

**FLORIDA** | Board of Pharmacy

# Draft Meeting Minutes

**June 12-13, 2018**

Mission Inn Resorts & Club  
10400 County Road 48  
Howey-in-the-Hills, FL 34737  
Contact Hotel: 800-874-9053



**Jeenu Phillip, BPharm**  
Chair

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

**C. Erica White**  
Executive Director

**Tuesday, June 12, 2018 at 1:33PM**

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**Call to Order** - The meeting was called to order by the Chair, Mr. Philip, at 1:33 p.m.

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

**Board Members**

Jeenu Philip, BPharm - Chair (Jacksonville)  
Jeffrey J. Mesaros, PharmD, JD, Vice- Chair (Orlando)  
David Bisailon, Consumer Member (Bradenton)  
Jonathan Hickman, PharmD (Tallahassee)  
Mark Mikhael, PharmD (Orlando)  
Gavin Meshad, Consumer Member (Sarasota)  
Richard Montgomery, BPharm, MBA (Orlando)  
Blanca R. Rivera, MPharm, MBA (Miami)  
David Wright, BPharm (Ft. Pierce)

**Board Counsel:**

Lawrence Harris, Assistant Attorney General

**Department of Health Counsel:**

Christopher Jurich, Assistant General Counsel  
Hannah Phillips, Assistant General Counsel

**Board Staff:**

C. Erica White, MBA, JD, Executive Director  
Shay Marcelus, JD, Program Operations Administrator

**TAB I. REPORTS**

**A. Chair's Report - Jeenu Philip, Chair**

**1. NABP Annual Meeting Update**

There was a presentation on the standard of care, where a discussion of the changes of the standard of care was discussed and an overview of the changes Idaho made to their rules regarding the standard of care. NABP will be working with the Drug Enforcement Administration on the definition of suspicious orders. Mr. Philip opened the floor for the attendees to comment on the National Association of Boards of Pharmacy Annual Meeting. Dr. Mikhael commented on his concerns of Florida being behind the curve in the progression of the profession. He suggests the state make efforts to stay with the national trends in the profession. Dr. Mesaros commented on the interested parties and the hindrance they place on the profession initiatives in Florida. He suggests the Board could have a substantial impact on the pharmaceutical community nationwide and encourages the Board steps to be a pioneer for the profession.

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

1. Florida State Health Improvement Plan (SHIP) 2017-202. A copy was provided to the Board for review.

### Discussion:

Dr. Mesaros commented on the issues the state will face within the state's objectives. He suggests the documents be used to address the issue the pharmacist face in the state.

2. Staff Update – Ms. White introduced Shay Marcelus as the new Program Operations Administrator for the Board office. Savada Knight, Regulatory Supervisor, will no longer with the board office. Her position will be advertised. The Board office plans to be fully staffed by the July 15, 2018.
3. New/Revised Board Meeting Dates (2018 - 2019) – Ms. White confirmed the new dates for all Board meetings with the Board members.

## **C. Attorney General's Report - Lawrence Harris, Assistant Attorney General**

1. Monthly Rules Report – May 2018

### Discussion:

Mr. Harris gave an overview of all the rules that have been adopted and those rules that are now effective. Dr. Mesaros commented on the efforts the board attorneys and board staff put in on getting the rules reviewed. Mr. Philip commented on the continuing education requirements for the Tripartite Committee and the current individuals who will only receive credit for courses taken before July 01, 2018. Mr. Jackson, Florida Pharmacy Association, commented on the deadline placed on the continuing education requirements and the effect it will have on the course currently being offered. Mr. Wright asks how will a pharmacist know that a course will not apply toward the continuing education requirement? Mr. Philip states the courses no longer accepted should not be listed in Continuing Education Broker. Ms. White informed the Board that the Board office plans to send an email blast on July 1 ,2018 to inform individual of the new changes in the rule.

## **D. Investigative Services Report – Michelle Miller, Pharmaceutical Program Manager**

### Discussion:

As of June 06, 2018, the inspection for both pharmacies and sterile compounding facilities is at 97% completion. Investigative services anticipate being at 100% completion rate by June 30, 2018. The Bureau of Enforcement would like to see the Board change the rule that will allow the Bureau of Enforcement to issue citations. The Board discussed amending the current rule to allow for the issuance of citations by the inspection staff. Dr. Mesaros is concerned on what process would be utilized to follow up and ensure the violation has been corrected. Mr. Wright threat to the public and when no substantial threat is present to the public. Mr. Philip suggested the discussion should be referred to the Rules Committee.

