



TEXAS STATE BOARD OF PHARMACY

**TEXAS STATE BOARD OF PHARMACY
Health Professions Council Board Room
333 Guadalupe Street, Tower II, Suite 225
Austin, Texas**

February 8, 2011

MINUTES¹

Tuesday, February 8, 2011

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:03 a.m. Other Board Members present were Buford T. Abeldt, Sr., R.Ph.; L. Suzan Kedron; Dennis F. Wiesner, R.Ph.; Alice Mendoza, R.Ph.; W. Benjamin Fry, R.Ph.; Joyce A. Tipton, R.Ph.; and Charles Wetherbee.

Board Member Rosemary Forester Combs and Executive Director/Secretary, Gay Dodson, R.Ph., were not present.

Staff present were 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; Julie Hildebrand, Litigation Counsel; Caroline Hotchkiss, Staff Attorney; Linda Townsend, Staff Attorney; 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 Jenna Miller, University of Texas at Austin College of Pharmacy.

¹See agenda and corresponding attachments for supporting materials.

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 Temporary Suspension Hearing, held October 25, 2010, concerning H & W Pharmacy and Victor Chinedu Egbulefu, R.Ph., and the minutes of the TSBP Board Business Meeting, held November 9, 2010, as presented. The motion was seconded by Mr. Abeltd and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Address of Record (§§281.2, 281.30, 283.4, 283.7, 283.8, 291.1 and 297.3) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §§281.2, 281.30, 283.4, 283.7, 283.8, 291.1 and 297.3 during its November 9, 2010, meeting. The proposed amendments were published in the December 24, 2010, issue of the *Texas Register*, and comments were received from the National Association of Drug Stores (NACDS) and the Texas Federation of Drug Stores (TFDS).

Ms. Benz directed the Board's attention to amendments to §§281.2, 281.30, 283.4, 283.7, 283.8, 291.1 and 297.3 and explained that the amendments define confidential address of record and public address of record, and clarify application requirements for pharmacies, pharmacist, interns, pharmacy technicians, and pharmacy technician trainees.

NACDS and TFDS, in a joint letter, expressed concern that if a licensee or registrant failed to provide an alternate address, the confidential address of record would be publicly available.

Ms. Benz explained that staff was recommending the Board withdraw these proposed amendments in view of public comments, and allow staff to present revised proposed language for consideration by the Board at the June 2011 meeting. Following discussion the motion was

made by Mr. Wiesner to withdraw proposed amendments to §§281.2, 281.30, 283.4, 283.7, 283.8, 291.1 and 297.3. The motion was seconded by Mr. Fry and passed unanimously.

- Rules Concerning Definition of Ceasing to Operate a Pharmacy (§§291.3 and 291.11) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §§291.3 and 291.11 during its November 9, 2010, meeting. The proposed amendments were published in the December 24, 2010, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§291.3 and 291.11 and explained that the amendments change the definition regarding the length of time a pharmacy could discontinue operating as a pharmacy, without notifying the Board that the pharmacy is closed. The change would reduce the time that a pharmacy could be closed, yet continue to hold an active pharmacy license, from six months to 30 days.

Ms. Benz explained that rules §§291.3 and 291.11(Tab 03); §§291.16, 291.33, 291.74, 291.76, and 291.151 (Tab 04); §291.17 (Tab 05); and §291.32 (Tab 06) were published together and recommended the Board consider them at the same time.

- Rules Concerning Samples (§§291.16, 291.33, 291.74, 291.76, and 291.151) (Tab 04)

Ms. Benz explained that the Board voted to propose new rule §291.16 and the amendments to §§291.33, 291.74, 291.76, and 291.151 during its November 9, 2010, meeting. The proposed new rule and amendments were published in the December 24, 2010, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to new rule §291.16 and the amendments to §§291.33, 291.74, 291.76, and 291.151 and explained that the new rule and the amendments remove the requirements regarding samples from the specific pharmacy classes and move the requirements to a new section under All Classes of Pharmacy.

- Rules Concerning Clarification of Inventory Requirements (§291.17) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §291.17 during its November 9, 2010, meeting. The proposed amendments were published in the December 24, 2010, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.17, and explained that the amendments add Class F Pharmacy to the inventory requirements for pharmacies, removes references to carisoprodol since it is now a controlled substance in Texas, and removes references to products no longer available.

- Rules Concerning Duties of Pharmacy Technician and Pharmacy Technician Trainees (§291.32) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §291.32 during its November 9, 2010, meeting. The proposed amendments were published in the December 24, 2010, issue of the *Texas Register*, and comments were received from, H.E.B., the Texas Pharmacy Business Council (TPBC); Jim Bates, R.Ph.; the National Association of Drug Stores (NACDS) and the Texas Federation of Drug Stores (TFDS).

Ms. Benz directed the Board's attention to amendments to §291.32, and explained that the amendments specify duties that may be performed by pharmacy technicians and clarify duties that may not be performed by non registered or licensed individuals.

H.E.B. requested that the two duties (stocking of prescription products and returning prescriptions to shelves) not be adopted and the Board only adopt the requirement that only a registered pharmacy technician or technician in training could sell non-prescription insulin.

