

Draft Minutes

December 3-4, 2019
Hilton Orlando/Altamonte Springs
350 Northlake Blvd.
Altamonte Springs, FL 32701
(407) 830-1985



Jeffrey Mesaros, PharmD, JD
Chair

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

Jennifer Wenhold, MSW
Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING AGENDA
December 3-4, 2019
Hilton Orlando/Altamonte Springs
350 Northlake Blvd.
Altamonte Springs, FL 32701
(407) 830-1985**

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, DECEMBER 3, 2019 at 1:30 p.m. ET

I. CALL TO ORDER/ROLL CALL

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

Those present during the meeting included the following:

MEMBERS PRESENT:

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

STAFF PRESENT:

Jennifer Wenhold, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL:

David Flynn, Senior Assistant Attorney General
Christopher Dierlam, Assistant Attorney General

ABSENT MEMBERS:

Jeffrey J. Mesaros, PharmD, JD, Chair
Gavin Meshad, Consumer Member

COURT REPORTER:

Magnolia Court Reporting
Jane Heneghan
Reportingorland@aol.com
(407) 896-1813

II. RULE DISCUSSION

A. 64B16-27.830 Standards of Practice – Drug Therapy Management

i. Revision of Rule Request

Mr. Justin Chavez, Esq., Representative from Alston & Bird, submitted a request to revise Rule 64B16-27.830, F.A.C.

“Prescriber Care Plan” means an individualized assessment of a patient and orders for specific drugs, laboratory tests, and other pharmaceutical services intended to be dispensed or executed by a pharmacist. The Prescriber Care Plan shall be written by a practitioner with prescriptive authority and physician licensed pursuant to Chapter 458,459, 461, 464 or 466, F.S., or similar statutory provision in another jurisdiction, and may be transmitted by any means of communication. The Prescriber Care Plan shall specify the conditions under which a pharmacist shall order laboratory tests, interpret laboratory values ordered for a patient, execute drug therapy orders for a patient, and notify the practitioner with prescriptive authority physician.

After discussion the Board voted to amend the proposed language provided and requested Board Counsel to draft language to reflect the discussion.

Motion: by Mr. Philip to replace the word Prescriber to Physician through the rule text in Rule 64B16-27.830, F.A.C.

Second: by Dr. Mikhael

Vote: Unanimous

Motion: by Dr. Mikhael to approve the amended proposed rule language in 64B16-27.830, F.A.C.

Second: by Dr. Hickman

Vote: Unanimous

At this time, the Board allowed for Public Comments.

Gary Dalin addressed the Board.

Motion: by Dr. Hickman to find that the proposed revisions do not have an adverse impact on small businesses and would not likely directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule.

Second: by Dr. Mikhael

Vote: Unanimous

Motion: by Dr. Mikhael that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: by Dr. Hickman

Vote: Unanimous

III. REPORTS – Rich Montgomery, BPharm, MBA, Vice-Chair
A. Executive Director’s Report – Jennifer Wenhold, MSW, Executive Director
i. 2020 PCP Dates

The 2020 PCP dates and participates were provided for the Boards review.

ii. December 2020 Date Change

Board Staff identified that the December Board Meeting dates conflicted with the Hanukkah

Holiday; therefore, the new date was moved to a one-day meeting to be held on December 4, 2020.

iii. Legislation 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/SB 708 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.

HB 313/SB 512 Nonembryonic Stem Cells

This bill creates registration of stem cell banks within the Department of Health (DOH) and authorizes the administration of nonembryonic stem cells by a person licensed or authorized in this state. It also authorizes the compounding of a health care product using nonembryonic stem cells.

HB 389/SB 714 Testing for Influenza and Streptococcus

This bill amends subsection 465.003(13), F.S., changing the definition of the "practice of the profession of pharmacy," and creates section 465.1895, F.S., allowing a pharmacist to treat influenza and streptococcus within the framework of an established written protocol with a supervising physician who is licensed under chapter 458 or chapter 459, F.S. This bill is effective upon becoming law.

SB 298 Prior Authorization for Opioid Alternatives

Prohibiting health insurance policies from requiring that treatment with an opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product, etc.

