

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

**December 11-12, 2012**

**Holiday Inn and Suites  
2725 Graves Road  
Tallahassee, FL 32303  
(850) 536-2000**

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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  
Valerie Vakili, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General

Department of Health Staff:

John J. Truitt, Assistant General Counsel  
William Miller, Assistant General Counsel

**Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.**

**Tuesday, December 11, 2012 – 9:00 a.m.**

**9:00 a.m. - Call to Order by Cynthia Griffin, PharmD, Chair**

All Board members were present.

Dr. Griffin welcomed individuals in the audience, including Cassandra Pasley, Lucy Gee, Aaron Keller, Elizabeth Ranne, and Dustin Gibson with the Department of Health, and former board members Jim Powers and Fritz Hayes.

Dr. Griffin requested that all 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            PETITIONS FOR DECLARATORY STATEMENTS/ VARIANCE OR WAIVER/ RULE MAKING**

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

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

Mr. Milanich and Board members discussed the concept of using drug therapy management in long term care through a prescriber care plan, regulation requirements of the practice and whether this is an acceptable practice.

Mr. Milanch was advised by the Board to go back and review the specific Rule requirements and components for the initiation of orders under a licensed physician for Drug Therapy Management and assure inclusion in his Drug Therapy Management Plan monitoring components in his final plan prior to resubmission to the Board.

Mr. Milanich requested to withdraw his declaratory statement to further revise his Drug Therapy Management Plan.

**Motion:** Ms. Mullins, seconded by Ms. Glass, to allow the withdrawal of declaratory statement. Motion carried.

**TAB 2            REPORTS**

Dr. John Armstrong, State Surgeon General and Secretary, addressed the Board with the statistics of Floridians and non-residents affected by the meningitis outbreak. Dr. Armstrong applauded the Board's recent efforts to protect Floridian with their swift action including the Board meeting on November 20, 2012, and their serious consideration of the recommendations regarding permitting, practice standards and discipline from the Department's report, "Pharmacy Compounding in Florida"; and the Board's commitment to evidence based analysis through the adoption of the emergency rule which requires all licensed Florida pharmacy permit holders to complete a compounding practice survey. Dr. Armstrong thanked the Board for their leadership on this issue and stated that he looks forward to working with the Board to continue making Florida the safest place to live, work, and play.

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

1. Dr. Cynthia Griffin – Short Term Priority List
  - a. Emergency Rule

Discussed under Executive Director's report.

- b. Re-visit Cases with Sterile Compounding Issues
      - i. Franck's Lab, Inc d/b/a Franck's Compounding Pharmacy

Dr. Weizer suggested all information including prior cases be available to Board members when there is prior discipline on a pharmacy or pharmacist. This would ensure that Board member's can make the most educated decision when determining a case.

A discussion followed Dr. Weizer's suggestions regarding what data is allowed to be reviewed regarding prior discipline in cases and how the Board can legally make the best decision regarding discipline as well as protecting the citizens of Florida.

- ii. Anazao Health Corp

Ms. Mullins inquired why there was such a large gap time regarding this case.

Edwin Bayo, Esq. and David Joseph, Director of Pharmacy for Anazao approached the Board and stated that Anazao did not have a problem with sterile compounding and discussed the case in more detail.

Ms. Mullins recommended our review of the current inspection process to avoid another outbreak.

Mr. Garcia suggested the inclusion of an expert witness in complex cases can give the Board a better sense of reference and for the application of the rule and understanding of the practice.

Dr. Weizer requested the Board to consider, in regards to disciplining pharmacies, to require a pharmacy to stop practice if they can not meet the physical requirements for what they are doing, and that this be reiterated in final orders.

Dr. Griffin asked the Board for feedback regarding whether or not pharmacies engaging in compounding should be required to obtain a special permit.

Brian Kahan, Esq. presented a memo to the Board and led the Board into a discussion on suggested possible revisions to Section 64B16-28.800, F.A.C. and possibly the creation of a new 64B16-28.802, F.A.C.

**Motion:** by Dr. Fallon, second by Dr. Mesaros, to open 64B16-28.800, F.A.C., and 64B16-28.820, F.A.C., for rule development.

Mr. Flynn requested a Compounding Rule Making Committee be formed.

Dr. Weizer, Ms. Glass, and Ms. Mullins were appointed to the new Compounding Rule Making Committee with Dr. Weizer as the Chair.

