



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 11, 2014

MINUTES¹

Tuesday, February 11, 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.; Charles Wetherbee; Christopher M. Dembny, R.Ph., and Bradley A. Miller, Ph.T.R.

Board Members L. Suzan Kedron and Phyllis Stine were 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; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Tyler Vance, Staff Attorney; Stacy Martyak, Staff Attorney; Scott Martin, Staff Attorney; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Rachel Harvey.

A. Announcements

- President Waggener made general announcements.
- Announcements were made concerning Board Members and staff.

¹See agenda and corresponding attachments for supporting materials.

- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

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 TSBP Public Hearing held November 4, 2013, with noted amendment; and to approve the minutes of the Board Business Meeting held November 4-5, 2013; 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 Pharmacist to Technician Ratio (§§291.32, 291.53 and 291.153) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §§291.32, 291.53 and 291.153 during its November 5, 2013, meeting. The proposed amendments were published in the December 13, 2013, issue of the *Texas Register*, and comments were received from American Pharmacies; The Texas Pharmacy Business Council; The National Association of Chain Drug Stores; and H.E.B. Pharmacy.

Ms. Benz directed the Board's attention to amendments to §§291.32, 291.53 and 291.153 and explained that the amendments change the pharmacist to technician ratio for Class A and Class B Pharmacies from 1:3 to 1:4; and change the pharmacist to technician ratio for Class G Pharmacies from 1:6 to 1:8.

Following review of the comments, discussion, and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §§291.32, 291.53 and 291.153. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Labeling in Pharmacies Utilizing Central Prescription Dispensing (§291.125) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.125 during its November 5, 2013, meeting. The proposed amendments were published in the December 13, 2013, issue of the *Texas Register*, and comments were received from H.E.B. Pharmacy and CVS Caremark.

Ms. Benz directed the Board's attention to amendments to §291.125 and explained the amendments add definitions of central fill pharmacy and outsourcing pharmacy; and allow the central fill pharmacy to be identified on the prescription label by a unique identifier.

Following review of the comments, discussion, and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Mendoza to approve for adoption, by Board Order, amendments to §291.125. The motion was seconded by Mr. Wetherbee and passed unanimously.

Proposal of Rules

- Rules Concerning Sanctions for Criminal Offenses (§281.64) (Tab 04)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning sanctions for criminal offenses. She explained the amendments would update the sanctions for criminal offenses involving drugs and alcohol to be in line with the DSM 5 guidelines.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §281.64, as presented. The motion was seconded by Mr. Wiesner and passed unanimously.

- Rules Concerning Professional Responsibility of Pharmacists (§291.29) (Tab 05)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning professional responsibility of pharmacists. She explained the amendments clarify the pharmacist's responsibilities for dispensing prescriptions issued for controlled substances and outline procedures for reviewing information in the prescription monitoring program.

Ms. Benz presented comments which were received from State Senator Charles Schwertner; Alliance of Independent Pharmacists of Texas; Nancy Otts, R.Ph.; David Paschal, R.Ph.; Rocky Wilcox; and a Stakeholders Consensus Document on Prescribing and Dispensing Controlled Substances.

Ms. Dodson presented a checklist which was created by staff titled "You Might Be A Pill Mill If..." and explained that TSBP inspectors will give this checklist to each pharmacy when they are conducting pharmacy inspections.

Following discussion the Board took no action.

Rule Review

- For Adoption

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 06)

- Chapter 291 Concerning Pharmacies (Nuclear Pharmacy (Class B)) (§§291.51-291.55) (Tab 07)
- Chapter 305 Concerning Educational Requirements (§§305.1-305.2) (Tab 08)
- Chapter 309 Concerning Generic Substitution (§§309.1-309.4, 309.6-309.8) (Tab 09)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Fry to approve for adoption, as presented, the review of Chapter 291 (§§291.51-291.55); Chapter 305 (§§305.1-305.2); and Chapter 309 (§§309.1-309.4, 309.6-309.8). The motion was seconded by Ms. Mendoza and passed unanimously.

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

- Task Force to Review Pharmacy Technician Practice (Tab 10)

Ms. Benz reported the Task Force held its first meeting on January 14, 2014, with another meeting scheduled for March 19, 2014.

