

MINUTES

DEPARTMENT OF HEALTH BOARD OF PHARMACY FULL BOARD MEETING

August 10-11, 2010

Rosen Plaza Hotel
9700 International Drive
Orlando, FL 32819
(407) 996-9700

Board Members:

Michele Weizer, PharmD, Chair, Boca Raton,
Fritz Hayes, BPharm, Vice-Chair, Miami
Albert Garcia, MHL, BPharm, 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, Acting 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, AUGUST 10, 2010

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

TAB 1 RULE WORKSHOP

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

The following individuals provided comments regarding the revisions to Rule 64B16-26.351, F.A.C., Standards for Approval of Registered Pharmacy Technician Training Programs.

1. Kathy Mizereck, FAPSC
2. Nancy Bradley, Commission for Independent Education
3. Mike McQuone, FSHP
4. Edwin, Bayo, Esq.

After hearing testimony Ms. Dudley reviewed the proposed draft language that would address the concerns outlined by the Joint Administrative Procedures Committee. Paragraph 1 as well as paragraph 2 was amended to reflect the concerns addressed by the Florida Association of Postsecondary Schools and Colleges.

MOTION: by Jones, seconded by Salem for Ms. Dudley to file a Notice of Change with the following language:

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

(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 at institutions 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 on or before the effective date of this rule for which the applicant possesses a certificate of completion.

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

(f) Pharmacy technician training programs approved on or before the effective date of this rule by a body recognized by the United States Department of Education.

(2) (a) All programs not listed in (1)(a) through (e) and which are not employer based programs, must apply directly to the Board of Pharmacy on a form approved by the Board, and provide proof of approval or operation by:

1. the American Society of Health System Pharmacists;
2. the Southern Association of Schools and Colleges;
3. the Florida Commission for Independent Education;
4. a branch of the federal armed services;
5. the Council on Occupational Education; or
6. United States Department of Education.

(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 on approved form DH-MQA 1239 "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs," effective August 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](http://www.doh.state.fl.us/mqa/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 the program is recognized by one of the following:
 1. the American Society of Health System Pharmacists;
 2. the Southern Association of Schools and Colleges;
 3. the Florida Commission for Independent Education;
 4. a branch of the federal armed services;
 5. the Council on Occupational Education; or
 6. United States Department of Education.

(d) The Board will review the curriculum, catalog or course description to determine that:

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

2. Time allocated for each participant shall be sufficient to meet the objectives of each activity.
3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(e) Faculty Qualifications.

1. The program shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae 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.

~~(3)(2)~~ All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA ~~1239 1232~~ "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs Provider Application," effective ~~August~~ 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](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. 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.

The Board also reviewed and approved form DH-MQA 1239, "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs," effective August 2010.

MOTION: by Griffin, seconded by Wilson to adopt the application as presented and allow Ms. Dudley and Ms. Poston to make additional changes as necessary to capture changes in rule language.

TAB 2 REPORTS

A. Chair's Report - Michele Weizer, PharmD

Dr. Weizer had no report to give at this meeting.

B. Rule Discussion and Review - Steve Melvin, PharmD

1. 64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain

Tabled till October 2010 Board meeting for discussion.

2. Technology Changes in the Practice

Mr. Wilson, Dr. Melvin, and Billie Jo Owens shared concerns they had regarding system generated errors and who is held responsible for those errors. This was informational and no action was taken.

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

1. Activities

Ms. Poston advised that renewal reminders will be mailed out next month for Consultant Pharmacists.

2. Technician Registration Statistics

Ms. Poston advised that the Florida Board of Pharmacy has successfully registered 32,226 technicians. There are currently 16,279 technicians with an expiration date of 12/31/2010 and 15,947 technicians with the expiration date of 12/31/2012.

Ms. Poston also advised that the Board of Pharmacy will send a reminder to all Registered Technicians whose registration expires on December 31, 2010 that they must submit proof of 1,500 hours of work experience under the supervision of a licensed pharmacist or national certification by the expiration date of this registration or they will have to attend a Board approved training program. This notification will be sent via email to all Technicians who have an email on file and employers who are registered as a Pharmacy Related Process Entity on September 1, 2010. Also, a notice will be placed on the Board's website.

3. April PRN Monthly Report

Informational, no action needed.

4. May PRN Monthly Report

Informational, no action needed.

5. Proposed 2011 Full Board Meeting Dates

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

6. Proposed 2011 PCP Meeting Dates

MOTION: by Jones, seconded by Griffin to approve with the revision that the December 27th meeting be moved to December 20th. Motion carried unanimously.

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

1. Rules Report

Rule 64B16-30.001, F.A.C.

