

**Meeting Minutes
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
FULL BOARD MEETING**

**August 2-3, 2011
10:00 a.m.**

**Renaissance Orlando at Seaworld
6677 Sea Harbor Drive
Orlando, FL 32821
407-351-5555**

Board Members:

Fritz Hayes, BPharm, Chair, Miami
Cynthia Griffin, PharmD, Vice Chair, Jacksonville
Michele Weizer, PharmD, Boca Raton,
Albert Garcia, BPharm, MHL, Miami
Gavin Meshad, Consumer Member,
Steve Melvin, PharmD, Panama City
Lorena Risch, Consumer Member, Bradenton
Ron Salem, PharmD, Jacksonville
DeAnn Mullins, BPharm, Panama City

Board Staff:

Mark 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, August 2, 2011

10:00 a.m. Call to Order by Fritz Hayes, BPharm, Chair

TAB 1 Introduction of New Board Members – Fritz Hayes, BPharm, Chair

1. Gavin Meshad, Consumer Member
2. DeAnn Mullins, BPharm

Mr. Hayes introduced the new members of the Board of Pharmacy. Ms. Mullins was not present for this meeting.

Special Presentation on Compounding Issues:

Kimberly A. Berfield, Deputy Secretary
Lucy C. Gee, M.S., Division Director, Medical Quality Assurance.

Ms. Berfield and Ms. Gee advised that one of the things the Department is very focused on is the issue regarding pain clinics and some of the continuing growing obstacles. Ms. Berfield advised the CDC has provided some alarming statistics from 2002-2009 that the 84.2% death rate increase in Florida is due to prescription drugs. Ms. Berfield stated the Department would like to get a head start on how we will handle this issue. Last year the Department and the Board came up with language for the Legislature, therefore the Department would like to give the Board the opportunity to make suggestions and participate with this issue again

during this legislative session. Ms. Gee advised the Board to come up with suggestions in a timely manner since Committee meetings will be held early this session. Ms. Berfield stated the timeline has been condensed from last year and would like the Department and the Board to be active participants.

Dr. Salem asked if the Department could provide specific examples of what some of the issues are that they could review. Ms. Gee stated she would get with the field inspectors and get some information on what the inspectors are seeing in the field and the Department would come up with a list of some of the things that are hindering the inspectors in their ability to do their jobs and to protect the public. Dr. Salem requested that the Department send the information to the members before the next meeting so there is time to review the material in advance.

Ms. Gee requested that a Board member be appointed as a subject matter expert for the Department to discuss the issues. Mr. Hayes will let Ms. Gee know who that member will be at a later date.

Motion by: Dr. Melvin, seconded by Dr. Salem to place on the October agenda for further discussion. Motion carried unanimously.

TAB 2 REPORTS

A. Chair's Report - Fritz Hayes, BPharm

1. **Florida Pharmacy Association Convention update**
Mr. Hayes and Mr. Whitten attended the convention and the CE Broker provider seminar portion and it was very educational and successful.

2. **PCP Panel Discussion**
Mr. Hayes advised that there has been some discussion of perhaps previous Board members serving on the Probable Cause Panel. After discussion it was decided that they would keep it to current members serving at this time.

3. **Compliance Officer Suggestion**
Mr. Hayes had received some suggestions from the Compliance Unit in regards to some Boards delegate authority a one time extension of Board orders. For example if they don't meet their CE on time they grant them a few months to complete. Some of the Boards grant them authority to extend fines to be paid.

Dr. Salem stated that he would be in favor of this with some parameters on it and limit it to a length of time. Mr. Hayes asked that the Board check into what some of the other Boards are doing and put together some numbers for the Board to review.

Mr. Hayes stated there is a new school of pharmacy at University of South Florida. We will need to create a new Sub-Tripartite committee and will be asking for volunteers.

4. PDMP Program Update – Rebecca Poston

Ms. Poston presented and update to the Board in regards to the Prescription Drug Monitoring Program. Mr. Hayes advised that Ms. Poston would like a member of the Board to help review clinical portions and trends in the data.

Dr. Melvin volunteered to help with the review of material for the program.

