

Draft Minutes

August 5-6, 2019

Four Points by Sheraton Suites Tampa Airport Westshore
4400 W. Cypress Street
Tampa, FL 33607
(813) 873-8675



Jeffrey Mesaros, PharmD, JD
Chair

**Richard Montgomery, BPharm,
MBA**
Vice-Chair

Jennifer Wenhold, MSW
Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING
MINUTES DRAFT
August 5-6, 2019
Four Points by Sheraton Suites Tampa Airport Westshore
4400 W. Cypress Street
Tampa, FL 33607
(813) 873-8675**

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.

MONDAY, AUGUST 5, 2019 at 11:00 a.m. ET

I. CALL TO ORDER/ROLL CALL

Call to Order - The meeting was called to order by Board Chair, Dr. Mesaros, at 11:04 a.m.

Those present during the meeting included the following:

MEMBERS PRESENT:

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

STAFF PRESENT:

Jennifer Wenhold, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL:

David Flynn, Senior Assistant Attorney General
Timothy Frizzell, Assistant Attorney General

ABSENT MEMBERS:

Blanca R. Rivera, MPharm, MBA

COURT REPORTER:

American Court Reporting
Cindy Green
3213 Hargill Drive
Orlando, FL 32806
(407) 896-1813

II. RULE DISCUSSION

A. HB 19 – Prescription Drug Importation Program

i. DRAFT Initial Application

This bill creates the International Prescription Drug Importation Program, under the Agency for Health Care Administration, and the International Prescription Drug Importation Program, under

the Department of Business and Professional Regulation. It requires the Board of Pharmacy to create a new permit level for an international export pharmacy. The Chair formed a sub-committee to work on developing an application and rules as it relates to this new permit type. The sub-committee held a meeting via conference call on June 27, 2019 to review the draft application. The application was presented for review and approval of the Full Board.

Motion: by Mr. Bisailon to approve the DRAFT Initial Application.

Second: by Dr. Hickman

Vote: Unanimous

III. REPORTS – Jeffery J. Mesaros, PharmD, JD, Chair

A. Chair’s Report - Jeffery J. Mesaros, PharmD, JD, Chair

Dr. Mesaros communicated to the Board the future meetings the Board will be represented at which included the District 3 meeting conducted by the National Association of Boards of Pharmacy (NABP).

Dr. Mikhael provided an overview of his attendance to the Florida Society for Health Pharmacists. (FSHP).

Mr. Wright provided an overview of his attendance to the Florida Pharmacy Association Meeting.

B. Executive Director’s Report – Jennifer Wenhold, MSW, Executive Director

i. Application Redesign Project

Ms. Wenhold provided an overview of the new Application Redesign Project underway within the Department. Example applications were provided for the Boards review. This was for informational purposes only.

ii. Legislative Updates

Ms. Wenhold provided the Board with legislative updates:

HB 19 Prescription Drug Importation Programs

The law establishes two prescription drug importation programs: The Canadian Drug Importation Program, to be established by the Agency for Health Care Administration, and the International Drug Importation Program, to be established by the Department of Business and Professional Regulation. For both programs, the law establishes eligibility criteria for the types of prescription drugs which may be imported and the entities that may export or import prescription drugs. The Florida Board of Pharmacy, which is charged with creating an International Export Pharmacy permit type, under the International Drug Importation Program, has discussed and begun drafting the requisite application and rule should they receive federal approval of the programs.

HB 451 Nonopioid Alternatives

House Bill 451, Nonopioid Alternatives, was approved by Governor DeSantis and is effective July 1, 2019. The bill requires that before providing anesthesia or prescribing, ordering, dispensing, or administering an opioid listed as a Schedule II controlled substance to treat pain, the patient must be informed about available nonopioid alternatives. Under the new law, the Department is required to develop an educational pamphlet about using nonopioid alternatives and post the pamphlet on

the department's website. The pamphlet has been developed by the Department after a collaborative effort amongst the regulatory boards. MQA emailed the pamphlet to health care practitioners and has made them available on the Department's webpage located at www.flhealthsource.gov as well on each of the 22 regulatory board's websites. In addition to the English version of the pamphlet, both a Spanish and Creole version is also available.

HB 851 Human Trafficking

This bill requires all currently licensed pharmacists and pharmacy technicians complete a 1-hour board approved continuing education course on human trafficking. This requirement is a one-time CE and due by January 1, 2021.

