

**FLORIDA** | Board of Pharmacy

# Draft Meeting Minutes

**April 3-4, 2018**

Residence Inn Tallahassee

600 West Gaines Street

Tallahassee, FL 32304

Contact Hotel: 850-329-9080



**Jeenu Philip, BPharm**  
Chair

**Jeffrey Mesaros, PharmD, JD**  
Vice-Chair

**C. Erica White, MBA, JD**  
Executive Director

Tuesday, April 3, 2018 at 1:00 PM

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**Call to Order** - The meeting was called to order by the Chair, Mr. Philip, at 1:20 p.m.

**Roll Call** - Those present during the meeting included the following:

**Board Members**

Jeenu Philip, BPharm, Chair  
Jeffrey J. Mesaros, PharmD, JD-Vice Chair  
David Bisailon, Consumer Member  
Jonathan Hickman, PharmD  
Mark Mikhael, PharmD  
Richard Montgomery, BPharm, MBA  
Blanca R. Rivera, MPharm, MBA  
David Wright, BPharm  
Gavin Meshad

**Attorneys**

Board Counsel:  
David Flynn, Assistant Attorney General  
Lawrence Harris, Assistant Attorney General

Department of Health Counsel:  
Matthew Witters, Assistant General Counsel  
Christopher Jurich, Assistant General Counsel

**Board Staff:**

C. Erica White, Executive Director  
Savada Knight, Regulatory Supervisor

I. **Reports**

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**A. Chair's Report – Mr. Philip BPharm, Chair**

**Discussion:**

Mr. Philip wanted to address the issue regarding Rule 64B16-20.6012- Guidelines for Board Ordered Disciplinary Continuing Education Course. When an error has been made by a pharmacist with dispensing, the pharmacist is required to complete an 8-hour course. As of April 1, 2018 UF is no longer offering the 8-hour course. Michael Jackson, Florida Pharmacy Association, stated that he will take the concerns to the FPA and examine the issue to see what type of programs the association can put together to bring a solution to the Board. Some of the board members and Ms. White will be attending the NABP National Meeting on May 5-8, 2018 in Denver Colorado.

The Chair/Vice Chair meeting will be held on April 23, 2018. The Multi Board telephone conference meeting will be held on April 18, 2018. Rule 64B16.26.302 will be referred to the Rules Committee for further discussion.

## **B. Executive Director's Report – C. Erica White, Executive Director**

### **Discussion:**

Ms. White introduced the Board Staff. The reorganization was approved on April 2, 2018. The Board Office received (2) two additional boards, Podiatric Medicine and Orthotists & Prosthetists. A newsletter will be published twice a year. The 2019 board meeting schedule was presented and the board will vote on the dates at the June 2018 board meeting.

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

### **Discussion:**

Mr. Flynn referred the Board to the rules report in the agenda. Rule 64B16-27.630 was updated and adopted. The rule will effective April 12, 2018. The remainder of the rules were discussed at the Rule Committee meeting and the notice of changes will be finalized at the full board meeting during the committee reports.

## **Investigative Services Report – Robert Difiore, Pharmaceutical Program Manager**

### **Discussion:**

Mr. Difiore presented the current inspection numbers. The FDA invited the Florida DOH to choose one candidate to attend the summer program to gain the qualifications to complete out of state 503B inspections.

## **II. General Business**

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**A. Ratification Lists –** A motion was made by Dr. Mikhael to approve the following list of ratifications. Motion passed unanimously.

1. Pharmacist (Licensure)
2. Pharmacist (Exam Eligibility)
3. Pharmacist Interns
4. Consultant Pharmacist
5. Pharmacy/Facilities
6. Registered Pharmacy Technicians
7. Registered Pharmacy Technicians Training Programs
8. Nonresident Sterile Compounding
9. CE Providers
10. CE Course

## **B. Approval of Minutes**

1. February Full Board Minutes – A motion was made by Wright to approve pending the amendment on page 12 of 19 under Sanjeev Seenath, list the State of Georgia and the additional criminal matter, typographical errors on page 16- should be Mr. Wright, page 2 under the Chair’s report- should be Ms. Glass will chair, add in- the Board cut down on the number of committees from 6 to 3, under the Chair’s report for PCP- should be wanted to thank Dr. Weizer, Ms. Glass and Dr. Mikhael , under meeting- should be APHA, section B on page 3- Ms. White presented at FPA, Investigative report second line-should be 62% completion.
2. Tripartite Committee Minutes – A motion was made by Hickman to approve.

### III. Presentations- Automated Pharmacies

Presentation from Edward Rickert, Esq., and Seema Siddiqui, Med Avail Med Center.  
Presentation from Sara Lake, Orlando Health Script Center

Wednesday, April 4, 2018 at 9:00 AM

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**Call to Order** - The meeting was called to order by the Chair, Mr. Philip, at 9:04 a.m.

