

Draft Minutes

August 26, 2021

Embassy Suites by Hilton Tampa USF Near Busch Gardens
3705 Spectrum Blvd
Tampa, FL 33612
813-903-6620



Jonathan Hickman, PharmD
Chair

David Wright, BPharm
Vice-Chair

Jessica Sapp, Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING
DRAFT MINUTES
August 26, 2021
Embassy Suites by Hilton Tampa USF Near Busch Gardens
3705 Spectrum Blvd
Tampa, FL 33612
813-903-6620**

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 8:00 a.m. ET.

Those present during the meeting included the following:

MEMBERS PRESENT:

Jonathan Hickman, PharmD, Chair
David Wright, BPharm, Vice – Chair
Jeenu Philip, BPharm
Patty Ghazvini, PharmD, BCGP
Jeffrey J. Mesaros, PharmD, JD
Dorinda Segovia, PharmD
Gavin Meshad, Consumer Member
Maja Gift, BPharm, MHA, Cph

STAFF PRESENT:

Jessica Sapp, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL:

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

COURT REPORTER:

Jane Heneghan
America Court Reporting
3213 Hargill Drive Orlando, FL 32806
Reportingorlando@aol.com
(407) 896-1813
Fax: (407) 896-1814

PROSECUTION ATTORNEY:

Matthew Witters, DOH Prosecution Services
Alejandro Camacho, DOH Prosecution Services
Madelyn Pendarvis, DOH Prosecution Services

To accommodate individuals wishing to address the Board, the Board Chair may adjust the sequence of the agenda items. The meeting minutes reflect the actual sequence of the events rather than the original agenda order.

II. DISCIPLINARY CASES - Jonathan Hickman, PharmD, Chair

A. SETTLEMENT AGREEMENT

- i. KRS Global Biotechnology, Inc., Case No. 2019-34186
(PCP – Weizer & Philip)

The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. (2018), by having a license acted against in another state that would constitute a violation of a Florida law.

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

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- Appearance
- Fine of \$2,500.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,573.24 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 be completed by the Prescription Department Manager to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

ii. KRS Global Biotechnology, Inc., Case No. 2019-34189
(PCP – Weizer & Philip)

The Respondent was charged with the following violation(s): Section 456.072(1)(f), F.S. (2018), by having a license acted against in another state that would constitute a violation of a Florida law.

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

- Appearance
- Fine of \$2,500.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,717.17 to be paid within ninety (90) days of the filing of the Final Order.
- Successful completion of the thirty-four and a half (34.5) hour course in sterile compounding from CriticalPoint to be completed by the Prescription Department Manager to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

iv. James William Valentine, C.Ph., Case No. 2019-24743
(PCP – Philip & Rivera)

The Respondent was charged with the following violation(s): Section 456.072(1)(k), F.S. (2018), through Rule 64B16-28.605(8), F.A.C., and Rules 64B16-27.797(1)(a), F.A.C., failing to eliminate the source of contamination in a sterile compounding facility as the prescription department manager.

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 \$938.35 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 be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Successful completion of the thirty-four and a half (34.5) hour course in sterile compounding from CriticalPoint to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

v. Viera Hospital Inc., Case No. 2019-24740
(PCP – Philip & Rivera)

The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. (2018) and Rule 64B16-27.797(1)(a), F.A.C. by violating one or more provisions of USP Chapter 797 by

failing to properly investigate and remediate microbial contamination.

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

- Appearance
- Fine of \$4,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,399.54 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 be completed by the Consultant Pharmacist to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Successful completion of the thirty-four and a half (34.5) hour course in sterile compounding from CriticalPoint to be completed by the Consultant Pharmacist to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

vi. Dominique Barteet, R.Ph., Case No. 2019-51474
(PCP – Mesaros & Mikhael)

The Respondent was charged with the following violation(s): **Count I:** Section 465.015(2)(c), F.S. (2018, 2019) **Count II:** Section 465.015(2)(c), F.S. (2018, 2019) by unlawfully selling or dispensing drugs without being furnished with a prescription.