SB 696 Prescription Drug Coverage

Requiring individual and group health insurers to provide notice of prescription drug formulary

December 3-4, 2019 General Business Meeting DRAFT Minutes

Page 4 of 24

changes to current and prospective insureds and the insureds' treating physicians; specifying requirements for a notice of medical necessity submitted by the treating physician; requiring insurers to apply certain reductions in out-of-pocket expenses for prescription drugs toward an insured's cost-sharing obligation; requiring health maintenance organizations to provide notice of prescription drug formulary changes to current and prospective subscribers and the subscribers' treating physicians, etc.

HB 559 Institutional Formularies Established by Nursing Home Facilities

Authorizes nursing home facility to establish & implement institutional formulary; requires such facility to maintain written policies & procedures for institutional formulary & make available to AHCA, upon request; provides requirements relating to prescribers; prohibits facility from taking adverse action against prescriber under certain circumstances; authorizes pharmacist to substitute medicinal drugs under institutional formulary established by nursing home facility under certain circumstances.

HB 109/SB 116 Prescription Insulin Drugs

Requires individual & group health insurance policies to cap insured's monthly cost-sharing obligation for covered prescription insulin drugs at \$100; requires health maintenance contracts to cap subscriber's monthly cost-sharing obligation for covered prescription insulin drugs at specified amount.

HB 599/SB 1094 Consultant Pharmacists

This bill revises requirements and responsibilities of a consultant pharmacist, authorizing the use of collaborative practice agreements. The bill provides for an effective date of July 1, 2020

HB 825 Administration of Vaccines

This bill revises recommended immunizations or vaccines a pharmacist or a registered pharmacy intern may administer and removes the age restriction on who can be immunized by a pharmacist or registered pharmacy intern.

Motion: by Dr. Mikhael to confirm that the Board is in full support of House Bill 825 as written.

Second: by Mr. Bisailon

Vote: Unanimous

HB 707 Legislative Review of Occupational Regulations

Authorizes schedule for the systematic review of occupational regulatory programs; authorizes Legislature to take certain actions before scheduled repeal of occupational regulatory program; provides regulation of occupation to state if such occupation's regulatory program has been repealed through this act; provides schedule of repeal for occupational regulatory programs.

HB 729 Regulatory Reform

Establishes Red Tape Reduction Advisory Council within EOG; requires Administrative Procedures Committee to establish regulatory baseline of agency rules; provides that new rule may not cause total number of rules to exceed regulatory baseline; requires agency proposing new rule to submit rule replacement request to committee; provides that rule replacement request or exemption request may not be approved until initial regulatory baseline has been reduced by specified amount.

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

i. Rules Status Report

December 3-4, 2019 General Business Meeting DRAFT Minutes

Page 5 of 24

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

C. Investigative Services Report, Robert Difiore, Pharmaceutical Program Manager

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

As of December 2019 - Non-Sterile Pharmacy inspections currently at 2,415 inspections completed; Sterile Compounding Pharmacy inspections completed 245 of inspections.

IV. NEW BUSINESS – Rich Montgomery, BPharm, MBA, Vice-Chair

A. Ratification of Issued Licenses/Certificates

- i. Pharmacist (Licensure) – 309
- ii. Pharmacist (Exam Eligibility) – 333
- iii. Pharmacist Interns – 677
- iv. Consultant Pharmacist – 41
- v. Pharmacy/Facilities – 94
- vi. Registered Pharmacy Technicians – 907
- vii. Registered Pharmacy Technician Training Program – 17
- viii. Nonresident Sterile Compounding – 5
- ix. Approved CE Providers – 4
- x. Approved CE Courses – 28
- xi. Individual Pharmacist Request for Approval of CE – 1

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

Second: by Ms. Rivera

Vote: Unanimous

V. OLD BUSINESS – Rich Montgomery, BPharm, MBA, Vice-Chair

A. Review and Approval of Meeting Minutes

- xii. October 14, 2019 Compounding Committee Minutes
- xiii. October 15, 2019 Pharmacy Practice Committee Minutes
- xiv. October 15-16, 2019 General Business Meeting Minutes

Motion: by Dr. Mikhael to accept the October 14, 2019 Compounding Committee Meeting minutes as written.

Second: by Mr. Wright

Vote: Unanimous

Motion: by Mr. Bisailon to accept the October 15, 2019 Pharmacy Practice Committee Meeting minutes as written.

