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## **PROFESSIONAL SERVICES DIVISION FY2003 SIGNIFICANT ACCOMPLISHMENTS**

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1. Division staff accomplished or partially accomplished all of the Division's 19 Objectives for FY2003 (16 objectives were accomplished and 3 objectives were partially accomplished).
2. Division staff supervised production and publication of the Board's pharmacy law manual.
3. The Texas version of the Multi-State Pharmacy Jurisprudence Examination (MPJE) continues to be an effective licensing tool to determine competency with respect to pharmacy law. With the assistance of pharmacist personnel from the Enforcement Division to review, develop, and evaluate questions, the MPJE continues to progress and remain a viable instrument.
4. Division Director Steve Morse was reappointed to a third term on the MPJE Review Committee. This appointment has allowed staff to work closely with the National Association of Boards of Pharmacy to adjust the MPJE and was particularly evident with the changes made by the 78<sup>th</sup> Legislature. During FY2003, Division Director Steve Morse worked closely with the MPJE psychometrician to identify and make changes needed in the Texas MPJE item pool due to statutory and rule changes.
5. Division staff, consisting of two individuals, prepared and mailed or e-mailed 2,096 pieces of information during FY2003.

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**PROFESSIONAL SERVICES DIVISION**  
**FY2003 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS**

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1. In April 2003, Division Director Steve Morse resigned after 19 years of dedicated service to the Board. Due to the Director's resignation, many of the responsibilities of the Division were delegated to other Divisions within the agency for the remainder of FY2003.

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## PROFESSIONAL SERVICES DIVISION FY2003 ANNUAL REPORT

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### Goal

To facilitate agency operations by providing information through publications, including the *Newsletter*, law references, and the *Texas Register*, and by providing professional services, including internship reviews, law exam development, task force support, and public speaking engagements to agency customers.

### Objectives (New)

1. To assist the Executive Director, in cooperation with other Divisions, in:
  - A. preparing testimony, attending public hearings, reviewing legislation, and providing any fiscal or technical information as required by the 78<sup>th</sup> Legislature; and
  - B. reviewing all legislation introduced by the 78<sup>th</sup> Legislature that has an impact on the practice of pharmacy or agency operations and monitor the progress of this legislation throughout FY2003.

**Status:** ACCOMPLISHED

**Comment:** During the fiscal year, the Division was not assigned the task of preparing testimony or attending public hearings. The Division Director provided legislative assistance as follows:

- A. Analyzed bills assigned by the Executive Director, provided comments, and followed their progress through the Legislature.
- B. Continuously reviewed the introduction of new legislation and forwarded bills identified as impacting the practice of pharmacy or agency operations to the Executive Director for assignment to an analyst.

2. To assist the Executive Director, in cooperation with other Divisions, in the agency Sunset Review Process including the preparation of the agency self-evaluation report throughout FY2003.

**Status:** ACCOMPLISHED

**Comment:** Senior Administrative Assistant Retta Cole compiled various aspects of the report into one document, which was submitted to the Sunset Review Commission in August 2003.

3. To assist the Executive Director, in cooperation with other Divisions, in planning for implementation of the new program to register and regulate pharmacy technicians, if the program is funded by the 78<sup>th</sup> Texas Legislature.

**Status:** ACCOMPLISHED

**Comment:** No activities were assigned to the Division by the Executive Director regarding this objective.

- To assist the Executive Director, in cooperation with other Divisions, in the orientation of a new Board Member within 90 days of appointment by the Governor.

**Status:** ACCOMPLISHED

**Comment:** Division Director assisted the Executive Director with the orientation of new member, Juluette F. Bartlett-Pack, Ph.D., public member, by updating New Member Orientation Manuals and participating in an on-site orientation on February 28 - March 1, 2003.

## Objectives (Ongoing)

- To assist the Board, throughout FY2003, in its review of the Texas colleges of pharmacy degree and internship programs to determine if the programs are adequate to prepare a student for pharmacy practice.