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

- Appearance
- Fine of \$2,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$2,003.27 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 be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Probation for one (1) year from 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.
 - During the last three months of probation, Respondent shall petition the Board for termination of probation and/or make a mandatory appearance before the Board of Pharmacy. 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 this matter.

Motion: by Mr. Meshad to accept settlement agreements.

Second: by Dr. Segovia

Vote: Unanimous

- iii. Dharam Babulal Patel a/k/a Dharmendrakumar B. Patel, R.Ph.,
Case No. 2017-11921
(PCP – Bisailon & Mesaros)

The respondent was present.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(m), F.S. (2016) by making deceptive, untrue, or fraudulent representations in or related to the practice by fraudulently creating prescriptions, signing the point of sale system to complete transactions for immunizations and by reporting to the Florida Shots registry.

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 \$4,155.59 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 be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Hickman at reject the settlement agreement

Second: by Dr. Ghazvini

Vote: 5/1 Mr. Wright opposed.

Motion: by Dr. Hickman to orally emended the settlement agreement to include the following penalties:

- Appearance
- Fine of \$5,000.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$4,155.59 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 a one (1) hour ethics course to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Probation for two (2) years to include the following:
 - Respondent is restricted from serving as a Prescription Department Manager (PDM) from any pharmacy other than PH31371.
- Semi-Annual Inspections that focus on dispensing records verses inventory to be at the Respondents cost.

Second: by Mr. Philip

Vote: Unanimous

- vii. Stephania Xaviela Perticone, R.Ph., Case No. 2019-41993
(PCP – Mikhael & Wright)
(PCP – Weizer & Philip)

The respondent was present and represented by David Mann, Esq.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(o), F.S. (2019) by practicing beyond the scope permitted by law and performing responsibilities the licensee is not competent to perform by immunizing a patient that was not an eligible recipient.

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

- Appearance
- Costs of \$4,711.33 to be paid within one hundred and eighty (180) days of the filing of the Final Order.
- Successful completion of a two (2) hour medication errors course and the twenty (20) hour immunization course offered by APHA to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Mesaros to accept the settlement agreement as orally amended.

Second: by Dr. Ghazvini

Vote: Unanimous

- viii. Ramila V. Patel, R.Ph., Case No. 2020-05157
(PCP – Meshad & Mikhael)

The respondent was present and sworn in by the court reporter and represented by Edwin Bayo, Esq.

Ms. Pendarvis 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 Section 465.022(11)(a), F.S., by failing to ensure compliance with Rule 64B16-28.140(3)(c) and (e), F.A.C. **Count II:** Section 456.072(1)(k), F.S. (2019) through Section 465.022(11)(a), F.S., by failing to ensure compliance with Rule 64B16-28.109(3) and (4), F.A.C. by as the prescription department manager of a permitted pharmacy, failing to not certify the daily log or signed printout of prescription drug order dispensed were maintained and by failing to properly lock the prescription department when a pharmacist was not on duty.

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

- Appearance
- Fine of \$1,000.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$1,699.84 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 in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.
- Respondent is to be restricted from serving as a Prescription Department Manager until completion of the twelve (12) hour laws and rules course.

- Reprimand

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

Second: by Dr. Hickman

Vote: Unanimous

- ix. AOA, LLC, d/b/a Curis Pharmacy, Case No. 2019-47174
(PCP – Weizer & Hickman)

The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2018-2019) through a violation of Rule 64B16-28.140(4), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2018-2019) through a violation of Rule 64B16-28.140(3)(a), (3)(b), (e), (3)(f), and (3)(g), F.A.C. **Count III:** Section 465.023(1)(c), F.S. (2018-2019) through a violation of Rule 64B16-28.101(2), F.A.C. by failing to maintain a written compounding record of non-sterile compounded products, failing to provide a hard copy printout of all original prescriptions dispensed and refilled on demand during inspection, and failing to make available invoices, shipping tickets and/or any other documents pertaining to the transfer of drugs.

