

Draft Minutes

October 13, 2020

TELEPHONE CONFERENCE CALL

1:00 p.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
October 13, 2020
1:00 p.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 1:00 p.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:

Christopher Dierlam, Assistant Attorney
General

PROSECUTION ATTORNEY:

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

COURT REPORTER:

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

II. DISCIPLINARY CASES – Richard Montgomery, BPharm, MBA, Chair

A. SETTLEMENT AGREEMENT

- i. RX Care Four, LLC d/b/a Benxer Pharmacy, Case No. 2019-45132
(PCP – Weizer & Meshad)

The Respondent was charged with the following violation(s): Section 456.072(1)(j), F.S. (2018) by aiding assisting, procuring, employing, or advising unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the Department of Health.

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

- Appearance

- \$2,000 Fine to be paid within ninety (90) days of the filing of the Final Order
- Costs of \$1,198.90 to be paid within ninety (90) days of the filing of the Final Order
- Probation for one (1) year to include semi-annual inspections.

ii. Mahendrabhai Rasikbhai Patel, R.Ph., Case No. 2019-45133
(PCP – Weizer & Meshad)

The Respondent was charged with the following violation(s): Section 456.072(1)(j), F.S. (2018) by aiding assisting, procuring, employing, or advising unlicensed person or entity to practice a profession contrary to this part, the chapter regulating the profession, or the rules of the Department of Health.

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

- Appearance
- Reprimand
- \$2000 Fine to be paid within ninety (90) days of the filing of the Final Order
- Costs of \$1219.41 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 and to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Rivera to accept the proposed settlement agreements for case numbers 2019-45132 and 2019-45133

Second: by Dr. Mesaros

Vote: Unanimous

iii. Roman Grillo R.P.T., Case No. 2019-49801
(PCP – Weizer & Meshad)

The Respondent was present.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(hh), F.S. (2019) by being terminated from, or failing to successfully complete, an impaired practitioners treatment program.

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

- Appearance
- Reprimand
- Costs of \$1,498.50 to be paid within one (1) year of the filing of the Final Order.
- Compliance with the PRN contract the Respondent entered on February 27, 2020.

Motion: by Dr. Rivera to accept the proposed amended settlement agreement.

Second: by Mr. Philip

Vote: Unanimous

iv. Mipal Patel, R.Ph., Case No. 2018-25342
(PCP – Weizer & Meshad)

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

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. (2018) through Section 893.07(5)(b), F.S. (2018). **Count II:** Section 456.072(1)(k), F.S. (2018) through Section 465.022(11)(b), F.S. (2018) by failing to maintain a complete accurate record of controlled substances and failing to perform any statutory or legal obligation placed upon a licensee.

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

- Appearance
- Letter of Concern
- \$1,500 Fine to be paid within ninety (90) days of the filing if the Final Order
- Costs of \$2,735.15 to be paid within ninety (90) days of the filing if the Final Order
- Successful completion of a twelve (12) hour laws and rules course and a total of (4) hours on preventing diversion of controlled substances to in be in addition to the hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Rivera to accept the proposed amended settlement agreement.

Second: by Mr. Wright

Vote: Unanimous

v. John Barron, R.Ph., Case No. 2019-30770
(PCP – Weizer & Mikhael)

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

Complainants present were Shelly Metrick, Courtney Metrick, and Danny McGinnis.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): 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
- \$5,000 Fine to be paid within ninety (90) days of the filing if the Final Order
- Costs of \$4,900.18 to be paid within ninety (90) days of the filing if the Final Order
- Probation for one (1) year to include the following terms:
 - Respondent may not serve as a Prescription Department Manager (PDM) for any pharmacy other than his current employer, or work for more than two pharmacies, without prior Board approval.
 - Respondent and employer must submit quarterly reports to the Departments Compliance Officer.
 - Respondent must appear before the Board during the last three (3) months of probation, with the Board retaining jurisdiction to extend period of probation and/or impose additional terms and conditions.

Motion: by Mr. Philip to accept the proposed settlement agreement.
Second: by Mr. Wright
Vote: Unanimous

- vi. Jared Schaeffer, R. Ph., Case No. 2018-26901
(PCP – Bisailon & Mikhael)

The Respondent was charged with the following violation(s): Section 456.072(1)(m), F.S. (2018) by 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.

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

- Appearance
- Reprimand
- \$1,000 Fine to be paid within ninety (90) days of the filing if the Final Order
- Costs of \$2,069.02 to be paid within ninety (90) days of the filing if 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 and to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Rivera to accept the proposed settlement agreement.
Second: by Mr. Meshad
Vote: Unanimous

B. VOLUNTARY RELINQUISHMENT

- i. Robert Charles Gerland, R.Ph., Case No. 2015-00735
(Weizer & Rivera)

Motion: by Dr. Mikhael to accept the voluntary relinquishment for Case No. 2015-00735.
Second: by Mr. Wright
Vote: Unanimous

- ii. Brittney M. Campbell, R.P.T., Case No. 2019-36989
(PCP – Weizer & Meshad)

Motion: by Mr. Wright to accept the voluntary relinquishment for Case No. 2019-36989.
Second: by Dr. Rivera
Vote: Unanimous

- iii. Honor Edwards R.P.T., Case No. 2019-36983
(PCP – Meshad & Mikhael)

Motion: by Mr. Wright to accept the voluntary relinquishment for Case No. 2019-36983.
Second: by Dr. Rivera
Vote: Unanimous

- iv. Omar Manuel Morcote, P.S.I., Case No. 2020-22806
(PCP Waived)

Motion: by Mr. Wright to accept the voluntary relinquishment for Case No. 2020-22806.
Second: by Dr. Rivera
Vote: Unanimous

III. ADJOURNMENT

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