

**DEPARTMENT OF HEALTH  
BOARD OF PHARMACY  
BOARD MEETING  
MINUTES  
June 12-13, 2007**

Bahia Mar Beach Resort & Yachting Center  
801 Seabreeze Boulevard  
Ft. Lauderdale, FL 33315  
(954) 764-2233

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

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

Board Members Present:

Ron Salem, Pharm. D., Jacksonville, Chair  
Albert Garcia, R.Ph., M.H.L., Miami, Vice-Chair  
Eric Alvarez, Pharm.D., Miami  
Amy Jones, J.D., Consumer Member, Tallahassee  
Jennifer Lalani, R.Ph., Windermere  
Gail Merrell, Pharm.D., Terre Verde  
Bob Parrado, R.Ph., Tampa  
Jim Powers, R.Ph., Tallahassee  
Brigitte Goersch, Consumer Member, Orlando

Board Staff Present:

Rebecca Poston, R.Ph., Executive Director  
Maxine Wenzinger, Administrative Assistant II  
Diana Decker, Regulatory Specialist II

Board Counsel Present:

Reginald Dixon, Assistant Attorney General

Department of Health Staff Present:

Lynne Quimby-Pennock, J.D., Senior Attorney  
John Taylor, R.Ph., Statewide Inspection Program  
Manager

**Tuesday, June 12**

Meeting was delayed due to cancelled flights.

**3:30 p.m. Call To Order by Ron Salem, Pharm.D., Chair**

**TAB 1 DISCIPLINARY CASES**

**A. SETTLEMENT AGREEMENTS – NON APPEARANCES**

NA-1 Kotanational Mercantile System, Miami, FL, PH 11215, Case No. 2005-69399  
PC: Goersch/Parrado

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Respondent nor counsel were present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2005), by violating an order of the Board previously entered in a disciplinary hearing.

**MOTION:** by Merrell, second by Powers to continue until Wednesday, June 13. Motion carried unanimously.

**MOTION:** by Jones, second by Merrell to accept stipulation of an administrative fine in the amount of \$250.00 and cost in the amount of \$718.40 are to be paid within thirty (30) days of the filing of the Final Order. Motion carried unanimously.

NA-2 Achinike Ofoleta, R.Ph., Miami, FL, PS 24628, Case No. 2006-29828  
PC: Parrado/Goersch

Respondent was present and sworn in by court reporter. Respondent was represented by Julio Cabrera, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2006), by violating a rule of the Board of Pharmacy, through a violation of Rule 64B16-28.109(4), Florida Administrative Code, by making the prescription department area accessible by persons not licensed in Florida to practice the profession of pharmacy.

**MOTION:** by Lalani, second by Jones to accept stipulation of an administrative fine in the amount of \$2,000.00 and cost in the amount of \$911.52 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Respondent's license shall be placed on a one year probationary period to commence upon the filing of the Final Order of the Board incorporating the Settlement Agreement. Motion carried, 2 opposed (Powers/Alvarez).

NA-3 Globalnet Pharmacies, Boca Raton, FL, PH 21582, Case No. 2006-27281  
PC: Parrado/Goersch

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.023(1)(c), Florida Statutes (2006), by violating a rule of the Board, through a violation of Rule 64B16-28.140(3)(f), Florida Administrative Code, by failing to maintain a data processing system that could produce the required records.

**MOTION:** by Alvarez, second by Powers to accept stipulation of an administrative fine in the amount of \$1,000.00 and cost in the amount of \$4,289.93 are to be paid within thirty (30) days of the filing of the Final Order. Respondent's prescription department manager shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These

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continuing education hours shall be in addition to the hours required for license renewal. Respondent's license shall be placed on a one year probationary period to commence upon the filing of the Final Order of the Board incorporating the Settlement Agreement. Motion carried unanimously.

NA-4 George Quaye, Jr., R.Ph., Sicklerville, NJ, PS 344887, Case No. 2006-25047  
PC: Alvarez/Garcia

Respondent nor Counsel was present.

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

**MOTION:** by Merrell, second by Jones to accept stipulation of an administrative fine in the amount of \$1,000.00 and cost in the amount of \$776.64 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall complete and provide documentation of completion of sixty (60) hours of general professional pharmaceutical continuing education courses to the Board of Pharmacy within one and one-half years (18 months) of the date of filing of the Final Order accepting and incorporating the Settlement Agreement. The sixty (60) hours of continuing education required herein are separate from and in addition to taking, completing, and documenting completion of all other continuing education hours otherwise required by the Board. Motion carried unanimously.

