

MINUTES

DEPARTMENT OF HEALTH BOARD OF PHARMACY FULL BOARD MEETING

June 8-9, 2010

Marriott Tampa Airport
4200 George J. Bean Parkway
Tampa, FL 33607
(813) 879-5151

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
Lorena Risch, Consumer Member, Bradenton
Ron Salem, PharmD, Jacksonville
Robert Wilson, BPharm, Pensacola

Board Staff:

Rebecca Poston, BPharm, Executive Director
Dinah Skrnich, Program Operations Administrator
Erica Milam, Administrative Assistant II

Board Counsel:

Allison Dudley, Assistant Attorney General

Department of Health Staff:

Billie Jo Owens, Assistant General Counsel

Tuesday, June 8, 2010 – 10:00 a.m.

10:00 a.m. Call to Order by Michele Weizer, PharmD, Chair

Dr. Weizer called the meeting to order at 10:00 a.m.

TAB 1 REPORTS

A. Chair's Report - Michele Weizer, PharmD 1. NABP Meeting - Anaheim

Dr. Weizer and Mr. Hayes reported on their attendance at the NABP meeting held in Anaheim, CA. Please visit www.nabp.net for full details.

B. Rule Discussion and Review - Steve Melvin, PharmD

1. 64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

MOTION: by Jones, seconded by Garcia to open for rule development. Motion carried unanimously.

MOTION: by Jones, seconded by Garcia to reconsider opening the rule for development. Motion carried unanimously.

MOTION: by Jones, seconded by Griffin, by technical change, to correct the spelling of registrant in (4)(a) and change (4)(e) subsection (1) reference to subsection (4). If these

changes can not be made through technical change, open the rule for development. Motion carried unanimously.

Ms. Poston reviewed the registered pharmacy technician continuing education renewal requirements and correspondence from Mike McQuone, RPh., MS, CPh, Executive Director and Chief Executive Officer, Florida Society of Health System Pharmacists. Mr. McQuone is requesting clarification of the two (2) hour medication errors and pharmacy law course requirements. Currently, there are no courses available that teach combination medication errors and pharmacy law program. The Board reviewed Section 465.014(6), *FS.*, *As a condition of registration renewal, a registered pharmacy technician shall complete 20 hours biennially of continuing education courses approved by the board or the Accreditation Council for Pharmacy Education, of which 4 hours must be live presentation and 2 hours must be related to the prevention of [medication errors and pharmacy law].*

MOTION: by Salem, seconded by Weizer the Board has interpreted Section 465.014(6), *Florida Statutes*, medication errors and law to reflect that a total of two (2) hours of medication errors are required, like the courses pharmacists take; and to disseminate this interpretation as Board staff feels appropriate to alleviate any confusion. Motion carried unanimously

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates

Ms. Poston reported the FPGECE recently made amendments to the requirements for the FPGECE Certification requirements for the English language proficiency examination and test site locations have been update. Candidates who submit an application to the FPGECE Certification Program on or after April 1, 2010 must complete the following:

- Must pass the Test of English as a Foreign Language (TOEFL) Internet-based test (iBT) as the sole English language proficiency examination. Score reports from the paper-based TOEFL and the TSE will no longer be accepted for FPGECE Certification.
- Must take the TOEFL iBT at an Educational Testing Service (ETS) test center locating within one of the NABP member or associate member jurisdictions. FPGECE will no longer accept TOEFL iBT score reports from international ETS test site locations.
- Must not take the TOEFL iBT at the Los Angeles, CA ETS test center located at 540 Wilshire Boulevard. Score reports will not be accepted from this test site location.

Candidates who submitted an application prior to April 1, 2010 have until June 30, 2010 to successfully complete the English language proficiency component of FPGECE Certification as currently required. On June 30, 2010 all FPGECE candidates will be subject to the provisions outlined above.

MOTION: by Weizer, seconded by Garcia to make the following changes:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must:

(1) Submit an application for licensure by examination on form DOH-MQA PH103 (Rev. 02/09), Foreign Graduate Pharmacist Examination Application and Instructions, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) Be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States and have completed an internship program approved by the board.

(3) For applications received at the Board of Pharmacy on or before June 30, 2009, the applicant must:

(a) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(b) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version and by passing the Test of Spoken English (TSE) with a score of 45 on the recalibrated TSE; or

(c) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

(4) For applications received at the Board of Pharmacy on or after July 1, 2009, the applicant must:

(a) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission;

(b) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL), which is administered by the Educational Testing Service, Inc., with a score of at least 550 for the pencil and paper test or 213 for the computer version and by passing the Test of Spoken English (TSE) with a score of 50 on the recalibrated TSE prior to initiation of effected date of the rule; or

(c) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language Internet-based test (TOEFL ibt) with scores of: Listening – 18; Reading – 21; Speaking – 26; and Writing – 24.

(d) Testing sites for the TOEFL ibt exam must be NABP member and associate member jurisdiction approved in order for the scores to be accepted.

(5) Complete 2080 hours of supervised work activity, of which a minimum of 500 hours must be completed within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. The work experience shall be documented on form DOH-MQA PH1153 (Rev. 03/09), Foreign Graduate Intern Work Activity Manual, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Further, no program of supervised work activity shall be approved for any applicant until said applicant has obtained the specified passing scores on the TOEFL or the TOEFL ibt.

Motion carried unanimously.

MOTION: by Wilson, seconded by Griffin to open rule for development. Motion carried unanimously; in addition, Ms. Poston will work with Ms. Dudley on language to bring back at the next meeting.

Ms. Dudley will bring revised language back to the Board at its August meeting to review.

2. 64B16-27.220 Medicinal Drugs Which May Be Ordered by Pharmacists

Board members reviewed correspondence submitted by Daniel P. Sweet, R.Ph., C.Ph., to amend Rule 64B16-27.220, FAC to allow pharmacists to remove the restriction to fluoride products and expand to all vitamins leaving the mandate on Folic Acid.

Motion: by Jones, seconded by Weizer to deny request. Motion carried unanimously.

3. 64B16-27.420 Registered Pharmacy Technician Responsibilities

The Board reviewed Rule 64B16-27.420 because of the concern that pharmacies have to buy all new name badges, so they read “registered pharmacy technician.” The Board voted to amend the rule to reflect the changes below. The Board requested that inspectors be instructed to use common sense and that they are identifying themselves as a technician.

MOTION: by Weizer, seconded by Garcia to make the following changes:

(4)(a) All registered pharmacy technicians shall identify themselves as ~~registered~~ pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a “~~registered pharmacy technician~~”; and
(b) All registered pharmacy technicians shall state their names and verbally identify their status ~~themselves~~ as ~~registered~~ pharmacy technicians in the context of telephone or other forms of communication.

Motion carried with Jones and Salem opposing.

MOTION: by Weizer, seconded by Hayes to open rule for development. Motion carried with Jones opposing.

4. 64B16-28.1081 Regulation of Daily Operating Hours

After discussion, Mr. Jackson volunteered to work on drafting new language and submit to the Board to review.