MOTION: by Jones, seconded by Melvin to open rule for development and move forward with the following language:

21. Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (456.072(1)(ii), F.S.)

Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

22. Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (456.072(1)(jj), F.S.)

From a letter of concern to probation, and a fine of \$500 to \$5,000.

From a reprimand to revocation, and a fine of \$2,500 to \$5,000.

(23) Being terminated from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program. (456.072(1)(kk), F.S.)

From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.

From a reprimand to revocation, and a fine of \$5,000 to \$10,000.

(24) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.
(456.072(1)(II), F.S.)

Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

Motion carried unanimously.

MOTION: by Jones, seconded by Hayes that there is no impact on small businesses. Motion carried unanimously.

2. Chapter 64B16-28 Re-write

The Board reviewed and made recommendations to the language presented and asked Ms. Dudley to bring back to the October 2010 meeting for further discussion. See attached draft of the proposed language.

3. Petition for Rulemaking, Edwin Bayo, Esq. on behalf of Omnicare

Mr. Bayo will work on making changes to the language presented and will bring back to the Board for review and consideration.

4. 64B16-26.2032 Pharmacy Intern Registration Internship Requirements (U.S. Pharmacy Students/Graduates)

No action taken.

E. Prosecuting Attorney Report – Billie Jo Owens

1. Prosecution Report

Ms. Owens advised there are currently 156 cases that are older than one year.

MOTION: by Salem, seconded by Melvin to continue with cases that are older one year. Motion carried unanimously.

F. Statewide Inspection Program Manager Report – KL Redfearn

Ms. Redford reported that a total of 12,915 inspections were completed last fiscal year which 7,165 were for pharmacies and 5,750 were for dispensing practitioners. Last fiscal year they had 483 internally generated cases; 275 drug enforcement pharmacy related cases; 13 emergency actions and 4 voluntary relinquishment actions for medical doctors; 7 emergency actions and no voluntary relinquishment actions for osteopathic medical doctors; and 8 emergency actions related to pain clinics.

G. Tripartite Committee Report – Fritz Hayes, BPharm

1. Tripartite Committee Meeting – July 28, 2010

Mr. Hayes advised that the Tripartite Committee held a conference call meeting on July 28, 2010 to discuss information presented in regards to technician programs.

2. David Warshofsky, Individual Pharmacist Request for Continuing Education Credits

Licensee was not present nor represented by counsel.

Licensee submitted a request for approval of continuing education credit for Pediatric Drug Administration which was completed on June 16, 2010.

MOTION: by Wilson, seconded by Griffin to deny because the request was submitted after the course was completed and not forty-five (45) days prior to the course being offered. Motion carried unanimously.

3. November 16, 2009 Meeting Minutes

This item was informational and no action was taken.

4. Tetrad Medicolegal Consulting, LLC

Applicant was present and sworn by the court reporter.

Applicant submitted a request for approval to become a Board approved provider and approval of a medication errors course.

MOTION: by Hayes, seconded by Jones to approve Tetrad Medicolegal Consulting as a provider. Motion carried unanimously.

MOTION: by Jones, seconded by Hayes to continue the request for approval of the preventing medical errors course allowing the provider time to submit a revised medication error course related specifically to the pharmacy profession. Motion carried unanimously.

H. Administrative Report – Amy Jones, JD

Ms. Jones had nothing to report at this meeting.

TAB 3 BUSINESS –Michele Weizer, PharmD

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

1. Pharmacist (Licensure) (Client 2201) – 129
2. Pharmacist (Exam Eligibility) (Client 2201) – 599
3. Pharmacist Interns (Client 2202) – 168
4. Registered Pharmacy Technicians (Client 2208) – 1271
5. Consultant Pharmacist (Client 2203) – 25
6. Nuclear Pharmacist (Client 2204) – 0
7. Pharmacies/Facilities (Client 2205) – 98
8. Technician Ratios - 68
9. Individual CE Requests - 1
10. Registered Pharmacy Technician Employer Based Programs - 5
11. CE Broker Courses - 7
12. CE Broker Providers – 0

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

B. Review and Approval of Minutes

1. June 8-9, 2010 Full Board Meeting

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

TAB 4 PRESENTATIONS

1. Kimberly A. Berfield, Deputy Secretary and Lucy C. Gee, M.S., Division Director, Medical Quality Assurance

Ms. Gee gave an update on the following:

Implementation of Prescription Drug Monitoring Program (PDMP):