Second: by Dr. Mikhael

Vote: Unanimous

Motion: by Dr. Mikhael to accept the October 15-16, 2019 General Business Meeting minutes as written.

Second: by Mr. Bisailon

Vote: Unanimous

VI. APPLICATIONS FOR REVIEW – Jonathan Hickman, PharmD

Due to a travel conflict, the Board allowed for the applications to be taken out of sequence in order to accommodate RXQ Compounding, LLC.

iii. RXQ Compounding, LLC

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

The applicant applied for a Non-Resident Sterile Compounding Permit Application for Outsourcing Facilities. The applicant was required to appear per Mr. Montgomery and Ms. Glass.

After further discussion the Board took the following action:

The application requested a continuance of their application and waived the 90-day requirement to take action on their application to allow them time to receive an inspection.

Motion: by Dr. Mikhael to accept the continuance the application. Should an inspection not be received within one year, the application shall be expired.

Second: by Mr. Bisailon

Vote: Unanimous

Deb Glass is delegated to review inspection once completed.

A. Pharmacists

i. Elveera Valieva

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

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

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to deny the application based on prior discipline from another jurisdiction.

Second: by Mr. Philip

Vote: Motion Failed

Ms. Valieva requested to withdraw her application.

Motion: by Mr. Montgomery to allow Ms. Valieva to withdraw her application.

Second: by Ms. Rivera

Vote: Unanimous

The Board advised Ms. Valieva to complete her probation and show substantial work history before resubmitting an application in the future.

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 or the October 15, 2019 Board Meeting; therefore, the Board issued an Order requiring her appearance. This was Ms. Fletcher's final chance to appear or her application would be subject to be denied.

After further discussion the Board took the following action:

Motion: by Ms. Rivera to deny the application for failure to appear.

Second: by Mr. Bisailon

Vote: Unanimous

ii. Dana Munoz

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.

William Jacobs, Associate Medical Director and representative from Professional Resources Network, was asked to address the Board and answer general questions.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Mr. Montgomery

Vote: Motion Failed

Ms. Munoz requested to continue her application and waive the 90-day requirement to take action on her application.

Motion: by Dr. Mikhael grant the continuance of her application.

Second: by Mr. Montgomery

Vote: Unanimous

Ms. Munoz must reappear before the Board after receiving an evaluation from Professional Resource Network.

iii. Chelsea Klein

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 and health history questions on her application.

Ms. Klein requested to continue her application and waive the 90-day requirement to take action on her application.

December 3-4, 2019 General Business Meeting DRAFT Minutes

Page 8 of 24

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the request to continue her application.

Second: by Mr. Bisailon

Vote: Unanimous

C. Registered Pharmacy Intern

i. Magy Sedhom

This application was pulled from the agenda.

ii. Ramez Basily

This application was pulled from the agenda.

D. Pharmacy Permits

i. NexGen Pharmaceuticals, LLC

This application was tabled to the February meeting.

ii. GNSP – CORP

The applicant was present and sworn in by the court reporter. The applicant was represented by Martin Dix, Esq.

The applicant applied for a Change of Ownership for a Community Pharmacy Permit Application. The affiliate listed answered yes to the criminal history questions on the application.

After further discussion the Board took the following action:

Motion: by Ms. Rivera to accept the application.

Second: by Dr. Mikhael

Vote: Unanimous

VII. PETITION FOR VARIANCE OR WAIVER – Rich Montgomery, BPharm, MBA, Vice-Chair

A. Michelle Grady – Rule 64B16-26.351, F.A.C., Standards for Approval of Registered Pharmacy Technician Training Programs

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

Ms. Grady submitted a petition of variance or waiver for Rule 64B16-26.351, F.A.C. Ms. Grady is unable to provide proof of completion of a Board-approved training program. She completed her technician training in 1997 under Rite Aid Pharmacy. Ms. Grady possess an active Oregon pharmacy technician license and a non-renewed Nevada pharmacy technician license. She also holds the National Healthcareer Association (NHA) CPhT certification. Ms. Grady requested that her Rite Aid pharmacy technician training be considered equivalent to the requirements set forth in Rule 64B16-26.351, F.A.C., for a pharmacy technician training program.

