



TEXAS STATE BOARD OF PHARMACY

TEXAS STATE BOARD OF PHARMACY
Health Professions Council Board Room
333 Guadalupe Street, Tower II, Suite 225
Austin, Texas

February 3, 2015

MINUTES¹

Tuesday, February 3, 2015

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:03 a.m. Other Board Members present were Vice President Buford T. Abeltd, Sr., R.Ph.; Treasurer Christopher M. Dembny, R.Ph.; W. Benjamin Fry, R.Ph.; Dennis F. Wiesner, R.Ph.; L. Suzan Kedron; Joyce A. Tipton, R.Ph.; Charles Wetherbee; Phyllis Stine; and Bradley A. Miller, Ph.T.R.

Board Member Alice Mendoza, R.Ph., was not present.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Cathy Stella, Director of Licensing and Administrative Services; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Steve Rapp, Director of Information Technology; Caroline Hotchkiss, Assistant General Counsel; Ben Santana, R.Ph., Chief of Compliance; Tyler Vance, Staff Attorney; Stacy Martyak, Staff Attorney; Lance Brenton, Staff Attorney; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Vi Vu.

A. Announcements

- President Waggener made general announcements.
- Announcements were made concerning Board Members and staff.
- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

¹See agenda and corresponding attachments for supporting materials.

B. Discussion and Approval of Minutes of Previous Meetings (Tab 01)

Following discussion, the motion was made by Mr. Fry to approve the minutes of the Board Business Meeting held November 4, 2014, as presented.

The motion was seconded by Ms. Kedron and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Pharmacies Compounding Sterile Preparations (§291.133) (Tab 05)

Ms. Fisher explained that the Board voted to propose the amendments to §291.133 during its November 4, 2014, meeting. The proposed amendments were published in the December 26, 2014, issue of the *Texas Register*, and comments were received from Larry Egle, Pharm.D., President, Texas Society of Health-System Pharmacists (TSHP); and Aaron D. Reich, Pharm.D., Randy Martin, Pharm.D., and R. Cole Knutson, R.Ph., members of TSHP.

Ms. Fisher directed the Board's attention to amendments to §291.133 and explained that the amendments update the sterile compounding rules to be consistent with updated changes to USP 797.

President Waggener recognized Larry Egle, Pharm.D., who presented information concerning both the use of electric hand dryers after hand washing, and the proposed requirement for double gloving.

Following discussion of the rule and review of the comments received concerning the proposed amendments the motion was made by Mr. Wetherbee to withdraw from consideration for final adoption the proposed amendments to §291.133, and to simultaneously approve for proposal amendments to §291.133, with recommended changes. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Grounds for Discipline for a Pharmacy License (§281.8) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §281.8 during its November 4, 2014, meeting. The proposed amendments were published in the December 26, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.8 and explained that the amendments add failure to reimburse the board for expenses relating to an inspection of a non-resident pharmacy as grounds for discipline of a pharmacy's license.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §281.8, as presented. The motion was seconded by Ms. Stine and passed unanimously.

- Rules Concerning Pharmacy License Application (§291.1) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.1 during its November 4, 2014, meeting. The proposed amendments were published in the December 26, 2014, issue of the *Texas Register*, and comments were received from Myron Lewis, R.Ph., Director of Pharmacy, University Medical Center; Express Scripts, Inc.; Dennis McAllister, R.Ph., D.Ph., Senior Director, Pharmacy Regulatory Affairs, and Mary Staples, Regional Director, National Association of Chain Drugs Stores.

Ms. Benz directed the Board's attention to amendments to §291.1 and explained that the amendments update the requirements for a pharmacy license application to include copies of the owners' or managing officers' driver licenses and social security cards; an approved credit application showing credit worthiness; the entities business filing structure; and a current certificate of good standing from the state where the entity is located. The amendments also remove items no longer required for a pharmacy license application and eliminate the requirements for pharmacies owned by management companies.

Ms. Benz explained to the Board that rules §291.1 Concerning Pharmacy License Applications (Tab 03) and §291.3 Concerning Notifications (Tab 04) were related and recommended the Board consider them at the same time.

- Rules Concerning Notifications (§291.3) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §291.3 during its November 4, 2014, meeting. The proposed amendments were published in the December 26, 2014, issue of the *Texas Register*, and comments were received from Mary Staples, Regional Director, National Association of Chain Drugs Stores.

