

FY2006 SIGNIFICANT ACCOMPLISHMENTS

1. Division staff accomplished 100% of the Division's 20 Objectives for FY2006.
2. As reflected in the chart below, TSBP closed more complaints in FY2006 than in any prior fiscal year (see Ongoing Objective #3 for further information regarding complaints that were closed by TSBP in FY2006).

Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY02	1836		2137		116%	221 Days	
FY03	1935	+5%	1887	-12%	98%	153 Days	-31%
FY04	4475	+131%	3018	+60%	67%	118 Days	-23%
FY05	3086	-31%	3327	+10%	108%	196 Days	+66%
FY06	3550	+15%	3387	+2%	95%	207 Days	+6%

3. In line with the agency's "lead agency" philosophy, TSBP investigators made an extremely large number of contacts with other law enforcement agencies (see Ongoing Objective #4). Of significant note were two *grey market* cases (one in San Antonio and one in the Metroplex area) in which Division staff worked with multiple federal agencies; the San Antonio case involved one pharmacy and two pharmacists, and resulted in the indictment of eight persons, while the Metroplex case involved 18 pharmacies and one pharmacist and resulted in the indictment of 15 persons. In addition, Division Director testified in two federal trials in Houston; these cases resulted in felony convictions of eight pharmacists (seven convictions involved non-therapeutic dispensing of controlled substances and one conviction involved counterfeit drugs).
4. Field Compliance staff conducted 2,165 pharmacy inspections, thereby exceeding the inspection goal for FY2006 (see Ongoing Objective #2 for further details about compliance inspections). This number of inspections included 78 pre-inspections of new pharmacies, a process to ensure that TSBP is issuing licenses to valid facilities.
5. Division staff spent significant time and effort responding/handling approximately 10,000 telephone calls received via the Compliance Queue Phone Line (see Ongoing Objective #6 for further details). Such calls included calls from persons inquiring about new laws passed by the 79th Texas Legislature (see New Objective #4 for further details). In addition, Division staff made 19 presentations to over 1,300 individuals during FY2006 (see Ongoing Objective #6 for further details).
6. Division Director and Chief of Compliance served as preceptors to ten students from three Colleges of Pharmacy (see Ongoing Objective #7 for further details).
7. Division Director assisted Executive Director, in cooperation with other Division Directors, in the preparation of the *Strategic Plan* for FY2007-FY2011, Legislative Appropriations Request for FY2008-2009, implementation of the new laws passed by the 79th Texas Legislature, and implementation of the new program to register Technician Trainees (see New Objectives #1 - #4 for further details). In addition, Division staff spent significant time and effort assisting all divisions (see Ongoing Objective #6).

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8. The Division experienced several significant personnel changes during FY2006 (two new positions funded by 79th Texas Legislature, three internal promotions, four new hires, and two losses), as described below:
 - A. In November 2005, Administrative Assistant Becky Damon was promoted to Program Specialist, a new position created to monitor technicians who were placed on probation as a result of a disciplinary order;
 - B. In December 2005, Senior Investigator Robert Ebrom was promoted to Deputy Chief of Investigations;
 - C. In December 2005, Kelly Clark was hired to fill the position vacated by Ms. Damon [see A above];
 - D. In January 2006, Robert Rivera was hired to fill a new position funded by the 79th Texas Legislature (to conduct criminal background checks for technician trainees);
 - E. In February 2006, the Division experienced a significant loss when Enforcement Division Specialist Sherry Stevenson transferred to TSBP's Professional Services Division; her position was subsequently reclassified to an Assistant Director position;
 - F. In May 2006, Paul Holder, R.Ph., Pharm.D., Compliance Officer for the Dallas Region, was promoted to Assistant Director of Enforcement;
 - G. In May 2006, Susan Furnas resigned her position as Compliance Inspector for the West Texas Region;
 - H. In August 2006, Karen Guenther, C.Ph.T. was hired to fill the position vacated by Dr. Holder [see F above]; and
 - I. In August 2006, Sharon Dimmick, C.Ph.T., was selected to fill the position vacated by Ms. Furnas [see G above], with employment to begin in FY2007.
9. During FY2006, Division staff successfully responded to a Classification Audit of Inspector and Investigator positions (17 staff) that was conducted by the State Auditor. In addition, during FY2006, Division Director updated 16 job descriptions (see Ongoing Objective #11 for further details).
10. During FY2006, TSBP received over 350 reports of the theft/loss of controlled substances which included 220 reports of employee pilferage. Division staff contacted each pharmacy that filed a report of employee pilferage and determined that 472,944 dosage units of controlled substances were allegedly pilfered by 222 individuals. Although there were a large number of dosage units reported missing in FY2006, there was a dramatic 42% decrease when compared to the 821,393 dosage units of controlled substances that were reported missing in FY2005 (see Ongoing Objective #3 for further details).

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FY2006 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS

1. Although TSBP closed/resolved more complaints in FY2006 than in any prior fiscal year, TSBP's average complaint resolution time increased from 196 days in FY2005 to 207 days in FY2006. This increase was primarily due to the aging of complaints that occurred in FY2004-2005 when TSBP was required to focus most of its investigative efforts on criminal background investigations of applicants for a pharmacy technician registration.
2. The pharmacy technician registration program continued to have a huge impact on the Enforcement Division. The primary reason for the increase in the number of complaints received by TSBP in FY2006 was due to complaints opened on registered technicians, following a quarterly criminal background check (i.e., TSBP opened approximately 1,000 complaints on technicians who were arrested for a criminal offense after becoming registered).
3. Because TSBP was underfunded for the technician registration program, TSBP was unable to employ sufficient staff to handle the workload relating to the investigation of complaints involving pharmacy technicians. As a result, the backlog of pending complaints has continued to increase.
4. TSBP met or exceeded, within a 5% variance, only four of its six Key Performance Measures, and six of seven Non-Key Performance Measures, as set forth in the FY2006-2007 Appropriations Act. Accordingly, TSBP met or exceeded only 77% of the FY2006 projections for 13 enforcement-related performance measures (see Ongoing Objective #1 for further details).
5. The most common type of consumer complaint was a complaint in which the complainant alleged that a dispensing error was committed by a pharmacist and/or pharmacy (see Ongoing Objective #3 for a trend analysis indicating the number of dispensing error complaints closed during the past five years).
6. Division staff continued to spend significant time and efforts monitoring compliance with the terms of disciplinary orders that were entered by TSBP in FY2006. Almost all of the disciplinary orders entered in FY2006 required some type of monitoring. Specifically, 457 Orders or 96% of the 475 disciplinary orders entered in FY2006 required some type of monitoring (see Ongoing Objective #5).
7. Several bills passed by the 79th Texas Legislature had a negative impact on the Enforcement Division, including:
 - S.B. 492 – The Texas Pharmacy Act was amended to broaden the authority of a pharmacy to compound prescription drugs not pursuant to a prescription and to sample components in compounding. The expanded compounded practice re-emphasizes the need for an adequate number of well-qualified and well-trained Compliance field staff. Although TSBP attached a fiscal note to this bill, no funding was granted for additional FTEs or sampling of drug products.
 - Sunset Bill – The Texas Pharmacy Act was amended to expand the grounds for discipline for licensees/registrants, which significantly increased the Division's workload. However, no additional FTEs were funded to handle the increased workload.

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8. During FY2006, TSBP Compliance Field Staff issued Warning Notices for more than 1,000 violations, which represented a 119% increase over FY2005 (see Ongoing Objective #2 regarding Compliance Inspections conducted in FY2006). The most common violations (“Top 5”) included the following:

- 18% of total Incomplete or No Documentation of Technician Training (27% decrease when compared to FY2005 data)
- 16% of total Delinquent Licenses or Licenses Not Posted (33% increase over FY2005 data)
- 10% of total Incomplete or No Inventory (e.g., Annual; Change of PIC) (29% increase over FY2005 data)
- 10% of total Equipment Inspection Past Due or Failed Inspection (10% decrease when compared to FY2005 data)
- 8% of total Inadequate Area to Prepare Sterile Pharmaceuticals (8%) (285% increase over FY2005 data)

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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 updating and preparing the *TSBP Strategic Plan* for the FY2007 – FY2011 period, and submitting the plan to the Governor’s Office of Budget and Planning and the Legislative Budget Office, by the due date.**

Status: ACCOMPLISHED

Comment: At its meeting held on November 1-2, 2005, the Board reviewed comments concerning strategic planning by TSBP from persons who had submitted comments. Division Director, in consultation with Board Members Doyle High, R.Ph., Ben Fry, R.Ph., and Rosemary Combs, prepared the first draft of Policy Issue #3 relating to “Pharmacy Personnel and Working Conditions.” The Board approved the draft of Policy Issue #3 at its meeting held on February 7-8, 2006. Division Director assisted in the review and preparation of the final draft of the *TSBP Strategic Plan*, which was approved by the Board at its meeting, held on May 9-10, 2006. The *TSBP Strategic Plan* was published and delivered to the Governor’s office and other applicable agencies by the due date.

- 2. To assist the Executive Director, in cooperation with other Divisions, in the preparation of the agency’s *Legislative Appropriation Request* and corresponding performance measures for FY2008 – FY2009.**

Status: ACCOMPLISHED

Comment: Division Director assisted the Executive Director and Director of Administrative Services and Licensing in the preparation of the FY2008-2009 Legislative Appropriations Request (LAR) through the following activities: attended a budget meeting with the TSBP Executive Committee on March 29, 2005; prepared projections for Legislative Budget Board (LBB) performance measures relating to enforcement at three different levels of funding; and reviewed/edited the final draft of the document, which was subsequently submitted to the Governor and the LBB by the due date. The agency’s first budget hearing with the staff of the Governor’s Office and the LBB was held on August 21, 2006.

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3. **To assist the Executive Director, in cooperation with other Divisions, in the implementation of the new program to register and regulate pharmacy technician trainees throughout FY2006.**

Status: ACCOMPLISHED

Comment: Division Director participated in discussions with the Executive Director and other Division Directors regarding proposed rules to implement the technician trainee program, which included the following four primary concepts: (1) registration would be online at no charge; (2) no person would be able to perform technician duties after the deadline (February 1, 2007), without first obtaining a registration certificate from TSBP; (3) a two-year time period would be allowed to complete the registration process (and the registration would not be able to be renewed); and (4) applicants for registration would be required to submit fingerprint information (and be responsible for all associated costs). At its meeting held on February 7-8, 2006, the Board voted to approve the proposed rules as drafted by Board staff, including the four concepts described above. On May 9, 2006, the Board held a public hearing on the proposed rules. On May 9-10, 2006, the Board discussed the proposed rules and comments made at the public hearing regarding the proposed rules. On May 10, 2006, the Board voted to adopt the proposed rules with the four concepts described above. Division Director also participated in discussions regarding the computer programming changes that were needed to implement the technician trainee registration program. The process of registering technician trainees will begin in FY2007.

4. **To assist the Executive Director, in cooperation with other Divisions, in reviewing and implementing legislation passed by the 79th Texas Legislature which affects agency operations and/or the practice of pharmacy throughout FY2006.**

Status: ACCOMPLISHED

Comment: Actions taken by the 79th Texas Legislature that had an impact on the Enforcement Division are described below:

- A. Section 555.007 of the Texas Pharmacy Act (regarding complaints) – The Act was amended to clarify that appropriate employees of the Board may dismiss a complaint if an investigation shows that no violation occurred or the subject of the complaint is outside the Board’s jurisdiction. The Act requires the Executive Director to notify the Board regarding “dismissed complaints” at a public meeting of the Board. Board staff defines the term “dismissed complaints” as the complaints that are closed with an action other than a disciplinary order. As a result of these amendments, Division Director, on behalf of Executive Director, presented a chart at each of the four Board meetings held in FY2006, which reflected the number of complaints that had been closed as a result of an action other than a disciplinary order, and how these complaints were closed.
- B. Section 566.002 of the Texas Pharmacy Act (regarding Administrative Penalty Schedule) – The Act was amended to require the Board to publish rules setting forth the types of violations that would be subject to an administrative penalty (fine) and the amount (or range) of the penalty. Division Director worked with General Counsel to develop a proposed matrix to ensure that the amounts of penalties imposed were appropriate

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to the violation. The proposed matrix, in the form of a proposed rule, was presented to the Board at its meeting held on November 1-2, 2005. The Board voted to propose the rule, and it was subsequently published in the *Texas Register* on December 9, 2005. At its meeting held on February 7-8, 2006, the Board voted to adopt the proposed rule regarding the administrative penalty schedule. This rule became effective on March 6, 2006.

