

FLORIDA | Board of Pharmacy

DRAFT
December 13 AND 14, 2016

Orlando, Florida



Debra Glass, BPharm
Chair, Board of Pharmacy

Mark Mikhael, PharmD
Vice Chair

Adrienne Rodgers, BSN, JD
Bureau Chief, Health Care Practitioner Regulation

Tuesday, December 13, 2016
Board Meeting

Section I: The meeting was called to order by Ms. Glass, Chair, at approximately 8:00 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Debra Glass, Chair
Mark Mikhael, PharmD
Michele Weizer, PharmD
Goar Alvarez, PharmD
Leo Fallon, BPharm, PhD
Jeenu Philip, BPharm
Jeffrey J. Mesaros, PharmD, JD
David Bisailon

STAFF PRESENT:

Adrienne Rodgers, Bureau Chief, Health Care Practitioner Regulation
Bianca Bell, Program Operations Administrator
Aaron Coker, Regulatory Specialist III

MEMBERS EXCUSED:

Gavin Meshad

BOARD COUNSEL:

David Flynn, Assistant Attorney General
Lawrence Harris, Assistant Attorney General
Office of Attorney General

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline, therefore numbering may be out of sequence. AUDIO from this meeting can be found online: <http://floridaspharmacy.gov/>

TAB 1: REPORTS

SECTION A: Chair's Report – Debra Glass, BPharm, Chair

Dr. Alvarez attended the ASHP and provided an account of what the meeting entailed. Mr. Philip attended interactive forum with the NABP and provided an account of that forum to include discussions regarding technicians administering vaccines.

Nominations for 2017 Chair and Vice Chair Positions

Dr. Weizer nominated Dr. Mikhael for Chair, second by Mr. Philip vote unanimously approved, motion carried.

Dr. Mikhael nominated Mr. Philip for Vice Chair, second by Dr. Glass and Dr. Alvarez vote unanimously approved, motion carried.

2017 Meeting Dates:

All meeting dates are posted on the website. August meeting conflicts with a district III meeting and it there may be conflict with April meeting as well.

SECTION B:

Executive Director's Report- Adrienne Rodgers, Bureau Chief

1. New Executive Director – Ms. Adrienne Rodgers introduced Ms. Erica White and asked the board for their approval of the appointment. The motion was moved by Dr. Fallon and seconded by Dr. Alvarez.
2. Non-resident pharmacy permit renewal update
3. BGS unit update
4. Medical marijuana dispensing update
5. Board staff introductions

SECTION C:

Attorney General's Report- David Flynn, Assistant Attorney General

1. Monthly rules Report – Lawrence Harris, Assistant Attorney General
Larry Harris provided rules update. Mr. Harris praised the board for their work on the applications, pharmacy permit apps will be up for review and revision next. David Flynn discussed that rule 64B16-28.802 was adopted and effective 12/17/2016. 64B16-27.979 also becomes effective in December. Most of the 32 are effective only 2 left.

SECTION D:

1. Investigative Services Report, Michelle Miller, Enforcement Manager

Robert Difiore reported 49% inspected (3,081 complete) 46% complete (230), 15 out of state conducted by DOH and 6 completed.

Dr. Weizer asked the board to recognize retired Sgt first class Norman Hooten who was a Delta Force operator in the 1993 battle of Mogadishu. He graduated from Palm Beach Atlantic University back in May and is currently enrolled in a PTY1 program at the VA Medical Center in West Palm Beach, Florida.

