

Draft Minutes

June 3, 2020

TELEPHONE CONFERENCE CALL

8:00 a.m. ET

Call In Number: (888) 585-9008

Conference Code: 599-196-982(#)



**Richard Montgomery, BPharm,
MBA
Chair**

**Jonathan Hickman, PharmD
Vice-Chair**

Jessica Sapp, Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING AGENDA
TELEPHONE CONFERENCE CALL
DRAFT MINUTES
June 3, 2020
8:00 a.m. ET
Call In Number: (888) 585-9008
Conference Code: 599-196-982(#)**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

I. CALL TO ORDER/ROLL CALL

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

Those present during the meeting included the following:

MEMBERS PRESENT:

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

STAFF PRESENT:

Jessica Sapp, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL:

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

PROSECUTION ATTORNEY:

Andrew Pietrylo, DOH Prosecution Services
Alejandro Camacho, DOH Prosecution Services

COURT REPORTER:

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

**II. DISCIPLINARY CASES – Richard Montgomery, BPharm, MBA, Chair
A. DETERMINATION OF WAIVER**

- i. Florida Pharmacy Solutions, Inc., Case No. 2019-09139
(PCP – Wright & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following
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violation(s): Section 465.023(1)(c), F.S. (2018), by and through a violation of Rule 64B16-28.202(3)(a), F.A.C. by improperly closing of a pharmacy permit.

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

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Dr. Hickman

Vote: Unanimous

The Department withdrew their motion for costs.

- ii. Gisell Aberasturia, R.P.T., Case No. 2018-28397
(PCP – (Mesaros & Hickman))

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.072(1)(II), F.S. (2018), by 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.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Mikhael

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Mr. Philip

Vote: Unanimous

The Department withdrew their motion for costs.

- iii. Lantana Pharmacy, Inc. Case No. 2018-09803
(PCP – Weizer & Mikhael)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2017), by and through a violation of Section 893.0551(6), F.S. (2017) for failing to confidentially maintain information from the PDMP upon closing the pharmacy permit. **Count II:** Section 465.023(1)(c), F.S. (2017), by and through a violation of Rule 64B16-28.303(1), F.A.C. by failing to securely store controlled substances upon closing the pharmacy permit.

Motion: by Mr. Wright to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: Unanimous

The Department withdrew their motion for costs.

- iv. Danielle Donovan, R.P.T., Case No. 2019-16698
(PCP – Philip, Wright & Meshad)

The Respondent was present.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(a), F.S. (2016) by obtaining a license by misrepresentation or

fraud.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Dr. Hickman

Vote: Unanimous

The Department withdrew their motion for costs.

v. Care Point Pharmacy, Inc., Case No. 2019-39105
(PCP – Mesaros & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. (2018-2019), through Section 465.015(2)(b), F.S. (2018-2019) by filling, compounding, and/or dispensing one or more prescriptions while the Prescription Department Manager's license was suspended.

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

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

The Department withdrew their motion for costs.

vi. Ekaette D. Isemin, R. Ph., Case No. 2019-39106
(PCP – Mesaros & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(r), F.S., (2018-2019), through Section 465.015(2)(b), F.S. (2018-2019) **Count II:** Section 465.072(1)(q), F.S. (2018-2019) by filling, compounding, and/or dispensing one or more prescriptions on a suspended license and by violating the Departments Emergency Order.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Hickman
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

The Department withdrew their motion for costs.

vii. Alexander Vazquez-Honeycutt, R.P.T, Case No. 2019-37933
(PCP – Montgomery & Bisailon)

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(e), F.S. (2018-2019) by stealing controlled substances from his employer without obtaining them from a practitioner or pursuant to a valid prescription.

Motion: by Dr. Mikhael to find the Administrative Complaint was properly served on

Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Rivera

Vote: Unanimous

The Department presented the following recommendation:

- Suspension until Respondent personally appears before the Board and demonstrates that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN
- Board reserves the right to impose reasonable conditions of reinstatement
- Respondent must appear before the Board to demonstrate his present ability to safely practice

After discussion, the following action was taken:

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

Second: by Mr. Philip

Vote: Unanimous

Motion: by Mr. Philip to impose the costs of \$1445.47 payable with ninety (90) days of reinstatement of license.