## **TAB II. GENERAL BUSINESS**

- A. Ratification Lists – A motion was made by Dr. Mesaros. Motion was seconded by Dr. Mikhael. The motion passed unanimously.
- B. Approval of Minutes
1. April 2, 2018- Legislative Committee – Make changes to page 3 to show Mr. Philip as the chair and Dr. Hickman vice chair. A motion was made by Dr. Hickman. Motion was seconded by Dr. Mikhael. The vote passed unanimously.
  2. April 2, 2018- Controlled Substance Committee – A motion was made by Mr. Bisailon. Motion was seconded by Dr. Hickman. The vote passed unanimously.
  3. April 3, 2018- Rules Committee – A motion was made by Dr. Mesaros. Motion was seconded by Mr. Bisailon. The vote passed unanimously.
  4. April 3, 2018- Compounding Committee – A motion was made by Dr. Mikhael. Motion was seconded by Mr. Wright. The vote passed unanimously.
  5. April 3-4, 2018- Full Board Meeting – A motion was made by Dr. Hickman. Motion was seconded by Mr. Bisailon. The vote passed unanimously.

Discussion:

On page 8, a motion was made in the second paragraph and but record shows no conclusion to motion. Whether the vote was unanimous or opposed needs to be added to the record.

**C. Presentation**

**1. HB 351 - Obligations of Long Term Care Pharmacies - Ed Bayo, Esq., and Martin R. Dix, Esq.**

Discussion:

Presentation on HB 351, centered on long care pharmacies. Mr. Harris commented on the requirements where the rule may apply. If there is no retail setting then the rule will not apply. If the rule applies, the pharmacist is required to inform the patient of the lower priced alternative. Mr. Harris suggested that each case will have to be evaluated on a case by case basis. Mr. Dix, commented on the provision of the rule and how the rules applies to the daily operation of the profession. Mrs. Rivera commented on the effects the rule may have on the assisted living facilities. Mr. Wright does not think the rule applies to the long care facilities and voiced the issues that may arise if the pharmacist does not know the certain prices to make the required determination of whether a lower alternative is available. Mr. Mikhael wants to clarify that the Board may not give legal advice. Dr. Mesaros commented the process available to the Board to correct issues when a rule has an unintended effect on the profession.

### **TAB III. PETITIONS FOR VARIANCE OR WAIVER**

1. Orlando Health, Inc., dba Scripts Pharmacy, 2205/18224; Reference: Rule 64B16-28.141, FAC, regarding the waiver of the Requirements for an Automated Pharmacy System in a Community Pharmacy. – A motion was made by Orlando Health, Inc., dba Scripts Pharmacy to withdraw the Petition for Variance or Waiver because petition does not meet the definition of dispensing under the statute and therefore does not require any action from the Board.
2. PetMed Express, Inc., d/b/a 1-800-PetMeds, 2209/54; Reference: Rule 64B16-27 4001, FAC, regarding the waiver of the direct supervision requirement which requires supervision by a pharmacist who is on the premises at all time the delegated tasks are being performed by a technician. – PetMed Express, Inc., d/b/a 1-800-PetMeds to withdrew the Petition for Variance or Waiver because the rule allows for remote supervision of the technician when completing delegable tasks.
3. Florida Vocational Institute, 2209/1645; Rule 64B16-26.251, FAC, regarding the waiver of the 61B16-26.351, FAC, regarding the waiver of the deadline for approval for the Pharmacy Technician Training Programs. A motion was made by Dr. Mesaros to deny the Petition for Variance or Waiver as moot. The motion was seconded Dr. Hickman.

### **TAB IV. COMMITTEE REPORTS OR ACTIONS**

#### **1. April 2018 Rules Committee - Jeffrey Mesaros, PharmD, JD, Chair**

##### Discussion:

Dr. Mesaros gave an overview of the last meeting. Mr. Harris gave an overview of the suggested amendments to Rule 64B1-26.351. Mr. Harris suggested that the Board accept the oral amendments from the earlier discussion, reopen the rule for development, and refer the rule to the Rules Committee for development. A motion by Mr. Philip to accept the oral amendments from the earlier discussion, reopen the rule for development, and refer the rule to the Rules Committee for development. The motion was seconded by Mr. Bisailon. Motion passed unanimously.

