

Draft Minutes

October 14, 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
October 14, 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:

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. DETERMINATION OF WAIVER**

- i. Christ Pharmacy, Inc., Case No. 2020-01698
(PCP – Mesaros & Mikhael)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S., through Rule 64B16-28.202(3)(a)(b), F.A.C., by failing to properly transfer prescription files and medicinal drugs when closing a pharmacy.

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

Second: by Dr. Rivera

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Dr. Rivera

Vote: Unanimous

The Department withdrew their motion for costs.

- ii. Pharmacy Doctors Enterprises d/b/a Zion Clinic Pharmacy,
Case No. 2018-13109 (PCP – Weizer & Mikhael)

The Respondent was represented by Andrew Feldman, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(q), F.S. (2015) **Count II:** Section 465.023(1)(c), F.S. (2017), through Rule 64B16-28.140(4), F.A.C., by violating a lawful Order of the Department or Board and by failing to maintain a written record for each batch/sub-batch of a compound product.

This case was referred to the Division of Administrative Hearing.

B. INFORMAL

- i. Diviya S. Patel, R. Ph., Case No. 2020-05251
(PCP – Hickman & Mesaros)

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

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(e), F.S. (2018) through a violation of 456.072(1)(m), F.S. (2019) by unlawful possession of controlled substances and making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

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

Second: by Mr. Wright

Vote: Unanimous

Motion: by Dr. Mikhael to accept into evidence the final investigative file.

Second: by Mr. Wright

Vote: Unanimous

Motion: by Dr. Mikhael to adopt the findings of fact set forth in the Administrative Complaint.

Second: by Mr. Wright

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

Dr. William Jacobs, Professional's Resource Network Representative, was present and addressed the Board.

The Department presented the following recommendation:

- Probation to run concurrent with Respondents PRN contract to include 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.
- Restriction from practice for one (1) year from the filing of the Final Order. Respondent may only practice while under the direct supervision of a licensed pharmacist.
- Successful completion of a Board approved twelve (12) hour laws and rules course and a total of eight (8) hours of ethics in addition to the required continuing education courses to be completed within one (1) year of the filing of the Final Order.

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: Unanimous

Motion: by Dr. Mikhael to impose the costs of \$2,564.14 payable within ninety (90) days of the

filing of the Final Order.
Second: by Mr. Wright
Vote: Unanimous

- ii. Yamila Vazquez De Llado, R.P.T., Case No. 2019-03613
(PCP – (Weizer & Wright))

The Respondent was not present nor represented by Counsel.

Mr. Smoot presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(ll), F.S. (2017) **Count II:** Section 456.072(1)(x), F.S. (2017) **Count III:** Section 456.072(1)(kk), F.S. (2018) by entering a plea of guilty to one count healthcare fraud, failing to report conviction to the Board within thirty days, and being terminated from the state Medicaid program.

Motion: by Dr. Mikhael to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint and to adopt as its findings of fact, those facts alleged in the Administrative Complaint.

Second: by Dr. Rivera
Vote: Unanimous

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

Second: by Dr. Rivera
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

The Department withdrew their motion for costs.

- iii. Wells Pharmacy Network, LLC, Case No. 2020-08796
(PCP – (Weizer & Wright))

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

Mr. Smoot presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. (2019) by having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against in another jurisdiction.

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

Second: by Mr. Mikhael

Vote: Unanimous

Motion: by Dr. Hickman to accept into evidence the final investigative file.

Second: by Mr. Mikhael

Vote: Unanimous

Motion: by Dr. Hickman to adopt the findings of fact set forth in the Administrative Complaint.

Second: by Dr. Mikhael

Vote: Unanimous

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

Second: by Dr. Mikhael

Vote: Unanimous

The Department presented the following recommendation:

- Reprimand
- \$1,000 Fine to be paid within ninety (90) days of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Mr. Philip to dismiss the case.

Second: by Dr. Mikhael

Vote: Unanimous

- iv. Philip J. Hemon, R. Ph., Case No. 2017-11471
(PCP – (Weizer & Wright))

The Respondent was present.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(i), F.S. (2016) by compounding, dispensing, or distributing legend drugs outside professional practice of pharmacy.

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

Second: by Dr. Rivera

Vote: Unanimous

Motion: by Dr. Mikhael to accept into evidence the final investigative file.

Second: by Dr. Rivera

Vote: Unanimous

Motion: by Dr. Mikhael to adopt the findings of fact set forth in the Administrative Complaint.

Second: by Dr. Rivera

Vote: Unanimous

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

Second: by Dr. Rivera

Vote: Unanimous

The Department presented the following recommendation:

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

After discussion, the following action was taken:

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

Second: by Dr. Rivera

Vote: Unanimous

Motion: by Dr. Mikhael to impose the costs of \$1,467.99 payable within ninety (90) days of reinstatement of the license.

Second: by Dr. Hickman

Vote: Unanimous

v. Omar S. Zoobi, R. Ph., Case No. 2018-15898
(PCP – Mesaros & Mikhael)

The Respondent was represented by Fritz Scheller, Esq.

Mr. Smoot presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(II), F.S. (2019) by entering a plea of guilty to one count of conspiracy to commit healthcare fraud.

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

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright to accept into evidence the final investigative file.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright to adopt the findings of fact set forth in the Administrative Complaint.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright to find that the findings of fact support a finding of a violation of Florida

Statutes, as charged in the Administrative Complaint.
Second: by Dr. Hickman
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

The Department withdrew their motion for costs.

- vi. Brittney Elizabeth Gretka, R.P.T., Case No. 2020-03544
(PCP – Weizer & Meshad)

The Respondent was not nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(e), F.S., through Section 893.13(7)(a)(9); and Section 456.072(1)(m), F.S. by the unlawful possession of controlled substance and making deceptive, untrue, or fraudulent representation 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.

Motion: by Mr. Wright to find the Administrative Complaint was properly served on Respondent and Respondent requested an informal hearing. To accept into evidence the final investigative file for the purposes of establishing a prima facie case for a violation of the Florida Statutes as charged in the Administrative Complaint and to adopt as its findings of fact, those facts alleged in the Administrative Complaint and to find that the finding of fact support a violation of the Florida Statutes as charges in the Administrative Complain.

Second: by Dr. Hickman
Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

Motion: by Mr. Wright to accept the Departments recommendation.
Second: by Dr. Hickman
Motion withdrawn

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

- Suspension until Respondent personally appears before the Board and

- demonstrates that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN
- Board reserves the right to impose reasonable conditions of reinstatement at the time the Respondent appears before the Board.

Second: by Dr. Mikhael
Vote: 6/1. Mr. Wright opposed.

Motion: by Dr. Mikhael to impose the costs of \$1,873.03 payable within ninety (90) of reinstatement of the license.
Second: by Mr. Philip
Vote: Unanimous

C. Prosecution Services Report – Andrew Pietrylo

Mr. Pietrylo presented the prosecution services case report to the Board and explained the current caseload is at 229 cases, from 276.

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

III. APPLICATIONS FOR REVIEW – David Wright, BPharm

A. Pharmacists

i. Lina Lin

The applicant was present and represented by Megan Blanco, Esq.

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

After further discussion the Board took the following action:

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

ii. Austin Smith

The applicant was present.

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

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application contingent upon being deemed safe to practice by way of an evaluation from PRN. The Board Chair has delegated authority to review the evaluation for determination of licensure. Should Mr. Smith fail to complete the evaluation within six (6)

months his application shall be denied.
Second: by Dr. Rivera
Vote: Unanimous

iii. Elveera Valieva

The applicant was present.

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

Ms. Valieva's application was considered at the December 2019 meeting. The Board allowed her to withdraw her application and reapply when all conditions of her Washington probation was met. Ms. Valieva's probation was terminated on August 5, 2020.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.
Second: by Mr. Philip
Vote: 7/1. Dr. Rivera opposed.

B. Registered Pharmacy Technician

i. Myriam Jimenez

The applicant was present.

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

Ms. Jimenez failed to appear at the August 2020 Board Meeting.

After further discussion the Board took the following action:

Motion: by Mr. Meshad to deny the application based on crimes being related to the practice of pharmacy. The applicant will have seven (7) days from the filing of the Final Order to withdraw her application.
Second: by Mr. Philip
Vote: 7/1. Dr. Hickman opposed.

ii. Angelica Bradley

The applicant was not present nor represented by Counsel.

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

Ms. Bradley failed to appear at the August 2020 Board Meeting.

After further discussion the Board took the following action:

Motion: by Dr. Rivera to deny the application.
The motion was not seconded.
Motion failed.

Motion: by Mr. Philip to deny the application due to failure to appear at a regularly scheduled meeting. The applicant will have seven (7) days from the filing of the Final Order to withdraw her application.

Second: by Mr. Montgomery
Vote: Unanimous

iii. Roger Feller

The applicant was present.

The applicant applied for a registered pharmacy technician license and answered yes to criminal 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. Myriam Petitfrere

The applicant was present.

The applicant applied for a registered pharmacy technician license and answered yes to criminal history questions on her application. Ms. Petitfrere also has disciplinary history on her Florida CNA license.

Mr. Philip went on record that his association with Walgreens would not conflict with his ability to act on the application.

After further discussion the Board took the following action:

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

v. Gabrielle Rodriguez

The applicant was present.

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

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.

Second: by Dr. Rivera

Vote: Unanimous

vi. Hakeem Fashola

The applicant was present.

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

After further discussion the Board took the following action:

Motion: by Dr. Rivera to accept the application.

Second: by Mr. Montgomery

Vote: Unanimous

C. Pharmacy Permits

i. 1st America Infusion Services, LLC.

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

The applicant applied for a Schedule II & III Community Pharmacy Permit. The applicant answered yes to disciplinary questions 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

ii. Premier Pharmacy Group, LLC.

The applicant was present.

The applicant applied for a Nonresident Pharmacy Permit. The applicant answered yes to disciplinary questions on the application.

After further discussion the Board took the following action:

Motion: by Dr. Mikhael to accept the application.

Second: by Dr. Hickman

Vote: Unanimous

iii. Southern Scripts Intermediate II, LLC.

The applicant was present.

The applicant applied for a Nonresident Pharmacy Permit. The applicant answered yes to disciplinary questions on the application.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.

Second: by Dr. Hickman

Vote: Unanimous

iv. Express RX, LLC.

The applicant was present.

The applicant applied for a Nonresident Pharmacy Permit. The applicant answered yes to disciplinary questions on the application.

After further discussion the Board took the following action:

Motion: by Mr. Montgomery to accept the application.

Second: by Dr. Mikhael

Vote: Unanimous

D. Individual Request for Continuing Education

The licensee was not present nor represent by Counsel.

The licensee applied for an Individual Request for Continuing Education. Ms. Mafdali completed the course on February 8-9, 2020 and is requesting the post approval of continuing education credits.

After further discussion the Board took the following action:

Motion: by Mr. Philip to approve the thirteen (13) credits of continuing education as recommended by the Tripartite Committee

Second: by Dr. Hickman

Vote: 7/1. Mr. Montgomery opposed.

