

### FY2006 SIGNIFICANT ACCOMPLISHMENTS

1. Division staff accomplished all of the Division's 23 Objectives for FY2006.
2. The Texas version of the Multi-State Pharmacy Jurisprudence Examination (MPJE) continues to be an effective licensing tool to determine competency with respect to pharmacy law. With the assistance of pharmacist personnel from the Enforcement Division to review, develop, and evaluate questions, the MPJE continues to progress and remain a viable instrument.
3. Division Director gave 10 presentations during FY2006 to over 700 pharmacists, pharmacy students, and pharmacy technicians.
4. Division Director worked closely with Network Specialist Todd Hayek and Information Systems Manager Steve Rapp to keep the TSBP web page updated.
5. Division staff, consisting of two individuals, prepared and mailed or emailed 2,971 pieces of information during FY2006.

**PROFESSIONAL SERVICES DIVISION**

**FY2006 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS**

1. Senior Administrative Assistant Retta Cole resigned in December 2005 and the position was vacant until March 2006. In addition, Division Director was on leave from February 2006 through May 2006.
2. TSBP experienced a 23% increase in the number of requests for agency records in FY2006, as compared to FY2005.
3. Division Director received and responded to 1,166 emails during FY2006.
4. Two issues of the Newsletter were published on the TSBP web page during FY2006, and one issue was printed. The print issue (Winter – Summer 2006) was mailed only to pharmacies.

PROFESSIONAL SERVICES DIVISION

FY2006 ANNUAL REPORT

---

GOAL

To facilitate agency operations by providing information services for the agency, including the *Newsletter*, responses to requests for public information, and public speaking engagements to agency customers; serving as liaison to the Texas Register; and by providing professional services, including rule development, internship reviews, law exam development, and task force support.

---

Objectives (New)

1. **To assist the Executive Director, in cooperation with other Divisions, in updating and preparing the TSBP Strategic Plan for the FY2007-2011 period, and submitting the plan to the Governor's Office of Budget, Planning, and Policy and the Legislative Budget Board, 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 Oren Peacock, Jr., R.Ph., and Marcello Laijas, prepared the first draft of Policy Issue #2 relating to Increased "Use of Technology in the Practice of Pharmacy." The Board approved the draft of Policy Issue #2 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 a proposed budget for the FY2008-2009 biennium for review and approval by the Board at the 2006 Board Budget Meeting.**

**Status: ACCOMPLISHED**

**Comment:** Division Director assisted the Executive Director and Director of Administrative Services and Licensing in the preparation of the proposed budget for FY2008-2009. The agency's first budget hearing with the staff of the Governor's Office and Legislative Budget Board was held on August 21, 2006.

3. **To assist the Executive Director, in cooperation with other Divisions, in the preparation of the TSBP Legislative Appropriation Request and corresponding performance measures for the FY2008-2009 biennium by the due date.**

**Status: ACCOMPLISHED**

## PROFESSIONAL SERVICES DIVISION

**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) and reviewed the final draft of the document, which was subsequently submitted to the Governor and the Legislative Budget Board (LBB) by the due date.

- 4. To assist the Executive Director, in cooperation with other Divisions, in 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. The process of registering technician trainees will begin in FY2007.

- 5. To assist the Executive Director, in cooperation with other Divisions, in reviewing and implementing legislation passed by the 79th Texas Legislature that 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 Professional Services Division are described below:

- A. 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 and Director of Enforcement to incorporate a proposed matrix reflecting amounts of penalties imposed for violations into rule language. The 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.

**PROFESSIONAL SERVICES DIVISION**

- B. 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 Board established a Task Force on Pharmacy Compounding to review the current federal and state requirements for pharmacy compounding, to review SB 492 with regard to pharmacy compounding and to make recommendations to the Board regarding standards for pharmacy compounding in Texas. The task force met two times during FY2006 and will make recommendations to the Board during FY2007.
  
- C. Other Bills – Division Director educated Board customers, through telephone and email inquiries and presentations (see Ongoing Objective #10, regarding open records requests) other changes made by the 79th Texas Legislature, such as:
  - ‡ 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.

