

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

December 3-4, 2013
Hilton Hotel University of Florida
1714 SW 34th Street
Gainesville, FL 32607
(352) 371-3600

Board Members:

Albert Garcia, BPharm, MHL, Chair, Miami
Jeffery J. Mesaros, PharmD, Vice-Chair, Orlando
Leo J. "Lee" Fallon, BPharm, PhD, The Villages
Debra B. Glass, BPharm, Tallahassee
Gavin Meshad, Consumer Member, Sarasota
Mark Mikhael, PharmD, Orlando
Jeenu Philip, BPharm, Jacksonville
Lorena Risch, Consumer Member, Bradenton
Michele Weizer, PharmD, Boca Raton

Board Staff:

Tammy Collins, Acting Executive Director
Christy Robinson, Program Operations Administrator
Jay Cumbie, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General
Lynette Norr, Assistant Attorney General

Department of Health Staff:

Yolonda Green, Assistant General Counsel
Matthew Witters, Assistant General Counsel
Christopher Jurich, Assistant General Counsel

Tuesday, December 3, 2013 – 1:00 p.m.

1:00 p.m. Call to Order by Albert Garcia, BPharm, MHL, Chair

All Board members were present with the exception of Gavin Meshad.

Mr. Garcia welcomed newly appointed Board member Jeenu Philip to the Florida Board of Pharmacy.

Mr. Garcia informed everyone in attendance of Mark Whitten's recent promotion to "Chief of Investigative Services" and thanked him for all of his hard work and dedication to the Board of Pharmacy during his tenure as Executive Director.

TAB 1

REPORTS

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

1. Update on Executive Director Position

Mr. Garcia informed the Board that Tammy Collins will be serving as Acting Executive Director during the search for a new permanent Executive Director.

Mr. Garcia also gave a brief overview of the process the Department will go through in selecting a new Executive Director.

Mr. Garcia introduced a request from the University of Florida pharmacy on campus to modify their hours for a week during the holidays.

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

B. Acting Executive Director's Report – Tammy Collins

Ms. Collins informed the Board that the full Rules Committee report will be heard on December 4, 2013 as to give the Board members a chance to review the discussions from the earlier meeting.

Ms. Collins also stated that the committee reports will be heard on the second day of the full Board meeting moving forward.

Dr. Mesaros informed the Board of a question that arose at the Rules Committee regarding Nurse practitioners. Dr. Mesaros then asked Dr. Mikhael to present the question and to have Mr. Flynn's response included on the record.

Dr. Mikhael asked if advanced registered nurse practitioners are allowed to order prescriptions under the attending physicians name and if that would be considered mislabeling?

Mr. Flynn stated that a pharmacist can dispense any prescription that is written by a healthcare provider which is authorized by state or federal law to write said prescription. Mr. Flynn stated any verification issue that a pharmacist comes across can be verified using the same process as any other prescription such as calling the physician if the pharmacist wishes to do so.

George Malone approached the Board to request further clarification on the legality concerning "labeling" of a prescription between an ANRP and a Doctor.

Brian Kahan approached the Board to suggest a revision of the rule that describes the definition of a prescription to state that an ARNP has prescriptive authority to create a valid prescription.

Bob Parrado approached the Board to suggest the Board attempt to change the insurance requirement for the pharmacy to use the MPI of the ARNP as opposed to the physicians DEA number.

1. Compounding Rules Committee – Michele Weizer, PharmD

Dr. Weizer provided a report from the December 2, 2013 Compounding Rules Committee and stated that the committee is ready to give two recommendations to the Board. Dr. Weizer highlighted the two different exceptions that were discussed at the committee meeting including facility design and the cleaning of a workspace.

Dr. Weizer introduced Federal Legislation titled "HR 3204 Drug Quality and Security Act" that had recently been signed into law by the President and requested that the Board open up the office-use compounding rule to look at quantity issues as well as find any conflicts that may be present due to the new Federal legislation.

Mr. Flynn gave a high level summary of "HR 3204 Drug Quality and Security Act" and gave a brief description of how this legislation could potentially affect the practice and profession of pharmacy in Florida.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to open up House Bill 3204 to look at limited quantities and to look at the Board's rule with implications from the FDA. Motion carried.

2. Update on Sterile Compounding Permits

Ms. Collins provided an update on the sterile compounding permits. Ms. Collins stated that 28 applications had been submitted with 12 currently under review in the Board office and 16 having already been issued. Ms. Collins stated that all Pharmacies that currently engage in sterile compounding have until March 21, 2014 to obtain this permit free of charge.

3. Healthy Weight Liaison

Ms. Collins informed the Board of the Surgeon General's request for a volunteer to serve as a "Healthy Weight Liaison" from each Board.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to nominate Albert Garcia to be the "Healthy Weight Liaison". Motion carried.

C. Attorney General's Report – Lynette Norr, Assistant Attorney General

1. Request for Declaratory Statement – David Benoit

Mr. Flynn gave a brief overview of the petition for a declaratory statement that was submitted by a Mr. Benoit. Mr. Flynn stated that an exemption provision for "isolated transactions" in Chapter 465 that already answers the question effectively and recommended that the Board deny the petition for declaratory statement.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to deny the petition for a declaratory statement. Motion carried.