HB 23 Telehealth

This bill establishes standards of practice for telehealth providers and creates a registration for Telehealth Providers in Florida.

C. Board Counsel Report – David Flynn, Senior Assistant Attorney General

i. Rules Status Report

Mr. Flynn provided the Board with an updated Rules report.

ii. Rules Review

- Rule 64B16-27.830, F.A.C.
- Rule 64B16-28.140, F.A.C.

The Board determined that Rule 64B16-27.830, F.A.C., will be reviewed during the Practice Committee held in October.

iii. Annual Regulatory Plan

Mr. Flynn presented the Annual Regulatory Plan for the Boards consideration.

Motion: by Dr. Hickman to open Rule 64B16-30.001 Disciplinary Guidelines.

Second: by Mr. Wright

Vote: Unanimous

Motion: by Mr. Wright to delegate Dr. Mesaros to review and approve the Annual Regulatory Plan once finalized and received from Board Counsel.

Second: by Mr. Montgomery

Vote: Unanimous

D. Committee Reports

i. Temperature Control Committee – Mark Mikhael, PharmD, Chair

Committee Chair, Dr. Mark Mikhael, provided the Board with an overview of the discussion from the 9:00 a.m. Temperature Control Committee meeting. The Committee reviewed proposed Rule 64B16-28.10801, F.A.C.

64B16-28.10801 All Permits – Delivery of Medicinal Drugs

Neither a pharmacy nor a pharmacist shall dispense or deliver an adulterated medical drug. All pharmacies regulated under Chapter 465, F.S., must have and follow policies and procedures to ensure medicinal drugs are not adulterated as defined in s. 499.006, F.S. at the time of receipt by the patient or their agent. The policies and procedures shall cover providing instructions to patient on how to report concerns with delivery and storage of medicinal drugs.

Rulemaking Authority 465.005, 465.022(1) FS. Law Implemented 465.022(1)(a) FS. History–New

Motion: by Dr. Phillip to approve the proposed rule language and directed Board Counsel to continue with rulemaking procedures.

Second: by Mr. Bisailon

Vote: Unanimous

At this time, the Board moved to disband the Temperature Review Committee.

E. Investigative Services Report, Robert Diffore, Pharmaceutical Program Manager

Mr. Difiore provided a brief update on the inspection results as of August 2019.

As of August 2019 - Non-Sterile Pharmacy inspections currently at 548 inspections completed; Sterile Compounding Pharmacy inspections completed 54 of inspections.

IV. NEW BUSINESS – Jeffery J. Mesaros, PharmD, JD, Chair

A. Ratification of Issued Licenses/Certificates

- i. Pharmacist (Licensure) – 132
- ii. Pharmacist (Exam Eligibility) – 958
- iii. Pharmacist Interns – 85
- iv. Consultant Pharmacist – 40
- v. Pharmacy/Facilities – 143
- vi. Registered Pharmacy Technicians – 826
- vii. Registered Pharmacy Technician Training Program – 118
- viii. Nonresident Sterile Compounding – 4
- ix. Approved CE Providers – 4
- x. Approved CE Courses – 26

Motion: by Mr. Bisailon to accept the ratification lists.

Second: by Dr. Hickman

Vote: Unanimous

V. OLD BUSINESS – Jeffery J. Mesaros, PharmD, JD, Chair

A. Review and Approval of Meeting Minutes

- i. June 17, 2019 Compounding Committee Minutes
- ii. June 17, 2019 Pharmacy Practice Committee Minutes
- iii. June 18-19, 2019 Full Board Meeting Minutes
- iv. June 27, 2019 Rules Sub-Committee Minutes

Motion: by Dr. Hickman to accept the meeting minutes as written.
Second: by Mr. Bisailon
Vote: Unanimous

VI. APPLICATIONS FOR REVIEW – Jonathan Hickman, PharmD

A. Pharmacists

i. Janet Dwigans

The applicant was present and sworn in by the court reporter.

The applicant applied for a pharmacist license and answered yes to the disciplinary and health history questions on her application.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.
Second: by Mr. Wright
Vote: Unanimous

ii. Eli Kengerlinski

The applicant was present and sworn in by the court reporter.

The applicant applied for a pharmacist license and answered yes to the criminal history question on his application.

Dr. Polles was present on behalf of the Professional Resources Network (PRN).

