

Draft Minutes

October 15-16, 2019
Embassy Suites by Hilton
1100 SE 17th Street
Ft. Lauderdale, FL 33316
(954) 527-2700



Jeffrey Mesaros, PharmD, JD
Chair

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

Jennifer Wenhold, MSW
Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING AGENDA
October 15-16, 2019
Embassy Suites by Hilton
1100 SE 17th Street
Ft. Lauderdale, FL 33316
(954) 527-2700**

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.

TUESDAY, OCTOBER 15, 2019 at 1:30 p.m. ET

I. CALL TO ORDER/ROLL CALL

Call to Order - The meeting was called to order by Board Chair, Dr. Mesaros, at 1:30 p.m. ET.

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
Blanca R. Rivera, MPharm, MBA
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

COURT REPORTER:

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

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

Dr. Mesaros provided an overview of the conferences he attended with NABP.

Dr. Mesaros read the Resolution of past Board Member, Leonard L. Inge, honoring him for his service to the pharmacy community as a fellow Board Member.

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

i. Legislative Updates

Ms. Wenhold provided the Board with legislative updates:

SB 58/HB 177 Prescription Drug Donation Program

Prescription Drug Donation Repository Program; Creates Prescription Drug Donation Repository Program within DOH; provides criteria & conditions for donation of prescription drugs & supplies from certain authorized entities for dispensing to eligible patients; authorizes DOH to establish direct-support organization; authorizes Governor to waive program patient eligibility requirements during declared state of emergency.

SB 100/HB 57 Dispensing Medical Drugs

Dispensing Medicinal Drugs; Authorizing individuals licensed to prescribe medicinal drugs to dispense a 48-hour supply, rather than a 24-hour supply, of such drugs to any patient, including a discharged patient, under certain circumstances, etc. Authorizing such individuals to dispense a 72-hour supply if a state of emergency has been declared in the area and to provide prescriptions for an additional supply of such drugs.

SB120 Naloxone in Schools

Authorizes a public school to purchase a supply or enter into an agreement to receive a supply of the opioid antagonist naloxone; specifies the requirements for the maintenance of naloxone and requires school districts to adopt a protocol for the administration of naloxone.

HB 59 Automated Pharmacy Systems

This bill allows community pharmacies to use automated pharmacy systems under certain circumstances. The effective date of the bill is July 1, 2020.

ii. 2020 Board Meeting Dates

Upon review of the December 1-2, 2020 Board Meeting date, Board Staff identified that this meeting date takes place within days of the Thanksgiving Holiday and would require traveling during the Holiday weekend.

Board Staff requested to move the date of the meeting to December 10-11, 2020. Staff has also confirmed that this new date does not interfere with the December 2020 ASHP dates.

The Board approved moving the meeting date to December 10-11, 2020.

iii. Financial Report

Ms. Wenhold provided an overview of the financial reports. This was for informational purposes only.

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. Annual Regulatory Plan 2019-2020

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

Motion: by Dr. Hickman to approve the Annual Regulatory Plan.

Second: by Ms. Rivera

Vote: Unanimous

iii. Proposed Telehealth Discipline

Mr. Frizzell presented the proposed language to be added to Rule 64B16-30.001 to include telehealth discipline.

After discussion, it was determined that Dr. Mesaros will work with Mr. Frizzell drafting regarding rule language.

D. Committee Reports

i. Compounding Committee – Blanca Rivera, MPharm, MBA, Chair

Committee Chair, Ms. Blanca Rivera, provided the Board with an overview of the discussion from the October 14, 2019 Compounding Committee meeting.

- Memorandum of Understanding

The Committee voted to amend Rule 64B16-26.302, F.A.C.

64B16-26.302 Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education.

A Consultant Pharmacist License Renewal Continuing Education Program must contain at least three (3) hours of training in any of the subjects specified below. Duplicate courses are not acceptable.

(1) through (3) No Change

(4) Compounding sterile or nonsterile human drugs, or both.

