

**DEPARTMENT OF HEALTH
BOARD OF PHARMACY
BOARD MEETING
MINUTES
October 14-15, 2008**

Hilton University of Florida Conference Center
1714 S.W. 34th Street
Gainesville, FL 32607
352-371-3600

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

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

Board Members Present:

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

Absent:

Eric Alvarez, Pharm.D., Miami

Board Staff Present:

Rebecca Poston, Executive Director
Erika Lilja, Program Operations Administrator
Gerald Mandrell, R.Ph., Senior Pharmacist
Maxine Wenzinger, Administrative Assistant II

Board Counsel Present:

Deborah Loucks, Assistant Attorney General

Department of Health Staff Present:

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

Tuesday, October 14, 2008

8:30 a.m. Tripartite Committee Meeting

2:00 p.m. Professional Practice Committee Meeting

Board of Pharmacy Meeting

4:00 p.m. Call To Order by Albert Garcia, R.Ph., M.H.L., Chair

TAB 1: PETITION FOR DECLARATORY STATEMENT

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64B16-27.400; 64B16-27.420, 64B16-27.700, and 465.003

Ms. Loucks sent a letter to Samuel Jones, III, Pharm.D., indicating that in response to the Petition for a Declaratory Statement, she would recommend to the Board that they deny the petition. The reason being was the he was asking about a company and some pharmacists in his area who condone the practice of technicians compounding in the retail setting. The purpose of a declaratory statement is for the person to set out their particular set of circumstances that they want the Board to look at. That does not keep Dr. Jones from submitting another petition in the future.

MOTION: by Merrell, second by Parrado to deny petition. Motion carried unanimously.

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

Meeting adjourned at 4:17 p.m.

Wednesday, October 15, 2008 – 8:00 a.m. – 4:00 p.m. – Disciplinary Cases

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

TAB 2 DISCIPLINARY CASES

A. STIPULATION – NON APPEARANCE CASES

NA-1 RS Compounding, LLC, Tampa, FL, PH 20981, Case No. 2006-21906
PC: Garcia/Alvarez

Stephen Matthew Caddick, R.Ph., representing the Respondent, was sworn in by court reporter. Respondent was represented by Edwin Bayó, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.023(1)(c), Florida Statutes, through violation of any rule of the Board of Pharmacy, by violating Rule 64B16-28.108(2), Florida Administrative Code, by improperly labeling containers of medicinal drugs dispensed to patients by failing to include the dates of dispensing or the names of patients; Section 465.023(1)(c), Florida Statutes, through violation of Rule 64B16-28.108(3), Florida Administrative Code, by improperly labeling repackaged medicinal drugs by failing to include the names of the manufacturers; and Section 465.023(1)(c), Florida Statutes, by violating Section 499.005(22), Florida Statutes by its failure to obtain a permit prior to its operation as a prescription drug repackager as required by Section 499.01(1)(b).

Mr. Parrado recused himself because he knew the Respondent.

MOTION: by Merrell, second by Powers to accept stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$3,500.00 to be paid within thirty (30) days of the filing of the Final Order. The prescription department manager for 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 12 hours in length within one (1) year of the filing date of the Final Order. These continuing education hours shall be in addition to the hours required for license renewal of the PDM. The department will conduct two semi-annual inspections of Respondent facility, at Respondent's cost, within one year of the date of the Final Order. Motion carried unanimously.

NA-2 Walter Ciampa, R.Ph., Lynnfield, MA, PS 30913, Case No. 2008-10798
PC: Parrado/Goersch

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2007), by violating an order of the board previously entered in a disciplinary hearing.

MOTION: by Salem, second by Powers to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$684.40 to be paid within thirty (30) days of the filing of the Final Order. Motion carried unanimously.

