



Texas State Board of Pharmacy

Annual Report FY2007

W. Michael Brimberry, R.Ph., MBA
President (9/01/06-8/06/07)

W. Benjamin Fry, R.Ph., FIACP, FACA
President (8/07/07-8/31/07)

Gay Dodson, R.Ph.
Executive Director/Secretary

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512/305-8000
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Board Mission

The statutory mission of the Texas State Board of Pharmacy is to promote, preserve, and protect the public health, safety, and welfare by fostering the provision of quality pharmaceutical care to the citizens of Texas, through the regulation of: the practice of pharmacy; the operation of pharmacies; and the distribution of prescription drugs in the public interest.

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Board Members

W. Michael Brimberry, R.Ph., MBA
President (9/01/06-8/06/07)
Austin
12/19/01 – 8/31/07

Kim A. Caldwell, R.Ph.
Vice President
Plano
10/27/97 – 8/31/09

W. Benjamin Fry, R.Ph., FIACP, FACA
President (8/07/07-8/31/07)
Treasurer (9/01/06-8/06/07)
San Benito
4/14/04-8/31/09

Juliette F. Bartlett-Pack, Ph.D.
Public Member
Houston
1/13/03 – 8/31/07

Rosemary Forester Combs
Public Member
El Paso
11/10/99 – 8/31/11

Doyle E. High, R.Ph.
Austin
12/19/01 – 8/31/07

Marcelo Laijas, Jr.
Public Member
Floresville
4/14/04 – 8/31/09

Alice G. Mendoza, R.Ph.
Kingsville
8/10/06 - 8/31/11

Jeanne D. Waggener, R.Ph.
Treasurer (8/08/07-8/31/07)
Waco
8/10/06 - 8/31/11

Office of the Executive Director**Executive Director**

Gay Dodson, R.Ph.

Executive Assistant

Kay Wilson, C.P.S.

Receptionist

Debra Dukes

Administrative Services & Licensing**Division Director**

Cathy Stella, P.H.R.

Chief Accountant

Jane Bennett

Accountant II

Lisa Earl

Accountant III

Sandra Morton

Staff Services Officer II

Robbi Dana

Purchaser

Darlene Guthrie

Information Resources Manager

Steve Rapp

Network Specialist

Todd Hayek

Licensing Administrator

Carol Willess

Licensing Specialists

Lisa Ake

Estella Casarez

Rachel Glass

Diana Ruedas

Melinda Uballe

Misty Whitcomb

Professional Services**Division Director**

Allison Benz, R.Ph., M.S.

Senior Administrative Assistant

Sherry Stevenson, C.P.S.

Legal

General Counsel

Kerstin Arnold, J.D.

Litigation Counsel

Julie Hildebrand, J.D.

Staff Attorney

Mitra Woody, J.D.

Legal Assistants

Georgienne Nassauer

Cheryl Sepulveda

Jing Belfiglio

Sharanya Rao

Enforcement

Division Director

Carol Fisher, R.Ph., M.P.A.

Assistant Dir. Of Enforcement

Paul Holder, Pharm.D., R.Ph.

Chief Investigator

Joe Lewis

Chief of Compliance

Ben Santana, R.Ph.

Program Specialist

Janelle Nastri

Enforcement Specialists

Patty Galan

Becky Damon

Cynthia Fazin

Nelma Sanchez, Ph.T.R.

Enforcement Officers

Linda Yazdanshenas

Robert Rivera, Ph.T.R.

Enforcement Technicians

Yvette Muniz

Noreen Trevino

In-House Investigator

Melissa Weeden

Senior Investigator

Robert Ebrom

Investigators

Allen Corporon

Sarah Guevara, Ph.T.R.

Wayne Jones

Gordon Lunsford

Tara Rike

Senior Compliance Officers

Mike Ethridge, R.Ph.

Iona Grant, R.Ph.

Compliance Specialist

Ann Driscoll, Ph.T.R.

Compliance Inspectors

Sharon Dimmick, Ph.T.R.

David Meryman, Ph.T.R.

Chris Schuttler, Ph.T.R.

Karen Guenther, Ph.T.R.

Administrative Assistants

Diane Torres

Kelly Clark

Demetria Williams

Note: The organizational structure reflects the organization as of August 31, 2007.

Board-Appointed Task Forces

Task Force on Pharmacy Compounding

Gregory R. Behrens, R.Ph., BS, MHSA (Chair)

Loyd Allen, Ph.D., R.Ph.

Randy Ball, R.Ph., M.B.A.

Howard Biel, R.Ph.

Pat Downing, R.Ph.

Allan Hawkins, M.S., R.Ph.

Travis Leeah, R.Ph.

Michael F. McMahan, R.Ph.

Mark Range, R.Ph., DVM

Steve Sims, R.Ph.

Karen Tannert, R.Ph.

Gerard Vandewerken, Texas Dept. of State Health Services

Board Member Liaison

W. Benjamin Fry, R.Ph., FIACP, FACA

Task Force on Security in Class A (Community) Pharmacies

Ted Zieschang, R.Ph. (Chair)

Henry Ager, R.Ph.

Jay Bueche, R.Ph.

John Carson, R.Ph.

Jennifer Fix, M.B.A., R.Ph.

Leroy Knodel, Pharm.D.

Scott Lason, R.Ph.

Doug Moore

Joe Rascati, R.Ph.

H. Mike Schwencke, R.Ph.

Board Member Liaisons

W. Benjamin Fry, R.Ph., FIACP, FACA

Doyle E. High, R.Ph.

Task Force on Internship Requirements

Jennifer Ridings Myhra, R.Ph. (Chair)

Joel Garza, R.Ph.

Charlotte Weller, R.Ph.

Tammy Cohen, R.Ph.

Lourdes Cuellar, R.Ph.

Kay J. Rider, R.Ph.

Scott Lason, R.Ph.

Gary Frech, R.Ph.

Charlene Offiong, R.Ph.

Craig Cox, R.Ph.

Ray Hammond, R.Ph.

Jeffrey Copeland, R.Ph.

Betsy Carlisle, R.Ph.

Kristie Vinklarek, R.Ph.

Board Member Liaison

Jeanne D. Waggener, R.Ph.

ANNUAL REPORT FY2007)

Board Mission

The statutory mission of the Texas State Board of Pharmacy is to promote, preserve, and protect the public health, safety, and welfare by fostering the provision of quality pharmaceutical care to the citizens of Texas, through the regulation of: the practice of pharmacy; the operation of pharmacies; and the distribution of prescription drugs in the public interest.

Board Philosophy

The Texas State Board of Pharmacy will assume a leadership role in regulating the practice of pharmacy and act in accordance with the highest standards of ethics, accountability, efficiency, effectiveness, and open communication. We affirm that regulation of the practice of pharmacy is a public and private trust. We approach our mission with a deep sense of purpose and responsibility. The public and regulated community alike can be assured of a balanced and sensible approach to regulation.

Board Strategic Goals (FY2005-2009)

- We will establish and implement reasonable standards for pharmacist and pharmacy technician education and practice, and for the operation of pharmacies to assure that safe and effective pharmaceutical care is delivered to the citizens of Texas [Texas Pharmacy Act (Occupations Code, Sec. 551-566, 568-569)].

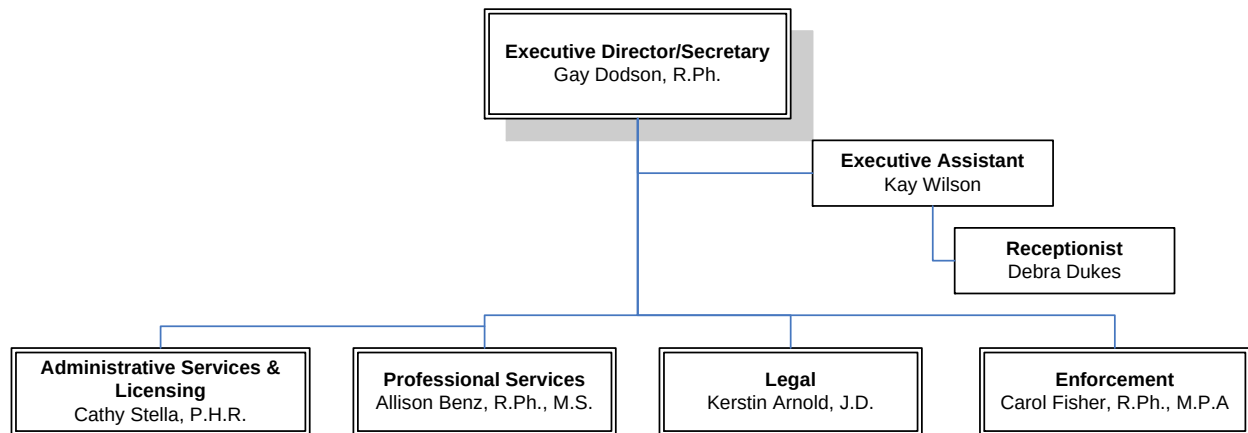
- We will assertively and swiftly enforce all laws relating to the practice of pharmacy to ensure that the public health and safety are protected from the following: incompetent pharmacists and pharmacy technicians; unprofessional conduct, fraud, and misrepresentation by licensees; and diversion of prescription drugs from pharmacies; and to promote positive patient outcomes through the following: reduction of medication errors by encouraging or requiring licensees to implement self-assessment programs and continuous quality improvement programs, including peer-review processes; and enforcement of rules relating to patient counseling and drug regimen review, including prevention of misuse and abuse of prescription drugs. [Texas Pharmacy Act (Occupations Code, Sec. 555-569), and Health and Safety Code, Chapter 483, Dangerous Drugs.]
- We will establish and implement policies governing purchasing and public works contracting that foster meaningful and substantive inclusion of historically underutilized businesses (HUBs).

Board Structure

The Board's functional structure at the end of FY2007 was composed of the Office of the Executive Director and four Divisions:

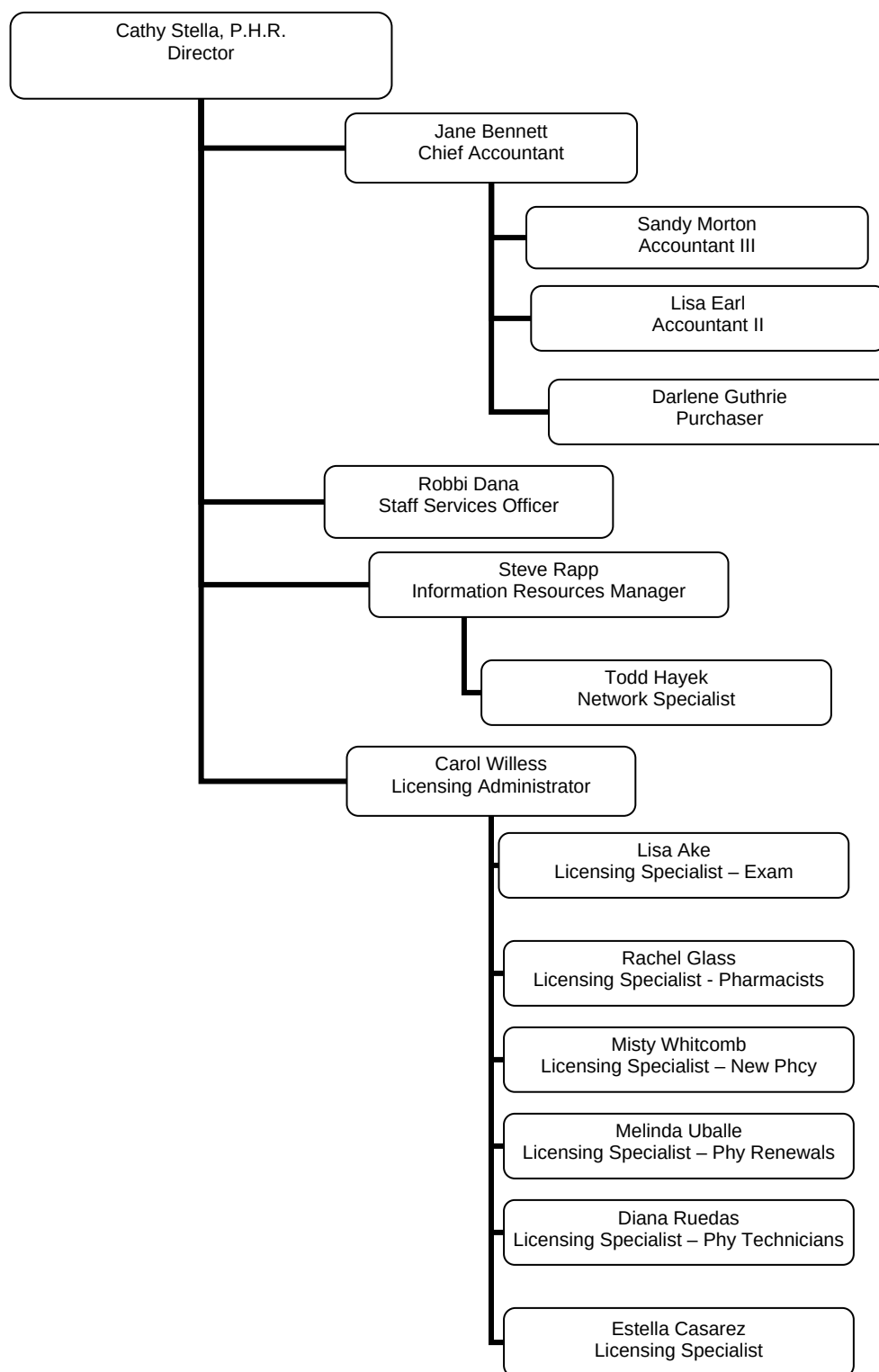
- Division of Administrative Services and Licensing;
 - Division of Professional Services;
 - Division of Enforcement; and
 - Division of Legal Services.
-

