



TEXAS STATE BOARD OF PHARMACY

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

May 6, 2014

MINUTES¹

Tuesday, May 6, 2014

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:02 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.; Charles Wetherbee; and Phyllis Stine.

Board Member L. Suzan Kedron was not present.

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

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 Board Business Meeting held February 11, 2014; and the minutes of the two Temporary Suspension Hearings held April 29, 2014; the first concerning A & I Pharmacy, LLC; and the second concerning The Pill Box, S. Ray Johnson, R.Ph., and Carol M. Johnson R.Ph., as presented.

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

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Sanctions for Criminal Offenses (§281.64) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §281.64 during its February 11, 2014, meeting. The proposed amendments were published in the March 21, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.64 and explained that the amendments update the sanctions for criminal offenses involving drugs and alcohol to be in line with the DSM5 guidelines.

Following 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 §281.64. The motion was seconded by Mr. Wetherbee and passed unanimously.

Proposal of Rules

- Rules Concerning Pharmacies Compounding Sterile Preparations (§291.133) (Tab 03)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning pharmacies compounding sterile preparations. She explained the amendments clarify the training requirements for pharmacy technicians in ASHP accredited programs.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.133, as presented. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Advanced Practice Registered Nurses (§§291.31 and 291.34) (Tab 04)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning advanced practice registered nurses. She explained the amendments implement the provisions of Senate Bill 406 passed by the 83rd Texas Legislature. The amendments update the reference to advanced practice registered nurses and eliminate the reference to "carry out" an order.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal amendments to §§291.31 and 291.34, as presented. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Personnel (§291.32) (Tab 05)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning personnel. She explained the amendments clarify that the requirements for dispensing a prescription are the same for a pharmacist and for an intern. In addition, the amendments clarify that the dispensing process includes the transfer of a prescription.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §291.32, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Substitution of Dosage Form (§291.33) (Tab 06)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the substitution of dosage form. She explained the amendments implement the provisions of Senate Bill 869 passed by the 83rd Texas Legislature. The amendments eliminate the requirement for the pharmacist to notify the prescriber of a substitution of dosage form.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal amendments to §291.33, as presented. The motion was seconded by Mr. Fry and passed unanimously.

- Rules Concerning Labeling and Compounding of Sterile Preparations (§§291.76 and 291.151) (Tab 07)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning labeling and compounding of sterile preparations. She explained the amendments clarify the labeling requirements for medications provided by ASC pharmacies and Class F pharmacies; and remove references to sterile compounding since this is no longer applicable for these classes of pharmacy.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §§291.76 and 291.151, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning License Fees (§§291.6, 295.5, and 297.4) (Tab 08)

President Waggener advised that the proposed amendments to rules concerning license fees would be considered later in the meeting in conjunction with the financial reports (Item E.2).

Rule Review

- For Proposal

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 09)

- Chapter 281 Concerning Administrative Practices and Procedures (§§281.1 - 281.13, 281.15, 281.17 - 281.23, 281.30-281.34, 281.60 - 281.68) (Tab 10)
- Chapter 311 Concerning Code of Conduct (§§311.1-311.2) (Tab 11)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Fry to approve for proposal, as presented, the review of Chapter 281 (§§281.1 - 281.13, 281.15, 281.17 - 281.23, 281.30-281.34, 281.60 - 281.68); and Chapter 311 (§§311.1-311.2). The motion was seconded by Mr. Abeldt and passed unanimously.

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

- Task Force to Review Pharmacy Technician Practice (Tab 12)

Ms. Benz advised the Board that the second meeting of the Task Force to Review Pharmacy Technician Practice was held on March 19, 2014. She directed the Board's attention to the Task Force's final report which contains their recommendations.

Ms. Dodson explained that some of the recommendations made by the Task Force would require legislative action.

President Waggener recognized Julie Spier, R.Ph., a member of the Task Force, who explained that the recommendation to extend the Technician-in-Training registration from two years to four years was intended to allow students to work in the pharmacy while attending college.

Following discussion, the motion was made by Ms. Stine to accept the Task Force report as presented. The motion was seconded by Mr. Wiesner and passed unanimously.

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

- Financial Update

- Review of FY2014 Operating Budget (Tab 13)

Ms. Stella reviewed the expenditures for the first two quarters of FY2014 (September 1, 2013, through February 28, 2014) for the Board.

