

# Draft Minutes

December 16, 2020

**TELEPHONE CONFERENCE CALL**

**7:30 a.m. ET**

**Call In Number: (888) 585-9008**

**Conference Code: 599-196-982(#)**



**Jonathan Hickman, PharmD  
Vice-Chair**

**Jessica Sapp, Executive Director**

**BOARD OF PHARMACY  
GENERAL BUSINESS MEETING AGENDA  
TELEPHONE CONFERENCE CALL  
DRAFT MINUTES  
December 16, 2020  
7:30 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, Dr. Hickman at 7:45 a.m. ET.

Those present during the meeting included the following:

**MEMBERS PRESENT:**

Jonathan Hickman, PharmD, Chair  
David Wright, BPharm  
Jeenu Philip, BPharm  
Jeffrey J. Mesaros, PharmD, JD  
Dorinda Segovia, PharmD  
Maja Gift, BPharm, MHA, Cph

**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  
50 Mahan Drive, Suite 140  
Tallahassee, FL 32308  
(850) 222-5491  
(850) 224-5316 (Fax)

**ABSENT MEMBERS:**

Gavin Meshad, Consumer Member  
Patty Ghazvini, PharmD, BCGP

**II. DISCIPLINARY CASES – Jonathan Hickman, PharmD, Chair**

**A. SETTLEMENT AGREEMENT**

- i. Meds for Vets, Case No. 2019-79966  
(PCP – Weizer & Meshad)

The Respondent was present and represented by Bill Stilling, Esq.

Mr. Pietrylo 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 disciplined in another state for one or more violations that would constitute a violation under Florida Law.

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

- Appearance

- Reprimand
- Fine of \$2,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$648.39 to be paid within ninety (90) days of the filing of the Final Order.

Motion: by Mr. Wright to accept the amended Settlement agreement to include the following:

- Appearance
- Reprimand
- Costs of \$648.39 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Hickman

Vote: 5/1. Dr. Segovia opposed.

- ii. Thomas Alfred Clifford, R. Ph., Case No. 2016-25890  
(PCP – Philip & Meshad)

The Respondent was present.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(2)(c), F.S. (2016) by selling or dispensing drugs without a prescription.

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

- Appearance
- Reprimand
- Fine of \$1,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$3,322.22 to be paid within ninety (90) days of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Motion: by Mr. Wright to reject the proposed settlement agreement and counteroffer with the following terms:

- Appearance
- Reprimand
- Fine of \$1,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$3,322.22 to be paid within ninety (90) days of the filing of the Final Order.
- Respondent is required to demonstrate that he is safe to practice his profession with reasonable skill and safety, to include a mental and physical evaluation by PRN within ninety (90) days of the filing of the Final Order and comply with any recommendations imposed by PRN.
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Second: by Dr. Hickman

Vote: Unanimous

December 16, 2020 General Business Meeting Teleconference Call DRAFT Minutes

Page 3 of 13

iii. WCRX Pharmacy Central Inc., Case No. 2018-14715  
(PCP – Meshad & Wright)

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2018), through Section 893.04(1)(c)6., F.S. **Count II:** Section 465.023(1)(c), F.S. (2018), through Section 893.07(1)(a), F.S. **Count III:** Section 465.023(1)(c), F.S. (2018), through Rule 64B16-28.140(3)(a), F.A.C. by filing a written or oral prescription for controlled substances that does not meet the requirements of Chapter 893, F.S., failing to take a biennial inventory, and violating requirements for records maintained in a data system.

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

- Appearance
- Reprimand
- Fine of \$2,500.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$1,889.51 to be paid within one (1) year of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course and an eight (8) hour Board approved record-keeping course to be completed by the Prescription Department Manager in be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Respondent must correct all alleged deficiencies

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

Second: by Mr. Philip

Vote: Unanimous

Motion: by Mr. Philip to reconsider the proposed settlement agreement and accept the amended agreement to include the following terms:

- Appearance
- Reprimand
- Fine of \$2,500.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$1,889.51 to be paid within one (1) year of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to be completed by the Prescription Department Manager in be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Respondent must correct all alleged deficiencies

Second: by Dr. Hickman

Vote: Unanimous

iv. Emmanuel Patrick Inwang, R. Ph., Case No. 2018-14739  
(PCP – Meshad & Wright)  
(PCP – Meshad & Mikhael)

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

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following

December 16, 2020 General Business Meeting Teleconference Call DRAFT Minutes

Page 4 of 13

violation(s): **Count I:** Section 456.072(1)(k), F.S. (2018), through Section 465.022(11)(a), F.S., by failing to ensure compliance with Section 893.04(1)(c)6., F.S. **Count II:** Section 456.072(1)(k), F.S. (2018), through Section 465.022(11)(a), F.S., by failing to ensure compliance with Section 893.07(1)(a), F.S. **Count III:** Section 456.072(1)(k), F.S. (2018), through Section 465.022(11)(a), F.S., by failing to ensure compliance with Rule 64B16-28.140(3)(a) and (g), F.A.C. by failing to perform any statutory or legal obligation placed upon a licensee.