**Status:** ACCOMPLISHED

**Comment:** Due to the resignation of the Division Director in April 2003, the Assistant Director of Enforcement Allison Benz, with the assistance of a Board Member, conducted on-site reviews of the internship records of the four Texas colleges of pharmacy as follows.

Date	College / School of Pharmacy	Board Member
6/18/03	University of Houston	Juluette Bartlett-Pack
6/18/03	Texas Southern University	Roger Anderson
6/19/03	University of Texas	Mike Brimberry
6/23/03	Texas Tech	Kim Caldwell

Results of the on-site reviews of the internship records for the four Texas colleges of pharmacy were presented to the Board at its August 5-6, 2003, meeting.

In addition, a Questionnaire on Texas Colleges of Pharmacy Internship Programs was sent to the four Texas colleges of pharmacy. Responses were reviewed by the Assistant Director of Enforcement and presented to the Board on August 5, 2003, resulting in approval of the internship programs for the 2003-2004 academic year.

- To work with the National Association of Boards of Pharmacy (NABP) in the ongoing development of the Multi-State Pharmacy Jurisprudence Examination (MPJE); coordinate with the Enforcement Division to review MPJE item pools on an agreed timetable with NABP to determine appropriate questions for Texas; and to provide new questions for the MPJE as appropriate or requested by NABP.

**Status:** ACCOMPLISHED

**Comment:** The Division accomplished this goal with the cooperation of personnel from the Enforcement Division who assisted in the reviews of the MPJE item pools. The Division Director and pharmacist personnel from the Enforcement Division participated in the following activities in support of the MPJE program:

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Date	Activity	Personnel
1/9 - 1/12/03	MPJE Item Writing Workshop, Chicago, IL	Steve Morse, Heidi Bragg
3/12/03	MPJE Texas Item Writing Workshop, Austin, TX	Steve Morse
4/3 - 4/6/03	Attended MPJE Review Committee Meeting, Chicago, IL	Steve Morse
5/29 - 6/1/03	MPJE Texas Item Pool Review, Chicago, IL	Allison Benz, Heidi Bragg

Division Director Steve Morse continued to serve on the MPJE Review Committee which has the responsibility for the review and selection of all items placed into the active MPJE item pool.

3. To publish a minimum of four issues of the *Newsletter* during FY2003, in order to promote voluntary compliance with the law by providing information to educate pharmacists about their responsibilities under current law and rules, and to provide information consistent with the responsibilities of the Board.

**Status:**           **PARTIALLY ACCOMPLISHED**

**Comment:**       Division Director Steve Morse, serving as the Managing Editor, and Senior Administrative Assistant Retta Cole, serving as Editorial Assistant, coordinated publication of the Newsletter during FY2003. Due to budget constraints, only two issues of the Newsletter were published during FY2003.

The issues contained the following regular features:

- President's Column
- Adopted Rules and Summary
- Disciplinary Actions
- Compliance Reminders
- Complaint Corner

4. To provide periodic updates of the Texas State Pharmacy Law reference manual to Board Members, staff, and NABP for inclusion in NABPLAW during FY2003.

**Status:**           **ACCOMPLISHED**

**Comment:**       Law Reference

Due to budget constraints, the Texas State Pharmacy Law Reference manual was not published by TSBP. However, Division staff worked closely with the publisher to ensure that the manual met TSBP requirements.

Law Reference Updates

Updates to the law reference in the form of Rule Memos were provided to Board Members and staff on:

- September 10, 2002
- December 11, 2002
- March 6, 2003

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NABPLAW Updates

Updates to NABPLAW were submitted as requested to the National Association of Boards of Pharmacy on the following dates during FY2003:

- November 4, 2002
- December 30, 2002
- April 8, 2003

NABP Survey of Pharmacy Law Updates

The NABP publication, *Survey of Pharmacy Law*, is updated annually. During FY2003, the update was completed by the Executive Director and returned to NABP in the Summer 2003.

5. To develop rules for consideration by the Board relating to professional issues and assist other Divisions with the development of rules pertaining to Board operations; coordinate rule reviews; act as agency liaison to the *Texas Register*; and coordinate and monitor all submissions to the *Texas Register* throughout FY2003.