No action taken as this rule is already open for development.

The following items, Tab 2-6 and Tab 2-9, were discussed and voted on as one vote:

5. 64B16-28.607 Automated Pharmacy System – Long Term Care, Hospice, and Prison

9. Petition for Rulemaking, Edwin A. Bayó

MOTION: by Jones, seconded by Weizer to initiate rule development. Motion carried unanimously.

6. Chapter 64B16-28 Rewrite

Members of the Board requested that Board staff supply this information via hard copy and/or as a PDF document.

After discussion, the Board agreed to address the Chapter 28 rewrite at the August 2010 meeting.

7. Electronic Prescribing

The Board was provided the Department of Justice, Drug Enforcement Administration, 21 CFR Parts 1300, 1304, 1306 and 1311 Electronic Prescriptions for Controlled Substances; Final Rule; Chapter 893, FS., Drug Abuse Prevention and Control Act; Correspondence from Jennifer Fass, PharmD; Government Affairs Issue Brief, American Pharmacists Association and DEA Interim Rule Information.

The Board determined in review of the information that there are no changes needed in Florida Statutes or Administrative Rules to reflect the recent changes in the DEA Regulations regarding electronic prescribing.

As of June 1, 2010, only those electronic prescription applications and pharmacy applications that comply with all the DEA's requirements as set forth in 21 CFR Part 1311 may be used by DEA registered prescribing practitioners and DEA registered pharmacies to sign and transmit controlled substance prescriptions in schedules II through V electronically or electronically receive and archive controlled substances prescriptions and dispensing controlled substances based on those prescriptions, respectively.

No action taken.

10. Disciplinary/Citation Standards

Ms. Jones gave a brief overview of the Disciplinary/Citation Standards Rule Review which is attached as Exhibit A.

MOTION: by Jones, seconded by Weizer to adopt proposed standards with the correction of the spelling of Orthotics on page 4 of the Disciplinary/Citation Standards Rule Review report and replacing the word or with of in Rule 64B16-30.003(3)(h) on page 169 of the Rules report. Motion carried unanimously.

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

1. Activities

Ms. Poston advised that House Bill 5311, which moves the Drug, Devices, and Cosmetics Program from the Department of Health to the Department of Business and Professional Regulation, was signed by the Governor and becomes effective October 1, 2011. The department is beginning to prepare the transition plan.

2. Technician Registration Statistics

Ms. Poston advised that the Florida Board of Pharmacy has successfully registered 31,012 technicians. There are currently 16,427 technicians with an expiration date of 12/31/10 and 14,585 technicians with an expiration date of 12/31/12.

The Board came to the agreement that pharmacy technician students are not included in the 3:1 ratio.

3. Legislative Update 2010

Ms. Poston gave an update on the following:

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. Died on Second Reading Calendar.

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. Died in Health Care Regulation Policy Committee.

SB 188 - Advanced Registered Nurse Practitioners

Redefines the term "practitioner" for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act to include advanced registered nurse practitioners.
Died in Committee on Health Regulation

HB 225 - Pharmacy

Prohibits registered dispensing practitioners from dispensing more than a specified amount of certain controlled substances; provides exception. Died on Second Reading Calendar.

CS/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. Died in Committee.

HB 517 - 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. Died in Committee.

HB 537 - 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. Died in Committee.

HB 539 - Pub. Rec./Dental Workforce Surveys

Provides exemption from public records requirements for information contained in dental workforce surveys submitted by dentists & dental hygienists to DOH as condition for license renewal; provides exceptions to exemption; provides for future legislative review & repeal of exemption under Open Government Sunset Review Act. Died in Committee

SB 616 - Prescription Drug Monitoring

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. Died in Committee.

SB 646 - 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. Died in Committee.

SB 652 - 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. Died in Committee.

HB 671 - 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. Died in Committee.

HB 677 - Advanced Registered Nurse Practitioners

Redefines term "practitioner" for purposes of Florida Comprehensive Drug Abuse Prevention & Control Act to include advanced registered nurse practitioners. Died in Committee.

SB 838 - University of South Florida Doctor of Pharmacy Program

Authorizes a doctor of pharmacy degree program at the university. Died in Messages.

HB 873 - Controlled Substances

Revises list of controlled substances in Schedules I, II, III, IV, & V; provides that salts, isomers, or salts of isomers are included within certain substances listed in Schedule III. Died in Committee.

HB 933 - 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. Died in Committee.

SB 970 - Dentists/Dental Hygienists

Requires persons who apply for licensure renewal as a dentist or dental hygienist to furnish certain information to the DOH in a dental workforce survey. Requires the Board of Dentistry to issue a nondisciplinary citation and a notice for failure to complete the survey within a specified time. Revises the membership of the board of directors of the Florida Healthy Kids Corporation to include a member nominated by the Florida Dental Assoc., etc. Died in Messages.

SB 972 - Pub. Rec./Dental Workforce Surveys [SPSC]

Provides an exemption from public records requirements for information contained in dental workforce surveys submitted by dentists or dental hygienists to the Department of Health as a condition for license renewal. Provides exceptions to the exemption. Provides for future legislative review and repeal of the exemption under the Open Government Sunset Review Act. Provides a statement of public necessity. Died in Messages.

SB 1050 - 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

HB 1071 - Sale of Ephedrine or Related Compounds

Prohibits obtaining or delivering to individual in retail sales any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of specified amounts; revises provisions relating to retail display of products containing ephedrine or related compounds; requires purchasers of nonprescription compound, mixture, or

preparation containing any detectable quantity of ephedrine or related compounds to meet specified requirements; requires use of electronic recordkeeping mechanism approved by FDLE for such transactions to record specified information; provides for exemptions from electronic recordkeeping requirement; revises language concerning local ordinances or regulations; provides exemptions from requirements for certain entities. Effective Date: July 1, 2010, and shall be implemented by January 1, 2011

HB 1117 - Medicaid Fraud

Requires DOH, OIR, DFS, & AHCA to deny, revoke, suspend, or refuse to issue or renew permits, certificates of authority, or licenses of specified entities that have been convicted of, or entered plea of guilty or nolo contendere to, regardless of adjudication, felony involving Medicaid fraud. Died in Committee.

HB 1149 - Audits of Pharmacy Records

Revises requirements for audit of Medicaid-related pharmacy records; authorizes third-party payor & third-party administrator audits of pharmacies; provides that claims containing certain clerical or recordkeeping errors are not subject to financial recoupment; specifies that certain audit criteria apply to third-party claims submitted after specified date; prohibits certain accounting practices used for calculating recoupment of claims; prohibits audit criteria from requiring recoupment of claims except under certain circumstances; provides procedures for audit of third-party payor & third-party administrator audits. Died in Committee.

SB 1260 - 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. Died in Committee.

SB 1818 - Blood Banks

Prohibits local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization. Prohibits a blood establishment from considering whether certain customers are operating as a for-profit organization or not-for-profit organization when determining prices for selling blood or blood components, etc. Laid on Table refer to CS/CS/HB 509.

