

**DEPARTMENT OF HEALTH
BOARD OF PHARMACY
BOARD MEETING
MINUTES
April 8-9, 2008**

Orlando Crowne Plaza-Universal
7800 Universal Drive
Orlando, FL 32819
407-355-0550

Continuing Education credits may be awarded to licensees who attend the Board meeting when the Board discusses disciplinary matters. Pursuant to Rule 64B16-26.103(1)(d), you must attend the entire day to receive credits. Meetings usually end at 4:00 p.m.

Continuing education credit will not be granted to licensees required to appear before the Board. Individuals wishing to obtain continuing education credits must sign in prior to the beginning of the meeting. You will receive a certificate at the end of the meeting.

Board Members Present:

Albert Garcia, R.Ph., M.H.L., Miami, Chair
Brigitte Goersch, Consumer Member, Orlando
Amy Jones, J.D., Consumer Member, Tallahassee
Gail Merrell, Pharm.D., Tierre Verde
Bob Parrado, R.Ph., Tampa
Jim Powers, B.Pharm., Tallahassee
Ron Salem, Pharm. D., Jacksonville

Absent:

Eric Alvarez, Pharm.D., Miami
Jennifer Lalani, R.Ph., Windermere, Vice-Chair

Board Staff Present:

Rebecca Poston, Executive Director
Erika Lilja, Program Operations Administrator
Maxine Wenzinger, Administrative Assistant II

Board Counsel Present:

Deborah Loucks, Assistant Attorney General

Department of Health Staff Present:

Billie Jo Owens, Attorney
Richard Sands, R.Ph., Statewide Inspection
Program Manager

Court Reporter: American Court Reporting
2939 Peel Avenue
Orlando, FL 32806
407-896-1813

Tuesday, April 8, 2008

1:00 p.m. Call To Order by Albert Garcia, R.Ph., M.H.L., Chair

TAB 1 DISCIPLINARY CASES

A. SETTLEMENT AGREEMENTS – NON APPEARANCES

NA-1 Essence Pharmacy Corp., North Miami Beach, FL, PH 21774, Case No. 2007-24709
PC: Parrado/Goersch

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), Florida Statutes (2006, 2007), by violating any provision of Chapter 465, Florida Statutes, through a violation of Section 465.018, Florida Statutes (2006, 2007), by failing to designate a licensed pharmacist as prescription department manager on or after June 20, 2007.

MOTION: by Merrell, second by Powers to reject stipulation. Motion carried, 2 opposed (Salem and Garcia).

MOTION: by Merrell, second by Powers to accept amended stipulation of an administrative fine in the amount of \$1,000.00 and costs in the amount of \$1,000.00 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall be placed on one (1) year probation. Semi-annual inspections will be conducted at Respondent's expense. Motion carried, 1 opposed (Jones).

NA-2 Desoto Pharmacy, Inc., West Palm Beach, FL, PH 7928, Case No. 2007-27801
PC: Waived

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), Florida Statutes (2007), by violating any provision of Chapter 465, Florida Statutes, through a violation of Section 465.018, Florida Statutes (2007), by failing to designate a prescription department manager between on or about September 14, 2007, through November 25, 2007.

MOTION: by Parrado, second by Powers to reject stipulation.

MOTION: by Parrado, second by Powers to accept amended stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$1,507.18 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall be placed on one (1) year probation. Within thirty (30) days of the filing of the Final Order, the current prescription department manager shall sign an affidavit stating that he has read and understands the laws and rules governing the practice of pharmacy in Florida within thirty (30) days. Two semi-annual inspections will be conducted, at Respondent's expense, within one year of the date of the filing of the Final Order. Motion carried unanimously.

B. DETERMINATION OF WAIVER

DOW-1 William Farmer, R.Ph., Daytona Beach, FL, PU 4081, Case No. 2007-20797
PC: Alvarez/Garcia
WITHDRAWN (moved to Voluntary Relinquishment)

MOTION: by Merrell, second by Goersch to accept withdrawal. Motion carried unanimously.

DOW-2 Natalie Tara-Kopal, R.Ph., Staten Island, NY, PS 33130, Case No. 2006-25484
PC: Powers/Jones

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes (2003, 2004, 2005), by violating a rule of the Board of Department, through a violation of Rule 64B16-26.103(1) and 64B16-26.603, Florida Administrative Code, by failing to submit proof satisfactory to the Board that during the biennial period preceding the renewal period the applicant has participated in not less than 30 hours of approved course of continued professional pharmaceutical education and failing to retain documentation of participation in continuing education programs required for license renewal for not less than two years after the license is renewed for audit purposes.