- The implantation date has been set for December 1, 2010
- The program name is: Prescription Reporting Information Monitoring and Evaluation System (PRIME)
- The website is complete and should be available by the end of this week. www.flprime.com
- A top vendor has been selected but there has been a bid protest filed. If the challenger to the bid protest files an official protest by August 12th then they will enter into negotiations to resolve the issue; if they desire a formal hearing they will go through DOAH and it could delay the implantation by weeks or even months to resolve the issue.
- Currently PDMP is being funded out of the 2009 four hundred thousand dollar grant plus the two private grants that were applied for totaling about twenty six thousand dollars. The four hundred thousand dollar initial implantation grant was received and waiting to heard word next month from Herald Rodgers grant for the four hundred thousand dollar enhancement grant.
- The ongoing funding is the responsibility of the direct support organization under the office of drug control. Direct Grant with the office Drug control was scheduled to give a presentation but was unable to attend.
- A check has been received from the direct support organization under the Office of Drug Control for the amount of thirty nine thousand dollars and apparently has another sixty thousand or so committed and is actively soliciting donations. The challenges and risks of the program is the funding as there is no legislative appropriation for this.
- We have secured office space and furniture.
- Have advertised a position for a program manager. The challenge with this is that it is a contracted position.

Pharmacy Operations Suggestions:

The Prosecution Services Unit presented concepts to think about in reference to problems that inspectors and investigator have had. Some concepts include:

- Pharmacies in the state of Florida should be owned by Florida registered pharmacists
- Chains or stores with a certain number of stores would be exempt if the corporate owner was in another state
- Make it mandatory that all new pharmacy permits are inspected within ninety days of days of issuance

- Utilize the triplicate prescription form for scheduled II prescriptions that is currently in use in NY and CA
- Automatic audits for pharmacies that have controlled substances
- Make it a violation for pharmacies and pharmacists to fill prescriptions from unlicensed pain management clinics
- Pharmacists would have to document the pain management clinic license number on all controlled substance prescriptions filled
- Limit the percentage of controlled substance prescriptions filled in a community pharmacy to no more than twenty percent of the daily prescriptions filled
- Prescription Department Manager live within a fifty mile radius and a minimum of thirty hours worked per week in that pharmacy
- Make the owner of an abandoned pharmacy financially responsible for the disposal of the drugs
- Make a bond be required for the application process
- Make the prescription drug monitoring program a requirement for pharmacists filling prescriptions from a clinic
- Make pharmacists responsible for errors or omissions during the processing of prescriptions
- Make the Prescription Department Manager accountable for activities in the pharmacy
- Strengthening the pharmacy permit requirements

Ms. Gee reminded the members, that those were only concepts and encouraged them to think about it and provide some input and incite to problems that are out there.

Ms. Jones and Mr. Wilson offered to work with Ms. Gee as she moves forward with these concepts into a legislative proposal.

Ms. Berfield advised that one of the things the Department of Health is very focused on is trying to address pain clinics and some of the continuing growing obstacles that are being faced there and that as they move forward that they move forward in a very effective manner. At this point in time they are in the beginning stages of trying to develop legislative proposals for the upcoming year.

Adjourn:

MOTION: by Jones, seconded by Melvin to adjourn at 4:51p.m. Motion carried unanimously.

WEDNESDAY, AUGUST 11, 2010

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

TAB 5 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

**A-1 GOUTAM BHOWMIK, RPH, Fort Walton Beach, FL., PS 38228
Case No. 2009-03898 – PC: Garcia/Griffin**

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

Ms. Owens advised Respondent violated Section 465.016(1)(e), FS, by violating Chapter 499.007(5)(a), FS, through a violation of Section 499.007(5)(a), FS, by misbranding a drug by placing the incorrect directions for use on the label.

MOTION: by Salem, seconded by Jones to accept the settlement agreement, an administrative fine in the amount of \$1500.00 and costs in the amount of \$1051.66 to be paid within ninety (90) days of the filing of the final order. Motion carried with Weizer opposing.

**A-2 NGOC-BICH THI PHAM-DOAN, RPH, Jacksonville, FL., PS 41016
Case No. 2008-27050 - PC: Salem/Jones**

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent has violated Section 465.016(1)(r), FS, through a violation of Rule 64B16-27.810(1)(a) and (e), FAC, by failing to properly review new prescription.

MOTION: by Griffin, seconded by Hayes to table until the October 2010 meeting requiring respondent to appear. Motion carried unanimously.

