

**BOARD OF PHARMACY
RULES COMMITTEE
DRAFT MINUTES
April 30, 2020
Call In Number: (888) 585-9008
Conference Code: 599-196-982(#)
1:00 P.M.**

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

Dr. Mesaros called the meeting to order at 1:00 p.m. ET.

MEMBERS PRESENT

Jeffrey Mesaros, PharmD, JD, Chair
Jeenu Philip, BPharm,
Jonathan Hickman, PharmD
Mark Mikhael, PharmD
David Wright, BPharm

STAFF PRESENT

Jessica Sapp, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL

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

COURT REPORTER

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

II. RULES DISCUSSION

- a. 64B16-27.4001, F.A.C., Delegation to and Supervision of Pharmacy Technicians; Responsibility of Supervising Pharmacist

Board Counsel presented the proposed language.

64B16-27.4001 Delegation to and Supervision of Pharmacy Technicians; Responsibility of Supervising Pharmacist.

(1) Delegation: A pharmacist shall not delegate more tasks than he or she can personally supervise and ensure compliance with this rule. A pharmacist may delegate those non-discretionary delegable tasks enumerated in rule 64B16-27.420, F.A.C., to the following types of pharmacy technicians:

(a) Registered Pharmacy Technicians (RPT): are those technicians who are duly registered with the board pursuant to section 465.014(2), F.S.;

(b) Pharmacy Technicians in Training (PTT): are those technicians who are receiving practical (non-didactic) training in delegable tasks as part of employer-sponsored or non-

employer sponsored board-approved pharmacy technician training programs who are not required to be duly registered with the board as pharmacy technicians.

(2) Supervision: Delegated tasks must be performed under the direct supervision of a pharmacist who shall make certain all applicable state and federal laws, including, but not limited to confidentiality, are fully observed, and pursuant to the following definitions and requirements: The Prescription Department Manager or Consultant of Record will determine the appropriate methods of supervision based on the following definitions and requirements. No other person, permittee, or licensee shall interfere with the exercise of the Prescription Department Manager or Consultant of Record's independent professional judgment in determining the supervision of delegated tasks.

(a) Direct Supervision: means supervision by a pharmacist who is readily and immediately available at all times the delegated tasks are being performed; who is aware of delegated tasks being performed; and who provides personal assistance, direction and approval throughout the time the delegated tasks are being performed. "Readily and immediately available" means the pharmacist and technician(s) are on the same physical premises, or if not, technology is used to enable real time, two-way communications between the pharmacist and technician(s).

(b) Use of Technology: A pharmacist, as an adjunct to assist in the direct supervision of the pharmacy technician, may employ technological means to communicate with or observe the pharmacy technician. A pharmacist shall make certain all applicable state and federal laws, including, but not limited to confidentiality, are fully observed when employing technological means of communication and observation. If technology is being used to provide direct supervision of pharmacy technician(s), such technology shall be sufficient to provide the personal assistance, direction and approval required to meet the standard of practice for the delegated tasks.

Motion: by Mr. Philip to allow for board counsel to work on suggested changes to the proposed rule and to table this rule discussion to the June meeting.

Second: by Dr. Hickman

Vote: Unanimous

- b. 64B16-30.001, F.A.C., Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

Board Counsel presented the proposed language.

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating chapters 456, 465, 499, or 893 or section 828.055, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of chapters 456, 465, 499, 893 or section 828.055, F.S. The term license means any permit, registration, certificate, out-of-state telehealth provider registration, or license, including a provisional license, issued by the Department. Penalty ranges are shown as minimum and maximum guidelines as well as for first time single count violations and for multiple or repeated violations of the same statutory provision or the rules promulgated thereunder. If an actual range of penalties is not provided, the listed penalty shall be the guideline penalty for the violation(s) unless

aggravating or mitigating factors are shown. The range of disciplinary action for registered out-of-state telehealth providers shall be, in ascending order of severity, reprimand, suspension, and revocation. For telehealth registrants, a suspension may be accompanied by a corrective action plan that includes rehabilitative provisions narrowly tailored to address the conduct which resulted in the underlying disciplinary violations. The Board may require a corrective action plan to be completed prior to reinstatement of the suspended registration or the corrective action plan may follow a suspension for a definite term. All penalties at the upper range of the sanctions set forth in the guidelines, e.g., suspension, revocation, etc., include lesser penalties, e.g., fine, continuing education, probation, or reprimand, which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety, and welfare. In addition to any other discipline imposed under these guidelines, the board shall assess costs relating to the investigation and prosecution of the case.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated, and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE		OUT-OF-STATE TELEHEALTH PROVIDER PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Obtaining a license or permit by misrepresentation, fraud, or error. (Section 465.016(1)(a), F.S.); and (Section 465.023(1)(a), F.S.)				
1. By misrepresentation on original application or renewal.	MIN: \$1,000 fine, a 12-hour Laws and Rules course or Multistate Pharmacy Jurisprudence Exam ("MPJE") and a 3-hour ethics course; MAX: \$5,000 fine and Revocation.	MIN: Revocation; MAX: Revocation and \$10,000 fine.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws and Rules course or MPJE and 3-hour ethics course; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
2. By fraudulent misrepresentation on	MIN: Revocation;	MIN: Revocation;	MIN: Revocation;	MIN: Revocation;

original application or renewal.	MAX: \$10,000 fine for each count and Revocation.	MAX: \$10,000 fine for each count and Revocation.	MAX: Revocation.	MAX: Revocation.
3. By error of the Department or Board on original application or renewal.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation	MIN: Revocation; MAX: Revocation	MIN: Revocation; MAX: Revocation
(b) Procuring or attempting to procure a license or permit for another person by false representation. (Section 465.016(1)(b), F.S.); and (Section 465.023(1)(b), F.S.)	MIN: Revocation; MAX: \$10,000 fine for each count and Revocation.	MIN: Revocation; MAX: \$10,000 fine for each count and Revocation.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
(c) Permitting any unlicensed persons or unsupervised registered interns to fill, compound, or dispense any prescriptions. (Section 465.016(1)(c), F.S.)	MIN: \$2,500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(d) Being unfit or incompetent to practice pharmacy by reason of habitual intoxication, medicinal drug abuse, or physical or mental condition that threatens public safety. (Sections 465.016(1)(d), and (m), F.S.)	MIN: Suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety; MAX: Revocation.	MIN: Suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan, including, at a minimum, that the provider is able to demonstrate the ability to practice with reasonable skill and safety; MAX: Revocation.	MIN: Suspension and a corrective action plan, including, at a minimum, that the provider is able to demonstrate the ability to practice with reasonable skill and safety; MAX: Revocation.
(e) Violating laws governing the practice of pharmacy. (Section 465.016(1)(e), F.S.); (Section 465.023(1)(c), F.S.)				

