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**MEETING MINUTES
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
BOARD MEETING
NOVEMBER 10, 2009**

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

Board Members Present:

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

Board Staff Present:

Rebecca Poston, BPharm, Executive Director
Kelli Ferrell, RPh, Senior Pharmacist
Ronda Bryan, Program Operations Administrator
Dinah Skrnich, Program Manager

Board Counsel Present:

Diane Guillemette, Assistant Attorney General
Lee Ann Gustafson, Assistant Attorney General

Department of Health Staff Present:

Billie Jo Owens, Assistant General Counsel

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Tuesday, November 10, 2009

Call To Order by Ron Salem, Chair

Dr. Salem called the meeting to order at 11:32 a.m.

**Tab 1 - FL Provider Status- Rebecca Poston, Executive Director
Carol Abel, APHANET**

Respondent was present without counsel.

Ms. Abel stated that she inadvertently failed to renew APHANET's Florida continuing education provider status due to an administrative error. Ms. Abel requested the Board to reinstate APHANET's provider status retroactive to October 1, 2009 and maintain the same provider number.

Action Taken: Ms. Jones made a motion to approve the application retroactive to October 1, 2009 and allow provider to maintain same provider number. Dr. Weizer seconded the motion, which carried unanimously.

**Tab 2 - Registered Pharmacy Technician Applications for Board Review- Amy Jones,
Consumer Member**

1. Jessica Marie Simon

The applicant was not present or represented by counsel.

Applicant provided a positive response to questions on the licensure application and criminal history.

1 **Action Taken:** Ms. Jones made a motion to require Ms. Simon to appear before the
2 Board at the December meeting and submit disposition documentation related to
3 criminal history. Mr. Powers seconded the motion, which carried unanimously.
4

5 **2. Laura Burgess**

6 The applicant was not present or represented by counsel.
7

8 Applicant provided a positive response to the criminal history question.
9

10 **Action Taken:** Ms. Jones made a motion to require Ms. Burgess to appear before the
11 Board at the December meeting to provide further information related to criminal
12 history. Mr. Powers seconded the motion, which carried unanimously.
13

14 **3. Laura Wilkins**

15 The applicant was not present or represented by counsel.
16

17 Applicant provided a positive response to the criminal history question.
18

19 **Action Taken:** Ms. Jones made a motion to Deny Ms. Wilkins registered pharmacy
20 technician application pursuant to Chapter 456.0635(2), Florida Statutes. Ms. Powers
21 seconded the motion, which carried unanimously.
22

23 **Tab 3 - 64B16-27.500 Negative Drug Formulary**

24 Ms. Gustafson explained that the Board has the authority to determine if a rule development
25 workshop is necessary. If the Board does not feel that a rule development workshop is
26 necessary due to actions already taken then they can provide an explanation to the requestor
27 explaining that the public has had several opportunities to address the matter.
28

29 Ms. Gustafson read three new requests for a rule development workshop on Rule 64B16-
30 27.500 into the record.
31

32 **Action Taken:** After much discussion, Dr. Melvin made a motion to deny requests for a Rule
33 Workshop on Rule 64B16-27.500 due to the extended amount of time spent in the Negative
34 Drug Formulary Committee as well as opportunity for public comment at Board meetings. Dr.
35 Weizer seconded the motion, which carried unanimously.
36

37 **Tab 4 - Ratification of Rule Committee Business- Assistant Attorney General**
38

39 **1. Rule 64B16-26.355 - Subject Matter for Registered Pharmacy Technicians**
40 **Continuing Education Programs**

41 No action needed.
42

43 **2. Rule 64B16-28.840 – Special-Non-Resident (Mail Service)**

44 No action needed.
45

46 **3. Rule 64B16-26.103 - Continuing Education**

47 No action needed.
48

49 **4. Rule 64B16-26.352 - Standards for Approval of Registered Pharmacy**
50 **Technician Training Programs**

51 No action needed.
52

1 **5. Rule 64B16-26.601 - Standards for Approval of Courses and**
2 **Providers**

