



TEXAS STATE BOARD OF PHARMACY

Texas State Board of Pharmacy

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

Tuesday, May 4, 2010
9:00 a.m. – 5:00 p.m

Wednesday, May 5, 2010
8:00 a.m. – Conclusion

A G E N D A

A. JW Announcements

- Meeting Procedures
- Board Members
- Staff
- Continuing Education

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

- TSBP Board Business Meeting, Held February 9 - 10, 2010
- TSBP Executive Committee Meeting, Held March 19, 2010

C. AB Discussion of and Possible Action Regarding Rules

C.1 Final Adoption of Rules

- C.1.1 Amendments to §281.9 Implementing SB 1853 Concerning Disciplinary Action for Pharmacy Technicians and Pharmacy Technician Trainees (Tab 02)
- C.1.2 Amendments to §281.64 Concerning Changes to Sanctions for Criminal Offenses (Tab 03)
- C.1.3 New Rule §291.7 Concerning Prescription Drug Recalls and Their Handling and Follow-up by Pharmacies (Tab 04)
- C.1.4 New Rule §291.29 Concerning Professional Responsibility of Pharmacists (Tab 05)
- C.1.5 Amendments to §§291.32-291.33 Concerning Remote Verification of Prescription Data Entry and the Implementation of the Provisions of HB 19 Regarding the Disposal of Prescription Drugs (Tab 06)
- C.1.6 Amendments to §§291.72-291.75 Concerning the Rural Hospital Provisions of H.B. 1924, Passed by the 81st Texas Legislature (Tab 07)
- C.1.7 Amendments to §291.104 Concerning the Implementation of the Provisions of HB 19 Regarding the Disposal of Prescription Drugs (Tab 08)

C.2 Proposal of Rules

- C.2.1 Amendments to §281.8 Concerning Grounds for Discipline of Pharmacist License (Tab 09)
- C.2.2 Repeal of §281.11 Concerning Rules Governing Cooperating Practitioners; New Rule §281.11 Concerning Criminal History Evaluation Letter; and New Rule §281.12 Concerning Rules Governing Cooperating Practitioners (Tab 10)
- C.2.3 Amendments to §281.22 Concerning Informal Disposition of a Contested Case (Tab 11)

- C.2.4 Amendments to §281.64 Concerning Sanctions for Criminal Offenses (Tab 12)
- C.2.5 Amendments to §281.66 Concerning Application Fee for Pharmacist and Pharmacy Technician Reinstatement Applicants (Tab 13)
- C.2.6 Amendments to §291.121 Concerning Emergency Medication Kits (Tab 14)
- C.2.7 New Rule §291.153 Concerning Central Prescription Drug or Medication Order Processing (Class G) (Tab 15)
- C.2.8 New Rule §291.155 Concerning Prescription Pick-up Pharmacy (Class H) and Amendments to §291.9 Concerning Prescription Pick-Up Location (Tab 16)
- C.2.9 Amendments Concerning License Fees (Tab 17)
 - C.2.9.1 §291.6 Concerning Pharmacies
 - C.2.9.2 §295.5 Concerning Pharmacist
 - C.2.9.3 §297.4 Concerning Pharmacy Technicians and Pharmacy Technician Trainees
- C.2.10 Amendments to §291.151 Concerning Freestanding Emergency Medical Centers (Tab 18)
- C.3 Rule Reviews in Accordance with Government Code, Section §2001.039 (Tab 19)
 - C.3.1 For Proposal
 - C.3.1.1 Chapter 281 Concerning Administrative Practices and Procedures. (§§281.1-281.11, 281.13, 281.15, 281.17-281.22, 281.30-281.34, 281.60-281.66) (Tab 20)
 - C.3.1.2 Chapter 311 Concerning Code of Conduct (§§311.1-311.2) (Tab 21)

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

- D.1 Final Report of Task Force on Nuclear Pharmacies (Class B) and Proposal of Amendments to Implement the Recommendations of the Task Force (§§291.51-291.55) (Tab 22)

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

- CS** E.1 Financial Update
- E.1.1 Review of FY2010 Operating Budget and 5% Budget Reduction (Tab 23)
- E.1.2 Review of Board Member Travel Budget (Tab 24)
- GD** E.2 Review and Approval of FY2011-2015 Strategic Plan (Tab 25)
- PH** E.3 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students
- E.3.1 Professional Recovery Network (PRN)
- E.3.1.1 Update on Number of Individuals Participating in PRN Program (Tab 26)
- E.3.1.2 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Donna Chamberlain (Tab 27)
- E.3.1.3 Review and Approval of PRN Proposed Budget for FY2012-2013 (Tab 28)
- CS** E.4 Review and Approval of Proposed Budget for FY2012-2013 (Tab 29)
- CS** E.5 Review and Approval of TSBP Revenue Projections and Fee Scenarios (Tab 30)
- CS** E.6 Report on Internal Risk Assessment (Tab 31)

