

## ENFORCEMENT DIVISION

### FY2001 SIGNIFICANT ACCOMPLISHMENTS

1. Division staff accomplished or partially accomplished all of the Division's 22 Objectives for FY2001 (18 objectives were accomplished and 4 objectives were partially accomplished). In addition, TSBP met or exceeded (within a 5% variance) 12 of 15 (80%) FY2001 projections for enforcement-related performance measures (15 measures: 6 key measures and 9 non-key measures). One key measure (relating to average complaint resolution time) was not met and two non-key measures were not met.  
(See Ongoing Objective #1.)
2. The agency received and closed more complaints in FY2001 than it did during the prior three fiscal years, as indicated in the chart below:

Fiscal Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY97	1736		1697		98%	171 Days	
FY98	1314	-24%	1504	-11%	114%	222 Days	+30.00%
FY99	1533	+17%	1335	-11%	87%	221 Days	-0.45%
FY00	1577	+3%	1513	+13%	96%	220 Days	-0.45%
FY01	1683	+7%	1667	+10%	99%	262 Days	+19.00%

3. Effective October 1, 2000, several of the goals and objectives of the former Compliance Division were reassigned to the Enforcement Division, including the responsibility of the field inspection program. This reorganization will provide better coordination of enforcement functions. Field Compliance Officers developed a universal inspection form to be used in all classes of pharmacies. Having only one inspection form will save printing costs and inventory space (in field offices/TSBP office).
4. In line with the agency's "lead agency" philosophy, TSBP investigators made an extraordinary number of contacts with other law enforcement agencies. See Ongoing Objective #5. In addition, Division implemented joint team meetings for investigators and compliance officers. Accordingly, all in-house and field enforcement personnel were able to meet together and discuss areas of mutual concern.
5. With the Executive Director's approval, the Division Director reorganized functions and replaced three vacant pharmacist positions with non-pharmacist personnel, as follows: two in-house Compliance Officers (positions vacated by Marilyn Pearce, R.Ph., and Roger Hernandez, R.Ph.) were replaced with in-house investigators; and the in-house Chief Compliance Officer (vacated

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when Iona Grant, R.Ph., requested to fill the vacant Houston field compliance officer position) was replaced with an Executive Assistant (Compliance Specialist). Accordingly, substantive savings were realized with regard to the budget line item for salaries.

6. In September 2000, the Division employed Vicki Jackson-Kimbrell, its first non-pharmacist in-house investigator (Enforcement Officer), who greatly improved the timeliness of resolving complaints not requiring a field investigation. When the Division experienced turnover in five positions in FY2001 (four resignations and one retirement), the Division Director took the opportunity, with the Executive Director's approval, to reorganize functions and create new job descriptions, including two additional Enforcement Officer positions. Division operations were dramatically enhanced with the employment of the personnel who filled vacant positions in FY2001: Janelle Nastri, Enforcement Specialist (who was promoted/ transferred from the TSBP Legal Division); Anita Arnet, Austin Field Investigator; Carol Willess, Compliance Specialist; Korena Schaaf, Enforcement Officer; and Melissa Rivera, Investigator II. In August 2001, Sarah Guevara and Amy Herring were offered and accepted the two vacant Enforcement Officer positions.
7. The field Compliance team exceeded its goal of 2,300 inspections by conducting 2,529 inspections. This goal was accomplished even with vacancies in three regions (West Houston, West Texas, and Austin). The West Houston region was vacant from September through November 2000, following the resignation of May Woo, R.Ph., in August 2000. The Austin region was vacant from November 2000 through August 2001, following the resignation of Marilyn Pearce, R.Ph., in October 2000. The West Texas region became vacant in June 2001, upon the resignation of Carey Bridges, R.Ph. The vacancy in the West Houston position was quickly filled within three months when Iona Grant, R.Ph., assumed this position. Ben Santana, R.Ph., in-house Compliance Staff Officer, assumed the responsibility for inspecting pharmacies in the Austin area, effective FY2002. The vacant West Texas Compliance Officer position will be filled in FY2002.
8. Job descriptions for all 25 Division staff were updated.
9. Division Director, in cooperation and conjunction with the Executive Director and other Division Directors, and with input from Division staff, formulated uniform objectives for employee evaluations. This accomplishment was in compliance with the requirements of the Texas Human Rights Commission. In addition, Division Director, in cooperation and conjunction with the Executive Director and other Division Directors, implemented a procedure to ensure equity in determining merit awards.
10. Joe Lewis, Chief of Investigations, worked in cooperation with TSBP Purchaser Darlene Guthrie to replace the field personnel's communication devices (pagers, cell phones) with more cost-effective devices. Accordingly, the agency experienced a substantial savings.

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**FY2001 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS**

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1. The Division began FY2001 with two vacant positions (field investigator for Austin area and Investigator II). During FY2001, the Division experienced an additional turnover in 5 positions (4 resignations and 1 retirement). This high turnover rate resulted in Division staff spending a significant amount of time and efforts advertising for vacant positions, evaluating applications, interviewing applicants, and orienting/training new employees. (See Ongoing Objective #15.)
2. Division staff continued to spend a significant amount of time monitoring compliance with the terms of disciplinary orders that were entered by TSBP in FY2001. A large number (131 disciplinary orders or 90% of the total number of disciplinary orders entered in FY2001) required some type of intensive monitoring. Many of these Orders required the licensee to submit policies and procedures (e.g., Quality Assurance Programs including peer review procedures). (See Ongoing Objective #7.)
3. The average time to close a complaint in FY2001 was 262 days, as compared to 220 days in FY2000, an increase of 19% (see chart included in Significant Accomplishments #3).
4. The Division was not able to reduce its complaint backlog in FY2001, due to the factors described in Constraints (1), (2), and (3) above.
5. The Division continued to be plagued with lack of adequate space for closed complaint files.

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**FY2001 ANNUAL REPORT**

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**GOAL**

To promote voluntary compliance with pharmacy laws and rules. To monitor compliance with pharmacy laws and rules. To enforce pharmacy laws and rules through inspections and investigations of pharmacists and pharmacies. To monitor the complaint process and transfer complaints involving substantive allegations to the TSBP Legal Division for review and potential prosecution. To monitor compliance with Disciplinary Orders. To provide enforcement information and information regarding pharmacy laws and rules to agency customers.

**Objectives (New)**

1. To assist the Executive Director, in cooperation with other Divisions, in:
  - A. preparing testimony, attending public hearings, reviewing legislation and providing any fiscal or technical information as required by the 77<sup>th</sup> Texas Legislature; and
  - B. reviewing all legislation introduced by the 77<sup>th</sup> Texas Legislature that has an impact on the practice of pharmacy or agency operations and monitor the progress of this legislation throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** This objective was accomplished as follows:

- A. Division Director assisted Executive Director with her preparation of testimony for the agency's budget hearings. Division Director also attended one budget hearing on January 29, 2001, before the House Appropriations Subcommittee on Regulatory.
  - B. Division Director reviewed and offered comment on four bills relating to the following issues: pharmacist-profile; substitution (dispensing directive); study of complaint process used by HPC member agencies; and press releases (H.B. 876).
2. To assist the Executive Director, in cooperation with other Divisions, in the implementation of the new program to register and regulate pharmacy technicians.

**Status: PARTIALLY ACCOMPLISHED**

**Comment:** Division Director assisted Executive Director in drafting an amendment to the agency's Legislative Appropriation Request, requesting reduction from 16 to 8 staff needed to

register/regulate pharmacy technicians for the biennium FY2002-03, with the intent of asking for the remaining 8 staff for FY2004-04, if needed.

However, during the 77<sup>th</sup> Texas Legislature, no additional staff or funding was appropriated to TSBP to register/regulate technicians. Division Director, in cooperation with the Executive Director and other Division Directors, discussed several options of how the agency could implement a program to register technicians, without additional funding. The Executive Director discussed the matter with the Board at its business meeting on August 7-8, 2001, at which time the Board determined to establish a task force to study the issue.

TSBP Intern Katie Musil, a student from the University of Texas College of Pharmacy, conducted research on how other states registered and regulated technicians. This information was presented to the Board at the August 2001 Board meeting.

3. To assist the Executive Director, in cooperation with other Divisions, in accomplishing any initiatives or objectives related to technology which has an impact on the agency or pharmacy practice, including e-commerce initiatives, imaging system (managed by the Health Professions Council), and Health Integrity and Protection Data Bank (HIPDB).

**Status: ACCOMPLISHED**

**Comment:** As required by the Health Insurance Portability and Accountability Act of 1996 and newly enacted federal rules, Division staff entered information regarding disciplinary orders into the data base of the Health Integrity and Protection Data Bank (HIPDB), a national healthcare fraud and abuse data collection program. Information about all disciplinary orders entered by TSBP after September 1, 2000, regardless of sanction, were reported to HIPDB, as required by federal law/rules. Division staff drafted an article which was published in the Fall 2000 issue of the *TSBP Newsletter*, notifying licensees about the HIPDB program.

## Objectives (Ongoing)

1. To submit data regarding enforcement and peer assistance program data for Key Performance Targets required under the 2000-01 Appropriations Act to Executive Director by specified due dates throughout FY2001; to assist in the preparation of applicable reports to the Legislative Budget Board and Governor's Budget Office regarding performance measures; to meet (within a 5% variance) or exceed the Performance Targets over which the Division has control.

**Status: PARTIALLY ACCOMPLISHED**

**Comment:** Throughout FY2001, Division Director collected data relating to enforcement performance measures and Assistant Division Director Allison Benz, R.Ph., M.S., collected data relating to peer assistance performance measures. The statistical data was certified and submitted to the Legislative Budget Board (LBB) and Governor's Budget Office (GBO) by the prescribed due dates, in conjunction with the licensing performance measures.