Second: by Dr. Mikhael

Vote: Unanimous

viii. Heidi Manaker-Dahi, R.Ph., Case No. 2018-26516
(PCP –Philip & Wright)

The Respondent was present.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(hh), F.S. (2018) by failing to comply with the terms of her PRN contract.

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

Second: by Dr. Rivera

Vote: Unanimous

Motion: by Dr. Rivera to adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand
- \$500 Fine

After discussion, the following action was taken:

Motion: by Dr. Mikhael to impose the following penalties:

- Reprimand

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mikhael to impose the costs of \$740.92 payable within ninety (90) days of the filing of the Final Order.

Second: by Dr. Hickman

Vote: Unanimous

- ix. Jacqueline Baillargeon, R.P.T., Case No. 2019-40979
(PCP – Weizer & Mesaros)

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. **Count II:** Section 456.072(1)(m), F.S. by unlawful possession of a controlled substance and employing a trick or scheme related to the practice of the profession.

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

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Dr. Hickman

Vote: Unanimous

The Department withdrew their motion for costs.

- x. Michelle Smelley, R.P.T., Case No. 2018-21458
(PCP – Rivera & Philip)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(aa), F.S. (2018) by testing positive for any drug as defined in Section 112.0455, F.S. during a preemployment or employer ordered drug screening without a lawful prescription.

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

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Suspension until Respondent personally appears before the Board and demonstrates that she is safe to practice her profession with reasonable skill and safety, to include a mental and physical evaluation by PRN
- Board reserves the right to impose reasonable conditions of reinstatement
- Respondent must appear before the Board to demonstrate her present ability to safely practice
- Fine of \$500 to be paid within ninety (90) days of reinstatement of Respondents license.

After discussion, the following action was taken:

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

Second: by Dr. Mikhael

Vote: Unanimous

Motion: by Mr. Wright to impose the costs of \$1999.14 payable within ninety (90) days of reinstatement of Respondent's license f reinstatement of license.

Second: by Dr. Hickman

Vote: Unanimous

- xi. Juan Carlos Carmenate, R.P.T., Case No. 2019-39039
(PCP – Meshad & Mikhael)

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(ll), F.S. (2018) **Count II:** Section 456.072(1)(x), F.S. (2018) **Count III:** Section 456.072(1)(kk), F.S. (2019) by 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, failing to report to the Board within 30 days after conviction, and by being terminated from the state Medicaid program pursuant to Section 409.913, F.S.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint and has waived the right to request a hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: Unanimous

The Department withdrew their motion for costs.

- xii. Anna Maria Gillespie, R.P.T., Case No. 2019-37949
(PCP – Weizer & Mesaros)

This case was tabled to the August Board Meeting.

- xiii. Peter Barski, R.P.H., Case No. 2019-16119
(PCP – Mikhael & Bisailon)

This case was tabled to the August Board Meeting.

At this time, the Board took a ten (10) minute break.

B. INFORMAL

- i. Wells Pharmacy Network, LLC, Case No. 2019-40934
(PCP – Meshad & Mikhael)

The Respondent was present and represented by Jason McLaren, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. by having a license disciplined by another jurisdiction.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing and to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Mr. Philip

Vote: Unanimous

Motion: by Dr. Rivera to adopt as its findings of fact, those facts alleged in the Administrative Complaint and to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand
- \$1000.00 Fine to be paid within ninety (90) days of the filing of the Final Order

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: Unanimous

Motion: by Dr. Rivera to impose the costs of \$97.65 to be paid within ninety (90) days of the filing of the Final Order

Second: by Mr. Wright

Vote: Unanimous

- ii. Wells Pharmacy Network, LLC, Case No. 2018-23645
(PCP – Weizer & Hickman)

The Respondent was present and represented by Jason McLaren, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. by having a license disciplined by another jurisdiction.

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

Second: by Dr. Mikhael

Vote: Unanimous

Motion: by Dr. Mikhael to adopt as its findings of fact, those facts alleged in the Administrative Complaint and to find that the findings of fact support a finding of a violation of Florida Statutes, as charged in the Administrative Complaint.

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand
- \$1000.00 Fine to be paid within ninety (90) days of the filing of the Final Order

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: 5/2 Mr. Philip and Dr. Mesaros opposed. Motion passes.

