



TEXAS STATE BOARD OF PHARMACY

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

November 4, 2014

MINUTES¹

Tuesday, November 4, 2014

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:00 a.m. Other Board Members present were Vice President Dennis F. Wiesner, R.Ph.; Treasurer Buford T. Abeldt, Sr., R.Ph.; W. Benjamin Fry, R.Ph.; Alice Mendoza, R.Ph.; Joyce A. Tipton, R.Ph.; Christopher M. Dembny, R.Ph.; Bradley A. Miller, Ph.T.R.; L. Suzan Kedron; Charles Wetherbee; and Phyllis Stine.

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; Caroline Hotchkiss, Assistant General Counsel; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Tyler Vance, Staff Attorney; Stacy Martyak, Staff Attorney; Lance Brenton, Staff Attorney; and Becky Damon, Executive Assistant.

Also present were Pharmacist Intern Zachary Korstian and Legal Intern Lia Powers.

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 August 5, 2014, as presented.

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

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Patient Counseling (§§291.31 and 291.33) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §§291.31 and 291.33 during its August 5, 2014, meeting. The proposed amendments were published in the September 26, 2014, issue of the *Texas Register*, and comments were received from the National Association of Chain Drug Stores.

Ms. Benz directed the Board's attention to amendments to §§291.31 and 291.33 and explained that the amendments update the definition of a new prescription drug order; update the patient counseling requirements allowing written information about a medication to be provided to patients electronically; eliminate the requirement that the pharmacy have a patient prescription drug information reference text or leaflets available for patients; eliminate the requirement that a patient is offered information about refilled prescriptions; and eliminate the sign regarding the availability of a pharmacist to ask questions.

Ms. Benz explained that rules §§291.31 and 291.33 (Tab 02) and rule §291.34 Concerning Transfer of Prescriptions (Tab 03) were published together and recommended the Board consider them at the same time.

- Rules Concerning Transfer of Prescriptions (§291.34) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.34 during its August 5, 2014, meeting. The proposed amendments were published in the September 26, 2014, issue of the *Texas Register*, and comments were received from the National Association of Chain Drug Stores.

Ms. Benz directed the Board's attention to amendments to §291.34 and explained that the amendments update the requirements for transferring prescriptions to be consistent with the Drug Enforcement Administration (DEA) 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 Nuclear Pharmacy (§§291.52, 291.53 and 291.54) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §§291.52, 291.53 and 291.54 during its August 5, 2014, meeting. The proposed amendments were published in the September 26, 2014, issue of the *Texas Register*, and comments were received from:

Michael A. Mone, R.Ph., Vice President, CardinalHealth
Byron Jay Ashworth R.Ph, Radiation Safety Officer, GE Healthcare
Jane Thomas, Pharm.D.
Nathan Haecker, CPhT
Donald D. Warner, R.Ph.
Christina R. Finch, R.Ph.
Vu Dang, Pharm.D.
Margaret Louise Haecker, CPhT
Huy Chu, Pharm.D.
Eric S. Kastango, R.Ph., President/CEO, Clinical IQ, LLC
Anthony Maurice Gould, Jr., CPhT
Monty Ingram, BCNP, Compliance Coordinator, NuTech, Inc.
Ricky Aguilar, Pharm.D.
Rich DeVeau, GM Pharmacy Operations, GE Healthcare
George H. Starks, Jr., R.Ph.
Norita Yip, R.Ph.
Timothy D. Cooper, CPhT
Sheila Molloy, CPhT
Roger F. Hoover, R.Ph.
Amy Warner, R.Ph.

Ms. Benz directed the Board's attention to amendments to §§291.52, 291.53 and 291.54 and explained that the amendments update the definitions; require nuclear pharmacies to be inspected prior to renewal; and clarify the requirements for compounding non-sterile radiopharmaceuticals.

Ms. Benz explained to the Board that rules §§291.52, 291.53 and 291.54 Concerning Nuclear Pharmacies (Tab 04) and rule §291.133 Concerning Nuclear Pharmacies Compounding Sterile Preparations (Tab 07) were related and recommended the Board consider them at the same time.

