

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

June 4-5, 2013

DoubleTree Miami Airport Convention Center
711 N.W. 72nd Avenue
Miami, FL 33126
(305) 261-3800

Board Members:

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

Board Staff:

Mark Whitten, Executive Director
Tammy Collins, Program Operations Administrator
Jay Cumbie, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General

Department of Health Staff:

John J. Truitt, Assistant General Counsel

Tuesday, June 4, 2013 – 9:00 a.m.

9:00 a.m. Call to Order by Jeff J. Mesaros, PharmD, Vice-Chair

All Members were present except for Mr. Albert Garcia, MHL, Chair

Dr. Mesaros requested that all cell phones be turned off or muted. He informed everyone that the meeting was being recorded and that an audio file will be posted to the Board’s website after the meeting.

Dr. Mesaros recognized Fritz Hayes, a former Board member, who was present in the audience.

TAB 1

REPORTS

A. Chair’s Report – Albert Garcia, BPharm, MHL, Chair

Dr. Mesaros provided the Board with a report on his experience at the NABP 109th Annual Meeting in St. Louis, MO. Dr. Mesaros informed the Board of some of the speakers that presented at the meeting including Chef Jeff and Kyle Parker (Ohio Board of Pharmacy).

Mr. Whitten introduced a letter from Dr. Armstrong, MD, FACS regarding electronic tracking devices. Mr. Whitten informed the Board that the tracking devices are going to be used to track controlled substances through the use of a mock pill bottle.

Dr. Griffin supported the concept of the electronic tracking devices but recommended a demonstration be presented to the Board before making a determination of Board support.

Michael Jackson (Florida Pharmacy Association) approached the Board to give further information regarding the electronic tracking devices.

Motion: by Dr. Griffin, seconded by Mrs. Glass, to request a demonstration of the tracking devices. Motion carried.

Mr. Whitten provided an updated on the status of the letter drafted in response to the proposed Federal legislation regarding pharmaceutical compounding. Mr. Whitten stated that Mr. Garcia had concerns with the letter and made the determination not to send the letter to the Health Committee.

Mrs. Mullins requested the letter be sent out to the full Board.

B. Executive Director's Report – Mark Whitten

1. Gavin Meshad – Prescription Drug Abuse Committee Update

Mr. Meshad provided the Board with a report on the proceedings of the Prescription Drug Abuse Committee that was held on June 3, 2013. Mr. Meshad reiterated his support for the Prescription Drug Monitoring Program (PDMP) and stated his belief that the PDMP should be used because of its ability to identify potential drug abusers. Mr. Meshad informed the Board that the Committee resisted the idea of mandating use of PDMP.

Mrs. Mullins stated her recommendation that the Board make the PDMP more effective before making it mandatory.

LuGina Mendez-Harper (New Mexico Board of Pharmacy) approached the Board to share her experiences on the New Mexico Board of Pharmacy regarding use of the Prescription Drug Monitoring Program. Mrs. Mendez informed the Board that the New Mexico Board of Pharmacy has required all licensee's to complete a CE credit regarding education on the PDMP and suggested the Florida Board of Pharmacy adopt a similar requirement.

2. Michele Weizer – Compounding Rules Committee Update

Dr. Weizer provided a review of the proceedings of the Compounding Rules Workshop that was held May 10, 2013 in Orlando, Florida. Dr. Weizer informed the Board there were over 120 participants in the audience that were there to discuss Rule 64B16-27.797. Dr. Weizer informed the Board there were no participants that spoke out in opposition to the 797 current guidelines of 2012 and stated that Mr. Flynn and herself will be working together on moving forward with adopting USP797.

Dr. Mesaros and Dr. Weizer thanked the members of the audience that were present at the May workshop for the participation.

3. Correspondence

Martin Dix presented a case to the Board regarding electronic prescription in animal pharmacies.

Mr. Flynn interjected and advised the Board that we not discuss this particular case because the individual pharmacy was not noticed or present to discuss the issue.