MOTION: by Merrell, second by Powers that Respondent waived his right to request hearing. Motion carried unanimously.

MOTION: by Goersch, second by Parrado to adopt the findings of fact and conclusion of law as set forth in the administrative complaint. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to accept into evidence the investigative file for the purpose of determining penalty. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to accept stipulation of an administrative fine in the amount of \$1,000.00 to be paid within thirty (30) days of the filing of the Final Order. Respondent will be required to complete 34 hours of continuing education plus the deficient hours. Respondent's license shall be suspended until all 51 hours of continuing education are completed. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to assess cost in the amount of \$599.30 to be paid within 30 days of the filing of the Final Order. Motion carried unanimously.

C. VOLUNTARY RELINQUISHMENTS

VR-1 J. Accardi, R.Ph., Orange City, FL, PU 399, Case No. 2007-21076
PC: Lalani/Merrell

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes (2005 and 2006), by violating a rule of the Board of Department, through a violation of Rule 64B16-26.103(2)(a) and 64B16-26.603, Florida Administrative Code, by failing to submit proof satisfactory to the Board that during the biennial period preceding the renewal period the applicant has participated in not less than 30 hours of approved course of continued professional pharmaceutical education and failing to retain documentation of participation in

continuing education programs required fore license renewal for not less than two years after the license is renewed for audit purposes.

MOTION: by Jones, second by Powers to accept the voluntary relinquishment of consultant license. Motion carried unanimously.

VR-2 William Farmer, R.Ph., Daytona Beach, FL, PU 4081, Case No. 2007-20797
PC: Alvarez/Garcia

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2006), by violating a rule of the Board of Department, through a violation of Rule 64B16-26.300(5), Florida Administrative Code, by failing to obtain twenty-four (24) hours of Consultant Pharmacist Licensure Renewal Continuing Education.

MOTION: by Jones, second by Merrell to accept voluntary relinquishment of consultant license. Motion carried unanimously.

TAB 2 APPLICATIONS REQUIRING BOARD REVIEW

A. Exam Candidates Requiring Board Review

1. Marilyn Alejandro-Ortega

Ms. Alejandro-Ortega was not present.

Ms. Alejandro-Ortega did not list any state on question #14 and answered "No" to question #21 on the application.

MOTION: by Salem, second by Parrado to sit for exam. Motion carried unanimously.

2. James Mark Kessler

Mr. Kessler was not present. Respondent was represented by Edwin Bayó, Esquire.

Mr. Kessler's application was denied by the Board in December 2006. Mr. Kessler is requesting the Board to review his application again.

MOTION: by Merrell, second by Powers to sit for exam. If Respondent passes the exam, he must seek PRN evaluation and appear before the Board for conditions. Motion carried unanimously.

3. Danielle Hawker

Ms. Hawker was present.

Ms. Hawker answered "Yes" to a question on the application.

MOTION: by Parrado, second by Powers to sit for exam but not issue license until Oregon license is no longer on probation. Motion carried, 2 opposed (Jones and Garcia).

B. Pharmacy Permits Requiring Board Review

1. CE Requirement – Deborah Pereles-Fuentes

Ms. Pereles-Fuentes was not present.

Ms. Pereles-Fuentes is asking for a course sponsored by Wal-Mart be approved for the 8 hour misfill program.

MOTION: by Salem, second Merrell to deny request. Motion carried, 3 opposed (Jones, Powers, Parrado).

MOTION: by Salem, second Merrell to vacate final order and grant extension of one year to complete one of the two approved 8 hour misfill course given by NOVA or the University of Florida. Motion carried unanimously.

TAB 3

BUSINESS

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Client 2201)
2. Pharmacist Interns (Client 2202)
3. Consultant Pharmacist (Client 2203)
4. Nuclear Pharmacist (Client 2204)
5. Pharmacies/Facilities (Client 2205)
6. Technician Ratios
7. CE Programs
8. CE Providers – No New Providers

MOTION: by Parrado, second by Jones to approve reports. Motion carried unanimously.

B. Minutes

Approval of February 5-6, 2008, Meeting Minutes

MOTION: by Jones, second by Powers to approve the minutes. Motion carried unanimously.

C. General Board Requests

1. Non-Resident Pharmacy Permit – College Pharmacy

College Pharmacy applied for a non-resident permit. This pharmacy has been disciplined by the Colorado Board of Pharmacy and is currently active with conditions.