1. Chapter 465, F.S.:				
a. Failure to properly supervise registered pharmacy technician. (Section 465.014, F.S.)	MIN: \$250 fine, one (1) year of probation, and 12-hour Laws and Rules course or MPJE; MAX: \$1,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$1,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
b. Operating a pharmacy that is not registered. (Section 465.015(1)(a), F.S.)	MIN: \$500 fine per month (up to \$5,000 fine), and permittee must renew permit, obtain new permit, or cease operation; MAX: Revocation.	MIN: Revocation; MAX: \$10,000 fine, revocation, and, if appropriate, referral to State Attorney's Office for criminal prosecution.	MIN: Reprimand; MAX: Revocation.	MIN: Revocation; MAX: Revocation and, if appropriate, referral for criminal prosecution.
c. Operating a pharmacy where an unlicensed, unregistered, or unsupervised person practices pharmacy. (Section 465.015(1)(b), F.S.)	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: \$10,000 fine, one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
d. Making a false or fraudulent statement to the board. (Section 465.015(2)(a), F.S.)	MIN: \$10,000 fine; MAX: Revocation.	MIN: Revocation; MAX: \$10,000 fine and revocation.	MIN: Reprimand; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
e. Filling or compounding prescriptions, or dispensing medicinal drugs, without an active license. (Section 465.015(2)(b), F.S.)	MIN: \$500 fine per month while inactive (up to \$6,000); MAX: Revocation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
f. Selling or dispensing drugs without a prescription. (Section 465.015(2)(c), F.S.)				

(I) Non-scheduled legend drugs.	MIN: \$1,500 fine; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(II) Scheduled (controlled substances) legend drugs.	MIN: \$5,000 fine; MAX: Revocation.	MIN: \$10,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: Revocation.
g. Selling samples or complimentary drugs. (Section 465.015(2)(d), F.S.)				
(I) Non-scheduled legend drugs.	MIN: \$1,500 fine and (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(II) Scheduled (controlled substances) legend drugs.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
h. Failure to notify the board of, or failure to have, a prescription department manager or a supervising, a responsible, or a consultant pharmacist. (Sections 465.0157, 465.018, .019, .0193, .0196, or .0197, F.S. and Sections 465.022(10), or (11), F.S.)				
(I) Failure to notify of change. (Section 465.022(10), or (11), F.S.)	MIN: \$500 fine each month licensee fails to notify the Board (maximum \$5,000); MAX: One (1) year of probation and \$7,500 fine.	MIN: \$500 fine each month licensee fails to notify the Board (maximum \$7,500) and one (1) year suspension; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

(II) Failure to have prescription department manager or a supervising, a responsible, or a consultant pharmacist of record.	MIN: \$750 fine per month practicing without a prescription department manager (maximum of \$6,000); MAX: One (1) year suspension and a fine of \$7,500.	MIN: \$2,000 fine per month practicing without a prescription department manager (maximum of \$10,000); MAX: Revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: Reprimand; MAX: Revocation.
i. Failure to comply with substitution of legend drug requirements. (Sections 465.025(2), (3), and (4), F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$2,200 fine and one (1) year of probation.	MIN: \$2,500 fine, 12-hour Laws & Rules course or MPJE, and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: Revocation.
j. Failure to follow negative formulary requirements. (Section 465.025(6), F.S.); (Rule 64B16-27.500, F.A.C.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$2,500 fine and one (1) year of probation.	MIN: \$2,500 fine, 12-hour Laws & Rules course or MPJE, and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: Revocation.
k. Failure to follow emergency prescription requirements. (Section 465.0275, F.S.)	MIN: \$500 fine; MAX: \$2,500 fine and one (1) year of probation.	MIN: \$2,500 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.
l. Engage in prohibited rebate scheme. (Section 465.185, F.S.)	MIN: \$1,500 fine and 12-hour Laws & Rules course or MPJE;	MIN: \$5,000 fine, 12-hour Laws & Rules course or	MIN: Suspension and a corrective action plan including, at a	MIN: Suspension and a corrective action plan including, at a

	MAX: \$5,000 fine and one (1) year of probation.	MPJE, and one (1) year of probation; MAX: Revocation.	minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: Revocation.
m. Failure to comply with pharmacist dispensing requirements. (Section 465.186, F.S.)				
(I) Failure to follow procedure, but dispense drug appearing on formulary. (Section 465.186(3), F.S.); (Rule 64B16-27.210, F.A.C.)	MIN: \$500 fine; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year of probation; MAX: Suspension of right to dispense.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.
(II) Dispensing drug not on the formulary. (Section 465.186(2), F.S.); (Rules 64B16-27.220, .230, F.A.C.)	MIN: \$1,500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
n. Failure to timely report fraudulent obtaining or attempted obtaining of controlled substances from a pharmacy. (Section 465.015(3), F.S.)				
(I) Failure to timely report.	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;	MIN: \$1,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum,	MIN: Suspension and a corrective action plan; MAX: Revocation.

	MAX: \$1,000 fine and one (1) year of probation.		completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	
(II) Failure to report.	MIN: \$1,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
o. Violation of facsimile prescription requirements. (Section 465.035, F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
p. Violation of requirements for administration of vaccines and epinephrine auto injection. (Section 465.189, F.S.); and; (Section 465.009(6)(a), F.S.)				
(I) Administration with failure to enter into a written protocol.	MIN: \$2,500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension	MIN: Suspension and a corrective action plan; MAX: Revocation.

