

**MEETING MINUTES  
DEPARTMENT OF HEALTH  
BOARD OF PHARMACY  
FULL BOARD MEETING**

**June 5-6, 2012**

Hilton Deerfield Beach/Boca Raton  
100 Fairway Drive  
Deerfield Beach, FL 33441  
(954)427-7700

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**PLEASE TURN OFF ALL CELL PHONES, PAGERS, AND BEEPERS DURING THE MEETING. THANK YOU.**

Board Members:

Cynthia Griffin, PharmD, Chair, Jacksonville  
Albert Garcia, BPharm, MHL, Vice-Chair, Miami  
Michele Weizer, PharmD, Boca Raton  
Gavin Meshad, Consumer Member, Sarasota  
Jeffrey J. Mesaros, PharmD, Tampa  
Lorena Risch, Consumer Member, Bradenton  
DeAnn Mullins, BPharm, Lynn Haven  
Debra B. Glass, BPharm, Tallahassee  
Leo J. "Lee" Fallon, BPharm, PhD, The Villages

Board Staff:

Mark Whitten, Executive Director  
Tammy Collins, Program Operations Administrator  
Cara Waldrip, Regulatory Specialist II

Board Counsel:

Allison Dudley, Assistant Attorney General  
Dan Biggins, Assistant Attorney General

Department of Health Staff:

John J. Truitt, Assistant General Counsel

**Tuesday, June 5, 2012 – 1:00 p.m.**

**1:00 p.m. Call to Order by Cynthia Griffin, PharmD, Chair**

All Board Members were present. Dan Biggins was present for Allison Dudley.

Dr. Griffin welcomed individuals in the audience, including in particular: Mr. Hayes, former Board Member and Board Chair, representatives from the Investigation Services Unit including Jeane Clyne, as well as the students in attendance.

Dr. Griffin requested that cell phones, pagers, and beepers be turned off. She informed everyone that the meeting is being recorded and an audio file will be posted on the Board's website after the meeting.

**TAB 1 PETITION FOR DECLARATORY STATEMENT/VARIANCE OR WAIVER – Allison Dudley, Assistant Attorney General**

1. Gregory Milanich: 64B16-27.830 Standards of Practice – Drug Therapy Management

Gregory Milanich was present and sworn in by the court reporter. Mr. Milanich was not represented by counsel.

Gregory Milanich spoke on the impact his request, if granted, could have on him and his employees.

**Motion:** by Mr. Garcia, seconded by Dr. Fallon, to find standing. Motion carried.

After discussion, Dr. Griffin stated that based on comments from the Board Members the Board would be more comfortable seeing a protocol and additional information for further review and consideration. Mr. Biggins and Dr. Griffin suggested that if Mr. Milanich is open to providing additional information for the Board to review and consider his request at a later meeting, he could request a continuance and waive the time requirement of the petition. Mr. Milanich agreed to request a continuance from the Board and waive the time requirements of his petition.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to continue the request pending additional information. Motion carried.

John Grout spoke in response to the petition by Gregory Milanich. John Grout from the law firm of Goldsmith, Grout, and Lewis representing Florida Healthcare Association expressed concerns about the vagueness of the request, how it would be accomplished, and the federal and state regulations regarding this type of activity.

2. CuraScript: 64B16-27.410 Registered Pharmacy Technician to Pharmacist Ratio

Request was withdrawn by CuraScript.

**TAB 2**

**REPORTS**

**A. Chair's Report – Cynthia Griffin, PharmD, Chair**

1. Report

Dr. Griffin reported on her recent attendance with Mr. Whitten to the investigator training on May 2<sup>nd</sup> in Orlando. She relayed that it was an interactive open forum and they had very good and lively discussion with the investigators. It was beneficial for the investigators to hear from the Board and was beneficial for her and Mr. Whitten to hear from them.

Dr. Griffin also reported that she and Mr. Whitten attended the Florida Pharmacy Association (FPA) law and regulatory conference in Jacksonville on May 19<sup>th</sup>. Mr. Jackson from the FPA spoke and there was a large attendance. Re-permitting and continuing education (CE) requirements for technicians were some of the topics that generated a lot of discussion and questions. Based on some of the questions regarding the CE requirements for technicians, Dr. Griffin asked Mr. Whitten to review the specifics.

Mr. Whitten stated that requirements for the first renewal cycle are 12 hours of CE. He stated that any CE taken after January 1, 2010 may be used to fulfill this requirement. Of the 12 hours of CE, there must be a 1 hour Board approved HIV/AIDS course, a Board approved 2 hour medication errors course, and 2 hours must be live.

2. Board Office Delegation Authority

Dr. Griffin opened for discussion the potential for Board Office Delegation of Authority for such instances as approving, under certain defined circumstances, applications that currently come to the Board for review. In particular she referenced previous discussion regarding work history requirements for endorsement application candidates brought up at the last Board meeting. After no discussion, Dr. Griffin stated that the Board will continue with the current course of action where any questionable practice experience will come before the Board for review.

**B. Executive Director's Report – Mark Whitten**

### 1. Re-Permitting

Mr. Whitten reported that as of today, the Board office has re-permitted 3,450 community pharmacies with 576 applications pending out of 4,720 total existing community pharmacies. He reported that they have sent out another mailing Monday regarding re-permitting and have also given inspection services re-permitting postcards to hand out when they perform their inspections. Mr. Whitten expects that there will be last minute applications; he expressed concern for potential delay to these applications due to running background results which can vary in time to receive results.