D. Chief Investigative Services Report – Mark Whitten

Mark Whitten thanked the Board for their support over his time working for the Board. Mr. Whitten also mentioned that the majority of the 28 sterile compounding permits that have been issued have been from institutional pharmacies.

Mr. Whitten stated that pharmacy opened the fiscal year with 4,987 inspections needing to be done with 1,867 having already been completed at a completion rate of 37.44%. Mr. Whitten also stated that dispensing practitioners started this fiscal year with 8,049 and have completed 2,830 at a completion percentage of 35.16%. Mr. Whitten stated that out of the 649 sterile compounding facilities, 361 have been inspected with 6 of the facilities being closed.

Dr. Mesaros thanked Mark Whitten for all his hard work and dedication during his tenure as the Executive Director of the Board of Pharmacy.

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

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 198
2. Pharmacist (Exam Eligibility) (Client 2201) – 104
3. Pharmacist Interns (Client 2202) – 932
4. Registered Pharmacy Technicians (Client 2208) – 880
5. Consultant Pharmacist (Client 2203) – 37
6. Nuclear Pharmacist (Client 2204) – 0
7. Pharmacies/Facilities (Client 2205) – 136
8. Registered Pharmacy Technician Ratios (2:1 or 3:1)- 78
9. Pharmacy Technician Training Program (Client 2209) - 28

10. CE Providers – 10
11. CE Courses – 24
12. CE Individual Requests (Approved) – 3
13. CE Individual Requests (Denied) - 0

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

B. Review and Approval of Minutes

1. October 8-9, 2013 Meeting Minutes

Motion: by Mrs. Glass, seconded by Dr. Fallon, to approve the October 8-9, 2013 meeting minutes. Motion carried.

C. Election of Officers

1. Chair

Motion: by Dr. Weizer, seconded by Dr. Fallon, to nominate Dr. Jeff Mesaros for Chair. Motion carried.

2. Vice-Chair

Motion: by Dr. Mikhael, seconded by Dr. Mesaros, to nominate Mrs. Debra Glass for Vice-Chair.

Motion: by Dr. Mesaros, seconded by Mrs. Risch, to nominate Dr. Michele Weizer for Vice-Chair.

The Board conducted a vote and Dr. Michele Weizer was elected Vice-Chair by a vote of 5 – 3. Motion carried.

D. Presentations

1. GetMyRx, Inc

Edwin Bayo, Esquire and the CEO of GetMyRx, Inc. gave a brief presentation regarding their mobile device app designed for ordering prescriptions.

Public Comments: Albert Garcia opened up the floor to public comments.

Dr. Mesaros requested the Board consider changing the date of the February 4-5, 2014 Board of Pharmacy meeting to February 11-12, 2014.

Dr. Mesaros brought up the issue of whether or not technicians that are working behind the counter but aren't performing any functions of a pharmacy technician should be included in the 3:1 technician staffing ratio.

Dr. Salem approached the Board to speak on the issue and stated that technicians that are working non-drug functions should not be counted as a violation towards the 3:1 technician staffing ratio.

Mr. Garcia stated that each individual in the pharmacy should be identified on their person by what functions they are performing. Mr. Garcia elaborated by stating that technicians that are working behind the counter and are not performing technician functions should not be counted towards the technician ratio as long as said technician is identified differently from the pharmacy technicians performing technician functions.

The Board referenced a discussion had at the June 4-5, 2013 Board of Pharmacy meeting in Miami, FL and reiterated that electronic prescriptions for controlled substances are recognized and authorized by Florida law as long as they are compliant with CFR. The Board also reiterated the fact that a fax copy of an electronically generated prescription, though not electronically submitted, is not authorized by Florida law. The Board went on to elaborate on that point stating that a prescription has to be created, submitted, and received electronically in order to be considered a valid electronic prescription.

Motion: by Dr. Fallon, seconded Dr. Weizer to **ADJOURN** the meeting at 3:01pm. Motion carried.

Wednesday, October 9, 2013 – 9:00 a.m.

9:00 a.m. Call To Order by Albert Garcia, BPharm, MHL, Chair

All members were present with the exception of Gavin Meshad.

Mr. Garcia introduced the newest Board member Jeenu Philip to the audience and had Mr. Philip give a brief introduction and his history in the profession of pharmacy.

Mr. Garcia informed the audience that the Rules Committee report, originally scheduled for December 3, 2013, is going to be presented today.

Mr. Mesaros gave a brief overview of the proceedings of the Rules Committee and asked Ms. Norr to present the rules and rule changes that are ready for a Board vote.

Ms. Norr presented the changes to 64B16-30.001 and requested a vote from the Board.

Motion: by Dr. Mesaros, seconded by Dr. Weizer, to accept the changes to 64B16-30.001. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Ms. Norr then presented the changes to Rule 64B16-28.450 and requested a vote from the Board.

Motion: by Dr. Mikhael, seconded by Mrs. Glass, to accept the changes to Rule 64B16-28.450. Motion carried.

Motion: by Dr. Mikhael, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Mikhael, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Ms. Norr presented the comments presented by JAPC (Joint Administrative Procedures Committee) regarding Rule 64B16-28.301 and explained that the Rules committee suggested that the JAPC comments were addressed by Rule 64B16-28.140.

