

**DEPARTMENT OF HEALTH  
BOARD OF PHARMACY  
BOARD MEETING  
DRAFT MINUTES  
JULY 27, 2009**

**CONFERENCE CALL NUMBER: 1-888-808-6959  
CONFERENCE CODE: 5642037**

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Board Members Present:

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

Board Staff Present:

Rebecca Poston, RPh, C.Ph., Executive Director  
Ronda Bryan, Program Operations Administrator  
Maxine Wenzinger, Administrative Assistant II  
Cassandra Pasley, BSN, JD, Bureau Chief

Board Counsel Present:

Diane Guillemette, Assistant Attorney General

Department of Health Staff Present:

Billie Jo Owens, Assistant General Counsel

Court Reporter: Jeff Babcock, For the Record, Tallahassee, FL, 850-222-5491

**Monday, July 27, 2009**

**10:00 a.m. Call To Order by Ron Salem, PharmD, Chair**

**TAB 1 Board Memorandum- Diane Guillemette, Assistant Attorney General**  
**TAB 2 Notification Example: Prescription Department Manager Letter**  
**TAB 3 Information: Mylan v Abbott- Administrative Law Judge Opinion**  
**TAB 4 Information: Abbott v Mylan- 1<sup>st</sup> DCA Opinion**  
**TAB 5 Additional Information**

Dr. Salem, Chair, asked Ms. Guillemette to present the issue and then Abbott and Mylan would be given time to make comments.

Ms. Guillemette explained the history of the case and recommended that the board send out a letter correcting the April 15, 2008, letter the day the DCA opinion becomes final.

Michael Glazer, Ausley & McMullen, spoke for Abbott Laboratories. Mr. Glazer stated that the only issue for the Board to consider today is correcting the April 15, 2008, letter.

Edwin Bayó, Metzger, Grossman, Furlow & Bayó, spoke for Mylan Pharmaceuticals. Inc. Mr. Bayó provided additional background information and indicated that the Board of Medicine will be placing this issue on its agenda.

The Board members and audience were given the opportunity to ask questions or make comments. Current prescriptions will continue to be refilled with levothyroxine sodium until the prescription refill expires. Only new prescriptions going forward from the effective date of the mandate will be effected. An individual has the right to request the name brand or a generic medication.

**MOTION:** by Powers, second by Jones to adopt the recommendation of legal counsel and mail out letter to the Pharmacy Manager on the date that the mandate is handed down. Motion carried unanimously.

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

Meeting adjourned at 10:40 a.m.