Dr. Weizer stated that there are some that do not plan on re-permitting. Mr. Garcia asked for clarification on why anyone would not want to re-permit. Dr. Weizer stated that for example in her case, they do not dispense controlled substances. Michael Jackson from the FPA stated that some pharmacies have informed him that as a business practice they decided they are not going to dispense controlled substances.

### 2. Trending – *Addendum Material*

Mr. Whitten reported that based on the request by Ms. Mullins at the previous Board meeting, he has provided trending reports for the various Board of Pharmacy applications. Mr. Whitten went over the reports and noted that many of the spikes in applications of pharmacists and interns related to graduation periods. Mr. Garcia asked why there seems to be a drop-off from the numbers last year to this year for pharmacists. Dr. Weizer stated she believed it was due to less jobs being available causing pharmacists to go outside of Florida for their first job after graduating. Mr. Whitten continued reviewing the other applications pointing out that for pharmacies there was a huge decline around the May, June, and July 2011 when House Bill 7095 was going into effect on July 1<sup>st</sup>. He attributes the spike in technician training applications to when they were first required to be registered but pointed out it has since leveled off.

Mr. Whitten asked the Board for feedback regarding what future trending information they would like to see. He suggested he could provide a trending report for House Bill 7095 and how we are meeting the requirements that were laid out specific to pharmacy. Dr. Weizer requested seeing the passing rate of the NAPLEX over the last 3 years. She also requested including the information for the national benchmark and Florida schools.

### 3. Family Pharmacy, LLC – 20 hour request

Luis Soto was present on behalf of Family Pharmacy, LLC and sworn in by the court reporter. Luis Soto was not represented by counsel.

**Motion:** by Mr. Garcia, seconded by Dr. Fallon, to approve the petition to operate at 20 hours per week. Motion carried with Mrs. Glass opposed.

### 4. InfuPharma – 20 hour request

InfuPharma was represented by Edwin Bayo.

**Motion:** by Mr. Garcia, seconded by Dr. Mesaros, to approve the petition to operate at 20 hours per week. Motion carried.

### 5. Drugs, Devices, and Cosmetics 2012 Legislation

Mr. Whitten stated that a Legislative summary for the Drugs, Devices, and Cosmetics (DDC) program which recently moved from the Department of Health to the Department of Business and Professional Regulation has been provided. He stated that a representative from DDC will attend the October meeting located in Tallahassee when there is no travel involved to review changes and meet with the Board.

6. Correspondence – 64B16-28.820 – *Addendum Material*

Withdrawn from agenda

**C. Attorney General's Report – Dan Biggins**

1. Rules Report

Dan Biggins requested the Board vote on suggested changes to the application form "Individual Requests for Continuing Education Credit" regarding Rule 64B16-26.103.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to approve the changes. Motion carried.

Dan Biggins requested the Board address the following two questions: Do these changes have an adverse effect on small business and do these changes increase the regulatory cost by \$200,000 or more in the aggregate?

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

Dan Biggins requested the Board vote on changes to Rule 64B16-26.2032 regarding pharmacy interns. He reminded the Board that this issue was brought up by Bob Parrado at the previous Board meeting.

**Motion:** by Mr. Garcia, seconded by Dr. Fallon, to approve the changes. Motion carried opposed by Dr. Weizer.

Dan Biggins requested the Board address the following two questions: Do these changes have an adverse effect on small business and do these changes increase the regulatory cost by \$200,000 or more in the aggregate?

**Motion:** by Mr. Garcia, seconded by Dr. Fallon, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

Dr. Weizer requested that it be noted on the record that she would like to change her previous opposition vote to a vote in support of the change.

Dan Biggins requested the Board vote on proposed changes to Rule 64B16-26.601 regarding standards for approval of courses and providers.

Mike McQuone, from Florida Society of Health-System Pharmacists, suggested that the wording be changed in the instance of the word "pharmacist" to "participant." Mr. McQuone noted that throughout the document it generally refers to the individual as a "participant" or "attendee." He

requested that for consistency as well as to clarify that non-pharmacists can participate the Board change this wording.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to approve the proposed language with the additional change of the word “pharmacist” to “participant”. Motion carried.

Dan Biggins requested the Board address the following two questions: Do these changes have an adverse effect on small business and do these changes increase the regulatory cost by \$200,000 or more in the aggregate?

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

Dan Biggins requested the Board vote on changes to Rule 64B16-28.108 regarding labels and labeling of medicinal drugs. Mr. Biggins pointed out that the language has previously been approved by the Board but the question of impact on small business and increased regulatory costs need to still be addressed.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

Dan Biggins brought to the Board’s attention the first rule related vote on the application form “Individual Requests for Continuing Education Credit” regarding Rule 64B16-26.103. Mr. Biggins relayed that another instance of “pharmacist” is present on the form where it should be changed to “participant.” Mr. Biggins asked the Board to vote on this previously overlooked language change.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to approve the change of language. Motion carried.

## 2. HB 479 Update

Dan Biggins requested the Board vote on changes due to House Bill 479 to Rule 64B16-29.001; the proposed changes are to include changes from the Statute into the Rule.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to approve changes. Motion carried.

Dan Biggins requested the Board address the following two questions: Do these changes have an adverse effect on small business and do these changes increase the regulatory cost by \$200,000 or more in the aggregate?

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

## 3. HB 509 Update

Dan Biggins requested the Board vote on changes due to House Bill 509 to Rule 64B16-26.1032; in this rule, immunization was replaced with “vaccine.”

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to approve changes. Motion carried.

Dan Biggins requested the Board address the following two questions: Do these changes have an adverse effect on small business and do these changes increase the regulatory cost by \$200,000 or more in the aggregate?