**Status:**           **ACCOMPLISHED**

**Comment:**       Division staff accomplished the objective through the following activities:

**DRAFTING OF RULES**

The Division Director spent a considerable amount of time drafting rules, assisting others in the drafting of rules, and preparing the rules for review by the Board. Changes required by the Board were made quickly to allow final review by the Board in a timely manner, usually during the same Board meeting. The Division Director drafted 27 rules and assisted others in drafting of seven additional rules as follows:

<b>Rules</b>
<b>Drafted Proposed:</b>
Amendments to §283.6 regarding Preceptor Requirements
Amendments to §281.35 regarding Official Prescription Requirements
New §291.37 regarding Centralized Prescription Dispensing
New §291.38 regarding Centralized Prescription Processing
Amendments to §§291.33, 291.36, 291.74, and 291.104 regarding references to Centralized Prescription Dispensing or Processing
Amendments to §§291.8, 291.12, 291.14-291.18, and 291.29 updating citations and cleanup
Amendments to §§291.91 and 291.93 regarding Class D Pharmacies
Amendments to §§303.1 and 303.2 regarding Destruction of Drugs in Nursing Homes
Amendments to §291.32 regarding Supervision of Pharmacy Technicians
Amendments to §§291.33, 291.36, 291.54, and 291.74 regarding Drug Regimen Review
Amendments to §291.104 regarding Professional Judgement by Pharmacist in a Class E Pharmacy
Amendments to §295.8 regarding Continuing Education

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<b>Rules</b>
<b>Assisted the Executive Director in drafting:</b>
New §§291.25 and 291.26 regarding Compounding Non-sterile and Sterile Pharmaceuticals (1 <sup>st</sup> draft)
<b>Assisted the Legal Division in drafting:</b>
New §281.20 regarding Criminal Convictions
Amendments to §281.22 regarding Informal Disposition of a Contested Case
Amendments to §291.8 regarding Grounds for Discipline of a Pharmacist
<b>Assisted the Enforcement Division and Administrative Services and Licensing Division in drafting:</b>
Amendments to §§291.1 and 291.4 regarding Change of Ownership of a Pharmacy

**RULE SUBMISSIONS TO THE TEXAS REGISTER**

During FY2003, 47 submissions to the *Texas Register* were made that proposed, adopted, reviewed, repealed, or withdrew Texas Pharmacy rules. Division staff met all deadlines for submissions to the *Texas Register*, monitored the submissions for action, and notified Board Members, TSBP staff, and other interested parties of the status of rules as follows:

<b>Rules</b>	<b>Type of Action</b>	<b>Published in TxReg as Proposed</b>	<b>Memo to Staff and Others</b>	<b>Published in TxReg as Adopted</b>	<b>Memo to Staff and Others</b>
§§291.1, 291.4	Amendment	9/13/02	9/10/02*	12/6/02	12/11/02
§§291.33, 291.36	Amendment	9/13/02	9/10/02*	12/6/02	12/11/02
§291.37	New	9/13/02	9/10/02*	12/6/02	12/11/02
§291.38	New	9/13/02	9/10/02*	12/6/02	12/11/02
§291.74	Amendment	9/13/02	9/10/02*	12/6/02	12/11/02
§291.104	Amendment	9/13/02	9/10/02*	12/6/02	12/11/02
§281.8	Amendment	12/20/02	12/11/02*	3/7/03	3/6/03*
§§291.8, 291.12, 291.14, 291.15, 291.16, 291.17, 291.18, 291.29	Amendment	12/20/02	12/11/02*	3/7/03	3/6/03*
§§291.91, 291.93	Amendment	12/20/02	12/11/02*	3/7/03	3/6/03*
§§303.1, 303.2	Amendment	12/20/02	12/11/02*	3/7/03	3/6/03*
Chapter 283 (283.1-283.11)	Rule Review	12/20/02	12/11/02*	3/7/03	3/6/03*
Chapter 291 (291.1-291.19, 291.27-291.29)	Rule Review	12/20/02	12/11/02*	3/7/03	3/6/03*
Chapter 291 (291.91-291.94)	Rule Review	12/20/02	12/11/02*	3/7/03	3/6/03*
Chapter 303 (303.1-303.3)	Rule Review	12/20/02	12/11/02*	3/7/03	3/6/03*
§291.32	Amendment	3/21/03	3/6/03*	6/20/03	6/25/03
§§291.33, 291.36	Amendment	3/21/03	3/6/03*	6/20/03	6/25/03