B. Rule Discussion and Review – Albert Garcia, BPharm

64B16-28.450 Centralized Prescription Filling

Mr. Garcia advised the Board that he had received some draft language in regards to the Central Fill rule and would like to discuss this further at the October Board meeting. Mr. Garcia stated that Mr. McQuone has reached out to stakeholders regarding language. Mr. Garcia stated he would have this for the October Board meeting.

C. Executive Director’s Report – Mark Whitten

1. Proposed Legislation

A. Endorsement for Pharmacy Technicians

Mr. Whitten advised that he has no language for this at this time but perhaps for the 2013 proposal the Board can submit language. Dr. Weizer volunteered to work with Board staff on drafting language for this rule. Dr. Salem suggested the Board reach out to pharmacy technician educators or practitioners that came before the Board in the past for some guidance.

B. Pharmacy Manager Responsibility

Mr. Whitten presented the draft language for the Board to review for the legislative proposal. No action was needed.

2. 64B16-28.450 Centralized Prescription Filling

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

1. Rules Report

Ms. Dudley gave an update on the rules and has submitted them to the office of OFFAR. Ms. Dudley requested permission to make a technical change on the Commission for Independent Education in the pharmacy technician rule and to the pharmacy technician checklist so the rule can move forward with JAPC.

Ms. Dudley also stated in the record keeping rule that it says 2 years and HB 7095 says 4 years. She will make the changes and bring it back to the Board for review.

Motion by: Dr. Weizer, seconded by Dr. Melvin to allow Ms. Dudley to

make changes to the technician training rule. Motion carried unanimously.

Motion by: Dr. Melvin, seconded by Mr. Garcia to have Ms. Dudley respond to the JAPC letter concerning the approved technician training programs, indicating they will be periodically reviewed. Motion carried unanimously.

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

1. Prosecution Report

Mr. William Miller gave an over view of the changes taking place in the prosecution office and there will be several attorneys working on pharmacy cases.

Motion by: Dr. Melvin, seconded by Mr. Meshad to continue prosecuting cases older then one year. Motion carried unanimously.

**F. Chief Investigative Services Manager Report -
Jeanne Clyne- Chief Investigative Services**

1. 64B16-27.797 Standards of Practice for Compounding Sterile Product

Ms. Jeanne Clyne informed the Board that the inspectors are focusing on doing inspections on dispensing practitioners. There will be more audits done on record to see if they are matching up, where are they getting the drugs from and that they are a licensed wholesaler in Florida.

Ms. Clyne presented a copy of the proposed draft form for Sterile Compounding inspection form. She pointed out the inspectors feel the pharmacist should be able to tell them at what level they are compounding.

Dr. Salem requested the inspection forms to be sent to the members of the Board. Mr. Whitten stated that we could send this out to the interested parties list. Dr. Weizer suggested that number 3 needs to have some instructions added to it.

TAB 3 BUSINESS – Fritz Hayes, BPharm, Chair

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 136
2. Pharmacist (Exam Eligibility) (Client 2201) – 669
3. Pharmacist Interns (Client 2202) – 217
4. Registered Pharmacy Technicians (Client 2208) – 829
5. Consultant Pharmacist (Client 2203) – 33
6. Nuclear Pharmacist (Client 2204) – 1
7. Pharmacies/Facilities (Client 2205) – 127
8. Registered Pharmacy Technician Ratios (2:1 or 3:1)- 51
9. Pharmacy Technician Training Program (Client 2209) -19
10. CE Providers – 10

11. CE Courses - 0
12. CE Individual Requests –0

Motion: by Dr. Weizer, seconded by Mr. Garcia to approve. Motion carried unanimously.

B. Review and Approval of Minutes

1. June 7-8, 2011 Full Board Meeting

Mr. Bayo stated that the minutes reflect that Mr. John Moses was voted on for him to have a clear license. The website still reflects conditions. Ms. Dudley stated he doesn't have conditions on his license but he does have a condition to remain in PRN and this needs to be discussed with the department. Mr. Bayo stated he would discuss this with the department.

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

C. 2012 Meeting Dates

Dr. Weizer requested the December meeting be changed to the second week in December due to another meeting conflict.

