

Draft Minutes

June 4, 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 4, 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 - Rich Montgomery, BPharm, MBA, Chair

A. SETTLEMENT AGREEMENT

- i. Shirin Asrani, C. Ph., Case No. 2018-27687
(PCP – Montgomery & Bisailon)

The Respondent was present and represented by Sarah Bazzigaluppi, Esq.

Settlement Agreements one and two were heard together.

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Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. (2017) **Count II:** Section 456.072(1)(m), F.S. (2017) by unlawfully possessing controlled substances and making deceptive, untrue, or fraudulent representations in or related to the practice of the profession or employing a trick or scheme in or related to the practice of the profession.

- ii. Shirin Asrani, R. Ph., Case No. 2018-27679
(PCP – Montgomery & Bisaillon)

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. (2017) **Count II:** Section 456.072(1)(m), F.S. (2017) by unlawfully possessing controlled substances and making deceptive, untrue, or fraudulent representations in or related to the practice of the profession or employing a trick or scheme in or related to the practice of the profession.

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

- Appearance
- Reprimand
- Costs of \$2,935.50 to be paid within ninety (90) days of the filing of the Final Order
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.
- Compliance with PRN (Professional Resources Network) monitoring contract.

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

Second: by Dr. Mikhael

Vote: Unanimous

Motion: by Mr. Philip to counteroffer with the following penalties:

All previous terms of the Settlement Agreement with the following additions:

- Remove Reprimand
- Probation concurrent with PRN contract.
 - Respondent may not serve as a PDM unless prior written approval by the Board.
 - Respondent shall not work for more than two (2) pharmacies during each quarter of the probationary period unless prior written approval by the Board.
 - Respondent shall submit reports every three (3) months to the Compliance Officer confirming where Respondent is engaging in Pharmacy practice.
 - Submission of reports every three (3) months to the Compliance Officer from the Respondents employer.
 - Respondent must appear before the Board before probation can be terminated
- Successful completion of an eight (8) hour Ethics course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing

of the Final Order.

Second: by Mr. Meshad

Vote: Unanimous

The respondent will have 10 days to respond to the counteroffer.

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

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(t)2, F.S. (2014) **Count II:** Section 465.016(1)(e), F.S. (2014) through a violation of Section 893.07(3)(c), F.S. (2014) **Count III:** Section 465.016(1)(e), F.S. through a violation of Section 893.13(7)(a)9, F.S. (2014) by incorrectly entering prescription data in the pharmacy's record on one or more occasions, furnishing false or fraudulent information regarding the quantity of controlled substances in the pharmacy inventory, and making deceptive, untrue, or fraudulent representations in or related to the practice of the profession or employing a trick or scheme in or related to the practice of the profession.

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

- Costs of \$2,078.77 to be paid within ninety (90) days of the filing of the Final Order
- Compliance with PRN (Professional Resources Network) monitoring contract.
- Probation for two (2) years from the date Respondent is deemed safe to resume practice with the following terms:
 - Respondent may not serve as a PDM unless prior written approval by the Board.
 - Respondent shall not work for more than two (2) pharmacies during each quarter of the probationary period unless prior written approval by the Board.
 - Respondent shall submit reports every three (3) months to the Compliance Officer confirming where Respondent is engaging in Pharmacy practice.
 - Submission of reports every three (3) months to the Compliance Officer from the Respondents employer.
 - Tolling provisions in the event Respondent leaves the state of Florida for a period of 30 (thirty) days or more.

Motion: by Dr. Hickman to accept the proposed settlement agreement.

Second: by Mr. Wright

Vote: Unanimous

- iv. Besha Madison Buchanan, R. Ph., Case No. 2018-10759
(PCP – Montgomery & Bisailon)

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(g), F.S. by using an ingredient or article different in any manner from the ingredient or article prescribed during the compounding of or furnishing a prescription.

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

- Appearance
- Fine of \$250.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$3,514.26 to be paid within ninety (90) days of the filing of the Final Order.
- Successful completion of an eight (8) hour prevention of medical errors course to be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.

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

Second: by Mr. Wright

Vote: Unanimous

v. Pensacola Apothecary, Inc. Case No. 2019-06085
(PCP – Weizer & Rivera)

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) through a violation of section 465.015(2)(c), F.S. (2018) by selling or dispensing drugs without a prescription.

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

- Appearance
- Fine of \$1,500.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,973.93 to be paid within ninety (90) days of the filing of the Final Order.
- Probation for one (1) year with semi-annual inspections at the Respondent's cost.

Motion: by Dr. Mikhael to accept the proposed settlement agreement.

Second: by Mr. Meshad

Vote: Unanimous

vi. Auro Pharmacies, Inc., Case No. 2018-24059
(PCP – Mesaros & Montgomery)

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)(f), F.S. (2018) by having a permit disciplined in another jurisdiction that would constitute grounds for disciplinary action in the State of Florida.

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

- Fine of \$2,500.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$2,058.23 to be paid within ninety (90) days of the filing of the Final Order.
- Successful completion by the Respondents current PDM/PIC of a twelve (12) hour laws and rules course to be completed within one (1) year of the filing of the Final Order.

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

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Second: by Mr. Wright
Vote: Unanimous

- vii. Monica A. Davis, R.Ph., Case No. 2019-03151
(PCP – (Weizer & Mikhael))

The Respondent was represented by Kara Graham, Esq.

The Board waived the Respondent's appearance.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(m), F.S. (2018) **Count II:** Section 465.016(1)(i), F.S. (2018) for making deceptive, untrue, or fraudulent representations in or related to the practice of the profession or employing a trick or scheme in or related to the practice of the profession.

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

- Appearance
- Fine of \$1,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$2,519.22 to be paid within one (1) year of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.
- Probation of Respondents license for one (1) year of the filing of the Final Order with the following terms:
 - Respondent may not serve as a PDM unless prior written approval by the Board.
 - Respondent shall not work for more than two (2) pharmacies during each quarter of the probationary period unless prior written approval by the Board.
 - Respondent shall not fill or dispense any prescription for a legend drug for herself or an immediate family member during the probationary period.
 - Respondent shall provide a copy of Final Order to the PDM of each pharmacy employed by.
 - Submission of reports every three (3) months to the Compliance Officer from the Respondents employer.
 - Tolling provisions in the event Respondent leaves the state of Florida for a period of 30 (thirty) days or more.

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

Second: by Dr. Rivera
Vote: Unanimous

Motion: by Mr. Philip to counteroffer with the following penalties:

All previous terms of the Settlement Agreement with the following addition:

- Successful completion of an eight (8) hour ethics course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.