NA-5 Johnson Hollywood CVS, Woonsocket, RI, PH 18151, Case No. 2006-29155  
PC: Lalani/Merrell

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.023(1)(c), Florida Statutes (2005), by violating any provision of Chapter 465, through a violation of Section 465.018, Florida Statutes (2005), by failing to have a designated prescription department manager.

**MOTION:** by Goersch, second by Garcia to accept stipulation of an administrative fine in the amount of \$1,000.00 and cost in the amount of \$1,153.04 are to be paid within thirty (30) days of the filing of the Final Order. Motion carried unanimously.

## **B. VOLUNTARY RELINQUISHMENTS**

VR-1 Thomas Youngblood, R.Ph., Pensacola, FL, PS 14155 & PU 1712, Case No.  
2006-29706  
PC: Alvarez/Garcia

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Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes, by violating a rule of the Board, through a violation of Rule 64B16-27.300(3), Florida Administrative Code, by failing, for ACSDU, SCU, and AIRTF, to provide for a CQI committee, to ensure that CQI committee meetings were conducted every three months, and to maintain a summarization of quality related events.

**MOTION:** by Merrell, second by Lalani to accept Voluntary Relinquishment of consultant license. Motion carried unanimously.

VR-2            Roberta Housenbold, R.Ph., Boca Raton, FL, PS 25228, Case No. 2006-08701  
PC: Garcia/Alvarez

Respondent nor Counsel was present.

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

**MOTION:** by Powers, second by Jones to accept Voluntary Relinquishment of license. Motion carried unanimously.

VR-3            Roberta Housenbold, R.Ph., Boca Raton, FL, PS 25228, Case No. 2006-10448  
PC: Garcia/Alvarez

Respondent was/was not present and was/was not sworn in by court reporter. Respondent was represented by Brian Kahan, Esquire.

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

**MOTION:** by Powers, second by Jones to accept Voluntary Relinquishment of license. Motion carried unanimously.

VR-4            Roberta Housenbold, R.Ph., Boca Raton, FL, PS 25228, Case No. 2001-16556  
PC: Poston/Motley

Respondent was/was not present and was/was not sworn in by court reporter. Respondent was represented by Brian Kahan, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2001), for violating rules of the Board or Department, specifically, Rule 64B16-27.410, Florida Administrative Code, by failing to clearly identify pharmacy technician as such by a clearly visible identification badge; Rule 64B16-27.820, F.A.C., for failing to provide a printed

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offer to counsel to the patient or patient's agent upon receipt of new or refill prescriptions; Rule 64B16-28.105, F.A.C., for failing to operate the prescription department under clean, sanitary and healthful conditions, by allowing a pharmacy technician to pour medications from bottles into her bare hand and then pour the pills into an electronic pill counter; and Rule 64.16B-28.107(1), F.A.C., for failing to keep a current copy of the laws and rules governing the practice of pharmacy in the State of Florida in the pharmacy. Respondent violated Section 465.016(1)(n), Florida Statutes (2001), by violating a rule of the Board of Department, Rule 64B16-28.118, F.A.C., for returning undispensed medication in bubble packs by removing individual doses from the unit dose bubble packs and placing it in bottles for redispensing without assuring that each dose remained individually sealed. Respondent violated Section 465.016(1)(e), Florida Statutes (2001), by violating provision of Chapter 893, Florida Statutes, specifically Section 893.04(1)(c)6, Florida Statutes (2001) for failing to assure that controlled substance prescriptions containing filled syringes and labeled "methadone" contained a pharmacist's initials and the date of dispensing; Section 893.07(1)(b), Florida Statutes (2001), for failing to maintain or produce the biennial inventory detailing the use of controlled substances; and Section 893.07, Florida Statutes (2001), for failing to properly complete DEA 222 forms.

**MOTION:** by Powers, second by Jones to accept Voluntary Relinquishment of license. Motion carried unanimously.

VR-5            Seth Mahler, R.Ph., Plantation, FL, PS 17274, Case No. 2003-17906  
PC: Powers/Parrado

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(i), Florida Statutes (2002), by compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy.

**MOTION:** by Lalani, second by Merrell to accept Voluntary Relinquishment of license. Motion carried unanimously.

VR-6            Seth Mahler, R.Ph., Plantation, FL, PS 17274, Case No. 2003-20062  
PC: Salem/Garcia

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes (2003), by violating any provision of Chapter 465, Florida Statutes, through a violation of Section 465.015(2)(c), Florida Statutes (2003), by compounding, dispensing, or selling drugs as defined in Section 465.003(8), Florida Statutes, without first being furnished with a prescription; Section 465.016(1)(i), Florida Statutes (2003), by compounding, dispensing, or distributing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy; and Section 465.016(1)(r), Florida Statutes (2003), by violating any provision of Chapter 499, Florida Statutes, through a violation of Section 499.007(4)(a), (b), Florida Statutes (2003), by possessing drugs that were misbranded or improperly labeled.