Rulemaking Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History--New 10-14-91, Formerly 21S-26.302, 61F10-26.302, 59X-26.302, Amended 5-5-05, 7-21-09, _____.

Motion: by Ms. Blanco to ratify the proposed rule language approved during the Compounding Committee Meeting.

Second: by Dr. Hickman

Vote: Unanimous

ii. Pharmacy Practice Committee – Johnathan Hickman, PharmD, Chair

Committee Chair, Dr. Jonathan Hickman, provided the Board with an overview of the discussion from the 9:00 a.m. Pharmacy Practice Committee meeting.

The Committee voted to amend Rule 64B-27.420, F.A.C.

64B16-27.420 Pharmacy Technician – Delegable and Non-Delegable Tasks.

A pharmacy technician may only assist a pharmacist in executing or carrying out the practice of the profession of pharmacy, but shall never themselves engage in the practice of the profession of pharmacy as defined in Chapter 465, F.S. Therefore, pharmacy technicians may only perform delegable tasks as identified and defined pursuant to this rule.

(1) Delegable Tasks – Delegable tasks are those tasks that are performed pursuant to a pharmacist’s direction, without the exercise of the pharmacy technician’s own judgment and discretion, and which do not require the pharmacy technician to exercise the independent professional judgment that is the foundation of the practice of the profession of pharmacy. ~~The following tasks are delegable:~~

- ~~(a) Data entry;~~
 - ~~(b) Labeling of preparations and prescriptions;~~
 - ~~(c) Retrieval of prescription files, patient files and profiles, and other similar records pertaining to the practice of pharmacy;~~
 - ~~(d) The counting, weighing, measuring, and pouring of prescription medication or stock legend drugs and controlled substances, including the filling of an automated medication system;~~
 - ~~(e) The initiation of communication to confirm the patient’s name, medication, strength, quantity, directions, number of refills, and date of last refill;~~
 - ~~(f) The initiation of communication with a prescribing practitioner or their agents to obtain clarification on missing or illegible dates, prescriber name, brand or generic preference, quantity, license numbers or DEA registration numbers;~~
 - ~~(g) The acceptance of authorization to dispense medications pursuant to a prescribing practitioner’s authorization to fill an existing prescription that has no refills remaining (refill authorization);~~
 - ~~(h) The receiving, in a permitted nuclear pharmacy, of diagnostic orders only;~~
 - ~~(i) Organizing of or participating in continuous quality improvement related events, meetings, or presentations;~~
 - ~~(j) Participation in a monitoring program to remove deteriorated pharmaceuticals to a quarantine area; and,~~
 - ~~(k) While under the direct supervision of the pharmacist, performance of any other mechanical, technical or administrative tasks which do not themselves constitute practice of the profession of pharmacy.~~
- (2) No Change

Rulemaking Authority 465.005, 465.014 FS. Law Implemented 465.014 FS. History–New 8-31-87, Formerly 21S-4.0025, Amended 7-30-91, Formerly 21S-27.420, 61F10-27.420, 59X-27.420, Amended 2-23-98, 1-1-10, 8-26-12, 2-5-15, 7-6-15, _____.

Motion: by Dr. Mikhael to ratify the proposed rule language for rule 64B16-27.420, F.A.C. approved during the Practice Committee meeting.
Second: by Mr. Bisailon
Vote: Unanimous

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

Mr. Diffore provided a brief update on the inspection results as of October 2019.

As of October 2019 - Non-Sterile Pharmacy inspections currently at 1,663 inspections completed;

Sterile Compounding Pharmacy inspections completed 190 of inspections.

III. PRESENTATIONS

A. MatchRX

Johny Kello, CEO/Founder, Gabe Zawaideh, President/Founder, Mike Galloway, COO, Donnie Calhoun, RPh, and James Bracewell were present and addressed the Board and provided a presentation to the Board regarding MatchRX.