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 \$3,260.01 to be paid within ninety (90) days of the filing of the Final Order.
- Probation for one (1) year until passing one (1) inspection at the Respondents cost.

- x. Alex Chervinsky, R.Ph., Case No. 2019-47472
(PCP – Weizer & Hickman)

The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2018-2019) through a violation of Rule 64B16-28.140(4), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2018-2019) through a violation of Rule 64B16-28.140(3)(a), (3)(b), (e), (3)(f), and (3)(g), F.A.C. **Count III:** Section 465.023(1)(c), F.S. (2018-2019) through a violation of Rule 64B16-28.101(2), F.A.C. by failing to maintain a written compounding record of non-sterile compounded products, failing to provide a hard copy printout of all original prescriptions dispensed and refilled on demand during inspection, and failing to make available invoices, shipping tickets and/or any other documents pertaining to the transfer of drugs.

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

- Appearance
- Fine of \$2,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$2,182.40 to be paid within one hundred and eighty (180) days of the filing of the Final Order.
- Successful completion of a twelve (12) hour laws and rules course to be in addition to their hours required for renewal and to be completed within one (1) year of the filing of the Final Order.

Motion: by Dr. Mesaros to accept the settlement agreements.

Second: by Mr. Philip

Vote: Unanimous

- xi. Guillermo Salas, R.Ph., Case No. 2019-10611
(PCP – Wright & Meshad)
(PCP – Mikhael & Meshad)
(PCP – Weizer & Mesaros)
(PCP – Weizer & Mikhael)

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

The Respondent was charged with the following violation(s): Section 456.072(1)(x), F.S. (2018-2019) by failing to report to the Board within thirty (30) days after the written plea of nolo contendere was entered for one count of Grand Theft, a third-degree felony.

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

- Appearance
- Reprimand
- Costs of \$4,049.01 to be paid within one (1) year of the filing of the Final Order.

Motion: by Dr. Ghazvini to accept the settlement agreement.

Second: by Dr. Hickman

Vote: Motion failed.

Motion: by Mr. Philip to dismiss the case.

Second: by Dr. Segovia

Vote: 3/2. Motion passes. Dr. Hickman and Dr. Ghazvini opposed.

B. DETERMINATION OF WAIVER

- i. Terence Kelvin Smith, Jr., R.Ph., Case No. 2020-13453
(PCP – Meshad & Wright)

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

- ii. Terence Kelvin Smith, Jr., R.Ph., Case No. 2020-30690
(PCP – Weizer & Hickman)

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

- iii. Venice Pharmacy, LLC, Case No. 2020-06376
(PCP – Meshad & Mikhael)

The Respondent was not present nor represented by Counsel.

Mr. Witters 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 64B16-28.202(3), F.A.C., failing to properly close a pharmacy.

Motion: by Mr. Wright to find the Administrative Complaint was properly served on Respondent and that Respondent failed to timely respond to the Administrative Complaint

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

Second: by Mr. Philip

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 Mr. Philip

Vote: Unanimous

The Department withdrew their motion for costs.

- iv. Damaris Lopez, R.P.T., Case No. 2020-25948
(PCP – Mikhael & Wright)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), by violating Sections 893.13(6)(a) and/or 893.13(7)(a)(9). F.S. (2020) **Count II:** Section 456.072(1)(m), F.S. (2020) by unlawfully obtaining one or more bottles of phentermine without obtaining a valid prescription and engaging in a tick or scheme by stealing phentermine from her employer.

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. Meshad

Vote: Unanimous

The Department presented the following recommendation:

- Revocation

After discussion, the following action was taken:

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

The motion was not seconded.

Motion Failed.

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

- Suspension until Respondent personally appears before the Board and can demonstrate she is safe to practice, to include an evaluation by a PRN approved evaluator.

Second: Mr. Meshad
Vote: Unanimous

Motion: by Mr. Philip to impose the costs of \$1,753.96 to be paid within ninety (90) days of the reinstatement of the license.