- Rules Concerning Nuclear Pharmacies Compounding Sterile Preparations (§291.133) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §291.133 during its August 5, 2014, meeting. The proposed amendments were published in the September 26, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.133 and explained that the amendments clarify that this section applies to Class B pharmacies preparing non-radioactive sterile preparations

President Waggener recognized the following persons who presented oral remarks to the Board regarding nuclear pharmacies:

Gary Cacciatore, R.Ph. – CardinalHealth
Richard Green – CardinalHealth
Donald Warner, R.Ph. – GE Healthcare

Following discussion of the rules and review of the comments received concerning the proposed amendments, the Board directed staff to make changes to the proposed rule language and bring the proposed rules back at a future Board meeting.

- Rules Concerning Electronic Supervision of Pharmacy Technicians in a Class C Pharmacy in a Facility with 101 Beds or more (§291.72) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §291.72 during its August 5, 2014, meeting. The proposed amendments were published in the September 26, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.72 and explained that the amendments add a new definition regarding hospital bed size and how bed size is determined. She directed the Board's attention to revised amendments which clarify how a facility's bed size is determined.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Ms. Tipton to approve for adoption, by Board Order, amendments to §291.72, as revised. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Automated Emergency Medication Kits (§291.121) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §291.121 during its August 5, 2014, meeting. The proposed amendments were published in the September 26, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.121 and explained that the amendments clarify the requirements for emergency kits using automated systems and bar-code type technology.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Wetherbee to approve for adoption, by Board Order, amendments to §291.121. The motion was seconded by Mr. Abeldt and passed unanimously.

Proposal of Rules

- Rules Concerning Grounds for Discipline for a Pharmacy License (§281.8) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning grounds for discipline for a pharmacy license. She explained the amendments add failure to reimburse the board for expenses relating to an inspection of a non-resident pharmacy as a ground for discipline of a pharmacy's license.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §281.8, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Pharmacy License Application (§291.1) (Tab 09)

Ms. Stella directed the Board's attention to suggested amendments to rule language concerning a pharmacy license application. She explained the amendments update the rules to reflect current requirements for a pharmacy license application to include copies of the owners' or managing officers' Social Security cards and copies of their driver licenses, state issued photo identification cards, or passports; require an approved credit application showing credit worthiness; require the entities business filing structure; and require 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.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §291.1, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Notifications (§291.3) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning notifications. She explained the amendments update the notification requirements for a pharmacy that changes managing officers to include copies of the owners' or managing officers' Social Security cards and copies of their driver licenses, state issued photo identification cards, or passports; clarifies 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, the motion was made by Mr. Wetherbee to approve for proposal amendments to §291.3, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Recording the Removal of Drugs From the Pharmacy (§§291.76 and 291.151) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning recording the removal of drugs from the pharmacy. She explained the amendments correct grammar and update record keeping requirements.

Following discussion of the suggested rule amendments concerning the recording of the removal of drugs from the pharmacy the Board directed staff to bring additional rule language to a future Board meeting.

- New Rule Concerning a New Class of Pharmacy Located in a Physician's Office with Limited Dispensing (§291.157) (Tab 13)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning a new class of pharmacy located in a physician's office with limited dispensing. She explained the new rule creates a new class of pharmacy (Class I) for pharmacies located in a physician's office. The new rule limits the types of drugs that may be dispensed from the pharmacy and sets forth the requirements for the operation of the pharmacy.

Following discussion, the motion was made by Mr. Fry that the Board not pursue adopting a rule to establish the new Class I pharmacy located in a physician's office. The motion was seconded by Mr. Abeltdt, and passed unanimously.

- Rules Concerning Pharmacies Compounding Sterile Preparations (§291.133) (Tab 12)

Dr. Holder directed the Board's attention to suggested amendments to rule language concerning pharmacies compounding sterile preparations. He explained the amendments update the sterile compounding rules to include certain items in the current version of USP Chapter <797> that are not in the current TSBP rules, as well as additional suggestions made by TSBP staff and industry experts.