TAB 2: GENERAL BUSINESS

SECTION A: Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure)(Client 2201) – 105
2. Pharmacist (Exam Eligibility)(Client 2201) – 47
3. Pharmacist Interns (Client 2202) – 198
4. Registered Pharmacy Technicians (Client 2208) – 692
5. Consultant Pharmacist (Client 2203) - 13
6. Nuclear Pharmacist (Client 2204) – 1
7. Pharmacy/Facilities (Client 2205) – 68
8. Nonresident Sterile Compounding (Client 2210) - 1
9. CE Providers – 16
10. CE Courses – 25
11. CE Individual Request (Approved) – 0
12. CE Individual Request (Denied) – 12

Dr. Weizer moved to approve, second by Dr. Bisaillon vote approved unanimous

SECTION B: Review and approval of minutes from prior meetings

October 18, 2016 - Sterile Compounding Committee Meeting Minutes

Weizer noted the following correction(s) to the minutes:

Page 3, Item 4 Eric Castango should be corrected to Eric Kastango

Motion to accept the minutes as amended was made by Dr. Alvarez and seconded by Dr. Weizer. Vote unanimously approved; motion carried.

October 18, 2016 - Rules Committee Meeting Minutes

Motion to accept the minutes was made by Dr. Fallon and seconded by Dr. Alvarez. Vote unanimously approved; motion carried.

October 18-19, 2016 - Full Board Meeting Minutes

Motion to accept the minutes was made by Dr. Mikhael and seconded by Dr. Fallon. Vote unanimously approved; motion carried.

TAB 3: APPLICATIONS REQUIRING BOARD REVIEW

SECTION A: Pharmacist Applications

1. Satender P. Singh, 2201- File # 32550

Mr. Singh's application was complete except for the 500 hours. He was a licensed intern PSI 20277., who completed a work activity program in 2006 and he was approved to take the NAPLEX at that time. Mr. Bayo also addressed the criminal history. Served 5-year exclusion but came off the list in September 2016, so he is no longer subject to s. 456.0635, FS. Mr. Philip concerned that no discipline was taken on his prior license because it was relinquished before discipline could be imposed. Mr. Bayo agreed that there could be restrictions on the license. Mr. Philip posed question on those questions not answered on the application: #10 on the application was left blank. He answered that he did apply for the NAPLEX twice. #18 was blank. Answered no, but per the letter sent into the board he did. #23 was blank. He did relinquish his license prior to the disciplinary action could be taken. Mr. Bayo stated that yes, there was

disciplinary action (this statement was later corrected by David Flynn and Adrienne Rodgers), but please look at the entire circumstances. Mr. Philip said he views the application as having blanks and non-disclosures. Dr. Mikhael made a motion to deny the application for licensure based on the concerns risen, Mr. Harris advised that the situation fits s. 456.072(1)(ii), FS. Dr. Weizer added there are other inconsistencies in the application in addition to those discussed so far. Seconded by Dr. Weizer. Vote: unanimous; motion carried

Mr. Flynn stated he would have advised to deny based on the 500 hours alone. Asked for them to clean up application if submitted for informal.

Satender P. Singh, 2201- File # 32550 **resumed:**

Mr. Bayo asked if the board would allow withdrawal of the application in lieu of denial. Mr. Philip opened it up for discussion. Dr. Mesaros said OK, but Mikhael said he is not in favor and Ms. Glass concurred because of Dr. Weizer's earlier comments. Dr. Weizer said that due to the time and resources spent by board staff, that also supports why she would not be in favor of withdrawal. Mr. Philip asked to have applications with blank spots returned to the applicants.

SECTION B: Registered Pharmacy Technician Applications

1. Estefany E. Santiago, File # 61230

Mr. Philip stated applicant made an affirmative response to health history questions. Applicant stated she did not work in Puerto Rico because she was preparing to move to the mainland and decided to redo her schooling to make sure she had all she needed to get license; also stated she could work safely. Weizer made a motion to grant the application for licensure, seconded by Mikhael. Vote: unanimous; motion carried.

SECTION C: Community Pharmacy Permit

1. Central Logistics Management, 2205- File # 23821

Dr. Mikhael recused himself. Dr. Weizer made a motion to move to February meeting as a required appearance and Dr. Alvarez seconded – motion withdrawn. Mr. Philip made motion to request an appearance at one of the next two board meetings, seconded by Alvarez. Seven yeas motion carried.

