



**STATE OF FLORIDA  
BOARD OF PHARMACY**

CASE NUMBER: 2015-07980

DATE OF COMPLAINT: March 13, 2015

COMPLAINT MADE BY: Department of Health

SUBJECT: CB Pharmacy, Inc.  
2390 West 76th Street  
Bay #3  
Hialeah, Florida 33016

SUBJECT ATTORNEY: Pro Se

INVESTIGATED BY: George Mulero  
Consumer Services Unit

REVIEWED BY: Nicole L. Jordan  
Assistant General Counsel

RECOMMENDATION: Reconsideration (4038)  
License Null & Void –  
Unresolved Charges

**CLOSING ORDER**

**THE COMPLAINT:** The Administrative Complaint alleges that Respondent violated the following:

Section 456.072(1)(k), Florida Statutes (2014), by and through a violation of Section 465.023(1)(c), Florida Statutes (2014), by violating Rule 64B16-28.2021(1), Florida Administrative Code, which provides that a pharmacy permit is not transferable. Upon the sale of an existing pharmacy, a new application must be filed. In those cases where the permit is held by a corporation, the transfer of all the stock of said corporation to another person or

entity does not constitute a change of ownership, provided that the initial corporation holding the permit continues to exist.

Section 456.072(1)(k), Florida Statutes (2014), by violating Section 465.023(1)(c), Florida Statutes (2014), through a violation of Rule 64B16-28.202(3), Florida Administrative Code, which provides that failing to notify the Board of Pharmacy in writing as to the effective date of closure, 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, constitutes grounds for disciplinary action.

**THE FACTS:** On or about August 27, 2015, the Department filed a two-count Administrative Complaint against Respondent alleging the aforementioned violations of the Florida Statutes and Florida Administrative Code. The Administrative Complaint was predicated upon Respondent's change of ownership and improper closure of the pharmacy.

Respondent's permit has since become Null and Void. Section 465.018(3)(a), Florida Statutes, provides that the Board may refuse to issue a permit to any person who has been disciplined or who has abandoned a permit or allowed a permit to become void after written notice that disciplinary proceedings had been or would be brought against the permit. Given the above, it is the Department's recommendation that this case be reconsidered and dismissed.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**THE LAW:** Pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF PHARMACY

/NLJ

9414 7266 9904 2043 9774 12

TO:

CB Pharmacy, Inc.  
2390 West 76 Street  
Bay 3  
Hialeah, Florida 33016

SENDER: M. White-9/9/15  
2015-07980

REFERENCE: AC Stip Pack

Certified Article Number

9414 7266 9904 2043 9774 12

SENDER'S RECORD

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

USPS®

Receipt for  
Certified Mail®

No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**John H. Armstrong, MD, FACS**  
State Surgeon General & Secretary

**Vision:** To be the Healthiest State in the Nation

September 9, 2015

CB Pharmacy Inc.  
2390 West 76 Street  
Bay 3  
Hialeah, Florida 33016

RE: DOH v. CB Pharmacy, Inc.  
Case No. 2015-07980

Dear CB Pharmacy, Inc.:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form is also enclosed.

Please review the attached documents and return the Election of Rights form to my attention. You **must** return the election to my office within twenty-one (21) days of the date you received it. Failure to return the election within twenty-one (21) days will be considered a waiver of your right to dispute the facts alleged in the Administrative Complaint.

A Voluntary Relinquishment form has also been included in this package for your consideration. Voluntarily relinquishing your license is giving up your ability to practice Pharmacy in the state of Florida. If you no longer wish to practice Pharmacy in Florida, please sign the voluntary relinquishment before a notary and return it to my office. Please note that voluntary relinquishment of your license is considered disciplinary action.

Please contact me by phone at 850-245-4444, extension 8125, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole L. Jordan".

Nicole L. Jordan  
Assistant General Counsel  
(850) 245-4444 Ext. 8125

**Florida Department of Health**

Office of the General Counsel • Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265  
Express mail address: 2585 Merchants Row – Suite 105  
PHONE: 850/245-4444 • FAX 850/245-4662

**www.FloridasHealth.gov**

TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh FLICKR: HealthyFla  
PINTEREST: HealthyFla

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-07980**

**CB PHARMACY, INC.,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health ("Department"), by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, CB Pharmacy, Inc., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a permitted community pharmacy within the state of Florida, having been issued permit number PH28130.