Ms. Benz directed the Board's attention to amendments to §291.3 and explained that the amendments update the notification for a pharmacy that changes managing officers to include copies of the managing officers' driver licenses, social security cards, state issued photo identification or passport; clarify the requirements for a change of ownership; and eliminates the references to pharmacies owned by management companies. The amendments also add class A-S and C-S pharmacies to the change of pharmacist-in-charge notification requirements.

Following discussion of the rules and review of comments received, the Board recommended revisions to the proposed amendments, and postponed action until later in the meeting.

- Rules Concerning Change of Name for Pharmacists and Pharmacy Technicians (§§295.1 and 297.9) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §§295.1 and 297.9 during its November 4, 2014, meeting. The proposed amendments were published in the December 26, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§295.1 and 297.9 and explained that the amendments eliminate the requirement for pharmacist and pharmacy technicians to return their renewal certificate when requesting a change of name; and eliminate the requirement for pharmacy technicians to post their registration certificates at the pharmacy where they are working.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Tipton to approve for adoption, by Board Order, amendments to §§295.1 and 297.9, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Drug Destruction (§§303.1 and 303.2) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §§303.1 and 303.2 during its November 4, 2014, meeting. The proposed amendments were published in the December 26, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§303.1 and 303.2 and explained that the amendments update the rules to be consistent with DEA requirements.

Following discussion of the rules the Board recommended revisions to the proposed amendments, and postponed action until later in the meeting.

President Waggener recessed the meeting at 10:28 a.m.

President Waggener reconvened the meeting at 10:45 a.m.

Proposal of Rules

- Rules Concerning Class E Pharmacies (§§291.104 and 291.106) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning Class E Pharmacies. She explained the amendments clarify the requirements for Class E pharmacies; and update the patient counseling and prescription transfer requirements to be consistent with other sections.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §§291.104 and 291.106, as presented. The motion was seconded by Mr. Abeltdt and passed unanimously.

- Rules Concerning Emergency Temporary Pharmacist License (§295.6) (Tab 09)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning an emergency temporary pharmacist license that would implement provisions of HB 746 regarding a volunteer registry.

Ms. Benz explained to the Board that rule §295.6 Concerning Emergency Temporary Pharmacist License (Tab 09) and the New Rule Concerning Emergency Temporary Pharmacy Technicians Registration (§297.11) (Tab 10) were related and recommended the Board consider them at the same time.

- New Rule Concerning Emergency Temporary Pharmacy Technician Registration (§297.11) (Tab 10)

Ms. Benz directed the Board's attention to a new rule concerning an emergency temporary pharmacy technician registration that would implement provisions of HB 746 regarding a volunteer registry.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §295.6, as presented, and new rule §297.11, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Inactive License Continuing Education Requirements (§295.9) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the continuing education requirements for a pharmacist with an inactive license. She explained the amendments specify the requirements for the activation of an inactive license to include one hour of continuing education credit related to Texas pharmacy laws/rules.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §295.9, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Criminal History Background Checks for Pharmacy Technician Renewal Applications (§297.3) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning criminal history background checks for pharmacy technician renewal applications. She explained the amendments require a criminal history background check, including fingerprints, for a pharmacy technician renewal application, if the technician has not previously submitted fingerprints.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §297.3, as presented. The motion was seconded by Ms. Stine and passed unanimously.

Rule Review

- For Adoption

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 13)

- Chapter 291 Concerning Pharmacies (All Classes of Pharmacies) (§§291.1-291.3, 291.5-291.11, 291.14-291.19, 291.22-291.24, 291.27-291.29) (Tab 14)
- Chapter 291 Concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91-291.94) (Tab 15)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Dembny to approve for adoption, the review of Chapter 291 (§§291.1-291.3, 291.5-291.11, 291.14-291.19, 291.22-291.24, 291.27-291.29); and Chapter 291 (§§291.91-291.94).

The motion was seconded by Mr. Abeldt and passed unanimously.