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

#### 4. Correspondence – Concerned Pharmacist

Dan Biggins shared with the Board the correspondence received that was directed to the Attorney General's offices. Allison Dudley had responded to this individual and for information purposes is sharing the inquiry with the Board. Dr. Griffin clarified that no action is required as the correspondence was simply being shared with the Board.

### **D. Prosecuting Attorney Report – John Truitt**

#### 1. Prosecution Services Report

John Truitt reported on the caseload of the Prosecution Services Unit (PSU). Mr. Truitt informed the Board that as of the April Board meeting the caseload was 312 and that number has dropped by 50 to a current caseload of 262 cases. He relayed that they are averaging 40-60 cases for each Probable Cause Panel meeting each month. For the 2009 and older cases, they are down to 13 which is down by 3 from the last meeting. He pointed out there is one case from 2005; he explained the delay on this case is due to delays in the parallel criminal case. Mr. Truitt relayed that he looked for the oldest report in PSU that he could find; he found reports dating back from January 28, 2008. At that time there were 268 cases in PSU which means we are at the lowest caseload in PSU's entire recorded history. Mr. Truitt thanked the attorneys and staff from the prosecution services unit for working hard to get through the cases; he also thanked the Board members for their help with the many emergency Probable Cause Panel meetings they have had recently.

Mr. Truitt requested that the Board allow them to continue prosecuting old cases.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to allow PSU to continue prosecuting old cases. Motion carried.

### **E. Chief Investigative Services Report – Jeanne Clyne**

Jeanne Clyne, on behalf of the Investigative Services Unit, reported updates to the Board. She thanked Dr. Griffin and Mr. Whitten for attending the May investigator training and relayed that all the investigators appreciated the training. She stated it was helpful to have the interaction with the Board members. Ms. Clyne reported that to date they are at 98% complete with their priority inspections for this year. They still have a handful of inspections in the Miami area that have not yet been completed due to personnel issues. She stated they are working with management staff in south Florida to complete these. She is hopeful that in the next 2 weeks they will have these done. Ms. Clyne also reported that they are right on target to implement the new inspection rule.

### **F. Florida Pharmacy Foundation/PRN – Bob Miller**

Bob Miller, president of the Florida Pharmacy Foundation along with David Tempelton, pharmacist and trustee of the foundation, spoke to the Board regarding how they can assist with

the PRN program and the Board. Mr. Whitten discussed his efforts to provide easier access to PRN and their information. He suggested that the Board website could highlight the Florida Pharmacy Foundation more as well in an effort to assist pharmacists in need. After discussions between the Board and the Foundation regarding how pharmacists have access to financial assistance, the Board suggested they be in contact with the Board office with how the agencies can work together to assist pharmacists.

### **G. Counseling in a Busy Environment – DeAnn Mullins, BPharm**

Ms. Mullins discussed with the Board how counseling in a busy environment can help prevent misfills. Expanding on the concern of prevention, she spoke with the Board about questions regarding the work environment in misfill cases, looking at how the systems of care are designed, and looking at how we track misfills with relation to the permit they are under. Ms. Mullins requested that the Board look into gathering information directly from pharmacists, for example, a survey. After discussion, Dr. Griffin recommended establishing a subgroup to work on potential suggestions for these concerns for Ms. Mullins, Mr. Whitten, Mike McQuone, and Michael Jackson. After meeting and coming up with specific suggestions, this subgroup's recommendations would come back before the Board.

### **H. Drug Enforcement Administration (DEA)**

Gayle Lane, DEA group supervisor, and Susan Langston, the DEA's acting diversion program manager, spoke to the Board regarding the DEA's efforts in combating prescription drug abuse.

After discussion by the Board Members and DEA representatives, Dr. Griffin recommended establishing a subgroup to work on ideas for improvement and recommendations for the Board to consider. The individuals for this subgroup were Mr. Meshad, Mr. Whitten, and potentially individuals from both the DEA and the Department of Health's Investigation Services Unit.

## **TAB 3      BUSINESS – Cynthia Griffin, PharmD, Chair**

### **A. Ratification of Issued Licenses/Certificates & Staffing Ratios**

1. Pharmacist (Licensure) (Client 2201) – 117
2. Pharmacist (Exam Eligibility) (Client 2201) – 85
3. Pharmacist Interns (Client 2202) – 115
4. Registered Pharmacy Technicians (Client 2208) – 933
5. Consultant Pharmacist (Client 2203) – 39
6. Nuclear Pharmacist (Client 2204) – 0
7. Pharmacies/Facilities (Client 2205) – 128
8. Registered Pharmacy Technician Ratios (2:1 or 3:1) - 928
9. Pharmacy Technician Training Program (Client 2209) - 25
10. CE Providers - 8
11. CE Courses - 19
12. CE Individual Requests – 6

**Motion:** by Weizer, seconded by Dr. Fallon, to ratify issued licenses, certificates and staffing ratios. Motion carried.

### **B. Review and Approval of Minutes**

1. April 10-11, 2012

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to approve minutes. Motion carried.

### **C. 2013 Meeting Dates and Locations**

**Proposed Meeting Dates:**

February 5-6, 2013  
April 2-3, 2013  
June 4-5, 2013  
August 13-14, 2013  
October 8-9, 2013  
December 3-4, 2013

**Proposed Locations:**

St. Augustine, FL  
Tampa, FL  
Boca Raton or Deerfield Beach, FL  
Orlando, FL  
Tallahassee, FL or panhandle  
Gainesville, FL

Mr. Garcia requested this be tabled until the next meeting.