- Review of Board Member Travel Budget (Tab 14)

Ms. Stella reviewed the Board Member FY2014 Travel Budget.

- Approval of Executive Director's Across-the-Board Salary Increase (Tab 15)

Ms. Stella explained that the 83rd Texas Legislature approved an across-the-board two percent salary increase in FY2015, for all state employees. She explained that the Board's approval was required in order for the Pharmacy Board's Executive Director to receive the two percent salary increase.

Following discussion, the motion was made by Mr. Fry to approve the two percent salary increase for the Pharmacy Board's Executive Director effective September 1, 2014. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Review TSBP Revenue Projections and Fee Recommendations (Tab 16)

Ms. Stella directed the Board's attention to suggested amendments to §§291.6, 295.5, and 297.4, concerning license fees for pharmacist, pharmacies, pharmacy technician and pharmacy technician-in-training (Tab 08) and provided the Board a report on revenue projections, history of TSBP's fee structure, and scenarios of fee structures necessary to support the agency's budget for FY2016-2017.

Following discussion, based on the revenue projections for FY2016-2017, the motion was made by Mr. Wetherbee to approve for proposal amendments to §§291.6, 295.5, and 297.4, concerning fee structures for FY2016-2017 that would decrease pharmacist licensing fees by \$46.00; decrease pharmacy license fees by \$102.00; decrease pharmacy

technician registration fees by \$19.00; and decrease the pharmacy technician in training application fees by \$10.00. The motion was seconded by Ms. Tipton and passed unanimously.

Following discussion the motion was made by Mr. Fry to accept the revenue projections for FY2016-2017, as presented, The motion was seconded by Mr. Abeldt and passed unanimously.

- Review and Approval of Exceptional Item Request for FY2016-2017 (Tab 17)

Ms. Stella directed the Board's attention to the recommended Exceptional Item Request for FY2016-2017. Following review and discussion the Board recommended increasing the exceptional item request concerning the Executive Director's salary, by increasing the request to set the salary at the top of Group IV, \$167,500.

Following review and discussion of the budget documents, the motion was made by Mr. Wetherbee to approve the proposed Exceptional Item Request for FY2016-2017, with the recommended change in the Executive Director's salary, and to give the President Waggener the authority to approve any additional changes that might arise. The motion was seconded by Ms. Mendoza and passed unanimously.

President Waggener recessed the meeting at 11:01 a.m.

President Waggener reconvened the meeting at 11:13 a.m.

- Presentation and Discussion Concerning a New Class of Pharmacy Located in a Physician's Office with Limited Dispensing (Tab 29)

President Waggener recognized Bob Broaddus, R.Ph, with Allergan, Inc. Mr. Broaddus explained he was requesting that the Board establish a new class of pharmacy that would be located in a physician's office, and would allow the dispensing of a limited class of aesthetic pharmaceuticals.

President Waggener recognized Kim Robertson, R.Ph., representing the Texas Pharmacy Association, who stated this was an interesting proposal but there were many issues that would need to be worked out.

President Waggener recognized Jennifer Yoakum, R.Ph., representing the Alliance of Independent Pharmacist of Texas, who stated the Alliance was opposed to the creation of a new class of pharmacy located in a physician's office.

President Waggener recognized Ron Jencopale, R.Ph., who stated he was concerned about Allergan's recommendation that the pharmacy located in the physician's office would be subject to inspection by a consulting pharmacist on a bi-annual basis.

President Waggener directed the Board's attention to letters received from the Texas Pharmacy Association and the Alliance of Independent Pharmacists of Texas.

Following discussion the motion was made by Mr. Wiesner for the staff to meet with stakeholders concerning this issue and bring recommendations back to the Board at its August meeting. The motion was seconded by Mr. Wetherbee. Mr. Fry stated he did not think it was in the best interest of Texas to allow dispensing from a physician's office. The motion passed 5-4-0, with Mr. Wiesner, Ms. Stine, Mr. Wetherbee, Mr. Miller, and Mr. Dembny in favor, and Ms. Mendoza, Ms. Tipton, Mr. Fry and Mr. Abeldt opposed.

President Waggener recessed the meeting at 12:10 p.m.