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**MOTION:** by Lalani, second by Merrell to accept Voluntary Relinquishment of license. Motion carried unanimously.

VR-7            Eric Arthur, R.Ph., Wewahitchka, FL, PS 31436, Case No. 2004-00424  
PC: Parrado/Goersch

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(i), Florida Statutes (2002, 2003), by dispensing or distributing a legend, including any controlled substance, other than in the course of the professional practice of pharmacy; Section 465.016(1)(f), Florida Statutes (2006), by having been found guilty, regardless of adjudication, in a court of this state of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy; and Section 465.016(1)(r), Florida Statutes (2006), by violating Section 465.072(1)(c), Florida Statutes (2006), by having been found guilty, regardless of adjudication, in a court of this state of a crime which directly relates to the ability to practice pharmacy or to the practice of pharmacy.

**MOTION:** by Merrell, second by Garcia to accept Voluntary Relinquishment of license. Motion carried unanimously.

VR-8            Alpha Pharmacy, Inc., Tamarac, FL, PH 21263, Case No. 2006-42404  
PC: Waived

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.015(1)(b) and Section 465 023(1)(c).

**MOTION:** by Jones, second by Merrell to accept Voluntary Relinquishment of license. Motion carried unanimously.

**TAB 2            APPLICATIONS REQUIRING BOARD REVIEW (Rebecca Poston)**

**A.            Exam Candidate Requiring Board Review**

1. Kareem McKinney

Respondent nor Counsel was present.

Mr. McKinney answered “yes” to question 8 on page 3 asking, are you presently being investigated or is any disciplinary action pending against you.

Motion by Lalani, second by Merrell to approve Mr. McKinney to take the examination but after passing examination, he must appear before the board and PRN must advocate for him. If he does not pass examination, he must reapply. Motion carried unanimously.

**TAB 3**

**BUSINESS**

**A. Ratification of Issued Licenses/Certificates & Staffing Ratios**

1. Pharmacist (Client 2201)
2. Pharmacist Interns (Client 2202)
3. Consultant Pharmacist (Client 2203)
4. Nuclear Pharmacist (Client 2204)
5. Pharmacies/Facilities (Client 2205)
6. Technician Ratios

**MOTION:** by Jones, second by Alvarez to approve licenses issued and staffing ratios. Motion carried unanimously.

**B. Minutes**

Approval of April 24-25, 2007, Board Meeting Minutes

**MOTION:** by Alvarez, second by Parrado to approve minutes. Motion carried unanimously.

**C. General Board Requests (Rebecca Poston)**

1. Jerry Kelley, R.Ph., Omnicare, regarding Bar Code Technology

Mr. Kelley and Mr. Ken Fearon made presentation to the Board.

The Board suggested that the Professional Practice Committee review and then present to the Board if appropriate.

2. Reginal Harris, R.Ph., PU 5737, regarding Consultant Pharmacist CE Requirements

Mr. Harris could not attend the meeting.

3. Native Plains Pharmacy, John Hawes

Mr. Dixon said that a Native Plains Pharmacy should submit a request for a Declaratory Statement and get the Board's opinion.

**MOTION:** by Jones, second by Merrell to advise Native Plains Pharmacy that they should submit a request for Declaratory Statement. Motion carried unanimously.

**D. Petition for Declaratory Statement**

1. CVS, Edwin Bayó, Esquire

In response to Mr. Bayo's Declaratory Statement, the following was made:

7A – This is a Statute

7B – This is a Statute

7C – A non-resident who is visiting Florida and is under his/her out of state doctor's care for a chronic condition, can have his/her out of state doctor call in or mail a prescription to be filled by a Florida pharmacist.

7D – A non-resident who is visiting Florida and is under his/her out of state doctor's care for a recurring condition, can have his/her out of state doctor transmit by any means a prescription to be filled by a Florida pharmacist.

7E – The Florida pharmacist can exercise his/her professional judgment by calling the out of state doctor. The Florida pharmacist can also ask questions of the non-resident designed to elicit the nature of the condition/illness and that the non-resident is under the out of state doctor's care for that condition/illness. The presumption that a non-resident is under the care of an out of state doctor is stronger if they both reside in the same city or geographical area.

