

Draft Minutes

October 20, 2022

8:30 a.m. ET

Le Meridien Dania Beach at Fort Lauderdale Airport

1825 Griffin Road

Dania Beach, FL 33004

(954) 920-3500



David Wright, BPharm
Chair

Jeenu Philip, BPharm
Vice-Chair

Jessica Sapp, Executive Director

**BOARD OF PHARMACY
GENERAL BUSINESS MEETING
DRAFT MINUTES
Le Meridien Dania Beach at Fort Lauderdale Airport
1825 Griffin Road
Dania Beach, FL 33004
(954) 920-3500**

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
Jonathan Hickman, PharmD
Gavin Meshad, Consumer Member

STAFF PRESENT:

Jessica Sapp, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL:

David Flynn, Esq.
Senior Assistant Attorney General
Kara Aikens, Assistant Attorney General

PROSECUTION ATTORNEY:

Alejandro Camacho, Assistant General Counsel
Reginald Howard, 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 AGREEMENTS

- i. Schaefer Drugs Wellington, Case No. 2020-33562
PCP – Weizer & Segovia

The Respondent was present and sworn in by the Board Chair and represented by Mia McKown, Esq.

M presented the cases to the Board. The Respondent was charged with the following violation(s): Section 465.013(1)(c), F.S. (2018-2020), through a violation of rule 64B16-27.700(3)(g), F.A.C., by compounding and selling drug products for office use without being registered as an outsourcing facility.

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

- Appearance
- Fine of \$7,500.00 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.
- Costs of \$3,225.91 to be paid within ninety (90) days of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Mr. Philip to reject the Settlement Agreement and counteroffer with the follow terms:

- Appearance
- Fine of \$2,000 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.
- Costs of \$3,225.91 to be paid within ninety (90) days of the filing of the Final Order.

Second: by Dr. Mesaros

Vote: Unanimous

The Respondent accepted the counteroffer.

ii. Walgreen Co., Case No. 2021-38061
PCP – Weizer & Segovia

The Respondent was present and sworn in by the Board Chair.

Due to professional association with Walgreens, Mr. Philip recused himself.

The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S., through a violation of section 465.022(10) and (11), F.S., and rule 64B16-27.450, F.A.C., **Count II:** Section 465.023(1)(c), F.S., through a violation of rule 64B16-28.110, F.A.C., by failing to remove outdated pharmaceuticals from active stock and failing to notify the board of incoming prescription department manager.

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

- Appearance
- Fine of \$5,000.00 to be paid within ninety (90) days of the filing of the Final Order.
- Costs of \$1,280.31 to be paid within ninety (90) days of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Mr. Meshad to accept the Settlement Agreement.

Second: by Dr. Ghazvini

Vote: Unanimous

iii. Amgad Estafan, R.Ph., Case No. 2021-16150
PCP – Montgomery & Mesaros

The Respondent was charged with the following violation(s): Section 456.072(1)(k), F.S., through a violation of section 465.022(11)(a), F.S., by failing to perform statutory obligations as the prescription department manager and owner of Metromeds Pharmacy for not properly maintaining daily logbook, expired pharmaceuticals in active stock, and failing to regularly report controlled substances dispensed to the Florida PDMP.

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

- Appearance
- Fine of \$1,500.00 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.
- Costs of \$1,312.49 to be paid within ninety (90) days of the filing of the Final Order.
- Submission of a passing inspection of Metromeds Pharmacy within six (6) months of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Mr. Meshad to accept the Settlement Agreement.

Second: by Dr. Ghazvini

Vote: Unanimous

iv. Holiday CVS, LLC, Case No. 2021-40577
PCP – Mikhael & Gift

The Respondent was present and sworn in by the Board Chair.

The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. for failing to remove outdated pharmaceuticals from active stock.

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.
- 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.
- Costs of \$575.63 to be paid within ninety (90) days of the filing of the Final Order.

v. Holiday CVS, LLC, Case No. 2021-37752
PCP – Mikhael & Gift

The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. for failing to remove outdated pharmaceuticals from active stock.

