MEETING MINUTES

DEPARTMENT OF HEALTH BOARD OF PHARMACY FULL BOARD MEETING
December 10-11, 2015
Residence Inn Tallahassee Universities at the Capitol
600 West Gaines Street
Tallahassee, Florida 32304
(850) 329-9080

PLEASE TURN OFF ALL CELL PHONES, PAGERS AND BEEPERS DURING THE MEETING. THANK YOU.

Board Members

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

Board Staff

Allison Dudley, Executive Director
Emily Roach, Program Operations Administrator
Amber Greene, Regulatory Specialist III

Board Counsel

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

Department of Health Staff

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

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

Thursday, December 10, 2015 – 8:00 a.m.

Meeting called to order by Dr. Weizer at 8:06 am.

All members were present.

TAB 1: REPORTS – Michele Weizer, PharmD, BCPS, Chair

A. Chair's Report – Michele Weizer, PharmD, BCPS
   1. Election of Officers

Motion: by Dr. Mikhael to elect Debra Glass as Board Chair. Motion carried.

Motion: by Mr. Philip to elect Mark Mikhael as Board Vice-Chair. Motion carried.

2. Approved Delegations

Motion: by Ms. Glass to approve delegation, delegation letter and delegation chart. Motion carried.

3. October 8, 2015 797 Workshop Update

Dr. Weizer provided the Board and audience an overview of the October 8, 2015 797 workshop that took place after the October board meeting. Dr. Weizer stated there were over 500 people in attendance. During the workshop the revised inspection form was provided. Dr. Weizer stated the new revised form would help things flow easier and she really like the layout of the new form.

4. Maltagon update- Debra Glass to present

Ms. Glass stated during the Maltagon meeting the southeastern states met and discussed issues within their states.

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

1. 2016 Meeting Dates

Ms. Roach advised the board the February meeting will be held at the Jacksonville Hyatt Regency February 9-10, 2015. She then stated the board is still waiting on the remaining 2016 board meeting locations.

2. Attorney General Rating

Mr. Flynn was asked to leave the room while the Board members provided their rating. All board members were in agreement that Mr. Flynn has a clear knowledge of the law, he is always available by phone or email, has a good sense of communication and has outstanding problem solving skills. Ms. Dudley stated she really appreciated his knowledge of the rulemaking process and his ability to represent the Board. Ms. Dudley said she would send a letter reflecting the Board's comments to Mr. Flynn's manager, Senior Assistant Attorney General Ed Tellechea.

3. Recognition

Dr. Jeffrey Mesaros was recognized for his term serving as Board chair for 2013-2014. Ms. Dudley presented him with a plaque for his service.

Dr. Michelle Weizer was recognized for her term as Board chair for 2014-2015. Ms. Dudley presented Dr. Weizer with a plaque for her service.

Mr. Flynn was recognized for his years of service from 2012-2015 as Board Counsel. Dr. Weizer presented him with a plaque for his service.

4. Update from FDA intergovernmental meeting

Ms. Dudley provided the board with an update from the recent FDA intergovernmental meeting that took place in November in Maryland. She stated the topic discussed was regulation regarding sterile compounding and how outsourcing is being handled.

5. Legislative Update

A. SB 152 – Ordering of Medication (original filed bill)

Ms. Dudley stated that the 2016 legislative session will begin in January. She stated the Board will be having bi-weekly teleconference calls to discuss current legislation beginning January 21.

Ms. Dudley stated SB152- The Ordering of Medications is a continuation of

legislation that was implemented last year where lawmakers are trying to distinguish between an order and a prescription. It's clear an order is different that a prescription. A PA or ANRP can order controlled substances in hospital settings. Ms. Dudley stated the options are to discuss the language and the vote would be for the Board to support, oppose or remain neutral. The discussion on SB 152 was tabled.

B. HB 547 and SB 692 – The Practice of Pharmacy

Ms. Dudley provided the Board with a handout with amendments to HB547. She explained HB 547 would redefine the Practice of Pharmacy and allow doctors of pharmacy, in addition to consultant pharmacists, to do wellness assessments and medication therapy management. The bill removes limitations in regards of practice location for these services and allows for reimbursement for health care providers. She advised Board members they could support, oppose or remain neutral. After discussion the Board decided to table this discussion.

6. I-viewer update

Ms. Roach stated the Board is using both the new cloud based web iViewer and the disc for this board meeting. She then stated in the near future the Probable Cause materials will also be going to the cloud. Ms. Dudley commented that we are working to get wi-fi access in the board member hotel rooms.

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

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

Mr. Harris stated there are two outstanding rules that need to be addressed with JAPC. He then stated all outstanding business should be taken care of by the February 2016 meeting.

Ms. Dudley said the rule requiring badges for pharmacy technicians is now effective.

2. Petition for Variance or Waiver
   A. Memorial Healthcare Group Inc.

Both Dr. Weizer and Mr. Philip were recused. This item was delayed until after

lunch.

Representatives present were Heather Fuller, Division Director of Pharmacy, North Florida Division, Sunny Lalli, Director of Regulatory Affairs with Med Avail Technologies, Ed Rickert, Counsel, and Steve Ecenia, Counsel for Memorial Hospital Jacksonville.