Texas State Board of Pharmacy
Fiscal Year 2007

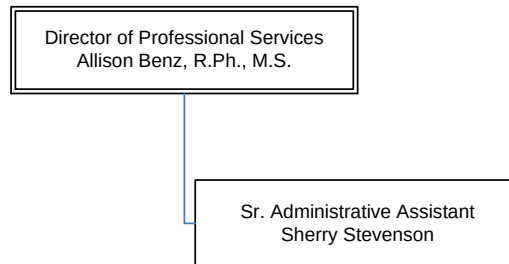


June 2008

Administrative Services & Licensing Fiscal Year 2007

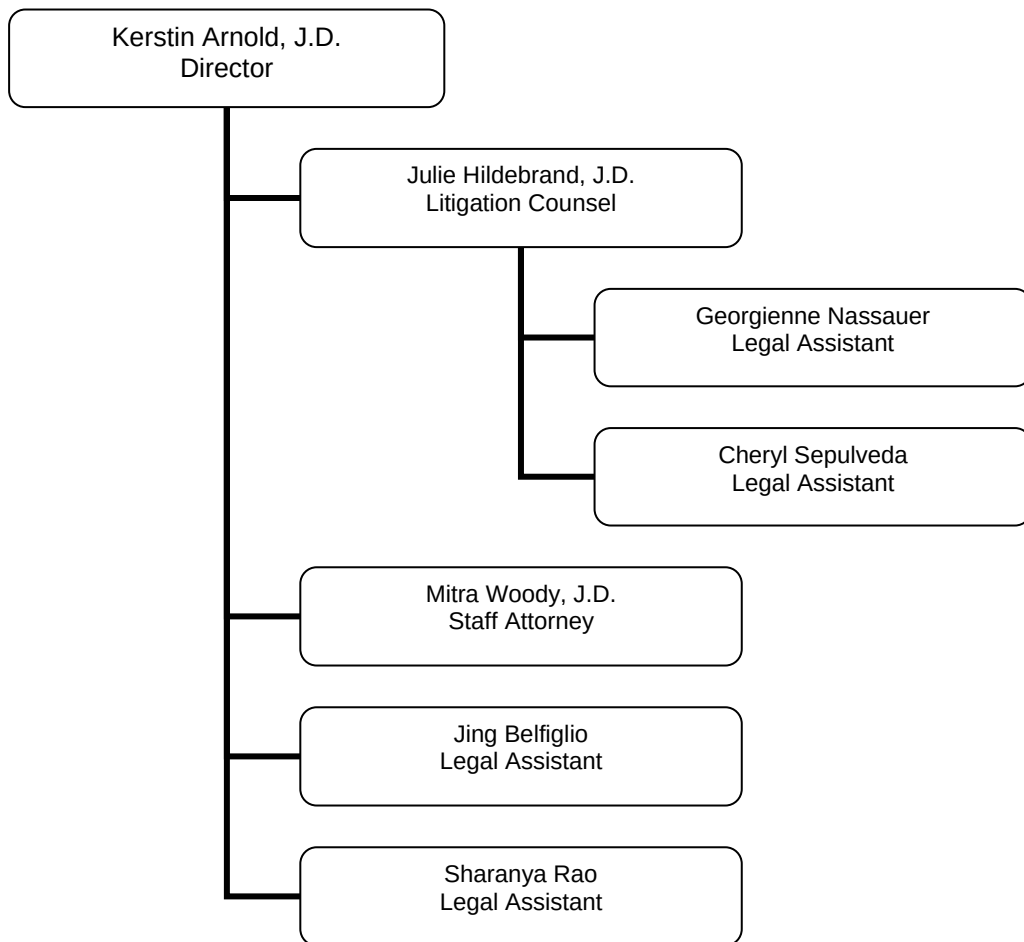


Texas State Board of Pharmacy
Professional Services Division
Fiscal Year 2007

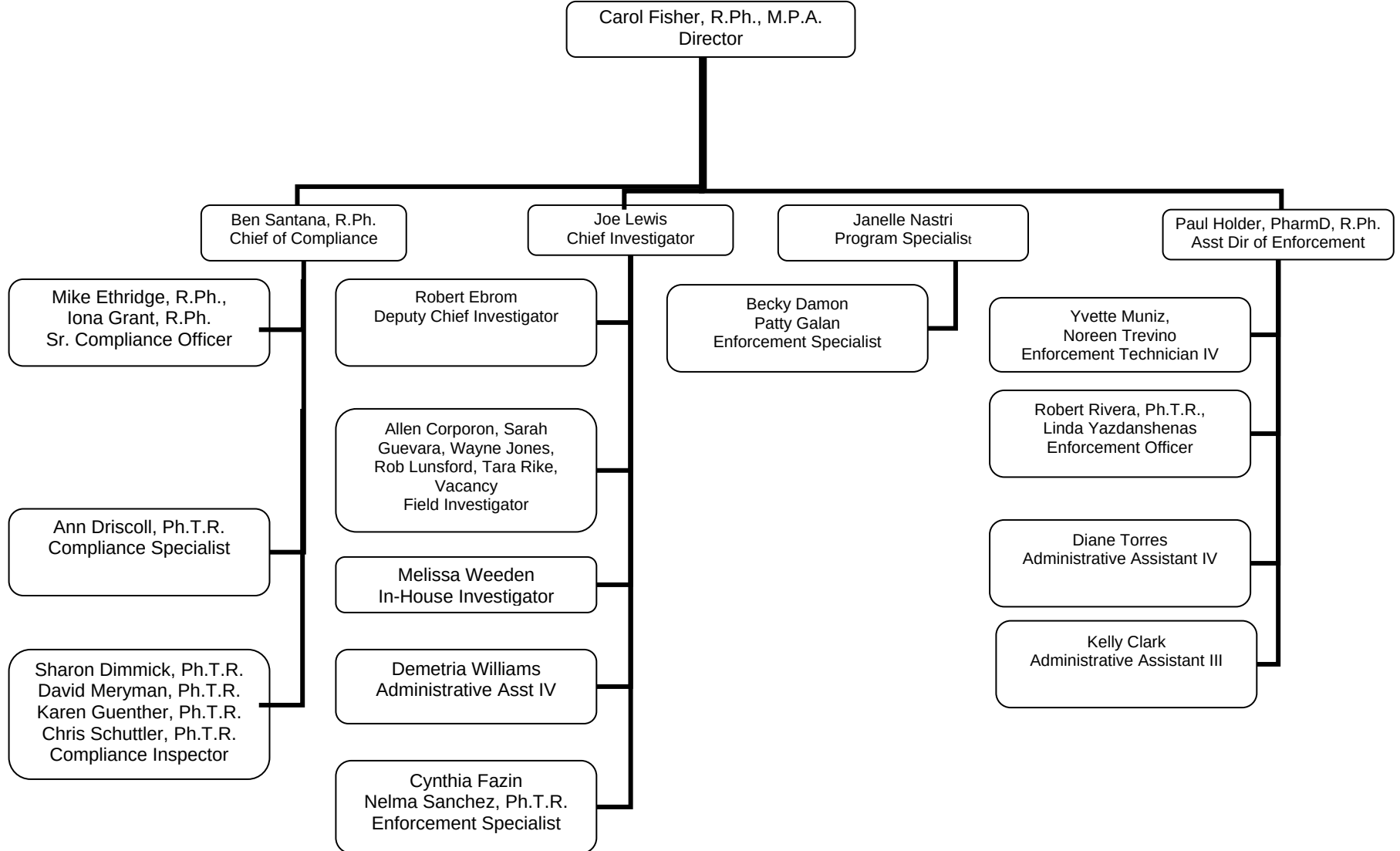


June 2008

TEXAS STATE BOARD OF PHARMACY
LEGAL DIVISION
FISCAL YEAR 2007



ENFORCEMENT FISCAL YEAR 2007



FY2007 FISCAL REPORT

The attached report represents an unaudited report of the financial activities regarding the internal operating budget for Fiscal Year 2007 (September 1, 2006 - August 31, 2007). A more detailed accounting of the agency's unaudited financial report, which includes all fund types and account groups, a complete statement of revenues and expenditures, and changes in fund balance, can be found in the *"FY2007 Annual Financial Report."*

It is important to note that as of August 31, 2007, the unexpended balance for FY2007 was approximately \$6,000 or .16% under budget. The primary source of this unexpended balance was in travel, which was \$3,225 under budget. It is also important to note that \$2,340 was unspent from Board Member Compensatory Per Diem and this amount could not be spent on general operating expenditures.

Financial Statement – Fiscal Year 2007

September 1, 2006 – August 31, 2007

					Remaining	Percent
		Budget	Expended	Unexpended	Budget	Remaining
1008	(a) Professional Fees & Svcs (Other)	12,138.35	12,138.35		0.00	0.00%
1008	(b) Professional Fees & Svcs (TPA)	94,500.00	94,500.00		0.00	0.00%
3002	Gas, Other Fuels & Lubricants	25,533.27	25,372.41		160.86	0.63%
3003	Vehicles - Maintenance	10,920.00	10,889.00		31.00	0.28%
3004	Consumable Supplies & Materials	29,216.10	29,046.53		169.57	0.58%
3005	Postage	47,862.22	47,862.22		0.00	0.00%
3006	Telephone	30,787.55	30,787.55		0.00	0.00%
3014	Subscriptions	9,304.69	9,304.69		0.00	0.00%
3015	Postage - Newsletter	3,800.63	3,800.63		0.00	0.00%
3018	Travel - Board Members (Service)	23,507.00	22,826.94		680.06	2.89%
3019	Travel - Board Members (Conference)	7,000.00	5,969.13		1,030.87	14.73%
3020	Travel - Board Members (Conf-Out Of St.)	5,000.00	3,811.47		1,188.53	23.77%
3027	Travel - State Vehicle	1,248.00	1,248.00		0.00	0.00%
3028	Travel - Staff (Service)	78,887.20	78,560.80		326.40	0.41%
3037	Travel Conference - State Vehicle	138.00	138.00		0.00	0.00%
3038	Travel - Staff (Conference)	5,798.29	5,798.29		0.00	0.00%
3039	Travel - Staff (Conf Out Of State)	3,452.82	3,452.82		0.00	0.00%
3516	Membership Fees & Dues	1,920.00	1,920.00		0.00	0.00%
3517	Administrative Support Service (Other)	810.00	810.00		0.00	0.00%
3518	Administrative Support Service	20,238.03	20,238.03		0.00	0.00%
3521	Criminal Investigative Expense	627.99	627.99		0.00	0.00%
3534	Freight & Delivery Service	2,946.76	2,946.76		0.00	0.00%
3535	Maint & Repair - Furn & Equip	703.50	703.50		0.00	0.00%
3536	Rental of Furn & Equip	9,823.83	9,823.83		0.00	0.00%
3537	Rental of Space	1,652.38	1,652.38		0.00	0.00%
3538	Bonds & Insurance	9,169.00	9,169.00		0.00	0.00%
3540	Reproduction & Printing	25,870.84	25,870.84		0.00	0.00%
3541	Printing - Newsletter	5,151.12	5,151.12		0.00	0.00%
3545	Computer Expenses (Northrop)	145,202.98	145,202.98		0.00	0.00%
3550	Hearing Expenses	0.00	0.00		0.00	0.00%
3570	Registration Fees	8,386.00	8,386.00		0.00	0.00%
3571	Board Member Registration	5,809.00	5,809.00		0.00	0.00%
3581	F & E - Not Capitalized or Inventoried	6,906.61	6,906.61		0.00	0.00%
3581(B)	Cap Bdgt Project - F&E Not Cap/Inv.	12,264.16	13,289.10	1,098.00	73.06	0.60%
3586	Cap Bdgt Project - F&E - Inventoried	16,340.27	31,192.75	14,852.48	0.00	0.00%
3587	Cap Bdgt Project - F&E - Equip/S/W	30,333.77	30,333.77		0.00	0.00%
3588	Books & Recorded Materials	70.41	70.41		0.00	0.00%
3590	Miscellaneous (HPC Transfer and Fees)	22,272.43	22,272.43		0.00	0.00%
3595	Awards	787.80	787.80		0.00	0.00%
5001	Purchase of Vehicles	75,167.00	76,547.00	1,380.00	0.00	0.00%
7001	Exempt Salaries	77,500.00	77,500.00		0.00	0.00%
7002	Classified Salaries - Full Time	2,464,622.94	2,464,622.94		0.00	0.00%
7017	One-Time Merit	23,530.00	23,530.00		0.00	0.00%

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7020	Hazardous Pay	6,340.00	6,340.00	0.00	0.00%	
7021	Overtime Pay	2,025.80	2,025.80	0.00	0.00%	
7022	Longevity	57,500.00	57,500.00	0.00	0.00%	
7023	Lump Sum Termination Payment	68,070.19	68,070.19	0.00	0.00%	
7025	Compensatory Per Diem	9,450.00	7,110.00	2,340.00	24.76%	
7219	TexasOnLine Fee	207,486.00	207,486.00	0.00	0.00%	
7947	State Office of Risk Management Refund	3,822.91	3,822.91	0.00	0.00%	
TOTAL ADMIN, LIC & ENF		3,711,895.84	3,723,225.97	17,330.48	6,000.35	0.16%

Office of the Executive Director

This FY2007 Annual Report reflects the objectives accomplished and activities conducted by the agency necessary to implement its *Strategic Plan*. The agency continued to enjoy an excellent reputation with a broad range of customers as a consumer protection advocate and also has the support of its activities by the regulated profession.

The numerous accomplishments achieved by TSBP staff are highlighted at the beginning of each division report. Although specific activities are highlighted under each Division Director's Objectives, TSBP experienced the following major accomplishments and constraints in FY2007.

FY2007 SIGNIFICANT ACCOMPLISHMENTS

1. The agency accomplished or partially accomplished all (100%) of its 92 objectives [87 accomplished (95.6.%) and 5 partially accomplished (5.4%)].
2. The agency successfully implemented the registration of Pharmacy Technician Trainees. See the Administrative Services and Licensing Division's New Goal #1, the Enforcement Division's New Goal #1, and the Legal Division's New Goal #1 for details.
3. The agency experienced continued success with the licensee/registrant acceptance of the Texas Online application system. All fee-paying applications of the agency are now available through Texas Online. FY2007 adoption rates to Texas Online were as follows:

License/Registration	Adoption Rates
Pharmacist New	39%
Pharmacist Renew	80%
Pharmacy Technician New	89%
Pharmacy Technician Renew	92%
Pharmacy New	16%
Pharmacy Renew	49%
Examination & Reciprocity	82%

4. FY2007 marked the Centennial Celebration of the creation of the Board of Pharmacy through the passage of the Texas Pharmacy Act in 1907. Some of the activities in the Centennial Year included:
 - A. A display of historical items about the Board was placed in the lobby of the William P. Hobby State Office Building.
 - B. On two separate occasions, a display of historical items about the Board was set up in the Texas State Capitol.
 - C. Each of the four TSBP Newsletter issues published during FY2007 contained a President's Column featuring information about the Board's 100-year history.
 - D. The website was updated with information regarding the Centennial Celebration including a history of the Board and the Executive Directors that have served the Board.

OFFICE OF THE EXECUTIVE DIRECTOR

5. As reflected in the chart below, the agency resolved 47% more complaints in FY2007 than in FY2006 and reduced the resolution time by 11% (22 days). See Enforcement Ongoing Objective #3 for details.

Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY03	1,935	+5%	1,887	-12%	98%	153 Days	-31%
FY04	4,475	+131%	3,018	+60%	67%	118 Days	-23%
FY05	3,086	-31%	3,327	+10%	108%	196 Days	+66%
FY06	3,550	+15%	3,387	+2%	95%	207 Days	+6%
FY07	5,849	+65%	4,980	+47%	85%	185 Days	-11%

6. The agency entered more disciplinary orders in FY2007 (648) than have been entered in any other year in the 100-year history of the agency. In addition, 97% of the disciplinary cases against pharmacists and pharmacies and 99% of the cases against pharmacy technicians were settled through the entry of Agreed Board Orders, which resulted in significant efficiencies, both in terms of complaint resolution time and expenditures. See Legal Ongoing Objective #1 for details.

Fiscal Year	Number of Board/Default Orders		Number of Agreed Board Orders		Total Number of Orders	% Change from Previous Year	% Agreed or Default Orders
FY2003	4		209		213	--	98%
Pharmacists	3		139				
Pharmacies	1		70				
FY2004	6		463		469	120%	99%
Pharmacists	6		149		155		
Pharmacies	0		80		80		
Technicians	0		234		234		
FY2005	10		542		552	18%	99%
Pharmacists	7		112		119		
Pharmacies	0		53		52		
Technicians	3		377		380		
FY2006	39		436		475	-14%	99%
Pharmacists	1		143		144		
Pharmacies	0		63		63		
Technicians	38		230		268		
FY2007	67		581		648	36%	98%
Pharmacists	15		198		213		
Pharmacies	0		87		87		
Technicians	52		296		348		
TOTALS	126		2,231		2,357	204% Increase over 5 years	98% 5-Year Average

OFFICE OF THE EXECUTIVE DIRECTOR

7. Field Compliance staff conducted 2,083 pharmacy inspections, thereby exceeding the inspection goal for FY2007 (see Enforcement Ongoing Objective #2 for further details regarding compliance inspections). This number of inspections included 110 pre-inspections of new pharmacies, a process to ensure that TSBP is issuing licenses to valid facilities, which represented a 41% increase as compared to the number of inspections conducted in FY2006.
8. The following TSBP Board Members and staff were appointed to offices, received honors, or received recognition in FY2007.
 - A. Board member W. Michael Brimberry, R.Ph., was appointed as a member of the National Association of Boards of Pharmacy's Task Force on Emergency Preparedness, Response, and the U.S. Drug Distribution System.
 - B. Board member Kim A. Caldwell, R.Ph., was:
 - appointed as a member of the National Association of Boards of Pharmacy's Task Force on Law Enforcement and Legislation; and
 - one of 15 people appointed by Governor Rick Perry to the Texas Health Care System Integrity Partnership, an advisory group for the development of the Texas Health Care System Integrity Authority.
 - C. Board member W. Benjamin Fry, R.Ph., FIACP, FACA, was appointed as a member of the National Association of Boards of Pharmacy's Task Force on Standardizing Student Pharmacist Experiential Requirements.
 - D. Board member Jeanne D. Waggener, R.Ph., was recognized by Wal-Mart as the 2006 Community Pharmacist of the Year.
 - E. Executive Director/Secretary Gay Dodson, R.Ph., was:
 - Selected as the recipient of the National Association of Boards of Pharmacy's 2006 Lester E. Hosto Distinguished Service Award; and
 - Appointed to serve as chair of the National Association of Boards of Pharmacy's Task Force on Standardizing Student Pharmacist Experiential Requirements.