Mr. Harris gave an overview of the suggested amendment to the disciplinary guidelines in Rule 64B16-30.001. Proposed changes are: 1. In paragraph (m) and (n), strike the one year suspension and add a \$250 fine plus 12 hours of law and rules or MPJE up to one year probation. 2. In paragraph (o), there will be a negligent failure portion and an intentional failure portion of the rule. The violation will be copied here from page 7, paragraph (h), subsection (1) and (2). 3. All one-year suspension will be changed to one-year probation for the first violation. 4. In paragraph (p), the fine will be \$5,000 and suspension of the immunization certification up to one year. A motion was made by Mr. Wright to accept the oral changes discussed in the earlier Rules Committee. The motion was seconded by Mr. Bisailon. Motion passed unanimously.

Mr. Harris gave an overview of the Rule 64B16-30.003, concerning the Bureau of Enforcement's ability to issue citations. Mr. Harris suggests the Board strike the language in subsection (1) that reads: ...Or for which the substantial threat has been remedied. Mr. Harris suggests the Board

strike the language in subsection (2) that reads: ... The department may not issue a citation until the offense has been remedied. Mr. Harris suggests the Board amend the language of the rule to read: Citation can be issued to remedy violation that are not a substantial threat to public health safety and welfare. A motion was made by Dr. Mikhael to accept the proposed language. The motion was seconded by Mr. Hickman. Motion passed unanimously.

Mr. Harris gave an overview of the suggested adoption of the new proposed rule and the new proposed application regarding Rule 64 B16-28.750 regarding Institutional III Permits. A motion to adopt the proposed rule and application as proposed was made by Dr. Hickman. The motion was seconded by Mr. Bisailon. Motion passed unanimously

## **2. April 2018 Legislative Committee – Jeenu Philip, BPharm, Chair**

### **Discussion:**

Mr. Phillip gave an overview of the rule discussed in the August 2017 meeting. The October 2017 meeting was geared around collaborative practice agreement in the state of Florida. The December meeting revolved around amending Chapter 465.0075, Licensure by Endorsement and reciprocity of pharmacy technician in Florida. The Board discussed the possibility of reciprocity for pharmacy technicians.

### **PUBLIC COMMENT:**

Dr. Celeste Philip, Surgeon General, commented on the issue the state has faced during the past flu season. She wants to discuss future opportunities the Board may have. Dr. Phillip requests a teleconference with the Board to address issue the state may face within the upcoming flu season. The discussion will be geared toward what actions can be put in place for a collaborative effort to address the issues with the upcoming flu season.

Dr. Hickman discussed what opportunities the Board would have to help with the vaccine campaign. Dr. Mikhael commented on the opportunity this vaccine campaign will have to educate the public and hopefully eliminate the need for Tamiflu. Mr. Wright expressed his concerns about the pharmacist not being able to dispense the generic version of Tamiflu to the patient and the effect it had on the community. The issue will be referenced to the Compounding Committee.

Gary Dalin, commented on the Petition for Variance or Waiver of PetMeds Express, Inc., d/b/a 1-800-PetMeds. He discussed the possibility of adding a pharmacy technician to the Board. He suggested the Board to discuss or follow other states in adding a pharmacy technician to the Board. Mr. Meshad, Mrs. Rivera and Dr. Mikhael commented on the issues presented by adding a pharmacy technician as a new member to the Board. The Board discussed the concerns of having an even number of Board members. Presently, the Board does not feel having a pharmacy technician on the Board would have a significant effect on the profession presently. However, the Board would support the idea of adding a pharmacy technician in the future as the profession changes regarding the duties of the pharmacy technician. Dr. Mikhael made a motion that the Board would support the idea of adding a pharmacy technician in the future as the profession changes regarding the duties of the pharmacy technician as defined by the Board of Pharmacy. Motion seconded by Dr. Hickman. Motion passed unanimously

Dr. Ron Salem, suggested the Board meets in Jacksonville, Florida. He suggests the Board make the pharmacist aware of the July 1,2018 deadline for the continuing education. Also, he

supports the idea of remote supervision of pharmacy technician. A motion to dismiss was made by Dr. Mesaros. Motion was seconded by Dr. Mikhael. The vote passed unanimously.

