



# TEXAS STATE BOARD OF PHARMACY

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**Board Business Meeting**  
**333 Guadalupe Street, Suite 2-225**  
**Austin, Texas**

Tuesday, August 11, 2009  
9:00 a.m. – 5:00 p.m.

Wednesday, August 12, 2009  
8:00 a.m. – Conclusion

## A G E N D A

- A. BF Announcements**
- Meeting Procedures
  - Board Members
  - Staff
  - Continuing Education
  - Use of Networking Tools for Board Communications
- B. BF Discussion and Approval of Minutes of TSBP Board Business Meeting, Held May 5, 2009 (Tab 01)**

**C. AB Discussion of and Possible Action Regarding Rules**

C.1 Final Adoption of Rules

C.1.1 Amendments Concerning License Fees (Tab 02)

C.1.1.1 §291.6 Concerning Pharmacies

C.1.1.2 §295.5 Concerning Pharmacists

C.1.1.3 §297.4 Concerning Pharmacy  
Technicians and Pharmacy Technician  
Trainees

C.1.2 Amendments to §291.32 Concerning Ratio of  
Pharmacists to Pharmacy Technicians (Tab 03)

C.1.3 Amendments to §291.72-291.76 to Implement the  
Recommendations of the Task Force on Class C  
Rules (Tab 04)

C.1.4 Amendments to §295.8 Concerning Continuing  
Education Requirements (Tab 05)

C.1.5 Amendments to §§303.1-303.2 Concerning  
Destruction of Drugs (Tab 06)

**AB C.2 Proposal of Rules**

C.2.1 Amendments to §281.65 Concerning Schedule of  
Administrative Penalties and Amendments to §281.66  
Concerning Fingerprinting of Applicants for  
Reinstatement (Tab 07)

C.2.2 Amendments to §291.8 Concerning Return of  
Prescription Drugs (Tab 08)

C.2.3 Amendments to §291.28 Concerning Fees Charged  
to Third Parties for Providing Copies of Patient's  
Confidential Records (Tab 09)

C.2.4 Amendments to §291.33 (Class A Pharmacies) and §291.104 (Class E Pharmacies) Concerning Placing a Beyond-Use Date on a Prescription Label to Implement Provisions of H.B. 19, Passed by the 81<sup>st</sup> Texas Legislature (Tab 10)

C.2.5 Amendments to §§291.72-291.75 Concerning Definitions, Personnel, Operational Standards, and Records in a Class C Pharmacy to Implement the Rural Hospital Provisions of H.B. 1924, Passed by the 81<sup>st</sup> Texas Legislature (Tab 11)

C.2.6 Amendments to §295.13, §291.31, §291.33, and §291.34 Concerning Pharmacists Signing Prescriptions to Implement the Provisions of S.B. 381, Passed by the 81<sup>st</sup> Texas Legislature (Tab 12)

C.2.7 Amendments to §295.15 Concerning Administration of Immunizations or Vaccinations by a Pharmacist under Written Protocol of a Physician to Implement the Provisions of H.B. 1409, Passed by the 81<sup>st</sup> Texas Legislature (Tab 13)

**D. Discussion of and Possible Action Concerning Reports of Committees/Task Forces**

**PH** D.1 Amendments to §291.133 Concerning Pharmacies Compounding Sterile Pharmaceuticals to Implement the Recommendations of the Task Force on Class C Pharmacies (Tab 14)

**AB** D.2 Update on Task Force on Class B (Nuclear) Pharmacies (Tab 15)

**E. Discussion of and Possible Action Concerning the Following Reports and Discussions**

**GD** E.1 Discussion Concerning Remote Verification of Prescription Data Entry (Tab 16)

- CS** E.2 Financial Update
  - E.2.1 Review of FY2009 Operating Budget (Tab 17)
  - E.2.2 Review of Board Member Travel Budget (Tab 18)
  - E.2.3 Review of Legislative Appropriations for FY2010-2011 (Tab 19)
  - E.2.4 Review and Approval of FY2010 Operating Budget (Tab 20)
  - E.2.5 Review of Revenue Estimate for FY2010-2011 (Tab 21)
- CS** E.3 Update on Request for Qualifications Process for Pharmacy Technician Certification Examination (Tab 22)
- PH** E.4 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students
  - E.4.1 Professional Recovery Network (PRN)
    - E.4.1.1 Update on Number of Individuals Participating in PRN Program (Tab 23)
    - E.4.1.2 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Donna Chamberlain (Tab 24)
- GD/BF** E.5 Discussion of the Requirements for Electronic Prescriptions and Possible Amendment of §291.34(b) (Tab 40)
- GD** E.6 Presentation by ScriptPro and Discussion Concerning Current Telepharmacy Laws and Rules (Tab 25)
- CS** E.7 Discussion Concerning *TSBP FY2011-2015 Strategic Plan* (Tab 26)
- GD** E.8 Review and Approval of *TSBP FY2010 Goals and Objectives* (Tab 27)
- CS** E.9 Review and Approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Tab 28)