Ms. Dodson stated that the Task Force was reviewing expanded duties for technicians and that some of the recommendations made by the Task Force might require law changes.

President Waggener recognized Mary Staples who asked why the pharmacist to technician ratio was not discussed at the meeting.

Ms. Dodson explained that the Task Force was reviewing a wide range of issues concerning technicians and that the pharmacist to technician ratio would be discussed at the March meeting.

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

- Financial Update

- Review of FY2014 Operating Budget (Tab 11)

Ms. Stella reviewed the expenditures for the first quarter of FY2014 (September 1, 2013, through November 31, 2013) for the Board.

- Review of Board Member Travel Budget (Tab 12)

Ms. Stella reviewed the Board Member FY2014 Travel Budget.

- Discussion Concerning the Status of a Prescription After a Physician Dies (Tab 16)

Ms. Arnold reported that the Medical Board had approved a policy that would result in allowing a pharmacy to refill a prescription, except for Schedule II drugs, for a 30-day supply following a physician's death.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 17)

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

- Report on Shared Regulatory Data Base Project and Update on TSBP Website (Tab 18)

Mr. Rapp reported on the TSBP website re-design. He explained that work had begun on the website and that it was scheduled to be completed by the end of March 2014.

President Waggener recessed the meeting at 10:13 a.m.

President Waggener reconvened the meeting at 10:30 a.m.

- Discussion Concerning *TSBP's FY2015-2019 Strategic Plan* (Tab 19)

Ms. Dodson presented a draft of the External and Internal Assessments for the FY2015-2019 Strategic Plan. The Board discussed the priority of the issues identified.

Ms. Dodson explained that a final draft of the *TSBP FY2015-2019 Strategic Plan* would be presented to the Board at its May meeting.

- Update on Legislation Filed During the 83rd Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 20)

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 21)

Ms. Dodson discussed items recommended for action during the 83rd Session of the Texas Legislature on which no action was taken, and new items recommended for the 84th Session.

President Waggener recessed the meeting at 11:45 a.m.

President Waggener reconvened the meeting at 12:52 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 13)
- Professional Recovery Network
 - President Waggener recognized Courtney Hulbert, Director of the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for the first quarter of FY2014, September 1, 2013, through November 31, 2013, and reviewed current PRN activities for the Board. (Tab 14)
 - Ms. Hulbert directed the Board's attention to an audit of PRN's outcome and output performance measures for FY2013 (September 1, 2012 – August 31, 2013) and noted that there were no exceptions noted in the audit. (Tab 15)

Following review of the audit by the Board, the motion was made by Mr. Wetherbee to accept the PRN audit for the program year ending August 31, 2013, as presented. The motion was seconded by Mr. Miller and passed unanimously.

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of S. Ray Johnson, R.Ph., License #16082, and The Pill Box, License 2472 (Tab 22)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Sarah Starnes, on October 4, 2013, in the matter of S. Ray Johnson, R.Ph., and The Pill Box pharmacy.

Ms. Arnold introduced Judge Sarah Starnes, who reviewed the *Proposal for Decision* for the Board. Judge Starnes told the Board that she recommended that Mr. Johnson's pharmacist license be suspended for the longer of thirty days or until Mr. Johnson successfully passes the Multistate Pharmacy Jurisprudence Examination, followed by a two year probated suspension and an administrative penalty of \$13,500.00; and that The Pill Box pharmacy license be placed on a two year probated suspension with an administrative penalty \$3,000.00

Mr. Vance reviewed the background in the case for the Board. He directed the Board's attention to Board Order #C-12-002-A, concerning Mr. Johnson, of which there were two proposed versions. He explained that version one would implement the recommendations from SOAH to suspend Mr. Johnson's pharmacist license for the longer of thirty days or until Mr. Johnson successfully passes the Multistate Pharmacy Jurisprudence Examination followed by a two year suspension with the suspension probated with conditions, and impose an administrative penalty of \$13,500.00; version two would suspend Mr. Johnson's pharmacist license for the longer of thirty days or until Mr. Johnson successfully passes the Multistate Pharmacy Jurisprudence Examination followed by a two year suspension with the suspension probated with conditions, and impose an administrative penalty of \$2,000.00.