SECTION D: Non-Resident Pharmacy Permit Applications

1. Curerx Compounding Pharmacy, Inc., File # 23643
This is a continued matter from the October 2016 meeting.

Disciplinary action on PDM, disciplinary action completed. Representative addressed the board. January 2013 was issued a permit for a compounding pharmacy in California. Dr. Weizer asked about the last inspection in California. Applicant stated the inspection hasn't taken place yet. Mr. Philip asked about the California discipline and criminal charges, to which applicant stated there was an expunged record due to compliance. Mark asked what the Florida pharmacy will dispense. Applicant clarified that non-compounded alternatives will be dispensed and no narcotics. The new location has not been inspected yet. This pharmacy is not a compounding pharmacy. California Board of Pharmacy probation was completed in 2010. They dispense non-compounding alternative ointments and creams and is working with Doctors practicing in Florida. Dr. Weizer made a motion to grant the application for licensure, seconded by Ms. Glass. Motion carried.

Public Comment:

Mr. Cuomo addressed the Board and stated he is working with his legislator. He addressed a concern regarding cost of Rx and dispensing issues. Requested PBM issues be on the agenda. Asked for committees. Mr. Philip asked Mr. Flynn if the Board has authority over PBM's to which they do not.

Mr. Jackson brought the public book issue to the Boards attention. With the recent passing of Amendment 2 he brought questions regarding medical marijuana as well as some ARNP and PA prescribing questions. He asked for a webinar for licensees regarding the questions brought forth about the ARNP/PA prescribing. He welcomed new Executive Director Erica White into her new role and offered any assistance she may need.

Mr. Dalen is working with the Florida Medical Association and creating a collaborative bill to enlarge the definition of pharmacy practice.

Meeting adjourned at approximately 10:00 AM. Short break before Rules Committee Meeting.

Wednesday, December 14, 2016
Board Meeting

The meeting was called to order by Ms. Glass, Chair, at approximately 8:00 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Debra Glass, Chair
Mark Mikhael, PharmD
Michele Weizer, PharmD
Goar Alvarez, PharmD
Leo Fallon, BPharm, PhD
Gavin Meshad
Jeenu Philip, BPharm
Jeffrey J. Mesaros, PharmD, JD
David Bisaillon

STAFF PRESENT:

Adrienne Rodgers, Bureau Chief, Health Care Practitioner Regulation
Bianca Bell, Program Operations Administrator
Aaron Coker, Regulatory Specialist III

BOARD COUNSEL:

David Flynn, Assistant Attorney General
Lawrence Harris, Assistant Attorney General
Office of Attorney General

PROSECUTOR:

Matthew Witters, Assistant General Counsel
Christopher Jurich, Assistant General Counsel
Prosecution Services, Office of the General Counsel

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TAB 5: DISCIPLINARY CASES

A. SETTLEMENT AGREEMENTS - APPEARANCE REQUIRED

SA-1 Christina M. Buhrman, D.Ph., Case # 2015-06648

Dr. Weizer & Mr. Bisaillon recused due to participation on the Probable Cause Panel. Respondent was present and was represented by counsel, Edwin A. Bayo. The proposed settlement agreement provided for; fine in the amount of \$5,000 paid within 2 years of the entry of the Final Order; costs not to exceed \$2,254.45 paid within 2 years of the entry of the Final Order; continuing education in Essential Elements of Compounding Sterile Preparations to be completed within one year of the entry of the final order; probation for 1 year; limited to PDM for Pacifico National, Inc. only. Motion to accept the Settlement Agreement made by Dr. Mikhael, seconded by Dr. Fallon. Motion carried.

SA-2 Kunal K. Jagasia, R.Ph., Case # 2014-20199

Dr. Weizer & Mr. Philip recused due to participation on the Probable Cause Panel. Respondent was not present and was not represented by counsel. The proposed settlement agreement provided for a; fine in the amount of \$1,000 paid within 1 year of the entry of the Final Order; costs not to exceed \$2,331.77 paid within 2 years of the entry of the Final Order; PRN evaluation within 60 days of the Final Order and compliance with any recommendations of PRN. Motion to accept the Settlement Agreement made by Dr. Mikhael, seconded by Dr. Alvarez. Motion carried.