SB 1958 - Medicaid Fraud

Requires that the Department of Health deny, revoke, suspend, or refuse to issue or renew a permit or certificate of certain applicants, permittees, or certificate holders that have been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony involving Medicaid fraud. Requires that the Office of Insurance Regulation revoke a certificate of authority of a health insurer for the same reason, etc. Died in Committee.

SB 2194 - Audits of Pharmacy Records [WPSC]:

Revises requirements for the audit of Medicaid-related pharmacy records. Authorizes third-party payor and third-party administrator audits of pharmacies. Specifies that certain audit criteria apply to third-party claims submitted after a specified date. Prohibits certain accounting practices used for calculating the recoupment of claims, etc. Died in Committee.

SB 2266 - Medicaid Rural County Pilot Project

Authorizes the AHCA to seek a Medicaid pilot project waiver. Provides duties and responsibilities of the agency and the boards of county commissioners with respect to implementing the project. Provides conditions under which a rural county may provide health care if a federal health reform plan is adopted, etc. Died in Committee.

SB 2300 - Health Care Facilities

Died in Committee.

SBP 7050 - Blood Establishments

Blood Establishments: Prohibits local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization. Prohibits a blood establishment from considering whether certain customers are operating as a for-profit organization or not-for-profit organization when determining prices for selling blood or blood components, etc.

See CS/CS/HB 509.

4. April 2010 PRN Monthly Report

Informational, no action taken.

5. Drug Policy Advisory Council

Ms. Poston reported that a letter was sent to Director Grant as the Department of Health has had the opportunity to review the list of prescription drugs which are currently federally scheduled but are not scheduled in Chapter 893, *Florida Statutes (FS)*.

Chapter 893, *FS*, classifies controlled substances into five schedules in order to regulate the manufacture, distribution, preparation, and dispensing of the substances. It is also important to note that Federal drug scheduling is accomplished under the Controlled Substance Act (CSA).

In July 2009, the Board of Pharmacy submitted correspondence to General McCollum regarding additions needed in Section 893.03, *FS*, controlled substance schedules to conform to federal law. Subsequently, The Drug Policy Advisory Council (DPAC) officially requested the list of prescription drugs that were recommended by the Board for inclusion.

In November 2009, the Department was given the opportunity to review and provide feedback on a similar list of prescription drugs recommended by the Florida Department of Law Enforcement. Based on this review, the Department concurred with the recommendations of both the Florida Department of Law Enforcement and the Drug Policy Advisory Council.

The proposed scheduling of these controlled substances will allow the state list to align with the federal list.

During the 2010 Legislative Session, two identical bills (SB 1260 and HB 873) were introduced relating to controlled substances and a revision to the listed substances in Chapter 893, *FS*. These companion bills, however, were not passed.

The comprehensive list was placed on the Drug Policy Advisory Councils meeting on May 27, 2010 for review and approval.

No action taken.

No Tab: Unlicensed Activity Campaign

Ms. Poston reported that at the Annual Association Meeting, Ms. Gee mentioned the idea of combining ULA resources to launch a “generic”, focused and concentrated ULA statewide campaign that addresses the dangers of getting health care from an unlicensed individual. The ULA team wants the public to know that unlicensed practice of a health care profession has real victims and not just an economic crime. Ms. Jones, Administrative Liaison, volunteered to participate in the discussions about the design, duration, format, etc. for such a campaign.

MOTION: by Griffin, seconded by Garcia to approve a joint ULA advertising campaign for Florida. Motion carried unanimously.

No Tab: Financial Disclosure Filing

Ms. Poston reminded the Board that the 2009 Statement of Financial Interest is due July 1, 2010.

D. Attorney General’s Report – Allison Dudley, Assistant Attorney General

1. June 2010 Rules Report

Rule 64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs

This rule has been adopted as previously drafted. However, in order to move forward, Ms. Dudley brought JAPC’s concerns to the Board to amend the rule following adoption.

Ms. Dudley recommended the Board insert the following language:

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the American Society of Health-System Pharmacists,

(b) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the Southern Association of Colleges and Schools,

(c) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the Florida Department of Education, or Florida Commission for Independent Education,

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion.

(e) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the Council on Occupational Education.

(2) All programs not listed in (1)(a) through (e) and which are not employer based programs, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be

within the public school system of the State of Florida; and

(b) Offer a course of study that includes:

Course of study

1. Introduction to pharmacy and health care systems:

a. Confidentiality,

b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA),

2. Pharmacy law:

a. Federal law,

b. State law,

c. State rules,

d. Pharmacy technician rules and law,

3. Pharmaceutical- medical terminology, abbreviations, and symbols:

a. Medication safety and error prevention,

b. Prescriptions and medication orders,

4. Records management and inventory control:

a. Pharmaceutical supplies,

b. Medication labeling,

c. Medication packaging and storage,

d. Controlled substances,

e. Adjudication and billing,

5. Interpersonal relations, communications, and ethics:

a. Diversity of communications,

b. Empathetic communications,

c. Ethics governing pharmacy practice,

d. Patient and caregiver communication,

6. Pharmaceutical calculations.

(c) Apply directly to the Board of Pharmacy and provide the following information:

1. Sample transcript and diploma;

2. Copy of curriculum, catalog or other course descriptions;

3. Faculty credentials; and

4. Proof of licensure by the Department of Education.

(3) 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 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 applicant must attach to the application copy of curriculum, catalog or other course description. The

curriculum, catalog or course description must demonstrate that the following objectives are
must be met:

(a) Program content:

1. Introduction to pharmacy and health care systems:

- a. Confidentiality,
- b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA),

2. Pharmacy law:

- a. Federal law,
- b. State law,
- c. State rules,
- d. Pharmacy technician rules and law,

3. Pharmaceutical- medical terminology, abbreviations, and symbols:

- a. Medication safety and error prevention,
- b. Prescriptions and medication orders,

4. Records management and inventory control:

- a. Pharmaceutical supplies,
- b. Medication labeling,
- c. Medication packaging and storage,
- d. Controlled substances,
- e. Adjudication and billing,

5. Interpersonal relations, communications, and ethics:

- a. Diversity of communications,
- b. Empathetic communications,
- c. Ethics governing pharmacy practice,
- d. Patient and caregiver communication,

6. Pharmaceutical calculations.

(b) Materials and Methods. The Board will review the curriculum, catalog or course description to determine Evidence satisfactory to the Board shall be presented that:

1. Learning experiences and teaching methods are appropriate to meet the content stated above.

2. Time allocated for each participant activity shall be sufficient to meet the objectives of each activity ~~for the participant to meet the objectives.~~

3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(c) Faculty Qualifications.

1. The program faculty shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae for each faculty member which describes the faculty member's work experience and level of academic preparation.

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be currently registered.

4. When an offering includes clinical practice training in Florida, a Florida licensed pharmacist competent in the practice area shall provide supervision.

(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. Satisfactory evidence is a sample

evaluation to be reviewed by the Board. 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.