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

- Appearance
- Reprimand
- Fine of \$1,500.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$1,430.11 to be paid within one (1) year of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to in be in addition to the hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Motion: by Mr. Philip to accept the proposed amended settlement agreement

Second: by Dr. Hickman

Vote: Unanimous

v. Emmanuel Patrick Inwang, R. Ph., Case No. 2019-44585  
(PCP – Meshad & Mikhael)

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(k), F.S. (2018), through Section 465.022(11)(a), F.S. by failing to comply with Rule 64B16-28.202(3)(a) and (b), F.A.C. by failing to comply with statutory and legal obligations.

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

- Appearance
- Fine of \$1,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$826.30 to be paid within one (1) year of the filing of the Final Order.

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

Second: by Dr. Segovia

Vote: Unanimous

vi. Timothy John Das, R.Ph., Case No. 2019-32787  
(PCP – Wright & Weizer)

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(hh), F.S. (2018-2019) for being terminated from or failing to successfully complete an impaired practitioners treatment program.

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

- Appearance

December 16, 2020 General Business Meeting Teleconference Call DRAFT Minutes

Page 5 of 13

- Fine of \$500.00 to be paid within ninety (90) days of the filing of the Final Order
- Costs of \$4,108.10 to be paid within ninety (90) days of the filing of the Final Order
- 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

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

Second: by Dr. Segovia

Vote: Unanimous

- vii. Jackie He, R. Ph., Case No. 2019-10527  
(PCP – Meshad & Mikhael)

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 Section 893.13(6)(a), F.S. (2018), for unlawful possession of a controlled substance.

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

- Appearance
- Costs of \$4,260.10 to be paid within one (1) year of the filing of the Final Order
- Restriction from practice. Respondent may only practice pharmacy while in compliance with the terms of his PRN contract.

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

Second: by Mr. Wright

Vote: Unanimous

#### **A. DETERMINATION OF WAIVER**

- i. Sharon Dalton, R.P.T., Case No. 2019-18581  
(PCP – Glass & Hickman)

The Respondent was not present nor represented by Counsel.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.016(1)(e), F.S. (2019) for unlawful possession of controlled substances.

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

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- 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 Mr. Philip to accept the Departments recommendation.

Second: by Dr. Mesaros

Vote: Unanimous

Motion: by Mr. Philip to impose the costs of \$2,477.00 to be paid within ninety (90) days of the reinstatement of the Respondent's license.

Second: by Dr. Mesaros

Vote: Unanimous

- ii. Hermanas Gonzalez Pharmacy & Discount Inc. d/b/a Florida Medicine Store, Case No. 2019-55080 (PCP – Weizer & Meshad)

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. (2019), through a violation of Rule 64B16-28.203(3)(a) and (b), F.A.C., by failing to properly transfer prescription files and medicinal drugs when closing a pharmacy.

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

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

Second: by Mr. Wright

Vote: Unanimous

The Department withdrew their motion for costs.

- iii. Matthew 7:25, Inc. d/b/a Thrive Pharmacy, Case No. 2019-54694  
(PCP – Mesaros & Mikhael)

The Respondent was present.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2019, through a violation of Rule 64B16-28.140(4)(b), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2018), through a violation of Rule 64B16-27.700(3)(d), F.A.C. by violating the requirements for records maintained in a data processing system and violation of practice for compounding.

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.

Second: by Mr. Philip

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

- Fine of \$1,500.00 to be paid within one (1) year of the filing of the Final Order
- Successful completion of a twelve (12) hour laws and rules course to be completed by the Prescription Department Manager (PDM) to in be in addition to the hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Probation of Respondents license for one (1) year of the filing of the Final Order to include the following terms:
  - Semi-annual inspections at the Respondent's cost.

After discussion, the following action was taken:

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

Second: by Mr. Philip

Vote: Unanimous

Motion: by Mr. Wright to impose the costs of \$1,000.20 to be paid within ninety (90) days of the reinstatement of the Respondent's license.

