

**MINUTES
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
February 9-10, 2010**

**Embassy Suites
9300 Baymeadows Road
Jacksonville, Florida 32256
(904) 731-3555**

Board Members:

Michele Weizer, PharmD, Chair, Boca Raton,
Fritz Hayes, BPharm, Vice-Chair, Miami
Albert Garcia, BPharm, MHL, Miami
Cynthia Griffin, PharmD, Jacksonville
Amy Jones, JD, Consumer Member, Tallahassee
Steve Melvin, PharmD, Panama City
Jim Powers, BPharm, Tallahassee
Lorena Risch, Consumer Member, Bradenton
Ron Salem, PharmD, Jacksonville

Board Staff:

Rebecca Poston, BPharm, Executive Director
Ronda Bryan, Program Operations Administrator
Erica Milam, Administrative Assistant II

Board Counsel:

Allison Dudley, Assistant Attorney General
Diane Guillemette, Assistant Attorney General

Department of Health Staff:

Billie Jo Owens, Assistant General Counsel

Note: Items shown reflect the order in which they were addressed.

Tuesday, February 9, 2010

Call To Order by Michele Weizer, Chair

Dr. Weizer called the meeting to order at 1:00 p.m.

1:00 p.m. Rule Hearing on Rule 64B16-27.500, F.A.C., Negative Drug Formulary

The following individuals provided testimony:

1. Dr. Elliott G. Levy spoke in opposition to removing Levothyroxine Sodium from the FL Negative Drug Formulary.
2. James V. Hennessy spoke in opposition to removing Levothyroxine Sodium from the FL Negative Drug Formulary.
3. Bill Williams, Mylan Pharmaceuticals spoke in support to removing Levothyroxine Sodium from the FL Negative Drug Formulary.
4. Michael Glacier spoke in opposition to removing Levothyroxine Sodium from the FL Negative Drug Formulary.

Rule Hearing Adjourned at 1:47 p.m.

Tuesday, February 9, 2010

Call To Order by Michele Weizer, Chair

Dr. Weizer called the meeting to order at 1:48 p.m.

TAB 1

REPORTS

A. Chair's Report- Michele Weizer, PharmD

Dr. Weizer recognized Ron Salem, PharmD, for serving as 2009 Board Chair.

Dr. Salem recognized Amy Jones, JD for serving as 2009 Rules Committee and Administration Committee Chair.

Dr. Salem recognized Fritz Hayes, BPharm for serving as 2009 Tripartite Committee Chair.

Dr. Salem recognized Board of Pharmacy Staff for the registration of 28,169 pharmacy technicians.

B. Executive Director's Report - Rebecca Poston, BPharm

1. October 2009 PRN Report

Ms. Poston noted the October 2009 PRN report was informational.

2. November 2009 PRN Report

Ms. Poston noted the November 2009 PRN report was informational.

3. Activities

Ms. Poston and Mr. Hayes gave a presentation at the Florida Pharmacy Association meeting held in Sarasota, FL on December 5, 2009.

Ms. Poston gave a presentation at the Florida Pharmacy Association meeting held in Destin, FL on January 30-31, 2010.

4. Technician Registration Statistics

Ms. Poston advised the following:

1. A total of 28,169 pharmacy technicians have submitted their application to become registered.
2. 3.5% of the pharmacy technician applications are on a manual hold due to positive answers to questions on the application that require Board review. There are 400 applications for Board review and 18 of these were placed on this agenda.

5. Legislative Update 2010

Ms. Poston gave an updated on the following bills:

1. HB 101 - University of South Florida Doctor of Pharmacy Program: Authorizes Doctor of Pharmacy Degree program at the University of South Florida. Effective Date: Upon becoming a law.
2. HB 135 - Practice of Optometry:
Authorizes Board of Optometry to adopt rules for administration & prescription of oral ocular pharmaceutical agents; authorizes certified optometrists to administer & prescribe oral ocular pharmaceutical agents under certain circumstances; revises requirements for certified optometrist formulary of ocular pharmaceutical agents; revises qualifications of certain members of formulary committee; prohibits committee from reviewing requests or issuing advisory opinions or recommendations regarding oral ocular pharmaceutical agents; requires formulary to include certain oral ocular pharmaceutical agents; prohibits board from adding to, deleting from, or modifying formulary with respect to oral ocular pharmaceutical agents; revises definition to specify that certified optometrists are practitioners for purposes of Florida Comprehensive Drug Abuse Prevention & Control Act; prohibits certified optometrists from administering & prescribing certain controlled substances. Effective Date: 7/1/2010
3. HB 225 – Pharmacy:
Prohibits registered dispensing practitioners from dispensing more than a specified amount of certain controlled substances; provides exception. Effective Date: 07/01/2010
4. SB 330 - Optometry/Oral and Topical Pharmaceutical Agents:
Authorizes the Board of Optometry to adopt rules for the administration and prescription of oral ocular pharmaceutical agents. Prohibits the board from adding to, deleting from, or modifying the formulary with respect to oral ocular pharmaceutical agents. Prohibits certified optometrists from administering and prescribing certain controlled substances, etc. Effective Date: 07/01/2010
5. SB 616 - Prescription Drug Monitoring:
Prescription Drug Monitoring Program: Requires that the confidential and exempt information in the program database which is disclosed to the Attorney General or a law enforcement agency by the Department of Health be disclosed pursuant to a search warrant based upon probable cause. Effective Date: 07/01/2010
6. SB 646 - Pain Management Clinics:
Pain-management Clinics: Prohibits a person from owning or operating a pain-management clinic unless he or she is a physician licensed in this state. Requires a physician's license to be clear and active to own or operate a pain-management clinic. Provides that a pain-management clinic may not be owned by or employ a physician who has been disciplined by the Board of Medicine or the Board of Osteopathic Medicine for dependency on drugs or alcohol, etc. Effective Date: 07/01/2010
7. SB 652 - Reproductive Health Services/Rape Survivors:
Reproductive Health Services/Rape Survivors: Creates the "Prevention First Act." Provides duties of licensed health care practitioners and facilities relating to the treatment of rape survivors. Requires the Agency for Health Care