(e) There shall be a designated person assuming responsibility for registered pharmacy technician training program. If the contact person is not a licensed pharmacist or registered pharmacy technician, provision should be made for insuring licensed pharmacist or registered pharmacy technician input in overall program planning and evaluation.

(f) Required documentation.

1. Providers shall establish written policies and procedures for implementation of the registered pharmacy technician training program.

2. Providers shall maintain a system of record-keeping which provides for storage of program information.

3. Records of programs shall be maintained for three years and be available for inspection by the board or department.

4. Providers shall furnish each participant with an ~~authenticated individual~~ Certificate of Completion.

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.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History – New, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

In addition, Ms. Ferrell may need to draft an application for the program providers outlined in paragraph (1).

Ms. Dudley recommended the Board delete question 2 in the **Board of Pharmacy Registered Pharmacy Technician Training Program Provider Application DH-MQA-1232, 02/10** Section 1 Administration and Organization Section because the providers will not be registering with CE Broker as a continuing education provider.

MOTION: by Jones, seconded by Salem to open for development with the language presented. Motion carried unanimously.

MOTION: by Griffin, seconded by Jones that there is no impact on small businesses because these programs are optional. Motion carried unanimously.

MOTION: by Jones, seconded by Griffin to instruct Ms. Dudley to write a letter to the Board of Governors of the State University System to allow the Board to provide advice pursuant to Section 456.028, FS.

Rule 64B16-26.204 Licensure by Endorsement

The Board reviewed the following language:

An applicant for licensure by endorsement must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education.

(1) All applications for licensure by endorsement shall be made on board approved

form DOH/MQA/PH100 effective June 2010 (Rev. 01/2009). ~~The instructions and application form, entitled Florida Pharmacist Licensure by Endorsement Application and Instructions (U.S. and Territories Puerto Rico), which is hereby incorporated by reference, can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or (850) 488-0595 to request a form or download the form from the board's website at [https:// www.doh.state.fl.us/mqa/pharmacy](https://www.doh.state.fl.us/mqa/pharmacy). The application must and shall~~ be accompanied with a non-refundable ~~endorsement~~ application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit satisfactory proof that one of the following requirements has been met:

(a) Two (2) years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding five (5) years. If the applicant meets the requirements of this section, proof of completion of 30 hours of Florida Board of Pharmacy, ACPE, or other state board of pharmacy approved continuing education obtained in the two calendar years immediately preceding application, must also be submitted.

(b) Successful completion of an internship meeting the requirements of Section 465.007(1)(c), F.S., within the immediately preceding two (2) years.

(3) Completion of a Board approved course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety. For applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention, and patient safety as evidenced by a letter attesting to subject matter covered from an official of the university where the course was taken. The Dean of the university.

~~(3) The applicant must submit satisfactory proof of completion of the following: A course of no less than two (2) hours on medication errors covering the subjects set forth in Rule 64B16-26.103, F.A.C. The course shall be completed no earlier than 12 months prior to application.~~

(4) Applicants qualifying under the education requirements of Section 465.007(1)(b)2., F.S., (foreign graduates), must complete the requirements of Rule 64B16-26.2031, F.A.C., prior to certification for the examination required in subsection (6) of this rule.

(5) All requirements for licensure by endorsement must be met within one (1) year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(6) Applicants applying under the provisions of Section 465.0075, F.S., must have obtained a passing score on the licensure examination as described in subsection 64B16-26.200(1), F.A.C.

(7) Applicants applying under the provisions of Section 465.0075, F.S., shall cause the National Association of Boards of Pharmacy, or other similar organization to issue a Transfer of Pharmaceutical Licensure certificate showing examination date, examination results, states of licensure, disciplinary actions, and licensure status.

(8) Applicants deemed qualified for licensure by endorsement shall be required to complete the Multistate Pharmacy Jurisprudence Examination – Florida Version. Passing scores on this examination may be used upon reapplication only if the examination was completed within three (3) years of the reapplication.

Rulemaking Authority 456.033, 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History—New 11-8-01, Amended 1-11-05, 2-18-08, 5-26-09.

MOTION: by Salem, seconded by Jones to approve language and move forward with a notice of change. Motion carried unanimously.

Rule 64B16-26.205 Application for Pharmacist Licensure by Endorsement (Foreign Pharmacy Graduates)

Ms. Dudley reviewed the response to the November 2, 2009 correspondence from JAPC. She discussed their concerns at the meeting. The Board reviewed the language and made the following changes:

An applicant for licensure by endorsement for a foreign graduate must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy located outside the United States and have met the requirements listed in Rule 64B16-26.2031, Florida Administrative Code.

(1) All applications for licensure by endorsement must be made on form DH-MQA 1196, effective ~~June~~ ~~September 2010~~ 2009, Pharmacist Licensure by Endorsement Application and Instructions (Foreign Graduates), which is incorporated by reference, and shall be accompanied with a non-refundable endorsement application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16.1002, F.A.C. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850) 488-0595 to request a form or download the form from the Board's website at http://www.doh.state.fl.us/mqa/pharmacy_, ~~and shall be accompanied with a non-refundable endorsement application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16.1002, F.A.C.~~

(2) The applicant must submit ~~satisfactory~~ proof that one of the following requirements has been met:

(a) Two years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding five (5) years. To prove that the applicant has two years of active practice, the applicant must submit Form DH-MQA 1196, Item 4, Licensure Verification Form to the licensing authority of the state of licensure. It is the applicant's responsibility to ensure that the licensing authority completes the form and returns it to the Board. If the applicant meets the requirements of this paragraph section, proof of completion of 30 hours of Florida Board of Pharmacy Accreditation Council for Pharmaceutical Education, or other state board of pharmacy approved continuing education obtained in the two calendar years immediately preceding application, must also be submitted. Adequate proof consists of a letter from the provider or a certificate of completion, which contains the course title, course number and the number of hours completed.

(b) ~~Evidence of~~ Successful completion of board-approved postgraduate training, by providing the Board with either a transcript directly from the school of instruction.

(c) Passing Evidence of a board-approved clinical competency examination within the year immediately preceding application for licensure.

(d) Successful completion of an internship meeting the requirements of Rule 64B16-26.2033, F.A.C. within the immediately preceding two (2) years. To prove that the applicant has successfully completed the internship, the applicant must submit Form DH-MQA 1196, Item 3, Internship Work Experience Form (Form B). The applicant's supervising pharmacist must sign this form.

(3) The Applicant must provide proof of completion of 500 hours of supervised work activity in the State of Florida as provided by Section 465.007(1)(b)2, F.S. The supervised work activity program experience shall be documented on form DH-MQA, 1153, "Foreign Pharmacy Graduate Registered Intern Work Activity Manual," effective April 2009 which is hereby incorporated by reference. Contact the Board of Pharmacy at 4052 Bald Cypress

Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850) 488-0595 to request a form or download the form from the Board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. Further, no supervised work activity program shall be approved for any applicant until said applicant has obtained the passing score of the foreign Pharmacy Graduate Equivalency Exam as provided in Section 465.007, F.S.