Motion: by Dr. Mesaros, seconded by Dr. Weizer, that the comments presented by JAPC are covered by Rule 64B16-28.140. Motion carried.

Ms. Norr presented the changes to Rule 64B16-28.100 and requested a vote from the Board.

Motion: by Dr. Mesaros, seconded by Dr. Weizer, to accept the changes to Rule 64B16-28.100. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Ms. Norr presented Rule 64B16-26.608 and requested a vote from the Board.

Dr. Weizer suggested editing the language to include the words “of record” when referring to consultant pharmacists.

Mr. Garcia suggested editing the language by replacing the word “licensed” with “registered” when referring to pharmacy technicians.

Motion: by Dr. Mikhael, seconded by Dr. Weizer, to accept Rule 64B16-26.608 with edits suggested by Dr. Weizer and Mr. Garcia. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Fallon, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Ms. Norr presented Rule 64B16-28.303 to the Board and requested a vote from the Board.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept the Rule as presented. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

At the request of Mr. Garcia, Ms. Norr gave a brief overview of JAPC (Joint Administrative Procedures Committee) and its functions for the benefit of the students in the audience.

Ms. Norr presented the changes to Rule 64B16-28.140 and requested a vote from the Board.

Motion: by Mr. Philip, seconded by Dr. Fallon, to accept the changes to Rule 64B16-28.140. Motion carried.

Motion: by Dr. Fallon, seconded by Dr. Mikhael, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Fallon, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

TAB 3 Prosecuting Attorney Report – Yolonda Green, Assistant General Counsel
1. Prosecuting Services Report

Ms. Yolonda Green presented the Prosecuting Services Unit.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to allow PSU to continue prosecuting cases one year or older. Motion carried.

Ms. Green informed the Board that the Prosecution Services Unit has assembled a Pharmacy team within the Unit that will deal exclusively with Pharmacy cases. The team will be led by Matthew Witters and will also include Christopher Jurich, Ana Gargollo-McDonald, and a fourth team member to be determined later.

TAB 4 DISCIPLINARY CASES – Yolonda Green, Assistant General Counsel

- A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES**
A-1 Millenium Pharmacy, Inc., PH 25300. Miami, FL.
Case No. 2013-02802 - PCP: Weizer/Meshad

Respondent violated:

Count One: Section 465.023(1)(c), F.S. (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-27.420(4)(a), F.A.C., by failing to insure a registered pharmacy technician was properly identified.

Count Two: Section 465.023(1)(c), F.S. (2012), through a violation of Rule 64B16-28.102(5)(a), F.A.C., by failing to have a copy of a current Facts and Comparisons.

Count Three: Section 465.023(1)(c), F.S. (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.110, F.A.C., by failing to remove from the prescription department all pharmaceuticals which bear upon the container an expiration date which has been reached.

Count Four: Section 465.023(1)(c), F.S. (2012), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.118(4), F.A.C., because copy of inventory for purchased medication was missing lot numbers.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay costs limited to \$2,000.00. Respondent shall pay a fine of \$1,000.00. Respondent must correct all deficiencies.

Respondent was not present.

This case was pulled by the Prosecution Services Unit.

A-2 Senior Living Properties, PH 22106 – Maitland, FL.
Case No. 2013-06756 – PCP: Mesaros/Glass

Respondent violated:

Count One: Section 456.072(1)(dd), F.S. (2010 and 2012), by violating Section 456.073, F.S., by providing regulated services as a class I institutional pharmacy without an active status permit.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$1,000.00. Respondent shall pay costs of \$1,285.74.

The Regional Director of Operations for Senior Living Properties was present and sworn in by the court reporter. The respondent was not represented by counsel.

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

A-3 Dino Aljoni, PS 38099 – St. Augustine, FL
Case No. 2012-08758 – PCP: Fallon/Meshad

Respondent violated:

Count One: Section 465.016(1)(e), F.S. (2011), by violating 893.04(1)(b), F.S. (2011).

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay an administrative fine in the amount of \$5,000.00 payable within 90 days. Respondent shall pay costs limited to \$2,833.91 within 90 days. Respondent shall be placed on probation for a period of 1 year with standard terms.

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

Motion: by Dr. Mikhael, seconded by Mrs. Glass, to reject the Settlement Agreement. Motion carried.

Motion: by Dr. Weizer, seconded by Mr. Garcia, for the same Settlement Agreement with the addition of a 12 hour laws and rules CE. Motion failed due to a 3 in favor to 4 in opposition vote.

Motion: by Mr. Philip, seconded by Dr. Mikhael, for the original Settlement Agreement with the addition of the 12 hour laws and rules CE but without the 1 year probationary period. Motion carried with Mr. Garcia, Mrs. Glass, and Dr. Weizer in opposition.

A-4 Shiang-Tyng Lee, PS 39134 – Jacksonville, FL
Case No. 2011-19742 – PCP: Glass/Mesaros

Respondent violated

Count One: Section 465.016(1)(h), F.S. (2012), by having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this chapter.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay administrative fine in the amount of \$2,000.00 payable within 30 days. Respondent shall pay costs of \$1,627.50. Respondent shall be placed on probation for 1 year. Respondent shall complete a 12 hour laws and rules CE to be completed within 1 year.

