

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

**December 2-3, 2014**

B Resort

1905 Hotel Plaza Blvd.  
Lake Buena Vista, FL 32830  
(407) 828-2828

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Board Members:

Jeffrey J. Mesaros, PharmD, Chair, Orlando  
Michele Weizer, PharmD, Vice-Chair, Boca Raton  
Win Adams, CSA, Consumer Member, Fern Park  
Goar Alvarez, PharmD, Cooper City  
Leo J. "Lee" Fallon, BPharm, PhD, The Villages  
Debra B. Glass, BPharm, Tallahassee  
Gavin Meshad, Consumer Member, Sarasota  
Mark Mikhael, PharmD, Orlando  
Jeenu Philip, BPharm, Jacksonville

Board Staff:

Patrick Kennedy, Executive Director  
Tammy Collins, Program Operations Administrator  
Jay Cumbie, Regulatory Specialist II

Board Counsel:

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

Department of Health Staff:

Yolonda Green, Assistant General Counsel  
Matthew Witters, Assistant General Counsel

**Tuesday, December 2, 2014 – 2:00p.m.**

**2:08 p.m. Call to Order by Jeffrey J. Mesaros, PharmD, Chair**

**All Board Members were present.**

**TAB 1        REPORTS**

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

Dr. Mesaros opened the meeting by announcing that David Barrington (Omnicare) had passed away and acknowledged his contributions to the pharmacy profession.

Dr. Mesaros then stated he had received a lot of positive feedback regarding this year's MALTAGON meeting that was held in St. Petersburg, FL.

### **B. Executive Director's Report – Patrick Kennedy**

Mr. Kennedy provided a report from the NABP Interactive Executive Officers meeting in Chicago, IL and stated that Florida will be hosting the 2015 NABP District III meeting in St. Augustine, FL.

Dr. Mesaros stated the petition from Mr. Bruce Abernathy had been pulled from the agenda.

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

#### **1. Rules Report – Lawrence Harris, Assistant Attorney General**

Mr. Harris provided a report of the proceedings from the Rules committee earlier that day.

Mr. Harris stated that the rule regarding the Registered Pharmacy Technician Ratio should be in effect by the end of the year.

Mr. Harris then stated that he plans to start reviewing older rules and application in small chunks.

**Motion:** by Dr. Weizer, seconded by Dr. Mikhael, to move the language that was recommended by the Rules Committee. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, that there is no negative economic impact. Motion carried.

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

Ms. Green provided the Prosecution Services Report including the unit's current case inventory.

Ms. Green also stated that the year and older cases aren't listed on the report due to issues with the new online database.

**Motion:** by Dr. Weizer, seconded by Dr. Alvarez, to allow PSU to continue prosecuting year and older cases. Motion carried.

### **E. Chief Investigative Services Report – Mark Whitten**

Mr. Whitten stated that out of 6,485 pharmacies, 2,711 have been inspected (42%). Mr. Whitten then stated that out of 8,061 Dispensing Practitioners, 3,009 have been inspected (37.3%). Mr. Whitten then concluded by stating that the Bureau of Enforcement is currently on track to complete all of their inspections.

Dr. Weizer questioned how the inspections are going with the new inspection form, to which Mr. Whitten responded that the inspections are going well.

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

### **A. Review and Approval of Minutes**

1. October 7-8, 2014

(Motion was moved to Wednesday, December 3, 2014 due to a technical issue.)

**Motion:** by Dr. Alvarez, seconded by Dr. Weizer, to approve the minutes. Motion carried.

Dr. Weizer gave a brief report from the compounding rules committee and then went on to speak about the presentation made earlier in the day from ACHC regarding them potentially becoming an approved inspection alternative and requested a vote from the Board.

**Motion:** by Dr. Alvarez, seconded by Mr. Adams, to accept ACHC as vetted alternative to our state inspectors for non-resident inspections with the provision that the ACHC inspector must use our inspection form. Motion carried.

## **B. Election of Officers**

1. Chair & Vice Chair

**Motion:** by Dr. Weizer, seconded by Mr. Philip, to nominate Mrs. Debra Glass for Vice-Chair. Motion carried.

**Motion:** by Dr. Mikhael, seconded by Dr. Fallon, to nominate Dr. Weizer for Chair to the Board of Pharmacy. Motion carried.

Mr. Flynn brought up the idea of selecting a Chair of Probable Cause at the request of Board staff.

Dr. Mesaros was in support of selecting a Chair of Probable Cause and requested Mr. Kennedy reach out and survey some former Board members to see if there is any interest.

**Motion:** by Dr. Fallon, seconded by Dr. Alvarez, to have Mr. Kennedy reach out to former board members to poll any interest in becoming the Chair of Probable Cause. Motion carried.