B. STIPULATION – APPEARANCE REQUIRED CASES

A-1 Md Ehsan Ali, R.Ph., Palm Beach Gardens, FL, PS 38719, Case No. 2008-02947
PC: Powers/Salem

Respondent was present and sworn in by Court Reporter. Respondent was represented by Edwin Bayó, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes (2007), for violating a rule of the Board through violation of Rule 64B16-28.110, Florida Administrative Code, by having outdated pharmaceuticals in active stock of the pharmacy.

MOTION: by Merrell, second by Jones to accept stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$1,097.76 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 12 hours in length within one (1) year of the filing date of the Final Order. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-2 Alan Wingerter, R.Ph., Palatka, FL, PS 14151, Case No. 2008-06617
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2007), by furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Lalani, second by Powers to accept stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$1,032.26 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-3 Jacques Ethier, R.Ph, Boynton Beach, FL, PS 33176, Case No. 2007-38332
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Edwin Bayó, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2006), by furnishing Theo-Dur different from the ingredient or prescribed article Imdur to patient D.M.

MOTION: by Jones, second by Salem to accept stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$3,889.37 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within six (6) months of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-4 Shawn Patrick Nelson, R.Ph., Jacksonville, FL, PS 40458, Case No. 2008-04954
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2007), by furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Jones , second by Lalani to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$1,468.73 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-5 Sharon Butts, R.Ph., South Bay, FL, PS 33159, Case No. 2007-36027
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2004), by furnishing the article Diclofenac Sodium (or Voltaren) different from the prescribed article Valtex to patient J.W.

MOTION: by Powers, second by Salem to accept stipulation of an administrative fine in the amount of \$1,000.00 and costs in the amount of \$3,134.64 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried unanimously.

A-6 Dawn Dulin-Felix, R.Ph., Weston, FL, PS 39691, Case No. 2008-01213
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2006), by furnishing the article Aricept different from the prescribed article Aciphex to patient J.N.

MOTION: by Powers, second by Lalani to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$1,543.26 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried, 1 opposed (Jones).

A-7 Eugene Dong, R.Ph., Venice, FL, PS 36649, Case No. 2007-38288
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2007), by furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Salem, second by Powers to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$1,406.23 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried, 1 opposed (Jones).

A-8 Eugene Harvey, R.Ph., Ellenton, FL, PS 18787, Case No. 2008-05898
PC: Parrado/Goersch

Respondent was present and sworn in by Court Reporter. Respondent was represented by Michael Schwartz, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(g), Florida Statutes (2007), by furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed.

MOTION: by Powers, second by Merrell to accept stipulation of an administrative fine in the amount of \$250.00 and costs in the amount of \$678.18 to be paid within thirty (30) days of the filing of the Final Order. Respondent shall successfully complete a prescription mis-fill program offered by the University of Florida or Nova Southeastern University that is not shorter than eight (8) hours in length, within one (1) year of the filing of a Final Order accepting and incorporating this Stipulation. These continuing education hours shall be in addition to the hours required for license renewal. Motion carried, 1 opposed (Jones).

A-9 Stephen Matthew Caddick, R.Ph., Tampa, FL, PS 37548, Case No. 2006-22300
PC: Garcia/Alvarez

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Respondent was present and sworn in by Court Reporter. Respondent was represented by Edwin Bayó, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes, through violation of any rule of the Board of Pharmacy, by violating Rule 64B16-28.108(2), Florida Administrative Code, by improperly labeling containers of medicinal drugs dispensed to patients by failing to include the dates of dispensing or the names of patients; Section 465.016(1)(r), Florida Statutes, through violation of Rule 64B16-28.108(3), Florida Administrative Code, by improperly labeling repackaged medicinal drugs by failing to include the names of the manufacturers on the new container; and Section 465.016(1)(e), Florida Statutes, through violation of Section 499.005(22), Florida Statutes, by its failure to obtain a permit prior to its operation as a prescription drug repackager as required by Section 499.01(1)(b); and Section 465.016(1)(e), Florida Statutes, through violation of the requirements of Chapter 499, Florida Statutes, by violation of Section 499.005(22), Florida Statutes, by failing to obtain a permit prior to the pharmacy operating as a prescription drug wholesaler as required by Section 4399.011(1)(g), Florida Statutes.