Ms. Grady withdrew the petition for a variance of waiver.

VIII. PUBLIC COMMENT

Angela Garcia, University of South Florida, addressed the Board.

Mr. Wright addressed the Board regarding his attendance to a USP 800 Continuing Education course.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m. ET.

WEDNESDAY, DECEMBER 4, 2019 at 9:00 a.m. ET

X. 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
Blanca R. Rivera, MPharm, MBA
David Bisailon, Consumer Member

STAFF PRESENT:

Jennifer Wenhold, Executive Director
Traci Zeh, Program Administrator

PROSECUTING ATTORNEY

Matthew Witters, DOH Prosecution Services
Andrew Pietrylo, DOH Prosecution Services

BOARD COUNSEL:

David Flynn, Senior Assistant Attorney General
Christopher Dierlam, Assistant Attorney General

ABSENT MEMBERS:

Mark Mikhael, PharmD
Gavin Meshad, Consumer Member

COURT REPORTER:

Magnolia Court Reporting
Jane Heneghan
Reportingorland@aol.com
(407) 896-1813

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

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

Dr. Mesaros and Mr. Philip provided an overview of their attendance to the 2019 Multagon meeting.

Dr. Mesaros provided the 2020 dates for the Multagon meeting, the Annual NABP meeting, and December 3-4, 2019 General Business Meeting DRAFT Minutes
Page 10 of 24

the District III meeting. He also provided an overview of the 2019 Board Chairs/Vice-Chairs meeting held in Tallahassee FL.

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

i. Office of Fiscal Accountability and Regulatory Reform

Mr. Flynn provided an overview of the new OFFAR reporting requirements outlined in the Governor's directive signed on November 11, 2019.

Mr. Philip stated he would work with Counsel to review the rules outlined in 64B16, F.A.C.

Motion: by Ms. Rivera to comply with sections one through four as outlined in the Governors directive regarding the new OFFAR reporting requirements.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Mr. Bisailon to comply with section five, the Sunseting Provision, as outlined in the Governors directive regarding the new OFFAR reporting requirements.

Second: by Mr. Wright

Vote: Unanimous

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

A. 2020 Elections of Officers

Dr. Mesaros thanked the Board and Board Staff for a great 2019 year as Board Chair.

Motion: by Dr. Mesaros to appoint Mr. Montgomery as Board Chair for the year 2020.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Philip to appoint Dr. Hickman as Board Vice-Chair for the year 2020.

Second: by Mr. Wright

Vote: Unanimous

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

A. Settlement Agreements (Appearance Required)

i. Janelle Trinette Humphrey, R. Ph., Case No. 2015-20054
(PCP – Philip & Meshad)

The Respondent was present and sworn in by the court reporter. Ms. Humphrey was represented by Megan Blanco, Esq.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): Count I: Section 456.016(1)(t)2, Florida Statutes (2014); Count II: Section 456.016(1)(e), Florida Statutes (2014), by and through a violation of Section 893.07(3)(c), Florida Statutes (2014); Count III: Section 456.016(1)(e), Florida Statutes (2014) by and through a violation of Section 893.13(7)(a)9, Florida Statutes (2014).

Mr. William Jacobs, PRN, addressed the Board.

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

- Appearance
- \$2,067.87 in costs payable within one year of the filing of the Final Order
- Compliance with Professional Resource Network (PRN) contact

Motion: by Mr. Wright to reject the settlement agreement.

Second: by Dr. Hickman

Vote: Unanimous

The Board proposed a counter-offer Settlement Agreement with the following terms:

- Appearance
- \$2,067.87 in costs payable within one year of the filing of the Final Order
- Compliance with Professional Resource Network (PRN) contact
- Probation for two (2) years

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

Second: by Mr. Bisailon

Vote: Motion failed

Prosecution Services will draft a new Settlement Agreement with additional terms to be presented at the February meeting.

Motion: by Dr. Mesaros to waive the appearance requirement of Ms. Humphrey at the February meeting.

Second: by Mr. Wright

Vote: Unanimous

ii. Robert Charles Gerland, R. Ph., Case No. 2019-00735
(PCP – Rivera & Weizer)

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

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): Count I: Section 456.072(1)(c), Florida Statutes (2017); Count II: Section 456.072(1)(x), Florida Statutes (2017); Count III: Section 456.072(1)(f), Florida Statutes (2018).