3. Respondent's address of record is 2390 West 76 Street, Bay 3, Hialeah, Florida 33016.

Facts Relevant to Count I

4. On or about April 7, 2014, a corporate entity by the name of CB Pharmacy, Inc., was incorporated with the Florida Department of State Division of Corporations, with federal identification number 465330276.

5. On or about May 9, 2014, CB Pharmacy, Inc., was issued permit number PH28130 for a community pharmacy.

6. On or about October 16, 2014, a corporate entity by the name of Moon Pharmacy, Inc., was incorporated with the Florida Department of State Division of Corporations, with federal identification number 47-2111497.

7. On or about November 6, 2014, CB Pharmacy, Inc., dissolved.

8. Respondent did not file an application with the Board of Pharmacy for a new pharmacy permit after CB Pharmacy, Inc., dissolved on or about November 6, 2014.

9. On or about March 11, 2015, the Department presented to Respondent's address of record and found that Respondent was operating

under the name Moon Pharmacy after its incorporated owner, CB Pharmacy, Inc., dissolved on or about November 6, 2014.

FACTS RELEVANT TO COUNT II

10. On or about March 11, 2015, the Department presented to Respondent's address of record to conduct an inspection and found that the pharmacy was closed.

11. Respondent failed to notify the Board of Pharmacy in writing of Respondent's effective date of closure prior to closure; failed to return or arrange to return the pharmacy permit; and/or failed to notify the Board of Pharmacy which permittee is to receive the prescription files.

COUNT I

12. Petitioner realleges and incorporates paragraphs one (1) through nine (9), as if fully set forth herein.

13. Section 456.072(1)(k), Florida Statutes (2014), provides that failing to perform any statutory or legal obligation placed upon a licensee constitutes grounds for disciplinary action.

14. Section 465.023(1)(c), Florida Statutes (2014), provides that the department or the board may revoke or suspend the permit of any pharmacy permittee and may fine, place on probation, or otherwise

discipline any pharmacy permittee who has violated any of the requirements of Chapter 465, Florida Statutes, or any of the rules of the Board of Pharmacy.

15. Rule 64B16-28.2021(1), Florida Administrative Code, provides that a pharmacy permit is not transferable. Upon the sale of an existing pharmacy, a new application must be filed. In those cases where the permit is held by a corporation, the transfer of all the stock of said corporation to another person or entity does not constitute a change of ownership, provided that the initial corporation holding the permit continues to exist.

16. Respondent failed to submit an application for a new pharmacy permit after the change in ownership from CB Pharmacy, Inc., which dissolved on or about November 6, 2014, to Moon Pharmacy, Inc.

17. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2014), by and through a violation of Section 465.023(1)(c), Florida Statutes (2014), by violating Rule 64B16-28.2021(1), Florida Administrative Code.

## COUNT II

18. Petitioner realleges and incorporates paragraphs one (1) through three (3), and ten (10) through eleven (11), as if fully set forth herein.

19. Section 456.072(1)(k), Florida Statutes (2014), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action.

20. Section 465.023(1)(c), Florida Statutes (2014), provides that the department or the board may revoke or suspend the permit of any pharmacy permittee and may fine, place on probation, or otherwise discipline any pharmacy permittee who has violated any of the requirements of Chapter 465, Florida Statutes, or any of the rules of the Board of Pharmacy.

21. Rule 64B16-28.202(3), Florida Administrative Code, provides that prior to closure of a pharmacy the permittee shall notify the Board of Pharmacy in writing as to the effective date of closure, and shall 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 advise the Board of

Pharmacy which permittee is to receive the prescription files.

22. Respondent failed to follow the pharmacy closure requirements as set forth in Rule 64B16-28.202(3), Florida Administrative Code, by failing to do one or more of the following:

- a. Notify the Board of Pharmacy in writing of Respondent's effective date of closure; and/or
- b. Return or arrange to return the pharmacy permit; and/or
- c. Notify the Board of Pharmacy which permittee is to receive the prescription files.