Ed Bayo and the Board discussed electronic prescriptions for controlled substances being recognized and authorized by Florida law as long as they are compliant with CFR. Mr. Bayo stated his opinion that a fax copy of an electronically generated, though not electronically submitted, prescription was not authorized, to which the Board agreed. Mr. Bayo and the Board also agreed that unless the prescription is both created and submitted electronically, the prescription is not a valid electronic prescription.

Dr. Weizer stated her belief that electronic prescriptions are valid but also stated an issue exists of pharmacies not only being able to send electronic prescriptions but the destinations have to be able to accept electronic prescriptions.

Michael Jackson (Florida Pharmacy Association) approached the Board regarding scheduled II controlled substances and electronic prescribing. Mr. Jackson believed Florida statutes are clear on the rules regarding electronic prescribing of scheduled III, IV, and V controlled substances but lack clarity on Scheduled II controlled substances.

Ed Bayo stated he doesn't see anything in the Florida Statutes that makes a distinction between schedules II, III, IV, and V controlled substances in the realm of electronic prescribing.

Dr. Mesaros proposed the idea of making this issue part of the annual regulatory plan and possibly formally addressing the issue at the August Board of Pharmacy meeting.

Mr. Whitten introduced two letters from Dr. Faustino Gonzalez (Hospice – Palm Beach County) and Robert Burwen (Hospice – Palm Beach County) that were submitted on the topic of electronic prescribing.

Robert Burwen approached the Board to express his support of the Board members in attempting to clarify the rules regarding electronic prescribing of schedule II controlled substances.

Motion: by Mrs. Mullins, seconded by Dr. Weizer, to clarify the rules regarding scheduled II controlled substances and electronic prescribing. Motion carried.

Mr. Flynn advised that the issue be delegated to the Prescription Drug Abuse Committee being that it directly is affecting abuse and diversion.

4. Request for PDM at Multiple Locations – TeamCare Pharmacy

Dr. Weizer outlined the situation for this particular prescription department manager and stated that they have been in compliance with all the rules set forth.

Motion: by Dr. Weizer, seconded by Dr. Griffin, to approve the request. Motion carried.

5. Legislative Update

Mr. Whitten provided a legislative update to the Board regarding bills that have recently passed. Mr. Whitten introduced House Bill 294 regarding the addition of hallucinogenic substances being added to the list of schedule I controlled substances. Mr. Whitten then introduced House Bill 23 requiring members of the public being given reasonable opportunity of being heard at public meetings. Mr. Whitten then introduced House Bill 365 with companion Senate Bill 732 requiring pharmacists to dispense or substitute biological substances that are deemed interchangeable or bio-similar. Mr. Whitten stated that House Bill 1159 regarding PDMP funding resulted in \$500,000.00 allocated to funding the PDMP for one year.

C. Attorney General's Report

1. Rules Report

Mr. Flynn provided an update for the Board regarding the current status of specific rules. Mr. Flynn informed the Board that Rule 64B16-28.802 is now adopted and will be effective June 18, 2013.

Dr. Weizer explained an amendment that is being made regarding allowing Special P&E and Special Limited P&E permit holders to keep their permits because they are already identified as sterile compounding pharmacies.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to keep Special P&E and Special P&E Extended Scope. Motion carried.

Motion: by Mrs. Mullins, seconded by Dr. Fallon, that there is no negative economic impact. Motion carried.

Mr. Flynn introduced Lynette Norr and informed the Board that she will primarily be working with the Rules Committee and he will be staying with the Prescription Drug Abuse and Compounding Rules Committees.

Dr. Weizer informed the Board of her experience sitting in with the Osteopathic Medicine meeting and explained how she helped develop their written records retention rule.

Mr. Flynn discussed the annual regulatory plan and stated that if there are any rules that need to be worked on, let him know so he can add them to the list.