IV. REQUEST TO APPROVE PDM AT TWO LOCATIONS

A. Cleveland Clinic

The Cleveland Clinic submitted a request to the Board to allow one pharmacist, Michael Tesson, to serve as the Prescription Department Manager at two of their retail pharmacy locations.

Motion: by Dr. Mikhael to grant the request up to a script count of no more than 4,000 a month.

Second: by Dr. Hickman

Vote: Unanimous

V. PETITION FOR VARIANCE OR WAIVER

A. EasyScripts, LLC., 64B16-28.450, F.A.C., Centralized Prescription Filing, Delivering, and Returning

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

The Petitioner was seeking a variance from the rule language that precludes a central fill pharmacy from delivering controlled substances to the ultimate consumer. The Petitioner operates five pharmacies within the state of Florida and is working on a Community Pharmacy application for a sixth location. The Petitioner requested to be able to have five of the pharmacy locations act as originating pharmacies and send their prescriptions to the Petitioner's main pharmacy for central filling and dispensing to the patients or the patients' agent.

This discussion was tabled to the December agenda.

Dr. Mesaros addressed the Board regarding the current rule and confirmed the Rules Committee will research with Board Counsel for clarification.

VI. RULE DISCUSSION

A. 64B16-30.001, F.A.C., Disciplinary Guidelines

- i. Letter from the Joint Administrative Procedures Committee
- ii. Response to the Joint Administrative Procedures Committee

Board Counsel provided an overview of the correspondence from the Joint Administrative Procedures Committee and provided the amended rule language for the Board's consideration.

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. 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. 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. 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	FLORIDA LICENSEE 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: to \$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.
21. By fraudulent misrepresentation or fraud on original application or renewal.	MIN: \$10,000 fine for each count and Revocation; MAX: \$10,000 fine for each count and revocation.	MIN: \$10,000 fine for each count and Revocation; MAX: \$10,000 fine for each count and revocation.	MIN: Revocation; MAX: Revocation.	MIN: Revocation; MAX: Revocation.
32. 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: \$10,000 fine for each count and Revocation; MAX: \$10,000 fine for each count and revocation.	MIN: \$10,000 fine for each count and 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,	MIN: \$2,500 fine and 12-hour Laws & Rules course or Multistate Pharmacy	MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of	MIN: Suspension and a corrective action plan including, at a	MIN: Suspension and a corrective action plan;

Commented [CD1]: Deleted (1) as no distinction is needed. Modified (1) and (2) to allow for a lesser guideline if the violation involves error of the dept or board and reflect the mandatory \$10,000 fine required by Section 456.072(2)(d). The language also more accurately reflects the statutory provision.

Commented [CD2]: Added mandatory \$10,000 fine to both first and second offense minimum pursuant to section 456.072(2)(d).

Commented [CD3]: Added one-year suspension to second offense mandatory minimum per JAPC comments.

or dispense any prescriptions including owner or operator of pharmacy, to practice pharmacy. (Section 465.016(1)(c), F.S.)	<u>Jurisprudence Exam (MPJE);</u> <u>MAX: to \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>probation;</u> <u>MAX: \$10,000 fine and one (1) year suspension followed by one (1) year probation to and revocation.</u>	<u>minimum, completion of a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MAX:</u> <u>Revocation.</u>
(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.)	<u>MIN: Suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety;</u> <u>MAX: Revocation.</u> <u>\$250 fine, indefinite suspension with PRN review and board appearance to Revocation.</u>	<u>MIN: One (1) year Suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>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;</u> <u>MAX: Revocation.</u>	<u>MIN:</u> <u>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;</u> <u>MAX:</u> <u>Revocation.</u>
(e) Violating laws governing the practice of pharmacy. (Section 465.016(1)(e), F.S.); (Section 465.023(1)(c), F.S.)				
1. Chapter 465, F.S.:				
a. Failure to properly supervise registered pharmacy technician. (Section 465.014, F.S.)	<u>MIN: \$250 fine, one (1) year of probation, and 12-hour Laws and Rules course or MPJE;</u> <u>MAX: to \$1,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$45,000 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
b. Operating a pharmacy that is not registered.	<u>MIN: \$500 fine per month (up to</u>	<u>MIN: Revocation;</u> <u>MAX: \$10,000 fine,</u>	<u>MIN: Reprimand;</u> <u>MAX: Revocation.</u>	<u>MIN:</u> <u>Revocation;</u>

Commented [CD4]: Increased the second offense minimum fine to \$5,000 per JAPC comments.

(Section 465.015(1)(a), F.S.)	maximum of \$5,000 fine), <u>12-hour Laws and Rules course or MPJE, and (penalty will require permittee to obtain or must renew permit, obtain new permit, or cease operation practice);</u> MAX: to Revocation.	revocation, and, if appropriate, referral to State Attorney's Office for criminal prosecution.		MAX: <u>Revocation and, if appropriate, referral for criminal prosecution.</u>	Commented [CD5]: Added CE course to first offense minimum per JAPC comments.
c. Operating a pharmacy where an unlicensed, unregistered, or unsupervised person practices pharmacy. (Section 465.015(1)(b), F.S.)	<u>MIN: \$5,000 fine, 12-hour Laws and Rules course or MPJE, and one (1) year of probation; to one (1) year suspension followed by one (1) year probation.</u> MAX: Revocation.	MIN: \$10,000 fine, and one (1) year suspension followed by one (1) year of probation; MAX: to Revocation.	<u>MIN: Suspension and a corrective action plan;</u> MAX: Revocation.	<u>MIN: One (1) year suspension and a corrective action plan;</u> MAX: <u>Revocation.</u>	Commented [CD6]: Added CE course to first offense minimum per JAPC comments.
d. Making a false or fraudulent statement to the board. (Section 465.015(2)(a), F.S.)	<u>MIN: \$10,000 fine;</u> MAX: to <u>\$10,000 fine and revocation.</u>	<u>MIN: \$10,000 fine and revocation;</u> MAX: \$10,000 fine and revocation.	<u>MIN: Reprimand;</u> MAX: <u>Revocation.</u>	<u>MIN: Revocation;</u> MAX: <u>Revocation.</u>	Commented [CD7]: Added mandatory \$10,000 fine per 456.072(2)(d) per JAPC comments.
e. <u>Filling or compounding prescriptions, or dispensing medicinal drugs, without an active license. Practicing pharmacy as an inactive licensee.</u> (Section 465.015(2)(b), F.S.)	<u>MIN: \$500 fine per month while inactive (up to maximum \$6,000); to \$10,000 fine and one (1) year suspension.</u> MAX: <u>Revocation, \$10,000 fine and one (1) year suspension followed by one (1) year of probation;</u>	MIN: \$10,000 fine and <u>one (1) year two (2) years suspension followed by one (1) year of probation;</u> MAX: to Revocation.	<u>MIN: Reprimand;</u> MAX: <u>Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> MAX: <u>Revocation.</u>	Commented [CD8]: Removed max of revocation for first time offense and replaced it with provided guideline per JAPC comments.
f. Selling or dispensing drugs without a prescription. (Section 465.015(2)(c), F.S.)					
(l) Non-scheduled legend drugs.	<u>MIN: \$1,500 fine;</u> MAX: to \$5,000 fine and one (1) year of probation.	<u>MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation;</u> MAX: to	<u>MIN: Reprimand;</u> MAX: <u>Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> MAX: <u>Revocation.</u>	Commented [CD9]: Added one-year suspension to second offense minimum per JAPC comments.

		Revocation.		
(II) Scheduled (controlled substances) legend drugs.	MIN: \$5,000 fine and one (1) year suspension; to \$10,000 fine and one (1) year probation. MAX: Revocation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: to 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: to \$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: to 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: to Revocation.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation; MAX: to 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) 465.048, F.S.)	MIN: \$500 fine each month licensee fails to notify the Board. Fine based on length of time prior to notifying the Board. \$500 per month (maximum \$5,000 6,000); MAX: to One (1)	MIN: \$500 fine each month licensee fails to notify the Board (maximum \$7,500 fine) and one (1) year of probation; MAX: to Revocation.	MIN: Reprimand; MAX: Suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

Commented [CD10]: Added one-year suspension to each minimum per JAPC comments.

Commented [CD11]: Added mandatory one-year suspension to second offense minimum per JAPC comments.

Commented [CD12]: Changed second offense minimum to one year probation instead of suspension and changed second offense maximum from revocation to provided guideline per JAPC comments.

	year of probation and \$7,500 fine.	\$10,000 fine and one (1) year suspension followed by one (1) year probation.		
(II) Failure to have prescription department manager or a supervising, a responsible, or a consultant pharmacist of record.	Fine based on length of time practicing without designated pharmacist; MIN: \$750 fine per month practicing without a prescription department manager (maximum of \$6,000); MAX: and One (1) year suspension probation and a fine of \$7,500.	MIN: \$2,000 fine per month, practicing without a prescription department manager (maximum of \$10,000) and one (1) year probation; MAX: to Revocation, \$10,000 fine and two (2) year suspension followed by two (2) years of probation	MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.	MIN: Reprimand; MAX: Revocation.
i. Failure to comply with substitution of legend drug requirements. (Sections 465.025(2), (3), and (4), F.S.)	MIN: \$500 fine and 12-hour Laws & Rules course or MPJE; MAX: to \$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: to Revocation, \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	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: to \$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: to Revocation, \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	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	MIN: \$500 fine;	MIN: \$2,500 fine and	MIN: Reprimand;	MIN:

Commented [CD13]: Added probation to second offense minimum and removed revocation from second offense maximum per JAPC comments.

Commented [CD14]: Removed revocation from second offense maximum and replaced it with provided guideline per JAPC comments.

Commented [CD15]: Removed revocation from second offense maximum and replaced it with provided guideline per JAPC comments.

emergency prescription requirements. (Section 465.0275, F.S.)	<u>MAX:</u> to \$2,500 fine and one (1) year of probation.	one (1) year of probation; <u>MAX:</u> to \$5,000 fine and one (1) year suspension followed by one (1) year of probation.	<u>MAX:</u> <u>Suspension and a corrective action plan.</u>	<u>Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>
I. Engage in prohibited rebate scheme. (Section 465.185, F.S.)	<u>MIN:</u> \$1,500 fine and 12-hour Laws & Rules course or MPJE; <u>MAX:</u> to \$5,000 fine and one (1) year of probation.	<u>MIN:</u> \$5,000 fine, 12-hour Laws & Rules course or MPJE, and <u>one (1) year suspension followed by one (1) year of probation;</u> <u>MAX:</u> to Revocation.	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN:</u> \$500 fine; <u>MAX:</u> to \$1,000 fine and one (1) year of probation.	<u>MIN:</u> \$1,000 fine and one (1) year of probation; <u>MAX:</u> to Suspension of right to dispense.	<u>MIN: Reprimand;</u> <u>MAX:</u> <u>Suspension and a corrective action plan.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>
(II) Dispensing drug not on the formulary. (Section 465.186(2), F.S.); (Rules 64B16-27.220, .230, F.A.C.)	<u>MIN:</u> \$1,500 fine and 12-hour Laws & Rules course or MPJE; <u>MAX:</u> to \$5,000 fine and one (1) year of probation.	<u>MIN:</u> \$5,000 fine and one (1) year of probation; <u>MAX:</u> to \$10,000 fine and <u>one (1) year suspension followed by one (1) year of probation.</u> <u>Revocation.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>

Commented [CD16]: Added one-year suspension to second offense minimum guideline per JAPC comments.