Memorial Healthcare Group d/b/a Memorial Hospital Jacksonville (MHJ) petitioned the Board for a Variance on Rule 64B16-28.141 which allows patients to obtain their dispensed prescription medications directly from a patient-facing automated pharmacy systems located within or adjacent to the prescription department of a community pharmacy. MHJ is seeking to deploy a MedCenter within the emergency department at the hospital. The MedCenter has been developed by MedAvail Technologies, which is an automated pharmacy system. The MedAvail MedCenter would provide an opportunity to offer the patients access to prescription medication and pharmacy services in a controlled setting. Mr. Lalli and Dr. Fuller presented a Power Point presentation detailing the location and operation of the MedCenter.

Motion by: Dr. Mikhael, to grant the Variance or Waiver with the conditions that:
* the automated MedCenter to be located within 600-800 feet of the community pharmacy
* the community pharmacy remain in same physical location
* the community license stay open and valid
* no controlled substances be dispensed from the MedCenter
* only a pharmacist be allowed to enter the vault
* registered pharmacy technicians must be under direct supervision at all times they are assisting patients via the interface

Motion carried with five yes votes. Dr. Fallon and Ms. Glass opposed.

3. Guidance for permit requirements for Non-Dispensing pharmacies

Pharmacist Jeffrey Delafuente and Counsel Brian Kahan requested an appearance before the Board to seek guidance on the necessity of a permit when practicing pharmacy in the absence of storing, dispensing and administering medications. Mr. Delafuente was considering opening a pharmacist practitioner practice that does not involve storing, dispensing or administering prescription or any other medications to patients. Mr. Kahan stated that before he filed a petition for declaratory statement, his client requested the opportunity to present his business model to the Board of Pharmacy in hopes the Board would confirm his conclusion that under current Florida law no license or permit would be required

for the establishment.

Mr. Flynn said there is nothing in Chapter 465 of the Florida Statutes that would require a pharmacy permit for the services Mr. Delafuente plans to offer. Ms. Dudley said the minutes will reflect that.

Mr. Flynn clarified and stated that if Mr. Kahan had filed a petition for declaratory statement, it would have been denied because it is clear on the face of the law that no permit is required.

Break 10:08-10:27

D. Presentations

1. Scott Flowers - ULA presentation

Scott Flowers with Unlicensed Activity provided the board with a presentation. Mr. Flowers explained the ULA program protects the public from patient harm as well as protecting the profession.

2. Rebecca Poston – PDMP presentation

Rebecca Poston presented a Power Point presentation to the Board on the use of the Prescription Drug Monitoring Program. The PDMP and E-FORCSE has proven to be an effective tool to protect public health and safety. The information maintained in the prescription drug monitoring system can help identify sources of prescription drug diversion, such as prescription fraud, forgeries and improper prescribing and dispensing. Ms. Poston stated that while the use of the PDMP is not mandatory, pharmacists and physicians have queried E-FORCSE more than 21 million times. She said morphine equivalency measurements have been added so that physicians and pharmacists can more easily compare medications patients are taking. Ms. Poston also said most pharmacists are reporting within 24 hours, which is a requirement elsewhere, but not in Florida.

3. Debra Glass, BPharm, Vice-Chair – Healthiest Weight Update

Ms. Glass provided the board and audience with a Healthiest Weight update. Ms. Glass stated last year Florida ranked in the top 20 for healthiest states, right now Florida is ranked in the top 8 states. She then advised everyone that there were brochures and handouts on the table in the lobby. She provided all nine board members with pedometers. She then went on to explain what the term “complete streets” means. The term has been built into the healthiest

weight program as a way of using the defined sidewalks to get up and get moving.

E. Investigative Services Report – Scott Flowers,

Scott Flowers with ISU provided this report to the Board.

Mr. Flowers stated out of 5,822 pharmacies, 2,941 have been inspected. (50.52%) Those numbers include sterile compounding pharmacy permits.

Mr. Flowers stated out of 8,631 Dispensing Practitioners, 3,818 have been inspected. (44.24%)

TAB 2: BUSINESS – Michele Weizer, PharmD, BCPS, Chair

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure)(Client 2201) – 277
2. Pharmacist (Exam Eligibility)(Client 2201) – 143
3. Pharmacist Interns (Client 2202) – 799
4. Registered Pharmacy Technicians (Client 2208) – 970
5. Consultant Pharmacist (Client 2203) –36
6. Nuclear Pharmacist (Client 2204) –2
7. Pharmacy/Facilities (Client 2205) – 153
8. Nonresident Sterile Compounding (Client 2210) -15
9. CE Providers – 15
10. CE Courses – 35
11. CE Individual Request (Approved) – 4
12. CE Individual Request (Denied) –0

Motion: by Ms. Glass, to approve ratification of issued licenses. Motion carried.

B. Review and Approval of Minutes

1. October 5, 2015 Controlled Substance Standards Committee Meeting Minutes

Motion: by Mr. Meshad, to approve meeting minutes. Motion carried.

2. October 6, 2015 Rules Committee Meeting Minutes

Motion: by Dr. Alvarez, to approve meeting minutes with edits by Mr. Philip. Motion carried.

3. October 6-7, 2015 Full Board Meeting Minutes

Motion: by Mr. Meshad, to approve meeting minutes. Motion carried.

Public Comment: None

Motion: by Ms. Glass, to ADJOURN at 2:17 p.m. Motion carried.

Friday, December 11, 2015 - 8:00 a.m.

Meeting called to order by Dr. Weizer at 8:07 am.

All members were present.