Statistics regarding three enforcement-related performance measures (Number of Jurisdictional Complaints Resolved, Average Complaint Resolution Time, and Number of Individuals Participating in a Peer Assistance Program) were reported to the LBB and GBO on a quarterly basis throughout FY2001. The other 12 measures were reported to the LBB and GBO at year-end (annual basis).

As indicated in the chart below, TSBP met or exceeded, within a 5% variance, 80% of the FY2001 projections for 15 enforcement-related performance measures (met or

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exceeded 5 of 6 key measures and 7 of 9 non-key measures).

Enforcement Performance Measure	FY01 Projected Performance	FY01 Performance Attained	Key or Non-Key (K/NK)	Projected Target Met?*
<b>Outputs:</b>				
Inspections	2,300	2,529	NK	Exceeded
Jurisdictional Complaints Resolved	1,500	1,614	K	Exceeded
Number of Licensed Individuals Participating in a Peer Assistance Program	140	153	K	Exceeded
Number of Students Participating in a Peer Assistance Program	0	2	NK	Exceeded
Number of Peer Assistance Months	1,500	1,639	NK	Exceeded
<b>Efficiency:</b>				
Average Cost per Jurisdictional Complaint Resolved	\$663.65	\$685.10	NK	Met
Average Time for Jurisdictional Complaint Resolution	225	267	K	Not Met
<b>Outcomes:</b>				
Percent of Jurisdictional Complaints Resolved Resulting in Disciplinary Action	10%	10.7%	K	Exceeded
Percent of Licensees (Pharmacists and Pharmacies) with No Recent Violations (Disciplinary Orders)	99%	98.3%	K	Met
Recidivism Rate of Those Receiving Disciplinary Action	3%	3.8%	NK	Not Met
Percent of Jurisdictional Complaints Resolved within Six Months	70%	58%	NK	Not Met
Recidivism Rate for Participants in Peer Assistance Program	35%	13%	NK	Exceeded
One-Year Completion Rate for Participants in Peer Assistance Program	80%	78%	NK	Met
% of Non-Board Peer Assistance Program Referrals Reported to Board	5%	25%	NK	Exceeded
<b>Explanatory:</b>				
Jurisdictional Complaints Received	1,300	1,642	K	Exceeded

\* Within a 5% variance, TSBP's actual performance was either: equivalent to projected performance ("Met"); better than projected performance ("Exceeded"); or fell below projected performance ("Not Met").

- To monitor pharmacy inspections and pharmacists' practice by conducting 2,300 inspections, inspection-visits, and visits, including follow-up inspections to "Warning Notices" throughout FY2001.

**Status:** ACCOMPLISHED

**Comment:** A total of 2,529 pharmacies were inspected by the Field Compliance Officers through complete inspections; partial-inspections, and inspection visits (terms are defined below). This number of inspections is 10% higher than the objective of 2,300. This accomplishment was achieved during a time when two of the Compliance regions did not have a Compliance Officer for a period of three months, and the Austin Compliance Region (0.20 FTE) did not have a Compliance Officer for a period of 10 months.

- A. *Inspections* are full inspections of licensed facilities in which Compliance Officers check the facilities for compliance with each of the items on the inspection report form.
- B. *Partial-Inspections* are inspections of licensed facilities in which Compliance Officers check the facility for compliance with a portion of the items on the inspection report form. Included in the partial-inspections are follow-up inspections of pharmacies that received a "Warning Notice" to determine if the pharmacies have complied with the discrepancies listed on the "Warning Notice."
- C. *Inspection-Visits* are inspections in which Compliance Officers generally do not complete an inspection report form. Inspection-visits include inspections of non-licensed facilities that are operating a pharmacy, visits made to pharmacies that have closed (and did not notify the Board), and visits to "new" pharmacies that have not opened for business. The last two situations are discovered by Compliance Officers after arriving at the addresses listed in Board records.

Statistics for inspections, partial-inspections, and inspection-visits are outlined below:

Inspections	2,338
Partial-Inspections	60
Inspection-Visits	131
<b>TOTAL FY01</b>	<b>2,529</b>

Statistics for "Warning Notices" issued as a result of these inspection/visits are outlined below:

FY01	Number of Inspections / Visits (% of total)	Number of "WARNING NOTICES" Issued*	Number of Pharmacies Receiving "WARNING NOTICES" (% receiving a "Warning Notice")**
Class A Pharmacies	1982 (78%)	683	330 (16.6%)
Class B Pharmacies	2 (0%)	0	0
Class C Pharmacies	348 (14%)	200	99 (28.4%)
Class D Pharmacies	197 (8%)	62	30 (15.2%)
<b>FY01 TOTALS</b>	<b>2529 (100%)</b>	<b>945</b>	<b>459 (18%)</b>

\* A pharmacy may be issued a "Warning Notice" for non-compliance with more than one condition.

*\*\* This figure is the number and percentage of pharmacies receiving a "Warning Notice" during an inspection/visit and is based on the number of inspections/partial-inspections/visits conducted for the particular class of pharmacy.*

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**CLASS A PHARMACIES**

**Conditions Receiving "Warning Notices"**

Percentages are based on the total number of "Warning Notices" issued to Class A Pharmacies in FY2001 (683). Note - Pharmacies may be issued a "Warning Notice" for non-compliance with more than one condition.

<b>Equipment</b>	<b>113 (16%)</b>	<b>Improper Prepackaging Procedures</b>	<b>16 (2.3%)</b>
Balance Failed Insp	39	<b>Computer Systems</b>	<b>36 (5.0%)</b>
Equipment Insp Due (Not Balance)	44	Computer Records Incomplete	34
Failure to Register Balance	3	Computer Record Non-Compliance	2
Insufficient Equipment	27	<b>Records</b>	<b>17 (2.5%)</b>
<b>Pharmacy Technicians</b>	<b>172 (25%)</b>	Records Not Available	13
No/Incomplete Training	166	DEA Order Forms Incomplete	1
No/Improper Supervision	6	Invoices Not Separated	3
<b>Inadequate Library</b>	<b>102 (15%)</b>	<b>OBRA Violations</b>	<b>18 (2.6%)</b>
<b>Licenses</b>	<b>33 (5.0%)</b>	Written Information Not Provided	7
Licenses Not Posted	30	No Patient Counseling	10
Delinquent Licenses	3	PMR Absent or Incomplete	1
<b>Prescriptions</b>	<b>39 (5.7%)</b>	<b>Sterile Pharmaceutical Violations</b>	<b>19 (2.8%)</b>
Lack Proper Information	18	No/Incomplete QA/QC	4
Not Separated into 3 Files	10	No/Incomplete P&P Manual	7
Not Filed Numerically	3	No/Inadequate Preparation Area	7
Prescription Label Incorrect	7	No DUR	1
Triplicate Non-Compliance	1	<b>No/Incomplete Non-Sterile Cpd Records</b>	<b>6 (&lt;1%)</b>
<b>Drug Stock/Environment</b>	<b>33 (4.8%)</b>	<b>Improper Distribution</b>	<b>15 (2.2%)</b>
Out-of-Date Drug Stock	25	<b>No PIC</b>	<b>5 (&lt;1%)</b>
Security	7	<b>Improper Dispensing</b>	<b>5 (&lt;1%)</b>
Unsanitary	1	Aiding and Abetting	3
<b>Inventory</b>	<b>42 (6.2%)</b>	Illegal Dispensing	2
No Annual Inventory	21	<b>Notification Violation</b>	<b>6 (&lt;1%)</b>
No Change of Ownership Inventory	4	<b>Substitution Non-Compliance</b>	<b>3 (&lt;1%)</b>
No Change of PIC Inventory	8	<b>Theft &amp; Loss of C/S Not Reported</b>	<b>2 (&lt;1%)</b>
Incomplete Inventory	9	<b>Fail to Report PIC</b>	<b>1 (&lt;1%)</b>

**CLASS C PHARMACIES**

**Conditions Receiving "Warning Notices"**

Percentages are based on the total number of "Warning Notices" issued to Class C Pharmacies in FY2001 (200). Note - Pharmacies may be issued a "Warning Notice" for non-compliance with more than one condition.

<b>Pharmacy Technicians</b>	<b>75 (37.5%)</b>	Incomplete Inventory	2
No/Incomplete Tech Training	74	No Change of PIC Inventory	1
No/Improper Supervision	1	No Perpetual Inventory	4
<b>Sterile Pharmaceutical Violations</b>	<b>30 (15%)</b>	<b>Inadequate Library</b>	<b>24 (12%)</b>
No/Inadequate Preparation Area	21	<b>Licenses</b>	<b>4</b>
No/Incomplete QA/QC	8	(2%)	
No/Incomplete PMR	1	Not Posted	3
<b>Equipment</b>	<b>14 (7%)</b>	<b>Inventory</b>	<b>17 (8.5%)</b>
Balance Failed Inspection	4	No Annual Inventory	7
Equipment Insp. Due (Not Balance)	10	No Change of Ownership Inventory	3
<b>Inventory</b>	<b>17 (8.5%)</b>	Delinquent	1
No Annual Inventory	7	<b>Improper Prepackaging Procedure</b>	<b>2 (1%)</b>
No Change of Ownership Inventory	3		

<b>Policy and Procedures</b>	<b>11 (5.5%)</b>	Invoices Not Separated	1
Incomplete P&P Manual	1	<b>Improper Environment</b>	<b>9 (4.5%)</b>
Improper Absence of R.Ph. Procedures	6	<b>Computer Records Incomplete</b>	<b>1 (&lt;1%)</b>
Improper ER Dispensing Procedures	4	<b>Improper Distribution</b>	<b>1 (&lt;1%)</b>
<b>Records</b>	<b>9 (4.5%)</b>	<b>Improper Registration</b>	<b>1 (&lt;1%)</b>
Improper Inpatient Records	2	<b>Aiding &amp; Abetting</b>	<b>2 (1%)</b>
DEA Order Forms Incomplete	2		
Records Not Available	3		
Rx Lack Information	1		

**CLASS D PHARMACIES**  
**Conditions Receiving "Warning Notices"**

Percentages are based on the total number of "Warning Notices" issued to Class D Pharmacies in FY2001 (62). Note - Pharmacies may be issued a "Warning Notice" for non-compliance with more than one condition.