**6. 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**

**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.

**7. To assist the Executive Director in the planning of the agency’s centennial celebration, which will be held in FY2007.**

**Status: ACCOMPLISHED**

**Comment:** During FY2006, a Centennial Committee was formed to plan activities and events to occur during FY2007. Division Director staffed the Centennial Committee, which is comprised of representatives from Texas pharmacy organizations, the colleges of pharmacy, and agency staff. The committee recommended a new logo for the agency to use during FY2007. In addition, the committee suggested having displays at the Capitol and other events, such as

**PROFESSIONAL SERVICES DIVISION**

pharmacy meetings. The agency will also have a display in the Hobby Building lobby throughout FY2007.

Objectives (Ongoing)

- To assist the Board, throughout FY2006, in its review of the Texas colleges of pharmacy degree and internship programs to determine if the programs are adequate to prepare a student for pharmacy practice.**

**Status: ACCOMPLISHED**

**Comment:** In October 2005, the Division Director requested records from each of the four Texas colleges of pharmacy. Records were received and reviewed by the Director of Professional Services. The results of the review of the internship records for the four Texas colleges of pharmacy were presented to the Board at its February 2006 meeting.

In addition, a “Questionnaire on Texas Colleges of Pharmacy Internship Programs” was sent to the four Texas colleges of pharmacy. Responses were reviewed by the Director of Professional Services and presented to the Board on February 2006, resulting in approval of the internship programs for the 2006-2007 academic year.

- To work with the National Association of Boards of Pharmacy (NABP) in the ongoing development of the Multi-State Pharmacy Jurisprudence Examination (MPJE); coordinate with the Enforcement Division to review MPJE item pools on an agreed timetable with NABP to determine appropriate questions for Texas; and to provide new questions for the MPJE as appropriate or requested by NABP.**

**Status: ACCOMPLISHED**

**Comment:** The Division accomplished this goal with the cooperation of agency personnel who assisted in the reviews of the MPJE item pool. The Division Director and agency personnel participated in the following activities in support of the MPJE program:

Date	Activity	Personnel
1/18-22/06	MPJE Texas Item Pool Review and National Item Pool Review, San Diego, CA	Allison Benz, Kerstin Arnold
5/18-21/06	MPJE Texas Item Writing Workshop, Chicago, IL	Allison Benz

- To publish an Internet version of the Newsletter during FY2006, in order to promote voluntary compliance with the law by providing information to educate pharmacists about their responsibilities under current law and rules, and to provide information consistent with the responsibilities of the Board.**

**Status: ACCOMPLISHED**

**Comment:** Two issues of the *TSBP Newsletter*, Fall 2005 and Winter – Summer 2006, were published on the TSBP web page during FY2006. The Winter – Summer 2006 issue was printed and mailed only to pharmacies.

**PROFESSIONAL SERVICES DIVISION**

The Newsletter Planning Committee, consisting of members from each of the agency's divisions, met prior to publication of each issue to provide input on the articles included in the *Newsletter*. Throughout FY2006, an email subscription to the Newsletter was available on the TSBP website. Subscribers provided an email address and were notified when a Newsletter was available on the web.

**4. To develop rules for consideration by the Board relating to professional issues and assist other divisions with the development of rules pertaining to Board operations.**

**Status: ACCOMPLISHED**

**Comment:** Division staff accomplished the objective through the following activities:

**DRAFTING OF RULES**

The Division Director spent a considerable amount of time drafting rules, assisting others in the drafting of rules, and preparing the rules for review by the Board. Changes required by the Board were made quickly to allow final review by the Board in a timely manner, usually during the same Board meeting. The Division Director drafted 22 rules and assisted others in drafting of 29 additional rules as follows:

