



# TEXAS STATE BOARD OF PHARMACY

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TEXAS STATE BOARD OF PHARMACY  
Health Professions Council Board Room  
333 Guadalupe Street, Tower II, Suite 225  
Austin, Texas  
October 31 – November 1, 2011

## MINUTES<sup>1</sup>

### Monday, October 31, 2011

President Jeanne D. Waggener, R.Ph., called the meeting to order at 1:02 p.m. Other Board Members present were Vice President Alice Mendoza, R.Ph.; Treasurer Dennis F. Wiesner, R.Ph.; W. Benjamin Fry, R.Ph.; Buford T. Abeldt, Sr., R.Ph.; L. Suzan Kedron; Joyce A. Tipton, R.Ph.; Charles Wetherbee; and Phyllis A. Stine.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Cathy Stella, Director of Licensing and Administrative Services; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Sharanya Rao, Legal Program Specialist; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Ruth Guajardo.

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

- Discussion Concerning *TSBP FY2013-2017 Strategic Plan* (Tab 16)

Ms. Rao presented information on the *TSBP FY2013-2017 Strategic Plan*.

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<sup>1</sup>See agenda and corresponding attachments for supporting materials.

Following discussion and review of the policy issues and the comments received, the Board provided direction to the staff on the policy issues to be included in the draft of the Strategic Plan and the priority of the issues.

The Board will receive a draft of the *FY2013-2017 Strategic Plan* issue statements for its review and approval at the February 2012 Board Meeting.

President Waggener adjourned the meeting at 4:05 p.m.

### **Tuesday, November 1, 2011**

President Jeanne D. Waggener, R.Ph., called the meeting to order at 8:11 a.m. Other Board Members present were Vice President Alice Mendoza, R.Ph.; Treasurer Dennis F. Wiesner, R.Ph.; W. Benjamin Fry, R.Ph.; Buford T. Abeltd, Sr., R.Ph.; L. Suzan Kedron; Joyce A. Tipton, R.Ph.; Charles Wetherbee; and Phyllis A. Stine.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Cathy Stella, Director of Licensing and Administrative Services; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Julie Hildebrand, Litigation Counsel; Caroline Hotchkiss, Staff Attorney; Linda Townsend, Staff Attorney; Sharanya Rao, Legal Program Specialist; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Ruth Guajardo.

Ms. Dodson introduced TSBP's recently-appointed new Board Member, Phyllis A. Stine. She also recognized Jeanne D. Waggener, R.Ph., and Alice Mendoza, R.Ph., who were re-appointed to a second term on the Board.

The terms for Ms. Stine, Ms. Waggener, and Ms. Mendoza are for six years and end on August 31, 2017.

#### **A. Announcements**

- President Waggener made general announcements.
- Announcements were made concerning Board Members and staff.
- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

**B. Discussion and Approval of Minutes of Previous Meetings (Tab 1)**

Following discussion, the motion was made by Mr. Fry to approve the minutes of the TSBP Board Business Meeting held August 9-10, 2011, as presented. The motion was seconded by Mr. Abeltd and passed unanimously.

Following discussion, the motion was made by Ms. Mendoza to approve the minutes of the Temporary Suspension Hearing held August 3, 2011, concerning Bright Omemgboi Wokocha, R.Ph.; Adbright Pharmacy, Incorporated; and Richmond Professional Pharmacy; and the minutes of the Temporary Suspension Hearing held August 19, 2011, concerning Cahn Duc Thai, R.Ph.; Ngoc Banh, R.Ph.; Crenshaw Pharmacy; and Pharmacy Depot; as presented. The motion was seconded by Mr. Fry and passed unanimously.

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

Final Adoption of Rules

- Rules Concerning Provisions to Implement S.B. 867 Passed by the 2011 Texas Legislature Regarding Applicants Diagnosed with Dyslexia Seeking Accommodations and Expiration Dates for Passing Grades on Licensure Examinations (§§283.7, 283.8 and 283.11) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §§283.7, 283.8, and 283.11 during its August 9-10, 2011, meeting. The proposed amendments were published in the September 23, 2011, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§283.7, 283.8, and 283.11 and explained that the amendments clarify the expiration date for a passing grade on a licensure examination; outline the requirements for applications diagnosed with dyslexia seeking reasonable accommodations; and remove requirements no longer needed.

- Rules Concerning Provisions to Implement H.B. 2069 Passed by the 2011 Texas Legislature Regarding Accelerated Refills; the Identification Number for Mid-Level Practitioners Required on Prescriptions; Records of Dispensing; and Records for Transferred Prescriptions (§291.34) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.34 during its August 9-10, 2011, meeting. The proposed amendments were published in the September 23, 2011, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.34, and explained that the amendments clarify the prescription drug order information required to be on prescriptions issued by advanced practice nurses or physician assistants by removing the requirement for an identification number to be on the prescription order; clarify the prescription recordkeeping requirements and specify that the supervising physician's name must be on prescriptions issued by advanced practice nurses, physician assistants, or pharmacists; update the recordkeeping requirements for transferred prescriptions maintained in a data processing system; and implement the provisions of H.B. 2069, passed during the 82<sup>nd</sup> Regular Session of the Texas Legislature, that allows pharmacists to "accelerate refills" and dispense up to a 90 day supply of a dangerous drug if the total amount dispensed does not exceed the amount authorized on the prescription, patient consents to the change, physician is notified, physician does not specify that it is medically necessary to dispense the initial quantity, the drug is not a psychotropic, and the patient is at least 18 years old.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §§283.7, 283.8, 283.11, and 291.34. The motion was seconded by Ms. Tipton and passed unanimously.