Motion: by Dr. Salem, seconded by Dr. Weizer to approve. Motion carried unanimously.

Public Comments:

Dr. Salem advised the Board that he has received phone calls and e-mails regarding the tropical storm and how much in advance the executive order will be given during hurricane season and how they will be informed.

Mr. Jackson advised the Board that he wanted to let them know about the aggressive audits going on. One of his members called in regards to a health plan dishonoring a prescription when it was the doctor that called it in but the pharmacist did not note that it was the doctor themselves. Another caller said they were told that the DEA number was missing on the prescription and the health plan disallowed that for payment. The pharmacist had actually put it on the back of the prescription. The auditors are being very aggressive now and this could affect patient care and just wanted the Board to be aware.

Mr. Jackson informed the Board that Mr. Hayes was presented pharmacist of the year at the FPA meeting.

Former board member Bob Parrado stated that he is President of the Florida Pharmacy Association and wanted to say hello.

Adjourn:

Meeting Adjourned at 11:34 a.m.

WEDNESDAY, August 3, 2011

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

**TAB 4 DISCIPLINARY CASES – David Bibb, Assistant General Counsel,
William Miller, Assistant General Counsel and Fritz Hayes, PharmD**

A. SETTLEMENT AGREEMENT – NON APPEARANCE CASES

**NA-1 Rosa M. Mahiquez, RPH, Benson, NC
Case No. 2009-22681 – PCP – Salem/Hayes**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint charges Respondent with violating Section 465.016(1) (h), Florida Statutes, by having been disciplined by a regulatory agency in another state for an offense that would constitute a violation of Section 465, Florida Statutes.

Motion: by Dr. Weizer seconded by Mr. Garcia to accept the settlement agreement, assess cost in the amount of \$981.02, if the respondent returns to Florida to practice she shall contact PRN and undergo evaluation and follow any recommendations. Respondents license shall be suspended until the Board determines that she is in compliance with all PRN requirements and able to practice pharmacy with reasonable skill and safety. Upon reinstatement her license will be placed on probation for 5 years or to run concurrent with her PRN contract if any. Motion carried unanimously

**NA-2 Shawn Moczek, RPH, Sarasota FL
Case No. 2010-15193 – PCP – Jones/Wilson**

Respondent was present. Respondent was represented by Lori Ostlie.

Violation The Administrative Complaint charges Respondent with violating Section 465.016(1) (g), Florida Statutes (2009), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

Motion: by Dr. Salem, seconded by Dr. Melvin to accept the settlement agreement. The settlement agreement requires appearance before the Board; payment of a \$250 fine within 90 days of entry of the Final Order; payment of costs in the amount of \$1,652.48 within 90 days of entry of the Final Order; and completion an eight hour prescription error course within one year of entry of the Final Order. Motion carried unanimously.

B. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES

**SA-1 Eric Appiah, RPH, Orlando, FI
Case No. 2010-16634- PCP- Melvin/Risch**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint charges Respondent with violating Section 465.016(1) (n), Florida Statutes, by violating an order of the Board previously entered in a disciplinary hearing.

The settlement agreement requires appearance before the Board; payment of a \$3,000 fine within 90 days of entry of the Final Order; payment of costs in the amount of \$421.11 within 90 days of entry of the Final Order; suspension until Respondent has complied with the Final Order entered in case number 2008-18463; and probation for one year, during which Respondent may not act as prescription department manager in a Florida pharmacy.

Motion: by Dr. Weizer, seconded by Dr. Melvin to approve the settlement agreement and waive the appearance. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Melvin for cost in the amount of 421.11 payable within 90 days. Motion carried unanimously.

C. DETERMINATION OF WAIVER

**DOW-1 Mohammah Afaneh, RPH, Plantation, FI
Case No. 2010-18624 – PCP- Risch/Melvin**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges 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 Dr. Weizer, seconded by Mr. Garcia to find that Respondent was properly served, did not the election of rights, and has waived his right to be heard. Motion carried unanimously.