Commented [CD17]: Removed revocation as max and replaced with provided guideline per JAPC comments.

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.	<u>MIN:</u> \$500 fine and 12-hour Laws & Rules course or MPJE; <u>MAX:</u> \$1,000 fine and to one (1) year of probation.	<u>MIN:</u> \$1,000 fine and one (1) year of probation; <u>MAX:</u> to Revocation. <u>\$10,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX:</u> One (1) year suspension and a corrective action plan as outlined above.	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
(II) Failure to report.	<u>MIN:</u> \$1,000 fine and one (1) year of probation; <u>MAX:</u> \$5,000 fine and to one (1) year suspension.	<u>MIN:</u> \$5,000 fine and <u>one (1) year suspension followed by one (1) year of probation;</u> <u>MAX:</u> to Revocation.	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX:</u> One (1) year suspension and a corrective action plan.	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
o. Violation of facsimile prescription requirements. (Section 465.035, F.S.)	<u>MIN:</u> \$500 fine and 12-hour Laws & Rules course or MPJE; <u>MAX:</u> \$1,000 fine and to one (1) year of probation.	<u>MIN:</u> \$1,000 fine and one (1) year of probation; <u>MAX:</u> to Revocation. <u>\$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX:</u> One (1) year suspension and a corrective action plan as outlined above.	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
p. Violation of requirements for administration of vaccines and epinephrine auto injection.				

Commented [CD18]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD19]: Added one year suspension to second offense minimum per JAPC comments.

Commented [CD20]: Removed revocation as max and replaced with provided guideline per JAPC comments.

(Section 465.189, F.S.); and; (Section 465.009(6)(a), F.S.)				
(I) Administration with failure to enter into a written protocol.	<u>MIN: \$2,500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) year of probation;</u> <u>MAX: to Revocation- \$10,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(II) Administration with failure to maintain proper insurance.	<u>MIN: \$500 fine and suspension until insured;</u> <u>MAX: \$1,000 fine and suspension until insured followed by to one (1) year probation.</u>	<u>MIN: \$1,000 fine, and suspension until insured, followed by one (1) year of probation;</u> <u>MAX: to Revocation- \$10,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, becoming insured;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, becoming insured;</u> <u>MAX: Revocation.</u>
(III) Administration with failure to maintain and make available patient records.	<u>MIN: \$500 fine;</u> <u>MAX: \$1,000 fine and to one (1) year of probation.</u>	<u>MIN: \$1,000 fine and one (1) year of probation;</u> <u>MAX: to Revocation- \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(IV) Uncertified administration of vaccine.	<u>MIN: \$5,000 fine and one (1) year of probation;</u> <u>suspension of immunization certification</u> <u>MAX: \$7,500 fine and to one (1) year suspension of license.</u>	<u>MIN: \$7,500 fine and suspension of license until receipt of immunization certification;</u> <u>certified, followed by one (1) year probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(V) Failure to submit	<u>MIN: \$500 fine;</u>	<u>MIN: \$1,000 fine and</u>	<u>MIN: Reprimand;</u>	<u>MIN:</u>

Commented [CD21]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD22]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD23]: Removed revocation as max and replaced with provided guideline per JAPC comments.

copy of protocol or written agreement to the board.	<u>MAX: \$1,000 fine and to one (1) year of probation.</u>	one (1) year of probation; <u>MAX: to</u> <u>Revocation: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MAX: Suspension and a corrective action plan.</u>	<u>Suspension and a corrective action plan; MAX: Revocation.</u>
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.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$1,000 fine and to one (1) year of probation.</u>	<u>MIN: \$1,000 fine and one (1) year of probation;</u> <u>MAX: to</u> <u>Revocation: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan; MAX: Revocation.</u>
r. Failure to inform customers of less expensive drug when cost sharing obligation to customer exceeds retail price. (Section 465.0244(2), F.S.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$1,000 fine and to one (1) year of probation.</u>	<u>MIN: \$1,000 fine and one (1) year of probation;</u> <u>MAX: to \$5,000 fine and one (1) year suspension of dispensing rights followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, one (1) year suspension of dispensing rights; MAX: Revocation.</u>
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.)				
(l) Adulteration of a drug. (Section 499.005(2), F.S.); and (Section 499.006, F.S.)	<u>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine</u>	<u>MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation;</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum,</u>	<u>MIN: Suspension and a corrective action plan; MAX:</u>

Commented [CD24]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD25]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD26]: Added one year of probation to second offense minimum and maximum per JAPC comments.

Commented [CD27]: Added one year suspension to second offense minimum per JAPC comments.

	<u>and to one (1) year of probation.</u>	<u>MAX: to Revocation.</u>	<u>completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>Revocation.</u>
(II) Receipt or delivery of any drug that is adulterated or misbranded. (Section 499.005(3), F.S.)	<u>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) year of probation;</u> <u>MAX: to</u> <u>Revocation.</u> <u>\$10,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(III) Incomplete or inaccurate labeling. (Section 499.007, F.S.); (Rule 64B16-28.108, F.A.C.)	<u>MIN: \$250 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$2,500 and to one (1) year of probation.</u>	<u>MIN: \$2,500 fine and one (1) year of probation;</u> <u>MAX: to</u> <u>Revocation.</u> <u>\$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
(IV) Fraudulent misbranding of legend drugs. (Section 499.007, F.S.)	<u>MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Two (2) years' suspension.</u>	<u>MIN: \$10,000 fine and two (2) years' suspension followed by two (2) years' of probation;</u> <u>MAX: to</u> <u>Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Two (2) year suspension and a corrective action plan.</u>	<u>MIN: Two (2) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
b. Failure to obtain a permit or registration or operating without a valid	<u>MIN: \$500 fine per month to a maximum of \$5,000 (penalty</u>	<u>MIN: \$10,000 fine (penalty will require permittee to obtain</u>	<u>MIN: Suspension and a corrective action plan</u>	<u>MIN: One (1) year suspension and a corrective</u>

Commented [CD28]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD29]: Removed revocation as max and replaced with provided guideline per JAPC comments.

permit when it is required. (Section 499.005(22), F.S.)	will require permittee to <u>obtain permit</u> , renew permit, or cease practice); <u>MAX: \$10,000 fine and to one (1) year of probation.</u>	<u>permit</u> , renew permit, or cease practice); <u>MAX: to Revocation.</u>	<u>including, at a minimum, the provider to obtain permit, renew permit, or cease practicing;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>action plan including, at a minimum, the provider to obtain permit, renew permit, or cease practicing;</u> <u>MAX: Revocation.</u>
c. Prescription drug <u>transaction pedigree</u> violations. (Section 499.005(28), F.S.); <u>and</u> (Section 499.0051, F.S.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and one (1) year suspension followed by to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
d. Recordkeeping requirement. (Section 499.0121, F.S.); <u>and</u> (Sections 499.005(18), <u>and</u> (19), F.S.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$51,000 fine and one (1) year of probation;</u> <u>MAX: to Revocation-\$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
e. Storage of drugs. (Section 499.0121, F.S.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$51,000 fine and one (1) year of probation;</u> <u>MAX: to Revocation-\$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>

Commented [CD30]: Reduced the minimum fine for second offense minimum and removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD31]: Reduced the minimum fine for second offense minimum and removed revocation as max and replaced with provided guideline per JAPC comments.

			MAX: One (1) year suspension and a corrective action plan as outlined above.	
3. Chapter 893, F.S. (Controlled Substances):				
a. Filing 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 to one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: to Revocation. \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
b. Failing to retain prescription records for two (2) years. (Section 893.04(1)(d), F.S.)	MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and to one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: to Revocation. \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	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.
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 to one (1) year of probation.	MIN: \$2,500 fine and (1) year probation; MAX: to Revocation. \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	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	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.

Commented [CD32]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD33]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD34]: Removed revocation as max and replaced with provided guideline per JAPC comments.

			<u>outlined above.</u>	
d. Dispensing a Schedule II drug inappropriately with a non-written prescription. (Section 893.04(1)(f), F.S.)	<u>MIN: \$5,000 fine and one (1) year of probation;</u> <u>MAX: \$10,000 fine and to one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$10,000 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
e. Inappropriate refilling of Schedule III, IV, or V drugs. (Section 893.04(1)(g), F.S.); <u>and</u> (Section 893.04(2)(e), F.S.)	<u>MIN: \$1,750 fine and one (1) year of probation;</u> <u>MAX: \$5,000 fine and to one (1) year suspension.</u>	<u>MIN: \$5,000 fine and one (1) year suspension;</u> <u>MAX: to Revocation. \$10,000 fine and one (2) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and corrective action plan.</u>	<u>MIN: One (1) year suspension;</u> <u>MAX: Revocation.</u>
f. Receiving controlled substances without an appropriate order form. (Section 893.06(1), F.S.)	<u>MIN: \$2,500 fine;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) year of probation;</u> <u>MAX: to Revocation. \$10,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
g. Possession of controlled substances outside the regular course of business, occupation, profession, employment, or duty. (Section 893.06(2), F.S.)	<u>MIN: \$2,500 fine and one (1) year of probation;</u> <u>MAX: \$5,000 fine and to one (1) year suspension.</u>	<u>MIN: \$5,000 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
h. Failure to take a biennial inventory. (Sections 893.07(1)(a), (2), (3), (4), <u>and</u> (5), F.S.)	<u>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$2,500 fine and to one (1) year of probation.</u>	<u>MIN: \$2,500 fine and one (1) year of probation;</u> <u>MAX: to Revocation. \$10,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>

Commented [CD35]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD36]: Removed revocation as max and replaced with provided guideline per JAPC comments.