23. Based upon the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2014), by violating Section 465.023(1)(c), Florida Statutes (2014), through a violation of Rule 64B16-28.202(3), Florida Administrative Code, failing to notify the Board of Pharmacy in writing as to the effective date of closure, 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.

WHEREFORE, Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 27<sup>th</sup> day of August, 2015.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health



Nicole L. Jordan  
Assistant General Counsel  
Fla. Bar No. 106034  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444  
Facsimile: (850) 245-4662  
Email: nicole.jordan@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE AUG 27 2015

/NLJ

PCP: 8/27/15  
PCP Members: Weizer, Philip

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: \_\_\_\_\_

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. \_\_\_\_\_ I do not dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. \_\_\_\_\_ I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure to do so may be considered a waiver of your right to elect a hearing in this matter, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Board may proceed to hear your case.

PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so.

Respondent's Signature  
Address: \_\_\_\_\_

Attorney/Qualified Representative\*  
Address: \_\_\_\_\_

Lic. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

\*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared \_\_\_\_\_, whose identity is known to me or produced \_\_\_\_\_ (type of identification) and who, acknowledges that his/her signature appears above. Sworn to or affirmed by Affiant before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Notary Public-State of Florida

My Commission Expires

Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Nicole L. Jordan, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444 ext. [8125]; FAX (850) 245-4662; TDD 1-800-955-8771

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**CASE NO. 2015-07980**

**CB PHARMACY, INC.,**

**Respondent.**

---

**VOLUNTARY RELINQUISHMENT OF LICENSE**

Respondent, CB Pharmacy, Inc., license number PH 28130, hereby voluntarily relinquishes Respondent's license to practice Pharmacy in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this case. Respondent understands that acceptance by the Board of Pharmacy (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this

relinquishment will be reported to the National Practitioner's Data Bank. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to voluntarily cease practicing Pharmacy immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of Pharmacy until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written Final Order in this matter.

3. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in this case. By signing this waiver, Respondent understands

that the record and complaint become public record and remain public record and that information is immediately accessible to the public.

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review, or to otherwise challenge or contest the validity of this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this case.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CB Pharmacy, Inc.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me personally appeared \_\_\_\_\_ whose identity is known to be by \_\_\_\_\_ (type of identification), and who under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires:

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-07980**

**CB PHARMACY, INC.,**

**RESPONDENT.**

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Facts Relevant to Count I

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under the name Moon Pharmacy after its incorporated owner, CB Pharmacy, Inc., dissolved on or about November 6, 2014.

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11. Respondent failed to notify the Board of Pharmacy in writing of Respondent's effective date of closure prior to closure; failed to return or arrange to return the pharmacy permit; and/or failed to notify the Board of Pharmacy which permittee is to receive the prescription files.

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## **COUNT II**

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Pharmacy which permittee is to receive the prescription files.

22. Respondent failed to follow the pharmacy closure requirements as set forth in Rule 64B16-28.202(3), Florida Administrative Code, by failing to do one or more of the following:

- a. Notify the Board of Pharmacy in writing of Respondent's effective date of closure; and/or
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WHEREFORE, Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 27<sup>th</sup> day of August, 2015.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health



Nicole L. Jordan  
Assistant General Counsel  
Fla. Bar No. 106034  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444  
Facsimile: (850) 245-4662  
Email: nicole.jordan@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE AUG 27 2015

/NLJ

PCP: 8/27/15  
PCP Members: *Weizer, Philip*

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

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**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Profit Corporation**

MOON PHARMACY INC.

**Filing Information**

<b>Document Number</b>	P14000085455
<b>FEI/EIN Number</b>	47-2111497
<b>Date Filed</b>	10/16/2014
<b>Effective Date</b>	10/16/2014
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	AMENDMENT
<b>Event Date Filed</b>	11/10/2014
<b>Event Effective Date</b>	NONE

**Principal Address**2390 W 76 STREET BAY 3  
HIALEAH, FL 33016**Mailing Address**2390 W 76 STREET BAY 3  
HIALEAH, FL 33016**Registered Agent Name & Address**PLASENCIA, ANDRES  
2390 W 76 STREET BAY 3  
HIALEAH, FL 33016