## **Public Comments:**

Dr. Mesaros opened the floor to public comments.

Michael Jackson (FPA) approached the Board to discuss pedigrees and take back programs.

**Motion:** by Dr. Mikhael, seconded by Dr. Fallon, to adjourn the meeting at 3:04p.m. Motion carried.

**Wednesday, December 3, 2014 – 9:00 a.m.**

**9:00 a.m. Call To Order by Jeff J. Mesaros, PharmD**

**All members were present.**

## **TAB 3      Committee Reports**

**A. Rules Committee Report – Jeff Mesaros, PharmD, Chair**

(The Rules Committee Report was presented during the Tuesday, December 2, 2014 Business Section)

**B. Compounding Rules Committee Report – Michele Weizer, PharmD, Vice-Chair**

(The Compounding Rules Committee Report was presented during the Tuesday, December 2, 2014 Business Section)

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

**A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES**

A-1 Golden Owl Pharmacy & Discount Corporation Case No. 2014-04862 – PCP (Glass/Philip)

Respondent violated:

**Count One:** Section 465.023(1)(c), F.S. (2013), by violating Rule 64B16-28.109, F.A.C. **Count Two:** Section 465.23(1)(c), F.S. (2013), through a violation of Section 893.07(1)(a), F.S. (2013), by failing to conduct an inventory for controlled substances biennially.

**Terms of the Settlement Agreement:** Appearance, \$3,000.00 Fine, Costs of \$557.49, and probation for one year with semi-annual inspections at the respondent’s cost and a required appearance before the board within the last 3 months of probationary period.

Respondent was not present nor represented by counsel.

**Motion:** by Mr. Adams, seconded by Dr. Fallon, to accept Settlement Agreement. Motion carried.

A-2 Salina Naomi Baker  
Case No.2014-04863 – PCP (Glass/Philip)

Respondent violated:

**Count One:** Section 456.072(1)(k), F.S. (2013), through a violation of Section 465.022(11)(a), F.S. (2013), by failing to ensure the permittee’s compliance with all rules adopted under those chapters as they relate to the practice of the profession of pharmacy and sale of prescription drugs.

**Count Two:** Section 456.072(1)(k), F.S (2013), through a violation of Section 465.022(11)(a), F.S. (2013), by violating Section 893.07(1)(a), F.S. (2013), by failing to conduct to inventory for controlled substance.

**Terms of the Settlement Agreement:** Appearance, Fine of \$2,000.00, Costs of \$703.87, and a 12 hour Laws and Rules CE.

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

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

A-3 Virginia Alecia Livingston

Case No.2013-18430 – PCP (Mikhael/Meshad)

Respondent violated:

**Count One:** Section 465.016(1)(g), F.S. (2013), by using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

**Terms of the Settlement Agreement:** Appearance, Fine of \$250.00, costs of \$966.83, and an 8 hour Medication Errors CE.

Respondent was present and sworn in by the court reporter. Respondent was represented by Chris Brown, Esquire.

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

A-4 David Creahan

Case No. 2013-16248 - PCP (Glass/Philip)

Respondent violated:

**Count One:** Section 456.072(1)(k), F.S. (2012-2013), by violating Section 465.016(1)(r), F.S. (2012-2013), through a violation of Section 465.022(11)(b), F.S. (2012-2013), by failing to ensure the security of a prescription department in which the respondent was the prescription department manager of record.

**Count Two:** Section 456.072(1)(k), F.S. (2012-2013), by violating Section 465.022(11)(a), F.S. (2012-2013), and/or Section 893.07(3), F.S. (2012-2013).

**Terms of the Settlement Agreement:** Appearance, Fine of \$5,000.00 within 30 days, Costs of \$2,000.00, a 12 hour laws and rules CE, and a probationary period of one year where the respondent shall not function as a prescription department manager and will have to appear before the board within the final 3 months or probation.

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

**Motion:** by Dr. Mikhael, seconded by Dr. Weizer, to reject the Settlement Agreement. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mikhael, to counter-offer revocation. Motion carried with Dr. Mesaros in opposition.

The Respondent rejected the counter-offer.

A-5 Edward Cohn

Case No. 2013-00168 – PCP (Fallon/Glass)

Respondent violated:

**Count One:** Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by failing to ensure compliance with all rules adopted under Chapter 465 and Chapter 456, as they relate to the profession of pharmacy and sale of prescription drugs.

**Terms of the Settlement Agreement:** Appearance, Fine of \$500.00, Costs of \$1,590.85, and a 12 hour laws and rules CE.

Respondent was present and sworn in by the court reporter. Respondent was represented by Richard Baron.

Dr. Weizer requested the Settlement Agreement specify the 12 hour laws and rules CE to which prosecution and the respondent agreed.