MOTION: by Merrell, second by Powers to deny request because they have had action taken on their license in another state. Motion carried unanimously.

2. Special Limited Community Permit - Cardinal Health

Gary Cacciatore represented Cardinal Health.

Cardinal Health is requesting a Special Limited Community permit to do off site remote entry.

Mr. Cacciatore withdrew request and will work with staff to determine correct permit. He will also submit suggested rule language to Professional Practice Committee.

MOTION: by Salem, second by Merrell to allow withdrawal of request and work with staff regarding permit. Motion carried unanimously.

D. Request for Declaratory Statement

1. Akin, Gump, Strauss, Hauer, and Feld
WITHDRAWN

2. University of Miami

The University of Miami is asking about the applicability of Rule 64B16-27.615(1)(b),(c), FAC, regarding the possession of sample medication at pharmacies owned by the University.

Mark Dresnick, Attorney, Jorge Guerra, Jr., M.D., and Jess de Jesus, Executive Director of Pharmacy Services from the University of Miami were present.

MOTION: by Jones, second by Powers to deny Petition. Motion failed (2 yes, 5 no).

MOTION: by Salem, second by Parrado to approve Petition. Ms. Loucks will prepare Declaratory Statement to be presented at the June meeting. Motion carried, 3 opposed (Merrell, Goersch, Jones).

E. Consultant Pharmacist Issues

1. Drupali Harjivan, R.Ph., PU 4368

Ms. Harjivan is requesting that the board reduce the fine associated with her non-disciplinary citation.

MOTION: by Merrell, second by Jones to deny request. Motion carried unanimously.

MOTION: by Goersch, second by Parrado to set payment plan of \$250 per month. Motion carried unanimously.

2. Robin King, PS 17575

Mr. King is requesting that his pharmacist experience be accepted in lieu of the evaluation period for a consultant license or grant him permission to complete the evaluation under the supervision of a preceptor outside the one year requirement of completing the consultant course.

MOTION: by Salem, second by Parrado to deny. Motion carried, 2 opposed (Powers, Parrado).

MOTION: by Powers, second by Parrado to allow Mr. King six (6) months to complete consultant course. Motion carried, 3 opposed (Salem, Garcia, Jones).

F. Consultant Pharmacists Voluntary Relinquishments

The following consultant pharmacists submitted letters of voluntary relinquishment of their consultant pharmacist license in response to the 2005-2006 audit:

1. Jorge Chivitte, PU 4283

MOTION: by Jones, second by Parrado to approve voluntary relinquishment. Motion carried unanimously.

2. Oyebode O. Oyetunji, PU 5313

MOTION: by Salem, second by Jones to approve voluntary relinquishment. Motion carried unanimously.

G. Petitions for Variance or Waiver from Rule 64B16-26.2031, F.A. C. Foreign Graduate Licensure by Examination

1. Tejaskumar R. Patel, PSI 19517

Mr. Patel was present and sworn in by court reporter.

MOTION: by Jones, second by Parrado to deny because he did not have an application on file. Motion carried unanimously.

2. Md A Samad Mridha, PSI 21909

Mr. Mridha was present and sworn in by court reporter. Mr. Mridha was represented by George Indest, Esquire and Matthew Gross, Esquire.

MOTION: by Powers, second by Parrado to accept. Second withdrawn.

MOTION: by Parrado, second by Jones to deny because Mr. Mridha did not meet requirement of statutes. Motion carried unanimously.

3. Nengying Fan, PSI 22099

Ms. Fan was present and sworn in by court reporter.

MOTION: by Jones, second by Merrell to deny because Ms. Fan did not meet requirement of statutes. Motion carried unanimously.

4. Amal Georges Chleil, PSI 20626

MOTION: by Jones, second by Goersch to deny because Mr. Chleil did not meet requirement of statutes. Motion carried unanimously.

5. Ursula M. Salarrayan, PSI 20447

Ms. Salarrayan was present and sworn in by court reporter.

MOTION: by Salem, second by Jones to deny because no application was filed. Motion carried unanimously.

6. Ingrid M. Bendeck, PSI 21836

Ms. Bendeck was present and sworn in by court reporter.

MOTION: by Jones, second by Parrado to deny because no application was filed. Motion carried unanimously.

7. Se Yung Yoon, PSI 20983

Mr. Yoon was present and sworn in by court reporter. Mr. Yoon was represented by George Indest, Esquire and Matthew Gross, Esquire.