(4) The Applicant must submit proof of completion of a Board –approved course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention and patient safety. For applicants who apply within one year following the receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention and patient safety as evidenced by a letter attesting to subject matter from the Dean of the University.

(5) All requirements for licensure by endorsement must be met within one (1) year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(6) Applicants applying under the provisions of Section 465.0075, F.S., must have obtained a passing score on the licensure examination as described in subsection 64B16-26.200(1), F.A.C.

(7) Applicants applying under the provisions of Section 465.0075, F.S., shall cause the Nation Association of Boards of Pharmacy, or other similar organization to issue a transfer of Pharmaceutical Licensure Certificate showing examination date, examination results, status of licensure, disciplinary actions and licensure status.

(8) Applicants deemed qualified for licensure by endorsement shall be required to complete the Multistate Pharmacy Jurisprudence Examination – Florida Version. Passing scores of this examination may be used upon reapplication only if the examination was completed within three (3) years of the reapplication.

Specific Authority 456.033, 465.005, 465.0075, F.S. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.002, F.S. History – New

Ms. Dudley recommended amending Form DH-MQA 1196 to include the following:
The references to the rule on the form will be corrected prior to adoption of the rule.
There is no statutory authority for a notarized statement as requested in Section 3.
There is no statutory authority to require the use of an “application checklist”, consider removing.

Because the statute only refers to Board-approved continuing education, consider removing the reference to the ACPE and board of other jurisdictions.

The word approved needs to be changed to approve. The section needs to be changed to paragraph.

MOTION: by Jones, seconded by Salem to table with changes as presented. Motion carried unanimously.

Rule 64B16-26.355 Subject Matter for Registered Pharmacy Technician Continuing Education.

The Board reviewed the language and asked Ms. Dudley to respond to JAPC on intention of rule and reference to 64B16-26.103, FAC.

64B16-26.355 Subject Matter for Registered Pharmacy Technician Continuing Education.
A Registered Pharmacy Technician Continuing Education Program must contain subject matter specifically designed to meet the objectives and the stated level and learning needs

of the participants. The content shall be planned in logical order and reflect input from experts in the subject matter. Appropriate subject matter for continuing education offering shall reflect the professional educational needs for the learner in order to meet the health care needs of the consumer and consist of content from one or more of the following:

(a) Pharmacy technician practice areas and special health care problems.

(b) Biological, physical, behavioral and social sciences.

(c) Legal aspects of health care.

(d) Management/administration of health care personnel and patient care.

(e) Teaching/learning process of health care personnel and patients.

(f) Subjects which are taken at an accredited educational institution as verified by an official transcript, that meet any one of the criteria in Rule 64B16-26.351, F.A.C., and are advanced beyond that completed for original registration shall be approved for continuing education under this rule.

MOTION: by Jones, seconded by Griffin to approve the language. Motion carried unanimously.

Rule 64B16-26.601 Standards for Approval of Courses and Providers

Ms. Dudley recommended the rule be open for development based on it being tolled for some time. The last Notice of Change was published in March 2009.

MOTION: by Griffin, seconded by Jones to open rule for development. Motion carried unanimously.

Rule 64B16-28.108 All Permits - Labels and Labeling of Medicinal Drugs

The Board reviewed the rule and amended as follows.

Each container of medicinal drugs dispensed shall have a label or shall be accompanied by labeling.

(1) No change.

(2) The label affixed to each container dispensed to a patient shall include:

(a) through (g) No change.

(h) Discard after ~~Expiration~~ date.

(i) No change.

(3) The label on the immediate container of a repackaged product or a multiple unit prepackaged drug product shall include:

(a) through (d) No change.

(e) Discard after ~~Expiration~~ date

(f) Lot number:

1. Manufacturer's lot number, or

2. Number assigned by the dispenser or repackager which references the manufacturer's lot number.

(4) through (9) No change.

Rulemaking Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1) FS. History—Amended 5-19-72, Repromulgated 12-18-74, Amended 10-10-78, 9-18-84, 1-20-85, Formerly 21S-1.13, Amended 10-2-88, Formerly 21S-1.013, Amended 7-31-91, 10-1-92, 4-19-93, 7-12-93, Formerly 21S-28.108, 61F10-28.108, 59X-28.108, Amended 3-31-05,_____.

MOTION: by Jones, seconded by Griffin to open rule for development and move forward with previous language that was withdrawn in January 2010 as approved. Motion carried unanimously.

Ms. Dudley noted that the following rules have been adopted:

64B16-26.103	adopted/effective 5/11/10
64B16-26.203	adopted/effective 5/27/10
64B16-26.2031	adopted/effective 5/27/10
64B16-26.2033	adopted/effective 5/27/10
64B16-29.002	adopted/effective 5/11/10

E. Prosecuting Attorney Report – Billie Jo Owens

1. June 2010 Prosecution Report

Ms. Owens advised there are currently 158 cases that are older than one (1) year.

MOTION: by Griffin, seconded Salem to continue with the cases that are older than one (1) year. Motion carried unanimously.

F. Statewide Inspection Program Manager Report

No report given.

G. Tripartite Committee Report – Fritz Hayes, BPharm

No Tab: Mr. Hayes and Board staff will be attending the FPA annual conference June 30-July 4, 2010 to give a presentation on CEBroker.

No Tab: The Tripartite committee is holding a conference call meeting on July 28th starting at 10:00 a.m.

1. Gary Hegedus, Individual Pharmacist Request for Continuing Education Credits

Licensee has submitted a request for approval of continuing education credit for Optimal Management of HIV Disease: Clinical Conference XVIII which was completed March 18-21, 2010.

MOTION: by Weizer, seconded by Jones to approve for 12 hours of general continuing education credit. Motion carried unanimously.

2. Charla E. Miller, Individual Pharmacist Request for Continuing Education Credits

Licensee has submitted a request for approval of continuing education credit for Kaleidoscope of Neonatal Care 14th Annual First Coast Neonatal Symposium which was completed April 14-16, 2010.

MOTION: by Hayes, seconded by Griffin to deny based on not presenting extenuating circumstances. Motion carried unanimously.

3. Consultant Pharmacist Programs

Informational, no action taken.

H. Administrative Report – Amy Jones, JD

1. Cash Balance Report
2. Expenditures by Function
3. Total Expenditures by Board
4. Allocations to Boards by Source Organization and Category

Ms. Jones provided an overview of each report.

TAB 2 BUSINESS –Michele Weizer, PharmD

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 154
2. Pharmacist (Exam Eligibility) (Client 2201) – 119
3. Pharmacist Interns (Client 2202) – 115
4. Registered Pharmacy Technicians (Client 2208) – 1,672
5. Consultant Pharmacist (Client 2203) – 28
6. Nuclear Pharmacist (Client 2204) – 1
7. Pharmacies/Facilities (Client 2205) – 132
8. Technician Ratios - 129
9. CE Providers – 2
10. CE Courses - 17
11. CE Individual Requests - 3

MOTION: by Jones, seconded by Griffin to approve. Motion carried unanimously.