Mr. Vance directed the Board's attention to Board Order #C-12-002-B, concerning The Pill Box pharmacy, of which there were two proposed versions. He explained that version one would implement the recommendations from SOAH to suspend the pharmacy's license for two years with the suspension probated with conditions, and impose an administrative penalty of \$3,000.00; and version two would suspend the pharmacy's license for two years with the suspension probated with conditions, and impose an administrative penalty of \$11,500.00.

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 to approve, with amendments, version two of Board Order #C-12-002-A, in the matter of S. Ray Johnson, to suspend Mr. Johnson's pharmacist license for the longer of thirty days or until Mr. Johnson successfully passes the Multistate Pharmacy Jurisprudence Examination, followed by a two year suspension with the suspension probated with conditions; and impose an administrative penalty of \$2,000.00; and to approve, with amendments, version two of Board Order #C-12-002-B, in the matter of The Pill Box pharmacy to suspend the pharmacy's license for two years with the suspension probated with conditions, and impose an administrative penalty of \$14,500.00. The motion was seconded by Mr. Wetherbee and passed unanimously.

- In the Matter of Paul Edward Ditton, Registration #104885 (Tab 24)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Roy G. Scudday, on November 21, 2013, in the matter of Paul Edward Ditton.

Ms. Arnold introduced Judge Roy G. Scudday, who reviewed the *Proposal for Decision* for the Board. Judge Scudday told the Board that he recommended that Mr. Ditton's pharmacy technician registration be suspended for a period to coincide with the remaining period of his community supervision, with the suspension probated.

Mr. Vance directed the Board's attention to Board Order #T-12-427, of which there were two proposed versions. He explained that version one would implement the recommendations from SOAH to place the Mr. Ditton's registration on suspension for a period of time to run concurrent with his criminal probation with the suspension probated; version two would revoke Mr. Ditton's technician registration.

President Waggener recognized Mr. Dan Lype, an attorney representing Mr. Ditton, who stated there were mitigating factors that he would like for the Board to consider.

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 version two of Board Order #T-12-427, as presented, in the matter of Paul Edward Ditton to revoke Mr. Ditton's pharmacy technician registration. The motion was seconded by Ms. Tipton, and passed 7-1-0, with Mr. Wiesner opposed.

- In the Matter of Mark Howard Braun, R.Ph., License #22536 (Tab 23)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Sarah Ramos, on October 22, 2013, in the matter of Mark Howard Braun, R.Ph.

Mr. Vance directed the Board's attention to Board Order #L-11-020, 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 #L-11-020, as presented, in the matter of Mark Howard Braun, to revoke Mr. Braun's pharmacist license. The motion was seconded by Mr. Abeltdt and passed unanimously.

- Report on Agreed Board Orders Entered by Executive Director (Tab 25)
 - The Board reviewed 28 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 November 12, 2013, through February 10, 2014.
 - The Board reviewed 15 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 8, 2013, through February 5, 2014.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 26)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 17 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 24 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders

- | | |
|---------------------|---------------|
| 1. Paul Woohyun Kim | ABO #T-13-203 |
| 2. Eric Flores | ABO #R-12-005 |
| 3. Luz Nelly Moreno | ABO #T-13-284 |

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|----------------------------|-----------------|
| 4. Joel Neil | ABO #T-13-261-N |
| 5. Alexis Alan Pina | ABO #T-12-321 |
| 6. Jose Hugo Pineda | ABO #T-13-054-N |
| 7. Jose Ignacio Torres | ABO #T-13-218 |
| 8. Ashley Escamilla | ABO #T-13-269-N |
| 9. Klym Daisha Green | ABO #T-13-369-N |
| 10. Dianna Sweet | ABO #T-13-128-N |
| 11. Ronnie Xaybanha | ABO #T-13-190-N |
| 12. Melissa Lopez | ABO #T-12-574-N |
| 13. Debbie Lynn McReynolds | ABO #T-12-622 |
| 14. Jacob Onyango Otieno | ABO #T-13-415 |
| 15. Cynthia Potier | ABO #T-13-377-N |
| 16. Teel Lynette Taylor | ABO #T-13-306-N |
| 17. Dorothea Boyd | ABO #T-12-617 |