**Roll Call** - Those present during the meeting included the following:

#### **Board Members**

Jeenu Philip, BPharm, Chair  
Jeffrey J. Mesaros, PharmD, JD-Vice Chair  
David Bisailon, Consumer Member  
Jonathan Hickman, PharmD  
Mark Mikhael, PharmD  
Richard Montgomery, BPharm, MBA  
Blanca R. Rivera, MPharm, MBA  
David Wright, BPharm  
Gavin Meshad

#### **Attorneys**

Board Counsel:  
David Flynn, Assistant Attorney General  
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Department of Health Counsel:  
Matthew Witters, Assistant General Counsel  
Christopher Jurich, Assistant General Counsel

#### **Board Staff:**

C. Erica White, Executive Director  
Savada Knight, Regulatory Supervisor

## I. Committee Reports & Actions

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### 1. Tripartite Committee- Presented by Mr. Philip

The Committee discussed the reviewing and routing of the courses. Two people must approve the course before the department can review it. Providers are required to submit the course 45 days before the course start date. If the course is submitted late, a warning letter will be sent to the provider. Consultant Pharmacist program require courses to be three hours long.

### 2. Legislative Committee- Presented by Mr. Philip

Mr. Philips gave an overview of the discussion that took place in the Legislative Committee meeting.

### 3. Controlled Substance Committee- Presented by Mr. Meshad

Mr. Meshad gave a brief overview of the discussion that took place in the controlled substance meeting. A motion was made by Mr. Wright to accept the committee recommendations and proposed suggested /added language to 64B16.27.831 (F) F.A.C., under the mandatory education, add language to include patient disposal and storage of unused controlled substances. Add provision to include education for 381.887 F.S. Emergency treatment for Opioid overdose. 64B16.27.820 (J) F.A.C., Patient Counseling - add language -the audio interaction digital imaging format as part of the counseling.

### 4. Rules Committee- Presented by Dr. Mesaros

Dr. Mesaros provided a brief overview of the discussion from the Rules Committee Meeting which included, the Middle State program split into two separate programs. The board will recognize both programs as approved registered pharmacy technician programs. Mr. Harris will review updated language regarding the hours requirement for a registered pharmacy technician training program and will present the finalized language to the rules committee. A motion was made by Dr. Mikhael to accept the committee recommendations. Motion passed unanimously.

A motion was made by Mr. Philip to accept the committee recommendation and propose the suggested language to 64B16.27.410. Motion passed unanimously.

A motion was made by Mr. Philip to accept the committee recommendations and propose the suggested language to 64B16-27.450 FAC, 64B16-28.501 FAC, and 64B1628.100 FAC. Motion passed unanimously.

A motion was made by Mr. Bisailon to accept the committee recommendations and propose the suggested language to 64B16.30.002. Motion passed unanimously.

A motion was made by Mr. Bisailon to accept the committee recommendation and proposed the suggested to 64B16.27.630. Motion passed unanimously.

## **5. Compounding Committee- Presented by Dr. Mikhael**

Dr. Mikhael gave an overview of the discussion that took place in the Compounding Committee meeting.

## **II. Petitions for Variance or Waiver**

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**A. Health First Infusion Pharmacy, Client # 2205, File # 24952.** Petitioner was not present and was not represented by counsel. Petition referenced Rule 64B16- 28.1081 and waiver of section 465.108, F.S. regarding reducing the pharmacy hours of operation from 40 hours weekly to 15 hours weekly. A motion was made by Dr. Mikhael to deny the petition. Motion passes unanimously.

**B. Salesia V. Smith-Gordon, Client # 2201, File # 14135.** Petitioner was present and sworn in. Petition referenced Rule 64B16.26.1021 (2). Petitioner requested the Board to reverse the current null pharmacy license and reinstate. Ms. Smith-Gordon requested to withdraw her petition. A motion was made by Mr. Meshad to withdraw the petition. Motion passes unanimously.

**The meeting recessed at 10:38 a.m.  
The meeting reconvened at 10:55 a.m.**

**C. Orlando Health Script Pharmacy, Client # 2205, File # 18785-** Withdrew the petition.

## **III Applications Requiring Board Review**

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### **A. Pharmacist Applications- Montgomery presenting**

1. Victoria Elizabeth Taylor, 2201, File # 51892- Applicant was not present and was not represented by counsel. A motion was made by Mr. Philip to approve the application. Motion passed unanimously.

### **B. Registered Pharmacy Technician Applications**

1. Edite Cindy Olcine, 2208, File # 82441- Applicant was present, sworn in and was not represented by counsel. A motion was made by Mr. Wright to approve the application. Motion passed unanimously.
2. Angela Steward, 2208, File # 73030- Applicant was not present and was not represented by counsel. A motion was made by Dr. Mesaros to request the applicant to appear at one of the next two board meetings.