Second: by Mr. Meshad
Vote: Unanimous

v. Alexandra Scheidt, R.P.T., Case No. 2020-37702
(PCP – Weizer & Meshad)

The Respondent was present nor represented by Counsel.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), by violating Sections 893.13(6)(a) and/or 893.13(7)(a)(9). F.S. (2020) **Count II:** Section 456.072(1)(m), F.S. (2020) by unlawfully possessing oxycodone, a controlled substance, without a valid prescription and by employing a trick or scheme related to the practice as a registered pharmacy technician.

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 Dr. Mesaros
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. Ghazvini
Vote: Unanimous

The Department withdrew their motion for costs.

vi. Naomi Beth Conant, R.Ph., Case No. 2019-49799
(PCP – Meshad & Wright)

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 456.072(1)(z), F.S. (2019), by being able to practice with reasonable skill and safety.

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

After discussion, the following action was taken:

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

- Suspension until Respondent personally appears before the Board and can demonstrate she is safe to practice, to include an evaluation by a PRN approved evaluator.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Dr. Mesaros to impose the costs of \$4,640.67 payable within ninety (90) days of the reinstatement of the license.

Second: by Mr. Philip

Vote: Unanimous

vii. Naomi Beth Conant, R.Ph., Case No. 2019-18097
(PCP – Meshad & Wright)

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 456.072(1)(q), F.S. (2019) by violating a lawful order of the Department or Board.

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

After discussion, the following action was taken:

- Suspension until Respondent personally appears before the Board and can demonstrate she is safe to practice, to include an evaluation by a PRN approved evaluator.

Motion: by Mr. Philip to impose the costs of \$5,483.47 payable within ninety (90) days of the reinstatement of the license.

Second: by Dr. Mesaros

Vote: Unanimous

C. INFORMAL

- i. Deepak Aggarwal, R.Ph., Case No. 2021-00687
(PCP – Weizer & Gift)

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

- ii. Coastal Pharmacy, LLC, Case No. 2021-00309
(PCP – Weizer & Gift)

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

- iii. Robin Lafleur, R.Ph., Case No. 2019-17114
(PCP – Weizer & Meshad)

The Respondent was not present nor represented by Counsel.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): Section 456.072(1)(z), F.S. (2019) by being unable to practice with professional reasonable skill and safety.

Motion: by Mr. Philip to find that the Respondent was properly served, and the matter was appropriately before the Board as an informal hearing, to accept the investigative report into evidence, and adopt the findings of fact as set forth in the Administrative Complaint and to adopt the conclusions of law as set forth in the Administrative Complaint and find by clear and convincing evidence that this constitutes a violation of the Practice Act.

Second: by Dr. Hickman

Vote: Unanimous

Dr. Martha Brown was present on behalf of Profession Resources Network (PRN).

The Department presented the following recommendation:

- Suspension until Respondent personally appears before the Board and can

demonstrate she is safe to practice, to include an evaluation by a PRN approved evaluator.

After discussion, the following action was taken:

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

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright to impose the costs of \$4,993.94 payable within one (1) year of the reinstatement of the license.

Second: by Dr. Hickman

Vote: Unanimous

D. VOLUNTARY RELINQUISHMENT

- i. Mary Katheryn Ingram, R.P.T., Case No. 2020-39475
- ii. Bibi Fadilah Karim, R.P.T., Case No. 2021-09202
- iii. Harmony Blu Schneider, R.Ph., Case No. 2017-11519
(PCP – Glass & Mikhael)
- iv. Samantha Busso, R.P.T., Case No. 2021-09145
(PCP – Weizer & Hickman)

Motion: by Dr. Mesaros to accept the voluntary relinquishments.

Second: by Mr. Philip

Vote: Unanimous

E. PETITION FOR REINSTATEMENT

- i. Timothy John Das, R.Ph., Case No. 2019-32787

The Respondent was present and sworn in by the court reporter.

Dr. Martha Brown was present on behalf of PRN.

