

Quarterly Management Report

The Florida Department of Health

FOURTH QUARTER | Fiscal Year 2010-2011

Florida DOH Issues Emergency Suspension Order On Treasure Coast Specialty Pharmacy

The Florida Department of Health (DOH) today announced the Emergency Suspension Order (ESO) of Treasure Coast Specialty Pharmacy, Inc. located in Jensen Beach, Florida, following a joint investigation with the United States Drug Enforcement Administration (DEA).

Between October 1, 2010 and March 31, 2011, Treasure Coast Pharmacy dispensed excessive and inappropriate quantities of anabolic-androgenic steroids, a Schedule III controlled substance, oxycodone, a Schedule II controlled substance and a human growth hormone (HGH), which is not a controlled substance but is subject to abuse.

During the course of the investigation, investigators discovered Treasure Coast Pharmacy dispensed 10,774 prescriptions for anabolic-androgenic steroids and HGH. Of these prescriptions, Treasure Coast Pharmacy shipped 7,671 filled prescriptions to purchasers across the world. The investigation further revealed 57 different physicians wrote the 10,774 prescriptions, including 30 Florida physicians. One Florida physician is responsible for writing 4,430 of the 10,774 prescriptions, mainly going to patients living outside Florida, including Guam, the Virgin Islands, Finland and Canada. From November 1, 2010 through April 30, 2011, Treasure Coast Pharmacy dispensed 3,703 Schedule II controlled substance prescriptions with a large majority for oxycodone.

"We hold practitioners to a very high standard in our state and believe they are accountable for the decisions they make every day," stated State Surgeon General Dr. Frank Farmer. "Practitioners must appropriately follow the rules and regulations and provide professional healthcare services to Florida's citizens and visitors. If they chose not to, action will be taken."

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Board & Council Appointments April 1, 2011 -June 30, 2011

NAME	BOARD OR COUNCIL
Albert Garcia	Drug Wholesaler Advisory Council
Scott Brock	Drug Wholesaler Advisory Council
Lucy Gee	Drug Wholesaler Advisory Council
Dean Ellis	Drug Wholesaler Advisory Council
Patrick Barnes	Drug Wholesaler Advisory Council
Zachariah Zachariah	Physician Assistants
Mary Teisinger-Nicholson	Acupuncture
Susan Gillespy	Clinical Social Work, Marriage and Family Therapy, & Mental Health Counseling
Debra Edinger	Dentistry
Thomas Hollern	Hearing Aid Specialists
Leanne Polhill	Hearing Aid Specialists
Sanadi El Nabil	Medicine
Merle Stringer	Medicine
James Orr	Medicine
Zachariah Zachariah	Medicine
Jody Newman	Nursing
Terrance Naberhaus	Optometry
Rosa McNaughton	Optometry
Erik Nilssen	Orthotists and Prosthetists
Gavin Meshad	Pharmacy
DeAnn Mullins	Pharmacy
Clint Lohr	Physical Therapy Practice
Chester Evans	Podiatric Medicine
Robert Morris	Podiatric Medicine
Luis Orta	Psychology
Dean Aufderheide	Psychology

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DOH Joint Investigation Leads To Arrest In Miami-Dade County

The Florida Department of Health (DOH) today announced the Emergency Suspension Orders (ESO) of four Florida practitioners and one pharmacy. The ESOs immediately suspend the practitioners' licenses, as well as the pharmacy's license, to practice in Florida.

OVER THE PAST WEEK THE FOLLOWING ESOS WERE FILED:

- Express Rx, Inc., a pharmacy located in Greenacres, FL., violated Section 465.023(1)(d) through a violation of a rule of the Board of Pharmacy; being unfit or incompetent to practice pharmacy.
- Joseph Brown, Pharmacists, Lake Worth, FL., owner and operator of Express Rx, Inc. violated Section 465.016(1)(e) by possessing a controlled substance without a prescription.
- Jayme L. Miller, Certified Nursing Assistant, Sebring, FL., entered a plea of nolo contendere to one count of Possession of a Prescription Drug without a prescription.
- Joseph M. Hernandez, Doctor, Lake City, FL., violated a lawful order of the Board of Medicine or Department of Health Section 456.072(1)(q) and violated Section 458.331(1)(s) by being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.
- Scott B. Oster, Osteopathic Physician, Palm Beach Gardens, FL., violated Section 459.015(1)(t) by prescribing, dispensing, administering, supplying, selling, giving, mixing or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice; violated Section 459.015(1)(pp) by failing to comply with the Board's rule regarding the use of controlled substances for pain management; and violated 456.072(1)(v) by engaging or attempting to engage in sexual misconduct.