TPBC opposed the proposed amendments that specify that a non-pharmacy technician personnel member may not perform the duties of stocking prescription drugs; returning filled prescriptions to shelves; and selling non-prescription insulin.

Jim Bates, R.Ph., recommended the Board not adopt the proposed rules.

NACDS and TFDS, in a joint letter, asked the Board to not prohibit clerks, cashiers and delivery personnel from engaging in stocking activities, and to not limit who can conduct a sale of non-prescription insulin.

Following discussion and review the motion was made by Mr. Wetherbee to withdraw the proposed amendments to §291.32. The motion was seconded by Mr. Fry and passed unanimously.

The Board directed staff to develop suggested rule language concerning storage of insulin and procedures regarding filled prescriptions not picked up by the patient, and to present the proposed language for consideration by the Board at the June 2011 meeting.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Tipton to approve for adoption, by Board Order, amendments to §§291.3, 291.11, 291.33, 291.74, 291.76, 291.151, to approve for adoption, by Board Order amendments §291.17, without changing the word shall to must, and to approve for adoption new rule §291.16. The motion was seconded by Ms. Kedron and passed unanimously.

- Rules Concerning Continuing Education Requirements (§295.8)
(Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §295.8 during its November 9, 2010, meeting. The proposed amendments were published in the December 24, 2010, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §295.8, and explained that the amendments clarify the requirements for continuing education during a licensee's initial licensure period.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Mendoza to approve for adoption, by Board Order, amendments to §295.8. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Complaints Filed Against Employees (§311.1)
(Tab 08)

Ms. Benz explained that the Board voted to propose the amendments to §311.1 during its November 9, 2010, meeting. The proposed amendments were published in the December 24, 2010, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §311.1, and explained that the amendments clarify the requirements for filing a complaint against a Board employee, including peace officers.

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 §311.1. The motion was seconded by Mr. Wetherbee and passed unanimously.

Proposal of Rules

- Rules Concerning Definition of Diversion of Dangerous Drugs (§281.2) (Tab 09)

Ms. Benz directed the Board's attention to suggested amendments to §281.2, and explained the amendments add a definition for diversion of dangerous drugs to the rules regarding administrative practice and procedures.

Following discussion, the motion was made by Mr. Wetherbee to approve for proposal amendments to §281.2. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Security (§291.33) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to §291.33, and explained the amendments clarify security requirements for the prescription department with regard to accessing the pharmacy in emergency situations and correct references to the beyond-use-date for patient med-paks.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.33. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Records Relating to Dispensing Errors (§291.34) (Tab 11)

Ms. Benz directed the Board's attention to proposed amendments to §291.34, and explained the amendments clarify the requirements for making alterations to prescription records following a dispensing error, and correct references.

Board staff recommend that, after further review of the suggested language, the rule be proposed without subparagraph 291.34(b)(8)(B)(iii) relating to procedures for correcting an error.

Following discussion, the motion was made by Mr. Wetherbee to approve for proposal amendments to §291.34 with the changes recommend by staff. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Automated Medication Supply Systems (§291.74) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to §291.74 and explained the amendments clarify the requirements for a technician to stock automated medication supply systems.

Following discussion, the motion was made by Ms. Mendoza to approve for proposal amendments to §291.74. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Definition of Unit of Use (§291.91) (Tab 13)

Ms. Benz directed the Board's attention to suggested amendments to §291.91 and explained the amendments clarify the definitions of unit of use and prepackaging as used in Class D pharmacies.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.91. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Sterile Compounding of Low Volume Cytotoxic Products (§291.133) (Tab 14)

Ms. Benz directed the Board's attention to suggested amendments to §291.133 and explained the amendments clarify the requirements for pharmacies compounding low volume cytotoxic preparations.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.133. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Remote Verification of Data Entry by a Pharmacy Technician or Pharmacy Technician Trainee (§291.153) (Tab 15)

Ms. Benz directed the Board's attention to suggested amendments to §291.153 and explained the amendments provide requirements for pharmacists providing cognitive services and electronic verification of prescriptions from remote sites.

Following discussion, the motion was made by Ms. Tipton to approve for proposal amendments to §291.153. The motion was seconded by Mr. Wetherbee and passed unanimously.

Rule Reviews

- For Final Adoption

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2010-2013 (Tab 16)

- Chapter 291 (§§291.1-291.3, 291.5-291.11, 291.14-291.15, 291.17-291.19, 291.22-291.24, 291.27-291.29) Concerning Pharmacies (All Classes of Pharmacies) (Tab 17)
- Chapter 291 (§§291.91-291.94) Concerning Pharmacies (Clinic Pharmacy) (Class D) (Tab 18)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Abeldt to approve for adoption, as presented, the review of Chapter 291 (§§291.1-291.3, 291.5-291.11, 291.14-291.15, 291.17-291.19, 291.22-291.24, 291.27-291.29) and Chapter 291 (§§291.91-291.94). The motion was seconded by Mr. Wetherbee and passed unanimously.

President Waggener recessed the meeting at 10:15 a.m.

President Waggener reconvened the meeting at 10:38 a.m.