Name Changed: 11/10/2014

Address Changed: 04/24/2015

**Officer/Director Detail****Name & Address**

Title P

PLASENCIA, ANDRES  
2390 W 76 STREET BAY 3  
HIALEAH, FL 33016**Annual Reports**

Report Year	Filed Date
2015	04/24/2015

**Document Images**

<a href="#">04/24/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">11/10/2014 -- Amendment</a>	<a href="#">View image in PDF format</a>
<a href="#">10/16/2014 -- Domestic Profit</a>	<a href="#">View image in PDF format</a>

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State of Florida, Department of State

**STATE OF FLORIDA  
BOARD OF PHARMACY**

CASE NUMBER: 2015-18271

DATE OF COMPLAINT: June 8, 2015

COMPLAINT MADE BY: Board of Pharmacy of the State of New Mexico  
5200 Oakland Northeast, Suite A  
Albuquerque, New Mexico 87113

SUBJECT: Pareek, Inc.  
d/b/a American Specialty Pharmacy  
Permit No. PH26346  
2743 West 15<sup>th</sup> Street  
Plano, Texas 75075

SUBJECT ATTORNEY: Martin Dix, Esq.  
Akerman LLP  
106 East College Avenue, Suite 106  
Tallahassee, Florida 32301

INVESTIGATED BY: Melodie Moore  
Consumer Services Unit

REVIEWED BY: Christopher A. Jurich  
Assistant General Counsel

RECOMMENDATION: Dismiss (4097)  
Reconsideration

**CLOSING ORDER**

**THE COMPLAINT:** The Administrative Complaint alleges that Respondent violated Section 456.072(1)(f), Florida Statutes (2014), having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies and

subdivisions, for a violation that would constitute a violation under Florida law.

**THE FACTS:** On or about August 27, 2015, the Department filed an Administrative Complaint against Respondent, whereby charging Respondent with a violation of Section 456.072(1)(f), Florida Statutes (2014). The charges were predicated upon information received from the Board of Pharmacy of the State of New Mexico, indicating that Respondent's New Mexico permit was disciplined for being delinquent in reporting controlled substance prescription to the New Mexico Prescription Monitoring Program.

On or about December 10, 2015, the Department received additional information from Respondent regarding the New Mexico discipline and New Mexico's laws. Specifically, Respondent was disciplined in New Mexico for delinquency in *electronic* reporting of its controlled substance dispensing, which is the only permissible format in New Mexico. Florida's Prescription Drug Monitoring Program ("PDMP") does not have an electronic reporting requirement; Section 893.055(4), Florida Statutes, states that "approved [reporting] formats may include, but are not limited to, submission via the Internet, on a disc, or by use of regular mail."

Per the language of Section 456.072(1)(f), Florida Statutes, the offending conduct underlying Respondent's discipline in New Mexico would not constitute a violation of Section 893.055(4), Florida Statutes. The allegations set forth in the Administrative Complaint are no longer supported by the evidence in this case; therefore this case will be reconsidered and dismissed.

**THE LAW:** Based on the foregoing facts and findings, and pursuant to Section 456.073(4), Florida Statutes, the Probable Cause Panel dismisses this case with no further action to be taken.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

CHAIRPERSON, PROBABLE CAUSE PANEL  
BOARD OF PHARMACY

/CAJ

~~BEFORE THE BOARD OF PHARMACY~~  
~~STATE OF NEW MEXICO~~

IN THE MATTER OF:

AMERICAN SPECIALTY PHARMACY  
Registration No.: PH-3437

Respondent.

1/22/16

Case No. 2014 - 054F

**STIPULATED AGREEMENT**

WHEREAS On October 16, 2014, the New Mexico Board of Pharmacy ("Board") considered a complaint against American Specialty Pharmacy ("Respondent") regarding ~~Respondent's failure to provide~~ information to the Prescription Monitoring Program as required by state law; and

WHEREAS, on October 16, 2014, the Board found sufficient reason to vote to issue an Notice of Contemplated Action ("NCA"), as required pursuant to the Uniform Licensing Act ("ULA"); and

WHEREAS, Respondent is willing to resolve these matters in an amicable fashion and without issuance of the NCA as required under the ULA and without need of a formal hearing; and

WHEREAS, the Board believes that this Stipulated Agreement ("Agreement") is appropriate and in the best interests of both the Board and Respondent,

**IT IS STIPULATED AND AGREED AS FOLLOWS:**

1. **Jurisdiction.** Respondent is a licensed nonresident pharmacy pursuant to the New Mexico Pharmacy Act, NMSA 1978, §§ 61-1-1 to 61-1-29 (1969, as amended through 2009), and, as such, is subject to the jurisdiction of the Board.

