. Mikhael said in the past he has served as a delegate for FSHP and has been told that is OK, but he represents his regional society, not the Board.

Ms. Dudley said if Board members attend but not as delegates, she cannot reimburse the expenses. Dr. Weizer said that because the group has a lobbyist, she always paid her own way, and Dr. Mikhael said he did as well. Dr. Weizer said in the past she has answered questions asked specifically as a Board representative. Ms. Dudley cautioned that they should not comment on issues that would be voted on in the future.

Ms. Dudley said she got a call from the Government Accountability Office regarding recommendations in 2012 for labeling for the vision impaired wanting to know what the

Board did about those recommendations. She said she did not find anything in the meeting minutes. GAO has requested a copy of pharmacy addresses to do a survey of what Florida pharmacies are doing regardless of whether Florida regulation incorporated the guidelines.

Ms. Glass notes that members Gavin Meshad and David Bisailon were excused.

The Board moved up the Investigative Services Report.

### C. Attorney General's Report - David Flynn, Assistant Attorney General

#### 1. Monthly Rules Report- Lawrence Harris, Assistant Attorney General

Mr. Harris said he was pleased with the progress. In addition to the information in the rules report provided, he said Rules 64B16-26.300 and 26.303 have been filed for adoption and should be effective this week, as well as 26.600. The remaining rules have either been published or are on the agenda today. The applications were a big project and the majority are done. The annual regulatory plan will need to be worked on next.

Ms. Glass thanked the rules committee for all the hard work on the changes.

Mr. Flynn said the Chapter 32 changes are moving along as well.

#### 2. 64B16-28.802 – Special Sterile Compounding Permits – David Flynn, Assistant Attorney General

Mr. Flynn said the Board office is getting questions about this rule. It was recently amended to say an outsourcing facility is a pharmacy. We were requiring in-state facilities to get pharmacy permits. Some are migrating to an outsourcing facility, and we were letting keep SSCP. FDA is allowing outsourcing to do office use and patient-specific. Right now, in-state facilities are required to have community pharmacy permit, FDA outsourcing registration and an outsourcing SSCP. What about when an outsourcing facility is not going to dispense directly to the public? Seems to be written now that need both permits.

Dr. Weizer said in-state needs to be treated like the nonresident, just passing a cGMP inspection and get an outsourcing SSCP. Use the modifier. The Department will have to do cGMP inspections because of delays getting an FDA inspection.

Mr. Flynn said that if the facility is going to dispense to the public, it also needs a community pharmacy permit.

Ms. Dudley said we have an application that falls under this situation, so we wanted to clarify the Board's intentions.

Motion: by Dr. Weizer that an outsourcing facility that does not engage patient-specific sterile compounding does not need a community pharmacy permit and must comply with cGMP and the Food, Drug and Cosmetic Act. Motion carried.

#### 3. Petition for Declaratory Statement

#### A. Columbia Plantation General Hospital Pharmacy

Board members said they had questions about the petition that needed to be answered by a representative of the petitioner.

Motion: by Dr. Alvarez, to continue and require an appearance at one of the next two Board meetings. Motion carried.

#### 4. Petition for Variance or Waiver A. Southshore Pharmacy, Inc.

Attorney Edwin Bayo represented the petitioner. He said the pharmacy would have no drugs on the premises during closing.

Motion: by Dr. Fallon, to grant a waiver from Rule 64B16-28.1081, Florida Administrative Code, for 180 days with requirement that no medicinal drugs be onsite during the closing; the petitioner is allowed to order drugs 10 days before reopening but must pass a cGMP inspection before distribution. The petitioner will provide for security for the paper records and maintain a phone number during closure. Motion carried.

#### B. Memorial Healthcare System

Dr. Weizer said the petition provided the necessary data to show that the ceiling tiles used in the IV room did meet USP 797 requirements for particle counts.

Motion: by Dr. Weizer, to grant the petition for variance of Rule 64B16-27.797. Motion carried.

Board members discussed the variance request in relation to other facilities that might retrofit spaces to quality under USP 797 and that the ceiling tiles were being used instead of caulking at some older facilities.

Motion: by Dr. Weizer, to open Rule 64B16-27.797 for the Board to consider allowing exceptions for ceiling tiles when data is presented to show particle count compliance. Motion carried.

#### D. Investigative Services Report – Michelle Miller, Field Operations Manager

Ms. Miller with ISU provided this report to the Board: to date 6,005 pharmacies have been inspected (97.37 percent). Of 551 special sterile compounding pharmacies, 518 have been inspected. She said the Enforcement bureau anticipates being 100 percent complete by the end of the fiscal year, June 30.

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure)(Client 2201) –
2. Pharmacist (Exam Eligibility)(Client 2201) –
3. Pharmacist Interns (Client 2202) –
4. Registered Pharmacy Technicians (Client 2208) –
5. Consultant Pharmacist (Client 2203) –
6. Nuclear Pharmacist (Client 2204) –0
7. Pharmacy/Facilities (Client 2205) –
8. Nonresident Sterile Compounding (Client 2210) -
9. CE Providers –
- 10.CE Courses –
- 11.CE Individual Request (Approved) –
- 12.CE Individual Request (Denied) –

Motion: by Dr. Alvarez to approve ratification of issued licenses. Motion carried.

B. Review and Approval of Minutes

1. April 4, 2016 Sterile Compounding Committee Meeting Minutes

Motion: by Dr. Weizer, to approve meeting minutes. Motion carried.

2. April 5, 2016 Rules Committee Meeting Minutes

Motion: by Dr. Fallon, to approve meeting minutes. Motion carried.

3. April 5-6, 2016 Full Board Meeting Minutes

Motion: by Dr. Mikhael, to approve meeting minutes. Motion carried.

4. April 6, 2016 Joint Meeting Minutes

Motion: by Dr. Alvarez, to approve meeting minutes. Motion carried.

C. Prescription Department Manager request for two locations

Board members said the information provided could not answer questions they had about the request.