Administration to provide for enforcement and impose penalties. Requires licensed pharmacies to dispense certain forms of contraception without delay. Specifies conditions under which a pharmacy may refuse to provide a contraceptive, etc. Effective Date: 07/01/2010

8. HB 517 - Reproductive Health Services and Family Planning:
Reproductive Health Services and Family Planning: Creates "Prevention First Act"; provides duties of licensed health care practitioners & facilities relating to treatment of rape survivors; requires AHCA to provide for enforcement & impose penalties; requires licensed pharmacies to dispense certain forms of contraception without delay; specifies conditions under which pharmacy may refuse to provide contraceptive. Effective Date: 07/01/2010
9. HB 537 - Practice of Dentistry:
Practice of Dentistry: Requires persons who apply for licensure renewal as dentists or dental hygienists to furnish certain information to DOH in dental workforce survey; requires Board of Dentistry to issue nondisciplinary citation & notice for failure to complete survey within specified time; provides notification requirements for citation; requires DOH to serve as coordinating body for purpose of collecting, disseminating, & updating dental workforce data; requires DOH to maintain database regarding state's dental workforce; requires DOH to develop strategies to maximize federal & state programs & to work with advisory body to address matters relating to state's dental workforce; provides membership of advisory body; requires DOH to act as clearinghouse for collecting & disseminating information regarding dental workforce; requires DOH & board to adopt rules; provides legislative intent regarding implementation of act within existing resources; authorizes certain business entities to pay for prescription drugs obtained by certain licensed practitioners. Effective Date: 07/01/2010
10. SB 1050 - Methamphetamine Pharmaceutical Products/Sale:
Methamphetamine Pharmaceutical Products/Sale: Prohibits the retail sale of more than a specified amount of ephedrine base, pseudoephedrine base, or phenylpropanolamine base contained in a scheduled listed chemical product. Provides criminal penalties. Requires each seller of scheduled listed chemical products to maintain a logbook to record sales. Provides for a methamphetamine monitoring system within the Department of Law Enforcement, etc. Effective Date: 07/01/2010
11. HB 677 - Advanced Registered Nurse Practitioners:
Advanced Registered Nurse Practitioners: Redefines term "practitioner" for purposes of Florida Comprehensive Drug Abuse Prevention & Control Act to include advanced registered nurse practitioners. Effective Date: Upon becoming a law.
12. HB 671 - Pain-Management Clinics:
Pain-Management Clinics: Requires that privately owned pain-management clinics be registered with DOH by specified date; prohibits physician from practicing in pain-management clinic that is not registered; requires DOH to refuse to issue or revoke registration of certain pain-management clinics that are owned by person convicted of felony; requires DOH to annually inspect registered clinics; provides for automatic expiration of registration; requires

payment of costs for registration & inspection or accreditation; requires rules setting forth standards of practice in privately owned pain-management clinics; provides criteria for physicians that practice pain-management; provides that certain pain-management clinics are exempt from registration requirements under certain conditions; provides requirements for registering pain-management clinic; requires DOH to submit fingerprints of applicant for registration or renewal to FDLE & FBI for criminal records check; provides that applicants are not required to submit fingerprints under certain conditions.
Effective Date: 07/01/2010

13. SB 1260 - Controlled Substances:
Controlled Substances: Revises the list of controlled substances in Schedules I, II, III, IV, and V. Provides that the salts, isomers, or salts of isomers are included within certain substances listed in Schedule III. Effective Date: 07/01/2010
14. HB 933 - Medicaid Rural County Pilot Project:
Medicaid Rural County Pilot Project: Authorizes AHCA to seek Medicaid pilot project waiver; creates Medicaid rural pilot project; provides duties & responsibilities of agency & boards of county commissioners with respect to implementing project; provides requirements for county contracts with HMOs; authorizes agency to adopt rules to implement project; requires agency to submit report to Legislature; provides conditions under which rural counties may provide health care if federal health reform plan is adopted. Effective Date: 07/01/2010

Motion: by Ms. Jones, seconded by Dr. Melvin to delegate board chair authority to respond on behalf of the Boards position on legislative matters. Motion carried unanimously.