MOTION: by Salem, second by Powers to accept stipulation of an administrative fine in the amount of \$500.00 and costs in the amount of \$3000.00 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 12 hours in length within one (1) year of the filing date 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 Liisa Myers, R.Ph., New Port Richey, FL, PS 26923, Case No. 2007-30270
PC: Parrado/Goersch

MOTION: by Merrell, second by Powers to allow this case to be continued to February 2009. Motion carried unanimously.

DOW-2 Kasinauth Sharma, R.Ph., Palm Coast, FL, PS 27279, Case No. 2006-44031
PC: Powers/Jones

Respondent nor counsel was present.

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

MOTION: by Merrell, second by Lalani 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 Lalani, second by Merrell to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

MOTION: by Merrell, second by Salem to adopt the conclusions of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

MOTION: by Lalani, second by Merrell to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

MOTION: by Merrell, second by Salem to assess fines in the amount of \$250.00 to be paid within thirty (30) days of the filing of the Final Order. Respondent's license shall be suspended until he complies with Final Order. Motion carried unanimously.

MOTION: by Merrell, second by Lalani to assess costs in the amount of \$1,582.20 to be paid within one (1) year of the filing of the Final Order. Motion carried unanimously.

D. VOLUNTARY RELINQUISHMENTS

VR-1 Mano Gianakakos, R.Ph, Park Ridge, IL, PS 20904, Case No. 2008-14869
PC: Waived

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(r), Florida Statutes, by failing to complete the required continuing education courses.

MOTION: by Salem, second by Lalani to accept voluntary relinquishment. Motion carried unanimously.

VR-2 Arie Bolshem, R.Ph., Brooklyn, NY, PS 32045, Case No. 2008-13301
PC: Waived

Respondent nor counsel was present.

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

MOTION: by Merrell, second by Salem to accept voluntary relinquishment. Motion carried unanimously.

VR-3 Mahmoud H. Krecht, R.Ph., Boynton Beach, FL, PS 33014 & PU 5151,
Case No. 2007-26656
PC: Garcia/Alvarez

Respondent was present and sworn in by Court Reporter. Respondent was represented by Brian Kahan, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(i), Florida Statutes (2007) by dispensing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy.

MOTION: by Merrell, second by Lalani to accept voluntary relinquishment. Respondent cannot reapply in the future. Motion carried unanimously.

VR-4 Mahmoud H. Krecht, R.Ph., Boynton Beach, FL, PS 33014 & PU 5151
Case No. 2007-26658
PC: Garcia/Alvarez

Respondent was present and sworn in by Court Reporter. Respondent was represented by Brian Kahan, Esquire.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(i), Florida Statutes (2007) by dispensing a legend drug, including any controlled substance, other than in the course of the professional practice of pharmacy.

MOTION: by Salem, second by Lalani to accept voluntary relinquishment. Motion carried unanimously.

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

I-1 William Morea, R.Ph., Winter Haven, FL, PS 26919, Case No. 2008-05853
PC: Powers/Salem

Respondent nor counsel was present.

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(n), Florida Statutes (2007), by violating an order of the board previously entered in a disciplinary hearing.

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

MOTION: by Merrell, second by Lalani to adopt the findings of fact as alleged in the Administrative Complaint. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to adopt the conclusions of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

MOTION: by Merrell, second by Parrado to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

MOTION: by Goersch, second by Merrell to assess fines in the amount of \$250.00 to be paid prior to renewal date of 9/30/09. Motion carried unanimously.

MOTION: by Merrell, second by Goersch to assess costs in the amount of \$848.25 to be paid on or before 9/30/09. Motion carried unanimously.

