

**Final Minutes
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
FULL BOARD MEETING
APRIL 12-13, 2011**

**JACKSONVILLE MARRIOTT
4670 SALISBURY ROAD
JACKSONVILLE, FL 32256
904-296-2222**

Board Members:

Fritz Hayes, BPharm, Chair, Miami
Cynthia Griffin, PharmD, Vice Chair, Jacksonville
Michele Weizer, PharmD, Boca Raton,
Albert Garcia, BPharm, MHL, Miami
Amy Jones, JD, Consumer Member, Tallahassee
Steve Melvin, PharmD, Panama City
Lorena Risch, Consumer Member, Bradenton
Ron Salem, PharmD, Jacksonville
Robert Wilson, BPharm, Pensacola

Board Staff:

Mark C. Whitten, Executive Director
Tammy Collins, Program Operations Administrator
Dinah Skrnich, Program Manger, CDDP

Board Counsel:

Allison Dudley, Assistant Attorney General

Department of Health Staff:

David Bibb, Assistant General Counsel

TUESDAY, April 12, 2011

1:00 p.m. Call to Order by Fritz Hayes, BPharm, Chair

The meeting was called to order by the Chair, Mr. Hayes. Absent were Mr. Garcia and Mrs. Risch.

TAB 1 New Executive Director - Fritz Hayes, BPharm

A. Introduction of Mr. Mark Whitten, Executive Director

Motion: by Weizer, seconded by Jones to appoint Mr. Whitten to sign board orders. Motion carried.

TAB 2 Reports

A. Chair's Report – Fritz Hayes, BPharm

Mr. Hayes gave Ms. Dudley recognition on the regulatory reform for the Governor's office. Mr. Hayes advised that there will be an ACPE and NABP credentialing meeting at University of South Florida if any of the members are interested.

A. Rule Discussion and Review – Steve Melvin, PharmD

Dr. Melvin gave an overview of the rules committee meeting held that morning. The committee held discussion and decided to bring it to the Full Board for approval.

64B16-28.140 Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits.

Motion: Dr. Melvin, seconded by Griffin to open the rule for development with the new language that was discussed that morning.

64B16-28.450 Centralized Prescription Filling

Dr. Melvin stated that this rule came up at the last meeting for discussion from a declaratory statement. Dr. Melvin stated that the recommendation from the committee is to have Mr. Whitten or the Chair to contact the associations or Mr. Dix and see if they would provide language for the Board to consider.

1. 64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs
2. Non Employer Based Technician Training Programs
 - a. Mr. Mike Lambert, Executive Director, DETC
 - b. Ms. Nancy Bradley, Daytona College

The above individuals provided testimony to the board in regards to the Technician Training Programs.

Motion: by Jones, seconded by Dr. Melvin to add under subpart 2B the following language "offer a course of study that includes classroom study and clinical instruction to include the following".

Motion: by Wilson, seconded by Jones to clarify 2B (b), (c) and (d) to change the wording in Florida law.

Motion carried with 1 in opposition Dr.Salem.

Motion: by Dr. Melvin, seconded by Ms. Jones to instruct Mr. Whitten to inform the department that they would like to add endorsement of technician's to next year's legislative proposal.

Motion: by Ms. Jones, seconded by Dr. Salem to add the same language to 2Bin the Employer based program for it to include coursework and clinical instruction.

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before ~~December 1, 2010~~ January 1, 2011 by the American Society of Health-System Pharmacists,

(b) Pharmacy technician training programs ~~at institutions accredited, approved or licensed on or before December 1, 2010~~ January 1, 2011 by the Southern Association of Colleges and Schools,

(c) Pharmacy technician training programs ~~accredited, approved or licensed on or before December 1, 2010~~ January 1, 2011 by the Florida Department of Education, or Florida Commission for Independent Education,

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion on or before ~~January 1, 2011~~ **December 1, 2010. effective date of this rule.**

(e) Pharmacy technician training programs ~~at institutions accredited, approved or licensed on or before December 1, 2010~~ the effective date of this rule January 1, 2011 by the Council on Occupational Education.

~~(f) Pharmacy technician training programs approved on or before the effective date of this rule by a body recognized by the United States Department of Education.~~

(2) All programs not listed in (1) (a) through (e) and which are not employer based must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and or be accredited or approved by one of the following:

- ~~1. the American Society of Health System Pharmacists,~~
- ~~2. the Southern Association of Colleges and Schools,~~
- ~~3. the Florida Commission for Independent Education,~~
- ~~4. a branch of the federal armed services, or~~
- ~~5. the Council on Occupational Education, and~~

(b) Offer a course of study that includes classroom study and clinical instruction that includes the following:

Course of study

1. Introduction to pharmacy and health care systems:

- a. Confidentiality,
- b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA).

2. Pharmacy law:

- a. Federal law,
- b. Florida State law,
- c. Florida State rules,
- d. Pharmacy technician Florida rules and law.