<b>Pharmacy Technicians</b>	<b>18 (29%)</b>	<b>Licenses</b>	<b>3 (4.8%)</b>
No/Incomplete Training	12	Delinquent	1
No/Improper Supervision	6	Not Posted	2
<b>Improper Prepackaging Procedures</b>	<b>14 (22%)</b>	<b>Violation of Limited Formulary</b>	<b>5 (8.0%)</b>
<b>P&amp;P Manual</b>	<b>2 (3.2%)</b>	<b>Incomplete Provision</b>	<b>1 (1.6%)</b>
No P&P	1	<b>Improper Security</b>	<b>2 (3.2%)</b>
Incomplete	1	<b>Out of Date Drug Stock</b>	<b>3 (4.8%)</b>
<b>Inadequate Library</b>	<b>14 (22.5%)</b>		

3. To inspect pharmacies and monitor pharmacists' practice throughout FY2001, according to the following priorities:
- A. pharmacies and pharmacists who are the subject of a complaint received by the Board;
  - B. pharmacies and pharmacists who are the subject of a Board Order or Agreed Board Order (including impaired pharmacists);
  - C. requests for inspection by another division of the Board or another agency;
  - D. new pharmacies;
  - E. pharmacies with a recent change of ownership;
  - F. requests for inspection by licensee;
  - G. pharmacies with a preceptor working in the pharmacy;
  - H. pharmacies that have received a "Warning Notice" (follow-up inspections); and
  - I. routine inspections.

**Status:** ACCOMPLISHED

**Comment:** The total number of inspections, partial-inspections, and inspection-visits by priority are indicated below:

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Purpose of Inspection (In Order of Priority)	Number of Inspections	% of Total
Complaint	63	2.5%
Follow-up to Board Order/Agreed Board Order	10	<1%
Request of Other Division/Agency	2	<1%
New Pharmacies	159	6.3%
Change of Ownership	92	3.6%
Preceptor	241	9.5%
Follow-up to "Warning Notice"	58	2.3%
Routine Inspections	1,904	75.3%
<b>TOTAL</b>	<b>2,529</b>	<b>100%</b>

- To coordinate and monitor throughout FY2001 the receipt, assignment, and resolution of all complaints filed with the agency; to achieve an average complaint resolution time (overall agency average) of 225 days.

**Status: PARTIALLY ACCOMPLISHED**

**Comment:** TSBP received 1,683 complaints in FY2001, which represented a 7% increase over the number of complaints received in FY2000, as reflected in the chart below. The staff of the Enforcement and Legal Divisions closed 1,667 complaints in FY2001, which represented a 10% increase over the number of complaints closed in FY2000, as reflected in the chart below. However, it took the agency an average of 262 days to close a complaint, which exceeded the goal of 225 days. For this reason, this objective was only partially accomplished.

The agency's history with regard to complaint data and field investigations during the past five years is reflected in the charts below:

Fiscal Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY97	1736		1697		98%	171 Days	
FY98	1314	-24%	1504	-11%	114%	222 Days	+30.00%

FY99	1533	+17%	1335	-11%	87%	221 Days	-0.45%
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NUMBER OF COMPLAINTS HANDLED THROUGH FIELD INVESTIGATIONS					
Fiscal Year	Compliance Officers	%	Investigators	%	Total
FY97	127	32%	265	68%	392
FY98	58	17%	279	83%	337
FY99	43	24%	136	76%	179
FY00	67	43%	89	57%	156
FY01	100	34%	191	66%	291

Additional complaint statistics on closed complaints are outlined below:

**DATA ON CLOSED COMPLAINTS**

<b>Form of Complaints</b>	<b>Total</b>	
Telephone	100	(6%)
Letter	251	(15%)
TSBP Complaint Form	268	(16%)
HPC 800 #	120	(7%)
Fax	68	(4%)
Visit	7	(<1%)
Agency Report	38	(2%)
Inspection	24	(1%)
Interoffice Referral	64	(4%)
Licensure Application	146	(9%)
Data Bank	18	(1%)
Theft/Loss Report	426	(26%)
Investigation	54	(3%)
Intra-Agency Referral	27	(2%)
Malpractice Report	1	(<1%)
Press Clip	4	(<1%)
E-Mail	27	(2%)
Internet	22	(1%)
Other	2	(<1%)
<b>TOTAL FY01</b>	<b>1,667</b>	<b>(100%)</b>

## DATA ON CLOSED COMPLAINTS

Source of Complaints	Total	
Consumer	580	(35%)
Government Agency	75	(4%)
Pharmacist	67	(4%)
Pharmacist (Self)	70	(4%)
Applicant (Self)	100	(6%)
TSBP	168	(10%)
Doctor	61	(4%)
Other Health Professional	13	(<1%)
NABP	20	(1%)
PIC, Pharmacy Manager, or Supervisor	430	(26%)
Loss Prevention Officer (Corporate)	5	(<1%)
Manufacturing Rep.	0	(n/a)
Pharmacy Recovery Network (PRN)	9	(<1%)
Insurance Company	2	(<1%)
Attorney	9	(<1%)
Employee/Ex-Employee	14	(<1%)
Media	4	(<1%)
Drug Screening	20	(1%)
Other	20	(1%)
<b>TOTAL FY01</b>	<b>1,667</b>	<b>(100%)</b>

## DATA ON CLOSED COMPLAINTS

Subjects of Complaints	Total
<b>Licensees</b>	<b>1,479 (89%)</b>
Pharmacist	632
In-State Pharmacy	829
Out-of-State Pharmacy	18
<b>Applicants</b>	<b>97 (6%)</b>
Pharmacist	36
Pharmacy	3
Intern	58
<b>Non-Licensees</b>	<b>91 (5%)</b>
Doctor	20
Manufacturer	2
Wholesaler	0
Non-Licensed Facility or Person	38
Insurance Company/PBM	10
Pharmacy Technician	16
Out-of-State Facility	5
Other	0
<b>TOTAL FY01</b>	<b>1,667 (100%)</b>

## NATURE OF ALLEGATIONS (CLOSED COMPLAINTS)

Alleged Violation	Total	%
Diversion	29	2%
Controlled Substances	17	
Dangerous Drugs	2	
Both	10	
Unauthorized Refills	8	*
Controlled Substances	2	
Dangerous Drugs	2	
Both	4	
Illegal Delivery	5	*
Controlled Substances	1	
Dangerous Drugs	2	
Both	2	
Illegal Possession	2	*
Controlled Substances	2	
Dangerous Drugs	0	
Convictions	105	6%
Felony	8	
Misdemeanor	45	
DWI / PI	50	
Deferred Adjudication, Controlled Substances Act	2	
Dispensing Error	311	19%
Wrong Drug/Strength	189	
Mislabeling	15	
Wrong Quantity	57	
Outdated Drug	6	
Packaging/Delivery	17	
Dispensing Error / Patient Counseling	27	
Patient Counseling +	25	1%
Drug Regimen Review	9	*

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Alleged Violation	Total	%
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+ Agency received an additional 4 complaints which involved alleged violations of patient counseling rules, in addition to "primary" violation (e.g., unauthorized substitution and no counseling).

\* Percentage is less than 1%.

Theft/Loss	424	25%
Aiding & Abetting	14	*
Action by Other Board	42	3%
Substitution	38	2%
Non-Compliance with Disciplinary Order	56	3%
Interference with Doctor/Patient Relationship	23	1%
Confidentiality	7	*
Failed to Keep Records	9	*
Impairment	32	2%
Probable Cause	8	
Drug & Alcohol	6	
Drug	11	
Alcohol	4	
Physical	0	
Mental	3	
Negligence	1	*
Unsafe Practice	4	*
Unprofessional Conduct	2	*
Gross Immorality	1	*
Fraud, Deceit & Misrepresentation	1	*
False Response to Warning Notice	1	*
Falsified Application	19	1%
Filled/Passed Forged Prescription	5	*
Changed Prescription	29	2%
Insurance Fraud	0	N/A
Provider Fraud	2	*
Non-Therapeutic Dispensing	16	1%
Excessive Purchases of Controlled Substances	1	*
Anabolic Steroids	0	N/A

Alleged Violation	Total	%
Grey Market Diversion	1	*
Samples	9	*

\* = Percentage is less than 1%

Improper Security	2	*
Problem with OTC Drug	2	*
Closed Pharmacy Improperly	13	*
Operating Pharmacy without Pharmacy License	8	*
Working Conditions	11	*
Delinquent License	17	*
Kickbacks	1	*
No PIC	3	*
Recordkeeping Error	41	2%
Notification Violation	4	*
No Annual Inventory / No PIC Inventory	2	*
C-II Rx	3	*
Improper Rx's Issued by Doctors	14	*
Advertising	22	1%
Overcharging	0	N/A
Billing Dispute	45	3%
Customer Service	65	4%
Hot Check	4	*
CE Audit	21	1%
Default on Student Loans	3	*
Other Allegations	138	8%
Texas Pharmacy Act	12	
Texas Dangerous Drug Act	1	
Texas Controlled Substance Act	11	
Food Drug & Cosmetic Act	11	
TSBP Rule	59	
Other Laws/Rules	44	
Reinstatement	6	*
Modification	11	*

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Alleged Violation	Total	%
TOTAL FY01	1,667	100%