President Waggener explained that due to scheduling requirements further discussion of the pharmacies compounding sterile preparations would be postponed until later in the meeting.

President Waggener recessed the meeting at 10:56 a.m.

President Waggener reconvened the meeting at 11:10 a.m.

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

- Presentation Concerning Iowa Pilot Program Concerning Tech Check Tech (Tab 27)

Mr. Wiesner introduced Alex Adams, Vice President, National Association of Chain Drug Stores (NACDS), and Ed Burbach, Partner, Gardere Wynne Sewell LLP. Mr. Adams presented information about a NACDS survey concerning pharmacy technicians checking the work of other pharmacy technicians in Class A pharmacies. Mr. Adams also presented details concerning an Iowa Pilot Program Concerning Tech Check Tech.

Mr. Burbach discussed Texas laws and rules pertaining to the establishment of a Tech-Check-Tech Pilot Project in Texas, that would be similar to the one in Iowa.

President Waggener recognized Joe DaSilva, with the Texas Pharmacy Association (TPA), who stated that the TPA would like to partner with the Board in a Pilot Program if approved.

Following discussion the Board asked staff to review laws and rules to determine if changes would need to be made by the legislature to allow a Tech-Check-Tech Pilot Project in Texas.

President Waggener recessed the meeting at 11:53 a.m.

Ms. Kedron left the meeting during the recess at 12:00 p.m.

President Waggener reconvened the meeting at 1:00 p.m.

- Professional Recovery Network
 - Dr. Holder discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2011-2013) as well as the quarterly report on the number of pharmacists participating in the program during FY2014. (Tab 22)
 - President Waggener recognized Courtney Hulbert with the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for FY2014 (September 1, 2013, through August 31, 2014) and reviewed current PRN activities for the Board. (Tab 23)
 - Ms. Hulbert presented the Audited Statement of Activities for the PRN program year which ended August 31, 2014. (Tab 24)

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of A & I Pharmacy, LLC, License #28645 (Tab 34)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Shannon Kilgore, on August 7, 2014, in the matter of A & I Pharmacy, LLC.

Mr. Brenton directed the Board's attention to proposed Board Order #J-14-004, which he reviewed for the Board.

Following discussion, the motion was made by Mr. Wetherbee to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve Board Order #J-14-004, as presented, in the matter of A & I Pharmacy, LLC, to revoke the A & I Pharmacy, LLC, pharmacy license. The motion was seconded by Mr. Abeldt and passed unanimously.
 - In the Matter of Carol M. Johnson, License #16435 (Tab 35)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Roy G. Scudday, on July 21, 2014, in the matter of Carol M. Johnson, R.Ph.

Ms. Hotchkiss directed the Board's attention to proposed Board Order #C-14-005, which she 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 #C-14-005, as presented, in the matter of Carol M. Johnson, to suspend Ms. Johnson's pharmacist license for the longer of thirty days or until Ms. Johnson successfully passes the Multistate Pharmacy Jurisprudence Examination. The motion was seconded by Ms. Tipton and passed unanimously.
 - In the Matter of Rana Okasha, License #51285 (Tab 36)

Ms. Arnold advised the Board that the matter of Rana Okasha, pharmacist license #51285 would not be presented at this Board meeting but would be presented in the future.

C. Discussion of and Possible Action Regarding Rules (cont'd)

- Rules Concerning Pharmacies Compounding Sterile Preparations (§291.133) (Tab 12) (cont'd)

President Waggener recognized Sidney Phillips, R.Ph., with the Texas Society of Health System Pharmacist, who presented oral remarks to the Board regarding the compounding of sterile preparations.

Following discussion, the motion was made by Ms. Tipton to approve for proposal amendments to §291.133, with suggested revisions. The motion was seconded by Ms. Mendoza and passed unanimously.

Alice Mendoza left the meeting at 1:50 p.m.