6. Memorandum from Gerry Schiebler, M.D., President, Professionals Resource Network (PRN), Inc.

Ms. Poston advised that Dr. Judy Rivenbark had been appointed as acting Medical Director for PRN.

7. Continuing Education Audit Process

Ms. Poston provided a brief overview of the continuing education audit process.

8. Resume for Allison Dudley, Assistant Attorney General

Ms. Poston welcomed Allison Dudley as the new Board Counsel.

Ms. Poston thanked Ms. Guillemette for her tremendous under taking with rule development and expertise she brought to the Board while serving as the counsel.

9. Board Member Confirmations

Ms. Poston advised the Senate confirmed Ms. Risch, Dr. Griffin, Mr. Hayes, Dr. Melvin, and Dr. Weizer.

10. Prescription Drug Monitoring Program – Charles Coats, District Investigation Manager

Mr. Coates provided a progress report on the status of the implementation of the Florida Prescription Drug Monitoring Program.

C. Attorney General’s Report – Allison Dudley, Assistant Attorney General and Diane Guillemette, Assistant Attorney General

• **Rule 64B16-26.1031 – Influenza Immunization Certification Program**

Motion: by Dr. Griffin, seconded by Ms. Jones to approve the application. Motion carried unanimously.

Motion: by Mr. Hayes, seconded by Dr. Melvin to open rule 64B16-26.1032 for rule development in order to incorporate the individual application. Motion carried unanimously.

• **Rule 64B16-26.103 – Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacists License Renewal.**

(1)(c): delete “or the Accreditation Council for Pharmacy Education (ACPE).”

(4)(e): delete “or the Accreditation Council for Pharmacy Education (ACPE).”

(4)(k): insert “medication errors” and delete “or nuclear pharmacist license”.

Motion: by Dr. Salem, seconded by Dr. Griffin to approve the rule. Motion carried unanimously.

Motion: by Ms. Jones, seconded by Dr. Griffin that there is no impact on small businesses. Motion carried unanimously.

Motion: by Ms. Jones, seconded by Dr. Griffin to approve the workbook manual to include language on the front stating “no credit for activity will be recognized until the foreign graduate has been registered as an intern. If you have not been registered as an intern you will not receive the credit necessary to be become eligible for the pharmacists examination.” Motion carried unanimously.

Motion: by Ms. Jones, seconded by Dr. Melvin to grant board counsel authority to make other ministerial changes to the rules consistent with the work activity manual being posted in order to make them go through JAPC. Motion carried unanimously.

Motion: by Ms. Jones, seconded by Dr. Griffin to change paragraph 15, last sentence to reflect the 500 hours of supervised work activity shall not be approved for any application until said application has obtain the passing score on the foreign pharmacy graduate equivalency exam. Motion carried unanimously.

• **Rule 64B16-26.351 - Standards for Approval of Registered Pharmacy Technician Training Program**

Motion: by Dr. Griffin, seconded by Ms. Jones to rely on previously approved Statement of Estimated Regulatory Cost ([SERC](#)). Motion carried unanimously.

Motion: by Ms. Jones, seconded by Dr. Salem to amend the language as follows:
(1)(a) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the American Society of Health-System Pharmacists,
(2) All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA 1232 "Board of Pharmacy Registered Pharmacy Technician Training Program Provider Application," effective February 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850) 488-0595, or download the application form from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. The application must be accompanied with a non-refundable application fee. The following objectives must be met:
(2)(f)5. Providers shall securely maintain all participant records and copies of certificates issued for a period of three years and said records shall be available for inspection by the board or department.
(4)(d) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Self-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.
Motion carried unanimously.

E. Statewide Inspection Program Manager Report

Mr. Sands advised that 49% of pharmacy inspections have been completed for this fiscal year. Early on in the fiscal year they concentrated heavily on the inspections for dispensing practitioners involved in pain clinics. Once those are finished, they will move on and finish up the pharmacy inspections.

Inspector training will be held next week which Mr. Hayes allowed them to use him for the training.

The major concern with Pharmacy technician registration inspections are the registrations not being displayed.

At the next board meeting a report will be given on what issues are being found regarding Pharmacy technician inspections and any other issues found.

F. Rules Committee –Steve Melvin, PharmD.

Dr. Melvin anticipates a very full year with the Rules committee and his goal is to get things done as expeditiously and thoughtfully as possible and accomplish all that wants to be accomplished.

G. Administrative Report – Amy Jones, JD

Ms. Jones had no report give at this time.

H. Tripartite Committee Report – Fritz Hayes, BPharm

Mr. Hayes recognized Board staff for the Registration of Pharmacy Technicians.

I. Probable Cause Panel Report – Amy Jones, JD and Fritz Hayes, BPharm

Ms. Jones asked that we discontinue with the probable cause report as there is very limited information available. Mr. Hayes agreed.

Ms. Jones asked that Board staff supply a COMPAS report.