**A-3 SMITABEN MAHESH AMIN, RPH, Longwood, FL., PS 21833
Case No. 2009-10387 - PC: Garcia/Griffin**

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

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

MOTION: by Jones, seconded by Salem to reject the settlement agreement and offer a counter stipulation to include, an administrative fine in the amount of \$1000.00 and costs in the amount of \$1317.58 to be paid within ninety (90) days of the filing of the final order. Respondent must successfully complete an eight (8) hour Board approved prescription misfill course within one (1) year of the filing of the final order. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

**A-4 GEORGINA J. EL-BABA, RPH, Windermere, FL., PS 37352
Case No., 2010-05707 - PC: Garcia/Griffin**

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

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

MOTION: by Jones, seconded by Hayes to accept the settlement agreement, an administrative fine in the amount of \$250.00 and costs in the amount of \$1000.00 to be paid within ninety (90) days of the filing of the final order. Successfully complete an eight (8) hour Board approved prescription misfill course within one (1) year of the filing of the final order. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

C. DETERMINATION OF WAIVER

**DOW-1 JANINE CANDELA, RPH, Freehold, New Jersey, PS 21010
Case No. 2009-10266 - Powers/Jones**

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 455.016(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 their right to be heard. 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 Griffin, seconded by Wilson for revocation. Motion carried unanimously.

MOTION: by Griffin, seconded by Melvin to assess costs in the amount of \$1006.55 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

**DOW-2 AIC PHARMACY DISCOUNT, INC., Miami, FL., PH 22404
Case No. 2009-17000 - PC: Powers/Jones**

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 465.023(1)(c), FS, by violating any of the rules of the Board of Pharmacy, by violating Rule 64B16-28.202, FAC, by failing to follow the required closing procedures set forth in the rule.

MOTION: by Griffin, seconded by Melvin to find that Respondent was properly served, did not return the election of rights, and has waived its 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 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 Melvin, seconded by Wilson for revocation. Motion carried unanimously.

MOTION: by Wilson, seconded by Melvin to assess costs in the amount of \$3642.18 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-3 LAURA PHARMACY DISCOUNT, INC., Miami, Fl., PH 23532
Case No. 2009-20669 - PC: Salem/Hayes

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 465.023(1)(c), FS, by 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 Griffin, seconded by Melvin to find that Respondent was properly served, did not return the election of rights, and has waived its right to be heard. 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 Melvin, seconded by Griffin 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 for revocation. Motion carried unanimously.

MOTION: by Griffin, seconded by Melvin to assess costs in the amount of \$1105.67 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-4 RX PLUS MEDICAL CARE, INC., Miami, Fl., PH 23035
Case No. 2008-16422 - PC: Melvin/Risch

Respondent was not present nor represented by counsel.

Ms. Owens advised 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 closures, and failing to return the pharmacy permit to the Board upon closure.

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

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

MOTION: by Wilson, 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 Wilson, 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 Wilson, seconded by Griffin to assess costs in the amount of \$3534.63 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

The following cases were voted on as one vote:

DOW-5 SUPERIOR PHARMACY GROUP, Miami, FL., PH 18735
Case No. 2009-20966 - PC: Salem/Jones

DOW-6 SUPERIOR PHARMACY GROUP, Miami, FL., PH 18754
Case No. 2009-20967 - PC: Salem/Jones

Respondent was not present nor represented by counsel.

Ms. Owens advised 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 follow proper procedure for closure of a pharmacy by failing to notify the Board of the closure, 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 Melvin to find that Respondent was properly served, did not return the election of rights, and has waived its right to be heard. Motion carried unanimously.

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

MOTION: by Melvin, seconded by Wilson to accept into evidence the investigative files 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 for case number 2009-20966 in the amount of \$2025.89 and assess costs for case number 2009-20967 in the amount of \$2055.20 totaling \$4081.09 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-7 ANITA DANNA, RPH, Gulf Shores & Foley, Alabama, PS 30356
Case No. 2008-26447 - PC: Powers/Risch

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 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 Griffin, seconded by Melvin to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

MOTION: by Jones, 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 Griffin, seconded by Jones 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 for license to remain suspended until she either passes the MPJE or 12 hour laws and rules course; to assess an administrative fine in the amount of \$2500.00 to be paid within one (1) year after reinstatement of her license; and one (1) year of probation to run concurrent with her PRN probation. Licensee can not appear before the board to petition reinstatement until PRN advocates on her behalf. Motion carried unanimously.

MOTION: by Griffin, seconded by Salem to assess costs in the amount of \$1530.23 to be paid within one (1) year once her license has been reinstated. Motion carried unanimously.

DOW-8 SANTILE TEAM SERVICES, CORP., Hialeah, FL., PH 23301
Case No. 2009-12271 - PC: Salem/Hayes

Respondent was not present nor represented by counsel.

Ms. Owens advised 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 Wilson, 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 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 Jones, seconded by Griffin 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 for revocation. Motion carried unanimously.

