

Draft Minutes

February 10, 2022

DoubleTree by Hilton Hotel Deerfield Beach – Boca Raton
100 Fairway Dr.
Deerfield Beach, FL 33441
(954) 427-7700



David Wright, BPharm
Chair

Jeenu Philip, BPharm
Vice-Chair

Jessica Sapp, Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING
DRAFT MINUTES**

February 10, 2022

9:00 a.m. ET

**DoubleTree by Hilton Hotel Deerfield Beach – Boca Raton
100 Fairway Dr.
Deerfield Beach, FL 33441
(954) 427-7700**

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 9:00 a.m. ET.

Those present during the meeting included the following:

MEMBERS PRESENT:

David Wright, BPharm, Chair
Jeenu Philip, BPharm, Vice – Chair
Jonathan Hickman, PharmD
Patty Ghazvini, PharmD, BCGP
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:

David Flynn, Esq.
Senior Assistant Attorney General

MEMBERS ABSENT:

Gavin Meshad, Consumer Member

COURT REPORTER:

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

PROSECUTION ATTORNEY:

Matthew Witters, Senior Assistant General Counsel
Alejandro Camacho, Assistant General Counsel

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 – David Wright, BPharm, Chair

A. SETTLEMENT AGREEMENT

- i. Amanda Whitman, R.Ph., Case No. 2016-13804
(PCP – Weizer & Bisallion)

The Respondent was charged with the following violation(s): **Count I:** Section 465.015(2)(c), F.S. (2015) **Count II:** Section 465.016(1)(e), F.S. (2015) **Count III:** Section 456.072(1)(m) F.S. (2015)
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by unlawfully dispensing and selling a prescription drug to herself without a valid prescription, by possessing a controlled substance by misrepresentation or fraud, and by making a deceptive, untrue, and misrepresentation in the pharmacy records of her place of employment.

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

- Appearance
- Fine of \$2,000.00 to be paid within one hundred and eighty (180) days of the filing of the Final Order.
- Costs of \$1,496.07 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.

After discussion, the following action was taken:

Motion: by Dr. Mesaros to accept the Settlement Agreement.

Second: by Dr. Segovia

Vote: Unanimous

B. DETERMINATION OF WAIVER

- i. Richard S. Vallette, R.Ph., Case No. 2018-28858
(PCP – Mikhael & Philip)
- ii. Richard S. Vallette, C.Ph., Case No. 2018-28859
(PCP – Mikhael & Philip)

Case No. 2018-28858 and Case No. 2018-28859 were heard together.

Mr. Camacho presented the cases to the Board.

The Respondent was charged with the following violation(s) for Case No. 2018-28858: **Count I:** Section 456.072(1)(c), F.S. (2019) **Count II:** Section 456.072(1)(x), F.S. (2019) by pleading guilty to and found convicted of one or more counts of patient brokering, false and fraudulent insurance claim and failing to report to the Board or Department within thirty days.

The Respondent was charged with the following violation(s) for Case No. 2018-28859: **Count I:** Section 456.072(1)(c), F.S. (2019) **Count II:** Section 456.072(1)(x), F.S. (2019) by pleading guilty to and found convicted of one or more counts of patient brokering, false and fraudulent insurance claim and failing to report to the Board or Department within thirty days.

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 of the final investigative file, to adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and to find the conclusions set forth in the Administrative Complaint constitutes a violation of the practice act.

Second: by Dr. Ghazvini

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.

Second: by Dr. Hickman

Vote: Unanimous

- iii. Ideal Pharmacy Services LLC, Case No. 2021-10568
(PCP – Montgomery & Mesaros)

This case was tabled to be heard at a future meeting.

- iv. Dominique Brennielle Andrews, RPT, Case No. 2021-13653
(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): **Count I:** Section 456.072(1)(m), F.S. **Count II:** 465.016(1)(e), F.S. for engaging in a trick or scheme related to the practice of her profession obtaining medication illegally to distribute to other parties who did not possess a valid prescription to possess the drugs.

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 of the final investigative file, to adopt as its findings of fact, and conclusions of law as set forth in the Administrative Complaint and to find the conclusions set forth in the Administrative Complaint constitutes a violation of the practice act.

Second: by Dr. Hickman

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.

C. INFORMAL

- ii. Meentri Ramlagan, R.Ph., Case No. 2020-39096
(PCP – Weizer & Meshad)
(PCP – Mikhael & Ghazvini)

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

Due to personal knowledge of the respondent Mr. Wright recused himself.

Mr. Witters presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(k), F.S. (2020), through section 465.022(11)(a), F.S., by failing to ensure compliance with rule 64B16-28.110, F.A.C. **Count II:** Section 456.072(1)(k), through section 465.022(11)(a), by failing to ensure compliance with rule 64B16-28.102(4), F.A.C., by failing to perform statutory or legal obligation placed upon a license as the Respondent was designated the prescription department manager and expired medication were found among active stock of the prescription department during a routine inspection.