D. Prosecuting Attorney's Report

1. Prosecuting Services Report

John Truitt presented the Prosecuting Services Report which stated that last year, there were 757 cases in the Prosecuting Services Unit (PSU) and are set to hit that mark for 2013 within the following week. Mr. Truitt stated that out of the out of the 511 cases in PSU right now, only 65 are 2012 or older.

Motion: by Dr. Weizer, seconded by Dr. Griffin, to continue prosecuting one year and older cases. Motion carried.

Dr. Griffin inquired from Mr. Truitt about the possibility of pushing the PSU deadline back to give Board Members more time to review cases.

Mrs. Mullins stated her concern with the amount of cases on the Probable Cause agendas.

Mrs. Glass suggested breaking the PCP conference call into two separate conference calls to spread the workload since the meeting dates are already established.

Mr. Flynn informed the Board of the PCP system used on the Board of Dentistry and suggested delegating a "PCP Chair" to create some guidelines for how the Board wants cases handled.

E. Chief Investigative Services Report – Jeanne Clyne

Mr. Whitten provided the Chief Investigative Services Report on behalf of Jeanne Clyne who was unable to attend the meeting. Mr. Whitten informed the Board that 92% of pharmacy inspections have been completed. He also stated that less than 85 sterile compounding inspections are still pending and that it the inspections are expected to be completed by the end of June. Mr. Whitten stated that 81% of dispensing practitioner inspections have been completed but there is not an expected completion date.

TAB 2 BUSINESS – Albert Garcia, BPhair, MHL, Chair

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 117

2. Pharmacist (Exam Eligibility) (Client 2201) – 93
3. Pharmacist Interns (Client 2202) – 128
4. Registered Pharmacy Technicians (Client 2208) – 893
5. Consultant Pharmacist (Client 2203) – 33
6. Nuclear Pharmacist (Client 2204) – 1
7. Pharmacies/Facilities (Client 2205) – 106
8. Registered Pharmacy Technician Ratios (2:1 or 3:1)- 54
9. Pharmacy Technician Training Program (Client 2209) - 23
10. CE Providers – 14
11. CE Courses - 23
12. CE Individual Requests (Approved) – 0
13. CE Individual Requests (Denied) - 0

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

B. Review and Approval of Minutes

1. April 2-3, 2013

Motion: by Dr. Fallon, seconded by Dr. Glass, to approve the minutes. Motion carried.

C. 2014 Meeting Dates and Locations

Dr. Weizer suggested changing the June date to June 10-11, 2014.

Dr. Mesaros suggested holding more central location meetings such as Orlando or Tampa.

The Board discussed the idea and agreed to have the meetings alternate between Orlando and Tampa starting with Orlando in February.

D. Presentations

1. Rebecca Poston – Prescription Drug Monitoring Program (PDMP)

Rebecca Poston provided an update on the current state and functionality of the Prescription Drug Monitoring Program. Mrs. Poston provided presented the database and demonstrated how to navigate the database and use various functions.

2. Susan Langston – Drug Enforcement Administration (DEA)

Susan Langston and Gail Lane provided an update to the Board regarding the current proceedings, beliefs, and direction of the Drug Enforcement Administration. Mrs. Langston proceeded to inform the Board of the progress the DEA has made in attempting to control the prescription drug abuse problem.

Mr. Meshad appointed Dr. Mesaros to be the DEA liaison for the Prescription Drug Abuse Committee.

Public Comments:

Dr. Mesaros opened the floor up to public comments.

Vincent Vintager (Walgreens) approached the Board to speak about the process of filling prescriptions including use of the Prescription Drug Monitoring Program (PDMP).

Chris Wallets (Walgreens) approached the Board for clarification regarding the statutory requirement to notify the police when a potential “doctor shopper” is identified.

Edward Rodriguez, C.Ph. (Omnicare) approached the Board to discuss returning narcotics.

Motion: by Dr. Fallon, seconded by Mrs. Glass, to **ADJOURN** the meeting at 1:08PM. Motion carried.

Wednesday, June 5, 2013 – 8:00 a.m.