MOTION: by Griffin, seconded by Jones to assess costs in the amount of \$3214.34 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-9 FIRST SOLUTIONS PHARMACY, INC., Coral Gables, FL., PH 23693
Case No. 2009-20091 - PC: Powers/Jones

Respondent was not present nor represented by counsel.

Ms. Owens advised Section 465.023(1)(c), FS, by 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 Wilson, seconded by Griffin to find that Respondent was properly served, did not return the election of rights, and has waived its right to be heard. 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 Wilson, 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 Hayes, seconded by Melvin for revocation. Motion carried unanimously.

MOTION: by Melvin, seconded by Hayes to assess costs in the amount of \$1183.69 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-10 O AND J PHARMACY, INC., Miami, Fl., PH 23355
Case No. 2009-20093 - PC: Salem/Hayes

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 465.023(1)(c), FS, by violating a requirement of Chapter 465, namely, Section 465.018, FS, by failing to appoint a successor prescription department manager and/or notify the board or department of a change in the identity of the prescription department manager. Respondent violated Section 465.023(1)(c), FS, by 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 Jones, seconded by Griffin to find that Respondent was properly served, did not return the election of rights, and has waived its right to be heard. 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 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 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 \$1953.35 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-11 FAOUZIE CHAMMAH, RPH, Jacksonville, Fl., PS 32536
Case No. 2009-19531, PC: Griffin/Risch

Respondent was not present nor represented by counsel.

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

MOTION: by Wilson, seconded by Melvin to find that respondent was properly served, did not return the election of rights, and has waived her right to be heard. Motion carried unanimously.

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

MOTION: by Jones, seconded by Wilson to assess costs in the amount of \$1467.53 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-12 BELL PHARMACY CORP., Hialeah, Fl., PH 19921
Case No. 2008-19544 - PC: Powers/Jones

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent has violated Section 465.016(1)(c), FS, by violating a rule of the Board of Pharmacy through a violation of Rule 64B16-29.202(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 filed upon closure.

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

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

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

MOTION: by Hayes, seconded by Melvin to assess costs in the amount of \$2720.40 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

DOW-13 OZAIN PHARMACY, INC., Hialeah, FL., PH 22824
Case No. 2009-18893 - Salem/Hayes

Respondent was not present nor represented by counsel.

Ms. Owens advised 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.

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

MOTION: by Melvin, seconded by Griffin 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 Jones, seconded by Melvin 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 Griffin, seconded by Melvin to assess costs in the amount of \$1214.39 to be paid within ninety (90) days of the filing of the final order. Motion carried unanimously.

D. VOLUNTARY RELINQUISHMENTS

VR-1 JOSE M. QUEIJA-CASTRO, RPh, Miami, FL., PS 16454
Case No. 2009-25091 - PC: Waived

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 465.016(1)(m), F.S. for being unable to practice with reasonable skill and safety due to an illness, or mental or physical condition.

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

VR-2 MARIA DE LOS ANGELES PURETO, RPH, Miami, FL., PS 16624
Case No. 2009-04964 - PC: Waived

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Rule 64B16-28.1081, F.A.C. for failure to open a prescription department for 40 hours per week; Rule 64B16-28.109, F.A.C. for failure to have a pharmacist on duty; Rule 64B16-25.102(4) as the prescription department was not clean and safe; and Rule 64B16-28.104(3), F.A.C. as the certified daily log was not properly maintained.

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

**VR-3 FLORIDA GILMARTIN, RPH, Hollywood, FL., PS 5567
Case No. 2010-07858 - PC: Waived**

Respondent was not present nor represented by counsel.

Ms. Owens advised Respondent violated Section 465.016(1)(r), F.S. through a violation of Rules 64B16-26.103(3)(a) and Rules 64B16-26.603, F.A.C. for failure to submit proof of completion of continuing education credits for the 2007-2009 licensure biennium.

MOTION: by Jones, seconded by Griffin to reject the voluntary relinquishment and submit back to prosecution services unit. Motion carried unanimously.

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

**I-1 SUSAN E. CASAS DE BETANCOURT, R.PH, Miami, FL, PU 5254
Case No. 2009-02153 - PC: Garcia/Griffin**

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

Ms. Owens advised Respondent violated Section 456.072(1)(q), FS, by violating a lawful order of the department or the board constitutes grounds for disciplinary action by the Board of Pharmacy.

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

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

MOTION: by Jones, seconded by Melvin 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 to assess an administrative fine in the amount of \$1000.00 to be paid within one hundred eighty (180) days of the filing of the final order. Motion carried unanimously.

MOTION: by Wilson, seconded by Jones to assess costs in the amount of \$1184.07 to be paid within one hundred eighty (180) days of the filing of the final order. Motion carried unanimously.