The meeting recessed at 6:08p.m.

## **Wednesday, June 13, 2018 at 9:00 AM**

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**Call to Order** - The meeting was reconvened by the Chair, Mr. Philip, at 9:01 a.m.

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

### **Board Members**

Jeenu Philip, BPharm - Chair (Jacksonville)  
Jeffrey J. Mesaros, PharmD, JD, Vice- Chair (Orlando)  
David Bisailon, Consumer Member (Bradenton)  
Jonathan Hickman, PharmD (Tallahassee)  
Mark Mikhael, PharmD (Orlando)  
Gavin Meshad, Consumer Member (Sarasota)  
Richard Montgomery, BPharm, MBA (Orlando)  
Blanca R. Rivera, MPharm, MBA (Miami)  
David Wright, BPharm (Ft. Pierce)

### **Board Counsel:**

Lawrence Harris, Assistant Attorney General

### **Department of Health Counsel:**

Christopher Jurich, Assistant General Counsel  
Hannah Phillips, Assistant General Counsel

### **Board Staff:**

C. Erica White, MBA, JD, Executive Director  
Shay Marcelus, JD, Program Operations Administrator

## **TAB V. APPLICATIONS REQUIRING BOARD REVIEW**

### **A. Pharmacist Applications**

1. James Demarest; 2201/51805 – A motion was made by Philip to approve the application. The motion was seconded by Mr. Bisailon. Motion passed unanimously.
2. Patrick Michael Carpenter; 2201/51914 – A motion was made by Dr. Mikhael. The motion was seconded by Mr. Bisailon. Motion passed unanimously.
3. Kaitlin Nicole Kennedy; 2201/27562 – A motion was made by Dr. Mikhael to require the applicant's appearance at one of the new two Board meetings. The motion was seconded by Mr. Wright. Motion passed unanimously.

4. Jeffrey Ryan; 2201/51596 – A motion was made by Dr. Mikhael to require the applicant's appearance at one of the new two Board meetings. The motion seconded by Mr. Wright. Motion passed unanimously.

## **B. Registered Pharmacy Technician Application**

1. Angela Steward; 2208/73030 – The applicant would like to continue her application to the August 2018 Board meeting. The applicant has waived the 90-day requirement.
2. Celeste Donald; 2208/79895 – A motion was made by Dr. Mikhael to approve the applicant's application. The motion was seconded by Mr. Phillip. Motion passed unanimously.
3. Nikyara A. Costa; 2208/83821 – A motion was made by Dr. Mikhael to allow the applicant to voluntarily withdraw the application within 10 days. If the application is not withdrawn within 10 days, the Board will deny the application. The motion was seconded by Mr. Wright. Motion passed unanimously.
4. Felicia Bradley; 2208/80506 – Motion made for good cause to add the applicant to the agenda by Mr. Philip. The motion was seconded by Mr. Bisailon. A motion was made by Dr. Mikhael . The motion was seconded by Dr. Hickman. Motion passed unanimously.

## **C. Non-Resident Sterile Compounding Applications**

1. Pharmacy Acquisition Company; 2210/306 – A motion was made by Mr. Phillip to approve the application. The motion was seconded by Dr. Hickman. Motion passed unanimously.
2. North American Custom Laboratories LLC d/b/a/ Farmakeio; 2210/314 – A motion was made by Dr. Mikhael to approve the application. The motion was seconded by Mr. Bisailon. Motion passed unanimously.
3. EHT Pharmacy, LLC dba Curexa Pharmacy; 2210/291 – A motion was made by Dr. Mikhael to approve the application. The motion was seconded by Mr. Phillip. Motion passed unanimously.

## **TAB VI. DISCIPLINARY CASES**

### **A. Settlement Agreements**

1. Barry Mar, R.Ph.; License # 45546 Case #2017-19733, File #37799 – Respondent was not present and was not represented by counsel. The applicant withdrew the settlement.  
***Recused Members: Debra Glass & David Wright***



2. Jones Total Health Pharmacy, LLC; PS 24340, Case # 2017-01904, File #17052(**\$6,733.99**) Alleged Violation: Section 456.072(1)(f), F.S.