**Motion:** by Dr. Weizer, seconded by Dr. Mikhael, to accept the orally amended Settlement Agreement. Motion carried.

A-6 St. George Pharmacy, Inc.

Case No. 2014-01335 – PCP (Weizer/Glass)

Respondent Violated

**Count One:** Section 456.072(1)(kk), F.S. (2013), by being terminated from the Florida Medicaid Program by the AHCA on January 16, 2014.

**Terms of the Settlement Agreement:** Appearance, Fine of \$1,000.00, Costs of 527.59, and a probationary period of one year to include semi-annual inspections at the respondents costs and an appearance before the board within the last 3 months of probation.

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

**Motion:** by Dr. Mikhael, seconded by Dr. Alvarez, to accept the Settlement Agreement. Motion carried.

A-7 Medlena Emirzian

Case No. 2013-05904 – PCP (Meshad/Mikhael)

Respondent Violated

**Count One:** Section 465.016(1)(t)2, F.S. (2012), by committing an error or omission during the performance of a specific function of prescription drug processing, which includes, for purposes of this paragraph, entering prescription data into the pharmacy's record.

**Terms of the Settlement Agreement:** Appearance, fine of \$750.00, costs of \$1,254.57, 2 hour medication errors CE, and probationary period of 2 years.

Respondent was not present nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to move this case to the end of the day. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to continue case to the February 2015 meeting. Motion carried.

A-8 Chris George Pallas  
Case No. 2013-08238 – PCP (Glass/Meshad)

Respondent Violated

**Count One:** Section 465.016(1)(t)4, F.S. (2012), by committing an error or omission during the performance of specific function of prescription drug processing, which includes, performing pharmaceutical calculations.

**Terms of the Settlement Agreement:** Appearance, fine of \$1,000.00, costs of 5,841.54, and an 8 hour medication errors CE to be completed within 6 months.

Respondent was present and sworn in by the court reporter. Respondent was represented by Carol Glasgo, Esquire.

**Motion:** by Dr. Alvarez, seconded by Dr. Fallon, to accept the Settlement Agreement. Motion carried.

A-9 Lee-Ann Drugs  
Case No. 2013-00164 – PCP (Fallon/Glass)

Respondent Violated

**Count One:** Section 465.023(1)(c), F.S. (2012), through a violation of Rule 64B16-28.102(4), F.A.C., by failing to maintain adequate sanitation to ensure the prescription department was operating under clean, sanitary, uncrowded, and healthy conditions.

**Count Two:** Section 465.023(1)(c), F.S. (2012), through a violation of Rule 64B16-27.300(3)(a)2, F.A.C., by failing to conduct a continuous quality improvement meeting within the last three months.

**Count Three:** Section 465.023(1)(c), F.S. (2012), through a violation of Rule 64B16-28.110, F.A.C., by failing to remove pharmaceuticals which bear upon the container an expiration date which date has been reached.

**Terms of the Settlement Agreement:** Appearance, fine of \$3,000.00, costs of \$2,788.20, 8 hour laws and rules CE, and a probationary period of 6 months which will include an inspection at the respondent's costs.

Respondent was present and sworn in by the court reporter. Respondent was represented by Richard Barron, Esquire.

Dr. Weizer requested the Settlement Agreement be orally amended to reflect a 12 hour Laws and Rules CE course.

**Motion:** by Dr. Alvarez, seconded by Mr. Phillip, to accept the orally amended Settlement Agreement. Motion carried.

A-10 Ensley Pharmacy  
Case No. 2013-16249 – PCP (Glass/Philip)

Respondent Violated

**Count One:** Section (456.072(1)(k), F.S. (2012-2013), by violating Section 465.023(1)(c), F.S. (2012-2013), through a violation of Section 893.07(2), F.S. (2012-2013) and Section 893.07(3), F.S. (2012-2013).

**Terms of the Settlement Agreement:** Appearance, fine of \$5,000.00, costs of 1,454.35, and a 12 hour laws and rules CE to be completed within 1 year.

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

**Motion:** by Dr. Fallon, seconded by Dr. Alvarez, to dismiss case upon payment. Motion carried.

A-11 Jide Collins Akamb  
i Case No. 2013-15392 – PCP (Weizer/Philip)

Respondent Violated

**Count One:** Section 456.072(1)(k), F.S. (2013), by violating Section 465.022(11)(a), F.S. (2013), by failing to ensure the permittee's compliance with Rule 64B16-28.1081, F.A.C., which requires that any person who receives a community pharmacy permit pursuant to Section 465.018, F.S., and commences to operate such an establishment shall keep the prescription department of the establishment open for a minimum of forty hours per week.

**Terms of the Settlement Agreement:** Appearance, fine of \$1,000.00, costs of 1,470.47, and a 12 hour laws and rules CE.

Respondent was not present nor represented by counsel.