8:00 a.m. Call To Order by Albert Garcia, BPharm, MHL, Chair

All members were present.

TAB 3 DISCIPLINARY CASES – John Truitt, Assistant General Counsel

- A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES**
A-1 Robert Edward Levy, PS 17283. Coral Springs, FL
Case No. 2011-11766 PCP: Garcia/Mesaros

Respondent violated:

Count One: Section 465.016(1)(i), F.S. by compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of professional practice of pharmacy.

Count Two: Section 465.072(1)(m), F.S. by making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay fine of \$2,000.00. Respondent shall pay costs in the amount of \$1,598.56. Respondent must complete a Laws and Rules CE and Pharmacy Ethics CE. Respondent’s license shall be suspended until licensee undergoes PRN evaluation and complies with all the terms and conditions imposed by PRN. If monitoring is required, licensee with comply with terms of the PRN contract. Termination from PRN results in immediate lifting of the stay of suspension.

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

Motion: by Dr. Fallon, seconded by Mr. Meshad, to accept the Settlement Agreement. Motion carried.

- A-2 Justa Almeida, PS 13183. Miami, FL
Case No. 2011-10399, PCP: Fallon/Weizer

Respondent violated:

Count One: Section 465.016(1)(r), F.S. by violating Rule 64B16-27.300(3)(a)2, F.A.C., by failing to ensure a review of quality related events at least every three months.

Terms of Settlement Agreement: Respondent shall by present. Respondent shall pay a fine of \$500.00. Respondent shall pay costs of \$1,471.00. Respondent shall complete 12 hour Laws and Rules CE.

Settlement was withdrawn. A Voluntary Relinquishment was submitted.

The Board accepts Voluntary Relinquishment.

A-3 Alan E. Wingerter, PS 14151. Palatka, FL
Case No. 2012-12447 – PCP Fallon/Risch

Respondent violated:

Count One: Section 465.016(1)(r), F.S. by violating Rule 64B16-26.300(1) F.A.C., by serving as a consultant pharmacist without holding a license as a consultant pharmacist.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$5,000.00. Respondent shall pay costs not over \$1,500.00. Respondent shall complete a 12 hour Laws and Rules CE.

Settlement Agreement A-3 was moved to the August Board of Pharmacy agenda.

A-4 Tyronda Sanks, RPT 22120. St. Augustine, FL
Case No. 2012-14090 – PCP Mullins/Mesaros

Respondent violated

Count One: Section 465.016(1)(e), F.S. by violating Section 893.13(6)(a), F.S., when she diverted and actually possessed promethazine with codeine syrup from CVS for her personal use without lawfully obtaining that controlled substance from a practitioner or pursuant to a valid prescription or order of a practitioner.

Count Two: Section 465.016(1)(e), F.S. by violating section 893.13(1)(a), F.S., when she sold the promethazine with codeine syrup.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay costs. Respondent shall undergo an evaluation by PRN and comply with all requirements and recommendations made by PRN. Respondent shall be placed on probation for two years.

Respondent was not present nor represented by counsel.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to not waive the required appearance and to bring the case back in August as informal pursuant to Election of Rights.

A-5 Hal Goodman, PS 22414. Parkland, FL
Case No. 2012-04357 – PCP Risch/Glass

Count One: Respondent violated 465.016(1)(c), F.S. by permitting any person not licensed as a pharmacist in this state or not registered as an intern in this state, or permitting a registered intern who is not acting under the direct and immediate personal supervision of a licensed pharmacist, to fill, compound, or dispense any prescriptions in a pharmacy where such pharmacist is employed or on duty.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine in the amount of \$1,500.00. Respondent shall pay costs in the amount of \$1,397.00. Respondent shall complete 12 hour Laws and Rules course.

Respondent was present and sworn in by the court reporter. Respondent was represented by Michael Burnstein, Esq.

Motion: by Dr. Fallon, seconded by Dr. Mesaros, to accept the Settlement Agreement. Motion carried with Dr. Weizer in opposition.