SA-3 Medaus Inc, dba Medaus Pharmacy, Case#2016-12082

Ms. Glass and Dr. Alvarez recused due to participation on Probable Cause Panel. Respondent was present and was not represented by counsel. The proposed settlement agreement provided for: mandatory appearance before the board, \$5,000 fine payable within 90 days of the entry of the Final Order, costs not to exceed \$447.25 within 90 days. Respondent verbally administratively relinquished their Sterile Compounding Permit and therefore the case can be dismissed. Motion by Dr. Weizer to accept administrative relinquishment, seconded by Dr. Fallon. Motion carried. Motion by Dr. Weizer to dismiss the case, seconded by Dr. Alvarez. Motion carried.

SA-4 Smith Riker Pharmacy Inc, Case # 2016-10235

Dr. Weizer & Mr. Bisailon recused due to participation on the Probable Cause Panel. Respondent was not present and was not represented by counsel. The proposed settlement agreement provided for a: mandatory appearance before the board, \$2,000 fine payable within 1 year of the entry of the Final Order, costs not to exceed \$430.82 paid within 1 years of the entry of the Final Order, Probation to run concurrent with California term of probation. Motion to accept the Settlement Agreement made by Dr. Alvarez, seconded by Dr. Fallon. Motion carried.

B. DETERMINATION OF WAIVER**DOW-1 Jose Carlos Hernandez, R.P.T., Case # 2016-17156**

Dr. Weizer and Mr. Bisailon were recused due to participation on the probable cause. Respondent was not present and not represented by council. Mr. Witters represented the Department and presented the case to the Board. Motion by Dr. Alvarez and seconded by Dr. Mikhael, to find that respondent was properly served and waived the right to a formal hearing. Motion carried. Motion by Dr. Alvarez and seconded by Dr. Mikhael, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried. Motion by Dr. Alvarez and seconded by Dr. Mikhael, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried. Motion by Dr. Alvarez and 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 of licensure. Motion by Dr. Alvarez to dismiss the costs and seconded by Dr. Mikhael. Motion carried.

DOW-2 Baptist Pharmacy North, Inc, Case # 2016-07607

Dr. Mikhael and Ms. Glass were recused due to participation on the probable cause. Respondent was not present and not represented by council. Mr. Witters represented the Department and presented the case to the Board. Motion by Dr. Weizer and seconded by Mr. Bisailon, to find that respondent was properly served and waived the right to a formal hearing. Motion carried. Motion by Dr. Weizer and seconded by Mr. Bisailon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried. Motion by Dr. Weizer and seconded by Mr. Bisailon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried. Motion by Dr. Weizer and seconded by Mr. Bisailon, 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 of licensure. Motion by Dr. Weizer to dismiss the costs and seconded by Dr. Mikhael. Motion carried.

DOW- 3 Grisel M. Iribarnegaray, R.P.T., Case #2015-24112

Withdrawn from Agenda by PSU prior to Board Meeting

DOW-4 Medaus Pharmacy, Case # 2016-12083

Dr. Weizer and Mr. Bisailon were recused due to participation on the probable cause. Respondent was present and not represented by council. Mr. Witters represented the Department and presented the case to the Board. Motion by:Dr. Mikhael and seconded by Mr. Philip, to find that respondent was properly served and waived the right to a formal hearing. Motion carried. Motion by Dr. Mikhael and seconded by Mr. Philip, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried. Motion by Dr. Mikhael and seconded by Mr. Philip, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried. Motion by Dr. Mikhael and 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: \$5000 fine payable within 90 days, Costs of \$65.58 payable within 90 days. Motion by Dr. Mikhael to dismiss the case and seconded by Mr. Philip. Motion carried.