**Motion:** by Mr. Meshad, seconded by Mr. Adams, to accept the Settlement Agreement. Motion carried.

A-12 Julie Elizabeth P. Draulans  
Case No. 2013-06705 – PCP (Glass/Philip)

Respondent Violated

**Count One:** Section 456.072(1)(k), F.S. (2012), by and through a violation of 465.019(5), F.S. (2012), which provides that all institutional pharmacies shall be under the professional supervision of a consultant pharmacist, and the compounding and dispensing of medicinal drugs shall be done only by a licensed pharmacist.



**Count Two:** Section 456.072(1)(k), F.S. (2012), by and through a violation of Section 465.0125(1), F.S. (2012), which provides that the consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs.

**Terms of the Settlement Agreement:** Appearance, fine of \$1,500.00, costs of \$1,089.00, and a 12 hour laws and rules CE.

Respondent was present and sworn in by the court reporter. Respondent was represented by Steven Grimely, Esquire.

**Motion:** by Dr. Mikhael, seconded by Dr. Fallon, to accept the Settlement Agreement with the caveat that the 12 hour Laws and Rules CE she recently took count towards the requirement in the Settlement Agreement. Motion carried.

A-13 Alicia A. Self  
Case No. 2014-00343 – PCP (Glass/Philip)

Respondent Violated

**Count One:** Section 465.016(1)(g), F.S. (2013), by using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article difference in any manner from the ingredient or article prescribed.

**Terms of the Settlement Agreement:** Appearance, fine of \$500.00, costs of \$1,017.56, and an 8 hour medication errors CE.

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

**Motion:** by Dr. Mikhael, seconded by Dr. Alvarez, to accept the Settlement Agreement. Motion carried.

A-14 Joshua John Wright Case No. 2014-01078 – PCP (Glass/Philip)

Respondent Violated

**Count One:** Section 456.072(1)(c), F.S. (2010), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

**Count Two:** Section 456.072(1)(x), F.S. (2010), by failing to report to the Board, or the department if there is no board, in writing within thirty (30) days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

**Terms of the Settlement Agreement:** Appearance, fine of \$2,000.00, costs of \$965.64, and respondent must undergo an evaluation from PRN and comply with any requirements or recommendations.

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

**Motion:** by Mr. Meshad, seconded by Dr. Alvarez, to accept the Settlement Agreement with the amendment that the respondent makes contact with PRN within 30 days, receive an evaluation within 60 days, and enters into any contract that may be offered within 90 days. Motion carried.

A-15 Kate Helen Linton  
Case No. 2014-01662 – PCP (Glass/Meshad)

Respondent Violated

**Count One:** Section 456.072(1)(k), F.S. (2012), by violating Section 465.016(1)(e), F.S. (2012), through a violation of Section 465.016(1)(e), F.S. (2012), through a violation of Section 893.0551, F.S. (2012), by certifying that the information she requested from the PDMP regarding T.D. was for the purpose of patient care when T.D. was not a patient of Respondent.

**Count Two:** Section 456.072(1)(a), F.S. (2012), by certifying that the information she requested from the PDMP regarding T.D. was for the purpose of patient care when T.D. was not a patient of Respondent.

**Terms of the Settlement Agreement:** Appearance, fine of \$5,000.00, costs of \$1,968.80, a 12 hour laws and rules CE course, and an 8 hour ethics course.

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

**Motion:** by Dr. Alvarez, seconded by Mr. Adams, to accept the Settlement Agreement with the addition of a one year probationary period with the condition that the respondent cannot function as a PDM. Motion carried.

Respondent accepted amended Settlement Agreement.

A-16 Ela D. Amin  
Case No. 2014-01946 – PCP (Glass/Fallon)

Respondent Violated

**Count One:** Section 456.072(1)(c), F.S. (2006), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

**Terms of the Settlement Agreement:** Revocation

Respondent was not present nor represented by counsel.

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

A-17 Terrence Leonard Adams  
Case No. 2013-05467 – PCP (Glass/Philip)

Respondent Violated

**Count One:** Section 456.072(1)(k), F.S. (2012-2013), by and through a violation of Section 465.022(11)(a), F.S. (2012-2013), by failing to ensure the permittee's compliance with one or more of the following rules of the Board of Pharmacy: Rule 64B16-28.109(3)(4), 64B16-27.100(3), 64B16-27.420(4)(a), and/or 64B16-28.108(2)(h), F.A.C.

**Terms of the Settlement Agreement:** Appearance, fine of \$5,000.00, costs of \$2,465.53, and a 12 hour laws and rules CE.

Dr. Mikhael recused himself from this case. Respondent was present and sworn in by the court reporter.

Respondent was not represented by counsel.