A-6 Terry Dean Mundorff, PS 21408. Melrose, FL
Case No. 2012-13902 – PCP Fallon/Risch

Count One: Respondent violated Section 465.016(1)(e), F.S. by violating Section 499.007(1), F.S. which provides that a drug or device is misbranded if its labeling is in any way false or misleading.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$250.00. Respondent shall pay costs in the amount of \$1,103.54. Respondent shall complete an 8 hour medications errors course.

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

Dr. Griffin suggested the fine be increased to \$500.00. Mr. Bayo suggested an amended settlement to reflect the \$500.00 fine. Prosecuting Services Unit accepts amended settlement.

Motion: by Mrs. Mullins, seconded by Dr. Weizer, to accept the settlement agreement. Motion carried.

A-7 Zhaoqi Zhu, PS 33744. Miami, FL
Case No. 2012-16132 – PCP Mullins/Glass

Count One: Respondent violated Section 465.016(1)(r), F.S. by violating Section 465.022(11)(a), F.S. by failing to ensure the permittee's compliance with Rule 64B16-28.1081, F.A.C.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$1,500.00. Respondent shall pay costs of \$876.85. Respondent shall complete a 12 hour Laws and Rules CE. Respondent shall be placed on probation for 6 months.

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

Motion: by Dr. Weizer, seconded by Dr. Griffin, to reject the settlement agreement. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Griffin, to accept similar settlement agreement but edited probation to exclude quarterly reports and add an inspection at the respondent's cost. Motion carried.

A-8 Steven Hunter, PS 27446. Cape Coral, FL
Case No. 2009-08335 - PCP Fallon/Risch

Count One: Respondent violated Section 465.016(1)(r), F.S. by failing to record in writing, or by any electronic means, the date of original dispensing prior to dispensing a transferred prescription.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$1,000.00. Respondent shall pay costs limited to \$4,569.36. Respondent shall complete a 12 hour Laws and Rules CE.

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

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

B. DETERMINATION OF WAIVER
DOW-1 L & E Pharmacy, Corp, PH 25133. Miami, FL
Case No. 2012-09709 – PCP Risch/Glass

Count One: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.1081, F.A.C., which requires 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.

Count Two: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.202(3), F.A.C., by failing to notify the Board of Pharmacy in writing as to the effective date of closure and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy, and notify the Board of Pharmacy which permittee is to receive the prescription files.

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

Motion: by Dr. Weizer, seconded by Mrs. 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 Mrs. Mullins, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. 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

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

DOW-2 Your Neighbor Pharmacy, LLC, PH 24626. Miami, FL
Case No. 2012-09807 – PCP Glass/Meshad

Count One: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.1081, F.A.C., which requires 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 prescription department of the establishment open for a minimum of forty (40) hours per week.

Count Two: Respondent has violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.202(3), F.A.C., by failing to notify the Board of Pharmacy in writing as to the effective date of closure and return the pharmacy permit to the Board of Pharmacy office or arrange with the local Bureau of Investigative Services of the Department to have the pharmacy permit returned to the Board of Pharmacy, and notify the Board of Pharmacy which permittee is to receive the prescriptions files.

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

Motion: by Dr. Fallon, seconded by Dr. Weizer, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Dr. Fallon, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Fallon, 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

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

DOW-3 Neighbors Pharmacy, Inc., PH 25477. Naranja, FL
Case No. 2012-05736 – PCP Weizer/Mesaros

Count One: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.1081, F.A.C., which requires 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 prescription department of the establishment open for a minimum of forty (40) hours per week.

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

Motion: by Dr. Griffin, seconded by Dr. Fallon, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Dr. Griffin, seconded by Dr. Fallon, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Griffin, seconded by Dr. Fallon, 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

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

DOW-4 Healthy Option, Inc., PH 17269. Portland, OR
Case No. 2012-15844 – PCP Fallon/Meshad

Count One: Respondent violated Section 465.023(1)(e), F.S., by being convicted or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for any offense that constitute a violation of this chapter.