- Rules Concerning Change of Name for Pharmacists and Pharmacy Technicians (§§295.1 and 297.9) (Tab 14)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning change of name for pharmacists and pharmacy technicians. She explained the amendments eliminate the requirement for pharmacists and pharmacy technicians to return their renewal certificates 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, the motion was made by Mr. Abeldt to approve for proposal amendments to §§295.1 and 297.9, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Drug Destruction (§§303.1 and 303.2) (Tab 15)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning drug destruction. She explained the amendments update the rules to be consistent with DEA requirements.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §§303.1 and 303.2, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Patient Counseling (§§291.31 and 291.33) (Tab 02) and Rules Concerning Transfer of Prescriptions (§291.34) (Tab 03) (cont'd)

Ms. Benz explained that the Board reviewed the proposed amendments to §§291.31, 291.33, and 291.34 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 concerning transfer of prescriptions.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Wiesner to approve for adoption, by Board Order, amendments to §§291.31, 291.33, and 291.34, as revised. The motion was seconded by Ms. Stine and passed unanimously.

Rule Review

- For Proposal

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 16)

- 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 17)
- Chapter 291 Concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91-291.94) (Tab 18)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Fry to approve for proposal, 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. Wetherbee and passed unanimously.

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

- Presentation Regarding Electronic Viewing and Computerized Workflow Supervision System for Sterile Compounding Pharmacies (Tab 26)

President Waggener recognized Eric Ho., Pharm.D., Corporate Pharmacy Compliance, Paragon Healthcare Inc., Rick Allen, R.Ph., President/CEO, Paragon Healthcare Inc., and Neetu Samuel, Pharm.D., Regional Pharmacy Manager, Paragon Infusion Care.

Dr. Ho presented information concerning "Process Verification and Electronic Supervision Platform" (ProVER), an integrated software system designed to maximize the effectiveness of pharmacist supervision in the sterile compounding setting.

President Waggener recessed the meeting at 2:25 p.m.

President Waggener reconvened the meeting at 2:37 p.m.

- Financial Update
 - Review and Approval of FY2014 Operating Budget (Tab 19)

Ms. Stella reviewed the expenditures for all four quarters of FY2014 (September 1, 2013 - through August 31, 2014) for the Board. Following discussion the motion was made by Mr. Fry to approve the FY2014 expenditures as presented. The motion was seconded by Mr. Abeldt and passed unanimously.
 - Review of Board Member Travel Budget (Tab 20)

Ms. Stella reviewed the Board Member FY2014 Travel Budget.
 - Review of Legislative Appropriations Request for FY2016-2017 (Tab 21)

Ms. Stella directed the Board's attention to the Exceptional Item Request for the FY2016-2017 Legislative Appropriations Request (LAR).
- Discussion Concerning Pharmacists Who are Serving as the Pharmacist-in-Charge of both a Class A (Community) Pharmacy and a Class C (Institutional) Pharmacy in a Facility with 101 Beds or More (Tab 25)

Ms. Fisher reviewed TSBP rules relating to Pharmacist-in-Charge (PIC) restrictions in Class A and Class C Pharmacies. She explained that currently there are no rule restrictions that prohibit a pharmacist from serving full time as the PIC of both a Class A pharmacy and a Class C pharmacy in a facility with 101 beds or more.

Following discussion the Board directed staff to bring suggested rule language which would prohibit a pharmacist from serving as a full-time PIC at more than one pharmacy to the February 2015 Board meeting.
- Discussion of §291.131(e)(2) Relating to Records for Non-Sterile Compounding for Patient Specific Prescriptions and Batch Compounding (Tab 28)

Mr. Wiesner explained that rule clarification was needed concerning non-sterile compounding for patient specific prescriptions and batch compounding.

Following discussion the Board directed staff to bring back suggested rule language concerning the documentation requirements for non-sterile compounding.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 29)

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

- Report on Continuing Education Initiative (Tab 30)

Ms. Benz reported on the Board's agreement with e-Strategies, a company that will provide an on-line platform for pharmacist continuing education presented by the Board staff. She also reported that there were two continuing education webcast scheduled within the next two months concerning Texas Pharmacy Board Laws and Rules.