#### Proposal of Rules

- Rules Concerning Internship Programs and Military Spouses (§§283.2, 283.3, 283.4, 283.7, 283.8, 283.9, 283.10, 283.11, 283.12) and New Rule Concerning Military Spouses (§297.10) (Tab 04)

Ms. Benz directed the Board's attention to suggested amendments to §§283.2, 283.3, 283.4, 283.7, 283.8, 283.9, 283.10, 283.11, and new rules §§283.12 and 297.10, and explained the amendments implement the provisions of S.B. 1733, passed during the 82<sup>nd</sup> Regular Session of the Texas Legislature, that requires agencies to adopt rules for the licensing of Military Spouses; add a definition and requirements for resident intern; and update the section.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal amendments to §§283.2, 283.3, 283.4, 283.7, 283.8, 283.9, 283.10, 283.11, and new rules §§283.12 and 297.10, with changes recommended by the Board. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Recall Procedures for Preparations Compounded by a Pharmacy (§§291.131 and 291.133) (Tab 05)

Ms. Benz directed the Board's attention to two versions of suggested amendments to §§291.131 and 291.133, and explained the amendments clarify the requirements for the recall of compounded preparations.

Following review and discussion, the Board directed staff to modify the proposed language concerning the recall of compounded preparations.

The Board delayed action on the proposed amendments to §§291.131 and 291.133 until its February 14-15, 2012, meeting.

- Rules Concerning Transmission of Electronic Schedule II Prescriptions (§291.34) (Tab 06)

Ms. Benz directed the Board's attention to suggested amendments to §291.34, and explained the amendments implement the provisions of S.B. 594, passed during the 82<sup>nd</sup> Regular Session of the Texas Legislature, that allows the electronic transmission of Schedule II prescriptions and update recordkeeping requirements with regard to documenting patient counseling.

Following discussion, the motion was made by Ms. Mendoza to approve for proposal amendments to §291.34, as presented. The motion was seconded by Ms. Stine and passed unanimously

### Rule Reviews

- For Proposal

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2010-2013 (Tab 07)

- Chapter 291 Concerning Pharmacies (Community Pharmacy) (Class A) (§§291.31-291.35) (Tab 08)
- Chapter 283 Concerning Licensing Requirements for Pharmacists (§§283.1-283.11) (Tab 09)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Ms. Kedron to approve for proposal, as presented, the review of Chapter 291 (§§291.31-291.35), and Chapter 283 (§§283.1-283.11). The motion was seconded by Mr. Fry and passed unanimously.

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

- Concerning Long Term Care Pharmacy Task Force (Tab 10)

Ms. Benz reported the Task Force was developing proposed rules that will be presented at a future Board Meeting.

President Waggener recessed the meeting at 9:18 a.m.

President Waggener reconvened the meeting at 9:35 a.m.

**E. Discussion of and Possible Action Concerning the Following Reports and Discussions (cont'd)**

- Financial Update
  - Review and Approval of FY2011 Operating Budget (Tab 11)

Ms. Stella reviewed the expenditures for all four quarters of FY2011 (September 1, 2010 - through August 31, 2011) for the Board. She noted that the agency ended the year with about \$16,000 remaining or 0.31% of the \$5.1 million appropriation. Following discussion the motion was made by Mr. Fry to approve the FY2011 expenditures as presented. The motion was seconded by Ms. Tipton and passed unanimously.

- Review of Board Member Travel Budget (Tab 12)

Ms. Stella reviewed the Board Member FY2011 Travel Budget.

- Discussion Concerning the Use of the Term "Herbal Pharmacy" by Acupuncturist Herbal Pharmacy (Tab 15)

Ms. Arnold reported that the Texas Acupuncture Board has requested an Attorney General's Opinion regarding the use of the term "Herbal Pharmacy" by acupuncturist.

Ms. Arnold stated she would report to the Board when the Attorney General's Opinion was received.

- Discussion Concerning *TSBP FY2013-2017 Strategic Plan* (Tab 16)  
(cont'd)

Ms. Dodson reported that the Board members met on October 31, 2011, to discuss the issues for the Strategic Plan and that six priority issues were identified.

Ms. Dodson explained that a draft of the *TSBP FY2013-2017 Strategic Plan* would be presented to the Board at its February Board Meeting.