<b>RULES</b>
<b>Drafted:</b>
New §291.13 regarding Emergency Remote Pharmacy
New §295.6 regarding Emergency Temporary License
Amendments to §283.6 regarding Ratio of Pharmacist to Interns
Amendments to §295.9 regarding Reactivation of an Inactive Pharmacist License
Amendments to §§283.2, 283.4, 283.6 regarding Health Care Professionals Other Than a Pharmacist Serving as a Preceptor
Amendments to §283.8 regarding Reciprocity Requirements
Amendments to §291.21 regarding Information on a Pharmacy Web Page
Amendments to §291.33 Labeling of a Prescription for Patients in Nursing Homes
Amendments to Chapter 297 regarding Registration of Pharmacy Technician Trainees
Amendments to §§305.1, 305.2 regarding Pharmacy Education Requirements and Pharmacy Technician Training Programs
Amendments to §291.93 regarding Antipsychotic Drugs in Class D Pharmacies
Amendments to §283.8 regarding Reciprocity Requirements
Amendments to §§291.34, 291.55, 291.75, 291.76, 291.105 regarding Requirements for Pharmacies to Produce Records for Pharmacy Board Investigators
Amendments to §297.3 prohibiting Pharmacy Technicians from Returning to Pharmacy Technician Trainee Status
Amendments to §311.1 regarding Complaints Against a Board Employee
<b>Assisted the Legal Division in drafting:</b>
Amendments to §281.9 regarding Administrative Penalty Schedule
New §281.9 regarding Grounds for Discipline for a Pharmacy Technician or Pharmacy Technician Trainee
New §§281.60, 281.61, 281.62, 281.63, 281.64, 281.65 regarding Disciplinary Guidelines
New §§281.71, 281.72, 281.73, 281.74, 281.75, 281.76 regarding Rulemaking
New §291.28 regarding Patient Access to Pharmacy Records
<b>Assisted the Licensing Division in drafting:</b>
Amendments to §283.7 regarding Licensure Exams in Compliance with the American with Disabilities Act
Amendments to §§291.6, 291.14 regarding Delinquent Penalties and Additional Requirements for Class E Pharmacy

PROFESSIONAL SERVICES DIVISION

RULES
Amendments to §§283.10, 295.5, 295.7 regarding Delinquent Penalties for Pharmacists
Amendments to §291.104 regarding Qualifications for Class E Pharmacy License
Amendments to §283.8 regarding Refunds of Examination Fees
Amendments to §§283.4, 283.7, 291.1 regarding applications for Pharmacy, Pharmacist, and Intern
Amendments to §291.6 regarding Pharmacy Licensing Fees
Amendments to §295.5 regarding Pharmacist Licensing Fees
Amendments to §297.4 regarding Pharmacy Technician Registration Fees

5. To coordinate the updating of the Texas State Pharmacy Law reference manual and provision of the updates to the publisher of the manual and to NABP for inclusion in NABPLAW during FY2006.

Status: ACCOMPLISHED

Comment: Law Reference

Although the Texas State Pharmacy Law Reference manual was not published by TSBP, the Division Director worked closely with the publisher, Lexis Nexis, to ensure that the manual met TSBP requirements.

Law Reference Updates

Updates to the law reference in the form of Rule Memos were provided to Board Members and staff on:

- | December 1, 2005
- | April 6, 2006
- | June 22, 2006

NABPLAW Updates

Updates to NABPLAW were submitted as requested to the National Association of Boards of Pharmacy on the following dates during FY2006:

- | September 15, 2005
- | January 31, 2006
- | April 21, 2006

NABP Survey of Pharmacy Law Updates

The NABP publication, Survey of Pharmacy Law, is updated annually. During FY2006, the update was completed by the Division Director and returned to NABP by the due date.

6. To act as agency liaison to the Texas Register, coordinate and monitor all submissions to the Texas Register, to review and monitor the Texas Register for activities of other agencies that would impact TSBP or pharmacy practice, and to provide periodic notice of publications to Board Members, staff, and other interested parties.