DOW-5 Codi Lynn Avery, R.P.T, Case # 2016-28049

Dr. Weizer and Mr. Bisailon were recused due to participation on the probable cause. Mr. Philip recused himself because he was a supervisor at the Walgreens at that time and even though he does not know the individual he does know details on the case. Respondent was not present and not represented by council. Mr. Jurich represented the Department and presented the case to the Board. Motion by Dr. Fallon and seconded by Dr. Alvarez, to find that respondent was properly served and

waived the right to a formal hearing. Motion carried. Motion by Dr. Fallon and seconded by Dr. Alvarez, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried. Motion by Dr. Fallon and seconded by Dr. Alvarez, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried. Motion by Dr. Fallon and seconded 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: \$1000 fine payable within 180 days, Costs of \$726.04 payable within 180 days, 8 hours – Prevention of Med Errors. Motion to dismiss the case by Dr. Alvarez second by Dr. Mesaros. Vote: 3 yeas / 3 opposed; motion failed. Motion by Mr. Meshad to approve prosecution services penalty and seconded by Dr. Mikhael. Motion carried.

DOW-6 1st Class Pharmacy, Inc, Case # 2016-07605

Mr. Bisailon and Dr. Mesaros were recused due to participation on the probable cause. Respondent was present and not represented by council. Mr. Jurich represented the Department and presented the case to the Board. Motion by Dr. Mikhael and seconded by Dr. Weizer, to find that respondent was properly served and waived the right to a formal hearing. Motion carried. Motion by Dr. Mikhael and seconded by Dr. Weizer, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried. Motion: by Dr. Mikhael and seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried. Motion by Dr. Mikhael and seconded 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. Recommended Penalty: Revocation of licensure. Motion by Dr. Mikhael to revoke licensure and seconded by Dr. Weizer. Motion carried. Per Mr. Jurich, the Department will withdraw motion for costs.

DOW-7 Diana Rosa Gato, R.P.T., Case # 2016-16722

Dr. Fallon and Mr. Philip were recused due to participation on the probable cause. Respondent was present and not represented by council. Mr. Jurich represented the Department and presented the case to the Board. Motion by Dr. Alvarez and seconded by Mr. Bisailon, to find that respondent was properly served and waived the right to a formal hearing. Motion carried. Motion by Dr. Alvarez and seconded by Mr. Bisailon, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried. Motion: by Dr. Alvarez and seconded by Mr. Bisailon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried. Motion by Dr. Alvarez and seconded by Mr. Bisailon, 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: Suspension until evaluated by PRN and comply with all recommendations. Motion by Dr. Weizer for revocation of licensure and seconded by Mr. Bisailon. Motion carried. Per Mr. Jurich, the Department will withdraw motion for costs.

C. VOLUNTARY RELINQUISHMENT

VR-1 Edward Cohn, R.P.H., Case #2015-17353

Dr. Weizer and Mr. Philip were recused due to participation on the probable cause panel. Motion by Dr. Mikhael and seconded by Dr. Fallon to accept Voluntary Relinquishments. Motion carried.

VR-2 Mary Oses, R.P.H., Case # 2015-25768

Dr. Weizer and Ms. Glass were recused due to participation on the probable cause panel. Motion by Dr. Alvarez and seconded by Dr. Fallon to accept Voluntary Relinquishments. Motion carried.

VR-3 Arturo Oms, R.P.T., Case # 2016-19665

Dr. Weizer and Dr. Mikhael were recused due to participation on the probable cause panel. Motion by Dr. Alvarez and seconded by Mr. Philip to accept Voluntary Relinquishments. Motion carried.

VR-4 Indian Star Pharmacy, Inc., Case # 2016-11588

(PCP Waived)

Motion by Dr. Mikhael and seconded by Dr. Alvarez to accept Voluntary Relinquishments. Motion carried.

VR-5 Joshua John Wright, R.P.T., Case # 2016-18036

(PCP Waived)

Motion by Dr. Mikhael and seconded by Dr. Alvarez to accept Voluntary Relinquishments. Motion carried.