- CS** E.7 Committee on Pharmacy Technician Certification Examination Concerning Request for Qualifications for Providers of Pharmacy Technician Certification Examination (Tab 32)
 - E.7.1 Report on Committee Recommendations
 - E.7.2 Board Decision on Committee Recommendations
 - GD** E.8 Review and Approval of *FY2011 Calendar of Events* (Tab 33)
 - GD** E.9 Report on Customer Service Survey (Tab 34)
 - CS** E.10 Report on Audit Conducted by the Office of the State Comptroller (Tab 35)
 - GD** E.11 Discussion of §291.33(c)(3)(C)(iii) Electronic Prescription Orders (Tab 46)
 - GD** E.12 Review and Approval of TSBP FY2009 Annual Report (Tab 36)
 - GD** E.13 Update on TSBP Action on Legislation Passed During the 81st Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 37)
 - GD** E.14 Discussion of Possible Statutory Changes for Consideration During the 82nd Session of the Texas Legislature (Tab 38)
- F. CF Consideration of and Possible Action Concerning the Following Enforcement Reports**
- F.1 Consideration of Petition(s) to Serve as a Preceptor
 - F.1.1 Petition from John W. Rudder, R.Ph. (Tab 39)
 - F.2 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 40)
 - F.3 Report on Status of Active/Pending Complaints (Tab 41)

G. KA Disciplinary Orders

G.1 Consideration of Proposals for Decision

G.1.1 In the Matter of Antonio Martinez, Pharmacist License #38929 (Tab 42)

G.1.1.1 Executive Session Concerning the Proposal For Decision in the Matter of Antonio Martinez, Pharmacist License #38929

G.1.2 In the Matter of A.M. Pharmacy, Pharmacy License #22603 (Tab 43)

G.1.2.1 Executive Session Concerning the Proposal For Decision in the Matter of A.M. Pharmacy, Pharmacy License #22603

G.2 Report on Agreed Board Orders Entered by Executive Director

G.3 Discussion of and Action on Proposed Agreed Board Orders and Default Orders

G.4 Executive Session to Consider Confidential Agreed Board Orders

H. JW Miscellaneous

H.1 Items to be Placed on Agenda for August 2010 Board Meeting (Tab 44)

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

- APhA Annual Meeting, Washington, DC, March 12-15, 2010
- AMCP Annual Meeting, San Diego, CA, April 7-10, 2010
- TSHP Annual Seminar, Galveston, April 7-12, 2010 (Mendoza, Tipton, Dodson)
- WTPA Annual Meeting, Abilene, April 22-25, 2010
- NACDS Annual Meeting, Palm Beach, FL, April 24-28, 2010

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

- Technician Informal Conferences, Austin, May 20, 2010 (Wiesner)
- NABP Annual Meeting, Anaheim, CA, May 22-25, 2010
- NACDS Marketplace Conference, San Diego, CA June 5-8, 2010
- ASHP Summer Meeting, Tampa, FL, June 6-9, 2010
- Informal Conferences, Austin, June 8-9, 2010 (Fry)
- Technician Informal Conferences, Austin, June 17, 2010 (Mendoza)
- Informal Conferences, Austin, July 6-7, 2010 (Kedron)
- TPA Annual Meeting, Austin, TX, July 14-17, 2010
- Technician Informal Conferences, Austin, July 22, 2010 (Kedron)
- National Pharmaceutical Association Annual Meeting, Seattle, WA, July 23-26, 2010
- TSBP Board Business Meeting, Austin, August 10-11, 2010
- Technician Informal Conferences, Austin, August 19, 2010 (Mendoza)
- NACDS Pharmacy and Technology Conference San Diego, CA, August 28-31, 2010.

H.4 Consideration of Personnel Matters

H.4.1 Executive Session to Conduct Evaluation of Executive
Director (Tab 45)

THE TEXAS STATE BOARD OF PHARMACY MAY ENTER EXECUTIVE SESSION
TO CONSIDER ANY AGENDA ITEM WHEN PERMITTED BY TEXAS LAW.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Cathy Stella at (Voice) 512/305-8000, (FAX) 512/305-8075, or TDD 1-800/735-2989. Requests for reasonable accommodations should be made five working days prior to the meeting so that appropriate arrangements can be made.