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.
- 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.
- Costs of \$853.15 to be paid within ninety (90) days of the filing of the Final Order.

vi. Holiday CVS, LLC, Case No. 2021-19891
PCP – Mikhael & Gift

The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S., by and through a violation of rule 64B16-27.450(1)(b) and 64B16-27.450(3), F.A.C., **Count II:** 465.023(1)(c), F.S. through a violation of rule 64B16-28.140(4), F.A.C., and **Count III:** 465.023(1)(c), F.S., through a violation of rule 64B16-28.140(4). F.A.C., for failing to designate a new prescription department manager (PDM) and failing to notify the board identifying the incoming PDM, for failing to remove outdated pharmaceuticals from active stock, and for violating requirement for records maintained in a data processing system.

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 \$1,706.44 to be paid within ninety (90) days of the filing of the Final Order.

After discussion, the following action was taken:

Motion: by Dr. Mesaros to accept the Settlement Agreements Case No. 2021-40577, Case No. 2201-37752, and Case No. 2021-19891.

Second: by Dr. Hickman

Vote: Unanimous

vii. Fountainbleau Discount Pharmacy, Inc., Case No. 2020-35019
PCP – Weizer & Meshad

The Respondent was present and sworn in by the Board Chair and represented by Edwin Bayo, Esq.

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., through a violation of rule 64B16-28.102(5)(a), F.A.C., **Count II:** Section 465.023(1)(c), F.S., through a violation of rule 64B16-27.410(2)(a),(b), and (3), F.A.C., **Count III:** Section 465.023(1)(c), F.S., through a violation of rule 64B16-27.100(2), F.A.C., and **Count IV:** Section 465.023(1)(c), F.S., through a violation of 465.015(2)(c), F.S., by failing to have a current copy of the laws and rules required, registered pharmacy technicians not being properly identified, documentation not signed by technicians acknowledging review of the policy and procedures, and for technicians selling and dispensing one or more drugs without a valid prescription.

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

- Appearance
- Fine of \$6,500.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$3,295.22 to be paid within one (1) year of the filing of the Final Order.
- Probation for a period of two (2) years from the filing of the Final Order to two (2) semiannual inspections at the cost of the Respondent.

viii. Fountainbleau Discount Pharmacy, Inc., Case No. 2021-22152
PCP – Montgomery & Meshad

The Respondent was charged with the following violation(s): **Count:** Section 465.023(1)(c), F.S., **Count II:** Section 465.023(1)(c) F.S., through a violation of section 465.016(1)(i), F.S., **Count III:** Section 465.023(1)(c), F.S., through a violation of section 499.005(3), F.S., for selling or dispensing drugs without a prescription.

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

- Appearance
- Fine of \$6,500.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$1,619.45 to be paid within one (1) year of the filing of the Final Order.
- Probation for a period of two (2) years from the filing of the Final Order to two (2) semiannual inspections at the cost of the Respondent.

After discussion, the following action was taken:

Motion: by Dr. Mesaros to accept the Settlement Agreements Case No. 2020-35019 and Case No. 2021-22152.

Second: by Dr. Segovia

Vote: Unanimous

ix. Mipal Patel, R.Ph., Case No. 2021-34370
PCP – Montgomery & Meshad

The Respondent was present and sworn in by the Board Chair and represented by Edwin Bayo, Esq.

Mr. Camacho presented the cases to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 456.072(1)(k), F.S., through section 465.022(11)(a), F.S., by failing to ensure compliance with rule 64B16-27.797(1)(a), F.A.C., **Count II:** Section 456.072(1)(k), F.S., through a violation of rule 64B16-27.700(3)(h), F.A.C., by failing to perform legal obligations as a prescription department manager (PDM) for Promise Pharmacy, LLC, a permitted special sterile compounding pharmacy. The Respondent failed to supervise sterile compounding operations and sold and dispensed to a practitioner for office use without being registered as an outsourcing facility.

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

- Appearance

- Fine of \$6,000.00 to be paid within one (1) year of the filing of the Final Order.
- Costs of \$1,425.20 to be paid within ninety (90) days of the filing of the Final Order.
- Probation for one (1) year of Respondent's license to include:
 - 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.
- Submission of a passing inspection of Promise Pharmacy, LLC within six (6) months of the filing of the Final Order.