- Report on Shared Regulatory Data Base Project (Tab 17)

Ms. Dodson reported on the continuing issues with the new Shared Regulatory Data Base system and the progress made in resolving these issues.

- Update on Legislation Passed During the 82<sup>nd</sup> Texas Legislative Regular Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 18)

Ms. Dodson directed the Board's attention to an action chart concerning legislation that was passed during the 82<sup>nd</sup> Session of the Texas Legislature that had an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, action required of TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

- Discussion of Possible Statutory Changes for Consideration During the 83<sup>rd</sup> Session of the Texas Legislature (Tab 19)

Ms. Dodson advised the Board that Mr. Wiesner had requested discussion of legislation concerning immunizations.

Mr. Wiesner explained that an average of 1.5 million immunizations were given by pharmacists in Texas each year. However, the laws concerning immunizations have not changed since 1999.

- Professional Recovery Network
  - Dr. Holder discussed the charts which reflect the performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2009-2011). (Tab 13)

- President Waggener recognized Courtney Bolin, Director of the Professional Recovery Network (PRN). Ms. Bolin directed the Board's attention to the PRN budget for September 1, 2011, through August 31, 2011, and reviewed current PRN activities for the Board. (Tab 14)

**G. Consideration of and Possible Action Concerning Enforcement Reports**

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 26)

The Board received a report on complaints dismissed and closed during FY2011 (September 1, 2010 – August 31, 2011). The report also included quarterly averages for FY2010 as compared to FY2011, as well as percentage change from FY2010 to FY2011.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 27)

The Board received a Report on *Status of Active/Pending Complaints*.

Ms. Fisher reviewed the report for the Board.

**H. Miscellaneous**

- Items to be Placed on Agenda for February Board Meeting (Tab 28)

Board Members and/or Ms. Dodson requested that the following items be placed on the agenda for the February 2012 Board Meeting.

- Presentation regarding the pilot project by the New Mexico Board of Pharmacy concerning Continuous Professional Development.
- Discussion of TSBP conducting inspections for a federal agency.
- Review of previously approved statutory changes.
- Discussion of and Possible Action on Recent Conferences and Events

The Board discussed Board Member attendance at recent conferences and events.

- Discussion of and Possible Action on Upcoming Conferences and Events

The Board discussed Board Member and Executive Director attendance at upcoming conferences and events.

President Waggener recessed the meeting at 11:05 a.m.

President Waggener reconvened the meeting at 11:22 a.m.

#### **F. Disciplinary Orders**

Ms. Arnold directed the Board's attention to reports concerning disciplinary orders for pharmacists, pharmacies, pharmacy technicians, and pharmacy technician trainees.

- Report on Agreed Board Orders Entered by Executive Director (Tab 22)
  - The Board reviewed 48 Technician Agreed Board Orders that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period August 15, 2011, through October 27, 2011.
  - The Board reviewed 37 Agreed Board Orders concerning pharmacists and pharmacies that had been entered by the Executive Director on behalf of the Board in accordance with the Board's directive, during the period August 10, 2011, through October 16, 2011.

Following discussion, the motion was made by Mr. Fry to allow the Executive Director to enter Nunc Pro Tunc orders to correct clerical errors on behalf of the Board. The motion was seconded by Ms. Stine and passed unanimously.

- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 23)
  - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following 33 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an informal conference and 18 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for informal conferences.

**Agreed Board Orders**

1. Karena Bethe Cooper ABO #T-11-200-N
2. Laurie Ann Crenwelge ABO #T-10-328
3. Virginia Lynn Ewton ABO #T-10-715
4. Jason Elliot Flores ABO #T-10-688-N
5. Keonundre Marquis Green ABO #T-09-737
6. Mauro Medina ABO #T-11-113-N
7. Desmond Lavar Mitchell ABO #T-11-071-N
8. Daphne Nycole Moore ABO #T-11-194-N
9. Francisco Gabriel Ordonez ABO #T-10-139
10. Bridgette Nicole Ragland ABO #T-10-693-N
11. Pamela Joyce Taylor ABO #T-11-181-N
12. Brent Sherman Ward ABO #T-11-241
13. Lisa Kaye Welcome ABO #T-11-054-N
14. Krystal Nicole Aleman ABO #T-11-246-N
15. Christopher Michael Belew ABO #R-10-006
16. Sonia Elizabeth Craft ABO #T-11-037
17. Calvin James Dalton ABO #T-11-252-N
18. Lesley Diane Eastus ABO #T-11-180-N
19. Laith Said Ibrahim ABO #T-11-087-N
20. Heather Ann Meyer ABO #T-11-145-N
21. Michael Phillip Oliver ABO #T-11-175-N
22. Andrea Carrie Paul ABO #T-11-359
23. Luis Alfonso Pena ABO #T-09-604-N
24. Ann Marie Espino Tovar ABO #T-10-652-N
25. Laurie Ellen Tresch ABO #T-11-204
26. Monica Noelia Arredondo ABO #T-11-060
27. Natasha Nicole Athey ABO #T-11-141
28. Teronia L. Carrillo ABO #T-11-222-N
29. Mallory Lilunda Cleveland ABO #T-10-705-N
30. Keisha Johnson ABO #T-11-380
31. Melissa A. Morrell ABO #T-10-662
32. Rakeisha Monette Murphy ABO #T-11-265-N
33. Aamer Avraham Razi ABO #T-11-250-N