OFFICE OF THE EXECUTIVE DIRECTOR

FY2007 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS

- Although the agency successfully implemented the new program for registration of pharmacy technician trainees, every division of the agency experienced a dramatic increase in workload caused by the registration of pharmacy technicians, which began in mid FY2004, and pharmacy technician trainees, which began in October 2006 (FY2007). The following charts show the workload effects caused by implementation of these new registration programs with minimal increase in personnel.

Licensee Information FY2003 – FY2007						
	FY2003	FY2004	FY2005	FY2006	FY2007	% inc
Pharmacies	5,794	6,014	6,107	6,201	6,315	9%
Pharmacists	21,570	22,211	22,661	23,323	23,939	7.9%
Pharmacy Technicians	--	22,164	26,664	30,091	32,106	44.9% (4yr)
Pharmacy Technician Trainees	--	--	--	--	10,399	--
Totals	27,364	50,389	55,432	59,615	72,759	165.9%

Complaint Information FY2003 – FY2004			
Year	Complaints Received	Complaints Resolved	Resolution Time (Avg.)
FY2003	1,935	1,887	153 days
FY2004	4,475	3,018	118 days
FY2005	3,086	3,327	196 days
FY2006	3,550	3,387	207 days
FY2007	5,849	4,980	185 days
% Increase	202%	164%	21%

Numbers of Disciplinary Orders FY2003 – FY2007				
Year	Pharmacists	Pharmacies	Pharmacy Technicians	Total
FY 2003	142	71	-	213
FY2004	155	80	234	469
FY2005	119	53	380	552
FY2006	144	63	268	475
FY2007	213	87	348	648
% Increase (03 – 07)	50%	23%	49% (4 yr.)	204%

OFFICE OF THE EXECUTIVE DIRECTOR

FY2007 ANNUAL REPORT

GOAL

To provide policy advice to the Board, implement Board policies, and manage the organization in a manner that will accomplish the stated mission, goals, and objectives of the agency.

Objectives (New)

1. To provide testimony, attend public hearings, and provide any fiscal or technical information, as required by the 80th Legislature, and to review all legislation introduced by the 80th Legislature and monitor the progress of any legislation that has a potential impact on TSBP operations or the practice of pharmacy throughout FY2007.

Status: ACCOMPLISHED

Comment: During this fiscal year, the following was accomplished in regard to this objective.

- A. A total of 6,829 pieces of legislation were introduced in the 80th Regular Legislative Session. The Executive Director reviewed or assigned a staff member to review each of these bills. A total of 385 bills that affected the agency or the practice of pharmacy were tracked and monitored as follows.

80 TH TEXAS LEGISLATURE, REGULAR SESSION					
		Session		TSBP Monitored	
		Filed	Passed	Filed	Passed
House					
	Bills	4,140	912	238	42
	Joint Resolutions	108	10	1	0
	Concurrent Resolutions	294	196	0	0
	Resolutions	50	0	0	0
	House Total	4,592	1,118	239	42
Senate					
	Bills	2,050	518	142	34
	Joint Resolutions	64	7	1	0
	Concurrent Resolutions	90	59	3	2
	Resolutions	33	0	0	0
	Senate Total	2,237	584	146	36
	Regular Session Total	6,829	1,702	385	78

- B. The Executive Director met with Legislators or others or testified before Legislative committees a total of 34 times as follows.

Date	Subject, Legislator, or Committee
9/13/2006	TSBP Legislative Appropriation Request, Senate Finance Committee Hearing.
10/17/2006	Regulation of Pharmacy Benefit Managers, Joint Hearing of the Senate State Affairs and Senate Health and Human Services Committees.
12/19/2006	Carrying of guns by TSBP investigators, Leticia Van de Putte.
1/10/2007	Meeting with Daniel in Representative Chuck Hopson's office regarding the carrying of guns by TSBP investigators.

OFFICE OF THE EXECUTIVE DIRECTOR

Date	Subject, Legislator, or Committee
1/25/2007	Telephone interview with Ann Kimble of the Senate Health and Human Services Committee regarding HB 2145.
1/29/2007	TSBP Legislative Appropriation Request, meeting with Gretchen from Senator Troy Frazer's staff.
1/30/2007	TSBP Legislative Appropriation Request, Senate Finance Committee Hearing
2/5/2007	HB 667 (Prescription Labeling), Meeting with Lemuel Price from Representative Yvonne Davis's staff.
2/5/2007	TSBP Legislative Appropriation Request, Meeting with Jerry Haddican from Senator Juan (Chuy) Hinojosa's staff.
2/7/2007	TSBP Legislative Appropriation Request, House Appropriation Committee Hearing.
2/7/2007	Telephone interview with Cory Ray of the Senate Research Committee regarding pharmacy benefit managers
2/15/2007	TSBP Legislative Appropriation Request, House Appropriation Committee Regulatory Subcommittee
2/21/2007	TSBP Legislative Appropriation Request, House Appropriation Committee Hearing
3/5/2007	TSBP Legislative Appropriation Request, Senate Finance Committee Mark-up on Article VIII (Regulatory Agencies).
3/5/2007	Employee Salaries, House Appropriations Committee Hearing.
3/7/2007	HB 1676 (Public Awareness – Internet Pharmacies) Hearing
3/8/2007	SB 474 (TSBP Peace Officers), Meeting with Candace of Representative Driver's staff.
3/8/2007	TSBP Legislative Appropriation Request, pending items House Appropriations Committee Hearing
3/13/2007	SB 409 (NTI – seizure drugs) & SB 625 (NTI – immunosuppressant drugs), Senate Health & Human Services Committee Hearing
3/14/2007	HBs 1953& 948 (Rx labeling),, 1443 (NTI – immunosuppressant drugs), 1806 (NTI – seizure drugs) &1683 (repeal of 1:5 ratio), House Public Health Committee Hearing.
3/15/2007	Employee salaries, Senate Finance Committee Hearing
3/20/2007	SB 994 (out-of-state Controlled Substance Rx's), Senate Finance Committee Hearing
3/26/2007	Meeting with Chuck Hopson regarding NTI bills.
3/26/2007	SB 409 (NTI – immunosuppressant drugs) & SB 625 (NTI – seizure drugs) meeting with House & Senate sponsors in Senator Kyle Janek's office.
3/27/2007	SB 809 (automated dispensing systems) & SB 943 (prescription drug wholesalers), Senate Health and Human Services Committee Hearing.
4/2/2007	SB 2939 (consolidation of health licensing agencies, House Government Reform Committee Hearing.
4/3/2007	SB 1750 (criminal history of licensees), Senate Criminal Justice Hearing
4/4/2007	HB 3078 (charitable clinics & recycling), House Public Health Committee Hearing
4/12/2007	HB 1676 (Public Awareness – Internet Pharmacies), Senate Health and Human Services Committee Hearing
4/13/2007	SB 1879 (Controlled Substance Prescription Monitoring Program), meeting in Senator Williams' Office
4/17/2007	SB 1658 (30 emergency Rx supply) & SB 1879 (Controlled Substance Prescription Monitoring Program), Senate Health and Human Services Committee Hearing.
4/19/2007	SB 1896 (Recycling of Rx drugs), Senate Health and Human Services Committee Meeting.
4/24/2007	SB 1620 (Confidentiality of Rx information) & SB 1313 (Complaint Information Reporting), Senate Health and Human Services Committee Hearing.
5/2/2007	HB 3684 (Controlled Substance Prescription Monitoring Program), House Public Health Committee Hearing.
5/3/2007	SB 1274 (Flavoring of Rx's) & SB 1429 (Pharmacist's authority to sign Rx's), Senate Health and Human Services Committee Hearing
5/8/2007	SB 948 (Rx label), Senate Health and Human Services Committee Hearing
5/14/2007	SB 994 (Out-of-state Controlled Substance Rx's), House Public Health Committee Hearing
5/16/2007	SB 1620 (Confidentiality of Prescription Information), House Public Health Committee Hearing.

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- C. During the 80th Session, the following significant legislation that affected the agency or the practice of pharmacy was passed.
- (1) HB 948 Prescription Labeling by Rep. Yvonne Davis/Sen. Ellis – The bill requires the Texas State Board of Pharmacy to adopt rules:
 - a. “requiring the label on a dispensing container to be in plain language and printed in an easily readable font size for the consumer”; and
 - b. “specifying the information a pharmacist must provide to a consumer when dispensing a prescription.” The information must be:
 - c. written in plain language;
 - d. relevant to the prescription; and
 - e. printed in an easily readable font size.
 - (2) HB 1676 Public Awareness Campaign Concerning Internet Drug Solicitations by Rep. Delisi/Senator Van de Putte – The bill requires the office of the Attorney General (AG), in consultation with the Texas State Board of Pharmacy, pharmacy trade associations, and consumer advocates, to develop a public awareness campaign to “educate consumers concerning solicitations for the sale of prescription drugs that are made using email or the Internet. The AG may accept gifts, grants, and donations to support the campaign.
 - (3) SB 625 Restrictions on the Substitution of Transplant Immunosuppressant Drugs by Sen. Janek/Rep. John Davis – The bill amends several sections of the Texas Pharmacy Act as follows to:
 - a. create a joint committee composed of an “equal number of members” from the Texas State Board of Pharmacy and the Texas Medical Board;
 - b. require the committee to make a recommendation to TSBP on whether to include a drug on the list of NTI drugs; and
 - c. require the Board to adopt rules and issue findings on the committee recommendation not later than July 1, 2008.
 - (4) SB 994 Out-of-State Controlled Substance Prescriptions by Sen. Nelson/Rep. Delisi – This bill amends Section 481.074(h) of the Texas Controlled Substances Act to allow pharmacists to dispense prescriptions for controlled substances under a written, oral, or telephonically communicated prescription from an out-of-state practitioner. (The requirement that the pharmacist must have an original written prescription before dispensing has been removed.)
 - (5) SB 1274 Flavoring of a Commercial Product by Sen. Van de Putte/Rep. Hopson – This bill adds a new Section 554.056, Rulemaking; Addition of Flavoring to Commercial Product, to give the Board the authority to adopt rules governing the procedures for a pharmacist, as a part of compounding, to add flavoring to a commercial product at the request of the patient or patient’s agent.

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(6) SB 1658 Authority for Pharmacists to Fill Certain Prescriptions in a Disaster by Sen. Nichols/Rep. Hopson – This bill amends Section 562.054 of the Texas Pharmacy Act and Section 481.074 of the Texas Controlled Substances Act to allow in the event of a natural or manmade disaster, pharmacists to dispense up to a 30-day supply of a prescription drug, other than Schedule II drugs.

(7) SB 1879 Controlled Substances Act Amendments by Sen. Williams/Rep. Hamilton – This bill amends the Texas Controlled Substances Act to establish a prescription drug monitoring program for all controlled substance prescriptions dispensed in Texas.

(8) SB 1896 Distribution and Redistribution of Certain Drugs by Sen. Lucio/Rep. Delisi – This bill amends Section 562.1085 - Unused Drugs Returned By Certain Pharmacists, of the Texas Pharmacy Act to allow the return and re-dispensing of prescription drugs from penal institutions in the same manner nursing homes can return drugs. The bill also amends Section 431.321 of the Health and Safety Code to allow a pharmacy that is a community pharmaceutical access program provider to dispense drugs donated to the pharmacy.

2. To direct the submission of, provide testimony for, and monitor the progress of the agency's *Legislative Appropriations Request* and corresponding performance measures for FY2008-2009.

Status: ACCOMPLISHED

Comment:

- A. The agency was successful in obtaining:
1. A 2% across-the-board pay raise for all classified employees in FY2008 and a 2% pay raise in FY2009.
 2. An increase in the Executive Director's salary to \$105,000 per year.
 3. \$100,000 to fund a new program to test compounded products.
 4. Funding to establish the electronic meeting project.
 5. Five new enforcement FTE's to assist in the new Pharmacy Technician Trainee Program and ongoing registration of Pharmacy Technicians.
 6. An Increase to the funding for the Pharmacy Recovery Network.
- B. The Executive Director testified regarding the agency's Legislative Appropriations Request before Legislative committees a total of 11 times as follows.

Date	Legislator, or Committee
9/13/2006	Senate Finance Committee Hearing.
1/29/2007	Meeting with Gretchen from Senator Troy Frazer's staff.
1/30/2007	Senate Finance Committee Hearing
2/5/2007	Meeting with Jerry Haddican from Senator Juan (Chuy) Hinojosa's staff.
2/7/2007	House Appropriation Committee Hearing.
2/15/2007	House Appropriation Committee Regulatory Subcommittee
2/21/2007	House Appropriation Committee Hearing
3/5/2007	Senate Finance Committee Mark-up on Article VIII (Regulatory Agencies).
3/5/2007	Employee Salaries, House Appropriations Committee Hearing.

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Date	Legislator, or Committee
3/8/2007	House Appropriations Committee Hearing
3/15/2007	Employee salaries, Senate Finance Committee Hearing

- 3. To direct the implementation of the new program to register and regulate pharmacy technician trainees throughout FY2007.**

Status: ACCOMPLISHED

Comment: The Pharmacy Technician Registration & Enforcement Program expanded to include pharmacy technician trainees as a result of legislation passed by the 79th Texas Legislature. Registration began in October 2006, and at year-end approximately 10,410 technician trainees had registered with the Board, bringing the total population of pharmacy technicians and trainees to 42,505. The ongoing success of this project required the cooperation and coordination of all divisions and all staff members. In order to capture the effect of this project on the agency please see New Goal #1 in the Administrative Services and Licensing, Enforcement, and Legal Division reports.

- 4. To direct the implementation of the fingerprint-based applicant criminal history background check.**

Status: PARTIALLY ACCOMPLISHED

Comment: Numerous meetings were held with the Texas Department of Public Safety, TSBP staff, and Northrop Grumman Technical Services (programming staff) to develop an electronic method of retrieving criminal history background information using the electronic fingerprint based system. Programming and testing of data occurred throughout this fiscal year, with anticipated implementation of the first phase of applicants, the student intern applicant, to begin in FY2008 (October 2007). See comments under Professional Services, Enforcement, and Legal Division New Objective #1.

- 5. To coordinate and participate in the orientation of new Board Members within 90 days of appointment by the Governor.**

Status: ACCOMPLISHED

Comment: On August 10, 2006, the Governor announced the appointment of two new Board Members (Jeanne Waggener, R.Ph., community pharmacist from Waco, Texas, and Alice Mendoza, R.Ph., hospital pharmacist from Kingsville, Texas) and the reappointment of Rosemary Combs (public member from El Paso, Texas). The orientation for the new members was held on September 26-27, 2006.

OFFICE OF THE EXECUTIVE DIRECTOR

Objectives (Ongoing)

1. To manage and monitor the agency's performance and operational efficiency throughout FY2007.

Status: ACCOMPLISHED

Comment: The agency accomplished or partially accomplished all (100% of its 92 objectives [87 accomplished (94.6%), and 5 partially accomplished (5.4%)]. In addition, the agency also met or exceeded 10 (83%) of its 12 key performance measures listed in the Appropriations Act and required to be reported on an annual basis to the Legislative Budget Board (LBB) as indicated below. One key performance measure that was not met related to average time for resolution of a complaint. The goal for the resolution of complaints was established by the LBB using the actual resolution time during FY2004. The agency informed the LBB that although the agency was able to achieve the 120 day resolution time in FY2004, this number would not be reached in FY2006. Therefore, the agency recommended that the resolution time should be set at 250 days. Had the LBB taken this suggestion, the agency would have exceeded this performance goal.