After discussion, the following action was taken:

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

Second: by Dr. Hickman

Vote: Unanimous

B. DETERMINATION OF WAIVER

- i. Tania Rosa Rodriguez, R.P.T., Case No. 2021-47748
PCP – Mikhael & Gift

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the cases to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.016(1)(r), F.S. (2020), through a violation of section 456.072(1)(c), F.S. (2020), **Count II:** Section 465.016(1)(r), F.S., through a violation of section 456.072(1)(II), F.S. (2020), **Count III:** Section 465.016(1)(r), F.S., through a violation of section 456.072(1)(x), F.S. (2020), by entering a plea of guilty to one count conspiracy to commit health care fraud and failing to report conviction to the Board within thirty (30) 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 and 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. Segovia
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 cost.

- ii. Inspire of Palm Beach, Case No. 2021-39006
PCP – Mikhael & Gift

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the cases to the Board. The Respondent was charged with the following violation(s): Section 465.023(1)(c), F.S. (2020-2021), through a violation of rule 64B16-28.202(3)(a) and (b), F.A.C., for improperly closing a pharmacy and failing to transfer files and prescription drugs.

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 and 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. Hickman to accept the Departments recommendation.
Second: by Dr. Ghazvini
Vote: Unanimous

The Department withdrew their motion for cost.

- iii. Pharmacy Partners LLC, Case No. 2022-05799
PCP – Mikhael & Mesaros

The Respondent was not present nor represented by Counsel.

Mr. Camacho presented the cases to the Board. The Respondent was charged with the following violation(s): **Count I:** Section 465.023(1)(c), F.S. (2020-2021), through a violation of rule 64B16-28.202(3)(a) and (b), F.A.C., **Count II:** Section 465.016(1)(r), F.S., through a violation of section 456.072(1)(f), F.S., for improperly closing a pharmacy and failing to transfer files and prescription drugs and failing to comply with federal requirements pertaining to controlled substances.

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 and 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 Mr. Philip
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

The Department withdrew their motion for cost.

- iv. Vital Life Institute, LLC, Case No. 2021-19513
PCP – Mikhael & Gift

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): Section 465.023(1)(c), F.S. (2020-2021), through a violation of rule 64B16-28.202(3)(a) and (b), F.A.C., for improperly closing a pharmacy and failing to transfer files and prescription drugs.

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 and 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. Hickman to accept the Departments recommendation.

Second: by Dr. Ghazvini

Vote: Unanimous

The Department withdrew their motion for cost.

C. INFORMAL

- i. Natalie Marie Voll, P.S.I., Case No. 2021-22260
PCP – Montgomery & Ghazvini

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 456.072(1)(z), F.S., and 465.016(1)(m), F.S., **Count II:** Section 465.016(1)(r), F.S., through a violation of 456.072(1)(hh), F.S., by being found unable to practice pharmacy with reasonable skill and safety.

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

Second: by Mr. Philip

Vote: Unanimous

Motion: by Dr. Hickman 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:

- 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. Hickman to accept the Departments recommendation.

Second: by Dr. Mesaros

Vote: Unanimous

Motion: by Dr. Hickman to impose the costs of \$924.79 payable within two years of the

reinstatement of the license.
Second: by Dr. Mesaros
Vote: Unanimous

D. VOLUNTARY RELINQUISHMENTS

- i. Sylvia Anne Perez, R.Ph., Case No. 2022-04025
PCP – Montgomery & Ghazvini
- ii. Sylvia Anne Perez, C.Ph., Case No. 2022-04026
PCP – Montgomery & Ghazvini
- iii. Emily Jones, R.P.T., Case No. 2021-34198
PCP – Montgomery & Meshad
- iv. Danna Fichtel, R.Ph., Case No. 2018-22243
PCP – Weizer & Segovia
- v. Danna Fichtel, C.Ph., Case No. 2018-22245
PCP – Weizer & Segovia
- vi. David Sampedro Machado, R.Ph., Case No. 2021-38818
PCP – Montgomery & Meshad

Motion: by Dr. Hickman to accept the voluntary relinquishments.
Second: by Dr. Mesaros
Vote: Unanimous

E. PETITION FOR REINSTATEMENT

- i. Lindsey Alise Norton, R.Ph., Case No. 2021-09207

Ms. Norton was present and represented by Edwin Bayo, Esq.

Dr. Alexis Polles, Medical Director, was present on behalf of Professional Resources Network (PRN).

On December 16, 2021, case number 2021-09207 came before the Board. A Final Order was filed January 10, 2022, that suspended Ms. Norton's license.