Motion: by Dr. Hickman 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

Second: by Dr. Segovia

Vote: Unanimous

Motion: by Mr. Philip to dismiss the case.

Second: by Dr. Segovia

Vote: Unanimous

The Department waived their motion for costs.

- i. Royal RX Pharmacy Inc., Case No. 2019-54250
(PCP – Montgomery & Philip)

The Respondent was present and represented by Walter Kyles, Owner of Royal RX Pharmacy Inc.

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 rule 64B16-28.202(1)(a), F.A.C. **Count II:** Section 465.023(1)(c), F.S. (2019), though rule 64B16-28.203, F.A.C., by failing to properly transfer prescription files and medicinal drugs when closing a pharmacy.

Motion: by Dr. Hickman to find that the Respondent was properly served and the matter was appropriately before the Board as an informal hearing.

Second: by Dr. Mesaros

Vote: Unanimous

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

Second: by Dr. Mesaros

Vote: Unanimous

Motion: by Dr. Hickman to adopt the findings of fact and to adopt the conclusions of law as set

forth in the Administrative Complaint.
Second: by Dr. Mesaros
Vote: Unanimous

Motion: by Dr. Hickman to find by clear and convincing evidence that this constitutes a violation of the Practice Act.
Second: by Dr. Ghazvini
Vote: Unanimous

The Department presented the following recommendation:

- Reprimand

After discussion, the following action was taken:

Motion: by Dr. Ghazvini to accept the Departments recommendation due to mitigating factors within the Respondents testimony.
Second: by Dr. Hickman
Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$1,170.42 payable within ninety (90) days of the filing of the Final Order.
Second: by Dr. Ghazvini
Vote: Unanimous

D. VOLUNTARY RELINQUISHMENT

- i. Candace N. Cullen, R.Ph., Case No. 2020-07354
(PCP – Mikhael & Ghazvini)

Motion: by Dr. Hickman to accept the voluntary relinquishment.
Second: by Mr. Philip
Vote: Unanimous

E. PETITION FOR REINSTATEMENT

- i. Deepak Aggarwal, R.Ph., Case No. 2021-00687

Mr. Aggarwal was present and represented by Jonathan Rose, Esq.

On October 14, 2021, case number 2021-00687 came before the Board for a hearing not involving disputed issues of material fact. After review and discussion, the Board voted to suspend Mr. Aggarwal's license until he appeared before the Board.

Mr. Aggarwal submitted a request for his case to be reconsidered during the February meeting.

After discussion, the following action was taken:

Motion: by Dr. Mesaros to impose the following penalties.

- Probation for one (1) year from the filing of the Final Order to include:

- Submission of monthly inventory reports. The reports are to include confirmation of active stock medications as well as a list of all expired drugs pulled from the inventory.

Second: by Dr. Hickman
Vote: Unanimous

F. PETITION FOR TERMINATION OF PROBATION

- i. John R. Barron, R.Ph., Case No. 2019-30770

Mr. Barron was present and sworn in by the court reporter.

On October 13, 2020, case number 2019-30770 came before the Board. A settlement agreement was filed November 16, 2020, that placed Mr. Barron's license on probation. A term of his probation was that he must appear before the Board within the last three months of his probation.

Mr. Barron submitted a petition to the Board for the removal of his probation.

After discussion, the following action was taken:

Motion: by Mr. Philip to approve the removal of probation.
Second: by Dr. Ghazvini
Vote: Unanimous

G. PETITION FOR TERMINATION OF PROBATION & MODIFICATION OF FINAL ORDER

- i. Reginald Keith Jenkins, R.Ph., Case No. 2019-46561

Mr. Barron was present and sworn in by the court reporter.

On October 13, 2020, case number 2019-30770 came before the Board. A settlement agreement was filed November 16, 2020, that placed Mr. Barron's license on probation. A term of his probation was an appear before the Board within the last three months of his probation.

Mr. Barron submitted a petition to the Board for the removal of his probation as well as modification of his Final Order.

After discussion, the following action was taken:

Motion: by Dr. Hickman to approve the removal of probation.
Second: by Dr. Ghazvini
Vote: Unanimous

Motion: by Dr. Ghazvini to deny the request for modification of Final Order and keep the license restriction until the Respondent completes the required critical point continuing education course.
Second: by Dr. Hickman
Vote: Unanimous

Motion: by Dr. Mesaros to allow Mr. Jenkins to complete an online course to comply with the compounding continuing education due to his physical limitations. The course is to be reviewed
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and approved by Dr. Segovia.
Second: 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 240 cases, from 227.

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

III. APPLICATIONS FOR REVIEW – Patty Ghazvini, PharmD

A. Registered Pharmacy Technician

i. Abdurrahman Asalat

The applicant was and sworn in by the court reporter.