F. PROFESSIONALS RESOURCE NETWORK CASES

**PRN - I -1 CATHERINE J. CROWE, RPH, Orange Park, FL., PS 34409
Case No. 2009-09433 - PC: Garcia/Griffin**

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

Ms. Owens advised Respondent violated Section 465.016(1)(f), FS, by having been found guilty of Obtaining Controlled Substance by Fraud in violation of Section 893.13(7)(a)9., FS and of Possession of Controlled Substances without a valid prescription in violation of Section 893.13(6)(a), FS, in the Circuit Court of the Fourth Judicial Circuit in and for Clay, Florida.

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

MOTION: by Jones, 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 Jones, 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 Wilson to continue with suspension until a practice plan is approved by Board chair, probation to run concurrent with PRN probation not to exceed five (5) years, maintain compliance with all PRN conditions, and assess an administrative fine in the amount of \$1000.00 to be paid within six (6) months after reinstatement of her license. Motion carried unanimously.

MOTION: by Jones, seconded by Wilson to assess costs in the amount of \$1730.56 to be paid within six (6) months after reinstatement of her license. Motion carried unanimously.

**PRN - SA - 1 JACQUELINE TRACY, RPH, Lakeland, FL., PS 34090
Case No. 2008-20490 – PC: Garcia/Hayes**

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

Ms. Owens advised Respondent violated Section 456.072(1)(hh), FS, based on her termination from the PRN program for failure to comply with his PRN contract without good cause being shown. Respondent violated Section 465.016(1)(m), FS, by being unable to practice with reasonable skill and safety by of illness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any or physical condition.

MOTION: by Jones, seconded by Melvin to accept the settlement agreement, assess an administrative fine in the amount of \$250.00 and costs in the amount of \$2590.65 to be paid within one hundred eighty (180) days of reinstatement of her license and continue to successfully participate in the PRN program. Respondent's license shall continue to be suspended 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. During the period of suspension, respondent shall not in any manner engage in the practice of pharmacy. Upon reinstatement, respondent's license shall be placed on probation for a period of five (5) years and respondent must use the drug Naltrexone if she works in a pharmacy setting where she has access to controlled substances. Motion carried unanimously.

TAB 6 APPLICATIONS REQUIRING BOARD REVIEW– Cynthia Griffin, PharmD

A. Exam Candidates

B. Endorsement Candidates

1. Osama Youssef Badawi, File No. 35216

Applicant was not present nor represented counsel.

Applicant answered “yes” to one or more questions on the application which require Board review. Mr. Badawai has complied with all terms and conditions of the Alabama Board order. Mr. Badawi’s Alabama license is currently active.

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

2. George Drogaris, File No. 38075

Applicant was not present nor represented counsel.

Applicant answered “no” to question “Has disciplinary action ever been taken against your pharmacist or any other professional license in this state or any other state?” However, Board staff received notification from NABP stating otherwise. Mr. Drogaris has complied with all the terms and conditions of the New York Board order. Mr. Drogaris’ New York license is clear and active.

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

3. Michael Taylor, File No. 38221

Applicant was not present nor represented counsel.

Applicant answered “yes” to one or more questions on the application which require Board review. Mr. Taylor’s license was disciplined by the Kentucky Board of Pharmacy in 1998. Mr. Taylor had to complete continuing education, pay a fine and his license was placed on probation for one year. His license is currently active in the state of Kentucky as well as the state of Texas and Oklahoma.

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

C. Intern Candidates

1. Alyssa Handwerk, File No. 14599

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 Melvin to approve. Motion carried unanimously.

D. Registered Pharmacy Technician Candidates

1. Cassandra Terrell, File No. 2409

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 Melvin to deny. Motion carried unanimously.

2. Lenny Leonard, File No. 32227

Applicant was not present nor represented counsel.

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

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

E. Pharmacy Permit Candidates

1. BEDB Pharmacies, LLC, File No. 17496

Applicant was present and sworn in by the court reporter. Application was 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 approve. Motion carried unanimously.

2. BEDB Pharmacies, LLC, File No. 17497

Applicant was present and sworn in by the court reporter. Application was 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 approve. Motion carried unanimously.

3. D.Y.L., LLC, File No. 17528

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 Salem to approve, place on probation for one (1) year and be re-inspected within six (6) months at the licensee's expense. Motion carried unanimously.

4. Macclenny Pharmacy, File No. 17552

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 Salem to approve. Motion carried unanimously.

5. Germaine Pharmacy, Inc., File No. 17590

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 Jones to approve, place on probation for one (1) year and be re-inspected within six (6) months at the licensee's expense. Motion carried unanimously.