- C. Sections 565.001, 565.002, and 568.003 of the Texas Pharmacy Act (regarding grounds for discipline for pharmacists, pharmacies, and pharmacy technicians) – The Act was amended to add additional grounds for discipline, including the ground of a deferred adjudication for misdemeanor offenses. These changes have resulted in more cases being referred to the Legal Division, which has increased the workload on both the Enforcement and Legal Divisions.
- D. Section 568.0035 of the Texas Pharmacy Act (regarding discipline authorized for pharmacy technicians) – The Act was amended to allow the Board to impose the same range of disciplinary sanctions on pharmacy technicians as the Board may impose on pharmacists and pharmacies. This change has resulted in large numbers of pharmacy technicians being placed on probation under various terms and conditions (such as random drug screens). The Division received one additional FTE to handle this increased workload.
- E. Section 568.007 of the Texas Pharmacy Act (regarding the registration of pharmacy technician trainees) – See Ongoing Objective #3 above. The full impact of this new program will not be felt until FY2007. Although the Division requested several FTEs to handle the increased workload that will result from this new program, the Division received only one additional FTE. This FTE was employed in January 2006 and has been handling the 900 complaints that were opened in FY2006 as a result of quarterly criminal background checks on registered technicians.
- F. Section 565.059 of the Texas Pharmacy Act (regarding the temporary suspension of a license or registration) – The Act was amended to allow the Board to temporarily suspend a pharmacy’s license or a technician’s registration (an authority that did not previously exist). The Act also provided a less burdensome procedure to temporarily suspend a license or registration. On two separate occasions in FY2006, Division staff collected sufficient evidence in an extremely expedient manner and referred the case to the Legal Division, which resulted in the temporary suspensions of two pharmacist licenses.
- G. S.B. 492 (regarding the compounding of prescription drugs for “office use” by a practitioner) – This bill broadened the authority of a pharmacy to compound prescription drugs not pursuant to a prescription. This bill also gave TSBP the authority to sample components used in compounding. The expanded compounded practice re-emphasizes the need for an adequate number of well-qualified and well-trained Compliance field staff. Although TSBP attached a fiscal note to this bill, no funding was granted for additional FTEs or sampling of drug products.

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- H. S.B. 1 (regarding the agency's appropriation for FY2006-07) – The Division requested additional FTEs to handle the increased workload resulting from the technician registration program that was underfunded by the 78th Texas Legislature. The 79th Texas Legislature did not fund any additional FTEs to the agency for FY2006-07, other than the FTEs funded pursuant to the fiscal note attached to S.B. 410 for the Pharmacy Technician Trainee Registration Program.
- I. Other Bills – Division staff have educated Board customers, through telephone inquiries and Compliance inspections, regarding other changes made by the 79th Texas Legislature, such as:
- the new law allowing pharmacies to return sealed, unopened containers (not in original manufacturer's containers) of prescription drugs dispensed to nursing home patients, if FDA grants a waiver for this procedure to be used in Texas;
 - the new law which requires pharmacy personnel to ask the patient to choose between the generic and the brand prescribed;
 - the new law pertaining to faxed Schedule II prescriptions for Hospice and Nursing Home patients; and
 - the new law which established requirements for the sale of certain ephedrine and pseudoephedrine drug products.

In addition, Division staff amended procedures relating to complaints filed against Class E (Non-Resident) Pharmacies, as a result of the following amendments:

- Section 565.053 of the Texas Pharmacy Act – Under the new amendment, TSBP is allowed to immediately investigate any complaint filed against a Class E Pharmacy license, without first having to report the pharmacy to the licensing agency in the state where the pharmacy is located (i.e., eliminated the "waiting period" previously mandated). The new amendment only requires TSBP to notify the other Pharmacy Board if TSBP imposes disciplinary sanctions against the Class E Pharmacy.
- Section 565.003 of the Texas Pharmacy Act – The new amendment removed the limitations regarding the grounds for discipline on a Class E Pharmacy license.

- 5. To assist the Executive Director, in cooperation with other Divisions, in the orientation of new Board Members within 90 days of appointment by the Governor.**

Status: ACCOMPLISHED

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Comment: On August 10, 2006, the Governor announced the appointment of two new Board Members (Jeanne Waggener, R.Ph., community pharmacist from Bellmead, Texas, and Alice Mendoza, R.Ph., hospital pharmacist from Kingsville, Texas) and the reappointment of Rosemary Combs, public member from El Paso, Texas. After immediate consultation with the new Board Members and their approval, the Executive Director scheduled dates for the orientation (September 26-27, 2006). Although the orientation will occur within 60 days of the Governor's appointments, the orientation process will not be completed until FY2007.

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Objectives (Ongoing)

- To submit data regarding enforcement and peer assistance data for Key Performance Targets required under the FY2006 – FY2007 Appropriations Act to Executive Director by specified due dates throughout FY2006; to assist in the preparation of applicable reports to the Legislative Budget Board and Governor’s Budget Office regarding performance measures.**

Status: ACCOMPLISHED

Comment: Throughout FY2006, Division staff collected data relating to enforcement and peer assistance performance measures. The statistical data was certified and submitted to the Legislative Budget Board (LBB) and Governor’s Office of Budget, Planning & Policy (GBO) by the prescribed due dates, in conjunction with the licensing performance measures. See chart below:

Enforcement Performance Measure	FY06 Projected Performance	FY06 Performance Attained	Key or Non-Key (K/NK)	Projected Target Met?*
Outputs:				
Inspections	1,600	2,165	NK	Exceeded
Jurisdictional Complaints Resolved	1,980	3,338	K	Exceeded
Number of Licensed Individuals Participating in a Peer Assistance Program	175	149	K	Not Met
Number of Students Participating in a Peer Assistance Program	1	1	NK	Met
Efficiency:				
Average Cost per Jurisdictional Complaint Resolved	\$511.99	\$341.36	NK	Exceeded
Average Time for Jurisdictional Complaint Resolution	120	208	K	Not Met
Outcomes:				
Percent of Jurisdictional Complaints Resolved Resulting in Disciplinary Action	10%	15.04%	K	Exceeded
Percent of Licensees (Pharmacists and Pharmacies) with No Recent Violations (Disciplinary Orders)	99%	96.57%	K	Met
Recidivism Rate of Those Receiving Disciplinary Action	6%	2.70%	NK	Met
Percent of Jurisdictional Complaints Resolved within Six Months	65%	62.00%	NK	Met
Recidivism Rate for Participants in Peer Assistance Program	20%	30.55%	NK	Not Met
One-Year Completion Rate for Participants in Peer Assistance Program	78%	77.41%	NK	Met
Explanatory:				
Jurisdictional Complaints Received	2,500	3,501	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”).

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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 FY2006. The other ten measures were reported to the LBB and GBO at year-end (annual basis).

As indicated in the chart above, TSBP met or exceeded, within a 5% variance, four of six key measures and six of seven non-key measures. Accordingly, TSBP met or exceeded 77% of the FY2006 projections for 13 enforcement-related performance measures.

2. **To monitor pharmacy inspections and pharmacists' practice by conducting 2,000 inspections, inspection-visits, and/or visits, including follow-up inspections to "Warning Notices" throughout FY2006. To inspect pharmacies and monitor pharmacists' practice throughout FY2006, according to the following priorities:**
- A. **pharmacists and pharmacies who are the subject of a complaint received by TSBP or a disciplinary order entered by TSBP;**
 - B. **new pharmacies or pharmacies with a recent change of ownership;**
 - C. **pharmacies that have received a "Warning Notice" (follow-up inspections);**
 - D. **requests for inspection by licensee;**
 - E. **pharmacies with a preceptor working in the pharmacy; and**
 - F. **routine inspections.**

Status: ACCOMPLISHED

Comment: TSBP Compliance Field Staff conducted 2,165 inspections during FY2006. This performance was noteworthy, given that the Division experienced turnover in two regions during FY2006, as described below:

- A. West Texas Region – In May 2006, Compliance Inspector Susan Furnas submitted her resignation. This position was vacant at the end of FY2006, resulting in the West Texas Region not having a Compliance Inspector for four months; and
- B. Dallas Region – In May 2006, Compliance Officer Paul Holder, R.Ph., Pharm.D., was promoted to Assistant Director of Enforcement. Dr. Holder continued to conduct inspections in the Dallas area on a part-time basis for three months, until the position was filled in mid-August 2006, with the employment of Karen Guenther, Compliance Inspector.

The term "inspections" includes inspections, pre-inspections, partial-inspections, and inspection-visits. These terms are described below:

- A. Inspections are full inspections of licensed facilities in which Compliance field staff check the facilities for compliance with each of the items on the inspection report form.

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- B. Pre-Inspections are partial inspections that occur prior to TSBP issuing the pharmacy license. The Compliance field staff determines if the pharmacy has the necessary items to open and operate a pharmacy in compliance with the laws and rules governing the practice of pharmacy. A pharmacy license is not issued to the facility unless the facility can pass the pre-inspection process.
- C. Partial-Inspections are inspections of licensed facilities in which Compliance field staff check the facility for compliance with a portion of the items on the inspection report form. In addition, partial inspections include follow-up inspections of pharmacies that received a "Warning Notice" to determine if the pharmacies have corrected the discrepancies listed on the "Warning Notice." Follow-up inspections are conducted within six months after the pharmacy has notified the Board in writing that the discrepancies have been corrected.
- D. Inspection-Visits are inspections in which Compliance field staff generally do not complete an inspection report form. Inspection-visits include inspections of non-licensed facilities that are operating a pharmacy (e.g., medical supply house), 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 field staff after arriving at the addresses listed in Board records.

As reflected in the charts below, TSBP Compliance Staff conducted more inspections in FY2006 than in prior two fiscal years. Statistics regarding these inspections are set forth below:

Total Inspections by Type	FY2004	FY2005	FY2006	% of FY06	3-Year Average	% of 3-Yr. Average
Inspections	1,341	1,599	1,878	87%	1,606	86%
Pre-Inspections	92	63	78	4%	78	4%
Partial-Inspections	67	221	150	7%	146	8%
Inspection-Visits	34	39	55	3%	43	2%
Other	0	5	4	<1%	3	<1%
Total	1,534	1,927	2,165	100%	1,875	100%

Number of Inspections/Visits by Class	FY2004	FY2005	FY2006	% of FY06	3-Year Average	% of 3-Yr. Average
Class A Pharmacies	1,247	1,581	1,711	79%	1,513	81%
Class B Pharmacies	6	5	4	<1%	5	<1%
Class C Pharmacies	177	220	291	13%	229	12%
Class D Pharmacies	104	121	159	7%	128	7%
Total	1,534	1,927	2,165	100%	1,875	100%

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As reflected in the chart below, TSBP Compliance Field Staff issued more than twice as many Warning Notices in FY2006 than in the prior two fiscal years:

Number of Warning Notices Issued by Class*	FY2004	FY2005	FY2006	% of FY06**	3-Year Average	% of 3-Yr. Average
Class A Pharmacies	419	392	861	83%	557	83%
Class B Pharmacies	4	2	0	0%	2	<1%
Class C Pharmacies	57	60	131	13%	83	12%
Class D Pharmacies	18	19	45	4%	27	4%
Total	498	473	1,037	100%	669	100%

* 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.