**Default Board Orders**

34. Natalia Gonzalez ABO #T-11-209-N
35. Elizabeth Ann Hightower ABO #T-10-317
36. Hieu Trung Nguyen ABO #T-10-672-N
37. Kelvin Dewayne Andrew ABO #T-11-033
38. Pavel Alekseevich Chiryatev ABO #T-11-229
39. Staci Ann Esquivel ABO #T-10-724
40. Joan Oanh Phan ABO #T-11-242
41. Cortney Bernard Roberson ABO #T-11-300-N
42. Tammy Lyn Torres ABO #T-11-221
43. Lorenzo Tabhan Zamora ABO #T-11-358

- |     |                          |                 |
|-----|--------------------------|-----------------|
| 44. | Catherine Yvonne Collins | ABO #T-11-058   |
| 45. | Muhammad Omar Kurdi      | ABO #T-11-404-N |
| 46. | Jaremy Wayne Lewis       | ABO #T-11-409-N |
| 47. | Shatonda Cine Lindsey    | ABO #T-11-412   |
| 48. | Shawnay Marie McReynolds | ABO #T-11-394-N |
| 49. | Michele Nicole Mosley    | ABO #T-10-697   |
| 50. | Roberto Bruce Quesada    | ABO #T-11-249   |
| 51. | Austin Kyle Starns       | ABO #T-10-215   |

The motion was made by Mr. Fry to approve the 33 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an informal conference and 18 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for informal conferences.

The motion was seconded by Ms. Kedron and passed as follows.

1. 8-0-0
2. 8-0-0
3. 8-0-0
4. 8-0-0
5. 8-0-0
6. 8-0-0
7. 8-0-0
8. 8-0-0
9. 8-0-0
10. 8-0-0
11. 8-0-0
12. 8-0-0
13. 8-0-0
14. 7-0-1 Mr. Wetherbee abstained
15. 7-0-1 Mr. Wetherbee abstained
16. 7-0-1 Mr. Wetherbee abstained
17. 7-0-1 Mr. Wetherbee abstained
18. 7-0-1 Mr. Wetherbee abstained
19. 7-0-1 Mr. Wetherbee abstained
20. 7-0-1 Mr. Wetherbee abstained
21. 7-0-1 Mr. Wetherbee abstained
22. 7-0-1 Mr. Wetherbee abstained
23. 7-0-1 Mr. Wetherbee abstained
24. 7-0-1 Mr. Wetherbee abstained
25. 7-0-1 Mr. Wetherbee abstained
26. 7-0-1 Mr. Wetherbee abstained
27. 7-0-1 Mr. Wetherbee abstained
28. 7-0-1 Mr. Wetherbee abstained

29. 7-0-1 Mr. Wetherbee abstained
30. 7-0-1 Mr. Wetherbee abstained
31. 7-0-1 Mr. Wetherbee abstained
32. 7-0-1 Mr. Wetherbee abstained
33. 7-0-1 Mr. Wetherbee abstained
34. 8-0-0
35. 8-0-0
36. 8-0-0
37. 7-0-1 Mr. Wetherbee abstained
38. 7-0-1 Mr. Wetherbee abstained
39. 7-0-1 Mr. Wetherbee abstained
40. 7-0-1 Mr. Wetherbee abstained
41. 7-0-1 Mr. Wetherbee abstained
42. 7-0-1 Mr. Wetherbee abstained
43. 7-0-1 Mr. Wetherbee abstained
44. 7-0-1 Mr. Wetherbee abstained
45. 7-0-1 Mr. Wetherbee abstained
46. 7-0-1 Mr. Wetherbee abstained
47. 7-0-1 Mr. Wetherbee abstained
48. 7-0-1 Mr. Wetherbee abstained
49. 7-0-1 Mr. Wetherbee abstained
50. 7-0-1 Mr. Wetherbee abstained
51. 7-0-1 Mr. Wetherbee abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following 24 proposed Agreed Board Orders (Alternative Resolutions); 32 proposed Agreed Board Orders concerning pharmacists, pharmacies, students, pharmacist-interns, and pharmacy technicians who appeared for an informal conference, and one Nunc Pro Tunc Order.