Mr. Kengerlinski waived the 90-day requirement of his application for Board action.

iii. Gianluca Gullo

The applicant was present and sworn in by the court reporter.

The applicant applied for a pharmacist license and answered yes to the health history question on his application.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.
Second: by Mr. Bisailon
Vote: Unanimous

B. Registered Pharmacy Technician

i. Patricia Penteado

The applicant was present and sworn in by the court reporter.

The applicant applied for a registered pharmacy technician and answered yes to the health history

question on her application.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application

Second: by Dr. Phillip

Vote: 4/4 Split vote. Motion Failed

Motion: by Dr. Mikhael to accept the application.

Second: by Mr. Phillip

Vote: 6/8 vote. Motion passes.

ii. Shelby Owens

The applicant was present and sworn in by the court reporter.

The applicant applied for a registered pharmacy technician and answered yes to having a previous licensure denial on her application.

After further discussion the Board took the following action:

Motion: by Mr. Wright to accept the application.

Second: by Dr. Mesaros

Vote: Unanimous

iii. Ferris Shaheen

The applicant was present and sworn in by the court reporter.

The applicant applied for a registered pharmacy technician and answered yes to the criminal history question on his application.

Applicant was on the June 2019 agenda and was not present. The Board ordered Mr. Shaheen's appearance at one of the next two regularly scheduled Board meetings.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Mr. Montgomery

Vote: Unanimous

iv. Felicia Fletcher

The applicant was not present nor represented by Counsel.

The applicant applied for a registered pharmacy technician and answered yes to the criminal history question on her application.

After further discussion the Board took the following action:

Motion: by Dr. Mesaros to require Ms. Fletchers appearance at one of the next two regularly scheduled meetings.
Second: by Mr. Phillip
Vote: Unanimous

C. Pharmacy Permits

i. Westmoreland Pharmacy, Inc

The applicant was present and sworn in by the court reporter.

The applicant applied for a Non-Resident permit and answered yes to the disciplinary history question on the application.

The applicant was on the June 2019 agenda and was not present. The Board ordered the applicants appearance at one of the next two regularly scheduled Board meetings.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.
Second: by Mr. Wright
Vote: Unanimous

ii. RC Outsourcing, LLC

The applicant was present and sworn in by the court reporter.

The applicant applied for a Non-Resident Sterile Compounding permit however, the application has not been approved due to the FDA inspection that was submitted with the application.

The applicant was on the June 2019 agenda and was not present. The Board ordered the applicants appearance at one of the next two regularly scheduled Board meetings.

The applicant withdrew their application.

iii. Custom Rx, LLC

The applicant was present and sworn in by the court reporter.

The applicant applied for a Non-Resident Sterile Compounding permit and answered yes to the disciplinary history question on the application.

The applicant was on the June 2019 agenda and was not present. The Board ordered the applicants appearance at one of the next two regularly scheduled Board meetings.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.
Second: by Mr. Montgomery
Vote: Unanimous

iv. Nexgen Pharmaceuticals, LLC

The applicant was present and sworn in by the court reporter. Nexgen Pharmaceuticals was represented by TJ Morton, Esq.

The applicant applied for a Non-Resident Sterile Compounding permit 503A and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application contingent upon receiving a passing inspection. The inspection must be received within six months.

Second: by Mr. Wright

Vote: Unanimous

v. Promodrx, LLC

The applicant was present and sworn in by the court reporter.

The applicant applied for a Community Pharmacy Permit and answered yes to the disciplinary history question on the application

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Mr. Bisailon

Vote: Unanimous

vi. Costco Wholesale Corporation

The applicant was not present nor represented by Counsel.

The applicant applied for a Community Pharmacy Permit and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Phillip to accept the application.

Second: by Mr. Bisailon

Vote: Unanimous

vii. Linton Square Pharmacy North, LLC

The applicant was present and sworn in by the court reporter.

The applicant applied for a Community Pharmacy Permit and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.
Second: by Mr. Bisailon
Vote: Unanimous

viii. Recovery Solutions of Central Florida, INC

The applicant was not present nor represented by Counsel.

The applicant applied for an Institutional Class II Pharmacy Permit and answered yes to the criminal history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Meshad to require the applicant's appearance at one of the next two regularly scheduled meetings.
Second: by Dr. Mesaros
Vote: Unanimous

ix. J&S Drug Company

The applicant was not present nor represented by Counsel.