**TAB 4 DISCIPLINARY CASES – John Truitt, Assistant General Counsel**

AA-1 Michael Alan Donato, PS 31230, Melbourne, FL – *Addendum Material*  
Case No. 2012-02328 – PCP Waived

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

Respondent violated 456.072(1)(c), Florida Statutes (2011), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

Respondent shall appear before the Board. Respondent shall pay a fine of \$2,000. Respondent shall pay costs of \$1,500. Respondent shall enter into a PRN contract. Respondent shall be suspended until reinstated. Upon reinstatement, respondent shall be on probation for 5 years during the first 2 years of his probation, he may not serve as PDM.

**Motion:** by Weizer, seconded by Fallon, to accept the Settlement Agreement and reinstate his license, putting his license on probation. Motion carried.

Edwin Bayo asked that it be clarified if this agreement included the reinstatement of his license. The Board confirmed that the vote included reinstatement of the license.

**Public Comments**

Dr. Griffin opened the floor for public comments.

Dr. Mesaros thanked the Board for the opportunity to attend the recent meeting of the National Association of Boards of Pharmacy (NABP) in Philadelphia. He had the opportunity to meet with other Board of Pharmacy members and regulators. He reported that it was a very good meeting with a lot of forward thinking and good discussions. He appreciates the opportunity to have attending this meeting. Dr. Mesaros also mentioned the upcoming District 3 meeting in Savannah in August with some of the southern State Boards of Pharmacy. He stated that if he is available he would be willing to attend and encourage others to attend. He relayed that it is important to learn from other states and allow other states to learn from us.

Dr. Griffin stated that she will be attending the District 3 meeting in Savannah to represent the Board and encourages others to attend as well.

**Motion:** by Dr. Fallon, seconded by Dr. Weizer, to adjourn the meeting at 4:36 p.m. Motion carried.

**Wednesday, June 6, 2012 – 8:00 a.m.**

**8:00 a.m. Call To Order by Cynthia Griffin, PharmD, Chair**

All Board Members were present. Dan Biggins was present for Allison Dudley.

**TAB 5 DISCIPLINARY CASES, continued – John Truitt, Assistant General Counsel**

**A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES**

A-1 Randy Hans Lorgea, PS 37334, Port Saint Lucie, FL  
Case No. 2010-19008 – PCP Garcia/Glass

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

Respondent violated Section 465.016(1)(f), Florida Statutes (2010), by being convicted, found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which directly relates to the practice of or the ability to practice pharmacy.

Respondent shall be present at the Board meeting. Respondent shall pay a fine of \$1,000. Respondent shall pay costs of \$279.68 within 30 days. Respondent shall complete 16 hours of CEs including a Board approved 12 hour laws and rules course, a minimum of 4 total hours of the following two CE courses: a Board approved anger management course and a Board approved domestic violence course.

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to accept the Settlement Agreement. Motion carried.

A-2 Jeffrey S. Goldrich, PS 27855, Lake Worth, FL  
Case No. 2011-03258, 2011-03164 – PCP Weizer/Meshad

Respondent was present and sworn in by the court reporter. Respondent was not represented by counsel. Dr. Rivenbark was present on behalf of PRN.

Respondent violated:

AC 1, Count I: Section 465.016(1)(e), Florida Statutes (2010), by violating Section 893.13(7)(a)9, Florida Statutes (2010), acquiring or obtaining, or attempting to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

AC 2, Count I: Section 456.072(1)(c), Florida Statutes (2011), being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or ability to practice, a licensee's profession.

Respondent shall appear before the Board. Respondent shall pay a fine of \$3,500. Respondent shall pay costs of \$1,534.65. Respondent shall be on probation for a period concurrent with his 5 year PRN contract, of which 1 year has already passed.

Respondent requests additional time to pay fines.

Mr. Garcia suggests that the 6 month payment timeframe should be extended to 12 months.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to accept the Settlement Agreement with the amendment of additional time to pay. Motion carried.

A-3                    Joseph T. Brown, PS 26675, Lake Worth, FL – *Addendum Material*  
Case No. 2011-08871 – PCP Weizer/Salem

Respondent was present and sworn in by the court reporter. Respondent was represented by Cory Strolla. Dr. Rivenbark was present on behalf of PRN.

Respondent violated:

Ct I: Section 465.016(1)(e), F.S., by violating Section 893.13(6)(a), F.S., by possessing hydrocodone/APAP without a prescription.

Ct II: Section 465.016(1)(i), F.S., by distributing legend drugs, other than in the course of the professional practice of pharmacy.

Respondent shall appear before the Board. Respondent shall pay costs in the amount of \$3,529.51 to be paid within 4 years. Respondent shall enter into and comply with a PRN contract. Respondent shall be on probation for 4 years during which time the respondent may not serve as a Prescription Department Manager for the first 2 years, respondent shall not work at more than 2 pharmacies per quarter without prior Board approval, respondent and respondent's supervisor shall submit quarterly reports, and respondent shall appear before the Board to request the probation be terminated.

**Motion:** by Ms. Mullins, seconded by Mr. Garcia, to accept the Settlement Agreement. Motion carried.

A-4                    Chris Christopoulos, PS 31536, Tarpon Springs, FL  
Case No. 2011-05926 – PCP Garcia/Weizer

Respondent was/ present and sworn in by the court reporter. Respondent was/was not represented by Brian Kahan.

Respondent violated Section 465.016(1)(n), Florida Statutes (2010), which provides that violating a rule of the board or department or violating an order of the board or department previously entered in a disciplinary hearing constitutes grounds for disciplinary action by the Board of Pharmacy.

