

MEETING MINUTES  
DEPARTMENT OF HEALTH  
BOARD OF PHARMACY  
RULES COMMITTEE MEETING

December 3, 2013

Hilton Hotel University of Florida  
1714 SW 34<sup>th</sup> Street  
Gainesville, FL 32607  
(352) 371-3600

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Committee Members:

Jeffrey J. Mesaros, PharmD, Tampa, Chair  
Debra Glass, BPharm, Tallahassee  
Michele Weizer, PharmD, Boca Raton

Board Staff:

Tammy Collins, Acting Executive Director  
Christy Robinson, Program Operations Administrator  
Jay Cumbie, Regulatory Specialist II

Board Counsel:

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

Participants in this public meeting should be aware that these proceedings are being recorded.

Tuesday, December 3, 2013 – 9:00 a.m.

Call to Order by Dr. Jeff Mesaros at 9:00 a.m.

Dr. Mesaros began the meeting by welcoming newly appointed Board member Jeenu Philip of Jacksonville to the Board of Pharmacy.

Dr. Mesaros then thanked Tammy Collins for her hard work during the transition from Mark Whitten to the next Executive Director of the Board of Pharmacy.

Dr. Mesaros stated that old business items will be handled first and requested Ms. Lynette Norr present the items.

Ms. Norr then presented the changes to Rule 64B16-30.001 as well as the letter from JAPC. Ms. Norr then requested a vote from the Board.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to accept the changes to Rule 64B16-30.001. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

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

Dr. Mesaros and Ms. Norr presented Rule 64B16-28.450 as the next item of old business and highlighted the proposed change to the rule and requested a vote from the Board.

Brian Kahan approached the Committee to support the discussion on the rule so far but also requested that the rule be brought back for further discussion and modification.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to approve the changes to Rule 64B16-28.450 in regards to the JAPC requests and to bring back the rule for application discussion. Motion carried.

Dr. Mesaros welcomed Dr. Lee Fallon to the meeting.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

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

Dr. Mesaros introduced Rule 64B16-28.301 as the next item of old business to be presented to the Committee.

Ms. Norr presented the proposed changes to the Rule and also presented the JAPC comments regarding record retention in this rule.

Michael Jackson (Florida Pharmacy Association) approached the Board to point out that Rule 64B16-28.140 provides parameters for record retention in regards to the question by JAPC.

Dr. Weizer requested the record retention requirement be increased from 2 years to 4 years.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to leave rule as it stands, respond to JAPC that their concern is covered in Rule 64B16-28.140, and add Rule 64B16-28.140 to the next Rule Committee agenda.

Dr. Mesaros introduced Tab 6 of the original agenda titled “64B16-28.100(5) Pharmacy Permits – Applications and Permitting” as the final order of old business. Dr. Mesaros informed the audience that this rule deals with the physical application itself.

Ms. Norr presented the requested updates to the physical application for the “Special Limited Community Pharmacy Permit” and requested a vote from the Committee.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to approve the updates to the “Special Limited Community Pharmacy Permit” application. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

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

Dr. Mesaros introduced Rule 64B16-26.608 as the next item on the agenda and discussed some of the new proposed language for the rule.

The committee discussed the proposed language and decided to strike subsection “D and N” and also decided to eliminate subsection “G” and add the language that was in that subsection to the end of subsection “M”.

**Motion:** by Dr. Mesaros, seconded by Mrs. Glass, to strike subsection “D and N” and also decided to eliminate subsection “G” and add the language that was in that subsection to the end of subsection “M”. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

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

Dr. Mesaros introduced 64B16-28.303 as the next agenda item.

Ms. Norr presented the minor change to the rule that included changing the word “immediately” to “within one business day” and requested a vote from the committee.

Dr. Weizer presented a letter regarding nurses and destruction of controlled substances from Mr. Ed Bayo and stated her support for the letter.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to accept the proposed changes to Rule 64B16-28.303. Motion carried.

**Motion:** by Mrs. Glass, seconded by Dr. Weizer, that there is not an adverse economic impact on small business. Motion carried.

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

Ms. Norr introduced Rule 64B16-28.1031 as the next agenda item and explained the necessary updates to the form regarding the Influenza Immunization Certification Program.

After a lengthy discussion, the committee decided to table this rule for further discussion at the February Rule Committee meeting.

Dr. Mesaros introduced Rule 64B16-28.140 as the next agenda item and presented the proposed changes regarding record retention.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to accept the proposed changes to Rule 64B16-28.140. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

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

Dr. Mesaros requested members of the committee or audience bring forward any rules they believe need to be looked at by the committee.

Dr. Mikhael brought to the attention of the committee an issue that has arisen regarding an advanced registered nurse practitioner (ARNP) filling under their name versus filling under the head physician's name.

Dr. Mesaros suggested that issue be discussed later in the day at the full Board meeting.

Dr. Weizer requested that the rule regarding "stock transfer" be opened up for discussion at an upcoming rule committee meeting.

Mr. Bob Parrado approached the rule to further elaborate on the point Dr. Mikhael brought up regarding ARNP's filling under their name or the Physician's name. Mr. Parrado went on to say ARNP's will fill under the Physician's name in order to gain access to the DEA number for insurance purposes.

Dr. Mesaros thanked the committee members, participating audience members, and Ms. Norr for all their work and participation with the Rules committee over the past year.

**Motion:** by Mrs. Glass, seconded by Dr. Weizer, to adjourn the meeting at 10:24am. Motion carried.