Respondent was present and sworn in by the court reporter. Respondent was represented by Robert P. Esgro.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to allow Mr. Esagro to serve as counsel as a Qualified Representative. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to reject the Settlement Agreement. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Fallon, for the same Settlement Agreement with the addition of the condition that the respondent not be permitted to work as a PDM during the probationary period. Motion carried.

A-5 Scott Edward Kierenia, PS 47160 – Winter Garden, FL
Case No. 2013-06313 – PCP: Weizer/Meshad

Count One: Respondent violated Section 465.016(1)(g), F.S. (2012), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine in the amount of \$1,000.00 within 30 days. Respondent shall pay costs of \$1,248.98 within 90 days. Respondent shall complete 8 hour med errors course.

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

Motion: by Dr. Mikhael, seconded by Mrs. Glass, to accept the Settlement Agreement. Motion carried.

A-6 Sinkiwe Chiwara, PS 36603 – Lauderdale Lakes, FL
Case No. 2013-04483 – PCP: Weizer/Meshad

Count One: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by failing to ensure the Permittee's compliance with Rule 64B16-28.102(4), F.A.C., which requires that the prescription department of each pharmacy be provided with adequate sanitation to insure the prescription department is operating under clean, sanitary, uncrowded, and health conditions.

Count Two: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating 465.022(11)(a), F.S. (2012), by failing to ensure the Permittee's compliance with Rule 64B16-28.110, F.A.C., which requires expired medications be removed from the shelves.

Count Three: Respondent violated Section 465.016(1)(r), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by violating Section 893.07(1)(b), F.S. (2012), by failing to maintain a complete and accurate record of each substance manufactured, received, sold, delivered, or otherwise disposed of by him or her.

Count Four: Respondent violated 465.016(1)(e), F.S. (2012), by violating Section 499.005(2), F.S. (2012), by the adulteration or misbranding of any drug, device, or cosmetic.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay administrative fine in the amount of \$2,500.00 payable within 30 days. Respondent must pay costs not to exceed \$1,016.70. Respondent shall be placed on probation for the period of one year. Respondent must completed a 12 hour laws and rules CE within one year.

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

Motion: by Mr. Garcia, seconded by Mrs. Glass, to reject the Settlement Agreement. Motion carried.

Motion: by Mr. Garcia, seconded by Mrs. Glass, for the same Settlement Agreement with the condition that she can only act as a PDM at the pharmacy holding permit PH23858. Motion carried.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to extend payment deadline to one year. Motion carried.

A-7 El Vignoble, LLC, PH 23858. Lauderdale Lakes, FL
Case No. 2013-04482 – PCP Weizer/Meshad

Count One: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-102(4), F.A.C., which requires that the prescription department of each pharmacy be provided with adequate sanitation 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. (2012), by violating Rule 64B16-28.110, F.A.C., which requires expired medications be removed from the shelves.

Count Three: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Section 893.07(1)(b), F.S. (2012), which requires dispensers of controlled substances to maintain, on a current basis, a complete and accurate record of each substance manufactured, received, sold, delivered, or otherwise disposed of by him or her.

Count Four: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Section 499.005(2), F.S. (2012), by the adulteration or misbranding of any drug, device, or cosmetic.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$2,500.00 within 30 days. Respondent shall pay costs not over \$1,087.03. Respondent shall be placed on probation for a period of one year with terms to include: semi-annual inspections, development of a corrective action plan, and a mandate to appear in front of the Board within the last 3 months of probationary period.

Sinikiwe Chiwara was present on behalf of El Vignoble, LLC and sworn in by the court reporter. Respondent was represented by Brian Kahan, Esquire.

Motion: by Dr. Mikhael, seconded by Mr. Philip, to accept the Settlement Agreement with the oral amendment to extend payment deadline to one year. Motion carried.

A-8 Melissa Terpos, RPT 39879 – Stuart, FL
Case No. 2013-11591 – PCP Glass/Mesaros

Count One: Respondent violated Section 465.016(1)(e), F.S. (2012), by violating Section 893.13(6)(a), F.S. (2012), by being “in actual possession of a controlled substance” without having a valid prescription for the controlled substance.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$2500.00. Respondent shall pay costs through the date of entry of the final order. Respondent shall be placed on a probationary period of one year to run concurrent with any PRN contract. Respondent shall receive an evaluation from PRN within 60 days and comply with any requirements presented by PRN.

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

Motion: Dr. Fallon, seconded by Dr. Weizer, to reject the Settlement Agreement. Motion carried.

A-9 HVVP Rx, LLC, PH 25109 – Seminole, FL
Case No. 2013-06250 – PCP Fallon/Glass

Count One: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.820(3)(a), F.A.C.

Count Two: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.830(5).

Count Three: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-27.797(7)(b), F.A.C.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$2,500.00. Respondent shall pay costs of \$3, 254.88. Respondent shall surrender Special Parenteral/Enteral modifier. Respondent shall be placed on a probationary period of one year.