TAB 3: COMMITTEE REPORTS & ACTIONS (FROM 12/9 & 12/10)
Michele Weizer, PharmD, BCPS, Chair; Jeff Mesaros, PharmD, Gavin Meshad & David Flynn, Assistant Attorney General

1. Controlled Substance Standards Committee, Gavin Meshad, Committee Chair

Mr. Meshad provided the Board with an update from the December 9, 2015, Controlled Substance Standards Committee meeting. Mr. Meshad stated the committee had met four times and was happy to report the language had been put together and will go into effect on December, 24, 2015. He advised everyone to take a look at the rule and it should clear up any fear and ambiguity. He then stated the focus will now be on the continuing education surrounding the rule. He then stated going forward we will begin to work with other boards such as Board of medicine and Board of Osteopathic Medicine. He commented he would like for us to get in front of the other boards to continue collaboration.

2. Rules Committee, Jeff Mesaros, Committee Chair

Dr. Mesaros provided the Board with an update from the December 10, 2015, Rules committee meeting.

Dr. Mesaros stated Rule 64B16-28.1081 – Daily Operating Hours and Rule 64B16-28.2021 – Change of Ownership will be placed on an upcoming Rules committee.

Mr. Harris stated the committee took action on a few rule amendments. The actions taken on the rules are below.

64B16-26.1001 – Examination and Application Fees.

He stated he will publish a Notice of Change to delete the language "Non-Refundable" from three sections on the application. The committee also voted the change would not require a SERC nor result in regulatory cost in excess of $200,000 in a year. Ms. Dudley stated she would like to define the term action to clarify when the Board office needs to refund application fees.

Motion: by Mr. Philip, to approve rule amendment to Rule 64B16-26.1001 and Mr. Harris to open or start a new rule in regard to fee structure. Motion carried.

64B16-26.300 – Consultant Pharmacists.

Mr. Harris stated the committee voted to amend the rule language.

Motion: by Dr. Weizer, to approve amendment's to rule 64B16-26.300. Motion carried.

64B16.26.3003 – Nuclear Pharmacist

Motion: by Dr. Fallon, to approve amendment's to Rule 26.3003. Motion carried.

64B16-26.603 - Continuing Education Records Requirements. The committee voted for repeal and does not require a SERC.

Motion: by Mr. Bisaillon, to ratify the repeal. Motion carried.

Dr. Mesaros asked the Board for any rules they would like placed on an upcoming Rules committee. Dr. Mikhael asked that the rule pertaining to the amount of time a prescription department manager spends in the pharmacy to be placed on an upcoming rules committee, and Dr. Mesaros stated he would like to have Rule 64B16-28.451 placed on a rules committee agenda.

3. Sterile Compounding Committee, Michele Weizer, Committee Chair

Dr. Weizer provided the Board with an update from the December 10, 2015, Sterile Compounding committee meeting.

Mr. Flynn stated going forward we will attempt to create a compounding rules chapter where we will modify, clarify and streamline compounding for the State of Florida.

Mr. Flynn said the committee regarding rule 64B16-28.802 to clarify current state of law on when applications are needed. Dr. Weizer said the rule states that 503B facilities in state of Florida must apply for a Special Sterile Compounding Permit – currently no facilities exist that have not applied.

Motion: Dr. Mikhael, to ratify decision of the committee on 28.802. Motion carried.

TAB 4: DISCIPLINARY CASES – Matthew Witters, Esq. & Michelle Weizer, PharmD, BCPS, Chair

SETTLEMENT AGREEMENTS - APPEARANCE REQUIRED

SA-1 D & S Enterprises of Vero Beach LLC, Case No. 2014-05580

Taken via group motion to approve Settlement Agreement.

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

Allegations of the Administrative Complaint: violation of Section 456.072(1)(k), FS (2009,2012), by violating section 465.023(1)(c), FS (2009,2012), through a violation of section 465.016(1)(s), FS (2009,2012), by dispensing any medicinal drug based upon a communication that purports to be a prescription as defines in section 465.003(14), FS or section 893.02. FS when a pharmacist knows or has reason to believe that the purported prescription is not based upon valid practitioner-patient relationship.

The terms of the Settlement Agreement are: Appearance; costs of $ 2,101.42 to be paid within 90 days of filing of final order; $2000 fine to be paid within 1 year of filing of final order.

Motion by: Ms. Glass, to accept Settlement Agreement. Motion carried.

SA-2 Douglas Todd Miller, R.Ph., Case No. 2014-03147

Respondent was present and sworn in. Respondent was represented by Counsel Lenis Archer.

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

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(k), FS (2009,2012), by violating section 465.016(1)(s), FS (2009,2012), by dispensing any medicinal drug based upon a communication that purports to be a prescription as defines in section 465.003(14), FS or section 893.02. FS when then pharmacist knows or has reason to believe that the purported prescription is not based upon valid practitioner-patient relationship.

The terms of the Settlement Agreement are: Appearance; $2,000 fine payable within 90 days of filing of final order; $3,101.96 in costs payable within 1 year of filing of final order; CE- a 12-hour, board-approved Laws & Rules course to be completed within 1 year of filing of final order; Probation – 1 year probation with the following terms: Respondent shall not serve as PDM in any Florida permitted pharmacy during term of probation, respondent shall submit monthly reports identifying the PDM of record at the permit in which the respondent is employed and shall make a mandatory appearance during last three months of probation.

Motion by: Dr. Mikhael, to accept Settlement Agreement. Motion carried with six yes votes. Dr. Weizer opposed.

SA-3 Howard A. Friedman, R.Ph., Case No. 2012-14317

Respondent was not present. Respondent was represented by Counsel Bruce Yegelwel.

Ms. Glass and Mr. Meshad were recused due to participation on the probable cause panel.

