

**TITLE 22 EXAMINING BOARDS
PART 15 TEXAS STATE BOARD OF PHARMACY
CHAPTER 283 LICENSING REQUIREMENTS FOR PHARMACISTS**

§283.6 Preceptor Requirements and Ratio of Preceptors to Pharmacist-Interns

(a) Preceptor requirements.

(1) Preceptors shall be:

(A) a pharmacist whose license to practice pharmacy in Texas is current and not on inactive status with the board; or

(B) a healthcare professional preceptor.

(2) A pharmacist preceptor shall publicly display the pharmacist preceptor certificate with his/her license to practice pharmacy and the license renewal certificate.

(3) To be recognized as a pharmacist preceptor, a pharmacist must:

(A) have at least:

(i) one year of experience as a licensed pharmacist; or

(ii) six months of residency training if the pharmacy resident is in a program accredited by the American Society of Health-System Pharmacists;

(B) have completed:

(i) for initial certification, three hours of pharmacist preceptor training provided by an ACPE approved provider within the previous two years. Such training shall be:

(I) developed by a Texas college/school of pharmacy; or

(II) approved by:

(-a-) a committee comprised of the Texas college/schools of pharmacy; or

(-b-) the board; or

(ii) to continue certification, three hours of pharmacist preceptor training provided by an ACPE approved provider within the pharmacist's current license renewal period. Such training shall be:

(I) developed by a Texas college/school of pharmacy; or

(II) approved by:

(-a-) a committee comprised of the Texas college/schools of pharmacy; or

(-b-) the board; and

(C) meet the requirements of subsection (c) of this section.

(b) Ratio of preceptors to pharmacist-interns.

(1) A preceptor may supervise only one pharmacist-intern at any given time (1:1 ratio) except as provided in paragraph (2) of this subsection.

(2) The following is applicable to Texas college/school of pharmacy internship program only.

(A) Supervision. Supervision of a pharmacist-intern shall be:

(i) direct supervision when the student-intern or intern-trainee is engaged in functions associated with the preparation and delivery of prescription or medication drug orders; and

(ii) general supervision when the student-intern or intern-trainee is engaged in functions not associated with the preparation and delivery of prescription or medication drug orders.

(B) Exceptions to the 1:1 ratio. There is no ratio requirement for preceptors supervising intern-trainees and student-interns as a part of a Texas college/school of pharmacy program.

(c) No pharmacist may serve as a pharmacist preceptor if his or her license to practice pharmacy has been the subject of an order of the board imposing any penalty set out in the Act, §565.051, during the period he or she is serving as a pharmacist preceptor or within the three-year period immediately preceding application for approval as a pharmacist preceptor. Provided, however, a pharmacist who has been the subject of such an order of the board may petition the board, in writing, for approval to act as a pharmacist preceptor. The board may consider the following items in approving a pharmacist's petition to act as a pharmacist preceptor:

(1) the type and gravity of the offense for which the pharmacist's license was disciplined;

(2) the length of time since the action that caused the order;

(3) the length of time the pharmacist has previously served as a preceptor;

(4) the availability of other preceptors in the area;

(5) the reason(s) the pharmacist believes he/she should serve as a preceptor;

(6) a letter of recommendation from a Texas college/school of pharmacy if the pharmacist will be serving as a pharmacist preceptor for a Texas college/school of pharmacy; and

(7) any other factor presented by the pharmacist demonstrating good cause why the pharmacist should be allowed to act as a pharmacist preceptor.

(d) The fee for issuance of a duplicate or amended preceptor certificate shall be \$20.

Janelle Dooley

From: Jennifer Miller
Sent: Wednesday, April 03, 2013 5:37 PM
To: Janelle Dooley
Subject: Jennifer Miller - Preceptor approval petition

Background:

My name is Jennifer Miller and I would like to petition the Board for approval to act as a preceptor according to Board Rule 283.6(c). In March of 2000, I was charged with the misdemeanor offense of possession of marijuana while on a spring break camping trip. I was 18 years old. About 1 and 1/2 years later, I received deferred adjudication for the charge when it went to court. Since that time I have graduated Magna Cum Laude with a Bachelor of Science degree in Biology from the University of Texas at Arlington. I also worked as a pharmacy technician at Walgreens for about 3 years. I disclosed this charge to the board for the first time when I had to register with the Board as a technician. I then was accepted to the University of Houston Pharmacy School and graduated with a Pharm.D in 2009. When I applied as a pharmacist intern, I again told the Board of my charge. I graduated Summa Cum Laude, with only six other students graduating with that designation. In 2009, I applied for my pharmacist license and again informed the Board about my charge. The Board granted my pharmacist license but it was placed on probation because of the charge in March of 2000. My probation was terminated in 2011, allowing me to be eligible to be a preceptor in February of 2014.