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

- Financial Update
 - Review of FY2015 Operating Budget (Tab 17)

Ms. Stella reviewed the expenditures for the first quarter of FY2015 (September 1, 2014, through November 30, 2014) for the Board.
 - Review of Board Member Travel Budget (Tab 18)

Ms. Stella reviewed the Board Member FY2015 Travel Budget.
 - Review of Legislative Appropriations Request for FY2016-2017 (Tab 19)

Ms. Stella reported on proposed amendments to the Legislative Appropriations Request for FY2016-2017.
- Discussion Concerning Section 562.054 of the Pharmacy Act and §291.34 (b)(7) of the Rules Relating to Emergency Refills (Tab 22)

Mr. Wiesner suggested review of the current rules concerning emergency refills for a 72 hour supply. He requested staff investigate whether or not pharmacy law changes would be required to allow the emergency filling of a new prescription for a 72 hour supply when a quantity is not indicated on the prescription.
- Discussion Concerning Amendments to Pharmacy Act to Allow Tech-Check-Tech in Class A Pharmacies (Tab 23)

Mr. Fry stated that the Board's mission was to protect the citizens of Texas and that to allow a pharmacy technician to verify the accuracy of Work performed by another pharmacy technician in Class A pharmacies would not protect and serve the citizens.

President Waggener recognized the following persons who presented oral remarks to the Board concerning a technician checking another technician's work:

Maureen Gallagher, Alliance of Independent Pharmacies
Mary Staples, National Association of Chain Drugs Stores
Irene Banuelos-Villatoro, Instructor, San Jacinto College

Ms. Arnold explained that the language used in the current draft of proposed legislation would allow technicians to check technicians in Class A pharmacies and would require the Board to adopt rules to implement.

President Waggener explained that due to scheduled agenda items further discussion of tech-check-tech in Class A pharmacies would be postponed until later in the meeting.

President Waggener recessed the meeting at 11:50 a.m.

President Waggener reconvened the meeting at 12:05 p.m.

G. Miscellaneous

- Board Member Training Concerning the Ethical and Professional Responsibilities Related to State of Texas Purchasers and Contract Managers (Tab 41)

A webinar training program for governing bodies concerning the Ethical and Professional Responsibilities Related to State of Texas Purchasers and Contract Managers was presented to Board members.

President Waggener recessed the meeting at 12:50 a.m.

President Waggener reconvened the meeting at 1:02 p.m.

E. Discussion of and Possible Action Concerning the Following Reports and Discussions (con't)

- Discussion Concerning Amendments to Pharmacy Act to Allow Tech-Check-Tech in Class A Pharmacies (Tab 23) (con't)

President Waggener recognized the following persons who presented oral remarks to the Board concerning a technician checking another technician's work:

Michael Wright, Texas Pharmacy Council
Joe DaSilva, Texas Pharmacy Association
Nanette Beaird

President Waggener explained that due to scheduled agenda items further discussion of tech-check-tech in Class A pharmacies would be postponed until later in the meeting.

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of Pamela Yeluma Fomunung, Pharmacist License #33021, and Rapha Pharmacy, License #25602 (Tab 32)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Steven D. Arnold, on August 20, 2014, in the matter of Pamela Yeluma Fomunung, R.Ph., and Rapha Pharmacy.

Ms. Arnold introduced Judge Steven D. Arnold, who reviewed the *Proposal for Decision* for the Board. Judge Arnold advised the Board that his recommendation was that Ms. Fomunung's license be revoked, and that Rapha Pharmacy's license be revoked.

Ms. Hotchkiss reviewed the background in the case for the Board. She directed the Board's attention to proposed Board Order #A-14-002-B, concerning Rapha Pharmacy. She explained the Board Order would revoke Rapha Pharmacy's license.

Ms. Hotchkiss directed the Board's attention to Board Order #A-14-002-A, concerning Pamela Yeluma Fomunung. She explained the Board Order would revoke Ms. Fomunung's pharmacist license.

President Waggener recognized John J. Rivas, an attorney representing Pamela Yeluma Fomunung and Rapha Pharmacy, who stated there were mitigating factors that he would like for the Board to consider. Mr. Rivas presented written information for the Board to review.

- Executive Session

The motion was made by Mr. Abeldt that the Board go into Executive Session, under the authority of Texas Occupations Code §552.011, to deliberate relating to discipline of a licensee and to consult with counsel. The motion was seconded by Mr. Fry and passed unanimously. President Waggener declared the Board in Executive session at 1:42 p.m.

President Waggener announced the Board would enter Open Session at 1:56 p.m., and announced that no actions were taken and no decision were made during Executive Session.

Following discussion, the motion was made by Mr. Fry to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve Board Order #A-14-002-B, as presented, in the matter of Rapha Pharmacy, to revoke the Rapha Pharmacy pharmacy license, and to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve Board Order #A-14-002-A, as presented, in the matter of Pamela Yeluma Fomunung, R.Ph., to revoke Ms. Fomunung's pharmacist license. The motion was seconded by Mr. Wetherbee and passed unanimously.