			and a corrective action plan as outlined above.	
(II) Administration with failure to maintain proper insurance.	MIN: \$500 fine and suspension until insured; MAX: \$1,000 fine and suspension until insured followed by one (1) year probation.	MIN: \$1,000 fine and suspension until insured, followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, becoming insured; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, becoming insured; MAX: Revocation.
(III) Administration with failure to maintain and make available patient records.	MIN: \$500 fine; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(IV) Uncertified administration of vaccine.	MIN: \$5,000 fine and one (1) year of probation; MAX: \$7,500 fine and one (1) year suspension of license.	MIN: \$7,500 fine and suspension of license until receipt of immunization certification; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(V) Failure to submit copy of protocol or written agreement to the board.	MIN: \$500 fine; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
q. Failure to request photo or other verification of identity prior to dispensing a controlled substance to a person not known. (Section 465.0155(2), F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
r. Failure to inform customers of less expensive drug when cost sharing obligation	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;	MIN: \$1,000 fine; MAX: One (1) year suspension of dispensing rights.	MIN: Suspension and a corrective action plan including, at a	MIN: Suspension and a corrective action plan including, at a

to customer exceeds retail price. (Section 465.0244(2), F.S.)	MAX: \$1,000 fine and one (1) year of probation.		minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	minimum, one (1) year suspension of dispensing rights; MAX: Revocation.
2. Chapter 499, F.S.:				
a. Adulteration or misbranding of a drug. (Sections 499.005(2), and (3) F.S.); (Section 499.006, F.S.); and (Section 499.007, F.S.)				
(I) Adulteration of a drug. (Section 499.005(2), F.S.); and (Section 499.006, F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(II) Receipt or delivery of any drug that is adulterated or misbranded. (Section 499.005(3), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(III) Incomplete or inaccurate labeling. (Section 499.007, F.S.); (Rule 64B16-28.108, F.A.C.)	MIN: \$250 fine and 12-hour Laws & Rules course or MPJE;	MIN: \$2,500 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum,	MIN: Suspension and a corrective action plan; MAX: Revocation.

	MAX: \$2,500 and one (1) year of probation.		completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	
(IV) Fraudulent misbranding of legend drugs. (Section 499.007, F.S.)	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Two (2) year suspension.	MIN: \$10,000 fine and two (2) year suspension followed by two (2) years of probation; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Two (2) year suspension and a corrective action plan.	MIN: Two (2) year suspension and a corrective action plan; MAX: Revocation.
b. Failure to obtain a permit or registration or operating without a valid permit when it is required. (Section 499.005(22), F.S.)	MIN: \$500 fine per month to a maximum of \$5,000 (penalty will require permittee to obtain permit, renew permit, or cease practice); MAX: \$10,000 fine and one (1) year of probation.	MIN: \$10,000 fine (penalty will require permittee to obtain permit, renew permit, or cease practice); MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, the provider to obtain permit, renew permit, or cease practicing; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan including, at a minimum, the provider to obtain permit, renew permit, or cease practicing; MAX: Revocation.
c. Prescription drug transaction violations. (Section 499.005(28), F.S.); and (Section 499.0051, F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
d. Recordkeeping requirement. (Section 499.0121, F.S.); and (Sections	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum,	MIN: Suspension and a corrective action plan; MAX: Revocation.

499.005(18), and (19), F.S.)	MAX: \$5,000 fine and one (1) year of probation.		completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	
e. Storage of drugs. (Section 499.0121, F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
3. Chapter 893, F.S. (Controlled Substances):				
a. Filling a written or oral prescription for controlled substances that does not meet the requirements of Chapter 893, F.S. (Sections 893.04(1)(a), (b), and (c), F.S.)	MIN: \$1,500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
b. Failing to retain prescription records for two (2) years. (Section 893.04(1)(d), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;	MIN: Suspension and a corrective action plan; MAX: Revocation.

			MAX: One (1) year suspension and a corrective action plan as outlined above.	
c. Failing to appropriately label. (Section 893.04(1)(e), F.S.)	MIN: \$250 fine and 12-hour Laws & Rules course or MPJE; MAX: \$2,500 fine and one (1) year of probation.	MIN: \$2,500 fine and (1) year probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
d. Dispensing a Schedule II drug inappropriately with a non-written prescription. (Section 893.04(1)(f), F.S.)	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
e. Inappropriate refilling of Schedule III, IV, or V drugs. (Section 893.04(1)(g), F.S.); and (Section 893.04(2)(e), F.S.)	MIN: \$1,750 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: \$5,000 fine and one (1) year suspension; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and corrective action plan.	MIN: One (1) year suspension; MAX: Revocation.
f. Receiving controlled substances without an appropriate order form. (Section 893.06(1), F.S.)	MIN: \$2,500 fine; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
g. Possession of controlled substances outside the regular course of business, occupation, profession, employment, or duty. (Section 893.06(2), F.S.)	MIN: \$2,500 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
h. Failure to take a biennial inventory.	MIN: \$1,000 fine and 12-hour Laws	MIN: \$2,500 fine and one (1) year of probation;	MIN: Suspension and a corrective action plan	MIN: Suspension and a corrective action plan;

(Sections 893.07(1)(a), (2), (3), (4), and (5), F.S.)	& Rules course or MPJE; MAX: \$2,500 fine and one (1) year of probation.	MAX: Revocation.	including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MAX: Revocation.
i. Failure to maintain a complete and accurate record of controlled substances. (Sections 893.07(1)(b), (2), (3), (4), and (5), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and two (2) years of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
j. Dispensing Schedule V controlled substances in other than good faith. (Section 893.08(3)(b), F.S.)	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
k. Inappropriate selling of Schedule V controlled substance. (Section 893.08(3)(c), F.S.)	MIN: \$1,500 fine and one (1) year of probation; MAX: Revocation.	MIN: \$5,000 fine and one (1) year suspension; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: Revocation	MIN: One (1) year suspension; MAX: Revocation.
l. Unlawful possession of controlled substance. (Section 893.13, F.S.)	MIN: \$5,000 fine and two (2) years of probation; MAX: Revocation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
m. Failure to report information regarding dispensed controlled substances to the Prescription Drug Monitoring Program	MIN: \$250 fine and 12-hour Laws & Rules course or MPJE;	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, 12-hour Laws &	MIN: Suspension and a corrective action plan; MAX: Revocation.

Controlled Substance Dispensing Information Electronic System. (Section 893.055(3), F.S.)	MAX: \$5,000 fine and one (1) year of probation.		Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	
n. Failure to consult the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System prior to dispensing a controlled substance. (Section 893.055(8), F.S.)	MIN: \$250 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
o. Failure to maintain confidentiality of information obtained from the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System. (Section 893.0551(6), F.S.)				
(I) Knowing violation.	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
(II) Negligent violation.	MIN: Reprimand; MAX: \$500 fine and 12-hour Laws & Rules course or MPJE.	MIN: \$1,000 fine and one (1) year of probation; MAX: \$2,500 fine and one (1) year suspension.	MIN: Reprimand; MAX: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.