- CF** E.10 Discussion of Prescription Drug Recalls and their Handling and Follow-up by Pharmacies (Tab 29)
- CF** E.11 Report on Survey Concerning Purchase/Delivery of Medications from an Automated Storage and Distribution Device (Tab 30)
- GD** E.12 Update on Legislation Passed During the 81<sup>st</sup> Texas Legislative Session that Has an Impact on TSBP and/or the Practice of Pharmacy (Tab 31)
- GD** E.13 Discussion of Possible Statutory Changes for Consideration During the 82<sup>nd</sup> Session of the Texas Legislature (Tab 32)
- F.** **CF** **Consideration of and Possible Action Concerning the Following Enforcement Reports**
  - F.1 Consideration of Petition to Serve as a Preceptor
    - F.1.1 Petition from Patti M. Black, R.Ph. (Tab 33)
  - F.2 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 34)
  - F.3 Report on Status of Active/Pending Complaints (Tab 35)
- G.** **Disciplinary Orders**
  - KA** G.1 Consideration of Proposals for Decision
    - G.1.1 In the Matter of Nene Ubak Akpaffiong, R.Ph. (Tab 36)
      - G.1.1.1 Executive Session Concerning the Proposal for Decision in the Matter of Nene Ubak Akpaffiong, R.Ph.
    - G.1.2 In the Matter of Oluwafemi Awe, R.Ph. (Tab 37)
      - G.1.2.1 Executive Session Concerning the Proposal for Decision in the Matter of Oluwafemi Awe, R.Ph.

- KA** G.2 Report on Agreed Board Orders Entered by Executive Director
- KA** G.3 Discussion of and Action on Proposed Agreed Board Orders and Default Orders
- G.4 Executive Session to Consider Confidential Agreed Board Orders

**H.** **Miscellaneous**

- BF** H.1 Items to be Placed on Agenda for November 2009 Board Meeting (Tab 38)
- H.2 Discussion of and Possible Action on Recent Conferences and Events
  - NABP Annual Meeting, Miami, FL, May 16-19, 2009 (Fry, Caldwell, Mendoza, Waggener, Dodson)
  - ASHP Summer Meeting, Chicago, IL, June 14-17, 2009
  - NACDS Marketplace Conference, Boston, MA, June 28-July 1, 2009
  - TPA Annual Meeting, San Antonio, July 22-26, 2009 (Abeltd, Fry, Mendoza, Waggener, Wiesner, Dodson)
- H.3 Discussion of and Possible Action on Upcoming Conferences and Events
  - Technician Informal Conferences, Austin, August 27, 2009 (Mendoza)
  - Informal Conferences, Austin, September 8-10, 2009 (Caldwell)
  - Technician Informal Conferences, Austin, September 24, 2009 (Fry)
  - NABP/AACP District VI, VII, and VIII Annual Meeting, New Orleans, LA, September 30 – October 2, 2009 (Waggener, Dodson)
  - AMCP Educational Conferences, San Antonio, October 7-10, 2009

- Informal Conferences, Austin, October 13-15, 2009 (Waggener)
- NCPA Annual Meeting, New Orleans, LA, October 17-21, 2009
- Technician Informal Conferences, Austin, October 20, 2009 (Waggener)
- TSBP Board Meeting, Austin, November 9-10, 2009
- Technician Informal Conferences, Austin, November 17, 2009 (Abeltdt)
- ASCP Annual Meeting, Anaheim, CA. November 18-21, 2009
- Informal Conferences, Austin, December 1-2, 2009 (Fry)
- ASHP Mid-Year Clinical Meeting, Orlando, FL, December 6-10, 2009
- Technician Informal Conferences, Austin, December 17, 2009 (Fry)

#### H.4 Consideration of Personnel Matters

##### H.4.1 Election of Officers

##### H.4.2 Executive Director's Contract (Tab 39)

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THE TEXAS STATE BOARD OF PHARMACY MAY ENTER EXECUTIVE SESSION TO CONSIDER ANY AGENDA ITEM WHEN PERMITTED BY TEXAS LAW.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Cathy Stella at (Voice) 512/305-8000, (FAX) 305-8075, or TDD 1-800/735-2989. Requests for reasonable accommodations should be made five working days prior to the meeting so that appropriate arrangements can be made.