- In the Matter of Rana Okasha, License #51285 (Tab 33)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Sarah G. Ramos, on July 16, 2014, in the matter of Rana Okasha, R.Ph.

Ms. Arnold introduced Judge Sarah G. Ramos, who reviewed the *Proposal for Decision* for the Board. Judge Ramos advised the Board that her recommendation was that Sarah G. Ramos be required to take a four-hour continuing education course in pharmacy medication errors and impose an administrative penalty of \$750.00.

Mr. Vance reviewed the background in the case for the Board. He directed the Board's attention to two versions of proposed Board Order #F-13-013, and reviewed the options available for the Board.

Following discussion, the motion was made by Ms. Stine to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve version two of Board Order #F-13-013, as presented, in the matter of Rana Okasha, to reprimand Ms. Okasha's pharmacist license and impose an administrative penalty of \$1,000.00. The motion was seconded by Mr. Dembny and passed unanimously.

- In the Matter of Rudi Vincent DelPup, License #32618 (Tab 34)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Sharon Cloninger, on September 17, 2014, in the matter of Rudi Vincent DelPup, R.Ph.

Mr. Vance reviewed the background in the case for the Board. He directed the Board's attention to proposed Board Order #N-13-022, which he reviewed for the Board.

Following discussion, the motion was made by Mr. Fry to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve Board Order #N-13-022, as presented, in the matter of Rudi Vincent DelPup, to revoke Mr. DelPup's pharmacist license. The motion was seconded by Mr. Abeldt and passed unanimously.

E. Discussion of and Possible Action Concerning the Following Reports and Discussions (cont'd)

- Professional Recovery Network
 - Mr. Santana discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2012-2014) as well as the quarterly report on the number of pharmacists participating in the program during FY2015. (Tab 20)
 - President Waggener recognized Courtney Hulbert with the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for FY2015 (September 1, 2014, through November 30, 2014) and reviewed current PRN activities for the Board. (Tab 21)

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

- Pilot Project Concerning a Waste Identification and Disposal System (Tab 16)

President Waggener recognized Rafi Baddour, P.E., and David Nelson, M.D., with Vigilant Devices L.L.C. Mr. Baddour explained that the Board had previously granted approval for Vigilant Devices L.L.C., to conduct a pilot project to allow a device to be used to destroy controlled substances wasted in a hospital setting.

Mr. Baddour explained that due to funding issues Vigilant Devices L.L.C., had not started the pilot project. Mr. Baddour requested that the Board grant an extension for the beginning of the pilot project.

Following discussion the motion was made by Mr. Fry to approve the extension of the pilot project for a timeframe of 18 months, after the project is funded, with a 36 month time limit for the pilot to be completed and the requirement that Vigilant Devices L.L.C., submit a report to the Board regarding Phase I of the pilot project prior to starting Phase II. The motion was seconded by Mr. Miller and passed unanimously.

C. Discussion of and Possible Action Regarding Rules (con't)

- Rules Concerning Pharmacy License Application (§291.1) (Tab 03) and Rules Concerning Notifications (§291.3) (Tab 04) (con't)

Ms. Benz explained that the Board reviewed the proposed amendments to §§291.1 and 291.3 earlier in the meeting and had directed staff to make revisions to the proposed amendments. She directed the Board's attention to the revised amendments.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Wetherbee to approve for adoption, by Board Order, amendments to §§291.1 and 291.3, as revised. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Drug Destruction (§§303.1 and 303.2) (Tab 07) (con't)

Ms. Benz explained that the Board reviewed the proposed amendments to §§303.1 and 303.2 earlier in the meeting and had directed staff to make revisions to the proposed amendments. She directed the Board's attention to the revised amendments.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Kedron to approve for adoption, by Board Order, amendments to §§303.1 and 303.2, as revised. The motion was seconded by Mr. Wetherbee and passed unanimously.

E. Discussion of and Possible Action Concerning the Following Reports and Discussions (con't)

- Discussion Concerning Amendments to Pharmacy Act to Allow Tech-Check-Tech in Class A Pharmacies (Tab 23) (con't)

Following discussion the motion was made by Mr. Fry that the Board not support either allowing Tech-Check-Tech in a Class A pharmacy, or a Pilot Project concerning Tech-Check-Tech. The motion was seconded by Mr. Abeldt and failed 3-6-0, with Mr. Fry, Mr. Abeldt and Mr. Dembny in favor, and Ms. Tipton, Mr. Wiesner, Mr. Wetherbee, Ms. Kedron, Ms. Stine and Mr. Miller opposed.