Ms. Norton submitted a petition to the Board for the removal of her suspension.

After discussion, the following action was taken:

Motion: by Dr. Mesaros to approve the removal of the suspension.
Second: by Dr. Hickman
Vote: Unanimous

F. Prosecution Services Report – Alejandro Camacho

Mr. Camacho presented the prosecution services case report to the Board and explained the current caseload is at 283 cases, from 294.

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

III. APPLICATIONS FOR REVIEW – Patty Ghazvini, PharmD

A. Pharmacists

i. Pravin Patel

The applicant was present and sworn in by the Board Chair.

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

After further discussion the Board took the following action:

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

B. Registered Pharmacy Technician

i. Towanda Mitchell

The applicant was present and sworn in by the Board Chair.

The applicant applied for a registered pharmacy technician license and answered yes to a 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. Segovia
Vote: Unanimous

ii. Jenny Jansa

The applicant was present and sworn in by the Board Chair.

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

After further discussion the Board took the following action:

Motion: by Mr. Philip to approve the application contingent upon a PRN evaluation and compliance with PRN within ninety (90) days of the filing of the Final Order. Board Chair was granted delegated authority to review the PRN evaluation to determine licensure.
Second: by Dr. Hickman
Vote: Unanimous

iii. Tamika Dixon

The applicant was not present nor represented by Counsel.

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

This application will be heard at the December Meeting.

iv. Sarah Seguin

The applicant was present and sworn in by the Board Chair.

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. Hickman

Vote: Unanimous

v. David Wright

The applicant was not present nor represented by Counsel.

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

This application will be heard at the December Meeting.

C. Pharmacy Permits

i. Agropec Trading LLC

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 their discipline history.

This application will be heard at the December Meeting.

IV. PETITION FOR VARIANCE OR WAIVER

A. Enclara Pharmacia, INC., 64B16-28.607, F.A.C., Automated Pharmacy System – Long Term Care, Hospice, and Prison

The petitioner was present and represented by Michael Elkins, Esq.

Enclara holds a Non-Resident Pharmacy in Florida and provides pharmacy services to Florida licensed hospice providers licensed as modified class IIB institutional pharmacies. Enclara was

seeking a waiver of Rule 64B16-28.607, F.A.C., Automated Pharmacy System – Long Term Care, Hospice, and Prison to allow them to utilize an automated pharmacy system to facilitate the dispensing and delivery of a limited quantity of holdover prescription medication, to dispense to terminally ill patients under hospice care in their homes, and to dispense in situations where such patients are unable to reasonably and timely obtain urgently needed medications on an outpatient basis.

Motion: by Dr. Hickman to approve the petition with the conditions of limitations of a seventy-two (72) hour supply of medication and to expire eighteen (18) months of the filing of the Order.

Second: by Dr. Segovia

Vote: Unanimous

B. Maria Patricia Vaughn, 64B16-26.351, F.A.C., Standards for Approval of Registered Pharmacy Technician Training Programs

The petitioner was not present nor represented by Counsel.

Pursuant to Rule 64B16-26.351, F.A.C., in order to be registered as a pharmacy technician in Florida, an applicant must have completed a pharmacy technician training program approved by the Board.

Ms. Vaughn requested the Board accept her training completed with the Department of Defense Medical Hospitals to satisfy the training requirement in order to be licensed in the Florida.

Ms. Vaughn held a registered pharmacy technician license from November 17, 2009, to December 31, 2016. Her previous training was grandfathered in during the implementation of Rule 64B16-26.351, F.A.C., in 2011 as she was already a licensed technician. Ms. Vaughn's license fell into a Null and Void status due to failure to renew for two consecutive bienniums. She submitted a new application to be licensed; therefore, is required to meet the current laws and rules.

Motion: by Dr. Mesaros to approve the application as she has demonstrated she meets the underlying requirements for licensure.

Second: by Dr. Hickman

Vote: Unanimous

Ms. Vaughn will have the opportunity to withdraw the petition.

C. Rawan Abduljabbar, 64B16-26.2032, F.A.C., Application for Pharmacy Intern Registration

The petitioner was present and sworn in by the Board Chair and represented by Juan Santos, Esq.