\* = Percentage is less than 1%

## ACTION TAKEN BY AGENCY TO CLOSE COMPLAINTS IN FY2001

	# of Cpts.	Percentage
<b>Telephone</b>	<b>270</b>	<b>16%</b>
<b>Letters</b>	<b>57</b>	<b>3%</b>
Certified Letter	54	
Phone/Certified Letter	2	
Non-Certified Letter	1	
<b>Inspections</b>	<b>59</b>	<b>4%</b>
Inspection	48	
Inspection/Visit	5	
Inspection/Warning Notice	6	
<b>Investigations</b>	<b>583</b>	<b>35%</b>
Investigate/Dismissal Letter	355	
Investigate/Insufficient Evidence	171	
Investigate/No Violation	14	
Investigate/Other	43	
<b>Investigation/Disciplinary Action</b>	<b>181</b>	<b>11%</b>
Agreed Board Order	167 *	
Board Order	6 *	
Preliminary Notice Letter/Dismissal Letter	2	
Informal Conference/Dismissal Letter	5	
Informal Conference/Case Dismissed	1	
<b>Referrals</b>	<b>44</b>	<b>3%</b>
Medical Board	5	
PRN Program	9	
Supervisor	10	
Other	20	
<b>No Action Because</b>	<b>115</b>	<b>7%</b>
No Violation	71	
No Jurisdiction	27	
Insufficient Information	13	
Other	4	
<b>Other **</b>	<b>358</b>	<b>21%</b>
<b>Total FY2001</b>	<b>1,667</b>	<b>100%</b>

\* These figures represent the number of complaints resolved with at least one Disciplinary Order. See the Legal Division's Ongoing Objective #3 for the number of (and details about) Disciplinary Orders entered by TSBP in FY2001. One complaint may be closed with more than one Order; also one Order may close more than one complaint.

\*\* Represents miscellaneous actions, such as: complainant has withdrawn complaint, multiple actions (e.g., investigation and refer to PRN), complainant will not cooperate with investigation, alleged violation has already been addressed by a compliance inspection or the resolution is not described by the above categories.

**REPORTS INVOLVING THEFT OR LOSS OF  
CONTROLLED SUBSTANCES BY EMPLOYEE PILFERAGE**

Classification	Class "A"	Class "C"	Hospital Stock	Total Shortage in DU
Registered Pharmacist	24	1		43,432
Certified Pharmacy Technician	26	5		109,681
Pharmacy Technician	3			5,750
Pharmacy Technician Trainee	10	1		15,725
Registered Nurse			35	2,713
Certified Registered Nurse Anesthetist			2	129
Licensed Vocational Nurse			6	652
Nurse's Aid			3	588
Delivery in or out of Pharmacy	7			2,186
Pharmacy Cashier-Pharmacy Clerk	12			32,076
Pharmacy Staff	11	2		16,475
Hospital Staff			14	465
Hospital Staff-Pharmacy Staff		6	1	927
Miscellaneous or Unidentified Persons	11	1		31,013
<b>TOTALS</b>	<b>104</b>	<b>16</b>	<b>61</b>	<b>261,812</b>

Classification	% of Complaints	% of Drugs Diverted
Registered Pharmacist	14.04%	16.59%
Certified Pharmacy Technician	17.42%	41.90%
Pharmacy Technician	1.69%	2.20%
Pharmacy Technician Trainee	6.18%	6.01%
Registered Nurse	19.66%	1.04%
Certified Registered Nurse Anesthetist	1.12%	0.05%
Licensed Vocational Nurse	3.37%	0.25%
Nurse's Aid	1.69%	0.23%
Delivery in or out of Pharmacy	3.93%	0.84%
Pharmacy Cashier-Pharmacy Clerk	6.74%	12.26%
Pharmacy Staff	7.30%	6.30%
Hospital Staff	7.87%	0.18%
Hospital Staff-Pharmacy Staff	3.93%	0.36%
Miscellaneous	6.74%	11.85%

5. To investigate complaints throughout FY2001, according to the following priorities:
- A. Pharmacists who have a chemical, mental or physical impairment;
  - B. Diversion of prescription drugs, through the following illegal means:
    - (1) Delivering prescription drugs without a prescription;
    - (2) Dispensing prescription drugs pursuant to a prescription of a practitioner not issued for a legitimate medical purpose or in the usual course of medical practice or the dispensing of a prescription by a pharmacist not in the usual course of pharmacy practice.
    - (3) Failing to keep and maintain records of controlled substances;
    - (4) Distributing prescription drugs pursuant to forged or altered prescriptions; and
    - (5) Unauthorized refills.

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- C. Dispensing errors;
- D. Violations of regulations relating to patient counseling or drug regimen review;
- E. Felony and misdemeanor convictions involving offenses that are related to the practice of pharmacy;
- F. Violations involving health-care fraud or fraud, deceit, and misrepresentation in the practice of pharmacy, including aiding and abetting a non-licensed individual in the practice of pharmacy;
- G. Violations regarding the practice of pharmacy and the sale, delivery, or distribution of prescription drugs by facilities that operate or provide pharmacy services via the Internet;
- H. Felony or misdemeanor convictions involving offenses not related to the practice of pharmacy;
- I. Actions by other state boards of pharmacy; and
- J. Other violations of the laws and rules relating to the practice of pharmacy.

**Status: ACCOMPLISHED**

**Comment:** A review of disciplinary orders entered in FY2001 substantiate that the agency handled complaints in accordance with the priorities set forth above.

- 6. To notify complainants, throughout FY2001, of the receipt, status and disposition of their complaints, in accordance with statutory requirements.

**Status: PARTIALLY ACCOMPLISHED**

**Comment:** Division staff spent considerable time and effort communicating with complainants. Approximately 1,970 letters were mailed to complainants in FY2001, regarding the receipt, status, and resolution of complaints. Not all complainants were notified within guidelines. For this reason, this objective was only partially accomplished.

- 7. To provide technical assistance, maintain liaison, and coordinate joint investigations of pharmacists, interns, pharmacy technicians, and pharmacies, in line with the "lead agency approach," with federal, state, and local law enforcement agencies, including health regulatory or administrative agencies, throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** This objective was accomplished through the following activities:

- A. All investigators regularly work joint investigations with the Drug Enforcement Administration (DEA), Texas Department of Public Safety Narcotic Section (DPS), and local law enforcement agencies.
- B. Richard Klemme, Investigator, gave a course of instructions to compliance officers on Drug Recognition Program used by law enforcement in the State of Texas in regards to impaired persons.
- C. Richard Klemme, Investigator, gave a course of instruction to Eckerd Loss Prevention in regards to the Drug Recognition Program, so that Eckerd's investigators would better understand impaired employees.
- D. Investigators worked several investigations jointly with TSBP compliance officers.
- E. Investigative staff made an extraordinary number of contacts with other law enforcement agencies, as indicated in the charts below:

State / Local Agencies	Division and / or Location
Department of Public Safety	<b>Narcotic Division:</b> Austin, San Antonio, Victoria, Beeville, San Marcos, Corpus Christi, San Angelo, Mineral Wells, Wichita Falls, Temple, Dallas, Lufkin, Beaumont, Fort Worth, Garland, Lone Oak, and Waco; <b>Special Crimes Unit:</b> San Antonio; <b>Texas Rangers:</b> San Antonio, El Paso, Temple, and Karnes County, Texas
Sheriffs' Offices	Karnes County, Fayette County, Kerr County, Bee County, Bexar County, Walker County, Harris County, Hardin County, Shelby County, Collingsworth County, Travis County
Attorney General's Office	Medicaid Fraud-Austin, and Dallas, Texas
TX Alcoholic Beverage Commission	Karnes County, and Dallas, Texas
TX State Board of Medical Examiners	Austin, Dallas, San Antonio, and Houston, Texas
TX State Board of Veterinary Medical Examiners	Austin, Texas
TX Board of Vocational Nurse Examiners	Austin, Texas
TX State Board of Nurse Examiners	Austin, Texas
Texas Department of Insurance	Fraud Unit-Austin, and State Fire Marshall's Office-Austin, Texas
TX Worker Compensation Commission	Austin, and Dallas, Texas
Texas Optometry Board	Austin, Texas
Texas State Board of Podiatry	Dallas, Texas
Dept of Health & Human Services	Dallas, Texas

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State / Local Agencies	Division and / or Location
Texas Department of Health	Austin, Texas
Police Departments	Karnes City, Beeville, Hallettsville, San Antonio, Boerne, Schulenberg, Austin, Round Rock, Georgetown, Live Oak, North Richland Hills, Helotes, Victoria, Temple, Killeen, Cleveland, Angleton, Bellaire, Houston, Oak Ridge North, Lakeview, Carthage, Conroe, Beaumont, Orange, Jasper, Rowlett, Plano, Garland, Arlington, Richardson, El Paso, Abilene, Ballinger, Graham, Manor, and Port Arthur, Texas
District Attorneys and County Attorneys	<b>Offices of District Attorneys:</b> San Antonio, Karnes County, Harris County, Fort Bend County, and Galveston County; <b>Offices of County Attorneys:</b> Travis County, Grayson County, and Harris County
Narcotic/Organized Crime Task Forces	Fort Bend County, Fayette County, Bell County, Harris County Organized Crime and Narcotic Task Force, Organized Crime Unit Houston PD, Major Offenders Houston PD, North Texas Task Force, Northeast Drug Interdiction Task Force, TNT Task Force, Health Care Fraud Task Force, Williamson County Task Force, and Tarrant County Task Force
Others	Senator Ken Armbrister-Victoria, Municipal Court Judge-Karnes County, Medical Examiner-Dallas, Dallas County Auditors, Farm Bureau Investigations-Austin, and Williamson County Probation, Georgetown Texas

