

Draft Minutes

April 13, 2022

**Hilton University of Florida
Conference Center Gainesville
1714 SW 34th Street
Gainesville, FL 32607
(352) 371-3600**



**David Wright, BPharm
Chair**

**Jeenu Philip, BPharm
Vice-Chair**

Jessica Sapp, Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING
DRAFT MINUTES
April 13, 2022
8:30 a.m. ET
Hilton University of Florida
Conference Center Gainesville
1714 SW 34th Street
Gainesville, FL 32607
(352) 371-3600**

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. Wright, at 8:30 a.m. ET.

Those present during the meeting included the following:

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jonathan Hickman, PharmD
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

STAFF PRESENT:

Jessica Sapp, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL:

David Flynn, Esq.
Senior Assistant Attorney General

PROSECUTION ATTORNEY:

Alejandro Camacho, Assistant General
Counsel
Reginald Howard, Certified Legal
Representative

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. DETERMINATION OF WAIVER

- i. JDS Pharmacy 2 Inc., Case No. 2021-20516
(PCP – Weizer & Wright)

The Respondent was not present nor represented by counsel.

Mr. Howard presented the cases to the Board.

The Respondent was charged with the following violation(s) **Count I:** Section 465.023(1)(c), F.S. (2020), through rule 64B16-28.202(3)(a)-(b), F.A.C., by failing to properly transfer prescription files and medicinal drugs with closing a pharmacy.

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 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. Mesaros to accept the Departments recommendation.

Second: by Dr. Ghazvini

Vote: Unanimous

The Department withdrew their motion for costs.

- ii. Infinity Pharmacy Corp., Case No. 2021-15101
(PCP – Mikhael & Segovia)

The Respondent was not present nor represented by counsel.

Mr. Howard presented the cases to the Board. The Respondent was charged with the following violation(s) **Count I:** Section 465.023(1)(c), F.S. (2020), through rule 64B16-28.202(3)(a)-(b), F.A.C., by failing to properly transfer prescription files and medicinal drugs with 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 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 Mr. Philip to accept the Departments recommendation.

Second: by Dr. Mesaros

Vote: Unanimous

The Department withdrew their motion for costs.

B. INFORMAL

- i. Ahmad Yousef Abdel-Rahim, R.Ph., Case No. 2021-11123
(PCP – Mikhael & Segovia)

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

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. (2020-2021), through rule 64B16-27.410, F.A.C., **Count II:** Section 456.072(1)(k), through section 465.025(7), F.S. (2020-2021), for failing to perform his legal obligation as a prescription department manager as during a routine inspection it was determined no written policy and procedures manual was maintained, no documentation signed by the registered pharmacy technicians acknowledging the policy and procedures, no documentation that register pharmacy technicians received proper training established in their job description, and no generic equivalent sign was posted.

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 to adopt the findings of fact and to adopt the conclusions of law as set forth in the Administrative Complaint

Second: by Dr. Ghazvini

Vote: Unanimous

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

Second: by Mr. Philip

Vote: Unanimous

The Department presented the following recommendation:

- \$2,000.00 fine payable within 90 days of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Ms. Gift to impose the following penalties:

- Reprimand
- 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 six (6) months of the filing

of the Final Order.

Second: by Dr. Mesaros

Vote: Unanimous

Motion: by Mr. Philip to impose the costs of \$407.60 payable within ninety (90) days of the filing of the Final Order.

Second: by Dr. Mesaros

Vote: Unanimous

- ii. Andrew W. Assad, R.Ph., Case No. 2018-24168
(PCP – Hickman & Weizer)

This case was presented as a Voluntary Relinquishment.

- iii. Andrew W. Assad, C.Ph., Case No. 2018-24170
(PCP – Hickman & Weizer)

This case was presented as a Voluntary Relinquishment.

Motion: by Dr. Mesaros to find accept the voluntary relinquishments for Case No. 2018-24168 and Case No. 2018-24170.

Second: by Dr. Ghazvini

Vote: Unanimous

- iv. Delma Deanne Ramsay, R.Ph., Case No. 2021-15092
(PCP – Weizer & Wright)

The Respondent was not present and sworn in by the court reporter.

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(m), F.S. **Count II:** Section 465.016(1)(d), F.S. for being unable to practice pharmacy with reasonable skill and safety.

Motion: by Dr. Mesaros 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 to adopt the findings of fact and to adopt the conclusions of law as set forth in the Administrative Complaint

Second: by Dr. Ghazvini

Vote: Unanimous

Motion: by Dr. Mesaros to find by clear and convincing evidence that this constitutes a violation of the Practice Act.

Second: by Dr. Segovia

Vote: Unanimous

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. The Board reserves jurisdiction to impose additional terms and conditions upon reinstatement.

After discussion, the following action was taken:

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

Second: by Dr. Ghazvini

Vote: Unanimous

Motion: by Dr. Mesaros to impose the costs of \$6,635.95 payable within eighteen (18) months of the filing of the Final Order.