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(k), FS (2011,2012) by violating section 456.016(1)(r), FS (2011,2012), through a violation of section 465.022(11)(a), FS (2011,2012), 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 the sale of prescription drugs.

The terms of the Settlement Agreement are: Appearance; $1,246.15 in costs to be paid within 1 year of filing of final order; CE- a 12-hour, board-approved Laws & Rules course to be completed within 1 year of filing of final order; Probation- 1 year probation with the following terms: Respondent shall not serve as PDM in any Florida permitted pharmacy during term of probation except for Motto Pharmacy Inc., PH 19278, and shall make a mandatory appearance during last three months of probation.

Motion: by Dr. Mikhael to waive appearance. Motion carried.

Motion by: Dr. Mesaros, to reject Settlement Agreement. Motion carried.
No counteroffer determined at meeting. New settlement with additional terms of probation will be presented at a future meeting.

SA-4 Motto Pharmacy, Inc. Case No. 2012-11137

Respondent was not present. Respondent was represented by Counsel Bruce Yegelwel.

Ms. Glass and Mr. Meshad were recused due to participation on the probable cause panel.

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one - violation of Section 456.072(1)(k), FS (2011,2012), by violating section 499.005(22), FS (2011,2012), by wholesale distributing prescription drugs to persons other than a consumer or patient without first being permitted to distribute prescription drugs to persons other than a consumer or patient. Count two – violation of section 456.072(1)(o), FS (2011,2012), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee is not competent to perform.

The terms of the Settlement Agreement are: Appearance and $ 2,289.31 in costs to be paid within 1 year of filing of final order.

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

No counteroffer determined at meeting. New settlement with additional terms of probation to include quarterly inspections will be presented at a future meeting.

SA-5 Manish R. Patel, R.Ph., Case No. 2015-08451

Taken via group motion to approve Settlement Agreement.

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

Allegations of the Administrative Complaint: violation of Section 465.016(1)(i), FS (2013), which provides that compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy. For the purpose of this paragraph, it shall be legally presumed that the compounding, dispensing, or distributing of legend drugs in excessive or inappropriate quantities is not in the best interests of the patient and is not in the course of the professional practice of pharmacy.

The terms of the Settlement Agreement are: Appearance; $250 fine payable within 30 days of filing of final order; Costs of $1,671.95 to be paid within 90 days of filing of final order; CE- 8-hour board-approved Prevention of Medical Errors course to be completed within 1 year of filing of final order.

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

SA-6 Herbert P. Block, R.Ph. Case No. 2012-17356
(Mesaros & Risch)

Respondent was not present. Respondent was not represented by counsel

Dr. Mesaros was recused due to participation on the probable cause panel.

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(k) FS (2012), by violating section 465.022(11)(a), FS (2012), 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 the sale of prescription drugs.

The terms of the Settlement Agreement are: $601.81 in costs to be paid within 90 days of filing of final order. Respondent shall place his license in retirement status within 7 days of filing of final order. Respondent will not be able to reactivate his license from retirement status without petitioning the Board and appearing before the Board, and demonstrating he is competent to practice the profession of

pharmacy.

Motion by: Dr. Weizer, to reject Settlement Agreement and offer counter offer. Motion carried.

Counter offer made was for the Respondent to place his license in a permanent retirement status with 7 days of filing of Final Order.

After a break, Mr. Witters said he spoke by phone with the respondent, who accepted the counteroffer.

SA-7 Rosmery Revilla, RPT, Case No. 2013-18928

Taken via group motion to approve Settlement Agreement.

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

Allegations of the Administrative Complaint: violation of Section 465.016(1)(e), FS (2013), by admitting to a violation of section 893.13(7)(a)(9), FS (2013), by acquiring or obtaining or attempting to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

The terms of the Settlement Agreement are: Appearance; $3,000 fine to be paid within 1 year of filing of final order; $2,075.55 in costs to be paid within 1 year of filing of final order; Suspension for 2 years – During final 3 months of suspension and prior to reinstatement of respondents license, the respondent shall appear before the Board of Pharmacy; Probation for 2 years with the following terms: Respondent shall submit monthly reports identifying the PDM of record at the permit in which respondent is employed and respondent shall make mandatory appearance before the Board during last 3 months of probation; CE – 12-hour board-approved Laws and Rules course and 8 hours of Ethics to be completed within 1 year of filing of final order.

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

Break 10:00-10:17 a.m.

SA-8 Madlena Emirzian, RPT, Case No. 2013-05904

(Mikhael & Meshad)

Respondent was present and sworn in. Respondent was represented by Counsel Brian Kahan.

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

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 465.016(1)(t)(2), FS (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.

The terms of the Orally Amended Settlement Agreement are: Appearance; $500 fine and costs of $ 1,283.14 to be paid within 1 year of filing of final order; CE- an 8-hour board-approved Prevention of Medication Errors course to be completed within 6 months of filing of final order. This shall be in addition to other normally required continuing education courses; Probation for 2 years with the following terms: submit monthly reports to Compliance Officer, make mandatory appearance during last 3 months of probation. If respondent ceases practicing as a pharmacy technician, the probation shall be tolled until the respondent returns to actively practicing as pharmacy technician. Upon respondent's return to actively practicing as a pharmacy technician the probationary period will resume.

After discussion the decision was voted on to dismiss the case.

Motion by: Mr. Philip, to DISMISS the case. Motion carried.

Mr. Kahan said he would waive attorney fees for the client.