President Waggener reconvened the meeting at 1:05 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 20)
 - 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 February 28, 2014, and reviewed current PRN activities for the Board. (Tab 21)

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of Isaac Simeon Achobe, R.Ph., License #27139 (Tab 36)

Ms. Arnold advised the Board that State Office of Administrative Hearings (SOAH) Administrative Judge Sarah Ramos, issued a Proposal for Decision Disposing of Case by Summary Disposition on February 19, 2014, in the matter of Isaac Simeon Achobe, R.Ph.

Mr. Martin directed the Board's attention to proposed Board Order #R-13-004, 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 #R-13-004, as presented, in the matter of Isaac Simeon Achobe, to deny Mr. Achobe's request for reinstatement of his pharmacist license. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Report on Internal Risk Assessment (Tab 18)

Ms. Stella directed the Board's attention to an internal risk assessment that is reported annually to the State Auditor's Office. She reviewed the risk assessment for the Board.

Following discussion, it was the consensus of the Board that the report was an adequate risk assessment for TSBP.

- Board Decision on Recommendations for the Pharmacy Technician Certification Testing Request for Qualifications (Tab 19)

Ms. Stella reviewed for the Board a summary of the evaluation scores regarding the proposals submitted to TSBP for the Pharmacy Technician Certification Testing Request for Qualifications.

Following discussion the motion was made by Ms. Mendoza to select the Pharmacy Technician Certification Board (PTCB) as the only recognized entity to provide the certification examination for registration as a pharmacy technician. The motion was seconded by Mr. Fry and passed unanimously.

President Waggener PTCB representative Everett McAllister who thanked the Board for the opportunity to continue providing the technician certification examination for Texas.

- Discussion Concerning *TSBP's FY2015-2019 Strategic Plan* (Tab 22)

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 and made suggestions concerning additional items.

Following a review of the External and Internal Assessments the motion was made by Mr. Dembny to accept the Strategic Plan issues for FY2015-2019. The motion was seconded by Ms. Stine and passed unanimously.

- Discussion and Possible Rule Amendments to §291.72 Concerning Electronic Supervision of Pharmacy Technicians in a Class C Pharmacy in a Facility with 101 Beds or More (Tab 28)

Ms. Benz presented a petition from the Seton Family of Hospitals requesting approval to waive rules concerning hospitals facilities with 101 beds or more.

President Waggener recognized Patrick Garrett, R.Ph., Project Manager, Seton Family of Hospitals. Mr. Garrett explained that Seton Healthcare Family owns three hospitals that are licensed for more than 100 beds; however, each of these hospitals have an average daily census of less than 100 beds. Mr. Garrett explained that in a Class C pharmacy in a facility with 100 beds or less a pharmacist may electronically supervise pharmacy technician performing certain specified duties. Seton is requesting a waiver from the 100 beds or less requirement for electronic supervision of pharmacy technicians so that a pharmacist at Seton Medical Center Austin can electronically supervise the work of the remote pharmacy technicians evenings, week-ends, and holidays, at these three hospitals that are licensed for 101 beds or more.

President Waggener recognized Shewan Aziz, R.Ph., Director of Pharmacy, Seton Family of Hospitals. Mr. Aziz explained that Seton is requesting that the Board allow Seton to implement an 18 month Pilot Program with electronic supervision of pharmacy technicians in these three hospitals.

Ms. Dodson recommended that Board members who are familiar with hospital systems meet with representatives from Seton, and the Department of State Health Services to discuss the issue of how a facilities bed size is determined.

Following discussion the Board requested staff bring information back to its August Meeting.

President Waggener recessed the meeting at 2:36 p.m.

President Waggener reconvened the meeting at 2:45 p.m.

- Report on Customer Service Survey (Tab 23)

Ms. Dodson directed the Board's attention to the results of the TSBP Report on Customer Service for FY2012-2013. Ms. Dodson reviewed the report for the Board.

- Review and Approval of FY2015 Calendar of Events (Tab 24)

Ms. Dodson directed the Board's attention to a draft of the *TSBP FY2015 Calendar of Events*. Following review, the motion was made by Mr. Fry to approve the *TSBP FY2015 Calendar of Events*, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Update on Federal Compounding Legislation and Implementation and Report on Testimony Presented at the House Public Health Committee Hearings Held April 7, 2014, and April 14, 2014 (Tab 25)

Ms. Dodson gave an updated on Federal Compounding Legislation and gave an overview of the testimony she presented at the House Public Health Committee Hearings held April 7, 2014 and April 14, 2014.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 26)

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 27)

Mr. Rapp reported on the re-design of the TSBP website. He explained that the TSBP managers and a staff focus group had reviewed webpage design formats.