The Respondent has petitioned the Board for reinstatement of his license.

Motion: by Dr. Mesaros to reinstate Mr. Das's license and allow Mr. Das one (1) year from his reinstatement to pay his outstanding fines.

Second: by Dr. Hickman

Vote: Unanimous

- ii. Heidi S. Lohse, R.Ph., Case No. 2020-32173

The Respondent was present and sworn in by the court reporter and represented by Johnathan Rose, Esq.

The Respondent has petitioned the Board for reinstatement of her license.

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Motion: by Dr. Hickman to reinstate Ms. Lohse's license
Second: by Mr. Philip
Vote: Unanimous

F. PETITION FOR MODIFICATION OF FINAL ORDER

i. Louis Ladson, R.Ph., Case No. 2018-13345 & 2018-27526

The Respondent was present and sworn in by the court reporter and represented by Marcos Hasbun, Esq.

The Respondent has petitioned the Board for a modification of his Final Order. The Respondent is required to complete the Sterile Compounding by Critical Point continuing education course and asked the Board to lift this requirement.

Mr. Ladson withdrew the petition.

G. PETITION FOR TERMINATION OF PROBATION

i. Lincourt Compounding Center, Case No. 2018-13343, 2018-27525, & 2019-28891

The Respondent was present and sworn in by the court reporter and represented by Johnathan Rose, Esq.

The Respondent has petitioned the Board for termination of probation due to the closure of the pharmacy.

Motion: by Mr. Wright to approve the petition for termination of probation.
Second: by Dr. Hickman
Vote: Unanimous

H. Prosecution Services Report – Alejandro Camacho

Mr. Camacho presented the prosecution services case report to the Board and explained the current caseload is at 277 cases, from 196.

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

III. APPLICATIONS FOR REVIEW – Jeenu Philip, BPharm

D. Initial Course Applications

i. Application for Initial Collaborative Practice Certification Course

The Board of Pharmacy has received an Initial Collaborative Practice Certification Course Provider Application Nova Southeastern University College of Pharmacy. Section 465.1865(2)(c) requires this application be reviewed and approved by the Board of Pharmacy, in consultation with the Boards of Medicine and Osteopathic Medicine. The Joint Rules Committee voted to approve the application during the July 27, 2021 meeting. The application and minutes from the Joint Committee Meeting were provided for Full Board review.

After further discussion the Board took the following action:

Motion: by Dr. Hickman to approve the applications.

Second: by Mr. Philip

Vote: Unanimous

ii. Application for Initial Test and Treat Certification Course

The Board of Pharmacy has received an Initial Test and Treat Certification Course Provider Application from the Florida Pharmacy Association Section 465.1895(2)(b) requires this application be reviewed and approved by the Board of Pharmacy, in consultation with the Boards of Medicine and Osteopathic Medicine. The Joint Rules Committee voted to approve the application during the July 27, 2021 meeting. The application and minutes from the Joint Committee Meeting was provided for Full Board review.

After further discussion the Board took the following action:

Motion: by Mr. Philip to approve the applications.

Second: by Dr. Segovia

Vote: Unanimous

A. Pharmacists

i. Theresa Ballington

The applicant was not present nor represented by Counsel.

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

After further discussion the Board took the following action:

Motion: by Dr. Hickman to require her appearance at the October meeting.

Second: by Mr. Wright

Vote: Unanimous

ii. Edward Olszewski

The applicant was present and sworn in by the court reporter.

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

After further discussion the Board took the following action:

Motion: by Mr. Wright to approve to the application.

Second: by Dr. Mesaros

Vote: Unanimous

B. Registered Pharmacy Technician

i. Jammina Claude

The applicant was present and sworn in by the court report.

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

After further discussion the Board took the following action:

Motion: by Dr. Hickman to approve to the application.

Second: by Dr. Mesaros

Vote: Unanimous

ii. Kaley Ferguson

The applicant was present and sworn in by the court report.

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

After further discussion the Board took the following action:

Motion: by Mr. Wright to approve to the application.