Default Board Orders

- | | |
|-----------------------------|-----------------|
| 18. Claudia Flores Casarez | ABO #T-13-340-N |
| 19. Cecilia Ann Cazares | ABO #T-12-609 |
| 20. Amber Cheesman | ABO #T-13-217 |
| 21. Jahaira Cuero | ABO #T-13-182 |
| 22. Natasha Lynn Davis | ABO #T-13-205 |
| 23. Rebecca Ann Deanda | ABO #T-13-266 |
| 24. Isai Hernandez | ABO #T-12-604-N |
| 25. Raquel Quinones | ABO #T-13-382 |
| 26. Shelby Randell | ABO #T-12-614 |
| 27. Anna Christine Williams | ABO #T-13-326 |
| 28. Kelsey Ellis | ABO #T-13-178 |
| 29. Virginia Lynn Ewton | ABO #T-13-369 |
| 30. Jasmine Fitzpatrick | ABO #T-13-234-N |
| 31. Brooke Hatley | ABO #T-13-341-N |
| 32. Amanda Holcomb | ABO #T-13-370-N |
| 33. Coulson Dean Miller | ABO #T-13-026 |
| 34. Oanh Nguyen | ABO #T-13-420-N |
| 35. Taylor Patterson | ABO #T-13-388-N |
| 36. Terry Lindsey Bradley | ABO #T-12-596 |
| 37. Jose Angel Luna | ABO #T-13-391 |
| 38. Jessica Pirkle Miller | ABO #T-14-018 |
| 39. Chastine Marie Pena | ABO #T-12-619 |
| 40. Adriana Marie Perez | ABO #T-13-144 |
| 41. Anny Siharaj | ABO #T-13-322 |

The motion was made by Mr. Wetherbee to approve the 17 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 24 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

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

Agreed Board Orders

1. 7-0-1 Mr. Wetherbee abstained
2. 7-0-1 Mr. Wiesner abstained
3. 7-0-1 Mr. Wiesner abstained
4. 7-0-1 Mr. Wiesner abstained
5. 7-0-1 Mr. Wiesner abstained
6. 7-0-1 Mr. Wiesner abstained
7. 7-0-1 Mr. Wiesner abstained
8. 7-0-1 Ms. Tipton abstained
9. 7-0-1 Ms. Tipton abstained
10. 7-0-1 Ms. Tipton abstained
11. 7-0-1 Ms. Tipton 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

Default Board Orders

18. 7-0-1 Mr. Wiesner abstained
19. 7-0-1 Mr. Wiesner abstained
20. 7-0-1 Mr. Wiesner abstained
21. 7-0-1 Mr. Wiesner abstained
22. 7-0-1 Mr. Wiesner abstained
23. 7-0-1 Mr. Wiesner abstained
24. 7-0-1 Mr. Wiesner abstained
25. 7-0-1 Mr. Wiesner abstained
26. 7-0-1 Mr. Wiesner abstained
27. 7-0-1 Mr. Wiesner abstained
28. 7-0-1 Ms. Tipton abstained
29. 7-0-1 Ms. Tipton abstained
30. 7-0-1 Ms. Tipton abstained
31. 7-0-1 Ms. Tipton abstained
32. 7-0-1 Ms. Tipton abstained
33. 7-0-1 Ms. Tipton abstained
34. 7-0-1 Ms. Tipton abstained
35. 7-0-1 Ms. Tipton abstained
36. 9-0-1 Mr. Wetherbee abstained
37. 7-0-1 Mr. Wetherbee abstained
38. 7-0-1 Mr. Wetherbee abstained
39. 7-0-1 Mr. Wetherbee abstained
40. 7-0-1 Mr. Wetherbee abstained
41. 7-0-1 Mr. Wetherbee abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 11 proposed Agreed Board Orders (Alternative Resolutions); 41 proposed Agreed Board Orders concerning pharmacists, pharmacies, and pharmacy technicians, following an Informal Conference; and three proposed Default Board Orders concerning a pharmacist and two pharmacies who did not appear for an Informal Conference.