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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, 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: \$5,000.00 and Costs of \$131.76

Motion: by Mrs. Glass, seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried.

DOW – 5 Alene Lavon Thomas, RPT 11856, Macclenny, FL
Case No. 2012-09425 - PCP – Glass/Mullins

Count One: Respondent violated Section 456.072(1)(z), F.S., by being unable to practice as a pharmacy technician with reasonable skill and safety to patients by reason of use of alcohol.

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. Griffin, 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. Griffin, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Griffin, 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: \$250.00 fine and Suspension until the Professional Resource Network (PRN) advocates on behalf of the respondent

Motion: by Mrs. Glass, seconded Mrs. Mullins, to accept the recommendations of the Department. Motion carried.

DOW – 6 Apollo II Services, Inc., PH 24687. Hollywood, FL
Case No. 2011-19015. PCP – Risch/Glass

Count One: Section 456.023(1)(c) by violating Rule 64B16-28.202(3)(a), F.A.C.

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

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

Motion: by Mrs. Glass, seconded by Mrs. Mullins, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, 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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried.

DOW-7 Teresa Hilliard Faulkner, RPT 22774. Starke, FL
Case No. 2011-16981. PCP – Fallon/Risch

Count One: Respondent 456.072(1)(c), F.S., by being convicted of 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.

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

Motion: by Dr. Weizer, seconded by Dr. Griffin, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, 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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried.

DOW-8 S C I Medical Supply, PH 25255. Miami, FL
Case No. 2011-09140. PCP - Risch/Glass

Count One: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.102(4), F.A.C., which requires adequate sanitations to insure the prescription department is operating under clean, sanitary, uncrowded, and healthy conditions.

Count Two: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-28.102(5)(a), F.A.C., which requires, in pertinent part, a Facts and Comparisons or an equivalent.

Count Three: Respondent violated Section 465.023(1)(c), F.S., by violating Rule 64B16-27.300(3)(a)2, F.A.C., which requires, in pertinent part, that each pharmacy shall establish a Continuous Quality Improvement Program, which at a minimum shall contain provisions for the prescription department manager or the consultant pharmacist to record to ensure that the committee conducts a review of Quality Related Events at least every three months.

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

Motion: by Dr. Griffin, seconded by Dr. Weizer, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Dr. Griffin, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Griffin, 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

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

DOW-9 Sarah Carmen Camacho, RPT 40028. Naples, FL
Case No. 2013-00699. PCP – Fallon/Griffin

Count One: Respondent violated 465.016(1)(e), F.S., when she stole, and possessed hydrocodone and/or alprazolam from CVS Pharmacy, which she did not lawfully or pursuant to a valid prescription or order, in violation of Section 893.13(6)(a), F.S.

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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to find that respondent was properly served and has waived the right to a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, 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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried.

C. VOLUNTARY RELINQUISHMENTS

VR-1 Ayahi Mary Cisneros, RPT 2279. Miami, FL
Case No. 2012-11564 – PCP Fallon/Risch

Respondent was not present or represented by counsel.

Respondent violated: Section 456-072(1)(c), F.S.

The Department suggested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

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

VR-2 Emmanuel I. Mekowulu,, PS 24612. Tampa, FL
Case No. 2012-06798 – PCP Weizer/Meshad

Respondent was not present or represented by counsel.

Respondent violated: Section 456.072(1)(c), F.S., and Section 456.072(1)(x), F.S.

The Department suggested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

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

VR-3 Jimmy M. Rogers, PS 10930. Ozark, AL
Case No. 2011-11399 – PCP Salem/Griffin

Respondent was not present or represented by counsel.

Respondent violated: Section 456-016(1)(r), F.S., and Section 456.072(1)(w), F.S.

The Department suggested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

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

VR-4 Felix H. Gaitan, RPT 28440. Miami, FL
Case No. 2013-01497 – PCP Griffin/Mesaros

Respondent was not present or represented by counsel.