Performance Measure		FY07 Projected Performance	FY07 Performance Attained	Projected Target Met?*
A. Goal: Maintain Standards - To establish and implement reasonable standards for pharmacist education and practice, and for the operations of pharmacies to assure that safe and effective pharmaceutical care is delivered to the citizens of Texas.				
	Outcome (Results/Impact)			
	Percent of Licensees with No Recent Violations	99%	96.50%	Met
	Percent of Licensees Who Renew Online	75%	86.33%	Exceeded
	A.1.1. Strategy: Licensing - To operate a timely, cost-effective application and renewal licensure system for pharmacies and pharmacists.			
	Output (Volume)			
	Number of New Licenses Issued to Individuals	870	1,024	Exceeded
	Number of Licenses Renewed (Individuals)	11,058	12,148	Exceeded
	Efficiencies			
	Average Licensing Cost Per Individual License Issued	\$10.44	\$9.45	Exceeded
	Average Licensing Cost Per Facility License Issued	\$35.12	\$35.88	Met
	Explanatory			
	Total Number of Business Facilities Licensed	5,950	6,315	Exceeded
B. Goal: Enforce Regulations - To assertively and swiftly enforce all laws relating to the practice of pharmacy to ensure that the public health and safety is protected from the following: incompetent pharmacists; unprofessional conduct; fraud; and misrepresentation by licensees; and diversion of prescription drugs from pharmacies; and to promote positive patient outcomes through the following: reduction of medication errors by encouraging or requiring licensees to implement self-assessment programs and continuous quality improvement programs, including peer review processes; and enforcement of rules relating to patient counseling and drug regimen review, including prevention of misuse and abuse of prescription drugs.				
	Outcome (Results/Impact)			
	Percent of Jurisdictional Complaints Resulting in Disciplinary Action	10%	13.80%	Exceeded

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B.1.1. Strategy: Enforcement - Emphasize preventative enforcement by conducting compliance inspections of pharmacies; providing technical assistance, licensee information, and educational programs; receiving, investigating, and resolving complaints; and monitoring compliance with disciplinary orders resulting from Board adjudication.				
	Output (Volume)			
	Number of Jurisdictional Complaints Resolved	1,980	5,793	Exceeded
	Efficiencies			
	Average Time for Jurisdictional Complaint Resolution	120	185	Not Met
	Explanatory			
	Number of Jurisdictional Complaints Received	2,500	3,501	Exceeded
B.1.2. Strategy: Peer Assistance - Operate a peer assistance program.				
	Output (Volume)			
	Number of Licensed Individuals Participating in a Peer Assistance Program	175	156	Not Met

* Within a 5% variance, TSBP's actual performance was either: equivalent to projected performance ("Met"); better than projected performance ("Exceeded"); or fell below projected performance ("Not Met").

2. **To coordinate the development of proposed goals and objectives and budget for FY2008 based on the Strategic Plan and projected budget, for submission to the Board two weeks prior to the 2007 Annual Policy Meeting.**

Status: ACCOMPLISHED

Comment: A proposed budget, including revenue projections, and Goals and Objectives for the agency were presented and approved at the August 2007 Board Business Meeting.

3. **To direct TSBP's "lead agency approach" to help assure coordination of TSBP activities with those of other state and federal agencies involved in the regulation of the practice of pharmacy throughout FY2007.**

Status: ACCOMPLISHED

Comment: The agency's Enforcement, Compliance, Investigations, and Legal staffs worked extensively with federal, state, and local regulatory agencies. (See Enforcement Division's Ongoing Objective #4, Legal Division's Ongoing Objective # 8, and Professional Services Division's Ongoing Objective #8 for details of these cooperative efforts.)

4. **To review all federal statutes, regulations, and policies that may impact the regulation of the practice of pharmacy and make timely recommendations to the Board for implementation of any required Board actions throughout FY2007.**

Status: ACCOMPLISHED

Comment: The Executive Director and agency staff monitored the activities of the federal Food and Drug Administration regarding the illegal importation of prescription drugs, Internet pharmacies, counterfeit prescription drugs, and compounding pharmacies. Notices of these activities were forwarded to the Board members throughout the year.

OFFICE OF THE EXECUTIVE DIRECTOR

- 5. As the Executive Director of the Board, throughout FY2007, to:**
- A. represent Board policies and programs to local, state, and national pharmacy, health-related, and consumer organizations;**
 - B. act as the Board's liaison to the pharmacy professional associations;**
 - C. continue to take a proactive role in the operation of the Health Professions Council; and**
 - D. continue to support and participate in the Texas Pharmacy Congress.**

Status: ACCOMPLISHED

Comment:

- A. The Executive Director gave 18 interviews with the press concerning a number of issues as follows:

Date	Media/Subject
9/27/2006	Telephone interview with Brain Sasser of KPRC TV Houston regarding disposal of confidential information by a pharmacy.
10/4/06	Telephone interview with Brain Sasser of KHOU TV Channel 2, Houston regarding disposal of confidential information by a pharmacy.
11/14/2006	On-camera interview with Amy Davis of KHOU TV, Channel 2, Houston regarding disposal of confidential information by a pharmacy.
12/01/2006	Telephone interview with Rehan Hyder of KDFW Fox 4 News, Dallas/Fort Worth regarding dispensing errors
12/14/2006	Telephone interview with Barbara Fossler, freelance reporter, regarding botox.
12/29/2006	Telephone interview with Inez Hernandez of the Corpus Christi Caller Times regarding Canadian pharmacies
2/15/2007	Telephone interview with Brain Collister of WOAI radio, San Antonio regarding internet pharmacy.
2/23/2007	Telephone interview with Glen Evans of the Longview News Journal regarding internet pharmacy.
4/27/2007	Telephone interview with Peter Korn, The Oregonian regarding dispensing error.
5/2/2007	Telephone interview with Peter Korn, the Oregonian regarding dispensing error.
5/9/2007	Telephone interview with Jason Robertson, Dallas Morning News regarding dispensing error.
5/9/2007	Telephone interview with Eric James, Channel 13 Houston regarding pain management clinics.
5/11/2007	Telephone interview with Amy Davis of KHOU TV, Channel 2, Houston regarding physician dispensing.
5/14/2007	Telephone interview with Peter Korn, the Oregonian regarding dispensing errors.
5/16/2007	Telephone interview with Jason Robinson of the Dallas Morning News regarding random drug checks.
6/13/2007	Telephone Interview with Amy Davis of KHOU TV, Channel 2, Houston regarding physician dispensing.
6/13/2007	Interview with Sarah McDonald of the Galveston County News regarding pill mills

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Date	Media/Subject
6/13/2007	Interview with Jessica Miles of the University of Texas Newspaper regarding needle exchange programs.

- B. The Executive Director gave 12 presentations to 1,590 persons, as indicated below.

Date	Name of Association/Location of Meeting	Attendance (Approximate)
9/16/2006	University of Texas Pharmacy Practice Seminar – Austin	500
10/6/2006	Texas Federation of Drug Stores Annual Meeting – The Woodlands	50
10/7/2006	Central Texas Society of Health-System Pharmacists – San Antonio	80
10/9/2006	University of Texas Law Class – Austin	80
10/19/2006	Texas A&M Health Science Center's Irma Lerma Rangel College of Pharmacy – Kignsville	80
2/3/2007	El Paso Area Society of Health-System Pharmacists – El Paso	80
4/22/2007	Texas Society of Health-System Pharmacists Pharmacy Technician Section – San Antonio	60
4/22/2007	Texas Society of Health-System Pharmacists – San Antonio	100
4/28/2007	West Texas Pharmaceutical Association Meeting – El Paso	100
6/18/2007	Association of Federation of Drug Officials – San Antonio	60
7/13/2007	Texas Pharmacy Association's Annual Meeting – Grapevine	300
8/11/2007	National Association of Chain Drug Stores Pharmacy Conference – Boston	100
Total		1,590

- C. The Executive Director attended 30 meetings or conferences representing the agency as indicated below.

Date	Meeting
9/12/2006	TSBP's Task Force on Compounding meeting – Austin
9/15/2006	University of the Incarnate Word Feik School of Pharmacy White Coat Ceremony – San Antonio
9/18/2006	Meeting with representatives of Precision Rx – Austin
9/20/2006	State Employees Charitable Campaign Policy Committee Meeting – Austin
10/10/2006	Meeting with representatives of the Texas Dental Association – Austin
10/11/2006	Meeting with representatives of Prime Rx – Austin
10/20/2006	Meeting with representatives of the Texas Medical Association regarding Drug Therapy Management – Austin

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Date	Meeting
10/23/2006	Meeting with Board of Veterinary Medical Examiners, Texas Department of State Health Services Food and Drug Division, and veterinary drug wholesalers – Austin
11/6/2006	Meeting with Travis County Correctional Facility personnel regarding recycling of prescription drugs – Austin
11/9/2006	State Employees Charitable Campaign Policy Committee Meeting – Austin
12/4/2006	Health Professions Council Meeting – Austin
12/14/2006	Meeting with Johnny Hatcher of the Department of Public Safety's Controlled Substance Registration Section regarding changing dates on Official prescriptions – Austin
1/4/2007	Pharmacy Emergency Planning Meeting – Austin
1/10/2007	Meeting and tour of Omnicare Pharmacy – Austin
1/18/2007	Meeting with Melissa Murer of the Pharmacy Technician Certification Board – Austin
1/19/2007	Meeting with Mary Dickson, Associate Executive Director of the National Association of Boards of Pharmacy – Austin
1/31/2007	TSBP's Task Force on Class A Security Meeting – Austin
2/7/2007	Meeting with representatives of the Texas Society of Health-System Pharmacists and the Texas Medical Association regarding drug therapy management by pharmacists.
2/8/2007	Meeting with Oncology physicians regarding TSBP compounding rules – Austin
2/28/2007	TSBP Task Force on Compounding Meeting – Austin
3/23/2007	State Employees Charitable Campaign Policy Committee Meeting – Austin
4/9/2007	Health Professions Council Meeting – Austin
5/25/2007	Meeting with Women's Health Clinic regarding sample drugs.
6/4/2008	Health Professions Council Meeting – Austin
6/26/2007	TSBP Task Force on Internship – Austin
6/28/2007	Meeting with Mark Samuels regarding SB 625
7/6/2007	Meeting with Texas Society of Health-System Pharmacists and Texas Hospital Association regarding hospital formularies.
7/25/2007	Pharmaceutical Blue Ribbon Task Force – Austin
8/3/2007	Demo and Tour of Walgreen's Workload Balancing System – Austin
8/13/2007	Meeting with Governor's staff regarding shared services study

- D. The Executive Director attended 16 meetings of professional associations and committees of the associations to serve as a liaison for the Board as follows.

Date	Name of Association/Location of Meeting
10/5-6/2006	Texas Federation of Drug Stores Annual Meeting – The Woodlands

OFFICE OF THE EXECUTIVE DIRECTOR

Date	Name of Association/Location of Meeting
10/9/2006	Meeting with representatives of the Texas Society of Health-System Pharmacists regard the authority of pharmacists to sign prescriptions under protocol.
10/25-28/2008	National Association of Boards of Pharmacy 6 th District Meeting – Little Rock, Arkansas
11/14-15/2006	Texas Pharmacy Congress Meeting – Austin
11/27/2006	Conference Call regarding the upcoming meeting of the National Association of Boards of Pharmacy's Task force on Standardizing Student Pharmacist Experiential Requirements
12/6-7/2006	Meeting of the National Association of Boards of Pharmacy's Task force on Standardizing Student Pharmacist Experiential Requirements – Chicago
2/2-28/2007	Texas Pharmacy Congress Meeting – Houston
3/8/2007	Conference call with the Texas Pharmacy Association's Public Affairs Committee
4/20-23/2007	Texas Society of Health-System Pharmacists' Annual Meeting – San Antonio
4/27-28/2007	West Texas Pharmaceutical Association's Annual Meeting – El Paso
5/1-2/2007	Texas Pharmacy Congress Meeting – Austin
5/19-22/2007	National Association of Board's of Pharmacy Annual Meeting – Portland, Oregon
7/11-15/2007	Texas Pharmacy Association's Annual Meeting – Grapevine
8/1/2007	Texas Pharmacy Practice Coalition Meeting – Austin
8/1-2/2007	Texas Pharmacy Congress Meeting – Austin
8/11-12/2007	National Association of Chain Drug Stores Pharmacy Congress – Boston

- 6. To recommend changes to the Texas Pharmacy Act and rules, which will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Board for consideration for action throughout FY2007.**

Status: **ACCOMPLISHED**

Comment: The agenda for each meeting of the Board included discussion of possible suggestions for changes to the Pharmacy Act. Throughout FY2007 a total of 31 suggested changes to the Texas Pharmacy Act were approved by the Board for possible action by the 2007 Texas Legislature. Of the 31 suggested changes reported in the FY2006 Annual report three were passed by the 2007 Texas Legislature as follows.

A. The Texas Pharmacy Act to:

- allow pharmacists authority to refill a prescription for up to 30 days during a disaster; and
- give the Board the authority to receive and expend funds from seizure actions or judicial forfeiture.

OFFICE OF THE EXECUTIVE DIRECTOR

- B. The Texas Controlled Substances Act was amended to delete the provision that allows pharmacies to dispense Schedule III-V controlled substance prescriptions only on receipt of an original (written) prescription.
7. **To maintain a staff development program by encouraging Executive Office staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2007.**

Status: ACCOMPLISHED

Comment: Division staff participated in professional and interpersonal development seminars, cross training and on-the-job training throughout FY2007 as follows:

Gay Dodson	
10/5-6/2006	Texas Federation of Drug Stores Annual Meeting – The Woodlands
12/1/06	Generation to Generation: Staying on the Road to Connection and Communication
12/20/2006	Texas Legislative Services Seminar – Austin
10/25-28/2008	National Association of Boards of Pharmacy 6 th District Meeting – Little Rock, Arkansas
4/20-23/2007	Texas Society of Health-System Pharmacists' Annual Meeting – San Antonio
4/27-28/2007	West Texas Pharmaceutical Association's Annual Meeting – El Paso
5/19-22/2007	National Association of Board's of Pharmacy Annual Meeting – Portland, Oregon
7/11-15/2007	Texas Pharmacy Association's Annual Meeting – Grapevine
8/11-12/2007	National Association of Chain Drug Stores Pharmacy Congress – Boston

Kay Wilson	
11/30/06	Take Wellness to Heart; Presentation by Joe Golson, Employees Retirement System.
12/1/06	Generation to Generation: Staying on the Road to Connection and Communication.
2/27/07	Finding Your Oxygen: Keys to Work-Life Balance and Success

Debra Dukes	
11/30/06	Take Wellness to Heart; Presentation by Joe Golson, Employees Retirement System.
12/1/06	Generation to Generation: Staying on the Road to Connection and Communication.
2/27/07	Finding Your Oxygen: Keys to Work-Life Balance and Success
6/13/07	Nutrition; Presentation by Mary Ellen Autry, RD, LD, CDE, Austin Diagnostic Clinic

OFFICE OF THE EXECUTIVE DIRECTOR

8. To conduct periodic reviews and annual evaluations of Division Directors and Executive Office staff and to monitor evaluations of employees in all Board Divisions throughout FY2007.

Status: ACCOMPLISHED

Comment: Performance evaluations were conducted for all Division Employee during FY2007 as indicated below.

Employee	Date of Evaluation	Person Conducting Evaluation
Kerstin Arnold	8/29/2007	Gay Dodson
Allison Benz	8/29/2007	Gay Dodson
Debra Dukes	8/30/2007	Kay Wilson
Carol Fisher	8/29/2007	Gay Dodson
Cathy Stella	8/29/2007	Gay Dodson
Kay Wilson	Retired 5/31/2007 and Re-hired 7/1/2007	Gay Dodson

9. To provide the Board information necessary to conduct performance evaluation of the Executive Director by August 31, 2007.

Status: ACCOMPLISHED

Comment: A self and staff evaluation of the Executive Director were presented to the Board at its August 2007 meeting. The Board conducted the performance evaluation at this meeting.