A private web-based inter-pharmacy marketplace, MatchRx is a way to buy and sell small quantities of non-controlled, non-expired overstocked prescription drugs and drugs in short supply, to satisfy a specific patient need or declared public health emergency. It operates with the dispenser-to-dispenser segment of the pharmaceutical supply chain.

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

A. Ratification of Issued Licenses/Certificates

- i. Pharmacist (Licensure) – 673
- ii. Pharmacist (Exam Eligibility) – 862
- iii. Pharmacist Interns – 268
- iv. Consultant Pharmacist – 37
- v. Pharmacy/Facilities – 106
- vi. Registered Pharmacy Technicians – 1098
- vii. Registered Pharmacy Technician Training Program – 14
- viii. Nonresident Sterile Compounding – 8
- ix. Approved CE Providers – 2
- x. Approved CE Courses – 45
- xi. Individual Pharmacist Request for Approval of CE – 23

Motion: by Dr. Hickman to accept the ratification lists.

Second: by Mr. Bisailon

Vote: Unanimous

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

A. Review and Approval of Meeting Minutes

- i. August 5, 2019 Temperature Review Committee Minutes
- ii. August 5-6, 2019 Full Board Meeting 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. Duane Morehouse

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

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

Dr. Alexis Polles, Medical Director for Professional Resource Network (PRN) was present and addressed the Board on behalf of Mr. Morehouse.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: Mr. Wright

Vote: Unanimous

ii. Tommy Harrison

The applicant was present and sworn in by the court reporter. Jeff Vickers, Professional Impaired Group, was present and addressed the Board on behalf of Mr. Harrison.

The applicant applied for a pharmacist license and answered yes to the criminal, discipline, and health history questions on his application.

Dr. Polles, PRN Medical Director, addressed the Board.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application contingent upon a PRN evaluation. Mr. Harrison has must receive an evaluation within 90 days. Upon completion of evaluation, the Board delegated Dr. Mesaros to review the evaluation and determined Ms. Harrison's application eligibility.

Second: by Dr. Mesaros

Vote: Unanimous

iii. Walter Karpinia

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

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

After further discussion the Board took the following action:

Motion: by Mr. Philip to accept the application.

Second: by Mr. Bisailon

Vote: Unanimous

B. Registered Pharmacy Technician

i. 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.

Ms. Fletcher was not in attendance during the August 5, 2019 Board Meeting; therefore, the Board issued an Order requiring her appearance.

Due to non-appearance, Ms. Fletcher is required to attend the December meeting, or the application shall be denied.

C. Registered Pharmacy Intern

i. Eric Lee

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

Edwin Bayo, Esq. was present and addressed the Board on behalf of Mr. Lee.

The applicant applied for a registered pharmacy intern license and answered yes to the criminal, discipline and health history questions on his application.

Dr. Polles, PRN Medical Director, addressed the Board.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Mr. Bisailon

Vote: Unanimous

D. Pharmacy Permits

i. Gipsco Investment Corporation

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

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

The applicant was not in attendance during the August 5, 2019 Board Meeting; therefore, the Board issued an Order requiring their appearance.

After further discussion the Board took the following action:

Motion: by Mr. Meshad to accept the application.

Second: by Dr. Mesaros

Vote: Unanimous

ii. Recovery Solutions of Central Florida, INC

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

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

The applicant was not in attendance during the August 5, 2019 Board Meeting; therefore, the Board issued an Order requiring their appearance.

After further discussion the Board took the following action:

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

iii. Sofie Co

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

The applicant applied for a Non-Resident Sterile Compounding Pharmacy Permit and was required to appear due to their inspection report.

The applicant requested a continuance of his application in order for an inspection to be completed.