3. Respondent's address of record is 2743 West 15<sup>th</sup> Street, Plano, Texas 75075.

4. At all times material to this Administrative Complaint, Respondent possessed pharmacy registration number PH-3437 within the state of New Mexico.

5. The Board of Pharmacy of the State of New Mexico ("New Mexico Board") is the licensing authority for pharmacies in the state of New Mexico.

6. On or about January 23, 2015, the New Mexico Board issued an order incorporating a Stipulated Agreement between Respondent and the New Mexico Board, whereby disciplining Respondent's New Mexico pharmacy registration for ~~failure to report controlled substance prescribing~~ information to the New Mexico Prescription Monitoring Program.

7. The offending conduct underlying Respondent's discipline by the New Mexico Board would constitute a violation of Florida law.

8. Section 456.072(1)(f), Florida Statutes (2014), provides that having a license or the authority to practice any regulated profession ~~revoked, suspended, or otherwise acted against, including denial of~~ licensure, by the licensing authority of any jurisdiction, including its

# AMERICAN SPECIALTY PHARMACY

2743 West 15th Street, Plano, TX 75075 Ph: (214) 919-2090 Toll Free: (888) 960-5376

Date: 09/22/2015

Total Pages: 4

To: Phone Number: Fax Number: E-mail:	Christopher A Jurich 850-245-4444 ext 8174 850-245-4882
From: Phone Number: Fax Number: E-mail:	Monica Pann 214-919-2520 ext 309 214-919-2524

- Urgent
- For Review
- Please Comment
- Please Reply

Message:

9414 7266 9904 2043 9754 94

**TO: Pareek, Inc.  
d/b/a American Specialty  
Pharmacy  
2743 West 15<sup>th</sup> Street  
Plano, Texas 75075**

**SENDER: CAJ/sdr**

**REFERENCE: 2015-18271-Pareek, Inc.  
Stip Pack-8-31-15**

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

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**Mission:**

To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.



**Rick Scott**  
Governor

**John H. Armstrong, MD, FACS**  
State Surgeon General and Secretary

**Vision:** To be the **Healthiest State** in the Nation

August 31, 2015

Pareek, Inc.  
d/b/a American Specialty Pharmacy,  
2743 West 15<sup>th</sup> Street  
Plano, Texas 75075

**Certified Article Number**

9414 7266 9904 2043 9754 94

**SENDERS RECORD**

RE: DOH v. Pareek, Inc., d/b/a American Specialty Pharmacy  
Case Number: 2015-18271

Dear Sir/Madam:

Enclosed is a copy of an Administrative Complaint that has been filed against your license, along with an Election of Rights form. You have also been provided with a Settlement Agreement containing disciplinary terms I believe will be acceptable in resolving this matter. If you agree with the terms of the Settlement Agreement, please sign it before a notary public and return it to my office. Please be aware that the Settlement Agreement is subject to final approval by the Board of Pharmacy. A Voluntary Relinquishment form has also been included in this package for your consideration. Voluntarily relinquishing your license is considered disciplinary action. However, signing the Voluntary Relinquishment form will allow you to avoid costs and forgo further disciplinary hearings.

You may also want to read and understand the several provisions of Florida Statutes and administrative rules related to this disciplinary action. For further information, please consult with your attorney or refer to the following websites: [www.leg.state.fl.us](http://www.leg.state.fl.us) and <http://www.flrules.org>.

If you accept the Settlement Agreement, your case will be scheduled for the next available Board meeting for consideration. Your attendance at this meeting may be required. You will receive details regarding the meeting date, time, and location once the case is scheduled. If the Board accepts the Settlement Agreement, then its terms become the final resolution of the case. Should the Board not accept the Settlement Agreement, then your response on the Election of Rights form will determine how the case will proceed.