After further discussion the Board directed the Executive Director to work with interested parties to develop language that would allow the Board to approve a Pilot Project that would allow a waiver of certain laws.

President Waggener recessed the meeting at 3.20 p.m.

President Waggener reconvened the meeting at 3:33 p.m.

- Discussion Concerning ASC Pharmacy and Class F Pharmacy Rules

Mr. Dembny stated he thought the rules concerning ASC Pharmacies and Class F Pharmacies should be reviewed and he recommended the Board establish a Task Force to conduct the review.

Following discussion the Board recommended establishing a task force to review current rules relating to ASC Pharmacies and Class F Pharmacies.

- Discussion Concerning Procedures Relating to Immunizations and Hand Sanitization (Tab 25)

Mr. Santana presented information on current rules and recommendations from the Center for Disease Control and Prevention and the World Health Organization concerning immunization practices and procedures.

Following discussion, the Board directed staff to bring back suggested rule amendments for the Board's consideration at its May Board Meeting.

- Discussion Concerning Increase in Various Fees (Tab 26)

Ms. Stella directed the Board's attention to suggested increases in fees for the pharmacist examination and for a pharmacy changing its name or its location.

Following discussion, the Board directed staff to bring back suggested Rule amendments concerning fees for the Board's consideration at its May Board Meeting.

- Discussion Concerning Continuing Education Requirements for Pharmacy Technicians (Tab 27)

Ms. Benz directed the Board's attention to current rules concerning pharmacy technician continuing education requirements and also presented the Pharmacy Technician Certification Board (PTCB) requirements for continuing education. She explained that staff was recommending that rule language be amended to rewrite the continuing education requirements to greatly reduce in-service training and to eliminate the provision allowing technicians who maintain their PTCB certification from not being subject to a continuing education audit.

Following discussion, the Board directed staff to bring back suggested Rule amendments concerning pharmacy technician continuing education requirements for the Board's consideration at its May Board Meeting.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 28)

Ms. Arnold presented information concerning the appeal of cases from the State Office of Administrative Hearing.

- Report on Continuing Education Initiative (Tab 29)

Ms. Benz reported that the webinar programs provided using e-Strategies have been well attended and additional programs are scheduled every month for the rest of the year.

- Update on Legislation Filed During the 83rd Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 30)

Ms. Dodson directed the Board's attention to an action chart concerning legislation that was passed during the 83rd Session of the Texas Legislature that has an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, action required of TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

- Discussion of Possible Statutory Changes for Consideration During the 84th Session of the Texas Legislature (Tab 31)

Ms. Dodson presented a report on the status of bills that have been filed in the House of Representative and in the Senate that could have an impact on TSBP and/or the practice of pharmacy.

Mr. Wiesner left the meeting at 4:30 p.m.

F. Disciplinary Orders

Ms. Arnold directed the Board's attention to reports concerning disciplinary orders for pharmacists, pharmacies, students, pharmacist-interns, pharmacy technicians, and pharmacy technician trainees.

- Report on Agreed Board Orders Entered by Executive Director (Tab 35)
 - The Board reviewed 38 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from December 8, 2014, through January 30, 2015.

- The Board reviewed 18 Agreed Board Orders concerning pharmacists, pharmacies, and pharmacist-interns that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from November 5, 2014, through January 26, 2015.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 36) and Confidential Agreed Board Orders (Tab 38)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 19 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 15 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders

1. Howard Lavon Battle	ABO #T-14-094
2. Christina Marie Frausto	ABO #T-14-380
3. Takia Erin Martinez	ABO #T-14-374
4. Aaron Perez	ABO #T-13-473-N
5. Davina Christine Samuel	ABO #T-14-280-N
6. Beatriz Adriana Santos	ABO #T-14-291-N
7. Brian Lamont Scott	ABO #T-13-387
8. Felicia Maria Vasquez	ABO #T-14-313-N
9. Niaya Latrece Taylor	ABO #T-14-284-N
10. Lequa Tuy	ABO #T-14-395-N
11. Shenette Arnwine-Smart	ABO #T-15-044-N
12. Ashley Lyn Bowen	ABO #T-15-034-N
13. Elena Clinton	ABO #T-13-497-N
14. Chien Dixon	ABO #T-14-406-N
15. Natasha Maureen Martinez	ABO #T-14-404-N
16. Gary Michael Sparks	ABO #T-14-178
17. Jonathan Torres	ABO #T-14-444-N
18. Rafael Antonio Zuniga III	ABO #T-15-055
19. Tiearea Monique Russell	ABO #T-14-271