Motion: by Dr. Mikhael to impose the costs of \$714.05 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Rivera

Vote: Unanimous

- iii. Wells Pharmacy Network, LLC, Case No. 2018-17897
(PCP – Weizer & Mikhael)

The Respondent was present and represented by Jason McLaren, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. by having a license disciplined by another jurisdiction.

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

Second: by Mr. Philip

Vote: Unanimous

Motion: by Dr. Hickman to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Mr. Philip

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

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

Second: by Mr. Meshad

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: 2/5 motion failed

Motion: by Mr. Philip to dismiss

Second: by Mr. Meshad

Vote: 5/2 Dr. Hickman and Mr. Wright opposed. Motion passes

The Department withdrew their motion for costs.

- iv. Wells Pharmacy Network, LLC, Case No. 2019-24635
(PCP – Weizer & Mikhael)

The Respondent was present and represented by Jason McLaren, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. by having a license disciplined by another jurisdiction.

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

Second: by Mr. Philip

Vote: Unanimous

Motion: by Dr. Rivera to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

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

Second: by Dr. Rivera

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: Unanimous

Motion: by Mr. Philip to impose the costs of \$48.83 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Rivera

Vote: Unanimous

- v. Wells Pharmacy Network, LLC, Case No. 2019-24636
(PCP – Weizer & Mikhael)

The Respondent was present and represented by Jason McLaren, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. by having a license disciplined by another jurisdiction.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Rivera to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

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

Second: by Dr. Rivera

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand

After discussion, the following action was taken:

Motion: by Dr. Rivera to dismiss.

Second: by Mr. Wright
Vote: 4/1. Dr. Hickman opposed. Motion passes.

The Department withdrew their motion for costs.

At this time, Dr. Mikhael was excused from the meeting.

- vi. Craig A. Lowy, R. Ph, Case No. 2019-39028
(PCP – Meshad & Mikhael)

This case was continued to the August Board Meeting.

- vii. Comfort IV Therapy, LLC, Case No. 2018-20115
(PCP – Meshad & Wright)

The Respondent was present.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2018), through one or more violations of Rule 64B16-27.797(1)(a), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2018) through a violation of Rule 64B16-28.140(4)(g), F.A.C. by violating one or more provisions of USP Chapter 797 through one or more deficiencies identified by the Departments inspection and for failing to maintain a written record including the quantity in the units for one or more finished compounded products.

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

Second: by Dr. Rivera
Vote: Unanimous

Motion: by Dr. Hickman to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Rivera
Vote: Unanimous

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

Second: by Dr. Rivera
Vote: Unanimous

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

Second: by Mr. Philip
Vote: Unanimous

The Department presented the following recommendation:

- Fine of \$1,500.00 to be paid within ninety (90) days of the filing of the Final Order
- Completion of thirty-three (33) hours of continuing education in Sterile

- Compounding
- Completion of two (2) hours of continuing education in record keeping
- Completion of a twelve (12) hour Laws & Rules continuing education course
- Continuing education courses to be completed by Respondent's PDM within one (1) year of the filing of the Final Order.
- One (1) year probation to include bi-annual inspections at Respondent's expense.

After discussion, the following action was taken:

Motion: by Dr. Rivera to impose the following penalties

- Fine of \$1,500.00 to be paid within ninety (90) days of the filing of the Final Order
- One (1) year probation to include bi-annual inspections at Respondent's expense.

The motion was not seconded. Motion failed.

Motion: by Dr. Hickman to impose the following penalties:

- Completion of thirty-three (33) hours of continuing education in Sterile Compounding
- Completion of two (2) hours of continuing education in record keeping
- Completion of a twelve (12) hour Laws & Rules continuing education course
- Continuing education courses to be completed by the Current Owner/PDM within one (1) year of the filing of the Final Order.
- One (1) year probation to include bi-annual inspections at Respondent's expense.

Second: Dr. Rivera

Vote: Unanimous

Motion: by Dr. Hickman to delegate the Chair to review and approve the required continuing education course in sterile compounding

Second: by Dr. Rivera

Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$507.19 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Rivera

Vote: Unanimous

viii. Devi H. Koung, R. Ph., Case No. 2018-20123
(PCP – Meshad & Wright)

The Respondent was present.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(k), F.S. (2018) through a violation of Section 465.022(11)(a), F.S. (2018) **Count II:** Section 456.072(1)(k), F.S. (2018) through a violation of Section 465.022(11)(a), F.S. (2018) by violating one or more provisions of USP Chapter 797 as the Prescription Department Manager, through one or more deficiencies identified by the

Departments inspection and failing to maintain a written record including the quantity in the units for one or more finished compounded products.