**PLEASE NOTE the signed and notarized Election of Rights form must be received by the Department of Health within twenty-one (21) days of the date you were served. Failure to file this form within twenty-one (21) days may be considered a waiver of your right to dispute the allegations in this matter.**

Sincerely,

*Christopher A. Jurich*  
Christopher A. Jurich  
Assistant General Counsel

CAJ/sdr

Enclosures: Administrative Complaint, Election of Rights,  
Settlement Agreement and Voluntary Relinquishment

**Florida Department of Health**

Office of the General Counsel – Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265  
EXPRESS MAIL: 2585 Merchants Row, Suite 105  
PHONE: 850/245-4444 • FAX 850/245-4662

**www.FloridaHealth.gov**

TWITTER: HealthyFLA  
FACEBOOK: FLDepartmentofHealth  
YOUTUBE: fldoh  
FLICKR: HealthyFla  
PINTEREST: HealthyFla

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-18271**

**PAREEK, INC.  
d/b/a AMERICAN SPECIALTY  
PHARMACY,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, Pareek, Inc. d/b/a American Specialty Pharmacy, and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a permitted special non-resident pharmacy within the state of Florida, having been issued permit number PH26346.

3. Respondent's address of record is 2743 West 15<sup>th</sup> Street, Plano, Texas 75075.

4. At all times material to this Administrative Complaint, Respondent possessed pharmacy registration number PH-3437 within the state of New Mexico.

5. The Board of Pharmacy of the State of New Mexico ("New Mexico Board") is the licensing authority for pharmacies in the state of New Mexico.

6. On or about January 23, 2015, the New Mexico Board issued an order incorporating a Stipulated Agreement between Respondent and the New Mexico Board, whereby disciplining Respondent's New Mexico pharmacy registration for failing to report controlled substance prescription information to the New Mexico Prescription Monitoring Program.

7. The offending conduct underlying Respondent's discipline by the New Mexico Board would constitute a violation of Florida law.

8. Section 456.072(1)(f), Florida Statutes (2014), provides that having a license or the authority to practice any regulated profession ~~revoked, suspended, or otherwise acted against, including denial of~~ licensure, by the licensing authority of any jurisdiction, including its

agencies and subdivision, for a violation that would constitute a violation under Florida law, constitutes grounds for disciplinary action.

9. On or about January 23, 2015, Respondent's pharmacy registration within the state of New Mexico was disciplined by the New Mexico Board for a violation that would also constitute a violation of Florida law.

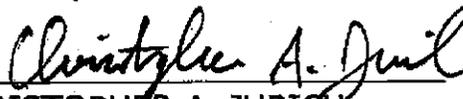
10. Based on the foregoing, Respondent has violated Section 456.072(1)(f), Florida Statutes (2014).

*[ remainder of page intentionally left blank ]*

WHEREFORE, the Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED** this 27<sup>th</sup> day of August, 2015.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health



CHRISTOPHER A. JURICH  
Assistant General Counsel  
Fla. Bar No. 0099014  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444  
Facsimile: (850) 245-4662  
Email: christopher.jurich@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE AUG 27 2015

/CAJ

PCP Meeting: August 27, 2015  
PCP Members: Dr. Michele Weizer, Jeenu Philip

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: \_\_\_\_\_

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. \_\_\_\_\_ I do not dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. \_\_\_\_\_ I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure to do so may be considered a waiver of your right to elect a hearing in this matter, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Board may proceed to hear your case.

PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so.

Respondent's Signature  
Address: \_\_\_\_\_

Attorney/Qualified Representative\*  
Address: \_\_\_\_\_

Lic. No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

\*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared \_\_\_\_\_, whose identity is known to me or produced \_\_\_\_\_ (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Notary Public-State of Florida

My Commission Expires \_\_\_\_\_

Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Christopher A. Jurich, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444 ext. 8174; FAX (850) 245-4662; TDD 1-800-955-8771

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-18271**

**PAREEK, INC.  
d/b/a AMERICAN SPECIALTY  
PHARMACY,**

**RESPONDENT.**

---

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the parties offer this Settlement Agreement to the Board of Pharmacy ("Board") as disposition of the Administrative Complaint, attached as Exhibit A, in lieu of further administrative proceedings.