SA-9 Amber Michele Shankland, R.Ph., Case No. 2014-15997

Taken via group motion to approve Settlement Agreement.

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

Allegations of the Administrative Complaint: violation of Section 465.016(1)(g), Florida Statutes (2013).

The terms of the Settlement Agreement are: Appearance; $500 fine to be paid within 1 year of filing of final order; Costs in the amount of $2,210.31 to be paid within 1 year of filing of final order; CE – 8-hour board-approved Prevention of Medication Errors course to be completed within 1 year of filing of final order.

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

SA-10 Holiday CVS, LLC, d/b/a CVS Pharmacy #00219 Case No. 2012-02032 (Fallon & Alvarez)

SA-10 and SA-11 were discussed together.

Respondent was present and sworn in. Respondent was represented by Counsel Edwin Bayo.

Dr. Fallon, Dr. Alvarez were recused due to participation on the probable cause panel. Dr. Mesaros and Ms. Glass recused themselves due to being employed by CVS.

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(f), Florida Statutes (2012).

The terms of the Orally Amended Settlement Agreement are: Appearance; $10,000 fine to be paid within 90 days of filing of final order; $1,000 in costs to be paid within 90 days of filing of final order; CE – Respondent's prescription department manager of record shall complete a 12-hour Laws and Rules course and 8 hours of Ethics within 1 year of filing of final order; Respondent shall notify the Board of Pharmacy in writing within 10 days of the date the Respondent receives the authority to order, possess, and dispense any controlled substances; Probation – Respondent shall be placed on 2 years' probation with the following terms: The Department shall conduct quarterly inspections at the respondents costs, respondent shall submit within 30 days of the filing of final order a copy of policy and procedures aimed at the prevention of the diversion of controlled substances, a copy of policy and procedure aimed to ensure the timely reporting of fraudulent prescriptions and/or fraudulent activity to the appropriate law enforcement agency and policy and procedure aimed to ensure that controlled substances are only dispensed to the end user. Respondent shall maintain and make available upon request documentation that shows all registered pharmacists and registered pharmacy technicians employed at this location have undergone annual training in the prevention of the diversion of controlled

substances and respondent shall make a mandatory appearance before the Board of Pharmacy during last 3 months of probation.

Motion by: Dr. Mikhael, to accept Orally Amended Settlement Agreement. Motion carried with five affirmative votes.

SA-11 Holiday CVS, LLC, d/b/a CVS Pharmacy # 05195 Case No. 2012-02055 (Fallon & Alvarez)

SA-10 and SA-11 were taken together.

Respondent was present and sworn in. Respondent was represented by Counsel Edwin Bayo.

Dr. Fallon and Dr. Alvarez were recused due to participation on the probable cause panel. Dr. Mesaros and Ms. Glass recused themselves due to being employed by CVS.

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(f), Florida Statutes (2012).

The terms of the Orally Amended Settlement Agreement are: $10,000 fine to be paid within 90 days of filing of final order; $1,000 in costs to be paid within 90 days of filing of final order; CE – Respondent's prescription department manager of record shall complete a 12-hour Laws and Rules course and 8 hours of Ethics within 1 year of filing of final order; Respondent shall notify the Board of Pharmacy in writing within 10 days of the date the Respondent receives the authority to order, possess, and dispense any controlled substances; Probation – Respondent shall be placed on 2 years' probation with the following terms: The Department shall conduct quarterly inspections at the respondents costs, respondent shall submit within 30 days of the filing of final order a copy of policy and procedures aimed at the prevention of the diversion of controlled substances, a copy of policy and procedure aimed to ensure the timely reporting of fraudulent prescriptions and/or fraudulent activity to the appropriate law enforcement agency and policy and procedure aimed to ensure that controlled substances are only dispensed to the end user. Respondent shall maintain and make available upon request documentation that shows all registered pharmacists and registered pharmacy technicians employed at this location have undergone annual training in the prevention of the diversion of controlled substances and respondent shall make a mandatory appearance before the Board of Pharmacy during last 3 months of probation.

Motion by: Dr. Mikhael, to accept Orally Amended Settlement Agreement which reflects a 12-hour Laws and Rules course instead of 8 hours. Motion carried with five affirmative votes.

SA-12 Sajani Emmanuel, R.Ph., Case No. 2015-09135

Respondent was present and sworn in. Respondent was represented by Counsel Ken Metzger.

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

Debra Glass chaired this portion of the meeting due to Chair being recused.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(k), FS (2014), by and through a violation of section 465.022(11)(a), FS (2014).

The terms of the Orally Amended Settlement Agreement are: Appearance; $2,000 fine to be paid within 90 days of filing of final order; $762.12 in costs to be paid within 90 days of filing of final order; Probation – Respondent shall be placed on 1 year probation with the following terms: Respondent shall not serve as prescription department manager of record for any pharmacy permitted within the state of Florida unless respondent obtains prior approval from the Board, respondent shall submit quarterly reports to the Compliance Officer every 3 months and shall make mandatory appearance before the Board during last 3 months of probation; CE – 12-hour, board-approved Laws & Rules course to be completed within 1 year of filing of final order.

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

SA-13 Michael Fulghum, R.Ph. Case No. 2014-17635

Respondent was present and sworn in. Respondent was represented by Counsel Edwin Bayo.

Drs. Fallon and Mesaros were recused due to participation on the probable cause

panel. Dr. Mikhael recused himself due to himself and respondent going to college together.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(x), Florida Statutes (2014).