Motion: by Dr. Weizer, to deny the request. Motion carried.

**Tab 3: LEGISLATIVE – Allison Dudley**

1. HB 183 – Minor Violations

Mr. Harris said he can create a list by June 25 with input from Board members and submit it. He will plan to bring it to the Board in August for further discussion.

Motion: by Jeenu Philip, for Mr. Harris to create the initial list with input from Board members. Motion carried.

## 2. HB 941 – Department of Health

Ms. Dudley gave Board members an update of the changes being made for all Department of Health boards, including removal of medication errors for initial licensing and additional ways military members and spouses can qualify for licenses.

### **TAB 4: APPLICATIONS REQUIRING BOARD REVIEW - Debra Glass, BPharm, Chair**

#### A. Pharmacist Applications

##### 1. James Maister, File: 23211

Applicant was present and sworn in. Applicant was represented by attorney Ed Bayo.

Motion: by Dr. Mesaros, to approve the application with the following conditions: 5-years probation to co-terminate with PRN contract, work a maximum of 40 hours, work in no more than two pharmacies each quarter, quarterly reports by licensee and supervisor, do not serve as a Prescription Department Manager, pay outstanding costs and fines from previous final orders issued on prior license before probation will be terminated, appearance to petition for termination of probation with PRN support no sooner than three months before end of probation. Motion carried.

Motion: by Dr. Alvarez, to waive requirement of the NAPLEX exam; MPJE is required. Motion carried.

##### 2. Susan Perry, File: 48131

Applicant was present and sworn in. Applicant was not represented by counsel.

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

##### 3. Edward German III, File: 47722

Applicant was not present and sworn in. Applicant was not represented by counsel.

Motion: by Dr. Weizer, to deny the application due to prior discipline from another Board in our jurisdiction (Board of Medicine). Motion carried.

4. Vanessa McGill-Robinson, File: 42592

Applicant was not present. Applicant was not represented by counsel.

The applicant called before the meeting and said she would be attending her father's funeral in North Carolina.

Motion: by Dr. Alvarez, to require an appearance at the next Board meeting. Motion carried.

Board members asked that Ms. McGill-Robinson be asked to get a PRN evaluation.

5. Brian Piha, File: 48273

Applicant was present and sworn in. Applicant was represented by attorney Ed Bayo.

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

6. Biju Baby, File 48804

Applicant was present and sworn in. Applicant was represented by attorney Ed Bayo.

Mr. Baby was not eligible for renewal due to Section 456.0893, *Florida Statutes*, violations and let his license go null and void. Mr. Bayo explained that Mr. Baby had completed his criminal plea requirements and had contacted him a year ago to find out how to work toward proving to the Board that he could practice pharmacy with reasonable skill and safety. He said the July 1, 2016, statutory changes pushed him to appear sooner than he was ready. Mr. Baby said he was not in the PRN program at this point.

Motion: by Dr. Alvarez, to grant the application but no issue a license until Mr. Baby appeared before the Board and demonstrate he would be able to practice pharmacy with reasonable skill and safety with at minimum a PRN evaluation; the Board reserved jurisdiction to impose further conditions to the license when issued; the Board set a one-year deadline for Mr. Baby to be reinstated. Motion carried. Drs. Weizer and Fallon opposed.

7. Jose Leon-Burgos, File 48611

Applicant was present and sworn in. Applicant was not represented by counsel.

Mr. Leon-Burgos is a recent University of South Florida graduate. Pharmacy professor Sarah Steinhardt spoke on his behalf. Mr. Leon-Burgos was one of four valedictorians of the class.

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

## B. Registered Pharmacy Technician

### 1. Patrick Rosa, File: 67608- Req'd June or August

Applicant was present and sworn in. Applicant was not represented by counsel. Dr. Weizer asked Mr. Rosa if he completed drug court. Mr. Rosa said he did not complete drug court because he was held at gun point during a robbery and reverted to drug use, and failed a drug test. He plead out through no contest and completed his probationary terms.

Dr. Mikhael stated that the charges were two years prior, that the applicant had gone through the pharmacy technician training program with his employer and had clearly proven his worth, as he was currently employed. At his place of employment, he is subject to random drug tests.

Motion: by Dr. Mikhael, to approve the application. Motion carried. Mr. Philip and Dr. Alvarez opposed.

### 2. Stacie Eleanor Foster, File: 69081

Applicant was not present. Applicant was not represented by counsel.

Motion: by Dr. Weizer, to require an appearance at one of the next two meetings. Motion carried.

### ~~3. Christine Rose Ramcharan, File: 64412~~

### 4. Jennifer Maria Griffin, File: 67285

Applicant was not present. Applicant was not represented by counsel.

Motion: by Dr. Weizer, to require an appearance at one of the next two meetings. Motion carried.

## C. Non-Resident Pharmacy Permit

### ~~1. American Specialty Pharmacy, Inc., File: 23459 – Req'd June or August~~

### 2. Specialty Pharmaceutical Inc., File: 23417 – Req'd June or August

Applicant representative Fred Ganjian was present and sworn in. Applicant was not represented by counsel.

Ms. Dudley noted that the Board had an email in the packet that indicated the pharmacy would not engage in sterile compounding.

Mr. Ganjian said the criminal violations were from 1992 in New York and resulted in discipline in several other states as well. He said he is a changed man from that time. He described the pharmacy's business as filling worker's compensation prescriptions for dermatologists.

Motion: by Dr. Mikhael, to approve the application with the conditions that it not ship compounded products for office use and no controlled substances. Motion carried. Dr. Fallon and Mr. Philip opposed.

3. USRX Pharmacy LLC, File: 23656 (Community Pharmacy)

Applicant was not present. Applicant was not represented by counsel.

Motion: by Dr. Weizer, to require an appearance at one of the next two meetings. Motion carried.

4. Southeast Compounding Pharmacy, File: 23338

5. Southeast Compounding Pharmacy, PH 27164

6. Curerx Compounding Pharmacy d/b/a Curerx, File: 23643

Applicant was not present. Applicant was not represented by counsel.