I-2 Maritza Sanchez, R.Ph., Glassboro, NJ, PS 27772, Case No. 2006-16916
PC: Powers/Jones

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

Ms. Owens advised the Board the Respondent violated Section 465.016(1)(h), Florida Statutes (2005), by having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Chapter 465, Florida Statutes; and Section 465.016(1)(f), Florida Statutes (2007), by having been convicted or found guilty of a crime that directly relates to the practice of pharmacy.

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

MOTION: by Merrell, second by Salem to adopt the conclusions of law including that Respondent has violated the statutes and rules as alleged in the Administrative Complaint. Motion carried unanimously.

MOTION: by Merrell, second by Lalani to accept into evidence the investigative file and requests an opportunity to make a penalty recommendation. Motion carried unanimously.

MOTION: by Merrell to assess fines in the amount of \$1,000.00 to be paid within thirty (30) days of the filing of the Final Order. No second. Motion carried unanimously.

MOTION: by Salem, second by Parrado if Respondent returns to Florida, then require a PRN evaluation. If PRN recommends a contract, Respondent must comply with any and all PRN recommendations.. Motion carried unanimously.

MOTION: by Goersch, second by Parrado to assess costs in the amount of \$1,451.93 to be paid within thirty (30) days of the filing of the Final Order. Motion carried unanimously.

F. PROFESSIONALS RESOURCE NETWORK CASES

PRN-1 Joshua David Lubitz, R.Ph., Boynton Beach, FL, PS 35547, Case No. 2007-38863
PC: Waived

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

Ms. Owens advised the Board the Respondent violated /section 465.016(1)(i)), Florida Statutes, by dispensing a legend drug other than in the course of the professional practice of pharmacy.

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

TAB 3 APPLICATIONS REQUIRING BOARD REVIEW

A. Exam Candidates Requiring Board Review

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1. Andrea Szaloki, PSI 18684

Ms. Szaloki was not present.

Ms. Szaloki answered yes to questions #18 and #20 on the application.

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

2. Aaron Jeremy Oliver

Mr. Oliver was not present.

Mr. Oliver answered yes to questions #18 and #19 on the application.

MOTION: by Salem, second by Merrell to approve to sit for exam.
Motion failed, 2 for (Salem/Powers).

MOTION: by Goersch to ask for more information and Board Chair to review. No second. Motion failed.

MOTION: by Jones, second by Salem to approve to sit for exam, PRN evaluation, and appear before the board to impose conditions. Jones amended motion to allow Mr. Oliver to sit for exam but not issue license until he is evaluated and deemed safe to practice or letter from practitioner or PRN stating he is safe to practice. If not, he is to appear before the Board for conditions. Motion carried unanimously.

3. Juan Jose Ibietatorremendia, PSI 21225

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

Mr. Ibietatorremendia answered yes to questions #16 and #21 on the application.

MOTION: by Jones, second by Powers to approve to sit for exam, PRN evaluation, prior to licensure appear for conditions if needed. Motion carried, 2 opposed (Garcia/Lalani).

4. Brian Diaz, PSI 18998

Mr. Diaz was not present.

Mr. Diaz answered yes to questions #16 and #17 on the application.

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

B. Intern Applications Requiring Board Review

1. Justin Brownstein

Mr. Brownstein was not present.

Mr. Brownstein answered yes to question #6 on the application.

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

2. Kevin Bryant

Mr. Bryant was present.

Mr. Bryant answered yes to question #5 on the application.

MOTION: by Merrell, second by Powers to approve to sit for exam.
Motion carried unanimously.

3. Amy Kristen Johnson

Ms. Johnson was not present.

Ms. Johnson answered yes to questions #4, #5, #8, and #9 on the application.

MOTION: by Jones, second by Powers to approve licensure with PRN monitoring.

Motion carried unanimously.

4. Moulaye Kone

Mr. Kone was present.