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

After further discussion the Board took the following action:

Motion: by Dr. Hickman to deny the application due to failing to disclose all criminal history when Ms. Asalat initially applied for a license.
Second: by Mr. Wright

Mr. Asalat requested to withdraw his application.

Motion: by Dr. Hickman to approve the withdrawal of Mr. Asalat's application.
Second: by Dr. Segovia
Vote: Unanimous

ii. Alyssa Davis

The applicant was not present nor represented by Counsel.

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

Ms. Davis's application will be heard at the April meeting.

iii. Nia Yhun

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

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 the application.

Second: by Dr. Mesaros

Vote: Unanimous

iv. Benjamin Enright

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

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

Mr. Enright requested to waive the 90-day requirement of his application.

After further discussion the Board took the following action:

Motion: by Dr. Segovia to approve the continuance of Mr. Enright's application.

Second: by Dr. Hickman

Vote: Unanimous

Motion: by Mr. Wright to delegate to the applications Chair to review the application contingent upon review of the PRN evaluation.

Second: by Dr. Segovia

Vote: Unanimous

Dr. Hickman excused himself from the meeting at this time.

B. Pharmacy Permits

i. BP Pharmacy Inc.

The applicant was not present nor represented by Counsel.

The applicant submitted an application for a Non-Resident pharmacy permit and was required to appear due to discipline history.

This application will be heard at the April meeting.

IV. REQUEST FOR EXTENSION OF TIME FOR VARIANCE OR WAIVER

A. Moffit Cancer Center

The petitioner was present and represented by Kenneth Komorny, PharmD, BCPS.

Moffit Cancer Center requested an extension of time for the variance of waiver of rule 64B16-27.797, F.A.C., Standards of Practice for Compounding Sterile Preparations that was approved during the January 12, 2018 Board meeting.

Motion: by Mr. Philip to grant the petition extension request and moved to make it a permanent petition with no expiration date.

Second: by Dr. Segovia
Vote: Unanimous

V. REPORTS – David Wright, BPharm, Chair
A. Board Chair

Mr. Wright addressed the Board and recognized Dr. Hickman for his time served as Board Chair.

Dr. Mesaros provided information regarding the NABP annual meeting taking place in August of 2022 and encouraged all Members to attend.

B. Executive Director’s Report – Jessica Sapp, Executive Director
i. Legislative Update

Ms. Sapp provided an overview of the bills that have currently been filed for the 2022 legislation.

Ms. Gift addressed the Board in favor of SB 1222.

Motion: by Mr. Wright to support SB 1222.
Second: by Dr. Mesaros
Vote: Unanimous

Mr. Philip addressed the Board in favor of HB 1209.

Motion: by Mr. Philip to support HB 1209 with the recommendation to strike the ratio requirement for interns and provide rule making authority to the Board.
Second: by Dr. Mesaros
Vote: Unanimous

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

Ms. Flynn provided the Board with a summary of the current rules report.

D. Committee Report
i. **Compounding Committee – Dorinda Segovia, PharmD, MBA**
a. Compounding Committee Update

Dr. Segovia provided an overview of the comments that were drafted to be submitted to USP on behalf of the Board. She indicated the comments will be submitted after the round table discussion that will be held in February.

Mr. Wright provided an overview of the White and Brown Bagging Workgroup that was held on February 9, 2022.

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

Robert Difiore provided a brief update on the inspection results as of February 2022.

As of February 2022 - Non-Sterile Pharmacy inspections currently at 3,782 inspections completed; Sterile Compounding Pharmacy inspections currently at 391 inspections completed.

VI. NEW BUSINESS – David Wright, BPharm, Chair

A. Ratification of Issued Licenses/Certificates

- i. Pharmacist (licensure) – 126
- ii. Pharmacist (exam eligibility) – 101
- iii. Pharmacist Intern – 44
- iv. Consultant Pharmacist – 29
- v. Pharmacy/Facilities – 69
- vi. Registered Pharmacy Technician – 1,098
- vii. Registered Pharmacy Technician Training Program – 13
- viii. Nonresident Sterile Compound – 5
- ix. Approved CE Courses – 11
- x. Individual Pharmacist Request for Approval of CE – 3

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

Second: by Mr. Philip

Vote: Unanimous

VII. OLD BUSINESS – Jonathan Hickman, PharmD, Chair

A. Review and Approval of Meeting Minutes

- i. December 15, 2021 Compounding Committee Meeting Minutes
- ii. December 16, 2021 General Business Meeting Minutes

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

Second: by Dr. Mesaros

Vote: Unanimous

VIII. FOR YOUR INFORMATION

A. Florida Prescription Drug Monitoring Program Monthly Report

This was provided for informational purposes.

Dr. Alvarez addressed the Board regarding the update to the immunization certification application. Mr. Flynn will review the application for possible amendments. This will be placed on the April agenda for discussion.

IX. ADJOURNMENT

There being no further business the meeting adjourned at 1:30 p.m.