- Discussion Concerning Inspections When a Pharmacy Changes Location (Tab 31)

Ms. Fisher reviewed the provisions in the Texas Pharmacy Act which require a pharmacy to notify the Board within 10 days of changing location. She explained that this provision allows a 10-day period for a pharmacy to operate at a location that is unknown to the Board.

Ms. Fisher reported that a large number of states require a new license be issued if a pharmacy changes its location. She suggested that the Texas Pharmacy Act be amended to require a pharmacy to submit notification prior to changing locations.

Following discussion the Board directed staff to add a new legal requirement concerning a pharmacy changing location to suggested statutory changes for consideration during the 84th Session of the Texas Legislature.

- Update on Legislation Filed During the 83rd Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 32)

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 33)

Ms. Dodson reviewed suggested statutory changes for consideration during the 84th Session of the Texas Legislature.

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 37)
 - The Board reviewed 63 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 August 15, 2014, through October 30, 2014.
 - The Board reviewed 16 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 August 26, 2014, through October 21, 2014.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 38)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 22 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 17 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders

1. Taylor Eclisse Baker	ABO #T-14-058-N
2. Darius Bernard Coleman	ABO #T-14-132-N
3. Esmeralda Guerrero	ABO #T-14-114
4. Jon Calvice Landry	ABO #T-14-169
5. Allan Jonathan Moreno	ABO #T-14-268-N
6. Christina S. Padilla	ABO #T-14-255
7. Devin Keith Schumacher	ABO #T-14-176
8. Stuart Neil Stone	ABO #T-14-065
9. Roberta Jo Ann Underwood	ABO #T-13-310
10. Apurva Laxmi Vanguri	ABO #T-14-076
11. Helen Ann Wilbanks	ABO #T-14-101
12. Lee Anne Brooks	ABO #T-14-162-N
13. Nancy Elizabeth De La Rosa	ABO #T-14-334
14. Luisa Crystal Figueroa	ABO #T-14-279
15. Santiago Guzman	ABO #T-14-181
16. Sanela Ibrahimovic	ABO #T-13-482-N
17. Jordan Kelsey Lyon	ABO #T-14-333

- | | | |
|-----|--------------------------|-----------------|
| 18. | Antonio Valdez Rodriguez | ABO #T-14-220 |
| 19. | Joshua Eli Trevino | ABO #T-14-278 |
| 20. | Ashley Cherie Villegas | ABO #T-14-245-N |
| 21. | laesa Wright | ABO #T-14-315 |
| 22. | Kassandra Naomi Zuniga | ABO #T-14-301 |

Default Board Orders

- | | | |
|-----|---------------------------|----------------|
| 23. | Christopher Armant | ABO #T-12-600 |
| 24. | Nicolas Elijah Brennan | BO #T-12-625 |
| 25. | Blake Wesley Freeman | BO #T-13-330 |
| 26. | Ossellini Yvonne Harrison | BO #T-14-253 |
| 27. | Katie McHowell | BO #T-14-174-N |
| 28. | Christopher Mejia | BO #T-14-257 |
| 29. | Derrick Joel Ybarra | BO #T-13-368 |
| 30. | Emilie Barba | BO #T-14-345-N |
| 31. | Alexander Perkins Chaney | BO #T-14-190-N |
| 32. | Jennifer Holloway | BO #T-13-465 |
| 33. | Daviette F. Lauricella | BO #T-14-249 |
| 34. | Kristi Lynn Leverett | BO #T-14-310 |
| 35. | Daphne Michelle Noble | BO #T-14-259 |
| 36. | Joe Parr | BO #T-14-344 |
| 37. | Albert Robles | BO #T-14-263 |
| 38. | Barbara Ilenea Vega | BO #T-14-122 |
| 39. | Susan Marlene Watlington | BO #T-14-224-N |

The motion was made by Mr. Wetherbee to approve the 22 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 17 proposed Default Board Orders concerning pharmacy technicians and pharmacy technicians trainees who did not appear for an Informal Conference.

The motion was seconded by Mr. Dembny and passed as follows.