"The disciplinary actions taken this week are a reflection of the expedited processes the Department has put in place to act even more quickly when a practitioner poses an immediate threat to the public safety," said Medical Quality Assurance (MQA) Director Lucy Gee. "I applaud the collaborative efforts made by the various bureaus within MQA and our law enforcement partners who assisted in these suspensions."

Emergency suspension or restriction orders are not considered final agency action, but are imposed as specified by section 456.074, Florida Statutes, for serious violations relating to the commission of crimes, standard of care, drug use, or for student loan defaults. The subject is entitled to a hearing before final action is taken by a regulatory board or by DOH.

View the Emergency Suspension Orders on DOH's Online Newsroom at: <http://newsroom.doh.state.fl.us/category/healthcare-licensing/>

Consumers are encouraged to visit DOH's website at www.flhealthsource.com to file an anonymous complaint either online or by postal mail. The website also provides the ability to view license information of Florida's health care practitioners.

Consumers may also call 1-877-HALT-ULS or 1-877-425-8852.

Florida Department of Health website: www.doh.state.fl.us

Most of the medications dispensed by Treasure Coast Pharmacy were from orders placed over the Internet. Physicians received the online orders and signed prescriptions to patients without conducting a patient exam or determining whether the quantities and dosages were medically appropriate. The signed prescriptions were delivered to Treasure Coast Pharmacy, through a third party, and the prescriptions were filled and then shipped to the patients.

The scheme seemed to work seamlessly as two internet businesses formed relationships with physicians and Treasure Coast Pharmacy. The businesses recruited physicians who were willing to sign prescription orders received over the internet without establishing a physician-patient relationship and pocketed payments from the businesses in exchange for each signed prescription for steroids and HGH.

Treasure Coast Specialty Pharmacy violated Section 465.023(1)(h), Florida Statutes, by dispensing medicinal drugs when the pharmacist knows or has reason to believe that the purported prescription is not base upon a valid practitioner-patient relationship and Section 465.016(1)(l), Florida Statutes, by compounding, dispensing, and/or distributing anabolic-androgenic steroids, HGH and oxycodone other than in the course of the professional practice of pharmacy.

Emergency suspension or restriction orders are not considered final agency action, but are imposed as specified by section 456.074, Florida Statutes, for serious violations relating to the commission of crimes, standard of care, drug use, or for student loan defaults. The subject is entitled to a hearing before final action is taken by a regulatory board or by DOH.

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Florida Department of Health website: www.doh.state.fl.us

FOURTH QUARTER

ULA Statistics

COMPLAINTS RECEIVED	273
REFERRED FOR INVESTIGATION	219
INVESTIGATIONS COMPLETED	123
CEASE AND DESISTS ISSUED	47
REFERRALS TO LAW ENFORCEMENT	64
ARRESTS	4