7F. 7F - Board could not reach a consensus in wording. Mr. Bayo withdrew

7G – A pharmacist must review the totality of the circumstance, including the patient's age and condition, the nature of the medication prescribed, the out of state address of the patient and out of state doctor, and other applicable factors to determine the validity of the order and that it is necessary for the treatment of a chronic or recurrent illness. Calling the out of state doctor may be necessary in certain cases but is not required in every case.

**E. Request for Waiver**

1. Seminole County Health Department request for waiver to rule 64B16-28.1081, F.A.C.

**MOTION:** by Merrell, second by Jones to allow Mr. Dixon to dismiss this request. Motion carried unanimously.

2. Ocean Reef Pharmacy request for waiver to rule 64B16-28.1081, F.A.C.

**MOTION:** by Garcia, second by Parrado to approve the request and allow the pharmacy to be open 20 hours a week for 18 months after license is issued. Motion carried unanimously.

3. Sheryl Gamble, University of Central Florida, requesting waiver to Rule 64B16.27.104(5)

**MOTION:** by Powers to approve request, there was no second. Motion failed.

**MOTION:** by Alvarez, second by Merrell to reject due to distance between pharmacies. Motion carried, 1 opposed (Powers).

**F. Petitioner's Motion to Correct Scrivener's Error**

**MOTION:** by Merrell, second by Parrado to approve correction. Motion carried unanimously.

**TAB 4**

**REPORTS**

A. Chair's Report- Ron Salem, Pharm.D.

Dr. Salem reported that he attended the NABP meeting in Portland, Oregon, where they discussed CE med errors (citations or peer review). Very interesting meeting and NABP can provide a lot of information.

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

Ms. Poston reported on the legislative session:  
HB 543 (Immunization Services), HB 1007 (Physician Assistant/Prescriptions) (on Governor's desk), HB 1155 (Drugs) (on Governor's desk), SB 1116 (passed/vetoed)

Ms. Poston also attended the NABP meeting in Portland, and discussed educational courses, 797, pedigrees, quality of care.

MQA inspector training was held on June 4-6 in Orlando.

Mr. Poston and Mr. Garcia will be attending the MPJE Item-Writing Workshop in Chicago, IL, on June 15-16.

Ms. Poston will be attending the FPA Annual Meeting on June 27-July 1 in Marco Island.

Ms. Poston reported that the Department of Health Secretary will be the first Florida Surgeon General effective July 1, 2007.

The Board has a new employee, Craig Samuels.

C. Attorney General's Report – Reginald Dixon, Attorney

Mr. Dixon reported that he is working on a number of rules and listed the ones that had been noticed.

D. Prosecuting Attorney Report – Lynne Quimby-Pennock, Attorney

Ms. Quimby-Pennock distributed her report. As of May 2007, there are 335 open cases. The Board commended her and her staff on the work they have done.

E. Compliance Officer's Report – Tiana Jackson

1. February-April 2007 Reports

F. Statewide Inspection Program Manager Report – John Taylor, R.Ph.

Mr. Taylor reported that 89% of the inspections have been completed during the last 11 months and by the end of the FY, it should be up to 92%.

The MQA Inspector Training was held on June 4-6 in Orlando. He would like to demonstrate the tablet computers at a future board meeting.

Mr. Taylor will be attending the MPJE Item-Writing Workshop in Chicago, IL, on June 15-16.

Meeting adjourned at 6:25 p.m.

**Wednesday, June 13, 2007 – 8:00 a.m. – 4:00 p.m. – Disciplinary Cases**

**8:00 a.m. Call To Order by Ron Salem, Pharm. D., Chair**

**TAB 5 DISCIPLINARY CASES**

**A. STIPULATION - APPEARANCE REQUIRED CASES**

A-1 Linh Pham, R.Ph., Orlando, FL, PS 38303, Case No. 2006-27283  
PC: Powers/Jones

Respondent was present and sworn in by court reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(e), Florida Statutes (2005), by violating a provision of Chapter 893, Florida Statutes, through a violation Section 893.04(1)(a), Florida Statutes (2005), by dispensing a controlled substance upon a prescription that was not made by a practitioner as defined by Section 893.03(19), Florida Statutes (2005).

**MOTION:** by Lalani, second by Merrell to accept stipulation of an administrative fine in the amount of \$250.00 and cost in the amount of \$1,000.00 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-2 Anthony Orukotan, R.Ph., Hollywood, FL, PS 13811, Case No. 2005-69516  
PC: Goersch/Parrado

Respondent was present and sworn in by court reporter. Respondent was represented by Lawrence Besser, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2005), by violating an order of the board previously entered in a disciplinary hearing.