I would like to petition the Board to allow me to become a preceptor now because of the following:

- This charge is an event that is in my past. The event happened over 13 years ago and in no way is a reflection of me as a pharmacist or a potential preceptor. Since this event, I have graduated college with two degrees, have 3 beautiful children and a career that I am proud of and sincerely enjoy.
- I have never served as a preceptor but would enjoy the chance to pass along advice and information to future pharmacists. Providing a good example and helping them to gain experience in retail pharmacy is important and I would like to be a part of that. I remember all my preceptors when I was an intern and really appreciate all that I learned from them.
- I have worked at Walgreens as a pharmacist for about 3 and 1/2 years. I am a hard working and dependable pharmacist that really cares about all my patients.
- Our pharmacy will be getting a pharmacist intern this summer and I would like to be able to be a preceptor for her. I would like her to be able to practice pharmacist duties while I am supervising.

Thank you for your consideration,
Jennifer Miller

AGREED BOARD ORDER #L-09-009

RE: IN THE MATTER OF
JENNIFER ANN MILLER
(APPLICANT FOR PHARMACIST
LICENSURE BY EXAMINATION)

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy the matter of the Application for Pharmacist Licensure by Examination submitted by Jennifer Ann Miller.

By letter dated March 13, 2009, the Texas State Board of Pharmacy gave preliminary notice to Jennifer Ann Miller of its intent to consider denial of the Application for Pharmacist Licensure by Examination of Jennifer Ann Miller. This action was taken as a result of information received by the Board which produced evidence indicating that Jennifer Ann Miller may have violated:

Section 565.001(a)(1), (6)(A)(ii), (9)(A), and (12) of the Texas Pharmacy Act, TEX. OCC. CODE ANN. Subtitle J (2007); and

Section 481.121(a) of the Texas Controlled Substances Act, TEX. HEALTH & SAFETY CODE ANN. (2007), in that, allegedly:

PREVIOUS HISTORY

On or about August 4, 2004, the Texas State Board of Pharmacy entered Agreed Board Order #T-04-285 in the matter of Jennifer Ann Miller. The Order was based on evidence that Ms. Miller received deferred adjudication for the misdemeanor offense of Possession of Marijuana, as described below in Count (1). The Order granted Ms. Miller's pharmacy technician registration.

COUNT

On or about December 21 2001, in Cause No. CCL 00-1297, in the County Court at Law of Parker County, Texas, Jennifer Ann Miller received deferred adjudication based on her plea of guilty to the misdemeanor offense of Possession of Marijuana. The trial court placed Ms. Miller on community supervision for a period of one year and assessed a \$300 fine.

An informal conference was held in the office of the Texas State Board of Pharmacy on April 7, 2009, with Jennifer Ann Miller, in attendance. The informal conference was heard by a Board panel comprised of: Jeanne D. Waggener, R.Ph., Board Member; Gay Dodson, R.Ph., Executive Director/Secretary; and Carol Fisher, R.Ph., M.P.A., Director of Enforcement; with Kerstin E. Arnold, General Counsel. Also in attendance were: Caroline K. Hotchkiss, Staff Attorney, and Patty Castillo, Enforcement Specialist.

At the aforementioned conference, Jennifer Ann Miller waived her right to be represented by legal counsel. By her appearance at the informal conference and by her signature on this Order, Jennifer Ann Miller agrees that the Texas State Board of Pharmacy has jurisdiction in this matter, and hereby waives her right to legal counsel, to notice of hearing, to a formal administrative hearing, and to judicial review of this Order.

After discussion of the matters previously outlined in this Order, and subsequent communications, Jennifer Ann Miller agreed to the entry of an Order disposing of the need for further disciplinary action in this matter. By her signature on this Order, Jennifer Ann Miller neither admits nor denies the truth of the matters previously set out in this Order with respect to the above alleged violations.

Should this Order not be accepted by the Board, it is agreed that neither the presentation of the Order to the Board nor the Board's consideration of the Order, will be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, will not be grounds for precluding the Board or any individual member of the Board from further participation in proceedings related to the matters set forth in the Order.

Jennifer Ann Miller understands that any failure to comply with the terms of this Order is a basis for discipline under the Texas Pharmacy Act.