B. Minutes

1. **Approval of April 13-14, 2010 Meeting Minutes**

MOTION: by Jones, seconded by Griffin to approve. Motion carried unanimously.

C. Correspondence – Rebecca Poston, BPharm

Ms. Poston had no correspondence to present at this meeting.

D. Ratification of Licenses with Null and Void Status

1. Nova Southeastern University

MOTION: by Salem, seconded by Melvin to approve. Motion carried unanimously.

Public Comment:

No Tab: Brian Kahan, Esq.

Mr. Kahan addressed the Board on behalf his client, ProCE. ProCE has filed an application for approval of an 8 hour QRE course and a 12 hour laws and rules course to be used specifically for the purpose of complying with disciplinary orders of the board. Mr. Kahan asked for clarification on the process for applying for CE approval since this company is an ACPE approved provider located in Illinois. ProCE was instructed by Board staff that they needed to go through CEBroker for approval. The Board responded that all providers must be registered through CEBroker.

No Tab: Joe DeGregorio, Tampa Investigator

Mr. DeGregorio addressed the Board asking that due to budget constraints, work load with inspectors and problems from Pain Clinics that the inspections of pharmacies who haven't had any changes in pharmacy managers and have had good inspections reports for a number of years be completed on a biennially basis instead of an annual basis. Mr. DeGregorio added that this would cut back on the load of inspections and be a great assistance with the inspectors.

Ms. Poston suggested that the Board begin thinking in terms of setting some criteria that could be included in the Chapter 28 re-write regarding this request.

Adjournment

MOTION: by Weizer, seconded by Hayes to adjourn at 6:14 p.m.

Wednesday, June 9, 2010 – 8:00 a.m.

8:00 a.m. Call To Order by Michele Weizer, PharmD, Chair

Dr. Weizer called the meeting to order at 8:00 a.m. All members were present with the exception of Ms. Risch.

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

A. SETTLEMENT AGREEMENT – NON APPEARANCE CASES

There was not any Settlement Agreement – Non Appearance cases presented at this meeting.

B. SETTLEMENT AGREEMENT– APPEARANCE REQUIRED CASES

There was not any Settlement Agreement - Appearance required cases presented at this meeting.

C. DETERMINATION OF WAIVER

**DOW-1 BOBBY HOLMES, RPH, Dothan, Alabama, PS 20318
Case No. 2009-11571 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent has violated Section 465.016(1)(r), FS by violating any provision of Chapter 456, through a violation of Section 456.072(1)(f), FS, by having his pharmacist license revoked and otherwise acted against by the Alabama Board of Pharmacy, for a violation that would constitute a violation under Florida law.

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

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

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

MOTION: by Griffin, seconded by Salem to assess costs in the amount of \$787.87 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-2 VICTOR UBA OKWUTE, RPH, Winter Springs, FL., PS 37354
Case No. 2009-19412 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.016(1)(n), FS, by violating an order of the Board or Department previously entered in a disciplinary hearing, by failing to pay the fine in accordance with the terms of the Final Order; or by failing to pay costs in accordance with the terms of the Final Order. Respondent violated Section 465.016(1)(r), FS, violated Section 456.035(1), FS, by failing to notify the Department or Board of his current mailing address or of any change of address after he resided at his current address of record.

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

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

MOTION: by Jones, seconded by Salem to assess and administrative fine in the amount of \$2000.00 to be paid within ninety (90) days of the filing of the final order and suspend the license until all fines and cost have been paid. Respondent must Petition the Board in person to have the suspension lifted once all fine and cost have been paid. Motion carried with Wilson opposing.

MOTION: by Griffin, seconded by Jones to assess costs in the amount of \$1132.42 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-3 MICHAEL STODDARD, RPH, Highlands Ranch, CO, PS 19944
Case No. 2009-19411 - PC: Garcia/Hayes

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated 465.016(1)(n), FS, by violating an order of the board previously entered in a disciplinary hearing.

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

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

MOTION: by Wilson, seconded by Jones for revocation. Motion failed.

MOTION: by Jones, seconded by Melvin to continue with suspension, require personal appearance at one of the next two scheduled meetings, and successfully comply with terms issued. If Respondent fails to appear at one of the next two scheduled meetings the license shall be revoked. Motion carried with Weizer opposing.

MOTION: by Jones, seconded by Melvin to assess costs in the amount of \$728.86 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-4 BRIGHT STAR PHARMACY DISCOUNT, INC., Hialeah, FL., PH 22927
Case No. 2009-16139 - PC: Garcia/Griffin

Respondent was not present nor represented by counsel.

Ms. Owens advised that Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, though violating Rule 64B16-28.202(3)(a), FAC, 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 upon closure, and failing to advise the Board which permittee was to receive the prescription files.

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

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

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

MOTION: by Jones, seconded by Melvin to assess costs in the amount of \$722.73 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-5 AC PHARMACY, INC., Virginia Gardens, FL., PH 22761
Case No. 2009-04143 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, through a violation of a provision of Chapter 465, FS, by violation of Section 465.018, FS, by failing to designate a successor prescription department manager, and/or failing to notify the department of a change in prescription department manager from on or about August 18, 2008, through the date this Administrative Complaint was filed. Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through violating Rule 64B16-28.202, FAC, by failing to follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure, and failing to return the pharmacy permit to the Board upon closure.

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

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

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

MOTION: by Griffin, seconded by Jones to assess costs in the amount of \$1136.22 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-6 MED-KENDALL CORP, Miami, Fl., PH 23504
Case No. 2009-04170 - PC: Garcia/Griffin

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3)(a), FAC, 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 upon closure, and failing to advise the Board which permittee was to receive the prescription files.

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

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

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

MOTION: by Melvin, seconded by Jones to assess costs in the amount of \$2771.15 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-7 PARADISE PHARMACY, INC., Miami, Fl., PH 16259
Case No. 2009-16165 - PC: Garcia/Griffin

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through violating Rule 64B16-28.202(3)(a), FAC, 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 upon closure, and failing to advise the Board which permittee was to receive the prescription files.

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

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

MOTION: by Hayes, seconded by Wilson for revocation. Motion carried unanimously.

MOTION: by Hayes, seconded by Melvin to assess costs in the amount of \$832.89 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-8 Y & L DME & SUPPLY CORP., Miami, FL., PH 21805
Case No. 2008-27198 - PC: Powers/Jones

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating 64B16-28.202 and (b), FAC, 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 Hayes, seconded by 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 Melvin, seconded by Hayes to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

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

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

MOTION: by Hayes, seconded by Melvin to assess costs in the amount of \$1432.30 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-9 PATIENT CARE DME, INC., Miami, FL., PH 22815 – Withdrawn
Case No. 2009-21614 - PC: Powers/Jones

This case was withdrawn from discussion.

DOW-10 HIALEAH MEDICAL SUPPLIES CORP., Hialeah, FL., PH 22841
Case No. 2009-12646 - PC: Garcia/Griffin

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.202(3)(a) and (b), FAC, 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 Salem, seconded by 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 Melvin, seconded by Wilson to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

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

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

MOTION: by Hayes, seconded by Melvin to assess costs in the amount of \$1626.23 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-11 DRUGVILLE PHARMACY, INC., Hialeah, FL., PH 23474
Case No. 2009-16136 - PC: Garcia/Griffin

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through violating Rule 64B16-28.202(3)(a), FAC, 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 upon closure, and failing to advise the Board permittee was to receive the prescription files.