**Agreed Board Orders** (Alternate Resolutions)

- |                                  |                 |
|----------------------------------|-----------------|
| 1. CVS/pharmacy #4732            | ABO #H-10-059   |
| 2. Jennifer Rebecca Paulson      | ABO #H-11-070   |
| 3. CVS/pharmacy #6240            | ABO #H-11-038   |
| 4. Abdolreza Tabassi             | ABO #H-11-061   |
| 5. CVS/pharmacy #7092            | ABO #H-11-035   |
| 6. CVS/pharmacy #7268            | ABO #H-11-010   |
| 7. Jimmy D. Guin                 | ABO #H-11-052   |
| 8. CVS/pharmacy #7303            | ABO #H-10-035-B |
| 9. George Leonard Weaver         | ABO #H-10-035-A |
| 10. Mann Cataract Surgery Center | ABO #F-11-016   |
| 11. Richard E. Ponder            | ABO #H-10-060-A |
| 12. Wal-Mart Pharmacy #10-5288   | ABO #H-10-045-B |
| 13. Jamal Kenyatta Wiley         | ABO #H-10-045-A |
| 14. Walgreen Co. #553            | ABO #H-11-041   |

- |                           |                 |
|---------------------------|-----------------|
| 15. Walgreen Co. #3220    | ABO #H-09-054-B |
| 16. Roger Dale West       | ABO #H-09-054-A |
| 17. Walgreen Co. #7178    | ABO #H-11-007   |
| 18. Walgreen Co. #9161    | ABO #H-11-016   |
| 19. Lawrence Morris Jr.   | ABO #H-11-078   |
| 20. Walgreen Co. #10550   | ABO #H-11-012   |
| 21. Wilfred Iheanyi Obasi | ABO #H-11-033   |
| 22. Walgreen Co. #10583   | ABO #H-11-011-B |
| 23. Ronald Larry Williams | ABO #H-11-054   |
| 24. Cynthia Shin-Dih Wang | ABO #H-11-025-A |

**Agreed Board Order** (Following an Informal Conference)

- |                                      |                 |
|--------------------------------------|-----------------|
| 25. Ebong Jackson Akpan              | ABO #F-11-040   |
| 26. American Pharmacy Solutions      | ABO #F-11-018   |
| 27. Tiffany Andrenette Buchannon     | ABO #H-11-053   |
| 28. CVS/pharmacy #7487               | ABO #H-09-057   |
| 29. Lawrence Metuge Ekane            | ABO #L-11-014   |
| 30. Leonard's Prescription Pharmacy  | ABO #B-11-015   |
| 31. Lifecek Drug #13                 | ABO #B-10-028-B |
| 32. Lifecek Drug #20                 | ABO #B-10-053-B |
| 33. Nancy Robin Duffle Golden        | ABO #B-10-053-A |
| 34. Los Ebanos Pharmacy - North      | ABO #B-11-020   |
| 35. LTC RX                           | ABO #K-10-064-B |
| 36. Dawn Woods                       | ABO #K-10-064-A |
| 37. LX Pharmacy                      | ABO #F-11-010   |
| 38. Deborah Rae Medina               | ABO #S-11-002   |
| 39. Minyard #31                      | ABO #B-11-016   |
| 40. Vikas Patel                      | ABO #M-11-007   |
| 41. People's Pharmacy #1             | ABO #H-10-061-B |
| 42. Lori Brotman Prager              | ABO #H-10-061-A |
| 43. Pharmcare LLC, Unit 1            | ABO #K-10-061-B |
| 44. Allison Nichole Sessions         | ABO #K-10-061-A |
| 45. Arthur Nguyen                    | ABO #T-10-574   |
| 46. Rolling Plains Memorial Hospital | ABO #K-10-039-B |
| 47. Jody Kay Chaney                  | ABO #K-10-039-A |
| 48. TCHD Northwest Iona Reed         | ABO #C-10-014-B |
| 49. Debora Ann Tupica                | ABO #C-10-014-A |
| 50. Kathleen J. May                  | ABO #T-11-025   |
| 51. George Ogbonna Udeani            | ABO #L-11-019   |
| 52. Wal-Mart Pharmacy #10-5091       | ABO #H-10-047-B |
| 53. Deanne Kendall Thayer            | ABO #H-10-047-A |
| 54. Leah Wanjiku Njoroge-Jaynes      | ABO #H-11-014   |
| 55. Wal-Mart Pharmacy #10-772        | ABO #B-10-046   |
| 56. Anson Mardell Whitton            | ABO #J-09-008   |

**Nunc Pro Tunc Order**

57. Bayo's Pharmacy

ABO #N-11-010

The motion was made by Ms. Mendoza to approve the 24 proposed Agreed Board Orders (Alternative Resolutions); 32 proposed Agreed Board Orders concerning pharmacist, pharmacies, students, pharmacist-interns who appeared for an informal conference, and one Nunc Pro Tunc Order.

The motion was seconded by Mr. Wetherbee and passed as follows.