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<b>Rules</b>	<b>Type of Action</b>	<b>Published in TxReg as Proposed</b>	<b>Memo to Staff and Others</b>	<b>Published in TxReg as Adopted</b>	<b>Memo to Staff and Others</b>
§291.54	Amendment	3/21/03	3/6/03*	6/20/03	6/25/03
§291.74	Amendment	3/21/03	3/6/03*	6/20/03	6/25/03
§291.104	Amendment	3/21/03	3/6/03*	6/20/03	6/25/03
§295.8	Amendment	3/21/03	3/6/03*	6/20/03	6/25/03
§281.20	New	6/27/03	6/25/03*	FY2004	FY2004
§281.22	Amendment	6/27/03	6/25/03*	FY2004	FY2004
§283.6	Amendment	6/27/03	6/25/03*	FY2004	FY2004
§291.35	Amendment	6/27/03	6/25/03*	FY2004	FY2004
Chapter 291 (291.35)	Rule Review	6/27/03	6/25/03*	FY2004	FY2004
Chapter 295 (295.1-295.9)	Rule Review	6/27/03	6/25/03*	FY2004	FY2004
Chapter 291 (291.101-291.105)	Rule Review	6/27/03	6/25/03*	FY2004	FY2004

\* Advanced Notice

**TEXAS REGISTER - OPEN MEETING SUBMISSIONS**

During FY2003, six notices of open meetings were submitted by the Division to the *Texas Register* for publication as follows:

<b>Type of Submission</b>	<b>Date Published</b>
Open Meeting - 9/13/02 Election of Officers	9/13/02
Open Meeting - 11/19/02 Board Meeting	11/7/02
Open Meeting - 2/4/03 Board Meeting	1/22/03
Open Meeting - 5/13/03 Board Meeting	5/1/03
Open Meeting - 7/19/03 Board Forum	7/9/03
Open Meeting - 8/5/03 Board Meeting	7/24/03

- To review and monitor the *Texas Register* for activities of other agencies that would impact the policy and procedures of the Board throughout FY2003.

**Status:**           **ACCOMPLISHED**

**Comment:**       Division Staff reviewed every issue of the *Texas Register* for items that might have an impact on the Board or profession. The following rules were identified as impacting the agency or pharmacy practice and circulated to appropriate staff as indicated:

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<b>Date</b>	<b>Rules from the Texas State Board of Pharmacy</b>	<b>Action</b>
9/10/02	Proposed and Adopted Rules from the August 2002 Board Meeting	Reported to Board Members/Staff and Interested Parties
12/11/02	Proposed and Adopted Rules from the November 2002 Board Meeting	Reported to Board Members/Staff and Interested Parties
3/6/03	Proposed and Adopted Rules from the February 2003 Board Meeting	Reported to Board Members/Staff and Interested Parties

<b>Date</b>	<b>Rules from Other Agencies</b>	<b>Action</b>
9/20/02	Proposed Rules from the Texas Workers' Compensation Commission	Reported to Board Members/Staff
10/17/02	Proposed Rules on Standards for Law Enforcement Officers	Reported to Chief of Investigations
10/21/02	Proposed Rules from the Health and Human Services Commission	Reported to Board Members/Staff
10/21/02	Proposed Rules from the Texas Department of Public Safety	Reported to Board Members/Staff
10/28/02	Proposed Rules from the State Office of Risk Management	Reported to Director of Administrative Services & Licensing
11/4/02	Proposed Rules on Emergency Preparedness	Reported to Executive Director, Enforcement staff
11/13/02	Proposed Rules from the Department of Information Resources	Reported to Director of Administrative Services & Licensing
12/11/02	Proposed Rules from the Texas Department of Health	Reported to Board Members/Staff
12/30/02	Adopted Rules on Standards for Law Enforcement Officers	Reported to Chief of Investigations
2/18/03	Proposed Rules from the Department of Information Resources	Reported to General Counsel, Director of Enforcement

7. To provide professional staff support to Board-appointed task forces, and complete other special projects as assigned, throughout FY2003.