3. Pharmaceutical- medical terminology, abbreviations, and symbols:

- a. Medication safety and error prevention,
- b. Prescriptions and medication orders,

4. Records management and inventory control:

- a. Pharmaceutical supplies,
- b. Medication labeling,
- c. Medication packaging and storage,
- d. Controlled substances,
- e. Adjudication and billing,

5. Interpersonal relations, communications, and ethics:

- a. Diversity of communications,
- b. Empathetic communications,
- c. Ethics governing pharmacy practice.

Comment [AD1]: Reworked from last meeting

Comment [AD2]: Added Florida at April meeting

- d. Patient and caregiver communication.
- 6. Pharmaceutical calculations.

(c) Apply directly to the Board of Pharmacy on approved form DH-MQA 1239 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs," effective December August 2010, 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) 488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy> and provide the following information:

1. Sample transcript and diploma;
2. Copy of curriculum, catalog or other course descriptions; and
3. Faculty credentials. ~~and~~
4. Proof of licensure, accreditation or approval by one of the entities listed in paragraph 2(a).

~~(d) Use materials and methods that demonstrate that The Board will review The curriculum, catalog or course description must demonstrate to determine that:~~

1. Learning experiences and teaching methods convey are appropriate to meet the content stated above.
2. Time allocated for each participant shall be sufficient to meet the objectives of each activity.
3. Principles of adult education are utilized in determining teaching strategies and learning activities.

~~(e) Demonstrate that the faculty is qualified to teach the subject-matter by complying with the following: Faculty Qualifications:~~

1. The program shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.
2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.
3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be currently licensed or registered.

~~(4)(2)~~ All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA 1239 1232 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs Provider Application," effective December February 2010, 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) 488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application must be accompanied with a non-refundable application fee. The applicant must attach to the application copy of curriculum, catalog or other course description. The curriculum, catalog or course description must demonstrate that the following objectives are must be met All employer based programs must:

(a) Offer a course of study that includes: Program content: _____

1. Introduction to pharmacy and health care systems:

- a. Confidentiality,
- b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA),

2. Pharmacy law:

a. Federal law,

b. Florida State law,

c. Florida State rules,

d. Pharmacy technician Florida rules and law,

3. Pharmaceutical- medical terminology, abbreviations, and symbols:

a. Medication safety and error prevention,

b. Prescriptions and medication orders,

4. Records management and inventory control:

a. Pharmaceutical supplies,

b. Medication labeling,

c. Medication packaging and storage,

d. Controlled substances,

e. Adjudication and billing,

5. Interpersonal relations, communications, and ethics:

a. Diversity of communications,

b. Empathetic communications,

c. Ethics governing pharmacy practice,

d. Patient and caregiver communication,

6. Pharmaceutical calculations.

(b) Use materials and methods that demonstrate that: ~~The Board will review the curriculum, catalog or course description to determine Evidence satisfactory to the Board shall be presented that:~~

1. Learning experiences and teaching methods convey ~~are appropriate to meet the content stated above.~~

2. Time allocated ~~allotted~~ for each participant activity shall be sufficient to meet the objectives of each activity. ~~for the participant to meet the objectives.~~

3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(c) Demonstrate that the faculty is qualified to teach the subject matter by complying with the following: Faculty Qualifications

1. The program faculty shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae ~~for each~~

Comment [AD3]: Added Florida at April meeting

~~faculty member which describes the faculty member's work experience and level of academic preparation.~~

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be licensed currently or registered.

~~(d) Evaluation. Give Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. To ensure participants will be given an opportunity to evaluate the program, the applicant must submit Satisfactory evidence is a sample evaluation to be reviewed by the Board.~~

~~(e)(d) Ensure that sSelf-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.~~

~~(f)(e) There shall be a Designate designated a person to assume assuming responsibility for registered pharmacy technician training program. If the contact person is not a licensed pharmacist or registered pharmacy technician, provision should be made for insuring licensed pharmacist or registered pharmacy technician input in overall program planning and evaluation.~~

~~(g)(f) Required documentation.1. Providers shall Establish written policies and procedures for implementation of the registered pharmacy technician training program.~~

~~(h)2. Providers shall Maintain a system of record-keeping which provides for storage of program information.~~

~~(i)3- Maintain program rRecords of programs shall be maintained for a period not less than three years during which time the records must be available for inspection by the board or department.~~

~~(j) 4. Providers shall Furnish each participant with an authenticated individual Certificate of Completion.~~

~~5. Providers shall securely maintain all participant records and copies of certificates issued for a period of three years and said records shall be available for inspection by the board or department.~~

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History--New 6-23-10.

3. 64B16-28.101 Prescription Area Accessible to Inspection

Motion: by Weizer, seconded by Griffin to accept the language. Motion carried

Motion: by Jones, seconded by Melvin no impact on small business. Motion Carried

C. Executive Director's Report – Mark Whitten, Executive

Mr. Whitten provided the Board with an update to the legislative session. Mr. Whitten introduced Mr. Jones to present The Blood Alliance.

1. Legislative Update
2. Senate Bill 818 - Addendum Material
3. House Bill 39 - Addendum Material
4. The Blood Alliance, Gregg Jones, Compliance Manager

Mr. Jones presented the declaratory statement on Blood Alliance.