1. 8-0-0
2. 8-0-0
3. 8-0-0
4. 8-0-0
5. 8-0-0
6. 8-0-0
7. 8-0-0
8. 8-0-0
9. 8-0-0
10. 8-0-0
11. 8-0-0
12. 8-0-0
13. 8-0-0
14. 8-0-0
15. 8-0-0
16. 8-0-0
17. 8-0-0
18. 8-0-0
19. 8-0-0
20. 8-0-0
21. 8-0-0
22. 8-0-0
23. 8-0-0
24. 8-0-0
25. 7-0-1 Mr. Wiesner abstained
26. 7-0-1 Mr. Wiesner abstained
27. 8-0-0
28. 7-0-1 Mr. Wetherbee abstained
29. 7-0-1 Mr. Wetherbee abstained
30. 8-0-0
31. 8-0-0
32. 7-0-1 Mr. Wetherbee abstained
33. 7-0-1 Mr. Wetherbee abstained
34. 6-0-1 Mr. Wetherbee and Mr. Fry abstained
35. 8-0-0

36. 8-0-0
37. 8-0-0
38. 7-0-1 Mr. Wiesner abstained
39. 7-0-1 Mr. Wetherbee abstained
40. 8-0-0
41. 8-0-0
42. 8-0-0
43. 8-0-0
44. 8-0-0
45. 8-0-0
46. 7-0-1 Mr. Wiesner abstained
47. 7-0-1 Mr. Wiesner abstained
48. 8-0-0
49. 8-0-0
50. 8-0-0
51. 7-0-1 Ms. Mendoza abstained
52. 7-0-1 Mr. Wiesner abstained
53. 7-0-1 Mr. Wiesner abstained
54. 7-0-1 Mr. Wiesner abstained
55. 7-0-1 Mr. Wiesner abstained
56. 8-0-0
57. 8-0-0

- The Board reviewed the alleged violations, as well as the recommended sanctions for the following three proposed Agreed Board Orders concerning a pharmacist and a pharmacy following a Temporary Suspension Hearing.

**Agreed Board Order** (Following Temporary Suspension Hearing)

- |                                    |               |
|------------------------------------|---------------|
| 1. Adbright Pharmacy, Incorporated | ABO #A-11-30  |
| 2. Richmond Professional Pharmacy  | ABO #A-11-031 |
| 3. Bright Omemgboji Wokocha        | ABO #A-11-032 |

- Confidential Agreed Board Orders (Tab 23)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following one proposed Confidential Agreed Board Orders (Alternative Resolutions); 11 proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Confidential Default Board Order following an Informal Conference.

**Agreed Board Orders** (Alternate Resolution)

1. ABO #M-11-019

**Agreed Board Orders** (Following an Informal Conference)

2. ABO #N-11-023
3. ABO #R-11-014
4. ABO #A-11-033
5. ABO #N-11-014
6. ABO #M-11-011
7. ABO #G-11-014
8. ABO #M-11-012
9. ABO #G-11-013
10. ABO #S-11-003
11. ABO #E-10-019
12. ABO #M-11-013

**Default Board Order**

13. ABO #N-11-020

The motion was made by Mr. Wetherbee to approve the one proposed Confidential Agreed Board Order (Alternative Resolutions); 11 proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Confidential Default Board Order following an Informal Conference.

The motion was seconded by Mr. Wetherbee passed as follows:

1. 8-0-0
2. 7-0-1 Mr. Wiesner abstained
3. 7-0-1 Mr. Wiesner abstained
4. 7-0-1 Mr. Wiesner abstained
5. 8-0-0
6. 8-0-0
7. 8-0-0
8. 8-0-0
9. 7-0-1 Mr. Wiesner abstained
10. 7-0-1 Mr. Wiesner abstained
11. 8-0-0
12. 8-0-0
13. 8-0-0

**G. Consideration of and Possible Action Concerning Enforcement Reports**  
(cont'd)

- Petition to Serve as a Preceptor

Under Board Rule §283.6, a pharmacist who has been the subject of an order of the Board may not serve as a preceptor if the pharmacist has been the subject of a Board order during a three-year period immediately preceding application for approval as a preceptor. However, a pharmacist who is or has been the subject of an order may petition the

Board to act as a preceptor. The Board reviewed a petition from the following individual.

- o George Udeani, R.Ph. (Tab 25)

Ms. Fisher reviewed the petition and supporting documentation from George Udeani, R.Ph. The motion was made by Mr. Fry that the Board grant the petition of George Udeani, R.Ph., to serve as a preceptor. The motion was seconded by Ms. Tipton and passed 7-0-1, with Ms. Mendoza abstaining.

**F. Disciplinary Orders** (cont'd)

- Consideration of Proposal for Decision
  - o In the Matter of Arin Rae Passmore, Pharmacist License #31578 (Tab 20)

Ms. Hildebrand advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Anne K. Perez on April 15, 2011, in the matter of pharmacist Arin Rae Passmore, in which Ms. Passmore was required to show cause why she should not submit to a mental examination as requested by the Board.

Ms. Hildebrand introduced Judge Perez, who reviewed the *Proposal for Decision* for the Board. Judge Perez advised the Board that she recommends that the Board withdraw the request that Ms. Passmore submit to a mental examination.

The Board recognized Louis Liechter and Dan Lype, attorneys for Ms. Passmore, who requested the Board adopt the SOAH findings.