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

- Financial Update

- Review of FY2011 Operating Budget (Tab 27)

Ms. Stella reviewed the expenditures for the first quarter of FY2011 (September 1, 2010 - through November 31, 2010) for the Board.

- Review of Board Member Travel Budget (Tab 28)

Ms. Stella reviewed the Board Member FY2011 Travel Budget.

- Update on Legislative Appropriations Request for FY2012-2013 (Tab 29)

Ms. Stella reviewed the agency's exceptional item request portion of the Legislative Appropriations Request for FY2012-2013.

- Professional Recovery Network
 - Ms. Fisher 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 (FY2008-2010) as well as the number of pharmacists participating in the program during the first quarter of FY2011 (Tab 30).

Ms. Fisher reported that a representative from the Pharmacy Recovery Network (PRN) was not able to attend the meeting and PRN had asked to postpone their report until the June 2011 Board Meeting (Tabs 31-32).

- Discussion of Rule §291.32(a)(1) Regarding the number of Class A pharmacies for which a Pharmacist-in-Charge may be responsible (Tab 33)

Ms. Fisher asked the Board if they would consider amending rule §291.32(a)(1) concerning Pharmacist-in-Charge requirements to prohibit a pharmacist from being in charge of two Class A pharmacies that are open simultaneously.

Following discussion the Board directed staff to develop suggested rule language concerning Pharmacist-in-Charge, for consideration by the Board at the June 2011 Meeting.

- Discussion Concerning National Association of Boards of Pharmacy (NABP) Annual Meeting in San Antonio, TX, May 21-24, 2011 (Tab 34)

Ms. Waggener described several events that would be occurring at the NABP Annual Meeting, including a table top display for the host state. She requested volunteers to be assist with this activity and Board members interested in volunteering should contact her.

In addition, Ms. Fisher explained that TSBP staff would be presenting a display concerning the testing of compounding preparations.

- Shared Regulatory Data Base Project (Tab 35)

Ms. Stella reported to the Board on the progress of the data conversion and explained that the anticipated “go-live” date would be within the next 90 days.

- Update on TSBP Action on Legislation Passed During the 81st Session of the Texas Legislature that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 36)

Ms. Fisher directed the Board's attention to an action chart concerning legislation that was passed during the 81st 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. Ms. Fisher explained that all required action had been completed except for the implementation of the new regulatory data base.

- Update on Legislation Filed During the 82nd Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 37)

Ms. Arnold directed the Board's attention to a report on legislation that had been filed to date that could impact pharmacy. She reviewed the report for the Board.

- Discussion of Possible Statutory Changes (Tab 38)

Ms. Arnold reported there were no additional recommendations for changes.

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of Andrea Lynn McCoy, Pharmacy Technician, Registration #147322 (Tab 39)

Ms. Hildebrand advised the Board that on November 18, 2010, State Office of Administrative Hearings (SOAH) Administrative Judge Suzanne Formby Marshall issued a *Proposal for Decision* in the matter of Andrea Lynn McCoy. Ms. Hildebrand reviewed the *Proposal for Decision* for the Board.

Ms. Hildebrand directed the Board's attention to Board Order #T-09-223, which she reviewed for the Board.

Following discussion, the motion was made by Mr. Fry to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve Board Order #T-09-223, as presented, in the matter of Andrea Lynn McCoy, to impose a suspension for a period of five years, with the suspension being probated with conditions, and to impose a \$5,000 administrative penalty. The motion was seconded by Ms. Kedron and passed unanimously.

G. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 44)

The Board received a report on complaints dismissed and closed during the first quarter of FY2011 (September 1, 2010 - November 30, 2010). 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 45)

The Board received a Report on *Status of Active/Pending Complaints*. Ms. Fisher reviewed the report for the Board.

Ms. Fisher explained to the Board that the new data base program allows for only one entity per complaint, whereas the current program allows for two entities per complaint (example: a pharmacy and a pharmacist). Ms. Fisher explained that beginning in FY2011, in preparation for the conversion to the new program, all new complaints have been entered with only one entity. Ms. Fisher explained this new process will result in an increase in the number of complaints received and closed in FY2011.

President Waggener recessed the meeting at 11:42 a.m.

President Waggener reconvened the meeting at 12:37 a.m.

F. Disciplinary Orders (cont'd)

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 40)
 - The Board reviewed 31 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 November 16, 2010, through January 28, 2011.
 - The Board reviewed 7 Agreed Board Orders concerning pharmacy technicians, 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 November 9, 2010, through January 28, 2011.

- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 41)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following 20 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an informal conference and 15 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for informal conferences.