Respondent shall be present before the Board. Respondent shall pay a fine of \$500 within 90 days. Respondent shall pay costs in the amount of \$673.25 within 90 days. Respondent shall comply with all terms of final order for case 2010-05725.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to accept the Settlement Agreement. Motion carried.

A-5                    The Jerome Golden Center for Behavioral Health, Inc., PH 8209, West Palm Beach, FL  
Case No. 2011-08766 – PCP Weizer/Meshad

Thanh Le and Suresh Rhapara were present on behalf of Respondent. Respondent was not represented by counsel.

Respondent violated:

**COUNT I:** Section 465.023(1)(c), Florida Statutes (2011), by violating Rule 64B16-28.108(2)(a), Florida Administrative Code, provides that the label affixed to each container dispensed to a patient shall include the name of the pharmacy.

**COUNT II:** Section 465.023(1)(c), Florida Statutes (2011), by violating Section 893.07(4)(B), Florida Statutes (2011), provides that every inventory or record required by this chapter, including prescription records, shall be maintained, in the case of Schedule III, IV, or V controlled substances, in such form that information required by this chapter is readily retrievable from the ordinary business records of the registrant.

Respondent shall be present before the Board. Respondent shall pay a fine of \$2,000 within 90 days. Respondent shall pay costs in the amount of \$5,296.67 within 90 days.

**Motion:** by Mr. Garcia, seconded by Dr. Griffin, to reject the Settlement Agreement. Motion carried.

**Motion:** by Mr. Garcia, seconded by Dr. Mesaros, to amend the current Settlement Agreement to add 2 years probation during which time the pharmacy will be inspected twice a year at the cost of the permit. At the end of the 2 years probation, they will come back before the Board to request termination of probation. Motion carried.

The respondent accepted the counter-agreement.

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

I-1 Haroun T. El-Nil, PS 32583, West Palm Beach, FL  
Case No. 2011-14146 – PCP Risch/Fallon

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

Respondent violated:

**Count I:** Section 465.016(1)(r), Florida Statutes (2011), through a violation of Rule 64B16-28.1081, Florida Administrative Code, which provides that any person who receives a community pharmacy permit pursuant to Section 465.018, F.S., and commences to operate such an establishment shall keep the prescription department of the establishment open for a minimum of forty (40) hours per week and a minimum of five (5) days per week.

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to accept the investigative report into evidence for the purposes of imposing penalty. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to make a finding that the Respondent was properly served and has requested an informal hearing. Motion carried.

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

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to adopt the conclusions of law as set forth in the Administrative Complaint and that find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to require paying a fine of \$3,500 payable within 3 months, a Board approved 12 hour laws and rules CE course within 12 months, biannual inspection for next 2 years paid for by permit, be on probation for the next 2 years, after which they must come back before the board for the probation to be lifted. The costs are required to be paid in the amount of \$238.89 to be paid within 90 days. Motion carried.

I-2                    Lantana Pharmacy, Inc., PH 23129, Lantana, FL  
Case No. 2011-14115 – PCP Risch/Fallon

Haroun T. El-Nil was present on behalf of the Respondent. Respondent was not represented by counsel.

Respondent violated:

**Count I:** Section 465.023(1)(c), Florida Statutes (2011), through a violation of Rule 64B16-28.1081, Florida Administrative Code, which provides that any person who receives a community pharmacy permit pursuant to Section 465.018, F.S., and commences to operate such an establishment shall keep the prescription department of the establishment open for a minimum of forty (40) hours per week and a minimum of five (5) days per week.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing penalty. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to make a finding that the Respondent was properly served and has requested an informal hearing. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to adopt the conclusions of law as set forth in the Administrative Complaint and that find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Motion:** by Ms. Mullins, seconded by Dr. Weizer, to require biannual inspections for the next 2 years at the cost of the permit with no additional fines or costs imposed citing the mitigating circumstances of fines and costs being imposed in another case. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to assess costs in the amount of \$483.48. Motion carried.

I-3                    Diana Esteva, PS 41771, Boynton Beach, FL  
Case No. 2011-15741 – PCP Weizer/Meshad

Respondent was present and represented by counsel. Respondent was represented by counsel Michael Schwartz.

Respondent violated Section 465.016(1)(g), Florida Statutes (2010), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing penalty. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to make a finding that the Respondent was properly served and has waived the right to a formal hearing. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Ms. Mullins, seconded by Mr. Garcia, to adopt the conclusions of law as set forth in the Administrative Complaint and that find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Department's Recommendation:** \$1,000 fine; Costs, and Probation 1 year

**Motion:** by Mr. Garcia, seconded by Dr. Fallon, to impose a fine of \$250, costs, and a Board approved 8 hour misfill course. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to amend the cost to the amount of \$672.83. Motion carried.

I-4                      Aston G. Lawson, PS 31688, Boca Raton, FL  
Case No. 2011-02577 – PCP Weizer/Risch

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

Respondent violated Section 465.016(1)(r), F.S., by violating Rule 64B16-27.831(3), F.A.C., by failing to photocopy picture identification or document complete descriptive information from the picture identification.

**Motion:** by Mr. Garcia, seconded by Ms. Mullins, to accept the investigative report into evidence for the purposes of imposing penalty. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Mullins, to make a finding that the Respondent was properly served and has requested an informal hearing. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Glass, to adopt the conclusions of law as set forth in the Administrative Complaint and that find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Department's Recommendation:** appearance, \$1,500 fine, costs, CE – laws and rules (12 hours)

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to impose a fine of \$250, costs, laws and rules CE course, biannual inspections for the next year at the cost of the permittee. Motion failed.