10. To prepare a report on the accomplishments of the Office of the Executive Director and direct the preparation and submission of the agency's FY2006 Annual Report to be presented to the Board at the May 2007 meeting.

Status: PARTIALLY ACCOMPLISHED

Comment: The final draft of the *TSBP Annual Report for FY2006* was not presented to and approved by the Board until its meeting in August 2007, approximately three months after the "targeted date" to present the Annual Report to the Board.

Administrative Services and Licensing Division

FY2007 SIGNIFICANT ACCOMPLISHMENTS

1. The Division accomplished 97% of its objectives (29 accomplished and one partially accomplished).
2. The Division met or exceeded 100% of the performance measures required to be submitted to the Legislative Budget Board.
3. Successful implementation of the program to register a new category of registration type – the Pharmacy Technician Trainee.
4. The TSBP underwent a successful management review of its personnel policies and procedural systems by the Texas Workforce Commission. All personnel policies reviewed were determined to be in compliance with the Texas Commission on Human Rights Act.
5. The Comptroller of Public Accounts conducted a Post-Payment Expenditure Audit and an audit of certain payroll, purchase, and travel transactions of the agency for the FY2006 time period. The audit resulted in an overall good report with corrective actions identified and instituted to correct any deficiencies.
6. Maintained a high level of system availability (nearly 100%) and security in a highly volatile environment. A total of 2,476 viruses captured (a decrease of 477%), 2,608 potential systems attacks blocked, and 1,063,042 spam & bad mail diverted (340% increase from previous year). The implementation of over 200 anti-virus updates and diligence in reviewing firewall alerts and logs continue to keep the security of TSBP systems a major accomplishment.
7. Agency participation in the Department of Health and Human Services (DSHS) Multi-Agency Coordination Center and the Governor's Division of Emergency Management's State Operations Center. Division staff worked with DSHS in providing and testing publicly available information on pharmacists, pharmacy technicians, and pharmacy technician trainees for the purpose of licensure validation within the Texas Disaster Volunteer Registry. This program will allow these licensees and registrants to enroll in the Registry database, indicating their desire to volunteer for service in the event of a disaster or public health emergency.
8. Continued success with the licensee acceptance of the Texas Online application system. All fee-paying applications of the agency are available electronically on Texas Online. FY2007 adoption rates to Texas Online were as follows:

Pharmacist New	= 39%
Pharmacist Renew	= 80%
Pharmacy Technician New	= 89%
Pharmacy Technician Renew	= 92%
Pharmacy New	= 16%
Pharmacy Renew	= 49%
Examination & Reciprocity	= 82%

ADMINISTRATIVE SERVICES & LICENSING

9. The agency's website continued to provide accurate and concise information to Board customers. As evidenced by the comments received from external customers, it appears that the website is easily navigable and serves our customers well.

ADMINISTRATIVE SERVICES & LICENSING

FY2007 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS

1. The Pharmacy Technician Registration & Enforcement Program expanded to include pharmacy technician trainees as a result of legislation passed by the 79th Texas Legislature.

The following chart shows the increase in workload caused by the Pharmacy Technician Registration Program, which began in mid-FY2004, and the Pharmacy Technician Trainee Program, which began in October 2006 (FY2007).

WORKLOAD INCREASES					
	FY2003	FY2004	FY2005	FY2006	FY2007
Number of Licensed Pharmacists	21,570	22,111	22,661	23,323	23,939
Number of Licensed Pharmacies	5,794	6,014	6,107	6,201	6,315
Number of Registered Pharmacy Technicians	-0-	22,164	26,664	30,091	32,106
Number of Registered Pharmacy Technician Trainees	-0-	-0-	-0-	-0-	10,399
Number of Registered Interns	700 (estimate)	752	804	822	886
Total Licensees	28,064	51,041	56,236	60,437	73,645
Total Percent Increase of Licensees Since FY2003					162.42%

2. Workspace continued to be a premium commodity in FY2007, as five new positions were added to the agency. All conference room and several office spaces were eliminated in order to accommodate the addition of cubicles. As the agency continues to add employees and decrease usable office space, it is inevitable that employee morale will decline.

FY2007 ANNUAL REPORT

GOAL

To administer agency operations including personnel, finance, purchasing, risk management, and information technologies. To conduct a pharmacy and pharmacist licensure system, intern registration program, pharmacy technician registration system, and the ongoing renewal of licenses and registrations.

Objectives (New) – Administrative Services

1. **To assist the Executive Director, in cooperation with other Divisions, in the following new objectives throughout FY2007:**
 - A. **Preparing testimony, attending public hearings, and providing any fiscal or technical information as required by the 80th Texas Legislature; and reviewing all legislation that has an impact on the practice of pharmacy and agency operations, and monitoring the progress of this legislation;**
 - B. **Monitoring the progress of the agency's Legislative Appropriations Request and corresponding performance measures for FY2008-2009;**
 - C. **Implementation of the new program to register and regulate pharmacy technician trainees;**
 - D. **Implementation of the Fingerprint-Based Applicant Criminal History Background Checks; and**
 - E. **Conducting the orientation of new Board Members within 90 days of appointment by the Governor.**

STATUS: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. 80th Texas Legislature - The Division Director reviewed and analyzed 70 pieces of legislation that had a potential impact on agency operations. Division Director and Chief Accountant also maintained constant contact with the Legislative Budget Board (LBB) and Governor's Office of Budget, Planning and Policy (GBO) to review and discuss the agency *Legislative Appropriations Request* for FY2008-2009. A total of 52 fiscal notes were researched and submitted to the LBB.

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The following public hearings were attended by the Division Director in order to provide administrative and technical support to the Executive Director:

Senate Finance Committee Budget Hearing	September 13, 2006 & January 30, 2007
House Appropriations Subcommittee on Regulatory Agencies Budget Hearing	February 7, 2007
House Appropriations Committee Markup	February 15, 2007
Senate Finance Committee Markup	March 5, 2007
Conference Committee Session	April 2007

- B. Legislative Appropriations Request - A summary of legislative action affecting the agency's FY2008/2009 budget included the following additional appropriations:
1. 2% across-the-board pay raise for all classified employees in FY2008 and a 2% pay raise in FY2009.
 2. \$55,000 pay increase to the Executive Director.
 3. New program to test compounded products.
 4. Board electronic meeting project.
 5. Five new enforcement FTE's to assist in the new Pharmacy Technician Trainee Program and ongoing registration of Pharmacy Technicians.
 6. Increase to the Pharmacy Recovery Network.
 7. Contingency rider to implement the provisions of Senate Bill 29 relating to the creation of a minimum data set for the collection of information on health professionals by the statewide health coordinating council.
 8. Contingency rider regarding the controlled substances forfeiture program.
- C. Pharmacy Technician Trainees – The Pharmacy Technician Registration & Enforcement Program expanded to include pharmacy technician trainees as a result of legislation passed by the 79th Texas Legislature. Registration began in October 2006, and at year end, approximately 10,410 technician trainees had registered with the Board, bringing the total population of pharmacy technicians and trainees to 42,505. The ongoing success of this project required the cooperation and coordination of all divisions and all staff members. In order to capture the enormity of this project, it is important to review the comments contained in each Division's New Objectives.
- D. Fingerprint-Based Applicant Criminal History Background – numerous meetings were held with the Texas Department of Public Safety, TSBP staff and Northrop Grumman Technical Services (programming staff) to develop an electronic method of retrieving criminal history background information using the electronic, fingerprint-based system. Programming and testing of data occurred throughout this fiscal year, with anticipated implementation of the first phase of applicants, the student intern applicant, to begin in FY2008 (October 2007). See comments under Professional Services New Objectives relating to rules development.

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- E. New Board Member Orientation – On August 10, 2006, the Governor announced the appointment of two new Board Members (Jeanne Waggener, R.Ph., community pharmacist from Bellmead, Texas, and Alice Mendoza, R.Ph., hospital pharmacist from Kingsville, Texas) and the reappointment of Rosemary Combs (public member from El Paso, Texas). The orientation for the new members was held on September 26-27, 2006.

Objectives (Ongoing) – Administrative Services

1. To prepare a proposed budget for FY2008 for submission to the Board two weeks prior to the 2007 Annual Policy Meeting.

Status: ACCOMPLISHED

Comment: A proposed budget, including revenue projections and fee recommendations, was presented and approved at the August 2007 Board Business Meeting. As a result of additional appropriations approved by the 80th Legislature, an increase to pharmacist, pharmacy, and pharmacy technician fees was proposed in May 2007 and adopted in August 2007, with an effective date of October 2007.

2. To prepare and submit all required accounting and fiscal reports/reconciliations in compliance with all applicable state statutes throughout FY2007.

Status: ACCOMPLISHED

Comment: The agency submitted the Annual Financial Report (AFR) and the Annual Report of Non-Financial Data, to the Office of the Comptroller for the year ending August 31, 2007, by the due dates. The AFR was reviewed by the Comptroller's Office as part of the statewide annual financial report and found to be in compliance.

All financial reports and reconciliations for the fiscal year were completed and reported as such in a final report to the Executive Director/Secretary at year-end.

3. To review and recommend to the Executive Director additional sources of spendable revenue and to assess fees charged for Board services throughout FY2007.

Status: ACCOMPLISHED

Comment: A quarterly operating budget was presented to the Board at each of the regularly scheduled business meetings and recorded as such in the official minutes of the Board meeting. Revenue projections were made in light of the passage of the agency's appropriation bill which included the following:

- A. an increase to the executive director's salary;
- B. an across-the-board salary increase for classified employees;
- C. testing of compounded products;
- D. Board electronic meeting project;

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- E. increase to the pharmacist recovery network; and
- F. five new enforcement positions to assist in the implementation of the new Pharmacy Technician Trainee Registration Project.

These revenue projections were based on an increase to initial licensure and renewal of pharmacy and pharmacist licenses, as well as pharmacy technician fees, effective October 2007 (FY2008).

- 4. To assess the material needs of the agency and supervise the purchasing and supply activities in accordance with all Building and Procurement Commission rules and procedures throughout FY2007.**

Status: ACCOMPLISHED

Comment: The Comptroller of Public Accounts conducted a Post-Payment Expenditure Audit and an audit of certain payroll, purchase, and travel transactions of the agency for the FY2006 time period. The audit resulted in an overall good report with corrective actions identified and instituted to correct any deficiencies. In addition, the Chief Accountant continued to review all specifications, product tabulations, and purchase requisitions for compliance with agency policies and procedures and TBPC rules. This oversight ensured that the appropriate procurement method was identified, the agency received the best value for the product or service purchased, and that funds were always available.

- 5. To increase the efficiency and productivity of Board office operations by managing and coordinating space needs and on-site maintenance of the Board's office facilities throughout FY2007.**

Status: ACCOMPLISHED

Comment: As a result of the passage of the General Appropriations Act, 80th Regular Session, which added five new positions in FY2008, a timeline and action plan were developed to convert existing conference room and office space to an open space environment. Meetings with the Texas Building & Procurement Space Planning Division were initiated to develop floor plans and construction bids to commence in FY2008.

- 6. To serve as the agency's Human Resource Coordinator in ensuring agency compliance with all applicable state and federal personnel statutes throughout FY2007.**

Status: ACCOMPLISHED

Comment:

- A. As required by the Texas Commission on Human Rights Act, the TSBP underwent a successful management review of its personnel policies and procedural systems by the Texas Workforce Commission. All personnel policies reviewed were determined to be in compliance with this Act.

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- B. The TSBP underwent a successful classification compliance audit by the Texas State Auditor's Office of the attorney and general counsel position descriptions.
- C. All newly-hired employees received Equal Employment Opportunity/Sexual Harassment Training as required by state law.
- D. Division directors continued to review and revise employee position descriptions, with a resulting two (2) reclassifications submitted and approved.
- E. The agency reviewed its Handbook of Personnel Policies and Procedures and distributed a revised handbook to all employees. Two employee complaints were filed and resolved internally, and there were no employment discrimination or other charges initiated with the Texas Commission on Human Rights.
- F. The agency received 251 applications for employment during this fiscal year, which resulted in eight new hires and one promotion. (Note: providing EEO information by applicants is strictly voluntary. Thirty (30) applicants did not provide the information).
- G. Employee turnover was 14.2%, which included eight terminations. This compares to the overall turnover of the state of 19.2%.
- H. The following table reflects the agency's EEO profile for employees hired, promoted, or terminated during FY2007, as well as an applicant profile report. This table is followed by workforce demographics that compare the agency to all state agencies.

Texas State Board of Pharmacy EEO Data as of August 31, 2007

<u>Agency EEO Data</u>	WHITE		BLACK		HISPANIC		OTHER		TOTAL		GRAND TOTAL
	M	F	M	F	M	F	M	F	M	F	
Administrators	0	5	0	0	0	0	0	0	0	5	5
Professional	5	9	0	1	1	0	0	0	6	10	16
Para-Prof	6	12	0	1	1	10	0	2	7	25	32
Admin Support	0	1	0	1	0	2	0	0	0	4	4
TOTALS	11	27	0	3	2	12	0	2	13	44	57

<u>New Hires</u>	WHITE		BLACK		HISPANIC		OTHER		TOTAL		GRAND TOTAL
	M	F	M	F	M	F	M	F	M	F	
Administrators	0	0	0	0	0	0	0	0	0	0	0
Professional	1	4	0	0	0	0	0	0	1	4	5
Para-Prof	0	1	0	0	0	1	0	0	0	2	2
Admin Support	0	0	0	1	0	0	0	0	0	1	1
TOTALS	1	5	0	1	0	1	0	0	1	7	8

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<u>Promotions</u>	WHITE		BLACK		HISPANIC		OTHER		TOTAL		GRAND TOTAL
	M	F	M	F	M	F	M	F	M	F	
Administrators	0	0	0	0	0	0	0	0	0	0	0
Professional									0	0	0
Para-Prof	0	0	0	0	1	0	0	0	1	0	1
Admin Support									0	0	0
TOTALS	0	0	0	0	1	0	0	0	1	0	1

<u>Terminations</u>	WHITE		BLACK		HISPANIC		OTHER		TOTAL		GRAND TOTAL
	M	F	M	F	M	F	M	F	M	F	
Administrators	0	0	0	0	0	0	0	0	0	0	0
Professional	1	3	0	0	0	1	0	0	1	4	5
Para-Prof	0	2	0	0	0	0	0	0	0	2	2
Admin Support	0	1	0	0	0	0	0	0	0	1	1
TOTALS	1	6	0	0	0	1	0	0	1	7	8

<u>Applications</u>	WHITE		BLACK		HISPANIC		OTHER		TOTAL		GRAND TOTAL
	M	F	M	F	M	F	M	F	M	F	
Administrators	0	0	0	0	0	0	0	0	0	0	0
Professional	5	21	1	10	2	8	0	2	8	41	49
Para-Prof	25	30	1	11	6	23	0	6	32	70	102
Admin Support	2	42	0	23	3	27	1	2	6	94	100
TOTALS	32	93	2	44	11	58	1	10	46	205	251

7. To manage the information resource needs (data processing, telecommunication, and Web site) of the agency throughout FY2007.

Status: ACCOMPLISHED

Comment:

- A. Successful negotiation of the applications support of the agency legacy database system (VAX) for FY2008, upon expiration of existing contract with Northrop Grumman on August 31, 2007.
- B. Maintained a high level of system availability (nearly 100%) and security in a highly volatile environment. A total of 2,476 viruses captured (a decrease of 477%), 2,608 potential systems attacks blocked, and 1,063,042 spam and bad mail diverted (340% increase from previous year). The implementation of over 200 anti-virus updates and diligence in reviewing firewall alerts and logs continue to keep the security of TSBP systems a major accomplishment.
- C. Equipment replacement needs met with six desktops, three laptops installed and a fax system implemented.
- D. An email system upgrade significantly increased the system stability, security and monitoring.