Agreed Board Orders

1. Doroteo D. Garibay	ABO #T-09-258
2. Eduardo Manuel Cavazos	ABO #T-10-143
3. Benita Ann Davis	ABO #T-10-409
4. Karina Hernandez	ABO #T-10-192
5. Dolores Cervantes Leija	ABO #T-10-105
6. Jose Rolando Lopez, Jr.	ABO #T-09-614
7. John F. McCoy	ABO #T-10-383-N
8. Jose Apolinar Medina	ABO #T-10-250-N
9. Mauna Lachele Mims	ABO #T-10-382-N
10. Joel Arnold Reyna	ABO #T-10-421-N
11. Gina Renee Witherspoon	ABO #T-09-400
12. Amy Lynn Arredondo	ABO #T-10-424
13. William Robert Crim	ABO #R-10-002-T
14. Alexander Jimenez	ABO #T-10-121-N
15. Manuel Antonio Lopez	ABO #T-09-698
16. Anita Louise Matthews	ABO #T-10-370-N
17. Jaylene Collette Stout-Grider	ABO #T-10-193-N
18. Jerry A. Tamez	ABO #T-10-290
19. Booker Malik Williams II	ABO #T-10-428-N
20. Luis Mendola Jr.	ABO #T-09-747

Default Board Orders

21. Deanna Charlene Cage	BO #T-10-366
22. Sebeat Idoska	BO #T-10-323
23. Gabriel Obazei-Sherman	BO #T-10-237
24. Mario Alberto Zamora	BO #T-10-277
25. Kevin Wayne Jernigan	BO #T-09-746
26. Latoya Teneice Taylor	BO #T-10-506-N
27. Ruschelle Elise Washington	BO #T-09-635

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| 28. | Caleb Joseph Bryant | BO #T-10-505-N |
| 29. | Brittany Shankuntula Fields | BO #T-10-557-N |
| 30. | Yvonne Renee Gallegos | BO #T-10-476 |
| 31. | Ryan David Levsey | BO #T-10-081-N |
| 32. | Michelle Catherine Malinski | BO #T-10-463-N |
| 33. | Tailaia Larue Taylor | BO #T-10-546-N |
| 34. | Christine Venegas | BO #T-10-489 |
| 35. | Amy Cassandra Wade | BO #T-10-492-N |

The motion was made by Mr. Wetherbee to approve the 20 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an informal conference and 15 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for informal conferences.

The motion was seconded by Ms. Mendoza and passed as follows:

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

29. 6-0-1 Mr. Abeldt abstained
 30. 6-0-1 Mr. Abeldt abstained
 31. 6-0-1 Mr. Abeldt abstained
 32. 6-0-1 Mr. Abeldt abstained
 33. 6-0-1 Mr. Abeldt abstained
 34. 6-0-1 Mr. Abeldt abstained
 35. 6-0-1 Mr. Abeldt abstained
- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following 11 proposed Agreed Board Orders (Alternative Resolutions); 28 proposed Agreed Board Orders concerning pharmacists, pharmacies, students, pharmacist-interns, and pharmacy technicians who appeared for an informal conference; and one proposed Agreed Board Order concerning a pharmacist following a Temporary Suspension Hearing.

Agreed Board Orders (Alternate Resolutions)

- | | |
|------------------------------------|-----------------|
| 1. CVS/pharmacy #7004 | ABO #H-10-037-B |
| 2. Galen L. Johnson | ABO #H-10-037-A |
| 3. CVS/pharmacy #7725 | ABO #H-09-040-B |
| 4. Carla Y. Ramos Miller | ABO #H-09-040-A |
| 5. Walgreen Co. #3910 | ABO #H-10-040-B |
| 6. William P. Harris Jr. | ABO #H-10-040-A |
| 7. Huguley Memorial Medical Center | ABO #H-07-038-B |
| 8. Patrick E. Nkwoparah | ABO #H-07-038-A |
| 9. Nora Lee Solis | ABO #H-10-036 |
| 10. Sam's Pharmacy #10-6255 | ABO #H-10-011-B |
| 11. Tonya Lynn Cooper | ABO #H-10-011-A |
| 12. Tom Thumb Pharmacy #3652 | ABO #H-09-036-B |
| 13. Cassandra Gale Russell | ABO #H-09-036-A |
| 14. United Pharmacy #536 | ABO #H-10-041-B |
| 15. Raymond V. Estill | ABO #H-10-041-A |
| 16. Wal-Mart Pharmacy #10-285 | ABO #H-08-042-B |
| 17. Anthony Clay Coleman | ABO #H-08-042-A |
| 18. Wal-Mart Pharmacy #10-3391 | ABO #H-10-004 |
| 19. Walgreen Co. #10919 | ABO #H-10-003-B |
| 20. Jensen Paul Marshall | ABO #H-10-003-A |

Agreed Board Order (Following an Informal Conference)

21.	Marcellius Jhekwuoba Anunobi	ABO #E-11-001
22.	C & P Pharmacy	ABO #K-10-050-B
23.	Anne Akinyi Odima	ABO #K-10-050-A
24.	Carolyn Hudgens Barfield	ABO #H-10-001-A
25.	Brookshire Pharmacy #131	ABO #H-10-031-B
26.	Michael Paul Ellis	ABO #H-10-031-A
27.	Robert Dean Brown	ABO #H-10-017-A
28.	D & S Drug Mart	ABO #H-09-048-B
29.	Owen G. Kennedy	ABO #H-09-048-A
30.	East Texas Medical Center - Trinity	ABO #B-09-008-B
31.	Michael Roy Brooks	ABO #B-09-008-A
32.	H.E.B. Pharmacy #384	ABO #H-10-009-B
33.	Monica Maria Montalvo	ABO #H-10-009-A
34.	Steve Pedro Lopez	ABO #H-10-033-A
35.	Jennifer Ann Miller	ABO #M-10-016
36.	Dineo Millicent Mogapi	ABO #H-10-013-A
37.	Jay H. Park	ABO #J-09-013
38.	Pharmerica	ABO #B-10-001
39.	Pharmerica	ABO #B-10-018-B
40.	D. Todd Dipprey	ABO #B-10-018-A
41.	Sierra Medical Center Pharmacy	ABO #H-10-026-B
42.	Nicholas Barton Hogue	ABO #H-10-026-A
43.	Specialty Veterinary Pharmacy	ABO #A-09-033-B
44.	Osama Ali Raad	ABO #A-09-033-A
45.	Texas Star Pharmacy	ABO #J-10-005-B
46.	Donna M. Stuart Barsky	ABO #J-10-005-A
47.	Walgreen Co. #06912	ABO #J-09-005