**Motion:** by Mr. Garcia, seconded by Dr. Griffin, to impose a fine of \$2,000 plus costs in the amount of \$1,442.48 payable within 90 days, 12 hours laws and rules CE, and quarterly inspections for 2 years at the cost of the permit. Motion carried opposed by Ms. Mullins.

I-5                    Richard M. Messineo, PS 25922, Palm Harbor, FL  
Case No. 2010-12094 – PCP Weizer/Risch

Respondent was not present, nor represented by counsel.

Respondent violated:

Ct I: Section 465.016(1)(f), F.S., being convicted or found guilty of a crime that directly relates to the practice of pharmacy or the ability to practice pharmacy.

Ct II: Section 465.016(1)(h), F.S., by being disciplined by a regulatory agency in another state for an offense that would constitute a violation of Chapter 465.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing penalty. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to make a finding that the Respondent was properly served and has requested an informal hearing. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Mr. Garcia, to adopt the conclusions of law as set forth in the Administrative Complaint and that find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Department's Recommendation:** Revocation, costs.

**Motion:** by Mr. Garcia, seconded by Dr. Fallon, to accept the recommendations of the Department of revocation and costs of \$284.04. Motion carried.

I-6                    Robert Adams, PS 26631, Milton, FL – *Addendum Material*  
Case No. 2010-13975 – PCP Weizer/Meshad

Respondent was not present, nor represented by counsel.

Respondent violated:

Ct I: Section 456.072(1)(x), F.S., failing to report to the board, or department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

Ct II: Section 456.072(1)(c), F.S., being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

The respondent has requested a continuance.

**Motion:** by Mr. Garcia, seconded by Dr. Mesaros, to accept the request for continuance. Motion carried.

I-7                    Emil C. Varelli, PS 25080, Port Saint Lucie, FL  
Case No. 2011-15022, 2011-15023 – PCP Weizer/Meshad

Respondent was not present, nor represented by counsel.

Respondent violated Section 465.016(1)(r), Florida Statutes (2009), by violating Section 465.016(1)(f), Florida Statutes (2011), by being convicted or found guilty, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy. A plea of nolo contendere constitutes a conviction for purposes of this provision.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing penalty. Motion carried.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to make a finding that the Respondent was properly served and has requested an informal hearing. Motion carried.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to adopt the conclusions of law as set forth in the Administrative Complaint and that find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Department's Recommendation:** Permanent Revocation

**Motion:** by Dr. Fallon, seconded by Ms. Glass, to accept the recommendations of the Department of revocation and costs in the amount of \$472.48 to be paid within 90 days. Motion carried.

### **C. VOLUNTARY RELINQUISHMENTS**

Dr. Griffin clarified for the record that for Informal Hearings, appearance is not required.

**VR's voted on at one time:** VR1,VR3, VR6, VR8, VR9, VR11

**Motion:** by Dr. Fallon, seconded by Dr. Weizer, to accept the above-listed voluntary relinquishments. Motion carried.

VR-1                    Jaimie Eva Dupont, RPT 16679, Jacksonville, FL  
Case No. 2012-03908 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at beginning of the Voluntary Relinquishments section.

VR-2                    Girolamo Jerry Curcio, PS 28306, West Palm Beach, FL  
Case No. 2010-15136, 2010-18394 – PCP Salem/Griffin

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to accept the voluntary relinquishment. Motion carried.

VR-3            Brandon Michael Salvin, RPT 40089, Orange Park, FL  
Case No. 2012-03124 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at beginning of the Voluntary Relinquishments section.

VR-4            Gregory A. Klonowski in the name of Allen R. Schleicher, PS 35232, Altamonte Springs, FL  
Case No. 2009-12303 – PCP Garcia/Weizer

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Griffin, seconded by Ms. Glass, to accept the Voluntary Relinquishment. Motion carried.

VR-5            Roscoe D. Heim, PS 28013, Bonita Springs, FL  
Case No. 2011-18321 – PCP Waived

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Fallon, seconded by Mr. Garcia, to accept the Voluntary Relinquishment. Motion carried.

Dr. Weizer requested that it be reflected in the minutes that this case is very serious and it involved the death of a patient. She clarified that this individual cannot return to practice.

VR-6            Jeff R. Green, RPT 498, Ft. Myers, FL  
Case No. 2011-17384 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at beginning of the Voluntary Relinquishments section.

VR-7            Kiomy Amigo, RPT 3462, Coral Gables, FL  
Case No. 2011-17077 – PCP Weizer/Griffin

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Fallon, seconded by Ms. Glass, to accept the Voluntary Relinquishment. Motion carried.

VR-8            Coral Pharmacy, LLC, Miami, FL  
Case No. 2011-18402 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at beginning of the Voluntary Relinquishments section.

VR-9            Costasur Pharmacy, Inc., PH 25276, Miami, FL  
Case No. 2011-19580 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at beginning of the Voluntary Relinquishments section.

VR-10            Tamica Dionne Cogswell, RPT 36613, Savannah, GA  
Case No. 2011-12575, 2011-12562 – PCP Meshad/Weizer

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to accept the Voluntary Relinquishment.  
Motion carried.

VR-11            MD Pharmacy, Inc., PH 25280, Hialeah, FL  
Case No. 2011-20408 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at beginning of the Voluntary Relinquishments section.

VR-12            Kaytlin Claire Thompson, RPT 32462, Indialantic, FL  
Case No. 2011-19226 – PCP Weizer/Meshad

Respondent was not present, nor represented by counsel.