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- E. Web projects included participation in the DSHS Multi-Agency Coordination Center (MACC) and the Governor's Division of Emergency Management's (GDEM) State Operations Center (SOC).
 - F. Imaging Import project continued for pharmacists and pharmacy technicians. Of particular note was the successful system funding and migration from Filenet to Laserfiche. In cooperation with the Board of Nurse Examiners, TSBP led the coordination of the purchase and replacement of this HPC imaging system.
 - G. Reporting and tracking of IT expenditures and budgets; submission of IT LAR for FY2008-09; Planned Procurement Schedules approved by LBB/DIR; IT budget adjustments approved by LBB.
 - H. Continued discussions and research into a new computer system to replace the VAX data system.
 - I. Successful completion of key projects to include the research of a software program and training to aid in the electronic capture of evidence; the successful implementation of the Governor's Business Portal; and the successful implementation of "bluezone," an accounting software tool that provides for a secure access to USAS.
- 8. To serve as the Agency Records Retention Manager to the Texas State Library, in maintaining a Records Retention Program for the economical and efficient management of agency records throughout FY2007.**

Status: ACCOMPLISHED

Comment: Agency staff destroyed 367.41 cubic feet of records in accordance with the TSBP records retention schedule, and 38 cubic feet of records were sent to the State Library for storage.

The agency continues to save valuable square footage by imaging licensing files. The pharmacist imaging project continued with 62,707 images scanned into the imaging system. The project to image all pharmacy technician files continued, with 64,704 images scanned into the imaging system

- 9. To serve as the Agency Risk Manager by annually assessing areas of agency risk exposures and recommending procedures to control these exposures throughout FY2007.**

Status: ACCOMPLISHED

Comment: The Texas Internal Audit Act requires all agencies to conduct a formal risk assessment and submit an annual Risk Assessment Report to the Office of the State Auditor (SAO). The Agency conducted an assessment of the major programs of the agency (i.e., fiscal, technology, licensing, public information, rule making, peer assistance, enforcement) and submitted the Risk Assessment Report by the due date to the SAO.

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Areas of risk exposure to the agency were reviewed and training implemented where required (i.e., defensive driving compliance for operators of Board vehicles; Equal Employment Opportunity/Sexual Harassment training for new employees; Supervisory Training for new Team Leaders).

- 10. To provide verbal and written information to Board staff and customers throughout FY2007 including, by the assigned due dates, the preparation of:**
- A. LBB Performance and Funds Management Report and other special reports as requested by LBB, legislative committees, legislators, and others, in conjunction with other Divisions as necessary;**
 - B. responses to surveys and questionnaires; and**
 - C. a report of the types and numbers of surveys/questionnaires/reports completed by all Divisions during FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished as follows:

- A. Statutorily Required Reports

Report Title	Recipient(s)	Division Reporting
FTE State Employees	State Auditor	Administration
Governmental Employees Quarterly Report	Texas Workforce Commission	Administration
Employer's Quarterly Federal Tax Return	Internal Revenue Service	Administration
Retirement Contributions Reconciliation Report	Employees Retirement System	Administration
Annual Financial Report	Governor's Office; Legislative Budget Board; State Comptroller; State Auditor	Administration
Non-Financial Annual Report	Governor's Office; Legislative Budget Board; State Auditor	Administration
Recycled Materials Expenditures	Texas Building & Procurement Commission	Administration
Historically Underutilized Business Progress Reports	Governor's Office; Lt. Governor; Speaker of House; Texas Building & Procurement Commission	Administration
Encumbrance Reports	State Comptroller; State Auditor; Legislative Budget Board	Administration

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Report Title	Recipient(s)	Division Reporting
State Use Report	Texas Building & Procurement Commission	Administration
EEO Information Report	Texas Workforce Commission	Administration
Minority Hiring Practices	Texas Workforce Commission	Administration
SORM 200	Office of Risk Management	Administration
Performance and Funds Mgmt. Reports	Legislative Budget Board	Administration Enforcement
Contract Workforce Report	State Auditor; Legislative Budget Board; Governor	Administration
Open Records Online Monthly Report	Legislative Budget Board	All
Resource Efficiency Plan and Updates	Comptroller	Administration
Set Aside Report	Texas Industries for the Blind	Administration
Fleet Management Report	Texas Building & Procurement Commission	Administration
FY07 Risk Assessment	Governor's Office; Legislative Budget Board; State Comptroller; State Auditor, Sunset Advisory Commission	Administration

B. Other Surveys and Questionnaires:

Report Title	Recipient(s)	Division Reporting
DIR Survey of Internet Training	Department of Information Resources	Administration
Space Utilization Survey	Texas Building & Procurement Commission	Administration
SORM Report	SORM	Administration
Classification Position Audit	Office of State Auditor	Legal
Agency Fee/Revenue Survey	Legislative Budget Board	Administration
Classification System Recommended Changes	Office of State Auditor	Administration
Energy Plan	Office of the Governor	Administration

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Report Title	Recipient(s)	Division Reporting
Revenue Projections and Fee Increases	State Comptroller	Administration
Survey on Criminal Background Records	Office of the State Auditor	All

Types and numbers of surveys/questionnaires/reports completed by all Divisions:

The Administrative Services Division answered approximately 2,000 telephone calls and responded to approximately 5,000 emails to Board customers. See Licensing Services Ongoing Objective #1, Professional Services Ongoing Objectives #10, Legal Services Ongoing Objective #8, and Enforcement Ongoing Objective #6. In addition, the agency reported approximately 19,703 requests for information, both written and electronic, to the Office of the Attorney General.

11. To assist the Executive Director in developing and implementing the objectives of the Health Professions Council pertinent to Division activities throughout FY2007.

Status: ACCOMPLISHED

Comment: Division staff participated in the following activities:

- A. Health Professions Council (HPC) Annual Report - Division Director submitted recommendations and licensing performance data to be incorporated into the HPC Annual Report.
- B. The agency continued to participate in several HPC centralized services, such as the Courier Service; Shared Employee Training; Shared Information Resource Technology staff; and use of the imaging system.
- C. The division worked extensively with the Office of the Governor, Texas Health Care Policy Counsel, in responding to the initial phase of a business process review of select financial, human resources, and information technology functions.

12. To maintain a staff development program by encouraging Division staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2007.

Status: ACCOMPLISHED

Comment: Division staff participated in the following activities:

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.Cathy Stella	Participated in the testing and implementation of the Consolidated Business Application Portal for Pharmacy Licenses
	Participant in Department of Health & Human Services Emergency System for Advanced Registration of Volunteer Health Professionals
	Participant in meetings relating to additions/modifications to licensing applications relating to Pharmacy Technician Trainee Registration, FBI Fingerprint System, Student Intern Online Application.
	Budget Meetings with Management; Executive Committee and Board
	Completed Recertification as Professional in Human Resources
	Meetings regarding Minimum Data Set Requirements
	Telicon Legislative Seminar
	Occupational Licensing Committee Meetings and Legacy System Contract with FY2008
	20 th Human Resource Management Institute
	Human Resources Forum
	Meetings with Neubus regarding Imaging Projects
	Meetings with Governors Office regarding Business Process Review
	Legislative Committee Meetings
Jane Bennett	USAS User Meetings
	Internal Audit Meetings
	Agency wide Staff Meetings
	Annual Financial Report Training
	Employee Assistance Presentations
	Statewide Property Accounting Users Group Meetings
	Small Agency Task Force Meetings
	Financial Staff status meetings
	Legislative Committee Hearings
	Meetings with Governors Office regarding Business Process Review
Robbi Dana	Employee Assistance Presentations
	Summer Enrollment Insurance Coordinator's Training
	EEO Compliance Training
	E-Pay Users Group Meetings
	Evacuation Team Meeting
	Webinar re: IBM Invoicing
	E-Mail Policy Committee Member

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Darlene Guthrie	Neubus Meetings regarding imaging system and training
	Comptroller Audit and Governor's Business Process Review meeting
	Employee Assistance Presentations
	Wellness Presentations
	JP Morgan Chase Conference
	Alphabet Soup of Purchasing
	Texas Building & Procurement Brown Bag Sessions on State Use Program; EPLS; Procurement Basics, TXMAS, Recertification as Purchaser
	Purchaser Training/HUB Exposition
Sandy Morton	USPS User Group Meetings
	Employee Assistance Presentations
	Online EEO Training
Lisa Earl	Staff Orientation
	Board Meeting
	Online EEO Training
Steve Rapp	Completion of the Human Resources Certification course sponsored by the HR Certification Institute, Society for Human Resource Management
	Coordination of Etreby training for field enforcement staff
	Continued involvement in Small State Agency Task Force Meetings
	Employee Assistance Presentations
	TASSCC conference
	Management Staff Meetings
	Participant in Department of Health & Human Services Emergency System for Advanced Registration of Volunteer Health Professionals
	Occupational Licensing Committee Meetings and Legacy System Contract with FY2008
	Employee Assistance Presentations
Todd Hayek	Employee Assistance Presentations
	Desk Top Security
	Coordination of Etreby training for field enforcement staff
	Agency wide Staff Meetings

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Lisa Ake	Employee Assistance Presentations
	State Agency Council representative
	NABP Training on Lotus Notes System
	Review of Prometric Testing Center
	Presentation to Texas Schools of Pharmacy re: Intern Program and Applicant Process
	Licensing Status Meetings
	Agency wide Staff Meetings
	Health Select Blue Cross/ Blue Shield Personal Manager Training
	Nutrition Information - What Type of Eater Are You?
Estella Casarez	Employee Assistance Presentations
	Health Select Blue Cross/Blue Shield Personal Health Manager Training
	Licensing Status Meetings
	Agency wide Staff Meetings
	Stress Management
	EEO Training
	NCIC/TCIC Training
	Record Management Retention Training
Rachel Glass	Employee Assistance Presentations
	Health Select Blue Cross/Blue Shield Personal Health Manager Training
	Nutrition Information – What Type of Eater Are You?
	Licensing Status Meetings
	Agency wide Staff Meetings
Diana Martinez-Ruedas	Employee Assistance Presentations
	Health Select Blue Cross/Blue Shield Personal Health Manager Training
	Licensing Status Meetings
	Agency wide Staff Meetings
	Technician Informal Conference
	Neubus Software Training
	ERS Insurance Fair
Melinda Uballe	Employee Assistance Presentations
	Licensing Status Meetings
	Agency wide Staff Meetings
	Nutrition Information – What Type of Eater Are You?
	C.L.E.A.R. Webinar
	Presentation to Texas Schools of Pharmacy re: Intern Program and Applicant Process

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Misty Whitcomb	Employee Assistance Presentations
	Licensing Status Meetings Agency wide Staff Meetings Participated in the testing and implementation of the Consolidated Business Application Portal for Pharmacy Licenses
Carol Willess	Presentations to Texas Schools of Pharmacy re: Intern Program & Licensing by Examination Process
	Participant in Department of Health & Human Services Emergency Response Team TSABAA Annual and Mid-Winter Conference Serve as TSABAA Website Chair Participant in meetings relating to additions/modifications to licensing applications relating to Pharmacy Technician Trainee Registration, FBI Fingerprint System, Student Intern Online Application. Employee Assistance Presentations Licensing Status Meetings Agency wide Staff Meetings

- 13. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2007.**

Status: ACCOMPLISHED

Comment: The Division achieved a 100% completion rate of evaluations scheduled for this fiscal year.

- 14. To update the Agency Personnel Handbook and the Division's *Policy and Procedure Manual* as needed and submit any substantive revisions to the Executive Director for approval throughout FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished as follows:

- A. The Personnel Manual and Employee Handbook was reviewed and several sections revised and distributed to all staff.
- B. Vehicle Guidelines manual was reviewed and revised manual distributed to all personnel who operate a Board vehicle.
- C. Various Accounting Policies (Purchasing, Cash, Vouchers) were revised.

- 15. To recommend policies and procedures to the Executive Director that will enhance the efficiency and effectiveness of the agency throughout FY2007.**

Status: ACCOMPLISHED

Comment: See comments in Ongoing Objectives #7, #8, #11, #14 and #16.

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16. To recommend changes to the Texas Pharmacy Act and rules that will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director throughout FY2007.

Status: ACCOMPLISHED

Comment: Rules and procedures regarding licensing and registration of pharmacists, pharmacies, interns, and pharmacy technicians are reviewed on a regular basis and recommendations are made as necessary. In particular, division staff contributed to the development of new rules relating to the following:

- A. §295.9 regarding the Number of Hours to Activate an Inactive License;
- B. §291.6 regarding Pharmacy License Fees;
- C. §295.5 regarding Pharmacist License Fees; and
- D. §297.4 regarding Pharmacy Technician Registration Fees.

17. To prepare and submit a report on the accomplishment of Division objectives for incorporation into the agency's *FY2006 Annual Report* to be presented to the Board by its May 2007 Board Meeting.

Status: PARTIALLY ACCOMPLISHED

Comment: The Division's first draft of the FY2006 *TSBP Annual Report* was submitted to the Executive Director by the due date. The final draft of the *TSBP Annual Report* was presented to and approved by the Board at its meeting held in August 2007.

Objectives (Ongoing) - Licensing

18. To coordinate the collection of licensing data for *Key Performance Targets* required under the 2006-2007 Appropriations Act and to submit to the Executive Director by specified due dates throughout FY2007.

Status: ACCOMPLISHED

Comment: The following chart reflects all year-end data for Licensing Measures required to be reported on an annual basis to the Legislative Budget Board. The statistical data was submitted to the Legislative Budget Board and Governor's Office of Budget, Planning and Policy by the prescribed due dates, in conjunction with the enforcement performance measures. Within a 5% variance, the division met or exceeded 100% of these measures.

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PERFORMANCE MEASURES	TARGET FY2007	ACCOMPLISHED FY2007	Key or Non Key (K-NK)	Expectations
Percent of Licensees with No Recent Violations	99%	96.50%	K	Met
Percent of Licenses Who Renew Online	75%	86.33%	K	Exceeded
Percent of New Individual Licenses Issued Online	70%	80.82%	NK	Exceeded
Individuals Examined (examinations administered)	1,544	1,877	NK	Exceeded
Number of New Licenses issued to Individuals (Pharmacists)	870	1,024	K	Exceeded
Number of Licenses Renewed (Individuals – Pharmacists)	11,548	12,148	K	Exceeded
Number of New Registrations Issued to Individuals (Technician and Trainee)	13,000	15,886	NK	Exceeded
Number of Registrations Renewed (Technicians)	10,500	11,984	NK	Exceeded
Average Cost Per Exam Administered	\$73.28	\$49.06	NK	Exceeded
Average Licensing Cost per Individual License Issued	\$10.44	\$9.45	K	Exceeded
Average Licensing Cost per Facility License Issued	\$35.12	\$35.88	K	Met
Average Cost per Individual Technician Registered	\$5.44	\$3.56	NK	Exceeded
Percent of New Licenses Issued within 10 days	98%	100%	NK	Exceeded
Percent of Individual Licenses Issued within 7 days	98%	100%	NK	Exceeded
Total Number of Pharmacists Licensed	23,661	23,939	NK	Met
Total Number of Facilities Licensed	6,000	6,315	K	Exceeded
Total Number of Individuals (Technicians & Trainees) Registered	38,000	42,505	NK	Exceeded
Pass Rate	80%	88.01%	NK	Exceeded

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In addition to the above statistics, the division (Licensing) staff had the following workload statistics (numbers are approximate):

WORKLOAD	STATISTIC
Changes of Address/Employment/Name (paper)	7,500
Changes of Address/Employment (renewed online information)	8,500
Telephone Calls Received	25,100
E-Mail Inquiries Answered	11,100
Missing Item, delinquent, reminder, general correspondence letters sent	9,400
Customer Service Surveys sent	13,190

19. To register all qualified pharmacist-interns within an average of twenty working days of the receipt of all required documents.

Status: Accomplished

Comment: 846 intern applications were received and 886 new intern registrations were issued within one day of receipt of required documents. Of particular note was the implementation of an on-line, web-based Student Intern Application.

Approximately 67% of all intern applications received were entered through the online system.

A total of 2,332 pharmacist preceptors were certified within one day of receipt of required documents, with 47% of certifications resulting from an online response to a pharmacist renewal.

