

# Draft Minutes

April 8, 2020

TELEPHONE CONFERENCE CALL

8:00 a.m. ET

Call In Number: (888) 585-9008

Conference Code: 599-196-982(#)



**Richard Montgomery, BPharm,  
MBA  
Chair**

**Jonathan Hickman, PharmD  
Vice-Chair**

**Jessica Sapp, Executive Director**

**BOARD OF PHARMACY  
GENERAL BUSINESS MEETING AGENDA  
TELEPHONE CONFERENCE CALL  
DRAFT MINUTES  
April 8, 2020  
8:00 a.m. ET  
Call In Number: (888) 585-9008  
Conference Code: 599-196-982(#)**

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.

**I. CALL TO ORDER/ROLL CALL**

Call to Order - The meeting was called to order by Board Chair, Mr. Montgomery, at 8:00 a.m. ET.

Those present during the meeting included the following:

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Jessica Sapp, Executive Director  
Traci Zeh, Program Administrator

**MEMBERS NOT PRESENT:**

Blanca R. Rivera, PharmD, MBA

**PROSECUTION ATTORNEY:**

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

**BOARD COUNSEL:**

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

**COURT REPORTER:**

For the Record  
150 Mahan Drive, Suite 140  
Tallahassee, FL 32308  
(850) 222-5491  
(850) 224-5316 (Fax)

**II. DISCIPLINARY CASES - Jeffery J. Mesaros, PharmD, JD, Chair**

**A. Voluntary Relinquishments**

- i. Ludim Rodriguez, R.P.T., Case No. 2019-25022  
(PCP – Glass & Hickman)
- ii. Park Compounding, Inc., Case No. 2019-33405  
(PCP - Bisailon & Philip)

- iii. Brandon Nickolas Bryan, R.P.T., Case No. 2018-24803  
(PCP – Waived)
- iv. Jerome S. Stein, R.Ph., Case No. 2019-44925  
(PCP – Waived)
- v. Nicholas Edward Smith, R.P.T., Case No. 2018-05797  
(PCP - Bisailon & Philip)
- vi. Mirelys Cabrera, R.P.T., Case No. 2019-30169  
(PCP - Bisailon & Philip)
- vii. American United Pharmacy Corp., Case No. 2019-41990  
(PCP – Waived)
- viii. Kara Lynn Blankenship, R.P.T., Case No. 2019-27860  
(PCP – Waived)
- ix. Xuan Thanh Tran, R. Ph., Case No. 2019-31699  
(PCP – Glass & Hickman)
- x. Katrina M. Fahlberg, R.P.T., Case No. 2019-50287  
(PCP – Weizer & Hickman)

Motion: by Dr. Mikhael to accept the voluntary relinquishments for Cases No. 2019-25022, 2019-31699 and 2019-50287.

Second: by Mr. Wright.

Vote: Unanimous

Motion: by Dr. Hickman to accept the voluntary relinquishments for Cases No. 2019-33405, 2018-05797 and 2019-30169.

Second: by Dr. Mikhael.

Vote: Unanimous

Motion: by Dr. Hickman to accept the voluntary relinquishments for Cases No. 2018-24803, 2019-44925, 2019-41990, and 2019-27860.

Second: by Mr. Wright.

Vote: Unanimous

#### **B. Termination of Probation**

- i. Rosemary Revilla, R.P.T., Case No. 2013-18928

Motion: by Dr. Hickman to approve the termination of probation for Case No. 2013-18928.

Second: by Mr. Meshad.

Vote: Unanimous

#### **C. Request for Reinstatement**

- i. Todd M. Whitehead, R. Ph., Case No. 2019-03849

Motion: by Dr. Mikhael to approve the reinstatement of Mr. Whitehead's license.  
Second: by Dr. Hickman.  
Vote: Unanimous

ii. Shaun William Coulter, R.P.T., Case No. 2019-03566

Motion: by Mr. Philip to approve the reinstatement of Mr. Coulter's license.  
Second: by Mr. Wright.  
Vote: Unanimous

**D. Prosecution Services Report – Andrew Pietrylo**

Mr. Pietrylo presented the prosecution services case report to the Board and explained the current caseload is at 319 cases, from 303.

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

**III. APPLICATIONS FOR REVIEW – David Wright, BPharm**

**A. Pharmacists**

i. Heather Kelley

The applicant was present.

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

The applicant's Massachusetts license is currently revoked. Pursuant to subsection 465.0075(4), F.S., "the department may not issue a license by endorsement to any applicant whose license to practice pharmacy has been suspended or revoked in another state or who is currently the subject of any disciplinary proceeding in another state."

Ms. Kelley requested a waiver of the 90-day requirement for the Board to take action on her application and requested to have her application placed on the June agenda.

After further discussion the Board took the following action:

Motion: by Mr. Philip to approve the applicant's request for a continuance until the June board meeting and to waive the 90-day requirement to act on her application.  
Second: by Dr. Mikhael.  
Vote: Unanimous

ii. Rajib Khan

The applicant was present.

The applicant applied for a pharmacist license and answered yes to the criminal and 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 Dr. Mikhael.

Vote: Unanimous

## **B. Registered Pharmacy Technician**

### **i. Edgar Santiago**

The applicant was not present nor represented by counsel.

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

The applicant did not appear at the February 2020 Board meeting. The Board ordered Mr. Santiago to appear at one of the next two regularly scheduled Board meetings pursuant to subsection 456.013(3)(c), Florida Statutes.

After further discussion the Board took the following action:

Motion: by Dr. Hickman to continue the application to the June meeting, should Mr. Santiago fail to appear at the June meeting, the application shall be denied.