Conditions Receiving "Warning Notices" FY04 – FY06						
Percentages are based on the total number of "Warning Notices" issued to pharmacies.						
Note – Pharmacies may be issued a "Warning Notice" for non-compliance with more than one condition.						
Type of Violation	FY2004	FY2005	FY2006	3-Year Average	% FY2006	% 3-Year Average
Equipment	44	114	103	87	10%	10%
Balance Failed Inspection	29	83	63	58		
Equipment Inspection Due (Not Balance)	8	31	36	25		
Insufficient Equipment	7	70	4	27		
Pharmacy Technicians	109	257	181	182	18%	22%
No/Incomplete Training	90	185	135	137		
No/Improper Supervision	14	41	25	27		
Improper Registration	5	30	18	18		
No Name Tags	0	1	3	2		
Inadequate Library	59	75	57	64	6%	8%
Counseling Area	0	1	5	3	<1%	0%
Licenses	62	122	162	115	16%	14%
Licenses Not Posted	48	89	144	94		
Delinquent Licenses	14	33	18	22		
Prescriptions	18	29	27	25	3%	3%
Lack Proper Information	5	10	16	10		
Prescription Label Incorrect	5	6	8	6		
Triplicate Non-Compliance	8	13	3	8		
Drug Stock/Environment	29	66	90	62	9%	7%
Improper Environment	5	31	36	24		
Out-of-Date Drug Stock	13	19	28	20		
Security	1	2	6	3		
Unsanitary	5	8	10	8		
Improper Drug Storage	1	1	3	2		
Area for Non-Sterile Compounding	1	0	2	1		
Violation of Limited Formulary	0	4	3	4		
Prohibited Drugs (Class D)	3	0	1	1		

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Improper Drug Destruction	0	1	1	1		
Type of Violation	FY2004	FY2005	FY2006	3-Year Average	% FY2006	% 3-Year Average
Inventory	33	79	103	72	10%	9%
No Annual Inventory	19	45	41	35		
No Change of Ownership Inventory	1	5	31	12		
No Change of PIC Inventory	5	11	11	9		
Incomplete Inventory	7	18	20	15		
No Perpetual Inventory (Class C)	1	0	0	0		
Improper Prepackaging Procedures	16	29	20	22	2%	3%
Computer Systems	31	45	43	40	4%	5%
Computer Records Incomplete	30	43	42	38		
Computer Records Non-Compliance	1	2	1	1		
Records	25	41	36	34	4%	4%
Records Not Available	12	18	10	13		
DEA Order Forms Incomplete	0	0	0	0		
Absence of R.Ph. Record	2	7	4	4		
Rx Not Separated	4	3	5	4		
Rx Records not Numerical Order	0	2	2	2		
Improper Transfer of Rx Copies	0	0	1	1		
Invoices Not Separated or Retrievable	2	1	2	2		
Records for Non-Sterile Compounds	5	8	10	8		
No Written Information on Prescription	0	1	1	1		
Improper Refill Documentation	0	1	1	1		
OBRA Violations	15	16	11	14	1%	2%
Written Information Not Provided	4	0	0	1		
No Patient Counseling	8	13	10	10		
PMR Absent or Incomplete	3	3	1	2		
Sterile Pharmaceutical Violations	20	47	116	61	12%	7%
No/Incomplete QA/QC	11	6	12	10		
No/Incomplete P&P Manual	4	15	19	13		
No/Inadequate Preparation Area	2	20	77	33		
IV Preparation	0	2	6	4		
No DUR	3	3	1	2		
Absence of R.Ph. Pick-up Records	0	1	0	1		
Cytotoxic/Bio Procedures	0	0	1	1		
Improper Distribution	0	5	3	3	<1%	0%
No PIC	1	6	10	6	1%	1%

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Type of Violation	FY2004	FY2005	FY2006	3-Year Average	% FY2006	% 3-Year Average
Dispensing	13	9	11	11	1%	1%
Improper Dispensing	0	2	1	2		
Aiding and Abetting	2	2	3	2		
Illegal Dispensing	9	3	4	5		
Substitution Non-Compliance	1	0	1	1		
Out-of-State Rx's for Controlled Substances	1	1	0	1		
Improper Emergency Room Dispensing	0	1	0	1		
Improper Provision	0	0	2	2		
Procedures	6	0	0	6	1%	1%
Notification Violation	11	18	18	16	2%	2%
Theft & Loss of C/S Not Reported	1	6	8	5	1%	1%
Gray Market Diversion	0	0	0	0	0%	0%
Improper Closing/Change of Ownership	0	4	3	2	<1%	0%
Improper Inpatient Procedures (Class C)	3	1	1	2	<1%	0%

The total number of inspections, partial-inspections, and inspection-visits by priority are indicated below for the past three fiscal years:

Purpose of Inspection (In Order of Priority)	FY2004	FY2005	FY2006	% of FY06	3-Year Average	% of 3-Yr. Average
Complaint	41	49	73	3%	54	3%
Follow-up to Disciplinary Order	58	186	7	0%	84	4%
Pre-Inspection New	92	63	78	4%	78	4%
New Pharmacies	82	81	146	7%	103	5%
Change of Ownership	23	77	80	4%	60	3%
Preceptor	141	109	177	8%	142	8%
Follow-up to "Warning Notice"	27	65	95	4%	62	3%
Routine Inspections	1,068	1,281	1,493	69%	1,281	68%
Other	2	16	16	1%	11	1%
Total	1,534	1,927	2,165	100%	1,875	100%

3. To coordinate and monitor throughout FY2006, the receipt, assignment, and resolution of all complaints filed with the agency and the notification of complainants. To investigate complaints throughout FY2006, according to the following priorities:

A. Complaints filed against pharmacists who have a chemical, mental or physical impairment;

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- B. Complaints involving the diversion of prescription drugs, through the following illegal means:**
- **delivering prescription drugs without a prescription;**
 - **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;**
 - **dispensing prescription drugs to patients when the pharmacist knew or should have known there was no valid doctor-patient relationship, such as prescriptions dispensed following an Internet consultation;**
 - **dispensing prescription drugs by a pharmacist not in the usual course of pharmacy practice;**
 - **distributing prescription drugs pursuant to forged or altered prescriptions;**
 - **failing to keep and maintain records of controlled substances; and**
 - **unauthorized refills.**
- C. Complaints involving applicants for licensure;**
- D. Complaints involving dispensing errors;**
- E. Complaints involving violations of rules relating to patient counseling or drug regimen review;**
- F. Complaints against licensees who have been convicted of a felony or misdemeanor involving offenses that are related to the practice of pharmacy;**
- G. Complaints 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;**
- H. Complaints against licensees who have been convicted of a felony or misdemeanor involving offenses that are not related to the practice of pharmacy;**
- I. Complaints against licensees who have been subject to a disciplinary action by another state board of pharmacy; and**
- J. Complaints involving other violations of the laws and rules relating to the practice of pharmacy.**

Status: ACCOMPLISHED

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Comment: As reflected in the chart below, TSBP closed more complaints in FY2006 than in any prior fiscal year. In addition, TSBP received 3,550 complaints in FY2006, as compared to 3,086 complaints received in FY2005 (15% increase). The primary reason for the increased number of received complaints was due to criminal background checks that Division staff conducted on a quarterly basis. Specifically, TSBP opened approximately 1,000 complaints on technicians who were arrested for a criminal offense after becoming registered. TSBP experienced only a slight 6% increase in the agency's average complaint resolution time (increased from 196 days in FY2005 to 207 days in FY2006), as reflected in the chart below.

Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY02	1836		2137		116%	221 Days	
FY03	1935	+5%	1887	-12%	98%	153 Days	-31%
FY04	4475*	+131%	3018**	+60%	67%***	118 Days	-23%
FY05	3086	-31%	3327	+10%	108%	196 Days	+66%
FY06	3550	+15%	3,387	+2%	95%	207	+6%

* Of the 4,475 complaints received, 2,108 complaints (47%) were filed against pharmacy technicians (applicants for registration).

** Of the 3,018 complaints closed, 1,724 complaints (57%) were filed against pharmacy technicians (applicants for registration).

*** TSBP closed 1,724 of the 2,108 complaints filed against pharmacy technicians (82% closure rate).

The most common type of consumer complaint was a complaint in which the complainant alleged that a dispensing error was committed by a pharmacist and/or pharmacy. The following chart indicates the number of dispensing error complaints closed during the past five years:

DATA ON DISPENSING ERROR COMPLAINTS CLOSED FY02 – FY06

Type of Dispensing Error	FY02	FY03	FY04*	FY05	FY06	5-Year Avg.
Wrong Drug/Strength or Wrong Directions for Use	213	152	122	126	114	145
Mislabeling	16	10	7	11	13	11
Dispensed Wrong Quantity	85	66	30	70	58	62
Dispensed Outdated Drug	12	4	5	3	3	5
Packaging/Delivery Error	24	10	8	14	23	16
Error + No Counseling	26	25	9	7	7	15
Total # Dispensing Error Complaints	376	267	181	231	218	254
Total # Complaints Closed	2,137	1,887	3,081	3,327	3,387	2,764
% Dispensing Error Complaints	18%	14%	6%	7%	6%	9%

* During FY04, TSBP delayed the investigation/resolution of complaints not involving a pharmacy technician's application for registration. The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby this data is skewed when compared to prior fiscal years.

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

Number of Complaints Handled Through Field Investigations FY2002 – FY2006					
Fiscal Year	Compliance Officers	%	Investigators	%	Total
FY02	59	21%	228	79%	287
FY03	76	31%	166	69%	242
FY04	37	17%	180	83%	217
FY05	107	46%	126	54%	233
FY06	128	41%	182	59%	310
5-Year Avg.	81	31%	176	68%	258

Additional complaint statistics on closed complaints for the past three fiscal years are outlined below:

DATA ON COMPLAINTS CLOSED FY2004 – FY2006

Form of Complaints	FY04*	FY05	FY06	% of FY06	3-Yr. Avg.	% of 3-Yr. Avg.
Telephone	64	65	62	2%	64	2%
Letter	125	218	250	7%	198	6%
TSBP Complaint Form	171	230	198	6%	200	6%
HPC 800 #	44	93	74	2%	70	2%
Fax	65	64	63	2%	64	2%
Visit	10	3	8	<1%	7	<1%
Agency Report	19	25	385	11%	143	4%
Inspection	10	22	55	2%	29	<1%
Interoffice Referral	30	70	65	2%	55	2%
Licensure Application	1,844*	1,641	1,308	39%	1,598	49%
Data Bank	8	11	4	<1%	8	<1%
Theft/Loss Report	293	490	343	10%	375	12%
Investigation	106	68	141	4%	105	3%
Intra-Agency Referral	27	18	18	<1%	21	<1%
Malpractice Report	17	9	6	<1%	11	<1%
Press Clip	4	2	3	<1%	3	<1%
Email **	29	32	34	1%	32	1%
Internet **	152	265	370	11%	262	8%
Other	0	1	0	0%	0	0%
TOTAL	3,018	3,327	3,387	100%	3,244	100%

* During FY04, TSBP delayed the investigation/resolution of complaints not involving a pharmacy technician's application for registration. The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby, this data is skewed when compared to prior fiscal years.

** TSBP accepts complaints via email, as well as through the agency's website (Internet). TSBP makes a distinction between email complaints (where the complainant sends an electronic message/complaint to a TSBP employee) and Internet complaints (where the complainant completes the online TSBP complaint form). TSBP began accepting online complaints in the Spring of 2001.

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DATA ON COMPLAINTS CLOSED FY2004 – FY2006

Source of Complaints	FY04*	FY05	FY06	% of FY06	3-Yr. Avg.	% of 3-Yr. Avg.
Consumer	409	717	736	22%	621	19%
Government Agency	59	73	425	13%	186	6%
Pharmacist	56	44	60	2%	53	2%
Pharmacist (Self)	47	88	87	3%	74	2%
Applicant (R.Ph. Self)	41	102	108	3%	84	3%
Technician	7	7	12	<1%	9	<1%
Technician (Self)	1,099*	868	35	1%	667	21%
Applicant (Tech Self)**	N/A	N/A	805	24%	268	8%
TSBP	800	770	537	16%	702	22%
Doctor	28	45	60	2%	44	1%
Other Health Professional	23	17	14	<1%	18	<1%
NABP	11	10	4	<1%	8	<1%
PIC, Pharmacy Manager, or Supervisor	304	496	344	10%	381	12%
Loss Prevention Officer (Corporate)	3	3	6	<1%	4	<1%
Manufacturing Rep.	4	1	5	<1%	3	<1%
Professional Recovery Network (PRN)	7	6	13	<1%	9	<1%
Insurance Company	12	6	5	<1%	7	<1%
Attorney	10	8	3	<1%	7	<1%
Employee/Ex-Employee	9	14	29	<1%	17	<1%
Media	4	3	6	<1%	4	<1%
Drug Screening	67	41	71	2%	60	2%
Other	18	8	22	<1%	16	<1%
TOTAL	3,018	3,327	3,387	100%	3,244	100%

* During FY04, TSBP delayed the investigation/resolution of complaints not involving a pharmacy technician's application for registration. The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby, this data is skewed when compared to prior fiscal years.