**MOTION:** by Jones, second by Merrell to accept stipulation of an administrative fine in the amount of \$250.00 and cost in the amount of \$409.25 are to be paid within thirty (30) days of the filing of the Final Order. Motion carried unanimously.

A-3 Veronica Foster, R.Ph., Sarasota, FL, PS 14223 & PU 01201, Case No. 2006-09021  
PC: Merrell/Lalani

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

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Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes, by violation of any of the rules adopted pursuant to Chapter 465, Florida Statutes, through violation of Rule 64B16-28.702(7), Florida Administrative Code, by maintaining dosage units of a controlled substance that exceeded 100 dosage units; Section 465.016(1)(r), Florida Statutes, by violation of any of the rules adopted pursuant to Chapter 465, Florida Statutes, through violation of Rule 64B16-28.702(2)(b), Florida Administrative Code, by maintaining more than 15 medicinal drugs among the stock pharmaceuticals; and Section 465.016(1)(e), Florida Statutes, by violation of Chapter 499, Florida Statutes, through violation of Section 499.005(22), Florida Statutes, by failing to obtain a wholesale distribution permit.

**MOTION:** by Jones, second by Garcia to accept stipulation of an administrative fine in the amount of \$2,500.00 and cost in the amount of \$1,143.42 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-4            Shafali Data, R.Ph., Parkland, FL, PS 25758, Case No. 2006-27604  
PC: Parrado/Goersch

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2006), by violating a rule of the Board, through a violation of Rule 64B16-27.420, Florida Administrative Code, by failing to receive approval from the Board of Pharmacy prior to practicing with a 2:1 or higher ratio of supervision; Section 465.016(1)(n), Florida Statutes (2006), for violating a rule of the Board through a violation of Rule 64B16-28.140(3)(f), Florida Administrative Code, by failing to properly maintain a data processing system that could produce required records; and Section 465.016(1)(n), Florida Statutes (2006), for violating a rule of the Board, through violation of Rule 64B16-28.102(4), Florida Administrative Code, by failing to properly maintain a data processing system that could produce required records.

**MOTION:** by Merrell, second by Garcia to reject stipulation. Motion carried unanimously.

**COUNTER MOTION:** by Merrell, second by Garcia to accept stipulation of an administrative fine in the amount of \$3,500.00 and cost in the amount of \$2,944.74 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. A re-inspection will be conducted within 30 days at the cost of the Respondent. Motion carried unanimously.

A-5            Munavvara Akilo, R.Ph., Longview, TX, PS 39648, Case No. 2005-54339  
PC: Alvarez/Powers

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(e), Florida Statutes, by violating Chapter 499, Florida Statutes, through a violation Section 499.007(5)(a) Florida Statutes (2004), by misbranding a drug by placing the incorrect directions for use on the label.

**MOTION:** by Parrado, second by Garcia to reject stipulation. Motion carried unanimously.

Ms. Akilo arrived later in the morning.

**MOTION:** by Jones, second by Lalani to reconsider. Motion carried unanimously.

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

**MOTION:** by Merrell, second by Jones to accept stipulation of an administrative fine in the amount of \$250.00 and cost in the amount of \$1,049.88 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program, such as the one offered by the University of Florida or Nova Southeastern University, that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order. Motion carried, 1 opposed (Parrado).

A-6                      John Noriega, R.Ph., Lithia, FL, PS 19226, Case No. 2006-37584  
PC: Powers/Jones

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(e), Florida Statutes (2006), by violating any provision of Chapter 499, Florida Statutes, through a violation Section 499.005(1) Florida Statutes (2006), by selling, delivering, holding or offering for sale an adulterated drug or device by dispensing expired medication.

**MOTION:** by Merrell, second by Garcia to accept stipulation of an administrative fine in the amount of \$250.00 and cost in the amount of \$991.68 are to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement or successfully complete the Multistate Pharmacy Jurisprudence Examination (Florida version) within one year of the entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried, 2 opposed (Parrado/Alvarez).

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

I-1 Christine Cassidy, R.Ph., Melbourne, FL, PS 19364, Case No. 2006-35058  
PC: Parrado/Goersch

Respondent was present and sworn in by court reporter. Respondent was represented by Edwin Bayó, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2005), by furnishing upon prescription an ingredient or article different in any manner from the ingredient or article prescribed.