4. Violation of Federal Drug Abuse Act 21 U.S.C. 821 et seq. (Manufacture, Distribution, and Dispensing of Controlled Substances.)	MIN: \$1,000 fine and one (1) year of probation; MAX: \$2,000 fine and one (1) year suspension.	MIN: \$2,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
5. Violation of Food and Drug Act 21 U.S.C. 301 – 392.	MIN: \$2,500 fine and one (1) year suspension; MAX: Revocation.	MIN: \$7,500 fine and two (2) year suspension followed by two (2) years of probation; MAX: Revocation.	MIN: One (1) year suspension; MAX: Revocation	MIN: Two (2) year suspension and a corrective action plan; MAX: Revocation.
(f) Criminal conviction related to Pharmacy. (Section 465.016(1)(f), F.S.)				
1. Misdemeanor.	MIN: \$1,000 fine; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
2. Felony.	MIN: \$5,000 fine and one (1) year suspension followed by two (2) years of probation; MAX: Revocation.	MIN: \$10,000 fine and two (2) year suspension followed by three (3) years of probation; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.	MIN: Two (2) year suspension and a corrective action plan; MAX: Revocation.
(g) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in Section 465.019(6), F.S. or Section 465.025, F.S. (Section 465.016(1)(g), F.S.); or, compounding, dispensing or distributing legend drugs outside professional practice of pharmacy.	MIN (without ingestion or harm): Reprimand, submission of an improvement action plan, and complete a Board approved eight (8) hour CE course directly related to the violation at issue; MIN: (with ingestion) \$500 fine, submission of an improvement action plan, and complete a Board approved eight (8) hour CE course directly related to	MIN: (without ingestion or harm) \$500 fine, complete a Board approved eight (8) hour CE course directly related to the violation at issue, and two (2) years of probation; MIN (with ingestion or harm); \$1,000 fine complete a Board approved eight (8) hour CE course directly related to the violation at issue, and two (2) years of probation;	MIN: Suspension and a corrective action plan including, at a minimum, complete a Board approved eight (8) hour CE course directly related to the violation at issue; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, complete a Board approved eight (8) hour CE course directly related to the violation at issue; MAX: Revocation.

(Section 465.016(1)(i), F.S.)	the violation at issue; MAX (with or without ingestion or harm): \$1,000 fine and one (1) year of probation.	MAX (with or without ingestion or harm): Revocation.		
(h) Filing a false report or failing to file a report required by law. (Section 465.016(1)(j), F.S.)				
1. Knowing violation.	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
2. Negligent violation.	MIN: Reprimand; MAX: \$500 fine and 12-hour Laws & Rules course or MPJE.	MIN: \$1,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: Reprimand; MAX: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.
(i) Failure to make prescription price information available. (Section 465.016(1)(k), F.S.)	MIN: \$250 fine and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.
(j) Improperly placing returned drugs into the stock of a pharmacy. (Section 465.016(1)(l), F.S.)	MIN: \$1,000 fine; MAX: \$1,500 fine and one (1) year of probation.	MIN: \$3,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.

(k) Violating a rule or order of the Board or Department. (Section 465.016(1)(n), F.S.)				
1. Rules of Board of Pharmacy.				
a. Rules 64B16-28.101 to 64B16-28.1035, F.A.C. Rule 64B16-27.100, F.A.C. Rule 64B16-28.109, F.A.C. Rule 64B16-27.103, F.A.C. Rule 64B16-27.104, F.A.C. Rule 64B16-26.400, F.A.C. Rule 64B16-26.2032 F.A.C. Rule 64B16-28.1081, F.A.C. Rule 64B16-27.105, F.A.C. Rule 64B16-27.211, F.A.C. Rule 64B16-28.113, F.A.C. Rule 64B16-28.2021, F.A.C. Rule 64B16-28.603, F.A.C.	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$2,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.
b. Sink and running water, sufficient space, refrigeration, sanitation, equipment. (Rule 64B16-28.102, F.A.C.)	MIN: Suspension until compliance; MAX: \$2,000 fine and suspension until compliance.	MIN: \$2,000 fine and suspension until compliance; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, compliance; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, compliance; MAX: Revocation.
c. Knowingly purchase, sell, possess, or distribute counterfeit drugs.	MIN: \$5,000 fine, and one (1) year suspension followed by one (1) year of probation;	MIN: \$10,000 fine, and one (1) year suspension followed by one (1) year of probation;	MIN: One (1) year suspension and a corrective action plan;	MIN: One (1) year suspension and a corrective action plan;

(Section 499.005(8), F.S.)	MAX: Revocation.	MAX: Revocation.	MAX: Revocation.	MAX: Revocation.
d. Failure to remove outdated pharmaceuticals from active stock or dispensing of same. (Rule 64B16-28.110, F.A.C.)	MIN: \$500 fine for failure to remove, \$1,000 fine for dispensing; MAX: \$2,500 fine, and one (1) year probation.	Min: \$2,500 fine for failure to remove, \$5,000 fine for dispensing, and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
e. Violation of destruction of controlled substances. (Rules 64B16-28.301 and .303 F.A.C.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
f. Serving as consultant pharmacist without being licensed as a consultant pharmacist. (Rule 64B16-26.300, F.A.C.)	MIN: \$500 fine per month up to \$5,000 fine (fine based upon the length of time the person is serving as a consultant without being licensed as a consultant pharmacist); MAX: \$500 fine per month up to \$7,500 fine (fine based upon the length of time the person is serving as a consultant without being licensed as a consultant pharmacist) and one (1) year of probation.	MIN: \$500 fine per month up to \$7,500 fine (fine based upon the length of time the person is serving as a consultant without being licensed as a consultant pharmacist) and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
g. Violation of requirements for records maintained in a data processing system.	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE and 8-hour CE course in record keeping;	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws &	MIN: Suspension and a corrective action plan; MAX: Revocation.

(Rule 64B16-28.140, F.A.C.)	MAX: \$5,000 fine and one (1) year of probation.		Rules course or MPJE and 8-hours CE course in record keeping; MAX: One (1) year suspension and a corrective action plan as outlined above.	
h. Failure to properly store legend drugs. (Rule 64B16-28.120, F.A.C.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
i. Practicing nuclear pharmacy without being licensed as a nuclear pharmacist. (Rule 64B16-26.303, F.A.C.)	MIN: \$500 fine per month up to \$5,000 fine (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist); MAX: \$500 fine per month up to \$10,000 fine. (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist) and one-year of probation.	MIN: \$500 fine per month up to \$10,000 fine. (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist) and one (1) year suspension; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: One (1) year suspension; MAX: Revocation.
j. Failure to follow technical requirements for nuclear pharmacy. (Rules 64B16-28.901 and .902, F.A.C.)	MIN: \$1,000 fine, and one (1) year of probation; MAX: \$2,500 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