Ms. Hildebrand reviewed the background in the case for the Board. She directed the Board's attention to proposed Board Order #G-09-014 and reviewed the options available for the Board.

- Executive Session

The motion was made by Mr. Fry that the Board go into Executive Session, under the authority of Texas Occupations Code §552.011, to deliberate relating to discipline of a licensee. The motion was seconded by

Ms. Mendoza and passed unanimously. President Waggener declared the Board in Executive session at 1:47 p.m.

President Waggener announced the Board would enter Open Session at 2:15 p.m. and announced that no actions were taken and no decision were made during Executive Session.

Following discussion, the motion was made by Mr. Wetherbee to accept the *Findings of Fact and Conclusions of Law* and approve the proposed Board Order #G-09-014, as presented, in the matter of Arin Rae Passmore, to require Ms. Passmore to submit to a mental examination. The motion was seconded by Mr. Fry and passed 7-1-0, with Mr. Wiesner opposing.

Board members W. Benjamin Fry and L. Suzan Kedron left the meeting at 2:20 p.m.

- In the Matter of Tiana Jean Witcher, Pharmacist License #30135 (Tab 21)

Ms. Hildebrand advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Roy G. Scudday on August 12, 2011, in the matter of pharmacist Tiana Jean Witcher, in which TSBP staff sought to suspend Ms. Witcher's pharmacist's license concurrent with the suspension of her North Carolina pharmacist's license.

Ms. Hildebrand introduced Judge Scudday, who reviewed the *Proposal for Decision* for the Board. Judge Scudday advised the Board that he recommended that Ms. Witcher's pharmacist's license be suspended for a period of five years, but that the suspension should be fully probated subject to such conditions as the Board deems appropriate.

The Board recognized Louis Liechter and Dan Lype, attorneys for Ms. Witcher, who requested the Board adopt the SOAH findings.

Ms. Hildebrand reviewed the background in the case for the Board. She directed the Board's attention to two proposed versions of Board Order #L-10-107 and reviewed the options available for the Board.

- Executive Session

The motion was made by Mr. Wetherbee that the Board go into Executive Session, under the authority of Texas Occupations Code §552.011, to deliberate relating to discipline of a licensee. The motion was seconded by Ms. Mendoza and passed unanimously. President Waggener declared the Board in Executive session at 2:44 p.m.

President Waggener announced the Board would enter Open Session at 3:03 p.m. and announced that no actions were taken and no decision were made during Executive Session.

Following discussion, the motion was made by Mr. Wetherbee to accept the *Findings of Fact and Conclusions of Law* and approve proposed Board Order #L-10-017, as presented, in the matter of Tiana Jean Witcher, to suspend Ms. Witcher's pharmacist's license concurrent with the suspension of her North Carolina pharmacist's license. The motion was seconded by Mr. Abelt and passed 5-0-2, with Mr. Wiesner and Ms. Tipton abstaining.

**H. Miscellaneous (cont)**

- Consideration of Personnel Matters

- Election of Officers (Tab 29)

Election of officers was postponed until the February meeting of the Board.

President Waggener adjourned the meeting at 3:05 p.m.

APPROVED:

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Jeanne D. Waggener, R.Ph.  
President

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Gay Dodson, R.Ph.  
Executive Director/Secretary

February 14, 2011



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# TEXAS STATE BOARD OF PHARMACY

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December 1, 2011

**Minutes of the Temporary Suspension Hearing  
of IsoRx Texas, Ltd. (Pharmacy License #19803), and  
Joy P. Coleman-Looney (Pharmacist License #39815)**

Jeanne D. Waggener, R.Ph., Chair of the Disciplinary Panel, called the meeting to order at 10:10 a.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis Wiesner, R.Ph., and Alice Mendoza, R.Ph., were also present, as the other two members of the Disciplinary Panel.

Staff present: Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; and Larry Brothers, Field Investigator and David Meryman, Compliance Inspector.

Respondent: IsoRx Texas, Ltd. (Pharmacy License #19803), represented by Julian Rivera and Fernando Bustos, and Joy P. Coleman-Looney (Pharmacist License #39815), who was not present but represented by Kenda Dalrymple.

Also present: Michael Whyte, owner of IsoRx Texas, Ltd.

Court Reporter: Autumn Smith.

**A. Opening:**

The Chair called the case of the Petitions for the Temporary Suspension in the Matter of IsoRx Texas, Ltd. (Pharmacy License #19803), and of Joy P. Coleman-Looney (Pharmacist License #39815). She inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Julie C. Hildebrand, attorney for the Board Staff.

Respondent: Julian Rivera and Fernando Bustos, attorneys for IsoRx Texas, Ltd. (Pharmacy License #19803), and Kenda Dalrymple, attorney for Joy P. Coleman-Looney (Pharmacist License #39815).

Ms. Dalrymple presented an Agreed Temporary Suspension Order in the Matter of the Joy P. Coleman-Looney (Pharmacist License Number 39815).

**B. Presentation by Board's Attorney, Julie Hildebrand:**

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of witnesses: Mr. Brothers and Mr. Meryman.

**C. Presentation by Respondent's Attorneys, Julian Rivera and Fernando Bustos:**

1. Verbal synopsis of allegations.
2. Objection regarding notice overruled by the Panel based on finding of adequate notice.
3. Motion for Directed Verdict denied by the Panel.
2. Introduction of documents into evidence. None introduced.
3. Testimony of witness: Michael Whyte.

**D. Motions:**

1. A motion was made by Mr. Wiesner to accept the Agreed Temporary Suspension Order in the Matter of Joy P. Coleman-Looney (Pharmacist License Number 39815), presented by Ms. Dalrymple. The motion was seconded by Ms. Mendoza. The motion passed unanimously.
2. A motion was made by Mr. Wiesner to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act, to consult with counsel regarding Mr. Rivera's objection on notice. Ms. Mendoza seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 10:25 a.m.)

Chair Waggener reconvened the meeting at 10:38 a.m., and announced that no action was taken during Executive Session.

3. A motion was made by Mr. Wiesner to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act, to consult with counsel regarding Mr. Rivera's Motion for Directed Verdict. Ms. Mendoza seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 11:50 a.m.)

Chair Waggener reconvened the meeting at 12:05 p.m., and announced that no action was taken during Executive Session.

4. A motion was made by Mr. Wiesner to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act, to consult with counsel regarding the disciplinary proceedings. Ms. Mendoza seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 12:50 p.m.)

Chair Waggener reconvened the meeting at 1:03 p.m., and announced that no action was taken during Executive Session.

5. A motion was made by Mr. Wiesner that the Petition for the Temporary Suspension of IsoRx Texas, Ltd. (Pharmacy License #19803), be denied, in that the evidence and information indicated that the operation of the pharmacy is not a continuing threat to the public welfare. Ms. Mendoza seconded the motion. The motion passed unanimously.

The Chair announced that the petition for temporary suspension on the pharmacy is denied.

Chair Waggener adjourned the hearing at 1:06 p.m.

**APPROVED:**

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Jeanne D. Waggener, R.Ph.  
Chair

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Gay Dodson, R.Ph.  
Executive Director/Secretary



# TEXAS STATE BOARD OF PHARMACY

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January 26, 2012

**Minutes of the Temporary Suspension Hearing  
of Joy A. Abolo (Pharmacist License #41322)  
and Jovic Pharmacy, Inc. (Pharmacy License #26402)**

Chair Dennis F. Wiesner, R.Ph., called the meeting to order at 9:08 a.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Buford Abeldt, R.Ph. and Charles F. Wetherbee, J.D. were also present.

Staff present: Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; Shawn Clark, Field Investigator.

Respondent: Joy A. Abolo (Pharmacist License #41322) and Jovic Pharmacy, Inc. (Pharmacy License #26402), represented by Phong Phan.

**A. Opening:**

The Chair called the case of the Application for the Temporary Suspension in the Matter of Joy A. Abolo (Pharmacist License #41322) and Jovic Pharmacy, Inc. (Pharmacy License #26402). He inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Julie Hildebrand, attorney for the Board Staff.

Respondent: Phong Phan, attorney for Joy A. Abolo and Jovic Pharmacy, Inc.

**B. Presentation by Board's Attorney, Julie Hildebrand:**

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Board witnesses: Shawn Clark, Field Investigator.
4. Closing Statement.

**C. Presentation by Respondent's Attorney, Phong Phan**

1. Opening statement.
2. Presentation of information and documents.
3. Testimony of witnesses: Joy A. Abolo, R.Ph.
4. Closing Statement.

**D. Motions**

1. A motion was made by Mr. Wetherbee to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act, to deliberate regarding the disciplinary proceedings. Mr. Abeldt seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 1:35 p.m.)

Chair Wiesner reconvened the meeting at 1:54 p.m., and announced that no action was taken during Executive Session.

2. A motion was made by Mr. Wetherbee that the Application for the Temporary Suspension of Joy A. Abolo (Pharmacist License #41322) and Jovic Pharmacy, Inc. (Pharmacy License #26402) be granted, in that the evidence and information indicated that the operation of Jovic Pharmacy and the practice of pharmacy by Ms. Abolo are a continuing threat to the public welfare, and recommended that the orders of suspension remain in effect until superseded by subsequent orders of the Board. Mr. Abeldt seconded the motion. The motion passed unanimously with the Temporary Suspension Orders to be adopted effective immediately.

The Chair announced that Pharmacist License #41322 of Joy A. Abolo and Pharmacy License #26402 of Jovic Pharmacy, Inc. are suspended.

3. A motion was made by Chair Wiesner to adjourn. Mr. Abeldt seconded the motion. The motion passed unanimously.

Chair Wiesner adjourned the hearing at 1:58 p.m.

**APPROVED:**

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Dennis F Wiesner, R.Ph.  
Chair

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Gay Dodson, R.Ph.  
Executive Director/Secretary