Agreed Board Orders

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

15. 8-0-0
16. 8-0-0
17. 8-0-0
18. 8-0-0
19. 8-0-0
20. 8-0-0
21. 8-0-0
22. 7-0-1 Mr. Dembny abstained

Default Board Orders

23. 7-0-1 Ms. Stine abstained
24. 7-0-1 Ms. Stine abstained
25. 7-0-1 Ms. Stine abstained
26. 7-0-1 Ms. Stine abstained
27. 7-0-1 Ms. Stine abstained
28. 7-0-1 Ms. Stine abstained
29. 7-0-1 Ms. Stine abstained
30. 8-0-0
31. 8-0-0
32. 8-0-0
33. 8-0-0
34. 8-0-0
35. 8-0-0
36. 8-0-0
37. 8-0-0
38. 8-0-0
39. 8-0-0

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: eight proposed Agreed Board Orders (Alternative Resolutions); and 20 proposed Agreed Board Orders concerning pharmacies and pharmacists, following an Informal Conference.

Agreed Board Orders (Alternative Resolutions)

1. Gary M. Blamire ABO #L-14-036
2. Rite Away Pharmacy
& Medical Supply ABO #C-14-034-B
3. Imtiazali S. Sunesara ABO #C-14-034-A
4. Target Store T-1982 ABO #H-14-008
5. Walgreen Co. #3735 ABO #J-13-013-B
6. Walgreen Co. #3822 ABO #H-14-013-B
7. Le T.C. Nguyen ABO #H-14-013-A
8. Walgreen Co. #10872 ABO #H-13-044-B

Agreed Board Orders (Following an Informal Conference)

9. Esther Chinedozi Amaka ABO #M-14-016
10. Priscilla Ojong Bisong ABO #L-13-049
11. Brookshire Bros. Pharmacy #38 ABO #B-14-002

12. Brookshire Pharmacy #90	ABO #H-13-056-B
13. Crenshaw Pharmacy	ABO #A-11-043-B
14. Canh Duc Thai	ABO #A-11-043-A
15. CVS/pharmacy #0019	ABO #B-13-014
16. CVS/pharmacy #7198	ABO #H-13-061-B
17. Ade J. Ashittu	ABO #H-13-061-A
18. Ben Thanh Le	ABO #H-14-049
19. CVS/pharmacy #7682	ABO #H-13-062-B
20. El Paso Children's Hospital	ABO #C-13-008-B
21. Kroger Pharmacy #356	ABO #H-13-063-B
22. M Compounding Pharmacy	ABO #L-14-018
23. Thuy T. Ngo	ABO #A-11-037
24. Orsini Pharmaceutical Services	ABO #F-14-002
25. Prescription Dispensing Laboratories, Inc.	ABO #K-13-027-B
26. Patricia Ann Ferrell Lundblade	ABO #K-13-027-A
27. US Healthlink Pharmacy	ABO #L-14-033
28. Walgreen Co. #4131	ABO #H-14-027-B

The motion was made by Mr. Fry to approve the eight proposed Agreed Board Orders (Alternative Resolutions); and 20 proposed Agreed Board Orders concerning pharmacies and pharmacist, following an Informal Conference.

The motion was seconded by Mr. Abeldt 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

Agreed Board Orders (Following an Informal Conference)

9. 7-0-1 Mr. Wetherbee abstained
10. 8-0-0
11. 7-0-1 Mr. Wetherbee abstained
12. 8-0-0
13. 7-0-1 Mr. Wiesner abstained
14. 7-0-1 Mr. Wiesner abstained
15. 7-0-1 Mr. Dembny abstained
16. 7-0-1 Mr. Dembny abstained
17. 7-0-1 Mr. Dembny abstained
18. 7-0-1 Mr. Dembny abstained
19. 7-0-1 Mr. Wetherbee abstained
20. 7-0-1 Mr. Wetherbee abstained
21. 8-0-0

22. 7-0-1 Mr. Wetherbee abstained
23. 7-0-1 Mr. Abeldt abstained
24. 7-0-1 Mr. Wetherbee abstained
25. 8-0-0
26. 8-0-0
27. 7-0-1 Mr. Dembny abstained
28. 7-0-1 Mr. Dembny abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 39)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: four proposed Remedial Plans (Alternative Resolutions); and three proposed Remedial Plans, following an Informal Conference.