k. Failure to properly transfer prescription files and medicinal drugs when closing pharmacy. (Rules 64B16-28.202 and .203, F.A.C.)	MIN: Revocation. MAX: Revocation.	MIN: Revocation. MAX: Revocation,	MIN: Revocation; MAX: Revocation	MIN: Revocation; MAX: Revocation.
l. Failure to complete the required continuing education during the biennial licensure period. (Rule 64B16-26.103, F.A.C.)				
(I) Failure to complete less than ten (10) hours.	MIN: \$500 fine and suspension until completed.; MAX: \$1,500 fine and suspension until completed.	MIN: \$1,500 fine and suspension until completed; MAX: \$3,000 fine and suspension until completed.	N/A	N/A
(II) Failure to complete ten (10) or more hours.	MIN: \$1,000 fine, take two (2) additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium; MAX: \$2,500 fine and two (2) additional hours of continuing education per missing hour as outlined above.	MIN: \$2,500 fine, suspension until deficiency and penalty units are completed, and take two (2) additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium; MAX: \$5,000 fine, suspension until deficiency and penalty units are completed and two (2) additional hours of continuing education per missing hour as outlined above.	N/A	N/A
m. Failure to retain continuing education records.	DELETING THIS GUIDELINE AS THERE IS NO			

(Rule 64B16-26.603, F.A.C.)	TEXT FOR THE REFERENCED RULE			
n. Failure to practice in accordance with established practice standards. (Rules 64B16-27.1001 and .104, F.A.C.)				
(I) Pharmacist.	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$2,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
(II) Pharmacy Intern.	MIN: \$250 fine and 12-hour Laws & Rules course or MPJE; MAX: \$500 fine and one (1) year of probation.	MIN: \$1,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$5,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension with a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
(III) Permittee.	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation.	MIN: \$2,500 and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension with a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

o. Failure to have or maintain current policies and procedures for automated pharmacy system or central fill pharmacy. (Rules 64B16-28.141 and .450, F.A.C.)	MIN: \$500 and 12-hour Laws & Rules course or MPJE; MAX: \$1,000 fine and suspension of license/permit until current policies and procedures are in place.	MIN: \$2,500 fine and suspension of license/permit until current policies and procedures are in place; MAX: \$5,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place.	MIN: Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place; MAX: Revocation.
p. Failure to have or maintain standards for an institutional pharmacy. (Rules 64B16-28.602, .6021, .605, .606, .702, F.A.C.)	MIN: \$500 fine and 12-hour Laws & Rules course or MJPE; MAX: \$2,500 fine and suspension of license/permit until current policies and procedures are in place.	MIN: \$2,500 fine and suspension of license until policies and procedures are in place; MAX: \$5,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place.	MIN: Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place; MAX: Revocation.
q. Failure to have or maintain standards for a special pharmacy. (Rules 64B16-28.800, .810, .820, .850, .860, .870, F.A.C.)	MIN: \$500 fine and 12-hour Laws & Rules course or MJPE; MAX: \$2,500 fine and suspension of license/permit until current policies and procedures are in place.	MIN: \$2,500 fine and suspension of license until policies and procedures are in place; MAX: \$5,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MJPE; MAX: One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place.	MIN: Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place; MAX: Revocation.

r. Failure to maintain standards for animal control shelters. (Rule Chapter 64B16-29, F.A.C.)	MIN: \$500 fine and 12-hour Laws & Rules course or MJPE. MAX: \$2,500 fine and suspension of license/permit until current policies and procedures are in place.	MIN: \$2,500 fine and suspension of license until policies and procedures are in place; MAX: \$5,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MJPE; MAX: One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place.	MIN: Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place; MAX: Revocation.
s. Failure to comply with Board's rule on patient counseling. (Rules 64B16-27.800, .810, .820, F.A.C.)	MIN: (without ingestion or harm): \$250 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours; MIN: (with ingestion) \$500 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours; MAX: (with or without ingestion or harm): \$1,000 fine and (1) year of probation.	MIN: (without ingestion or harm) \$500 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours; MIN: (with ingestion) \$1,000 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours, and one (1) year of probation; MAX: (with or without ingestion or harm): Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of an approved CE course in the prevention of medication errors of no less than eight (8) hours; MAX: One (1) year suspension with a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, completion of an approved CE course in the prevention of medication errors of no less than eight (8) hours; MAX: Revocation.
t. Standards of practice for compounding CSPs. (Rules 64B16-27.700 and .797, F.A.C.)				
(l) No harm.	MIN: \$500 fine, 12-hour Laws & Rules course, and course governing sterile compounds;	MIN: \$2,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course,	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

	MAX: \$2,000 fine and one (1) year of probation.		and course governing sterile compounds; MAX: One (1) year suspension with a corrective action plan as outlined above.	
(II) Harm. 	MIN: \$2,000 fine, one (1) year of probation, _course governing sterile compounds and 12-hour Laws & Rules course; MAX: Revocation.	MIN: Revocation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course and course governing sterile compounds; MAX: Revocation	MIN: Revocation; MAX: Revocation
2. Violation of an order of the Board or Department previously entered in a disciplinary hearing.	MIN: \$2,500 fine and one (1) year of probation; MAX: \$5,000 fine and suspension until compliance with order.	MIN: \$5,000 fine and suspension until compliance with order; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan including, at a minimum, compliance with order.	MIN: Suspension and a corrective action plan including, at a minimum, compliance with order; MAX: Revocation.
(I) License disciplined by another jurisdiction for an offense that would constitute a violation of this chapter. (Section 465.016(1)(h), F.S.); (Section 465.023(1)(e), F.S.)	MIN: (Administrative related offense or offense not impacting patients directly) Reprimand; MIN: (All other offenses) Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes; MAX: \$5,000 fine and same penalty as imposed in other jurisdiction or as closely as possible	MIN: Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes; MAX: \$10,000 fine and revocation.	MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the penalty imposed in other jurisdiction.)	MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the penalty imposed in other jurisdiction.)

	to penalties set forth in Florida Statutes.			
(m) Failing to report to the Department any chapter 458 or 459, F.S., licensee violation. (Section 465.016(1)(o), F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MJPE; MAX: \$1,500 fine and one (1) year of probation.	MIN: \$1,500 fine and 12-hour Laws & Rules course or MJPE; MAX: \$5,000 fine and one (1) year of suspension.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE.
(n) Abandoning or allowing permit to become null and void after notice of disciplinary proceedings. (Section 465.018(3), F.S.)	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
(o) Failing to notify the Board of commencement or cessation of practice due to discipline in another jurisdiction. (Section 465.016(1)(p), F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MJPE; MAX: \$2,000 fine and one (1) year of probation.	MIN: \$2,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(p) Using or releasing patient records improperly. (Section 465.016(1)(q), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MJPE; MAX: \$2,500 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$2,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