After further discussion the Board took the following action:

Motion: by Dr. Mesaros to accept the continuance of the application and allow the applicant to receive a current inspection.
Second: by Mr. Wright
Vote: Unanimous

E. Reconsideration of Application

i. Medica Pharmacy and Compounding

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

The applicant applied for a Special Sterile Compounding Permit and was required to appear due to their open investigation with their Community Pharmacy.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to deny the application.
The motion was not seconded.
Motion failed

After discussion, the applicant requested to withdraw the application.

Motion: by Mr. Wright accept withdraw of the application.
Second: by Dr. Mesaros
Vote: 8/1. Dr. Mikhael opposed

VII. PETITION FOR VARIANCE OR WAIVER – Jeffery J. Mesaros, PharmD, JD, Chair

A. Bishoy Anis – Rule 64B16-26.2031(2)(b)2, F.A.C., Licensure by Examination (Foreign Graduates); Application

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

Due to professional and personal association, Dr. Mikhael recused himself.

The applicant has submitted a petition of variance for Rule 64B16-26.2031, F.A.C, specifically regarding subsection (2)(b)(2). The applicant has met most of requisite score requirements for the TOEFL-ibt; however, he has not met the minimum score threshold for the speaking portion of the TOEFL-ibt. Therefore, Mr. Anis petitioned for variance on the score threshold for the speaking portion of the TOEFL-ibt.

After further discussion the Board took the following action:

Motion: by Ms. Rivera to accept the petition for variance or waiver.

Second: by Dr. Hickman

Vote: Unanimous

**B. Viviane Caya-Vandenbroek, PharmD – Rule 64B16-26.300, F.A.C.,
Consultant Pharmacist Licensure**

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

The applicant has submitted a petition of variance for Rule 64B16-26.300, F.A.C., regarding the requirements of her consultant pharmacist application. Dr. Caya-Vandenbroek completed a 15-hour consultant pharmacist course on 09/16/2018 from Nova University College of Pharmacy. She was originally scheduled to complete her supervised hours from 09/02/2019 to 09/06/2019. Due to Hurricane Dorian, she was unable to complete her hours at that time. Because the year-mark for her consultant pharmacist course was 09/16/2019, Dr. Caya-Vandenbroek petitioned for a variance or waiver that would allow for her to complete the supervised hours from 10/21/2019 to 10/26/2019.

After further discussion the Board took the following action:

Motion: by Ms. Rivera to accept the petition for variance or waiver and allow her 90 days to complete her supervised hours.

Second: by Mr. Bisailon

Vote: Unanimous

VIII. APPLICATION FOR EXEMPTION FROM DISQUALIFICATION

A. Sean L. Batista, RPT39224

The applicant was not present nor represented by Counsel.

Motion: by Mr. Philip to accept the application for exemption

Second: by Mr. Bisailon

Vote: Unanimous

IX. FOR YOUR INFORMATION

A. Spotlight on ULA

The Bureau of Enforcement provided an update of Unlicensed Activity throughout the state of Florida. This was provided for informational purposes only.

X. PUBLIC COMMENT

Edwin Bayo, Esq. addressed the Board.

Michael Jackson, FPA Executive Vice President, addressed the Board.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 5:18 p.m. ET.

WEDNESDAY, OCTOBER 16, 2019 at 9:00 a.m. ET

XII. CALL TO ORDER/ROLL CALL

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

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
Blanca R. Rivera, MPharm, MBA
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

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

A. Settlement Agreements (Appearance Required)

- i. Douglas Kassan, R. Ph, Case No. 2019-03486
(PCP- Weizer & Wright)

The Board moved to accept Settlement Agreements one and two together.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): Section 456.072(1)(k), Florida Statutes (2018), by failing to perform a legal Statutory obligation as set forth by Section 465.022(11)(a), Florida Statutes (2018), by failing to ensure the Permittee's Compliance with Rules 64B16-28.109(3) and/or (5), F.A.C.

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

- Appearance
- \$1,000.00 administrative fine payable within 90 days of the filing of the Final Order
- \$780.34 in costs payable within 90 days of the filing of the Final Order
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.