TAB 2 BUSINESS –Michele Weizer, PharmD, and Allison Dudley, Assistant Attorney General

A. Ratification of Issued Licenses/Certificates & Staffing Ratios – Michele Weizer, PharmD

1. Pharmacist (Licensure) (Client 2201) – 101
2. Pharmacist (Exam Eligibility) (Client 2201) – 60
3. Pharmacist Interns (Client 2202) – 376
4. Registered Pharmacy Technicians (Client 2208)- 24,561
5. Consultant Pharmacist (Client 2203) – 31
6. Nuclear Pharmacist (Client 2204) – 1
7. Pharmacies/facilities (Client 2205) – 62
8. Technician Ratios - 0
9. CE Providers and Programs – 2
10. Registered Pharmacy Technicians Approved by Board Chair - 0

Motion: by Ms. Jones, seconded by Mr. Powers to approve. Motion carried unanimously.

B. Ratification of Practice Plans Approved by Board Chair - Michele Weizer, Pharm.D.

Dr. Weizer advised there were no ratification of practice plans to approve at this meeting.

No action needed.

C. Minutes – Michele Weizer, PharmD

1. Approval of December 8-9, 2009, Meeting Minutes

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

2. Approval of December 21, 2009, Meeting Minutes

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

3. Approval of December 28, 2009, Meeting Minutes

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

4. Approval of December 30, 2009, Meeting Minutes

Motion: by Mr. Powers, seconded by Dr. Griffin to approve. Motion carried unanimously.

Meeting adjourned at 2:58 p.m.

Wednesday, February 10, 2009 – 8:00 a.m. – Disciplinary Cases

Call To Order by Michele Weizer, Chair

Dr. Weizer called the meeting to order at 8:00 a.m.

TAB 2 BUSINESS – Michele Weizer, PharmD, and Allison Dudley, Assistant Attorney General

C. Minutes – Michele Weizer, PharmD

5. Approval of November 16, 2009, Meeting Minutes

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

1. Approval of January 19, 2010, Meeting Minutes

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

D. Correspondence – Allison Dudley, Assistant Attorney General

1. Daniel H. Hunt, II, R.Ph., J.D. – Re: 465.026(3), F.S.

Motion: by Ms. Jones, seconded by Dr. Melvin to not respond as it has not been filed in the form of a Petition for Declaratory Statement. Motion carried unanimously.

2. George Brunner, Assistant General Counsel, UHS of Delaware, Inc.

Motion: by Ms. Jones, seconded by Dr. Melvin to deny waiver based on not meeting the requirements of Chapter 120, F.S. Motion carried unanimously.

TAB 1 Reports

D. Prosecuting Attorney Report – Billie Jo Owens

1. February 2010 Prosecution Report

Ms. Owens advised there are currently 421 pending cases, 10 cases on hold, and 12 priority cases that are older than 1 year.

Motion: by Dr. Salem, seconded by Dr. Melvin to continue the priority cases that are older than 1 year. Motion carried unanimously.

C. Attorney General's Report – Allison Dudley, Assistant Attorney General and Diane Guillemette, Assistant Attorney General

- Rule 64B16-26.351, F.A.C., Standards for approval of Registered Pharmacy Technician Training Program

Motion: by Dr. Griffin, seconded by Dr. Salem to strike “accreditation council of pharmaceutical education” from line 7-8.

Motion: by Ms. Jones, seconded by Dr. Griffin to amend SERC to remove “see attachments”. Motion carried unanimously.

Motion: by Ms. Jones, seconded by Dr. Griffin to add council on occupational education (1)

TAB 3 DISCIPLINARY CASES – Billie Jo Owens and Michele Weizer, PharmD

A. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES

**A-1 NICOLE SUZANNE HANNA, RPH, Clearwater, FL., PS 39335
Case No. 2007-39452 - PC: Powers/Jones**

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (F.S.), by furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Dr. Salem, seconded by Mr. Garcia to accept the settlement agreement, an administrative fine in the amount of \$1,000.00, cost in the amount of \$1,918.50, one (1) year of probation and successfully complete a Board approved eight (8) hour prescription misfill course within one (1) year of the filing of the final order. Motion carried unanimously.

**A-2 JOHANNA MELENDEZ, RPH, New York, NY, PS 41192
Case No. 2007-39446 PC: Powers/Jones**

Respondent was not present. Respondent was represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), F.S. by furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Dr. Griffin, seconded by Mr. Garcia to accept the settlement agreement, an administrative fine in the amount of \$2,000.00 and cost in the amount of \$2,154.50 to be paid within thirty (30) days of the filing of the final order. Reprimand, one (1) year of probation and successfully complete a Board approved eight (8) hour prescription misfill course. Motion carried unanimously.

**A-3 FRANCES FOLEY CASH, RPH, Safety Harbor, FL., PS 19984
Case No. 2007-32341 PC: Powers/Jones**

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g) F.S., by using in the Compounding of a prescription, an ingredient or article Different in any manner from the ingredient or article prescribed.

MOTION: by Dr. Salem, seconded by Dr. Griffin to accept the settlement agreement, an administrative fine on the amount of \$ 2,000.00 and cost in the amount of \$2,625.73 to be paid within thirty (30) days of the filing of the final order. Reprimand, one (1) year of probation and successfully complete a Board approved eight (8) hour prescription misfill course. Motion carried unanimously.