Status: ACCOMPLISHED

**PROFESSIONAL SERVICES DIVISION**

**Comment:** Division staff accomplished the objective through the following activities:

**RULE SUBMISSIONS TO THE *TEXAS REGISTER***

During FY2006, 85 submissions to the *Texas Register* were made that proposed, adopted, reviewed, repealed, or withdrew Texas Pharmacy rules. This represents a 131% increase in the number of submissions as compared to FY2005 (there were 39 submissions during FY2005). Division staff met all deadlines for submissions to the *Texas Register*, monitored the submissions for action, and notified Board Members, TSBP staff, and other interested parties of the status of rules as follows:

<b>Rules</b>	<b>Type of Action</b>	<b>Published in TxReg as Proposed</b>	<b>Memo to Staff and Others</b>	<b>Published in TxReg as Adopted</b>	<b>Memo to Staff and Others</b>
§281.80	Amendments	FY2005	FY2005	9/2/2005	FY2005
§291.26	Amendments	FY2005	FY2005	9/2/2005	FY2005
§297.3	Amendments	FY2005	FY2005	9/2/2005	FY2005
§291.73	Amendments	FY2005	FY2005	9/2/2005	FY2005
§291.74	Amendments	FY2005	FY2005	9/2/2005	FY2005
§283.6	Emergency – Adopt Amendments			10/7/2005	
§295.9	Emergency – Adopt Amendment			10/7/2005	
§295.6	Emergency – Adopt New			10/7/2005	
§291.13	Emergency – Adopt New			10/7/2005	
§281.22	Amendments	9/2/2005	FY2005	11/25/2005	12/1/2005
§291.57	Amendments	9/2/2005	FY2005	11/25/2005	12/1/2005
§291.37	Amendments	9/2/2005	FY2005	11/25/2005	12/1/2005
§309.4	Amendments	9/2/2005	FY2005	11/25/2005	12/1/2005
§283.6	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§291.13	New	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§295.6	New	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§295.9	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§281.9	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§283.7	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§283.10	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§295.5	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§295.7	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§291.6	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§291.14	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
§291.104	Amendments	12/9/2005	12/1/2005*	3/3/2006	4/6/2006
Chapter 291 Rule Review	Published	12/9/2005	12/1/2005*	2/24/2006	4/6/2006
Chapter 305 Rule Review	Published	12/9/2005	12/1/2005*	2/24/2006	4/6/2006
Chapter 309 Rule Review	Published	12/9/2005	12/1/2005*	2/24/2006	4/6/2006
§§283.2, 283.4, 283.6	Amendments	3/31/2006	4/6/2006	6/3/2006	
§283.8	Amendments	3/31/2006	4/6/2006	6/3/2006	6/11/2006
§283.9	Amendments	3/31/2006	4/6/2006	6/3/2006	6/11/2006
§291.33	Amendments	3/31/2006	4/6/2006	6/3/2006	6/11/2006
Chapter 297	Amendments	3/31/2006	4/6/2006	6/3/2006	6/11/2006

**PROFESSIONAL SERVICES DIVISION**

<b>Rules</b>	<b>Type of Action</b>	<b>Published in TxReg as Proposed</b>	<b>Memo to Staff and Others</b>	<b>Published in TxReg as Adopted</b>	<b>Memo to Staff and Others</b>
§§305.1, 305.2	Amendments	3/31/2006	4/6/2006	6/3/2006	6/11/2006
§281.9	Repeal and New	3/31/2006	4/6/2006	8/25/2006	FY2007
§§281.60, 281.61, 281.62, 281.63, 281.64, 281.65	New	3/31/2006	4/6/2006	8/25/2006	FY2007
§§281.71, 281.72, 281.73, 281.74, 281.75, 281.75	Repeal and New	3/31/2006	4/6/2006	8/25/2006	FY2007
§§281.20, 281.57, 281.80	Repeal	3/31/2006	4/6/2006	8/25/2006	FY2007
§291.28	New	6/23/2006	6/23/2006	8/25/2006	FY2007
§291.93	Amendments	6/23/2006	6/23/2006	Withdrawn	
§291.1	Amendments	6/23/2006	6/23/2006	FY2007	FY2007
§283.4	Amendments	6/23/2006	6/23/2006	8/25/2006	FY2007
§283.7	Amendments	6/23/2006	6/23/2006	8/25/2006	FY2007
§291.6	Amendments	6/23/2006	6/23/2006	8/25/2006	FY2007
§295.5	Amendments	6/23/2006	6/23/2006	8/25/2006	FY2007
§297.4	Amendments	6/23/2006	6/23/2006	8/25/2006	FY2007
Chapter 281 Rule Review	Published	6/23/2006	6/23/2006	8/25/2006	FY2007
Chapter 311 Rule Review	Published	6/23/2006	6/23/2006	8/25/2006	FY2007