Agreed Board Order (Following Temporary Suspension Hearing)

48.	Victor Chinedu Egbulefu	ABO #A-11-003-A
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The motion was made by Mr. Fry to approve the 20 proposed Agreed Board Orders (Alternative Resolutions); and 27 proposed Agreed Board Orders concerning pharmacist, pharmacies, students, pharmacist-interns, and pharmacy technicians who appeared for an informal conference; and one proposed Default Board Order concerning a technician who did not appear for informal conference.

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

1. 7-0-0

2. 7-0-0
3. 7-0-0
4. 7-0-0
5. 7-0-0
6. 7-0-0
7. 7-0-0
8. 7-0-0
9. 7-0-0
10. 7-0-0
12. 7-0-0
13. 7-0-0
14. 7-0-0
15. 7-0-0
16. 7-0-0
17. 7-0-0
18. 7-0-0
19. 7-0-0
20. 7-0-0
21. 7-0-1 Mr. Wiesner abstained
22. 7-0-1 Mr. Wiesner abstained
23. 7-0-1 Mr. Wiesner abstained
24. 7-0-1 Ms. Mendoza abstained
25. 7-0-1 Mr. Wiesner abstained
26. 7-0-1 Mr. Wiesner abstained
27. 7-0-1 Ms. Mendoza abstained
28. 7-0-1 Mr. Abeldt abstained
29. 7-0-1 Mr. Abeldt abstained
30. 7-0-1 Mr. Abeldt abstained
31. 7-0-1 Mr. Abeldt abstained
32. 6-0-2 Mr. Abeldt and Mr. Wiesner abstained
33. 6-0-2 Mr. Abeldt and Mr. Wiesner abstained
34. 7-0-1 Ms. Mendoza abstained
35. 7-0-1 Mr. Abeldt abstained
36. 7-0-1 Ms. Mendoza abstained
37. 7-0-1 Mr. Wiesner abstained
38. 7-0-1 Mr. Abeldt abstained
39. 7-0-1 Mr. Abeldt abstained
40. 7-0-1 Mr. Abeldt abstained
41. 7-0-1 Mr. Abeldt abstained
42. 7-0-1 Mr. Abeldt abstained
43. 7-0-1 Mr. Abeldt abstained
44. 7-0-1 Mr. Abeldt abstained
45. 7-0-1 Ms. Tipton abstained
46. 7-0-1 Ms. Tipton abstained
47. 7-0-1 Mr. Wetherbee abstained
48. 5-0-3 Mr. Wiesner, Mr. Wetherbee, and Ms. Tipton

abstained

- Confidential Agreed Board Orders (Tab 42)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following six proposed Confidential Agreed Board Orders concerning pharmacists, pharmacies, and student pharmacist-interns.

The motion was made by Ms. Kedron to approve the following six proposed Confidential Agreed Board Order as presented.

Agreed Board Orders

1. ABO #N-10-029
2. ABO #G-10-011
3. ABO #G-10-028
4. ABO #E-10-020
5. ABO #G-09-026
6. ABO #R-10-008

The motion were seconded by Mr. Wetherbee and passed as follows:

1. 6-0-1 Mr. Wiesner abstained
2. 6-0-1 Mr. Abeldt abstained
3. 6-0-1 Ms. Mendoza abstained
4. 6-0-1 Mr. Abeldt abstained
5. 6-0-1 Mr. Wiesner abstained
6. 6-0-1 Mr. Wiesner abstained

D. Updates and Reports of Committees/Task Forces

- Recommendations Concerning Omnicare's Petition for Pilot Project (Tab 19)

Ms. Benz advised the Board that President Waggener appointed Mr. Wiesner and herself to serve on a panel to review a petition for a pilot project submitted by Omnicare. Ms. Benz explained that the pilot project proposed to allow pharmacy technicians to use bar code technology to check the final product in a long-term care facility pharmacy when the prepackaged product had been previously checked by a pharmacist. Ms. Benz advised the Board that it was the recommendation of the panel that the pilot project not be approved and, instead, a task force be established to review the option of creating a new class of pharmacy for pharmacies servicing long-term care facilities.

Following discussion the Board recommended established a task force to consider the need for a new class of pharmacy.