At the conclusion of the aforementioned conference, and subsequent communications, it was agreed among the parties that Jennifer Ann Miller shall comply with the terms and conditions set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Texas State Board of Pharmacy (hereinafter referred to as "BOARD") does hereby ORDER that Jennifer Ann Miller (hereinafter referred to as "Applicant") shall be granted a Texas pharmacist license after she successfully completes the requirements of licensure as set forth in the Texas Pharmacy Act, TEX. OCC. CODE ANN. Subtitle J (2007) and the Texas Pharmacy Rules of Procedure, 22 TEX. ADMIN. CODE (2009), and said license shall be suspended for a period of three (3) years. It is further ORDERED that such suspension be probated under the conditions that Applicant abide by and obey the terms of this Order, all Federal laws and laws of the State of Texas with respect to pharmacy, controlled substances, dangerous drugs, and all rules and regulations adopted pursuant to the above-mentioned statutes.

It is further ORDERED that upon entry of this Order and during the entire term of this Order, Applicant shall:

- (1) abstain from the consumption of alcohol, any products containing alcohol (including over-the-counter products and prescription drugs), dangerous drugs, and/or controlled substances in any form unless prescribed by a practitioner for a legitimate and documented therapeutic purpose within one (1) year prior to the date of consumption and unless ingested for the same therapeutic purpose as originally prescribed;
- (2) submit, within twenty-four (24) hours, to the performance of unscheduled urinalysis or other types of drug or alcohol analysis as specified by BOARD staff;

- (3) be responsible for any costs associated with compliance of the terms of this Order;
- (4) provide copies of chain-of-custody document(s) from the collection site for any urinalysis or other type of drug or alcohol analysis, as required by Paragraph (2), for which Applicant has submitted a sample. Such document(s) shall be provided within three (3) days of the submission to the analysis;
- (5) provide copies of any and all current prescriptions taken by or in possession of Applicant to BOARD staff. Within ten (10) days of any and all new prescriptions prescribed by a treating physician (or other health-care practitioner with prescriptive authority) who has reviewed this Order, Applicant shall provide copies of any and all new prescriptions to BOARD staff;
- (6) provide a written statement from a treating physician (or other health-care practitioner with prescriptive authority), who has reviewed this Order, for all current sample medication taken by or in possession of Applicant to BOARD staff. The statement shall include the patient's name, drug name, quantity provided, date provided, directions for use, and physician's name. Within ten (10) days of any and all new sample medication provided by a treating physician (or other health-care practitioner with prescriptive authority), who has reviewed this Order, Applicant shall provide copies of such a statement to BOARD staff;
- (7) be in violation of this Order, and shall surrender the pharmacist license issued to Applicant pending formal disciplinary action in said matter, in the event that:
 - (a) the results of any alcohol or drug analysis indicate the presence of alcohol or drugs (unless the dangerous drug and/or controlled substance was prescribed within one (1) year from the date of the analysis for a legitimate and documented therapeutic purpose by a practitioner who reviewed the terms of this Order before authorizing the prescription); and/or
 - (b) any health-care practitioner submits written documentation that Applicant has developed an incapacity of a nature that may prevent her from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public;
- (8) not hold any of the individuals providing reports to the BOARD liable in any manner for the contents of such reports;
- (9) authorize the staff of the BOARD to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Applicant, and any other relevant matter with potential employers

of Applicant, or any other person who Applicant, by oral or written notification to the BOARD, has authorized to receive this information; and

- (10) not be convicted of or receive deferred adjudication for an alcohol-related or drug-related offense.

It is further ORDERED that:

- (11) the time period of the three-year probation under this Order shall be extended for any period of time in which Applicant is not employed as a pharmacist routinely working at least twenty (20) hours per week in the State of Texas. If Applicant ceases to be employed as a pharmacist in Texas, Applicant shall notify the BOARD within ten (10) days in writing of the last date «Heshe» practiced pharmacy in Texas.

It is further ORDERED that Applicant shall pay a probation fee of one thousand two hundred dollars (\$1,200). This probation fee is due ninety (90) days after the entry of this Order.

It is finally ORDERED that failure to comply with any of the terms and conditions in this Order constitutes a violation and shall be grounds for further disciplinary action against the Texas pharmacist license held by Applicant.

Agreed Board Order #L-09-009
Jennifer Ann Miller
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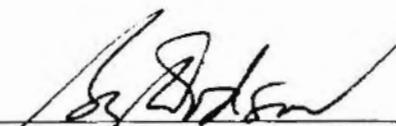
And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

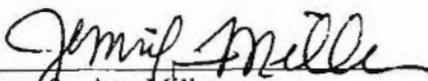
SIGNED AND DATED THIS 5th day of May, 2009.

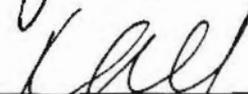

MEMBER, TEXAS STATE BOARD OF PHARMACY

ATTEST:


Gay Dodson, R.Ph., Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:


Jennifer Ann Miller


Kerstin E. Arnold, General Counsel
Texas State Board of Pharmacy