			MAX: One (1) year suspension and a corrective action plan as outlined above.	
(q) Knowingly, or with reason to believe, dispensing based on purported prescription where patient-prescriber relationship is invalid. (Section 465.016(1)(s), F.S.); (Section 465.023(1)(h), F.S.)				
1. Reason to believe.	MIN: \$2,000 fine, 12-hour Laws & Rules course or MJPE, and one (1) year of probation; MAX: \$2,500 fine and one (1) year suspension followed by one (1) year of probation.	MIN:\$2,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MJPE; MAX: One (1) year suspension with a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
2. Knowingly.	MIN: \$5,000 fine, 12-hour Laws & Rules Course or MPJE, and one (1) year suspension; MAX: Revocation.	MIN: Revocation; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MJPE; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
(r) Committing an error or omission during prescription drug processing. (Section 465.016(1)(t), F.S.)	MIN (without ingestion or harm): \$250 fine, complete approved CE course in the prevention of medication errors of no less than eight (8) hours and submission of an	MIN (without ingestion or harm): \$500 fine and complete approved CE course in the prevention of medication errors of no less than eight (8) hours, and two	MIN: Suspension and a corrective action plan including, at a minimum, completion of an approved CE course in the prevention of medication	MIN: One (1) year suspension and a corrective action plan including, at a minimum, completion of an approved CE course in the prevention of

	improvement action plan; MIN (with ingestion) \$500 fine, complete approved CE course in the prevention of medication errors of no less than eight (8) hours and submission of an improvement action plan; MAX (with or without ingestion or harm): \$1,000 fine and one (1) year of probation.	(2) years of probation; MIN (with ingestion) \$1,000 fine, complete approved CE course as outlined above, and two (2) years of probation; MAX (with or without ingestion or harm): Revocation.	errors of no less than eight (8) hours; MAX: One (1) year suspension with a continuing action plan as outlined above.	medication errors of no less than eight (8) hours; MAX: Revocation.
(s) Guilty of a felony involving moral turpitude. (Section 465.023(1)(d), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MJPE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension with a continuing action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(t) Guilty of a crime related to health care fraud. (Section 465.023(1)(g), F.S.)	MIN: Revocation, or in the case of application for licensure, denial of license; MAX: Revocation and a fine of \$10,000.	MIN: Revocation, or in the case of application for licensure, denial of license; MAX: \$10,000 fine and Revocation.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
(u) Violating Section 456.072, F.S. (Section 465.016(1)(r), F.S.)				
1. Making misleading, deceptive, or fraudulent representation in or related to the practice of the licensee's profession.	MIN: \$2,500 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension	MIN: Revocation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: Revocation; MAX: Revocation

(Section 456.072(1)(a), F.S.)	followed by one (1) year probation.			
2. Intentionally violating any rule adopted by the Board or the Department. (Section 456.072(1)(b), F.S.)	MIN: \$2,500 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
3. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession. (Section 456.072(1)(c), F.S.)				
a. Misdemeanor.	MIN:\$1,000 fine; MAX: \$2,500 fine and one (1) year of probation.	MIN: \$2,500 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
b. Felony.	MIN: \$3,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year probation.	MIN:\$5,000 fine and one (1) year suspension followed by one (1) year probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
4. Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome, or medical errors. (Section 456.072(1)(e), F.S.) (Rules 64B16-26.103(1)(c), (4)(e), F.A.C.)	MIN: \$500 fine and suspension until compliant; MAX: \$1,000 fine and suspension until compliant.	MIN: \$1,000 fine and suspension until compliant; MAX: \$5,000 fine and suspension until compliant.	MIN: Suspension and a corrective action plan which includes, at a minimum, becoming compliant; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan which includes, at a minimum, becoming compliant; MAX: Revocation.
5. Having a license or the authority to practice	MIN: (Administrative	MIN: Same penalty as imposed in the	MIN: Discipline as close as	MIN: Discipline as close as

the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. (Section 456.072(1)(f), F.S.)	related offense or offense not impacting patients directly) Reprimand; MIN: (All other offenses) Same penalty as imposed in the other jurisdiction or as closely as possible to penalties for similar violation; MAX: \$2,500 fine and same penalty as imposed in the other jurisdiction or as closely as possible to penalties for similar violation.	other jurisdiction or as closely as possible to penalties for similar violation; MAX: \$10,000 fine and revocation.	possible to the discipline imposed in the other jurisdiction; MAX: Revocation.	possible to the discipline imposed in the other jurisdiction; MAX: Revocation.
6. Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee. (Section 456.072(1)(g), F.S.)	MIN: \$3,000 fine; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year probation; MAX: \$10,000 fine and revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
7. Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board. (Section 456.072(1)(h), F.S.)	MIN: Revocation or denial of license application; MAX: \$10,000 fine and Revocation or denial of license application.	MIN: Revocation or denial of license application; MAX: \$10,000 fine and revocation or denial of license application.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
8. Except as provided in section 465.016, F.S., failing to report to the Department any person who the licensee knows is in violation of Chapter 456, the chapter regulating the alleged violator, or the rules of	MIN: \$500 fine and 12-hour Laws & Rules course or MJPE; MAX: \$1,500 fine, and one (1) year suspension followed by one (1) year of probation.	MIN: \$1,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: Revocation.

the Department or the Board. (Section 456.072(1)(i), F.S.)			and a corrective action plan as outlined above.	
9. Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 456, the chapter regulating the profession, or the rules of the Department or the Board. (Section 456.072(1)(j), F.S.)	MIN: \$2,000 fine and 12-hour Laws & Rules course or MJPE; MAX: \$2,500 fine and one (1) year of probation.	MIN: \$2,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
10. Failing to perform any statutory or legal obligation placed upon a licensee. (Section 456.072(1)(k), F.S.)	MIN: \$2,000 fine and suspension until compliant; MAX: \$2,500 fine and suspension until compliant.	MIN: \$2,500 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan which includes, at a minimum, becoming compliant; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
11. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. (Section 456.072(1)(l), F.S.)				
a. Knowingly filing a false report or willful obstruction.	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

b. Negligently failing to file a report or record.	MIN: \$2,500 fine; MAX: \$5,000 fine.	MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
12. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or a scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)	MIN: \$5,000 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
13. Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party. (Section 456.072(1)(n), F.S.)	MIN: \$3,000 fine; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o), F.S.)	MIN: \$2,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
15. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and	MIN: \$2,000 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