Motion: by Salem seconded by Melvin to file a motion to intervene. Motion carried

D. Attorney General's Report – Allison Dudley, Assistant Attorney General

1. Rules Report

Ms. Dudley gave a report on the Governor's Executive order and that all the rules had been submitted for review to the Office for Fiscal Accountability Regulatory Reform.

Ms. Dudley stated she would research the non resident and internet permits in regard to fingerprinting requirements.

2. Edward White Hospital

Motion: by Weizer seconded by Griffin to write a declaratory statement that they may operate under the hospital permit as long as drugs are not being sent home with the patient. Motion Carried

E. Prosecuting Attorney Report – David Bibb, Assistant General Counsel-

Mr. Bibb reported on the number of cases the department is working on and asked the board to entertain a motion to allow the department to continue prosecution of cases that were older than one year.

Motion: by Weizer, seconded by Jones to continue processing cases that are older than one year. Motion carried unanimously.

F. Statewide Inspection Program Manager Report

Mr. Charles Coates reported on the amount of inspections that had been completed to date on pharmacy permits and pain management clinics.

G. Tripartite Committee Report – Steve Melvin, PharmD

1. United Pharmacy, LLC

Motion: by Weizer, seconded by Griffin to approve. Motion carried.

TAB 3 BUSINESS – Fritz Hayes, BPharm, Chair

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 105

2. Pharmacist (Exam Eligibility) (Client 2201) –103
3. Pharmacist Interns (Client 2202) – 74
4. Registered Pharmacy Technicians (Client 2208) – 694
5. Consultant Pharmacist (Client 2203) – 39
6. Nuclear Pharmacist (Client 2204) – 0
7. Pharmacies/Facilities (Client 2205) – 142
8. Registered Pharmacy Technician Ratios (2:1 or 3:1)- 681
9. Pharmacy Technician Training Program (Client 2209) - 8
10. CE Providers – 7
11. CE Courses - 7
12. CE Individual Requests – 3

Motion: by Weizer, seconded by Melvin to approve. Motion carried unanimously.

B. Review and Approval of Minutes

1. February 8-9, 2011

Motion: by Weizer, seconded by Jones to approve. Motion carried unanimously.

C. Correspondence – Mark Whitten, Executive Director

1. Sue Ann Lowery, RPT 4304

Motion: by Weizer, seconded by Melvin to approve. Motion carried unanimously.

2. Randall L. Mehlhop, Walgreens Pharmacy Manager-
Addendum Material

Motion: by Salem, seconded by Weizer to grant Ms. Dudley the authority to respond and be very specific that a student is only allowed to observe when shadowing in the pharmacy. Motion carried unanimously.

WEDNESDAY, April 13, 2011

8:00 a.m. Call To Order by Fritz Hayes, BPharm, Chair

TAB 4 DISCIPLINARY CASES – David Bibb, Assistant General Counsel and Fritz Hayes, BPharm, Chair

- A. SETTLEMENT AGREEMENT – NON APPEARANCE CASES**
- B. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES**

**SA-1 Eric Appiah, Orlando, FI – PS 29914
Case No. 2010-16634 – PC Melvin/Risch**

Respondent was not present and due to required appearance;

Motion: by Melvin, seconded by Griffin to table until the June meeting. Motion carried.

SA-2 Cyril Nzerue, Miami, FI – PS 26304
Case No. 2009-02392 – PC Garcia/Griffin

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

Respondent has violated Section 456.016 (r), FS, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.109, FAC, by the pharmacy where he was the responsible PDM.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$2,000.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$2,782.92 shall be paid within 1 year from the date the final order is filed with the department. Probation for 1 year during that time shall comply with all requirements and ensure compliance with laws and rules regulating the practice of pharmacy. Include a 12 hour laws and rules course.

Motion: by Weizer seconded by Melvin to reject the settlement agreement. Motion failed
Opposed Hayes and Salem

Motion: by Weizer seconded by Jones to reject the stipulation. Opposed Salem

Motion: by Weizer seconded by Melvin to include all the terms of the current agreement but also include the 12 hour board approved laws and rules course to be completed within 1 year.

Motion carried with Salem in opposition.

SA-3 Joshua Isaac Bichachi, Orlando, FI – PS 37697
File No. 2009-10947 – PC Wilson/Jones

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Marty Dix.

Respondent violated Section 465.016 (1) (i), FS, by dispensing a legend drug other than in the course of the professional practice of pharmacy.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$3,000.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$3,830.57 shall be paid within 90 days from the date the final order is filed with the department. Respondent shall complete a 12 hour laws and rules course within 1 year of filing of the final order. These hours shall be in addition to CE hours for license renewal.

Motion: by Weizer, seconded by Salem to accept the settlement agreement. Motion carried

SA-4 Hitten Patel, Tarpon Springs, FI – PS 24108
Case No. 2010-09818 – PC Hayes/Salem

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Marty Dix.

Respondent violated Section 465.016 (1) (f), FS, by having been convicted of a crime directly related to the practice of or the ability to practice pharmacy.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$250.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$1,707.22 shall be paid within 90 days from the date the final order is filed with the department. Respondent shall complete 8 hour Med Errors course within 1 year from the date the final order is filed with the department.