Federal Agencies	Division and / or Locations
Drug Enforcement Administration	Dallas, Houston, San Antonio, El Paso, Fort Worth, and Tyler, Texas
United States Attorney's Office	Victoria, San Antonio, Dallas, Houston, Waco, and Beaumont, Texas
Internal Revenue Service	Dallas, and Houston, Texas
Federal Bureau of Investigations	Dallas, Bryan/College Station, San Antonio, Victoria, Houston, and Texas City, Texas
U.S. Department of Defense	Waco and Grand Prairie, Texas
Alcohol, Tobacco, and Firearms	Temple, and San Antonio, Texas
United States Food & Drug Administration/Office of Criminal Investigations	Austin, Dallas, and Houston, Texas

F. Investigators also worked with other agencies and pharmacy associations, including the Loss Prevention Departments, as indicated in the charts below:

National Associations	Division and / or Location
National Association of Boards of Pharmacy	Chicago, Illinois
National Association of Drug Diversion Investigators (NADDI)	Dallas, Texas

Out of State Agencies	Division and / or Location
Pharmacy Boards	Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Missouri, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Tennessee, and Washington
Police Department	Kingsford, Tennessee

Retail Pharmacies-Loss Prevention Departments	Division and / or Location
Eckerd Drugs	Dallas, San Antonio, Houston, Texas, and Clearwater, Florida
Walgreens Company	Dallas, Fort Worth, Houston, and Austin, Texas
Wal-Mart	Bentonville, Arkansas
Hermann Hospital Risk Management	Houston, Texas
Cardinal Health	Columbus, Ohio

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Wyeth Labs Investigations	Houston, Texas
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8. To monitor compliance with all Board Orders and Agreed Board Orders, including Orders relating to impaired pharmacists, throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** TSBP entered 131 disciplinary orders during FY2001 that required some type of intensive monitoring, which means 90% of the 145 disciplinary orders entered by TSBP required monitoring. Division staff ensured that all certificates of revoked and suspended licenses were returned to TSBP (upon the date of the revocation or suspension) or were returned to the licensee (upon reinstatement of the license or completion of the suspension period). Division staff, in conjunction with Accounting staff, ensured that administrative penalties (fines) and probation fees were paid. Division staff monitored the submission of required CE, policy and procedure manuals, and other reports.

In addition to the in-house monitoring described above, Compliance Officers conducted 10 inspections of pharmacies for the purpose of monitoring compliance with the terms of the Orders, particularly individuals/facilities who were revoked, suspended, or subject to a probated suspension (see Ongoing Objective #3).

The following chart indicates the types of Orders entered in FY2001, which required the Division to monitor the licensee's compliance with the Order, in some manner.

<b>TYPES OF TSBP DISCIPLINARY ORDERS ENTERED IN FY01 REQUIRING INTENSIVE MONITORING</b>		
<b>Sanction</b>	<b>Orders (#)</b>	<b>Percentage</b>
Revocation, Cancellation, and Retirement	9	6%
Suspension	7	5%
Restricted	3	2%
Rehabilitation Orders*	16	11%
Reinstatement	3	2%
Fines and/or Probation Fee	34	23%
Fines and/or Probation Fee + CE or Other Requirements	40	28%
Continuing Education or Other Requirements	19	13%
<b>TOTAL NUMBER OF ORDERS REQUIRING INTENSIVE MONITORING</b>	<b>131</b>	<b>90%</b>
<b>TOTAL NUMBER OF ORDERS NOT REQUIRING INTENSIVE MONITORING</b>	<b>14</b>	<b>10%</b>
<b>TOTAL ORDERS FY01</b>	<b>145</b>	<b>100%</b>

\* *New Orders excluding reinstatements, suspensions, revocations, retirements, and modifications.*

During FY2001, TSBP entered 36 confidential disciplinary Orders. These Orders were based upon various violations that the licensees allegedly committed, as reflected in the chart below.

CONFIDENTIAL DISCIPLINARY ORDERS ENTERED BY TSBP IN FY01	
Nature of Violation	Total
Action by Other Boards	2
Audit Shortages	3
Alcohol-Related Conviction	2
Non-Compliance with ABO	8
Drug Theft	3
Created Fraudulent Rx	0
Felony Conviction	1
Illegal Possession of Controlled Substances	0
Unauthorized Refills of Controlled Substances	0
Probable Cause	9
Modification of ABO	5
Request for Retirement	1
Reinstatement	2
<b>TOTAL FY01</b>	<b>36</b>

Of the 36 confidential Orders entered in FY2001, there were 21 Orders resulting in an impaired/ recovering pharmacist being added to the number who were being monitored at the end of FY2000, as reflected in the chart below. However, 18 pharmacists were deleted from the list as a result of early termination of probation, successful completion of probation, death, or revocation of license. Accordingly, as of August 31, 2001, a total of 85 impaired/recovering pharmacists were being monitored by TSBP. The number of individuals being monitored at year-end, as compared to the year-end of previous fiscal years, is depicted in the following chart:

**Impaired / Recovering Pharmacists Monitored By Enforcement Division (FY97 through FY01)**

Fiscal Year	Total Orders*	Total New Orders**	Total Being Monitored+
FY97	40	21	99
FY98	38	25	101

FY99	34	22	89
FY00	35	18	82
FY01	36	21	85

\* All Orders entered by the Board involving an impaired pharmacist (including revocations, modifications, and "second orders" due to disciplinary action for violation of the terms of previously entered orders).

\*\* An Order which resulted in one individual being added to the list of impaired pharmacists to be monitored by the agency.

+ Total number of pharmacists being monitored by the agency as of the last day of the reporting period. The number represents the new Orders entered by the agency during the fiscal year, minus the number of deletions made during reporting period (e.g., as a result of death, early termination of probation through the entry of an Order, and/or successful completion of probation).

- To respond to open records requests throughout FY2001, in accordance with the procedures set forth in the Texas Public Information Act.

**Status: ACCOMPLISHED**

**Comment:** As indicated in the chart below, the number of verbal and written requests for enforcement information peaked in FY98. The number of verbal and written requests decreased following the implementation of the TSBP web site.

**OPEN RECORDS REQUESTS HANDLED BY  
ENFORCEMENT DIVISION — FY97 through FY01**

Fiscal Year	Verbal Requests		Written Requests		Total # of Requests		Monthly Average		% Change from Prior Fiscal Year	
	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees
FY97	935	1321	299	1277	1234	2598	103	217		
FY98	1063	1538	452	2730	1515	4268	126	356	+23%	+64%
FY99	544	841	413	4953	957	5794	80	483	-37%	+36%
FY00	168	177	339	2078	507	2255	42	188	-47%	-61%
FY01	124	125	276	3642	400	3767	33	314	-21%	+67%

The decrease in the number of verbal requests helped to reduce the workload on the TSBP legal staff, in that they were responsible for answering all telephonic open records requests on licensees subject to disciplinary action. The written requests were handled by Division staff. However, General Counsel reviewed numerous TSBP responses to open records requests for legal compliance with the Public Information Act.

10. To provide verbal and written information to Board staff and customers, through compliance inspections, display of the TSBP exhibit at meetings, public speaking engagements, and responses to surveys and questionnaires, as needed and required throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** This objective was accomplished through the following activities:

- A. **COMPLIANCE INSPECTIONS**  
The Division conducted 2,529 inspections in FY2001 (see Ongoing Objective #2).
- B. **TELEPHONE CALLS**  
Division staff provided technical assistance and answered questions regarding laws and rules governing the practice of pharmacy from 6,986 callers.

C. **PROFESSIONAL DISPLAY**

The Division displayed the TSBP exhibit at the Texas Society of Health System Pharmacists (TSHP) Annual Meeting (April 2-3, 2001) and the Texas Pharmacy Association (TPA) Annual Meeting (July 18-22, 2001). The display at the TSHP meeting focused on TSBP services and the display at the TPA meeting focused on new laws passed by the 77<sup>th</sup> Texas Legislature, including amendments to the Texas Pharmacy Act.

D. **PRESENTATIONS (PUBLIC SPEAKING ENGAGEMENTS)**

Date	PRESENTATIONS		Attendance (Approx.)
	Name of Association / Presentation and Location of Meeting		
9/2/00	Dallas County Pharmacy Association	Cy Weich	68
9/16/00	West Texas Pharmacy Association Fall CE Seminar	Carey Bridges	85
9/20/00	Walgreens	Heidi Holmes	60
10/25/00	Coastal Bend Pharmaceutical Association	Mike Ethridge	120
10/25/00	Texas Tech Pharmacy School Law Class	Carey Bridges	92
5/2/01	Texas Southern University College of Pharmacy Students	Iona Grant	101
5/5/01	Lubbock Area Society of Health System Pharmacists	Carey Bridges	20
5/7/01	Denton County Pharmacy Association	Cy Weich	50
8/10/01	Voluntary Hospitals of America Southwest	Cy Weich	20
		<b>TOTAL</b>	<b>616</b>

E. **SURVEYS / QUESTIONNAIRES**

Division Staff responded to questionnaires and/or surveys from the following agencies:

- (1) Legislative Budget Board — Division staff, in cooperation with other Divisions, submitted data to LBB with regard to the number of written requests for information that are handled by TSBP each month.
- (2) Oklahoma Board of Pharmacy — Division Director completed a survey regarding salaries of pharmacists employed by TSBP.
- (3) Health Professions Council — Division Director, with input from TSBP's Executive Director and General Counsel, completed a lengthy survey regarding the agency's complaint/disciplinary process, performance measures, record retention policies, and laws/policies/procedures relating to confidentiality of enforcement records.