3. Danielle Whipple-Simpson, 2208, File # 82729- Applicant was present, sworn in and not represented by counsel. A motion was made by Mrs. Rivera to approve the application. Motion passed unanimously.

### C. Pharmacy Permits

1. Option Care Enterprises Inc., 2205, File # 24581- Applicant was not present and was not represented by counsel. A motion was made by Dr. Mikhael to approve the application. Motion passed unanimously.
2. Advanced Patient Care LLC, 2205, File # 24927- Applicant was not present and was not represented by counsel. A motion was made by Dr. Hickman to approve the application. Motion passed unanimously.
3. Pharmacy Acquisition Company LLC, 2205, File # 24992- Applicant was present and represented by counsel Ed Ricker. A motion was made by Dr. Mikhael to approve the Non-Resident pharmacy permit application, awaiting the determination on the Non-Resident Sterile Compounding Pharmacy Permit application. Motion passed unanimously.
4. Remco Pharmacy, 2205, File # 24756- Applicant was not present and was not represented by counsel. A motion was made by Dr. Mikhael to approve the application. Motion passed unanimously.

## IV. Disciplinary Cases

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### A. Settlement Agreements

#### ***Recused Members: Michele Weizer & David Bisailon***

1. Lincourt Compounding, Case #2017-06011 (**\$2,109.10**) – Respondent was not present and was not represented by counsel. A motion was made by Mr. Wright to accept the settlement agreement. Motion passed unanimously.
2. Katherine Nielsen, Case #2017-06013, (**\$1,803.45**) – Respondent was not present and was not represented by counsel. A Motion was made by Mr. Wright to accept the settlement agreement. Motion passed unanimously.
3. Jerome Leo Tanski, Case # 2017-14161, (**\$2,295.75**) – Respondent was present, sworn in and was represented by counsel Ed Bayo. A motion was made by Dr. Hickman to accept the settlement agreement. Motion passed unanimously.

#### ***Recused Members: Michele Weizer & Blanca Rivera***

4. Shashanka Reddy Thumu, Case # 2017-14004, (**\$1,611.88**) – Respondent was present, sworn in, and was not represented by counsel. A motion was made by Mr. Bisailon to accept the settlement agreement. Motion passed unanimously.

## **B. Determination of Waivers**

*The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.*

### **Recused Members: Mark Mikhael & Jeffrey Mesaros**

1. Nereida Alina Montejo, Case # 2016-17952, Respondent was not present and was not represented by counsel. A motion was made by Mr. Bisailon to accept the recommendations of the department.

## **C. Voluntary Relinquishments**

### **No Recused Members**

1. Robert Owens, Case # 2017-19562 – A motion was made by Dr. Mikhael to accept the voluntary relinquishment. Motion passed unanimously.

### **Recused Members: Michele Weizer & Jeffrey Mesaros**

2. Katrina Baker, Case # 2012-11264 – A motion was made by Dr. Mikhael to accept the voluntary relinquishment. Motion passed unanimously.

## **D. Informals**

*The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.*

### **Recused Members: David Bisailon, Jeffrey Mesaros & Jeenu Philip**

1. Tiffaney Amber Stickel, Case # 2017-14774- A motion was made by Dr. Hickman to impose revocation. Motion passed unanimously.

### **Recused Members: Michele Weizer & David Bisailon**

2. Emerson Pharmacy Inc, Case # 2017-16401- A motion was made by Dr. Mesaros to dismiss the case. Motion passed unanimously.

### **Recused Members: Jeffrey Mesaros, David Bisailon & Jeenu Philip**



3. Jason Smith, Case # 2017-17359- Tabled until a future meeting.

#### **E. Prosecution Services Report- Christopher Jurich, Assistant General Counsel**

Mr. Jurich gave a brief update on the current caseload for the Prosecution Services Unit. A motion was made by Dr. Mikhael to allow PSU to continue to prosecute cases older than 1 year. Motion passed unanimously.

### **V. Licensure Issues**

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

1. Mehrdad Hariri, 2201/10593 – Present, sworn in, and was not represented by counsel. A motion was made by Mr. Philip to accept the petition and terminate probation. Motion passed unanimously.
2. Motto Pharmacy 2205/11440 – Present, sworn in, and was not represented by counsel. A motion was made by Dr. Mikhael to accept the petition and terminate probation. Motion passed unanimously.
3. Thomas J. Lawley, 2201/28958- Present, sworn in, and was not represented by counsel. A motion was made by Mr. Philip to accept the petition and terminate the probation. Motion passed unanimously.

#### **B. Petition for Payment Extension**

1. Jeffrey Kenneth Butzin, 2201/46678 – A motion was made by Hickman to extend the cost until October 16, 2018. Motion passed unanimously.

**Public Comment:**  
**No Comments**

The meeting adjourned at 12:48 p.m.