



TEXAS STATE BOARD OF PHARMACY

Texas State Board of Pharmacy

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

Tuesday, August 10, 2010
9:00 a.m. – 5:00 p.m

Wednesday, August 11, 2010
8:00 a.m. – Conclusion

A G E N D A

A. JW Announcements

- Meeting Procedures
- Board Members
- Staff
- Continuing Education

B. JW Discussion and Approval of Minutes (Tab 01)

- TSBP Board Business Meeting, Held May 4 - 5, 2010
- Board Committee Meeting on Pharmacy Technician Certification Examinations, Held May 4, 2010
- Temporary Suspension Hearing, Held May 28, 2010, Concerning A.M. Pharmacy and Antonio Martinez, R.Ph.

C. AB Discussion of and Possible Action Regarding Rules

C.1 Final Adoption of Rules

- C.1.1 Amendments to §281.8 Concerning Grounds for Discipline of Pharmacist License (Tab 02)
- C.1.2 Repeal of §281.11 Concerning Rules Governing Cooperating Practitioners; New Rule §281.11 Concerning Criminal History Evaluation Letter; and New Rule §281.12 Concerning Rules Governing Cooperating Practitioners (Tab 03)
- C.1.3 Amendments to §281.22 Concerning Informal Disposition of a Contested Case (Tab 04)
- C.1.4 Amendments to §281.64 Concerning Sanctions for Criminal Offenses (Tab 05)
- C.1.5 Amendments to §281.66 Concerning Application Fee for Pharmacist and Pharmacy Technician Reinstatement Applicants (Tab 06)
- C.1.6 Amendments to §§291.51 - 291.55 Concerning Nuclear Pharmacies (Class B) (Tab 07)
- C.1.7 Amendments to §291.121 Concerning Emergency Medication Kits (Tab 08)
- C.1.8 New Rule §291.153 Concerning Central Prescription Drug or Medication Order Processing (Class G) (Tab 09)
- C.1.9 New Rule §291.155 Concerning Limited Prescription Delivery Pharmacy (Class H) and Amendments to §291.9 Concerning Prescription Pick-Up Locations (Tab 10)
- C.1.10 Amendments Concerning License Fees (Tab 11)
 - C.2.9.1 §291.6 Concerning Pharmacies
 - C.2.9.2 §295.5 Concerning Pharmacist
 - C.2.9.3 §297.4 Concerning Pharmacy Technicians and Pharmacy Technician Trainees

- C.1.11 Amendments to §291.151 Concerning Freestanding Emergency Medical Centers (Tab 12)
- C.2 Proposal of Rules
 - C.2.1 Amendments to §281.6 Concerning Mental or Physical Examination (Tab 13)
 - C.2.2 Amendments to §281.23 Concerning Subpoenas (Tab 14)
 - C.2.3 Amendments to §281.31 Concerning Burden of Proof (Tab 15)
 - C.2.4 Amendments to §281.60 Concerning General Guidance (Tab 16)
 - C.2.5 Amendments to §281.63 Concerning Considerations for Criminal Offenses (Tab 17)
 - C.2.6 Amendments to §281.64 Concerning Sanctions for Criminal Offenses (Tab 18)
 - C.2.7 Amendments to §§291.33 and 309.3 Concerning Generic Substitution on Electronic Prescription Orders (Tab 19)
 - C.2.8 Amendments to §§291.72 and 291.73 Concerning Tech-Check-Tech (Tab 20)
 - C.2.9 Amendments to §309.4 and Repeal of §309.5 Concerning Substitution of Drug Products (Tab 21)
- C.3 Rule Reviews in Accordance with Government Code, Section §2001.039 (Tab 22)
 - C.3.1 For Final Adoption
 - C.3.1.1 Chapter 281 Concerning Administrative Practices and Procedures (§§281.1-281.11, 281.13, 281.15, 281.17-281.22, 281.30-281.34, 281.60-281.66)
 - C.3.1.2 Chapter 311 Concerning Code of Conduct (§§311.1-311.2)

D. Discussion of and Possible Action Concerning the Following Reports and Discussions

- GD** D.1 Shared Regulatory Data Base Project (Tab 23)
- CS** D.2 Financial Update
 - D.2.1 Review of FY2010 Operating Budget (Tab 24)
 - D.2.2 Review of Board Member Travel Budget (Tab 25)
 - D.2.3 Review and Approval of FY2011 Operating Budget (Tab 26)
 - D.2.4 Review and Approval of Request to Exceed the Full Time Employee Cap (Tab 53)
 - D.2.5 Review of Legislative Appropriations Request for FY2012-2013 (Tab 27)
- PH** D.3 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students
 - D.3.1 Professional Recovery Network (PRN)
 - D.3.1.1 Update on Number of Individuals Participating in PRN Program (Tab 28)
 - D.3.1.2 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Donna Chamberlain (Tab 29)
- GD** D.4 Review and Approval of *TSBP FY2011 Goals and Objectives* (Tab 30)
- CS** D.5 Review and Approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Tab 31)
- GD** D.6 Discussion and Possible Proposal of Rule Amendment of §291.32 Concerning Remote Verification of Prescription Data Entry (Tab 32)
- CF** D.7 Discussion Concerning Deletion of Records Relating to Dispensing Errors (Tab 33)
- CF** D.8 Discussion Concerning Duties a Pharmacy Clerk May Not Perform (Tab 34)