**Status:** **ACCOMPLISHED**

**Comment:** The Division's staff provided professional staff support to two meetings for the Task Force on Pharmacy Compounding during FY2003 on the following dates:

- September 5, 2002
- January 17, 2003

The Division Director prepared the Task Force report that was presented to the Board at the February 2003 Board meeting.

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**PROFESSIONAL SERVICES**

8. To provide technical assistance and maintain liaison with federal, state, and local regulatory agencies involved in pharmacy practice regulation throughout FY2003.

**Status:**           **ACCOMPLISHED**

- Comment:**
- A. Senior Administrative Assistant Retta Cole maintained close contact with *Texas Register* staff as needed to prepare and publish rules in the *Texas Register*.
  - B. The Division Director had telephone contact with numerous agencies as indicated below:

<b>Agency</b>
United States Department of Human Services
Drug Enforcement Administration
Food and Drug Administration
Texas Department of Mental Health Mental Retardation
Health Professions Council
Texas Department of Health
Texas Department of Human Services
Texas Department of Public Safety
Texas State Board of Medical Examiners
Texas State Board of Nurse Examiners
Texas State Board of Veterinary Medical Examiners

<b>State Boards of Pharmacy</b>
Arizona Board of Pharmacy
Florida Board of Pharmacy
Kentucky Board of Pharmacy
Massachusetts Board of Pharmacy
New Jersey Board of Pharmacy
New York Board of Pharmacy
North Carolina Board of Pharmacy
South Carolina Board of Pharmacy
Virginia Board of Pharmacy

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9. To provide information to Board staff and customers, including responses to surveys and questionnaires, oral and written communication, and public speaking engagements, as needed and required throughout FY2003.

**Status:** **ACCOMPLISHED**

**Comment:** Division staff accomplished this objective through the following activities:

- A. The Division mailed 2,096 pieces of written information as indicated in the following chart:

<b>Written Information</b>	
Packets of Information	212
Memos Regarding Rules & Open Meetings	1,449
Letters	64
Emails	364
Surveys	7
<b>TOTAL</b>	<b>2096</b>
<b>AVERAGE PER MONTH</b>	<b>174</b>

- B. The Division Director gave eight presentations and served as a resource on six occasions as indicated in the following charts:

<b>Date</b>	<b>Presentations</b>	<b>Attendance (Approx.)</b>
9/21/02	West Texas Pharmacy Association, Lubbock	75
9/26/02	University of Texas 1 <sup>st</sup> Semester Pharmacy Students, Austin	120
9/27/02	Texas Association of School Based Health Clinics Conference, Austin	30
10/18/02	Texas Pharmacy Association, Academy of Consultant Pharmacists	45
10/26/02	Metroplex-Area Society of Health-System Pharmacists, Irving	125
10/30/02	Texas Tech Pharmacy Students Law Class, Amarillo	80
11/2/02	Texas Pharmacy Association, Academy of Pharmacy Technicians, Austin	120
3/20/03	Central East Texas Pharmacy Association	50
<b>TOTAL</b>		<b>645</b>

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<b>Date</b>	<b>Resource</b>	<b>Attendance (Approx.)</b>
10/16/02	Representatives of H.E.B.	3
11/12/02	Joint Committee on Internship Programs	7
11/14-15/02	University of Texas Pharmacy Foundation Advisory Committee	25
12/3/02	Texas Pharmacy Association, Academy of Managed Care Pharmacists, Dallas	70
2/11/03	Texas Pharmacy Practice Coalition, Houston	10
2/12/03	Texas Pharmacy Congress	20
<b>TOTAL</b>		<b>135</b>