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

- Appearance
- \$1,000.00 Fine payable within 90 days of the filing of the Final Order
- \$483.40 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 reject the proposed settlement agreement.

Second: by Dr. Hickman

Vote: 5/1. Mr. Montgomery opposed.

The Board proposed a counter-offer Settlement Agreement with the following terms:

- \$5,000.00 Fine payable within 90 days of the filing of the Final Order
- \$483.40 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.
- One-month Suspension of Respondent's license.

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

Second: by Dr. Hickman

Vote: 2/4 Motion Failed.

Prosecution Services will draft a new Settlement Agreement with additional terms to be presented at a future meeting.

iii. Michael Anthony Aquino, R. Ph., Case No. 2018-22724
(PCP – Weizer & Wright)

The Board moved to hear Settlement Agreements three and four together.

The Respondent was present and sworn in by the court reporter. Mr. Aquino was represented by Lauran Leikam, Esq.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.016(1)(e), Florida Statutes (2015-2017), by and through a violation of Section 893.04(1)(b), Florida Statutes (2015-2017).

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

- Appearance
- \$2,500.00 Fine payable within 90 days of the filing of the Final Order
- \$1,299.36 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.

iv. Naples Pharmacy, LLC, Case No. 2018-22779
(PCP – Weizer & Wright)

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.023(1)(c), Florida Statutes (2015-2017), by and through a violation of Section 893.04(1)(b), Florida Statutes (2015-2017).

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

- Appearance

- Reprimand
- \$2,500.00 Fine payable within 90 days of the filing of the Final Order
- \$1,289.61 in Costs payable within 90 days of the filing of the Final Order

Motion: by Mr. Philip to accept the proposed settlement agreement for case no. 2018-22724.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Mr. Philip to reject settlement agreement for case no. 2018-22779 and dismiss the case.

Second: by Mr. Bisailon

Vote: Unanimous

v. Theresa Mary Kurtzner, R.P.T., Case No. 2019-03484
(PCP – Weizer & Wright)

The Respondent was present and sworn in by the court reporter. Ms. Kurtzner was represented by Edwin Bayo, Esq.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(o), Florida Statutes (2018)

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

- Appearance
- Probation for one (1) year of the filing of the Final Order
- \$1,000.00 Fine payable within one (1) year of the filing of the Final Order
- \$822.92 in Costs payable within one (1) year 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 reject the proposed settlement agreement.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Mr. Philip to dismiss the case.

Second: by Mr. Bisailon

Vote: 5/1. Ms. Rivera opposed.

vi. Azubueze Ikejiani, R. Ph., Case No. 2015-09139
(PCP – Bisailon & Weizer)

The Board moved to hear Settlement Agreements six and seven together.

The Respondent was present and sworn in by the court reporter. Mr. Ikejiani was represented by Edwin Bayo, Esq.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following

violation(s): Section 456.072(1)(j), Florida Statutes (2014).

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

- Appearance
- \$4,000.00 Fine payable within one (1) year of the filing of the Final Order
- \$1,413.97 in Costs payable within one (1) year 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.
- Probation for two (2) years of the filing of the Final Order:
 - Respondent shall not work for more than two pharmacies
 - Respondent and his employer shall submit quarterly reports
 - Mandatory reappearance within the last three months of Respondents probation
- License restriction to prohibit Respondent from owning or serving as PDM for any Florida pharmacy other than Professional Pharmacy & Compounding Services, LLC, permit no. PH28410.

vii. Azubueze Ikejiani, R. Ph., Case No. 2015-04723
(PCP – Glass & Mikhael)

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(j), Florida Statutes (2014).

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

- Appearance
- \$4,000.00 Fine payable within one (1) year of the filing of the Final Order
- \$1,413.97 in Costs payable within one (1) year 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.
- Probation for two (2) years of the filing of the Final Order:
 - Respondent shall not work for more than two pharmacies
 - Respondent and his employer shall submit quarterly reports
 - Mandatory reappearance within the last three months of Respondents probation
- License restriction to prohibit Respondent from owning or serving as PDM for any Florida pharmacy other than Professional Pharmacy & Compounding Services, LLC, permit no. PH28410.