Dr. Griffin requested feedback from the Board on whether or not accreditation should be standard.

Ms. Mullins stated that accreditation may give the Board assurance knowing that the pharmacy is following policy and procedure and has been inspected once, but may not be enough or any easy fix. Mandatory accreditation will also create a tremendous amount of expense but may not necessarily increase patient safety.

Dr. Weizer stated that accrediting bodies do not accredit hospitals, so how would the Board require accreditation of hospitals.

Mr. Garcia suggested the Compounding Committee look deeper into accreditation to include a review of requirements by other State Boards.

Ms. Mullins suggested making USP 797 standard and minimum annual inspection requirements for in-state and out-of-state sterile compounding pharmacies.

**Motion:** by Dr. Mesaros, seconded by Dr. Weizer, to delegate authority to the Compounding Committee to open Rules that reference compounding for rule development. Motion carried.

#### c. Inspector Training

Jeane Clyne, Chief of the Bureau of Investigative Services, discussed updated draft inspector forms, updated inspection processes, immediate use facilities and inspection processes, increased frequency of training, consultant support, and having a Board member included in inspector training.

#### d. Non-Resident Pharmacies Compliance with Florida Law

A discussion occurred between the Board and Board counsel on how far the Board's authority stretches regarding non-resident pharmacies, and in particular, non-resident pharmacy inspections. The Board discussed items that would be within the Board's authority and items that would require legislative action.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to open Rule 64B16-28.840 for rule development.

The Board discussed non-resident pharmacy requirements, specifically finger-printing. The Board also discussed the various permitting requirements for in state and out of state pharmacies.

e. Possible Requirement of FL Pharmacist in Non-Resident Pharmacy

The Board briefly discussed whether or not a legislative process would need to be taken regarding this specific topic and what the legislative process would be.

f. USP Standards – Physician Exemption

Jeane Clyne informed the Board that physicians' offices are not inspected if they do not hold a pharmacy permit. A discussion continued on whether or not there should be inspections and what that would require of the Board.

Further discussion continued on the inspection process for dispensing practitioners and the process that occurs when a violation is made by a practitioner.

2. Dr. Michele Weizer

a. USP 797 Beyond Use Date (BUD)

Dr. Weizer discussed the concept of Beyond Use Dating and explained the difference between expiration dating and beyond use dating.

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

1. Gavin Meshad

a. Prescription Drug Abuse Committee Update

Mr. Meshad discussed key points of the last committee meeting and shared that one goal for the committee is to help increase the usage of the Prescription Drug Monitoring Program to 50%. Currently the PDMP usage is at 13%. Mr. Meshad stated he is going to participate in an original focus group of the PDMP to help learn more of how the committee can help.

Mr. Whitten reported on the potential invitation for local law enforcement to attend a committee meeting, pain management clinic data, PDMP education outreach, and PDMP pilot program updates.

Mr. Kahan, Esq. approached the Board and discussed reasons why the Board should not make the PDMP mandatory, but instead encourage colleagues in the practice to use the program. He also discussed PDMP funding and recommended the program be included in the State's budget. Mr. Kahan suggested the Board do everything in its power to encourage private support.

A discussion was led by Mr. Meshad and Mr. Whitten between the associations present including, Michael Jackson, Florida Pharmacy Association, and Mike McQuone, Florida Society of Health-System Pharmacists, on their influence and participation in the PDMP.

Dr. Griffin led a discussion on the potential of increasing licensure fees to support funding of the PDMP.

**Motion:** by Mr. Meshad, seconded by Dr. Weizer, to pursue establishment of a trust fund for the PDMP that is funded through the licensee's that utilize prescription services and an analysis to estimate how much funding is needed.

In addition, the Board recommended drafting a letter to be sent to the other professional medical Boards stating the Board of Pharmacy's position and suggested utilization of licensure fees to support the on-going operations of the PDMP. The letter was to be signed by the Board Chair.

## 2. Trust Fund Update with Melinda Simmons

Ms. Simmons presented the current and 6-year anticipated cash balance. Ms. Simmons also explained the process of spending authority.

## 3. Proposed Board Meeting Places

Mr. Whitten requested the Board's permission to change the meeting location of the April Full Board meeting from Tampa to Tampa/St. Petersburg/Sarasota area due to meeting space issues.