The terms of the Settlement Agreement are: Appearance; $250 fine to be paid within 2 years of filing of final order; $596.64 in costs to be paid within 2 years of filing of final order.

Dr. Penny Ziegler with PRN was present and advised the board that the respondent was compliant with PRN.

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

SA-14 James M. Maister R.Ph. Case No. 2010-19119

Respondent was present and sworn in. Respondent was represented by Counsel Edwin Bayo.

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

Debra Glass chaired this portion of the meeting due to Chair being recused.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count one - violation of Section 456.072(1)(c), Florida Statutes (2014). Count two – violation of section 456.072(1)(x), Florida Statutes (2014).

The terms of the Orally Amended Settlement Agreement are: Appearance; Public Reprimand – The Board shall reprimand the respondent's license; $1,689.03 in costs to be paid within 1 year of filing of final order.

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

SA-15 James M. Maister R.Ph. Case No. 2015-02928

(Weizer & Fallon)

Respondent was present and sworn in. Respondent was represented by Counsel Edwin Bayo.

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

Debra Glass chaired this portion of the meeting due to Chair being recused.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(q), FS (2013), violating a lawful order of the department or board, or failing to comply with a lawfully issued subpoena of the department, is grounds for discipline.

The terms of the Settlement Agreement are: Appearance; $450.22 in costs to be paid within 1 year of filing of final order; Respondent shall comply with each and every term of the Final Order in Case No. 2010-19143, which was filed on March 4, 2014 within 2 years from the effective date of this Final Order.

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

DETERMINATION OF WAIVERS

DOW-1 ~~Diana Beatrice Farias, RPT, Case No. 2014-~~
15936

DOW-2 Speed ll Pharmacy, Inc. Case No. 2014-00329

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

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

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(k), FS (2013), by violating section 465.023(1)(c), FS (2013), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3), FAC, by failing to notify the Board of Pharmacy in writing as to the effective date of closure and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy, and notify the Board of Pharmacy

which permittee is to receive the prescription files.

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

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

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

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

Recommended Penalty: Revocation

PSU withdrew motion for cost.

Motion: by Dr. Mikhael, to accept the recommendations of the Department. Motion carried.

DOW-3 La Cubanisima Pharmacy Discount, Case No. 2013-20493

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

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

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 465.023(1)(c), FS (2013), by violating Rule 64B16-28.1081, FAC, which requires that any person who receives a community pharmacy permit pursuant to section 465.018, FS and commences to operate such an establishment shall keep the prescription department of the establishment open for a minimum of forty hours per week.

Motion by: Ms. Glass, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

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

Motion: by Ms. Glass, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Ms. Glass, 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

PSU withdrew motion for cost.

Motion: by Ms. Glass, to accept the recommendations of the Department. Motion carried.

DOW-4 Stephanie Ruth Lilly, RPT. Case No. 2014-13397

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

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

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Count 1- violation of section 456.072(1)(c), FS (2014). Count two- violation of section 456.072(1)(x), FS (2014).

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

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

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

Motion: by Dr. Alvarez, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.
Recommended Penalty: Revocation

PSU withdrew motion for cost.

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

DOW-5 AC National Pharmacy, LLC. Case No. 2015-02942

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

Drs. Fallon and Mikhael were recused due to participation on the probable cause panel.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(k), FS (2014) by violating section 465.023(1)(c), FS (2014), by violating Rule 64B16-28.202(3), FAC, by failing to notify the Board of Pharmacy in writing as to the effective date of closure and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy and notify the Board of Pharmacy which permittee is to receive the prescription files.

Motion by: Ms. Glass, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

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

Motion: by Ms. Glass, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Ms. Glass, 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

PSU withdrew motion for cost.

Motion: by Ms. Glass, to accept the recommendations of the Department. Motion carried.

DOW-6 ~~Ifemmuta Chinwe Adirika, R.Ph. Case No. 2014-18853~~

DOW-7 Pharma Group, Inc. Case No. 2014-12732

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

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

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(k), FS (2014) by violating section 465.023(1)(c), FS (2014), by violating Rule 64B16-28.202(3), FAC, by failing to notify the Board of Pharmacy in writing as to the effective date of closure and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy and notify the Board of Pharmacy which permittee is to receive the prescription files.

Motion by: Ms. Glass, to find that respondent was properly served and waived the right to a formal hearing. Motion carried.

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

Motion: by Ms. Glass, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Ms. Glass, 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

PSU withdrew motion for cost.

Motion: by Ms. Glass, to accept the recommendations of the Department. Motion carried.

DOW-8 Sun View Pharmacy, LLC. Case No. 2015-02274

Respondent was not present. Respondent was not represented by counsel

Ms. Glass and Mr. Philip were recused due to participation on the probable cause panel.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(k), FS (2014) by violating section 465.023(1)(c), FS (2014), by violating Rule 64B16-28.202(3), FAC, by failing to notify the Board of Pharmacy in writing as to the effective date of closure and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy and notify the Board of Pharmacy which permittee is to receive the prescription files.

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

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

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

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

Recommended Penalty: Revocation

PSU withdrew motion for cost.