The Board rejected the settlement agreement and counter offered with the below terms:

- Appearance
- \$4,000.00 Fine payable within one (1) year of the filing of the Final Order
- \$1,233.31 in Costs payable within one (1) year 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.
 - Probation for two (2) years of the filing of the Final Order:
 - Respondent shall not work for more than two pharmacies
 - Respondent and his employer shall submit quarterly reports
 - Mandatory reappearance within the last three months of Respondents probation
 - License restriction to prohibit Respondent from owning or serving as PDM for any Florida pharmacy other than Professional Pharmacy & Compounding Services, LLC, permit no. PH28410.
 - Biannual inspections to be paid for by the Respondent. Probation shall not be lifted until four inspections have been completed.

Motion: by Dr. Hickman to accept the proposed settlement agreements six and seven as amended.

Second: by Mr. Wright

Vote: Unanimous

viii. Stephen Boateng Yeboah, R. Ph., Case No. 2017-06937
(PCP – Glass & Mikhael)

The Board moved to hear case eight and nine together.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.016(1)(e), Florida Statutes (2016), by and through a violation of Section 499.005(2), Florida Statutes (2016).

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

- Appearance
- \$1,859.38 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 accept the proposed settlement agreement.

Second: by Ms. Rivera

Vote: Unanimous

ix. Deborah Elvire Lolo, R. Ph., Case No. 2019-00466
(PCP – Mesaros & Hickman)

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): Count I: Section 456.016(1)(e), Florida Statutes (2018) by and through a violation of Section 499.005(2), Florida Statutes (2018); Count II: Section 456.072(1)(k), Florida Statutes (2018), by and through a violation of Section 456.022(11)(a), Florida Statutes (2018), by failing to ensure the Permittee's compliance with Section 465.023(1)(c), Florida Statutes (2018), by and through a violation of Section 499.005(1), Florida Statutes(2018).

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

- Appearance
- \$1,000.00 Fine payable within 180 days of the filing of the Final Order
- \$1,379.92 in Costs payable within 180 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 accept the proposed settlement agreement.

Second: by Ms. Rivera

Vote: Unanimous

x. **Kassandra Shay Kirk, R. Ph., Case No. 2017-03309
(PCP – Glass & Weizer)**

The Respondent was present and sworn in by the court reporter. Ms. Kirk was represented by Luran Leikam, Esq.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(e), Florida Statutes (2015-2016); Section 465.016(1)(i), Florida Statutes (2015-2016); Section 456.072(1)(m) Florida Statutes (2015-2016).

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

- Appearance
- \$10,000.00 Fine payable within five (5) of the filing of the Final Order
- \$5,547.88 in Costs payable within five (5) 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.
- Respondent shall undergo an evaluation and comply with any and all recommendations by the Professional Resources Network (PRN) within sixty (60) days of the filing of the Final Order.
- Respondent shall remain Suspended until compliance with PRN.
- Probation for three (3) years to begin following the reinstatement of the Respondent's license with tolling provisions should the Respondent become unemployed for a period of time over thirty days. Respondent shall comply with following terms of probation;
 - Respondent shall not serve as the PDM of record for any pharmacy permitted within the state of Florida, unless Respondent obtains prior written approval by the Board
 - Respondent shall not work at or for more than two (2) pharmacies during each quarter of the probationary period, unless Respondent obtains prior written approval by the Board
 - Respondent shall submit written reports to the Compliance Officer every three (3) months.

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

Second: by Mr. Wright

Vote: Unanimous

The Board moved to go out of sequence and hear the Informal Hearing at this time.

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. Ms. Edwards was represented by Edwin Bayo, Esq.

Mr. Witters presented the case to the 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 Mr. Wright 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.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright 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 Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

At this time, Ms. Rivera was excused from the meeting.

Dr. Mikhael arrived and was in attendance for the remainder of the meeting; however, was recused as he was not present during the entirety of the case.

Motion: by Mr. Philip 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. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Mr. Wright to impose the following terms:

- Reprimand
- Probation for two years from the filing of the Final Order. Probation to include Quarterly reports

Second: by Mr. Philip

Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$430.44 payable within 90 days of the filing of the Final Order

Second: by Mr. Wright

Vote: Unanimous

B. Determination of Waivers

- i. Chelsea Sharee Barksdale, R.P.T., Case No. 2017-05944 (PCP – Philip & Glass)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(aa), Florida Statutes (2016).