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

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

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

Motion: by Dr. Weizer, seconded by Mr. Garcia to accept the Recommendation: \$1,500 fine and costs to be paid within 90 days of entry of the Final Order (Respondent's license is already suspended). Also include 12 hour laws and rules to be done within 1 year of filing of final order. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Mr. Garcia to access cost in the amount of \$976.46 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-2 Brenda Denise Brown, RPT, Jacksonville, FL
 Case No. 2011-00108 – PCP Jones/Wilson**

Respondent was not present nor represented by counsel.

Violation The AC charged violation of 465.016(1)(e) by a violation of an a section of Chapter 893, Section 893.135(1)(c)1.c., Florida Statutes, by trafficking in controlled substances specifically Hydrocodone/APAP.

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

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

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

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

Motion: by Dr. Weizer, seconded by Dr. Melvin to revoke the license. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Melvin to access cost in the amount of \$1824.58 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-3 Lolita Blostein, RPT, Ft. Lauderdale, FL
 Case No. 2010-09077- PCP – Griffin/Salem**

Respondent was not present nor represented by counsel.

Violation Ms. Blostein is charged with 456.072(1) (z), Florida Statutes, by being unable to practice as a registered pharmacy technician with reasonable skill and safety due to use of drugs or alcohol.

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

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

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

Motion: by Dr. Weizer, seconded by Dr. Melvin for a minimum suspension of at least 2 years before she reappears before the Board. Once she petitions the Board to appear she must be present with PRN evaluation and able to practice with skill and safety. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Melvin to access cost in the amount of \$2,173.72 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-4 **Eugene Boglin, PS, Tampa, FI**
Case No. 2009-20423 – PCP – Jones/Griffin

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 465.016(1)(i), Florida Statutes, by dispensing drugs other than in the course of the professional practice of pharmacy and Section 465.016(1)(m), Florida Statutes, by being unable to practice pharmacy with reasonable skill and safety by reason of use of drugs, including but not limited to controlled substances.

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

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

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

Motion: by Dr. Melvin, seconded by Dr. Salem to table this until there is confirmation from PRN that he has or has not contacted them.

Motion: by Dr. Weizer, seconded by Dr. Melvin to Revoke. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Salem to access cost in the amount of \$3,165.20 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-5 Wendy Bonilla, RPT, Plantation, FL
 Case No. 2010-23949 – PCP – Griffin/Salem**

Respondent was not present. Respondent was not represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 456.072(1)(z), Florida Statutes, by being unable to practice as a registered pharmacy technician with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

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

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

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

Motion: by Dr. Weizer, seconded Dr. Melvin for indefinite suspension until she has a PRN evaluation and the suspension shall be a minimum of 2 years before she petitions the Board for reinstatement and probation or additional restrictions to be determined at that time. Motion carried unanimously.

Motion: by Dr. Melvin, seconded by Dr. Weizer to access cost in the amount of \$1, 897.00 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-6 E & E Medical Services Corp.
Case No. 2010-06520 – PCP Wilson/Jones**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 465.023(1)(c), Florida Statutes, 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 Dr. Melvin, seconded by Dr. Weizer to find that Respondent was properly served, did not the election of rights, and has waived his right to be heard. Motion carried unanimously.

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

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

Motion: by Dr. Melvin seconded by Dr. Weizer to revoke. Motion carried unanimously.

Motion: by Dr. Melvin, seconded by Dr. Weizer to access cost in the amount of \$1, 788.88 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-7 Linda Eichorn, RPH, Middle Village, NY -
Case No. 2010-05724 – PCP Melvin/Wilson**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 465.016(1)(r), Florida Statutes, through a violation of Rule 64B16-26.103(1) and 64B16-26.603, Florida Administrative Code, by failing to submit proof satisfactory to the Board that during the biennial period preceding the renewal period the applicant has participated in not less than 30 hours of approved courses of continued professional pharmaceutical education and failing to retain documentation of participation in continuing education programs required for license renewal for not less than two years after the license is renewed for audit purposes.

Motion: by Dr. Weizer, seconded by Mr. Garcia to find that Respondent was properly served, did return the election of rights, and has waived his right to be heard. Motion carried unanimously. .

Motion: by Dr. Weizer, seconded by Dr. Salem to adopt the findings of fact as alleged in

the Administrative Complaint. Motion carried unanimously.