Default Board Orders

20. Laporchia Alexander	BO #T-14-376-N
21. Naoma Marie Kaluza	BO #T-13-492
22. Tamra Metcalf	BO #T-14-300
23. Rolando Saucedo	BO #T-14-298
24. Lakeasha Chante Wallace	BO #T-14-391-N
25. Jose Hugo Pineda	BO #T-14-385-N
26. Reginald L. Wiley	BO #T-14-409
27. Courtney Rene Wise	BO #T-14-400
28. Angela Carter	BO #T-14-423

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| 29. | Doris Anne Cox | BO #T-14-192-N |
| 30. | Dezilyn Lynise Crawford | BO #T-15-042 |
| 31. | Cassandra Lindsay Newman | BO #T-14-270 |
| 32. | Angelica Elaine Rita | BO #T-14-207 |
| 33. | Alma Vasquez | BO #T-14-421 |
| 34. | Stephanie Nicole Cahall | BO #T-13-265 |

The motion was made by Mr. Wetherbee to approve the 19 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 15 proposed Default Board Orders concerning pharmacy technicians and pharmacy technicians trainees who did not appear for an Informal Conference.

The motion was seconded by Ms. Stine and passed as follows.

Agreed Board Orders

1. 7-0-1 Ms. Tipton abstained
2. 7-0-1 Ms. Tipton abstained
3. 7-0-1 Ms. Tipton abstained
4. 7-0-1 Ms. Tipton abstained
5. 7-0-1 Ms. Tipton abstained
6. 7-0-1 Ms. Tipton abstained
7. 7-0-1 Ms. Tipton abstained
8. 7-0-1 Ms. Tipton abstained
9. 7-0-1 Mr. Fry abstained
10. 7-0-1 Mr. Fry abstained
11. 7-0-1 Mr. Wetherbee abstained
12. 7-0-1 Mr. Wetherbee abstained
13. 7-0-1 Mr. Wetherbee abstained
14. 7-0-1 Mr. Wetherbee abstained
15. 7-0-1 Mr. Wetherbee abstained
16. 7-0-1 Mr. Wetherbee abstained
17. 7-0-1 Mr. Wetherbee abstained
18. 7-0-1 Mr. Wetherbee abstained
19. 7-0-1 Mr. Fry abstained

Default Board Orders

20. 7-0-1 Ms. Tipton abstained
21. 7-0-1 Ms. Tipton abstained
22. 7-0-1 Ms. Tipton abstained
23. 7-0-1 Ms. Tipton abstained
24. 7-0-1 Ms. Tipton abstained
25. 7-0-1 Mr. Fry abstained
26. 7-0-1 Mr. Fry abstained
27. 7-0-1 Mr. Fry abstained
28. 7-0-1 Mr. Wetherbee abstained
29. 7-0-1 Mr. Wetherbee abstained
30. 7-0-1 Mr. Wetherbee abstained

31. 7-0-1 Mr. Wetherbee abstained
 32. 7-0-1 Mr. Wetherbee abstained
 33. 7-0-1 Mr. Wetherbee abstained
 34. 7-0-1 Ms. Stine abstained
- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 14 proposed Agreed Board Orders (Alternative Resolutions); and 32 proposed Agreed Board Orders concerning pharmacies; pharmacists; and one technician following an Informal Conference.

Agreed Board Orders (Alternative Resolutions)

- | | |
|-------------------------------|-----------------|
| 1. Costco Pharmacy #689 | ABO #C-14-040-B |
| 2. Valerie Shawn Muller-Clark | ABO #C-14-040-A |
| 3. Erin Schaefer Cox | ABO #C-14-011-A |
| 4. CVS/pharmacy #5657 | ABO #H-13-021-B |
| 5. CVS/pharmacy #6781 | ABO #H-13-039-B |
| 6. Jorge Luis Gregorisch | ABO #H-13-039-A |
| 7. CVS/pharmacy #7456 | ABO #H-14-004-B |
| 8. CVS/pharmacy #7789 | ABO #H-14-012-B |
| 9. CVS/pharmacy #8336 | ABO #H-13-050-B |
| 10. Lee's Pharmacy North | ABO #F-14-025 |
| 11. Precision Pharmacy | ABO #H-14-021 |
| 12. Prescription Pharmacy | ABO #C-14-038-B |
| 13. Stephen Dean Bennett | ABO #C-14-038-A |
| 14. Walgreen Co. #11272 | ABO #H-14-010-B |