- Discussion Concerning Patient Counseling (Tab 30)

Mr. Wiesner presented a history of Texas rules concerning patient counseling and also presented a survey of pharmacy law from the National Association of Boards of Pharmacy concerning patient counseling requirements in other states.

Ms. Tipton stated she did not think counseling was complicated if a pharmacist's primary concern is for patient safety. She stated she did understand that some patients might refuse counseling if there was additional wait time.

President Waggener stated she always trains pharmacists to talk to the patients as this is a way to let the patients know the pharmacist is concerned about them and their health.

President Waggener recognized Dennis McAllister, R.Ph., who stated this was a good time to start discussion on how the pharmacist's responsibilities have evolved and recognize that pharmacists are now responsible for the whole patient.

Following discussion the Board requested that staff review rules concerning counseling and bring recommendations back to its August meeting.

- Discussion Concerning the Increasing Numbers of Telemedicine and Telehealth Services Available to Patients (Tab 31)

Mr. Wiesner presented information concerning on-line physician visits. He stated that pharmacists are looking for guidance concerning prescriptions issued by on-line physicians.

Ms. Arnold reported the Medical Board was reviewing issues concerning whether or not a physician/patient relationship could be established through an online doctor visit.

- Discussion Concerning Federal Prescription Transfer Rules (Tab 32)

Mr. Wiesner stated that most of the current prescription transfer rules take into consideration that transfers would be made by telephone or fax. He explained chain pharmacy with an electronic data base have the ability to pull a prescription from one pharmacy in their chain and transfer it to another pharmacy in the chain.

Mr. Wiesner explained that when a new pharmacy opens there could be a large number of customers who would transfer their prescriptions to this new pharmacy. He requested clarification on the rules for transferring a batch of prescriptions instead of the usual one at a time.

Following discussion the Board requested that staff review prescription transfer rules and bring back information to its August meeting.

- Discussion Concerning Pharmacies Operating Without a Pharmacist-in-Charge (Tab 33)

Mr. Fry stated that there was concern that there were a number of pharmacies operating without a pharmacist-in-charge.

Ms. Fisher explained that when conducting an inspection if a TSBP Inspector discovers the pharmacy does not have a pharmacist-in-charge a Warning Notice is issued and the pharmacy must hire a pharmacist-in-charge within 10 days. However, if the Board wanted to consider a more severe action, these type of cases could be referred to the Legal Division for institution of disciplinary action.

Following discussion, Ms. Dodson stated that staff will review reports on pharmacies that do not have a pharmacist-in-charge and Warning Notices issued during inspections and bring information back to the Board at its August meeting.

- Update on Legislation Filed During the 83rd Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 34)

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.

Mr. Fry left the meeting at 4:40 p.m.

- Discussion of Possible Statutory Changes for Consideration During the 84th Session of the Texas Legislature (Tab 35)

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

President Waggener recessed the meeting at 5:15 p.m.

President Waggener reconvened the meeting at 5:21 p.m.

Ms. Stine and Ms. Mendoza left the meeting at 5:25 p.m.

F. Disciplinary Orders (cont'd)

- Report on Agreed Board Orders Entered by Executive Director (Tab 37)
 - The Board reviewed 41 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 February 13, 2014, through April 28, 2014.
 - The Board reviewed 11 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 March 6, 2014, through April 28, 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: 13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 18 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders

1. Ashley Renae Baker	ABO #T-14-038
2. Emily Alison Hein	ABO #T-12-606
3. Jessica Pirkle Miller	ABO #T-14-113
4. Angelica Sanders	ABO #T-13-221-N
5. Terry Taylor	ABO #T-12-579-N
6. Christina Trosclair	ABO #T-14-030
7. Lyndsey Marie Cervantes	ABO #T-13-097-N
8. Claudia Mayfield	ABO #T-13-344-N
9. Monica Lynn Richey	ABO #T-14-063
10. Raisha Radiah Shaeef	ABO #T-13-449
11. Akita Moyette Shamlin	ABO #T-14-037
12. Claudia O'Neal Taylor	ABO #T-13-315
13. Tammy Marie Rogers	ABO #T-13-308