Second: by Dr. Mesaros

Vote: Unanimous

C. Pharmacy Permits

i. Drugs Crafters LP

The applicant was present and sworn in by the court report and represented by Edwin Bayo, Esq.

The applicant submitted an application for a non-resident sterile compounding pharmacy permit application and has answered yes to the discipline history questions on the application.

During the April 15, 2021 Board meeting the application was approved contingent upon a passing inspection. After review of the inspection completed on June 3, 2021 the application required Full Board review.

After further discussion the Board took the following action:

Motion: by Dr. Hickman to accept the application.

Second: by Dr. Ghazvini

Vote: Unanimous

ii. Sofie Co.

The applicant was present and sworn in by the court report.

The applicant submitted an application for a non-resident sterile compounding pharmacy permit application and has answered yes to the discipline history questions on the application.

After further discussion the Board took the following action:

Motion: by Dr. Segovia to accept the application.

Second: by Mr. Philip

Vote: Unanimous

iii. Staska Pharmaceuticals

The applicant submitted an application for a non-resident sterile compounding pharmacy permit application and has answered yes to the discipline and criminal history questions on the application.

The applicant submitted a request to withdraw their application.

Motion: by Dr. Hickman to accept the withdraw of the application.

Second: by Mr. Wright

Vote: Unanimous

iv. Curexa-East, LLC

The applicant was present and sworn in by the court report.

The applicant submitted an application for a non-resident pharmacy permit application and has answered yes to the discipline history questions on the application.

After further discussion the Board took the following action:

Motion: by Dr. Mesaros to accept the application.

Second: by Mr. Meshad

Vote: Unanimous

v. Curexa-East II, LLC

The applicant was present and sworn in by the court report.

The applicant submitted an application for a non-resident pharmacy permit application and has answered yes to the discipline history questions on the application.

After further discussion the Board took the following action:

Motion: by Dr. Hickman to accept the application.

Second: by Dr. Mesaros

Vote: Unanimous

IV. PETITION FOR VARIANCE OR WAIVER

A. Genoa Healthcare, 64B16-28.102, F.A.C., Sink and Running Water, Sufficient Space, Refrigeration, Sanitation, Equipment

Dale Masten was present on behalf of Genoa Healthcare and sworn in by the court reporter.

Genoa Healthcare has submitted a petition regarding the sink location requirements and the accessibility of the sink to the pharmacy.

Motion: by Mr. Meshad to deny the petition as the licensee meets the requirements of the rule.

Second: by Mr. Wright

Vote: Unanimous

B. Sarah Steinhardt, 64B16-26.300, F.A.C., Consultant Pharmacist Licensure

The petitioner was present and sworn in by the court reporter.

Pursuant to Rule 64B16-26.300(3)(b), F.A.C., Successfully complete a consultant pharmacist course of no fewer than twenty (20) hours approved by the Florida Board of Pharmacy Tripartite Continuing Education Committee which is based on the Statement of the Competencies Required in Institutional Pharmacy Practice and covers the subject matter set forth in Rule 64B16-26.301, F.A.C. The course shall be instructionally designed to include a cognitive test on which the applicant must score a passing grade for certification of successful completion of the course.

Effective December 20, 2020 the required continuing education course was amended from 12 hours to a 20-hour course. Ms. Steinhardt has completed an approved 16-hour continuing education course and is requesting a waiver of the rule to allow her to complete an additional 4 hours of consultant pharmacist continuing education to get to a total of 20 hours instead of one 20-hour course.

C. Jaria Butler, 64B16-26.300, F.A.C., Consultant Pharmacist Licensure

Pursuant to Rule 64B16-26.300(3)(b), F.A.C., Successfully complete a consultant pharmacist course of no fewer than twenty (20) hours approved by the Florida Board of Pharmacy Tripartite Continuing Education Committee which is based on the Statement of the Competencies Required in Institutional Pharmacy Practice and covers the subject matter set forth in Rule 64B16-26.301, F.A.C. The course shall be instructionally designed to include a cognitive test on which the applicant must score a passing grade for certification of successful completion of the course.