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

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

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

MOTION: by Wilson, seconded by Melvin to assess costs in the amount of \$856.53 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-12 PAR PHARMACY, INC., Miami, FL., PH 23342
Case No. 2009-15501 - PC: Melvin/Risch

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, through a violation of a provision of Chapter 465, FS, by violation of Section 465.018, FS, by failing to designate a successor prescription department manager and/or failing to notify the department of a change in prescription department manager, from on or about March 19, 2009, through the date this Administrative Complaint was filed. Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through violating Rule 64B16-28.202(3)(a), FAC, by failing to follow proper procedure for closure of a pharmacy by failing to notify the board of the closure, and failing and failing to return the pharmacy permit to the Board upon closure.

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

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

MOTION: by Salem, seconded by Hayes for revocation. Motion carried unanimously.

MOTION: by Griffin, seconded by Wilson to assess costs in the amount of \$2502.41 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-13 SPEEDY SCRIPTS, INC., West Palm Beach, FL., PH 19769
Case No. 2009-08319 - PC: Powers/Jones

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

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a Rule of the Board of Pharmacy, through a violation of Rule 64B16-27.410, FAC, by failing to properly identify a pharmacy technician by name and status. Respondent violated Section 465.023(1)(c), FS, through a violation of Rule 64B16-27.300, FAC, by failure to comply with

the required frequency of Continuous Quality Improvement Committee review of Quality-Related events. Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.140(3)(d) and (e), FAC, by failing to obtain required signature(s) of the pharmacist(s) responsible for dispensing prescriptions.

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

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

MOTION: by Wilson, seconded by Griffin to assess and administrative fine in the amount of \$2500.00 to be paid within ninety (90) days of the filing of the final order, place on probation for one (1) year, and successfully pass two (2) inspections while on probation. One of the two scheduled inspections will be at the respondent's expense. PDM must complete a Board approved laws and rules course within one (1) year. Motion carried unanimously.

MOTION: by Griffin, seconded by Salem to assess costs in the amount of \$1135.00 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-14 SUNRISE PHARMACY & DISCOUNT, COR., Hialeah, FL., PH 19904
Case No. 2009-10041 - PC: Hayes/Weizer

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy, through violating Rule 64B16-28.202(3)(a), FAC, by failing to follow proper procedure for closure of the pharmacy, by failing to notify the Board of the closure, failing to return the pharmacy permit to Board upon closure.

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

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

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

MOTION: by Griffin, seconded by Wilson to assess costs in the amount of \$919.95 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-15 POLYCARP AGABARA, RPH, Highland City, FL., PU 4397
Case No. 2009-18706 - PC: Garcia/Hayes

Respondent was not present nor represented by counsel.

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

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

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

MOTION: by Jones, seconded by Melvin to assess an administrative fine in the amount of \$2000.00 to be paid within ninety (90) days of the filing of the final order, suspension until in compliance with the terms and conditions of the final order in case numbers 2007-20855 and 2009-18706. Motion carried unanimously.

MOTION: by Jones, seconded by Melvin to assess costs in the amount of \$1086.99 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-16 JOSE ARMANDO ZARRANZ, RPH, Plantation, FL., PU 5782
Case No. 2009-18681 - PC: Garcia/Hayes

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.016(1)(2), FS, by violating Section 465.016(1)(r), FS, by violating any provision of Chapter 465, FS, through a violation of Section 456.072(1)(q), FS, by violating a lawful order of the department or the board.

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

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

MOTION: by Griffin, seconded by Melvin to assess and administrative fine in the amount of \$2500.00 to be paid within ninety (90) days of the filling of the final order and one (1) year probation. During the time of probation respondent must complete the remaining 60 hours of board approved consultant continuing educations credits as a result of case number 2008-11098. Motion carried unanimously.

MOTION: by Salem, seconded by Melvin to assess costs in the amount of \$1089.62 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

D. VOLUNTARY RELINQUISHMENTS

VR-1 VISION RX LLC, Miami, FL., PH 24154
Case No. 2010-02193 - PC: Waived

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), Florida Statutes (2008), violating a rule of the Board of Pharmacy, through a violating Rule 64B16-28.202(3)(a) and (b), Florida Administrative Code, 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 Melvin, seconded by Jones to accept voluntary relinquishment. Motion carried unanimously.

VR-2 AGUI-MART CORP., Miami, FL., PH 21627
Case No. 2009-10044 - PC: Melvin/Risch

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating rule or rules of the Board of Pharmacy, through violating Rule 61B16-28.202(3)(a), FAC, by failing to follow proper procedure for closure of pharmacy by failing to notify the Board of the closure, and failing to return the pharmacy permit to the Board upon closure; or Rule 64B16-28.203, FAC, by failing to notify the Board of any transfer of ownership of medicinal drugs to a new owner.

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

VR-3 LEOMELI INVESTMENT GROUP, Doral, FL., PH 22979 – Withdrawn

Case No. 2009-18896 - PC: Powers/Jones

This case was withdrawn from discussion.

**VR-4 MEDITERRANEA PHARMACY, INC., Hialeah, FL., PH 23428
Case No. 2009-11377 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.023(1)(c), FS, by violating a rule of the Board of Pharmacy through violating Rule 64B16-28.202(3)(a), FAC, by failing to follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure, and failing to return the pharmacy permit to the Board upon closure.

MOTION: by Jones, seconded by Wilson to accept voluntary relinquishment. Motion carried unanimously.

**VR-5 JAMES JUNKINS, RPH, Panama City, FL., PS 10051
Case No. 2009-15856 - PC: Garcia/Hayes**

Respondent was not present nor represented by counsel.

Ms. Owens advised that Respondent violated Section 465.016(1)(i), Florida Statutes (2008), by dispensing for his own use prescription drugs without a prescription and without payment, specifically: Alprazolam, Hydrocodone, Vytorin, Prandin, and Metformin.

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

**VR-6 TANYA JONES, RPH, Greensboro NC., PU 3775
Case No. 2009-01828 - PC: Melvin/Risch**

Respondent was not present nor represented by counsel.

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

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

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

**I-1 MELANIE HICKEY, RPH, Lakeland, FL., PS 13051
Case No. 2009-19047 - PC: Powers/Jones**

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

Ms. Owens advised that Respondent violated Section 465.016(1)(h), FS, by having been disciplined by a regulatory agency in another state for an offense that would constitute a

violation of Chapter 465, namely, violating an order of the board or department.

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

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

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

MOTION: by Salem, seconded by Melvin for suspension. Respondent must successfully comply with PRN contract, present a petition for reinstatement to the Board including a report on her California licensure status, and submit a practice plan to the Board Chair for approval. Once reinstated the licensee shall be placed on probation. The terms of probation will be set at the time of reinstatement. Motion carried unanimously.