MOTION: by Jones, second by Merrell to deny because no application was filed. Motion carried unanimously.

8. Mirley Aleman-Alejo, PSI 20795

MOTION: by Salem, second by Jones to deny because Ms. Aleman-Alejo did not meet requirement of statutes. Motion carried unanimously.

9. Kalpesh Arvindbhai Patel, PSI 21099

Mr. Patel was present and sworn in by court reporter. Mr. Patel was represented by George Indest, Esquire and Matthew Gross, Esquire.

MOTION: by Salem, second by Merrell to deem letter does not constitute a petition. Motion carried unanimously.

MOTION: by Powers, second by Goersch to approve applicant to apply by endorsement and approve Request for Waiver. Motion carried unanimously.

10. Bok Ran Park, PSI 20577

Ms. Park waived appearance. Ms. Park was represented by George Indest, Esquire and Tressa James, Esquire.

MOTION: by Salem, second by Merrell to deem letter does not constitute a petition. Motion carried unanimously.

MOTION: by Merrell, second by Powers to grant waiver. If Ms. Park does not pass exam prior to expiration date of current application, she will be considered as a new applicant. Motion carried unanimously.

11. Judimith B. Hernandez-Chang, PSI 18373

Ms. Chang was present and sworn in by court reporter. Ms. Chang was represented by George Indest, Esquire and Tressa James, Esquire.

MOTION: by Goersch, second by Parrado to consider letter as Petition for Waiver. Motion withdrawn.

MOTION: by Salem, second by Jones to deem letter does not constitute a petition. Motion carried unanimously.

Case deferred to Wednesday so staff could pull file to verify whether application was on file.

Ms. Chang was not present on Wednesday but represented by counsel.

MOTION: by Jones, second by Merrell to deny because no application was filed. Motion carried unanimously.

12. Ebenezer S. Adu, PSI 20725

Mr. Adu was present and sworn in by court reporter.

MOTION: by Salem, second by Jones to deny because Mr. Adu did not meet requirements of statutes. Motion carried unanimously.

13. Miriam Lourdes Hernandez, PSI 21908

Ms. Hernandez was present and sworn in by court reporter. Ms. Hernandez was represented by George Indest, Esquire and Tressa James, Esquire.

MOTION: by Jones, second by Salem to deny because Ms. Hernandez did not meet requirements of statutes. Motion carried unanimously.

14. Vipul Patel, PSI 17387

Mr. Patel was present and sworn in by court reporter. Mr. Patel was represented by George Indest, Esquire and Matthew Gross, Esquire.

MOTION: by Salem, second by Jones to deny because Mr. Patel did not meet requirements of statutes. Motion carried unanimously.

15. John H. Neamatalla, PSI 20768

Mr. Neamatalla was present and sworn in by court reporter. Mr. Neamatalla was represented by George Indest, Esquire and Tressa James, Esquire.

MOTION: by Jones, second by Merrell to deny because Mr. Neamatalla did not meet requirements of statutes. Motion carried unanimously.

16. Villiammai Natarajan, PSI 20484

Ms. Natarajan was present and sworn in by court reporter. Ms. Natarajan was represented by George Indest, Esquire and Matthew Gross, Esquire.

MOTION: by Parrado, second by Merrell to deny because no application was on file. Motion carried unanimously.

17. Xuejun Fan, PSI 20888

Mr. Fan was present and sworn in by court reporter. Mr. Fan was represented by George Indest, Esquire and Tressa James, Esquire.

MOTION: by Goersch, second by Parrado to approve request. Motion carried unanimously.

18. Nabil Khalil, PSI 17459

Mr. Khalil was present and sworn in by court reporter.

MOTION: by Jones, second by Merrell to deny because Mr. Khalil did not meet requirements of statutes. Motion carried unanimously.

19. Shahida Khanum, PSI 20447

MOTION: by Jones, second by Merrell to deny because Ms. Khanum did not meet requirements of statutes. Motion carried unanimously.

G. Request for Extension to Pay Administrative Costs

1. Martin A. Green, PS, 29330, Case No. 2006-35759

Mr. Green is requesting an extension to pay administrative costs

MOTION: by Goersch, second by Parrado to allow Mr. Green to pay costs within one year.

MOTION: by Salem, second by Powers to grant extension to complete law and rules course within one year. Motion carried unanimously.

TAB 4

REPORTS

A. Chair's Report- Albert Garcia, R.Ph., M.H.L.

No Report.