Agreed Board Orders (Alternative Resolutions)

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|-------------------------------|-----------------|
| 1. Advantage Pharmacy, LLC | ABO #L-13-029 |
| 2. Jordan Pharmacy | ABO #H-12-036-B |
| 3. Jan Holley Pattillo | ABO #H-12-036-A |
| 4. Target Store T-1763 | ABO #H-13-010-B |
| 5. Paramdeep Singh | ABO #H-13-010-A |
| 6. Walgreen Co. #7899 | ABO #H-12-077 |
| 7. Wal-Mart Pharmacy #10-5245 | ABO #H-13-042-B |
| 8. Natalie Dawn Houck | ABO #L-13-024 |
| 9. Kieuchinh T. Huynh | ABO #H-13-032-A |
| 10. Mukunda Iyengar | ABO #H-13-042-A |
| 11. Gayle Marie Radabaugh | ABO #J-13-011 |

Agreed Board Orders (Following an Informal Conference)

- | | |
|---------------------------------------|-----------------|
| 12. Sylvia Ike | ABO #J-12-017 |
| 13. Park Place Health Center Pharmacy | ABO #K-12-029-B |
| 14. Nga Kim Nguyen | ABO #K-12-029-A |
| 15. Hung Ngoc Hoang | ABO #T-12-330 |
| 16. Trinity Apothecary | ABO #K-13-019-B |
| 17. Dixon I. Vadakkethalakkal | ABO #K-13-019-A |
| 18. Cullen Care Pharmacy | ABO #H-13-015-B |
| 19. Romona Gail Dawson | ABO #H-13-015-A |
| 20. CVS/pharmacy #2876 | ABO #H-12-061-B |
| 21. Jairam Gorle | ABO #H-12-061-A |
| 22. CVS/pharmacy #7664 | ABO #H-12-043-B |
| 23. James H. Livingston Jr. | ABO #H-12-043-A |
| 24. Medic One Pharmacy | ABO #C-12-005-B |
| 25. Desiree Coleman | ABO #C-12-005-A |
| 26. Specialty Veterinary Pharmacy | ABO #K-12-044 |
| 27. Wal-Mart Pharmacy #10-757 | ABO #H-13-038-B |
| 28. Clarence Clinton Miley Jr. | ABO #H-13-038-A |
| 29. Orlando Chavez | ABO #G-12-021 |
| 30. Alonzo Grape | ABO #J-12-013-A |
| 31. Eyad Khaled Mahrouq | ABO #A-12-001 |
| 32. CVS/pharmacy #3197 | ABO #H-13-019-B |
| 33. Lynette Belleau | ABO #H-13-019-A |
| 34. Lacy Bhjan Rouquette | ABO #T-13-213 |
| 35. CVS/pharmacy #6805 | ABO #H-12-065-B |
| 36. Garland Independent Pharmacy | ABO #H-13-001-B |

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|---------------------------------------|-----------------|
| 37. Mark Brian Baumgarner | ABO #H-13-001-A |
| 38. Institutional Pharmacy Solutions | ABO #L-14-001 |
| 39. Institutional Pharmacy Solutions | ABO #K-13-024-B |
| 40. Julie Jacob | ABO #K-13-024-A |
| 41. People's Pharmacy #4 | ABO #H-12-074-B |
| 42. Halister Joseph Drummond | ABO #H-12-074-A |
| 43. Specialty Compounding, LLC | ABO #K-13-015-B |
| 44. Raymond Lawrence Solano | ABO #K-13-015-A |
| 45. Liana Mursadies Tamez | ABO #T-13-211 |
| 46. Walgreen Co. #4203 | ABO #H-12-055-B |
| 47. Chance Flournoy Gibson | ABO #H-12-055-A |
| 48. Julian Mehl | ABO #L-14-009 |
| 49. John T. Rediger | ABO #K-13-012 |
| 50. Austin Surgical Hospital Pharmacy | ABO #B-13-005-B |
| 51. Kit Hang Lippert | ABO #A-13-060 |
| 52. Arise Austin Medical Center | ABO #F-14-001 |

Default Board Orders

- | | |
|----------------------|-----------------|
| 53. Top RX Pharmacy | ABO #J-12-013-B |
| 54. Larry Keith Lake | ABO #E-13-010 |
| 55. 3 Son's Pharmacy | ABO #B-12-008-B |

The motion was made by Ms. Tipton to approve the 11 proposed Agreed Board Orders (Alternative Resolutions); 41 proposed Agreed Board Orders concerning pharmacists, pharmacies, and pharmacy technicians, Following an Informal Conference; and three proposed Default Board Orders concerning a pharmacist and two pharmacies who did not appear for an Informal Conference.

