

From The American Veterinary Medical Association (AVMA):

### **Florida Board Disciplines Internet Pharmacies**

On Tuesday April 16, 2002 the Florida Board of Pharmacy disciplined Pet. Med Express. Inc. and Savemax, Inc. of Pompano Beach, Florida. Company pharmacists Gordon Gyor, Gary Koesten. Richard Schwartz, and Martin Wiederkehr were also disciplined.

The reasons for the discipline included the contracting of veterinarians to write prescriptions without examining the animal and dispensing drugs not approved by the US Food and Drug Administration.

AVMA representatives (observers), Florida Veterinary Medical Association representatives and a Journal of the AVMA news reporter were in attendance.

In all, sixty-two cases were investigated. Board's counsel expressed that. prosecution—related charges would substantially increase if the cases were handled singularly, so stipulation agreements (plea agreements) were developed for each company and pharmacist. Key stipulation content follows:

#### **Pet Med Express, Inc. (license # PH 14144)**

- Shall not purchase, dispense, or distribute any drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the animal for whom the prescription is written.
- Shall immediately terminate its alternate veterinarian program, to the extent Pet Med Express employs or contracts with veterinarians to write prescriptions for medication when the veterinarian has not physically examined the animal for whom the prescription is written.
- Shall pay an administrative fine of \$40,000 in the Florida Department of Health within 90 days.
- Shall reimburse the Department for investigation and prosecution costs totaling \$27,799 within 1 year.
- Shall be placed in a 3-year probationary period. During this period:
  - Pet Med Express shall have its pharmacy inspected quarterly by a representative of the Board of Pharmacy. Inspections shall be random and announced, and paid for by Pet Med Express.
  - Prescription Department Manager, Richard Schwartz. shall successfully complete 12 hours of CE on the laws and rules governing the practice of pharmacy in Florida within 1 year. CEO Menderes Akdag must also complete 12 hours of laws and rules training.
  - Pet Med Express shall perform 200 hours of community service in the form of providing free pharmaceutical services to the public within 3 years. Pet Med Express plan must be pre-approved by the Board chair, or its designee
- Shall not violate Chapter 456, 465, 499, and/or 893, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or

to the ability to practice pharmacy.

- Violation of the terms of the stipulation is grounds for disciplinary action.
- All pending, related cases where the complaint arises from alleged actions or complaints that occurred prior to this stipulation shall be dismissed.

**Savemax, Inc. (license #PH 16899)**

It was made clear that Savemax had been set up in the stone building as Pet Med Express for reasons of economy, and to allow continued operation in case Pet Med Express' pharmacy license was revoked.

- Within 3 months Savemax shall no longer operate at its current location.
- Shall not fill, dispense, or distribute drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription is written.
- The administrative fine is \$5,000.
- The investigation and prosecution costs to be paid are \$4,358.
- Random, unannounced inspections will be conducted quarterly for 1 year.
- 12 hours of CE are required of the prescription department manager.
- Savemax shall perform 100 hours of community service in the form of providing free pharmaceutical services to be pre-approved by the Board Chair or designee.

**Gordon Gyor, RPh (license #PS 11402)**

Mr. Gyor's discipline centered on dispensing prescription drugs without valid veterinarian authorizations.

- Shall not knowingly fill, dispense, or distribute medications for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription was written.
- The administrative fine is \$10,000.
- The investigation and prosecution costs to be paid are \$10,117.
- 12 hours of CE, and 50 hours of community service are required.

**Gary Koesten, RPh (license # PS 23697)**

Mr. Koesten's discipline centered on dispensing prescription drugs without valid veterinarian authorizations, and dispensing drugs not approved by the US Food and Drug Administration. Mr. Koesten will be the pharmacy manager at Savemax.

- Shall not fill, dispense, or distribute drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription is written.
- The administrative fine is \$5,000.
- The investigation and prosecution costs to be paid are \$2,349.

- 12 hours of CE, and 50 hours of community service are required.
- Random, unannounced inspections will be conducted quarterly for 1 year.

**Richard Schwartz, RPh (license # PS 25616)**

Mr. Schwartz's discipline centered on dispensing prescription drugs without valid veterinarian authorizations, and

dispensing drugs not approved by the US Food and Drug Administration.

- Shall not fill, dispense, or distribute drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription is written.
- The administrative fine is \$2,500.
- The investigation and prosecution costs to be paid are \$1,621.
- 12 hours of CE, and 50 hours of community service are required.
- Random, unannounced inspections will be conducted quarterly for 1 year.

**Martin Wiederkehr, RPh (license # PS 7924)**

Mr. Wiederkehr's discipline centered on dispensing prescription drugs without valid veterinarian authorizations. Mi.

Wiederkehr was the interim pharmacy manager at Pet Med Express. He will be a Pet Med Express staff pharmacist.

- Shall not knowingly fill, dispense, or distribute medications for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription was written.
- the administrative fine is \$1,500.
- The investigation and prosecution costs to be paid are \$1,031.
- 12 hours of CE, and 50 hours of community service are required.
- Random, unannounced inspections will be conducted quarterly for 1 year.

The stipulations for both pharmacies and all four pharmacists include these provisions:

- Shall not violate Chapter 456, 465, 499 and/or 893, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation pertaining to the practice or to the ability to practice pharmacy
- Violation of the terms of the stipulation is grounds for disciplinary action

All pending related cases where the complaint arises from alleged actions or complaints that occurred prior to this stipulation shall be dismissed.