**Recused Members: Jeenu Philip & Gavin Meshad**

The DEA issued an Order effective October 31, 2016, whereby denying Respondent's application to obtain a Certificate of Registration to dispense controlled substances in schedules II through V for dispensing one or more controlled substances when Respondent knew or should have known that the prescriptions were not issued in the usual course of professional practice or for a legitimate medical purpose.

**Terms of Settlement:**

1. Appearance
2. \$5000 fine payable within 90 days
3. Costs limited to \$1,733.99 payable within 90 days
4. Notify the Board within 10 days of receiving authority from the DEA to dispense, order, or possess controlled substances
5. Probation for 1 year with the following terms:
  - a. Semi-annual inspections at Respondent's cost
  - b. Submit policy and procedures to the Board within 30 days regarding the prevention of diversion of controlled substances and timely reporting of fraudulent prescriptions
  - c. Maintain documentation showing that all licensed pharmacy personnel have undergone annual training on diversion of controlled substances
6. PDM shall complete 12 hours of Laws and Rules and 8 hours of Ethics within 1 year

Respondent was present, sworn in and was represented by counsel Ed Bayo. A motion was made by Mr. Wright. The motion was seconded by Mr. Bisailon. Motion passed unanimously.

3. Tushar Palan, R.Ph.; PS39854, Case # 2017-04274, File #30862; (**\$1,266.35**) – Alleged Violation : Section 465.022(11)(a), F.S. by Rule 64/b16-27.797 (1)(a),F.A.C.

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

At all times material, Respondent was the prescription department manager of record for Medoz Pharmacy of Polk, Inc., a permitted special sterile compounding pharmacy in Davenport, Florida. On or about March 2, 2017, the Department conducted an inspection of Medoz Pharmacy and found one or more sterile compounding deficiencies.

**Terms of Settlement:**

1. Appearance
2. Costs limited to \$2,113.73 payable within 90 days
3. CEs – 50 hours Essential Elements of Sterile Compounding

A motion was made by Mr. Meshad to accept the settlement agreement. The motion was seconded by Dr. Hickman. Motion passed unanimously.

4. Marcos Ordonez, R.PH; PS 40206 Case # 2017-08236, File #31673 (**\$1,208.58**) – Alleged Violation: Section 465.022(1)(g), F.S.

**Recused Members: Gavin Meshad & Debra Glass**

On or about February 11, 2017, Respondent dispensed clopidogrel bisulfate to patient D.P. that was intended to be dispensed to patient J.F. when patient D.P. did not have a prescription for clopidogrel bisulfate.

**Terms of Settlement:**

1. Appearance
2. \$500 fine payable within 30 days
3. Costs limited to \$1,946.97 payable within 90 days
4. CEs – 8 hours Prevention of Medication Errors; if the Oregon State University course is taken, any hours over 8 credits shall count towards renewal

Respondent was present, sworn in and was represented by counsel Lester Perling. A motion was made by Mr. Philip to accept the settlement agreement. The motion was seconded by Dr. Hickman. Motion was opposed by Mrs. Rivera, Mr. Wright, and Mr. Montgomery.

5. Qualgen, LLC; PH 29229, Case # 2017-01126, File #227700 – **(\$3,101.87)**  
Alleged Violation: Section 465.072(1)(f), F.S.

**Recused Members: Jeffrey Mesaros & David Bisailon**

On or about June 15, 2016, the Oklahoma Board of Pharmacy issued a Final Order whereby disciplining Respondent's Oklahoma pharmacy permit for one or more violations that would constitute violations under Florida law.

**Terms of Settlement:**

1. Appearance
2. \$2,000 fine payable within 90 days
3. Costs limited to \$1,698.55 payable within 90 days
4. PDM shall complete 12-hour Laws and Rules CLE within 1 year
5. 1 year probation with the following term:
  - a. Submit any and all documents associated with any inspections

Respondent was not present and was not represented by counsel. A motion by Mr. Montgomery to deny the applicant's petition to waive appearance and continue the case to the August 2018 Board meeting. The motion was seconded by Dr. Hickman. Motion passed unanimously.

6. Qualgen, LLC, LLC; NSC 133, Case # 2017-05615, File #220 –  
Alleged Violation: Section 456.072(1)(f), F.S.

**Recused Members: Debra Glass & Mark Mikhael**

On or about June 15, 2016, the Oklahoma Board of Pharmacy issued a Final Order whereby disciplining Respondent's Oklahoma pharmacy permit for one or more violations related to sterile compounding that would constitute violations under Florida law.