Second: by Mr. Meshad
Vote: Unanimous

The Respondent has ten days to respond to the proposed settlement agreement.

- viii. Zhaoqi Zhu, Case No. 2014-13365
(PCP – Fallon & Mesaros)

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. (2013-2014); Section 465.016(1)(t)3., F.S. (2013-2014) **Count II:** Section 456.072(1)(k), F.S. (2013-214); Section 465.016(1)(e), F.S. (2013-2014); Section 893.04(1)(c)1. F.S. (2013-2014) for committing an error or omission during prescription drug processing and filling a written or oral prescription for a controlled substance that did not meet the requirements of Chapter 893, F.S.

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

- Appearance
- Fine of \$1,500.00 to be paid within one hundred and eighty (180) days of the filing of the Final Order.
- Costs of \$3,615.03 to be paid within two (2) years of the filing of the Final Order.
- Successful completion of an eight (8) hour prevention of medical errors course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.
- Practice Restriction: Respondent may not own a pharmacy or service as a PDM of a pharmacy without prior Board approval. After one (1) year, the Respondent may petition and before the Board to lift restriction.

Motion: by Dr. Mikhael to reject the proposed settlement agreement.
Second: by Dr. Rivera
Vote: Unanimous

Motion: by Dr. Mikhael to counteroffer with the following penalties:

All previous terms of the Settlement Agreement with the following addition:

- Respondent is Restricted from working as a Pharmacist in a Pharmacy that dispenses controlled substances.
- Probation of Respondents license for one (2) years of the filing of the Final Order with the following terms:
 - Respondent may not serve as a PDM unless prior written approval by the Board.
 - Respondent shall not work for more than two (2) pharmacies during

- each quarter of the probationary period unless prior written approval by the Board.
- Respondent shall not fill or dispense any prescription for a legend drug for herself or an immediate family member during the probationary period.
- Respondent shall provide a copy of Final Order to the PDM of each pharmacy employed by.
- Submission of reports every three (3) months to the Compliance Officer from the Respondents employer.
- Tolling provisions in the event Respondent leaves the state of Florida for a period of 30 (thirty) days or more.
- Respondent must appear before the Board before returning to practice.

Second: by Mr. Meshad

Vote: 4/3. Mr. Wright, Mr. Philip, Dr. Rivera opposed. Motion passes

- ix. Farmacia 22-24 d/b/a Farmacia 22-24 Centro, Case No. 2018-18654
(PCP – Rivera & Philip)

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 a violation of Rule 64B16-28.109(5), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2018, through a violation of Rule 64B16-28.109(3) and (4), F.A.C. **Count III:** Section 456.072(1)(k), F.S. (2018), through a violation of Section 465.023(1)(c), F.S. (2018), through a violation of Rule 64B16-27.450(3), F.A.C., for not having a pharmacist present or on duty during operating hours, failing to securely lock prescription department when a licensed pharmacist it not on duty, and failing to continuously maintain a designated PDM at all times the pharmacy was open.

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

- Appearance
- Reprimand
- Fine of \$2,000.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$3,091.71 to be paid within one (1) year of the filing of the Final Order.
- Successful completion by the Respondents current PDM/PIC of a twelve (12) hour laws and rules course to be completed within one (1) year of the filing of the Final Order.

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

Second: by Dr. Hickman

Vote: Unanimous

- x. Terence Kelvin Smith Jr. R.Ph., Case No. 2019-46105
(PCP – (Montgomery & Bisailon))

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(c), F.S. (2017-2018) **Count II:** Section 456.072(1)(x), F.S. (2017-2019) for being convicted or found guilty of a crime related to practice and for failing to

report conviction to the Board within 30 days of conviction.

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

- Appearance
- Costs of \$2,165.61 to be paid within one (1) year of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.
- Suspension of Respondent's license until appearance before the Board to demonstrate safety to practice.

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

Second: by Dr. Hickman

Vote: Unanimous

- xi. Sylvia Bolanos, R.P.T., Case No. 2018-25210
(PCP – (Weizer & Wright))

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.015(2)(c), F.S. (2018) for selling or dispensing drugs without a prescription.

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

- Appearance
- Fine of \$2,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,034.65 to be paid within ninety (90) days of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Hickman to accept the proposed settlement agreement.

Second: by Mr. Meshad

Vote: Unanimous

- xii. Sarasota Doctors Hospital, Inc., Case No. 2018-17931
(PCP – Meshad & Mikhael)

The Respondent was present and represented by Dave Warren, Esq.

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), through one or more violations of Rule 64B16-27.797(1)(a), F.A.C., for violating the standard of practice for compounding CSP's.

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

- Appearance
- Reprimand

- Fine of \$2,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,361.35 to be paid within ninety (90) days of the filing of the Final Order.

Motion: by Dr. Hickman to accept the proposed settlement agreement.

Second: by Mr. Wright

Vote: Unanimous

- xiii. Isaac Laverne Hambelton, R.Ph., Case No. 2018-30039
(PCP – Bisailon & Philip)

The Respondent was present and represented by James Murphy, Esq.

Dr. Mesaros recused himself from this case.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(g), F.S. (2016) by using an ingredient or article different in any manner from the ingredient or article prescribed during the compounding of or furnishing a prescription.

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

- Appearance
- Fine of \$2,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,879.30 to be paid within ninety (90) days of the filing of the Final Order.
- Successful completion of an eight (8) hour prevention of medical errors course to be in addition to the hours required for renewal to be completed within one (1) year of the filing of the Final Order.
- Probation of Respondent's license for two (2) years with the following conditions:
 - Respondent may not serve at the PDM for a CVS Pharmacy
 - Respondent may not work for more than two pharmacies
 - Respondent must submit quarterly written reports

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

Second: by Dr. Hickman

Vote: Unanimous

The Board took a five-minute break.

B. VOLUNTARY RELINQUISHMENT

- i. Honor Edwards, RPT, Case No. 2019-36983
(PCP – Meshad & Mikhael)

This case was pulled.

- ii. Kassandra Virgin, R. Ph., Case No. 2020-07885
(PCP Waived)

- iii. ZZ's Pharmacy, Case No. 2014-13360
(PCP – Fallon & Mesaros)

iv. Wynwood Family Pharmacy, Case No. 2019-49816
(PCP – Waived)

v. Auro Pharmacies, Inc., Case No. 2018-23712
(PCP – Mesaros & Montgomery)

Motion: by Mr. Meshad to accept the voluntary relinquishments for Case No. 2020-07885 and Case No. 2019-49816.
Second: by Dr. Rivera
Vote: Unanimous

Motion: by Dr. Hickman to accept the voluntary relinquishment for Case No. 2014-13360.
Second: by Mr. Wright
Vote: Unanimous

Motion: by Mr. Philip to accept the voluntary relinquishment for Case No. 2018-23712.
Second: by Mr. Meshad
Vote: Unanimous

A. Prosecution Services Report – Andrew Pietrylo

Mr. Pietrylo presented the prosecution services case report to the Board and explained the current caseload is at 300 cases, from 319.