Pursuant to Rule 64B16-26.2032(2)(b), F.A.C., a foreign pharmacy graduate must submit satisfactory proof that they have been accepted by the Foreign Pharmacy Graduate Examination Commission to sit for the Foreign Pharmacy Graduate Equivalency Examination (FPGEE), or has obtained a passing score on the Examination, to be considered a graduate of an accredited college or school of pharmacy.

Per the National Association of Boards of Pharmacy (NABP) a candidate must have completed a least a 5-year pharmacy curriculum at the time of graduation if they earned their degree after January 1, 2003, in order to qualify to sit for the FPGEE. This policy is not under the authority of jurisdictions and is unable to be waived by the Board of Pharmacy.

Ms. Abduljabbar completed the 4-year undergraduate program in Pharmacy and was awarded the degree of Bachelor of Pharmacy by the Ajman University of Science and Technology in 2014. Ms. Abduljabbar was unable to show proof that she has been accepted to sit for the FPGEE as her education does not meet NABP requirements; therefore, she submitted a petition for a waiver from Rule 64B16-26.2032(2)(b), F.A.C.

Motion: by Dr. Mesaros to approve the petition and grant the intern license to expire within eighteen (18) months.

Second: by Dr. Hickman

Vote: Unanimous

D. Doaa Abd Alghafar, 64B16-26.2031, F.A.C., Licensure by Examination (Non-U.S. Graduates); Application

The petitioner was present and sworn in by the Board Chair.

Pursuant to Rule 64B16-26.2031(2)(b)(2), F.A.C., a foreign pharmacy graduate must demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

As of May 08, 2021, Ms. Abd Alghafar speaking score was 25. She requested the Board accept her score of 25 in speaking in order for her to meet the requirements for licensure by examination.

Motion: by Mr. Philip to approve the petition.

Second: by Dr. Ghazvini

Vote: Unanimous

E. DelivRxd LLC d/b/a DeliveRxd Pharmacy #1, 64B16-27.410, F.A.C., Registered Pharmacy Technician to Pharmacist Ratio

The petitioner was not present.

DelivRxd Pharmacy is a license community pharmacy that provides free same day delivery services within a sixty-mile radius of our location and free next day shipping services to the rest of the State of Florida. They petitioned for a permanent variance of Rule 64B16-27.410, F.A.C., to increase the pharmacy's current registered pharmacy technician ratio of 6:1 to 8:1 to be able to provide a higher level of service to their patients that is sustainable with additional data entry staff.

Martin Dix, Esq. waived the 90-day requirement on behalf of the petitioner. This petition will be heard at the October meeting.

F. Moffitt Cancer Center, 64B16-27.797, F.A.C., The Standards of Practice for Compounding Sterile Products

The petitioner was present and represented by Ken Komorny, Esq.

Moffit Cancer Center was granted a permanent variance of waiver of rule 64B16-27.797, F.A.C., Standards of Practice for Compounding Sterile Preparations during the February 10, 2022, meeting. They have submitted an additional request to add a new location, license number PH 33110 and PH 33111 to be included in their current petition.

Motion: by Dr. Hickman to approve the petition.

Second: by Dr. Mesaros

Vote: Unanimous

V. REPORTS – David Wright, BPharm, Chair

A. Board Chair

Mr. Wright extended his condolences to the pharmacy community and the pharmacies that ultimately closed due to Hurricane Ian.

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

i. Pharmacists Providing Vaccines

Ms. Sapp provided an update regarding pharmacists providing the Monkeypox vaccine.

ii. NABP Executive Forum Update

Ms. Sapp provided an update of the NABP Executive Forum she recently attended.

iii. Financial Report

This was provided for informational purposes only.

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

i. Rules Status Report

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

D. Committee Report

i. Rules Committee – Jeffrey Mesaros, PharmD, JD

a. 64B16-26.1032, F.A.C., Immunization Administration Certification Application

Dr. Mesaros provided an overview of the Rules Committee meeting held October 19, 2022.

64B16-26.1032 Immunization Administration Certification Application.

All applications for immunization certification shall be made on board approved form DH-MQA 1125, “Immunization Administration Certification Application,” [04/202210/2022](#), 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-14430>. 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. Hickman to approve the proposed language and amendments to the application.

Second: by Mr. Philip

Vote: Unanimous

- b. 64B16-28.303, F.A.C., Destruction of Controlled Substances All Permittees (Excluding Institutional Class I Nursing Homes)

64B16-28.303 Destruction of Controlled Substances All Permittees (Excluding Institutional Class I Nursing Homes).