Ms. Dudley said the Board can require an inspection along with requiring appearance.

Dr. Weizer pointed out that the PCAB accreditation is for a different location than the one indicated on the application.

Motion: by Dr. Alvarez, to require an appearance at one of the new two Board meetings and to submit the most recent inspection for the new location. Motion carried.

7. The Diennet Pharmacy, File: 23701

Applicant was not present. Applicant was not represented by counsel.

Mr. Philip said the application was flagged because of criminal history. Dr. Mikhael said the pharmacy name is the same as the pharmacist with criminal history, so it goes directly to the pharmacy practice itself.

Motion: by Dr. Mikhael, to require appearance at one of the next two Board meetings and provide a recent inspection. Motion carried.

#### 8. Tailor Made Compounding, LLC, File: 23702

Applicant was represented by pharmacist Jake Williams who was present and sworn in. Applicant was not represented by counsel.

The application was brought to the Board because of Mr. Williams' criminal violation in Kentucky. He reported that he had completed terms of his court agreement. He said the pharmacy practice does sterile compounded medications for sports medicine.

Mr. Flynn said Mr. Williams' conviction would not have required Board appearance according to decisions made by the Board at the April meeting. Ms. Dudley said Mr. Williams was still on probation, which the criminal history matrix does not clear without Board review.

Mr. Williams said his license in Kentucky had not been restricted.

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

The Board discussed whether someone on probation needed to appear for an otherwise clearable offense. Mr. Flynn said the application may show that there are other indications of ongoing impairment in the case of a one-time DUI.

Motion: by Dr. Mikhael, that review of someone on probation be delegated to the application reviewer, who is currently Mr. Philip, to clear or refer to the full Board. Motion carried.

#### 9. Nextron, Inc. File: 23684

Applicant was represented by Simone Cimino, who was present and sworn in. Applicant was not represented by counsel. Mr. Cimino said he was not a pharmacist.

The application showed several failed inspections. Mr. Cimino said none of the violations were criminal. The pharmacy paid more than \$4,000 and corrected all of the violations.

Mr. Cimino said the pharmacy did not want to ship sterile compounded products into Florida. It has patients to move to Florida or visit here who need infusion products. He said the pharmacy ships products that are mixed onsite and administered.

The Board discussed whether a biologic, such as that shipped by Nextron, needed to be shipped under a sterile compounding license. Dr. Mikhael said it is common practice for infusion suites and in-home infusion for a nurse to mix and administer onsite, and USP 797 allows for immediate use.

After the lunch break, the Board asked Mr. Cimino if a pharmacist would be able to attend the next Board meeting and help answer questions about the inspection violations. He gave a 90-day waiver and requested a continuance.

Motion: by Dr. Mesaros to approve a continuance with the applicant's waiver of 90-day requirements. Motion carried. Dr. Mikhael opposed.

10. ~~BSO, LLC, File: 23495~~

Public Comment:

Larry Gonzalez, general counsel for the Florida Society of Health-System Practitioners, said his organization and the Florida Pharmacy Association are working with Florida Medical Association representatives to redraft a bill on provider status for pharmacists. He said they are looking for a sponsor and plan to introduce the bill for consideration next session.

Dr. Mikhael said the FDA guidance on 503B compounding for hospital settings saying it can't be more than one mile. Many states allow compounding based on hours, and that promotes safety because the regulatory costs to create the proper environment at multiple locations is significant. Dr. Weizer said Chapter 499 covers that.

Mr. Flynn said he would need assistance going forward as he makes changes to the sterile compounding rules in response to FDA guidance. There will be concerns with aspects that are regulated by the Division of Drugs, Devices, and Cosmetics. He suggested the hospitals consider retaining some good administrative law attorneys to help figure out the regulatory issues because it affects everyone in a large-scale way.

Motion: by Dr. Fallon, to adjourn at 2:03 p.m. Motion carried.

## Wednesday, June 8, 2016

Chair Debra Glass called the meeting to order at 8:04 a.m. Board members David Bisailon and Gavin Meshad were excused.

### **TAB 4: COMMITTEE REPORTS & ACTIONS (FROM 6/7/16)**

Debra Glass, BPharm, Chair; Jeff Mesaros, PharmD, & David Flynn, Assistant Attorney General

#### 1. Rules Committee, Jeff Mesaros, Committee Chair

Dr. Mesaros summarized the Rules Committee actions, which updated application rules and forms to comply with legislative changes in HB941. The committee discussed Joint Administrative Procedural Committee letters as well.

Motion: by Dr. Fallon, to ratify the actions taken by the Rules Committee. Motion carried.

### **TAB 5: DISCIPLINARY CASES – Matthew Witters, Esq. & Debra Glass, BPharm, Chair**

Settlement Agreements SA-01, SA-02, SA-03, SA-08 were all taken without discussion.

**SETTLEMENT AGREEMENTS - APPEARANCE REQUIRED**

SA-1 Gennady Krupnikas, R.Ph. Case No. 2015-23989

Respondent was/was not present. Respondent was/was not represented by Counsel

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Dr. Weizer and Mr. Meshad were recused due to participation on the probable cause panel.

Chris Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 465.016(1)(e), FS (2015). Count two- violation of section 456.072(1)(c), FS (2015).

The terms of the Settlement Agreement are: Appearance; \$4,000 fine payable within 90 days of filing of final order; Costs in the amount of \$558.30 payable within 90 days of filing of final order; Probation- respondent shall be placed on 2 years' probation with the following terms and conditions: (a) respondent shall not serve as PDM of record for any pharmacy permitted within the state of Florida (b) respondent shall not work for more than two pharmacies during each quarter of the probationary period unless respondent obtains written approval from the Board (c) respondent shall submit written reports to compliance officer, reports shall be submitted every three months (d) respondent shall make a mandatory appearance during last three months of probation. The board retains the right to extend respondent's term of probation or to impose additional restrictions, conditions or limitations on respondent's license. CE- respondent shall complete 12-hour board approved course on the subject of Laws and Rules within one year of filing of final order.