			action plan as outlined above.	
i. Failure to maintain a complete and accurate record of controlled substances. (Sections 893.07(1)(b), (2), (3), (4), and (5), F.S.)	<u>MIN</u> : \$1,000 fine, and 12-hour Laws & Rules course or MPJE; <u>MAX</u> : \$5,000 fine and to one (1) year of probation.	<u>MIN</u> : \$5,000 fine and two (2) years' of probation; <u>MAX</u> : to Revocation. <u>Revocation</u> : \$10,000 fine and one (1) year suspension followed by one (1) year of probation.	<u>MIN</u> : Suspension and a corrective action plan including, at a minimum, completion of a 12-hour Laws and Rules course or MPJE; <u>MAX</u> : One (1) year suspension and a corrective action plan as outlined above.	<u>MIN</u> : Suspension and a corrective action plan; <u>MAX</u> : Revocation.
j. Dispensing Schedule V controlled substances in other than good faith. (Section 893.08(3)(b), F.S.)	<u>MIN</u> : \$5,000 fine and one (1) year of probation; <u>MAX</u> : \$10,000 fine and to one (1) year suspension followed by one (1) year of probation.	<u>MIN</u> : \$10,000 fine and one (1) year suspension followed by one (1) year of probation; <u>MAX</u> : to Revocation.	<u>MIN</u> : Suspension and a corrective action plan; <u>MAX</u> : One (1) year suspension and a corrective action plan.	<u>MIN</u> : One (1) year suspension and a corrective action plan; <u>MAX</u> : Revocation.
k. Inappropriate selling of Schedule V controlled substance. (Section 893.08(3)(c), F.S.)	<u>MIN</u> : \$1,500 fine, 12-hour Laws & Rules course or MPJE and one (1) year of probation; to one (1) year suspension <u>MAX</u> : Revocation.	<u>MIN</u> : \$5,000 fine and one (1) year suspension followed by one (1) year probation; <u>MAX</u> : to Revocation.	<u>MIN</u> : Suspension and a corrective action plan; <u>MAX</u> : Revocation	<u>MIN</u> : One (1) year suspension; <u>MAX</u> : Revocation.
l. Unlawful possession of controlled substance. (Section 893.13, F.S.)	<u>MIN</u> : \$5,000 fine and one (1) year suspension followed by two (2) one (1) year of probation; to one (1) year suspension <u>MAX</u> : Revocation.	<u>MIN</u> : \$10,000 fine and one (1) two (2) year suspension followed by one (1) two (2) years of probation; <u>MAX</u> : to Revocation.	<u>MIN</u> : Suspension and a corrective action plan; <u>MAX</u> : Revocation.	<u>MIN</u> : One (1) year suspension and a corrective action plan; <u>MAX</u> : Revocation.
m. Failure to report information regarding dispensed controlled substances to the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System.	<u>MIN</u> : \$2501,000 fine and 12-hour Laws & Rules course or MPJE; <u>MAX</u> : \$5,000 fine and to one (1) year of probation.	<u>MIN</u> : \$5,000 fine and one (1) year of probation; <u>MAX</u> : to Revocation. <u>Revocation</u> : \$10,000 fine and one (1) year suspension followed by one (1)	<u>MIN</u> : Suspension and a corrective action plan including, at a minimum, 12-hour Laws & Rules course or MPJE; <u>MAX</u> : One (1)	<u>MIN</u> : Suspension and a corrective action plan; <u>MAX</u> : Revocation.

Commented [CD37]: Removed revocation as max and replaced with provided guideline per JAPC comments.

Commented [CD38]: Added CE course to first offense minimum and one year probation to second offense minimum per JAPC comments.

Commented [CD39]: Added suspension to first offense minimum and increased suspension and probation terms in second offense minimum per JAPC comments.

(Section 893.055(3), F.S.)		year of probation.	year suspension and a corrective action plan as outlined above.	
n. Failure to consult the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System prior to dispensing a controlled substance. (Section 893.055(8), F.S.)	MIN: \$250 \$1,000 fine and 12-hour Laws & Rules course or MPJE; MAX: \$5,000 fine and to one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: to Revocation. \$10,000 fine 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-hour Laws & Rules course or MPJE; MAX: One (1) year suspension and a corrective action plan as outlined above.	MIN: Suspension and a corrective action plan; MAX: Revocation.
o. Failure to maintain confidentiality of information obtained from the Prescription Drug Monitoring Program Controlled Substance Dispensing Information Electronic System. (Section 893.0551(6), F.S.)				
(I) Knowing violation.	MIN: \$5,000 \$10,000 fine and one (1) year of probation; MAX: \$10,000 fine and to one (1) year suspension.	MIN: \$10,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation; MAX: to Revocation.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.	MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.
(II) Negligent violation.	MIN: Reprimand; MAX: to \$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 to one (1) year suspension.	MIN: Reprimand; MAX: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE.	MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.
4. Violation of Federal Drug Abuse Act 21 U.S.C. 821 et seq.	MIN: \$1,000 fine and one (1) year of probation;	MIN: \$2,000 \$10,000 fine up to \$10,000 and one (1) year	MIN: Suspension and a corrective action plan;	MIN: One (1) year suspension and a corrective

Commented [CD40]: Increased first offense minimum fine, removed revocation as max, and replaced with provided guideline per JAPC comments.

Commented [CD41]: Increased first offense minimum fine, removed revocation as max, and replaced with provided guideline per JAPC comments.

(Manufacture, Distribution, and Dispensing of Controlled Substances.)	MAX: \$2,000 fine and to one (1) year suspension.	suspension followed by one (1) year two (2) years' of probation; MAX: \$10,000 fine and to Revocation.	MAX: One (1) year suspension and a corrective action plan.	action plan; MAX: Revocation.	
5. Violation of Food and Drug Act 21 U.S.C. 301 – 392.	MIN: \$25,000 fine and one (1) year suspension followed by one (1) year probation; MAX: to Revocation.	MIN: \$7,500 fine and two (2) years' suspension followed by two (2) years of probation; MAX: to Revocation.	MIN: One (1) year suspension; MAX: Revocation	MIN: Two (2) year suspension and a corrective action plan; MAX: Revocation.	Commented [CD42]: Removed fine from second offense max and increased fine in second offense minimum per JAPC comments.
(f) Criminal conviction related to Pharmacy. (Section 465.016(1)(f), F.S.); (Section 465.023(1)(d), F.S.)					Commented [CD43]: Increased first offense minimum fine and added probation per JAPC comments.
1. Misdemeanor.	MIN: \$1,000 fine; MAX: \$5,000 fine and to one (1) year of probation.	MIN: \$5,000 fine and one (1) year of probation; MAX: to Revocation; \$10,000 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: Revocation.	
2. Felony.	MIN: \$5,000 fine and one (1) year suspension followed by two (2) years' of probation; MAX: to Revocation.	MIN: \$10,000 fine and two (2) years' suspension followed by three (3) years' of probation; MAX: to 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.	Commented [CD44]: Removed revocation as second offense maximum and replaced with provided guideline per JAPC comments.
(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.	MIN: \$250 fine (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: to \$500 fine (with ingestion);	MIN: \$500 fine; (without ingestion or harm) 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); to \$1,000 fine with ingestion;	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	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;	

(Section 465.016(1)(g), F.S.); or, compounding, dispensing or distributing legend drugs outside professional practice of pharmacy. (Section 465.016(1)(i), F.S.)	<u>submission of an improvement action plan, and complete a Board approved eight (8) hour CE course directly related to the violation at issue; in the prevention of medication errors of no less than eight (8) hours to one (1) year probation.</u> <u>MAX: (with or without ingestion or harm): \$1,000 fine and one (1) year of probation.</u>	complete a Board approved <u>eight (8) hour CE course directly related to the violation at issue, in the prevention of medication errors of no less than eight (8) hours, and two (2) years' of probation;</u> <u>MAX: (without ingestion or harm) \$2,500 fine and one (1) year suspension followed by two (2) years of probation.</u> <u>MAX: (with or without ingestion or harm): to Revocation.</u>	<u>and a corrective action plan as outlined above.</u>	<u>MAX: Revocation.</u>
(h) Filing a false report or failing to file a report required by law. (Section 465.016(1)(j), F.S.)				
1. Knowing violation.	<u>MIN: \$5,000 fine \$10,000 and one (1) year of probation;</u> <u>MAX: \$10,000 fine and to one (1) year suspension.</u>	<u>MIN: \$10,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
2. Negligent violation.	<u>MIN: Reprimand;</u> <u>MAX: to \$500 fine and 12-hour Laws & Rules course or MPJE.</u>	<u>MIN: \$1,000 fine and one (1) year of probation;</u> <u>MAX: \$5,000 fine and to one (1) year suspension.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>
(i) Failure to make prescription price information available. (Section 465.016(1)(k), F.S.)	<u>MIN: \$250 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: to \$1,000 fine and one (1) year of</u>	<u>MIN: \$45,000 fine and one (1) year of probation;</u> <u>MAX: \$510,000 fine and to one (1) year month suspension</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws &</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension</u>

Commented [CD45]: Added a new maximum guideline for offense not involving patient harm per JAPC comments.

	probation.	<u>followed by two (2) years of probation.</u>	<u>Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>and a corrective action plan.</u>
(j) Improperly placing returned drugs into the stock of a pharmacy. (Section 465.016(1)(l), F.S.)	<u>MIN: \$1,000 fine;</u> <u>MAX: \$1,500 fine to \$4000 fine and one- (1) year of probation.</u>	<u>MIN: \$3,000 fine and one (1) year of probation;</u> <u>MAX: \$5,000 fine and to one (1) year suspension.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>
(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,	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;-</u> <u>MAX: to \$1,000 fine and one- (1) year of probation.</u>	<u>MIN: \$2,000 fine and One (1) year of probation; and</u> <u>MAX: \$5,000 \$2,000 fine and to one (1) year suspension.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>

Commented [CD46]: Increased second offense minimum and maximum fine. Reduced second offense maximum from one year suspension to one month suspension followed by two year probation per JAPC comments.

F.A.C.				
b. Sink and running water, sufficient space, refrigeration, sanitation, equipment. (Rule 64B16-28.102, F.A.C.)	<u>MIN: Suspension until compliance;</u> <u>MAX: \$2,000 fine and suspension until compliance.</u>	<u>MIN: \$2,000 fine and suspension until compliance;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, compliance;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, compliance;</u> <u>MAX: Revocation.</u>
c. Knowingly purchase, sell, possess, or distribute counterfeit drugs. (Section 499.005(8), F.S.)	<u>MIN: \$5,000 fine, and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: \$10,000 fine, and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
d. Failure to remove outdated pharmaceuticals from active stock or dispensing of same. (Rule 64B16-28.110, F.A.C.)	<u>MIN: \$500 fine for failure to remove, possession \$1,000 fine for dispensing;</u> <u>MAX: \$2,500 fine, and to one (1) year probation.</u>	<u>MIN: \$2,500 -- fine for failure to remove, \$5,000 fine for dispensing, and one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine, and one (1) year suspension followed by one (1) year of probation for failure to remove and to revocation for dispensing.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
e. Violation of destruction of controlled substances. (Rules 64B16-28.301 and .303 F.A.C.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) two (2) years' of probation;</u> <u>MAX: to Revocation, \$10,000 fine, and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
f. Serving as consultant pharmacist without	<u>MIN: \$500 fine per month up to \$5,000</u>	<u>MIN: \$500 fine per month up to \$7,500</u>	<u>MIN: Reprimand;</u> <u>MAX:</u>	<u>MIN: One (1) year suspension</u>

Commented [CD47]: Added new maximum guideline for failure to remove from active stock while maintaining revocation for violations involving dispensing per JAPC comments.