\* Advanced Notice

**OPEN MEETING SUBMISSIONS TO THE TEXAS REGISTER**

During FY2006, 12 notices of open meetings were submitted by the Division to the *Texas Register* for publication as follows:

<b>Type of Submission</b>	<b>Date Published</b>
Open Meeting 9/7/2005 – Election of Officers	9/23/2005
Open Meeting 9/16/2005 – Emergency Board Business Meeting	9/16/2005
Open Meeting 10/11/2005 – Task Force Meeting	10/4/2005
Open Meeting 11/1/2005 – Board Business Meeting	10/24/2005
Open Meeting 11/14/2005 – Disciplinary Panel Hearing	11/4/2005
Open Meeting 2/7/2006 – Board Business Meeting	1/25/2006
Open Meeting 4/25/2006 – Disciplinary Panel Hearing	4/17/2006
Open Meeting 5/9/2006 – Public Hearing	4/25/2006
Open Meeting 5/9/2006 – Board Business Meeting	4/25/2006
Open Meeting 5/8/2006 – Disciplinary Panel Hearing	4/26/2006
Open Meeting 7/21/2006 – Board Forum	7/7/2006
Open Meeting 8/1/2006 – Board Business Meeting	7/18/2006

**PROFESSIONAL SERVICES DIVISION**

**7. To provide professional staff support to Board-appointed task forces and complete other special projects as assigned throughout FY2006.**

**Status: ACCOMPLISHED**

**Comment:** Division Director reviewed every issue of the *Texas Register* for items that might have an impact on the Board or profession. The following rules were identified as impacting the agency or pharmacy practice and circulated to appropriate staff as indicated:

<b>Date</b>	<b>Rules from Other Agencies</b>	<b>Action</b>
10/17/05	Proposed Rules from the Texas Building and Procurement Commission	Reported to Director of Administrative Services & Licensing
11/28/05	Adopted Rules from the Texas State Library and Archives Commission	Reported to Director of Administrative Services & Licensing
11/30/05	Proposed Rules from the Texas Building and Procurement Commission	Reported to Director of Administrative Services & Licensing
11/30/05	Proposed Rules from the Employees Retirement System of Texas	Reported to Director of Administrative Services & Licensing
11/30/05	Proposed and Adopted Rules from the Department of Information Resources	Reported to Director of Administrative Services & Licensing; Information Systems Manager
11/30/05	Adopted Rules from the State Office of Administrative Hearings	Reported to General Counsel
2/1/06	Adopted Rules from the Department of Information Resources	Reported to Director of Administrative Services & Licensing; Information Systems Manager
2/1/06	Adopted Rules from the Texas Building and Procurement Commission and the Employees Retirement System	Reported to Director of Administrative Services
3/7/06	Proposed Rules from the Texas Department of State Health Services	Reported to Board Members and Staff

**8. To provide technical assistance and maintain liaison with federal, state, and local regulatory agencies involved in pharmacy practice regulation throughout FY2006.**

**Status: ACCOMPLISHED**

**Comment:** Division staff accomplished the objective through the following activities:

- A. Division Director assisted the Texas Department of Public Safety in the review and approval of plans from six Texas pharmacies to dispense prescriptions for Schedule II controlled substances issued by out-of-state practitioners.

