

Mission:

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



Rick Scott
Governor

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

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

MINUTES PUBLIC PORTION OF THE PROBABLE CAUSE AGENDA BOARD OF PHARMACY

Meeting Date: January 14, 2016 Meeting Time: 9:00 am

Toll Free Number- 1-888-670-3525, Conference Code Number – 5134896685

Mark Mikhael, Chairman, called the public portion of this meeting of the Probable Cause Panel to order at 9:03 am. Those present for the meeting included the following:

Members Present:

Mark Mikhael, PharmD, Chairman

Debra Glass, BPharm

Lawrence Harris, Assistant Attorney General & Board Counsel

Others Present included:

Christopher Jurich, Assistant General Counsel

Nicole Jordan, Assistant General Counsel

Marc Taupier, Assistant General Counsel

Amy Thorn, Assistant General Counsel

Court Reporter- For the Record (850)222-5491

Opening Remarks:

Larry Harris, Assistant Attorney General advised the panel to direct all questions concerning your procedures, your authority, your duty, your practice act, your rules, and the Florida Statutes to him. Please direct to the Department's attorney any questions concerning the facts of cases, the manner in which cases were investigated, and the reasons for the department's recommendation. Mr. Jurich then asked the Department's attorney to state for the record the materials that the Department provided to the Panel Members prior to this Meeting. Mr. Jurich stated the case files were made available to the panel members and Counsel to the Board. Mr. Harris asked the panel members if they had received the materials and had sufficient time to review the materials on the agenda prior to now. Both panel members answered affirmative.

Mr. Harris asked that the opening remarks be included should anyone request a transcript of the meeting.

Florida Department of Health

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RECONSIDERATIONS

R-01

La Gloria Pharmacy Inc. Case No. 2014-18132

Marc Taupier with Prosecution Services presented this case involving the alleged violation of Section by violating section 465.023(1)(c), FS (2014), 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.

This case was previously brought before the panel as an Administrative Complaint on February 19, 2015 and has been brought back as a reconsideration for dismissal. Based on the current status of Respondent's license, further prosecution of this case is not warranted. Should the Respondent reapply for licensure, the allegations addressed in this case shall be addressed before a new license will be issued by the Board of Pharmacy.

After discussion, a motion was made, seconded and carried unanimously to DISMISS this case.

Action taken: Pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

R-02

Meds Rx Pharmacy, LLC Case No. 2012-12348

Amy Thorn with Prosecution Services presented this case involving the alleged violation of Section by violating section 465.023(1)(c), FS (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.109(1)(3)(4)(5), FAC, which provides (1) That the prescription department of any community pharmacy permittee shall be considered closed whenever the establishment is open and a pharmacist is not present and on duty. A sign with bold letters not less than two (2) inches in width and height, shall be displayed in a prominent place in the prescription department so that it may easily be read by patrons of that establishment. The sign shall contain the following language: "Prescription Department Closed" (3) At all times when the prescription department is closed, either because of the absence of a pharmacists or for any other reason, it shall be separated from the remainder of the establishment by partition or other means of enclosure, thereby preventing access to the prescription department by persons not licensed in Florida to practice the profession of pharmacy. (4) The partition or other means of enclosure shall be securely locked or padlocked and only a pharmacists shall have the means to gain access to the prescription department. (5) Whenever the prescription department of any community pharmacy establishment is closed, no person other than a pharmacist shall enter, be permitted to enter or remain on the prescription department.

This case was previously brought before the panel as an Administrative Complaint on May 8, 2013 and has been brought back as a reconsideration for dismissal. Based on the current status of Respondent's license, further prosecution of this case is not warranted. Should the Respondent reapply for licensure, the allegations addressed in this case shall be addressed before a new license will be issued by the Board of Pharmacy.

After discussion, a motion was made, seconded and carried unanimously to DISMISS this case.

Action taken: Pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

**R-03 G.M.G. Pharmacy and Discount, Inc.
Case No. 2014-03256**

Nicole Jordan with Prosecution Services presented this case involving the alleged violation of Section by violating section 465.016(1)(n), FS (2013), by violating a rule of the board or department or violating an order of the board or the department previously entered in a disciplinary hearing.

This case was previously brought before the panel as an Administrative Complaint on July 24, 2014 and has been brought back as a reconsideration for dismissal. Based on the current status of Respondent's license, further prosecution of this case is not warranted.

After discussion, a motion was made, seconded and carried unanimously to DISMISS this case.

Action taken: Pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

The public portion of this Probable Cause Panel adjourned at 9:18 am.