** FY06 was the first year to use the source code for "Applicant (Tech Self)."

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DATA ON CLOSED FY2004 – FY2006 COMPLAINTS

Subjects of Complaints	FY04*	FY05	FY06	3-Yr. Average
Licensees	1,081 (36%)	1,544 (46%)	1,642 (48%)	1,422 (44%)
Pharmacist	511	489	707	569
In-State Pharmacy	538	1,026	889	818
Out-of-State Pharmacy	32	29	46	36
Technicians	N/A	123 (4%)	1,160 (34%)	428 (13%)
Applicants	1,868 (62%)	1,604 (48%)	514 (15%)	1,329 (41%)
Pharmacist	27	53	63	48
Pharmacy	6	22	35	21
Intern	29	66	53	49
Technician	1,806*	1,463	363	1,211
Non-Licensees	69 (2%)	56 (2%)	71 (2%)	65 (2%)
Doctor	13	7	12	11
Manufacturer	0	0	1	0
Wholesaler	1	1	3	2
Non-Licensed Facility or Person	45	34	43	41
Insurance Company/PBM	1	4	2	2
Out-of-State Facility	7	8	5	7
Other	2	2	5	3
TOTAL	3,018	3,327	3,387	3,244

* During FY04, TSBP delayed the investigation/resolution of complaints not involving a pharmacy technician's application for registration. The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby, this data is skewed when compared to prior fiscal years.

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NATURE OF ALLEGATIONS OF COMPLAINTS CLOSED FY2004 – FY2006

Alleged Violation	FY04*	FY05	FY06	3-Yr. Avg.	% of 3-Yr. Avg.
Diversion	18	11	24	18	<1%
Controlled Substances (C/S)	11	8	14	11	<1%
Dangerous Drugs (D/D)	1	1	3	2	<1%
Both (C/S & D/D)	6	2	7	5	<1%
Unauthorized Dispensing	12	15	29	19	<1%
Controlled Substances	2	5	4	4	<1%
Dangerous Drugs	7	6	15	9	<1%
Both (C/S & D/D)	3	4	10	6	<1%
Illegal Delivery	1	3	0	2	<1%
Controlled Substances	0	2	0	1	<1%
Dangerous Drugs	0	0	0	0	0%
Both (C/S & D/D)	1	1	0	1	<1%
Illegal Possession	0	1	1	1	<1%
Controlled Substances	0	0	1	0	0%
Both (C/S & D/D)	0	1	0	0	0%
Convictions /Criminal Offenses	1,082	1,001	1,189	1,090	34%
Felony	16	34	28	26	<1%
Misdemeanor	202*	130	197	176	5%
DWI/PI	409*	197	292	299	9%
Deferred Adjudication	131	195	264	197	6%
Offense on Application	324*	445	408	392	12%
Dispensing Error	181	240	218	211	7%
Wrong Drug/Strength	122	126	114	121	4%
Mislabeling	7	11	13	10	<1%
Wrong Quantity	30	70	58	53	2%
Outdated Drug	5	3	3	4	<1%
Packaging/Delivery	8	14	23	15	<1%
Dispensing Error and No or Improper Patient Counseling	9	7	7	8	<1%
No or Improper Patient Counseling	8	9	9	9	<1%
No or Improper Drug Regimen Review	14	12	10	12	<1%
Theft/Loss of C/S and/or D/D	303	499	361	388	12%
Aiding & Abetting	11	9	33	18	<1%
Action by Other Board	25	42	52	40	1%
Non-Compliance with Substitution Rules	37	83	68	63	2%
Non-Compliance with Disciplinary Order	121	90	158	123	4%
Interference with Doctor/Patient Relationship	37	74	67	59	2%
Confidentiality	6	13	11	10	<1%
Failed to Keep Records	4	0	0	1	<1%
Negligence	0	0	0	0	0%
Unsafe Practice	3	2	5	3	<1%
Unprofessional Conduct	7	7	10	8	<1%
Gross Immorality	2	1	4	2	<1%
Fraud	774	652	338	588	18%
Fraud, Deceit & Misrepresentation	3	2	4	3	<1%
Falsified Response to Warning Notice	0	1	0	0	0%
Falsified Application	758	636	318	571	18%
Filled/Passed Forged Prescription	11	9	7	9	<1%
Insurance Fraud	1	2	9	4	<1%
Medicare Fraud	1	2	0	1	<1%

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Alleged Violation	FY04*	FY05	FY06	3-Yr. Avg.	% of 3-Yr. Avg.
Impairment	22	21	22	22	<1%
Probable Cause	5	5	5	5	<1%
Drug & Alcohol	6	1	4	4	<1%
Drug	8	10	10	9	<1%
Alcohol	1	2	2	2	<1%
Physical	0	0	0	0	0%
Mental	2	3	1	2	<1%
Changed Prescription	20	53	31	35	1%
Non-Therapeutic Dispensing	13	17	18	16	<1%
Excessive Purchases of Controlled Substances	0	0	0	0	0%
Anabolic Steroids	0	0	0	0	0%
Grey Market Diversion	2	2	5	3	<1%
Samples	6	2	1	3	<1%
Technician Violation	2	12	12	9	<1%
Improper Security	3	2	0	2	<1%
Problem with OTC Drug	2	1	2	2	<1%
Closed Pharmacy Improperly	4	6	3	4	<1%
Operating Pharmacy without License	4	9	4	6	<1%
Working Conditions	5	19	7	10	<1%
Delinquent License	2	5	20	9	<1%
Kickbacks	0	1	0	0	0%
No PIC	0	0	4	1	<1%
Recordkeeping Error	37	67	104	69	2%
Notification Violation	0	1	0	0	0%
No Annual Inventory / No PIC Inventory	0	1	0	0	0%
C-II Rx	1	1	3	2	<1%
Improper Rx's Issued by Doctors	3	1	3	2	<1%
Advertising	12	13	20	15	<1%
Overcharging	0	4	2	2	<1%
Billing Dispute	30	64	76	57	2%
Customer Service	29	49	63	47	1%
Hot Check	25	25	14	21	<1%
Accountability Audit Discrepancies (shortages/overages)	N/A	2	0	1	<1%
CE Audit	13	23	20	19	<1%
Default on Student Loans	0	0	1	0	0%
Other Allegations	121	147	344	204	6%
Texas Pharmacy Act	45	24	60	43	1%
Texas Dangerous Drug Act	1	0	2	1	<1%
Texas Controlled Substances Act	3	7	29	13	<1%
Food Drug & Cosmetic Act	6	6	15	9	<1%
TSBP Rule	45	90	77	71	2%
Other Laws/Rules	21	20	161	67	2%
Reinstatement	7	6	8	7	<1%
Modification	9	18	13	13	<1%
TOTAL	3,018	3,327	3,387	3,244	100%

* During FY04, TSBP delayed the investigation/resolution of complaints not involving a pharmacy technician's application for registration. The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby, this data is skewed when compared to prior fiscal years.

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ACTION TAKEN BY TSBP TO CLOSE COMPLAINTS FY2004 – FY2006

	FY2004*	FY2005	FY2006	3-Yr. Avg.	% of 3-Yr. Avg.
Investigations Not Resulting in Disciplinary Action:	2,397	2,350	2,527	2,425	75%
Investigate + Dismissal (Warning) Letter	1,149	896	816	954	29%
Investigate + Complaint Closed with Verbal Warning	204	386	268	286	9%
Investigate + Complaint Closed with No Action Due to Insufficient Evidence to Prove Violation Occurred	780	679	936	798	25%
Inspections	24	74	13	37	1%
Inspection + Warning Notice or Dismissal Letter	2	11	12	8	<1%
Application Withdrawn	N/A	15	15	10	<1%
Other**	238	289	467	331	10%
Investigations Resulting in Disciplinary Action:	515	717	619	617	19%
Agreed Board Order	446	523	448	472	15%
Board Order	15	12	49	25	<1%
Preliminary Notice Letter + Dismissal (Warning) Ltr.	0	1	1	1	<1%
PNL + Application Withdrawn (with or without Informal Conference)	35	162	101	99	3%
PNL + Informal Conference + Dismissal Letter	10	6	4	7	<1%
PNL + Informal Conference + Case Dismissed	9	12	7	9	<1%
PNL + Case Dismissed	N/A	1	9	3	<1%
Referrals To:	57	73	61	64	2%
Medical Board	4	1	0	2	<1%
PRN Program	0	2	5	2	<1%
Supervisor	2	8	9	6	<1%
Other Agency	51	62	47	53	2%
No Action Because:	49	187	180	139	4%
No Violation	24	31	15	23	<1%
No Jurisdiction	18	16	49	28	<1%
Insufficient Information	6	14	17	12	<1%
Other	1	126	99	75	2%
TOTAL	3,018	3,327	3,387	3,244	100%

* During FY04, TSBP delayed the investigation/resolution of complaints not involving a pharmacy technician's application for registration. The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby, this data is skewed when compared to prior fiscal years.

** 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 previous (recent) compliance inspection or the resolution is not described by the above categories].

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**Reports Submitted to the Texas State Board of Pharmacy
Regarding Thefts/Losses of Controlled Substances in Texas Pharmacies
Due to Employee Pilferage
FY2006 (9/1/2005 – 8/31/2006)**

CLASSIFICATION OF EMPLOYEE	Class "A"	Class "C"	Hospital Floor Stock	Total	%	DU	%
Registered Pharmacist	6	2	0	8	4%	10,392	2%
Pharmacist Intern	1	0	0	1	<1%	4,492	<1%
Registered Pharmacy Technician	48	8	0	56	25%	351,867	74%
Pharmacy Technician-in-Training	6	0	0	6	3%	26,492	6%
Physician	0	0	0	0	0%	0	0.00%
Registered Nurse	0	0	22	22	10%	1,046	<1%
Certified Registered Nurse Anesthetist	0	0	2	2	<1%	6	<1%
Licensed Vocational Nurse	0	0	4	4	2%	438	<1%
Delivery – In or Out of Pharmacy	32	4	0	36	16%	16,525	3%
Pharmacy Cashier – Pharmacy Clerk	5	0	0	5	2%	29,641	6%
Pharmacy Staff – Unidentified	50	6	0	56	25%	22,348	5%
Hospital Staff – Unidentified	0	0	13	13	6%	334	<1%
Hospital Staff – Pharmacy Staff	0	0	1	1	<1%	10	<1%
Miscellaneous*	12	0	0	12	5%	9,353	2%
TOTALS	160	20	42	222**	100%	472,944	100%

* Examples: Non-pharmacy employees; contract workers (e.g., repairmen, cleaning crew).

** A total of 220 DEA Reports involving 222 individuals

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**Report Submitted to the Texas State Board of Pharmacy
Regarding Thefts/Losses of Controlled Substances in Texas Pharmacies
Due to Employee Pilferage
FY2005 and FY2006 (by Individuals)**

CLASSIFICATION OF EMPLOYEE	FY 2005		FY 2006		% Change
	Total # of Individuals	%	Total # of Individuals	%	
Registered Pharmacist	23	9%	8	4%	-65%
Pharmacist Intern	0	00%	1	<1%	N/A%
Registered Pharmacy Technician	65	24%	56	25%	-14%
Pharmacy Technician-in- Training	8	3%	6	3%	-25%
Physician	1	<1%	0	0%	-100%
Registered Nurse	18	7%	22	10%	+22%
Certified Registered Nurse Anesthetist	3	1%	2	<1%	-33%
Licensed Vocational Nurse	9	3%	4	2%	-56%
Delivery – In or Out of Pharmacy	21	8%	36	16%	+71%
Pharmacy Cashier – Pharmacy Clerk	7	3%	5	2%	-29%
Pharmacy Staff – Unidentified	48	18%	56	25%	+17%
Hospital Staff – Unidentified	10	4%	13	6%	+30%
Hospital Staff – Pharmacy Staff	3	1%	1	<1%	-67%
Miscellaneous *	51	20%	12	5%	-76%
TOTALS	267	100%	222	100%	-17%

* Examples: Non-pharmacy employees; contract workers (e.g., repairmen, cleaning crew).

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**Reports Submitted to the Texas State Board of Pharmacy
Regarding Thefts/Losses of Controlled Substances in Texas Pharmacies
Due to Employee Pilferage
FY2005 and FY2006 (by Dosage Units)**

CLASSIFICATION OF EMPLOYEE	FY 2005		FY 2006		% Change
	Total # of Dosage Units	%	Total # of Dosage Units	%	
Registered Pharmacist	159,796	19%	10,392	2%	-94%
Intern (Pharmacist)	0	0%	4,492	<1%	N/A%
Registered Pharmacy Technician	407,170	50%	351,867	74%	-14%
Pharmacy Technician-in- Training	30,698	4%	26,492	6%	-14%
Physician	131	<1%	0	0.00%	-100%
Registered Nurse	2,679	<1%	1,046	<1%	-61%
Certified Registered Nurse Anesthetist	38	<1%	6	<1%	-84%
Licensed Vocational Nurse	3,419	<1%	438	<1%	-87%
Delivery – In or Out of Pharmacy	11,927	1%	16,525	3%	+39%
Pharmacy Cashier – Pharmacy Clerk	49,664	6%	29,641	6%	-40%
Pharmacy Staff – Unidentified	136,730	17%	22,348	5%	-84%
Hospital Staff – Unidentified	403	<1%	334	<1%	-17%
Hospital Staff – Pharmacy Staff	103	<1%	10	<1%	-90%
Miscellaneous *	18,635	2%	9,353	2%	-50%
TOTALS	821,393	100%	472,944	100%	-42%

* Examples: Non-pharmacy employees; contract workers (e.g., repairmen, cleaning crew).