Motion: by Mr. Meshad to accept the proposed settlement agreement.

Second: by Mr. Philip

Vote: Unanimous

ii. Maggy Pharmacy Discount, Inc., Case No. 2018-25133
(PCP- Rivera & Philip)

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), Florida Statutes (2018), by and through violation of Rule 64B16-28.109(3) and (4), F.A.C. **Count II:** Section 456.072(1)(k), Florida Statutes (2017-2018), by and through a violation of Section 465.023(1)(c), Florida Statutes (2017-2018), by and through violation of Rule 64B16-27.450(3), F.A.C.

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

- Appearance
- \$2,000.00 administrative fine payable within 180 days of the filing of the Final Order
- \$1,981.90 in costs payable within 180 days of the filing of the Final Order
- Probation for one (1) year with semi-annual inspections and corrective action plan
- Successful completion of a twelve (12) hour laws and rules course taken by the Prescription Department Manager to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.

Motion: by Mr. Meshad to accept the proposed settlement agreement.

Second: by Mr. Bisailon

Vote: Unanimous

iii. Anthony Dawson Bethune, Sr., R. Ph., Case No. 2018-28383
(PCP- Weizer & Meshad)

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

Mr. Witters presented the case to board. The Respondent was charged with the following

violation(s): **Count I:** Section 456.072(1)(k), F.S. (2018), by and through a violation of Section 465.022(11)(a), F.S. (2018), by failing to ensure the Permittee's compliance with Section 465.023(1)(c), F.S. (2018), by and through a violation of Section 499.005(14), F.S. (2018). **Count II:** Section 465.022(11)(a), F.S. (2018), by and through a violation of Section 499.005(18), F.S. (2018).

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

- Appearance
- \$2,500.00 administrative fine payable within 90 days of the filing of the Final Order
- \$1,071.70 in costs payable within 90 days of the filing of the Final Order
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.

Motion: by Mr. Philip to dismiss the case.

Second: by Mr. Bisailon

Vote: Unanimous

iv. Craig D. Money, R.P.T., P.S.I., Case No. 2019-05977
(PCP- Rivera & Philip)

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

Dr. Alexis Polles, PRN Medical Director, was present and addressed the Board on behalf of Mr. Money.

Vanessa Albin, Esq. was present and represented Mr. Money.

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. (2018) by violation Section 893.13(6)(a), F.S. (2018) and/or Section 893.13(7)(a)9., F.S. (2018). **Count II:** Section 456.016(1)(r), F.S. (2018), by violation Section 456.072(1)(m), F.S. (2018).

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

- Appearance
- \$739.99 in costs payable within 180 days of the filing of the Final Order
- Suspension of Respondents license until personal appearance before the Board and Respondent can demonstrate that they are safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation facilitated by the Professionals Resource Network (PRN)

v. Craig D. Money, R.P.T., P.S.I., Case No 2019-03823
(PCP- Rivera & Philip)

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. (2018) by violation Section 893.13(6)(a), F.S. (2018) and/or Section 893.13(7)(a)9., F.S. (2018). **Count II:** Section 456.016(1)(r), F.S. (2018), by

violation Section 456.072(1)(m), F.S. (2018).

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

- Appearance
- \$1,458.66 in costs payable within 180 days of the filing of the Final Order
- Suspension of Respondents license until personal appearance before the Board and Respondent can demonstrate that they are safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation facilitated by the Professionals Resource Network (PRN)

Motion: by Mr. Hickman to accept the proposed settlement agreements.

Second: by Dr. Mikhael

Vote: Unanimous

vi. Roadrunner Pharmacy, Case No. 2017-10670
(PCP- Meshad & Glass)

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

The Respondent was represented by Ann Randal, Pharmacist in Charge, Roadrunner Pharmacy.

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2019), by and through a violation of Rule 64B16-27.797(1)(a), F.A.C. **Count II:** Section 465.023(1)(c), F.S. 2016, by and through a violation of Section 499.005(2), F.S. (2016).