Agreed Board Orders (Following an Informal Conference)

- | | |
|---|-----------------|
| 15. Bear Creek Pharmacy, LLC | ABO #A-14-007-B |
| 16. Henry Foto Simo | ABO #A-14-007-A |
| 17. Brookshire Pharmacy #79 | ABO #B-13-011 |
| 18. Mary Catherine Compton | ABO #H-14-010-A |
| 19. CVS/pharmacy #2249 | ABO #H-14-021-B |
| 20. Bichtran Thi Nguyen | ABO #H-14-021-A |
| 21. CVS/pharmacy #7675 | ABO #H-14-024 |
| 22. Victor Egbulefu | ABO #M-14-013 |
| 23. Gateway Community Health
Center Inc., South Clinic | ABO #H-14-033-B |
| 24. GR Cure | ABO #C-14-011-B |
| 25. Kelly Eugene Hagar | ABO #S-15-001 |
| 26. James Hemen | ABO #R-15-001 |
| 27. Jeffery Michael Hildebrand | ABO #A-14-012 |
| 28. Little Elm Pharmacy | ABO #H-12-013-B |
| 29. Kymberly Garza | ABO #T-15-006 |
| 30. Myrtle Jolynn Moyer | ABO #G-13-019 |
| 31. Toks Ganiat Oyakhire | ABO #A-14-018 |
| 32. Palafox Pharmacy | ABO #H-13-013-B |
| 33. Samuel Ambrosio Gurrola | ABO #H-13-013-A |

34.	RXpress Pharmacy	ABO #A-14-003-B
35.	Reynaldo P. Moreno	ABO #A-14-003-A
36.	Mayur M. Shah	ABO #H-11-080-A
37.	Super Drug Mart #5	ABO #K-14-010-B
38.	Joyce Marie Boultinghouse	ABO #K-14-010-A
39.	Tom Thumb Pharmacy #2609	ABO #H-14-020-B
40.	Greg A. Dayton	ABO #H-14-020-A
41.	Valley View Rexall Drugs	ABO #L-14-038
42.	Victory Medical Center Pharmacy	ABO #C-14-009-B
43.	David Foreman Faulkner	ABO #C-14-009-A
44.	Walgreen Co. #5377	ABO #H-14-009-B
45.	Walgreen Co. #5613	ABO #H-13-064-B
46.	Steve Shine Young	ABO #A-14-019

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: two proposed Confidential Agreed Board Orders (Alternative Resolution); and 12 proposed Confidential Agreed Board Orders following an Informal Conference.

Confidential Agreed Board Order (Alternative Resolution)

1. ABO #N-15-005
2. ABO #N-15-006
- 3.

Confidential Agreed Board Orders (Following an Informal Conference)

3. ABO #G-13-028
4. ABO #G-14-019
5. ABO #G-13-027
6. ABO #N-15-001
7. ABO #N-14-036
8. ABO #N-15-009
9. ABO #L-15-001
10. ABO #N-14-029
11. ABO #G-15-001
12. ABO #N-15-007
13. ABO #G-14-016
14. ABO #M-15-001

The motion was made by Mr. Wetherbee to approve the 14 proposed Agreed Board Orders (Alternative Resolutions); 32 proposed Agreed Board Orders concerning pharmacies, pharmacist, and one technician following an Informal Conference; two proposed Confidential Agreed Board Orders (Alternative Resolution); and 12 proposed Confidential Agreed Board Orders following an Informal Conference.

The motion was seconded by Ms. Kedron and passed as follows.

Agreed Board Orders (Alternative Resolutions)

1. 8-0-0
2. 8-0-0
3. 8-0-0
4. 8-0-0
5. 8-0-0
6. 8-0-0
7. 8-0-0
8. 8-0-0
9. 8-0-0
10. 8-0-0
11. 8-0-0
12. 8-0-0
13. 8-0-0
14. 8-0-0

Agreed Board Orders (Following an Informal Conference)