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4. 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 FY2006.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

Department of Public Safety	Location
Texas:	Austin, Abilene, Houston, San Antonio, Marble Falls, Chambers, Corpus Christi, Palestine, Alice, Anderson, Bryan, San Angelo, Beeville, Karnes City, Dallas, McAllen, Texas City, McKinney, Garland, Sherman, and Fort Worth Texas.
Missouri:	Jefferson City, Missouri
Kansas:	Kansas City, Kansas

Police Departments	Location
Texas Cities:	Ganada, Haltom City, Hereford, Hickory Creek, Abilene, Houston, Dallas, Austin, Fort Worth, Athens, Corsicana, Amarillo, Boerne, Marble Falls, Stafford, Grapevine, Hearne, Missouri City, Burnet, Palestine, Nacogdoches, Texas A&M University, College Station, Bryan, Rockwall, West University Place, University Place, La Joya, Marshall, Sulphur Springs, Wincrest, Benbrook, Friendswood, Galveston, Irving, Pasadena, Willis, University of Houston, San Antonio, South Padre Island, Pleasanton, Floresville, Kenedy, Karnes City, Gonzales, McAllen, West Lake Hills, Rockport, Laferia, George West, El Paso, Corpus Christi, Galveston, Alamo Heights, Alvarado, Andrews, Arlington, Bellaire, Beverly Hills, Blooming Grove, Bonham, Burleson, Carrollton, Cedar Hills, Cedar Park, Cleburne, Converse, Denton, Duncanville, Edinburg, Edna, Euless, Frisco, Garland, Georgetown, Grand Prairie, Haltom City, Henderson, Hereford, Hillsboro, Houston Metro Transit, Humble, Hurst, Joshua, Katy, Kirby, Lake Jackson, Lake Worth, Lewisville, Los Fresno, Lubbock, Lufkin, Mansfield, Mc Kinney, Mesquite, Mission, Mount Pleasant, North Richland Hills, Richland Hills, Orange, Palmview, Pearland, Pharr, Plano, Port Arthur, Round Rock, Rowlett, San Angelo, San Benito, San Marcos, Santa Fe, Seagoville, Silsbee, Sugarland, Texarkana, Tomball, Tyler, University of Texas Medical Branch, Rice University, University of Texas, Victoria, Weslaco and Wichita Falls, Texas.
Out of State:	Kent State University Police Department, Maine; Arvada, Colorado; Anne Arundel City, Maryland; Hinesville, Georgia; Virginia Commonwealth University, Richmond, Virginia; Los Angeles, California; Asher, Oklahoma; Sherwood, Arkansas; Pascagoula, Mississippi; Lafayette, Indiana; Burnsville, Maine; Bayport, Maine; Beverly Hills, California; Waycross, Georgia; Little Rock, Arkansas; Long Beach City, Mississippi; Salinas, California; Berkeley, California; San Leandro, California; Long Beach, California; New Orleans, Louisiana; Hudson, Ohio; Columbus, Georgia; Gulfport, Florida; Laurel, Mississippi; and Carlsbad, New Mexico.

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Sheriff's Offices	Location
Texas:	Collin County, Mc Kinney, Texas; Castro County; Dallas County, Dallas, Texas; Travis County, Austin, Texas; Harris County, Houston, Texas; Tarrant County, Fort Worth, Texas; Bexar County, San Antonio, Texas; Hidalgo County, Edinburg, Texas; Ft. Bend County, Richmond, Texas; Rusk County, Henderson, Texas; Andrews County, Andrews, Texas; Angelina County, Lufkin, Texas; Atascosa County, Jourdanton, Texas; Austin County, Bellville, Texas; Brazos County, Bryan, Texas; Burnet County, Burnet, Texas; Callahan County, Baird, Texas; Cameron County, Brownsville, Texas; Denton County, Denton, Texas; DeWitt County, Yoakum, Texas; Ector County, Odessa, Texas; El Paso County, El Paso, Texas; Fannin County, Bonham, Texas; Fisher County, Roby, Texas; Galveston County, Galveston, Texas; Grayson County, Sherman, Texas; Guadalupe County, Seguin, Texas; Jefferson County, Beaumont, Texas; Johnson County, Cleburne, Texas; Kerr County, Kerrville, Texas; Kleberg County, Kingsville, Texas; Lamar County, Paris, Texas; Liberty County, Liberty, Texas; Live Oak County, George West, Texas; Montgomery County, Conroe, Texas; Panola County, Carthage, Texas; Sabine County, Sabine, Texas; Starr County, Rio Grande City, Texas; Taylor County, Abilene; Terry County, Brownfield, Texas; Tom Green County, San Angelo, Texas; Walker County, Huntsville, Texas; Wichita County, Wichita Falls, Texas; Williamson County, Georgetown, Texas; Zapata County, Hebbbronville, Texas; Tarrant County, Fort Worth, Texas; Karnes County, Karnes City, Texas; San Patricio County, Sinton, Texas; Reagan County, Big Lake, Texas; Bee County, Beeville, Texas; Goliad County, Goliad, Texas; and Wilson County, Floresville, Texas.
Out of State:	Lincoln County, Colorado; Carter County, Oklahoma; Muscogee County, Oklahoma; Hillsborough County, Florida; Jones County, Mississippi; Landry Parish, Louisiana; Collier County Sheriff's Office, Naples, Florida; Alameda County SO, San Leandro, California; Prima County, Tucson, Arizona; Johnson County, Olathe, Kansas; Orleans Parish, Louisiana; and DeKalb County, Georgia.

Texas Rangers	Location
	Houston, Texas; Dallas, Texas; San Antonio, Texas; Austin, Texas; Sherman, Texas; Mc Allen, Texas; Amarillo, Texas; and Lubbock, Texas.

Special Crime Units	Location
	Austin, Texas.

District & County Attorney's Offices	Location
Texas:	Burnet County, Burnet Texas; Harris County, Houston, Texas; Travis County, Austin, Texas; Dallas County, Dallas, Texas; El Paso County, El Paso, Texas; Bexar County, San Antonio, Texas; Collin County, McKinney, Texas; ; Karnes County and Wilson County, Floresville, Texas; Guadalupe County, Seguin, Texas; Webb County, Laredo, Texas; Grayson County, Sherman Texas; Potter County, Amarillo, Texas; Starr County, Liberty County, Liberty, Texas and Cass County District Attorney.
Out of State:	New Orleans District Attorney, New Orleans, Louisiana.

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State, County, and City Courts	Location
Texas Courts:	Aransas County District Court, Aransas Pass, Texas; Denton Municipal Court, Denton, Texas; El Paso County Combine Court, El Paso, Texas; Nueces County District Court, Corpus Christi, Texas; San Antonio Municipal Court, San Antonio, Texas; Schertz Municipal Court, Schertz, Texas; Lake Worth Municipal Court, Lake Worth, Texas; Bonham Municipal Court, Bonham, Texas; Mercedes Municipal Court, Mercedes, Texas; Justice of the Peace, Brazoria, Texas; Northern District Court of Texas, Dallas, Texas; Rowlett Municipal Court, Rowlett, Texas; Garland Municipal Court, Garland, Texas; Rockwall Municipal Court, Rockwall, Texas; Sweetwater Municipal Court, Sweetwater, Texas; Potter County Court, Amarillo, Texas; Orange District Court, Orange, Texas; Orange County Court, Orange, Texas; Cameron County Court, Brownsville, Texas; Starr County Court, Rio Grande City, Texas; Colorado County Court, Columbus, Texas; Johnson County Court, Cleburne, Texas; Deaf Smith County Court, Hereford, Texas; Dallas County Court, Dallas, Texas; Dallas District Court, Dallas, Texas; Bexar County Court, San Antonio, Texas; Bexar District Court, San Antonio, Texas; Travis County Court, Austin, Texas; Callahan District Court, Baird, Texas; Hill District Court, Hillsboro, Texas; Hidalgo County Court, Edinburg, Texas, Texas; Atascosa County Court, Jourdanton, Texas; Tarrant County Court, Fort Worth, Texas; Tarrant District Court, Fort Worth, Texas; Midland District Court, Midland, Texas; Webb County Court, Laredo, Texas; Hays County Court, San Marcos, Texas; Kerr County Court, Kerrville, Texas; Wichita County Court, Wichita Falls, Texas; and Huntsville Municipal Court, Huntsville, Texas.
Out of State Courts:	Anne Arundel Circuit Court, Maryland; Buncombe Superior Court, North Carolina; Colorado Springs Municipal Court, Colorado; Carter County District Court, Oklahoma; Dewitt Town Court, New York; Forsyth District Court, North Carolina; Jefferson County Combined Court, Colorado; Franklin Circuit Court, Kentucky; Franklin County Court, Kentucky; Hillsborough County Circuit Court, Florida; Gilpin County Court, New England; Lincoln County Combined Court, Colorado; Portage Common Please Court, Florida; Syracuse City Court, New York; Virginia Beach Circuit Court, Virginia; Wake Superior County Court, North Carolina; Liberty Superior Courts, State Court and Magistrate Courts, Hinesville, GA; Superior Court of California, Fontana, CA; Circuit Court of Missouri, Kansas City, Missouri; Superior Court of California, Vista, California; Superior Court of California, Palo Alto, California; Jackson County Circuit Court, Missouri; Richmond District Court, Richmond, Virginia; Salinas Division Courts, Salinas, California; Henry County Circuit Court, Cambridge, Illinois; Hall of Justice, Kelso, Washington; Anniston Municipal Court, Anniston, Alabama; New Orleans Municipal Court, New Orleans, Louisiana; New Orleans Criminal District Court, New Orleans, Louisiana; and Weld District Court, Colorado.
Federal Courts	Location
	Houston, Texas; Dallas, Texas; Beaumont, Texas; Austin, Texas; San Antonio, Texas; Sherman, Texas; and Tyler, Texas.

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District and County Clerks	Location
Texas:	Van Zandt County Clerk; Val Verde County Clerk; Fort Bend County Clerk, Richmond, Texas; Rockwall County Clerk, Rockwall; Polk County Clerk, Livingston, Texas; Lubbock District Clerk's Office, Lubbock, Texas; Palo Pinto County Clerk, Palo Pinto, Texas; Aransas County District Clerk, Aransas Pass, Texas; Castro County Clerk, Dimmitt, Texas; Dallas County Clerk, Dallas, Texas; Dallas District Clerk, Dallas, Texas; Harris County Clerk, Houston, Texas; Harris County District Clerk, Houston, Texas; Bexar County Clerk, San Antonio, Texas; Bexar County District Clerk, San Antonio, Texas; Brazoria County Clerk, Angleton, Texas; Bell County Clerk, Belton, Texas; and Bastrop County Clerk, Bastrop, Texas.
Out of State:	Clerk of Circuit Court, Jackson, Mississippi; Clerk of Superior Court, Decatur, Georgia; Circuit Clerk, St Charles, Missouri; Ward County District Clerk, Circuit/County Court, Miami, Florida; Pulaski Circuit/County Clerk, Arkansas; Clerk of Superior Court, Wayne County, Jesup, Georgia; Wyandotte County Clerk, Kansas City, Kansas; Clerk of Court, Naples, FL; City Clerk, Waycross, GA; Clerk of Courts, Muncie, IN; Count Clerk, Long Beach, MS; Clerk District Court, Kansas City, KS; Shelby County Clerk, Memphis, TN; Arapahoe County Clerk, Colorado; Bossier Parish Clerk of Court, Louisiana; Cameron Parish Clerk of Court, Louisiana; and Phillips County Clerk, Kansas.

Drug Enforcement Administration	Location
Texas:	Houston, Texas; Dallas, Texas; San Antonio, Texas; El Paso, Texas; Fort Worth, Texas; Waco, Texas; and Tyler, Texas.
Out of State:	Washington D.C.; Miami, Florida; Quantico, Virginia; Los Angeles, California; and Phoenix, Arizona.

Federal Bureau of Investigation	Location
Texas:	Dallas, Texas; Fort Worth, Texas; San Antonio, Texas; and Houston, Texas.
Out of State:	Phoenix, Arizona and Miami, Florida.