The Board agreed to consider the Tampa/St. Petersburg/Sarasota area.

The Board decided for 2013 the first day of all Board meetings will begin at 9:00 a.m.

## 4. Omnicare Correspondence

Withdrawn by Omnicare.

## 5. Request for Modification of Business Hours

### a. Julio Rodriguez - St. Jude Pharmacy

Respondent was not present nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Dr. Mesaros, to require appearance. Motion carried.

### b. Ross Domke - DermaTran Health Solutions

Respondent was not present nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to deny application, based on the fact that petitioner already meets statutory requirements. Motion carried.

### c. Adam Schnepf – Walgreens

Respondent was not present nor represented by counsel.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to deny application, based on the fact that petitioner already meets statutory requirements. Motion carried.

### d. Tony Singletary – Pinnacle Infusion

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

Respondent requested to withdraw application.

**Motion:** by Dr. Mesaros, seconded by Dr. Fallon, to approve withdrawal. Motion carried.

### e. Laura Watkins – Prime Therapeutics Specialty Pharmacy LLC

Dr. Griffin recused herself based on the relationship between Florida Blue and Prime Therapeutics. The Chair was relinquished to Mr. Garcia.

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

No action was taken by the Board.

f. Mischelle Smoot – US Bioservices Florida Branch

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

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to approve request for modification of business hours. Motion carried.

g. Vivian Gurgis – Diabetic Supply & Support Inc.

Respondent was not present nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to approve request for modification of business hours. Motion carried.

h. Laura Tipton – University of Florida

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

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to approve request for modification of business hours. Motion carried.

**Motion:** by Dr. Fallon, seconded by Ms. Glass, to delegate authority to Board Chair for any remaining Modification of Business hours requests from Florida Universities for the Christmas Holidays. Motion carried.

6. Compounding Survey Results

Mr. Whitten reported that there were 8736 responses to the survey. Approximately 9200 notices were sent out. Mr. Whitten stated that Board Staff was making out bound calls to contact pharmacies that have not submitted their surveys. A report of the data collected from the survey will be given at the February 2013 Board meeting.

7. Proposed Conference Call Meeting Dates and Times

Dr. Griffin suggested that Mr. Whitten send out time and date information to all Board members and have the Board take an electronic vote.

8. Application Updates

Mr. Whitten requested the Board's approval for addition of FBI and FDLE inserts in the applications.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to approve FBI and FDLE inserts. Motion carried.

**C. Attorney General's Report – David Flynn, Assistant Attorney General**

1. Rules Report

Attorney Flynn requested the Rules Committee update the form associated with Rule 64B16-26.1032.

Attorney Flynn stated that Rules 64B16-26.206 and 64B16-26.601 have been outstanding for too long according to the provisions in Chapter 120 and requested it be referred to the Rules Committee to start the process over again.

A discussion occurred between Board counsel and the Board on Rule 64B16-28.108 and terminology of the explanation of the Rule. The discussion resulted in Board counsel stating he would research the history of the Rule and come back to the Board with a recommendation.

Mr. Flynn requested the Board vote on suggested language and incorporate Mr. Hayes changes for Rule 64B16-28.104.

**Motion:** by Dr. Mesaros, seconded by Dr. Weizer, to approve the suggested language and the incorporation of Mr. Hayes changes for Rule 64B16-28.104.

Attorney Flynn requested the Board address the following two questions: Do these changes have an adverse effect on small business?

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, that it will have no effect on small business. Motion carried.

Do these changes increase the regulatory cost by \$200,000 or more in the aggregate?

**Motion:** by Dr. Fallon, seconded by Ms. Glass, that it will not increase the regulatory cost by \$200,000 or more. Motion carried.

Attorney Flynn requested the Board vote on suggested changes to Rule 64B16-29.004.

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

Mr. Flynn 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. Mesaros, that it will have no effect on small business nor does it increase the regulatory cost by \$200,000 or more. Motion carried.

## 2. Proposed Rule of the Department of Health, Board of Pharmacy on Pharmacies/ Labeling of Medicinal Drugs

Refer to Attorney General's Rules Report.

## 3. Correspondence – Robert Wellins

Attorney Flynn reported that former Board Counsel, Allison Dudley, responded back to correspondent stating the Board does not have authority to waive a statute.