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 Robert Dean Brown, R.Ph. (Tab 43)

Ms. Fisher reviewed the petition and supporting documentation from Robert Dean Brown, R.Ph. The motion was made by Ms. Tipton that the Board approve the petition of Robert Dean Brown, R.Ph., to serve as a preceptor. The motion was seconded by Mr. Wetherbee and passed unanimously.

H. Miscellaneous

- Items to be Placed on Agenda for June 2011 Board Meeting (Tab 46)

- 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 1:19 p.m.

President Waggener reconvened the meeting at 1:44 p.m.

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

Discussions (cont'd)

- Pharmacy Internship Programs (Tab 20-26)

Ms. Benz directed the Board's attention to a summary of the 2011 review of internship records for the six Texas colleges/schools of pharmacy with graduates within the review period. (Tab 20) Ms. Benz pointed out that records were made available by each of the colleges/schools and that all of the students met requirements for the review period, which was June 1, 2009, through May 31, 2010.

Ms. Benz then directed the Board's attention to questionnaires received from Texas' six colleges/schools of pharmacy concerning their internship programs, which were reviewed by the following individuals for the colleges/schools:

- Texas A&M Health Science Center Irma Lerma Rangle College of Pharmacy - Indra K. Reddy, Ph.D., Professor and Dean; Beverly Talluto, Pharm.D, M.H.S., Associate Dean for Clinical Programs; and Gary Frech, M.B.A., M.S., R.Ph., Director of Experiential Programs (Tab 22);
- University of the Incarnate Word, Feik School of Pharmacy - Jeffrey Copeland, BS, ThM, Pharm.D, Assistant Dean, Experiential Programs (Tab 23);

Ms. Benz reviewed a letter received from Mr. Copeland requesting a change in the current 50 hour intern limit per week to a limit of no more than 100 hours every two weeks.

TSBP staff suggested the requested change be reviewed by the Joint Committee on Internship Programs.

- The University of Texas at Austin College of Pharmacy – Jennifer L. Ridings-Myhra, Assistant Dean for Experiential and Professional Affairs (Tab 26);
- Ms. Benz summarized the questionnaire submitted by Texas Tech University Health Science Center School of Pharmacy (Tab 21).
- Ms. Benz summarized the questionnaire submitted by Nancy Ordonez, Pharm.D., BCPS, Assistant Dean for Experiential Programs, for University of Houston College of Pharmacy (Tab 24); and
- Ms. Benz summarized the questionnaire submitted by Texas Southern University College of Pharmacy and Health Sciences

(Tab 25).

Following discussion, the motion was made by Ms. Mendoza to approve the internship programs of Texas A&M Health Science Center Irma Lerma Rangel College of Pharmacy; the University of the Incarnate Word, Feik School of Pharmacy; the University of Texas at Austin College of Pharmacy; Texas Tech University Health Science Center School of Pharmacy; the University of Houston College of Pharmacy; and Texas Southern University College of Pharmacy and Health Sciences. The motion was seconded by Mr. Fry and passed unanimously.

President Waggener adjourned the meeting at 2:19 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

June 7, 2011



TEXAS STATE BOARD OF PHARMACY

March 25, 2011

**Minutes of the Temporary Suspension Hearing
of Rapha Pharmacy and Pamela Yeluma Fomunung, R.Ph.**

Jeanne D. Waggener, R.Ph., Chair of the Disciplinary Panel, called the meeting to order at 9:39 a.m., in conference room number 102, Tower III, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis F. Wiesner, R.Ph., and Charles F. Wetherbee, J.D., were also present, as the other two members of the Disciplinary Panel.

Staff present: Gay Dodson, R.Ph., Executive Director; Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; Linda K. Townsend, Staff Attorney; Shawn Clark, Field Investigator; and Tabatha Lowden, Legal Assistant.

Respondent: Rapha Pharmacy and Pamela Yeluma Fomunung, R.Ph., represented by Gordon R. Cooper II.

Also present: Senior Police Officer John Kowal of Houston Police Department; Senior Police Officer Kimberly King of Houston Police Department; Shantelle Denise Guillory, employee of Rapha Pharmacy; and Ambrozene Epo, character witness for Pamela Yeluma Fomunung, R.Ph.

Court Reporter: Kim Pence.

A. Opening:

The Chair called the case of the Application for the Temporary Suspension in the Matter of the pharmacy license #25602 issued to Rapha Pharmacy and the pharmacist license #33021 issued to Pamela Yeluma Fomunung. 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 Hildebrand, attorney for the Board Staff.

Respondent: Gordon R. Cooper II, attorney for Rapha Pharmacy and Pamela Yeluma Fomunung, R.Ph.

Mr. Cooper invoked the rule, and all potential witnesses were excluded from the hearing.

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: Senior Police Officer John Kowal and Senior Police Officer Kimberly King.
4. Cross examination of Shantelle Denise Guillory and Pamela Yeluma Fomunung, R.Ph.

C. Presentation by Respondent's Attorney, Gordon R. Cooper II:

1. Opening statement.
2. Introduction of documents into evidence. All were presented but not offered to be admitted.
3. Testimony of witnesses: Shantelle Denise Guillory and Pamela Yeluma Fomunung, R.Ph.
4. Cross examination of Senior Police Officer John Kowal and Senior Police Officer Kimberly King.