VR-6 Aby's Pharmacy & Discount Inc., Case # 2015-24920

Dr. Alvarez and Ms. Glass were recused due to participation on the probable cause panel. Motion by Mr. Philip and seconded by Dr. Weizer to accept Voluntary Relinquishments. Motion carried.

**VR-7 James Michael Bateman, R.P.T., Case # 2016-14102
(PCP Waived)**

Motion by Dr. Mikhael and seconded by Dr. Alvarez to accept Voluntary Relinquishments. Motion carried.

VR-8 Howard Bruce Hirsh, R.P.H., Case # 2013-17281

Dr. Weizer and Mr. Bisaillon were recused due to participation on the probable cause panel. Motion by Dr. Weizer and seconded by Mr. Philip to accept Voluntary Relinquishments. Motion carried.

**VR-9 Joseph Degregorio, R.P.T., Case # 2016-20893
(PCP Waived)**

Motion by Dr. Mikhael and seconded by Dr. Alvarez to accept Voluntary Relinquishments. Motion carried.

D. INFORMALS

I-1 Metro Treatment of Florida, LP dba Sunrise Treatment Center, Case # 2015-26635

Dr. Weizer and Mr. Bisaillon were recused due to participation on the probable cause. Mr. Jurich represented the Department and presented the case to the Board. Motion by Dr. Mikhael seconded by Mr. Philip to accept the recommendations of the Department. Motion carried. Motion by Dr. Mikhael seconded by Mr. Philip, to find that respondent was properly served and has requested an informal hearing. Motion carried. 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 Dr. Mikhael seconded by Mr. Philip to adopt the findings and facts as set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion Carried. Motion for \$2,000 fine payable within 30 days, plus costs of \$411.15 payable within 90 days, no probation and 2 inspections within 1 year by Mr. Philip seconded by Dr. Alvarez. Motion Carried.

I-2 Stan Lee Shapiro, R.P.H., Case # 2015-11645

Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause. Mr. Witters represented the Department and presented the case to the Board. Motion by Dr. Alvarez seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried. Motion by Dr. Alvarez seconded by Dr. Weizer, to find that respondent was properly served and has requested an informal hearing. Motion carried. Motion by Dr. Alvarez seconded by Dr. Weizer, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion Carried. Motion by Dr. Alvarez seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion Carried. Motion by Dr. Alvarez seconded by Dr. Weizer, to impose cost in the amount of \$680.17, Reprimand, 12-hour law and rules course within six months. Motion carried. Motion by Dr. Weizer and seconded by Dr. Alvarez to be paid within 90 days. Motion carried.

I-3 Chris A. Jacobs P.S.I., Case # 2015-29934

Dr. Weizer and Dr. Fallon were recused due to participation on the probable cause. Mr. Jurich represented the Department and presented the case to the Board. Motion by Dr. Mikhael seconded by Dr. Alvarez, to accept the recommendation of Revocation by the Department. Motion carried. Motion by Dr. Mikhael seconded by Dr. Alvarez, to accept the recommendation of Revocation on each count by the Department. Motion carried. Motion by Mr. Philip seconded by Dr. Mikhael, to find that respondent was properly served and has requested an informal hearing. Motion carried. Motion by Mr. Philip seconded by Dr. Mikhael, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion Carried. Motion by Mr. Philip seconded by Dr. Mikhael, to adopt the findings and facts as set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion Carried. Motion to revoke license by Dr. Mikhael and seconded by Dr. Alvarez. Motion carried. Costs waived per Mr. Jurich as a result of revocation. Mr. Flynn wanted to confirm that the motion was for revocation of each count. Motion by Dr. Mikhael and seconded by Dr. Alvarez.

I-4 Optimum RX Pharmacy, LLC, Case # 2016-12903

Dr. Weizer and Mr. Bisaillon were recused due to participation on the probable cause. Due to the fact that there was no representative from Optimum RX Pharmacy LLC, Mr. Witters requested to pull the case and bring it back for the February board meeting.