C. The Division Director provided information to Board staff as follows:

**Training Activities**

<b>Date</b>	<b>Training</b>	<b>Personnel</b>
10/02	New Employee Orientation to Division of Professional Services and Laws/Rules	Jill McGahey, Enforcement
11/13/02	Orientation to Division of Professional Services	Jason Zucca, Pharmacist-Intern
12/5/02	Rules from November 2002 Board Meeting	Enforcement Staff
1/9/03	New Employee Orientation to Division of Professional Services	Rob Lunsford, Enforcement; Mark Comfort, Pharmacist-Intern
1/13/03	Laws/Rules	Rob Lunsford, Enforcement; Mark Comfort, Pharmacist-Intern
2/14/03	Orientation of Division of Professional Services	Josh Rodgers, Pharmacist-Intern
2/19/03	Rules from February 2003 Board Meeting	Enforcement Staff

**Other Activities**

- The Division Director routinely answered questions concerning the laws and rules, including their applicability to specific situations, for Enforcement and Licensing staff.
- The Division Director served on the agency Web Site Committee, and Division staff monitored a portion of the site for currency of the information presented, and forwarded changes and/or updates to Network Specialist Todd Hayek.
- Division Staff assisted other divisions by creating, updating, and/or changing over 25 forms and documents used by other divisions of the agency.

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- Senior Administrative Assistant Retta Cole assisted the Division of Administrative Services and Licensing with:
  - processing/data entry of Remote Pharmacy Services;
  - processing/data entry of Pharmacy Closings; and,
  - data entry for Change of Employment, Change of PIC, and Change of Address.
  
- The Division Director processed 232 notifications of Drug Therapy Management by pharmacists and 6 requests for exemption from technician certification.

10. To maintain a staff development program by encouraging Division staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2003.

**Status: ACCOMPLISHED**

**Comment:** Division staff completed the following education activities:

<b>Retta Cole</b>	
10/17/02	Creating PDF Files using Acrobat Writer
11/6/02	SEIP Brown Bag Seminar
1/9/03	CPR/AED Training
5/7/03	ERS Presentation

<b>Steve Morse</b>	
9/14-15/02	University of Texas Postgraduate Seminar, Austin
1/8/03	CPR/AED Training

11. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2003.

**Status: ACCOMPLISHED**

**Comment:** The annual review for Senior Administrative Assistant Retta Cole occurred on August 26, 2003.

12. To destroy records in accordance with the agency's record retention plan throughout FY2003; to update the Division's *Policy and Procedure Manual* as needed and submit any substantive revisions to the Executive Director for approval throughout FY2003.

**Status: PARTIALLY ACCOMPLISHED**

**Comment:** During FY2003, the Division partially accomplished this goal as follows:

- A. Records Management  
No records of the Professional Services Division required destruction during FY2003.

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- B. Policies and Procedures  
The Division's policies and procedures were not reviewed during FY2003 due to the resignation of the Division Director.

13. To recommend policies and procedures to the Executive Director that will enhance the efficiency and effectiveness of the agency throughout FY2003.

**Status:** ACCOMPLISHED

**Comment:** This objective was accomplished through the following activities:

- A. The Division Director recommended a Staff Development program titled "Handling Difficult People."  
■ Division staff implemented PDF and HTML version of Newsletter on website.

14. To recommend changes to the Texas Pharmacy Act and rules that will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director throughout FY2003.

**Status:** PARTIALLY ACCOMPLISHED

**Comment:** Division Director recommended:

- A. Rules regarding Centralized Prescription Dispensing and Centralized Prescription Processing.

15. To prepare and submit a report on the accomplishment of Division objectives for incorporation in the agency's *FY2002 Annual Report* to be presented to the Board by its May 2003 Board Meeting.

**Status:** ACCOMPLISHED

**Comment:** The Division's first draft of the FY2002 Annual Report was submitted to the Executive Director by the due date. Senior Administrative Assistant Retta Cole combined the various Divisions' reports into one report that was presented and approved by the Board at its May 2003 meeting.