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

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

**MOTION:** by Lalani, second by Merrell that violation occurred. Motion carried unanimously.

**MOTION:** by Powers, second by Lalani to assess an administrative fine in the amount of \$250.00 to be paid within ninety (90) days of the filing of the Final Order. Respondent shall successfully complete 8 CE hours of medical errors. Motion carried, 1 opposed (Salem).

**MOTION:** by Jones, second by Lalani to assess costs in the amount of \$1,173.75 to be paid within 90 days of the filing of the Final Order. Motion carried unanimously.

I-2 Hoa-Vuong T. Nguyen, R.Ph., Lakeland, FL, PS 29998, Case No. 2006-37440  
PC: Powers/Jones

Respondent was present and sworn in by court reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(i), Florida Statutes (2005), by dispensing a legend drug other than in the course of the professional practice of pharmacy.

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

**MOTION:** by Goersch, second by Parrado that violation occurred. Motion carried unanimously.

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

**MOTION:** by Lalani, second by Goersch to assess an administrative fine in the amount of \$962.51 to be paid within ninety (90) days of the filing of the Final Order. Motion carried unanimously.

**MOTION:** by Lalani, second by Goersch to assess costs in the amount of \$500.00 to be paid within ninety (90) days of the filing of the Final Order. Respondent shall successfully complete a

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prescription mis-fill program, such as the one offered by the University of Florida or Nova Southeastern University, that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order. Motion carried unanimously.

I-3 Leslie Wolfe, R.Ph., Miami, FL, PS 28068, Case No. 2006-02543  
PC: Salem/Garcia

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2005), by violating an order of the board previously entered in a disciplinary hearing.

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

**MOTION:** by Merrell, second by Parrado that violation occurred. Motion carried unanimously.

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

**MOTION:** by Parrado, second by Powers to dismiss case. Motion failed (4 opposed, Lalani, Merrell, Jones, Goersch).

**MOTION:** by Merrell, second by Lalani to continue to August meeting and have Compliance Office review case. Motion carried, 1 opposed (Powers).

I-4 Gary Ashcraft, R.Ph., Fruitland, Park, FL, PS 35814, Case No. 2006-38470  
PC: Powers/Jones

Respondent was present and sworn in by court reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(e), Florida Statutes (2006), by violating Chapter 499, Florida Statutes (2006), by misbranding a drug by placing the incorrect directions for use on the label.

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

**MOTION:** by Lalani, second by Merrell that violation occurred. Motion carried unanimously.

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

**MOTION:** by Goersch, second by Parrado to assess an administrative fine in the amount of \$500.00 to be paid within ninety (90) days of the filing of the Final Order. Motion carried unanimously.

**MOTION:** by Goersch, second by Lalani to access cost in the amount of \$1,392.07 to be paid within ninety (90) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program, such as the one offered by the University of Florida or Nova Southeastern University, that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order. Motion carried unanimously.

I-5                    Karen Gail Amberg Hall, R.Ph., PS 16813, Case No. 2006-33057  
PC: Powers/Jones

Respondent nor Counsel was present.

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes (2006), by having violated Section 456.072(1)(f), Florida Statutes (2006), by having the authority to practice any regulated profession acted against by the licensing authority of any jurisdiction; and Section 465.016(1)(h), Florida Statutes (2006), by having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of this Chapter 465, F.S.

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

**MOTION:** by Merrell, second by Lalani that violation occurred. Motion carried unanimously.

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

**MOTION:** by Lalani, second by Merrell to accept Voluntary Relinquishment of license. Motion carried unanimously.

I-6                    Kenneth Behr, R.Ph., South Bend, IN, PS 14425, Case No. 2006-23171  
PC: Waived

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(h), Florida Statutes (2006), by being disciplined by a regulatory agency in another state for any offense that would constitute a violation of Chapter 465, Florida Statutes.

**MOTION:** by Lalani, second by Garcia to grant continuance with understanding that case would be heard in August with no further continuance. Motion carried, 1 opposed (Parrado).

I-7                    Kenneth Behr, R.Ph., South Bend, IN, PS 14425, Case No. 2004-41446  
PC: Powers/Jones

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(h), Florida Statutes (2004), by being disciplined by a regulatory agency in another state for any offense that would constitute a violation of Chapter 465, Florida Statutes.

**MOTION:** by Lalani, second by Garcia to grant continuance with understanding that case would be heard in August with no further continuance. Motion carried, 1 opposed (Parrado).

I-8                    Kenneth Behr, R.Ph., South Bend, IN, PS 14425, Case No. 2003-29612  
PC: Merrell/Alvarez

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(h), Florida Statutes, by being disciplined by a regulatory agency in another state for any offense that would constitute a violation of Chapter 465, Florida Statutes.