Mr. Kones answered yes to question #5 on the application.

MOTION: by Powers, second by Merrell to approve to sit for exam.
Motion carried unanimously.

C. Licensure By Endorsement

1. Patrick Marks

Mr. Marks was not present.

Mr. Marks answered yes to question #20 on the application.

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

D. Community Pharmacy Permit

1. Biltmore Pharmacy, Inc.

This application is being reviewed due to the abandonment of two previous pharmacy licenses. The pharmacy manager for the previous pharmacies is listed as the PDM of the new application. The owners answered yes to question #20 on the application. At the August Board meeting, the owner(s) and PDM were requested to appear before the board to answer questions.

MOTION: by Merrell, second by Jones to continue to December. If respondent does not appear, permit will be denied. Motion carried unanimously.

2. Kapricho Pharmacy

At the August meeting, the Board requested that the owner(s) and PDM appear at one of the next two meetings to answer questions.

Kapricho Pharmacy has withdrawn the application for Community Pharmacy Permit.

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

E. Special Closed System Permit

1. Gateway Prescription Center, Inc.

Carl Allison was present and sworn in by court reporter.

The owners answered yes to question #20 on the application.

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

TAB 4

BUSINESS

A. Ratification of Issued Licenses/Certificates & Staffing Ratios

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

MOTION: by Salem, second by Goersch to approve reports. Motion carried unanimously.

B. Minutes

1. Approval of August 12-13, 2008, Meeting Minutes

MOTION: by Merrell, second by Lalani to approve minutes. Motion carried unanimously.

2. Approval of August 21, 2008, Conference Call Minutes

MOTION: by Merrell, second by Lalani to approve minutes. Motion carried unanimously.

C. Request for Waiver

1. Jagadish Chandra Ghosh, PSI 20796

Respondent nor counsel was present.

MOTION: by Salem, second by Jones to reject waiver because he does not meet qualifications. Motion carried unanimously.

MOTION: by Merrell, second by Jones for application to be withdrawn within 30 days. If it is not withdrawn, it will be denied. Motion carried unanimously.

2. Uchenna Virginia Obidike, PSI 22192

Respondent nor counsel was present.

MOTION: by Merrell, second by Lalani to approve waiver. Motion carried unanimously.

MOTION: by Merrell, second by Jones to approve to sit for exam. Motion carried unanimously.

3. The University of Florida, Student Health Care Center

MOTION: by Lalani, second by Merrell to approve request for exemption from Rule 64B16-28.404, Regulation of Day Operating Hours during the Thanksgiving Holiday week-end. Motion carried unanimously.

4. Florida State University, Thagard Student Health Center

MOTION: by Lalani, second by Merrell to approve request for exemption from Rule 64B16-28.404, Regulation of Day Operating Hours during the Christmas and New Year's Holidays. Motion carried unanimously.

D. Consultant Pharmacists Voluntary Relinquishments

1. John L. Davis, PU 4142

Respondent nor counsel was present.

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

2. Rishi B. Patel, PU 5832

Respondent nor counsel was present.

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

TAB 5

LICENSURE ISSUES

A. Petition to Terminate Probation

1. Mark Skipper, R.Ph., PS 17713

Respondent nor counsel was present. Dr. Judy Rivenbark, Professionals Resource Network, was present.

MOTION: by Salem, second by Goersch to approve termination of probation. Motion carried unanimously.

2. Devan Arvind Patel, PS 35777

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

MOTION: by Jones, second by Parrado to approve termination of probation. Motion carried unanimously.

3. Ketan Patel, PS 31787

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

MOTION: by Jones, second by Goersch to approve termination of probation. Motion carried unanimously.

4. Ronald Lyscas, PS 27257

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

MOTION: by Merrell, second by Powers to approve termination of probation. Motion carried unanimously.