Respondent (Pharmacy Manager) was present and sworn in by the court reporter. Respondent was represented by Daniel G. Musca, Esquire.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to accept the Settlement Agreement. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Mesaros, to impose costs. Motion carried.

A-10 Uchenna Chineye Ezenwa, PS 42502 – Pembroke Pines, FL
Case No. 2013-03004 – PCP Fallon/Glass

Count One: Respondent violated Section 465.016(1)(t)(1), F.S. (2012), by committing an error or omission during the performance of a specific function of prescription drug processing.

Terms of Settlement Agreement: Respondent shall be present. Respondent must pay a fine of \$1,000.00. Respondent must pay costs of \$1,022.43. Respondent must complete an 8 hour continuing education course in the prevention of medication errors.

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

Motion: by Dr. Mikhael, seconded by Mrs. Risch, to accept the Settlement Agreement. Motion carried.

A-11 Palm Springs General Hospital, PH 2235. Hialeah, FL
Case No. 2013-04842 – PCP Mesaros/Risch

Count One: Section 456.072(1)(k), F.S. (2012) by violating Rule 64B16-27.797(1)(a), F.A.C. which requires an anteroom area to be maintained within ISO Class 8 level of particulate contamination.

Count Two: Section 456.072(1)(k), F.S. (2012) by violating Rule 64B16-27.797(1)(f), F.A.C. which requires the buffer area to be maintained within ISO Class 7 level of particulate contamination and not contain a sink or drain.

Count Three: Section 456.072(1)(k), F.S. (2012) by violating Rule 64B16-27.797(1)(k), F.A.C. which requires that the pharmacy compounding parenteral and sterile preparation shall have appropriate environmental control devices capable of maintaining at least class 100 conditions in the work place where critical objects are exposed and critical activities are performed.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$2,000.00. Respondent shall pay costs of \$1,821.10.

Dr. Alphonso was present on behalf of the respondent and was sworn in by the court reporter. The Respondent was represented by Miles A. McGrane III, Esquire.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to accept the Settlement Agreement. Motion carried.

A-12 Infupharma, PH 23566 – Hollywood, FL
Case No. 2011-11350 – PCP Fallon/Glass

Count One: Respondent violated Section 456.072(1)(k), F.S. (2010, 2011), by violating Section 499.005(22), by operating as a prescription drug repackager without first obtaining the proper permit to do so.

Count Two: Respondent violated Section 456.072(1)(o), F.S. (2010, 2011), by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$10,000.00. Respondent shall costs limited to \$6,139.10. Respondent shall surrender Special Parenteral and Enteral Modifier to the Board of Pharmacy. Respondent must complete an 8 hour laws and rules CE course to be completed within one year of the filing of the final order. Respondent shall be placed on probation for a period of 2 years with semi-annual inspections to be conducted at respondent's cost.

Mark Ezzo was present on behalf of Infupharma and was sworn in by the court reporter. The respondent was represented by Edwin Bayo, Esquire.

Motion: by Dr. Weizer, seconded by Mr. Philip, to accept the Settlement Agreement. Motion carried.

A-13 Gino Alberto Bolanos, PS 23866 – Miami, FL
Case No. 2013-00502 – PCP Glass/Mesaros

Count One: Respondent violated Section 456.072(1)(k), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by failing to ensure the permittee's compliance with Section 499.005(28), F.S. (2012), by failing to acquire a pedigree paper.

Terms of Settlement Agreement: Respondent shall be present. Respondent shall pay a fine of \$500.00. Respondent shall pay costs limited to \$1,010.77. Respondent shall complete a 12 hour laws and rules CE.

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

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

B. DETERMINATION OF WAIVER

DOW-1 Nohelia Pena, RPT 30775 – Kissimmee, FL
Case No. 2013-06080 – PCP Weizer/Meshad

Count One: Respondent violated Section 456.072(1)(aa), F.S. (2012), 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.

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

Motion: by Dr. Weizer, seconded by Mrs. 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 Dr. Mesaros, to accept the investigative report into evidence for the purposes of imposing a penalty and that you adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, 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.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to vacate previous motions. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, 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. Fallon, to accept the investigative report into evidence for the purposes of imposing a penalty and that you adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to vacate motion that she waived her right and to continue as an informal hearing. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, 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: License to remain suspended until respondent has undergone a PRN evaluation. Respondent must receive PRN evaluation within 60 days and sign any required contract within 90 days of request. Board reserves jurisdiction to impose probation at reasonable terms not to exceed respondent's PRN contract. Respondent must pay a fine of \$500.00 to be paid within 90 days of reinstatement. Respondent must pay costs in an amount to follow.

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

Motion: by Dr. Fallon, seconded by Dr. Weizer, to assess costs in the amount of \$984.55 within 90 days of reinstatement. Motion carried.

DOW-2 Ryan Daniel Rodriguez, RPT 5867 – Jacksonville, FL
Case No. 2013-00926 – PCP Fallon/Glass

Count One: Respondent violated Section 456.072(1)(q), F.S. (2012), by violating a lawful order of the department or the Board.

The case was pulled by the Department.

DOW-3 Ihab S. Barsoum, PS 30945 – Tampa, FL.

Count One: Respondent violated Section 456.072(1)(c), F.S. (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 relates to the practice of, or the ability to practice, a licensee's profession.