The applicant applied for a Non-Resident permit and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.
Second: by Bisailon
Vote: Unanimous

x. Surecare Specialty Pharmacy, LLC

The applicant was not present nor represented by Counsel.

The applicant applied for a Non-Resident permit and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Phillip to accept the application.
Second: by Mr. Meshad
Vote: Unanimous

xi. Suthars, INC

The applicant was present and sworn in by the court reporter.

The applicant applied for a Non-Resident permit and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Dr. Mesaros to accept the application.
Second: by Mr. Wright
Vote: Unanimous

xii. Twelvestone Pharmacy, LLC

The applicant was not present nor represented by Counsel.

The applicant applied for a Non-Resident permit and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Wright to accept the application.
Second: by Mr. Phillip
Vote: Unanimous

xiii. Gipsco Investment Corporation

The applicant was not present nor represented by Counsel.

The applicant applied for a Non-Resident Sterile Compounding permit 503A and answered yes to the disciplinary history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Phillip to require the applicant's appearance at one of the two regularly scheduled meetings.
Second: by Mr. Wright
Vote: Unanimous

VII. APPLICATION FOR EXEMPTION FROM DISQUALIFICATION

A. Danielle Donovan, RPT69842

The applicant was not present nor represented by Counsel.

Motion: by Dr. Mikhael to deny the application for exemption.
Second: by Mr. Meshad
Vote: Unanimous

VIII. PETITION TO APPROVE PDM AT TWO LOCATIONS

A. West Atlantic Discount Pharmacy, LLC

The applicant was present and sworn in by the court reporter.

The applicant submitted a petition to approve on Prescription Department Manager for two locations.

Ms. Melika stated that the pharmacies are located 2.8 miles apart.

Motion: by Mr. Phillip to approve the petition

Second: by Mr. Montgomery

Vote: Unanimous

IX. PUBLIC COMMENT

Edwin Bayo, Esq., addressed the Board regarding rule making related to minimal quantities.

Dr. Polles, PRN, addressed the Board and introduced Bill Jacobs as the new Associate Director with PRN.

Ms. Wenhold addressed the Board regarding the recent Bills filed for the upcoming Legislative Session.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 3:27 p.m.

TUESDAY, AUGUST 6, 2019 at 9:00 a.m. ET

XI. CALL TO ORDER/ROLL CALL

Call to Order - The meeting was called to order by Board Chair, Dr. Mesaros, at 9:00 a.m.

Those present during the meeting included the following:

MEMBERS PRESENT:

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

STAFF PRESENT:

Jennifer Wenhold, Executive Director
Traci Zeh, Program Administrator

PROSECUTING ATTORNEY

Matthew Witters, DOH Prosecution Services
Hannah Phillips, DOH Prosecution Services

BOARD COUNSEL:

David Flynn, Senior Assistant Attorney General
Timothy Frizzell, Assistant Attorney General

ABSENT MEMBERS:

Blanca R. Rivera, MPharm, MBA

COURT REPORTER:

American Court Reporting
Cindy Green
3213 Hargill Drive
Orlando, FL 32806
(407) 896-1813

XII. DISCIPLINARY CASES - Jeffery J. Mesaros, PharmD, JD, Chair

A. Settlement Agreements (Appearance Required)

- i. Puget Sound Drug Corporation, Case # 2018-2208
(PCP - Weizer & Rivera)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. by having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including agencies or subdivisions, for a violation that would constitute a violation under Florida law.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- \$2,000.00 administrative fine payable within 90 days of the filing of the Final Order
- \$410.06 in costs payable within 90 days of the filing of the Final Order
- PDM completion of the Board approved CriticalPoint Sterile Compounding Boot Camp continuing education course consisting of 29.5 hours within 1 year of the filing or the Final Order

Motion: by Dr. Hickman to accept the proposed settlement agreement.

Second: by Mr. Montgomery

Vote: Unanimous

- ii. Yvonne Enterprises, Case # 2018-20014
(PCP - Montgomery & Bisailon)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(j), F.S.; **Count II:** 456.023(1)(c), F.S. by and through a violation of Section 893.07(1)(a), F.S; by employing a pharmacy technician whom performed one or more delegable tasks on an expired registered pharmacy technician license and by failing to provide its controlled substance inventory taken on a biennial basis.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- \$250.00 administrative fine payable within 90 days of the filing of the Final Order
- \$1,119.24 in costs payable within 90 days of the filing of the Final Order

- PDM completion of CE course on the subject of Laws and Rules within 1 year of the filing of the Final Order.