Effective December 20, 2020 the required continuing education course was amended from 12 hours to a 20-hour course. Ms. Butler has completed an approved 16-hour continuing education course and is requesting a waiver of the rule to allow her to complete an additional 4 hours of consultant pharmacist continuing education to get to a total of 20 hours instead of one 20-hour course.

Motion: by Dr. Mesaros to grant petitions B and C.

Second: by Mr. Meshad

Vote: Unanimous

V. PETITION FOR DECLARATORY STATEMENT

A. Stellar Pharmacy Services, Inc.

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The petition was present and sworn in by the Court Reporter.

The petitioner requested the Board's determination as to whether an in state community pharmacy and a licensed non-resident pharmacy can work together to fulfill the requirements under Florida Statutes § 465.0235 Automated pharmacy systems used by long-term care facilities, hospices, or state correctional institutions, or for outpatient dispensing.

Mr. Dierlam addressed the Board and confirmed that based on Florida Statute an automated pharmacy system must function and be under the supervision of a Florida licensed community pharmacy.

The petitioner withdrew the petition.

VI. RULE DISCUSSION

B. Application Redesign – Correspondence from the Joint Administrative Procedures Committee

- i. 64B16-26.1032, F.A.C., Immunization Administration Certification Application and Information
- ii. 64B16-26.203, F.A.C., Pharmacist Licensure by Examination (U.S. Graduates); Application
- iii. 64B16-26.2031, F.A.C., Licensure by Examination (Foreign Graduates); Application
- iv. 64B16-26.2032, F.A.C., Application for Pharmacy Intern Registration
- v. 64B16-26.204, F.A.C., Pharmacist Licensure by Endorsement; Application
- vi. 64B16-26.300, F.A.C., Consultant Pharmacist for Licensure
- vii. 64B16-26.303, F.A.C., Nuclear Pharmacist Licensure
- viii. 64B16-26.350, F.A.C., Requirements for Pharmacy Technician Registration

Board Counsel provided an overview of the correspondence received from JAPC and reiterated the updates that were made to the applications.

Motion: by Mr. Wright to approve the application revisions as amended and open the applicable rules for development.

Second: by Dr. Segovia

Vote: Unanimous

Motion: by Dr. Hickman to find no economic impact, to find that a Statement of Estimated Regulatory Cost was not necessary, and the rule will not need legislative ratification, to find that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: by Mr. Wright

Vote: Unanimous

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

Second: by Mr. Wright

Vote: Unanimous

VII. REPORTS – Jonathan Hickman, PharmD, Chair

A. Board Chair

Dr. Hickman provided an overview of the Florida Pharmacy Association meeting he attended.

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

i. Unlicensed Activity Liaison

Dr. Mesaros volunteered to be the liaison for the Board.

ii. Electronic Prescribing

Ms. Sapp provided an overview of HB 831, Electronic Prescribing.

House Bill 831 (2019), Electronic Prescribing, was signed into law by Governor DeSantis, amending Section 456.42, Florida Statutes. The effective date was January 1, 2020. The bill requires prescribers who maintain a system of electronic health records to generate and transmit prescriptions electronically upon licensure renewal or by July 1, 2021.

Ms. Sapp confirmed that it is not the responsibility of a pharmacist to confirm if a prescribing practitioner is electronically prescribing.

Mr. Philip conveyed that it is not within the purview of a pharmacist to determine if the practitioner is exempt from electronic prescribing and that pharmacists should accept all valid prescriptions.

Mr. Flynn confirmed that a written prescription is to be considered a valid prescription.

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

iii. Rules Status Report

Mr. Dierlam provided the Board with a summary of the current rules report.

Mr. Flynn provided an overview of the Annual Regulatory Plan.

D. Committee Report

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

a. Rules Committee Update

Committee Chair, Dr. Jeffery Mesaros, provided the Board with an overview of the discussion from the August 25, 2021 Rules Committee meeting.