**Motion:** by Ms. Glass, seconded by Dr. Mesaros, to accept the Voluntary Relinquishment.  
Motion carried.

**D.        DETERMINATION OF WAIVER**

DOW-1            Melanie J. Hickey, PS 13051, Lakeland, FL  
Case No. 2011-01673 – PCP Garcia/Weizer

Respondent was not present, nor represented by counsel.

Respondent violated Section 465.016(1)(n), F.S., violating an order of the board or department previously entered in a disciplinary hearing

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to find that Respondent was properly served and has waived the right to a formal hearing. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Ms. Glass, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** \$2,500 fine and suspension until compliant with terms of previous final order. And costs in the amount of \$167.08.

**Motion:** by Dr. Fallon, seconded by Ms. Glass, to accept recommendations of the Department. Motion carried.

DOW-2            Stanley S. Dyen, PS 13959, Del Ray Beach, FL  
Case No. 2008-06365 – PCP Jones/Wilson

Respondent was not present, nor represented by counsel.

Respondent violated Section 465.016(1)(f), F.S., by having been convicted or found guilty, regardless of adjudication, of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy.

**Motion:** by Dr. Mesaros, seconded by Dr. Weizer, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Dr. Weizer, to find that Respondent was properly served and has waived right to a formal hearing. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Dr. Weizer, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Mesaros, seconded by Dr. Weizer, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** Revocation, costs of \$965.89

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to accept the recommendations of the Department of revocation and costs. Motion carried.

DOW-3            Cabana Pharmacy, Inc. PH 17482, Miami, FL  
Case No. 2011-06609 – PCP Risch/Weizer

Respondent was not present, nor represented by counsel.

Respondent violated:

Ct I: Dispensed any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02 when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

Ct II: Section 465.023(1)(c), F.S., by Dispensing legend drugs other than in the course of the professional practice of pharmacy in violation of Section 465.016(1)(i), F.S.; Filling or dispensing prescriptions through an agent or employee not licensed as a pharmacist in violation of Section 465.015(2)(b), F.S.; and Selling or dispensing drugs without first being furnished a prescription in violation of Section 465.015(2)(c), F.S.

**Motion:** by Ms. Glass, seconded by Dr. Griffin, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Ms. Glass, seconded by Ms. Mullins, to find that Respondent was properly served and waived the right to a formal hearing. Motion carried.

**Motion:** by Ms. Glass, seconded by Ms. Mullins, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Ms. Glass, seconded by Ms. Mullins, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** Revocation, and costs of \$2,605.79

**Motion:** by Dr. Fallon, seconded by Ms. Mullins, to accept the recommendations of the Department of revocation and costs. Motion carried.

DOW-4            Alpha Pharmacy & Discount, Inc., PH 25105, Miami, FL  
Case No. 2011-04265 – PCP Weizer/Risch

Withdrawn from Agenda.

DOW-5            Sheila Ingram, PU 5417, Cynthiana, KY  
Case No. 2011-03474 – PCP Weizer/Risch

Respondent was not present, nor represented by counsel.

Respondent violated Section 465.016(1)(r), F.S., by violating Section 456.072(1)(q), by violating a lawful order of the board.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Ms. Glass, seconded by Ms. Mullins, to find that Respondent was properly served and has waived the right to a formal hearing. Motion carried.

**Motion:** by Ms. Glass, seconded by Ms. Mullins, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Ms. Glass, seconded by Ms. Mullins, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** Fine of \$2,500 and suspension until compliant with previous final order, costs of \$577.87

**Motion:** by Ms. Mullins, seconded by Dr. Griffin, to revoke the license, impose a fine of \$2,500, and costs. Motion carried.

DOW-6 Ryan Robert Doyon, RPT 37562, Cape Coral, FL  
Case No. 2011-11440 – PCP Garcia/Glass

Respondent was not present, nor represented by counsel.

Respondent violated:

Ct I: Section 456.072(1)(z), F.S., 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, or chemicals or any other type of material or as a result of any mental or physical condition.

Ct II: Section 465.016(1)(a), F.S., by obtaining a license by misrepresentation or fraud or through an error of the department or board.

Ct III: Section 456.072(1)(q), F.S., by violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

**Motion:** by Dr. Weizer, seconded by Dr. Griffin, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to find that Respondent was properly served and waived the right to formal hearing. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** Suspension until enters PRN and compliant

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to revoke the license based on obtaining the license through fraud and costs of \$2,427.35. Motion carried.

DOW-7 James William Enos, PS 36477, Bristol, RI  
Case No. 2011-02278 – PCP Risch/Fallon

Respondent was not present, nor represented by counsel.

Respondent violated Section 465.016(1)(r), Florida Statutes (2009), by violating 456.072(1)(x), Florida Statutes (2009).

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to find that Respondent was properly served and has waived right to formal hearing. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** \$3,000 fine, suspend until appears before the Board and demonstrates that he is safe to practice, costs of \$357.23.

**Motion:** by Weizer, seconded by Dr. Griffin, to accept the recommendations of the Department with the additional requirement of completing a 4 hour Board approved domestic violence course to be completed prior to reinstatement. Motion carried.

DOW-8            Shawhin Besharat, RPT 16882, Sanford, FL  
Case No. 2011-17636 – PCP Garcia/Glass

Respondent was not present, nor represented by counsel.