(1) Controlled substances that cannot be retained as usable shall be securely stored in the pharmacy/prescription department of the permittee pharmacy until destroyed.

(2) Permittees are required to complete a United States Drug Enforcement Administration (D.E.A.) Form DEA-41 "Registrants Inventory of Drugs Surrendered" (effective 8/31/2014), herein incorporated by reference, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03998> or http://www.deadiversion.usdoj.gov/21cfr_reports/surrend/. This form, at the time of destruction, shall be witnessed and signed by the prescription department manager or the consultant pharmacist of record and D.E.A. agent, or a Department inspector. ~~This method of destruction requires that a copy of the completed and witnessed Form DEA-41 be mailed to the D.E.A. office in his/her area within one (1) business day after the destruction.~~

(3) Another method of destruction shall be conducted by at least two persons: One will be the prescription department manager or the consultant pharmacist of record. The other will be one of the following: medical director or his/her physician designee, director of nursing or his/her licensed nurse designee, or a sworn law enforcement officer. These persons shall serve as the witnesses for the Form DEA-41 and the destruction. ~~This method of destruction requires that a copy of the completed and witnessed Form DEA-41 be mailed to the D.E.A. office in the permittee's area within one (1) business day after destruction.~~

(4) In lieu of destruction on the premises as outlined in subsections (2) and (3), above, controlled substances may also be shipped to reverse distributors for destruction in conformity with federal guidelines.

(5) For patient specific controlled substance prescriptions in a Modified Institutional Class II B pharmacy, the destruction method in subsection 64B16-28.301(2), F.A.C., must be followed.

~~(6) All records shall be maintained as required by section 465.022, F.S.~~

Motion: by Dr. Hickman to approve the proposed language.

Second: by Mr. Philip

Vote: Unanimous

At this time, Dr. Mesaros and Mr. Philip discussed the Drug Enforcement Administration's (DEA) guidance which addressed changes pharmacists may make to schedule II paper prescriptions. The guidance conveyed that the DEA is has been reviewing the relevant regulations and working to draft new regulations to address the issue. In the interim, the DEA recommends pharmacists should adhere to the state regulations or policy regarding the changes a pharmacist can make to a schedule II prescription after oral consultation with the prescriber.

Dr. Mesaros reiterated that a pharmacists cannot change the patients name, the drug name, the doctors name, and the date.

This topic will be placed on the next Rules Committee agenda for further discussion.

Mr. Wright provided an overview of the records requirements during a natural disaster. He indicated all pharmacies should document the reason records were destroyed due to disasters such as a hurricane.

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

Robert Difiore was unable to be present, therefore Ms. Sapp provided a brief update on the inspection results as of October 2022.

As of October 2022 - Non-Sterile Pharmacy inspections currently at 1,700 inspections completed; Sterile Compounding Pharmacy inspections currently at 185 inspections completed.

At this time, the Board recognized Dr. Helen Sairany, as the newly appointed Executive Vice President and CEO for the Florida Pharmacy Association.

VI. NEW BUSINESS – David Wright, BPharm, Chair
A. USP General Chapter <825>

This was provided for informational purposes only and will be discussed at the upcoming Compounding Committee Meeting to be held in December.

B. Ratification of Issued Licenses/Certificates

- i. Pharmacist (licensure) – 468
- ii. Pharmacist (exam eligibility) – 462
- iii. Pharmacist Intern – 623
- iv. Consultant Pharmacist – 67
- v. Nuclear Pharmacist – 3
- vi. Pharmacy/Facilities – 83
- vii. Registered Pharmacy Technician – 1,218
- viii. Registered Pharmacy Technician Program – 10
- ix. Nonresident Sterile Compound – 7
- x. Approved CE Courses – 28
- xi. Individual Pharmacist Request for Approval of CE – 1

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

Second: by Mr. Philip

Vote: Unanimous

VII. OLD BUSINESS – David Wright, BPharm, Chair
A. Review and Approval of Meeting Minutes

- i. August 25, 2022, General Business Meeting Minutes

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

Second: by Dr. Ghazvini

Vote: Unanimous

VIII. ADJOURNMENT

There being no further business the meeting adjourned at 1:00 p.m. ET.