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

A-18 Naresh Kumar Jain

Case No. 2010-07094 – PCP (Risch/Weizer)

Respondent Violated

**Count One:** Section 465.016(1)(r), F.S. (2010), violating any provision of this chapter or chapter 456, through a violation of Section 456.072(1)(c), F.S. (2010), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of pharmacy or to the ability to practice pharmacy.

**Count Two:** Section 465.016(1)(r), F.S. (2010), violating any provision of this chapter or chapter 456, through a violation of Section 456.072(1)(x), F.S. (2010), by failing to report to the board, or the department if there is no board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

**Terms of the Settlement Agreement:** Appearance, fine of \$5,000.00, costs of \$2,263.00, 12 hour laws and rules CE, suspension for 2 years, and a permanent restriction from ever having any ownership interest in any pharmacy that is permitted in Florida under Chapter 465, Florida Statutes.

Respondent was not present. Respondent was represented by Edwin Bayo, Esquire.

**Motion:** by Mr. Philip, seconded by Dr. Fallon, to vacate the previous order. Motion carried.

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

A-19 Palm Beach Pharmaceuticals, Inc.

Case No. 2013-01363 – PCP (Mikhael/Alvarez)

Respondent Violated

**Count One:** Section 465.023(1)(c), F.S. (2013), through a violation of Rule 64B16-28.108(2), F.A.C., by having medicinal drugs within its prescription department which lack proper labeling.

**Count Two:** Section 465.023(1)(c), F.S. (2013), through a violation of Rule 64B16-28.110, F.A.C., by having outdated pharmaceutical in its active stock.

**Count Three:** Section 456.072(1)(k), F.S. (2013), by violating Section 465.023(1)(c), F.S. (2013), by through a violation of Rule 6416-27.797(7)(a), F.A.C., by failing to document an ongoing quality assurance control program that monitors personnel performance, equipment, and preparations.

**Terms of the Settlement Agreement:** Appearance, fine of \$3,500.00, costs of 1,536.11, probationary period of 1 year with semi-annual inspections at the respondent's cost, and respondent must continue to abide by the terms of this attestation signed on April 2, 2014 to refrain from sterile compounding until the Board of Pharmacy issues respondent a sterile compounding permit.

Respondent was present and sworn in by the court reporter. Respondent was represented by Monica Rodriguez, Esquire.

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

A-20 Carolyn Sue Seabright

Case No. 2013-13293 – PCP (Mikhael/Meshad)

Respondent Violated

**Count One:** Section 456.072(1)(k), F.S. (2013), by violating Section 465.022(11)(a), F.S. (2013), by failing to ensure the permittee's compliance with Rule 64B16-27.700(3)(d), F.A.C., which provides that a pharmacist may dispense and deliver a quantity of a compounded drug to a practitioner for office use by the practitioner in accordance with this section provided that the pharmacy and practitioner enter into a written agreement, and Rule 64B16-27.700(3)(f)6, F.A.C., which provides that the pharmacy shall affix a label to any compounded drug that is provided for office use. The label shall include the statement "For Institutional or Office Use Only – Not for Resale".

**Terms of the Settlement Agreement:** Appearance, fine of \$1,500.00, costs of \$1,244.12, and a 12 hour laws and rules CE.

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

**Motion:** by Dr. Weizer, seconded by Mrs. Glass, to accept the Settlement Agreement. Motion carried.

A-21 Venu Gogineni

Case No. 2014-08667 – PCP (Glass/Mikhael)

Respondent Violated

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

**Terms of the Settlement Agreement:** Appearance, fine of \$500.00, costs of \$704.16, and a 12 hour laws and rules CE.

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

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

## **B. DETERMINATION OF WAIVER**

DOW-1            Antonio Pharmacy, LLC  
                      Case No. 2014-01682 – PCP (Glass/Philip)

**DOW-1 was continued to the February 2015 Board of Pharmacy meeting.**

DOW-2            Anthony Ikponmwosa O Salami  
                      Case No. 2014-01681 – PCP (Glass/Fallon)

**DOW-2 was continued to the February 2015 Board of Pharmacy meeting.**

DOW-3            Brian McGauley  
                      Case No. 2011-14810 – PCP (Glass/Mikhael)

Respondent Violated

**Count One:** Section 456.072(1)(c), F.S. (2013), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

Respondent was not present nor represented by counsel.

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

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

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

**Motion:** by Dr. Weizer, seconded by Mr. Meshad, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended Penalty: Revocation**

**Motion:** by Dr. Weizer, seconded by Mr. Meshad, to accept the recommendation from the Department. Motion carried.

The Department withdrew their motion for costs.