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

III. APPLICATIONS FOR REVIEW – David Wright, BPharm

A. Pharmacists

i. Michael Shaheen

The applicant was present.

Dr. William Jacobs, representative from Professional Resource's Network (PRN), was present and addressed the Board.

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

After further discussion the Board took the following action:

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

ii. Jason Muroka

The applicant was present.

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

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Dr. Rivera

Vote: Unanimous

iii. Thomas Goodge

The applicant was present and representative by Edwin Bayo, Esq.

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

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Dr. Rivera

Vote: Unanimous

iv. Evans Branch

The applicant was present and representative by Edwin Bayo, Esq.

Dr. Hickman recused himself from the case.

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

Mr. Branch requested to withdraw his application.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to approve the withdraw of the application.

Second: by Mr. Meshad

Vote: Unanimous

B. Registered Pharmacy Technician

i. Edgar Santiago

The applicant was present.

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

The applicant did not appear at the February or April 2020 Board meetings. Pursuant to subsection 456.013(3)(c), Florida Statutes, the June meeting was Mr. Santiago's last chance to appear.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Mr. Montgomery

Vote: Unanimous

ii. Kenny Caceres

The applicant was present.

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

The applicant did not appear at the April 2020 Board meeting. Pursuant to subsection 456.013(3)(c), Florida Statutes, the June meeting was Mr. Caceres' last chance to appear.

Mr. Caceres requested to waive the 90-day requirement of his application and requested a continuance in order to receive a PRN evaluation.

The Board Delegated Mr. Wright to review and approve the application the based on the results of the PRN evaluation.

After further discussion the Board took the following action:

Motion: by Dr. Hickman to approve the continuance of Mr. Caceres's application.

Second: by Mr. Montgomery

Vote: Unanimous

iii. Stephanie King

The applicant was present.

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

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Dr. Rivera

Vote: Unanimous

iv. Amanda Koch

The applicant was not present nor represented by Counsel.

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

During the February 2020 Board meeting, the Board granted a continuance of Ms. Koch's application so that she may obtain a PRN evaluation. Upon receipt of a PRN evaluation, Ms. Koch would reappear before the full Board for review. Ms. Koch indicated that she will not be entering into a PRN contract at this time; therefore, PRN is unable to endorse her for licensure at this time.

After further discussion the Board took the following action:

Motion: by Dr. Philip to deny the application for failure to demonstrate safe to practice.
Second: by Dr. Rivera
Vote: Unanimous

v. Lenard Graham

The applicant was present.

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

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.
Second: by Dr. Mesaros
Vote: Unanimous

C. Pharmacy Permits

i. Bayview Pharmacy

The applicant was present.

The applicant applied for a Non-Resident Pharmacy Permit and answered yes to the discipline history question on the application.

After further discussion the Board took the following action:

Motion: by Mr. Philip to accept the application.
Second: by Mr. Montgomery
Vote: Unanimous

IV. PETITION FOR VARIANCE OR WAIVER

A. Guardian Pharmacy, LLC

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

Guardian Pharmacy, LLC submitted a petition of variance or waiver for Rule 64B16-28.830, F.A.C, and requested the Board allow Guardian Pharmacy's seven special closed system pharmacy
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locations to dispense prescription drugs to their employees and immediate relatives.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to grant the petition for nine months from the filing of the Order.

Second: by Mr. Meshad

Vote: Unanimous

The Board requested that Rule 64B16-28.830, F.A.C to be placed on the next Rules Committee Meeting agenda for amendment.

B. Roaa Abdulsalam Mahmood

The applicant was present and represented by Edwin Bayo, Esq.

Ms. Mahmood submitted a petition of variance for Rule 64B16-26.2031, F.A.C, specifically regarding subsection (2)(b)(2). Ms. Mahmood has the requisite score requirements for the TOEFL-ibt; however, she has not met the score thresholds in all four (4) portions of the examination in one sitting. Therefore, Ms. Mahmood is petitioning for variance to accept the myBest scores offered by the Educational Testing Service (ETS) for the TOELF-ibt.

Mr. Flynn, Board Counsel addressed the Board and advised that not accepting myBest scores would be a non-rule policy and Ms. Mahmood has satisfied requirements based on Rule 64B16-26.2031(2)(b)(2), F.A.C., therefore this petition is not required.

Ms. Mahmood withdrew her petition.

After further discussion the Board took the following action:

Motion: by Mr. Philip to approve the withdraw of Ms. Mahmood's petition.

Second: by Dr. Mikhael

Vote: Unanimous

V. PETITION FOR DECLARATORY STATEMENT

A. Tampa General Hospital

The petitioner was present and represented by Patricia Calhoun, Esq.

Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital petitioned the Board for a declaratory statement as to whether it was within the scope of practice of it's hospital pharmacists, to administer a penicillin skin testing program under the auspices of Drug Therapy Management Rule, 64B16-27.830, F.A.C., and the Prospective Drug Utilization Review Rule 64B16-27.810, F.A.C.

After further discussion the Board took the following action:

Motion: by Mr. Philip to grant the petition.

Second: by Mr. Montgomery

Vote: Unanimous

VI. REPORTS – Rich Montgomery, BPharm, MBA, Chair
A. Board Chair

Mr. Montgomery provided an overview of the virtual NABP meeting he attended and congratulated Dr. Mesaros as he was elected to represent District III.

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

Ms. Sapp provided a legislative overview of the current and pending bills for the 2020 legislative session.

HB 59 Automated Pharmacy Systems:

Ms. Sapp indicated this bill has not yet been presented to the Governor for signature.

HB 599 Consultant Pharmacists:

Mr. Sapp provided an overview of the Rules Committee Meeting that was held on Tuesday June 2, 2020 at 8:00 a.m. where the Committee discussed draft language to implement this bill.

HB 389 Practice of Pharmacy:

Mr. Sapp provided an overview of the Rules Committee Meeting that was held on Tuesday June 2, 2020 at 1:00 p.m. where the Committee discussed draft language to implement this bill. Mr. Sapp indicated that this bill requires us to consult with the boards of medicine and osteopathic medicine when adopting rules to implement this bill. Those boards have received the first version of our rule draft for their review. The next Rules Committee meeting is scheduled for June 25, 2020 at 9:00 a.m., and we will be inviting our colleagues from the Board of Medicine and the Board of Osteopathic Medicine to attend that meeting.