**F. TECHNICAL ASSISTANCE TO BOARD MEMBERS**

- (1) In October 2000, Division Director prepared revised goals and objectives for FY2001 following an agency reorganization. The revision was necessary, in that the reorganization resulted in the Enforcement Division assuming responsibility for the field inspection program and several other activities assigned to the former Compliance Division.
- (2) Division Director developed proposed Goals and Objectives for FY2002, which were presented to and approved by the Board at its meeting held August 7-8, 2001.
- (3) Division Director and Assistant Division Director made presentations at all Board meetings held in FY2001. Presentations included information about proposed Agreed Board Orders and reports regarding the number of active/pending complaints.
- (4) Division Director assisted in the review/editing of drafts of minutes of four Board meetings.

**G. TECHNICAL ASSISTANCE TO BOARD STAFF**

- (1) Division staff assisted Director of Professional Services, as follows:
  - (a) Division staff assisted with the *TSBP Newsletter*, as follows:
    - P** authored 8 articles for the three *TSBP Newsletters* which were published during FY2001;
    - P** provided the following information for publication in *TSBP Newsletter*: descriptions of disciplinary actions and statistics regarding confidential disciplinary orders; and
    - P** served on the *TSBP Newsletter* committee.
  - (b) Division Director attended three meetings of the Task Force on Peer Review Guidelines and assisted in the review/editing of the Guidelines, which were approved by the Board at its meeting on May 22-23, 2001.
  - (c) Assistant Division Director attended the meeting of the Task Force on Telepharmacy Systems.
  - (d) Compliance Staff Officer Milton Jez, R.Ph. attended the meeting of the Task Force on Automated Pharmacy Systems and Emergency Medication Kits.
  - (e) Division Director provided information regarding disciplinary sanctions for publication in NABP's Survey on Pharmacy Law (includes information about the operation of pharmacy boards in

- 
- the 50 states).
- (f) Division staff assisted in the development, review and evaluation of the Texas question pool for the Multistate Jurisprudence Exam administered by the National Association of Boards of Pharmacy.
- (2) Division staff assisted Director of Administrative Services and Licensing, as follows:
- (a) Staff Compliance Officers provided technical assistance with regard to Class B and Class D Pharmacy licenses (see Ongoing Objective #11);
  - (b) Division Director and Assistant Division Director assisted TSBP's Licensing Division, with respect to;
    - P** eligibility for licensure and internship (from individuals who had checked "yes" on the attest questions on the TSBP application); and
    - P** eligibility of individuals wishing to serve as preceptors.

- (c) Division Director assisted with the update of the TSBP Employee Handbook regarding the following:
    - P** policies and procedures for employee education and training; and
    - P** policies and procedures for evaluating employees, in compliance with directives from the Texas Commission on Human Rights.
  - (d) Division staff served on the in-house TSBP web site committee.
- (3) Division staff assisted the Legal Division as follows:
- (a) At the request of TSBP General Counsel, Division Director or Assistant Division Director reviewed drafts of Preliminary Notice Letters (PNLs) prior to the PNLs being finalized and mailed.
  - (b) Division staff served as an expert witness for several formal disciplinary hearings conducted by the State Office of Administrative Hearings.
- (4) Division staff assisted with orientations of new TSBP employees regarding Division activities, such as Compliance inspections; the complaint process; investigations of complaints; monitoring licensees and responding to inquiries for enforcement records. New employees included: Vicki Jackson-Kimbrell; Anita Arnet; Darlene Guthrie; Korena Schaaf; Carol Willess; Melissa Rivera; and Georgienne Nassauer.

#### **H. TECHNICAL ASSISTANCE TO OTHER AGENCIES AND ORGANIZATIONS**

- (1) Division Director notified various agencies regarding disciplinary orders entered by the Board (e.g., DEA, DPS, TDH, MHMR, HHS, USP, and NABP).
- (2) Division staff assisted the Director of the Pharmacy Recovery Network (PRN) program. (See Ongoing Objective #12.)
- (3) Division staff assisted the Health Professions Council. (See Ongoing Objective #13.)
- (4) Texas Optometry Board was assisted as follows:
  - (a) Division Director assisted the Executive Director of the Texas Optometry Board with questions regarding the TSBP peer assistance program.
  - (b) Upon the written request of the Executive Director of the Texas Optometry Board, TSBP investigative staff obtained evidence from two pharmacies which indicated that an optometrist issued

numerous prescriptions without the authority to issue the prescriptions.

- (5) Investigative staff assisted numerous other law enforcement agencies. (See Ongoing Objective #7.)
- (6) Division Director assisted Curtis Burch, R.Ph., Texas Drug Vendor Program, by providing statistics regarding patient counseling violations (i.e., number of closed complaints and disciplinary orders entered involving licensees who failed to provide written or verbal counseling or drug regimen review).

11. To provide technical assistance to the Administrative Services and Licensing Division regarding interpretation of the laws and rules relating to the licensing of pharmacies and pharmacists throughout FY2001.

**Status:** ACCOMPLISHED

**Comment:** Staff Compliance Officers Milton Jez, R.Ph., Ben Santana, R.Ph., and Marilyn Pearce, R.Ph., assisted the Licensing Division in the following areas:

Number	Activity
25	New Class D (Clinic) Pharmacy applications
1	New Class B (Nuclear) Pharmacy applications
80	Petitions for Expanded Formularies for Class D (Clinic) Pharmacies
10	Petitions for Alternative Visitation Schedules for Class D (Clinic) Pharmacies
10	Notifications of Temporary Locations for Class D (Clinic) Pharmacies

12. To serve as liaison for the Board to the Pharmacy Recovery Network (TX-PRN) of the Texas Pharmacy Association and to monitor non-financial contractual obligations of TX-PRN throughout FY2001.

**Status:** ACCOMPLISHED

**Comment:** This objective was accomplished through the following activities:

- A. Board Member Wayne McConnell served as an ex-officio member of the TX-PRN State Committee throughout FY2001.
- B. The TX-PRN Program submitted year-to-date financial reports to TSBP at each one of its Board meetings in FY2001.
- C. TSBP requested an independent audit be conducted on the data provided to TSBP (financial data and performance measure data). This audit was conducted

on April 11, 2001, and the results of the audit were reported to the Board at its meeting held May 22-23, 2001.

- D. Division Director and Assistant Division Director, in cooperation with the TSBP Executive Director and the TSBP General Counsel, worked with the TX-PRN Program Director to develop a business plan, mission and goals/objectives for the TX-PRN Program.
- E. Division Director and Assistant Division Director, in cooperation with TSBP Executive Director and TSBP General Counsel, prepared proposed amendments to the TSBP-PRN contract for FY2002-03. The Board approved the new contract terms at its meeting held on May 22-23, 2001.
- F. Throughout FY2001, Division Director and Assistant Division Director reviewed monthly activity reports submitted to TSBP by TX-PRN Director.
- G. Assistant Division Director attended two TX-PRN State Advisory Committee meetings – September 9, 2000, and March 3, 2001.
- H. Throughout FY2001, Assistant Division Director worked closely with TX-PRN Program Director to ensure the accuracy of data for peer assistance performance measures.

13. To assist the Executive Director in developing and implementing the objectives of the Health Professions Council pertinent to Division activities throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** Division staff participated in the following activities:

- A. HPC Annual Report — Division Director submitted agency enforcement performance data to be incorporated into the HPC Annual Report.
- B. On March 15, 2001, Division Director attended the HPC meeting on behalf of the TSBP Executive Director. On July 16, 2001, Division Director attended the HPC meeting to present a status report on the HPC Complaint Study Committee.
- C. In June 2001, the Division Director was selected to chair the HPC Committee charged with studying the complaint processes used by HPC member agencies, as mandated by H.B. 2408. The HPC Study Committee's initial meeting was held on July 16, 2001. Division Director and HPC Administrative Officer drafted a questionnaire with five sections (agency data; complaint and disciplinary process; confidentiality; record retention; and performance measures). After input from committee members on two survey drafts, the final

version of the survey was distributed to HPC Member agencies in August 2001. Work on this project will continue until a final report is made to the Legislature on or before January 1, 2003.

- D. HPC Toll-Free Complaint Hotline – HPC member agencies are billed for hotline calls received by the respective agency. When complainants call the hotline, they may leave a message advising the agency of the complainant's name, address, and telephone number, or they may "zero out" and speak to an HPC staff member for clarification of procedures. During FY2001, TSBP mailed 851 complaint forms to individuals requesting forms on the HPC toll-free complaint hotline and 725 complaint forms to individuals who called the TSBP voice mail complaint line. The number of requests received, as compared to the previous fiscal years, is depicted in the following chart:

#### COMPLAINT FORMS PROCESSED BY ENFORCEMENT DIVISION (FY97 through FY01)

Fiscal Year	Requests for Complaint Forms Via HPC 800#	% Change	Requests for Complaint Forms via TSBP Voice Mail	% Change
FY97	626		157	
FY98	742	+18%	209	+33%
FY99	836	+13%	361	+73%
FY00	1,498	+79%	603	+67%
FY01	851	-43%	725*	+20%

\* Cumulative Increase from FY97 to FY01 – 362%

14. To maintain a staff development program by encouraging Division staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** In FY2001, Division staff attended several team meetings, Division staff meetings, general staff meetings and in-house training sessions. Division staff also attended the following joint training sessions (with other agency staff):

- December 8, 2000 (1) Ethics Training
- (2) Personal Safety Training

In addition, Division staff attended the following programs, seminars, or events:

ENFORCEMENT DIVISION STAFF MEMBERS

<b>Carol Fisher, R.Ph., M.P.A.</b>	
11/12-14/00	NABP Health Law Officers Conference (Biloxi, MS); Gave presentation regarding "Regulating for Outcomes" (75 persons in attendance)
11/30/00	e-Records 2000: Developing a Vision for the Future (Austin, TX)
4/1-4/01	TSHP Annual Meeting (Austin, TX)

<b>Allison Benz, R.Ph., M.S.</b>	
9/10/00	PRN Training Session (Austin, TX)
10/23/00	Business Records Affidavits, In-house Training
11/14/00	Neurobiology of Addiction, TSBP Board Meeting (Austin, TX)
1/2/01	Texas Legislative Service Training (Austin, TX)
1/17/01	Nineteen Strategies for Successful Leaders (Austin, TX)
3/4/01	PRN Training Session (Austin, TX)
4/1-4/01	TSHP Annual Meeting (Austin, TX)
7/10/01	Professional Development Center Seminar: "What it takes to be a Great Leader"
7/18-22/01	Texas Pharmacy Association Annual Meeting (Houston, TX)

<b>Milton Jez, R.Ph.</b>	
9/10/00	PRN Training Session (Austin, TX)
2/9/01	Excel Software Training (Austin, TX)
3/4/01	PRN Training Session (Austin, TX)
7/18-22/01	Texas Pharmacy Association Annual Meeting (Houston, TX)
In addition, Milton is attending classes at the University of Texas, College of Pharmacy, working towards a Master of Science Degree in Pharmacy Administration, outside of his work at TSBP (i.e., no cost to TSBP).	