15. 7-0-1 Mr. Fry abstained
16. 7-0-1 Mr. Fry abstained
17. 7-0-1 Mr. Fry abstained
18. 7-0-1 Mr. Fry abstained
19. 7-0-1 Mr. Fry abstained
20. 7-0-1 Mr. Fry abstained
21. 7-0-1 Mr. Fry abstained
22. 7-0-1 Mr. Wetherbee abstained
23. 7-0-1 Mr. Fry abstained
24. 7-0-1 Mr. Fry abstained
25. 7-0-1 Mr. Wetherbee abstained
26. 7-0-1 Ms. Tipton abstained
27. 7-0-1 Ms. Tipton abstained
28. 7-0-1 Mr. Fry abstained
29. 7-0-1 Mr. Fry abstained
30. 7-0-1 Ms. Tipton abstained
31. 7-0-1 Mr. Fry abstained
32. 8-0-0
33. 8-0-0
34. 7-0-1 Ms. Tipton abstained
35. 7-0-1 Ms. Tipton abstained
36. 7-0-1 Mr. Dembny abstained
37. 7-0-1 Mr. Dembny abstained
38. 7-0-1 Mr. Dembny abstained
39. 7-0-1 Mr. Dembny abstained
40. 7-0-1 Mr. Dembny abstained
41. 7-0-1 Mr. Fry abstained
42. 7-0-1 Ms. Tipton abstained
43. 7-0-1 Ms. Tipton abstained
44. 7-0-1 Mr. Abeldt abstained
45. 7-0-1 Mr. Wetherbee abstained
46. 7-0-1 Mr. Fry abstained

Confidential Agreed Board Orders (Alternative Resolution)

1. 8-0-0
2. 8-0-0

Confidential Agreed Board Orders (Following an Informal Conference)

3. 7-0-1 Mr. Fry abstained
4. 7-0-1 Mr. Dembny abstained
5. 7-0-1 Ms. Tipton abstained
6. 7-0-1 Ms. Tipton abstained
7. 7-0-1 Ms. Tipton abstained
8. 7-0-1 Mr. Wetherbee abstained
9. 7-0-1 Ms. Tipton abstained
10. 7-0-1 Ms. Tipton abstained
11. 7-0-1 Mr. Fry abstained
12. 7-0-1 Ms. Tipton abstained
13. 7-01- Mr. Fry abstained
14. 7-0-1 Mr. Fry abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 37)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: six proposed Remedial Plans (Alternative Resolutions); and one proposed Remedial Plan, following an Informal Conference.

Remedial Plans (Alternative Resolutions)

- | | |
|------------------------------|-------------|
| 1. Okon David Akpakip | #H-14-004-A |
| 2. James Sali Babumba | #H-14-029-A |
| 3. Kennedy Ehimare Ijie | #H-14-037-A |
| 4. Shaquitta Shantah Johnson | #J-13-013-A |
| 5. Caroline Sandoval | #H-14-026-A |
| 6. Alfred Scott Smith | #H-14-012-A |

Remedial Plans (Following an Informal Conference)

- | | |
|------------------------------|-----------|
| 7. Joshua Nathaniel Garraway | #S-14-003 |
|------------------------------|-----------|

The motion was made by Ms. Stine to approve the six proposed Remedial Plans (Alternative Resolutions); and one proposed Remedial Plan following an Informal Conference.

The motion was seconded by Ms. Tipton and passed as follows.

Remedial Plans (Alternative Resolutions)

1. 8-0-0
2. 8-0-0
3. 8-0-0
4. 8-0-0
5. 8-0-0
6. 8-0-0

Remedial Plans (Following an Informal Conference)

7. 7-0-1 Mr. Fry abstained

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 39)

The Board received a report on complaints dismissed and closed during the first quarter of FY2015 (September 1, 2014 – November 30, 2014). The report also included quarterly averages for FY2014 as compared to FY2015, as well as percentage change from FY2014 to FY2015.

Mr. Santana reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 40)

The Board received a Report on *Status of Active/Pending Complaints*.

Mr. Santana reviewed the report for the Board.

G. Miscellaneous

- Items to be Placed on Agenda for May Board Meeting (Tab 42)
 - Rules concerning immunization policies and procedures
 - Rules concerning fees
 - Rules concerning technician continuing education requirements
 - Discussion concerning the Texas Medical Board's rules concerning telepharmacies

- Discussion of and Possible Action on Recent Conferences and Events

The Board discussed Board Member and Executive Director attendance at recent conferences and events.

- Discussion of and Possible Action on Upcoming Conferences and Events

The Board discussed Board Member and Executive Director attendance at upcoming conferences and events.

President Waggener adjourned the meeting at 5:12 p.m.

APPROVED:

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Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

May 5, 2015