Motion: by Dr. Mikhael to accept the proposed settlement agreement.

Second: by Dr. Hickman

Vote: Unanimous

B. Determination of Waivers

- i. Yarima Cobos, R.P.T., Case # 2016-17016
(PCP - Weizer & Mesaros)

The Respondent was not present nor represented by Counsel.

Mr. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(C), F.S.; **Count II:** Section 456.072(1)(x), F.S.

Motion: by Dr. Hickman to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Bisaillon

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation.

Second: by Mr. Bisaillon

Vote: Unanimous

The Department withdrew their motion for costs.

- ii. Cody Michael Bennett, R. Ph., 2017-20654
(PCP – Mesaros & Montgomery)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(C), F.S.; **Count II:** Section 456.072(1)(x), F.S.

Motion: by Dr. Mikhael to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative

file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Bisaillon

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Dr. Mikhael to accept the Departments recommendation.

Second: by Mr. Bisaillon

Vote: Unanimous

The Department withdrew their motion for costs.

- iii. Sylvester McKenzie, R.P.T., Case # 2017-21191
(PCP – Weser & Mikhael)

The Respondent was not present nor represented by Counsel.

Ms. Philips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(a)(k), F.S.

The Department recommended to dismiss the case.

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments dismissal.

Second: by Mr. Bisaillon

Vote: Unanimous

- iv. Noemi Delgado, R.P.T., Case # 2018-15905
(PCP – Weizer & Hickman)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** 456.072(1)(II). F.S.

Motion: by Mr. Bisaillon to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.
Second: by Mr. Philip
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Mr. Bisailon to accept the Departments recommendation.
Second: by Mr. Philip
Vote: Unanimous

The Department withdrew their motion for costs.

v. Daylet Martinez, R.P.T., Case # 2018-15909
(PCP - Rivera & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(II), F.S., **Count II:** 456.072(1)(x), F.S.

Motion: by Mr. Bisailon to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Dr. Hickam
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Mr. Bisailon to accept the Departments recommendation.
Second: by Dr. Hickman
Vote: Unanimous

The Department withdrew their motion for costs.

vi. Alian Miranda, R.P.T., Case # 2018-28402
(PCP - Rivera & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(II), F.S., **Count II:** 456.072(1)(x), F.S.

Motion: by Hickman to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Bisailon

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation.

Second: by Mr. Bisailon

Vote: Unanimous

The Department withdrew their motion for costs.

vii. Jeffery K. Butzin, R.Ph., Case # 2018-23969
(PCP – Montgomery & Bisailon)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** 456.072(1)(q), F.S.

Motion: by Dr. Hickman to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Wright

Vote: Unanimous

Dr. Polles, PRN, addressed the Board.

The Department presented the following recommendation:

- Suspended until compliance with all terms of previous Final Order

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation.

Second: by Mr. Wright

Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$85.43 payable within 90 days of reinstatement of license.

Second: by Mr. Wright

Vote: Unanimous

viii. Nghi Ho, P.S.I., Case # 2017-19753
(PCP – Weizer & Montgomery)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** 456.072(1)(k), F.S.

Motion: by dr. Hickman to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Bisailon

Vote: Unanimous

The Department presented the following recommendation:

- Suspension of Respondents license until payment terms are agreed upon with the Department of Education
- Probation of Respondents license for the duration of student loan obligation
- Fine of \$1294.16 payable with 90 days of reinstatement of license.

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$786.76 payable within 90 days of reinstatement of license.

Second: by Mr. Bisailon

Vote: Unanimous

ix. Heidy L. Garcia, R.P.T., Case # 2018-28394
(PCP - Rivera & Philip)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** 456.072(1)(II), F.S., **Count II:** 456.072(1)(x), F.S.

Motion: by Mr. Bisailon to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Mr. Bisailon to accept the Departments recommendation.

Second: by Dr. Hickman

Vote: Unanimous

The Department withdrew their motion for costs.

x. Adrianna Williams, R.P.T., Case # 2017-01708
(PCP – Mesaros & Bisailon)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** 465.016(1)(e), F.S. by violating Section 893.13(7)(a)., Section 456.071(1)(m), F.S., Section 456.072(1)(o), F.S.

Motion: by Dr. Hickman to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation.