Remedial Plans (Alternative Resolutions)

1. Matt Dustin Findley #H-14-027-A
2. Thomas Wesley Key #H-13-050-A
3. Nasrin Mehvar #H-13-064-A
4. Phu Luu Nguyen #H-13-044-A

Remedial Plans (Following an Informal Conference)

5. Kauser P. Islam #H-13-021-A
6. Bach Xuan Nghiem #H-13-063-A
7. Alpa V. Patel #J-14-002

The motion was made by Mr. Wiesner to approve the four proposed Remedial Plans (Alternative Resolutions); and three proposed Remedial Plans, following an Informal Conference.

The motion was seconded by Mr. Wetherbee and passed as follows.

Remedial Plans (Alternative Resolutions)

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

Remedial Plans (Following an Informal Conference)

5. 7-0-1 Mr. Abeldt abstained
6. 8-0-0
7. 7-0-1 Mr. Wetherbee abstained

- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 37) (cont'd)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for two proposed Agreed Board Order one concerning a pharmacy and one concerning technician, following an Informal Conference.

Agreed Board Order (Following an Informal Conference)

1. Lake Worth Pharmacy ABO #H-11-080-B
2. Andres Wilfredo Alvarez ABO #T-15-012

The motion was made by Ms. Stine to approve the two proposed Agreed Board Order concerning a pharmacy and a technician, following an Informal Conference.

The motion was seconded by Mr. Wetherbee and passed as follows.

Agreed Board Order (Following an Informal Conference)

1. 7-0-1 Mr. Dembny abstained
2. 8-0-0

- Confidential Agreed Board Orders (Tab 40)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: four proposed Confidential Agreed Board Orders (Alternative Resolution); six proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Default Board Orders, concerning a pharmacist, who did not appear for an Informal Conference.

Agreed Board Order (Alternative Resolution)

1. ABO #G-14-017
2. ABO #N-14-035
3. ABO #N-14-030
4. ABO #M-14-018

Agreed Board Orders (Following an Informal Conference)

5. ABO #N-14-028
6. ABO #N-14-021
7. ABO #M-14-019
8. ABO #G-14-011
9. ABO #N-14-017
10. ABO #L-13-028

Default Board Order

11. BO #N-14-031

The motion was made by Mr. Wetherbee to approve the four proposed Confidential Agreed Board Orders (Alternative Resolution); six proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Default Board Orders concerning a pharmacist who did not appear for an Informal Conference.

The motion was seconded by Mr. Fry and passed as follows:

Agreed Board Orders (Alternative Resolution)

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

Agreed Board Orders (Following an Informal Conference)

5. 7-0-1 Mr. Wetherbee abstained
6. 7-0-1 Mr. Abeltdt abstained
7. 7-0-1 Mr. Dembny abstained
8. 7-0-1 Mr. Dembny abstained
9. 7-0-1 Mr. Abeltdt abstained
10. 7-0-1 Ms. Stine abstained

Default Board Order

11. 7-0-1 Mr. Dembny abstained

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 41)

The Board received a report on complaints dismissed and closed during FY2014 (September 1, 2013 – August 31, 2014). The report also included quarterly averages for FY2013 as compared to FY2014, as well as percentage change from FY2013 to FY2014.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 42)

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

Ms. Fisher reviewed the report for the Board.

G. Miscellaneous

- Items to be Placed on Agenda for February Board Meeting (Tab 43)
 - Rules concerning pharmacist servings as a full-time PIC at more than one pharmacy.
- 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.

- Consideration of Personnel Matters
 - Election of Officers (Tab 44)

President Waggener called for nominations for the offices of Vice President and Treasurer. Mr. Fry nominated Mr. Abeldt for the office of Vice President and Mr. Dembny for the office of Treasurer. The motion was seconded by Mr. Wetherbee and passed unanimously.

President Waggener adjourned the meeting at 4:42 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

February 3, 2015