20. To determine the eligibility of all pharmacist applicants applying to take the NAPLEX and Texas Pharmacy Jurisprudence Examination for initial licensing or licensing by reciprocity throughout FY2007.

Status: Accomplished

Comment: Staff continued to present the NAPLEX and MPJE Orientation to upcoming graduates of Texas Southern University, University of Houston, Texas Tech University, and the University of Texas Colleges of Pharmacy. In addition, intern presentations were offered to students of the above colleges as well as Texas A&M Health Science Center Irma Lerma Rangel College of Pharmacy and the University of the Incarnate Word Feik School of Pharmacy.

The implementation of a TexasOnline application system resulted in an 82% response rate of all candidates applying for examination or reciprocity. The following statistics relate to all applicants who were determined eligible and received a score for the NAPLEX and MPJE in FY2007.

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JURISPRUDENCE (MPJE)	Total Exams Administered
Candidates Passing	1029 (88.86%)
Candidates Failing	129 (11.14%)
TOTAL EXAMS JURISPRUDENCE	1158 (100%)

NAPLEX	Total Exams Administered
Candidates Passing	623 (86.65%)
Candidates Failing	96 (13.35%)
TOTAL EXAMS NAPLEX	719 (100%)

The total number of new licenses issued to individuals is as follows:

NEW PHARMACISTS LICENSED – FY2007	
Graduates of Texas Colleges of Pharmacy	404 (39.45%)
Graduates of Out-of-State Colleges of Pharmacy	510 (49.81%)
Credentialed by the Foreign Pharmacist Equivalency Committee	110 (10.74)%
Total	1024 (100%)

Regarding reciprocity (license transfer) in and out of Texas, 322 candidates were licensed by reciprocity in FY2007, and the agency responded to requests from NABP for verification of licensure status of Texas licensees desiring to transfer to other states. The National Association of Boards of Pharmacy reports that in calendar year 2007, Texas saw the most requests for licensure transfer into the state with 428, and 477 requests to transfer to other states.

- 21. To provide staff support to the *Examination Retake Committee* and any other advisory committee related to licensing issues as required in FY2007.**

Status: Accomplished

Comment: Division Director continued to inform applicants who failed the Board licensing examination(s) three times of the committee recommendations to complete college coursework prior to retaking the examination(s).

- 22. To issue a pharmacist license by examination, score transfer, or reciprocity within an average of ten working days after the date the agency receives the examination results throughout FY2007.**

Status: Accomplished

ADMINISTRATIVE SERVICES & LICENSING

Comment: The agency issued 1,024 new pharmacist licenses with an average turnaround time of four business days from the download of the examination results. Examination results were downloaded approximately once every five business days. Barring any other requirements that might be due for initial licensure, candidates received notice of their new licenses within an average of seven business days of their examination date.

- 23. To issue renewal certificates to all pharmacist candidates within an average of four working days of receipt of the required fee and all required documents throughout FY2007.**

Status: ACCOMPLISHED

Comment: The agency renewed 12,148 pharmacist licenses on a biennial basis during FY2007. Approximately 80% of eligible pharmacists renewed their licenses online. The average processing time to issue a renewal license from receipt of a completed application was two business days. The total population of licensed pharmacists for this fiscal year was as follows:

PHARMACISTS LICENSED FY2007	
Active Status	22,627
Inactive Status*	1,312**
TOTAL	23,939

* Not practicing pharmacy in Texas and not reporting continuing education credits.

** Of the above number, 376 pharmacists have been practicing in Texas for more than 50 years or are greater than 72 years old, and are classified as "exempt."

- 24. To audit the pharmacists' compliance with continuing education and to initiate complaints on pharmacists who are not in compliance with the rules regarding pharmacists' mandatory continuing education for renewal, in cooperation with the Enforcement team, throughout FY2007.**

Status: ACCOMPLISHED

Comment: Of the total number of audits initiated (140), 95% of the audits were closed or referred to Enforcement.

- 25. To issue initial certificates to all pharmacy technician trainee candidates within an average of four working days of receipt of the required documents throughout FY2007.**

Status: ACCOMPLISHED

Comment: The 80th Texas Legislature authorized funds for the agency to implement the registration and enforcement of the Pharmacy Technician Trainee Program. The project began in October 2006, and by the end of the fiscal year, 10,399 pharmacy technician trainees had successfully registered with TSBP. The average turnaround time for issuance of a trainee registration certificate was two business days.

ADMINISTRATIVE SERVICES & LICENSING

26. To issue initial and/or renewal certificates to all pharmacy technician candidates within an average of four working days of receipt of the required fee and all required documents throughout FY2007.

Status: ACCOMPLISHED

Comment: The agency issued 5,476 new pharmacy technician registrations, and renewed 11,984 registrations on a biennial basis during FY2007, bringing the total population of active registered technicians for this fiscal year to 32,106. Approximately 91% of eligible applicants and pharmacy technicians applied for or renewed their registrations online. The average processing time to issue a new or renewal registration from receipt of a completed application was two business days.

27. To issue an initial and/or renewal certificate to all pharmacy license applicants on receipt of the required fees and all required documents according to the following guidelines throughout FY2007:

- A. initial certificates to pharmacy license applicants within an average of twenty-one working days; and
- B. renewal certificates to pharmacy license applicants within four working days.

Status: ACCOMPLISHED

Comment: The following chart represents the total number of pharmacy licenses (business or facilities) issued by the agency, and includes five classes of pharmacy licenses. In addition to these statistics, as an extension to an existing pharmacy license, the agency currently licenses 1,283 "satellite pharmacies," or Remote Pharmacy Services that use automated pharmacy systems and telepharmacy systems.

The average processing time to issue a license from receipt of a completed application was two working days for a pharmacy renewal and two working days for a new pharmacy license. Approximately 44% of pharmacies applied or renewed their registrations online. The total number of active pharmacy licenses at the end of the fiscal year was as follows:

PHARMACIES ACTIVE FY2007	
Class A (Community)	4379
Class B (Nuclear)	35
Class C (Institutional)	1041
Class D (Clinic)	422
Class E (Non Resident)	438
TOTAL	6,315

ADMINISTRATIVE SERVICES & LICENSING

A total of 4,404 change documents were processed as follows:

PHARMACY APPLICATIONS PROCESSED	
Pharmacy Renewals	2705
Remote Licenses Issued	194
New Opens	372
Changes of Ownership	118
Change of Location/Name	227
Closings	237
Change of Managing Officers	551
TOTAL	4,404

FY2007 SIGNIFICANT ACCOMPLISHMENTS

1. Division staff accomplished or partially accomplished all of the Division's 17 Objectives for FY2007.
2. FY2007 marked the Centennial Celebration of the Board. Division Director set up a display of historical items in the Hobby Building's lobby. In addition, Division Director arranged and set up a display on two separate occasions at the State Capitol. Each of the four *TSBP Newsletter* issues published during FY2007 contained a President's Column featuring information about the Board's 100-year history. The website was updated with information regarding the Centennial Celebration including a history of the Board and the Executive Directors who have served the Board.
3. The Texas version of the Multi-State Pharmacy Jurisprudence Examination (MPJE) continues to be an effective licensing tool to determine competency with respect to pharmacy law.
4. Division Director gave eight presentations during FY2007 to almost 500 pharmacists, pharmacy students, and pharmacy technicians.
5. Division Director worked closely with Network Specialist Todd Hayek to keep the TSBP web page updated.
6. Division staff, consisting of two individuals, prepared and mailed or emailed 1,970 pieces of information during FY2007.

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FY2007 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS

1. TSBP experienced a 7% increase in the number of requests for records and a 35% increase in the number of licensees who were the subject of inquiries.

FY2007 ANNUAL REPORT

GOAL

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

Objectives (New)

1. **To assist the Executive Director, in cooperation with other Divisions, in the following new objectives throughout FY2007:**
 - A. **Preparing testimony, attending public hearings, and providing any fiscal or technical information as required by the 80th Texas Legislature; and reviewing all legislation that has an impact on the practice of pharmacy and agency operations, and monitoring the progress of this legislation; and**
 - B. **Conducting the orientation of new Board Members within 90 days of appointment by the Governor.**

Status: **ACCOMPLISHED**

Comment: This objective was accomplished through the following activities:

- A. 80th Texas Legislature – Division Director assisted in the review of the following bills:
 - (1) H.B. 533 – relating to prescription drug retail price registry
 - (2) H.B. 970 – relating to state agency rules that impose costs
 - (3) H.B. 1297 – relating to state employee wellness program
 - (4) H.B. 1806 – relating to antiseizure drugs
 - (5) H.B. 1974 – relating to the regulation of pharmacy benefit managers
 - (6) H.B. 2290 – relating to state agencies and legislative enactments
 - (7) H.B. 3218 – relating to state agency rules on businesses
 - (8) S.B. 409 – relating to antiseizure drugs
 - (9) S.B. 700 – relating to state agency rules on businesses
 - (10) S.B. 889 – relating to charges for public information
 - (11) S.B. 1429 – relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy
- B. Orientation of New Board Members – On September 27-28, 2006, Division Director, along with the Executive Director and other agency staff, participated in the orientation of new Board Members Jeanne Waggener, R.Ph., from Waco,

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Texas, and Alice Mendoza, R.Ph., from Kingsville, Texas. The new Board Member orientation was accomplished 47 days after August 11, 2006, the date that the Governor appointed the two new members and reappointed Rosemary Combs, public member from El Paso, Texas.

Objectives (Ongoing)

1. **To assist the Board, throughout FY2007, in its review of the Texas colleges of pharmacy degree and internship programs to determine if the programs are adequate to prepare a student for pharmacy practice.**

Status: **ACCOMPLISHED**

Comment: In September 2006, the Division Director requested records from the University of Houston College of Pharmacy and Texas Southern University College of Pharmacy. The Division Director conducted on-site reviews of the internship records at Texas Tech School of Pharmacy (October 25, 2006) and the University of Texas College of Pharmacy (November 2, 2006). Records from all four colleges/schools were reviewed by the Division Director. The results of the review of the internship records were presented to the Board at its February 2007 meeting.

A "Questionnaire on Texas Colleges of Pharmacy Internship Programs" was sent to the four Texas colleges/schools of pharmacy. Responses were reviewed by the Director of Professional Services and presented to the Board during the February 2007 board meeting, resulting in approval of the internship programs for the 2007-2008 academic year.

In addition, in July 2007, a "Questionnaire on Texas Colleges of Pharmacy Internship Programs" was sent to Texas A & M Health Science Center Irma Rangel College of Pharmacy. The response was reviewed by the Division Director and then presented to the Board during the August 2007 board meeting, resulting in approval of the internship program for the 2007-2008 academic year.

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

Status: **ACCOMPLISHED**

Comment: The Division accomplished this goal with the cooperation of agency personnel who assisted in the reviews of the MPJE item pool. In addition, several Enforcement staff members assisted the Division Director in drafting questions for the MPJE-Item Writing Workshop. The Division Director and agency personnel participated in the following activities in support of the MPJE program:

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Date	Activity	Personnel
1/18 – 1/20/2007	MPJE Texas Item Pool Review and National Item Pool Review, Austin, TX	Allison Benz Kerstin Arnold
6/14 – 6/16/2007	MPJE Texas Item Writing Workshop, Chicago, IL	Allison Benz

3. **To publish an Internet version of the *Newsletter* during FY2007, in order to promote voluntary compliance with the law by providing information to educate pharmacists about their responsibilities under current law and rules, and to provide information consistent with the responsibilities of the Board.**

Status: **ACCOMPLISHED**

Comment: Four issues of the *TSBP Newsletter*, Fall 2006, Winter 2007, Spring 2007, and Summer 2007, were published during FY2007. Each issue of the *Newsletter* featured an article focusing on the TSBP's history over the last 100 years. The Winter 2007 and Summer 2007 issues were printed and mailed to licensed pharmacies.

The Newsletter Planning Committee, consisting of members from each of the agency's divisions, met during FY2007 to provide input on the articles included in the *Newsletter*. Throughout FY2007, an email subscription to the Newsletter was available on the TSBP website. Subscribers provided an email address and were notified when a Newsletter was available on the web.

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

Status: **ACCOMPLISHED**

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

DRAFTING OF RULES

The Division Director spent a considerable amount of time drafting rules, assisting others in the drafting of rules, and preparing the rules for review by the Board. Changes required by the Board were made quickly to allow final review by the Board in a timely manner, usually during the same Board meeting. The Division Director drafted 38 rules and assisted others in drafting of 21 additional rules as follows:

RULES
Drafted:
§291.34 regarding Recordkeeping in Class A Pharmacies
§291.25 regarding Pharmacies Compounding Non-sterile Pharmaceuticals
§291.26 regarding Pharmacies Compounding Sterile Pharmaceuticals
§291.74 regarding Prepackaging of Drugs by One class C Pharmacy for Another Class C Pharmacy Under Common Ownership

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§291.131 regarding Pharmacies Compounding Non-sterile Preparations
§291.133 regarding Pharmacies Compounding Sterile Preparations
§§291.2, 291.3, 291.8, 291.10, 291.18, 291.19, 291.22, 291.23, 291.24, 291.27 regarding All Class of Pharmacy
§291.31 regarding Definitions
§291.32 regarding Pharmacy Technicians/Trainees and Prescriptions Placed on Hold
§291.33 regarding Reuse of Prescription Vials
§291.34 regarding Confidentiality
§291.72 regarding Definitions
§291.73 regarding Pharmacy Technicians/Trainees and Owners
§291.75 regarding Confidentiality
§291.76 regarding Pharmacy Technicians/Trainees and Owners
§§291.104, 291.105 regarding Non-resident Pharmacies
§§291.20, 291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133 regarding Services Provided by Pharmacies
§297.3 regarding the Acronym for Registered Pharmacy Technicians
§291.33 regarding Security
§309.3 regarding substitution of Generic Drugs
§295.8 regarding Continuing Education
Assisted the Licensing Division in drafting:
§295.9 regarding the Number of Hours to Activate an Inactive License
§291.6 regarding Pharmacies
§295.5 regarding Pharmacist
§297.4 regarding Pharmacy Technicians
Assisted the Enforcement Division in drafting:
§291.5 regarding Closed Pharmacies
§297.6 regarding Training of Pharmacy Technicians in the Handling of Confidential Patient Information
Assisted the Legal Division in drafting:
§§281.2, 281.2, 281.4-10, 281.17, 281.20, 281.22, 281.30-34 regarding General Provisions
§§281.62-64, 281.66 regarding Disciplinary Guidelines

5. To coordinate the updating of the Texas State Pharmacy Law reference manual and provision of the updates to the publisher of the manual and to NABP for inclusion in NABPLAW during FY2007.

Status: ACCOMPLISHED

Comment: Law Reference

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

Law Reference Updates

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

- September 21, 2006
- December 15, 2006
- March 23, 2007
- June 29, 2007

NABPLAW Updates

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Updates to NABPLAW were submitted as requested to the National Association of Boards of Pharmacy (NABP) on the following dates during FY2007:

- November 27, 2006
- April 2, 2007

NABP Survey of Pharmacy Law Updates

The NABP publication, Survey of Pharmacy Law, is updated annually. During FY2007, the update was completed by the Division Director and returned to NABP by the due date.