- DW** D.9 Discussion Concerning Nevada Pharmacy Inspection Process (Tab 35)
- GD** D.10 Discussion Concerning Omnicare Pharmacies Providing Pharmacy Services to Institutional Residents (Tab 36)
- GD** D.11 Discussion Concerning Requirement to Report to Healthcare Integrity and Protection Data Bank (HIPDB) (Tab 37)
- GD** D.12 Discussion of a Pharmacy Technician Working Without a Valid Registration (Tab 38)
- GD** D.13 Discussion Regarding a Class A Pharmacy Community Advisory Panel (Tab 39)
- GD** D.14 Update on TSBP Action on Legislation Passed During the 81st Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 40)
- GD** D.15 Discussion of Possible Statutory Changes for Consideration During the 82nd Session of the Texas Legislature (Tab 41)
- E. CF** **Consideration of and Possible Action Concerning the Following Enforcement Reports**
 - E.1 Consideration of Petition(s) to Serve as a Preceptor
 - E.1.1 Petition from Shalondria Simpson, Pharm.D. (Tab 42)
 - E.2 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 43)
 - E.3 Report on Status of Active/Pending Complaints (Tab 44)
- F. KA** **Disciplinary Orders**
 - F.1 Consideration of Proposals for Decision
 - F.1.1 In the Matter of James Tate, Pharmacy Technician Registration #105808 (Tab 45)
 - F.1.1.1 Executive Session Concerning the Proposal For Decision in the Matter of James Tate Pharmacy Technician Registration #105808

F.1.2 In the Matter of Terry Louis Green, Pharmacist License #30700 (Tab 46)

F.1.2.1 Executive Session Concerning the Proposal For Decision in the Matter of Terry Louis Green, Pharmacist License #30700

F.1.3 In the Matter of Dennis Martin George, Pharmacist License #31603 (Tab 47)

F.1.3.1 Executive Session Concerning the Proposal For Decision in the Matter of Dennis Martin George, Pharmacist License #31603

F.1.4 In the Matter of Emmanuel Kanu, Pharmacist License #34077 (Tab 48)

F.1.4.1 Executive Session Concerning the Proposal For Decision in the Matter of Emmanuel Kanu Pharmacist License #34077

F.3 Report on Agreed Board Orders Entered by Executive Director (Tab 49)

F.4 Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 50)

F.5 Executive Session to Consider Confidential Agreed Board Orders and Default Board Orders (Tab 51)

G. JW Miscellaneous

G.1 Items to be Placed on Agenda for November 2010 Board Meeting (Tab 52)

G.2 Discussion of and Possible Action on Recent Conferences and Events

- National Association of Boards of Pharmacy (NABP) Annual Meeting, Anaheim, CA, May 22-25, 2010
- National Association of Chain Drug Stores (NACDS) Marketplace Conference, San Diego, CA, June 5-8, 2010
- American Society of Health-System Pharmacists (ASHP) Summer Meeting, Tampa, FL, June 6-9, 2010

- Texas Pharmacy Association (TPA) Annual Meeting, Austin, TX, July 14-17, 2010
- National Pharmaceutical Association (NPhA) Annual Meeting, Seattle, WA, July 23-26, 2010

G.3 Discussion of and Possible Action on Upcoming Conferences and Events

- Technician Informal Conferences, Austin, August 19, 2010 (Mendoza)
- National Association of Chain Drug Stores (NACDS) Pharmacy and Technology Conference, San Diego, CA, August 28 - September 1, 2010
- Informal Conferences, Austin, September 7-9, 2010 (Tipton)
- Technician Informal Conferences, Austin, September 23, 2010 (Wetherbee)
- Council on Licensure, Enforcement and Regulations (CLEAR) Annual Meeting, Nashville, TN, September 23-25, 2010
- National Association of Boards of Pharmacy/American Association of Colleges of Pharmacy (NABP/AACP) District VI, VII, and VIII Annual Meeting, Albuquerque, NM, September 28-30, 2010
- Informal Conferences, Austin, October 12-14, 2010 (Mendoza)
- Academy of Managed Care Pharmacy (AMCP) Educational Conference, St. Louis, MO, October 13-15, 2010.
- Technician Informal Conferences, Austin, October 19, 2010 (Waggener)
- National Pharmacy Week, October 17-23, 2010
- National Community Pharmacists Association (NCPA) Annual Meeting, Philadelphia, PA, October 23-27, 2010
- TSBP Board Business Meeting, Austin, November 9-10, 2010

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) 512/305-8075, 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.