B. Executive Director's Report - Rebecca Poston, R.Ph.

1. Updates to the Online Renewal Process

Ms. Poston discussed the online renewal process.

2. Immunization Rule Update

The effective date of the Immunization Rule was March 20. Two programs have been received and will be referred to the Tripartite Committee for review. There was a discussion about the 20 hours of CE. Eight (8) hours must be live and 12 hours can be home study; single course but multiple parts with one course number. No course can be approved until the program is approved and given a number.

MOTION: by Salem, second by Merrell to make the immunization course one course number. Motion carried unanimously.

Mr. Parrado reported that Lecom is the new School of Pharmacy in Bradenton and should be included on the Tripartite Committee.

Ms. Poston provided a piece of correspondence from a hospice pharmacy regarding break-ins. They were asking for exemption to having the pharmacy name and address on the label for security purposes. This will be referred to the Professional Practice Committee for review.

3. PRN Monthly Report for January 2008

For information only.

4. PRN Monthly Report for February 2008

For information only.

C. Attorney General's Report – Deborah Loucks, Attorney

1. Advisory Legal Opinion (Formal)
Sunshine and Public Records Laws
2. Sunshine Law Review

Ms. Loucks provided the information to the Board members as a reminder of the laws. Any communication between members is prohibited and liable for law suit.

3. Rules Report – March 2008

MOTION: by Salem, Parrado to approve rule development for 64B16-26.204. Motion carried unanimously.

4. Update Abbott Laboratories vs. Mylan Pharmaceuticals

Edwin Bayó, Esquire, and Michael Glasser, Esquire, were present and spoke regarding this case.

MOTION: by Salem, second by Powers approving department staff to issue letter to pharmacies and pharmacy department managers advising that Levothyroxine has been taken off the negative formulary. The effective date will be the date of the letter. Motion carried unanimously.

D. Prosecuting Attorney Report – Billie Jo Owens, Attorney

Ms. Owens discussed the report provided to the Board members.

E. Compliance Officer's Report – Tiana Jackson

January 2008 Report
February 2008 Report

Reports provided for information.

F. Statewide Inspection Program Manager Report – Richard Sands

Mr. Sands brought the tablet computer that the inspectors are using. Once training is completed, this will increase productivity. The Canadian pharmacy issue will be discussed on a conference call next week. Regarding the Walgreens stickerless program, he discussed this with several inspectors. Inspectors had concerns, addressed concerns, met with Ms. Fong and Nat'l director. Other than those suggestions on more training, we all agreed that they have answered the questions and everything is fine.

Ms. Poston also met with Ms. Fong, in Tallahassee and the only concern that was brought to her attention was that this is definitely a difference in the recordkeeping requirements. The question to her was if you're giving the pharmacy both options, what would keep the pharmacist from diverting the

prescription that has been voided and taking it to another pharmacy to be filed. My recommendation was for her to look at one type of recordkeeping system. Either you scan and discard, or you maintain hard copies. We will be discussing at the Professional Practice Committee as we work on rules for record maintenance to determine what the board's feelings are on this issue.

Mr. Sands stated that they did address that and came to conclusion that Walgreens does intern audits, they go through the hard copy prescriptions to ensure that they aren't being diverted. They told us that they are going to keep the hard copy. We are going to address that also and ask that they show us some prescriptions. Unless we see a big diversion problem, we don't see an issue.

Mr. Garcia said the difference from what is occurring now is that someone could take the original and have it filled elsewhere.

Mr. Sands also discussed the Canadian Signs – He said that a conference call was scheduled for the following week to discuss this issue with the inspectors. If they see a place that has a sign and they have no idea what's going on there, they will stop and see. They will have a copy of the laws & rules with them and explain to the owner that it is unlawful.

Mr. Parrado commented – provides clarification to the fact that you can't use certain terms in your sign unless you have a pharmacy permit for the establishment.

Mr. Sands said that everyone has been trained in the Introduction to CMIP. A lot of problems have been eliminated and it should help in streamlining the process.

TAB 5

COMMITTEE REPORTS

A. Administration/Education Committee, Tripartite Committee – Gail Merrell, Pharm.D.

Dr. Merrell reported that the Tripartite Committee met on March 28 and reviewed Rules 64B16-26.103 – Continuing Education Credit; 64B16-26.600 – Tripartite Continuing Education Committee; 64B16-26.601 – Standards for Approval of Courses and Providers; and 64B16-26.6011 - Standards for Approval of HIV/AIDS; Medication Errors Courses. The Board was asked to approve and ask Ms. Loucks to notice rules.