6. Anthony Perry, PS 14074

Respondent nor counsel was present. Dr. Judy Rivenbark, Professionals Resource Network, was present.

MOTION: by Jones, second by Salem to deny petition and request staff to write Mr. Perry and suggest he apply for retirement status. Motion carried unanimously.

B. Request for Modification of Final Order

1. Martin Reisky, PS 30034

Mr. Reisky was able to pay the costs and would not need an extension. Therefore, he withdrew his request.

TAB 6

REPORTS

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

No Chair report.

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

1. Executive Director's Report

Ms. Poston reported that she attended the District III NABP Meeting hosted by the Alabama and Auburn University. It was a great educational opportunity. The 2009 District III meeting will be held in Lexington, KY, on August 2-4. The group is moving toward the Joint Commission of Pharmacy Practitioners future vision for pharmacy practice and challenged everyone to bring back to each state the vision and mission of this group. Pharmacists will be the healthcare professionals responsible for providing patient care that insures optimal medication therapy outcomes. This will be a great opportunity to partner at the Board of Pharmacy as a member of the Florida Pharmacy Council, which the Board of Pharmacy has a representative, chaired by Mike Stamitoles. It is representative of the pharmacy associations small chains, larger retail establishments. BP and MJ make presentation to Mr. Stamitoles to see if they would take the lead on this and how will the profession of pharmacy be changing over the years if we do adopt this mission and vision. How will that impact on what we are doing now and how it will change in the future. Pharmacists are currently dispensers of medication but eventually moving toward the dispenser of knowledge.

Ms. Poston and Erika Lilja attended the MPJE Item Writing Review in Chicago. Ms. Poston also attended and the MALTAGON meeting in Mississippi. This was a good opportunity to share experiences in a lot of different areas in pharmacy as well as take back from them their experiences.

2. Wall Certificate Update

At the August meeting, members signed another piece of paper to use on the certificates. The names were not any darker than previous sample so we may have to go with what was presented at the last meeting.

3. Draft Disaster Response Policy Statement

The Bureau of Statewide Pharmaceutical Services submitted a policy statement for the Board to review and possibly adapt. Ms. Poston stated that the Board does not have a need for a policy statement because we deal with rules. Regulations are in place in Statute so there is no need for a policy statement.

4. Foreign Graduate Work Activity Manual

MOTION: by Merrell, second by Goersch to approve manual. Motion carried unanimously.

5. Application Guidelines for Staff Review

The guidelines are presented in order to process applications more quickly. Applicants who answer “yes” to questions involving criminal, mental or physical impairment, or discipline in another state are now being reviewed by the Board. It could possibly take up to four months to have an application reviewed by the Board.

Ms. Jones suggested on #1 Conviction Record Guidelines for Applicants for Licensure, Category 3, changing more than one time, more than five years, staff may not clear – application to the Board would be yes.

MOTION: by Merrell, second by Salem to approve Application Guidelines with changes. Motion carried unanimously.

6. PRN July 2008 Report
For information only.

7. PRN August 2008 Report
For Information only.

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

1. September 2008 Rules Report
For information.
2. Rules Needing a Statement of Estimated Regulatory Costs
 - a. Rule 64B16-27.410
 - b. Rule 64B16-28.140

To be placed on the December agenda.

3. October 2008 Rules Report
For information.

D. Prosecuting Attorney Report – Billie Jo Owens, Attorney

Ms. Owens reported that there were currently 233 active cases. The goal is to complete all 2005-06 cases by the end of the fiscal year. The Year Old Compliance Report was presented.

MOTION: by Salem, second by Merrell to allow department to continue working on cases over one year old. Motion carried unanimously.