MOTION: by Griffin, seconded by Melvin to assess costs in the amount of \$986.87 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

F. PROFESSIONALS RESOURCE NETWORK CASES

PRN - SA -1 CHRISTOPHER JOHN COBB, RPH, Tallahassee, FL., PS 42211 Case No. 2009-08056 - PC: Salem/Hayes

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

Ms. Owens advised that Respondent violated Section 465.016(1)(i), FS by dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy.

MOTION: by Jones, seconded by Melvin to accept the settlement agreement. Assess an administrative fine in the amount of \$1000.00 to be paid within ninety (90) days of the filing of the final order, assess costs in the amount of \$1853.63 to be paid within ninety (90) days of the filing of the final order and successfully comply PRN contract. Suspension until, upon presentation of a petition for reinstatement, the Board determines that respondent is in compliance with all PRN requirements, determines that respondent is able to practice with reasonable skill and safety, and approves a practice plan submitted by respondent. Motion carried unanimously.

MOTION: by Jones, seconded by Melvin to reinstate contingent upon submission of a detailed practice plan and approval by Board chair. Respondent must be under the direct supervision of a licensed pharmacist. Motion carried unanimously.

A. Exam Candidates

1. Mohamed I. Elgadi, File No. 36462

Applicant was not present nor represented by counsel.

Applicant has not submitted proof of completion of requirements as set forth in Rule 64B16-26.2031, F.A.C.

MOTION: by Griffin, seconded by Jones to deny waiver. Motion carried unanimously.

MOTION: by Jones, seconded by Melvin to deny the application. Motion carried unanimously.

B. Endorsement Candidates

1. Marsha Kay Cieslik, File No. 38102

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 Griffin, seconded by Salem to approve. Motion carried unanimously.

2. Courtney Jonda, File No. 38164

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

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

MOTION: by Griffin, seconded by Hayes to deny based on suspension of another state license and conviction related to the practice act of the profession. Motion carried unanimously.

3. Laura Macione, File No. 36430

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

Applicant has not submitted proof of practicing as a licensed pharmacist in another jurisdiction for 2 of the last 5 years.

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

4. Bruce Taylor, File No. 36560

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 Griffin, seconded by Garcia to deny based on suspension of another state license. Motion carried unanimously.

C. Intern Candidates

There was not any Intern Candidates presented at this meeting.

D. Registered Pharmacy Technician Candidates

1. Wendy Jo Ann Mason, File No. 31811

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 Griffin, seconded by Melvin to deny. Motion carried unanimously.

2. Jessica Ramos, File No. 21890

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 Griffin, seconded by Jones to approve contingent upon PRN evaluation and Board chair approval within 180 days from the filing of the final order. Motion carried unanimously.

MOTION: by Griffin, seconded by Salem to send a letter to the candidate notifying that if she is working as a technician to cease immediately and send a letter to the employer notifying if they have any other technicians working that are not registered to cease immediately. Motion carried unanimously.

3. Keyonta D. Wynn, File No. 28826

Applicant was not present nor represented by counsel.

Applicant did not reflect on her application that there has been prior disciplinary action against her certified nursing assistant license.

MOTION: by Jones, seconded by Melvin to deny based on failure to disclose the revocation of her Florida CNA license. Motion carried unanimously.

E. Pharmacy Permit Candidates

1. US 1 Pharmacy, Inc., File No. 17317

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

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

MOTION: by Salem, seconded by Griffin to approve. Motion carried with Jones opposing.

F. Non-Resident Pharmacy Registration Candidates

1. Care Services, Inc., File No. 17544

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 Griffin, seconded by Jones to approve. Motion carried unanimously.

TAB 5 LICENSURE ISSUES – Allison Dudley, Attorney

A. Petition for Modification of Terms of Final Order

1. David Richard Fish, PS 15079

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

Mr. Garcia recused himself from participation of this Petition.

MOTION: by Salem, seconded by Griffin to deny. Motion carried unanimously.

B. Petition to Terminate Probation

1. Dave Blackwell, PS 37967

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

MOTION: by Salem, seconded by Garcia to terminate probation on June 12, 2010. Motion carried unanimously.

2. Toni Lynn Grimaldi, PS 16806

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

MOTION: by Melvin, seconded by Wilson to terminate probation. Motion carried with Salem opposing.

C. Petition for Reinstatement

1. Marco P. Rocha, PS 23649

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

MOTION: by Salem seconded by Melvin to lift suspension, place on probation for one (1) year with the restriction that he work directly under the supervision of a licensed pharmacist to gain the 1500 hours needed to have his license in Massachusetts restored. Respondent must submit a Petition for termination of probation to the Board for approval with proof that his Massachusetts license has been restored. Motion carried unanimously.

2. Nathan Moy, PS 34644

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

MOTION: by Salem, seconded by Melvin to reinstate and place on probation for 5 years. During the period of probation Respondent shall: comply with all recommendations and requirements of PRN; provide a copy of the Final Order to each prescription department manager (PDM) at each pharmacy in which engaged in the practice of Pharmacy within 10 days; not engage in the practice of pharmacy at more than two pharmacies; and not serve as a PDM. Respondent must submit quarterly reports and is responsible for ensuring that each PDM where engaged in the practice of pharmacy submits written quarterly reports. Motion carried unanimously.

D. Ratification of Practice Plans Approved by Board Chair

1. Martin Green, PS 29330

Licensee was not present nor represented by counsel.

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

E. Ratification of PRN Contracts Approved by Board Chair

1. Penny Cartwright, RPT 30980

Licensee was not present nor represented by counsel.

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

**TAB 6 PETITION FOR DECLARATORY STATEMENT / VARIANCE OR WAIVER -
Allison Dudley, Assistant Attorney General**

1. Chris Lent, RPh

Petitioner was not present nor represented by counsel.

MOTION: by Jones, seconded by Wilson to deny based on not meeting the statutory requirements of a Petition for Declaratory Statement. Motion carried unanimously.

Public Comment:

No Tab: Joe DeGregorio

Mr. DeGregorio addressed the Board regarding Pharmacy inspections. Ms. Jones and Mr. Garcia volunteered to work with inspectors on improving the evaluation plan.

No Tab: Candice Tatum

Ms. Tatum addressed the Board for clarification in quarterly reports submitted by PDM's for licensees due to disciplinary action. The Board responded that it was the licensee responsibility to ensure that PDM's submit the information requested of them and the licensee is held accountable.

No Tab: Robert Wilson

Mr. Wilson shared with the Board an email he received regarding information that was going to be brought up at the FPA House of Delegates meeting which deals with infractions and posting of discipline on the web.

No Tab: Michael Jackson, Florida Pharmacy Association

Mr. Jackson informed the Board that the Florida Pharmacy Association would be honoring the 50 year Pharmacy licensees at its Annual Meeting on July 4, 2010 and extended an opportunity for Board Members to be present during this ceremony.

Adjourn:

MOTION: by Griffin, seconded by Salem to adjourn at 12:45 p.m.