MOTION: by Salem, second by Parrado to approve noticing rules. Motion carried unanimously.

B. Legislative Committee – Jim Powers, B.Pharm.

1. Legislative Report Update

Mr. Powers reported that the weekly legislative calls are being discontinued. If anything should arise that needs the Board's attention, the call will take place. He thanked Ms. Poston and staff for their hard work and keeping the Board informed.

2. Rules Committee Report

Mr. Powers reported that the Rules Committee met on April 3 and was pleased with the work of the Committee and staff. The Committee will reconvene in May and complete recommendations and bring to full board at the June meeting.

C. Professional Practice Committee – Jennifer Lalani, R.Ph.

Ms. Lalani was unable to attend meeting but Mr. Parrado presented the report. The Professional Practice Committee met on March 26 and reviewed Rules 64B16-28.140 - Record Keeping; 27.420 - Pharmacy Technician 2:1 or 3:1 Ratio; 27.430 - Responsibilities of the Pharmacist; 27.700 – Office Use Compounding; 28.108 – Labels and Labeling of Medicinal Drugs; and 28.1081 – Regulation of Daily Operating Hours. The Board was asked to ratify 28.108 and notice for rule development.

MOTION: BY Merrell, second by Powers to ratify 64B16-28.108 and notice for rule development. Motion carried unanimously.

B. Draft Meeting Report, Joint Meeting of the Boards of Medicine, Nursing, Osteopathic Medicine, and Pharmacy – Jim Powers, B.Pharm.

Mr. Powers reported that he and Ms. Jones represented the Board of Pharmacy at the joint meeting of the Boards of Medicine, Nursing, Osteopathic Medicine, and Pharmacy.

Meeting adjourned at 8:35 p.m.

Wednesday, April 9, 2008 – 8:00 a.m. – 4:00 p.m. – Disciplinary Cases

8:00 a.m. Call To Order by Albert Garcia, R.Ph., M.H.L., Chair

TAB 6 DISCIPLINARY CASES

A. STIPULATION - APPEARANCE REQUIRED CASES

A-1 Felicia Nicole Hassin, R.Ph., Boca Raton, FL, PS 35028, Case No. 2005-68430
PC: Garcia/Alvarez

Respondent was present and sworn in by Court Reporter. Respondent was represented by Pat Haber, Esquire.

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

MOTION: by Salem, second by Jones to accept stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$1,558.01 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program one offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-2 Marino Avila, R.Ph., Brandon, FL, PS 16712, Case No. 2007-15200
PC: Lalani/Merrell

Respondent was present and sworn in by Court Reporter. Respondent was represented by Jay Adams, Esquire.

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

MOTION: by Goersch, second by Parrado to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$941.20 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-3 Stuart Wally, R.Ph., West Palm Beach, FL, PS 35253, Case No. 2007-22389
PC: Lalani/Merrell

Respondent was present and sworn in by Court Reporter. Respondent was represented by Tim Koch, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes, by violating a rule of the Board, through a violation of Rules 64B16-27.300(3) and 64B16-27.300(5), Florida Administrative Code, by failing to ensure that CQI committee meetings were conducted every three months and to maintain a Summarization of Quality Related Events.

MOTION: by Salem, second by Jones to accept stipulation of an administrative fine in the amount of \$1,000.00 and costs in the amount of \$438.62 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-4 Yvonne Walker, R.Ph., Lake Worth, FL, PS 21914, Case No. 2007-30522
PC: Lalani/Merrell

Respondent was present and sworn in by Court Reporter. Respondent was represented by Alex Fontaine, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2007), by violating a rule of the Board, through a violation of Rule 64B16-27.420, Florida Administrative Code, by failing to ensure that the pharmacy technician was properly identified; Section 465.016(1)(n), Florida Statutes (2007), by violating a rule of the Board, through a violation of Rule 64B16-28.110, Florida Administrative Code, by having outdated pharmaceuticals in active stock of the pharmacy; and Section 465.016(1)(e), Florida Statutes (2007), for Chapter 893, Florida Statutes, through a violation of Section 893.07(1)(a), Florida Statutes (2007), by failing to maintain a biennial controlled substances record for Speedy Scripts.

MOTION: by Salem, second by Jones to accept stipulation of an administrative fine in the amount of \$500.00 within thirty (30) days and costs in the amount of \$1,769.00 to be paid within ninety (90) days of the filing of the Final Order. The 12 hour laws and rules course taken by Respondent on April 2, 2008, was approved by the Board. Motion carried unanimously.