### Chapter 465.0156, Florida Statute

Dr. Griffin led a discussion on the interpretation of Chapter 465.0156, Florida Statute. Dr. Griffin clarified the Board's final interpretation of the statute to be, the toll-free number should operate 6 days per week and the pharmacy hours should be a minimum of 40 hours per week.

## D. Prosecuting Attorney Report - John Truitt, Assistant General Counsel

### 1. Prosecuting Services Report

Mr. Truitt reported that in October 2012 PSU had 242 cases and as of December 7, 2012 PSU's cases have increased to 284 cases. There are 51 cases that need to be drafted and probable cause cases are still between 30 to 40 cases. Mr. Truitt also briefly explained the status of cases open from 2005 to 2010.

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

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to continue prosecuting old cases. Motion carried.

#### **E. Chief Investigative Services Report - Jeane Clyne**

Refer to Chair's report.

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

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

1. Pharmacist (licensure) (Client 2201) - 199
2. Pharmacist (Exam Eligibility (Client 2201) - 106
3. Pharmacist Interns (Client 2202) - 981
4. Registered Pharmacy Technicians (Client 2208) - 891
5. Consultant Pharmacist (Client 2203) - 34
6. Nuclear Pharmacist (2204) - 2
7. Pharmacist/Facilities (2205) - 122
8. Registered Pharmacy Technician Ratios (2:1 or 3:1) - 109
9. Pharmacy Technician Training Program (Client 2209) - 19
10. CE Providers - 10
11. CE Courses - 36
12. CE Individual Request (Approved) - 34
13. CE Individual Request (Denied) - 0

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

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

1. August 14-15, 2012 Meeting Minutes

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

2. November 20, 2012 Meeting Minutes

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

##### **C. Election of Officers**

1. Chair

**Motion:** by Dr. Mesaros, seconded by Ms. Risch, to nominate Albert Garcia as Chair. Motion carried.

2. Vice Chair

**Motion:** by Dr. Weizer, seconded by Mr. Garcia, to nominate Jeffrey Mesaros as Vice Chair. Motion carried.

Dr. Griffin acknowledged the presence of Allison Dudley, former Board Counsel, and congratulated her on her new position as the Executive Director for the Board of Medicine.

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**Public Comments:**

Dr. Griffin opened the floor to public comments.

Mike McQuone, Florida Society of Healthsystem Pharmacists, announced his retirement and expressed his gratitude to the Board for always graciously welcoming his participation. Mr. McQuone received a standing ovation from the Board for his years of service and contribution to the pharmacy profession.

**Motion:** by Dr. Fallon, seconded by Dr. Mesaros, to adjourn the meeting at 4:46 p.m.

**Wednesday, October 10, 2012 at 8:00 a.m.**

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

All Board members were present.

Dr. Griffin welcomed individuals in the audience, including former board members Fritz Hayes and Bob Parrado. She also acknowledged Carolyn Price and Dustin Gibson with the Department of Health and students from NOVA Southeastern.

Dr. Griffin requested that all 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 4                    DISCIPLINARY CASES - John Truitt, Esq. & Cynthia Griffin, PharmD**

**A.                    SETTLEMENT AGREEMENT – APPEARANCE REQUIRED**

A-1                    Sinikiwe Chiwara, PS 36603, Lauderdale Lakes, FL  
Case No. 2011-05945 – PCP Risch/Glass

Respondent violated Section 465.016(1)(r), Florida Statutes (2010), through a violation of Rule 64B16-27.831(3), Florida Administrative Code, which provides that when any of the criteria in Rule 64B16-27.831(2), Florida Administrative Code, is met, the pharmacist shall require that the person to whom the medication is dispensed provide picture identification and the pharmacist should photocopy such picture identification for the pharmacist's records. If a photocopier is not available, the pharmacist should document on the back of the prescription complete descriptive information from the picture identification. The pharmacist shall also verify the prescription with the prescriber.

Respondent shall be present. Respondent shall pay a fine in the amount of \$2000 within 90 days and costs in the amount of \$1,691.56 within 90 days. Respondent shall complete a 12 hour Laws and Rules Continuing Education Course within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement

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

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to accept the settlement agreement. (Mr. Meshad in opposition). Motion carried.