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

- Appearance
- \$1,000.00 administrative fine payable within 90 days of the filing of the Final Order
- \$1,378.88 in costs payable within 90 days of the filing of the Final Order

Motion: by Mr. Wright to accept the amended settlement agreement.

Second: by Mr. Bisailon

Vote: Unanimous

B. Determination of Waivers

i. Synergy Pharmacy Services, Case No. 2017-19266
(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): Section 465.023(1)(c), F.S. (2015-2017), by and through a violation of Rule 64B16-27.797(1)(a), F.A.C.

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: Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: Dr. Hickman

Vote: Unanimous

The Department withdrew their motion for costs.

ii. Mayrelis Lopez, R.P.T., Case No. 2019-12460
(PCP- Weizer & Meshad)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(II), F.S. (2017) **Count II:** Section 456.072(1)(x), F.S. (2018) **Count III:** Section 456.072(1)(kk), F.S. (2018).

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 Dr. Hickman

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 Dr. Hickman

Vote: Unanimous

The Department withdrew their motion for costs.

iii. Aracelis B. Lopez, R.P.T., Case No. 2018-28399
(PCP- Weizer & Meshad)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): Section 456.072(1)(II), F.S. (2018)

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 Ms. Rivera

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 Ms. Rivera

Vote: Unanimous

The Department withdrew their motion for costs.

iv. Alexander Evans, R.P.T., Case No. 2018-19959
(PCP- Glass & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. by and through a violation of Section 893.13, F.S. **Count II:** Section 456.072(1)(m), 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. Bisailon

Vote: Unanimous

The Department presented the following recommendation:

- Suspension until Respondent personally appears before the Board and demonstrates that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN determining that Respondent is safe to practice his profession with reasonable skill and safety; the Board will reserve the right to impose reasonable conditions of reinstatement at the time Respondent appears before the Board to demonstrate his present ability to engage in the safe practice of his profession.

After discussion, the following action was taken:

Motion: by Dr. Hickman to accept the Departments recommendation and impose cost of \$2,784.02 payable within 90 days of reinstatement of license.

Second: by Ms. Rivera

Vote: Unanimous

v. April Dawn Bowser-Crawford, R.P.T., Case No. 2018-28955
(PCP- Weizer & Rivera)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): Section 465.016(1)(r), F.S. (2018), through a violation of Section 456.072(1)(z), F.S. (2018).

Motion: by Mr. Philip 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 until Respondent personally appears before the Board and demonstrates that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN determining that Respondent is safe to practice his profession with reasonable skill and safety; the Board will reserve the right to impose reasonable conditions of reinstatement at the time Respondent appears before the Board to demonstrate his present ability to engage in the safe practice of his profession.

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.

vi. Erica Latanyan Whittington, R.P.T., Case No. 2017-17764
(PCP- Mesaros & Montgomery)

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): Section 456.072(1)(k), F.S. (2018).

Motion: by Mr. Meshad 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 until new payment terms are agreed upon, followed by probation for the duration of the student loan.
- Fine of \$2,063.86, which is 10 percent of the defaulted loan amount, to be paid within 90 days of reinstatement of Respondent's license

After discussion, the following action was taken:

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

Motion: by Mr. Meshad to impose the costs of \$ 496.14 payable with 90 days of reinstatement of license.
Second: by Mr. Bisailon
Vote: Unanimous

vii. Michael A. Marcon, R. Ph., Case No. 2018-18651
(PCP- Glass & Mesaros)

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): Section 456.072(1)(hh), F.S. (2018).

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 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. Wright

Vote: Unanimous

The Department withdrew their motion for costs.

viii. Todd M. Whitehead, R. Ph., Case No. 2019-03849
(PCP- Weizer & Meshad)

The Respondent was and sworn in by the court reporter.