Default Board Orders

14. Alexandria Andrade	ABO #T-13-450-N
15. Jenifer Nechoal Bell	ABO #T-13-275
16. Rogelio Israel Cuellar	ABO #T-13-295
17. Chadanet Chimere Jones	ABO #T-13-422
18. Khanh Pham	ABO #T-12-610
19. Sandra Lea Pickard	ABO #T-12-397
20. Melissa Coralie Rackley	ABO #T-13-177
21. Jacqueline Dianne Solis	ABO #T-14-013
22. Carrie Melissa Tizzano	ABO #T-12-620
23. Dana Marie Barrick	ABO #T-11-617
24. Doris Marie Campbell	ABO #T-13-288
25. De Andre Clay	ABO #T-14-025-N
26. Virginia McDowell	ABO #T-13-441-N
27. Alan Isaac Orozco	ABO #T-13-410-N
28. Tammi Lynn Owens	ABO #T-13-394
29. Car-Lette La'Shawn Stevenson	ABO #T-13-445-N
30. Crystal Wilson	ABO #T-13-283
31. Amy Young	ABO #T-12-613

The motion was made by Ms. Tipton to approve the 13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 18 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

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

Agreed Board Orders

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

Default Board Orders

14. 6-0-0
15. 6-0-0
16. 6-0-0
17. 6-0-0
18. 6-0-0
19. 6-0-0
20. 6-0-0
21. 6-0-0
22. 6-0-0
23. 6-0-0
24. 6-0-0
25. 6-0-0
26. 6-0-0
27. 6-0-0
28. 6-0-0
29. 6-0-0
30. 6-0-0
31. 6-0-0

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 12 proposed Agreed Board Orders (Alternative Resolutions); two proposed Agreed Board Orders following a Mediated Settlement Conference; and 23 proposed Agreed Board Orders concerning pharmacies and pharmacists, following an Informal Conference.

Agreed Board Orders (Alternative Resolutions)

- | | |
|-----------------------------|-----------------|
| 1. CVS/pharmacy #6761 | ABO #H-13-014-B |
| 2. Beccy Nneoma Ndukwe | ABO #H-13-014-A |
| 3. CVS/pharmacy #7284 | ABO #J-13-001 |
| 4. CVS/pharmacy #7643 | ABO #H-13-049 |
| 5. Grace Oludolapo Okesanya | ABO #J-12-020-A |
| 6. Mary Dael Saenz | ABO #H-12-066-A |
| 7. Aubrey Marie Selvey | ABO #H-12-068 |
| 8. Walgreen Co. #04013 | ABO #H-14-003-B |
| 9. Walgreen Co. #5376 | ABO #H-13-053-B |
| 10. Katherine Leigh Garza | ABO #H-13-053-A |
| 11. Walgreen Co. #7599 | ABO #H-13-032-B |
| 12. Walgreen Co. #9720 | ABO #H-13-033-B |

Agreed Board Orders (Following a Mediated Settlement Conference)

- | | |
|-----------------------------|---------------|
| 13. Palafox Pharmacy | ABO #A-12-003 |
| 14. Samuel Ambrosio Gurrola | ABO #C-10-004 |

Agreed Board Orders (Following an Informal Conference)

- | | |
|--------------------------------|-----------------|
| 15. Gabriel Onyekwelu Balonwu | ABO #M-14-011 |
| 16. Charlie Bellinger Bethea | ABO #B-12-008-A |
| 17. Jose Rolando Hinojosa | ABO #B-13-005-A |
| 18. Lake Area Pharmacy | ABO #A-12-023-B |
| 19. David Robert Humphries | ABO #A-12-023-A |
| 20. Leadcare Pharmacy, Inc. | ABO #H-13-052-B |
| 21. Daniel Azubuikwe Anyadike | ABO #H-13-052-A |
| 22. Suelynn Murray | ABO #G-12-036 |
| 23. Thomas O. Omeh | ABO #F-13-008 |
| 24. R3 Pharmacy | ABO #J-13-006-B |
| 25. Marwan Rashid Hattab | ABO #J-13-006-A |
| 26. Julie Arlette Smith | ABO #E-13-014 |
| 27. Southwest Pharmacy | ABO #B-12-009 |
| 28. Target Store T-1765 | ABO #H-13-009-B |
| 29. Tiffany Nations | ABO #H-13-009-A |
| 30. Target Store T-2374 | ABO #B-13-001 |
| 31. Travis David Tichenor | ABO #H-12-065-A |
| 32. Matthew Duc Tran | ABO #A-12-017 |
| 33. Urban Alternative Pharmacy | ABO #A-13-065 |
| 34. Gorathy Maria Uwake | ABO #A-12-018 |
| 35. Village Fertility Pharmacy | ABO #J-13-012 |