C. Board Counsel Report - David Flynn, Senior Assistant Attorney General
i. Rules Status Report

Mr. Flynn provided the Board with an updated Rules report and the Comprehensive Rules Review.

D. Committee Report

- i. Rules Committee – Jeffery J. Mesaros, PharmD, JD**
- a. 64B16-27.4001, F.A.C., Delegation to and Supervision of Pharmacy Technicians; Responsibility of Supervising Pharmacist

The Committee reviewed and proposed the following 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.;

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(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 supervising pharmacist, in consultation with the Prescription Department Manager or Consultant Pharmacist 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 supervising pharmacist'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.

Rulemaking Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.014 FS. History-- New 12-31-14, Amended 12-17-18, _____

Motion: by Mr. Wright to ratify the proposed rule language.

Second: by Dr. Mikhael

Vote: Unanimous

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

The Committee reviewed and proposed the following 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 original application or | MIN: Revocation; MAX: \$10,000 fine for each count and | MIN: Revocation; MAX: \$10,000 fine for each count and | MIN: Revocation; MAX: | MIN: Revocation; MAX: Revocation. |

Commented [CD2]: Description: Removed the term negligent.
Second & Subsequent: added maximum guideline of \$10,000 fine and revocation.

Commented [CD3]: First: Added minimum guideline of Revocation.
Second & Subsequent: added minimum guideline of Revocation.

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| renewal. | Revocation. | Revocation. | 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.: | | | | |

Commented [CD4]: First: Added minimum guideline of revocation.
Second & Subsequent: Added minimum guideline of revocation.

Commented [CD5]: Description: Modified description to better align with referenced statute.
Second & Subsequent: reduced minimum fine to \$5,000 from \$10,000 and removed the one-year suspension from the minimum.

Commented [CD6]: First: Removed \$250 fine from minimum, removed mandatory board appearance and modified the suspension language contained in the minimum.
Second & Subsequent: Changed suspension in minimum from one year to suspension until safe to practice and removed mandatory appearance.

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| 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.) | | | | |
| (l) Non-scheduled legend drugs. | MIN: \$1,500 fine; MAX: \$5,000 fine | MIN: \$5,000 fine and one (1) year of | MIN: Reprimand; MAX: | MIN: Suspension and a corrective |

Commented [CD7]: Description: added word properly. First: Added one-year suspension to max in order to provide a meaningful range.

Commented [CD8]: First: modified language but only linguistic changes that do not have any substantive effect. Second & Subsequent: Added min guideline and added "if appropriate" to language regarding criminal referral in maximum.

Commented [CD9]: First: changed maximum from one-year suspension followed by one year of probation to revocation.

Commented [CD10]: Second & Subsequent: Added minimum guideline.

Commented [CD11]: Description: Modified language in order to align more directly with the referenced statute. First: minor modification to the language in the minimum that has no substantive effect and changed the max from one (1) year suspension and \$10,000 fine to revocation. Second & Subsequent: changed the min from \$10,000 fine and two years suspension to \$10,000 fine and one-year suspension followed by one-year probation.

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| | and one (1) year of probation. | probation; MAX: Revocation. | Suspension and a corrective action plan. | 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 | MIN: \$750 fine per month practicing | MIN: \$2,000 fine per month | MIN: Reprimand; MAX: One (1) | MIN: Reprimand; MAX: |

Commented [CD12]: First: Changed maximum guideline from \$10,000 fine and one (1) year probation to revocation. Second & Subsequent: Removed one-year suspension from minimum.

Commented [CD13]: Second & Subsequent: removed one-year suspension from minimum.

Commented [CD14]: Description: Added Section 465.0157 as a referenced violation.

Commented [CD15]: Description: Removed the statutory cite to 465.018 as it does not appear to reference any notification requirements. Added the cite to 465.022(10) and (11) as they do outline notification requirements. First: Made stylistic changes to the language regarding the calculation of the fine in the minimum and reduced the minimum fine from \$6,000 to \$5,000. Added the fine to the maximum guideline. Second & Subsequent: Added the language regarding the calculation of the fine to the minimum.

Commented [CD16]: First: Made stylistic changes to the language regarding the calculation of the fine and provided a max fine for the minimum guideline. Removed the (1) year probation from the minimum guideline Also added the max guideline which now provides for a max fine of \$7,500 and one (1) year suspension. Second & Subsequent: Made stylistic changes to the language regarding the calculation of the fine and provided a max fine of \$10,000 for the minimum guideline.

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| manager or a supervising, a responsible, or a consultant pharmacist of record. | without a prescription department manager (maximum of \$6,000); MAX: One (1) year suspension and a fine of \$7,500. | practicing without a prescription department manager (maximum of \$10,000); MAX: Revocation. | year suspension and a corrective action plan. | 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; MAX: \$5,000 fine | MIN: \$5,000 fine, 12-hour Laws & Rules course or MPJE, and one (1) year of probation; | MIN: Suspension and a corrective action plan including, at a minimum, | MIN: Suspension and a corrective action plan including, at a minimum, |

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| | and one (1) year of probation. | MAX: Revocation. | completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above. | 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; MAX: \$1,000 fine | 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. |

Commented [CD17]: First: Added \$1,000 fine to the maximum.

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| | 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) | MIN: Suspension and a corrective action plan; MAX: Revocation. |

Commented [CD18]: First: Added \$5,000 fine to the maximum.
Second & Subsequent: Removed the one-year suspension from the minimum.

Commented [CD19]: First: Added maximum fine of \$1,000.

Commented [CD20]: Description: added "administration with" to the description
First: Added maximum fine of \$5,000.