Second: by Mr. Philip.

Vote: Unanimous

### **ii. Kenny Caceres**

The applicant was not present nor was represented by counsel.

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

After further discussion the Board took the following action:

Motion: by Mr. Philip to continue the application to the June meeting, should Mr. Caceres fail to appear at the June meeting, the application shall be denied.

Second: by Dr. Hickman.

Vote: Unanimous

### **iii. Rhonda Mathis**

The applicant was present.

The applicant applied for a registered pharmacy technician license and answered yes to the criminal 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. Montgomery.  
Vote: Unanimous

iv. Chelsea Klein

The applicant was not present nor was represented by counsel.

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

Ms. Klein appeared at the December 2019 Board meeting; the Board ordered a continuance of Ms. Klein's application so that she may obtain a PRN evaluation. Ms. Klein indicated that she will not be entering into a PRN contract at this time. Her application was presented to the Board for final action.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to deny the application due to the nature of the applicant's past criminal history.  
Second: by Mr. Philip.  
Vote: Unanimous

v. Dana Munoz

The applicant was not present nor was represented by counsel.

The applicant applied for a registered pharmacy technician license and answered yes to the health history questions on her application.

Ms. Munoz appeared at the December 2019 Board meeting; the Board ordered a continuance of Ms. Munoz's application so that she may obtain a PRN evaluation. Ms. Munoz indicated that she will not be entering into a PRN contract at this time. Her application was presented to the Board for final action.

After further discussion the Board took the following action:

Motion: by Mr. Philip to grant Ms. Munoz a 14-day window to withdraw her application. If the applicant is not withdrawn within the 14-day window, the application shall be denied.  
Second: by Dr. Hickman.  
Vote: Unanimous

**C. Pharmacy Permits**

i. Specialty RX, Inc

The applicant was present and was represented by counsel.

The applicant applied for a Non-Resident 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. Philip.

Vote: Unanimous

#### **IV. REPORTS – Rich Montgomery, BPharm, MBA, Chair**

##### **A. Board Chair**

Mr. Montgomery shared that all NABP upcoming meeting will be held virtually.

Mr. Montgomery noted that Dr. Mesaros will be chairing the Rules Committee to implement bills enrolled and signed into law during the 2020 legislative session.

##### **B. Executive Director's Report – Jessica Sapp, Executive Director**

###### **i. Legislative Updates**

Ms. Sapp provided the Board with legislative updates:

###### **HB 59 Automated Pharmacy Systems**

This bill amends section 465.0235, F.S., to allow community pharmacies to use automated pharmacy systems under certain circumstances. The bill has been enrolled and signed into law with an effective date of July 1, 2020.

###### **HB 389 Practice of Pharmacy**

This bill was formally titled the Test and Treat for influenza and streptococcus but is now titled the Practice of Pharmacy. This was enrolled and signed into law with an effective date of July 1, 2020. This adds to the definition of the practice of pharmacy the ability to initiate, modify, discontinue drug therapy under a collaborative practice agreement with a physician, for patients with chronic illnesses. It also allows a pharmacist to test for and treat certain nonchronic health conditions. The bill requires additional education and training requirements that must be satisfied prior to performing these functions and it required the Board of Pharmacy to work in consultation with the Board of Medicine and the Board of Osteopathic Medication to adopt rules to implement this bill.

Dr. Mesaros has requested that Mr. Wright join the Rules Committee. Mr. Wright accepted the invitation and will join the committee.

###### **ii. Financial Report**

This was provided for informational purposes only.

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

Mr. Difiore provided a brief update on the inspection results as of April 2020.

As of April 2020, Non-Sterile Pharmacy inspections are currently at 4,282 inspections completed for a 77% completion rate; Sterile Compounding Pharmacy inspections are currently at 438 inspections completed for an 85% completion rate.

**V. NEW BUSINESS – Rich Montgomery, BPharm, MBA, Chair**

**A. Ratification of Issued Licenses/Certificates**

- i. Pharmacist (Licensure) – 165
- ii. Pharmacist (Exam Eligibility) – 167
- iii. Pharmacist Interns – 110
- iv. Consultant Pharmacist – 55
- v. Pharmacy/Facilities – 131
- vi. Registered Pharmacy Technicians – 998
- vii. Registered Pharmacy Technician Training Program – 19
- viii. Nonresident Sterile Compounding – 5
- ix. Approved CE Providers – 2
- x. Approved CE Courses – 42

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

Second: by Mr. Philip.

Vote: Unanimous

**VI. OLD BUSINESS – Rich Montgomery, BPharm, MBA, Chair**

**A. Review and Approval of Meeting Minutes**

- i. February 4, 2020 Compounding Committee Meeting Minutes
- ii. February 5, 2020 General Business Meeting Minutes
- iii. March 12, 2020 General Business Meeting TCC Minutes
- iv. March 19, 2020 Emergency Rules Hearing Meeting Minutes

Motion: by Dr. Mikhael to accept the February 4, 2020 Compounding Committee Meeting minutes as written.

Second: by Mr. Wright.

Vote: Unanimous

Motion: by Dr. Hickman to accept the February 5, 2020 General Business Meeting minutes as written.

Second: by Mr. Wright.

Vote: Unanimous

Motion: by Dr. Hickman to accept the March 12, 2020 General Business Meeting TCC minutes as written.

Second: by Mr. Wright.

Vote: Unanimous

Motion: by Dr. Hickman to accept the March 19, 2020 Emergency Rules Hearing Meeting minutes as written.

Second: by Mr. Wright.

Vote: Unanimous

**VII. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:26 am.