Commented [CD48]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

being licensed as a consultant pharmacist. (Rule 64B16-26.300, F.A.C.)	fine (fine based upon the length of time the person is serving as a consultant without being licensed as a consultant pharmacist.); <u>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.</u>	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 <u>one (1) two (2) years' of probation;</u> <u>MAX: to Revocation.</u>	<u>Suspension and a corrective action plan.</u>	<u>and a corrective action plan;</u> <u>MAX: Revocation.</u>
g. Violation of requirements for records maintained in a data processing system. (Rule 64B16-28.140, F.A.C.)	<u>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE; and plus 8-hours CE course in record keeping;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) two (2) years' of probation;</u> <u>MAX: to Revocation.</u> <u>\$10,000 fine, and one (1) year suspension followed by one (1) year of probation.</u>	<u>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;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
h. Failure to properly store legend drugs. (Rule 64B16-28.120, F.A.C.)	<u>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 fine and one (1) year of probation;</u> <u>MAX: to Revocation.</u> <u>\$10,000 fine, and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
i. Practicing nuclear pharmacy without being	<u>MIN: \$500 fine per month up to \$5,000</u>	<u>MIN: \$500 fine per month up to \$10,000</u>	<u>MIN: Reprimand;</u> <u>MAX:</u>	<u>MIN: One (1) year</u>

Commented [CD49]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

Commented [CD50]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

licensed as a nuclear pharmacist. (Rule 64B16-26.303, F.A.C.)	fine. (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist.); <u>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.</u>	fine. (fine based upon the length of time the person is practicing without being licensed as a nuclear pharmacist) and one (1) year suspension; <u>MAX: to Revocation.</u>	<u>Suspension and a corrective action plan.</u>	<u>suspension; MAX: Revocation.</u>
j. Failure to follow technical requirements for nuclear pharmacy. (Rules 64B16-28.901 and .902, F.A.C.)	<u>MIN: \$1,000 fine, and one (1) year of probation and \$1,000 fine; MAX: to \$2,500 fine and one (1) year suspension followed by one (1) year of probation. six (6) months suspension followed by one (1) year probation to one (1) year suspension.</u>	<u>MIN: \$5,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation; MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan; MAX: Revocation.</u>
k. Failure to properly transfer prescription files and medicinal drugs when closing pharmacy. (Rules 64B16-28.202 and .203, F.A.C.)	<u>MIN: Revocation. MAX: Revocation.</u>	<u>MIN: Revocation. MAX: Revocation.</u>	<u>MIN: Revocation; MAX: Revocation.</u>	<u>MIN: Revocation; MAX: Revocation.</u>
l. Failure to complete the required continuing education during the biennial licensure period. (Rule 64B16-26.103, F.A.C.)				
(l) Failure to complete less than ten (10) hours.	<u>MIN: \$500 fine and suspension until completed; MAX: \$1,500 fine</u>	<u>MIN: \$1,500 fine and suspension until completed; MAX: \$3,000 fine</u>	<u>N/A</u>	<u>N/A</u>

	<u>and suspension until completed.</u>	<u>and suspension until completed.</u>		
(II) Failure to complete ten (10) or more hours.	<u>MIN: \$1,000 fine, in addition, licensees shall 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;-</u> <u>MAX: \$2,500 fine and two (2) additional hours of continuing education per missing hour as outlined above.</u>	<u>MIN: \$2,500 fine, suspension until deficiency and penalty units are completed, in addition, licensees shall 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;-</u> <u>MAX: \$5,000 fine, suspension until deficiency and penalty units are completed and two (2) additional hours of continuing education per missing hour as outlined above.</u>	<u>N/A</u>	<u>N/A</u>
m. Failure to retain continuing education records. (Rule 64B16-26.603, F.A.C.)	\$250 fine.	\$1,500 fine and suspension of license until undocumented courses are completed and documentation is submitted to the Department.		
m. n. Failure to practice in accordance with established practice standards. (Rules 64B16-27.1001 and .104, F.A.C.)				
(l) Pharmacist.	<u>MIN: \$500 to \$4,000 fine and 12-hour Laws & Rules</u>	<u>MIN: \$2,500 to \$40,000 fine and one (1) year</u>	<u>MIN: Suspension and a corrective action plan</u>	<u>MIN: One (1) year suspension and a corrective</u>

	course or MPJE; <u>MAX: \$1,000 fine and to one (1) year of probation.</u>	suspension followed by <u>one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>action plan;</u> <u>MAX;</u> <u>Revocation.</u>
(II) Pharmacy Intern.	<u>MIN: \$250 to \$500 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$500 fine and one (1) year of probation.</u>	<u>MIN: \$1,000 to \$5,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation;</u> <u>MAX: \$5,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension with a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX;</u> <u>Revocation.</u>
(III) Permittee.	<u>MIN: \$500 to \$4,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$1,000 fine and to one (1) year of probation.</u>	<u>MIN: \$2,500 to \$40,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension with a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX;</u> <u>Revocation.</u>
<u>n. e. 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.)</u>	<u>MIN: \$500 to \$4,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$1,000 fine and suspension of license/permit until current policies and procedures are in place.</u>	<u>MIN: \$2,500 to \$5,000 fine and suspension of license/permit until current policies and procedures are in place;</u> <u>MAX: \$5,000 fine and to Revocation- one (1) year suspension followed by one (1) year of</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension with a corrective action plan</u>	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place;</u> <u>MAX;</u> <u>Revocation.</u>

		probation.	including, at a minimum, current policies and procedures are in place.	
<u>p.</u> Failure to have or maintain standards for an institutional pharmacy. (Rules 64B16-28.602, .6021, .605, .606, .702, F.A.C.)	<u>MIN:</u> \$500 fine and 12-hour Laws & Rules course or MJPE; <u>MAX:</u> \$2,500 fine and suspension of license/permit until current policies and procedures are in place.	<u>MIN:</u> \$2,500 to \$5,000 fine and suspension of license until policies and procedures are in place; <u>MAX:</u> \$5,000 fine and to Revocation.	<u>MIN:</u> Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE; <u>MAX:</u> One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place.	<u>MIN:</u> Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place; <u>MAX:</u> Revocation.
<u>q.</u> Failure to have or maintain standards for a special pharmacy. (Rules 64B16-28.800, .810, .820, .840, .850, .860, .870, F.A.C.)	<u>MIN:</u> \$500 fine and 12-hour Laws & Rules course or MJPE; <u>MAX:</u> \$2,500 fine and suspension of license/permit until current policies and procedures are in place.	<u>MIN:</u> \$2,500 to \$5,000 fine and suspension of license until policies and procedures are in place; <u>MAX:</u> \$5,000 fine and to Revocation.	<u>MIN:</u> Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MJPE; <u>MAX:</u> One (1) year suspension with a corrective action plan including, at a minimum, current policies and procedures are in place.	<u>MIN:</u> Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place; <u>MAX:</u> Revocation.
<u>r.</u> Failure to maintain standards for animal control shelters. (Rule Chapter 64B16-29, F.A.C.)	<u>MIN:</u> \$500 fine and 12-hour Laws & Rules course or MJPE. <u>MAX:</u> \$2,500 fine and suspension of license/permit until current policies and procedures are in	<u>MIN:</u> \$2,500 to \$5,000 fine and suspension of license until policies and procedures are in place; <u>MAX:</u> \$5,000 fine and to Revocation.	<u>MIN:</u> Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MJPE; <u>MAX:</u> One (1)	<u>MIN:</u> Suspension and a corrective action plan including, at a minimum, current policies and procedures are in place;

Commented [CD51]: Removed revocation as second offense maximum and added suspension/probation as maximum per JAPC comments. Fine remained the same.

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

Commented [CD52]: Added new maximum guideline for offenses not involving ingestion or harm per JAPC comments.

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

Commented [CD53]: Comfortable with language for (I) and (II) but ask Board for discussion regarding appropriate terms.

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

Commented [CD54]: Added one year of probation to second offense minimum per JAPC comments.

Commented [CD55]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

improperly. (Section 465.016(1)(q), F.S.)	Rules course or MJPE; <u>MAX: \$2,500 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>action plan including, at a minimum, a 12- hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>and a corrective action plan;</u> <u>MAX: Revocation.</u>
(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.)				
<u>1. (t) Reason to believe.</u>	<u>MIN: \$2,000 fine, 12- hour Laws & Rules course or MJPE, and one (1) year of probation;</u> <u>MAX: \$2,500 fine and to one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$2,500 to \$40,000 fine and one (1) year suspension followed by one (1) two (2) years of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12- hour Laws & Rules course or MJPE;</u> <u>MAX: One (1) year suspension with a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
<u>2. (H) Knowingly.</u>	<u>MIN: \$5,000 fine, 12-hour Laws & Rules Course or MPJE, and one (1) year suspension;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan including, at a minimum, a 12- hour Laws & Rules course or MJPE;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
(r) Committing an error or omission during prescription drug	<u>MIN (without ingestion or harm): \$250 fine, without</u>	<u>MIN (without ingestion or harm): \$500 fine without</u>	<u>MIN: Suspension and a corrective action plan</u>	<u>MIN: One (1) year suspension and a corrective</u>

Commented [CD56]: Removed fine from second offense maximum per JAPC comments.

<p>processing. (Section 465.016(1)(t), F.S.)</p>	<p><u>ingestion or harm, complete approved CE course in the prevention of medication errors of no less than eight (8) hours and submission of an improvement action plan;</u> to \$500 MIN (with ingestion); \$500 fine, complete approved CE course in the prevention of medication errors of no less than eight (8) hours and <u>submission of an improvement action plan;</u> MAX (with or without ingestion or harm); \$1,000 fine and one (1) year of probation.</p>	<p><u>ingestion or harm, and complete approved CE course in the prevention of medication errors of no less than eight (8) hours, and two (2) years of probation;</u> MIN (with ingestion): to \$1,000 fine, with ingestion, <u>complete approved CE course as outlined above, complete approved CE course in the prevention of medication errors of no less than eight (8) hours, and two (2) years of probation;</u> MAX (without ingestion or harm): \$5,000 fine, and one (1) year suspension followed by one (1) year of probation. MAX (with or without ingestion or harm): Revocation.</p>	<p><u>including, at a minimum, completion of an approved CE course in the prevention of medication errors of no less than eight (8) hours;</u> MAX: One (1) year suspension with a continuing action plan as outlined above.</p>	<p><u>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;</u> MAX: Revocation.</p>
<p>(s) Guilty of a felony involving moral turpitude. (Section 465.023(1)(d), F.S.)</p>	<p>MIN: \$1,000 fine and 12-hour Laws & Rules course or MJPE; MAX: \$5,000 fine and one (1) year of probation.</p>	<p>MIN: \$5,000 fine and one (1) year of probation; MAX: to Revocation.</p>	<p>MIN: <u>Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> MAX: One (1) year suspension with a continuing action plan as outlined above.</p>	<p>MIN: <u>Suspension and a corrective action plan;</u> MAX: Revocation.</p>
<p>(t) Guilty of a crime related to health care fraud. (Section 465.023(1)(g), F.S.)</p>	<p>MIN: Revocation, and a fine of \$10,000, or in the case of application for licensure, denial of license;</p>	<p>MIN: Revocation, and a fine of \$10,000, or in the case of application for licensure, denial of license;</p>	<p>MIN: <u>Revocation;</u> MAX: <u>Revocation.</u></p>	<p>MIN: <u>Revocation;</u> MAX: <u>Revocation.</u></p>

Commented [CD57]: Added new second offense maximum for offenses not involving ingestion or harm per JAPC comments.