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| | | | year suspension 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. | Commented [CD21]: Description: added "administration with" to the description. First: Added a maximum fine of \$1,000 and the language regarding suspension until insured to the maximum. |
| (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. | Commented [CD22]: Description: added "administration with" to the description. First: Added maximum fine of \$1,000. |
| (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. | Commented [CD23]: First: Modified minimum to remove the "suspension of immunization certificate" and change it to one-year probation. Also modified the maximum to add the "of license" language to clarify the applicability of the suspension language. Second & Subsequent: Modified the language of the minimum to clarify that the suspension referenced would be of the license until receipt of the immunization certificate and removed the one-year probation. |
| (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. | Commented [CD24]: First: Added the maximum fine of \$1,000. |
| 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. | Commented [CD25]: First: Added maximum fine of \$1,000. |
| r. Failure to inform customers of less | MIN: \$500 fine and 12-hour Laws & | MIN: \$1,000 fine; MAX: One (1) year | MIN: Suspension and a corrective | MIN: Suspension and a corrective | Commented [CD26]: First: Added maximum fine of \$1,000. |

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| expensive drug when cost sharing obligation to customer exceeds retail price. (Section 465.0244(2), F.S.) | Rules course or MPJE; MAX: \$1,000 fine and one (1) year of probation. | suspension of dispensing rights. | 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. | action plan including, at a 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. | MIN: \$250 fine and 12-hour Laws & | MIN: \$2,500 fine and one (1) year of | MIN: Suspension and a corrective | MIN: Suspension and a corrective |

Commented [CD27]: First: Added maximum fine of \$5,000.
Second & Subsequent: Removed the one-year suspension from the minimum.

Commented [CD28]: First: Added maximum fine of \$5,000.

Commented [CD29]: First: Added maximum fine of \$2,500.

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| (Section 499.007, F.S.); (Rule 64B16-28.108, F.A.C.) | Rules course or MPJE; MAX: \$2,500 and one (1) year of probation. | probation; MAX: Revocation. | 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. | action plan; MAX: Revocation. |
| (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 | MIN: \$500 fine and | MIN: \$5,000 fine | MIN: Suspension | MIN: Suspension |

Commented [CD30]: First: Added language to minimum regarding obtaining permit. Added fine of \$10,000 to maximum.
Second & Subsequent: Added language to minimum regarding obtaining permit.

Commented [CD31]: Description: Modified description to remove references to "pedigree" and instead reference "transaction" pursuant to the new language contained in 499.005(28).
First: Added fine and one-year suspension to the maximum guidelines.
Second & Subsequent: Added one-year suspension to the minimum guideline.

Commented [CD32]: First: Added maximum fine of \$5,000.

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| requirement. (Section 499.0121, F.S.); and (Sections 499.005(18), and (19), F.S.) | 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation. | and one (1) year of probation; MAX: Revocation. | 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. | and a corrective action plan; MAX: Revocation. |
| 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 | 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. |

Commented [CD33]: First: Added maximum fine of \$5,000.

Commented [CD34]: First: Added maximum fine of \$5,000.

Commented [CD35]: First: Added maximum fine of \$5,000.

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| | 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. | |
| 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. | 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 | MIN: One (1) year suspension and a corrective action plan; MAX: Revocation. |

Commented [CD36]: First: Added maximum fine of \$2,500.

Commented [CD37]: First: Added maximum fine of \$10,000 and added the one year of probation to the maximum.
Second & Subsequent: Removed the one-year suspension from the minimum.

Commented [CD38]: First: Added maximum fine of \$5,000.

Commented [CD39]: First: Added maximum fine of \$5,000.

Commented [CD40]: First: Added maximum fine of \$5,000.

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| (Section 893.06(2), F.S.) | | | action plan. | | |
| h. Failure to take a biennial inventory. (Sections 893.07(1)(a), (2), (3), (4), and (5), F.S.) | 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 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. | |
| 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. | |

Commented [CD41]: First: Added maximum fine of \$2,500.

Commented [CD42]: First: Added maximum fine of \$5,000.

Commented [CD43]: First: Added maximum fine of \$10,000 and the one-year probation to the maximum.

Commented [CD44]: First: Changed maximum to revocation.

Commented [CD45]: First: Changed maximum to Revocation.
Second & Subsequent: Changed the minimum to provide for one-year of probation instead of two years.

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| m. Failure to report information regarding dispensed controlled substances to the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System. (Section 893.055(3), 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, 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. | Commented [CD46]: <u>First:</u> Added maximum fine of \$5,000. |
| 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. | Commented [CD47]: <u>First:</u> Added maximum fine of \$5,000. |
| 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. | Commented [CD48]: <u>First:</u> Added minimum fine of \$5,000. <u>Second & Subsequent:</u> changed the minimum probationary period from two years to one year. |
| (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 | MIN: Reprimand; MAX: Suspension and a corrective action plan | MIN: Suspension and a corrective action plan; MAX: One (1) year suspension | Commented [CD49]: <u>Second & Subsequent:</u> Added the maximum fine of \$2,500. |

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| | | suspension. | including, at a minimum, a 12-hour Laws & Rules course or MPJE. | 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.); | 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 | 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 | 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 | 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. |

Commented [CD50]: First: Added maximum fine of \$2,000.
Second & Subsequent: Amended minimum to reduce the required probationary period from two years to one year.

Commented [CD51]: Description: Removed reference to 456.023(1)(d) as it is addressed in below guideline and is not referenced in the language of this violation.

Commented [CD52]: First: Added maximum fine of \$5,000.

Commented [CD53]: First: Rearranged the language in order to make the distinction clearer. Also removed the \$250 fine from the minimum without ingestions or harm guideline. Added submission of improved action plan to each minimum. Modified CE language in minimum Also added maximum fine of \$1,000.
Second & Subsequent: Modified CE language in minimums

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| or, compounding, dispensing or distributing legend drugs outside professional practice of pharmacy. (Section 465.016(1)(i), F.S.) | action plan, and complete a Board approved eight (8) hour CE course directly related to the violation at issue; MAX (with or without ingestion or harm): \$1,000 fine and one (1) year of probation. | course directly related to the violation at issue, and two (2) years of probation; MAX (with or without ingestion or harm): Revocation. | action plan as outlined above. | | |
| (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. | Commented [CD54]: First: Added minimum fine of \$5,000. Second & Subsequent: Reduced the minimum probation from two years to one year. |
| 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. | Commented [CD55]: Second & Subsequent: Added maximum fine of \$5,000. |
| (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. | Commented [CD56]: Second & Subsequent: Added maximum fine of \$5,000. |
| (j) Improperly placing returned drugs into the | MIN: \$1,000 fine; MAX: \$1,500 fine | MIN: \$3,000 fine and one (1) year of | MIN: Reprimand; MAX: | MIN: Suspension and a corrective | Commented [CD57]: Second & Subsequent: Added maximum fine of \$5,000. |

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| stock of a pharmacy. (Section 465.016(1)(l), F.S.) | and one (1) year of probation. | probation; MAX: \$5,000 fine and one (1) year suspension. | Suspension and a corrective action plan. | 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 | MIN: Suspension and a corrective action plan including, at a minimum, compliance; MAX: Revocation. |

Commented [CD58]: Second & Subsequent: Added maximum fine of \$5,000.