Respondent violated: Section 456.072(1)(c), F.S. and Section 456.072(1)(x), F.S.

The Department suggested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

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

VR-5 Eduardo Marcos-Mone, PS 14856. Miami, FL
Case No. 2012-17620 – PCP Waived

Respondent was not present or represented by counsel.

Respondent violated: Section 456.072(1)(ll), F.S.

The Department suggested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

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

VR-6 Jamie Lynn Mills, RPT 21930. Rockledge, FL
Case No. 2012-14470 – PCP Waived

Respondent was not present or represented by counsel.

Respondent violated: Section 456.072(1)(c), F.S., by admitting to a violation of Section 893.135(1)(c)(1), F.S.

The Department suggested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

The Voluntary Relinquishment was withdrawn.

Dr. Rivenbark, MD (Professionals Resource Network) addressed the students in the audience and provided an overview of the PRN program.

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

I-1 John Steven White, RPT 296. Ft. Meyers, FL
Case No. 2013-02289 – PCP Fallon/Griffin

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

Count One: Respondent violated Section 456.072(1)(aa), F.S., which subjects a licensee to discipline for testing positive for any drug, as defined in Section 112.0455, F.S., or any confirmed pre-employment or employer-ordered drug screening when the practitioner and legitimate medical reason for using the drug.

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

Motion: by Mrs. Glass, seconded Dr. Weizer, to find that respondent was properly served and has requested a formal hearing. Motion carried.

Motion: by Dr. Weizer, seconded Mrs. Glass, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. 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.

Departments Recommendation: Costs of \$880.80, 12 hour laws and rules CE, suspension until evaluated by PRN and appearance in front the Board.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept the recommendations of the Department. Motion carried.

I-2 Jason Lee Baucomb, RPT 23626. Sunrise, FL
Case No. 2012-14581 – PCP Risch/Fallon

Respondent was not present or represented by counsel.

Count One: Respondent violated Section 465.016(1)(e), F.S., by violating Section 893.013(7)(a)9, F.S., by acquiring or obtaining, or attempting to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to find that respondent was properly served and has requested a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, 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.

Departments Recommendation: Revocation

Motion: by Mrs. Glass, seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried.

I-3 James Rodney Raines, PS 15205. Coral Springs, FL
Case No. 2011-17290 – PCP Mesaros/Garcia

Respondent was not present or represented by counsel.

Count One: Respondent violated 456.(1)(c), F.S., by being convicted or found guilty of, or enetering a pleas of guilty or nolo contendere to, regardless or adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee’s profession.

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

Motion: by Mrs. Glass, seconded by Dr. Weizer, to find that respondent was properly served and has requested a formal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, 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.

Departments Recommendation: Revocation

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

I-4 Vinesh C. Darji, PU 5660. Tampa, FL
Case No. 2010-08165. PCP – Fallon/Risch

Count One: Respondent violated 465.016(1)(e), F.S., by violating Chapter 499; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or Chapter 893.

Motion: by Dr. Weizer, seconded by Dr. Griffin, to allow continuance for agenda items I-4 and I-5. Motion carried.

I-5 Vinesh C. Darji, PU 5660. Tampa, FL
Case No. 2010-08164. PCP – Fallon/Risch

Count One: Respondent violated 465.016(1)(e), F.S., by violating Chapter 499; 21 U.S.C. ss. 301-392, known as the Federal Food, Drug and Cosmetic Act; 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or Chapter 893.

See Motion under agenda item I-4.

I-6 Andrew K. Perry, PSI 22460. Lecanto, FL
Case No. 2012-15289. PCP – Mullins/Glass

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

Count One: Respondent violated Section 456-.072(1)(z), F.S., by being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical conditions.

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

Motion: by Dr. Fallon, seconded by Dr. Weizer, to find that respondent was properly served and has requested a formal hearing. Motion carried.

Motion: by Dr. Fallon, seconded by Dr. Weizer, to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Fallon, 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.