Count Two: Respondent violated Section 456.072(1)(x), F.S. (2012), by failing to report to the Board in writing within thirty days after the licensee has been conceited of found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

Respondent was not present nor represented by counsel.

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

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

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

The Department withdrew its motion for costs.

DOW-4 Katy Elizabeth Wallis, PS 48435 – Sarasota, FL
 Case No. 2013-07966 – PCP Mesaros/Glass

Count One: Respondent violated Section 465.016(1)(e), F.S. (2011), when she possessed hydrocodone, which she did not obtain lawfully or pursuant to a valid prescription or order, in violation of Title 21, United States Code, section 843.

Count Two: Respondent violated Section 456.072(1)(c), F.S. (2011), when she pled guilty to unlawful possession of a controlled substance.

The respondent was not present nor represented by counsel.

Motion: by Dr. Mikhael, 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. Mikhael, 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 adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, 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: License shall remain suspended until respondent has undergone a PRN evaluation within 60 days and sign any contract offered within 90 days of PRN's request. Respondent shall pay a fine of \$1,000.00 within 90 days of reinstatement.

Motion: by Dr. Fallon, seconded by Mr. Garcia, to accept the recommendations of the Department. Motion: failed with all Board members in opposition.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to have respondent remain suspended indefinitely until PRN will advocate on respondent's behalf that they are able to practice with reasonable skill and safety with terms and fines to be determined later. Motion carried.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to assess costs of \$2,101.45 to be paid within 90 days of reinstatement. Motion carried.

C. VOLUNTARY RELINQUISHMENTS

VR's voted on at one time: VR's 1,2,3,4, and 5 were voted on as a group.

Motion: by Dr. Weizer, seconded by Dr. Fallon, to accept the above-listed Voluntary Relinquishments. Motion carried.

VR-1 Samantha Margarita Solis, RPT 41014 – Lake Mary, FL.
Case No. 2013-12552 – PCP (None)

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

See motion above.

VR-2 Robert S. Wesley, RPT 47994 – New Port Richey, FL
Case No. 2013-08298 – PCP Waived

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

See motion above.

VR-3 Alexis Michelle Stall, PSI 29247
Case No. 2013-11854 – PCP Waived

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

See motion above.

VR-4 SDU, Inc., PH 13238 – Boca Raton, FL

Case No. 2013-06926 – PCP Waived

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

See motion above.

VR-5 NTC Urgent Care Centers, LLC, PH 21462 – Clermont, FL
Case No. 2013-07117 – PCP Waived

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

See motion above.

VR-6 Las Mercedes Drug Store, Inc., PH 25947 – Miami, FL
Case No. 2013-01125 – PCP Risch/Mesaros

The Department suggests 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-7 Roy Cole Sr., RPT 19986 – Tarpon Springs, FL
Case No. 2013-08984 – PCP Weizer/ Meshad

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

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

VR-8 Main Street Family Pharmacy, LLC, PH 24815 – Newbern, TN
Case No. 2013-07092 – PCP Glass/Mesaros

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

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

VR-9 Avalon Park Pharmacy, PH 24071 – Orlando, FL
Case No. 2012-13103 – Weizer/Meshad

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

Martin Dix, Esquire was present on behalf of the Respondent.

This case was pulled by the Department.

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

I-1 James M. Maister, PS 34202 – Wesley Chapel, FL.
Case No. 2010-19143 – PCP Meshad/Weizer

This case was granted a continuance and will be heard at the February Board of Pharmacy meeting.

I-2 Dino Jose Antonioni, PS 38504. Miramar, FL
Case No. 2012-14458. PCP – Griffin/Mesaros

Mr. Garcia recused himself from this case.

Respondent was not present nor represented by counsel.

Count One: Respondent violated Section 456.072(1)(c), F.S. (2012) 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 pharmacy.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to proceed as an informal hearing. Motion carried.

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

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to accept the investigative report into evidence for the purposes of imposing a penalty and to adopt the findings and facts as set forth in the Administrative Complaint. Motion carried.

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

The Department withdrew motion for costs.

I-3 Lamonte George Hambrick, RPT 8527 – Tampa, FL
Case No. 2013-01501 – PCP Weizer/Meshad

Count One: Respondent violated Section 465.023(1)(x), F.S. (2012), by failing to report to the Board, or the 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, constitutes grounds for discipline.

Respondent was not present nor represented by counsel.

Mr. Flynn informed the Board of the respondent's request to either have his case be continued until his appeals process is completed or have his case heard telephonically due to his current incarceration.

Motion: Dr. Mesaros, seconded by Mrs. Glass, to provide a statement to the respondent that he has the ability to submit a written argument for the Board regarding his circumstances or send representation. The statement shall also deny the respondent's request for a telephonic hearing and inform the respondent that voluntary relinquishment is still an option. Motion carried.

I-4 Eric Jansen Gaines II, RPT 45259 – Crawfordville, FL
Case No. 2012-16863 – PCP Mesaros/Risch

Count One: Respondent has violated Section 465.016(1)(e), F.S. (2012), by violating Chapter 893, F.S. (2012)

Count Two: Respondent violated Section 456.072(1)(c), F.S. (2012), by being convicted of or entering a plea of nolo contendere to a crime in any jurisdiction which relates to the practice of, or the ability to practice, Respondent's profession.

Respondent was present and sworn in by the court reporter. Respondent was represented by Martin Dix, Esquire.

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 accept the investigative report into evidence for the purposes of imposing a penalty. 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.

Respondent requested a continuance until the next Board of Pharmacy meeting.

Dr. Brown (Professional Resource Network) stated that his initial evaluation concluded that the respondent is not safe to practice.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to deny the respondent's request for a continuance. 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 Dr. Fallon, seconded by Dr. Weizer, to accept the recommendations of the Department. Motion carried.

The Department withdrew motion for costs.

I-5 Matthew Louis Earney, PS 45018 – Naples, FL
Case No. 2013-05487. PCP – Mesaros/Glass

Count One: Respondent violated Section 456.072(1)(k), F.S. (2012), by violating Section 465.022(11)(a), F.S. (2012), by failing to ensure the permittee's compliance with all rules adopted under those chapters as they relate to the practice of the profession of pharmacy and the sale of prescription drugs.

This case was pulled by the Department.

I-6 Misir Drugs, LLC, PH 25701 – Naples, FL
Case No. 2013-05486. PCP – Mesaros/Glass

Count One: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.108(3)(e), F.A.C., which requires the label on the immediate container of a repackaged product or a multiple unit repackaged drug product shall include the expiration date of the enclosed medication.

Count Two: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.108(3)(f), F.A.C., which requires the label on the immediate container of a repackaged product or a multiple unit repackaged drug product shall include the lot number of the medication enclosed within.

Count Three: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Section 456.42(2), F.S. (2012), by filling and dispensing prescriptions for controlled substances on non-Department approved counterfeit-proof prescription pads.

Count Four: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Section 893.07(2), F.S. (2012), by failing to properly complete DEA Form 222.

Count Five: Respondent violated Section 465.023(1)(c), F.S. (2012), by violating Rule 64B16-28.140(4) F.A.C., by failing to properly maintain compounding records.

This case was pulled by the Department.

I-7 Afshin Sadeghi, PS 41434 – Bakersfield, CA
Case No. 2012-04658 – PCP Garcia/Risch

Respondent was not present nor represented by counsel.

Count One: Respondent violated Section 465.016(1)(g), F.S. (2008), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

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 accept the investigative report into evidence for the purposes of imposing a penalty. 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: Respondent shall pay a fine of \$1,000.00. Respondent shall complete a medication error CE within 6 months of final order.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept the recommendations of the Department with the amendment that the medication errors CE be completed within 1 year of the final order. Motion carried.

Motion: by Mrs. Glass seconded by Dr. Weizer, to asses costs of \$1,258.32. Motion carried.

I-8 Bonnie Christina Smith, RPT 3325 - Port Saint Lucie, FL
Case No. 2013-02273 – PCP Weizer/Meshad

Count One: Respondent violated 456.072(1)(c), F.S. (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 relates to the practice of, or the ability to practice, a licensee’s profession.

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

Dr. Martha Brown (Professional Resource Network) was present and advocated on the respondent’s behalf.

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

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

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

Dr. Martha Brown (Professional Resource Network) spoke on behalf of the respondent and stated that she has been compliant with her existing PRN contract. Dr. Brown also stated that PRN does not believe she is ready to return to practice yet.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, 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 Dr. Mikhael, seconded by Dr. Fallon, for stayed suspension until PRN decides the respondent is able to return to practice with reasonable skill and safety. At which time, the respondent shall be placed on probation for a period of time to run coterminous with completion of the PRN contract and at which time the Board reserves jurisdiction to add future conditions. Motion carried.

Motion: by Mrs. Glass, seconded by Dr. Mikhael, to asses costs of \$753.57 payable within 90 days of reinstatement. Motion carried.

TAB 5 APPLICATIONS REQUIRING BOARD REVIEW – Debra Glass, BPharm

A. Examination Applicants

1. Sandeep Singh, File: 44040 – Tampa, FL

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

Motion: by Dr. Mesaros, seconded by Dr. Weizer, to allow the applicant to sit for the exam. Prior to the license being issued, the applicant must receive a PRN evaluation and comply with all conditions required by PRN. If a contract with PRN is not required, license will issue. Motion carried.

2. Marta Walters, File: 44153 – San Juan, PR

Applicant was not present nor represented by counsel.

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

B. Endorsement Applicants

1. Darren James Palmer, File: 42962 – Ft. Lauderdale, FL

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

Motion: by Dr. Weizer, seconded by Mrs. Glass, to grant licensure on the condition that prior to the license being issued, the applicant must receive a PRN evaluation and comply with all conditions required by PRN. If a contract with PRN is not required, license will issue. Motion carried.

2. Jonathan Lee, File: 44119 – Grantham, NH

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

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

C. Pharmacy Intern Applications.

1. Curtis Michael Drees, File: 19170 – Fort Loramie, OH

Applicant was not present nor represented by counsel.

Motion: by Mrs. Glass, seconded by Mr. Philip, to deny the application. Motion carried.

D. Registered Pharmacy Technician Applications.

1. Andrew Michael Maniscalco, File: 52809 – Gainesville, FL

Applicant was not present nor represented by counsel.