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

VOLUNTARY RELINQUISHMENTS

VR-1 Everybody's Pharmacy and Discount, Inc. case No. 2015-08309 (PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-2 Tamara Esponda, RPT, Case No. 2015-19733 (PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-3 Gary E. Glover, R.Ph., Case No. 2015-09772
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-4 Gary E. Glover, R.Ph. Case No. 2015-09792
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-5 Lisbet Castillo, RPT, Case No. 2015-16934
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-6 North Ocean Medical Pharmacy, Case No. 2014-17827
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-7 AVDRUGS Corp. Case No. 2015-09742

(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-8 Anay M. Nunez Sosa, RPT, Case No. 2015-21726
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-9 Yeanling Cobos, RPT, Case No. 2015-21724
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-10 Yocis Nunez, RPT, Case No. 2015-19716
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

VR-11 Capital Pharmacy & Discount, Inc. Case No. 2015-24318
(PCP Waived)

Taken via group motion.

Motion: by Ms. Glass, to accept Voluntary Relinquishments. Motion carried.

~~VR-12 Ruthanne Marie Capron, RPT, Case Nos. 2015-20215 & 2015-20300~~ (Continued)

VR-13 Stephen Carson Hunt, R.Ph., Case No. 2015-05074
(Weizer & Philip)

Motion: by Dr. Fallon, to accept Voluntary Relinquishment. Motion carried.

VR-14 Jorge Otano, RPT, Case No. 2013-10747
(Glass & Mesaros)

Motion: by Dr. Fallon, to accept Voluntary Relinquishment. Motion carried.

VR-15 Travis Hall, RPT, Case No. 2015-23114
(Fallon & Mesaros)

Motion: by Mr. Bisaillon, to accept Voluntary Relinquishment. Motion carried.

INFORMALS

~~I-1 Peter Richard Barski, R.Ph. Case No. 2015-04724~~ (Continued)

I-2 Jayson Richard Moore, R.Ph. Case No. 2014-10494

Respondent was not present and sworn in. Respondent was represented by Counsel Martin Dix.

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

Respondent's mother, Cindy Moore, was present.

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(x), FS (2013), which provides that 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, entered a plea of nolo contendere to, regardless of adjudication which is a crime in any jurisdiction.

Department Recommendation: Department did not make a recommendation.

After discussion the Board offered a disposition. Disposition was accepted.

Disposition: Costs of $ 1,170.63 to be paid prior to reinstatement; Suspension to run concurrent with incarceration and until Respondent is deemed safe to practice with reasonable skill and safety, to include a PRN approved evaluation, compliance with PRN if treatment indicated, and appearance before the Board; if suspension is lifted the Board retains jurisdiction to set terms of reinstatement, including up to lifetime restriction on type of practice setting.

Motion: by Dr. Mesaros to accept the counter disposition. Motion carried with five affirmative votes. Dr. Mikhael and Mr. Meshad opposed.

I-3 David Lester Keck, R.Ph. Case No. 2014-02344

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

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

Mr. Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(aa), FS (2013), by testing positive for cannabinoids, as defined in s. 112.0455, on any confirmed pre-employment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug.

Motion by Mr. Bisaillon, to find that respondent was properly served and has requested an informal hearing. Motion carried.

Motion: by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

Motion: by Ms. Glass, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Ms. Glass to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Department Recommendations: Suspension until deemed safe to practice with

reasonable skill and safety; respondent must contact PRN within 30 days and the Board retains jurisdiction to impose additional terms upon reinstatement.

Motion: by Ms. Glass to accept the recommendations of the Department. Motion carried.

Motion: by Ms. Glass to grant motion for cost of $3,294.97 payable within 90 days of filing of Final Order. Motion carried.

I-4 Daniel L. Heinis, R.Ph. Case No. 2015-10359

Respondent was present and sworn in. Respondent was represented by Counsel Edwin Bayo.

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

Dr. Mikhael chaired this portion of the meeting due to the Chair and Vice-Chair both being recused.

Mr. Witters represented the Department and presented the case to the Board as an oral settlement. Allegations of the Administrative Complaint: Count one- violation of section 456.072(1)(x), FS (2014), 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 which is a crime in any jurisdiction.. Count two- violation of section 456.072(1)(c), FS (2014), by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication which is a crime in any jurisdiction which relates to the practice of or the ability to practice a licensee's profession.

The Board accepted the Department and respondent's oral proposed settlement.

Orally Amended Settlement Agreement terms: Appearance; $2,000 fine payable within 1 year; Costs $ 1,374.30 payable within 1 year; 2 years' probation with the following terms: Respondent shall not serve as PDM during probation term and must comply with PRN contract.
Motion: by Mr. Philip, to accept the Orally Amended Settlement Agreement. Motion carried.

I-5 Suzanne Louise Tichinel, R.Ph. Case No. 2014-18158

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

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

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 456.072(1)(hh), FS (2014), by being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in s. 456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

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

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

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

Motion: by Dr. Mikhael to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Department Recommendations: Costs of $778.58 payable within 90 days; Suspension until deemed able to practice with reasonable skill and safety to include at a minimum presenting an evaluation by a PRN-approved evaluator to the Board, and if treatment is indicated by that evaluation, presentation of written evidence of compliance with PRN, with the Board retaining jurisdiction to impose additional terms upon reappearance before the Board for reinstatement; Probation following reinstatement of license.

Motion: by Dr. Mikhael to accept the recommendations of the Department. Motion carried.

I-6 Earecka Deborah Washington, RPT. Case No. 2014-02116

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

Dr. Fallon, Ms. Glass and Dr. Mikhael were recused due to participation on the probable cause panel.

Mr. Jurich represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 445.072(1)(aa), FS (2013), by testing positive for a drug on a confirmed employer-ordered drug screening without a lawful prescription or legitimate medical reason for using the drug.

Ms. Dudley read aloud a letter received via fax from the respondent the day before the meeting.