Motion: by Weizer, seconded by Melvin to accept the settlement agreement. Motion Carried

SA-5 Mosaad Hilali, Jacksonville, FI – PS 42967
Case No. 2010-06871 - PC Garcia/Griffin

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Brett Hastings.

Respondent violated Section 465.016 (1) (g), FS, by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$1000.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$1,823.36 shall be paid within 90 days from the date the final order is filed with the department.

Respondent shall complete 8 hour Med Errors course within 1 year from the date the final order is filed with the department.

Motion: by Jones, seconded by Melvin to accept the settlement agreement.

SA-6 Karl Henry Walter, Ocala, FI – PU 3276
Case No. 2010-16783 – PC Wilson/Jones

Respondent was not present nor represented by counsel.

SA-7 Wayne S. Linder, Weston, FI – PS 27675
Case No. 2009-22374 – PC Wilson/Jones

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Brian Kahan.

Respondent is charged with violating Section 465.016(1)(i), Florida Statutes, by dispensing a legend drug other than in the course of the professional practice of pharmacy.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$250.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$1,406.11 shall be paid within 90 days from the date the final order is filed with the department.

Respondent shall complete 8 hour Medication Errors course within 1 year from the date the final order is filed with the department.

Motion: by Salem, seconded by Griffin to reject the stipulation.

Motion: by Salem, seconded by Griffin to accept the current terms however removing the 8 hour medication error course and replace with a 12 hour laws and rules course.

**SA-8 Gregory Brian Edwards, Orlando, FI – PS 39131
Case No. 2009-06942 – PC Griffin/Jones**

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Ed Bayo. The board considered all three cases at one time.

Respondent has violated Section 465.016 (1) (l), FS, 2009, by dispensing a legend drug other than in the course of the professional practice of pharmacy. Respondent has violated Section 465.016 (1) (m), FS, by being unable to practice pharmacy with reasonable skill and safety by reason of use of drugs, including, but not limited to alcohol.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$2000.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$3,226.62 shall be paid within 18 months from the date the final order is filed with the department.

Shall undergo an evaluation by PRN evaluator and follow all requirements and recommendations. It is acceptable if the evaluation has occurred within 6 months prior to the Board's consideration of this agreement. Respondent's license shall remain suspended from practice until reinstated by the board, and shall refrain from the preparation for dispensing and/or the dispensing of medicinal drugs during said suspension. Total cost for all three cases are \$7,052.53.

Ms. Dudley suggested amending the language in the stipulation. That he remain suspended until such time that PRN is ready to advocate for him to return to practice with reasonable skill and safety. Then petition the board at that time for reinstatement

Motion: by Salem, seconded by Melvin to accept the stipulation with the amended language. Motion Carried

**SA-9 Gregory Brian Edwards, Orlando, FI – PS 39131
Case No. 2009-19303 – PC Griffin/Jones**

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Ed Bayo. The board considered all three cases at one time.

Respondent has violated Section 465.016 (1) (l), FS, 2009, by dispensing a legend drug other than in the course of the professional practice of pharmacy. Respondent has violated Section 465.016 (1) (m), FS, by being unable to practice pharmacy with reasonable skill and safety by reason of use of drugs, including, but not limited to alcohol.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$2000.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$3,103.12 shall be paid within 18 months from the date the final order is filed with the department.

Shall undergo an evaluation by PRN evaluator and follow all requirements and recommendations. It is acceptable if the evaluation has occurred within 6 months prior to the Board's consideration of this agreement. Respondent's license shall remain suspended from practice until reinstated by the board, and shall refrain from the preparation for dispensing and/or the dispensing of medicinal drugs during said suspension.

Ms. Dudley suggested amending the language in the stipulation. That he remain suspended until such time that PRN is ready to advocate for him to return to practice with reasonable skill and safety. Then petition the board at that time for reinstatement

Motion: by Salem, seconded by Melvin to accept the stipulation with the amended language. Motion Carried

**SA-10 Gregory Brian Edwards, Orlando, FL – PS 39131
Case No. 2009-19199 – PC Griffin/Jones**

Respondent was present and sworn in by the court reporter. Respondent was represented by Mr. Bayo. The board considered all three cases at one time.

Respondent has violated Section 465.016 (1) (m), FS, by being unable to practice pharmacy with reasonable skill and safety by reason of use of drugs, including, but not limited to alcohol.

Respondent shall be present for this agreement. Respondent shall pay a fine in the amount of \$2000.00 to be paid within 90 days from the date the final order is filed with the department. Cost of \$722.79 shall be paid within 18 months from the date the final order is filed with the department.

Shall undergo an evaluation by PRN evaluator and follow all requirements and recommendations. It is acceptable if the evaluation has occurred within 6 months prior to the Board's consideration of this agreement. Respondent's license shall remain suspended from practice until reinstated by the board, and shall refrain from the preparation for dispensing and/or the dispensing of medicinal drugs during said suspension.

Ms. Dudley suggested amending the language in the stipulation. That he remain suspended until such time that PRN is ready to advocate for him to return to practice with reasonable skill and safety. Then petition the board at that time for reinstatement.