**MOTION:** by Lalani, second by Garcia to grant continuance with understanding that case would be heard in August with no further continuance. Motion carried, 1 opposed (Parrado).

I-9                    Kenneth Behr, R.Ph., South Bend, IN, PS 14425, Case No. 2003-18658  
PC: Merrell/Alvarez

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(h), Florida Statutes (2006), by being disciplined by a regulatory agency in another state for any offense that would constitute a violation of Chapter 465, Florida Statutes.

**MOTION:** by Lalani, second by Garcia to grant continuance with understanding that case would be heard in August with no further continuance. Motion carried, 1 opposed (Parrado).

I-10                    Sigrid Muhar, R.Ph., St. Petersburg, FL, PS 17534, Case No. 2006-30498  
PC: Alvarez/Garcia

CONTINUED TO AUGUST MEETING

I-11                    Nicole Renee Coshun, Hobe Sound, FL, PSI 17932, Case No. 2006-08543  
PC: Salem/Alvarez

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(f), Florida Statutes (2005), by having been found guilty, regardless of adjudication, in a court of this state of a crime that directly relates to the ability to practice pharmacy or to the practice of pharmacy.

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

**MOTION:** by Goersch, second by Parrado that a violation occurred. Motion carried unanimously.

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

**MOTION:** by Goersch, second by Merrell to accept stipulation and administrative fine in the amount of \$1,000.00 to be paid within thirty (30) days of the filing of the Final Order. Respondent's license shall be suspended until such time as she can demonstrate the ability to practice pharmacy with reasonable skill and safety to patients and shall provide a practice plan detailing his pharmaceutical employment intentions for the Board's approval. After reinstatement, Respondent shall be placed on probation for 5 years.

**MOTION:** by Merrell, second by Lalani to assess costs in the amount of \$3,337.06 to be paid prior to reinstatement. Motion carried unanimously.

I-12            Nicole Renee Coshun, Hobe Sound, FL, PSI 17932, Case No. 2006-26818  
PC:

See above.

### **C. PROFESSIONALS RESOURCE NETWORK CASES**

PRN-1            Kevin Strychalski, R.Ph., Battle Creek, MI, PS 25362, Case No. 2006-21273  
PC: Waived

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(h), Florida Statutes (2004), by being disciplined by a regulatory agency in another state for any offense that would constitute a violation of Chapter 465, Florida Statutes.

**MOTION:** by Merrell, second by Lalani to accept stipulation and an administrative fine in the amount of \$2,500.00 and costs in the amount of \$946.72 to be paid within ninety (90) days of the filing of the Final Order. Respondent's license shall be indefinitely suspended until such time as Respondent petitions and appears before the Board seeking reinstatement of his Florida license and proves that he is safe to practice pharmacy in the state of Florida and presents a practice plan for the Board's approval. Upon reinstatement of Respondent's license, it shall be placed on a five year probationary period. During first year of probation, Respondent shall not function as a prescription department managed in any Florida permitted pharmacy. Respondent shall successfully complete a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement or successfully complete the Multistate Pharmacy Jurisprudence Examination (Florida version) within one year of the entry of the Final Order accepting and adopting this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Respondent shall submit written quarterly reports and ensure his employer submits written quarterly reports. Motion carried unanimously

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PRN-2 Lisa McGrail, R.Ph., Parkland, FL, PS 28141, Case No. 2007-01385  
PC: Salem/Garcia

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(m), Florida Statutes (2006), for being unable to practice pharmacy with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

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

**MOTION:** by Merrell, second by Jones that violation occurred. Motion carried unanimously.

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

**MOTION:** by Goersch, second by Merrell to accept stipulation and assess fine in the amount of \$1,000.00 to be paid within six (6) months days of the filing of the Final Order. Respondent shall successfully complete

**MOTION:** by Jones, second by Powers to assess a fine in the amount \$1,000.00 and costs in the amount of \$2,247.29 to be paid within six (6) months of the filing of the Final Order. Respondent's license shall be suspended until such time as she appears before the Board and demonstrates that she is safe to practice pharmacy with reasonable skill and safety. Respondent shall successfully completes a continuing education course on the laws and rules governing the practice of pharmacy in Florida that is not shorter than twelve (12) hours in length, within one (1) year of entry of the Final Order accepting and adopting this Settlement Agreement or successfully complete the Multistate Pharmacy Jurisprudence Examination (Florida version) within one year of the entry of the Final Order accepting and adopting this Settlement Agreement. These continuing education hours shall be in addition to the hours required for license renewal. Upon reinstatement of license, Respondent shall be placed on probation with conditions for a minimum of five years. Motion carried unanimously.