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): Section 456.072(1)(m), F.S. (2018); Section 465.016(1)(e), F.S. (2018); Section 465.016(1)(i), F.S. (2018).

Motion: by Dr. Hickman dismissing the requirement for an informal hearing.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Hickman to find the Administrative Complaint was properly served on Respondent and 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.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Mr. Bisailon 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

Alexis Polles, Medical Director PRN, addressed the Board.

The Department presented the following recommendation:

- Suspension until Respondent personally appears before the Board and demonstrates that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN determining that Respondent is safe to practice his profession with reasonable skill and safety; the Board will reserve the right to impose reasonable conditions of reinstatement at the time Respondent appears before the Board to demonstrate his present ability to engage in the safe practice of his profession.

After discussion, the following action was taken:

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

Second: by Mr. Bisaillon

Vote: Unanimous

Motion: by Dr. Mikhael to impose the costs of \$1,090.19 payable with 180 days of reinstatement of license.

Second: by Mr. Bisaillon

Vote: Unanimous

C. Voluntary Relinquishments

i. Kenneth F. Marsh, R. Ph., Case No. 2019-01218

Probable cause was waived in this case.

ii. Ademola O. Adebayo, R. Ph., Case No. 2019-10514
(PCP- Weizer & Wright)

iii. Michael Raymond Carballa, R.P.T., Case No. 2018-13834

Probable cause was waived in this case.

iv. The Rx Shop, Case No. 2019-03487
(PCP- Weizer & Wright)

Motion: by Mr. Meshad to accept the voluntary relinquishments in Case No. 2019-01218 and 2018-13834.

Second: by Mr. Bisaillon

Vote: Unanimous

Motion: by Mr. Meshad to accept the voluntary relinquishments in Case No. 2019-10514 and Case No. 2019-03487.

Second: by Mr. Bisaillon

Vote: Unanimous

D. Informal Hearings

i. Sesily Edwards, R.P.T., Case No. 2018-15265
(PCP- Weizer & Montgomery)

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

Mr. Witters presented the case to board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(c), F.S.)2017. **Count II:** Section 456.072(1)(x), F.S. (2017).

Motion: by Dr. Mikhael to find the Administrative Complaint was properly served on Respondent and requested an informal hearing and to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

After discussion Ms. Edwards requested a continuance of her case.

Motion: by Dr. Hickman to accept the request for a continuance and to require the Respondent to appear at the December meeting.

Second: by Mr. Meshad

Vote: 8/1 Dr. Mikhael opposed.

ii. Shaun Williams Coulter, R.P.T., Case No. 2019-03566
(PCP- Wright & Glass)

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

Mr. Pietrylo presented the case to board. The Respondent was charged with the following violation(s): Section 456.072(1)(m), F.S. (2018 and Section 465.016(1)(e), F.S. (2018).

Motion: by Mr. Philip to find the Administrative Complaint was properly served on Respondent and requested an informal hearing and to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Mr. Bisailon

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- Suspension until Respondent personally appears before the Board and demonstrates that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN determining that Respondent is safe to practice his profession with reasonable skill and safety; the Board will reserve the right to impose reasonable conditions of reinstatement at the time Respondent appears before the Board to demonstrate his present ability to engage in the safe practice of his profession.

After discussion, the following action was taken:

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

Motion: by Dr. Hickman to impose the costs of \$1,934.15 payable within 90 days of reinstatement of the Respondents license.
Second: by Mr. Rivera
Vote: Unanimous

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 340 cases, from 411.

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

F. Petition for Termination of Probation

i. Jennifer Gailey, R. Ph, Case No. 2016-03496

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

Ms. Gailey petitioned the Board for termination of probation of the Final Order filed September 27, 2017.

Motion: by Dr. Hickman to accept the petition for termination of probation.
Second: by Mr. Bisailon
Vote: Unanimous

XIV. PUBLIC COMMENT

Dr. Gary Levin, Dean of Larkin University addressed the Board.

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 11:30 a.m. ET.