	<u>MAX: Revocation and a fine of \$10,000.</u>	<u>MAX: \$10,000 fine and Revocation.</u>		
(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.)	<u>MIN: \$2,500 fine and one (1) year of probation;</u> <u>MAX: \$10,000 fine and one (1) year suspension followed by one (1) year of probation suspension.</u>	<u>MIN: Revocation;</u> <u>MAX: \$10,000 fine and Revocation and a fine of \$10,000.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation</u>
2. Intentionally violating any rule adopted by the Board or the Department. (Section 456.072(1)(b), F.S.)	<u>MIN: \$2,500 fine and one (1) two (2) years' of probation;</u> <u>MAX: \$5,000 fine and to one (1) year suspension followed by one (1) year probation.</u>	<u>MIN: \$5,000 to \$10,000 fine and one (1) year suspension followed by one (1) two (2) years' probation;</u> <u>MAX: \$10,000 fine and Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
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.	<u>MIN: \$1,000 fine;</u> <u>MAX: \$2,500 fine and to one (1) year of probation.</u>	<u>MIN: \$2,500 fine and one (1) year of probation;</u> <u>MAX: to Revocation. \$5,000 fine, and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
b. Felony.	<u>MIN: \$3,000 fine and one (1) year of</u>	<u>MIN: \$5,000 to \$10,000 fine and</u>	<u>MIN: Suspension and a corrective</u>	<u>MIN: One (1) year suspensio</u>

Commented [CD58]: Reduced first offense maximum fine to \$5,000 from \$10,000 per JAPC comments.

Commented [CD59]: Removed fine from second offense maximum per JAPC comments.

Commented [CD60]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

	probation; <u>MAX: \$5,000 fine</u> <u>and to one (1) year suspension followed by one (1) year probation.</u>	one (1) year suspension followed by <u>one (1) two (2) years' probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>and a corrective action plan;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: \$500 fine and suspension until compliant;</u> <u>MAX: \$1,000 fine and suspension until compliant.</u>	<u>MIN: \$4,950 fine and suspension until compliant;</u> <u>MAX: \$5,000 fine and suspension until compliant.</u>	<u>MIN: Suspension and a corrective action plan which includes, at a minimum, becoming compliant;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan which includes, at a minimum, becoming compliant;</u> <u>MAX: Revocation.</u>
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. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. (Section 456.072(1)(f), F.S.)	<u>MIN: (Administrative related offense or offense not impacting patients directly) Reprimand;</u> <u>MIN: (All other offenses) Same penalty as imposed in the other jurisdiction or as closely as possible to penalties for similar violation;</u> <u>MAX: \$2,500 fine and Same penalty as imposed in the other jurisdiction or as closely as possible to penalties for similar violation.</u>	<u>MIN: Same penalty as imposed in the other jurisdiction or as closely as possible to penalties for similar violation;</u> <u>MAX: to \$10,000 fine and Revocation.</u>	<u>MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction;</u> <u>MAX: Revocation.</u>	<u>MIN: Discipline as close as possible to the discipline imposed in the other jurisdiction;</u> <u>MAX: Revocation.</u>
6. Having been found liable in a civil	<u>MIN: \$3,000 fine;</u> <u>MAX: \$5,000 fine</u>	<u>MIN: \$5,000 to \$40,000 fine and</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1)</u>	<u>MIN: One (1) year suspension</u>

Commented [CD61]: Removed fine from second offense maximum per JAPC comments.

Commented [CD62]: Increase minimum fine for second offenses per JAPC comments.

proceeding for knowingly filing a false report or complaint with the Department against another licensee. (Section 456.072(1)(g), F.S.)	<u>and one (1) year suspension followed by one (1) year of probation.</u>	one (1) year suspension followed by one (1) two (2) years' probation; MAX: \$10,000 fine and to Revocation.	<u>year suspension and a corrective action plan.</u>	<u>and a corrective action plan;</u> MAX; Revocation.	Commented [CD63]: Removed second offense maximum fine per JAPC comments.
7. Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board. (Section 456.072(1)(h), F.S.)	<u>MIN: Revocation or denial of license application;</u> <u>MAX: \$10,000 fine and Revocation or denial of license application.</u>	<u>MIN: Revocation or denial of license application;</u> <u>MAX: \$10,000 fine and Revocation or denial of license application.</u>	<u>MIN:</u> <u>Revocation;</u> <u>MAX:</u> <u>Revocation.</u>	<u>MIN:</u> <u>Revocation;</u> <u>MAX:</u> <u>Revocation.</u>	
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 this part , the chapter regulating the alleged violator, or the rules of the Department or the Board. (Section 456.072(1)(i), F.S.)	<u>MIN: \$500 fine and 12-hour Laws & Rules course or MJPE;</u> <u>MAX: \$1,500 fine, and one (1) year suspension followed by one (1) year of probation.</u>	MIN: \$1,55,000 fine and 12-hour Laws & Rules or MJPE, to one (1) year suspension followed by one (1) year of probation; MAX: or Revocation.	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX:</u> <u>Revocation.</u>	Commented [CD64]: Increased second offense minimum guideline per JAPC comments.
9. Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to Chapter 456 this part , the chapter regulating the profession, or the rules of the Department or the Board. (Section 456.072(1)(j), F.S.)	<u>MIN: \$2,000 fine and 12-hour Laws & Rules course or MJPE;</u> <u>MAX: \$2,500 fine and to one (1) year of probation.</u>	MIN: \$2,55,000 to \$40,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation; MAX: \$10,000 fine and to Revocation.	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>	Commented [CD65]: Increased second offense minimum fine and removed second offense maximum fine per JAPC comments.
10. Failing to perform any statutory or legal obligation placed upon a licensee, including	<u>MIN: \$2,000 fine and suspension until compliant;</u> <u>MAX: \$2,500 fine</u>	MIN: \$2,55,000 to \$40,000 fine and one (1) year suspension followed	<u>MIN: Suspension and a corrective action plan which includes, at a</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u>	

failure to repay student loans or perform scholarship service obligations. (Section 456.072(1)(k), F.S.)	and suspension until compliant.	by one (1) two (2) years' of probation; MAX: \$10,000 fine and to Revocation.	minimum, becoming compliant; MAX: One (1) year suspension and a corrective action plan as outlined above.	MAX: Revocation.
a. Generally:	\$2,000 fine and suspension until compliant.	\$2,500 to \$10,000 fine and one (1) year suspension followed by two (2) years' probation, to Revocation.		
b. Student loans or scholarship service.	The minimum disciplinary action imposed shall be a suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount.	Suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount, to Revocation with a minimum total fine of \$10,000.		
11. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the				

Commented [CD66]: Increased second offense minimum fine and removed second offense maximum fine per JAPC comments.

capacity of a licensee. (Section 456.072(1)(l), F.S.)				
a. Knowingly filing a false report or willful obstruction.	<u>MIN: \$5,000</u> \$10,000 fine and <u>one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine</u> and to one (1) year suspension followed by <u>one (1) year of probation.</u>	<u>MIN: \$10,000 fine</u> and one (1) year suspension followed by <u>one (1) two (2) years' of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
b. Negligently failing to file a report or record.	<u>MIN: \$2,500 fine;</u> <u>MAX: \$5,000 fine.</u>	<u>MIN: \$5,000 fine</u> and one (1) year of probation; <u>MAX: to Revocation. \$5,000 fine, and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: \$5,000</u> \$10,000 fine and <u>one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine</u> and to one (1) year suspension followed by <u>one (1) year of probation.</u>	<u>MIN: \$10,000 fine</u> and one (1) year suspension followed by <u>one (1) two (2) years' of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: \$3,000 fine;</u> <u>MAX: \$5,000 fine</u> and <u>one (1) year suspension followed by one (1) and two (2) years' of probation.</u>	<u>MIN: \$5,000 to \$10,000 fine</u> and one (1) year suspension followed by <u>one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
14. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the	<u>MIN: \$2,000 fine</u> and <u>one (1) two (2) years' of probation;</u> <u>MAX: \$5,000 fine</u> and to one (1) year suspension followed by <u>one (1) year probation.</u>	<u>MIN: \$5,000 to \$10,000 fine</u> and one (1) year suspension followed by <u>one (1) two (2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>

Commented [CD67]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

Commented [CD68]: Removed fine from second offense maximum guideline per JAPC comments.

Commented [CD69]: Removed fine from second offense maximum guideline per JAPC comments.

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.)	<u>MIN: \$2,000 fine and one (1) two(2) years' of probation;</u> <u>MAX: \$5,000 fine and to one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$5,000 to \$40,000 fine and one (1) year suspension followed by one (1) two(2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: \$1,000 fine and 12-hour Laws & Rules course or MPJE;</u> <u>MAX: \$5,000 fine and to one (1) year of probation.</u>	<u>MIN: \$5,000 to \$40,000 fine and one (1) year suspension followed by one (1) two(2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, a 12-hour Laws & Rules course or MPJE;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
17. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)	<u>MIN: \$2,500 fine and one (1) two(2) years' of probation;</u> <u>MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$5,000 to \$40,000 fine and one (1) year suspension followed by one (1) two(2) years' of probation;</u> <u>MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
18. Engaging or attempting to engage in sexual misconduct as	<u>MIN: Revocation;</u> <u>MAX: \$10,000 fine and Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: \$10,000 fine and revocation.</u>	<u>MIN: Revocation;</u> <u>MAX:</u>	<u>MIN: Revocation;</u> <u>MAX:</u>

Commented [CD70]: Removed fine from second offense maximum guideline per JAPC comments.

Commented [CD71]: Removed fine from second offense maximum guideline per JAPC comments.

Commented [CD72]: Removed fine from second offense maximum guideline per JAPC comments.

defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(v), F.S.)			<u>Revocation.</u>	<u>Revocation.</u>
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 (board has authority to issue order to compel examination). (Section 456.072(1)(z), F.S.)	<u>MIN: \$500 fine, suspension until safe to practice with reasonable skill and safety; and appearance before the board.</u> <u>MAX: \$2,500 fine and revocation.</u>	<u>MIN: \$1,000 fine, one (1) year suspension followed by suspension until safe to practice with reasonable skill and safety;</u> <u>MAX: \$2,500 fine and Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety;</u> <u>MAX: One (1) year suspension and a corrective action plan as outlined above.</u>	<u>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;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: \$1,000 fine; MAX: \$5,000 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$5,000 to \$10,000 fine and one (1) year suspension followed by one (1) two (2) years' of probation; MAX: \$10,000 fine and to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
21. Testing positive for any drug, as defined in section 112.0455, F.S., on any confirmed preemployment or employer ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug. (Section	<u>MIN: \$500 fine, suspension until safe to practice with reasonable skill and safety; and appearance before the board.</u> <u>MAX: \$2,500 fine and Revocation.</u>	<u>MIN: \$1,000 fine, suspension until safe to practice with reasonable skill and safety;</u> <u>MAX: \$2,500 fine and Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety;</u> <u>MAX: Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, demonstration of the ability to practice with reasonable skill and safety;</u> <u>MAX: Revocation.</u>

Commented [CD73]: Removed fine from second offense maximum guideline and removed suspension from first offense maximum guideline per JAPC comments.