A-3 Harry G. Horodeck, PS 12646, Cape Coral, FL  
Case No. 2011-13626 – PCP Fallon/Weizer

Respondent violated Section 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 be present. Respondent shall pay a fine in the amount of \$2,000 and costs in the amount of \$3,556.67. Respondent shall complete a 12 hour Laws and Rules Continuing Education Course within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement. Respondent shall be placed on 1 year probation and during the probationary period the Respondent and the Respondent's employer shall write reports every 3 months to the Compliance Officer, that include the name, address, license number, and phone number of each pharmacy intern, pharmacy technician, relief pharmacist, and prescription department manager working in the prescription department where Respondent practices, and only the Respondent's employer report will include a brief description of Respondents duties, responsibilities, and working schedule.

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

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to accept the settlement agreement. Motion carried.

A-4 Afshin Sadeghi, PS 41434, Titusville, FL  
Case No. 2012-04658 – PCP Garcia/Risch

Respondent violated Section 465.016(1)(g), Florida Statutes (2008), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

Respondent shall be present. Respondent shall pay a fine in the amount of \$250 and costs in the amount of \$1,062.51. Respondent shall complete an 8 hour Medication Errors Continuing Education Course approved by the Florida Board of Pharmacy within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement.

Respondent was not present nor represented by counsel.

Case was tabled to February 2013 Board meeting.

A-5 Debra Lee Campbell, PS 37100, Parrish, FL  
Case No. 2011-13921 – PCP Weizer/Mesaros

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.

Respondent shall be present. Respondent shall pay a fine in the amount of \$250 and costs in the amount of \$1,775.66. Respondent shall complete an 8 hour Medication Errors Continuing Education Course approved by the Florida Board of Pharmacy within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement.

Respondent was not present nor represented by counsel.

Case was tabled to February 2013 Board meeting.

A-6 Denise Marie Buttacavoli, PS 44260, Clearwater, FL  
Case No. 2011-16620 – PCP Weizer/Mesaros

Respondent violated Section 465.016(1)(g), Florida Statutes (2011), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

Respondent shall be present. Respondent shall pay a fine in the amount of \$500 and costs in the amount of \$701.92. Respondent shall complete an 8 hour Medication Errors Continuing Education Course approved by the Florida Board of Pharmacy within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement.

Respondent was and sworn in by the court reporter. Respondent was represented by Mike Schwartz, Esq.

**Motion:** by Ms. Mullins, seconded by Ms. Glass, to reject the settlement agreement. Motion carried.

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to propose a counter-offer with the same terms with the fine reduced to \$250 and 12 months to complete CE course. Motion carried.

Counter-offer was accepted.

A-7 Lauren Elizabeth Dickinson, PSI 24755, West Palm Beach, FL  
Case No. 2012-09540 – PCP Garica/Risch

Respondent violated Section 456.072(1)(aa), Florida Statutes (2011), which subjects a licensee to discipline for testing positive for any drug, as defined in Section 112.0455, on any confirmed pre-employment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug.

Respondent shall be present. Respondent shall pay costs in the amount of \$813.53. Respondent shall complete a 12 hour Laws and Rules Continuing Education Course within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement. Respondent shall contact PRN and undergo an evaluation and follow all PRN's requirements and recommendations.

Respondent was present and sworn in by the court reporter. Respondent was represented by Lance Leider, Esq. and Martha Brown was present on behalf of PRN.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to accept settlement agreement. Motion carried.

A-8 Steven S. Goodman, PS 11401, Treasure Island, FL  
Case No. 2011-15158 – PCP Risch/Glass

Respondent violated Section 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 related to the practice of, or the ability to practice, a licensee's profession.

Respondent shall be present. Respondent shall pay an Administrative fine in the amount of \$4,000 and costs in the amount of \$3,560.84. The Respondent's license shall be suspended for 30 months effective the date that the proposed settlement agreement is considered and accepted by the Board. The responded shall be placed on a 2 year probation period following the terms of suspension. Respondent shall complete a 12 hour Laws

and Rules Continuing Education Course within three years of the filing of a Final Order accepting and incorporating the Settlement Agreement.

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

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to reject the settlement agreement. Motion carried.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, to counter-offer with revocation. Motion carried.

A-9                    Arlen L. Bias, PS 14430, Orange Park, FL  
Case No. 2012-05286 – PCP Risch/Glass

Respondent violated Section 465.015(1)(g), Florida Statutes (2011), by using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in s. 465.019(6) or s. 465.025.