Commented [CD59]: Duplicate guideline that is addressed later in the rules. I believe deleting this reference would be most appropriate as the later guideline is more specific to the referenced rule.

Commented [CD60]: First: Added maximum guideline. Second & Subsequent: Added suspension until compliance to the minimum guideline.

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| | | | outlined above. | | |
| c. Knowingly purchase, sell, possess, or distribute counterfeit drugs. (Section 499.005(8), F.S.) | MIN: \$5,000 fine, and one (1) year suspension followed by 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: One (1) year suspension and a corrective action plan; MAX: Revocation. | MIN: One (1) year suspension and a corrective action plan; MAX: Revocation. | Commented [CD61]: <u>Second & Subsequent</u> : Added the suspension and probation terms to the minimum guideline. |
| 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. | Commented [CD62]: <u>Description</u> : Added the language regarding "active stock" <u>First</u> : Amended language to reflect description change. Added maximum fine of \$2,500. <u>Second & Subsequent</u> : Added same language as contain in first offense guideline regarding failure to remove v dispensing. Also dropped down the minimum probationary period from two year to one year. |
| 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. | Commented [CD63]: <u>First</u> : Added maximum fine of \$5,000. <u>Second & Subsequent</u> : Reduced the minimum probation from two years to one year. |
| 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. | Commented [CD64]: <u>First</u> : Added entire maximum guideline. <u>Second & Subsequent</u> : Reduced the minimum probation from two years to one year and added the language regarding the calculation of the fine. |

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| <p>g. Violation of requirements for records maintained in a data processing system. (Rule 64B16-28.140, F.A.C.)</p> | <p>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE and 8-hour CE course in record keeping; MAX: \$5,000 fine and one (1) year of probation.</p> | <p>MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.</p> | <p>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & 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.</p> | <p>MIN: Suspension and a corrective action plan; MAX: Revocation.</p> | <p>Commented [CD65]: <u>First</u>: Added maximum fine of \$5,000. <u>Second & Subsequent</u>: Reduced the minimum probation from two years to one year.</p> |
| <p>h. Failure to properly store legend drugs. (Rule 64B16-28.120, F.A.C.)</p> | <p>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and one (1) year of probation.</p> | <p>MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.</p> | <p>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.</p> | <p>MIN: Suspension and a corrective action plan; MAX: Revocation.</p> | <p>Commented [CD66]: <u>First</u>: Added maximum fine of \$5,000.</p> |
| <p>i. Practicing nuclear pharmacy without being licensed as a nuclear pharmacist. (Rule 64B16-26.303, F.A.C.)</p> | <p>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.</p> | <p>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.</p> | <p>MIN: Reprimand; MAX: Suspension and a corrective action plan.</p> | <p>MIN: One (1) year suspension; MAX: Revocation.</p> | <p>Commented [CD67]: <u>First</u>: Added entire maximum guideline. <u>Second & Subsequent</u>: Added language regarding calculation of the fine to minimum.</p> |

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| 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 | N/A | N/A |

Commented [CD68]: First: Modified maximum guideline to make it clearer.
Second & Subsequent: Reduced the minimum probation from two years to one year.

Commented [CD69]: First: Added maximum guideline.
Second & Subsequent: Added maximum guideline.

Commented [CD70]: First: Added entire maximum guideline.
Second & Subsequent: Added entire maximum guideline.

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| | | completed and two (2) additional hours of continuing education per missing hour as outlined above. | | |
| m. Failure to retain continuing education records. (Rule 64B16-26.603, F.A.C.) | DELETING THIS GUIDELINE AS THERE IS NO 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 | MIN: \$2,500 and one (1) year suspension followed by one (1) year of probation; | MIN: Suspension and a corrective action plan including, at a minimum, a 12- | MIN: One (1) year suspension and a corrective action plan; MAX: |

Commented [CD71]: This guideline will be deleted as there is no longer any rule text. It remains only as a reference for Board. All following guidelines will be properly re-labeled upon deletion of this guideline.

Commented [CD72]: .104 already has a guideline above but this guideline is most on point.

Commented [CD73]: Second & Subsequent: Reduced the minimum probation from two years to one year.

Commented [CD74]: First: Added probationary term to maximum.
Second & Subsequent: Reduced the minimum probation from two years to one year.

Commented [CD75]: Second & Subsequent: Reduced the minimum probation from two years to one year.

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| | and one (1) year of probation. | MAX: \$10,000 fine and revocation. | hour Laws & Rules course or MPJE; MAX: One (1) year suspension with a corrective action plan as outlined above. | 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 | 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 | MIN: Suspension and a corrective action plan including, at a minimum, current policies and procedures are in |

Commented [CD76]: First: Added suspension language contained in the maximum.

Commented [CD77]: First: Added entire maximum guideline.

Commented [CD78]: Description: Removed reference to .840 as there is no text for the referenced rule.
First: Added entire maximum guideline.

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| | current policies and procedures are in place. | | MJPE; MAX: One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place. | 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 with 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 | 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. |

Commented [CD79]: First: Added entire maximum guideline.

Commented [CD80]: First: Modified minimum language to make it clearer. Added entire maximum guideline. Second & Subsequent: Modified minimum language to make it clearer. Removed probation from without ingestion or harm minimum and reduced the probationary term from two years to one year for the minimum guideline involving ingestion

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| | | harm): Revocation. | | | |
| t. Standards of practice for compounding CSPs. (Rules 64B16-27.700 and .797, F.A.C.) | | | | | |
| (I) No harm. | MIN: \$500 fine, 12-hour Laws & Rules course, and course governing sterile compounds; MAX: \$2,000 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, and course governing sterile compounds; 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. | Commented [CD81]: <u>Second & Subsequent:</u> Reduced the minimum probation from two years to one year. |
| (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 | Commented [CD82]: <u>First:</u> Added course governing sterile compounding to minimum. <u>Second & Subsequent:</u> Added entire maximum guideline. |
| 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. | Commented [CD83]: <u>First:</u> Added maximum fine of \$5,000. <u>Second & Subsequent:</u> Removed language regarding probation from minimum. |
| (I) License disciplined by another jurisdiction for an offense that would constitute a violation of this chapter. (Section 465.016(1)(h), | MIN: (Administrative related offense or offense not impacting patients directly) | MIN: Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida | MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the | MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the | Commented [CD84]: <u>First:</u> Added new guideline for administrative offense. Also added entire maximum guideline. |

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| F.S.); (Section 465.023(1)(e), F.S.) | 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 to penalties set forth in Florida Statutes. | Statutes; MAX: \$10,000 fine and revocation. | penalty imposed in other jurisdiction.) | penalty imposed in other jurisdiction.) |
| (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), | 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 | MIN: Suspension and a corrective action plan; MAX: Revocation. |

Commented [CD85]: First: Added entire maximum guideline.
Second & Subsequent: Added entire maximum guideline.