United States Marshall Service	Location
	San Antonio, Texas; Houston, Texas; Austin, Texas; and Dallas, Texas.

Texas Attorney General's Office	Location
	Austin, Texas; Dallas, Texas; Mc Allen, Texas; San Antonio, Texas; and Houston, Texas.

State Regulatory Boards	Location
	Texas Medical Board, Austin, Texas; Texas Dental Board, Austin and Dallas, Texas; Texas Veterinary Board, Austin, Texas; Health and Human Service Commission, San Antonio, Dallas, Austin, Houston, Texas.

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5. To monitor compliance with all Board Orders and Agreed Board Orders, including rehabilitation Orders relating to impaired or recovering pharmacists, throughout FY2006.

Status: ACCOMPLISHED

Comment: Almost all of the disciplinary orders entered in FY2006 required some type of monitoring by Division staff (i.e., 457 orders or 96% of the 475 disciplinary orders that TSBP entered during FY2006 required some type of monitoring). Monitoring the following types of Orders was extremely labor-intensive:

- A. 34 disciplinary Orders involving a dispensing error; these types of Orders generally required the licensee to submit proof of additional hours of continuing education (Orders on pharmacists) or policies and procedures relating to quality assurance programs, including peer review procedures (Orders on pharmacies);
- B. 59 disciplinary Orders involving technicians who were required to undergo an evaluation by a mental health professional before their registrations would be granted; and
- C. 16 confidential rehabilitation Orders involving impaired/recovering pharmacists; these types of Orders required the review/evaluation of approximately 12 reports per year per pharmacist.

Other types of monitoring included:

- A. Licensure documents – Division staff monitored the receipt of licensure documents that were required to be submitted to TSBP (e.g., wall certificate of a revoked pharmacist license) and returned these documents as required (e.g., upon reinstatement of the license or completion of the suspension period).
- B. Fines & Fees – Division staff, in conjunction with Accounting staff, ensured that Administrative Penalties (fines) and probation fees were paid.
- C. Reinstatement – Division staff monitored the status of reinstatement applicants [e.g., whether the applicant completed Law Exam, Internship, and required CE within the required time period; reviewing reports from supervising pharmacist(s)].
- D. Other – Division staff also monitored the submission of other documents (e.g., required continuing education and policy/procedures manuals; quarterly reports from a consulting/auditing pharmacist on a pharmacy's operation).

In addition to the in-house monitoring described above, Compliance Officers conducted 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 #2).

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The following charts indicate the types of Orders entered in FY2006, which required the Division to monitor the licensee's compliance with the Order, in some manner:

Types of TSBP Disciplinary Orders Entered on Licensees (Pharmacists and Pharmacies) and Interns That Required Monitoring (FY04-FY06)						
Sanction	FY04 Orders	FY05 Orders	FY06 Orders	% of FY06	3-Yr. Avg.	% of 3-Yr. Avg.
Revoke / Retire	20	12	16	8%	16	8%
Suspension	19	22	25	12%	22	11%
Restricted	5	4	4	2%	4	2%
Rehabilitation Orders	13	6	6	3%	8	4%
Reinstatement	5	2	5	2%	4	2%
Fines or Probation Fees Only	49	46	69	33%	55	27%
Continuing Education, Texas Jurisprudence Exam, and/or Pharmacy Law Course (could also include fines and/or probation fees)	48	38	29	14%	38	19%
Continuous Quality Improvement Program, Self Assessments (ISMP), Policies/Procedures, and/or Quarterly Reports (could also include fines and/or probation fees)	51	24	39	19%	38	19%
TOTAL NUMBER OF ORDERS ON LICENSEES REQUIRING MONITORING	210	154	193	93%	186	91%
TOTAL NUMBER OF ORDERS NOT REQUIRING MONITORING	25	18	14	7%	19	9%
TOTAL ORDERS	235	172	207	100%	205	100%

Types of TSBP Disciplinary Orders Entered on Technicians That Required Monitoring (FY06)		
Sanction	FY06 Orders	% of FY06
Revoke	31	12%
Suspension	114	43%
Report from Mental Health Provider (MHP)	40	15%
Fines Only	62	23%
Probation with Conditions	17	6%
TOTAL NUMBER OF ORDERS ON TECHNICIANS REQUIRING MONITORING	264	99%
TOTAL NUMBER OF ORDERS ON TECHNICIANS NOT REQUIRING MONITORING	4	1%
TOTAL NUMBER OF ORDERS ON TECHNICIANS	268	100%

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Total Number of Orders Entered by TSBP Licensees (Pharmacists and Pharmacies), Interns, and Technicians (FY06)		
	FY06	% of FY06
Total Number of Orders on Licensees Requiring Monitoring	193	41%
Total Number of Orders on Technicians Requiring Monitoring	264	55%
Total Number of Orders Requiring Monitoring	457	96%
Total Number of Orders Not Requiring Monitoring	18	4%
Total Number of Orders Entered by TSBP in FY06	475	100%

During FY2006, TSBP entered 52 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 (FY04 – FY06)						
Nature of Violation	FY04	FY05	FY06	% of FY06	3-Yr. Avg.	% of 3-Yr. Avg.
Non-Compliance with ABO	20	11	22	42%	18	35%
Non-Compliance with PRN	N/A	N/A	1	2%	N/A	N/A
Action by Other Boards	7	5	1	2%	4	8%
Audit Shortages	3	0	0	0%	1	2%
Alcohol-Related Conviction	4	1	3	6%	3	6%
Theft of Prescription Drugs	5	1	0	0%	2	4%
Created Fraudulent Rx or Obtained C/S by Fraud	4	1	2	4%	2	4%
Convictions	2	4	0	0%	2	4%
Deferred Adjudication	2	0	0	0%	1	2%
Illegal Possession of Controlled Substances	0	0	2	4%	1	2%
Unauthorized Refills of Controlled Substances	0	0	0	0%	0	0%
Probable Cause	5	6	5	10%	5	10%
Request for Modification of ABO	6	12	8	15%	9	17%
Request for Retirement or Revocation	0	0	3	6%	1	2%
Request for Reinstatement	2	2	5	10%	3	6%
TOTAL	60	43	52	100%	52	100%

Of the 51 confidential *pharmacist* Orders entered in FY2006, there were 16 Orders resulting in an impaired/recovering pharmacist being added to the number who were being monitored at the end of FY2006, as reflected in the chart below. However, 20 pharmacists were deleted from the list as a result of early termination of probation, successful completion of probation, death, revocation of license, or license expired. Accordingly, as of August 31, 2006, a total of 89 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:

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Impaired/Recovering Pharmacists Monitored by Enforcement Division (FY02 – FY06)			
Fiscal Year	Total Orders*	Total New Orders**	Total Being Monitored***
FY02	63	35	97
FY03	48	23	102
FY04	58	26	103
FY05	43	15	93
FY06	51	16	89

* 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 that 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).

6. To provide verbal and written information to Board staff and customers as needed or required throughout FY2006, to include providing technical assistance to other Divisions and responding to surveys and questionnaires.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

A. COMPLIANCE INSPECTIONS

The Division conducted 2,165 inspections in FY2006 (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 approximately 10,492 callers who were routed through the Compliance Queue telephone line.

Number of Telephone Calls Handled via Compliance Queue (FY04 – FY06)	
FY04	8,661
FY05	7,995
FY06	10,492

C. WRITTEN INFORMATION

During FY2006, Division staff mailed 23 packets of information and 462 customer service surveys to TSBP customers.

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D. PRESENTATIONS (PUBLIC SPEAKING ENGAGEMENTS)

DATE	PRESENTATIONS Name of Association/Presentation and Location of Meeting	STAFF PERSON	ATTENDANCE (Approx.)
9/29/05	Denton County Pharmacy Association – Lewisville	Paul Holder	30
10/12/05	Rx Forum and Rule Review	Mike Ethridge	75
1/15/06	Drug Diversion; Federal Bureau of Investigation (FBI) Health Care Task Force – Dallas	Joe Lewis	124
1/20/06	Alcohol, Drugs and You; University of Houston College of Pharmacy Students	Carol Fisher	130
1/24/06	Lake Houston Pharmacy Association – Humble	Iona Grant	100
2/17/06	TSU Presentation – Houston	Iona Grant	86
2/17/06	VHA Southwest Pharmacy Council – Update on Pharmacy-related Actions by 79th Texas Legislative Session and Rule Changes – Plano	Paul Holder	25
2/28/06	John Peter Smith Hospital System – Update on Texas Pharmacy Act and Rule Changes – Fort Worth	Paul Holder	60
3/4/06	TPA South Texas Education Fair – Corpus Christi	Mike Ethridge	110
3/16/06	Drug Diversion in Pharmacies; Tarrant County Pharmacy Association – Fort Worth	Joe Lewis	35
4/2/06	Drug Diversion in Pharmacies; Texas Society of Health System Pharmacists Conference – Galveston	Joe Lewis	60
4/21/06	Drug Diversion in Pharmacies; West Texas Pharmacy Association – Kerrville	Joe Lewis	85
5/9/06	CTSHP – San Antonio	Mike Ethridge	85
6/14/06	Diversion of Controlled Substances; Walgreens' Interns – Austin	Gordon Lunsford	26
6/15/06	Diversion of Controlled Substances; Walgreens' Interns – Houston	Gordon Lunsford	64
6/16/06	Diversion of Controlled Substances; Walgreens' Interns – Houston	Gordon Lunsford	54
6/22/06	Houston Area Pharmacy Association – Houston	Iona Grant	40
6/30/06	Walgreens Interns & District Managers – Houston	Iona Grant	65
7/17/06	Prescription Fraud; Texas Crime Prevention Association Annual Conference – Dallas	Gordon Lunsford	116
		Total	1,370

E. SURVEYS / QUESTIONNAIRES

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

- (1) Division Director completed a questionnaire submitted to TSBP by the Japanese Embassy, relating primarily to disciplinary policies and procedures;
- (2) Division Director completed a survey submitted to TSBP by the Texas State Auditor's Office, relating to the use of criminal record information at TSBP;
- (3) Division Director completed a phone survey by the FBI in El Paso, relating primarily to trends in white collar crime in healthcare fraud;

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- (4) Enforcement Program Specialist completed a National EtG Survey Questionnaire, relating to the use of EtG drug screens tests by TSBP; and
- (5) Division Director responded to questions from Legislative Budget Board with respect to “backlogged” complaints.

F. TECHNICAL ASSISTANCE TO BOARD MEMBERS AND EXECUTIVE DIRECTOR

- (1) Division Director assisted in the development of the proposed Goals and Objectives for FY2006, which were presented to/approved by the Board at its meeting held in August 2006;
- (2) Division Director made presentations at all Board meetings held in FY2006 regarding the number of acting/pending complaints and the number of dismissed complaints;
- (3) Division Director assisted in the review/edit of drafts of minutes of four Board meetings, as well as policies/procedures relating to Board Members;
- (4) In the absence or at the request of the Executive Director, Division Director responded to inquiries from the media;
- (5) Division Director assisted in the orientation of representatives from Governor’s Office and Legislative Budget Board with respect to agency operations;

Division staff assisted in the orientation of Debra Dukes, Receptionist;

- (6) On behalf of Executive Director, Division Director attended the House of Representatives Appropriation Committee, Subcommittee on Health and Human Services, on April 17, 2006;
- (7) On behalf of Executive Director, Division Director attended the Texas Pharmacy Congress meeting on May 11, 2006;
- (8) Division Director assisted in the review/edit of the Customer Service Survey submitted to the Governor in June 2006; and
- (9) Division Director assisted in the review/edit of the agency’s FY2005 Annual Report.