Motion: by Salem, seconded by Melvin to accept the stipulation with the amended language. Motion Carried

C. DETERMINATION OF WAIVER

**DOW-1 Bridgette Marie Mitchell, Spring Hill, FI - RPT 3343
Case No. 2010-14842 – PC Jones/Wilson**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent has violated Section 465.016(1) (e), FS, through a violation of Section 893.13(7) (a) 9, FS, by acquiring or obtaining, or attempting to acquire or obtain possession of a controlled substance by misrepresentations, fraud, forgery, deception, or subterfuge.

Motion: by Griffin, seconded by Weizer to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Salem, seconded by Weizer for revocation. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to assess costs in the amount of \$3,252.49 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-2 E and E Medical Services Corp, Hialeah, FL - PH 24058
Case No. 2010-06520- PC Wilson/Jones**

Mr. Bibb informed the board that the matter needs to be withdrawn at this time.

**DOW-3 Armando Ocegüera, Miami, FI - RPT 25209
Case No. 2010-09206 – PC Griffin/Jones**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent has violated Section 456.072(1)(ii), Florida Statutes, by entering a plea of guilty to health care fraud in violation of 18 U.S.C. Section 1347.

Motion: by Wilson, seconded by Melvin to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Salem, seconded by Melvin to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Salem, seconded by Wilson to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Wilson, seconded by Melvin to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Melvin, seconded by Wilson for revocation. Motion carried unanimously.

Motion: by Melvin, seconded by Wilson to assess costs in the amount of \$1,646.70 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-4 Keni Pharmacy, Inc., Miami, FL - PH 23429
Case No. 2010-07716 - PC Wilson/Jones**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent has violated Section 465.023(1) (c), Florida Statutes, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3) (a), Florida Administrative Code, by failing to follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure and failing to return the pharmacy permit to the Board upon closure.

Motion: by Melvin, seconded by Griffin to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Melvin, seconded by Griffin to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Melvin to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Melvin, seconded by Griffin to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Melvin, seconded by Griffin for revocation. Motion carried unanimously.

Motion: by Melvin, seconded by Griffin to assess costs in the amount of \$1,863.90 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-5 Atlantic Pharmacy Services. Miami, FI - PH 19714
Case No. 2010-07569 - PC Wilson/Jones**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent has violated Section 465.023(1) (c), Florida Statutes, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3) (a), Florida Administrative Code, by failing to follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure and failing to return the pharmacy permit to the Board upon closure.

Motion: by Weizer, seconded by Melvin to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin for revocation. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to assess costs in the amount of \$1,263.13 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-6 George A. Quaye, Jr., Sicklerville, NJ - PS 34487
Case No. 2010-16784 - PC Melvin/Risch**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that the case be withdrawn until further notice.

**DOW-7 David Michael Midgett, Orlando, FI – PS 20067
Case No. 2010-16756 - PC Melvin/Risch**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent has violated Section 465.016(1) (n), Florida Statutes, by violating an order of the board previously entered in a disciplinary hearing.

Motion: by Weizer, seconded by Jones to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Weizer, seconded by Jones to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Weizer, seconded by Jones to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Jones to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Jones, seconded by Wilson to suspend the license until the previous final order is cleared and he has a PRN evaluation. That he have a payment plan of all the previous fines and cost and the \$250.00 fine with this case be a part of the payment plan of \$100.00 a month to start in 90 days. Once he has a PRN evaluation and they are ready to advocate on his behalf he must reappear before the board. The board reserves the right to impose additional terms at that time. Motion Carried

Motion: by Jones, seconded by Griffin to assess costs in the amount of \$454.58 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-8 Matthew Kyle Pendergrast, Ft. Myers, FL - PU 5283
Case No. 2010-16788 – PC Wilson/Jones**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent has violated Section 465.016(1) (n), Florida Statutes, by violating an order of the board previously entered in a disciplinary hearing.

Motion: by Griffin, seconded by Weizer to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer for revocation due to failure to pay fines and complete required continuing education as well as license being null and void. Motion carried unanimously.

Motion: by Weizer, seconded by Griffin to assess costs in the amount of \$517.96 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

D. VOLUNTARY RELINQUISHMENTS

**VR-1 Happy Trips of Miami Corp., Hialeah, FI - PH 23393
Case No. 2010-04541 - PCP Melvin/Risch**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent violated Section 465.023(1) (c), Florida Statutes, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3) (a), Florida Administrative Code.

Motion: by Griffin, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously.

**VR-2 Shewanda Michele Harper, Jacksonville, FI - RPT 7839
Case No. 2010-15986 - PCP Melvin/Risch**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent is charged with violation of 893.135(1) (c)1.a. trafficking in hydrocodone

Motion: by Griffin, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously.

**VR-3 Alexander Petrovich, Odessa, FI,- PU 3789
Case No. 2010-18619 - PC Waived**

Respondent was not present nor represented by counsel.