Second: by Dr. Hickman

Vote: Unanimous

- iv. Steven Theodore Mougeot, R. Ph., Case No. 2019-54698  
(PCP – Mesaros & Mikhael)



The Respondent was present.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(k), F.S. (2019), through a violation of Section 465.022(11)(a), F.S., by failing to ensure compliance with Rule 64B16-28.140(4)(b), F.A.C. **Count II:** Section 456.072(1)(k), F.S. (2018), through a violation of Rule 64B16-27.700(3)(d), F.A.C., by failing to perform statutory and legal obligations placed on a licensee and for violating the standard of practice for compounding.

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

Second: by Mr. Wright

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

The Department presented the following recommendation:

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

After discussion, the following action was taken:

Motion: by Mr. Philip to dismiss the case.

Second: by Dr. Hickman

Vote: 5/1. Mr. Wright opposed.

## **B. INFORMAL**

- i. Reginald Keith Jenkins, R. Ph., Case No. 2019-46561 (PCP – Weizer & Meshad)

The Respondent was present.

Mr. Pietrylo presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(k), F.S. (2018-2019) and Section 465.022(11)(a), F.S. (2018-2019) through a violation of Rule 64B16-27.797(1)(a), F.A.C. by violating standards of practices for compounding sterile products.

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

Second: by Mr. Philip

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

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

Second: by Mr. Philip

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

After discussion, the following action was taken:

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

- Successful completion of a Board approved twelve (12) hour laws and rules course to be completed within one (1) year of the filing of the Final Order.
- Probation of Respondents license for one (1) year of the filing of the Final Order 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.
  - Respondent shall make a mandatory appearance before the Board of Pharmacy during Respondent's last three (3) months of probation. The Board retains the right to extend Respondent's term of probation or to impose additional restrictions, conditions or

limitations on Respondent's license. Any extended term of probation, additional restrictions, or conditions imposed by the Board must be related to the terms of Respondent's probation or the allegations contained in the Administrative Complaints in these matters.

- Respondent is restricted from engaging in the practice of sterile compounding until the completion of a total of thirty (30) hours of Sterile Compounding continuing education and provides evidence of completion to the Board.

Second: by Mr. Wright  
Vote: Unanimous

Motion: by Mr. Wright to impose the costs of \$319.90 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Hickman  
Vote: Unanimous

- ii. Jocelyn Bienaime, R. Ph., Case No. 2019-24005  
(PCP – Philip & Bisailon)  
(PCP – Mesaros & Mikhael)

This case was tabled to be heard at February meeting.

### **C. VOLUNTARY RELINQUISHMENT**

- i. Gian-Carlo Ledee, R.P.T., Case No. 2020-20927  
(PCP – Philip & Rivera)

Motion: by Dr. Mesaros to accept the voluntary relinquishment for Case No. 2020-20927.

Second: by Mr. Wright  
Vote: Unanimous

- ii. Medica Pharmacy and Compounding, Case No. 2018-24004  
(PCP – Philip & Bisailon)  
(PCP – Mesaros & Mikhael)

This case was tabled to be heard at the February meeting.

- iii. Medica Pharmacy and Compounding, Case No. 2020-08912  
(PCP – Weizer & Wright)

This case was tabled to be heard at the February meeting.

- iv. WCRx of Hollywood, LLC., Case No. 2019-41630  
(PCP – Meshad & Mikhael)

Motion: by Mr. Wright to accept the voluntary relinquishment for Case No. 2019-41630.

Second: by Dr. Mesaros  
Vote: Unanimous

- v. Richards Sprys, R. Ph., Case No. 2019-47599

(PCP – Weizer & Wright)

Motion: by Mr. Philip to accept the voluntary relinquishment for Case No. 2019-47599.

Second: by Dr. Hickman

Vote: Unanimous

**III. APPLICATIONS FOR REVIEW – David Wright, BPharm**

**A. Registered Pharmacy Technician**

i. Jessica Leavesley

The applicant was present.

Due to professional and personal association with Ms. Leavesley, Mr. Wright recused himself.

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 Dr. Hickman to accept the application.

Second: by Mr. Philip

Vote: Unanimous

ii. Daniel Santiago

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. Hickman to accept the application.

Second: by Dr. Segovia

Vote: Unanimous

**IV. NEW BUSINESS – Jonathan Hickman, PharmD, Chair**

**A. 2021 Election of Officers**

Motion: by Mr. Philip to nominate Dr. Hickman as Chair

Second: by Mr. Wright

Vote: Unanimous

Motion: by Dr. Hickman to nominate Mr. Wright as Vice-Chair

Second: by Dr. Mesaros

Vote: Unanimous

**V. ADJOURNMENT**

The Board allowed for public comment.

December 16, 2020 General Business Meeting Teleconference Call DRAFT Minutes

Page 12 of 13

No public comments received.

There being no further business, the meeting adjourned at 12:05 p.m. ET.