<b>Ben Santana, R.Ph.</b>	
10/23/00	Business Records Affidavits, In-house Training
12/15/00	Microsoft Access Training (Austin, TX)
4/1-4/01	TSHP Annual Meeting (Austin, TX)

<b>Roger Hernandez, R.Ph.</b>	
6/30/01	Retired

<b>Marilyn Pearce, R.Ph.</b>	
11/17/00	Resigned

<b>Korena Schaaf</b>	
2/01	Orientation and On-the-Job Training (Austin, TX)
3/4/01	PRN Training Seminar (Austin, TX)
4/2/01	TSHP Annual Meeting and Exhibits (Austin, TX)
5/4/01	TCIC/NCIC Training - 4 hours - Police Course (Manor, TX)

<b>Vicki Jackson-Kimbrell</b>	
9/00	Orientation and On-the-Job Training (Austin, TX)
10/22/00	Business Records Affidavit Training, In-house Training
10/24/00	EEO Training

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**ENFORCEMENT**

6/17/01	Resigned
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<b>Sherry Stevenson</b>	
11/1/00	iPortal Product Orientation Training (Austin, TX)
11/28/00	2000 Statewide Privacy and Open Government Conference (Austin, TX)
8/27/01	Open Government Conference Update (Austin, TX)

<b>Janelle Nastri</b>	
11/3/00	Austin Conference for Women (Austin, TX)

<b>Patty Galan</b>	
11/13/00	Access 2000: Introduction (Austin, TX)
8/29/01	WordPerfect 8.0: Advance Course (Austin, TX)

<b>Diane Torres</b>	
11/13/00	Access 2000: Introduction (Austin, TX)
12/12/00	Conflict Management Skills for Women (Austin, TX)
8/29/01	WordPerfect 8 (Austin, TX)

<b>Angela Pompa</b>	
9/29/00	User Training for Imaging System (Austin, TX)
11/10/00	Resigned

<b>Angela Hicks</b>	
2/7/01	How to Become a Great Communicator (Austin, TX)
3/15/01	Microsoft Excel 2000 Intermediate (Austin, TX)

**Investigative Staff**

<b>Joe Lewis</b>	
5/01	Rx Program Training (updated) - Audit Program (Austin, TX)

5/01	TCIC/NCIC Training-4 hours-Police Course (Manor, TX)
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<b>Robert Ebrom</b>	
9/00	Intoxilyzer Training and Exam (Karnes City, TX)
9/00	Diversion Training-DPS (Austin, TX)
10/00	Firearms Training (Karnes City, TX)
1/01	Insurance Fraud-Texas Department of Insurance (Austin, TX)
2/01	Stress Management (Austin, TX)
2/01	Defensive Driving (Karnes City, TX)
3/01	Pistol Qualifications (Karnes City, TX)
5/01	Rx Program Training (updated) - Audit Program (Austin, TX)
7/01	Texas Narcotic Officers Conference and Training (El Paso, TX)

<b>Johnny Martin</b>	
1/01	Insurance Fraud (Austin, TX)
2/01	Cultural Diversity (Computer / Lavalla, TX)
2/01	Ethics for Law Enforcement (Computer / Lavalla, TX)
5/01	Family Violence (Computer / Lavalla, TX)
5/01	Rx Program Training (updated) - Audit Program (Austin, TX)

<b>Dwayne Darter</b>	
9/00	Basic Narcotics/Diversion (Austin, TX)
12/00	TCLEOSE Training - 3232/3939 (Austin, TX)
1/01	Insurance Fraud (Austin, TX)
5/01	Rx Program Training (updated) - Audit Program (Austin, TX)
6/01	NADDI Conference (Dallas, TX)
6/01	Updated Legislative Training (Austin, TX)
7/01	Texas Narcotic Officers Association Conference (El Paso, TX)
8/01	Defensive Driving Training (Dallas, TX)

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**ENFORCEMENT**

<b>Richard Klemme</b>	
9/00	On-the-Job Training (Houston and Lufkin, TX)
9/00	Basic Narcotics/Diversion (Austin, TX)
9/00 - 10/00	Compliance Training (Houston, TX)
11/00	Case Preparation Training (Houston, TX)
12/00	TCLEOSE Training - 3232/3939 (Austin, TX)
1/01	Drug Recognition Expert Instructor Training (Bryan, TX)
1/01	Insurance Fraud (Austin, TX)
3/01	Drug Recognition Expert Instructor Practical Exercise (Irving, TX)
5/01	Rx Program Training (updated) - Audit Program (Austin, TX)
6/01	Updated Legislative Training (Austin, TX)
7/01	Texas Narcotic Officers Association Conference (El Paso, TX)
8/01	Defensive Driving Training (Houston, TX)

<b>Anita Ann Arnet</b>	
11/00	Orientation Training (Austin, TX)
11/00	On-the-Job Training (Austin, TX)
2/01	Stress Management (Austin, TX)
5/01	Rx Program Training (updated) - Audit Program (Austin, TX)
5/01	TCIC/NCIC Training - 4 hours - Police Course (Manor, TX)
7/01	Texas Narcotic Officers Association Conference and Training (El Paso, TX)

<b>Melissa Rivera</b>	
4/01	Orientation and On-the-Job Training (Austin, TX)
5/01	TCIC/NCIC Training - 40 hours - Operator (Waco, TX)

**Compliance Staff**

<b>Cy Weich, R.Ph.</b>	
3/31/01 - 4/4/01	Texas Society of Health-System Pharmacists Annual Meeting (Austin, TX)

7/18-22/01	Texas Pharmacy Association Annual Meeting (Houston, TX)
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<b>Carey Bridges, R.Ph.</b>	
3/31/01 - 4/2/01	Texas Society of Health-System Pharmacists Annual Meeting (Austin, TX)
6/8/01	Resigned

<b>Carol Willess</b>	
3/01	Orientation
3/31/01 - 4/4/01	Texas Society of Health-System Pharmacists Annual Meeting (Austin, TX)
4/11/01	EEO Training
5/2/01	Intro to Access
5/4/01	TCIC/NCIC Training - 4 hours - Police Course (Manor, TX)
6/25-27/01	Texas Association of Business Administrators Association Annual Meeting
7/18-22/01	Texas Pharmacy Association Annual Meeting (Houston, TX)

<b>Mike Ethridge, R.Ph.</b>	
10/14/00	Central Texas Society of Health System Pharmacists – Fall Seminar (San Antonio, TX)
4/24-30/01	Texas Pharmacy Association Region D Meeting (Corpus Christi, TX)

<b>Iona Grant, R.Ph.</b>	
3/31/01 - 4/2/01	Texas Society of Health-System Pharmacists Annual Meeting (Austin, TX)
7/18-22/01	Texas Pharmacy Association Annual Meeting (Houston, TX)

<b>Heidi Holmes, R.Ph.</b>	
9/8/00 & 10/13/00	Intro to Access
10/11/00 & 11/17/00	Intermediate Access
2/1/01	Defensive Driving
7/18-22/01	Texas Pharmacy Association Annual Meeting (Houston, TX)



15. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2001.

**Status: ACCOMPLISHED**

**Comment:** Formal performance reviews were conducted as follows:

**Enforcement Division Staff Members**

Employee	Date of Evaluation	Evaluation By
Allison Benz, R.Ph., M.S.	June 15, 2001	Carol Fisher, R.Ph., M.P.A. Director of Enforcement
Joe Lewis	September 22, 2000	Carol Fisher, R.Ph., M.P.A. Director of Enforcement
Sherry Stevenson	May 31, 2001	Carol Fisher, R.Ph., M.P.A. Director of Enforcement
Carol Willess	Employed March 12, 2001; Evaluation scheduled in FY2002	
Roger Hernandez, R.Ph.	Retired June 30, 2001	
Milton Jez, R.Ph.	June 6, 2001	Allison Benz, R.Ph., M.S. Asst. Director of Enforcement
Ben Santana, R.Ph.	June 1, 2001	Allison Benz, R.Ph., M.S. Asst. Director of Enforcement
Vicki Kimbrell-Jackson	Resigned June 17, 2001	
Korena Schaaf	Employed February 2, 2001; Evaluation scheduled in FY2002	
Janelle Natri	June 11, 2001	Allison Benz, R.Ph., M.S. Asst. Director of Enforcement
Patty Galan	May 29, 2001	Sherry Stevenson Sr. Administrative Assistant
Diane Torres	April 3, 2001	Sherry Stevenson Sr. Administrative Assistant
Angela Pompa	Resigned November 10, 2000	
Robert E. Ebrom, Jr.	April 26, 2001	Joe Lewis, Chief Investigator
Johnny M. Martin	June 7, 2001	Joe Lewis, Chief Investigator
Walter D. Darter	June 7, 2001	Joe Lewis, Chief Investigator
Richard C. Klemme	June 6, 2001	Joe Lewis, Chief Investigator
Anita A. Arnet	June 5, 2001	Joe Lewis, Chief Investigator