Respondent shall be present. Respondent shall pay a fine in the amount of \$250 and costs in the amount of \$1,101.83. Respondent shall complete an 8 hour Medication Errors Continuing Education Course approved by the Florida Board of Pharmacy within one year of the filing of a Final Order accepting and incorporating the Settlement Agreement.

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

**Motion:** by Dr. Weizer, seconded by Ms. Glass, to accept the settlement agreement. Motion carried.

**B.                    DETERMINATION OF WAIVER**  
DOW-1 Y & Y Pharmacy, Inc., PH 24103, Miami, FL  
Case No. 2011-17218 – PCP Garcia/Glass

Respondent has violated Section 465.023(1)(c), Florida Statutes (2011), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3)(a), Florida Administrative Code, by failing to follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure and failing to return the pharmacy permit to the Board upon closure.

Respondent was not present nor represented by counsel.

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

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

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

**Recommended penalty:** Revocation

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

DOW-2 Rhonda Powell Albert, RPT 21063, Jacksonville, FL  
Case No. 2011-18879 – PCP Garcia/Mesaros

Respondent violated Section 465.016(1)(e), Florida Statutes (2011), by admitting to a violation of Section 893.13(7)(a)(9), Florida Statutes.

Respondent was not present nor represented by counsel.

**Motion:** by Dr. Weizer, seconded by Ms. Mullins, 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 the right to a formal hearing. Motion carried.

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

**Recommended penalty:** Revocation

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

DOW-3 Stacie Richardson Lewis, RPT 25557, Jacksonville, FL  
Case No. 2012-07118 – PCP Fallon/Glass

Respondent violated:

Count one: Section 465.016(1)(e), Florida Statutes (2012), by entering a plea of guilty to one count of Section 893.13(6)(a), Florida Statutes.

Count two: Respondent violated Section 456.072(1)(c), Florida Statutes (2012), 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 related to the practice of, or the ability to practice, a licensee's profession.

Respondent was not present nor represented by counsel.

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

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

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

**Recommended penalty:** Revocation

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

**C. VOLUNTARY RELINQUISHMENTS**

**VR's voted on at one time: 3, 4, 7, 9**

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

VR-1            George Louis Garcia, RPT 28334, Sunrise, FL  
                  Case No. 2011-11057 – PCP Mullins/Risch

Respondent was not present, nor represented by counsel.

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

VR-2            Jessica Lynn Gilbert, RPT 35041, Tampa, FL  
                  Case No. 2012-10459 – Weizer/Mullins

Respondent was not present, nor represented by counsel.

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

VR-3            Nicole Lara Buckley, RPT 26470, Lecanto, FL  
                  Case No. 2012-14362 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at the beginning of the Voluntary Relinquishment Section.

VR-4            New England Compounding Center, PH 18643, Framingham, FL  
                  Case No. 2012-14725 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at the beginning of the Voluntary Relinquishment Section.

VR-5            Ahmad H. Alhaddad, R.Ph.,  
                  Case No. 2005-53542 & 2009-24379 - JJT

Respondent was not present, nor represented by counsel.

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

VR-6            Terri Sue Guerra, RPT 31330, Jupiter, FL  
                  Case No. 2011-13455 – PCP Weizer/Mesaros

Respondent was not present, nor represented by counsel.

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

VR-7            Izz and Sons, PH 17042, Miami, FL  
                  Case No. 2011-01893 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at the beginning of the Voluntary Relinquishment Section.

VR-8 Joshua Scott Mantecon, RPT 14275, Fountain, FL  
Case No. 2011-13934 – PCP Fallon/Risch

Respondent was not present, nor represented by counsel.

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

VR-9 RDS Pharmacy Management, PH 21474, Miami, FL  
Case No. 2011-01803 – PCP Waived

Respondent was not present, nor represented by counsel.

**See:** motion at the beginning of the Voluntary Relinquishment Section.

**D. INFORMALS**

I-1 Bret H. Peterson, PS 25577, Royal Palm Beach, FL  
Case No. 2012-04835 – PCP Weizer/Mesaros

Respondent violated Section 465.016(1)(g), Florida Statutes (2011), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

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

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

**Motion:** by Mr. Meshad, seconded by Dr. Fallon, to find that Respondent was properly served and has requested an informal hearing. Motion carried.