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

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

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

Motion: by Dr. Alvarez to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

Department Recommendations: Costs of $ 7,405.37 payable over 5 years upon reinstatement; Suspension until deemed able to practice with reasonable skill and safety to include an evaluation by a PRN-approved evaluator, and if treatment is indicated by that evaluation, presentation written evidence of compliance with PRN, with the Board retaining jurisdiction to impose additional terms upon reappearance before the Board for reinstatement.

Motion: by Mr. Meshad to accept the recommendations of the Department. Motion carried.

Motion: by Mr. Meshad to grant motion for cost of $7,405.37. Motion carried.

Break 3:15-3:32 p.m.

Prosecution Services Report – Matthew Witters, Assistant General Counsel

Mr. Jurich stated the inventory was 400 cases last time and is now down to 392 cases.

Mr. Jurich stated we currently have 121 cases that are 1 year or older and asked the Board to consider allowing to continue to prosecute those cases.

Motion: by Ms. Glass, to allow PSU to continue prosecuting cases one year and older. Motion carried.

TAB 5: APPLICATIONS REQUIRING BOARD REVIEW-
Debra Glass, BPharm, Vice-Chair

A. Pharmacist Application
1. Enoch Paragulla, File: 47379

Applicant was present and sworn in. Applicant was represented by Counsel Michael Keenan.

Motion: by Dr. Weizer to approve the application with the condition that any violation be reported to the Board of Pharmacy office in writing within 30 days, and, upon completion of probation, submit documentation to the Board showing full completion. Motion carried.

2. Charlotte Lopacki, File: 47570

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

Motion: by Mr. Meshad to deny the application based on prior discipline. Motion carried.

3. Richard Blankenship

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

Motion: by Dr. Mesaros, to approve the ability to sit for the NAPLEX and approve application after chair's review of PRN evaluation and respondent's compliance with any PRN recommendation. Motion carried. Dr. Mikhael opposed.

Motion: by Dr. Weizer, to comply with the terms of the Final Order within 1 year. Motion carried.

4. Daniel Heinis , File: 24507 (Related to I-4)

Applicant was present and sworn in. Applicant was represented by Counsel

Edwin Bayo.

Mr. Heinis waived his 90 days and requested a continuance.

Continued to the February board meeting.

5. Michael Boehmer, File: 47739

Applicant was present and sworn in. Applicant was represented by Counsel Paul Drake.

Motion: by Ms. Glass to approve the application. Motion carried.

B. Registered Pharmacy Technician
1. Victoria Schaap, File: 63909

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

Motion: by Ms. Glass to require an appearance at one of the next two regularly scheduled Board meetings. Motion carried.

~~2. Misnumbered~~

3. Ava Antone (required appearance)

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

Motion: by Mr. Meshad to deny the application. Motion carried.

4. Yi Eun Park, File: 65936

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

Motion: by Mr. Meshad to require an appearance at one of the next two regularly scheduled Board meetings. Motion carried.

5. Joseph LasCasas, File: 65505

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

Motion: by Dr. Mesaros, to require an appearance at one of the next two regularly scheduled Board meetings. Motion carried.

C. Non-Resident Special Sterile Compounding

1. BET Pharm LLC, File: 63

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

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

~~2. Downing Labs, LLC, File: 172~~ (Withdrawn)

D. Special P/E Permit Application

1. Teamcare Pharmacy Services 3,LLC. File: 22864

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

Mark Schneider with Teamcare was present.

Applicant waived 90 days and the Board staff will place on the January 21, 2016, meeting if possible.

E. Special Sterile Compounding

~~1. Palm Beach Pharmaceuticals, Inc~~ (Continued)

2. Phamaceutic Labs, File: 218

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

Motion: by Mr. Meshad to require an appearance at one of the next two regularly scheduled Board meetings. Motion carried.

3. Isomeric, File: 230

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

Brad Horn with Isomeric was present.

Applicant requested a continuance.

Motion: by Dr. Mikhael to approve request for continuance. Motion carried.

4. Leiter's Compounding Pharmacy, File: 32

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

Paul Yamamoto was present.

Motion: by Dr. Mikhael to continue, waive 90 days and any other timeframes and delegate board chair to approve application upon review of additional documents. Motion carried.

TAB 6: LICENSURE ISSUES

A. Petition for Termination of Probation

1. Infupharma, Case No. 2011-11350

Respondent was present and sworn in. Edwin Bayo served as counsel.

Michel Rizo was present for the respondent.

Dr. Alvarez was recused because of personal knowledge of the respondent.

Motion: by Dr. Mikhael, to approve termination of probation based upon successful final inspection. Motion carried.

B. Petition for Reinstatement of Suspended License

1. Michael Kenney, Case No. 2013-19918

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

Dr. Penny Ziegler with PRN was present and stated respondent is compliant.

Motion: by Dr. Mikhael to approve reinstatement of suspended license based on Florida PRN contract running concurrent with Pennsylvania PRN contract. Motion

carried.

2. Tammy Tompa (Vasquez), Case No. 2013-14473

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

Motion: by Mr. Meshad to reject reinstatement of suspended license. Motion carried.

3. Jennifer Lynn Gallagher, R.Ph. Case No. 2014-02973

Respondent was present and sworn in. Respondent was represented by Counsel Lenis Archer.

Dr. Penny Ziegler with PRN was present.

Motion: by Mr. Philip to approve the reinstatement of suspended license. Motion carried.

Public Comment: No public comment.

Motion: by Mr. Meshad to ADJOURN at 6:07 pm. Motion carried.