Mr. Perry requested clarification regarding how the different forms of discipline will affect his ability to acquire license in a different profession.

Mr. Flynn advised the Board to motion for an administrative relinquishment.

Dr. Weizer suggested that the Board consider term limits for pharmacy interns.

Departments Recommendation: Suspension until appearance with PRN evaluation.

Mr. Perry requested administrative relinquishment of license.

Motion: by Dr. Weizer, seconded by Dr. Mesaros, to accept administrative relinquishment of licensure. Motion carried.

TAB 4 APPLICATIONS REQUIRING BOARD REVIEW

A. Endorsement Applicants

1. Ronald Lewis Jackson, File No. 42679. Daphne, AL.

Applicant was not present or represented by counsel.

Motion: by Dr. Griffin, seconded by Dr. Weizer, to reject the application. Motion carried.

B. Exam Applicants

1. Thomas Edward Cunliffe, File No. 42601. Tampa, FL.

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

Motion: by Dr. Griffin, seconded by Dr. Weizer, to accept the application with the condition that the applicant undergoes an evaluation through PRN within 90 days and comply with any contract or requirements that may follow. The applicant may sit for the exam while in the process of receiving PRN evaluation. Motion carried.

2. James Franklin Bottoms, File No. 42890. Barnesville, GA.

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

Motion: by Dr. Griffin, seconded Mrs. Mullins, to accept the application. Motion carried.

C. Registered Pharmacy Technician

1. April Nicole Stanton, File No. 49446. Jacksonville, FL.

Applicant was not present or represented by counsel.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept the application. Motion carried.

2. Andrew Brandt, File No. 49452. Clermont, FL.

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

Motion: by Dr. Griffin, seconded by Mrs. Mullins, to accept the application with the condition that the applicant undergoes an evaluation through PRN within 90 days and comply with any contract or requirements that may follow. Motion carried.

D. Non-Resident Pharmacy Permit Application

1. EntirelyPets Pharmacy, LLC., File No. 19899. Union City, CA.

Applicant was not present or represented by counsel.

Motion: by Dr. Griffin, seconded by Dr. Weizer, to reject the application. Motion carried.

2. LCRX, LLC., File No. 19856. Scottsdale, AZ.

Applicant was not present or represented by counsel.

Motion: by Dr. Griffin, seconded Dr. Weizer, to reject the application. Motion carried.

TAB 5 LICENSURE ISSUES

A. Request for Termination of Probation

1. John Lawrence, PS 14824. West Palm Beach, FL.

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

Motion: by Dr. Weizer, seconded by Dr. Griffin, to accept request for termination of probation. Motion carried.

2. Kimberly P. Cohen (Hamm), PS 34417. Hudson, FL.

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

Motion: by Dr. Weizer, seconded by Dr. Griffin, to accept request for termination of probation. Motion carried.

B. Request for Reinstatement of License

1. Robert Adams, PS 26631. Milton, FL.

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

Petitioner withdraws his petition for reinstatement of licensure.

C. Request for Removal of Licensure Conditions

1. Juan Ibietatorremendia, PS 45089. Clewiston, FL.

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

Mr. Ibietatorremendia informed the Board that conditions #2-5 on his final order haven't been lifted despite the fact they were supposed to be lifted after 2 years on his license.

Mr. Flynn confirmed to the Board that the conditions should have been removed from his license.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept request for removal of licensure conditions #2-5 and show license as clear and active. Motion carried.

Mr. Garcia invited Susan Langston (DEA) to approach the Board. Mr. Garcia thanked her for the presentation on June 4.

Mrs. Langston then recognized inspectors Mary Crane and Robert Difiori for their dedicated work in combatting the drug abuse problem that has plagued the state of Florida.

Public Comments:

Mr. Garcia opens the floor up to public comments:

Mr. Bayo approached the Board to request his position on electronic prescribing be included in the minutes.

Motion: by Dr. Fallon, seconded by Dr. Griffin, to Adjourn. Motion carried.