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.)	<u>MIN: Suspension until successful completion or receipt of written confirmation of compliance with ongoing treatment; and a fine of up to \$1,000.</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: \$10,000 fine and Revocation.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, written confirmation of compliance with ongoing treatment;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: Revocation, and a fine of \$40,000; or in the case of application for licensure, denial of license;</u> <u>MAX: \$10,000 fine and revocation, or in the case of application for licensure, denial of license.</u>	<u>MIN: Revocation, and a fine of \$40,000; or in the case of application for licensure, denial of license;</u> <u>MAX: \$10,000 fine and revocation, or in the case of application for licensure, denial of license.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: \$500 fine;</u> <u>MAX: to \$52,500 fine, suspension until amount owed is remitted followed by and one (1) year of probation.</u>	<u>MIN: \$2,500 to \$5,000 fine and suspension until amount owed is remitted followed by one (1) two (2) years' of probation;</u> <u>MAX: \$5,000 fine and to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and a corrective action plan including, at a minimum, remitting the amount owed.</u>	<u>MIN: Suspension and a corrective action plan including, at a minimum, remitting the amount owed;</u> <u>MAX: Revocation.</u>
25. Being terminated from the state Medicaid program pursuant to section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, as a result of fraud and abuse unless eligibility to participate in the program from which the	<u>MIN: \$10,000 fine and one (1) year of probation; to one (1) year suspension followed by one (1) year probation.</u> <u>MAX: Revocation.</u>	<u>MIN: \$10,000 fine and two (2) years' suspension followed by one (1) two (2) years' probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>	<u>MIN: Two (2) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>

Commented [CD74]: Removed probation from first offense maximum and removed fine from second offense maximum per JAPC comments.

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.)	<u>MIN: Revocation, and a fine of \$10,000, or in the case of application for licensure, denial of license;</u> <u>MAX: \$10,000 fine and Revocation, or in the case of application for licensure, denial of license.</u>	<u>MIN: Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license;</u> <u>MAX: \$10,000 fine and revocation, or in the case of application for licensure, denial of license.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>	<u>MIN: Revocation;</u> <u>MAX: Revocation.</u>
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.)	<u>MIN: Reprimand and a fine of \$250;</u> <u>MAX: \$500 fine and one (1) year of probation.</u>	<u>MIN: \$500 fine and one (1) year of probation;</u> <u>MAX: Revocation- \$1,000 fine, and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: Reprimand;</u> <u>MAX: Suspension and corrective action plan.</u>	<u>MIN: Suspension and corrective action plan;</u> <u>MAX: Revocation.</u>
(v) Violation of section 828.055, F.S. by a permitted county or municipal animal control agency or humane society. (Section 828.055, F.S.)				
1. Using drugs for animal euthanasia for an improper use. (Section 828.055(3)(a), F.S.)	<u>MIN: Reprimand and a \$250 fine of \$250;</u> <u>MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$500 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and corrective action plan.</u>	<u>MIN: One (1) year suspension and corrective action plan;</u> <u>MAX: Revocation.</u>
2. Failing to take reasonable precautions against misuse, theft, loss, or diversion. (Section 828.055(3)(b), F.S.)	<u>MIN: Reprimand and a \$250 fine of \$250;</u> <u>MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$500 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX: Revocation.</u>
3. Failing to detect or to report a significant loss,	<u>MIN: Reprimand, \$500 fine, and one</u>	<u>MIN: \$1,000 fine and one (1) year</u>	<u>MIN: Suspension and a corrective</u>	<u>MIN: One (1) year suspension</u>

Commented [CD75]: Removed revocation as second offense maximum and added provided guideline per JAPC comments.

theft, or inventory shortage of drugs. (Section 828.055(3)(c), F.S.)	<u>(1) year of probation;</u> <u>MAX: \$1,000 fine,</u> <u>and one (1) year suspension followed by two (2) years of probation.</u>	suspension followed by two (2) years of probation; <u>MAX: to Revocation.</u>	<u>action plan;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
4. Failing to follow the rules of the Board regarding proper storage and handling of drugs. (Section 828.055(3)(d), F.S.)	<u>MIN: Reprimand and a \$250 fine of \$250;</u> <u>MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$500 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
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.)	<u>MIN: Reprimand and a \$250 fine of \$250;</u> <u>MAX: \$500 fine and one (1) year suspension followed by one (1) year of probation.</u>	<u>MIN: \$500 fine and one (1) year suspension followed by one (1) year of probation;</u> <u>MAX: to Revocation.</u>	<u>MIN: Reprimand;</u> <u>MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
<u>(w) Failure to display hyperlink on telehealth registrant's website.</u> <u>(Section 456.47(4)(c), F.S.</u>	<u>N/A</u>	<u>N/A</u>	<u>MIN: Reprimand;</u> <u>MAX:</u> <u>Suspension and a corrective action plan.</u>	<u>MIN:</u> <u>Suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
<u>(x) Opening an office in Florida or providing in-person healthcare services to patients in Florida.</u> <u>(Section 456.47(4)(f), F.S.)</u>	<u>N/A</u>	<u>N/A</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>	<u>MIN: One (1) year suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation.</u>
<u>(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.</u> <u>(Section 456.47(4)(i)1., F.S.)</u>	<u>N/A</u>	<u>N/A</u>	<u>MIN:</u> <u>Reprimand;</u> <u>MAX:</u> <u>Suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan;</u> <u>MAX:</u> <u>Revocation</u>
<u>(z) Has restrictions placed on or disciplinary action taken against his or her license in any state or jurisdiction.</u> <u>(Section 456.47(4)(i)2.,</u>	<u>N/A</u>	<u>N/A</u>	<u>MIN: Reprimand;</u> <u>MAX:</u> <u>Revocation.</u> <u>(Discipline shall be as close as possible to the</u>	<u>MIN:</u> <u>Reprimand;</u> <u>MAX:</u> <u>Revocation.</u> <u>(Discipline shall be as close as</u>

F.S.)			<u>penalty imposed in other jurisdiction.</u>	<u>possible to the penalty imposed in other jurisdiction.)</u>
<u>(aa) Violates any of the requirements of Section 456.47, F.S. (Section 456.47(4)(i)3., F.S.)</u>	<u>N/A</u>	<u>N/A</u>	<u>MIN: Reprimand; MAX: One (1) year suspension and a corrective action plan.</u>	<u>MIN: Suspension and a corrective action plan; MAX: Revocation.</u>

(3) through (4) No change.

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 Mr. Wright to approve the proposed rule language.

Second: by Mr. Philip

The Board opened the floor for public comment.

No public comments received.

Vote: Unanimous

Motion: by Mr. Philip to find that there would be no economic impact on small businesses and that the proposed rule would not likely directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 within 1 year after the implementation of the rule to find that no part of the rule should be designated as a minor violation.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Hickman to find that this rule shall not include a sunset provision.

Second: by Dr. Mesaros

Vote: Unanimous

- B. Chapter 64B16-31, F.A.C., Collaborative Practice and Test and Treat Certifications**
 - i. Letter from the Joint Administrative Procedures Committee
 - ii. Response to the Joint Administrative Procedures Committee

Board Counsel provided an overview of the correspondence from the Joint Administrative Procedures Committee.

64B16-31.001 Collaborative Practice Certification (CPC).

Applicants for CPC shall submit an application using Form DH5059-MQA (eff. 08/20), "Application for Pharmacist Collaborative Practice Certification" that is hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-_____ or <http://floridaspharmacy.gov> Applicants for certification shall meet and comply with all requirements in section 465.1865, F.S.

Rulemaking Authority 465.1865 F.S. Law Implemented 465.1865 F.S. History-New

64B16-31.003 Collaborative Practice Certification: Initial Certification Course.

(1) Applicants for Initial Certification Course approval shall submit an application using Form DH5061-MQA (eff. 08/20) "Application for Initial Collaborative Practice Certification Course" that is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-> or <http://floridaspharmacy.gov>.

(2) Initial collaborative practice certification courses shall be a minimum of 20 hours in duration, and shall meet all the following mandatory requirements:

(a) The course may only be offered by a program provider who is accredited by the Accreditation Council for Pharmacy Education (ACPE), a program provider who is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category I credit, or a program provider approved by the American Osteopathic Association to offer continuing medical education credits.

(b) The course content and objectives offered by an approved provider shall be developed in conjunction with an individual licensed to practice pharmacy and an individual who is a licensed allopathic or osteopathic physician.

(c) The course content shall include all those areas enumerated in section 465.1865(2)(c), F.S. and shall cover the following areas:

1. Laws and rules applicable to the collaborative practice for the treatment of chronic health care conditions; and

2. Writing and entering into a collaborative practice agreement.

(d) No less than 8 hours of the course shall be offered through a live seminar or a live video conference.

(3) A pharmacist who successfully completes a Board approved collaborative practice certification course shall be awarded 20 hours of general continuing education credits.

Rulemaking Authority 465.1865 F.S. Law Implemented 465.1865 F.S. History-New

64B16-31.005 Collaborative Practice Certification: Collaborative Pharmacy Practice Agreement Submission.

(1) Prior to providing or implementing patient care services under a Collaborative Pharmacy Practice Agreement or immediately after the renewal of such an Agreement, the Pharmacist shall submit the executed Agreement to the Board Office through the pharmacist's online licensure account at <http://flhealthsource.gov> or via U.S. Mail to 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399.

(2) In the event of an addendum to the material terms of an existing collaborative pharmacy practice agreement, the pharmacist shall maintain a copy of the addendum and the initial agreement pursuant to section 465.1865(3)(c), F.S. Material terms shall be defined as those terms enumerated in Section 465.1865(3)(a), F.S.

Rulemaking Authority 465.1865 F.S. Law Implemented 465.1865 F.S. History-New

64B16-31.007 Collaborative Practice Certification: Chronic Health Conditions.

Pursuant to section 465.1865, F.S., the Board hereby adopts the following list of chronic health conditions for which a pharmacist certified pursuant to section 465.1865, F.S., can provide specified patient care services to patients of a collaborating physician pursuant to a pending Collaborative Pharmacy Practice Agreement:

(1) Hyperlipidemia;

(2) Hypertension;

(3) Anti-coagulation management;

(4) Smoking cessation;

(5) Opioid use disorder; and

(6) Those chronic health conditions enumerated in section 465.1865(1)(b), F.S. Rulemaking Authority 465.1865 F.S. Law Implemented 465.1865 F.S. History-New.