Employee	Date of Evaluation	Evaluation By
Melissa Rivera	Employed April 1, 2001; Evaluation scheduled in FY2002	

**Employees of Former Compliance Division Who Were Transferred to Enforcement Division on October 1, 2001**

Employee	Date of Evaluation	Evaluation By
Cy Weich, R.Ph.	March 21, 2001	Steve Morse, R.Ph. Former Director of Compliance
Iona Grant, R.Ph.	June 6, 2001	Steve Morse, R.Ph. Former Director of Compliance
Mike Ethridge, R.Ph.	August 1, 2001	Cy Weich, R.Ph. Chief Compliance Officer
Heidi Holmes, R.Ph.	June 6, 2001	Cy Weich, R.Ph. Chief Compliance Officer
Marilyn Pearce, R.Ph.	Resigned November 17, 2000	
Carey Bridges, R.Ph.	Resigned June 8, 2001	
Angela Hicks	December 21, 2000	Retta Cole, Former Sr. Administrative Asst. to Director of Compliance

The Division began FY2001 with three vacant positions (field Compliance Officer for Houston area, in-house Investigator II and field investigator- Austin area) due to the resignation of May Woo, R.Ph., and the retirements of Pat Dobbs and H.C. Wallace, effective August 31, 2000. During FY2001, the Division experienced an additional turnover in five positions (four resignations and one retirement). The chronology of employee hires/turnover and other personnel actions in FY2001 is listed below:

**September 2000**

- (1) Vicki Jackson-Kimbrell began employment, effective 09-18-00, as a Complaint Specialist.
- (2) Division made preparations to assume field Compliance inspection program and in-house technical assistance (Compliance telephone calls), effective 10-01-01. Job descriptions for then Enforcement Officers Milton Jez, R.Ph., and Ben Santana, R.Ph., were changed and these positions were retitled as Staff Compliance Officers. Vicki Jackson-Kimbrell's title was changed to Enforcement Officer.
- (3) Former Assistant Director of Compliance Iona Grant, R.Ph., was named Chief Compliance Officer, effective 10-01-00.

**October 2000**

- (1) Iona Grant, R.Ph., decided to fill the vacant field Compliance Officer position in Houston and Carey Bridges, R.Ph., was named Acting Chief Compliance Officer, effective 11-01-00.
- (2) Anita Arnet was employed to fill the vacant field Investigator/Austin area, effective 11-01-00.
- (3) Two employees resigned (Administrative Assistant Angela Pompa & Staff Compliance Officer Marilyn Pearce, R.Ph.).

**November 2000**

Chief Compliance Officer position was posted as an in-house position (internal posting only). No applications were received.

**December 2000**

- (1) Cy Weich, R.Ph., was named Acting Chief Compliance Officer, effective 12-01-00.
- (2) Vacant Administrative Assistant position replaced with an Executive Assistant position; Janelle Nastri was selected to fill this position, as Enforcement Specialist, effective 12-15-00.

**January 2001**

Vacant Staff Compliance Officer (pharmacist) position was replaced with an Enforcement Officer (non-pharmacist) position; Korena Schaaf was selected to fill this position, effective 02-01-01.

**February 2001**

Vacant in-house Chief Compliance Officer position (pharmacist) was replaced with an Executive Assistant position (non-pharmacist); Carol Willess was selected to fill this position as Compliance Specialist, effective 3-12-01.

**March 2001**

- (1) Melissa Rivera was employed to fill the vacant Investigator II position, effective 04-01-01.
- (2) Chief Compliance Officer position posted as a field supervisor position (internal posting only).

**April 2001**

Cy Weich, R.Ph., was selected as Chief Compliance Officer, effective 05-01-01.

**May 2001**

- (1) Carey Bridges, R.Ph., announced his resignation, effective 06-08-01.
- (2) Vicki Jackson-Kimbrell announced her resignation, effective 6-17-01.

**June 2001**

After 25 years of service to TSBP, Staff Compliance Officer Roger Hernandez, R.Ph., retired, effective 06-30-01.

**July 2001**

UT College of Pharmacy Student Katie Musil began a 6-week internship rotation at TSBP. Ms. Musil's preceptor was Allison Benz, R.Ph., M.S., Assistant Director of Enforcement.

**August 2001**

- (1) Vacant Staff Compliance Officer position (pharmacist) was replaced with an Enforcement Officer position (non-pharmacist); Sarah Guevara was selected to fill this position, effective FY2002.
- (2) Amy Herring was selected to fill the Enforcement Officer position vacated by Vicki Jackson-Kimbrell, effective FY2002.

Accordingly, the Division posted and/or filled nine positions during FY2001. Other activities related to Division personnel are listed below:

- A. Division staff developed orientation schedules/orientation manuals and conducted orientations for five new staff members (Vicki Jackson-Kimbrell, Anita Arnet, Korena Schaaf, Carol Willess, and Melissa Rivera) and for Katie Musil, Intern.
  - B. Division Director updated the job descriptions for all Division staff, and developed new job descriptions for the three new positions (Enforcement Specialist, Compliance Specialist, and Chief Compliance Officer).
16. To destroy records in accordance with the agency's record retention plan throughout FY2001; to update the Division's *Policies and Procedures Manual* as needed and submit any substantive revisions to the Executive Director for approval throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** This objective was accomplished as follows:

- A. **Records Management**  
During FY2001, Division staff destroyed 34 cubic feet of records, in accordance with the TSBP record retention schedule.
- B. **Policies and Procedures**  
Division staff updated procedures relating to in-house investigations of complaints. In addition, Division Director and General Counsel assisted Director of Administrative Services and Licensing with the revision of personnel policies in the TSBP Employee Handbook, in compliance with the directives of the Texas Human Rights Commission.

17. To recommend policies and procedures to the Executive Director which will enhance the efficiency and effectiveness of the agency throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** This objective was accomplished through the following activities:

- A. Division staff made several recommendations for changes to enhance the agency's computerized complaint tracking system and associated reports.
- B. Division staff updated TSBP Complaint Form and implemented several changes in the TSBP Complaint process in order to streamline the process.
- C. Chief Investigator Joe Lewis developed guidelines and checklists for field investigations to ensure consistency in the collection of evidence/affidavits and the preparation of the final written report.
- D. Chief Investigator Joe Lewis began preparing a list of drug names (brand and generic), to include the pronunciation of the drug name, and the classification and/or schedule of the drug. This manual will assist investigators and other personnel in pronouncing the names of drugs, especially when presenting cases in administrative hearings and/or criminal courts.
- E. Senior Investigator Robert Ebrom suggested the purchase of digital cameras for taking pictures of evidence in investigations. These pictures can be printed on a color printer and inserted into the investigative report as evidence. It further assists the Legal Division in their presentation of each investigation at Informal Conferences.
- F. Enforcement Officer Korena Schaaf recommended that TSBP implement a new drug screening program, using a web-based system, which will result in more efficient and effective monitoring of recovering pharmacists.
- G. Division Director recommended that TSBP implement additional screening procedures for applicants for a pharmacy license (e.g., pre-licensure inspections; pass pharmacy law test; proof of financial responsibility).
- H. Division Director recommended procedures for determining merit awards, to ensure consistency between Divisions.
- I. Division Director implemented new system, whereby drafts of cover letters for Disciplinary Orders were prepared well in advance of Board review of proposed Orders at Board meetings, so that the cover letters could be finalized and mailed to licensees more quickly if the Board approved the proposed Order.

Division Director also recommended that TSBP Executive Director and General Counsel sign proposed Agreed Board Orders prior to Board Meetings, in order to expedite the processing of final Orders.

- J. Division field staff implemented new communication system which eliminated the use of personal pagers, resulting in a significant savings to the agency.
- K. Division Director recommended that the application for a pharmacy license be amended to add "Internet" as a service, so that TSBP staff would know which pharmacies are Internet pharmacies.
- L. Division Director recommended that three pharmacist positions be replaced with non-pharmacist personnel, resulting in a substantial savings to the agency.

18. To recommend changes to the Texas Pharmacy Act and rules, which will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director throughout FY2001.

**Status: ACCOMPLISHED**

**Comment:** Division staff recommended that:

- A. TSBP clarify the current TSBP rule regarding the length of time an individual could serve as a technician-in-training (i.e., to clarify that the one year restriction would not mean 12 consecutive months).
- B. TSBP promulgate a rule to require employers to conduct background employment checks of technicians prior to employment, in order to ensure that the individuals were eligible to be a technician-in-training (i.e., to ensure that the individual had not served as a technician-in-training for a period in excess of 12 months).
- C. TSBP promulgate a rule to require an individual to pass the Pharmacy Technician Certification Board (PTCB) examination before the individual could become a technician-in-training.
- D. TSBP promulgate a rule to require a technician to post his/her certification certificate in the technician's primary place of practice. Subsequently, the Board promulgated a rule regarding this matter which required technicians to post a copy of their certification certificate at all pharmacies where the technician works.

19. To prepare and submit a report on the accomplishment of Division objectives, for incorporation

into the agency's *FY2000 Annual Report* to be presented to the Board by its May 2001 Board meeting.

**Status: ACCOMPLISHED**

**Comment:** The Division's first draft of the FY2000 Annual Report was submitted to the Executive Director by the due date. The final draft of the TSBP Annual Report was presented to and approved by the Board at its meeting held in May 2001.