Second: by Mr. Wright

Vote: Unanimous

The Department withdrew their motion for costs.

xi. Carmela C. Charles, R.P.T., Case # 2017-17322
(PCP - Glass & Mesaros)

The Respondent was not present nor represented by Counsel.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(k), F.S.

Motion: by Dr. Hickman to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its 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.

Second: by Mr. Bisailon

Vote: Unanimous

The Department presented the following recommendation:

- Suspension of Respondents license until new payment terms are agreed upon with the Department of Education.
- Probation of Respondents license for the duration of student loan obligation.
- Fine of \$1497.32 payable within 90 days of reinstatement of license.

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$1214.55 payable within 90 days of reinstatement of license.

Second: Mr. Bisailon

Vote: Unanimous

C. Voluntary Relinquishments

- i. Adrian Suarez, R.P.T., Case # 2018-27920

Probable cause was waived in this case.

- ii. Suncoast Detox, LLC., Case # 2018-25657
(PCP – Weizer & Montgomery)

- iii. Artuto R. Pedroza, R.P.T., Case # 2019-10645

Probable cause was waived in this case.

Motion: by Dr. Hickman to accept the voluntary relinquishments in Case No. 2018-27920 and 2019-10645.

Second: by Mr. Philip

Vote: Unanimous

Motion: by Mr. Bisailon to accept the voluntary relinquishments in Case No. 2018-25657.

Second: by Dr. Hickman

Vote: Unanimous

D. Informal Hearings

- i. Yvonne I. Okeke, R. Ph., 2017-16863
(PCP – Montgomery & Bisailon)

The Respondent was present and sworn in by the court reporter.

Ms. Phillips presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(j), F.S.

Motion: by Dr. Mikhael to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Mr. Wright

Vote: Unanimous

Motion: by Mr. Wright to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Mikhael

Vote: Unanimous

The Department presented the following recommendation:

- Fine of \$250.00 to be paid within 90 days of the filing of the Final Order.
- Completion of a 12-hour CE course on the subject of Laws and Rules to be completed within 1 year of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Mr. Wright to amend the Departments recommendation with a Letter of Concern.
Second: by Mr. Meshad
Vote: Passes 5/1. Mr. Philip opposed.

Motion: by Dr. Hickman to impose the costs of \$379.62 payable within 90 days of the filing of the Final Order.
Second: by Dr. Mikhael
Vote: Passes 5/1. Mr. Philip opposed.

ii. Idaisy Achong-Gonzalez, R.P.T., Case # 2018-28250
(PCP- Weiser & Hickman)

The Respondent was not present nor represented by counsel.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(r), F.S., through Section 465.015(2)(c), F.S.

Motion: by Mr. Bisailon to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, those facts alleged in the Administrative Complaint.
Second: by Mr. Wright
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Dr. Mikhael to accept the Departments recommendation.
Second: by Mr. Wright
Vote: Unanimous

The Department withdrew their motion for costs.

E. Prosecution Services Report – Matthew Witters, Chief

Mr. Witters presented the prosecution services case report to the Board and explained the current caseload is at 387 cases, from 411. The one year and older cases are currently at 150, from 165.

Motion: by Dr. Hickman to allow prosecution to continue prosecuting cases older than one year.
Second: by Mr. Philip
Vote: Unanimous

F. Petition for Termination of Probation

- ii. Professional Pharmacy & Compounding Services, LLC, Case No. 2015-09137

The Respondent was not present; however, represented by Edwin Bayo, Esq.

Professional Pharmacy & Compounding Services, LLC, has petitioned the Board for termination of probation of the final order filed April 14, 2017.

After further discussion, the Board took the following action:

Motion: by Hickman to accept the petition for termination of probation.

Second: by Philip

Vote: Unanimous

At this time, Higu Park with Puget Sound Drug Corporation from Settlement Agreement Case# 2018-2208 was sworn in by the court reporter and addressed the Board.

XIII. PUBLIC COMMENT

David Joseph, Representative for ICP, addressed the Board regarding the FDA MOU and USP 797.

The Board recommended the Compounding Committee hold a conference call to review USP 797 in order to prepare for the October Committee meeting.

Dr. Angela Garcia, Florida Pharmacy Association, addressed the Board and conveyed the importance of educating the students and licensees in attendance during the Board Meeting.

XIV. ADJOURNMENT

There being no further business, the meeting adjourned at 10:48 a.m.