DOW-4            Brian McGauley

Case No. 2011-14825 – PCP (Glass/Mikhael)

**DOW-4 was continued to the February 2015 Board of Pharmacy meeting.**

DOW-5            Babatunde O. Olurinde

Case No. 2013-00709 – PCP (Mesaros/Glass)

**DOW-5 was continued to the February 2015 Board of Pharmacy meeting.**

DOW-6            305 Pharmacy Inc.

Case No. 2014-06282 – PCP (Glass/Meshad)

Respondent Violated

**Count One:** Section 465.023(1)(c), F.S. (2013), by violating Section 499.005(18), F.S. (2013), by violating Rule 61N1.012(1)(a), F.A.C., which requires that records to document the movement of drugs, devices, or cosmetics must provide a complete audit trail from a person's receipt or acquisition to sale or other disposition of the product or component.

Respondent was not present nor represented by counsel.

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

**Motion:** by Dr. Weizer, seconded by Dr. Mikhael, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

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

**Motion:** by Dr. Weizer, 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: Revocation**

**Motion:** by Dr. Mikhael, seconded by Dr. Fallon, to accept the recommendation from the Department. Motion carried with Dr. Alvarez, Dr. Mesaros, and Mr. Adams in opposition.

## **C. VOLUNTARY RELINQUISHMENTS**

**VR's voted on at one time: VR 1, VR 3-7, VR 9, and VR 10.**

**Motion:** by Mr. Adams, seconded by Dr. Fallon to accept the above-listed Voluntary Relinquishments. Motion carried.

VR-1 Virginia Gardens Drug, LLC  
Case No.2014-07822 – PCP Waived

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

**Accepted via group motion.**

VR-2 Francisca Mercedes Paez  
Case No.2013-05932 – PCP (Glass/Fallon)

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

**Motion:** by Mr. Meshad, seconded by Dr. Weizer, to accept the Voluntary Relinquishment. Motion carried.

VR-3 Cruz Pharmacy Corporation  
Case No.2014-07234 – PCP Waived

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

**Accepted via group motion.**

VR-4 Extended Care Pharmacy  
Case No. 2014-11271 – PCP Waived

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

**Accepted via group motion.**

VR-5 Sherral D. Hutchinson  
Case No. 2014-13668 – PCP Waived

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

**Accepted via group motion.**

VR-6 Extended Care Pharmacy

Case No. 2014-01765 – PCP Waived

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

**Accepted via group motion.**

VR-7 Sean Ryan Lavelle

Case No. 2014-14193, 2014-14195, 2014-14161 – PCP Waived

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

**Accepted via group motion.**

VR-8 Guldo H. De La Torre

Case No. 2014-08613 – PCP (Glass/Meshad)

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

**VR-8 was pulled by the Department.**

VR-9 David A. Henry

Case No. 2014-11081 – PCP Waived

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

**Accepted via group motion.**

VR-10 Ramesh Pathak

Case No. 2012-07547, 2012-14320 – PCP Waived

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

**Accepted via group motion.**

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

**Mr. Philip stated that he was recusing himself from I-1 through I-6.**

Matt Witters (PSU) stated that the respondent had come to an agreement with the Department on a Settlement Agreement for each of the six cases to be presented to the Board for consideration.



I-1 Walgreens Company #4391

Case No. 2013-04359 – PCP (Glass/Fallon/Mikhael)

Respondent was represented by Martin Dix and David Weinstein.

Respondent Violated

**Count One:** Section 456.072(1)(f), F.S. (2012), by having a licensee or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the licensee.

**Terms of the Settlement Agreement** – Administrative fine of \$2,500, Costs of \$658.91, PDM required to complete 12 hour laws and rules and 8 hour ethics CE courses, probation through June 11, 2016, an appearance before the board within the final 3 months of probation, and the respondent shall waive all appellate rights.

**Motion:** by Mr. Meshad, seconded by Mr. Adams, to counter-offer the proposed Settlement Agreements for items I-1, I-2, I-3, I-4, I-5, and I-6 with the amended fine amount of \$10,000 per case. Motion carried with Dr. Mesaros in opposition.

**Motion:** by Mr. Meshad, seconded by Mr. Adams, to allow offer to stay on the table until the end of the business meeting. Motion carried.

**(After item I-12) – Walgreens accepted the Settlement Agreements for items I-1, I-2, I-3, I-4, I-5, and I-6.**

I-2 Walgreens Company #3629

Case No. 2013-04374 – PCP (Glass/Fallon/Mikhael)

Respondent was represented by Martin Dix and David Weinstein.

Respondent Violated

**Count One:** Section 456.072(1)(f), F.S. (2012), by having a licensee or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the licensee.

**Terms of the Settlement Agreement** – Administrative fine of \$2,500, Costs of \$501.77, PDM required to complete 12 hour laws and rules and 8 hour ethics CE courses, probation through June 11, 2016, an appearance before the board within the final 3 months of probation, and the respondent shall waive all appellate rights.