6. St. Jude Limited Liability, LLC, PH 23513

Applicant was not present nor represented counsel.

Applicant submitted a change of location application for pharmacy license PH 23513. Applicant did not reflect on the application that a cease and desist order have been issued on April 29, 2010 for the PH23513 location.

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

7. St. Jude Limited Liability, LLC, PH 23514

Applicant was not present nor represented counsel.

Applicant submitted a change of location application for pharmacy license PH 23514. Applicant did not reflect on the application that a cease and desist order have been issued on April 29, 2010 for the PH23514 location.

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

F. Non-Resident Pharmacy Registration Candidates

1. Premier Kids Care, Inc., File No. 17419

Applicant was not present nor represented counsel.

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

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

2. Excelle Rx, Inc., File No. 17516

Applicant was not present nor represented counsel.

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

MOTION: by Griffin, seconded by Jones to postpone until October 2010 meeting requiring a personal appearance to explain operating relationship with Omnicare. Motion carried unanimously.

3. Adler’s Pharmacy LTC, Inc., File No. 17558

Applicant was not present nor represented by counsel.

Applicant submitted documentation from the state of New Jersey indicating disciplinary action had been taken against the pharmacy in October 2006 but answered “no” on the application.

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

4. Millers of Wyckof, File No. 17591

Applicant was not present nor represented by counsel.

Applicant submitted documentation from the state of New Jersey indicating disciplinary action had been taken against the pharmacy in 2008 but answered “no” on the application.

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

5. Mini Pharmacy Enterprises, Inc., File No. 17640

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 7 LICENSURE ISSUES – Allison Dudley, Attorney

A. Petition for Modification of Terms of Final Order

1. David Richard Fish, PS 15079, Case No. 2008-16225

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

MOTION: by Melvin, seconded by Salem to deny because Mr. Fish did not pay his fines and cost from previous order and he is non-compliant with PRN. Motion carried unanimously.

B. Petition for Extension

1. Dipti V. Patel, PS 39255, Case No. 2008-07325

Licensee was not present nor represented by counsel.

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

C. Petition to Terminate Probation

There were not any Petitions for Termination Probation presented at this meeting.

D. Petition for Reinstatement

1. Catherine Crowe, PS 34409, Case No. 2009-09433

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

MOTION: by Jones, seconded by Melvin to approve the petition for reinstatement upon the receipt of a practice plan approved by the Chair. Motion carried unanimously.

E. Ratification of Practice Plans Approved by Board Chair

1. Nathan Moy, PS 34644

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

2. Lisa McGrail, PS 28141

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

3. Doug Kassan, PS 28503

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

F. Ratification of PRN Contracts Approved by Board Chair

1. Treyci Arrieta

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

2. Stephen Andrew Mahy

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

G. Recommended Order

1. Celeste Ann Donald, DOAH Case No. 10-0857

MOTION: by Jones, seconded by Melvin to adopt the findings of fact as alleged in the recommended order as the boards' findings of fact. Motion carried unanimously.

MOTION: by Jones, seconded by Melvin to adopt the conclusion of law in the recommended order as the Boards' conclusion of law. Motion carried unanimously.

MOTION: by Griffin, seconded by Jones to enter a Final Order denying application. Motion carried unanimously.

H. Request for Upgraded Registered Pharmacy Technician Registration

1. Erick Koszky, RPT 339

Licensee was not present nor represented counsel.

Licensee submitted a certificate of completion from a program that is not approved in accordance with Rule 64B16-26.351, F.A.C. and is asking for approval to receive the upgraded registration that expires on December 31, 2010.

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

2. Rosemarie Johns, RPT 21106

Licensee was not present nor represented counsel.

Licensee submitted a certificate of completion from a program that is not approved in accordance with Rule 64B16-26.351, F.A.C. and is asking for approval to receive the upgraded registration that expires on December 31, 2010.

MOTION: by Griffin, seconded by Melvin to continue to October 2010 meeting requiring a personal appearance. Motion carried unanimously.

MOTION: by Griffin, seconded by Melvin to reconsider previous motion.

MOTION: by Griffin, seconded by Melvin to continue to the October 2010 meeting requiring personal appearance and granting Board chair the authority to waive the appearance and approve if additional information is received supporting that the program meets the objectives in Rule 64B16-26.351, F.A.C. Motion carried unanimously.

3. Tanesha Hyatt-Quallo, RPT 30755

Licensee was not present nor represented counsel.

Licensee submitted a certificate of completion from a program that is not approved in accordance with Rule 64B16-26.351, F.A.C. and is asking for approval to receive the upgraded registration that expires on December 31, 2010.