E. Compliance Officer's Report – Melodie Moore

1. July 2008 Report
2. August 2008 Report
For Information only.

F. Statewide Inspection Program Manager Report – Richard Sands, R.Ph.

Mr. Sands reported that the inspections are going very well. The target was to have 25% of the inspections completed by the end of September and currently they have completed 29.7%. The inspector training held on September 9-12 and issued discussed were the new laws and rules, USP 797 and the implementation plan, inspection ethics and guidelines, Medicaid fraud, Chapter 499 issues, doctor shopping, and diversion. The compounding inspection form is being revised. They are looking at time of inspections – possibly less frequent if no violations are found. Focus on individual items.

G. Tripartite Committee Update - Gail Merrell, Pharm.D.

Dr. Merrell reported on the Tripartite Committee meeting on October 14. A rule work plan was prepared by staff. The purpose of these amendments was for the committee to incorporate applications by reference into our rules as required by JAPC. The Tripartite Committee recommended changes to the rule drafts and presented them to the Professional Practice Committee. Both committees approved the changes and they will be outlined in the Professional Practice committee report.

H. Professional Practice Committee Update – Jennifer Lalani, R.Ph.

Ms. Lalani reported on the Professional Practice Committee meeting on October 14. The committee also reviewed the rule work plan prepared by Board staff. The following was presented for full Board approval:

64B16-26.103 – More work is needed on this rule. Ms. Loucks will work on it and bring it back to the December meeting.

64B16-26.203 – **MOTION:** by Goersch, second by Parrado to approve changes. Motion carried unanimously.

MOTION: by Goersch, second by Merrell that there is no impact on small business. Motion carried unanimously.

64B16-26.204 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Goersch, second by Merrell that there is no impact on small business. Motion carried unanimously.

64B16-26.300 – Bring back to next meeting.

64B16-26.303 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Merrell, second by Goersch that there is no impact on small business. Motion carried unanimously.

64B16-26.400 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Merrell, second by Goersch that there is no impact on small business. Motion carried unanimously.

64B16-26.403 – Ms. Loucks and Mr. Mandrell to work on and bring back to next meeting

64B16-26.401 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Salem, second by Goersch that there is no impact on small business. Motion carried unanimously.

64B16-26.402 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Goersch, second by Merrell that there is no impact on small business. Motion carried unanimously.

64B16-27.104 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Goersch, second by Merrell that there is no impact on small business. Motion carried unanimously.

64B16-29.002 – **MOTION:** by Merrell, second by Goersch to approve changes. Motion carried unanimously.

MOTION: by Goersch, second by Merrell that there is no impact on small business. Motion carried unanimously.

64B16-28.901 – Weight loss drugs
Ms. Loucks will research this issue.

64B16-27.420 – Ms. Loucks and Mr. Parrado will work and bring back to next meeting.

64B16-27.430 – Ms. Loucks and Mr. Parrado will incorporate NABP language and bring back to next meeting.

64B16-28.303 & .304 – Remove #3 and put on .301.

MOTION: by Goersch, second by Merrell to have Ms. Loucks prepare a disclaimer regarding destruction and place on website. Motion carried unanimously.

MOTION: by Goersch, second by Merrell that there is no impact on small business. Motion carried unanimously.

I. Administration/Education Committee – Amy Jones, Chair

1. Budget Report for FY 2007-08
 - a. Cash Balance Report
 - b. Total Expenditures by Board
 - c. Allocations to Boards by Source Organization and Category

Ms. Jones briefed the Board on the material provided.

Ms. Lilja discussed correspondence received regarding changes in endorsement. What is nationally recognized? Blue Ribbon is recognized by 44 states. Dr. Salem asked for more information on the Blue Ribbon requirements. Michael Jackson said he would find out where the Blue Ribbon exam was created and by whom. Ms. Poston asked if all of the endorsement applications should be brought before the Board.

MOTION: by Merrell, second by Salem to delegate the Chair to determine if the Blue Ribbon exam should be accepted. If not, bring back to the Board. Motion carried unanimously.

MOTION: by Salem, second by Goersch to adjourn. Motion carried unanimously. Meeting adjourned at 3:00 p.m.