Commented [CD86]: First: Added entire maximum guideline.
Second & Subsequent: Reduced the minimum probation from two years to one year.

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| F.S.) | | | MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above. | |
| (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; 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. |
| (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- | MIN: Revocation; MAX: Revocation. |

Commented [CD87]: First: Added entire maximum guideline.
Second & Subsequent: Reduced the minimum probation from two years to one year and added a one-year suspension to the minimum.

Commented [CD88]: First: Added maximum fine of \$2,500 and one year of probation.
Second & Subsequent: Reduced the minimum probation from two years to one year.

Commented [CD89]: First: Added entire minimum guideline.
Second & Subsequent: Reduced the minimum probation from two years to one year.

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| | | | hour Laws & Rules course or MJPE; 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 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. | 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 (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. | 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 continuing action plan as outlined above. | MIN: One (1) year 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. |
| (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. | MIN: Revocation, or in the case of application for | MIN: Revocation, or in the case of application for | MIN: Revocation; MAX: | MIN: Revocation; MAX: Revocation. |

Commented [CD90]: First: Provided clarification regarding distinction between ingestion or harm and not. Also added the requirement for submission of an improvement action plan to each minimum. Added entire maximum guideline.
Second & Subsequent: Provided clarification regarding distinction.

Commented [CD91]: First: Added entire maximum guideline.

Commented [CD92]: First: Added minimum guideline.
Second & Subsequent: Added minimum guideline.

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| (Section 465.023(1)(g), F.S.) | licensure, denial of license; MAX: Revocation and a fine of \$10,000. | licensure, denial of license; MAX: \$10,000 fine and Revocation. | 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. (Section 456.072(1)(a), F.S.) | MIN: \$2,500 fine and one (1) year of probation; MAX: \$10,000 fine and one (1) year suspension followed by one (1) year probation. | 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 | |
| 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 | MIN: \$5,000 fine and one (1) year suspension followed by one (1) year probation; MAX: \$10,000 fine | MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective | MIN: One (1) year suspension and a corrective action plan; MAX: Revocation. | |

Commented [CD93]: First: Added minimum fine and added one-year probation to maximum.
Second & Subsequent: Added minimum guideline.

Commented [CD94]: First: Reduced minimum probation from two years to one year. Added maximum fine of \$5,000 and added one year of probation to maximum.
Second & Subsequent: Reduced minimum probation from two years to one year.

Commented [CD95]: First: Added maximum fine of \$2,500.
Second & Subsequent: Added minimum guideline.

Commented [CD96]: First: Added maximum fine and added one-year probation to the maximum.
Second & Subsequent: reduced minimum probation from two years to one year.

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| | followed by one (1) year probation. | and revocation. | action plan. | |
| 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 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.) | MIN: (Administrative 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. | MIN: Same penalty as imposed in the other jurisdiction or as closely as possible to penalties for similar violation; MAX: \$10,000 fine and revocation. | MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction; MAX: Revocation. | MIN: Discipline as close as 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 | MIN: Revocation or denial of license application; | MIN: Revocation or denial of license application; | MIN: Revocation; MAX: | MIN: Revocation; MAX: Revocation. |

Commented [CD97]: First: Added entire maximum guideline.
Second & Subsequent: Added entire maximum guideline.

Commented [CD98]: Description: Deleted second sentence in description as it was not necessary.
First: Added administrative violation guideline and added maximum guideline.

Commented [CD99]: First: Added entire maximum guideline.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD100]: First: Added entire minimum guideline.
Second & Subsequent: Added entire minimum guideline.

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| profession by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board. (Section 456.072(1)(h), F.S.) | MAX: \$10,000 fine and Revocation or denial of license application. | MAX: \$10,000 fine and revocation or denial of license application. | 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 the Department or the Board. (Section 456.072(1)(i), F.S.) | 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 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: Revocation. | |
| 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 | | | | | |

Commented [CD101]: First: Added entire maximum guideline.
Second & Subsequent: Added suspension and probation language to minimum.

Commented [CD102]: First: Added maximum fine of \$2,500.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD103]: Description: Removed the guideline addressing student loan obligations pursuant to recent law. This eliminated the need for subparts of this guideline.
First: Added entire maximum guideline.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD104]: Description: Deleted second sentence of description as it was unnecessary.

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| <p>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.)</p> | | | | | |
| <p>a. Knowingly filing a false report or willful obstruction.</p> | <p>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.</p> | <p>MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.</p> | <p>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</p> | <p>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</p> | |
| <p>b. Negligently failing to file a report or record.</p> | <p>MIN: \$2,500 fine; MAX: \$5,000 fine.</p> | <p>MIN: \$5,000 fine and one (1) year of probation; MAX: Revocation.</p> | <p>MIN: Reprimand; MAX: Suspension and a corrective action plan.</p> | <p>MIN: Suspension and a corrective action plan; MAX: Revocation.</p> | |
| <p>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.)</p> | <p>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.</p> | <p>MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: Revocation.</p> | <p>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</p> | <p>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</p> | |
| <p>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.)</p> | <p>MIN: \$3,000 fine; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</p> | <p>MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.</p> | <p>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</p> | <p>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</p> | |
| <p>14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has</p> | <p>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.</p> | <p>MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: \$10,000 fine and revocation.</p> | <p>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</p> | <p>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</p> | |

Commented [CD105]: First: Added minimum fine of \$5,000 and reduced the minimum probation from two years to one year. Also added the one-year probation to the maximum guideline.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD106]: First: Added entire maximum guideline.

Commented [CD107]: First: Added minimum fine of \$5,000 and reduced minimum probation from two years to one year. Also added one-year probation to maximum.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD108]: First: removed probation from minimum guideline. Added suspension to maximum guideline and reduced maximum probation from two years to one year.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD109]: First: Reduced minimum probation from two years to one year. Added maximum fine and probationary term to maximum.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

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| reason to know, the licensee is not competent to perform. (Section 456.072(1)(o), F.S.) | | | | |
| 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 authorization when required to perform them. (Section 456.072(1)(p), 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 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. |
| 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)(q), 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 | MIN: Revocation; | MIN: Revocation; | MIN: | MIN: Revocation; |

Commented [CD110]: First: Reduced minimum probation from two years to one year. Added maximum fine and probationary term to maximum.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD111]: First: Added maximum fine.