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

Motion: by Dr. Weizer, seconded by Mr. Garcia for Recommendation of \$1,000 fine and costs to be paid within 90 days of entry of the Final Order. Continuing education hours in the amount of 4 medication errors and 16 hours of general to be completed within 1 year of final order. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Salem to access cost in the amount of \$712.02 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-8 MLG Medical Equipment, Hialeah, FL
Case No. 2010-22291 – PCP – Risch/Melvin**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 465.023(1)(c), Florida Statutes, 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 Dr. Weizer, seconded by Mr. Garcia to find that Respondent was properly served, did not the election of rights, and has waived his right to be heard. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Salem to adopt the findings of fact as alleged in the administrative complaint. Motion carried unanimously.

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

Motion: by Dr. Weizer, seconded by Mr. Garcia to revoke the permit. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Salem to access cost in the amount of \$1,833.61 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-9 John Pariaros, PSI, Boston, Mass ---Additional Addendum Material
Case No. 2008-27824 – PCP – Garcia/Griffin**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 465.016(1)(f), Florida Statutes, by having been convicted or found guilty of a crime that directly relates to the practice of pharmacy.

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

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

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

Motion: by Dr. Melvin, seconded by Dr. Weizer to revoke the license. Motion carried unanimously.

Motion: by Dr. Melvin, seconded by Dr. Weizer to access cost in the amount of \$1,798.12 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-10 Stephanie Sullivan, Port Richey, Fl
Case No. 2010-20848 – PCP – Salem/Griffin**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 456.072(1)(z), Florida Statutes, by being unable to practice as a registered pharmacy technician with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

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

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

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

Motion: by Dr. Weizer, seconded by Dr. Melvin for indefinite suspension a minimum of at least 2 years, must have a PRN evaluation when able to return to practice. Terms of probation for 5 years and will add any additional terms at reinstatement. Motion carried unanimously.

Motion: by Dr. Melvin, seconded by Mr. Garcia to access cost in the amount of \$2,528.60 to be paid within 12 months of the filing of the final order. Motion carried unanimously.

**DOW-11 Quick Pharm, Orlando, FL -
Case No. 2010-03485 – PCP – Hayes/Salem**

Respondent was not present nor represented by counsel.

Violation The Administrative Complaint alleges that Respondent violated Section 465.023(1)(c), Florida Statutes, 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 Dr. Weizer, seconded by Mr. Garcia to find that Respondent was properly served, did not the election of rights, and has waived his right to be heard. Motion carried unanimously.

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

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

Motion: by Dr. Weizer, seconded by Mr. Garcia to revoke the license. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Garcia to access cost in the amount of \$1,795.22 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

D. VOLUNTARY RELINQUISHMENTS

**VR-1 CM Palacio Inc., Hialeah, FI
Case No. 2010-11666 – PCP – Jones/Wilson**

Respondent was not present nor represented by counsel.

Violation 465.023(1)(g) Florida Statutes, for its owner having been plead guilty to and been convicted of one count of Medicaid Fraud.

Motion: by Dr. Salem, seconded by Dr. Weizer to accept the Voluntary Relinquishment. Motion carried unanimously.

**VR-2 Country Value Pharmacy, Boca Raton, FI
Case No. 2010-21465 – PCP - Waived**

Respondent was not present nor represented by counsel.

Violation 465.023(1)(c) , F.S., by possession of adulterated drugs in violation of 499.005(28) and 499.069(1)(a), F.S..

Motion: by Dr. Salem, seconded by Dr. Weizer to accept the Voluntary Relinquishment. Motion carried unanimously.

**VR-3 Howard's Pharmacy, Inc, North Miami, FI
Case No. 2011-04267 – PCP - Waived**

Respondent was not present nor represented by counsel.

Violation Section 465.023(1)(c), Florida Statutes, 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 Dr. Salem, seconded by Dr. Weizer to accept the voluntary relinquishment. Motion carried unanimously.

**VR-4 Justin Arvindbhai Patel, PSI, Seminole, FI
Case No. 2010-01972 – PCP – Melvin/Risch**

Respondent was not present nor represented by counsel.