**This case was handled as part of a group. See motions under item I-1.**

I-3 Walgreens Company #3836

Case No. 2013-04366 – PCP (Glass/Fallon/Mikhael)

Respondent was represented by Martin Dix and David Weinstein.

Respondent Violated

**Count One:** Section 456.072(1)(f), F.S. (2012), by having a licensee or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the licensee.

**Terms of the Settlement Agreement** – Administrative fine of \$2,500, Costs of \$1,053.61, PDM required to complete 12 hour laws and rules and 8 hour ethics CE courses, probation through June 11, 2016, an appearance before the board within the final 3 months of probation, and the respondent shall waive all appellate rights.

**This case was handled as part of a group. See motions under item I-1.**

I-4 Walgreens Company #3099

Case No. 2013-04377 – PCP (Glass/Fallon/Mikhael)

Respondent was represented by Martin Dix and David Weinstein.

Respondent Violated

**Count One:** Section 456.072(1)(f), F.S. (2012), by having a licensee or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the licensee.

**Terms of the Settlement Agreement** – Administrative fine of \$2,500, Costs of \$747.41, PDM required to complete 12 hour laws and rules and 8 hour ethics CE courses, probation through June 11, 2016, an appearance before the board within the final 3 months of probation, and the respondent shall waive all appellate rights.

**This case was handled as part of a group. See motions under item I-1.**

I-5 Walgreens Company #4727

Case No. 2013-04363 – PCP (Glass/Fallon/Mikhael)

Respondent was represented by Martin Dix and David Weinstein.

Respondent Violated

**Count One:** Section 456.072(1)(f), F.S. (2012), by having a licensee or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the licensee.

**Terms of the Settlement Agreement** – Administrative fine of \$2,500, Costs of \$612.26, PDM required to complete 12 hour laws and rules and 8 hour ethics CE courses, probation through June 11, 2016, an appearance before the board within the final 3 months of probation, and the respondent shall waive all appellate rights.

**This case was handled as part of a group. See motions under item I-1.**

I-6 Walgreens Company #6997

Case No. 2013-04376 – PCP (Glass/Fallon/Mikhael)

Respondent was represented by Martin Dix and David Weinstein.

Respondent Violated

**Count One:** Section 456.072(1)(f), F.S. (2012), by having a licensee or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the licensee.

**Terms of the Settlement Agreement** – Administrative fine of \$2,500, Costs of \$996.69, PDM required to complete 12 hour laws and rules and 8 hour ethics CE courses, probation through June 11, 2016, an appearance before the board within the final 3 months of probation, and the respondent shall waive all appellate rights.

**This case was handled as part of a group. See motions under item I-1.**

I-7 Charles Douglas Bayne  
Case No. 2013-17787 – PCP (Glass/Weizer)

**I-7 was pulled by the Department.**

I-8 Angel's Touch Pharmacy Discount  
Case No. 2014-01269 – PCP (Glass/Weizer)

Respondent Violated

**Count One:** Section 465.023(1)(c), F.S. (2013), by violating Rule 64B16-28.1081, F.A.C, by failing to keep the prescription department of the establishment open for a minimum of forty hours per week.

**Count Two:** Section 465.023(1)(c), F.S. (2013), by violating Rule 64B16-28.109, F.A.C., when an unidentifiable employee entered and remained in the prescription department with no pharmacist present or on duty.

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

**Motion:** by Dr. Mikhael, seconded by Mr. Philip, to accept the investigative report into evidence for the purposes of imposing a penalty, to find that respondent was properly served and has requested a formal hearing, and to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Mikhael, seconded by Mr. Adams, 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.

**Departments Recommendations:** Probationary period of one year with standard terms and a 12 hour Laws and Rules CE course to be taken by the current owner of the pharmacy.

**Motion:** by Dr. Alvarez, seconded by Dr. Mikhael, to accept the recommendations of the department with the addition of a \$2,000.00 administrative fine and a suspension until the respondent appears before the Board of Pharmacy. Motion failed.

**The case was pulled by the Department to gather additional information.**

I-9                    Evans Branch

Case No. 2014-00790 – PCP (Glass/Weizer)

Respondent was not present. Respondent was represented by Edwin Bayo, Esquire.

Mr. Bayo informed the Board that his respondent wished to Voluntarily Relinquish his license.

**Motion:** by Mr. Meshad to accept the Voluntary Relinquishment. Motion carried.

I-10                    Evans Branch

Case No. 2014-00822– PCP (Glass/Weizer)

**Respondent's license was voluntarily relinquished via motion in I-9.**

I-11                    Precision Pharmacy

Case No. 2014-02686 – PCP (Glass/Weizer)

**I-11 was continued to the February 2015 Board of Pharmacy meeting.**

I-12 Richard Alonso

Case No.2013-17761 – PCP (Glass/Risch)

Respondent Violated

**Count One:** Section 465.016(1)(m), F.S. (2010-2013), by being unable to practice pharmacy with reasonable skill and safety by reason of use of drugs, narcotics, and/or alcohol.