3 **Action Taken:** Ms. Jones made a motion to approve the application. Dr. Griffin
4 seconded the motion, which carried unanimously. Dr. Weizer made a motion that
5 there is no impact on small businesses. Mr. Hayes seconded the motion, which
6 carried unanimously. Ms. Jones made a motion to move language for rule
7 promulgation. Dr. Melvin seconded the motion, which carried unanimously.
8

9 **6. Rule 64B16-29.002 - Animal Control Shelters and application.**

10 **Action Taken:** Ms. Jones made a motion to approve the application. Dr. Melvin
11 seconded the motion, which carried unanimously. Dr. Griffin made a motion that
12 there is no impact on small businesses. Mr. Powers seconded the motion, which
13 carried unanimously. Dr. Weizer made a motion to move the language for rule
14 promulgation. Dr. Melvin seconded the motion, which carried unanimously.
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17 **Tab 5 - Ratification of JAPC Letters- Assistant Attorney General**
18

19 **1. Rule 64B16-26.1003 - Active License Renewal Fees**

20 Ms. Poston read the Statement of Estimated Regulatory Costs (SERC) for Proposed
21 Amendments (Attachment A) into the record.
22

23 **Action Taken:** Mr. Powers made a motion to approve the SERC as presented. Ms.
24 Jones seconded the motion, which carried unanimously. Mr. Hayes made a motion
25 to move the language for rule promulgation. Dr. Melvin seconded the motion, which
26 carried unanimously.
27

28 **2. Rule 64B16-26.350 - Requirements for Pharmacy Technician Registration**

29 **Action Taken:** Ms. Jones made a motion to approve the application. Dr. Melvin
30 seconded the motion, which carried unanimously. Ms. Jones made a motion to
31 notice rule change. Dr. Weizer seconded the motion, which carried unanimously.
32

33 **2. Rule 64B16-26.351 - Standards for Approval of Registered Pharmacy**
34 **Technician Training Programs**

35 No action needed. Ms. Guillemette will respond to any letters from the Joint
36 Administrative Procedures Committee.
37

38 **4. Rule 64B16-27.420 - Registered Pharmacy Technician Responsibilities**

39 No action needed. Ms. Guillemette will respond to any letters from the Joint
40 Administrative Procedures Committee.
41

42
43 **5. Rule 64B16-25.170 - Probable Cause Panel**

44 No action needed. Ms. Guillemette will respond to any letters from the Joint
45 Administrative Procedures Committee.
46

47 **Adjourn:** Mr. Powers made a motion to adjourn the meeting at 12:08 p.m. Dr. Griffin seconded
48 the motion, which carried unanimously.



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

MEMORANDUM

DATE: November 10, 2009

TO: Joint Administrative Procedures Committee

FROM: Rebecca R. Poston, R.Ph., Executive Director
Department of Health
Board of Pharmacy

SUBJECT: Statement of Estimated Regulatory Costs for Proposed Amendments to
Rule 64B16-26.1003, Active License Renewal Fees

Summary of Proposed Changes

The rule implements the fees associated with biennial registration renewal for registered pharmacists and consultant pharmacists.

Section 120.541(2), F.S., A statement of estimated regulatory costs shall include:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

There are 25,344 active pharmacist licensees and 2,352 active consultant pharmacist licensees that are likely to comply with this rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

No additional costs will be incurred by the agency for enforcing the proposed change to the rule.

Attachment A
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(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

The recurring additional transactional cost of \$5 would be incurred biennially for active registered pharmacists and \$50 for active consultant pharmacists.

(d) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined by s. 120.52.

Small businesses will not be affected. The rule does not require the small business to pay the renewal fee. If the small business chooses to pay the renewal fee then the impact of this rule change will be \$5. per registered pharmacist and \$50 per consultant pharmacist. Small counties and small cities will not be impacted.

(e) Any additional information that the agency determines may be useful.

None

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

None has been received.

cc: Josefina Tamayo, General Counsel, Department of Health

