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# TEXAS STATE BOARD OF PHARMACY

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**Texas State Board of Pharmacy**

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

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

Wednesday, February 10, 2010  
8:00 a.m. – Conclusion

## A G E N D A

**A. BF Announcements**

- Meeting Procedures
- Board Members
- Staff
- Continuing Education

**B. BF Discussion and Approval of Minutes (Tab 01)**

- TSBP Public Hearing, Held November 9, 2009
- TSBP Board Business Meeting, Held November 9 - 10, 2009

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

C.1 Final Adoption of Rules

C.1.1 Amendments to §291.34 Concerning Requirement for Electronic Prescriptions (Tab 02)

C.1.2 Amendments to §§291.72-291.75 Concerning Class C Rules to Implement the Tech-Check-Tech Provisions of H.B. 1924, Passed by the 81<sup>st</sup> Texas Legislature (Tab 03)

C.1.3 New Rule §291.151 Concerning Free-Standing Emergency Medical Care Centers (Tab 04)

C.2 Proposal of Rules

C.2.1 Amendments to §291.133 Concerning Use of Sterile Gloves and Sterile Alcohol in Pharmacies Compounding Sterile Pharmaceuticals (Tab 05)

C.2.2 New Rule §291.153 Concerning New Class of Pharmacy. H.E.B. Call Center Pilot Project (Tab 06)

C.2.3 Amendments to §§291.33 and 291.104 Concerning Operations Standards in Class A and Class E Pharmacies to implement the provisions of HB 19 that require the Board to adopt rules requiring pharmacies to add the statement “Do not flush unused medications or pour down a sink or drain” to the prescription label or to the written information accompany the prescription (Tab 07)

C.2.4 Amendments to §§291.32-291.33 Concerning Personnel and Operational Standards in a Class A Pharmacy Regarding Remote Verification of Prescription Data Entry (Tab 08)

C.2.5 Amendments to §291.7 Concerning Prescription Drug Recalls and Their Handling and Follow-up by Pharmacies (Tab 09)

C.2.6 Amendments to §291.29 Concerning Professional Responsibility of Pharmacists (Tab 10)

C.2.7 Amendments to §281.9 Implementing HB 1853  
Concerning Disciplinary Action for Pharmacy  
Technicians and Pharmacy Technician Trainees  
(Tab 11)

C.2.8 Amendments to §281.64 Concerning Changes to  
Sanctions for Criminal Offenses (Tab 12)

**AB** C.3 Rule Reviews in Accordance with Government Code,  
Section §2001.039 (Tab 13)

C.3.1 For Final Adoption

C.3.1.1 Chapter 291 Concerning Class B  
(Nuclear) Pharmacies  
(§§291.51-291.55) (Tab 14)

C.3.1.2 Chapter 305 Concerning Educational  
Requirements (§§305.1-305.2) (Tab 15)

C.3.1.3 Chapter 309 Concerning Generic  
Substitution (§§309.1-309.8) (Tab 16)

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

**AB** D.1 Update on Task Force on Class B (Nuclear) Pharmacies  
(Tab 17)

**AB** D.2 Final Report of Task Force on Pharmacies in Rural Hospitals  
  
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 18)

**AB** D.3 Pilot Projects

D.3.1 Recommendations Concerning Montgomery County  
Hospital District Petition for Pilot Projects (Tab 19)

D.3.2 Recommendations Concerning Big Bend Regional  
Hospital District Petition for Pilot Project (Tab 20)

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

- AB** E.1 Review and Approval of Pharmacy Internship Programs (Tab 21)
  - E.1.1 Texas A&M University at Kingsville (Tab 22)
  - E.1.2 Incarnate Word University (Tab 23)
  - E.1.3 University of Houston (Tab 24)
  - E.1.4 Texas Southern University (Tab 25)
  - E.1.5 University of Texas (Tab 26)
  - E.1.6 Texas Tech University (Tab 27)
  
- CS** E.2 Financial Update
  - E.2.1 Review of FY2010 Expenditures (Tab 28)
  - E.2.2 Review of Board Member Travel Budget (Tab 29)
  
- CS** E.3 Update on Request for Qualifications Process for Pharmacy Technician Certification Examination (Tab 30)
  
- PH** E.4 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students
  - E.4.1 Update on Number of Individuals Participating in PRN Program (Tab 31)
  - E.4.2 Professional Recovery Network (PRN)
    - E.4.2.1 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Donna Chamberlain (Tab 32)
    - E.4.2.2 Review and Approval of Professional Recovery Network Program Audit (Tab 33)
  
- CS** E.6 Review and Approval of FY2011-2015 Strategic Plan Issues (Tab 34)

- GD** E.7 Discussion Concerning Application Fee for Pharmacist and Pharmacy Technician Reinstatement Applicants (§283.9) **(Tab 35)**
- GD** E.8 Discussion Concerning Emergency Medication Kits (§291.121)(b)(3)(C) **(Tab 36)**
- KA** E.8 Discussion Concerning FDA's Enforcement Policy Regarding Pharmacy Compounding Following Decision in *Medical Center Pharmacy v. Mukasey* **(Tab 37)**
- GD** E.9 Update on TSBP Action 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 38)**
- GD** E.10 Discussion of Possible Statutory Changes for Consideration During the 82<sup>nd</sup> Session of the Texas Legislature **(Tab 39)**
- F.** **CF** **Consideration of and Possible Action Concerning the Following Enforcement Reports**
  - F.1 Consideration of Petition(s) to Serve as a Preceptor
    - F1.1 Petition from General Cruz Peay, R.Ph. **(Tab 40)**
    - F1.2 Petition from Shalondria Simpson, Pharm.D. **(Tab 41)**
    - F1.3 Petition from Aida Leticia Palacios, R.Ph. **(Tab 42)**
  - F.2 Report on Complaints Closed and Dismissed During the Previous Quarter **(Tab 43)**
  - F.3 Report on Status of Active/Pending Complaints **(Tab 44)**
- G.** **Disciplinary Orders**
  - KA** G.1 Consideration of Proposals for Decision
  - 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 May 2010 Board Meeting (Tab 45)
- H.2    Discussion of and Possible Action on Recent Conferences and Events
- ASCP Annual Meeting, Anaheim, CA, November 18-21, 2009
  - ASHP Mid-Year Clinical Meeting, Orlando, FL, December 6-10, 2009
- H.3    Discussion of and Possible Action on Upcoming Conferences and Events
- Technician Informal Conferences, Austin, February 18, 2010 (Kedron)
  - Informal Conferences, Austin, March 2-4, 2010 (Wiesner)
  - APhA Annual Meeting, Washington, DC, March 12-15, 2010
  - Technician Informal Conferences, Austin, March 25, 2010 (Combs)
  - Executive Committee Meeting
  - Informal Conferences, Austin, April 5-7, 2010 (Waggener)
  - AMCP Annual Meeting, San Diego, CA, April 7-10, 2010
  - TSHP Annual Seminar, Galveston, April 7-12, 2010
  - Technician Informal Conferences, Austin, April 15, 2010 (Waggener)
  - WTPA Annual Meeting, Abilene, April 22-25, 2010
  - NACDS Annual Meeting, Palm Beach, FL, April 24-28, 2010
  - TSBP Board Business Meeting, Austin, May 4-5, 2010

- Technician Informal Conferences, Austin, May 20, 2010  
(Wiesner)
- NABP Annual Meeting, Anaheim, CA, May 22-25, 2010

#### H.4 Consideration of Personnel Matters

##### Election of Officers

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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.