**Count Two:** Section 456.072(1)(hh), F.S. (2010-2013), by being terminated from a treatment program for impaired practitioners.

Respondent was present and sworn in by the court reporter. Respondent was represented by Monica Rodriguez, Esquire.

**Motion:** by Mr. Meshad, seconded by Dr. Alvarez, to keep respondent suspended until he appears before the board and is deemed safe to practice with reasonable skill and safety supported by Dr. Ray Palm. Respondent must get an evaluation within 30 days of the final order and enter into and comply with any contract that may be offered within 60 days of the contract being offered. Dr. Ray Palm must agree to report to the Department if the respondent fails to comply with any provision of the contract. Motion carried.

I-13 Vineet Talwar

Case No. 2013-15388 – PCP (Glass/Fallon)

Respondent Violated

**Count One:** Section 456.072(1)(k), F.S. (2012-2013), by violating Section 465.022(11)(a), F.S. (2012-2013), and by violating Section 499.005(18), F.S. (2013), by violating Rule 61N1.012(1)(a), F.A.C., which requires that records to document the movement of drugs, devices, or cosmetics must provide a complete audit trail from a person's receipt or acquisition to sale or other disposition of the product or component.

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

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

**Motion:** by Dr. Mikhael, seconded by Mr. Meshad, to find that respondent was properly served and has requested a formal hearing. Motion carried.

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

**Motion:** by Dr. Alvarez, seconded by Mr. Adams, to dismiss the case. Motion carried with Mr. Philip, Dr. Weizer, and Dr. Mikhael in opposition.

I-14 Wayne Thomas White

Respondent Violated

**Count One:** Section 456.072(1)(c), F.S. (2012), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice pharmacy.

Respondent was not present nor represented by counsel.

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

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

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

**Motion:** by Mrs. Glass, 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.

**Departments Recommendation:** Revocation

**Motion:** by Mrs. Glass, seconded by Dr. Fallon, to accept the recommendations of the Department. Motion carried.

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

**A. Pharmacist Examination Application**

1. Misti Dawn Curcio, File: 45966 – North Palm Beach, FL

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

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

**B. Pharmacist Intern Application**

1. Nicholas James Garcia, File: 21849 – Tampa, FL

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

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

### **C. Registered Pharmacy Technician Applications**

1. Alexis Moody, File: 58829 – West Palm Beach, FL

Respondent was not present nor represented by counsel.

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

2. Charles Andrew Rowan, File: 57854 – Orlando, FL

Respondent was not present nor represented by counsel.

**Motion:** by Mr. Meshad, seconded by Dr. Mikhael, to require applicant to appear before the board at one of the next two board meetings. Motion carried.

### **TAB 6            LICENSURE ISSUES**

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

1. El Vignoble, LLC, License #23858 – Lauderdale Lakes, FL

Respondent was present and sworn in by the court reporter.

**Motion:** by Mr. Meshad, seconded by Dr. Alvarez, to approve termination of probation. Motion carried.

**Motion:** by Mrs. Glass, seconded by Mr. Meshad, to allow the chair to approve or deny termination of probation of the respondent's personal license based on the information received from the compliance department. Motion carried.

#### **B. Petition for Board Appearance**

1. Brian Bazajou, License #36123 – Tallahassee, FL

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

**Motion:** by Mr. Meshad, seconded by Mrs. Glass, to approve termination of PRN contact. Motion carried.

#### **C. Petition for Modification of Final Order**

1. Samantha Bell, License #15619 – Brewton, AL

(This case was heard during the information section between items I-13 and I-14)

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

**Motion:** by Mr. Meshad, seconded by Dr. Fallon, to accept the petition for reinstatement. Motion carried with Mr. Philip in opposition.

2. Jocelyn Zuessman, File #57034 – Pompano Beach, FL

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

**Motion:** by Dr. Mesaros, seconded by Mr. Meshad, to vacate previous order. Motion carried.

**Motion:** by Mrs. Glass, seconded by Dr. Alvarez, to approve pharmacy technician application with the condition that she is in full compliance with PRN. Motion carried.

**D. Petition for Reinstatement**

1. Rajnish Mehta, License #41956 – New Port Richey, FL

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

**Motion:** by Dr. Fallon, seconded by Mr. Adams, to approve the petition for reinstatement. Motion carried.

Dr. Mesaros opened the floor to public comments.

**Motion:** by Dr. Fallon, seconded by Mrs. Glass, to adjourn the meeting at 4:49pm. Motion carried.