authorization when required to perform them. (Section 456.072(1)(p), F.S.)				
16. Violating any provision of chapter 456, F.S., the applicable professional practice act, a rule of the Department or the Board, or a lawful order of the Department or the Board, or failing to comply with a lawfully issued subpoena of the Department. (Section 456.072(1)(dd), F.S.); and (Section 456.072(1)(g), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
17. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)	MIN: \$2,500 fine and one (1) year of probation; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
18. Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)	MIN: Revocation; MAX: \$10,000 fine and Revocation.	MIN: Revocation; MAX: \$10,000 fine and revocation.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
19. Being unable to practice with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or as a result of any mental or physical condition. (Section 456.072(1)(z), F.S.)	MIN: \$500 fine, suspension until safe to practice with reasonable skill and safety; MAX: \$2,500 fine and revocation.	MIN: \$1,000 fine, one (1) year suspension followed by suspension until safe to practice with reasonable skill and safety; MAX: \$2,500 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety; MAX: One (1) year suspension and a corrective	MIN: One (1) year suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety; MAX: Revocation.

			action plan as outlined above.	
20. Failing to report to the Board, or the Department if there is no Board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)	MIN: \$1,000 fine; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
21. Testing positive for any drug, as defined in section 112.0455, F.S., on any confirmed preemployment or employer ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug. (Section 456.072(1)(aa), F.S.)	MIN: \$500 fine, suspension until safe to practice with reasonable skill and safety; MAX: \$2,500 fine and revocation.	MIN: \$1,000 fine, suspension until safe to practice with reasonable skill and safety; MAX: \$2,500 fine and revocation.	MIN: Suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety; MAX: Revocation.	MIN: Suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety; MAX: Revocation.
22. Being terminated from, or failing to successfully complete, an impaired practitioner treatment program. (Section 456.072(1)(hh), F.S.)	MIN: Suspension until successful completion or receipt of written confirmation of compliance with ongoing treatment; MAX: Revocation.	MIN: Revocation; MAX: \$10,000 fine and revocation	MIN: Suspension and a corrective action plan including, at a minimum, written confirmation of compliance with ongoing treatment; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
23. Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-	MIN: Revocation, or in the case of application for licensure, denial of license; MAX: \$10,000 fine and revocation, or in the case of	MIN: Revocation or in the case of application for licensure, denial of license; MAX: \$10,000 fine and revocation, or in the case of	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.

287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)	application for licensure, denial of license.	application for licensure, denial of license.		
24. Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (Section 456.072(1)(jj), F.S.)	MIN: \$500 fine; MAX: \$5,000 fine, suspension until amount owed is remitted followed by one (1) year of probation.	MIN: \$2,500 and suspension until amount owed is remitted followed by one (1) year of probation; MAX: \$5,000 fine and revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan including, at a minimum, remitting the amount owed.	MIN: Suspension and a corrective action plan including, at a minimum, remitting the amount owed; MAX: Revocation.
25. Being terminated from the state Medicaid program pursuant to section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, as a result of fraud and abuse unless eligibility to participate in the program from which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.)	MIN: \$10,000 fine and one (1) year of probation; MAX: Revocation.	MIN: \$10,000 fine and two (2) year suspension followed by one (1) year probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: Revocation.	MIN: Two (2) year suspension and a corrective action plan; MAX: Revocation.
26. Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. (Section 456.072(1)(ll), F.S.)	MIN: Revocation, or in the case of application for licensure, denial of license; MAX: \$10,000 fine and revocation, or in the case of application for licensure, denial of license.	MIN: Revocation or in the case of application for licensure, denial of license; MAX: \$10,000 fine and revocation, or in the case of application for licensure, denial of license.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
27. Willfully failing to comply with section 627.64194 or 641.513, F.S., with such frequency as to indicate	MIN: Reprimand and a fine of \$250; MAX: \$500 fine and one (1) year of probation.	MIN: \$500 fine and one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: Suspension and corrective action plan.	MIN: Suspension and corrective action plan; MAX: Revocation.

a general business practice. (Section 456.072(1)(oo), F.S.)				
(v) Violation of section 828.055, F.S. by a permitted county or municipal animal control agency or humane society. (Section 828.055, F.S.)				
1. Using drugs for animal euthanasia for an improper use. (Section 828.055(3)(a), F.S.)	MIN: Reprimand and a \$250 fine; MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$500 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: One (1) year suspension and corrective action plan.	MIN: One (1) year suspension and corrective action plan; MAX: Revocation.
2. Failing to take reasonable precautions against misuse, theft, loss, or diversion. (Section 828.055(3)(b), F.S.)	MIN: Reprimand and a \$250 fine; MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$500 fine and one (1) year suspension followed by one (1) year probation; MAX: Revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
3. Failing to detect or to report a significant loss, theft, or inventory shortage of drugs. (Section 828.055(3)(c), F.S.)	MIN: Reprimand, \$500 fine, and one (1) year of probation; MAX: \$1,000 fine, and one (1) year suspension followed by two (2) years of probation.	MIN: \$1,000 fine and one (1) year suspension followed by two (2) years of probation; MAX: Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
4. Failing to follow the rules of the Board regarding proper storage and handling of drugs. (Section 828.055(3)(d), F.S.)	MIN: Reprimand and a \$250 fine; MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$500 fine and one (1) year suspension followed by one (1) year probation; MAX: Revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
5. Violating any provision of section 828.055, chapter 465, and 499, F.S., or any rule adopted under those chapters. (Section 828.055(3)(e), F.S.)	MIN: Reprimand and a \$250 fine; MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.	MIN: \$500 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

(w) Failure to display hyperlink on telehealth registrant's website. (Section 456.47(4)(c), F.S.)	N/A	N/A	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.
(x) Opening an office in Florida or providing in-person healthcare services to patients in Florida. (Section 456.47(4)(f), F.S.)	N/A	N/A	MIN: Suspension and a corrective action plan; MAX: Revocation.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
(y) Failure to notify the applicable board, or the department if there is no board, of any adverse actions taken against his or her license. (Section 456.47(4)(i)1., F.S.)	N/A	N/A	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation
(z) Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction. (Section 456.47(4)(i)2., F.S.)	N/A	N/A	MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the penalty imposed in other jurisdiction.).	MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the penalty imposed in other jurisdiction.)
(aa) Violates any of the requirements of Section 456.47, F.S. (Section 456.47(4)(i)3., F.S.)	N/A	N/A	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: Suspension and a corrective action plan; MAX: Revocation.