Commented [CD112]: First: Reduced minimum probation from two years to one year. Added entire maximum guideline.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD113]: First: Added minimum guideline.
Second & Subsequent: Added minimum guideline.

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| attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(v), F.S.) | MAX: \$10,000 fine and Revocation. | MAX: \$10,000 fine and revocation. | Revocation; MAX: 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 action plan as outlined above. | 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. |
| 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. | 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. |

Commented [CD114]: Description: Removed the language regarding issuance of an order compelling examination as it is not necessary.
First: Removed mandatory appearance from minimum and added maximum guideline.
Second & Subsequent: Added entire minimum guideline.

Commented [CD115]: First: Added entire maximum guideline.
Second & Subsequent: Reduced minimum probationary period from two years to one year.

Commented [CD116]: First: Removed mandatory appearance from minimum and added entire maximum guideline.
Second & Subsequent: Added entire minimum guideline.

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| (Section 456.072(1)(aa), F.S.) | | | | | |
| 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. | Commented [CD117]: <u>First:</u> Removed minimum fine and added maximum guideline. <u>Second & Subsequent:</u> Added maximum guideline. |
| 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. 285-287, 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.) | 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. | Commented [CD118]: <u>First:</u> Added minimum guideline. <u>Second & Subsequent:</u> Added minimum guideline. |
| 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. | Commented [CD119]: <u>First:</u> Added suspension language to maximum guideline. <u>Second & Subsequent:</u> Reduced minimum probationary period from two years to one year. |
| 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 | 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. | Commented [CD120]: <u>First:</u> Amended maximum guideline to provide for revocation. <u>Second & Subsequent:</u> Reduced minimum probationary period from two years to one year. |

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| which the practitioner was terminated has been restored. (Section 456.072(1)(kk), F.S.) | | | | | |
| 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. | Commented [CD121]: <u>First:</u> Added minimum guideline. <u>Second & Subsequent:</u> Added minimum guideline. |
| 27. Willfully failing to comply with section 627.64194 or 641.513, F.S., with such frequency as to indicate a general business practice. (Section 456.072(1)(oo), F.S.) | 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. | Commented [CD122]: <u>First:</u> Added maximum guideline. |
| (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.) | | | | | Commented [CD123]: <u>Description:</u> Added statutory reference. |
| 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. | Commented [CD124]: <u>First:</u> Added maximum guideline. |
| 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. | Commented [CD125]: <u>First:</u> Added maximum guideline. |
| 3. Failing to detect or to report a significant loss, | MIN: Reprimand, \$500 fine, and one | MIN: \$1,000 fine and one (1) year | MIN: Suspension and a corrective | MIN: One (1) year suspension | Commented [CD126]: <u>First:</u> Added maximum guideline. |

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| theft, or inventory shortage of drugs. (Section 828.055(3)(c), F.S.) | (1) year of probation; MAX: \$1,000 fine, and one (1) year suspension followed by two (2) years of probation. | suspension followed by two (2) years of probation; MAX: Revocation. | action plan; MAX: One (1) year suspension and a corrective action plan. | 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., | N/A | N/A | MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the | MIN: Reprimand; MAX: Revocation. (Discipline shall be as close as possible to the |

Commented [CD127]: First: Added maximum guideline.

Commented [CD128]: First: Added maximum guideline.

| F.S.) | | | penalty imposed in other jurisdiction.) | penalty imposed in other jurisdiction.) |
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| (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, _____.

Motion: by Dr. Mesaros to approve the proposed rule language.

Second: by Mr. Philip

Vote: Unanimous

Motion: by Dr. Mikhael to find no economic impact.
Second: by Mr. Wright
Vote: Unanimous

Motion: by Dr. Mikhael to find that a Statement of Estimated Regulatory Cost was not necessary, and the rule will not need legislative ratification.
Second: by Dr. Wright
Vote: Unanimous

Motion: by Mr. Philip to find that no part of this rule or a violation of this rule should be designated as a minor violation.
Second: by Dr. Mikhael
Vote: Unanimous

Motion: by Mr. Philip to find that this rule shall not include a sunset provision.
Second: by Dr. Rivera
Vote: Unanimous

The Board allowed for public comment.

No public comments were received.

c. Rules Committee Meeting Update

Committee Chair, Dr. Jeffery Mesaros, provided the Board with an overview of the discussion from the April 30, 2020 and the June 2, 2020 Rules Committee meeting.

E. Investigative Services Report – Robert Difiore, Pharmaceutical Program Manager

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

As of June 2020 - Non-Sterile Pharmacy inspections currently at 4,354 inspections completed; Sterile Compounding Pharmacy inspections completed 443 of inspections.

VII. NEW BUSINESS – Rich Montgomery, BPharm, MBA, Chair
A. Florida Pharmacy Association Annual Meeting Delegates

The 2020 Florida Pharmacy Association Annual Meeting will be held July 9-11, 2020 at the JW Marriott Marco Island Beach Resort in Marco Island Florida. Ms. Sapp indicated that the FPA is working towards moving this to a virtual meeting.

The Board assigned the following delegates to attend.

Delegate one: Mr. Wright

Delegate two: Ms. Sapp

Alternate Delegate one: Dr. Mikhael

Alternate Delegate two: Mr. Montgomery

B. Ratification of Issued Licenses/Certificates

- i. Pharmacist (Licensure) – 60
- ii. Pharmacist (Exam Eligibility) – 50
- iii. Pharmacist Interns – 85
- iv. Consultant Pharmacist – 26
- v. Pharmacy/Facilities – 80
- vi. Registered Pharmacy Technicians – 734
- vii. Registered Pharmacy Technician Training Program – 9
- viii. Nonresident Sterile Compounding – 4
- ix. Approved CE Providers – 3
- x. Approved CE Courses – 39
- xi. Individual Pharmacist Request for Approval of CE – 3

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

Second: by Mr. Wright

Vote: Unanimous

VIII. OLD BUSINESS – Rich Montgomery, BPharm, MBA, Chair

A. Review and Approval of Meeting Minutes

- i. April 8, 2020 General Board Meeting Minutes

Motion: by Mr. Philip to accept the meeting minutes as written.

Second: by Dr. Rivera

Vote: Unanimous

- ii. April 30, 2020 Rules Committee Meeting

Motion: by Dr. Mikhael to accept the meeting minutes as amended.

Second: by Mr. Wright

Vote: Unanimous

IX. ADJOURNMENT

Motion: by Dr. Rivera to adjourn the meeting at 2:10 p.m.

Second: by Mr. Wright

Vote: Unanimous