MOTION: by Hayes, seconded by Melvin to continue to October 2010 meeting requiring a personal appearance. Motion carried unanimously.

MOTION: by Hayes, seconded by Melvin to reconsider previous motion.

MOTION: by Hayes, seconded by Melvin to continue to the October 2010 meeting requiring personal appearance and granting Board chair the authority to waive the appearance and approve if additional information is received supporting that the program meets the objectives in Rule 64B16-26.351, F.A.C. Motion carried unanimously.

4. Lana Jane McInnis, RPT 32504

Licensee was not present nor represented counsel.

Licensee submitted a certificate of completion from a program that is not approved in accordance with Rule 64B16-26.351, F.A.C. and is asking for approval to receive the upgraded registration that expires on December 31, 2010.

MOTION: by Salem, seconded by Melvin to continue to the October 2010 meeting requiring personal appearance and granting Board chair the authority to waive the appearance and approve if additional information is received supporting that the program meets the objectives in Rule 64B16-26.351, F.A.C. Motion carried unanimously.

5. Robert Robinson, RPT 31509

Licensee was not present nor represented counsel.

Licensee submitted a certificate of completion from a program that is not approved in accordance with Rule 64B16-26.351, F.A.C. and is asking for approval to receive the upgraded registration that expires on December 31, 2010.

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

6. Yaneyci Jimenez, RPT 31822

Licensee was not present nor represented counsel.

Licensee submitted a certificate of completion from a program that is not approved in accordance with Rule 64B16-26.351, F.A.C. and is asking for approval to receive the upgraded registration that expires on December 31, 2010.

MOTION: by Hayes, seconded by Melvin to continue to the October 2010 meeting requiring personal appearance and granting Board chair the authority to waive the appearance and approve if additional information is received supporting that the program meets the objectives in Rule 64B16-26.351, F.A.C. Motion carried unanimously.

TAB 8 PETITION FOR DECLARATORY STATEMENT / VARIANCE OR WAIVER - Allison Dudley, Assistant Attorney General

1. Jeffrey N. Gibbs, Esq. on behalf of a Special Non-Resident Pharmacy

This item was postponed until the October 2010 meeting.

2. Galencare, Inc. d/b/a Brandon Regional Hospital

Petitioner was present and sworn in by the court reporter. The Petitioner asked the Board whether Rule 64B16-28.605, FAC would allow the Petitioner to enlist its Information Technology (IT) Department to assist in the programming of Automated Dispensing Machines (ADM). The Board

grants the Petition because the rule would not prohibit the Petitioner from using its IT department to assist in programming the ADM's. The consultant pharmacist is ultimately responsible for any breaches in security and must ensure the system is secure.

MOTION: by Jones, seconded by Melvin to grant. Motion carried with Weizer opposing.

3. Aravind Ganta

Petitioner was present and sworn in by the court reporter. The Petitioner asked the Board to waive the requirements of Rule 64B16-26.2031 requiring the Petitioner to demonstrate proficiency in the use of English "by obtaining 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."

MOTION: by Jones, seconded by Wilson to deny petition because the Petitioner failed to demonstrate the application of the rule to the Petitioners circumstances would create a substantial hardship or that principles of fairness would be violated. The Petitioner has had sufficient time to submit passing scores prior to the Board changing the minimum requirements to demonstrate English proficiency. The standards have changed since the reapplication. Mr. Ganta has had a year to complete the requirements. Mr. Ganta must meet the new application requirements. Motion carried unanimously.

4. Joe Haynes, R.Ph, MBA, Director of Pharmacy, Edward White Hospital, Inc.

Petitioner was not present nor represented by counsel. The petitioner asked the Board whether the Department of Pharmacy of Edward White Hospital would need to obtain a Class I Institutional Pharmacy permit to open a skilled nursing unit. The Board determined that the petitioner would not need to obtain an Institutional Class I permit to open a skilled nursing unit within the hospital.

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

5. Petition to Intervene in Re: Petition for Declaratory Statement by an Unidentified Nonresident Pharmacy

This item was postponed until the October 2010 meeting.

Public Comment:

1. Mike McQuone, RPh, MS, CPh, Executive Vice President and Chief Executive Officer, Florida Society of Health-System Pharmacists, Inc requested that the Board consider an amendment to 64B16-26.103, F.A.C. to permit a registered pharmacy technician to receive a specified number of live continuing education credits for attending a board meeting at which disciplinary hearings are conducted by the Board.

Dr. Weizer advised that this item would be placed on the October agenda for review and consideration by the board.

Adjourn

MOTION: by Hayes, seconded by Wilson to adjourn at 1:00 p.m. Motion carried unanimously.