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligent acts, the magnitude and scope of the damage or potential damage inflicted upon the patient or the general public by the licensee's misfeasance.
3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.
4. Harm occurred.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligent acts, the minor nature of the damage or potential damage to the patient's or the public's health, safety, and welfare resulting from the licensee's misfeasance.
 2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.
 3. Restitution of any monetary damage suffered by the patient.
 4. The licensee's professional standing among his peers.
 5. Steps already taken by the licensee to insure the non-occurrence of similar violations in the future, including continuing education.
 6. The degree of financial hardship incurred by a licensee as a result of the imposition of fines or the suspension of his practice.
- (4) All fines imposed by the Board shall be paid within a period of ninety (90) days from the date of the final order entered by the Board. This time limitation may be modified by the Board for good cause shown in order to prevent undue hardship.

Rulemaking Authority 456.47(4), 456.47(7), 456.072, 456.079, 465.005 FS. Law Implemented 456.47(4), 456.072, 456.079, 465.016, 465.023 FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02, 11-29-06, 9-26-12, 2-14-13, 2-5-14, 1-10-17, 12-18-18, _____. 1-21-94, Formerly 59X-30.0035.

After discussion the Committee opened the call for public comment.

Michael Jackson, President of the Florida Pharmacists Association (FPA), addressed the Committee.

Dr. Michele Weizer addressed the Committee.

Motion: by Mr. Philip to approve the proposed rule language as amended and present to the full Board.

Second: by Dr. Mikhael

Vote: Unanimous

c. Legislative Review

Ms. Sapp provided an overview of the signed and enrolled bills of the 2020 legislation.

i. HB 559 Institutional Formularies Established by Nursing Home Facilities

The bill has been enrolled and but not yet signed into law. The proposed effective date is July 1, 2020. This establishes the use of institutional formularies by nursing home facilities and allows a pharmacist to therapeutically substitute medicinal drugs in accordance with the institutional formulary. It provides for an opt-out provision for prescribing practitioners who do not wish to adhere to the institutional formulary of the nursing home.

This bill creates s. 400.143, which is under the Agency for Healthcare Administration, who is the regulatory body for nursing homes. The Board will be posting a communication piece on its website and will also share this message with The Board of Nursing Home Administrators.

Mr. Wright addressed the Committee and inquired if the new bill would have an impact on substitution of therapeutically equivalent drugs versus generic drugs already outlined in 465.025, Florida Statutes.

Board Counsel will research further and follow up with Mr. Wright.

ii. HB 59 Automated Pharmacy Systems

This bill amends section 465.0235, F.S., to allow community pharmacies to use automated pharmacy systems for outpatient dispensing under certain circumstances. The bill has been enrolled and but not yet signed into law. The proposed effective date is July 1, 2020.

Ms. Sapp asked the Committee to review Rule 64B15-28.141, F.A.C., for necessary amendments. Additionally, the bill will require changes to the current community pharmacy application and the creation of a new supplemental form to collect the locations of Automated Pharmacy Systems.

The Committee discussed Rule 64B16-28.607, F.A.C., Automated Pharmacy System, Long-Term Care, Hospice, and Prison and Rule 64B16-28.608, F.A.C, Automated Filling Systems within a Pharmacy regarding possible amendments.

Mr. Wright addressed the Committee regarding the possible impact on emergency kits. Board Counsel will be working with Mr. Wright to research and address his concerns.

Mr. Wright volunteered to work with Board Counsel on reviewing current rule language for revisions and drafting any necessary rule language to implement this bill.

iii. HB 599 Consultant Pharmacists

This bill was enrolled and signed into law with an effective date of July 1, 2020. This bill revises requirements and responsibilities of a consultant pharmacist and authorizes the use of collaborative practice agreements. It includes the ordering and evaluating of any laboratory or clinical testing, conducting patient assessments, and implementing, modifying, discontinuing, or administering medicinal drugs pursuant to s. 465.0125.

Ms. Sapp asked the Committee to review Rules 64B16-27.120, 26.230, 26.300, and 26.301, F.A.C. for necessary amendments to implement this bill.

The Committee discussed the possibility of repealing Rule 64B16-27.120, F.A.C., Ordering and Evaluation of Laboratory Tests.

The Committee opened the call for public comment.

Kathy Baldwin, Representative for the Florida Society of Health-Systems Pharmacists (FSHP), addressed the Committee.

Dr. Mikhael inquired with Ms. Baldwin regarding the difference between collaborative practice versus a prescriber care plan.

Mr. Flynn, Board Counsel, addressed the Committee and conveyed the importance of the Committee differentiating between collaborative practice and drug therapy management and what this bill changes for a consultant pharmacist.

Mr. Montgomery volunteered to work with Board Counsel on drafting proposed rule language.

iv. HB 389 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 will require 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.

Ms. Sapp outlined each section of the bill and what sections will require rulemaking. She explained the requirement of two new certification types and asked the Committee to have discussion on the initial twenty-hour certification courses.

The Committee discussed and outlined the requirements for the two certifications.

The Collaborative Practice Certification (CPC) will require the Board to adopt a new rule. The Committee discussed identifying other chronic conditions in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The Board will need to identify the certification requirements and create an application form. The Committee discussed the initial twenty-hour certification course required by law and the eight-hour continuing education course for the renewal of the certification.

The Test and Treat Certification (TTC) will require the Board to adopt a new rule. The Committee discussed if they wish to define minor uncomplicated infections or whether that should be identified in the written protocol between the physician and the pharmacist. The Board will need to identify the certification requirements and create an application form. The Committee discussed the initial twenty-hour certification course required by law and determined that this would be a separate course from the initial CPC course as well as the three-hour continuing education course for the renewal of the certification.

The Committee discussed who would provide and certify the required initial certification course.

Dr. Mesaros volunteered to work with Board Counsel on researching and drafting rules to implement this bill.

Board Counsel and Dr. Mesaros will begin working on rule language and the drafting of the new certification application.

The Committee opened the call for public comment.

Cynthia Henderson addressed the Committee regarding HB 59.

Mr. Jackson, President of the Florida Pharmacy Association, addressed the Committee regarding the possibility of pharmacists administering the COVID-19 vaccine once it becomes available.

After discussion, the Committee discussed opening the vaccine rule to add the COVID-19 vaccination.

Mr. Philip volunteered to review the current language with Board Counsel and draft verbiage as needed.

A first draft of rule language will be placed on the June 2, 2020 Rules Committee meeting agenda for review and discussion by the Committee.

III. ADJOURNMENT

There being no further business, the meeting adjourned at 3:40 pm.