Motion: by Jones, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously

**VR-4 Hemal Naranbhai Patel, Ocala, FI - PS 42388
Case No. 2010-21896 - PC Waived**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent violated Section 456.072(1)(ii), Florida Statutes, by entering a plea of guilty to health care fraud in violation of 18 U.S.C. Section 1347

Motion: by Jones, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously

**VR-5 Michelle Diane Jarvis, RPH, New Smyrna Beach, FI – PS 27497
Case No. 2010-09023 – PC Waived**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent violated 465.016(1) (e) by violating chapter 893 by a violation of 893.135 trafficking in controlled substances.

Motion: by Jones, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously

**VR-6 Daniel Enrique Valdes, RPT, Miami, FI – RPT 28004
Case No. 2011-00724 – PC Waived**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent violated 465.016(1) (e) by violating chapter 893 by a violation of 893.135 trafficking in controlled substances.

Motion: by Jones, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously

**VR-7 Cassandra Nettles Hinchcliff, Live Oak, FI – RPT 8575
Case No. 2010-18678 – PC Waived**

Respondent was not present nor represented by counsel.

Mr. Hayes stated this case is being withdrawn.

**VR-8 Thesha Bailey, Marianna, FI – PS 24741
Case No. 2010-11474 – PC Waived**

Respondent was not present nor represented by counsel.

Mr. Bibb advised that Respondent violated Section 465.016(1) (m), Florida Statutes, by being unable to practice with reasonable skill and safety.

Motion: by Jones, seconded by Weizer to accept voluntary relinquishment. Motion carried unanimously

E. BOARD ACTION BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

**F. PROFESSIONALS RESOURCE NETWORK CASES
PRN – INFORMALS**

**PRN-I-1 David Richard Fish, Coral Gables, FI – PS 15079-
Case No. 2010-16573 – PC Melvin/Risch**

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

Mr. Bibb advised that Respondent violated Section 465.016(1) (n), Florida Statutes, by violating an order of the board previously entered in a disciplinary hearing.

Motion: by Weizer, seconded by Griffin to find that Respondent was properly served, did not return the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Wilson to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Jones to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer he will be suspended until he enters into a PRN contract. Cannot petition the board until such time that PRN is ready to advocate on his behalf and all fines and cost are to be paid in full. The board will be able to add terms at that time. Motion carried unanimously.

Motion: by Jones, seconded by Griffin to assess costs in the amount of \$526.91 to be paid within 1 year of the filing of the final order. Motion carried unanimously.

**PRN-I-2 David Richard Fish, Coral Gables, FI – PS 15079
Case No. 2010-09577 – PC Melvin/Risch**

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

Mr. Bibb advised that Respondent violated Section 456.072(1)(hh), Florida Statutes, by having been terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076; for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee; or for not successfully completing any drug treatment or alcohol treatment.

Motion: by Jones, seconded by Griffin to assess costs in the amount of \$2,399.92 to be paid within 1 year of the filing of the final order. Motion carried unanimously.

PRN-I-3 William Wood, R.Ph., Pensacola, Fl., PS 31383 –

Respondent was present and sworn in by the court reporter. Respondent was represented by Ed Bayo.

Mr. Bibb advised that Respondent violating Section 465.016(1)(i), Florida Statutes, by compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy; Section 465.016(1)(e), Florida Statutes, by violating a provision of Chapter 893, Florida Statutes, through violation of Section 893.13(6)(a), Florida Statutes, by being in actual or constructive possession of a controlled substance not lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner; Section 465.016(1)(e), Florida Statutes by possessing controlled substances without a valid DEA permit; and Section 465.016(1)(r) Florida Statutes, by violating Section 456.072(1)(f) Florida Statutes, by having his Alabama pharmacist license disciplined.

Motion: by Griffin, seconded by Weizer to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Griffin, seconded by Weizer to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

Motion: by Weizer, seconded by Griffin to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

Motion: by Salem seconded by Weizer license be placed on probation to run concurrent with PRN contract if his contract ends with PRN he can petition the board to lift the restrictions. During the period of probation he cannot work as pharmacy manager. The board may impose further practice restrictions at a later date. Dr. Weizer suggested fine of \$2,000.00 payable over 12 months from filing of the final order. Cost \$10,000.00 payable over 2 years of filing of the final order for both cases. Motion carried. Two opposed Jones and Melvin.

Motion: by Jones, seconded by Melvin to assess costs for I-3 in the amount of \$9, 618.16 and in case I-4 \$2,079.59 to be paid within 18 months of the filing of the final order. Motion carried unanimously.

**PRN-I-4 William Wood, R.Ph., Westville, Fl., PS 31383
Case No. 2008-10160 - PC: Garcia/Lalani**

Respondent was present and sworn in by the court reporter. Respondent was represented by counsel.

Mr. Bibb advised that Respondent violated Section 465.016(1) (f), Florida Statutes (2007), by having been convicted or found guilty of a crime that directly relates to the practice of pharmacy or the ability to practice pharmacy

**PRN-1-5 William Wood, R.Ph., Westville, Fl., PS 31383
Case No. 2008-14867 – Informational Only**

TAB 5 APPLICATIONS REQUIRING BOARD REVIEW– Bob Wilson, BPharm

A. Exam Candidates

1. Shahida Khanum- File 32204

Applicant was present and sworn in by the court reporter applicant was represented by Ed Bayo.