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.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mikhael 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 Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mikhael to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand
- 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 her profession.

After discussion, the following action was taken:

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

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mikhael to impose the costs of \$2,181.01 payable with 90 days of reinstatement of license.

Second: by Dr. Hickman

Vote: Unanimous

ii. Marjorie D. Robinson, R. PH., Case No. 2019-17521
(PCP – Weizer & Rivera)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Count I: Section 456.072(1)(II), Florida Statutes (2018), Count II: Section 456.072(1)(kk), Florida Statutes (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.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mikhael 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 Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mikhael to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

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. Julia S. Thompkins, R.P.T., Case No. 2018-0567
(PCP – Glass & Meshad)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(hh), Florida Statutes (2017)

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. Philip to accept the Departments recommendation.

Second: by Mr. Wright

Vote: Unanimous

The Department withdrew their motion for costs.

iv. Ryan Taber, P.S.I, Case No. 2018-29368
(PCP – Weizer & Montgomery)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(hh), Florida Statutes (2017-2018).

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 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.

v. Jeffrey K. Butzin Jr., R. Ph., Case No. 2018-29271
(PCP – Mikhael & Mesaros)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Count I: Section 465.016(1)(m), Florida Statutes (2018); Count II: Section 456.072(1)(hh), Florida Statutes (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 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.

vi. Farrah Blunt, R.P.T., Case No. 2019-02127
(PCP – Weizer & Rivera)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): 456.072(1)(k), Florida Statutes (2018).

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 until new payment terms are agreed upon, followed by probation for the duration of the student loan.
- Fine of \$1,089.53, 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 Dr. Mikhael to accept the Departments recommendation.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Mikhael to impose the costs of \$423.92 payable with 90 days of reinstatement of license.

Second: by Mr. Bisailon

Vote: Unanimous

vii. David Sagy, R. Ph., Case No. 2018-10190
(PCP – Philip & Glass)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(q), Florida Statutes (2016-2017).

Motion: by Dr. Mikhael to dismiss due to the Respondent's license is Null and Void.

Second: by Mr. Bisailon

Vote: Unanimous

The Department withdrew their motion for costs.

C. Voluntary Relinquishments

- i. Medoz Pharmacy of Polk, Inc., Case No. 2019-10628
(Waived)

Probable cause was waived in this case.

- ii. Robert Glen Heintz, R.P.T., Case No. 2019-10763
(PCP- Weizer & Rivera)
- iii. Sandy Basulto, R.P.T., Case No. 2018-28401
(PCP – Meshad & Weizer)

Motion: by Dr. Hickman to accept the voluntary relinquishments in Case No. 2019-10628, Case No. 2019-10763, and Case No. 2018-28401.

Second: by Mr. Bisaillon

Vote: Unanimous

- iv. Scott S. Novick, R.P.T., Case No. 2018-15893
(PCP – Weizer & Mikhael)

Motion: by Mr. Wright to accept the voluntary relinquishment in Case No. 2018-15893.

Second: by Dr. Hickman

Vote: Unanimous

- v. Elaine Hurtado-Giralt, R.P.T., Case No. 2019-33868
(PCP – Glass & Hickman)

Motion: by Mr. Bisaillon to accept the voluntary relinquishment in Case No. 2019-33868.

Second: by Mr. Philip

Vote: Unanimous

- vi. Grady Harrison James, R. Ph., Case No. 2016-13713
(Waived)

Probable cause was waived in this case.

Motion: by Mr. Philip to dismiss voluntary relinquishment Case No. 2016-13713.

Second: by Dr. Hickman

Vote: Unanimous

E. Prosecution Services Report – Matthew Witters, Chief

Mr. Pietrylo presented the prosecution services case report to the Board and explained the current caseload is at 350 cases, from 340.

Motion: by Dr. Mikhael to allow prosecution to continue prosecuting cases older than one year.

Second: by Mr. Wright

Vote: Unanimous

XIV. PUBLIC COMMENT

No public comments.

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 2:30 p.m.

December 3-4, 2019 General Business Meeting DRAFT Minutes

Page 24 of 24