64B16-31.009 Collaborative Practice Certification: Mandatory Continuing Education.

A licensee shall not be required to complete the 8-hour continuing education related to collaborative pharmacy practice if the initial certificate was issued less than 12 months prior to the expiration date of the license.

Rulemaking Authority 465.1865 F.S. Law Implemented 465.1865 F.S. History-New.

64B16-31.033 Test and Treat Certification (TTC).

Applicants for TTC shall submit an application using Form DH5060-MQA (eff. 08/20), "Application for Pharmacist Test and Treat Certification" that is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-> or <http://floridaspharmacy.gov>. Applicants for certification shall meet and comply with all requirements in section 465.1895, F.S.

Rulemaking Authority 465.1895 F.S. Law Implemented 465.1895 F.S. History-New.

64B16-31.035 Test and Treat Certification: Initial Certification Course.

(1) Applicants for Initial Certification Course approval shall submit an application using Form DH5062-MQA (eff. 08/20) "Application for Initial Test and Treat Certification Course" that is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref> or <http://floridaspharmacy.gov>.

(2) Initial test and treat certification courses shall be a minimum of 20 hours in duration, and shall meet all the following mandatory requirements:

(a) The course may only be offered by a program provider who is accredited by the Accreditation Council for Pharmacy Education (ACPE), a program provider who is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category 1 credit, or a program provider approved by the American Osteopathic Association to offer continuing medical education credits.

(b) The course content and objectives offered by an approved provider shall be developed in conjunction with an individual licensed to practice pharmacy and an individual who is a licensed allopathic or osteopathic physician.

(c) The course content shall include all those areas enumerated in section 465.1895(2)(b), F.S., and shall also cover the following areas:

1. Laws and rules applicable to test and treat certifications; and
2. Writing and entering into a written protocol.

(d) No less than 8 hours of the course shall be offered through a live seminar or a live video teleconference.

(3) A pharmacist who successfully completes a Board approved test and treat certification course shall be awarded 20 hours of general continuing education credits.

Rulemaking Authority 465.1895 F.S. Law Implemented 465.1895 F.S. History-New

64B16-31.037 Test and Treat Certification; Written Protocol and Written Protocol Submission.

(1) Within 5 business days of entering into a written protocol with a supervising physician pursuant to section 465.1895, F.S., the pharmacist shall submit a copy of the written agreement to the Board Office through the pharmacist's online licensure account at <http://www.flhealthsource.gov> or via U.S. Mail to 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399.

(2) In the event of an addendum to the material terms of an existing written protocol, the pharmacist shall maintain a copy of the addendum and the initial agreement. Material terms shall be defined as those terms enumerated in section 465.1895(5)(a), F.S.

Rulemaking Authority 465.1895 F.S. Law Implemented 465.1895 F.S. History-New

64B16-31.039 Test and Treat Certification: Formulary of Medical Drugs.

(1) Pursuant to section 465.1895, F.S., the Board hereby incorporates all medicinal drugs approved by the United States Food and Drug Administration ("FDA") as the formulary of medicinal drugs that a pharmacist may prescribe pursuant to a written test and treat protocol and all compounded medicinal drugs that utilize only active pharmaceutical ingredients approved by the FDA.

(2) A pharmacist may not prescribe controlled substances as described in s. 893.03 or 21 U.S.C. s. 812.

Rulemaking Authority 465.1895 Law Implemented 465.1895 History-New.

64B16-31.041 Test and Treat Certifications: Patient Records.

Upon receipt of a patient request, a pharmacist shall furnish patient records to a health care practitioner designated by the patient within a reasonable time frame, not to exceed 5 business days.

Rulemaking Authority 465.1895 F.S. Law Implemented 465.1895 F.S. History-New.

64B16-31.043 Test and Treat Certification: Follow-up Care.

A pharmacist must provide written information to a patient advising the patient when to seek follow-up care from his or her primary care physician. A pharmacist shall provide follow-up written information:

(1) Immediately prior to performing testing, screening, or treatment services on a patient for the first time;

or

(2) As outlined in the written protocol; and

(3) When the pharmacist determines in his or her judgement that the patient should follow-up with his or her primary care provider.

Rulemaking Authority 465.1895 F.S. Law Implemented 465.1895 F.S. History-New.

64B16-31.050 Mandatory Review of Rule Chapter 64B16-31, F.A.C.

(1) No later than 90 days prior to December 31, 2025, the Board shall review each rule in this Chapter and amend, modify or repeal any rule that creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.

(2) In the event the Board fails to complete this review, the Board, for any rule that has not be reviewed in accordance with subsection (1), shall begin the rule repeal process in accordance with the Administrative Procedures Act.

Rulemaking Authority 465.1895 F.S. Law Implemented 465.1895 History-New

During the October 13, 2020 Rules Committee Meeting the Committee voted to amend 64B16-31.007(4), F.A.C., (4) Smoking cessation to (4) Nicotine Dependence as smoking cessation may not be the proper term as it relates to a health condition.

Motion: by Mr. Philip to approve the proposed amended rule language.
Second: by Dr. Hickman

The Board opened the floor for public comment.

No public comments received.

Vote: Unanimous

Motion: by Mr. Montgomery to find that there would be no economic impact on small businesses and that the proposed rule would not likely directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 within 1 year after the implementation of the rule and to find that no part of the rule should be designated as a minor violation.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mesaros to find that this rule shall not include a sunset provision.

Second: by Mr. Montgomery

Vote: Unanimous

C. Consultant Pharmacist of Record, On-Site Inspections

Due to the concerns surrounding the spread of COVID-19, the Board held an Emergency Rule Hearing to address the obligations of Consultant Pharmacists under 64B16-28, F.A.C. Emergency Rule 64B16ER20-21 was effective March 19, 2020 through June 19, 2020 which suspended the requirement of a Consultant Pharmacist completing their required inspections "on-site".

This was placed on the agenda for further Board discussion.

The Board allowed for public comment.

Debra Larison, Consultant Pharmacist, addressed the Board in opposition of another emergency rule and stated pharmacist have an obligation to protect the public and patients and on-site inspections were necessary.

Dr. Hickman confirmed that the emergency rule will not prohibit a pharmacist from entering a facility; however, this will amend the requirement for those facilities closed to the public where the pharmacist is unable to enter.

Douglas Nee, Consultant Pharmacist, addressed the Board.

Mr. Wright addressed the Board regarding the history of the emergency order. The intent of the emergency rule was not to keep pharmacists from doing all requirements remote.

Dr. Rivera addressed the Board regarding the health and safety of pharmacists during this time.

After discussion the Board directed Board Counsel to provide language for another emergency rule to be reviewed at the December meeting.

D. HB 19 International Export Pharmacy Permit

Ms. Sapp provided an overview of HB19.

This legislation was passed last year and establishes two prescription drug importation programs: The Canadian Drug Importation Program under the Agency for Health Care Administration and the October 14, 2020 General Business Meeting Teleconference Call DRAFT Minutes
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International Drug Importation Program under the Department of Business and Professional Regulation. Implementation of this legislation was contingent upon federal authorization and The US Department of Health and Human Services has finalized their rules so the Department of Business and Professional Regulation, in collaboration with the Department of Health, is working on their proposal to operate a pilot program for importing prescription drugs into the state.

Motion: by Mr. Wright to open Rule 64B16-33 open for development.

Second: by Mr. Montgomery

Vote: Unanimous

This discussion will continue at the December Board meeting.

Dr. Mesaros provided an overview of the October 13, 2020 Rules Committee meeting.

He expressed his gratitude for all involved that played a pivotal role in the implantation of HB 389.

VII. REPORTS – Rich Montgomery, BPharm, MBA, Chair

A. Board Chair

Mr. Montgomery provided an overview of the Florida Pharmacy Association (FPA) conference he attended on sterile compounding.

Dr. Mesaros provided an overview of the NABP District III Meeting.

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

i. Financial Reports

These reports were provided for information purposes only.

Ms. Sapp provided an overview of the NABP meeting she attended virtually.

She also provided a reminder to the licensees of the continuing education requirement of the Human Trafficking course that is to be completed no later than January 1, 2021.

C. Board Counsel Report – Christopher Dierlam, Assistant Attorney General

i. Rules Status Report

Mr. Dierlam provided an overview of the rules report.

ii. Annual Regulatory Plan 2020-2021

This was provided for information purposes only.

iii. Animal Use Compounding

This discussion was tabled to the December agenda.

iv. 64B16-28.108 All Permits – Labels and Labeling of Medicinal Drugs

Mr. Dierlam provided an overview of the petition to initiate rule making.

Motion: by Mr. Wright to open 64B16-28.108 All Permits – Labels and Labeling of Medicinal Drugs open for development.

Second: by Dr. Mesaros

Vote: Unanimous

This discussion will continue at the December meeting.

D. Committee Report

i. Rules Committee – Jeffery J. Mesaros, PharmD, JD

a. Rules Committee Update

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

Mr. Dilworth provided a brief update on the inspection results as of October 2020.

As of October 2020 - Non-Sterile Pharmacy inspections, currently 291 inspections have been completed; Sterile Compounding Pharmacy inspections are currently at 16 inspections completed.

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

A. Ratification of Issued Licenses/Certificates

- i. Pharmacist (Licensure) – 636
- ii. Pharmacist (Exam Eligibility) – 721
- iii. Pharmacist Interns – 493
- iv. Consultant Pharmacist – 63
- v. Pharmacy/Facilities – 127
- vi. Registered Pharmacy Technicians – 1190
- vii. Registered Pharmacy Technician Training Program – 14
- viii. Nonresident Sterile Compounding – 1
- ix. Approved CE Providers – 26
- x. Approved CE Courses – 5
- xi. Individual Pharmacist Request for Approval of CE - 1

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

Second: by Mr. Philip

Vote: Unanimous

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

B. Review and Approval of Meeting Minutes

- i. August 24, 2020 Rules Committee Meeting

Motion: by Mr. Wright to accept the meeting minutes.

Second: by Dr. Mikhael

Vote: Unanimous

- ii. August 25, 2020 General Business Meeting

iii. August 26, 2020 General Business Meeting

Motion: by Dr. Mikhael to accept the meeting minutes.
Second: by Mr. Wright
Vote: Unanimous

X. FOR YOUR INFORMATION

- A. Oral Health: An Essential Element of Health Aging**
- B. Doe v. Kentucky Bar Association**
- C. Georgia Board of Dentistry Litigation**

This was provided for informational purposes only.

Mr. Philip provided an overview of the guidance from the Health and Human Services regarding Pharmacist and Pharmacy Interns providing immunization services.

Board Counsel will review current rule language for possible amendments to include the COVID-19 immunization vaccine.

The Board discussed the December 4, 2020 meeting as it will be held telephonically.

XI. ADJOURNMENT

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