Motion: by Mr. Philip to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Rivera to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- Fine of \$1,500.00 to be paid within ninety (90) days of the filing of the Final Order
- Completion of thirty-three (33) hours of continuing education in Sterile Compounding
- Completion of two (2) hours of continuing education in record keeping
- Completion of a twelve (12) hour Laws & Rules continuing education course
- Continuing education to be completed

After discussion, the following action was taken:

Motion: by Mr. Philip to dismiss

Second: by Dr. Mesaros

Vote: 4/1. Dr. Rivera opposed. Motion passes.

The Department withdrew their motion for costs.

Mr. Meshad requested to take the agenda out of order and hear agenda item, xi. Yakiely Casanas, R.P.T., Case No. 2018-28396, in order to avoid quorum issues as he needed to excuse himself from the meeting after that case.

The Board heard Yakiely Casanas, R.P.T., Case No. 2018-28396.

At this time, Mr. Meshad was excused from the meeting.

ix. Westminster Senior Care Pharmacy LLC, Case No. 2019-33709
(PCP – Montgomery & Bisailon)

The Respondent was present and represented by Dominique Desarro, Vice-President of Pharmacy Services.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. (2019) through one or more violations of rule 64B16-27.797(1)(a), F.A.C. by violating one or more provisions of USP Chapter 797 through one or more deficiencies identified by the Departments inspection.

Motion: by Dr. Rivera to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing.

Second: by Mr. Philip

Vote: Unanimous

Motion: by Mr. Philip to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

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

Second: by Dr. Rivera

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand
- Fine of \$1,500 to be paid within ninety (90) of the filing of the Final Order

After discussion, the following action was taken:

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

- Reprimand
- Fine of \$500 to be paid within ninety (90) of the filing of the Final Order

Second: by Dr. Hickman

Vote: 4/1. Dr. Rivera opposed. Motion passes.

Motion: by Mr. Wright to impose the costs of \$507.19 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Mesaros
Vote: Unanimous

- x. Live Well Drugstore, LLC, Case No. 2015-21958
(PCP – Meshad & Mikhael)

The Respondent was present and represented by Martin Dix, Esq.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2015 through one or more violations of Rule 64B16-27.797(1)(a), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2015) through a violation of Rule 64B16-27.140(4)(g). F.A.C., by violating one or more provisions of USP Chapter 797 through one or more deficiencies identified by the Departments inspection and failing to maintain a written record including the quantity in the units for one or more finished compounded products.

Motion: by Mr. Philip to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing.

Second: by Mr. Wright
Vote: Unanimous

Motion: by Mr. Wright to accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint.

Second: by Dr. Rivera
Vote: Unanimous

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

Second: by Mr. Wright
Vote: Unanimous

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

Second: by Mr. Wright
Vote: Unanimous

The Department presented the following recommendation:

- Fine of \$3,000.00 to be paid within ninety (90) days of the filing of the Final Order
- Completion of thirty-three (33) hours of continuing education in Sterile Compounding
- Completion of two (2) hours of continuing education in record keeping
- Completion of a twelve (12) hour Laws & Rules continuing education course
- Continuing education courses to be completed by Respondent's PDM within one (1) year of the filing of the Final Order.
- One (1) year probation to include bi-annual inspections at Respondent's expense.

After discussion, the following action was taken:

Motion: by Mr. Wright to dismiss.
Second: by Mr. Philip
Vote: Unanimous

The Department withdrew their motion for costs.

- xi. Yakiely Casanas, R.P.T., Case No. 2018-28396
(PCP – Mesaros & Hickman)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(II), F.S. (2018) by pleading guilty to one count conspiracy to commit health care fraud.

Motion: by Mr. Phillip to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint. To adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.

Second: by Mr. Wright
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

The Department withdrew their motion for costs.

III. ADJOURNMENT

There being no further business, the meeting adjourned at 1:48 PM.