**Terms of Settlement:**

1. Appearance
2. \$2,000 fine payable within 90 days
3. Costs limited to \$1,393.70 payable within 90 days
4. PDM shall complete the following CLEs:
  - a. 12-hour Laws and Rules CLE within 1 year
  - b. 50-hour Essential Elements of Compounded Sterile Preparations within 1 year
5. 1 year probation with the following term:
  - a. Submit any and all documents associated with any inspections

A motion was made by Dr. Mesaros to deny the applicant's petition to waive appearance and continue the case to the August 2018 Board meeting. The motion was seconded by Mr. Meshad. 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.*

1. Medoz Pharmacy of Polk, Inc.; PH 28725, Case #2017-04273, File #20589– Respondent was present, sworn in and was represented by counsel Richard Brooderson. A motion was made by Dr. Mikhael for a fine of \$3,000.00, 2 years of probation with a biennial inspect and a cease and desist of sterile compounding until an inspection has been conducted. The motion was seconded by Mr. Montgomery. Motion passed unanimously. Motion to accept costs by Dr. Mikhael. Motion seconded by Dr. Hickman.  
***Recused Members: Michele Weizer & David Bisailon***
2. Yeckly Perdomo,; RPT 62502, Case #2015-21786, File #59787 – A motion was made by Dr. Mesaros to continue case to the August meeting. The motion was seconded by Mr. Bisailon. Motion passed unanimously.  
***Recused Members: Bianca Rivera & Michele Weizer***
3. Stacy Lee Himmerich, R.P.T.,; RPT 9831, Case #2017-14852, File #6671 – A motion was made by Mr. Meshad to accept the recommendations of the department. The motion was seconded by Mr. Hickman. Motion passed unanimously. Motion to accept costs by Mr. Meshad. Motion seconded by Dr. Hickman. Motion passed unanimously.  
***Recused Members: David Bisailon & Michele Weizer***
4. Niurka De La Caridad Morey, R.Ph; PS 45099, Case #2016-17841, File #36591 –A motion was made by Dr. Mesaros to revoke the Respondent's license. The motion was seconded by Mr. Bisailon. Motion passed unanimously. The Department withdrew is motion for costs.  
***Recused Members: Debra Glass & David Wright***
5. Idilsis Manresa, R.P.T.; RPT 33058, Case #2017-12942, File #33830 – A motion was made by Bisailon to accept the recommendations of the department for revocation of licensure . The motion was seconded by Dr. Hickman. Motion passed unanimously. The Department withdrew is motion for costs.  
***Recused Members: Debra Glass & David Wright***

6. Benjamin Wayne Nundy, R.Ph; PS 42548, Case #2017-07439, File #34500 – Respondent was present, sworn in and was represented by counsel David Weinstein. A motion was made by Dr. Mikhael for revocation of the license. The motion was seconded by Mr. Montgomery. Motion opposed by Dr. Hickman, Dr. Mesaros, and Mr. Philip. The Department withdrew is motion for costs.  
**Recused Members: David Bisailon & Michele Weizer**
7. Reliable Pharmacy, LLC; PH 28588, Case #2017-19237, File #21776 – A motion was made by Mr. Philip to suspend indefinitely and reserve jurisdiction over the case for further disciplinary action. The motion was seconded by Mr. Montgomery . Motion passed unanimously. Motion by Dr. Mikhael for costs within 90 days. Motion seconded by Mr. Bisailon. Motion passed unanimously.  
**Recused Members: Debra Glass & David Wright**
8. Tiffani Nicole Green, R.P.T.; RPT 53622, Case #2016-14028, File #56278 – A motion was made by Dr. Hickman to continue case to the August meeting. The motion was seconded by Mr. Meshad. Motion passed unanimously.  
**Recused Members: Debra Glass & Mark Mikhael**
9. Bridgette G. Arnold; PS 21715, Case #2017-03928, File #10920 – A motion was made by Mr. Bisailon to continue case to the August meeting. The motion was seconded by Dr. Mesaros. Motion passed unanimously.  
**Recused Members: Meshad & Jeenu Philip**