Violation Section 456.072(1)(II), Florida Statutes, by entering a plea of guilty to crime related to health care fraud.

Motion: by Dr. Weizer, seconded by Mr. Garcia to accept the voluntary relinquishment. Motion carried unanimously.

**VR-5 Leomeli Investment Corp, Doral, FI --- This case was withdrawn
Case No. 2009-18896 - PCP – Powers/Jones**

Respondent was not present nor represented by counsel.

Violation 465.023(1)(c), Florida Statutes, by violating a requirement of Chapter 465, namely, Section 465.018, Florida Statutes, by failing to appoint a successor prescription department manager and/or notify the Board or department of a change in the identity of the prescription department manager; Rule 64B16-28.202(3)(a), Florida Administrative Code, by failing to follow proper procedure for closure of a pharmacy; and Rule 64B16-28.203, Florida Administrative Code, by failing to notify the Board of the name, address, pharmacy permit number and DEA registration number of the transferee entity, the date on which the transfer will occur, and a complete inventory of all medicinal drugs within the provisions of Section 893.03, Florida Statutes, as of the date of the transfer.

Motion: by seconded by Dr. Weizer to accept the voluntary relinquishment. Motion carried unanimously.

**VR-6 Your Friendly Pharmacy, Deerfield Beach, FI
Case No. 2011-05010 – PCP - Waived**

Respondent was not present nor represented by counsel.

Violation: The investigation alleged that and inspection on 3/3/11 resulted in violations for 1) misbranded drugs, 2) adulterated drugs.3) purchased rx drugs from unauthorized source; and 4) pedigree papers inaccurate or incomplete. Violations of section 465.023(1)(C), Florida Statutes.

Motion: by Dr. Salem, seconded by Dr. Weizer to accept the voluntary relinquishment. Motion carried unanimously.

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

**I-1 Joseph Brown, RPH, Lake Worth, FI
Case No. 2011-08871 – PCP - Salem/Weizer**

Respondent was not present nor represented by counsel.

Violation of 465.016(1)(e) by violation of Sec. 893.13(6)(a) by possession of Hydrocodone/APAP without a prescription.

This case was continued.

Motion: by Dr.Melvin, seconded by Ms. Ricsch to grant the continuance. Motion carried unanimously.

**I-2 Express Rx, Inc., Green Acres, FL -Continued
Case No. 2011-09625 – PCP – Salem/Griffin**

Respondent was not present nor represented by counsel.

Violation of 465.023(1)(c), by a violation of Rule 64B16-28.109(d) requiring the prescription Department be secure.

This case was continued.

Motion: by Dr. Melvin, seconded by Ms. Risch to grant the continuance. Motion carried unanimously.

**I-3 Abby McAleney, RPT, Port Charlotte, FL Withdraw
Case No. 2010-21352 – PCP – Garcia/Weizer**

Respondent was not present nor represented by counsel.

Violation The AC charges Respondent with violating Section 465.016(1)(e), Florida Statutes, through a violation of Section 893.13(6)(a), Florida Statutes, by possessing controlled substances without prescriptions.

Mr. Bibb informed the Board that this case is being withdrawn. No action was taken from the Board.

**I-4 Adam Nagy, RPH, Tampa, FL
Case No. 2008-24093 – PCP – Salem/Griffin**

Respondent was not present. Respondent was represented by Timothy Fitzgerald.

Violation The AC charges Respondent with violating Section 465.016(1)(f), Florida Statutes, by having been convicted or found guilty of a crime that directly relates to the practice of or the ability to practice pharmacy.

Mr. Bibb informed the Board that Mr. Fitzgerald's client Mr. Nagy is incarcerated at this time and would not be released until February 2012.

Mr. Fitzgerald stated that his client is in federal custody in a drug treatment program.

Motion: by Dr. Weizer, seconded by Dr. Melvin to continue until the April 2012 meeting date. Motion carried unanimously.

**I-5 Sarah Thompson, PSI, Tampa, FL
Case No. 2008-16035 – PCP - Garcia/Griffin**

Respondent was present. Respondent was supported by her father Mr. John Thompson.

Violation The AC charges Respondent with violating Section 456.072(1)(hh), Florida Statutes and Section 465.016(1)(m), Florida Statutes.