The Committee voted to amend the below rule language.

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

No Change.

(1) through (9) No change.

(10) The labeling affixed to ~~compounded intravenous compounds~~ patient specific medications (this does not include plain IV solutions or floor stock) dispensed from an Institutional Class II, Modified Class II Type B,

or Class III permit shall include:

- (a) Names of active ingredients;
- (b) Amounts or concentrations of active ingredients;
- (c) Beyond use date and time;
- (d) Storage requirements (if applicable);
- (e) Identification of responsible compounding personnel and/or dispensing pharmacist;
- (f) Labels for batch-prepared CSPs must also include:

- 1. Control or lot number;
- 2. Auxiliary labeling (including precautions); and
- 3. Device-specific instructions;

(g) Labels for ~~patient individualized intravenous preparations~~ patient specific medications must also include:

- 1. Patient's name;
- 2. Location the medication is to be delivered to; and
- 3. Directions for use and applicable accessory and cautionary instructions.

Motion: by Mr. Philip to ratify the language approved by the Committee.

Second: by Mr. Wright

Vote: Unanimous

64B16-28.100 Pharmacy Permits – Applications and Permitting.

No change.

(1) All Permits:

(a) through (b) No change.

(c) ~~Passing an onsite inspection is a prerequisite to issuance of a new permit, whether based on an initial application, change of ownership, or change of address. At the time of the onsite inspection, the board inspector will document the applicant's compliance with all applicable rules and statutes. An onsite inspection demonstrating full compliance with all applicable rules and statutes is a prerequisite to issuance of a new permit, whether based on an initial application, change of ownership, or change of address.~~

(d) No change.

(2) through (7). No Change.

Motion: by Dr. Hickman to ratify the language approved by the Committee.

Second: by My Philip

Vote: Unanimous

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

Ms. Mala Kullipher provided a brief update on the inspection results as of August 2021.

As of August 2021 - Non-Sterile Pharmacy inspections currently at 1392 inspections completed;
Sterile Compounding Pharmacy inspections currently at 118 inspections completed.

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

A. Ratification of Issued Licenses/Certificates

- i. Pharmacist (licensure) – 359
- ii. Pharmacist (exam eligibility) – 609
- iii. Pharmacist Intern – 92

- iv. Consultant Pharmacist – 121
- v. Pharmacy/Facilities – 127
- vi. Registered Pharmacy Technician – 1,575
- vii. Registered Pharmacy Technician Training Program – 19
- viii. Nonresident Sterile Compound – 2
- ix. Approved CE Providers – 5
- x. Approved CE Courses – 50
- xi. Individual Pharmacist Request for Approval of CE – 3

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

Second: by Mr. Wright

Vote: Unanimous

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

B. Review and Approval of Meeting Minutes

- i. June 9, 2021 Rules Committee Meeting Minutes
- ii. June 9-10, 2021 Full Board Meeting Minutes
- iii. July 27, 2021 Joint Rules Committee Meeting Minutes

Motion: by Dr. Mesaros to accept the meeting minutes.

Second: by Mr. Meshad

Vote: Unanimous

X. FOR YOUR INFORMATION

A. Unlicensed Activity Presentation

This item was tabled to be heard at the October meeting.

XI. REQUEST FOR EXTENSION OF TIME FOR VARIANCE OR WAIVER

A. Guardian Pharmacy, LLC

This item was added to the agenda by the Board Chair for good cause shown.

During the June 4, 2020 Board Meeting the Board approved a petition for a variance or waiver of Rule 64B16-28.830, F.A.C, to allow Guardian Pharmacy's seven special closed system pharmacy locations to dispense prescription drugs to their employees and immediate relatives for nine months from the filing of the Order.

Guardian Pharmacy submitted an extension of the variance.

Motion: by Mr. Wright to grant a one (1) year extension.

Second: by Mr. Philip

Vote: Unanimous

XII. ADJOURNMENT

There being no further business the meeting adjourned at 4:00 p.m. ET.