**STIPULATED FACTS**

1. At all times material to this matter, Pareek, Inc. d/b/a American Specialty Pharmacy, was a permitted special non-resident pharmacy within the state of Florida, having been issued permit number PH26346. Respondent's mailing address of record is 2743 West 15<sup>th</sup> Street, Plano, Texas 75075.

2. Respondent was charged by an Administrative Complaint, filed by the Department of Health ("Department") and properly served upon Respondent, with violations of Chapters 456 and 465, Florida Statutes.

### **STIPULATED LAW**

1. Respondent admits that Respondent is subject to the provisions of Chapters 456 and 465, Florida Statutes, and the jurisdiction of the Department.

2. Respondent admits that the allegations in the Administrative Complaint, if proven true, constitute violations of law and cause the Respondent to be subject to discipline by the Board of Pharmacy.

### **PROPOSED DISPOSITION**

1. **Appearance**- An institutional representative of Respondent shall be present when this Settlement Agreement is presented to the Board and under oath shall answer all questions asked by the Board concerning this case and its disposition.

2. **Fine**- The Board of Pharmacy shall impose an administrative fine of **ONE HUNDRED DOLLARS (\$100.00)**. The fine shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-**

**6320**, within **30 days** from the date the Final Order approving and incorporating this Settlement Agreement ("Final Order") is filed with the Department Clerk.

3. **Costs**- The Board of Pharmacy shall impose the total, administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed **ONE THOUSAND ONE HUNDRED NINETY-FIVE DOLLARS AND TWELVE CENTS (\$1,195.12)**. Total costs shall be assessed when the Settlement Agreement is presented to the Board. The costs shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Bin C76, Post Office Box 6320, Tallahassee, Florida 32314-6320**, within **90 days** from the date the Final Order is filed with the Department Clerk.

4. **Probation**- Respondent's permit shall be placed on **six (6) months** of probation. During the period of probation, Respondent shall be subject to the following terms and conditions:

- a. For the term of the probation, Respondent shall, within ten business days of receipt, submit any and all reports, materials, and/or documents associated with any inspections

conducted by the regulatory authority of any state or federal jurisdiction where Respondent is licensed to the Compliance Management Unit referenced in paragraph two above.

b. An institutional representative of Respondent shall make a mandatory appearance before the Board of Pharmacy during the last three (3) months of probation, with the Board retaining the jurisdiction to extend Respondent's term of probation, and/or to impose additional restrictions, conditions or limitations on Respondent's permit.

5. **Future Conduct**- Respondent shall not violate Chapters 456, 465, 499, or 893, Florida Statutes; the rules promulgated pursuant thereto; or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice pharmacy.

6. **Violation of Terms**- It is expressly understood that a violation of the provisions of this Settlement Agreement as approved and incorporated into the Final Order of the Board of Pharmacy shall constitute a violation of an order of the Board for which disciplinary action may be initiated against Respondent pursuant to Chapter 465, Florida Statutes.

7. **No Force or Effect until Final Order-** It is expressly understood that this Settlement Agreement is subject to approval by the Board and has no force or effect until the Board incorporates the terms of this Settlement Agreement into its Final Order.

8. **Purpose of Agreement-** This Settlement Agreement is executed by Respondent for the purpose of avoiding further administrative action with respect to this particular case. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Settlement Agreement. Petitioner and Respondent agree to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Settlement Agreement not be accepted by the Board, it is agreed that the presentation and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

9. **Not Preclude Additional Proceedings**- Respondent and the Department fully understand that this Settlement Agreement as approved and incorporated into the Final Order will not preclude additional proceedings by the Board or Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

10. **Waiver of Attorney's Fees and Costs**- Respondent waives the right to seek any attorney's fees and costs from the Department in connection with this disciplinary proceeding.

11. **Waiver of Procedural Rights**- Respondent waives all rights to further administrative procedure and to appeal and further review of this Settlement Agreement and the Final Order.

12. **Current Addresses**- Respondent shall keep current its mailing address and its practice address with the Board of Pharmacy and the Compliance Officer, and shall notify the Board of Pharmacy and the Compliance Officer of any change of mailing address or practice address within ten (10) days of the change.