**A-4 EARL S. PARAMORE, RPH, Marianna, FL., PS 14067
Case No. 2009-10273 PC: Hayes/Weizer**

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

Ms. Owens advised the Board the Respondent violated As Prescription Department Manager for Paramore's Pharmacy, failed to comply with the required frequency of Continuous Quality Improvement Committee review of Quality-Related Events in violation of Rule 64B16-27.300, F.A.C.

MOTION: by Mr. Powers, seconded by Dr. Salem to accept the settlement agreement, an administrative fine in the amount of \$1,000.00 and cost in the amount of \$1,696.31 to be paid within thirty (30) days of the filing of the final order. Motion carried with Ms. Jones opposing.

**A-5 RANDALL LAHTI, RPH, Fort Lauderdale, FL., PS 32671
Case No. 2009-03669 PC: Melvin/Risch**

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(i), F.S. (2008), by dispensing a controlled substance other than in the course of the professional practice of Pharmacy.

MOTION: by Dr. Griffin, seconded by Dr. Melvin to accept the settlement agreement, an administrative fine in the amount of \$2,000.00 and cost in the amount of \$1,255.69 to be paid within ninety (90) days of the filing of the final order. One (1) year probation and successfully complete a Board approved eight (8) hour prescription misfill course. Motion carried with Ms. Jones opposing.

**A-6 HOLIDAY CVS, LLC, Woodsocket, RI, PH 20347
Case No. 2009-10677 PC: Garcia/Griffin**

Respondent was not present. Respondent was represented by counsel.

Ms. Owens advised the Board the Respondent Failed to maintain prescription department in a clean and safe manner, in violation of Rule 64B16-28.102(1)(2)(3)and/or(4), F.A.C.

MOTION: by Ms. Jones, seconded by Dr. Melvin to accept the settlement agreement, an administrative fine in the amount of \$1,000.00 and costs in the amount of \$1,587.55 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

B. DETERMINATION OF WAIVER

DOW-1 JACOB'S PHARMACY, INC., Miami Spring, Fl., PH 23544 Case No. 2009-02609 PC: Powers/Jones

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), F.S. (2008), by violating a rule of the Board of Pharmacy , through a violation of Rule 64B16-28.1081, F.A.C., by failing to operate a pharmacy a minimum of forty hours per week.

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

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

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

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

MOTION: by Dr. Melvin, seconded by Dr. Griffin for revocation. Motion carried unanimously.

MOTION: by Dr. Melvin, seconded by Dr. Griffin to assess costs in the amount of 1,647.54 to be paid within 30 days of the filing of the final order. Motion carried unanimously.

DOW-2 TRINITY COMMUNITY HOSPITAL, Jasper, Fl., PH 16766 Case No. 2008-20104 PC: Hayes/Weizer

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), F.S. (2008), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3)(a) and (b), F.A.C., by failing to follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure, failing to return the pharmacy permit to the Board, and failing to notify the Board which permittee received the prescription files upon closure.

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

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

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

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

MOTION: by Dr. Griffin, seconded by Ms. Jones for revocation. Motion carried unanimously.

MOTION: by Ms. Jones, seconded by Dr. Griffin to assess costs in the amount of 1,905.98 to be paid within thirty (30) of the filing of the final order. Motion carried unanimously.

DOW-3 ALBERT WILLIAMS, RPH, Tampa, FL., PU 885
Case No. 2009-01844 PC: Garcia/Griffin

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), F.S., by violating any provision of Chapter 456, F.S., through a violation of Section 456.072(1)(q), F.S., by violating a lawful order of the department or board.

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

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

MOTION: by Dr. Melvin, seconded by Mr. Powers to postpone until the April 2010 meeting allowing the respondent to consult with Ms. Owens regarding this case. Motion carried unanimously.

C. VOLUNTARY RELINQUISHMENTS

VR-1 MED CARE PHARMACEUTICALS, INC., Hialeah, FL., PH 22699
Case No. 2009-10371 - PC: Garcia/Griffin

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), F.S., by violating a rule of the board of pharmacy, through violating Rule 64B16-28.202(3)(a) and (b), F.A.C., by failing to follow proper procedures for closure of a pharmacy permit to the

Board, and failing to notify the Board which permittee received the prescription files upon closure.

MOTION: by Ms. Jones, seconded by Dr. Melvin to accept voluntary relinquishment. Motion carried unanimously.

**VR-2 HERBERT HERBST, RPH, Boynton Beach, FL., PS 8184
Case No. 2009-11929 PC: Waived**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(i), F.S. dispensing prescription medications other than in the course of the profession of pharmacy.

MOTION: by Dr. Griffin, seconded by Dr. Melvin to accept voluntary relinquishment. Motion carried unanimously.

**VR-3 JO ANN MOLDENHAUER, RPH., Pawcatuck, Connecticut, PU 4071
Case No. 2009-17165 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent failed to complete any of the continuing education requirements for license renewal for the consultant pharmacist licensure biennium that ended on December 31, 2008; none of the hours completed were in coursework specified in Rule 64B16-26.302, F.A.C..