G. TECHNICAL ASSISTANCE TO BOARD STAFF

- (1) Legal Division
 - (A) Disciplinary Proceedings – At the request of TSBP General Counsel, Division Director reviewed drafts of Preliminary Notice Letters prior to these documents being finalized and mailed;

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- (B) Division staff attended 33 days of informal conferences (21 days of informal conferences involving pharmacists and pharmacies, and 12 days of informal conferences involving pharmacy technicians);
 - (C) Division Director served as an expert witness for two formal disciplinary hearings conducted by the State Office of Administrative Hearings; and
 - (D) Division staff provided orientation of Enforcement Division's activities to two new employees (Michelle Fontana and Sharanya Rao).
- (2) Division of Professional Services
- (A) *TSBP Newsletter* – Division staff assisted with each issue of the Newsletter (e.g., authorized articles such as Compliance Reminders and Complaint Corner and provided applicable information regarding disciplinary orders entered by the Board); and
 - (B) Presentations – When Professional Services Division Director was unable to make a requested presentation on pharmacy laws/rules, Division Director or Compliance staff made the presentation.
- (3) Administrative Services and Licensing Division
- (A) *TSBP Employee Handbook* – Division Director assisted Director of Administrative Services and Licensing, in cooperation with General Counsel, in updating the policy/procedure manual for agency employees;
 - (B) Computer System – Division Director and Enforcement Program Specialist, in cooperation with personnel from other Divisions, attended demonstrations of the Versa and Montana computer systems to determine the possibility of TSBP converting to these systems; and
 - (C) Review Applications for Licensure/Registration – Division staff reviewed applications of any applicant with a criminal history or prior disciplinary action by another professional licensing board, and determined, in concert with the Executive Director and Legal Counsel, whether disciplinary action would be instituted to deny the application. Division staff also assisted in the review of applications for a Class B or D Pharmacy license, as indicated in the chart below:

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Activity	FY2004	FY2005	FY2006	3-Year Average
New Class D (Clinic) Pharmacy Applications	15	19	10	15
New Class B (Nuclear) Pharmacy Applications	1	0	1	1
Petitions for Expanded Formularies for Class D (Clinic) Pharmacies	51	41	72	55
Petitions for Alternative Visitation Schedules for Class D (Clinic) Pharmacies	14	10	6	10
Notifications of Temporary Locations for Class D (Clinic) Pharmacies	3	1	3	2
Standard Class D Formularies Reviewed	0	4	6	3

H. TECHNICAL ASSISTANCE TO OTHER AGENCIES AND ORGANIZATIONS

- (1) Division staff notified various agencies regarding disciplinary orders entered by the Board (e.g., DEA, DPS, MHMR, HHS, NABP, HIP-DB, and Deans of the Texas Colleges of Pharmacy); and
- (2) Division Director assisted staff of the Sunset Advisory Commission (who were evaluating the Board of Nurse Examiners) with questions about TSBP's procedures relating to peer assistance and disciplinary guidelines.
- (3) See Ongoing Objective #4.

7. In cooperation with the Executive Director and other Divisions, to provide internship experience to student pharmacist-interns upon requests from the Texas Colleges of Pharmacy, throughout FY2006.

Status: ACCOMPLISHED

Comment: During FY2006, Division Director and Chief of Compliance served as preceptors to ten students from three different Colleges of Pharmacy, as listed below:

- Shawn Sams (Aug. 15 – Sept. 23, 2005) – University of Texas
- Suzanne Fry (Sept. 26 – Nov. 4, 2005) – University of Texas
- Greg Gibson (Nov. 7 – Dec. 16, 2005) – University of Texas
- Amy Primmer (Jan. 9 – Feb. 17, 2006) – University of Texas
- Russell Abellera (Feb. 20 – Mar. 31, 2006) – University of Texas
- Codi Triesch (Apr. 3 – May 12, 2006) – University of Texas
- Kasey Brizendine (May 22 – Jun. 20, 2006) – University of Houston
- Joey Jessup (Jul. 3 – Aug. 11, 2006) – University of Texas
- April Aguierre (Aug. 14 – Sept. 22, 2006) – University of Texas
- Chau Hong (Aug. 14 – Sept. 22, 2006) – Texas Southern University

Division Director prepared a Rotation Schedule for each intern that covered goals, expectations and scheduled activities during the six-week rotation. Preceptors conducted mid-term and final evaluations of each intern.

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- 8. To serve as liaison for the Board to the Professional Recovery Network (PRN) of the Texas Pharmacy Association and to monitor non-financial contractual obligations of PRN throughout FY2006.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Board Member Ben Fry, R.Ph., served as an ex-officio member of the TX-PRN State Committee throughout FY2006;
- B. The TX-PRN Program submitted year-to-date financial reports to TSBP at each one of its Board meetings in FY2006;
- 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 September 22, 2005, and the results of the audit were reported to the Board at its meeting held on May 9-10, 2006;
- D. Throughout FY2006, Division staff reviewed monthly activity reports submitted to TSBP by TX-PRN Director;
- E. Division staff attended two TX-PRN State Advisory Committee meetings (September 18, 2005, and April 9, 2006); and
- F. Throughout FY2006, Enforcement Program Specialist Janelle Nastri worked closely with TX-PRN Program Director to ensure the accuracy of data for peer assistance performance measures.

- 9. To assist the Executive Director in developing and implementing the objectives of the Health Professions Council pertinent to Division activities throughout FY2006.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. HPC Annual Report – Division Director submitted agency Enforcement performance data to be incorporated in the HPC Annual Report.
- B. 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 FY2006, TSBP mailed 506 complaint forms to individuals requesting forms on the HPC toll-free complaint hotline and 495 complaint forms to individuals who called the TSBP voice mail complaint line, which represented an increase in the number of complaint forms being mailed by TSBP to potential complainants, as compared to

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FY2005. The number of requests for complaint forms received in FY2006, as compared to the five previous fiscal years, is depicted in the following chart:

Complaint Forms Processed by Enforcement Division (FY02 – FY06)				
Fiscal Year	Requests for Complaint Forms via HPC 800#	% Change	Requests for Complaint Forms via TSBP Voice Mail	% Change
FY02	735		789	9%
FY03	628	-15%	634	-20%
FY04	260	-59%	232	-63%
FY05	490	+88%	422	+82%
FY06	506	+3%	495	+17%

- 10. 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 FY2006.**

Status: ACCOMPLISHED

Comment: In FY2006, Division staff attended several team meetings, Division staff meetings, and general staff meetings. Division Staff Meetings and General Staff Meetings were held on the following dates:

- November 30 – December 2, 2005
- February 21-23, 2006
- May 22-24, 2006
- August 21-24, 2006

Carol Fisher, R.Ph., M.P.A.	
11/25/05	Online EEO Training
1/26/06	Novel Approaches to Precepting Students; sponsored by University of Texas College of Pharmacy – Austin
2/7-8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
04/05/06	How to Write Policies and Procedures – Austin
05/25/06	The Essential Guide to Employment Law Course – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin
8/25/06	Texas Pain Management Summit -- Austin

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Paul Holder, R.Ph., Pharm.D.	
2/8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
3/13-15/06	Aseptic Training Course, presented by Professional Compounding Centers of America (PCCA) – Houston
3/30/06 – 4/3/06	Texas Society of Health-System Pharmacists 58th Annual Seminar and Exhibit – Galveston
5/25/06	The Essential Guide to Employment Law Course – Austin
7/24-26/06	Council on Licensure, Enforcement and Regulation (CLEAR) Basic Investigator/Inspector Certification – Austin
8/1/06	Completion of Texas Open Meetings Act Training Course – Austin
8/2/06	Completion of Texas Public Information Act Training Course – Austin
8/19/06	24th Annual University of Texas Preceptor Orientation and Training Conference – Salado
8/23/06	Working Together Effectively (Governor’s Center for Management Development) - Austin

Joe Lewis	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
11/21/06	Coping with Holiday Stress – Austin
12/7/06	EAP Financial Seminar – Austin
2/23/06	Defensive Driving – Austin
3/8-9/06	Financial Crimes – Austin
5/25/06	The Essential Guide to Employment Law Course – Austin
8/23/06	Working Together Effectively (Governor’s Center for Management Development) -- Austin

Ben Santana, R.Ph.	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/15-16/06	EEO Training
1/26/06	Novel Approaches to Precepting Students; University of Texas College of Pharmacy – Austin
3/31/06	Texas Society of Health-System Pharmacists 58th Annual Seminar – Galveston
5/25/06	The Essential Guide to Employment Law Course – Austin
6/29/06	Webinar: Proposed Changes to USP Chapter <797>
8/23/06	Working Together Effectively (Governor’s Center for Management Development) – Austin

Sherry Stevenson	
10/20/05	Texas Conference for Women – Austin
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
11/21/05	Coping with Holiday Stress (EAP Presentation) – Austin
12/20/05	EEO Online Training
2/06	Transferred to Professional Services Division

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Janelle Nastri	
9/18/05	PRN Fall Seminar; "Living in the Solution...if not here, where? If not now, when?" – Austin
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/15/05	EEO Online Training
4/4-7/06	Governor's Management Development Program – Austin
4/9/06	PRN Spring Seminar; "Not My Way: Sustaining Recovery through Surrendering and Humility" – Austin
5/25/06	Essential Guide to Employment Law – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Iona Grant, R.Ph.	
10/13/05	Defensive Driving Education – Houston
11/16-18/05	Aseptic Training Course, presented by Professional Compounding Centers of America (PCCA) – Houston
12/27/05	EEO Training – Houston
2/8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
4/27/06	Benefit Wise Seminar – Houston
7/20-23/06	Texas Pharmacy Association Annual Meeting and Expo 2006 – The Woodlands
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Mike Ethridge, R.Ph.	
10/12/05	Medicare Drug Forum – Weslaco
10/27/05	Defensive Driving Education – San Antonio
11/16-18/05	Aseptic Training Course, presented by Professional Compounding Centers of America (PCCA) – Houston
12/11/05	EEO Training
2/8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
3/4-5/06	Texas Pharmacy Association; South Texas Education Fair – Corpus Christi
5/3/06	Be Benefit Wise; a presentation by ERS – San Antonio
7/20-23/06	Texas Pharmacy Association Annual Meeting and Expo 2006 – The Woodlands
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Susan Furnas	
5/21/06	Resigned from TSBP

Chris Schuttler	
11/15-18/05	Aseptic Training Course, presented by Professional Compounding Centers of America (PCCA) – Houston
12/22/05	EEO Training
2/8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
2/23/06	Defensive Driving Training – Austin
3/30/06 – 4/3/06	Texas Society of Health-System Pharmacists 58th Annual Seminar and Exhibit – Galveston
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

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David Meryman	
12/16/05	EEO Training
2/8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
3/12-15/06	Aseptic Training Course, presented by Professional Compounding Centers of America (PCCA) – Houston
7/20-23/06	Texas Pharmacy Association Annual Meeting and Expo 2006 – The Woodlands
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Karen Guenther	
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Ann Driscoll	
10/16/05	Texas Pharmacy Association Law Symposium – Austin
2/8/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
2/13/06	TCIC In-service with TDI – Austin
2/23/06	Defensive Driving Training – Austin
7/20-23/06	Texas Pharmacy Association Annual Meeting and Expo 2006 – The Woodlands
2/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Robert Ebram	
9/20/05	Intoxilyzer Re-Certification Training – Floresville
3/8-9/06	Financial Crimes School – Austin
3/15/06	Special Investigations – Karnes City
5/25/06	The Essential Guide to Enforcement – Austin
6/27-29/06	Governor's Management School – San Antonio
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Gordon R. Lunsford	
2/23/06	Defensive Driving – Austin
3/8-9/06	Financial Crimes – Austin
7/18-20/06	Critical Incident Training (The Training Course) – Houston
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Houston
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Wayne L. Jones	
1/17/06	EEOC Online
1/30/06	Cultural Diversity; Racial Profiling; Asset Forfeiture – Austin
2/23/06	Defensive Driving
4/5-6/06	Crisis Intervention – San Antonio
8/23/06	Working Together Effectively (Governor's Center for Management Development) -- Austin

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Tara M. Rike	
2/17/06	Defensive Driving – Austin
3/8-9/06	Financial Crimes – Austin
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) -- Austin

Sarah Guevara	
9/13/05	Identity Theft – Austin
9/13/05	Asset Forfeiture – Austin
2/23/06	Defensive Driving – Austin
4/19-21/06	Special Investigative Topics and Investigative Approaches (Crimes against Women) – San Antonio
7/5/06	Prescription Errors: Legal Consequences & Patient Safeguards (Online CE) – Georgetown
7/6/06	Strategies for Preventing Medication Misadventures: Impact on Insulin Safety (Online CE) – Georgetown
7/6/06	Drug Product Selection: Legal Issues for Pharmacists (Online CE) – Georgetown
7/6/06	Turning Information Into Knowledge Using the Internet (Online CE) – Georgetown
7/6/06	New Options in Chronic Obstructive Pulmonary Disease Management (Online CE) – Georgetown
7/9/06	Blood Glucose Monitoring and the Pharmacy Technician (Online CE) – Georgetown
7/9/06	Smoking Cessation Therapy (Online CE) – Georgetown
7/9/06	New Insights into Osteoporosis Management (Online CE) – Georgetown
7/9/06	Management of Stress Urinary Incontinence (Online CE) – Georgetown
7/11/06	Cardiovascular Care in the Patient with Diabetes (Online CE) – Georgetown
7/11/06	Onychomycosis: Fungal Infection of the Nails (Online CE) – Georgetown
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Allen Corporon	
11/7–14/05	Texas State Board of Pharmacy Orientation – Austin
11/10/05	EEO Training Online – Austin
11/14-17/05	Cultural Diversity, Special Investigative Topics and Identity Theft – Waco
2/23/06	Defensive Driving – Austin
3/8-9/06	Financial Crimes – Austin
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) -- Austin