Applicant does not meet the minimum requirements for exam.

Motion: by Jones, seconded by Weizer to Deny based on not meeting the requirements. Motion failed.

Motion: by Salem, seconded by Melvin to approve the application. Motion carried unanimously.
Opposed: Jones and Griffin

2. Jerome Tanski - File 38407- Additional Addendum Material

Applicant was present and sworn in by court reporter was not represented by counsel.

Applicant submitted a request to be placed on the agenda for PRN support of his license.

Motion: by Wilson, seconded by Weizer to approve based on a licensure long contract with PRN. The applicant may petition to come back before the board to amend it if he remains in compliance for a considerable amount of time. That he be prescribed naltrexone to help with the monitoring once he is employed in a pharmacy. Motion carried unanimously.

B. Endorsement Candidates

1. Leann Renee Botts- File 39598

Applicant was not present nor represented by counsel.

Applicant does not meet the current work experience requirement.

Motion: by Wilson, seconded by Griffin to approve. Motion carried unanimously.

2. James Overton Gill- File 39551

Applicant was not present nor represented by counsel.

Applicant answered “yes” to question 19 on the application.

Motion: by Wilson, seconded by Weizer to approve. Motion carried unanimously.

3. Thomas Pire- File 39627

Applicant was not present nor represented by counsel.

Applicant answered “yes” to question 14, 15, 19 and 22 on the application.

Motion: by Wilson, seconded by Jones to deny based on fraud. Motion carried unanimously.

4. William R. Jones- File 39676

Applicant was not present nor represented by counsel.

Applicant answered “yes” to question 20 on the application.

Motion: by Wilson, seconded by Weizer to approve. Motion carried unanimously.

C. Registered Pharmacy Technician Candidates¹.

1. Michael Little- File 483

Applicant was not present nor represented by counsel.

Applicant answered “yes” to criminal history questions.

Motion: by Wilson, seconded by Weizer to deny due to non compliance with PRN and continued impairment. Motion carried unanimously.

2. Uzair Ahmed Ayoubi-File 37154

Applicant was not present nor represented by counsel.

Applicant answered "yes" to criminal history questions.

Motion: by Wilson, seconded by Weizer to approve with a PRN evaluation, that he follow any recommendations of PRN, and the Board chair review the evaluation before the license is issued. Motion carried unanimously.

D. Pharmacy Permit Candidates

1. Millennium Health, LLC File 17985

Applicant was not present nor represented by counsel.

Applicant has been unreachable to perform the opening inspection.

Motion: by Salem, seconded by Weizer to withdraw the application. Motion carried unanimously.

2. Cyntrist Pharmacy, LLC File 18066

Applicant was not present nor represented by counsel.

Applicants pharmacy manager has been disciplined.

Motion: by Weizer, seconded by Griffin to allow the withdrawal of application. Motion carried unanimously.

3. Neighborhood Pharmacy Discount, Inc.-File 17780

Applicant was not present nor represented by counsel.

Applicant has been unreachable to perform the opening inspection

Motion: by Wilson, seconded by Weizer to deny. Motion carried unanimously.

E. Non-Resident Pharmacy Registration Candidates

1. Coram Alternate Site Services, Inc. – File 18058

Applicant was not present nor represented by counsel.

Applicant was disciplined by Louisiana Board of Pharmacy

Motion: by Wilson, seconded by Salem to Approve. Motion carried unanimously.

2. Hartley Medical Center Pharmacy – File 18034

Applicant was not present nor represented by counsel.

Applicant was disciplined by the Colorado Board

Motion: by Wilson, seconded by Griffin to Approve once the first page of the application is corrected with toll free number for six business days. Board chair approve the application once corrected. Motion carried unanimously.

3. Home Care Services, Inc.- File 18063

Applicant was not present nor represented by counsel.

Applicant was disciplined by the New Jersey Board.

Motion: by Weizer, seconded by Wilson to approve. Motion carried unanimously.

TAB 6 LICENSURE ISSUES – Allison Dudley, Attorney

A. Ratification of Intern License set to Null and Void

1. Thu Tam Le- PSI 27530
2. Kristen Timmons-PSI 27583
3. Tuy Vo-PSI 27574
4. Morgan White-PSI 25496

Motion: by Melvin, seconded by Griffin to approve. Motion carried unanimously.

B. Termination of PRN Contract

1. James Mark Kessler

Applicant was present and sworn in by court reporter he was represented by Ed Bayo.

Applicant asked to be placed on the agenda to discuss his final order.

Motion: by Salem, seconded by Griffin to approve. Motion carried unanimously.

C. Request for Reconsideration

1. David Johnen- RPT

Applicant was present he was not represented by counsel.

Applicant is asking for reconsideration of his technician registration.

Motion: by Salem, seconded by Griffin to reconsider. Motion carried unanimously.

Motion: by Salem, seconded by Griffin to approve. Motion carried.

2. Luigi Palma RPT

Applicant was not present nor represented by counsel.

Applicant is asking for reconsideration of his technician registration

Motion: by Melvin, seconded by Weizer moved to reconsider. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to approve. Motion carried

3. Woodrow Wilson RPT

Applicant was present and sworn in by the court reporter he was not represented by counsel.

Applicant is asking for reconsideration of his technician registration.

Motion: by Salem, seconded by Griffin to reconsider. Motion carried unanimously.

Motion: by Salem, seconded by Griffin to approve. Motion carried.

4. Elizabeth Desharnais RPT

Applicant was not present nor represented by counsel.

Applicant is asking for reconsideration of her technician registration

Motion: by Weizer, seconded by Melvin to reconsider. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to approve with a PRN evaluation and designate the Board chair to review and approve before license issued.

5. Catherine C. Farina RPT 21778

Applicant was present and sworn in by the court reporter she was not represented by counsel.

Applicant is asking for reconsideration of her technician registration

Motion: by Jones, seconded by Wilson to reconsider. Motion carried unanimously.

Motion: by Griffin, seconded by Melvin to approve. Motion carried

6. Yelena Sidorevskaya RPT

Applicant was not present was represented by Marty Dix.

Applicant is asking for reconsideration of her technician registration

Motion: by Jones, seconded by Griffin to reconsider. Motion carried unanimously.

Motion: by Jones, seconded by Melvin to approve.

7. Yuliya Khan RPT

Applicant was not present was represented by Marty Dix.

Applicant is asking for reconsideration of her technician registration

Motion: by Griffin, seconded by Melvin to reconsider. Motion carried unanimously.

Motion: by Griffin, seconded by Melvin to approve. Motion Carried

8. Ashley Carlson

Applicant was not present was represented by Marty Dix.

Applicant is asking for reconsideration of her technician registration

Motion: by Jones, seconded by Griffin to reconsider. Motion carried unanimously.

Motion: by Jones, seconded by Melvin to approve. Motion carried

9. Deborah June Adams

Applicant was not present nor represented by counsel.

Applicant is asking for reconsideration of her technician registration

Motion: by Weizer, seconded by Griffin to continue until the June meeting for appearance. Motion carried unanimously.

10. David Harvey

Applicant was not present nor represented by counsel.

Applicant was tabled from the last meeting. Ms. Dudley wrote him a letter in regards to the number of DUI convictions.

Motion: by Jones, seconded by Weizer to notify him to appear at the June board meeting and that he receive a PRN evaluation before the meeting. Motion carried unanimously.

11. Yan Carlos Rugel, File 38154- Addendum Material

Applicant was not present nor represented by counsel.

Applicant is asking for reconsideration of his technician registration.

Motion: by Jones, seconded by Melvin to reconsider. Motion carried unanimously.

Motion: by Jones, seconded by Melvin to approve. Motion carried.

12. Gilberto Agosto, File 35075- Addendum Material

Applicant was present and sworn in by the court reporter was not represented by counsel.

Applicant is asking for reconsideration of his technician registration.

Motion: by Weizer, seconded by Melvin to reconsider. Motion carried unanimously.

Motion: by Weizer, seconded by Melvin to approve with a PRN evaluation, that he follow all the recommendations of PRN and the board chair must review before the license is issued.

13. Jose Andres Gonzalez, File 11052 – Addendum Material

Applicant was not present nor represented by counsel.

Applicant is asking for reconsideration of his technician registration

Motion: by Jones, seconded by Melvin to reconsider. Motion carried unanimously.

Motion: by Jones, seconded by Melvin to approve. Motion Carried

D. Request for Approval of Continuing Education Hours

1. Julia Simkin – File 5157

Applicant was not present nor represented by counsel.

Applicant is asking for approval of consultant CE's.

Motion: by Weizer, seconded by Griffin to approve the consultant continuing education, but to ensure they will not count twice for the biennium. She has until May 31, 2011 to submit her consultant hours for the biennium. Motion carried unanimously.

E. Termination of Probation

1. Erik DeSimone

Applicant was present and sworn in by the court reporter was represented by Ed Bayo.

Applicant is asking for removal of probation from his license.

Motion: by Jones, seconded by Melvin to set the license to a clear and active license. Motion carried unanimously.

2. Charles P. Thorpe

Applicant was present and sworn in by the court reporter was not represented by counsel.

Applicant is asking to be released from probation and PRN contract.

Motion: by Salem, seconded by Jones to remove the probation. Motion carried unanimously.

F. Petition for Reinstatement

1. Michael Reyes-

Applicant withdrew his request before the meeting.

Time will be allowed at the conclusion of the meeting for public comments. Please limit your comments to 3 minutes.

Dr. Salem brought up issue of a pharmacy permit operating with an expired license. The consultant and the facility had been disciplined. The pharmacy that provides the patient specific drugs was also disciplined. Dr. Salem stated he did not think this was appropriate and wants the message to get to the prosecution team. The consultant should be looking at the permit every month when he visits the facility. But the pharmacy does not need to be disciplined.

Motion: by Salem, seconded by Griffin to direct Mr. Bibb and Board staff to work with the investigative team to understand the board's position.

Adjourn