D. Motions:

1. 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. Mr. Wetherbee seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 4:45 p.m.)

Chair Waggener reconvened the meeting at 5:06 p.m., and announced that no action was taken during Executive Session.

2. A motion was made by Mr. Wiesner that the Application for the Temporary Suspension of the pharmacy license #25602 issued to Rapha Pharmacy and the pharmacist license #33021 issued to Pamela Yeluma Fomunung, R.Ph. be denied in that there is insufficient evidence or information to indicate that the operation of Rapha Pharmacy and the practice of pharmacy by Ms. Fomunung are a continuing threat to the public welfare. Mr. Wetherbee seconded the motion. The motion passed unanimously with the denial of the Application for the Temporary Suspension Orders.

The Chair announced that the Application for Temporary Suspension of pharmacy license #25602 issued to Rapha Pharmacy and the pharmacist license #33021 issued to Pamela Yeluma Fomunung, R.Ph. has been denied.

Chair Waggener adjourned the hearing at 5:10 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

April 19, 2011

**Minutes of the Temporary Suspension Hearing
of Park Place Pharmacy and W. Howard Dahlquist, R.Ph.**

Jeanne D. Waggener, R.Ph., Chair of the Disciplinary Panel, called the meeting to order at 9:14 a.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis F. Wiesner, R.Ph., and Rosemary Forester Combs, were also present, as the other two members of the Disciplinary Panel.

Staff present: Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; Caroline K. Hotchkiss, Staff Attorney; Linda K. Townsend, Staff Attorney; Shawn Clark, Field Investigator; April Adams-Johnson, Legal Assistant; and Tabatha Lowden, Legal Assistant.

Respondent: Park Place Pharmacy and W. Howard Dahlquist, R.Ph., represented by Don E. Lewis.

Court Reporter: Kim Pence.

A. Opening:

The Chair called the case of the Application for the Temporary Suspension in the Matter of the pharmacy license #13975 issued to Park Place Pharmacy and the pharmacist license #30443 issued to W. Howard Dahlquist. 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 Hildebrand, attorney for the Board Staff.

Respondent: Don E. Lewis, attorney for Park Place Pharmacy and W. Howard Dahlquist, R.Ph.

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

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Cross examination of W. Howard Dahlquist, R.Ph.

C. Presentation by Respondent's Attorney, Don E. Lewis:

1. Opening statement.
2. Presentation of information.
3. Testimony of witness: W. Howard Dahlquist, R.Ph.

D. Motions:

1. 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. Combs seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 12:22 p.m.)

Chair Waggener reconvened the meeting at 12:56 p.m., and announced that no action was taken during Executive Session.

2. A motion was made by Mr. Wiesner that the Application for the Temporary Suspension of the pharmacy license #13975 issued to Park Place Pharmacy and the pharmacist license #30443 issued to W. Howard Dahlquist, R.Ph. be granted, in that the evidence and information indicated that the operation of Park Place Pharmacy and the practice of pharmacy by Mr. Dahlquist 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. Ms. Waggener seconded the motion. The motion passed unanimously with the Temporary Suspension Orders to be adopted effective immediately.

The Chair announced that the pharmacy license #13975 issued to Park Place Pharmacy and the pharmacist license #30443 issued to W. Howard Dahlquist are suspended.

Chair Waggener adjourned the hearing at 12:59 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 9, 2011

**Minutes of the Temporary Suspension Hearing
of Medsure RX and Hetty Osaro Umeh, R.Ph.**

Dennis Wiesner, R.Ph., Chair of the Disciplinary Panel, called the meeting to order at 9:00 a.m., in conference room number 100, Tower III, 333 Guadalupe Street, Austin, Texas 78701. Board Members, W. Benjamin Fry, R.Ph., and Charles F. Wetherbee, J.D., were also present, as the other two members of the Disciplinary Panel.

Staff present: Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; Linda K. Townsend, Staff Attorney; Shawn Clark, Field Investigator; and Tabatha Lowden, Legal Assistant.

Respondent: Medsure RX and Hetty Osaro Umeh, R.Ph., represented by Louis Leichter and Dan Lype.

Also present: Sergeant Margie Danielle Ratterman, Harris County Sheriff's Office (via teleconference); Deputy Alberto Rivera, Harris County Sheriff's Office (via teleconference); and Special Agent Richard Eric Rausch, U. S. Department of Justice/Drug Enforcement Agency (via teleconference).

Court Reporter: Jodi Cardenas.

A. Opening:

The Chair called the case of the Application for the Temporary Suspension in the Matter of the pharmacy license #26790 issued to Medsure RX and the pharmacist license #43945 issued to Hetty Osaro Umeh. 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: Louis Leichter, attorney for Medsure RX and Hetty Osaro Umeh, R.Ph.

Mr. Leichter invoked the rule, and all potential witnesses were excluded from the hearing.

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: Sergeant Margie Danielle Ratterman; Deputy Richard Alberto Rivera; and Special Agent Richard Eric Rausch.
4. Cross examination of Hetty Osaro Umeh.