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

SA-2 Metoma Corporation d/b/a Castilla 87<sup>th</sup> Pharmacy, Case No.  
2014-11900

Respondent was/was not present. Respondent was/was not represented by Counsel

\_\_\_\_\_.

Ms. Glass and Mr. Philip were recused due to participation on the probable cause panel. Mark Mikhael chaired this portion of the meeting.

Chris Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 465.023(1)(c), FS (2013), by and through a violation of section 465.016(1)(s), FS (2013). Count two- violation of section 456.072(1)(r), FS (2014).

The terms of the Settlement Agreement are: Appearance; \$2,265.37 in costs payable within 90 days of filing of final order; Probation- respondent shall be placed on two years' probation with the following terms and conditions: (a) Department shall conduct semi-annual inspections to ensure compliance with Florida Statutes and rules of the Board of Pharmacy at respondent's physical location at respondent's cost for one year. (b) Respondent shall submit a corrective action plan aimed at demonstrating correction of all deficiencies, plan shall be submitted within 90 days of filing of final order.

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

SA-3 Marcial Gonzalez, R.Ph. Case No. 2015-07727

Respondent was/was not present. Respondent was/was not represented by Counsel

\_\_\_\_\_.

Dr. Weizer and Mr. Philip were recused due to participation on the probable cause panel.

\_\_\_Chris Jurich \_\_\_represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 465.016(1)(s), FS (2013).

The terms of the Settlement Agreement are: Appearance; \$5,000 fine payable within one year of filing of final order; Costs in the amount of \$1,052.66 payable within 90 days of filing of final order; Probation- respondent shall be placed on probation for two years with the following terms and conditions: (a) respondent must report place(s) of employment within 10 days of filing of final order. (b) Respondent must report any change in address, phone number, employment, employers address or telephone number. (c) Respondent shall not serve as PDM of record for any permitted pharmacy within the state of Florida other than Metoma Corp, d/b/a Castilla 87 pharmacy, permit number PH19334, during term of probation. (d) Respondent shall not work for more than two permitted pharmacies in the state of Florida during probation period without prior written approval from the Board of Pharmacy. (e) Tolling provision; CE- Respondent shall complete a board approved 12-hour course on the subject of Laws and Rules and 8 hours board approved Ethics course within 1 year of filing of final order.

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

SA-4 Edward R. Tulisziwski, R.Ph. Case No. 2015-30083

Respondent was present and sworn in. Respondent was not represented by counsel.

Dr. Fallon and Dr. Alvarez were recused due to participation on the probable cause panel.

\_\_\_Chris Jurich\_\_\_represented the Department and presented the case to the Board.

Allegations of the Administrative Complaint: violation of section 465.016(1)(g), FS (2014).

The terms of the Settlement Agreement are: Appearance; \$1,000 fine payable within 30 days of filing of final order; Costs in the amount of \$727.07 payable within 90 days of filing of final order; CE- respondent shall complete 8 hours, Board-approved course on the subject of Prevention of Medical Errors within 1 year of filing of final order.

Dr. Weizer said she wanted to hear from the licensee if he had the patient profile. Mr. Tulisziwski said he did not.

Motion by: Mr. Philip, to accept Settlement Agreement. Motion carried.

SA-5 Jackie McCall, Jr. R.Ph. Case No. 2015-08919

Respondent was present and sworn in. Respondent was not represented by counsel.

Dr. Weizer and Mr. Meshad were recused due to participation on the probable cause panel.

\_\_Matt Witters\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(f), FS (2014), by having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

Mr. Philip said the license is on probation in Maryland and it may be appropriate to put him on probation to run concurrently with Maryland. Mr. Witters said probation would need to be determined after reinstatement, because compliance would not want someone on suspension and probation at the same time.

Mr. Flynn said the Board is assuming that PRN will find he has a gambling addiction, but that may not be the determination.

Dr. Mikhael said Mr. McCall diverted drugs and they ended up on the street, and he thinks the license should be revoked.

The terms of the Settlement Agreement are: Appearance; Costs in the amount of \$651.86 payable within 90 days from filing of final order; Suspension- Respondent's license shall be suspended until he can personally appear before the Board and can demonstrate safe to practice with reasonable skill and safety, to include a PRN evaluation. Within 30 days respondent shall return the license to DOH Compliance unit. Respondent shall immediately inform employer in writing the suspension of his license and provide a copy of correspondence to compliance unit.

Orally amended that the Board retains jurisdiction to impose terms of probations reasonably related to the allegations in the case upon reinstatement of his license.

Mr. Witters spoke to Mr. McCall while the Board discussed the next case.

Motion by: Dr. Mesaros, to accept orally amended Settlement Agreement. Motion carried. Drs. Fallon and Mikhael opposed.

SA-6 Sarah Beth Masters, RPT, Case No. 2015-25573

Respondent was present and sworn in. Respondent was represented by attorney David Ferrainolo.

Dr. Weizer and Dr. Fallon were recused due to participation on the probable cause panel.

Chris Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 465.016(1)(t)(4), FS (2015), by committing an error or omission during the performance of a specific function of prescription drug processing, which includes (#4) performing pharmaceutical calculations. Count two- violation of section 465.016(1)(e), FS (2015) by and through a violation of section 499.005(2), FS (2015).

Ms. Masters described what happened the day she prepared the batch incorrectly with potassium instead of nitroglycerin. Upon questioning, she explained that two pharmacists signed off; the empty vials were laid out for review. The process has changed so that the pharmacist pulls the bottles and the potassium has alert labels on it.

The Board discussed the fact that the technician made a mistake, but she did not bypass any steps of the process. Two pharmacists checked off and did not catch the mistake. Mr. Philip said the responsibility for the final check is the pharmacist. Dr. Mikhael said he felt the Board needs to hold the technician responsible; that's why they are registered.