**PROFESSIONAL SERVICES DIVISION**

- B. Senior Administrative Assistant Sherry Stevenson maintained close contact with *Texas Register* staff as needed to prepare and publish rules in the *Texas Register*.
- C. The Division Director had contact with numerous agencies as indicated below:

<b>AGENCY</b>
Texas Department of State Health Services, Center for Health Statistics
Texas Department of State Health Services, Drugs and Medical Devices Division
Texas Vendor Drug Program
Texas Department of Public Safety, Official Prescription Program
Texas Department of Aging and Disabilities
Texas Sunset Advisory Commission
U.S. Food and Drug Administration
Internal Revenue Service

<b>State Boards of Pharmacy</b>
Arkansas Board of Pharmacy
Iowa Board of Pharmacy
Kansas Board of Pharmacy
Wyoming Board of Pharmacy

**9. To respond to open records requests throughout FY2006, in accordance with the procedures set forth in the Texas Public Information Act.**

**Status: ACCOMPLISHED**

**Comment:** As indicated in the chart below, TSBP experienced a 23% increase in the number of requests for records in FY2006, as compared to FY2005. On average, inquiries in FY2006 asked for more information (greater number of licensees per request) as compared to FY2005 (22% increase in the number of licensees who were the subjects of inquiry).

**OPEN RECORDS REQUESTS C FY02 through FY06**

Fiscal Year	Verbal Requests		Written Requests		Total # of Requests		Monthly Average		% Change from Prior Fiscal Year	
	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees
FY02	82	82	385	2,121	467	2,203	39	184	+17%	-42%
FY03	108	108	452	1,569	560	1,677	47	140	+20%	-24%
FY04	116	116	412	599	528	715	44	60	-6%	-57%
FY05	114	114	606	1,010	720	1,124	60	94	+36%	+57%
FY06	154	154	730	1,230	884	1,384	74	115	+23%	+22%

**PROFESSIONAL SERVICES DIVISION**

- 10. To provide information to Board staff and customers, including responses to surveys and questionnaires, oral and written communication, and public speaking engagements, as needed and required throughout FY2006.**

**Status: ACCOMPLISHED**

**Comment:** Division staff accomplished this objective through the following activities:

- A. The Division sent out 1,805 pieces of written information as indicated in the following chart:

<b>Written Information</b>	
Packets of Information	4
Memos Regarding Rules & Open Meetings	845
Letters	32
Emails	2,084
Surveys	6
TOTAL	2,971
AVERAGE PER MONTH	248

- B. The Division Director gave 10 presentations as indicated in the following charts:

<b>Date</b>	<b>Group</b>	<b>Attendance (Approx.)</b>
9/17/05	West Texas Pharmacy Association, Lubbock	90
9/21/05	McNeill High School Health Careers Class, Round Rock	20
9/24/05	North Texas Education Fair, Frisco	150
10/5/05	Texas Patient Safety Alliance, Austin	20
10/6/05	University of Texas 1 <sup>st</sup> Semester Pharmacy Students, Austin	125
10/7/05	Texas Federation of Drug Stores, Austin	30
10/10/05	University of Texas Law Class, Austin	120
11/12/05	Central Texas Education Fair, Austin	80
6/14/06	Walgreen's Summer Pharmacy Interns, Austin	25
7/12/06	National Institute of Technology Pharmacy Technician Program, Austin	40
TOTAL		700