Second: by Dr. Segovia

Vote: Unanimous

v. Mark Alan Kaplan, R.Ph., Case No. 2021-23506
(PCP – Weizer & Wright)

vi. Mark Alan Kaplan, C.Ph., Case No. 2021-23527
(PCP – Weizer & Wright)

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

Mr. Camacho presented the case to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(e), F.S. (2021), through a violation of Section 893.013(6)(a), F.S. (2021), for unlawful possession of controlled substance as the Respondent diverted drugs on one or more occasion without a valid prescription.

Motion: by Dr. Ghazvini 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 to adopt the findings of fact and to adopt the conclusions of law as set forth in the Administrative Complaint.

Second: by Ms. Gift

Vote: Unanimous

Motion: by Ms. Gift to find by clear and convincing evidence that this constitutes a violation of the Practice Act.

Second: by Dr. Mesaros

Vote: Unanimous

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. The Board reserves jurisdiction to impose additional terms and conditions upon reinstatement.

After discussion, the following action was taken:

Motion: by Dr. Mesaros to accept the Departments recommendation.
Second: by Dr. Segovia
Vote: 4/1. Dr. Ghazvini opposed.

Motion: by Dr. Mesaros to impose the costs of \$960.74 for Case No. 2021-23506 and \$1,341.04 for Case No. 2021-23527 payable within one hundred and eighty days (180) days of the reinstatement of the license.
Second: by Dr. Segovia
Vote: Unanimous

After the discussion Mr. Kaplan indicated that he would like to Voluntarily Relinquish his Consultant License.

Motion: by Dr. Mesaros to reconsider Case No. 2021-23527 and adopt the findings of fact and the conclusions of law set forth in the Administrative Complaint and accept the voluntary relinquishment of consultant license PU5436.
Second: by Dr. Segovia
Vote: Unanimous

The Department withdrew their costs for Case No. 2021-23527.

C. PETITION FOR TERMINATION OF PROBATION

- i. Susan Marie Macdonald, R.Ph., Case No. 2010-17902

Ms. Macdonald was present and sworn in by the court reporter.

Dr. Polles was present on behalf of PRN in support of the removal of probation.

On June 8, 2011, case number 2010-17902 came before the Board. A settlement agreement was filed July 5, 2011, that placed Ms. Macdonald's license on probation. A term of her probation was that he must appear before the Board within the last three months of her probation.

Ms. Macdonald submitted a petition to the Board for the removal of her probation.

After discussion, the following action was taken:

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

D. Prosecution Services Report – Alejandro Camacho

Mr. Camacho presented the prosecution services case report to the Board and explained the current caseload is at 250 cases, from 240.

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

At this time Bob Parado and Eric Tomerlin addressed the Board recognizing Erik Alvarez, a former Chair to the Board and pharmacist in the community.

III. APPLICATIONS FOR REVIEW – Patty Ghazvini, PharmD

A. Pharmacists

i. Michelle Roques

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

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 Mr. Philip to approve the application.

Second: by Mr. Mesaros

Vote: Unanimous

B. Registered Pharmacy Technician

i. Taylor Benecke

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

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

After further discussion the Board took the following action:

Motion: by Mr. Wright to approve the application.

Second: by Dr. Mesaros

Vote: Unanimous

ii. Justin Carr

Mr. Carr withdrew his application.

iii. Alyssa Davis

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.

Ms. Davis failed to appear at the February 2022 board meeting; therefore, her application was placed on the April agenda for review.

After further discussion the Board took the following action:

Motion: by Mr. Wright to deny the application due to failing to appear before the Board for two

consecutive meetings.
Second: by Dr. Mesaros
Vote: Unanimous

iv. Jessica Dolben

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 question on her application.

After further discussion the Board took the following action:

Motion: by Mr. Wright to approve the application.
Second: by Dr. Mesaros
Vote: Unanimous

v. Freddie King

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 question on his application.

After further discussion the Board took the following action:

Motion: by Mr. Wright to approve the application.
Second: by Dr. Mesaros
Vote: Unanimous

vi. Jasmine Streeter

The applicant was not present nor represented by Counsel.

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

This application will be heard at the June meeting.

vii. Denise Williams

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 question on her application.

After further discussion the Board took the following action:

Motion: by Mr. Philip to approve the application.

Second: by Dr. Segovia
Vote: Unanimous

C. Pharmacy Permits

i. BP Pharmacy Inc.

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

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

The applicant failed to appear at the February 2022 meeting; therefore, was placed on the April agenda for review.

After further discussion the Board took the following action:

Motion: by Mr. Wright to approve the application.
Second: by Dr. Mesaros
Vote: Unanimous

ii. Compound Preferred LLC

The applicant withdrew their application.

D. Initial Course Applications

i. 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 America Pharmacists Association (APHA) 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 March 30, 2022 meeting. The application and minutes from the Joint Committee Meeting were provided for Full Board review.

i. Application for Registered Pharmacy Technician Immunization Certification Course

HB 1209, Administration of Vaccines was passed by the legislature during the 2022 session. The bill authorizes registered pharmacy technicians to administer vaccines and immunizations once becoming certified by the Board of Pharmacy. For a technician to become certified one must complete a six-hour course and the course must be approved by the Board of Pharmacy in consultation with the Board of Medicine and the Board of Osteopathic Medicine.