### C. Voluntary Relinquishments

1. Elizabeth Ross, R.P.T.; RPT 62276, Case #2016-22760, File #65557  
**No Recused Members - A motion was made by Dr. Mesaros to accept voluntary relinquishments #1. Motion seconded by Mr. Wright. Motion passed unanimously.**
2. Jose Miguel Ross, R.P.T.; RPT 73560 Case #2017-22758, File #77621  
**No Recused Members. A motion was made by Dr. Mesaros to accept voluntary relinquishments #2. Motion seconded by Mr. Wright. Motion passed unanimously.**
3. LBG Holdings, LLC.; PH 23353, Case #2018-00941, File #15689  
**Recused Members: Michele Weizer and Johnathan Hickman - A motion was made by Dr. Mesaros to accept voluntary relinquishment #3. Motion seconded by Mr. Bisailon. Motion passed unanimously.**
4. Larry B. Howard, R.Ph.; PS 22661, Case # 2018-00939, File #11816  
**Recused Members: Michele Weizer and Johnathan Hickman - A motion was made by Dr. Mesaros to accept voluntary relinquishment #4. Motion seconded by Mr. Bisailon. Motion passed unanimously.**
5. Tim Mossman, R.P.T.; RPT 70757, Case # 2018-08639, File #74958  
**No Recused Members. A motion was made by Dr. Mesaros to accept voluntary relinquishments #5. Motion seconded by Mr. Wright. Motion passed unanimously.**

6. Samuel Jeffrey McCarty, R.Ph.; PS 16612, Case # 2017-07146, File #6596  
***Recused Members: Jeffrey Mesaros & David Bisailon –A motion was made by Mr. Wright to accept voluntary relinquishment #6. 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 and Michele Weizer***

1. Mila Pharmacy, Inc.; PH 28415, Case # 2017-00485, File #21720 –  
Alleged Violation: Section 456.072(1)(k), F.S by and through a violation of Section 456.023(1)(c), F.S.  
No disputed material facts. A motion was made by Dr. Hickman to accept the Department's recommendation. The motion was seconded by Mr. Meshad. Motion passed unanimously. Motion for costs made by Dr. Hickman. Motion seconded by Mr. Meshad. Motion passed unanimously.

#### ***Recused Members: Debra Glass & David Wright***

2. Robert Jason Rausch, R.Ph; PH 37970, Case # 2017-21518, File #28085 –  
Alleged Violation: Section 456.072(1)(f), F.S  
**On or about February 1, 2017, the Department conducted an audit for the medications Dexilant 60mg and Aripiprazole 10mg from December 2015- May 2016. Respondent was unable to provide any invoices and/or pedigree papers to account for a discrepancy of Dexilant and Aripiprazole that Respondent had in stock.**  
  
Respondent was present, sworn in and was not represented by counsel. There are no disputed issues of material facts. Respondent waives any claims against the Department for attorney fees and any associated costs. A motion was made by Mr. Philip to dismiss the case. The motion was seconded by Dr. Hickman. Motion passed unanimously.

#### **E. Prosecution Services Report - Matthew Witters, Assistant General Counsel**

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

## **TAB VII. LICENSURE ISSUES**

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

1. Professional Pharmacy & Compounding Services, LLC; 2205/1023; Case # 2015-09137. Respondent represented by counsel Ed Bayo. – A motion was made by Dr. Mikhael to terminate probation upon the completion of the required continuing education within 6 months. The motion was seconded by Mr. Bisailon. Motion passed unanimously.
2. Kellie Quinn Flood a/k/a Kellie Quinn Hill; PS 49433/File # 42195; Case # 2012-177494. Respondent was present, sworn in and was represented by counsel Brian Kahan. – A motion was made by Mr. Philip to terminate probation. The motion was seconded by Mr. Bisailon. Motion passed unanimously.

### **B. Petitions for Waiver of Appearance**

1. Gennady Krupnikas; 2201/PS 34478 /File Number 234; Case # 2015-23898. – Respondent represented by counsel Martin Dix. A motion was made by Dr. Mesaros to waive personal appearance and terminate probation subject to the completion of all terms under probation. The motion was seconded by Mr. Bisailon. Motion passed unanimously.

## **TAB VIII. PUBLIC COMMENT**

Dr. Ellen Green, commented on the process the Board uses when addressing a HIPPA violation. The Board has determined the cases are handled on a case by case basis.

The meeting adjourned at 2:15 p.m.