A-5 Bernard Renner, R.Ph., Gainesville, FL, PS 39976, Case No. 2007-21763
PC: Garcia/Alvarez

Respondent was present and sworn in by Court Reporter. Respondent was not represented by counsel.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2006), by furnishing upon prescription an ingredient or article different from the article prescribed.

MOTION: by Powers, second by Merrell to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$978.94 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than

eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

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

I-1 CVS Providence Deltona, LLC, Deltona, FL, PH 20370, Case No. 2007-12676
PC: Powers/Jones

Respondent was present and sworn in by Court Reporter. Respondent was represented by Edwin Bayó, Esquire. Mohammad Fathi, former PDM, was present and sworn in by court reporter.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), Florida Statutes (2006), through a violation of Section 465.016(1)(n), Florida Statutes (2006), by violating an order of the board previously entered in a disciplinary hearing.

MOTION: by Merrell, second by Parrado to adopt the findings of fact and conclusion of law as set forth in the administrative complaint. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to accept into evidence the investigative file for the purpose of determining penalty. Motion carried unanimously.

MOTION: by Salem, second by Parrado to accept stipulation of an administrative fine in the amount of \$1,000.00 to be paid within thirty (30) days of the filing of the Final Order. As in previous order, the current PDM shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length within one year of Final Order. Motion carried unanimously.

MOTION: by Merrell, second by Goersch to access costs in the amount of \$739.49 to be paid within thirty (30) days of the filing of the Final Order. Motion carried unanimously.

I-2 Azubueze Ikejiani, R.Ph., Hollywood, FL, PS 23152, Case No. 2007-04950
PC: Lalani/Merrell
CONTINUED

C. PROFESSIONALS RESOURCE NETWORK CASES

PRN-1 Kimberly Cohen (Hamm), R.Ph., Hudson, FL, PS 34417, Case No. 2007-14954
PC: Salem/Garcia
CONTINUED

PRN-2 John Yates, R.Ph., Camilla, GA, PS 27850, Case No. 2007-21845
PC: Salem/Garcia

Respondent was present and sworn in by Court Reporter. Respondent was represented by Edwin Bayó, Esquire. Dr. Judy Rivenbark, Professionals Resource Network, was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(i), Florida Statutes (2007), by dispensing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy; and Section 465.016(1)(d), Florida Statutes (2007), by being unfit or incompetent to practice pharmacy by reason of...(2) the misuse or abuse of any medicinal drug appearing in any schedule set forth in Chapter 893 (Florida Statutes).

MOTION: by Merrell, second by Powers to accept stipulation of an administrative fine in the amount of \$1,000.00 and assess costs in the amount of \$1,073.15 to be paid within one (1) year of the filing of the Final Order. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length or successfully complete and pass the Multistate Pharmacy Jurisprudence Examination (Florida) within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Respondent shall enter and successfully participate in a Professionals Resource Network (PRN) contract as deemed necessary. Respondent's license shall be suspended until such time as Respondent petitions and appears before the Board to demonstrate his ability to practice pharmacy with reasonable skill and safety to patients and shall provide a practice plan detailing his pharmaceutical employment intentions for the Board's approval. Upon reinstatement of his license to practice as a pharmacist, Respondent's license shall be placed on probation for at least five (5) years with terms and conditions. Motion carried unanimously.

PRN-3 Christopher Thomas Jinks, R.Ph, Riverview, FL, PS 38751, Case No 2007-03785
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Jon Pellett, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(m), Florida Statutes (2006), by being unable to practice pharmacy with reasonable skill and safety to patients by reason of illness, use of drugs, narcotics, chemical or an other type of material or as a result of any mental or physical condition; and Section 465.016(1)(r), Florida Statutes (2006), by violating Section 456.072(1)(aa), Florida Statutes (2006), by testing positive for any drug on an employer-ordered drug screen when Respondent did not have a valid prescription for the opiates found in his system.

MOTION: by Salem, second by Merrell to accept stipulation of an administrative fine in the amount of \$1,000.00 and assess costs in the amount of \$4,997.49 to be paid within two (2) years of the date of reinstatement of his pharmacy license. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length or successfully complete and pass the Multistate Pharmacy Jurisprudence Examination (Florida) within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Respondent shall enter and successfully participate in a Professionals Resource Network (PRN) contract as deemed necessary by PRN. Respondent's license shall be indefinitely suspended until such time Respondent petitions and appears before the Board to demonstrate that he is safe to practice pharmacy and provide a practice plan detailing his pharmaceutical employment

intentions for the Board's approval. Upon reinstatement of his license to practice as a pharmacist, Respondent's license shall be placed on probation for a minimum of five (5) years with terms and conditions. Motion carried unanimously.