The Joint Rules Committee voted to approve the application submitted by the America Pharmacists Association (APHA) during the March 30, 2022 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. Segovia to approve the applications.
Second: by Ms. Gift
Vote: Unanimous

IV. PETITION FOR DECLARATORY STATEMENT

A. Jaclyn Bruce

The petitioner was not present nor represented by Counsel.

The petitioner is seeking guidance on rule 64B16-27.700, F.A.C., Definition of Compounding as it relates to ordering outsourcing facility products for use as office stock in a veterinary clinic.

Motion: by Dr. Ghazvini to deny the petition based on lack of legal standing of the petitioner.
Second: by Dr. Segovia
Vote: Unanimous

V. REPORTS – David Wright, BPharm, Chair

A. Board Chair

No report.

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

i. Legislative Update

Ms. Sapp provided an overview of the bills that have currently been enrolled and signed into law during the 2022 legislation.

ii. Financial Reports

These were provided for informational purposes.

iii. Staff Recognition

These were provided for informational purposes.

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

i. Rules Status Report

ii. U.S. Department of Justice Correspondence

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

D. Committee Report

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

a. Rules Committee Update

Dr. Mesaros provided an overview of the rules committee meeting that was held on April 12, 2022.

64B16-26.1032 Immunization Administration Certification Application ~~for Pharmacists & Pharmacy Interns.~~

All applications for immunization certification shall be made on board approved form DH-MQA 1125, "Immunization Administration Certification Application—~~for Pharmacists & Pharmacy Interns~~," 08/2021 XX/2022, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)245-4474, or download the application from the Department of Health's website at <http://floridaspharmacy.gov/>, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13934>. The application must be accompanied with a non-refundable application fee, if applicable, as set forth in Rule 64B16-26.1001, F.A.C.

Motion: by Dr. Segovia to approve the proposed language and amended application.

Second: by Ms. Gift

Vote: Unanimous

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

Gillian Staikos provided a brief update on the inspection results as of April 2022.

As of April 2022 - Non-Sterile Pharmacy inspections currently at 4,729 inspections completed;
Sterile Compounding Pharmacy inspections currently at 462 inspections completed.

VI. NEW BUSINESS – David Wright, BPharm, Chair

A. Delegation of Authority

The 2022 Delegation of Authority was presented for the Boards review.

Motion: by Mr. Philip to approve the delegation

Second: by Dr. Mesaros

Vote: Unanimous

B. 2023 Meeting Dates

The following 2023 dates were presented for the Boards review.

February 8-9

April 12-13

June 14-15

August 23-24

October 18-19

December 13-14

C. Ratification of Issued Licenses/Certificates

- i. Pharmacist (licensure) – 165
- ii. Pharmacist (exam eligibility) – 163
- iii. Pharmacist Intern – 89
- iv. Consultant Pharmacist – 95
- v. Nuclear Pharmacist – 3
- vi. Pharmacy/Facilities – 103
- vii. Registered Pharmacy Technician – 1,919

- viii. Registered Pharmacy Technician Training Program – 16
- ix. Nonresident Sterile Compound – 4
- x. Approved CE Courses – 37
- xi. Individual Pharmacist Request for Approval of CE – 4

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

Second: by Dr. Segovia

Vote: Unanimous

VII. OLD BUSINESS – David Wright, BPharm, Chair

A. Review and Approval of Meeting Minutes

- i. February 9, 2022 White and Brown Bagging Workgroup Minutes
- ii. February 10, 2022 General Business Meeting Minutes
- iii. March 30, 2022 Joint Rules Committee Meeting Minutes

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

Second: by Dr. Segovia

Vote: Unanimous

B. Request for Rule Language Discussion

- iv. 64B16-27.420, F.A.C., Pharmacy Technician – Delegable and Non-Delegable Tasks

Lauran Paul, CVS Health Representative, was present and addressed the Board.

During the August 25, 2021 and October 14, 2021 Rules Committee meeting, the Committee reviewed a request from Sr. Director of Pharmacy Affairs for CVS Health, Lauren Paul, PharmD, MS., and proposed the Board discuss 64B16-27.420, F.A.C., to allow technicians to transfer prescriptions verbally. During the discussion Mr. Flynn addressed the Committee regarding 465.026, Florida Statutes, Filling of Certain Prescriptions, and stated the authority lies with the pharmacist. He recommended the Committee place this discussion on a future agenda to allow time to research the statutory authority for rule change.

This will be placed on the June Rules Committee Meeting for discussion.

VIII. FOR YOUR INFORMATION

A. Florida Prescription Drug Monitoring Program Monthly Report

This was provided for informational purposes.

IX. ADJOURNMENT

There being no further business the meeting adjourned at 11:40 p.m. ET