Respondent violated Section 465.016(1)(e), Florida Statutes (2011), by violating 21 U.S.C. § 841(a)(1), United States Code.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to accept the investigative report into evidence for the purposes of imposing a penalty. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to find that Respondent was properly served and waived right to formal hearing. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to adopt the findings of fact as set forth in the Administrative Complaint. Motion carried.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to adopt the conclusions of law set forth in the Administrative Complaint and find that this constitutes a violation of the Pharmacy Practice Act. Motion carried.

**Recommended penalty:** Revocation and costs of \$1,057.62.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to accept the recommendations of the Department. Motion carried.

**TAB 6            APPLICATIONS REQUIRING BOARD REVIEW**

**A.            Exam Candidates**

1. Natalie Fries, File 37797, West Chester, OH

Respondent was not present, nor represented by counsel.

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to approve the application for examination. Motion carried.

**Motion:** by Mr. Garcia, seconded by Dr. Weizer, to reopen this request. Motion carried.

**Motion:** by Mr. Garcia, seconded by Ms. Mullins, to allow this individual to sit for the examination, but prior to issuing a license, the individual completes a Board approved 8 hour misfill course. Motion carried.

**B. Endorsement Candidates**

1. Harita Patel, File 41181, Cary, NC

Respondent was not present, nor represented by counsel.

**Motion:** by Ms. Mullins, seconded by Dr. Weizer, to require her to appear before the board. Motion carried.

**C. Exemption From Disqualification**

1. Denis R. Bousquet, PS 26142, Naples, FL

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

**Motion:** by Ms. Mullins, seconded by Dr. Weizer, to grant the request for exemption from disqualification. Motion carried.

**D. Pharmacy Permit Candidates**

1. Rx Center, Inc. DBA Prescription Center, File 18949, Fayetteville, NC

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to deny the pharmacy permit application because he filed false application. Motion carried.

**E. Registered Pharmacy Technician Applicant**

1. Wandey Alexis, File 43696, Boca Raton, FL

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

After discussion, the Board recommended based on the comments from Board members, that she consider requesting to withdraw her application.

Ms. Alexis requested the Board withdraw her application.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to withdraw the application. Motion carried.

**TAB 7      LICENSURE ISSUES**

**A. Petition for Reinstatement**

1. Gregory Brian Edwards, PS 39131, Orlando, FL – *Addendum Material*

Respondent was present and sworn in by the court reporter. Respondent was represented by Edwin Bayo. Dr. Rivenbark was present on behalf of PRN.

**Motion:** by Dr. Weizer, seconded by Ms. Risch, to approve the petition for reinstatement with the conditions of a 5 year probation concurrent with his PRN contract, during which time he may not be a PDM for 5 years, must submit quarterly reports for him and his supervisor, may not work more than 40 hours per week, and may not work in more than 2 pharmacies per quarter. He must also have biannual inspections for 5 quarters at his cost, he may never staff a pharmacy by himself and at the end of the probation period, during the last three months, he must come back before the board as a mandatory appearance. Motion carried.

2. Michael Reyes, PS 29151, Hialeah, FL – *Addendum Material*

Respondent was present and sworn in by counsel. Respondent was not represented by counsel. Dr. Rivenbark was present on behalf of PRN.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to approve reinstatement with probation for 5 years, during which time he cannot work at more than 2 pharmacies during any quarter. Also, during this probation he cannot serve as a PDM and must have a supervising pharmacist. After 2 years, he must come before the Board and demonstrate with the support of PRN that he can serve as a PDM. If he will be dispensing controlled substances, he will need to be on naltrexone. He must have 5 biannual inspections at his cost, including 5 random controlled substance audits, and also require respondent and PDM or his supervisor to submit quarterly reports for the duration of his probation. Motion carried.

**B. Termination of Probation**

1. Martin Reisky, PS 30034, Sarasota, FL – *Addendum Material*

Respondent was present and sworn in by the court reporter. Respondent was not represented by counsel. Dr. Rivenbark was present on behalf of PRN.

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to approve the request for termination of probation. Motion carried.

2. Shafali Data, PS 25758, Parkland, FL

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

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to approve the request for termination of probation. Motion carried.

3. Gail Mulhearn, PS 27783, Belleview, FL

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

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to approve the request for early termination of probation. Motion carried.

4. Randolph E Mcewen, PS 25912, Tampa, FL

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

**Motion:** by Mr. Garcia, seconded by Ms. Risch, to approve the request for termination of probation. Motion carried.

**C. Request for Reconsideration**

1. Pharmacy IV Associates of Dexter, MO, File 18445

Respondent was not present. Respondent was represented by Marty Dix.

**Motion:** by Mr. Garcia, seconded by Dr. Weizer, to deny the request for reconsideration. Motion carried 7 to 2.

2. Jamilla-Ann Valerie Bethune, PS 36655 – *Addendum Material*

Respondent was not present. Respondent was represented by Edwin Bayo.

**Motion:** by Ms. Mullins, seconded by Dr. Mesaros, to accept the request for reconsideration. Motion failed 3 for, 5 against. Dr. Griffin was recused.

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Public Comments:

Dr. Griffin opened the floor up for public comments.

Michael Jackson from the Florida Pharmacy Association spoke to the Board about upcoming CE provider workshops as well as potential legislative changes being considered that could change hydrocodone combination products from Schedule III to Schedule II.

Edwin Bayo, on behalf of Jamilla-Ann Bethune, requested the Board allow additional time for evaluation.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to allow an additional 15 days for evaluation to the previous Final Order's time. Motion carried.

Dr. Mesaros requested clarification regarding technician CE credit for attending Board meetings. Mr. Whitten stated that currently technicians cannot receive CE credit, but it is in the process of being changed.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to adjourn the meeting.