PRN-4 Douglas Kassan, R.Ph., Largo, FL, PS 28503, Case No. 2006-42732
PC: Alvarez/Garcia

Respondent was present and sworn in by Court Reporter. Respondent was not represented by counsel. Dr. Judy Rivenbark,

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes (2006), by violating Section 456.072(1)(c), Florida Statutes (2006), by having been found guilty, regardless of adjudication, in a court of this state of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy

MOTION: by Merrell, second by Powers to accept stipulation and assess costs in the amount of \$2,366.96 to be paid prior to presentation of Petition for Reinstatement. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length or successfully complete and pass the Multistate Pharmacy Jurisprudence Examination (Florida) within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Respondent shall enter and successfully participate in a Professionals Resource Network (PRN) contract as deemed necessary by PRN. Respondent's license shall be suspended until such time Respondent petitions and appears before the Board to demonstrate that he is safe to practice pharmacy and provide a practice plan detailing his pharmaceutical employment intentions for the Board's approval. Upon reinstatement of his license to practice as a pharmacist, Respondent's license shall be placed on probation for a period of not less than ten (10) years with terms and conditions. Motion carried unanimously.

TAB 7 **LICENSURE ISSUES**

A. Motion for Modification of Final Order

1. Peter Kirk, R.Ph, PS 15678

Respondent was not present and sworn in by reporter. Respondent was represented by Edwin Bayó, Esquire.

MOTION: by Jones, no second. Motion died.

MOTION: by Powers, second by Parrado to modify Final Order to allow Respondent to pay administrative fine of \$250 upon reinstatement. Motion carried, 2 opposed (Jones and Merrell).

B. Request to Amend Practice Plan

1. Martin Reisky, R.Ph., PS 30034

Respondent was present and sworn in by reporter. Respondent was represented by Edwin Bayó, Esquire. Dr. Judy Rivenbark, Professionals Resource Network, was present.

MOTION: by Merrell, second by Parrado to approve amended practice plan. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to limit hours of work to not more than 45 per week. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to approve location at two Davidson's Pharmacies: 6595 Midnight Pass Road, Sarasota, FL, and 5124 Ocean Boulevard, Sarasota, FL. The supervising pharmacist at 5124 Ocean Boulevard will submit quarterly reports to the Compliance Officer. Motion carried unanimously.

C. Petition for Reinstatement

1. Ronald Nathanson, R.Ph., Case No. 2004-02685

Respondent was present and sworn in by reporter. Respondent was represented by Cliff Mayhall, Esquire. Dr. Judy Rivenbark, Professionals Resource Network, was present.

MOTION: by Salem, second by Merrell to grant petition. Upon reinstatement, Respondent will complete a contract with PRN for 2 years, limit work to two pharmacies; submit quarterly reports; PDM where Respondent is employed will make quarterly reports; Respondent will provide PDM copy of Final Order of Reinstatement; cannot be PDM; during the last three months of probation, Respondent shall appear before the Board. Motion carried unanimously.

2. Michelle Salkey, PS 23286, Case No. 2006-08452

Respondent was present and sworn in by reporter. Respondent was not represented by counsel. Dr. Judy Rivenbark, Professionals Resource Network, was present.

MOTION: by Jones, second by Parrado to grant petition. Respondent will submit practice plan to the Chair for approval. Motion carried unanimously.

D. Exam Candidates Requiring Board Review

1. James Fite

Mr. Fite was present and sworn in by court reporter. Dr. Judy Rivenbark, Professionals Resource Network, was present.

Mr. Fite received passing scores on the examinations and is reappearing before the Board for licensure conditions.

MOTION: by Jones, second by Salem to approve for licensure and maintain compliance with PRN. Motion carried unanimously.

2. Nicole C. LeFever

Ms. LeFever was present and sworn in by court reporter. Dr. Judy Rivenbark, Professionals Resource Network, was present.

Ms. LeFever answered "Yes" to two questions on the application.

MOTION: by Jones, second by Merrell to approve for licensure. License will not be issued until a PRN contract is signed. Practice plan will be submitted to the Chair for approval. Motion carried unanimously.

MOTION: by Salem, second by Parrado to adjourn. Motion carried unanimously.

Meeting adjourned at 1:15 p.m.