C. Presentation by Respondent's Attorney, Louis Leichter:

1. Opening statement.
2. Introduction of documents into evidence. All admitted.
3. Testimony of witness: Hetty Osaro Umeh, R.Ph.
4. Cross examination of Sergeant Margie Danielle Ratterman; Deputy Richard Alberto Rivera; and Special Agent Richard Eric Rausch.

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 consult with counsel regarding the disciplinary proceedings. Mr. Fry seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 6:58 p.m.)

Chair Wiesner reconvened the meeting at 7:15 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 the pharmacy license #26790 issued to Medsure RX and the pharmacist license #43945 issued to Hetty Osaro Umeh, R.Ph. be granted, in that the evidence and information indicated that the operation of Medsure RX and the practice of pharmacy by Ms. Umeh 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. Fry seconded the motion. The motion passed unanimously with the Temporary Suspension Orders to be adopted effective immediately.

The Chair announced that the pharmacy license #26790 issued to Medsure RX and the pharmacist license #43945 issued to Hetty Osaro Umeh are suspended.

Chair Wiesner adjourned the hearing at 7:33 p.m.

APPROVED:

Dennis Wiesner, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 11, 2011

**Minutes of the Temporary Suspension Hearing
of Pamela Jules Lock, R.Ph.**

W. Benjamin Fry, R.Ph., Chair of the Disciplinary Panel, called the meeting to order at 11:45 a.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis Wiesner, R.Ph., and Charles F. Wetherbee, J.D., were also present (via teleconference), as the other two members of the Disciplinary Panel.

Staff present: Gay Dodson, R.Ph., Executive Director; Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; Caroline K. Hotchkiss, Staff Attorney; Linda K. Townsend, Staff Attorney; Larry Brothers, Field Investigator (via teleconference); Annette Porterfield, Enforcement Specialist; and Tabatha Lowden, Legal Assistant.

Respondent: Pamela Jules Lock, R.Ph. (not present).

Also present: Hanna Del Toro, L.M.S.W., Case Manager, Texas Pharmacy Association's Professional Recovery Network (PRN); Emily Abel, L.M.S.W., Case Manager, PRN.

A. Opening:

The Chair called the case of the Application for the Temporary Suspension in the Matter of the pharmacist license #23797 issued to Pamela Jules Lock. 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: Pamela Jules Lock, R.Ph., was not in attendance for the hearing today. The hearing was held without notice to the Respondent based on the authority granted in the Texas Pharmacy Act.

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: Hanna Del Toro, Case Manager, PRN; Annette Porterfield, Enforcement Specialist; Larry Brothers, Field Investigator (via teleconference).

C. Motion:

A motion was made by Mr. Wetherbee that the Application for the Temporary Suspension of the pharmacist license #23797 issued to Pamela Jules Lock, R.Ph. be granted, in that the evidence and information indicated that the practice of pharmacy by Ms. Lock is a continuing threat to the public welfare, and recommended that the order of suspension remain in effect until superseded by a subsequent order of the Board. Mr. Wiesner seconded the motion. The motion passed unanimously with the Temporary Suspension Order to be adopted effective immediately.

The Chair announced that the pharmacist license #23797 issued to Pamela Jules Lock is suspended.

The hearing was adjourned at 12:25 p.m.

APPROVED:

W. Benjamin Fry, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 23, 2011

**Minutes of the Temporary Suspension Hearing
of Pamela Jules Lock, R.Ph.**

Dennis Wiesner, R.Ph., Chair of the Disciplinary Panel, called the meeting to order at 1:00 p.m., in conference room number 15, 101 Bowie Street, San Antonio, Texas 78205. Board Members, W. Benjamin Fry, R.Ph., and Charles F. Wetherbee, J.D., were also present, as the other two members of the Disciplinary Panel.

Staff present: Gay Dodson, R.Ph., Executive Director; Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; and Larry Brothers, Field Investigator.

Respondent: Pamela Jules Lock, R.Ph. (not present).

Also present: Hanna Del Toro, L.M.S.W., Case Manager, Texas Pharmacy Association's Professional Recovery Network (PRN).

A. Opening:

The Chair called the case of the Application for the Temporary Suspension in the Matter of the pharmacist license #23797 issued to Pamela Jules Lock. 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: Pamela Jules Lock, R.Ph., was not in attendance for the hearing today. The hearing was held with notice to the Respondent based on the authority granted in the Texas Pharmacy Act.

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: Hanna Del Toro, Case Manager, PRN; and Larry Brothers, Field Investigator.

C. **Motion:**

A motion was made by Mr. Wetherbee that the Application for the Temporary Suspension of the pharmacist license #23797 issued to Pamela Jules Lock, R.Ph. be granted, in that the evidence and information indicated that the practice of pharmacy by Ms. Lock is a continuing threat to the public welfare, and recommended that the order of suspension remain in effect until superseded by a subsequent order of the Board. Mr. Fry seconded the motion. The motion passed unanimously with the Temporary Suspension Order to be adopted effective immediately.

The Chair announced that the pharmacist license #23797 issued to Pamela Jules Lock is suspended.

The hearing was adjourned at 1:55 p.m.

APPROVED:

Dennis Wiesner, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary