



TEXAS STATE BOARD OF PHARMACY

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Health Professions Council Board Room
333 Guadalupe Street, Tower II, Suite 225
Austin, Texas

February 10, 2009

MINUTES¹

President W. Benjamin Fry, R.Ph., called the meeting to order at 9:02 a.m. Other Board Members present were Vice President Kim A. Caldwell, R.Ph.; Treasurer Jeanne Waggener, R.Ph.; Buford T. Abeldt, Sr., R.Ph.; Rosemary Forester Combs; Marcelo Lajjas, Jr.; Alice Mendoza, R.Ph.; and Dennis F. Wiesner, R.Ph.

Board Member L. Suzan Kedron was not present.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Cathy Stella, Director of Licensing and Administrative Services; Kerstin Arnold, General Counsel; Mitra Woody, Staff Attorney; Caroline Hotchkiss, Staff Attorney; Allison Benz, R.Ph., M.S., Director of Professional Services; and Kay Wilson, Executive Assistant.

Also present was Pharmacist Intern Sarah Leuong.

A. Announcements

- President Fry 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.

¹See agenda and corresponding attachments for supporting materials.

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

Following discussion, the motion was made by Ms. Waggener to approve the minutes of the TSBP Board Business Meeting, held November 18, 2008. The motion was seconded by Mr. Abeltdt and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Type-size for Prescription Labels and Written Information; and Identification of the Dispensing Pharmacist on the Prescription Label (§291.33) (Tab 2)

Ms. Benz directed the Board's attention to proposed rule language to amend §291.33 as follows:

- in response to H.B. 948, passed by the 80th Texas Legislature, these amendments would clarify that prescription labels and written information provided to consumers must be printed in a type-size no smaller than 10-point Times Roman; and
- in response to a request from HEB, these amendments would clarify that the prescription label is not required to include the identification code or initials of the dispensing pharmacist if the information is stored in the pharmacy's data processing system.

Ms. Benz explained that the Board voted to propose these amendments at its November 18, 2008, meeting. The amendments were published in the December 26, 2008, issue of the *Texas Register*. Comments were received from Mary Staples and Michelle Cope of the National Association of Chain Drug Stores; Arthur C. Solomon, R.Ph., of DaVita Rx; and Paul E. DelloRusso of Medco Health Solutions, Inc.

Ms. Kedron joined the meeting at 9:10 a.m.

Ms. Benz reviewed revised rule language based on the comments received.

Following discussion and review of the comments, Preamble and Order Adopting Rule, the motion was made by Mr. Caldwell to approve for adoption, by Board Order, amendments to §291.33, with changes

to require that only certain information on the label conform to the font-size requirements and to specify that the font size does not have to be 10-point Times Roman, but must be comparable to 10-point Times Roman. The motion was seconded by Ms. Mendoza and passed unanimously.

Proposal of Rules

- Rules Concerning Fines for Pharmacists and Pharmacies Who Allow Pharmacy Technicians and Pharmacy Technician Trainees to Work Without Current Registrations or Delinquent Registrations (§281.65) (Tab 3)

Ms. Benz directed the Board's attention to suggested amendments to §281.65 and explained that the amendments would increase administrative penalties for allowing individuals to work in a pharmacy without a pharmacy technician registration or with a delinquent pharmacy technician registration. She explained that the amendments would raise the range of fines for this offense for a pharmacist to \$250-\$2000 and for a pharmacy to \$250-\$3000. Ms. Fisher mentioned that 36 disciplinary orders had been entered in FY2008 against pharmacists and pharmacies for allowing individuals to perform technician duties with a delinquent registration or no registration, which represented 14% of the total 253 disciplinary orders entered in FY2008 against pharmacists and pharmacies.

Following discussion, the motion was made by Ms. Waggener to approve for proposal amendments to §281.65, with the lower penalty amount for both pharmacists and pharmacies raised to \$500, so that the proposed penalty ranges would be \$500-\$2000 for pharmacists and \$500-\$3000 for pharmacies. The motion was seconded by Mr. Laijas and passed unanimously.

- Rules Concerning Internship and Preceptor Requirements (§283.4 and §283.6) (Tab 4)

Ms. Benz directed the Board's attention to suggested amendments to §283.4 and §283.6 and explained that the suggested amendments would clarify the requirements for a change of name or change of address for pharmacist-interns and clarify the charge for a duplicate or amended certificate for pharmacist interns and preceptors.

Following discussion, the motion was made by Ms. Waggener to approve for proposal amendments to §283.4 and §283.6, as presented. The motion was seconded by Mr. Wiesner and passed 7-0-0. Ms. Kedron was not present for the vote.

- Rules Concerning Lease Agreements (§291.1, §291.3, and §291.129) (Tab 5)

Mr. Benz directed the Board's attention to suggested amendments to §291.1, §291.3, and §291.129. She explained that the suggested amendments would clarify the requirements for a pharmacy license and ensure that a proper lease exists by deleting the alternative of providing a notarized statement signed by the lessee and lessor certifying the existence of a lease as a part of the application for a pharmacy license.

Following discussion, the motion was made by Mr. Laijas to approve for proposal amendments to §291.1, §291.3, and §291.129, as presented. The motion was seconded by Mr. Abeldt and passed 7-0-0. Ms. Kedron was not present for the vote.

- Rules Concerning Notification of Pharmacies Changing Locations and Forged Prescriptions (§291.3) (Tab 6)

Ms. Benz directed the Board's attention to suggested amendments to §291.3. She explained that the suggested amendments would clarify that pharmacies are required to notify patients when a pharmacy is changing locations, and pharmacies are required to report the loss of controlled substances and dangerous drugs when the loss is due to a licensee (pharmacist or pharmacy technician) obtaining drugs by forging a prescription.

Following discussion, the motion was made by Mr. Caldwell to approve for proposal amendments to §291.3, without the suggested change of **or** to **and** on §291.3(g) (1) (B). The motion was seconded by Ms. Waggener and passed 7-0-0. Ms. Kedron was not present for the vote.

- Rules Concerning Prescriber's Authorization on Original Prescriptions (§291.34) (Tab 7)

Ms. Benz directed the Board's attention to suggested amendments to §291.34. She explained that the suggested amendments would clarify that an original prescription may only be dispensed in accordance with the prescriber's instructions.

Following discussion, the motion was made by Ms. Combs to approve for proposal amendments to §291.34, as presented. The motion was seconded by Ms. Waggener and passed 7-0-0. Ms. Kedron was not present for the vote.

Rule Review

- For Adoption

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2006-2009. (Tab 8)

Ms. Benz directed the Board's attention to the proposed review of Chapter 297 (§§297.1-297.9) concerning pharmacy technicians. (Tab 9)

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 297 (§§297.1-297.9). The motion was seconded by Mr. Wiesner and passed 7-0-0. Ms. Kedron was not present for the vote.

D. Updates and Reports of Committees/Task Forces

- Task Force on Class C Pharmacies (Tab 10)

Dr. Holder advised the Board that the fourth meeting of the Task Force on Class C Pharmacies was held on January 30, 2009. He reviewed the task force's preliminary recommendations for the Board. He reported that the task force would meet again on March 31, 2009, and would present final recommendations and suggested rule language to the Board at its May 2009 meeting.

- Wal-Mart Pilot Project and Rules Concerning Automated Storage and Dispensing Devices (§291.33) (Tab 11)

Ms. Benz advised the Board that at its August 2006 meeting, the Board approved a pilot project proposal from Wal-Mart to evaluate the potential benefits of using an automated pharmacy machine (APM) or kiosk for the secure storage, management, and purchase/pick-up of prescription refills during and after pharmacy hours. Ms. Benz directed the Board's attention to Wal-Mart's final report on the pilot project titled *APM: Results of Test Pilot at Wal-Mart Pharmacy*. Debbie Mack, R.Ph.; Shannon Borkonsla; and George Polansky, R.Ph., of Wal-Mart reviewed the report and answered questions posed by Board Members.

Ms. Benz directed the Board's attention to suggested amendments to §291.33 based on the outcome of Wal-Mart's pilot project, to allow the use of an automated storage and distribution device for pick-up of previously verified prescriptions by a patient, or the patient's agent, under certain conditions.

Following discussion, the Board delayed action on the suggested amendments to §291.33 until after the break.

President Fry recessed the meeting at 10:22 a.m.

President Fry reconvened the meeting at 10:40 a.m.

D. Updates and Reports of Committees/Task Forces (cont.)

- Wal-Mart Pilot Project and Rules Concerning Automated Storage and Dispensing Devices (§291.33) (Tab 11)

Following discussion, the motion was made by Ms. Combs to approve for proposal amendments to §291.33 with the addition of language to allow the location of the automated storage and distribution device to include drive-throughs, with proper security, and specifying that the loading of the system must be accomplished by at least a pharmacy technician, under the supervision of the pharmacist-in-charge. The motion was seconded by Ms. Kedron and failed 2-6-0. Mr. Abeldt, Ms. Waggener, Mr. Caldwell, Ms Mendoza, Mr. Wiesner, and Mr. Laijas opposed.

Following additional discussion, the motion was made by Mr. Caldwell to approve for proposal amendments to §291.33 with the addition of language to specify that the automated storage and distribution device has to be located inside the building, without access from outside the building, and the loading of the system must be accomplished by at least a pharmacy technician, under the supervision of the pharmacist-in-charge. The motion was seconded by Ms. Mendoza and passed 6-1-1. Mr. Abeldt opposed and Ms. Combs abstained.

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

- FBI Fingerprint Checks for TSBP Applicants (Tab 20)

Ms. Stella advised the Board that TSBP currently performs background checks on all TSBP licensees and registrants through the Texas Department of Public Safety (DPS). She explained that because the DPS background checks do not access out-of-state convictions, the

Board decided in 2007 to begin phasing in federal background checks, which requires fingerprinting, on all new TSBP applicants. She reported that at the current time, federal background checks (including fingerprinting) were being performed on all intern and pharmacist applicants, and would be required for all technician-in-training applicants and technician applicants within the next two months.

- Financial Update

- Review of FY2009 Operating Budget (Tab 21)

Ms. Stella reviewed the expenditures for the first quarter of FY2009 (September 1, 2008, through November 30, 2008) for the Board.

Ms. Stella directed the Board's attention to a letter dated January 30, 2009, from Lieutenant Governor David Dewhurst and Speaker of the House Joe Straus, asking all state agencies to submit proposals to achieve a 2.5% budget reduction in FY2009. Ms. Stella reviewed TSBP's plan for achieving the 2.5% reduction for the Board.

- Board Member Travel Budget (Tab 22)

Ms. Stella reviewed cuts that had been made to the FY2009 Board Member travel budget to accomplish the 2.5% budget reduction.

- Legislative Appropriations Request (LAR) for FY2010-2011, Including Selection of Vendor and Cost for Shared Data Base Project (Tab 23)

Ms. Stella advised the Board that the cost for the shared data base system for FY2010 would be \$943,228 and for FY2011, it would be \$206,321. She explained that the six agencies that will cooperate in the project will share these costs based on each agency's number of licensees.

Ms. Stella and Ms. Dodson reviewed the agency's revenue projections for FY2010-2011 and the agency's exceptional item request portion of the LAR for FY2010-2011.

- Committee to Review Rules and Procedures Concerning Providers of Pharmacy Technician Certification Examinations (Tab 27)

Ms. Dodson explained that at the November 2008 Board Meeting, the Board heard a request from the Institute for the Certification of Pharmacy Technicians (ICPT) that the Board recognize its examination for certification of pharmacy technicians as a prerequisite for registration of pharmacy technicians in Texas. Following presentations by ICPT and the Pharmacy Technician Certification Board (PTCB), currently the only approved provider of pharmacy technician certification examinations in Texas, the Board voted to have the President appoint a committee of the Board to determine whether the Board should use two examinations or only one; if necessary assess both examinations and enlist individuals to take both examinations; and develop recommendations to be presented to the Board. President Fry appointed Ms. Combs, Ms. Mendoza, and Ms. Waggener to serve on the committee.

Ms. Waggener, who chaired the Committee to Review Rules and Procedures Concerning Providers of Pharmacy Technician Certification Examinations (committee), reported that the committee met on January 28, 2009, with the purpose of considering approval of entities providing examination and certification of pharmacy technicians. She advised the Board that of the options reviewed and discussed by the committee, the committee members determined that the most viable option was to undergo a state bid process that would allow any vendor to bid, and hence recommended that the Board adopt this option.

Ms. Dodson reviewed procedures for the state bid process for the Board. She also explained that staff prepared a cost estimate for the bid evaluation, which included fees for an independent psychometrician to assist staff in developing a bid proposal, evaluating responses to the bid proposal, determining validity of the examinations, and evaluating content of both examinations. She advised the Board that the cost for the bid process, including fees for an independent psychometrician would be in the range of \$10,000.

Ms. Dodson directed the Board's attention to minutes of the January 28, 2009, committee meeting.

The Board received comments from Paul Davis, R.Ph., of the Texas Society of Health System Pharmacists.

Following discussion and review of the minutes of the committee meeting, the motion was made by Mr. Caldwell to approve the minutes of the January 28, 2009, meeting of the Committee on Pharmacy Technician Certification Examinations and accept the recommendations of the committee. The motion was seconded by Mr. Wiesner and passed unanimously.

- Request that Certification in a Board of Pharmaceutical Specialties Area be Recognized as Meeting Continuing Education Requirements (Tab 28)

Ms. Benz directed the Board's attention to correspondence from David Sohl, Pharm.D., requesting that the Board consider Board Certification in a Board of Pharmaceutical Specialties area as meeting requirements for continuing education. Mr. Sohl also provided printed information on several specialty certification examinations.

Following discussion, the Board directed staff to develop suggested rule language to allow continuing education credit for Board Certification in a Board of Pharmaceutical Specialties Area.

- Legislation Filed During the 81st Texas Legislative Session that Would Have an Impact on TSBP and/or the Practice of Pharmacy (Tab 29)

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

President Fry recessed the meeting at 11:47 a.m.

President Fry reconvened the meeting at 12:30 p.m.

- Possible Statutory Changes (Tab 30)

Ms. Dodson directed the Board's attention to a list of *Recommendations for Legislative Action Approved by the Board*. She advised the Board that there were no recommendations for changes to the list at that time.

F. Consideration of and Possible Action Concerning Enforcement Reports

- Petition(s) to Serve as a Preceptor (Tab 31)

There were no petitions to be considered.

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 32)

The Board received a report on complaints dismissed and closed during the first quarter of FY2009 (September 1, 2008 – November 30, 2008). The report also included quarterly averages for FY2008 as compared to FY2009, as well as percentage of change from FY2008 to FY2009. Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 33)

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

G. Disciplinary Orders

- Report on Agreed Board Orders Entered by Executive Director
 - The Board received and reviewed a list of 19 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 directives, during the period December 2, 2008, through January 26, 2009.
 - The Board received information concerning an Agreed Board Order that voluntarily revoked a pharmacist's license, which was entered by the Executive Director on behalf of the Board on December 19, 2008, in accordance with the Board's directives.
- Discussion of and Action on Proposed Agreed Board Orders and Default Orders

The Board received and reviewed a list of 20 Agreed Board Orders for pharmacy technicians and pharmacy technician trainees following informal conferences, which were held on:

- October 23, 2008 (one Order);
- November 20, 2008 (nine Orders);
- December 18, 2008 (three Orders); and
- January 22, 2009 (seven Orders).

The Board also received a list of 23 Default Orders for pharmacy technicians and pharmacy technician trainees who did not appear for informal conferences.

The motion was made by Ms. Combs to approve the 20 Agreed Board Orders for pharmacy technicians and pharmacy technician trainees following informal conferences and the 23 Default Board Orders for pharmacy technicians and pharmacy technician trainees. The motion was seconded by Ms. Waggener and passed 8-0-0.

- Report on Agreed Board Orders Entered by Executive Director
 - The Board received and reviewed a list of 40 Technician Agreed Board Orders (Alternative Resolution and Falsification) that had been signed by the Executive Director on behalf of the Board in accordance with their directives during the period November 18, 2008, through February 4, 2009.
- Discussion of and Action on Proposed Agreed Board Orders and Default Orders
 - The Board received notebooks containing 45 Agreed Board Orders for pharmacists, pharmacies, student pharmacist-interns, and pharmacy technicians, 10 of which were Confidential Agreed Board Orders.

Ms. Hotchkiss reviewed the alleged violations, as well as the recommended sanctions for each of the following Board Orders (Alternative Resolution) concerning pharmacists, pharmacies, student pharmacist-interns, and pharmacy technicians.

1. Russell Cleve West ABO #H-08-014-A
2. Austin Pharmacy ABO #H-08-014-B

The motion was made by Mr. Caldwell to approve the Orders as presented. The motion was seconded by Ms. Waggener and passed 8-0-0.

3. CVS/pharmacy #7628 ABO #H-07-023

The motion was made by Ms. Mendoza to approve the Order as presented. The motion was seconded by Ms. Waggener and passed 8-0-0.

4. Memorial Compounding ABO #K-08-003-B

The motion was made by Ms. Mendoza to approve the Order as presented. The motion was seconded by Mr. Laijas and passed 8-0-0.

5. Robert Lawrence Mote ABO #H-05-029-A
6. Walgreen Co. #4875 ABO #H-05-029-B

The motion was made by Mr. Caldwell to approve the Orders as presented. The motion was seconded by Mr. Wiesner and passed 8-0-0.

7. Walgreen Co. #4134 ABO #H-08-030

The motion was made by Mr. Abeldt to approve the Order as presented. The motion was seconded by Ms. Mendoza and passed 8-0-0.

Ms. Hotchkiss and Ms. Woody reviewed the alleged violations, as well as the recommended sanctions for each of the following Agreed Board Borders (following an Informal Conference) concerning pharmacists, pharmacies, students, pharmacist-interns, and pharmacy technicians.

8. Kerry Dwayne Herm ABO #H-08-018-A
9. Randall's Pharmacy #1779 ABO #H-08-018-B

The motion was made by Ms. Waggener to approve the Orders as presented. The motion was seconded by Mr. Abeldt and passed 7-0-1. Ms. Combs abstained.

10. Ellis D. Cottingham ABO #T-08-373

The motion was made by Ms. Combs to approve the Order as presented. The motion was seconded by Ms. Waggener and passed 7-0-1. Mr. Wiesner abstained.

11. Debra Jean Paramo Papania ABO #J-08-018

The motion was made by Ms. Kedron to approve the Order as presented. The motion was seconded by Ms. Combs and passed 7-0-1. Mr. Caldwell abstained.

- 12. Robert Lee Harger ABO #K-07-016-A
- 13. Nucara Pharmacy ABO #K-07-016-B

The motion was made by Mr. Caldwell to approve the Orders as presented. The motion was seconded by Mr. Abeldt and passed 7-0-1. Ms. Combs abstained.

- 14. CVS/pharmacy #7780 ABO #B-07-023

The motion was made by Ms. Waggener to approve the Order as presented. The motion was seconded by Mr. Abeldt and passed 7-0-1. Ms. Combs abstained.

- 15. Jeriann Watson Speed ABO #H-06-013-A
- 16. CVS/pharmacy #7487 ABO #H-06-013-B

The motion was made by Ms. Waggener to approve the Orders as presented. The motion was seconded by Ms. Mendoza and passed 7-0-1. Mr. Wiesner abstained.

- 17. Brookfield Pharmacy, L.L.C. ABO #B-07-072

The motion was made by Ms. Waggener to approve the Order as presented. The motion was seconded by Mr. Abeldt and passed 7-0-1. Ms. Combs abstained.

- 18. Channelview Pharmacy ABO #B-07-062

The motion was made by Mr. Caldwell to approve the Order as presented. The motion was seconded by Ms. Mendoza and passed 7-0-1. Ms. Combs abstained.

- 19. Sean Patrick Reilly ABO #B-07-083-A
- 20. Texas Specialty Hospital ABO #B-07-083-B
Of Houston

The motion was made by Ms. Mendoza to approve the Orders as presented. The motion was seconded by Ms. Waggener and passed 7-0-1. Mr. Caldwell abstained.

- 21. Ebong Jackson Akpam ABO #S-08-005

The motion was made by Ms. Mendoza to approve the Order as presented. The motion was seconded by Ms. Kedron and passed 7-0-1. Mr. Caldwell abstained.

22. Noel D. Giffin ABO #G-08-017

The motion was made by Ms. Waggener to approve the Order as presented. The motion was seconded by Mr. Laijas and passed 7-0-1. Mr. Caldwell abstained.

23. Willard B. Cox, Jr. ABO #K-07-021-A
24. Phil's Pharmacy, Inc. ABO #K-07-021-B
25. Katherine Louise Pinckert ABO #T-07-600-N

The motion was made by Ms. Waggener to approve the Orders as presented. The motion was seconded by Mr. Abeldt and passed 7-0-1. Ms. Combs abstained.

26. W. Howard Dahlquist ABO #B-07-034-A
27. Park Place Pharmacy ABO #B-07-034-B

The motion was made by Mr. Caldwell to approve the Orders as presented. The motion was seconded by Mr. Abeldt and passed 7-0-1. Ms. Combs abstained.

28. Robert Ramirez ABO #C-07-012-T
29. Javier Garcia ABO #C-07-013-T

The motion was made by Mr. Abeldt to approve the Orders as presented. The motion was seconded by Ms. Mendoza and passed 7-0-1. Ms. Kedron abstained.

30. Jose M. Carrillo ABO #J-06-004

The motion was made by Mr. Caldwell to approve the Order as presented. The motion was seconded by Ms. Mendoza and passed 7-0-1. Ms. Waggener abstained.

31. Kelley Latrece Lavallais ABO #J-04-031-A
32. Strawberry Family Drug & Pharmacy ABO #J-04-031-B

The motion was made by Ms. Waggener to approve the Orders as presented. The motion was seconded by Mr. Abeldt and passed 8-0-0.

33. Cantu's Pharmacy ABO #G-08-032

The motion was made by Ms. Kedron to approve the Order as presented. The motion was seconded by Mr. Laijas and passed 7-0-1. Ms. Combs abstained.

Ms. Woody reviewed the alleged violations, as well as the recommended sanctions for each of the following Default Board Orders concerning pharmacists and pharmacy technicians.

34. Stephen Craig Dunkle BO #E-08-009

The motion was made by Ms. Mendoza to approve the Order as presented. The motion was seconded by Ms. Waggener and passed 7-0-1. Mr. Caldwell abstained.

35. Christopher Leung BO #T-08-607

The motion was made by Ms. Waggener to approve the Order as presented. The motion was seconded by Ms. Mendoza and passed 7-0-1. Mr. Caldwell abstained.

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

- Professional Recovery Network
 - President Fry recognized Kim Roberson of the Pharmacy Recovery Network (PRN). Mr. Roberson introduced Donna Chamberlain, the new Director of the PRN program.
 - Mr. Roberson directed the Board's attention to the PRN budget for September 1, 2008, through November 30, 2008, and reviewed current PRN activities for the Board. (Tab 25)
 - Mr. Roberson directed the Board's attention to an audit of PRN outcome and output performance measures for FY2008 (September 1, 2007 – August 31, 2008). (Tab 26). Mr. Roberson briefly reviewed the audit report for the Board.

H. Miscellaneous

- Discussion of and Possible Action on Recent Conferences and Events

The Board discussed Board Member and Executive Director 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.

G. Disciplinary Orders

- Discussion of and Action on Proposed Agreed Board Orders and Default Orders
 - Executive Session to Consider Confidential Agreed Board Orders

Ms. Waggener made a motion that the Board go into Executive Session to consider Agreed Board Orders involving impaired pharmacists, pharmacist applicants, and pharmacist interns, under the authority of the Texas Pharmacy Act, Section 564.002. The motion was seconded by Mr. Abeldt and passed 8-0-0.

President Fry declared the Board in Executive Session at 1:35 p.m.

Mr. Roberson and Ms. Chamberlain of PRN remained in the Board Room during Executive Session.

At 1:42 p.m., President Fry announced that the Board would resume the meeting in Open Session. President Fry announced that no action was taken and no decisions were made during Executive Session.

Mr. Wiesner made motions to approve the following confidential Orders:

1. ABO #L-08-033
2. ABO #M-08-018
3. ABO #M-08-020
4. ABO #G-08-037
5. ABO #M-08-012
6. ABO #G-08-039
7. ABO #G-08-038
8. ABO #N-08-015
9. ABO #N-09-001
10. ABO #N-09-004

The motions were seconded by Mr. Laijas and passed as follows:

1. 8-0-0.
2. 7-0-1. Ms. Combs abstained.
3. 7-0-1. Ms. Combs abstained.
4. 7-0-1. Mr. Caldwell abstained.
5. 7-0-1. Ms. Combs abstained.
6. 7-0-1. Ms. Combs abstained.
7. 7-0-1. Mr. Caldwell abstained.
8. 7-0-1. Ms. Combs abstained.
9. 7-0-1. Mr. Caldwell abstained.
10. 7-0-1. Mr. Caldwell abstained.

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

- Pharmacy Internship Programs (Tabs 12-18)

Ms. Benz directed the Board's attention to a summary of the 2009 review of internship records for Texas' six colleges/schools of pharmacy. (Tab 12) She 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, 2007, through May 31, 2008. Ms. Benz then directed the Board's attention to questionnaires on each of the internship programs, which were reviewed by the following individuals for the colleges/schools:

- University of the Incarnate Word, Feik School of Pharmacy – Arcelia Johnson-Fannin, Pharm.D., R.Ph., Dean; and Jeffrey Copeland, B.S. ThM, Pharm.D., Assistant Dean, Experiential Programs (Tab 13);
- Texas A&M Health Science Center Irma Lerma Rangel College of Pharmacy – Indra K. Reddy, Ph.D., Dean; and Gary Frech, M.A., M.S., R.Ph., Director of Experiential Programs (Tab 14);
- The University of Texas at Austin College of Pharmacy – Jennifer L. Ridings-Myhra, R.Ph., Assistant Dean (Tab 17);
- Ms. Benz summarized the questionnaire submitted by Raymond W. Hammond, R.Ph., Pharm.D., BCPS, Associate Dean for Practice Programs, for the University of Houston College of Pharmacy (Tab 15);

- Ms. Benz summarized the questionnaire submitted by Texas Southern University College of Pharmacy and Health Sciences (Tab 16); and
- Ms. Benz summarized the questionnaire submitted by C. Jean Haynes, Assistant Director of Experiential Programs, for the Texas Tech University Health Science Center School of Pharmacy (Tab 18).

Following discussion, the motion was made by Ms. Mendoza to approve the internship programs of the University of the Incarnate Word, Feik School of Pharmacy; Texas A&M Health Science Center Irma Lerma Rangel College of Pharmacy; the University of Texas at Austin College of Pharmacy; Texas Southern University College of Pharmacy and Health Sciences; and Texas Tech University Health Science Center School of Pharmacy, with the approval of the following exceptions:

- University of the Incarnate Word, Feik School of Pharmacy – 2:1 intern to preceptor ratio in institutional settings for Introductory Pharmacy Practice, I, II, and III; 3:1 intern to preceptor ratio for Acute Care/General Medicine, Ambulatory Care, Patient Care Elective, and Non-patient Care Elective; and 6:1 intern to preceptor ratio for the Drug Information rotation.
- Texas A&M Health Science Center Irma Lerma Rangel College of Pharmacy – 3:1 intern to preceptor ratio for non-distributive functions; and 8:1 intern to preceptor ratio for non-judgmental functions.
- University of Houston College of Pharmacy – 2:1 intern to preceptor ratio for Advanced Community and Advanced Hospital Pharmacy; and a 3:1 intern to preceptor ratio for advanced internships, except Advanced Community Pharmacy and Advanced Hospital Pharmacy.
- Texas Southern University College of Pharmacy and Health Sciences – 3:1 intern to preceptor ratio for non-distributive functions.
- University of Texas at Austin College of Pharmacy – 3:1 intern to preceptor ratio for non-distributive functions; and a 2:1 intern to preceptor ratio at the University of Texas Health Services Pharmacy.

- Texas Tech University Health Science Center School of Pharmacy – 3:1 intern to preceptor ratio in ambulatory clinical settings; 3:1 intern to preceptor ratio for non-dispensing inpatient hospital settings; and 4:1 intern to preceptor ratio in limited clinical settings.

The motion was seconded by Mr. Laijas and passed unanimously.

- Request from Joint Committee on Internship Programs (JCIP) to Change Ratios of Preceptors to Pharmacist Interns in Texas Colleges and Schools and Possible Proposal of Amendments to §283.6 Concerning Ratio Requirements (Tab 19)

Ms. Dodson directed the Board's attention to a letter dated December 30, 2008, from Jennifer L. Ridings-Myhra on behalf of the JCIP. Ms. Ridings-Myhra addressed the Board and explained that the JCIP was asking the Board to amend rule §283.6 so that there would be no ratio requirement for preceptors supervising intern-trainees and student-interns as a part of a Texas college/school of pharmacy program. Ms. Ridings-Myhra answered questions posed by Board Members. Ms. Dodson directed the Board's attention to suggested rule language to implement the request from JCIP.

Following discussion, the motion was made by Mr. Caldwell to approve for proposal, as presented, amendments to §283.6 concerning preceptors supervising intern-trainees and student-interns as a part of a Texas college/school of pharmacy program. The motion was seconded by Ms. Waggener and passed unanimously.

H. Miscellaneous

- Items to be Placed on Agenda for May 2009 Board Meeting (Tab 34)

Board Members and/or Ms. Dodson requested the following items be placed on the agenda for the May 2009 or future Board Meetings:

- Final report of Task Force on Class C Pharmacies with suggested language to amend rules to implement the recommendations of the task force; and
- Discussion concerning penalties for pharmacists who report losses.

The motion was made by Ms. Combs to adjourn the meeting. The motion was seconded by Ms. Waggener and passed unanimously. President Fry adjourned the meeting at 2:50 p.m.

APPROVED:

W. Benjamin Fry, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

May 5, 2009