Ms. Masters said she agreed, that she was responsible and should be disciplined. Dr. Mikhael said her taking responsibility made him change his mind about the settlement agreement. Mr. Philip said registration is to be able to get rid of bad apples and not just let them move to another location, and what happened in this case was a mistake.

The terms of the Settlement Agreement are: Appearance; \$1,250.00 fine payable within 90 days from filing of final order; Costs in the amount of \$1,444.51 payable within 6 months from filing of final order; CE- Respondent shall complete a board approved 12 hour course on the subject of Laws and Rules and 8 hours board approved Prevention of Medication Errors within 1 year from filing of final order.

Motion by: Mr. Philip, to reject the settlement agreement and dismiss the case. Motion carried.

Mr. Ferrainolo agreed that Ms. Masters would waive attorneys' fees and costs.

SA-7 Sydney E. Stephens, R.Ph. Case No. 2014-11286

Respondent was present. Respondent was represented by attorney, Mr. Purcell.

PRN representative Martha Brown was present at the table and referenced the letter available to the Board. She is not able to practice at this time with reasonable skill and safety.

Ms. Glass and Mr. Philip were recused due to participation on the probable cause panel. Mark Mikhael chaired this portion of the meeting.

Chris Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 465.016(1)(e), FS (2014), by and through a violation of section 893.13(6)(a), FS (2014).

Mr. Purcell said there was no diversion. Ms. Stephens has been in voluntary withdrawal of her license for two years and is currently in PRN.

Dr. Weizer said she thought Ms. Stephens should also have to do an 8-hour ethics course before completing her probation.

The terms of the Settlement Agreement are: Appearance; \$3,000 fine payable with 90 days from filing of final order; Costs in the amount of \$1,342.28 payable with 90 days from filing of final order; Suspension- Respondent's license shall be suspended until she can personally appear before the Board and can demonstrate safe to practice with reasonable skill and safety, to include a PRN evaluation. Within 30 days respondent shall return the license to DOH Compliance unit. Respondent shall immediately inform employer in writing the suspension of her license and provide a copy of correspondence to compliance unit. The Board reserves the right to impose reasonable conditions of reinstatement at the time respondent appears before the board to demonstrate his present ability to engage in the safe practice of his profession. Probation- Respondent's pharmacist's license shall be placed on probation for one year, to begin following reinstatement of respondent's license. The probation will have the following terms and conditions: (a) Respondent shall not serve as PDM of record for and pharmacy permitted within the state of Florida. (b) Respondent shall not work at or for more than 2 pharmacies during each quarter of the probation unless respondent obtains written approval from the Board. (c) Respondent shall submit written reports to the compliance unit every three months. (d) Respondent employer will also be required to submit written reports to compliance unit every three months. (e) Respondent shall make mandatory appearance before the board during last three months of probation. The board reserves the right to extend Respondent's term of probation or to impose additional restrictions, conditions or limitations on respondent's license. CE- Respondent shall complete a board approved 12 hour course on the subject of Laws and Rules within 1 year from filing of final order.

Orally amended to require an 8-hour Ethics in Pharmacy course.

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

Respondent was/was not present. Respondent was/was not represented by Counsel

\_\_\_\_\_.

Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause panel. Mr. Philip chaired this portion of the meeting.

\_\_Chris Jurich\_\_\_\_\_represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 465.016(1)(e), FS (2013), be being in actual or constructive possession of a controlled substance; distributing or dispensing a controlled substance; and/or acquiring or obtaining, or attempting to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. Count two- violation of section 465.016(1)(i), FS (2015)by compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy. Count three- violation of section 456.072(1)(m), FS (2015), 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.

The terms of the Settlement Agreement are: Appearance; \$2,500 fine payable within 90 days from filing of final order; Costs in the amount of \$ 3,135.21 payable within 4 years from filing of final order. CE- Respondent shall complete a board approved 12 course on the subject of Laws and Rules and a board approved 1 hour course on Ethics and Pharmacy Practice within 6 months from filing of final order. Suspension- Respondent's license shall be suspended until he can personally appear before the Board and can demonstrate safe to practice with reasonable skill and safety, to include a PRN evaluation. Within 30 days respondent shall return the license to DOH Compliance unit. Respondent shall immediately inform employer in writing the suspension of his license and provide a copy of correspondence to compliance unit. The Board reserves the right to impose reasonable conditions of reinstatement at the time respondent appears before the board to demonstrate his present ability to engage in the safe practice of his profession.

Motion by: \_\_Dr. Weizer\_\_, to accept Settlement Agreement. Motion carried.

SA-9 Yuri A. Sorochkin, R.Ph. Case No. 2015-28299

Respondent was present. Respondent was represented by attorney Ed Bayo.

Dr. Fallon and Dr. Alvarez were recused due to participation on the probable cause panel.

\_\_Chris Jurich\_\_represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 465.016(1)(e), FS (2015). Count two- violation of section 456.072(1)(c), FS (2015).

Mr. Bayo said Mr. Sorochkin self-reported. None of the dispensing was about controlled substances. No evidence of fraud or harm. He pleaded guilty to one misdemeanor charge and

received 18-months probation. None of the actions took place in Florida and he has not practiced here since 2003.

Dr. Weizer said she had concerns with the activity at issue, which was in an Internet pharmacy. Mr. Bayo said the owner of the pharmacy was SA-01 and the terms are essentially the same. The owner set up the websites, not Mr. Sorochkin, and the practice in 2005 of selling "lifestyle" drugs is no longer acceptable today.

The terms of the Settlement Agreement are: Appearance; \$3,500 fine payable within 1 year from filing of final order; Costs in the amount of \$324.20 payable within 90 days from filing of final order; Probation- Respondent's pharmacist's license shall be placed on probation for two years from the filing of final order with the following terms and conditions: (a) Respondent shall not serve as PDM of record for and pharmacy permitted within the state of Florida. (b) Respondent shall not work at or for more than 2 pharmacies during each quarter of the probation unless respondent obtains written approval from the Board. (c) Respondent shall submit written reports to the compliance unit every three months. (d) Respondent employer will also be required to submit written reports to compliance unit. (e) Tolling provision. (f) Respondent shall make mandatory appearance during last three months of probation. CE- Respondent shall complete a board approved course on the subject of Laws and Rules within 1 year of filing of final order.

Orally amended: CE – 8-hour Ethics in Pharmacy course within 1 year.

Motion by: Mr. Philip, to accept orally amended Settlement Agreement. Motion carried.

SA-10 Michael J. Duran, RPT, Case No. 2015-29213

Respondent was present. Respondent was represented by attorney Ed Bayo.

Dr. Brown was present at the table.

Dr. Fallon and Dr. Alvarez were recused due to participation on the probable cause panel.

\_Matt Witters\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(q), FS (2014,2015).

Mr. Philip asked what happened with the first final order that it did not get fulfilled. Why will this one be different? Mr. Bayo said there was confusion with two cases and he appeared at a previous Board meeting thinking he was there for a different case. Mr. Bayo said PRN helped him get a low-cost evaluation.

Mr. Philip asked about the costs from the previous case, which were \$1,100. Both have to be paid within a year. He suggested a payment plan.

Dr. Brown said Mr. Duran already got a PRN evaluation and the preliminary report indicates that he will be safe to practice once he is under contract.

The terms of the Settlement Agreement are: Appearance; Costs in the amount of \$496.48 payable within 1 year from filing of final order. Compliance with each and every term of the Final Order Approving Settlement Agreement in case number 2013-12134 filed by the Board on April 23, 2015. Respondent agrees to immediately withdraw from and refrain from practice as registered pharmacy technician until respondent undergoes a PRN evaluation and enters contract.

Orally amended to remove the term of withdrawal from practice and require all time periods in Final Order 2013-12134 to start again from date of Final Order in 2015-29213; pay \$500 within 30 days and remaining balance within 18 months.

Motion by: Mr. Philip, to accept orally amended Settlement Agreement. Motion carried.

SA-11 Prescription Dispensing Laboratories, Case No. 2015-03669

Respondent was represented by pharmacist Raymond Solano who was present and sworn in. Respondent was not represented by counsel.

Ms. Glass and Dr. Fallon were recused due to participation on the probable cause panel. Mark Mikhael chaired this portion of the meeting.

\_\_Matt Witters\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(f), FS (2014), by having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

The terms of the Settlement Agreement are: Appearance; \$500 fine payable within 1 year from filing of final order; Costs in the amount of \$723.90 payable within 1 year from filing of final order.

Mr. Philip said the medicines were shipped just after the license lapsed in Texas. The patients did receive. The penalties were severe. The license did not lapse in Florida. Doesn't think should be penalized in Florida for this when it's been disciplined in Texas and Idaho, where patients were, didn't even discipline.

Mr. Solano said the drugs are for connective tissue disorders and are available only from very limited pharmacies. He said the pharmacy has employed a company to maintain licenses in all states.

Dr. Mesaros said if Florida disciplines the pharmacy, it will have a cascading effect in other states for something that didn't happen in those states or in Florida or affect anyone in Florida.

Motion by: Dr. Mesaros, to reject Settlement Agreement and dismiss case. Motion carried.

Mr. Solano said Prescription Dispensing would waive any fees or costs relevant to the case.

### **DETERMINATION OF WAIVERS**

DOW-1 Andrew Harris Heister, R.Ph. Case No. 2015-19845

Respondent was not present. Respondent was not represented by counsel.

Dr. Weizer and Dr. Mesaros were recused due to participation on the probable cause panel.

\_\_Matt Witters\_\_ represented the Department and presented the case to the Board.  
Allegations of the Administrative Complaint: Count one- violation of section 465.022(11)(b), FS (2014). Count two- violation of section 465.016(1)(e), FS (2014), by and through a violation of section 499.005(2), FS (2014).

**Motion** by: \_\_Dr. Mikhael\_\_, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

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

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

**Motion:** 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: Cost and suspended until appear before the Board and be deemed safe to practice with PRN evaluation; retain jurisdiction to impose probation and additional restrictions reasonably related to allegations set forth in administrative complaint upon reinstatement.

**Motion:** by \_\_Dr. Fallon\_\_, to reject the recommendations of the Department and revoke the license. Motion carried. Dr. Mikhael opposed.

Mr. Witters said the Department withdraws costs.

DOW-2 Hector Jose Anzardo, RPT, Case No. 2015-19908

Respondent was not present. Respondent was not represented by counsel. Reportedly the respondent is in jail in South Carolina.

Dr. Mikhael and Mr. Philip recused due to participation on the probable cause panel.

\_\_Mr. Witters\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one- violation of section 456.072(1)(x), FS (2015), 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. Count two- violation of section 456.072(1)(c), FS (2015), 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 ability to practice, a licensee's profession. Count three- violation of 456.072(1)(ll), FS (2015), by being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

**Motion** by: Dr. Alvarez \_\_\_\_\_, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

**Motion** by: \_\_\_\_\_ Dr. Alvarez \_\_\_\_\_, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by \_\_\_\_\_ Dr. Alvarez \_\_\_\_\_, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

**Motion:** by \_\_\_\_\_ Dr. Alvarez \_\_\_\_\_, 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 \_\_\_\_\_, to accept the recommendations of the Department. Motion carried.

Mr. Witters said the Department withdraws costs.

DOW-3 ~~Isaiah B. Salowitz, RPT, Case No. 2015-29939~~

DOW-4 Reina's Pharmacy Corp. Case No. 2015-10685

Respondent was not present. Respondent was not represented by counsel.

Ms. Glass and Mr. Philip were recused due to participation on the probable cause panel. Dr. Mikhael chaired this portion of the meeting.

\_\_Mr. Witters\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(k), FS (2014) by violating

section 465.023(1)(c), FS (2014), by violating Rule 64B16-28.202(3), FAC, 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: \_\_\_Dr. Alvarez\_\_\_, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

**Motion** by: \_\_\_Dr. Alvarez\_\_\_, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by \_\_\_Dr. Alvarez\_\_\_, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

**Motion:** by \_\_\_Dr. Alvarez\_\_\_, 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. Alvarez\_\_\_, to accept the recommendations of the Department. Motion carried.

Mr. Witters said the Department withdraws costs.

DOW-5 Brian Fink, RPT, Case No. 2015-30634

Respondent was not present. Respondent was not represented by counsel.

Dr. Fallon and Dr. Weizer recused due to participation on the probable cause panel.

\_\_\_Mr. Witters\_\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one-violation of section 465.016(1)(e), FS (2015), by violating provisions of Chapter 893, FS (2015). Count two- violation of section 456.072(1)(m), FS (2015), by employing a scheme or trick related to respondent's profession.

**Motion** by: \_\_\_Dr. Alvarez\_\_\_, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

**Motion** by: \_\_\_Dr. Alvarez\_\_\_, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by \_\_\_Dr. Alvarez\_\_\_, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

**Motion:** by \_\_\_Dr. Alvarez\_\_\_, 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; Suspension until appears before the Board to demonstrate safety to practice to include PRN evaluation; Board retain jurisdiction to impose probation and additional restrictions reasonably related to the allegations in the case upon reinstatement.

**Motion:** by\_\_Dr. Mikhael\_\_\_\_, to accept the recommendations of the Department. Motion carried.

DOW-6 Latin Medical Supply, Inc. Case No. 2014-22136

Respondent was not present. Respondent was not represented by counsel.

Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause panel. Mr. Philip chaired this portion of the meeting.

\_\_Mr. Jurich\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(k), FS (2014) by violating section 465.023(1)(c), FS (2014), by violating Rule 64B16-28.202(3), FAC, 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: \_\_Dr. Fallon \_\_\_\_ , to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

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

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

**Motion:** 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. Weizer \_\_\_\_\_, to accept the recommendations of the Department. Motion carried.

The Department withdrew the motion for costs.

## VOLUNTARY RELINQUISHMENTS

**The Board took VR-1, VR-2, VR-3, VR-4, VR-5, VR-6, VR-7, VR-8, VR-9, and VR-15 as a group motion.**

**The Board took VR-11, VR-12, VR-13, and VR-14 as a group motion.**

VR-1 Pointe Med Pharmacy, Inc. Case No. 2015-21748

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-2 Flagler Pharmacy, Inc. Case No. 2015-17114

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-3 A A N Pharmacy, Inc. Case No. 2015-26710

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-4 RX of Boca, LLC, Case No. 2015-28460

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-5 RX of Boca, LLC, Case No. 2015-28462

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-6 Kamindra Tikaprasad, RPT, Case No. 2016-10618

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-7 Ryan David Winkles, RPT, Case No. 2016-08410

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-8 Sterile Compounding Pharmacy, LLC d/b/a SCP, LLC. Case No. 2016-07454

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-9 Sterile Compounding Pharmacy, LLC d/b/a SCP, LLC. Case No. 2016-07455

Motion: by \_\_\_ Mr. Philip \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-10 John Yates, R.Ph. case No. 2016-08469

(Fallon & Alvarez)

Motion: by \_\_\_ Dr. Weizer \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-11 Katherine Alonso, R.Ph. Case No. 2015-17631

(Weizer & Fallon)

Motion: by \_\_\_ Dr. Alvarez \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-12 Katherine Alonso, R.Ph. Case No. 2015-24316

(Weizer & Fallon)

Motion: by \_\_\_ Dr. Alvarez \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-13 Katherine Alonso, R.Ph. Case No. 2015-27808

(Weizer & Fallon)

Motion: by \_\_\_ Dr. Alvarez \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-14 Katherine Alonso, R.Ph. Case No. 2015-27860

(Weizer & Fallon)

Motion: by \_\_\_ Dr. Alvarez \_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-15 Katherine Alonso, R.Ph. Case No.2015-27900

(PCP Waived)

Motion: by\_\_\_\_Mr. Philip\_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-16 Indira Martell, RPT, Case No. 2015-19910

(Mikhael & Philip)

Motion: by\_\_\_\_Dr. Weizer\_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.  
(Glass & Mikhael)

VR-17 Femy Drug Corp, Case No. 2014-18606

(Glass & Mikhael)

Mr. Philip chaired this portion of the meeting.

Motion: by\_\_\_\_Dr. Weizer\_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

VR-18 Samuel Austin Lynch, RPT, Case No. 2015-24287

(Alvarez & Fallon)

Motion: by\_\_\_\_Dr. Weizer\_\_\_\_\_, to accept Voluntary Relinquishments. Motion carried.

### **INFORMALS**

I-1 Wickliffe Pharmaceuticals, Inc. Case No. 2014-07670

(Glass & Mikhael)

Mr. Philip chaired this portion of the meeting.

Respondent was represented by Kenneth Ukauwa, who was present and sworn in. Respondent was not represented by counsel.

Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause panel. Mr. Philip chaired this portion of the meeting.

\_\_Mr. Witters\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(f), FS (2015), having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted

against , including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing charges against the license, shall be construed as action against the license.

Motion by \_\_\_Dr. Weizer\_\_\_\_\_, to find that respondent was properly served and has requested an informal hearing. Motion carried.

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

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

Motion: by \_\_\_\_\_ Dr. Weizer \_\_\_\_\_, 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.

Department Recommendation: Revocation

Ms. Dudley confirmed that the licensee's Kentucky permit was on probation and read in the terms of the licensee's probation terms.

Mr. Philip said there was harm in Florida and the penalty should be severe. He said the terms should match those in Kentucky.

Mr. Ukauwa said he and another staff member will take the Critical Point training in September.

Motion: by \_\_\_Dr. Fallon\_\_\_\_\_, to accept the recommendations of the Department. Motion failed.

Motion: by Dr. Mesaros, \$10,000 fine payable before probation is lifted; Probation to run concurrent with Kentucky order and shall comply with all terms of Kentucky order; submit all inspections by another jurisdiction to the Department within 10 days of receipt; maintenance of a perpetual log of compounded sterile preparations dispensed into the state of Florida that shall be made available for inspection upon request; submit corrective action plan previously given to other jurisdictions to the Board within 30 days of Final Order. Motion carried. Drs. Fallon and Weizer opposed.

Motion: by Dr. Mesaros for costs of \$109.32. Motion carried.

I-2 Judith Ann Grant, RPT, Case No. 2015-08274

Respondent was not present. Respondent was not represented by counsel.

Dr. Weizer and Dr. Fallon were recused due to participation on the probable cause panel.

\_\_\_Mr. Jurich\_\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(o), FS (2014), practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform constitutes grounds for disciplinary action.

Motion by \_\_\_ Dr. Alvarez \_\_\_\_\_, to find that respondent was properly served and has requested an informal hearing. Motion carried.

Motion: by \_\_\_\_\_ Dr. Alvarez \_\_\_\_\_, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by \_\_\_\_\_ Dr. Alvarez \_\_\_\_\_, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by \_\_\_ Dr. Alvarez \_\_\_\_\_, 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.

Department Recommendation: \$2,000 fine payable within 1 year; 2-year probation with the following terms: (a) quarterly reports by Respondent, (b) quarterly reports by Respondent's employer, (c) reappearance in last 3 months; CEs – 12 hours Laws and Rules, 8 hours of Ethics within 1 year.

Motion: by \_\_\_Mr. Philip \_\_\_\_, to accept the recommendations of the Department plus 1-year suspension; fines and costs payable within 1 year of reinstatement of license. Motion carried.

Motion: by Mr. Philip, to pay costs of \$1,348.21 within one year of reinstatement. Motion carried.

I-3 Jessica Ann Sparks, RPT, Case No. 2015-06351

Respondent was not present. Respondent was not represented by counsel.

Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause panel. Mr. Philip chaired this portion of the meeting.

\_\_\_Mr. Jurich \_\_\_ represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 465.016(1)(a), FS (2009), which provides that obtaining a license by misrepresentation or fraud or through an error of the department or board, constitutes grounds for disciplinary action.

Motion by \_\_\_ Dr. Fallon \_\_\_\_\_, to find that respondent was properly served and has requested an informal hearing. Motion carried.

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

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

Motion: 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.

Department Recommendation: Revocation

Motion: by \_\_\_\_\_ Dr. Fallon \_\_\_\_\_, to accept the recommendations of the Department. Motion carried.

PSU withdrew motion for costs.

### **Prosecution Services Report – Matthew Witters, Assistant General Counsel**

\_\_\_\_\_ Mr. Jurich \_\_\_\_\_ stated the inventory is \_\_\_\_\_ 339 \_\_\_\_\_ cases, down 6 from last time.

He stated inventory of cases 1 year or older after the 37 cases from this meeting are concluded is 302 and asked the Board to consider allowing to continue to prosecute those cases.

Motion: by \_\_\_\_\_ Dr. Weizer \_\_\_\_\_, to allow PSU to continue prosecuting cases one year and older. Motion carried.

Dr. Mikhael said he would like to discuss again getting a former Board member to serve on Probable Cause panels. Ms. Dudley said she would look at it.

### **TAB 6: LICENSURE ISSUES**

#### **A. Petition for Termination of Probation**

##### **1. Michael Reyes, Case No. 1998-17173**

Respondent was not present. Respondent was not represented by counsel.

Dr. Brown said there were multiple PRN contracts, the last in 2010. His contract was extended indefinitely in May because the contract had to run concurrently with probation. The PRN recommendation is that he has fulfilled his contract and can practice with reasonable skill and safety.

Mr. Flynn said in the past the Board orders had tied the PRN contract to probation and in some

cases it is now holding up probation.

Motion: by \_\_\_ Dr. Mikhael \_\_\_\_\_, to accept termination of probation. Motion carried.

## 2. Bill's Prescription Center, Case No. 2013-09163

Respondent was represented by John Noriega, who was present and sworn in. Respondent was not represented by counsel.

Motion: by \_\_\_ Dr. Mikhael \_\_\_\_\_, to accept termination of probation. Motion carried.

## 3. Leo Wojcechowskyj, Case No. 2014-17979

Respondent was present and sworn in. Respondent was not represented by counsel.

Motion: by \_\_\_ Dr. Alvarez \_\_\_\_\_, to accept termination of probation. Motion carried.

## B. Request to lift permanent practice restriction

### 1. Oyejide Akanbi, Case No. 2013-15392

Respondent was present and sworn in. Respondent was not represented by counsel.

Motion: by \_\_\_ Dr. Mikhael \_\_\_\_\_, to deny request to lift practice restriction. Motion carried.

### 2. Lindsay Wolfe, Case No. 2012-14467

Respondent was not present and sworn in. Respondent was not represented by counsel.

Ms. Wolfe just had an emergency order issued by the State Surgeon General.

Motion: by \_\_\_ Dr. Weizer \_\_\_\_\_, to deny request to lift practice restriction. Motion carried.

## C. Request for payment extension

### 1. Suzanne Tichinel, Case No. 2014-8158

Respondent was not present. Respondent was not represented by counsel.

Motion: by \_\_\_ Dr. Weizer \_\_\_\_\_, to accept request for payment extension and allow one additional year. Motion carried.

2. Christian Ortega, Case No. 2013-09619

Respondent was not present and sworn in. Respondent was not represented by counsel.

Motion: by \_\_Dr. Weizer\_\_, to accept request for payment extension and allow one additional year. Motion carried.

Public Comment: None

Motion: Dr. Fallon, to adjourn at 12:18 p.m. Motion carried.

DRAFT