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# TEXAS STATE BOARD OF PHARMACY

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**Texas State Board of Pharmacy**

**333 Guadalupe Street, Suite 2-225  
Austin, Texas**

**Public Hearing and Board Business Meeting**

Monday, November 4, 2013  
1:00 p.m. – Conclusion

Tuesday, November 5, 2013  
9:00 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 August 6, 2013
- Temporary Suspension Hearings

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

C.1 Final Adoption of Rules

- C.1.1 Amendments to §281.22 Concerning Informal Disposition of a Contested Case (Tab 02)

- C.1.2 New Rule §281.68 Concerning Remedial Plan (Tab 03)
- C.1.3 Amendments to §291.17 Concerning Inventory Requirements (Tab 04)
- C.1.4 Amendments Concerning License Fees (Tab 05)
  - C.1.4.1 §291.6 Concerning Pharmacies
  - C.1.4.2 §295.5 Concerning Pharmacists
  - C.1.4.3 §297.4 Concerning Pharmacy Technicians and Pharmacy Technician Trainees
- C.1.5 Amendments Concerning Pharmacist to Technician Ratio (Tab 06)
  - C.1.5.1 §291.32 Concerning Class A Pharmacies
  - C.1.5.2 §291.53 Concerning Class B Pharmacies
  - C.1.5.3 §291.153 Concerning Class G Pharmacies
- C.1.6 Amendments to §291.105 Concerning Auto Refill in Class E Pharmacies (Tab 07)
- C.1.7 Amendments to §§283.12 and 297.10 Concerning Military Spouses (Tab 08)
- C.1.8 Amendments and New Rules Concerning the Compounding of Sterile Preparations (Tab 09)
  - C.1.8.1 §§291.33 and 291.36 Concerning Class A Pharmacies
  - C.1.8.2 §§291.54 and 291.56 Concerning Class B Pharmacies
  - C.1.8.3 §§291.74, 291.76, and 291.77 Concerning Class C Pharmacies
  - C.1.8.4 §§291.104 and 291.106 Concerning Class E Pharmacies
  - C.1.8.5 §291.133 Concerning Pharmacies Compounding Sterile Preparations

C.1.9 Amendments to §295.12 Concerning Pharmacist Certification Programs (Tab 10)

C.2 Proposal of Rules

C.2.1 Amendments to §291.125 Concerning Labeling in Pharmacies Utilizing Central Prescription Dispensing (Tab 11)

C.3 Rule Reviews in Accordance with Government Code, Section §2001.039 (Tab 12)

C.3.1 For Proposal

C.3.1.1 Chapter 291 Concerning Pharmacies (Nuclear Pharmacy (Class B)) (§§291.51-291.55) (Tab 13)

C.3.1.2 Chapter 305 Concerning Educational Requirements (§§305.1-305.2) (Tab 14)

C.3.1.3 Chapter 309 Concerning Generic Substitution (§§309.1-309.4, 309.6-309.8) (Tab 15)

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

**CS** D.1 Financial Update

D.1.1 Review and approval of FY2013 Expenditures (Tab 16)

D.1.2 Review of Board Member Travel Budget (Tab 17)

**PH** D.2 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students

D.2.1 Update on Number of Participating Individuals (Tab 18)

D.2.2 Professional Recovery Network (PRN)

D.2.2.1 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Courtney Hulbert (Tab 19)

- GD** D.3 Discussion Concerning *TSBP FY2015-2019 Strategic Plan* (Tab 20)
- GD** D.4 Discussion Concerning Draft of the Texas Pharmacy Congress Texas Pharmacy Vision to Enhance Patient Care (Tab 21)
- KA** D.5 Discussion Concerning the Status of a Prescription After a Physician Dies (Tab 22)
- DW** D.6 Discussion Concerning Alternative Methods for Posting of Required Notifications to Consumers (Tab 23)
- SR** D.7 Report on Shared Regulatory Data Base Project and Update on TSBP Website (Tab 24)
- KA** D.8 Report on Appeals from State Office of Administrative Hearings Cases and Other Court Actions (Tab 25)
- GD** D.9 Update on Legislation Passed During the 83<sup>rd</sup> Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 26)
- GD** D.10 Discussion of Possible Statutory Changes for Consideration During the 84<sup>th</sup> Session of the Texas Legislature (Tab 27)
- E. KA Disciplinary Orders**
  - E.1 Consideration of Proposals for Decision
    - E.1.1 In the Matter of Emmanuel Kanu, Pharmacist License # 34077 (Tab 28)
      - E.1.1.1 Executive Session Concerning the Proposal For Decision in the Matter of Emmanuel Kanu, Pharmacist License #34077
  - E.2 Report on Agreed Board Orders Entered by Executive Director (Tab 29)
  - E.3 Discussion of and Action on Proposed Agreed Board Orders and Default Orders (Tab 30)
  - E.4 Executive Session to Consider Confidential Agreed Board Orders (Tab 31)

**F. CF Consideration of and Possible Action Concerning the Following Enforcement Reports**

F.1 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 32)

F.2 Report on Status of Active/Pending Complaints (Tab 33)

**G. JW Miscellaneous**

G.1 Items to be Placed on Agenda for February 2014 Board Meeting (Tab 34)

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

- National Association of Chain Drug Stores (NACDS)  
Total Store Expo, Las Vegas, NV  
August 10-13, 2013
- National Association of Boards of Pharmacy/American Association of Colleges of Pharmacy (NABP/AACP)  
District VI, VII, and VIII Annual Meeting, Boulder, CO  
September 8-11, 2013
- MALTA-GON  
Annual Conference, Asheville, NC  
September 29-October 2, 2013
- National Community Pharmacists Association (NCPA)  
Annual Convention, Orlando, FL  
October 12-16, 2013
- Academy of Managed Care Pharmacy (AMCP)  
Educational Conference, San Antonio, TX  
October 16-18, 2013

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

- American Society of Consultant Pharmacists (ASCP)  
Annual Meeting, Seattle, WA  
November 19-22, 2013
- Technician Informal Conferences, Austin, November 19, 2013  
(Tipton)

- Informal Conferences, Austin, December 2-4, 2013  
(Wiesner)
- American Society of Health-System Pharmacists (ASHP)  
Mid-Year Clinical Meeting, Orlando, FL  
December 8-12, 2013
- Technician Informal Conferences, Austin, December 19, 2013  
(Wiesner)
- Informal Conferences, Austin, January 7-9, 2014  
(Waggener)
- Technician Informal Conferences, Austin, January 23, 2014  
(Wetherbee)

G.4 Election of Vice President and Treasure (Tab 35)

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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.