MOTION: by Dr. Salem, seconded by Dr. Griffin to accept voluntary relinquishment. Motion carried unanimously.

**VR-4 RAICHELL WASHINGTON SAVOY, RPH, Upper Marlboro, Maryland, PU 5673
Case No. 2009-15732 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated failed to timely submit proof of completion of consultant pharmacist continuing education in violation of a Uniform Non-Disciplinary Citation/Final Order.

MOTION: by Dr. Griffin, seconded by Ms. Jones to accept voluntary relinquishment. Motion carried unanimously.

**VR-5 TORRES PHARMACY DISCOUNT, INC., Hialeah, FL., PH 9324
Case No. 2009-11370 PC: Waived**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent closed its pharmacy without compliance with prescribed closing procedures as set forth in Rule 64B16-28.202, F.A.C.

MOTION: by Dr. Melvin, seconded by Dr. Griffin to accept voluntary relinquishment. Motion carried unanimously.

VR-6 SIMON BARNES, RPH, Delray Beach, Fl., PS 6345
Case No. 2009-11930 PC: Waived

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(i), F.S. dispensing prescription medications other than in the course of the profession of pharmacy as PDM of dispensing pharmacy.

MOTION: by Dr. Melvin, seconded by Ms. Jones to accept voluntary relinquishment. Motion carried unanimously.

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

I-1 KEVIN STRYCHALSKI, RPH, Sanford, Fl., PS 25362
Case No. 2009-14938 PC: Melvin/Risch

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

Ms. Owens advised the Board the Respondent commenced work as a pharmacist prior to Chair's approval of proposed practice plan, thereby violating an order of the Board previously entered in a disciplinary hearing, in violation of Section 465.016(1)(n), F.S. (2008).

MOTION: by Dr. Griffin, seconded by Ms. Jones to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

MOTION: by Dr. Griffin, seconded by Ms. Jones to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

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

MOTION: by Ms. Jones, seconded by Mr. Powers to reprimand, one (1) year of probation with the terms and conditions of 2006 final order. Motion carried unanimously.

MOTION: by Dr. Griffin, seconded by Ms. Jones to assess costs in the amount of 1,101.92 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

I-2 NATHAN MOY, RPH, Miramar, Fl., PS 34644
Case No. 2009-11174 PC: Hayes/Weizer

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(f), F.S., by having been convicted or found guilty of a crime that directly relates to the practice of pharmacy (convicted of one count of misdemeanor driving while under the influence in violation of Section 316.193, F.S., and one count of felony possession of a controlled substance in violation of Section 893.03(4)(p), F. S. and Section 893.13(6)(a), F. S.); Section 465.016(1)(r), F. S.(2008), by violating Section 456.072(1)(x), F.S., by failing to notify the Board or Department of entry of a plea of no contest to a crime.

MOTION: by Ms. Jones, seconded by Dr. Griffin to continue to the April 2010 meeting. Motion carried unanimously.

**I-3 REGINALD DAWSON, RPH, Jacksonville, Fl., PS 26434
Case No. 2008-20950 PC: Garcia/Hayes**

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(f), F.S. (2007) by having been convicted of a crime that directly relates to the practice of pharmacy (on or about January 7, 2008, Respondent was adjudicated guilty of one count of conspiracy to traffic in controlled substances in violation of Sections 893.135(5) and 777.04(3), F.S.

MOTION: by Dr. Melvin, seconded by Dr. Griffin to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

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

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

MOTION: by Dr. Melvin, seconded by Ms. Jones for revocation. Motion carried unanimously.

MOTION: by Ms. Jones, seconded by Dr. Melvin to assess costs in the amount of \$2,529.32 to be paid within thirty (30) of the filing of the final order. Motion carried unanimously.

**I-4 ACE MEDICAL EQUIPMENT GROUP CORP., Hialeah, Fl., PH 23203
Case No. 2009-11386 PC: Garcia/Griffin**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.0023(1)(c), F.S. (2008-2009), through a violation of Rule 64B16-27.300, F.A.C., by failure to comply with the required frequency of Continuous Quality Improvement Committee reviews of Quality-Related Events.

MOTION: by Dr. Melvin, seconded by Ms. Jones to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

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

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

MOTION: by Ms. Jones, seconded by Dr. Melvin to assess an administrative fine in the amount \$1,000.00 to be paid within ninety (90) days of the filing if the final order. Motion carried unanimously.

MOTION: by Ms. Jones, seconded by Dr. Melvin to assess costs in the amount of \$1,180.96 to be paid within thirty (30) of the filing of the final order. Motion carried unanimously.

**I-5 KATRINA VALENCIA TOUCHSTONE, RPH, West Park, FL., PS 40439
Case No. 2009-07782 PC: Powers/Jones**

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), F.S., by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Dr. Griffin, seconded by Dr. Melvin to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

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

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

MOTION: by Mr. Hayes, seconded by Mr. Garcia to assess an administrative fine in the amount of \$500.00 to be paid in quarterly payments and successfully complete a Board approved eight (8) hour prescription misfill course within one (1) year of the filing of the final order. Motion carried unanimously.

MOTION: by Dr. Melvin, seconded by Mr. Garcia to assess costs in the amount of \$1,327.02 to be paid in quarterly payments within one (1) year of the filing of the final order. Motion carried unanimously.

**I-6 ROBERT MURRO, RPH, Lake Worth, FL., PU 3723
Case No. 2009-17143 PC: Garcia/Griffin**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent failed to furnish to the Department proof of completion of any hours of Consultant Pharmacist Licensure Renewal Continuing Education during the biennial period from January 1, 2007 through December 31, 2008 by violating Section 465.016(1)(n), F.S., by a violation of Rule 64B16-26.300(5), F.A.C. by failing to obtain 24 hours of Consultant Pharmacist Licensure Renewal Continuing Education

MOTION: by Ms. Jones, seconded by Dr. Melvin to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

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

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

MOTION: by Ms. Jones, seconded by Dr. Melvin to assess an administrative fine in the amount of \$500.00 and successfully complete a 72 hour Board approved consultant pharmacy continuing education course within eighteen (18) months of the filing of the final order. Motion carried unanimously.

MOTION: by Ms. Jones, seconded by Dr. Melvin to assess costs in the amount of \$249.33 to be paid within one (1) year of the filing of the final order. Motion carried unanimously.

Mr. Murro has paid \$1,000.00 towards the fines and cost and will be reimbursed for any additional money received.

**I-7 DONALD N. NJIKAM, RPH, Tampa, FL., PS 37427
Case No. 2008-21976 PC: Salem/Melvin**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(n), F.S. (2008), by violating an order of the Board previously entered in a disciplinary hearing.

MOTION: by Dr. Griffin, seconded by Mr. Garcia to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

MOTION: by Mr. Jones, seconded by Dr. Griffin to adopt the conclusion of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

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

MOTION: by Dr. Griffin, seconded by Ms. Jones for revocation. Motion carried unanimously.

MOTION: by Dr. Griffin, seconded by Ms. Jones to assess costs in the amount of \$1,088.75 to be paid within thirty (30) of the filing of the final order. Motion carried unanimously.

**I-8 DANA JOANNE WRIGHT, RPH, Orlando, FL., PS 35998
Case No. 2009-10347 PC: Garcia/Griffin**

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), F.S., by furnishing upon prescription an ingredient or article different from the ingredient or article prescribed.

MOTION: by Ms. Jones, seconded by Dr. Melvin to proceed hearing not involving disputed issues of material fact. Motion carried unanimously.

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

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

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

MOTION: by Dr. Salem, seconded by Ms. Risch to assess an administrative fine in the amount of \$500.00 to be paid within ninety (90) days and successfully complete an Board approved eight (8) hour prescription misfill course within one (1) year of the filing of the final order. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

MOTION: by Ms. Jones, seconded by Dr. Melvin to assess costs in the amount of \$2,556.11 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**I-9 CHRISTOPHER WILCOX, RPH, Fort Walton, FL PS 28036
Case No. 2008-23655 PC: Salem/Melvin**

Case was withdrawn.

E. PROFESSIONALS RESOURCE NETWORK CASES

**PRN - SA – 1 MARGUERITE PATTERSON REGHANTI, RPH, Louisburg, NC
PS 16947 Case No. 2009-09577 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 456.072(1)(hh), F.S. termination from PRN and Section 465.016(1)(m), F.S. not able to practice with reasonable skill & safety.

MOTION: by Jones, seconded by Mr. Powers to reject settlement agreement. Motion carried unanimously.

TAB 4 APPLICATIONS REQUIRING BOARD REVIEW– Amy Jones, JD

A. Endorsement Candidates

1. Hemin H. Patel; File # 37895

Applicant was not present nor represented by counsel.

Applicant answered “yes” to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Mr. Powers to approve application, immediately suspend the license until clear in other states, and appear before the Board to have suspension lifted. Motion carried unanimously.

2. Elizabeth Brown Countryman, File # 35358

Applicant was present and sworn in by the court reporter. Applicant was represented by Judy Rivenbark, PRN.

Ms. Countryman answered “yes” to one or more questions on the application which require Board review.

As a result of the August 13, 2008 meeting, Ms. Countryman’s application was approved to sit for the examination with the condition that she has a PRN evaluation and if PRN recommends a monitoring contract, she must appear before the Board prior to licensure.

MOTION: by Ms. Jones, seconded by Dr. Salem to approve application. Motion carried unanimously.

B. Registered Pharmacy Technician Candidates

1. Kristen E. Barnes, File # 20941

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

Applicant answered “yes” to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application. Motion carried unanimously.

2. Deniece Buddie, File # 20254

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

Applicant answered “yes” to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Griffin to deny the application based on section 456.0635, F.S. Motion carried unanimously.

3. Krista M. Chisesi, File # 27499

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

Applicant answered “yes” to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the application based on section 456.0635, F.S. Motion carried unanimously.

4. Rachel Cunningham, File # 20295

Applicant was not present nor represented by counsel.

Applicant answered “yes” to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Salem to approve the application. Motion carried unanimously.

5. Gwendolyn Demps, File # 19138

Applicant was not present nor represented by counsel.

Applicant answered “yes” to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Griffin to deny the application based on section 456.0635, F.S. Motion carried unanimously.

6. Merly Diaz, File # 25421

Applicant was not present nor represented by counsel.

Applicant submitted documentation pertaining to her social security number that required Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the application for attempting to obtain a license by fraud. Motion carried unanimously.

7. Nestor Garcia, File # 21576

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Griffin to approve the application, place the license on probation to run concurrent with criminal probation, and comply with the laws and rules related to pharmacy and pharmacy technician. Motion carried unanimously.

8. Jocelyn J. Gutzke, File # 12303

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Salem to approve the application pending a PRN evaluation and chair approval. Motion carried unanimously.

9. Arlen Harter, File # 10326

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application pending a PRN evaluation and chair approval. Motion carried unanimously.

10. Anthony Hatfield, File # 22266

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application. Motion carried unanimously.

11. Susan Learish, File # 25399

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

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the application based on section 456.0635, F.S. Motion carried unanimously.

12. Sandra Jordan, File # 24173

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

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the application based on section 456.0635, F.S. Motion carried unanimously.

13. David Moton, File # 23062

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application pending a PRN evaluation and chair approval. Motion carried unanimously.

14. David Ostrom, File # 10773

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

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application. Motion carried unanimously.

15. Shelby M. Owens, File # 26876

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the application based on section 456.0635, F.S. Motion carried unanimously.

16. Lori Patterson, [Registration # 12195](#)

Applicant was not present nor represented by counsel.

Ms. Patterson applied and received a one-year registration, expiring December 31, 2010, pending board approval of a training course as outlined in Rule 64B16-26.351, F.A.C.

Ms. Patterson attended Penn Foster Career School and received a career diploma for the completion of its Pharmacy Technician program on June 5, 2009. The program has been rated by Penn Foster faculty and staff as the equivalent of 38.75 continuing education units (CEU). One CEU is defined as 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction and qualified instruction.

MOTION: by Ms. Jones, seconded by Mr. Hayes to deny the application based on the training not being acceptable by the board. Applicant can reapply once corrected training has been completed. Motion carried unanimously.

17. Johnathan Pham, File # 16001

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

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application. Motion carried unanimously.

18. Toufue Vue, File # 25188

Applicant was not present nor represented by counsel.

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve the application, pending a PRN evaluation and chair approval. Place license on probation to run concurrent with criminal probation, and comply with the laws and rules related to pharmacy and pharmacy technician Motion carried unanimously.

C. Pharmacy Permit Candidates

1. Friendly Pharmacy Two, Inc.; File # 17141

Applicant was not present nor represented by counsel.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the application based on misrepresentation submitted on application. Motion carried unanimously.

2. Monument Pharmacy, Inc.; File # 16607

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

Applicant answered "yes" to one or more questions on the application which require Board review.

MOTION: by Dr. Salem, seconded by Mr. Powers to grant applicants request to withdraw. Motion carried with Ms. Jones opposing.

3. Cardinal Health Pharmacy Services, LLC; File # 17246

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

MOTION: by Ms. Jones, seconded by Dr. Melvin to approve name change request. Motion carried unanimously.

MOTION: by Ms. Jones, seconded by Dr. Melvin to move to rules committee for discussion. Motion carried with Mr. Hayes opposing.

TAB 5 LICENSURE ISSUES – Allison Dudley, Assistant Attorney General

A. Petition to Modify Restrictions

1. David Richard Fish, License # 15079

Applicant was not present nor represented by counsel.

MOTION: by Dr. Salem, seconded by Mr. Powers to reject petition to modify restrictions. Motion carried unanimously.

Petition for Reinstatement

2. Lisa McGrail, License # 28141

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

MOTION: by Mr. Powers, seconded by Mr. Garcia to approve petition for reinstatement. Licensees practice plan must be approved prior to working. Motion carried unanimously.

B. Petition to Terminate Probation

1. Denis B. Bousquet, License # 26142

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

MOTION: by Dr. Salem, seconded by Dr. Melvin to approve petition to terminate probation and make monthly payments of \$1000.00 until all fines and costs are paid. Motion carried unanimously.

2. Gail E. Mulhearn, License # 27783

Applicant was not present nor represented by counsel.

MOTION: by Mr. Hayes, seconded by Dr. Melvin to deny petition to terminate probation based on inadequate information presented to justify early termination of probation but with the right to submit another request. Motion carried unanimously.

C. Petition for Declaratory Statement

1. Gary G. Koesten, B.Pharm, M.S., C.Ph.

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

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny the Petition for Declaratory Statement based on statutory restrictions. Motion carried unanimously.

D. Petition for Hearing

1. Celeste Ann Donald

This item was withdrawn.

2. Lauren Liann Kasmer

Applicant was not present nor represented by counsel.

MOTION: by Ms. Jones, seconded by Dr. Melvin to deny Petition for Hearing. Motion carried unanimously.

Adjourn

Motion: by Dr. Weizer, seconded by Dr. Melvin to adjourn the meeting at 12:48 p.m. Motion carried unanimously.