Motion: by Dr. Weizer, seconded by Dr. Salem to find that Respondent has filed a motion of hearing by disputed issue of material fact. Motion carried unanimously.

Motion: by Dr. Salem, seconded by Dr. Weizer to entertain a motion adopting the finding of fact alleged in the administrative complaint. Motion carried unanimously.

Ms. Thompson stated that she was confused as to why it was listed under non disputed facts because she had sent the form notification to Billie Jo Owens that there were some of the facts in the case she is disputing.

Ms. Dudley stated that if Ms. Thompson is disputing the facts here today then the case does not need to be heard. Ms. Thompson will need to contact the Division of Administrative Hearings.

No action was taken.

F. PROFESSIONALS RESOURCE NETWORK CASES

PRN - INFORMALS

There were no PRN cases to discuss.

TAB 5 APPLICATIONS REQUIRING BOARD REVIEW–Michelle Weizer **PharmD**

A. Endorsement Candidates

1. Austin Conner, File 36736

Applicant was not present nor represented by counsel.

Applicant answered yes to disciplinary action being taken against license

Motion: by Dr. Weizer, seconded by Dr. Melvin to Deny. Motion carried unanimously.

2. Thomas Lemoine, File 36350

Applicant was not present nor represented by counsel.

Mr. Lemoine is re-applying for licensure by Endorsement. He appeared before the Board in 2009 where it was decided that he must have a PRN Evaluation before being approved for the MPJE exam. He meets all the requirements for endorsement.

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

3. Madonna Wilcox, File 39819

Applicant was not present nor represented by counsel.

Applicant answered yes to disciplinary action being taken against license. She has met all the terms of her order and Missouri license in good standing.

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

4. Coneith Kubina, File 39550

Applicant was not present nor represented by counsel.

Applicant answered yes to disciplinary action being taken against license

Motion: by Dr. Weizer, seconded by Dr. Melvin for the applicant to have a PRN evaluation and the chair to review the evaluation and make the decision to approve for licensure. Motion carried unanimously.

B. Examination Candidate

1. Shaeli Seker, File 40707

Applicant was present, not represented by counsel. Dr. Brown from PRN recommended approval.

Ms. Seker answered yes to question 17 in the last 5 years have you been enrolled in, required to enter into, or participated in any drug or alcohol recovery program or impaired practitioner program for treatment of drug or alcohol abuse that occurred within last 5 years.

Motion: by Dr. Weizer, seconded by Dr. Melvin to Approve. Motion carried unanimously.

2. Stephen Logsdon, File 40647

Applicant was present and was supported by his father Mr. Richard Logsdon.

Mr. Logsdon answered yes to question 19 during the last 5 years, have you been treated for or had a recurrence of a diagnosed physical impairment that has impaired your ability to practice pharmacy.

Motion: by Dr. Weizer, seconded by Dr. Salem to Approve. Motion carried unanimously.

3. Christopher Erb, File 40417

Applicant was not present nor represented by counsel.

Mr. Erb license was revoked in 2002 and he is applying for re-licensure.

Mr. Erb sent a request to withdraw his application.

Motion: by Dr. Weizer, seconded by Dr. Melvin to deny. Motion carried unanimously.

4. Leslie Delight Crawford, File 40340

Applicant was present and was supported by her mother Hazel Marion Crawford.

Ms. Crawford answered yes to question 18 in the last 5 years have you been admitted or referred to a hospital facility or impaired practitioner program for treatment of a diagnosed mental disorder or impairment.

Motion: by Dr. Weizer, seconded by Dr. Melvin for applicant to take the exam but she must have PRN evaluation and have the Board chair review. If PRN requires no further conditions the license can be approved. Motion carried with Dr. Salem opposing.

**C. Registered Pharmacy Technician Reconsideration – Allison Dudley,
Assistant Attorney General**

1. Sandra Y. Jordan, RPT, File 24173

Applicant was present not represented by counsel.

Applicant was denied due to multiple convictions in her background. Applicant is asking for reconsideration of her application.

Motion: by Dr. Salem, seconded by Dr. Weizer to continue this with enough time for applicant to have a PRN evaluation and the license not issued until she comes back before the Board in October. Ms. Jordan waived her 90 day requirement. Motion carried unanimously.

2. Isell Garcia, RPT, File 24173

Applicant was not present nor represented by counsel.

Ms. Garcia license was denied January 31, 2011 she is asking for reconsideration.

Motion: by Dr. Weizer, seconded by Mr. Garcia to deny the reconsideration. Motion carried unanimously.

D. Registered Pharmacy Technician Applicants

1. Christopher Russell Richardson – File 37464 –

Applicant was not present nor represented by counsel.

Mr. Richardson answered yes to #5 -#15 having criminal record.

Motion: by Dr. Weizer, seconded by Dr. Melvin to deny. Motion carried unanimously.

2. Antoine Spencer, Jr. – File 39123 -

Applicant was not present nor represented by counsel.

Mr. Spencer answered yes to having criminal record.

Motion: by Dr. Weizer seconded by Dr. Salem for applicant to have a PRN evaluation and appear before the Board for approval with any additional terms or conditions. Motion carried unanimously.

E. Pharmacy Permit Applications

1. Mix RX –Addendum Material

Applicant was not present nor represented by counsel.

Answered yes to being disciplined in another state.

Motion: by Dr. Weizer, seconded by Dr. Melvin to Deny. Motion carried unanimously.

2. Germaine Pharmacy and Compounding Inc. –

Applicant was not present nor represented by counsel.

Answered yes to being disciplined in another state.

Motion: by Dr. Weizer, seconded by Ms. Risch to approve and require a 6 month re-inspection for this pharmacy. Motion carried unanimously.

TAB 6

LICENSURE ISSUES – Allison Dudley, Attorney

A. Request for Termination of Probation

1. Daniel Makuza, PSI, 27670

Applicant was not present nor represented by counsel.

Mr. Makuza is asking for termination of probation on his license.

Motion: by Dr. Weizer, seconded by Mr. Garcia to deny. Motion carried unanimously.

2. Michelle M. Salkey, R.Ph., PS 23286

Applicant was/was not present nor represented by counsel.

Ms. Salkey is asking for termination of probation early of her license.

Motion: by Dr. Weizer, seconded by Dr. Melvin to Deny. Motion carried unanimously.

B. Petition for Reinstatement

1. David Blazy, R.Ph., PS 25421

Applicant was present was not represented by counsel. Dr. Brown was in agreement for him to practice.

Mr. Blazy is asking for reinstatement of his pharmacist license.

Dr. Weizer asked Dr. Brown if Mr. Blazy would be placed on Naltrexone once he returns to work. Dr. Brown stated that would be an option for him.

Motion: by Dr. Weizer, seconded by Dr. Melvin to Approve. Motion carried unanimously.

Motion: by Dr. Weizer, seconded by Dr. Melvin to accept the payment plan of \$300.00 a month until all fines and cost are paid in full.

C. Request for Modification of Final Order

1. Kenneth Pettengill, R.Ph., PS 27736

Applicant was present was not represented by counsel. Dr. Brown was present from PRN on his behalf.

Mr. Pettengill is asking to modify his final order and be allowed to be a pharmacy manager.

Motion: by Dr. Weizer, seconded by Dr. Melvin to approve the modification to the final order for him to be the prescription department manager. Motion carried unanimously.

2. Douglas N. Kassan, R.Ph., PS 28503

Applicant was not present nor represented by counsel.

Mr. Kassan is asking to modify his final order and allow him to work at more than two pharmacies.

Motion: by Dr. Weizer, seconded by Dr. Melvin to deny. Motion carried unanimously.

D. Request for Extension of Time

1. Gary Vaughn, PS 13522 – Addendum Material

Applicant was not present nor represented by counsel.

Mr. Vaughn is asking for extension of 1 year to pay his fine.

Motion: by Dr. Melvin, seconded by Dr. Weizer to deny the 1 year request and grant him 90 days. Ms. Dudley will write a letter to Mr. Vaughn that the Board will grant him 90 days to pay the fine or he can appear before the Board and explain why he cannot. Motion carried unanimously.

ADJOURN