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

Ms. Glass stated that she is an employee of CVS but Mr. Peterson is not under her supervision and will not influence her decision in the case.

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, 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.

**Recommended penalty:** \$250 fine, costs, costs in the amount of \$633.99, 8 hour medication error CE course

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to accept the Department's recommendation with costs and fines payable in 90 days.

I-2 Florida Integrated Health Services, PH 24567, South Bay, FL  
Case No. 2012-05349 – PCP Risch/Glass

Respondent has violated Section 465.023(1)(c), Florida Statutes (2011), by violating Section 499.005(1), Florida Statutes (2011), by manufacturing, repacking, selling, delivering, or holding or offering for sale of any drug, device, or cosmetic that is adulterated or misbranded or has otherwise been rendered unfit for human or animal use.

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

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

**Motion:** by Dr. Weizer, seconded by Mr. Meshad, to find that Respondent was properly served and has requested an informal hearing. Motion carried.

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

**Motion:** by Dr. Weizer, seconded Dr. Fallon, 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.

**Recommended penalty:** \$3,000 fine, costs in the amount of \$1,076.66, and 1 year probation with semi-annual inspections.

**Motion:** by Dr. Weizer, seconded Dr. Fallon, to accept the Department's recommendation with the addition of a 12 hour laws and rules CE course for the pharmacy owner.

**TAB 5**            **APPLICATION REQUIRING BOARD REVIEW**

**A.        Non-Resident Pharmacy Permit Applicant**

1. Red Oak Drug, Inc., DBA Red Oak Drug, File 19616, Red Oak, TX

Respondent was not present, nor represented by counsel.

**Motion:** by Ms. Mullins, seconded by Dr. Weizer, to deny application (Dr. Mesaros in opposition). Motion carried.

2. Pinnacle Infusion, Inc., File 19489, Albany, GA

Refer to Executive Director's report – Modification of Business Hours.

**B.        Pharmacist Examination Applicant**

1. Stuart Alan Soban, File 42697, Miami, FL

Respondent was present and sworn in by the court reporter. Respondent was represented by Joan Burke, Esq.

**Motion:** by Ms. Risch, seconded by Ms. Mullins, to accept application (Mr. Garcia in opposition). Motion carried.

**C.        Pharmacy Technician Applicant**

1. Sandra Yvonne Jordan, File 47152, Fort Lauderdale, FL

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

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to accept application contingent on applicant's compliance with PRN.

**D. Pharmacy Intern Candidates**

1. Ryan Michael Griffin, File 17525, Lancaster, OH

Respondent was not present, nor represented by counsel. This was the second request for required appearance that Mr. Griffin failed to respond to.

No action was taken by the Board.

**TAB 6**

**LICENSURE ISSUES**

**A. Petition for Reinstatement**

1. Brian Bulfer, PS 21587, Miami, FL

Respondent was present and sworn in by the court reporter. Respondent was represented by Edwin Bayo, Esq. Martha Brown was present on behalf of PRN.

**Motion:** by Dr. Weizer, seconded by Dr. Fallon, to approve petition for reinstatement. Motion carried.

**B. Request for Payment Extension**

1. Catherine Crowe, PS 34409, Jacksonville, FL

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

**Motion:** by Ms. Mullins, seconded by Dr. Fallon, to approve request for payment extension for 12 months.

**C. Motion to Stay**

1. Baldwin I. O. Ihenacho, PS 27158, Stoughton, MA

Respondent was not present, nor represented by counsel.

**Motion:** by Dr. Fallon, seconded by Dr. Mesaros, to approve motion to stay. Motion carried.

**D. Request for Termination of Probation**

1. John Yates, PS 27850, Camilla, GA

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

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

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Public comments:

Dr. Griffin opened the floor for public comments.

Michael Jackson, Florida Pharmacy Association, commented on proactive measures pharmacists should be taking to avoid medication errors.

Debbie Eyer, audience member, approached the Board and expressed concern on their position of dissatisfaction in their career as a pharmacist and requested clarification on whether or not the Board takes action to protect Pharmacists and not just the public.

The Board and former Board member, Bob Parrado, reiterated the sole purpose of the Board is to protect the safety of the citizens of Florida.

**Motion:** by Dr. Fallon, seconded by Ms. Glass, to adjourn the meeting at 11:19 a.m.