The motion was seconded by Mr. Wetherbee 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

Agreed Board Orders (Following an Informal Conference)

12. 7-0-1 Mr. Wiesner abstained
13. 8-0-0

14. 8-0-0
15. 8-0-0
16. 7-0-1 Mr. Fry abstained
17. 7-0-1 Mr. Fry abstained
18. 7-0-1 Mr. Wiesner abstained
19. 7-0-1 Mr. Wiesner abstained
20. 7-0-1 Mr. Wiesner abstained
21. 7-0-1 Mr. Wiesner abstained
22. 7-0-1 Mr. Wiesner abstained
23. 7-0-1 Mr. Wiesner abstained
24. 7-0-1 Mr. Wiesner abstained
25. 7-0-1 Mr. Wiesner abstained
26. 7-0-1 Mr. Wiesner abstained
27. 7-0-1 Mr. Wiesner abstained
28. 7-0-1 Mr. Wiesner abstained
29. 7-0-1 Mr. Wiesner abstained
30. 7-0-1 Mr. Wiesner abstained
31. 7-0-1 Mr. Wiesner abstained
32. 8-0-0
33. 8-0-0
34. 8-0-0
35. 7-0-1 Mr. Wetherbee abstained
36. 8-0-0
37. 8-0-0
38. 8-0-0
39. 8-0-0
40. 8-0-0
41. 8-0-0
42. 8-0-0
43. 8-0-0
44. 8-0-0
45. 8-0-0
46. 8-0-0
47. 8-0-0
48. 7-0-1 Mr. Wetherbee abstained
49. 8-0-0
50. 7-0-1 Mr. Wetherbee abstained
51. 7-0-1 Mr. Wiesner abstained
52. 7-0-1 Mr. Wetherbee abstained

Default Board Orders

53. 7-0-1 Mr. Wiesner abstained
54. 7-0-1 Mr. Wiesner abstained
55. 7-0-1 Mr. Wiesner abstained

- Confidential Agreed Board Orders (Tab 27)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: four proposed Confidential Agreed Board Orders (Alternative Resolutions) 12 proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

Agreed Board Orders (Following an Informal Conference)

1. ABO #M-14-004
2. ABO #N-13-041
3. ABO #N-14-002
4. ABO #N-14-003
5. ABO #N-13-040
6. ABO #M-14-005
7. ABO #G-13-011
8. ABO #G-13-009
9. ABO #G-13-014
10. ABO #G-13-013
11. ABO #M-14-002
12. ABO #E-13-011
13. ABO #L-13-039
14. ABO #M-14-001
15. ABO #R-13-003
16. ABO #G-12-010

Default Board Order

17. ABO #G-13-006

The motion was made by Mr. Wetherbee to approve the four proposed Confidential Agreed Board Orders (Alternative Resolutions) 12 proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

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

1. 8-0-0
2. 8-0-0
3. 8-0-0
4. 8-0-0
5. 7-0-1 Mr. Wetherbee abstained
6. 7-0-1 Mr. Wiesner abstained
7. 7-0-1 Mr. Wiesner abstained
8. 7-0-1 Mr. Wiesner abstained
9. 7-0-1 Mr. Wiesner abstained

10. 7-0-1 Mr. Wiesner abstained
11. 8-0-0
12. 8-0-0
13. 7-0-1 Mr. Wiesner abstained
14. 7-0-1 Mr. Wiesner abstained
15. 7-0-1 Mr. Wiesner abstained
16. 7-0-1 Mr. Wiesner abstained

Default Board Order

17. 7-0-1 Mr. Wiesner abstained

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 28)

The Board received a report on complaints dismissed and closed during the first quarter of FY2014 (September 1, 2013 – November 31, 2013). 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 29)

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 May Board Meeting (Tab 30)
 - Discussion concerning *TSBP FY2015-2019 Strategic Plan*.
 - Discussion concerning counseling.
 - Discussion concerning transfer of prescriptions between pharmacies.

- 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 2:08 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

May 6, 2014