## PROFESSIONAL SERVICES DIVISION

C. The Division Director provided information to Board staff as follows:

Date	Training	Personnel
9/30/05	Orientation to Professional Services Division	Suzanne Fry, Pharmacist-Intern; Ann Driscoll
11/9/05	Orientation to Professional Services Division	Greg Gibson, Pharmacist-Intern; Allen Corporon
12/1/05	Rules from November 2005 Board Meeting	Enforcement Staff
1/23/06	Orientation to Professional Services Division	Amy Primmer, Pharmacist-Intern; Kelly Clark; Robert Rivera; Mitra Woody
2/22/06	Rules from February 2006 Board Meeting	Enforcement Staff
2/23/06	Orientation to Professional Services Division	Russell Abellera, Pharmacist- Intern
4/6/06	Orientation to Professional Services Division	Codi Triesch, Pharmacist-Intern
5/24/06	Rules from May Board meeting	Enforcement Staff
6/15/06	Orientation to Professional Services Division	Kasey Brizendine, Pharmacist- Intern
6/27/06	Orientation to Professional Services Division	Michelle Fontana
7/10/06	Orientation to Professional Services Division	Joseph Jessup, Pharmacist-Intern
8/4/06	Orientation to Professional Services Division	Aaron Hendrickson, LBB Analyst
8/16/06	Orientation to Professional Services Division	Sharanya Rao
8/17/06	Orientation to Professional Services Division	April Aguierre, Pharmacist-Intern; Chau Hong, Pharmacist-Intern
8/22/06	Rules from August 2006 Board Meeting	Enforcement Staff

### Other Activities

- ‡ The Division Director routinely answered questions concerning the laws and rules, including their applicability to specific situations, for Enforcement and Licensing staff.
- ‡ The Division Director assisted the Enforcement Division in answering calls routed to the Compliance Hotline.
- ‡ The Division Director monitored the web site for currentness of the information presented. Changes and/or updates were forwarded to Network Specialist Todd Hayek.
- ‡ The Division Director served on the agency Wellness Committee.

**PROFESSIONAL SERVICES DIVISION**

- 11. 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 general staff meetings held on the following dates:

- ⋮ December 2, 2005
- ⋮ February 22, 2006
- ⋮ May 23, 2006
- ⋮ August 22, 2006

Division staff completed the following education activities:

<b>Retta Cole</b>	
10/20/05	Texas Conference for Women
10/25/05	Orientation – EAP Presentation
12/30/05	Resigned

<b>Sherry Stevenson</b>	
02/23/06	Behavioral Course in Traffic Safety Education
04/28/06	InDesign CS – Level 1
08/02/06	Public Information Act Training – Attorney General
08/23/06	Working Together Effectively – Staying Cool – Governor’s Center for Management Development

<b>Allison Benz</b>	
11/21/05	Coping with Holiday Stress; EAP presentation
12/12 – 14/05	Open Government Conference
12/14/05	EEO Training (online training)
5/25/06	Essential Guide to Employment Law
6/29/06	USP 797 Webinar
7/25/06	Public Information Coordinator’s Luncheon – “Open Records Complaints and Cost Rules”

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

**Status: ACCOMPLISHED**

**Comment:** 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. Senior Administrative Assistant Retta Cole resigned effective December 31, 2006. Following the resignation of Ms. Cole, Enforcement Division Specialist Sherry Stevenson transferred to the Division to fill the vacant Senior Administrative Assistant position. The annual review for Senior Administrative Assistant Sherry Stevenson occurred on August 30, 2006.

PROFESSIONAL SERVICES DIVISION

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

**Status: ACCOMPLISHED**

**Comment:** During FY2006, the Division accomplished this goal as follows:

A. Records Management

Records in the possession of the Division scheduled for destruction during FY2006 under the approved Record Retention Schedule were identified and destroyed.

B. Policies and Procedures

The policies and procedures for handling Open Records requests and Open Meetings were reviewed during FY2006.

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

**Status: ACCOMPLISHED**

**Comment:** Division Director made numerous recommendations to keep the TSBP website current and easier to use. Recommendations included adding a link to the agency's Rule Review Plan; reformatting information on the laws and rules page; and allowing pharmacist-interns to update their addresses electronically via the website. Division Director also recommended that the pharmacist-interns be included with other licensees and registrants in the quarterly background checks.

15. **To recommend changes to the Texas Pharmacy Act and rules that 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:** Division Director recommended that the Pharmacy Act be amended to include pharmacies in other states applying for a Class E (Non-resident) pharmacy permit that are only involved in the processing of prescription information.

16. **To prepare and submit a report on the accomplishment of Division objectives for incorporation in 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 *TSBP 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.