I-5

Withdrawn by PSU.

E. PROSECUTION SERVICES REPORT – Matthew Witters, Assistant General Counsel

Mr. Witters stated the inventory was 275 cases at the October meeting and is now down to 244 cases. Mr. Witters stated we currently have 91 cases that are 1 year or older and asked the Board to consider allowing to continue prosecuting cases one year and older. Dr. Mikhael made the motion to allow them to continue prosecution, seconded by Dr. Alvarez. Motion carried.

TAB 6: LICENSURE ISSUES

A. PETITION FOR TERMINATION OF PROBATION- MARK MIKHAEL

1. Alan Wingerter, PS14151, Case # 2014-11272

Mr. Philip recused himself. Respondent was present and sworn in. Respondent was represented by Counsel Mr. Bayo. Motion by Dr. Weizer and seconded by Dr. Alvarez, to accept termination of probation upon confirmation of receipt of quarterly reports by the Chair. Motion carried.

2. Pine Island, PS13774, Case # 2014-16249

Continuance to February 2017 Board meeting

3. Shafali Data, PS25758, Case # 2012-19066

Respondent was present and sworn in. Respondent was not represented by counsel. Motion by Dr. Weizer and seconded by Dr. Alvarez, to accept termination of probation upon confirmation of receipt of all quarterly reports by the Chair. Motion carried.

4. Michael Dudak, PS19999, Case # 2014-12377

Respondent was present and sworn in. Respondent was not represented by counsel. Motion by Dr. Weizer and seconded by Dr. Mesaros, to accept termination of probation. Motion carried.

5. DNA Pharmacy, PH20850, Case # 2012-18237, 2013-09736

Respondent was present and sworn in. Respondent was not represented by counsel. Motion by Dr. Weizer seconded by Dr. Fallon, to accept termination of probation. Motion carried.

6. Sajani Emmanuel, PS34526, Case # 2015-09135

Respondent was present and sworn in. Respondent was not represented by counsel. Motion by Mr. Philip seconded by Ms. Glass, to accept termination of probation upon confirmation of receipt of all quarterly reports. Motion carried.

B. REQUEST TO LIFT PDM RESTRICTION

1. William Walker, PS27392, Case # 2014-06540

Respondent was present and sworn in. Respondent was not represented by counsel. Legal counsel clarified that there is no legal authority for the board to alter the final orders that were entered April 2016. No motion required. Previous Final Orders will stay in effect.

C. REQUEST FOR REINSTATEMENT

1. Naresh Jain, PS43067, Case # 2010-07094

Respondent was present and sworn in. Respondent was represented by Counsel Mr. Bayo. Motion by Dr. Fallon and seconded by Mr. Bisailon to accept reinstatement. Motion carried.

Prior to the recap of 12/13/2016 rules committee meeting, Ms. Glass presented Dr. Fallon a plaque recognizing his service to the board. Ms. Adrienne Rodgers then presented Ms. Glass with a plaque in recognition of her accomplishments as Board Chair.

TAB 4: COMMITTEE REPORTS AND ACTIONS

1. Rules Committee, Dr. Mesaros, Committee Chair

Dr. Mesaros gave a recap of the Rules Committee from December 13, 2014. He thanked the board and audience members for their participation.

PUBLIC COMMENT:

Shayna Moore approached the Board with a question regarding the nurse practitioners prescribing. Dr. Mesaros gave insight regarding the ins and outs of the rule. He feels that those most impacted by those rule would be the ones who are given the authority to operate within that spectrum and making sure that they remain within their limitations. Ms. Moore inquired as to if these nurses were only able to provide a 7-day supply of a C2 to which Dr. Mesaros clarified that it's 7 days at a time, and not 7 days indefinitely.

Motion to adjourn meeting by Dr. Fallon, seconded Mr. Philip.

Meeting adjourned at approximately 12:10 PM.