- 36. Walgreen Co. #3660
- 37. Walgreen Co. #6120

ABO #B-11-042-B
ABO #B-12-035-B

The motion was made by Mr. Wetherbee to approve the 12 proposed Agreed Board Orders (Alternative Resolutions); two proposed Agreed Board Orders following a Mediated Settlement Conference; and 23 proposed Agreed Board Orders concerning pharmacies and pharmacists, following an Informal Conference.

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

Agreed Board Orders (Alternative Resolutions)

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

Agreed Board Orders (Following a Mediated Settlement Conference)

- 13. 5-0-1 Mr. Wiesner abstained
- 14. 5-0-1 Mr. Wiesner abstained

Agreed Board Orders (Following an Informal Conference)

- 15. 6-0-0
- 16. 5-0-1 Mr. Weisner abstained
- 17. 5-0-1 Mr. Wetherbee abstained
- 18. 6-0-0
- 19. 6-0-0
- 20. 6-0-0
- 21. 6-0-0
- 22. 5-0-1 Mr. Wiesner abstained
- 23. 5-0-1 Mr. Wiesner abstained
- 24. 6-0-0
- 25. 6-0-0
- 26. 6-0-0
- 27. 6-0-0
- 28. 6-0-0
- 29. 6-0-0
- 30. 6-0-0
- 31. 5-0-1 Mr. Wetherbee abstained
- 32. 5-0-1 Mr. Wiesner abstained
- 33. 5-0-1 Mr. Wiesner abstained

34. 5-0-1 Mr. Wiesner abstained
35. 6-0-0
36. 6-0-0
37. 6-0-0

- The Board reviewed the alleged violations and the Temporary Suspension Orders entered following Temporary Suspension Hearings concerning pharmacies and pharmacist.

1. A & I Pharmacy, LLC BO #J-14-004-BS1
2. The Pill Box BO #C-14-003-BS1
3. S. Ray Johnson BO #C-14-003-AS1
4. Carol M. Johnson BO #C-14-005-AS1

- Confidential Agreed Board Orders (Tab 39)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one proposed Confidential Agreed Board Order (Alternative Resolution); five 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 Order (Alternative Resolution)

1. ABO #N-14-014

Agreed Board Orders (Following an Informal Conference)

2. ABO #E-13-012
3. ABO #M-14-007
4. ABO #G-13-017
5. ABO #M-14-009
6. ABO #G-13-018

Default Board Order

7. ABO #N-14-012

The motion was made by Ms. Tipton to approve the one proposed Confidential Agreed Board Order (Alternative Resolution); five 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. Abeldt and passed as follows:

Agreed Board Order (Alternative Resolution)

1. 6-0-0

Agreed Board Orders (Following an Informal Conference)

2. 6-0-0
3. 5-0-1 Mr. Wetherbee abstained
4. 6-0-0
5. 6-0-0
6. 6-0-0

Default Board Order

7. 6-0-0

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 40)

The Board received a report on complaints dismissed and closed during the first two quarters of FY2014 (September 1, 2013 – February 28, 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 41)

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 42)
 - Discussion concerning electronic supervision of pharmacy technicians in a Class C pharmacy in a facility with 101 beds or more.
 - Discussion concerning a new class of pharmacy located in a physician's office with limited dispensing.
 - Discussion concerning prescriptions transfer rules.
 - Discussion concerning patient counseling.
 - Discussion concerning pharmacies operating without a pharmacist-in-charge.

- Discussion of and Possible Action on Recent Conferences and Events

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

- Discussion of and Possible Action on Upcoming Conferences and Events

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

President Waggener adjourned the meeting at 5:43 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

August 5, 2014