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Melissa Weeden	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
11/30/05	Building Evacuation – Austin
12/16/05	EEO Training Online – Austin
2/23/06	DEA/DPS Drug Diversion – Austin
4/6/06	CLEAR Webinar – Austin
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Cynthia Fazin	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/28/05	EEO Training Online – Austin
4/6/06	CLEAR Webinar – Austin
7/24-25/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Robert Rivera	
2/13/06	NCIC/TCIC Policy and Procedures – DPS – Austin
4/6/06	Web Seminar – CLEAR – Austin
5/10/06	Web Seminar – Benefits -- Austin
7/24-26/06	National Certified Investigator/Inspector Training (CLEAR) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin
8/28/06	Texas Communication Information Center -- Austin

Amy Schroeder	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/13/05	EEO Training on Sexual Harassment Online – Austin
4/10/06	CLEAR Webinar – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Jill Kier	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/05	EEO Sexual Harassment Training Online
4/06	CLEAR Webinar Detecting Fraud in Licensing Documents
7/06	Council on Licensure, Enforcement and Regulation (CLEAR) Advanced Investigator/Inspector Certification – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Linda Yazdanshenas	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/15/05	EEO Sexual Harassment Training
2/06	USP Chapter <797> Training Program, presented by Pharmacy Systems, Inc. – Austin
4/06	CLEAR Webinar Detecting Fraud in Licensing Documents
7/06	Council on Licensure, Enforcement and Regulation (CLEAR) Advanced Investigator/Inspector Certification – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

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Patty Galan	
9/18/05	Living in the solution...If not here, where? If not now, when? (PRN Seminar) – Austin
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/5/05	EEO Training – Austin
4/6/06	CLEAR – Fraudulent Credentials – Austin
4/9/06	Not My Way: Sustaining Recovery through Surrendering and Humility (PRN Seminar) – Austin
7/31/06 – 8/4/06	Improving the Quality of Care for Texans (Texas Institute on Substance Abuse and Mental Health) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Becky Damon	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
4/9/06	Not My Way: Sustaining Recovery through Surrendering and Humility (PRN Seminar) – Austin
7/31/06 – 8/4/06	Improving the Quality of Care for Texans (Texas Institute on Substance Abuse and Mental Health) – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin
8/30/06	Texas Public Information Act (video) – TSBP Headquarters

Diane Torres	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/15/05	EEO Training – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Yvette Muniz	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
12/2/05	EEO Training – Austin
7/5/06	Texas Law Enforcement Telecommunications System (TLETS) Training
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

Noreen Trevino	
10/25/05	Orientation to New Programs (Alliance Work Partners/EAP) – Austin
11/28/05	EEO Training – Austin
2/10/06	CPR and AED Machine Training and Certification
2/23/06	Defensive Driving Course – Austin
4/6/06	CLEAR/Fraudulent Credentials and False Information – Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) - Austin

Kelly Clark	
2/13/06	NCIC/TCIC Policy and Procedures Training for Criminal Justice Practitioners - Austin
8/23/06	Working Together Effectively (Governor's Center for Management Development) – Austin

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11. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2006.

Status: ACCOMPLISHED

Comment: All Division staff had the opportunity to participate in the Survey of Organizational Excellence, as well as in activities culminating in the Agency Change Team report. Formal performance reviews were conducted as follows:

Employee	Date of Evaluation
Joe Lewis	August 29, 2006
Ben Santana, R.Ph.	August 29, 2006
Janelle Nastri	August 28, 2006
Iona Grant, R.Ph.	August 24, 2006
Mike Ethridge, R.Ph.	August 24, 2006
Chris Schuttler	August 24, 2006
David Meryman	August 24, 2006
Paul Holder, R.Ph.	August 31, 2006
Ann Driscoll	August 31, 2006
Robert Ebrom, Jr.	August 22, 2006
Wayne Jones	May 24, 2006
Gordon Lunsford	May 24, 2006
Tara Rike	May 24, 2006
Sarah Guevara	May 24, 2006
Allen Corporon	May 24, 2006
Amy Schroeder	August 29, 2006
Melissa Weeden	August 29, 2006
Cynthia Fazin	August 29, 2006
Robert Rivera	August 29, 2006
Linda Yazdanshenas	August 30, 2006
Jill Kier	August 30, 2006
Patty Galan	August 30, 2006
Becky Damon	August 30, 2006
Noreen Trevino	August 29, 2006
Yvette Muniz	August 30, 2006
Diane Torres	August 30, 2006
Kelly Clark	August 30, 2006

Other activities relating to personnel included:

- A. During FY2006, Division Director created or updated 16 job descriptions (or 89% of the Division's 18 different job descriptions). The only job descriptions that were not updated were (i) Compliance Specialist and (ii) In-House Investigator III. The following job descriptions were updated:

New Positions: Assistant Director of Enforcement
 Deputy Chief of Investigations
 Enforcement Specialist I
 Investigator II

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Revised Job Descriptions:

- Director of Enforcement
- Chief of Investigations
- Field Investigator
- Senior Enforcement Officer
- Enforcement Officer
- Chief of Compliance
- Senior Compliance Officer
- Compliance Inspector
- Enforcement Program Specialist
- Enforcement Specialist III
- Enforcement Technician
- Administrative Assistant

- B. In the fall of 2005, 17 Division staff (57% of the 30 Division employees) successfully responded to a Classification Audit of Inspector and Investigator positions that was conducted by the State Auditor. The following positions were audited:

Investigators (11)

- Senior Field Investigator (1)
- Field Investigators (5)
- Senior Enforcement Officer (1)
- Enforcement Officers (2)
- Investigator III
- Investigator II

Inspectors

- Senior Compliance Officer (2)
- Compliance Officer (1)
- Inspector V (3)

- C. Although the Division filled six vacant positions during FY2006, the

- (1) Losses – the Division experienced turnover in the following two positions:

- (a) Sherry Stevenson, Enforcement Division Specialist and assistant to Division Director for 13 years, transferred to the Division of Professional Services; and
- (b) Susan Furnas, Compliance Inspector for West Texas, submitted her resignation in May 2006.

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(2) New FTE Positions -- as a result of funding appropriated by the 79th Texas Legislature, the Division was able to hire two new employees:

- (a) one program specialist to monitor technicians placed on probation as a result of a disciplinary order; this position was filled in November 2005, following the internal promotion of Becky Damon; and
- (b) one in-house investigator to conduct criminal background checks on technician trainees; this position was filled in January 2006, with the employment of Robert Rivera.

The new FTEs required new offices to be built, which unfortunately resulted in a 50% reduction of the size of the TSBP Conference room.

(3) Vacant Positions – in addition to two new hires, the Division filled four other positions (a total of six vacant positions), as described below:

- (a) following Ms. Damon's promotion, the Division experienced a vacancy for an Administrative Assistant, which was subsequently filled by Kelly Clark, effective December 5, 2005;
- (b) following the loss of Sherry Stevenson, the position was reclassified to an Assistant Director position and subsequently filled by Paul Holder, R.Ph., Pharm.D., effective August 1, 2006;
- (c) following Dr. Holder's promotion, the Division experienced a vacancy for the Dallas Compliance Officer position; this position was reclassified to an Inspector V and subsequently filled by Karen Guenther, C.Ph.T.; and
- (d) following the resignation of Susan Furnas, C.Ph.T., the Division selected Sharon Dimmick, C.Ph.T. as the Compliance Inspector for the West Texas region.

(4) Internal Promotions – the Division was able to make three internal promotions during FY2006, as described below:

- (a) the promotions mentioned above for Ms. Damon and Dr. Holder; and
- (b) Senior Investigator Robert Ebrom was promoted to Deputy Chief of Investigations.

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- D. During FY2006, Division staff conducted orientations for four new Division Staff: Ann Driscoll (September 2005); Kelly Clark (December 2005); Robert Rivera (January 2006); and Karen Guenther (August 2006). Division Director prepared in-depth orientation schedules for each new employee.

12. To destroy records in accordance with the agency’s record retention plan throughout FY2006; to update the Division’s *Policies and Procedures Manual* as needed and submit any substantive revisions to the Executive Director for approval throughout FY2006.

Status: ACCOMPLISHED

Comment: The following activities relate to this objective:

A. Records Management

During FY2006, Division staff destroyed 35.56 cubic feet of records, in accordance with the TSBP record retention schedule. This performance represented a 51% decrease over the prior fiscal year, as represented in the chart below:

Fiscal Year (FY02 – FY06)	# of Cubic Feet of Records Destroyed	% Change
FY2002	56.25	+65%
FY2003	39.00	-31%
FY2004	30.50	-22%
FY2005	72.00	+136%
FY2006	35.56	-51%

B. Policies and Procedures

During FY2006, Chief of Compliance updated the section of the Compliance Policy and Procedure Manual relating to inspections of pharmacies that are compounding sterile pharmaceuticals. In addition, Division Director updated procedures relating to complaint worksheet.

13. To recommend policies and procedures to the Executive Director that will enhance the efficiency and effectiveness of the agency throughout FY2006.

Status: ACCOMPLISHED

Comment: All Division staff made recommendations to improve the efficiency and effectiveness of agency operations. Significant recommendations included the following:

- A. Division staff made recommendations for procedures to streamline/enhance the pre-inspection program;
- B. Division staff made recommendations to enhance the agency’s computerized complaint tracking system;

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- C. Compliance Field Staff made recommendations to enhance inspection report forms and regional pharmacy rosters;
- D. Field staff made recommendations regarding equipment needs (e.g., provide Global Positioning System Devices; wireless access to Internet); and
- E. Field staff made recommendations regarding training needs (e.g., inspecting prescription balances; and safety training).

14. 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 FY2006.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Texas Pharmacy Act
 - (1) Division staff made recommendations for amendments to the Texas Pharmacy Act to help ensure that controlled substances prescribed for chronic pain were dispensed in a manner consistent with public health and welfare (e.g., require a pain management pharmacist to obtain continuing education specifically designed for pain management care; hold pain management pharmacies to strict rules designed for pain management settings, such as requiring patient progress notes on all patients receiving controlled substances for chronic pain).
 - (2) Division Director recommended that theft of money from a pharmacy be included as a ground for discipline in the Texas Pharmacy Act.
 - (3) Division staff recommended that the Texas Pharmacy Act be amended to raise the minimum education for pharmacy technicians.
 - (4) Division Director recommended that the Texas Pharmacy Act be amended to require owners for new pharmacy licenses to post a bond that would be forfeited to the state in the event the pharmacy did not comply with legal opening and closing procedures.
- B. TSBP Rules
 - (1) Division staff made several recommendations regarding TSBP rules relating to Pharmacies Compounding Sterile Pharmaceuticals (e.g., increase the number of hours of instruction/experience that a pharmacist must have before preparing sterile pharmaceuticals).

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- (2) Division staff made recommendation to amend TSBP rules to require pharmacy computer systems to capture the initials of pharmacy technicians who were participating in the dispensing of a prescription (e.g., initials of the technician who was responsible for the data entry of a prescription). In addition, the prescription hardcopy should be initialed by a pharmacy technician in the same manner as the dispensing pharmacist.
- (3) Division staff made recommendations for TSBP rules regarding the implementation of the registration of Technician Trainees.
- (4) Division staff made recommendations for amendments to TSBP rules requiring applicants to be fingerprinted and recommended a phase-in process.
- (5) Assistant Director of Enforcement recommended that Class A Pharmacy rules be amended to prohibit flammable materials from being stored in the pharmacy, similar to rule language in Class C Pharmacies.
- (6) Assistant Director of Enforcement recommended that TSBP Rules be amended to clarify procedures during temporary leave of absence of a pharmacist-in-charge (e.g., vacation and medical leave).
- (7) Division staff recommended that Class A Pharmacy rules be amended to require a perpetual inventory of highly abused drugs.
- (8) Division staff recommended that Class D Pharmacy rules be amended to require facility lot number on package label and pre-packaging records.

15. To prepare and submit a report on the accomplishment of Division objectives, for incorporation into the agency's *FY2005 Annual Report* to be presented to the Board at its May 2006 Board meeting.

Status: ACCOMPLISHED

Comment: The Division's first draft of the *FY2005 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 2006.