[ *signature pages to follow* ]

WHEREFORE, the parties request that the Board enter a Final Order approving and incorporating this Settlement Agreement in resolution of this matter.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Institutional Representative for  
Pareek, Inc. d/b/a American Specialty  
Pharmacy  
Case No. 2015-18271

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me personally appeared \_\_\_\_\_, whose identity is known to me or by \_\_\_\_\_ (type of identification), and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health

---

Christopher A. Jurich  
Assistant General Counsel

Counsel for Petitioner  
Christopher A. Jurich  
Florida Bar No. 0099014  
Assistant General Counsel  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399  
Tel.: (850) 245-4444 ext. 8174  
Fax: (850) 245-4662

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,  
Petitioner,**

**v.**

**CASE NO. 2015-18271**

**PAREEK, INC.  
d/b/a AMERICAN SPECIALTY PHARMACY,  
Respondent.**

---

**VOLUNTARY RELINQUISHMENT OF LICENSE**

Respondent, **Pareek, Inc. d/b/a American Specialty Pharmacy**, permit number **PH26346**, hereby voluntarily relinquishes its pharmacy permit in the state of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Pharmacy (hereinafter the Board) of this Voluntary Relinquishment shall be construed as action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to never reapply for a pharmacy permit in the state of Florida.

3. Respondent agrees to voluntarily cease operating a pharmacy in the state of Florida immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from operating a pharmacy until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to

otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Institutional Representative for  
Pareek, Inc. d/b/a American Specialty  
Pharmacy  
Case No. 2015-18271

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Before me, personally appeared \_\_\_\_\_,  
whose identity is known to me by \_\_\_\_\_ (type  
of identification) and who, under oath, acknowledges that his/her signature  
appears above.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2015.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-18271**

**PAREEK, INC.  
d/b/a AMERICAN SPECIALTY  
PHARMACY,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Pharmacy against Respondent, Pareek, Inc. d/b/a American Specialty Pharmacy, and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a permitted special non-resident pharmacy within the state of Florida, having been issued permit number PH26346.

3. Respondent's address of record is 2743 West 15<sup>th</sup> Street, Plano, Texas 75075.

4. At all times material to this Administrative Complaint, Respondent possessed pharmacy registration number PH-3437 within the state of New Mexico.

5. The Board of Pharmacy of the State of New Mexico ("New Mexico Board") is the licensing authority for pharmacies in the state of New Mexico.

6. On or about January 23, 2015, the New Mexico Board issued an order incorporating a Stipulated Agreement between Respondent and the New Mexico Board, whereby disciplining Respondent's New Mexico pharmacy registration for failing to report controlled substance prescription information to the New Mexico Prescription Monitoring Program.

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8. Section 456.072(1)(f), Florida Statutes (2014), provides that having a license or the authority to practice any regulated profession ~~revoked, suspended, or otherwise acted against, including denial of~~ licensure, by the licensing authority of any jurisdiction, including its

agencies and subdivision, for a violation that would constitute a violation under Florida law, constitutes grounds for disciplinary action.

9. On or about January 23, 2015, Respondent's pharmacy registration within the state of New Mexico was disciplined by the New Mexico Board for a violation that would also constitute a violation of Florida law.

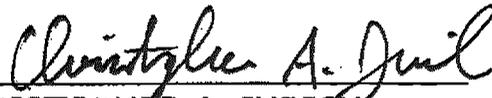
10. Based on the foregoing, Respondent has violated Section 456.072(1)(f), Florida Statutes (2014).

*[ remainder of page intentionally left blank ]*

WHEREFORE, the Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

**SIGNED** this 27<sup>th</sup> day of August, 2015.

John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health



CHRISTOPHER A. JURICH  
Assistant General Counsel  
Fla. Bar No. 0099014  
Florida Department of Health  
Office of the General Counsel  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Telephone: (850) 245-4444  
Facsimile: (850) 245-4662  
Email: christopher.jurich@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE AUG 27 2015

/CAJ

PCP Meeting: August 27, 2015  
PCP Members: Dr. Michele Weizer, Jeenu Philip

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**