ULA Finances

July 1, 2010 - June 30, 2011

BEGINNING CASH BALANCE	\$7,361,544
REVENUES	\$2,024,016
EXPENDITURES	\$1,430,151
ENDING CASH BALANCE	\$7,955,409

Practitioner Regulation Quarterly Summary

April 1, 2011 - June 30, 2011

BOARD	COMPLAINTS RECEIVED	LEGALLY SUFFICIENT	INVESTIGATIONS COMPLETED	CITATIONS ISSUED	DISMISSED BY PANEL	PC FOUND	PC FOUND DISMISSED	FINAL ORDERS	ULA COMPLAINTS	CONSUMER SERVICES	INVESTIGATIVE SERVICES	PROSECUTION SERVICES	TOTAL SERVICES
ACUPUNCTURE	4	3	3	1	0	1	0	1	0	2	7	19	28
ANESTHESIOLOGY ASSISTANTS	0	0	0	0	0	0	0	0	0	0	0	0	0
ATHLETIC TRAINERS	1	0	0	1	0	0	0	7	0	2	0	0	2
CERTIFIED NURSING ASST	366	192	230	1	89	115	5	133	3	151	90	451	692
CERTIFIED SOCIAL WORKERS	1	0	0	0	0	0	0	0	0	0	0	0	0
CHIROPRACTIC MEDICINE	82	47	35	11	8	14	2	12	6	59	36	148	243
CLINICAL LABORATORY PERSONNEL	82	81	4	44	1	1	2	3	0	35	2	7	44
CLINICAL SOCIAL WORKERS	35	8	6	0	4	2	0	1	1	13	4	25	42
DENTAL HYGIENISTS	2	1	1	0	1	0	0	0	0	4	6	4	14
DENTAL LABORATORIES	1	0	0	0	7	1	0	0	3	1	5	1	7
DENTISTRY	228	62	65	2	62	20	6	15	5	146	76	265	487
DIETETICS AND NUTRITION	6	1	1	0	4	2	0	0	12	8	13	10	31
DRUGS, DEVICES & COSMETICS	68	36	76	0	47	0	0	8	0	4	18	426	448
ELECTROLYSIS	2	1	7	2	5	9	1	13	0	3	1	21	25
ELECTROLYSIS FACILITIES	0	0	0	0	1	1	0	0	3	0	3	1	4
EMERGENCY MEDICAL TECHNICIAN	34	6	13	0	4	3	2	3	0	13	2	175	190
HEARING AID SPECIALISTS	25	5	2	0	1	4	0	1	0	13	3	17	33
MARRIAGE & FAMILY THERAPISTS	10	6	3	0	0	1	0	0	0	4	4	10	18
MASSAGE ESTABLISHMENTS	53	31	26	1	8	16	1	9	27	17	60	84	161
MASSAGE THERAPY	81	39	47	3	27	40	4	38	24	47	65	227	339
MEDICAL PHYSICISTS	0	0	0	0	0	2	0	0	0	1	0	2	3
MEDICINE	1833	325	343	4	345	88	31	82	13	1007	289	1302	2,598
MENTAL HEALTH COUNSELING	41	19	17	0	7	7	1	2	0	26	14	58	98
MIDWIFERY	0	0	1	0	0	7	0	1	0	4	3	18	25

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BOARD	COMPLAINTS RECEIVED	LEGALLY SUFFICIENT	INVESTIGATIONS COMPLETED	CITATIONS ISSUED	DISMISSED BY PANEL	PC FOUND	PC FOUND DISMISSED	FINAL ORDERS	ULA COMPLAINTS	CONSUMER SERVICES	INVESTIGATIVE SERVICES	PROSECUTION SERVICES	TOTAL SERVICES
NATUROPATHIC MEDICINE	1	0	0	0	0	0	0	0	0	1	0	0	1
NURSING - ARNP	52	21	31	1	13	4	0	7	0	38	14	59	111
NURSING - LPN	229	122	144	1	56	103	3	94	1	135	53	364	552
NURSING - RN	513	357	278	225	111	148	5	192	3	289	75	654	1,018
NURSING HOME ADMINISTRATORS	29	11	7	4	9	4	1	1	1	42	2	19	63
OCCUPATIONAL THERAPY	8	6	2	0	1	0	0	4	0	3	8	11	22
OPTICAL ESTABLISHMENTS	2	1	1	0	2	0	0	0	6	1	9	1	11
OPTICIANRY	7	3	2	0	0	0	0	3	0	6	2	12	20
OPTOMETRY	8	2	5	0	0	0	0	2	0	3	3	18	24
OPTOMETRY BRANCH OFFICES	1	0	0	0	0	0	0	0	0	1	0	0	1
ORTHOTISTS & PROSTHETISTS	9	5	4	0	2	3	0	0	0	5	1	14	20
OSTEOPATHIC MEDICINE	170	47	53	3	41	17	2	1	0	93	44	247	384
PAIN MANAGEMENT CLINICS	73	25	24	0	10	1	2	4	9	24	50	51	125
PARAMEDICS	19	13	12	0	17	4	1	2	0	15	5	241	261
PHARMACIES	110	55	66	0	71	5	0	3	2	36	53	174	263
PHARMACISTS	94	74	70	3	82	2	0	18	0	42	58	223	323
PHARMACY TECHNICIANS	12	5	7	0	4	3	0	6	6	10	8	23	41
PHYSICAL THERAPY	35	11	10	1	17	1	2	3	1	15	14	34	63
PHYSICIAN ASSISTANTS	62	39	20	45	27	9	0	4	2	31	16	76	123
PODIATRIC MEDICINE	42	15	9	0	5	6	0	3	0	18	10	33	61
PSYCHOLOGY	28	7	12	8	2	3	2	2	4	16	13	43	72
RADIOLOGIC TECHNOLOGY	23	6	17	0	0	10	5	15	0	14	3	70	87
RESPIRATORY CARE	23	8	14	0	4	23	1	16	0	9	1	58	68
SCHOOL PSYCHOLOGY	3	1	1	0	0	0	0	0	0	1	0	3	4
SPEECH-LANGUAGE PATH/AUDIO	12	1	8	1	6	1	0	5	0	7	1	26	34
TOTAL FOR ALL BOARDS	4,520	1,698	1,677	362	1,101	681	79	714	132	2,415	1,144	5,725	9,284