Motion: by Dr. Mesaros, seconded by Dr. Weizer, to require an appearance at one of the next two Board meetings. Motion carried.

2. Jermaine Raymond, File: 51288 – St. Petersburg, FL

Respondent was not present nor represented by counsel.

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

E. Non-Resident Pharmacy Permit Applications.

1. PPM, LLC, File: 20164 – Oklahoma City, OK

Ryan Orton (Pharmacy Owner for PPM, LLC) was present and sworn in by the court reporter. Applicant was not represented by counsel.

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

2. Town & Country Compounding and Consultation Services, LLC.

John Herr (Owner) was present and sworn in by the court reporter. Respondent was not represented by counsel.

Motion: by Mr. Philip, seconded by Dr. Mikhael, to reject the application. Motion carried.

3. Allcare PC, File: 20159 – Lyons, GA

Robert Driggers (Prescription Department Manager) and Eric Medlock (Technician) were present and sworn in by court reporter. Respondent was not represented by counsel.

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

TAB 6 **LICENSURE ISSUES**

A. Request for Termination of Probation

1. Zhaoqi Zhu, File: 22754 – Miami, FL.

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

Motion: by Dr. Mesaros, seconded by Dr. Fallon, to accept the request for termination of probation. Motion carried.

2. Anthony M. Pecoraro, File: 21937 – Boca Raton, FL

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

Dr. Martha Brown (PRN) advocated for the petitioner.

Motion: by Dr. Mikhael, seconded by Mrs. Risch, to accept the request for termination of probation. Motion carried.

3. Jean Jones, File: 11521 – Gainesville, FL

Petitioner was present and sworn in by the court reporter. Petitioner was represented by Edwin Bayo, Esquire. Motion carried.

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

B. Petition for Reinstatement

1. John Scott Clopton, File: 11949 – Silverhill, AL

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

Motion: by Dr. Weizer, seconded by Mrs. Glass, to reinstate the license as well as reinstate the petitioner's ability to practice in the state of Florida. Motion carried.

C. Petition to Relinquish License and to Request an Extension of Payment.

1. G.M.G. Pharmacy and Discount, Inc., File: 18980 – Hialeah, FL.

Respondent was not present nor represented by counsel.

No action was taken.

2. John White, File: 475 – Ft. Myers, FL

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

Motion: by Dr. Fallon, seconded by Mrs. Risch, to vacate the costs of \$880.80. Motion carried with Mr. Garcia in opposition.

D. Motion for Modification of Final Order

1. AnazaoHealth Corporation – Tampa, FL

Petitioner was present and sworn in by court reporter. Petitioner was represented by Edwin Bayo, Esquire.

Motion: by Dr. Fallon, seconded by Dr. Weizer, to accept the past four successful inspections as meeting the requirements of the Final Order. Motion carried.

TAB 7 INFORMAL LICENSURE HEARINGS

A. Request to Appeal Notice of Intent to Deny

1. EntirelyPets Pharmacy, LLC, File: 19899 – Union City, CA

Rashmi Shingari (Owner) was present and sworn in by the court reporter. Applicant was represented by Noah Jussim, Esquire.

Motion: by Dr. Weizer, seconded Dr. Mikhael, to proceed as an informal hearing. Motion carried.

Motion: by Dr. Mikhael, seconded by Dr. Fallon, to uphold the initial denial of the application. Motion failed due to a tie vote.

Motion: by Dr. Weizer, seconded by Dr. Mikhael, to allow the applicant to withdraw their application. Motion carried.

EntirelyPets accepted the Board's offer to withdraw their application.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to vacate previous order of intent to deny application. Motion carried.

B. Request to Voluntary Relinquish License

1. Andrew Brandt, RPT 50740 – Clermont, FL.

This case was pulled to let the Board office accept the Voluntary Relinquishment.

END OF CASES. ----

The Board members discussed and determined that the February 4-5, 2013 Board of Pharmacy meeting will be moved to February 11-12, 2013 with a location to be confirmed later.

Motion: by Dr. Weizer, seconded Mrs. Glass to delegate the authority to approve holiday modification of hours to the Board chair. Motion carried.

Motion: by Dr. Weizer, seconded by Mrs. Glass to delegate signature authority for PCP memorandums to the Executive Director. Motion carried.

Mr. Garcia asked Ms. Norr to present the rule changes discussed at the December 3, 2013 Rules Committee for a vote.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, to remove the sentence in the mitigating and aggravating factors subsection of Rule 64B16-30.001 that JAPC stated is in conflict with Statute 456.079. Motion carried.

Motion: by Dr. Mesaros, seconded by Mr. Philip, that there is not an adverse economic impact on small business. Motion carried.

Motion: by Dr. Mesaros, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Mrs. Glass and Dr. Weizer requested that the Chair appoint another member to the Compounding Rules Committee.

Dr. Mesaros appointed Dr. Mark Mikhael to the Compounding Rules Committee.

The Board acknowledged Mr. Garcia for his great work over the past year serving as the Chairman to the Board of Pharmacy.

Mr. Garcia opened the floor to public comments.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to **ADJOURN** the meeting 6:13pm. Motion carried.