PRN-3 James Ronald Newby, R.Ph., Winter Garden, FL, PS 18015, Case No. 2007-02086  
PC: Parrado/Goersch

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

Ms. Quimby-Pennock advised the Board the Respondent violated Section 465.016(1)(m), Florida Statutes (2006), demonstrating his refusal or inability to perform in accordance with the terms of his PRN contact and by his positive test for both cocaine metabolites and alcohol demonstrate that he is unable to practice pharmacy with reasonable skill and safety.

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

**MOTION:** by Merrell, second by Powers that violation occurred. Motion carried unanimously.

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

**MOTION:** by Merrell, second by Powers to accept stipulation and assess costs in the amount of \$1,000.00 to be paid within thirty (30) days of the filing of the Final Order.

**MOTION:** by Merrell, second by Jones to revoke Respondent's license. Motion carried unanimously.

**TAB 6:        LICENSURE ISSUES (Reginald Dixon)**

**A.        Petitions for Termination of Probation/Suspension**

1.        Brian Bazajou, R.Ph., PS 36123  
          CONTINUED TO AUGUST MEETING
  
2.        Obdulia Torres, R.Ph., PS 16524

Respondent was present and sworn in by court reporter. Respondent was represented by Michael Weisberg, Esquire.

**MOTION:** by Alvarez, second by Powers to terminate probation. Motion carried unanimously.

3.        James Maister, R.Ph., PS 34202  
          CONTINUED TO AUGUST MEETING
  
4.        Michael Marcon, R.Ph., PS 27416

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

**MOTION:** by Merrell, second by Parrado to terminate probation with terms. Motion carried unanimously.

**MOTION:** by Merrell, second by Powers to include a licensure-long PRN contract, and one year restriction on unlimited access to controlled substances, no involvement in inventory process, not more than 40 hours a week, no nights or week-ends, and work under direct supervision of another pharmacist. Motion carried unanimously.

5.        Michael Ciell, R.Ph., PS 24784

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

**MOTION:** by Jones, second by Lalani to terminate probation. Motion carried unanimously.

6. Charles Zuza, R.Ph., PS 27854

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

**MOTION:** by Jones, second by Powers to terminate probation. Motion carried unanimously.

**B. Petition to Extend Due Date of Financial Obligations**

1. Jeffrey Crisafulli, R.Ph., PS 29853

Respondent was not present nor represented by Counsel.

**MOTION:** by Jones, second by Lalani to deny request. Motion carried, 2 opposed (Powers/Parrado).

2. Jerry Delman, R.Ph., PS 17468

Respondent was not present. Respondent was represented by Brian Kahan, Esquire.

**MOTION:** by Merrell, second by Powers to extend date for payment until October 1, 2007. Motion carried, 3 opposed (Jones/Powers/Lalani).

**C. Petition to Remove Restrictions**

1. Andrew Dick, R.Ph., PS 29905

Respondent was present and sworn in by court reporter. Respondent was represented by Brian Kahan, Esquire. Dr. Judy Rivenbark, Professionals Resource Network, was present.

**MOTION:** by Lalani, second by Merrell to remove restrictions. Motion carried unanimously.

2. John Moses, R.Ph., PS 26291

Respondent was present and sworn in by court reporter. Respondent was represented by Edwin Bayó, Esquire.

**MOTION:** by Parrado, second by Powers to remove restrictions but only work within the same chain. Motion carried, 1 opposed (Lalani).

**D. Request to Extend Date for CE Requirements**

1. Saria Staples, R.Ph., PS 37240

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

**MOTION:** by Merrell, second by Parrado to extend date to complete CE requirement until July 17, 2007. Motion carried unanimously.

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2. Joseph Afolabi, PS 34624

Mr. Afolabi has completed his CE requirements. No action required.

**E. Petition to Petition**

1. Mathew Kachlany

Respondent was present and sworn in by court reporter. Respondent was represented by Edwin Bayó, Esquire.

**MOTION:** by Lalani, second by Alvarez to deny request. Motion carried, 1 opposed (Powers).

**F. Motion for Reinstatement**

1. Martin Reisky, R.Ph., Case No. 2006-28911

Withdrawn

**G. Comments**

1. Harley D. Greene, PS 15106  
Mr. Greene withdrew his request to address the Board.

Audience Comments

Meeting adjourned at 12:55 p.m.