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

Status: ACCOMPLISHED

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

RULE SUBMISSIONS TO THE TEXAS REGISTER

During FY2007, 62 submissions to the *Texas Register* were made that proposed, adopted, reviewed, repealed, or withdrew Texas Pharmacy rules. This represents a 27% decrease in the number of submissions as compared to FY2006 (there were 85 submissions during FY2006). Division staff met all deadlines for submissions to the *Texas Register*, monitored the submissions for action, and notified Board Members, TSBP staff, and other interested parties of the status of rules as follows:

Rules	Type of Action	Published in TxReg as Proposed	Memo to Staff and Others	Published in TxReg as Adopted	Memo to Staff and Others
§291.1	Amendment	FY2006	FY2006	11/24/06	12/19/06
§283.8	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§291.21	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§291.34	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§291.55	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§§291.75, 291.76	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§291.105	Amendment	09/08/06	09/21/06	11/24/06	12/19/06
§297.3	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§311.1	Amendments	09/08/06	09/21/06	11/24/06	12/19/06
§§291.25, 291.26	Repeal and New	12/15/06	12/19/06	Withdrawn	
§291.34	Amendments	12/15/06	12/19/06	03/16/07	03/23/07
§§281.71 – 281.76	Repeal	12/15/06	12/19/06	03/16/07	03/23/07
§§281.62, 281.63, 281.64	Amendments	12/15/06	12/19/06	03/16/07	03/23/07

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§281.20	New	12/15/06	12/19/06	03/16/07	03/23/07
§§281.1, 281.2, 281.4, 281.5, 281.6, 281.7, 281.8, 281.9, 281.10, 281.17	Amendments	12/15/06	12/19/06	03/16/07	03/23/07
§§281.12, 281.14, 281.16	Repeal	12/15/06	12/19/06	03/16/07	03/23/07
§281.22	Amendments	12/15/06	12/19/06	03/16/07	03/23/07
§§281.23 – 281.56	Repeal	12/15/06	12/19/06	03/16/07	03/23/07
§§281.30 – 281.34	New	12/15/06	12/19/06	03/16/07	03/23/07
§281.66	New	12/15/06	12/19/06	03/16/07	3/23/07
§291.5	Amendments	12/15/06	12/19/06	03/16/07	03/23/07
§291.74	Amendments	12/15/06	12/19/06	Withdrawn	
Chapter 291 (§§291.91 – 291.94) Rule Review	Published	12/15/06	12/19/06	03/16/07	03/23/07
Chapter 291 (§§291.1 – 291.27) Rule Review	Published	12/15/06	12/19/06	03/16/07	03/23/07
§297.6	Amendments	03/16/07	03/23/07	05/25/07	06/29/07
Chapter 291 (§§291.101 – 291.105) Rule Review	Published	05/25/07	06/29/07	FY2007	FY2007
Chapter 295 (§§295.1-295.9, 295.11-295.13, 295.15) Rule Review	Published	05/25/07	06/29/07	FY2007	FY2007
§§291.2, 291.3, 291.4, 291.7, 291.12, 291.13, 291.15, 291.16, 291.20, 291.21, 291.25, 291.26, 291.27	Repeal	06/15/07	06/29/07	FY2007	FY2007
§§291.2, 291.3, 291.24, 291.27	New	06/15/07	06/29/07	FY2007	FY2007
§§291.6, 291.8, 291.10, 291.18, 291.19, 291.22, 291.23	Amendments	06/15/07	06/29/07	FY2007	FY2007
§§291.37, 291.38	Repeal	06/15/07	06/29/07	FY2007	FY2007
§§291.31, 291.32, 291.33, 291.34	Amendments	06/15/07	06/29/07	FY2007	FY2007
§§291.72, 291.73, 291.74, 291.75, 291.76	Amendments	06/15/07	06/29/07	FY2007	FY2007
§291.92	Amendments	06/15/07	06/29/07	FY2007	FY2007
§§291.104, 291.105	Amendments	06/15/07	06/29/07	FY2007	FY2007
§§291.120, 291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133	New	06/15/07	06/29/07	FY2007	FY2007
§§295.5, 295.9	Amendments	06/15/07	06/29/07	FY2007	FY2007
§§297.3, 297.4	Amendments	06/15/07	06/29/07	FY2007	FY2007

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OPEN MEETING SUBMISSIONS TO THE *TEXAS REGISTER*

Fifteen notices of open meetings scheduled during FY2007 were submitted by the Division to the *Texas Register* for publication. In addition, four miscellaneous notices were submitted to the *Texas Register*. The submissions were as follows:

Type of Submission	Date Published
Open Meeting 9/12/2006 – Task Force Meeting (Compounding)	08/30/06
Open Meeting 10/31/2006 – Board Business Meeting	10/17/06
Open Meeting 12/19/2006 – Disciplinary Panel Hearing	12/18/2006
Open Meeting 01/02/2007 – Disciplinary Panel Hearing	12/21/2006
Open Meeting 01/31/2007 – Task Force Meeting (Security)	01/24/2007
Open Meeting 02/13/2007 – Public Hearing	02/01/2007
Open Meeting 02/13/2007 – Board Business Meeting	02/01/2007
Open Meeting 03/09/2007 – Disciplinary Panel Hearing	03/05/2007
Open Meeting 03/28/2007 – Task Force Meeting (Compounding)	03/19/2007
Open Meeting 04/02/2007 – Disciplinary Panel Hearing	03/27/2007
Open Meeting 04/22/2007 – Board Forum	04/03/2007
Open Meeting 05/08/2007 – Board Business Meeting	04/24/2007
Open Meeting 06/26/2007 – Task Force Meeting (Internship)	06/05/2007
Open Meeting 07/13/2007 – Board Forum	06/19/2007
Miscellaneous Notice – Request by Drug Manufacturer for Inclusion of a Drug on a List of Narrow Therapeutic Index Drugs	07/06/2007
Open Meeting 08/07/2007 – Board Business Meeting	07/24/2007
Miscellaneous Notice – Request by Drug Manufacturer for Inclusion of a Drug on a List of Narrow Therapeutic Index Drugs	08/10/2007
Miscellaneous Notice – Request by Drug Manufacturer for Inclusion of a Drug on a List of Narrow Therapeutic Index Drugs	08/17/2007
Miscellaneous Notice – Request by Drug Manufacturer for Inclusion of a Drug on a List of Narrow Therapeutic Index Drugs	08/24/2007

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

Date	Rules from Other Agencies	Action
12/29/06	Office of Attorney General	Reported to General Counsel
2/8/2007	Department of Information Resources	Reported to Director of Administrative Services and Information Systems Manager

7. **To provide professional staff support to Board-appointed task forces and complete other special projects as assigned throughout FY2007.**

Status: ACCOMPLISHED

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Comment: The Division's staff provided professional staff support including communicating with task force members regarding meetings and setting up for the meetings. There were four task force meetings during FY2007 as follows:

- September 12, 2006 Pharmacy Compounding
- January 31, 2007 Security in Class A (Community) Pharmacies
- March 28, 2007 Pharmacy Compounding
- June 26, 2007 Internship Requirements

8. To provide technical assistance and maintain liaison with federal, state, and local regulatory agencies involved in pharmacy practice regulation throughout FY2007.

Status: ACCOMPLISHED

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

- A. Division Director assisted the Texas Department of Public Safety in the review and approval of plans from six Texas pharmacies to dispense prescriptions for Schedule II controlled substances issued by out-of-state practitioners.
- B. Senior Administrative Assistant Sherry Stevenson maintained close contact with *Texas Register* staff as needed to prepare and publish rules in the *Texas Register*.
- C. The Division Director had contact with numerous agencies as indicated below:

AGENCY
Texas Department of State Health Services – Drugs and Medical Devices Group
Texas Department of State Health Services – Facility Licensing Group
Texas Department of State Health Services – Pharmacy Branch
Texas Department of Public Safety
Office of the Attorney General

State Boards of Pharmacy
New Hampshire
Hawaii
Alaska
Pennsylvania
Alabama
Nevada

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9. To respond to open records requests throughout FY2007, in accordance with the procedures set forth in the Texas Public Information Act.

Status: ACCOMPLISHED

Comment: As indicated in the chart below, TSBP experienced a 7% increase in the number of requests for records in FY2007, as compared to FY2006. Inquiries in FY2007 asked for more information (greater number of licensees per request) as compared to FY2006 (35% increase in the number of licensees who were the subjects of inquiry).

OPEN RECORDS REQUESTS — FY03 through FY07

Fiscal Year	Verbal Requests		Written Requests		Total # of Requests		Monthly Average		% Change from Prior Fiscal Year	
	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees	# of Requests	# of Licensees
FY03	108	108	452	1,569	560	1,677	47	140	+20%	-24%
FY04	116	116	412	599	528	715	44	60	-6%	-57%
FY05	114	114	606	1,010	720	1,124	60	94	+36%	+57%
FY06	154	154	730	1,230	884	1,384	74	115	+23%	+22%
FY07	94	94	856	1,780	950	1,874	79	156	+7%	+35%

10. To provide information to Board staff and customers, including responses to surveys and questionnaires, oral and written communication, and public speaking engagements, as needed and required throughout FY2007.

Status: ACCOMPLISHED

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

- A. The Division sent out 649 pieces of written information as indicated in the following chart:

Written Information	
Packets of Information	5
Memos Regarding Rules & Open Meetings	1,316
Letters	67
Emails	581
Surveys	1
TOTAL	1,970
AVERAGE PER MONTH	164

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- B. The Division Director gave eight presentations to approximately 470 individuals as indicated in the following chart:

Date	Group	Attendance (Approx.)
9/16/06	West Texas Pharmacy Association, Lubbock	60
9/28/06	University of Texas College of Pharmacy – 1 st Semester Class	120
9/30/06	North Texas Education Fair, Fort Worth	65
10/4/06	Virginia Technical College – Pharmacy Technician Program, Austin	15
10/25/06	Texas Tech School of Pharmacy, Amarillo	45
1/26/07	University of Houston – The Board's Role in Monitoring the Impaired Professional	120
2/23/07	Texas Association of School Based Health Centers, Austin	30
4/25/07	Virginia Technical College – Pharmacy Technician Program, Austin	15
TOTAL		470

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

Date	Training	Personnel
10/2/06	Intern Orientation	Christy Dennis, Jing Wang
11/30/06	Rules to Enforcement	Enforcement Staff
1/22/07	Intern/Employee Orientation	Natalie Haggerty, Veronica Gonzales, Nelma Sanchez
2/28/07	Rules to enforcement	Enforcement Staff
3/5/07	Intern/Employee Orientation	Suneet Gandhi
4/30/07	Intern/Employee Orientation	John Salinas, Demetria Williams
5/29/07	Intern Orientation	Neha Shah
6/13/07	Rules to enforcement	Enforcement Staff
7/23/07	Intern Orientation	Cindy Luu
8/2/07	Employee Orientation	Lisa Earl
8/31/07	Intern Orientation	Amanda Kelly, Lisa Garza

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Other Activities

- The Division Director prepared and coordinated the display of an exhibit recognizing the agency's Centennial Celebration. A permanent display was located in the office lobby and on two occasions an exhibit was set up in the Capitol.
- The Division Director routinely answered questions concerning the laws and rules, including their applicability to specific situations, for Enforcement and Licensing staff.
- The Division Director monitored the website for currentness of the information presented. Changes and/or updates were forwarded to Network Specialist Todd Hayek.
- The Division Director served on the agency Wellness Committee.

11. To maintain a staff development program by encouraging Division staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2007.

Status: ACCOMPLISHED

Comment: In FY2007, Division staff attended general staff meetings held on the following dates:

- November 30 – December 1, 2006
- February 27 – 28, 2007
- June 13, 2007

Division staff completed the following education activities:

Sherry Stevenson	
11/30/06	Take Wellness to Heart, Employees Retirement System
12/1/06	Generation to Generation – Staying the Road to Connection and Communication – EAP Seminar
2/27/07	Finding Your Oxygen – EAP Seminar
07/31/07	Retired

Allison Benz	
10/23, 10/30, 11/6/06	InDesign Class – University of Texas Informal Classes
11/15/06	Ethics in the Public Sector – University of Texas Professional Development
11/29/06	CLEAR Webinar
11/30/06	Take Wellness to Heart, Employees Retirement System
12/1/06	Generation to Generation – Staying the Road to Connection and Communication – EAP Seminar
12/20/06	Telicon 2007 Legislative Seminar
2/27/07	Finding Your Oxygen – EAP Seminar
4/20 – 4/22/07	Texas Society of Health-System Pharmacists Annual Meeting, San Antonio
6/38/07	Pan-Flu Webinar
7/13 – 7/15/07	Texas Pharmacy Association Annual Meeting, Grapevine

PROFESSIONAL SERVICES DIVISION

- 12. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2007.**

Status: ACCOMPLISHED

Comment: Senior Administrative Assistant Sherry Stevenson retired on July 31, 2007, prior to her evaluation period.

- 13. To destroy records in accordance with the agency's record retention plan throughout FY2007; to update the Division's Policy and Procedure Manual as needed and submit any substantive revisions to the Executive Director for approval throughout FY2007.**

Status: ACCOMPLISHED

Comment: During FY2007, the Division accomplished this goal as follows:

A. Records Management

Records in the possession of the Division scheduled for destruction during FY2007 under the approved Record Retention Schedule were identified and destroyed.

B. Policies and Procedures

The policies and procedures for handling Open Records Requests were reviewed in FY2007.

- 14. To recommend policies and procedures to the Executive Director that will enhance the efficiency and effectiveness of the agency throughout FY2007.**

Status: ACCOMPLISHED

Comment: Division Director made numerous recommendations to keep the TSBP website current and easier to use. Recommendations included adding an email for media/press on the Contacts page.

- 15. To recommend changes to the Texas Pharmacy Act and rules that will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director throughout FY2007.**

Status: ACCOMPLISHED

Comment: The Division Director, along with assistance from other Division Directors, reorganized the rules in Chapter 291 regarding Pharmacies.

PROFESSIONAL SERVICES DIVISION

16. To prepare and submit a report on the accomplishment of Division objectives for incorporation in the agency's FY2006 Annual Report to be presented to the Board at its May 2007 Board Meeting.

Status: PARTIALLY ACCOMPLISHED

Comment: The Division's first draft of the FY2006 *TSBP Annual Report* was submitted to the Executive Director by the due date. The final draft of the *TSBP Annual Report* was presented to and approved by the Board at its meeting held in August 2007.

Enforcement Division

FY2007 SIGNIFICANT ACCOMPLISHMENTS

1. Division staff accomplished or partially accomplished 100% of its 16 Objectives for FY2007.
2. As reflected in the chart below, TSBP received and closed more complaints in FY2007 than in any prior fiscal year (see Ongoing Objective #3 for further information regarding complaints that were closed by TSBP in FY2007).

Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY03	1,935		1,887		98%	153 Days	
FY04	4,475	+131%	3,018	+60%	67%	118 Days	-23%
FY05	3,086	-31%	3,327	+10%	108%	196 Days	+66%
FY06	3,550	+15%	3,387	+2%	95%	207 Days	+6%
FY07	5,849	+65%	4,980	+47%	85%	185 Days	-11%

3. Field Compliance staff conducted 2,083 pharmacy inspections, thereby exceeding the inspection goal for FY2007 (see Ongoing Objective #2 for further details regarding compliance inspections). This number of inspections included 110 pre-inspections of new pharmacies, a process to ensure that TSBP is issuing licenses to valid facilities, which represented a 41% increase as compared to the number of inspections conducted in FY2006.
4. Division staff spent significant time and effort responding/handling approximately 11,500 telephone calls received via the Compliance Queue Phone Line (see Ongoing Objective #6 for further details). In addition, Division staff made 12 presentations to approximately 1,500 individuals during FY2007 (see Ongoing Objective #6 for further details).
5. Division Director and Assistant Division Director served as preceptors to 12 students from four Colleges of Pharmacy (see Ongoing Objective #7 for further details).
6. Division staff assisted Executive Director, in cooperation with other Division staff, with activities relating to the 80th Texas Legislative Session, and implementation of the new program to register Pharmacy Technician Trainees (see New Objective #1 for further details). In addition, Division staff spent significant time and effort assisting all Divisions (see Ongoing Objective #6).
7. For the second consecutive year, there was a dramatic decrease in the number of dosage units of controlled substances reported stolen due to employee pilferage. From the number of theft/loss reports received by TSBP, Division staff determined the following: 821,393 dosage units reported pilfered in FY2005; 472,944 dosage units reported pilfered in FY2006, and 260,081 dosage units reported pilfered in FY2007. Although the quantity of stolen controlled substances by pharmacy employees was large, there was a dramatic 68% decrease over the past two years (see Ongoing Objective #3 for further details).

ENFORCEMENT DIVISION

FY2007 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS

1. TSBP experienced a phenomenal 65% increase in the number of complaints received during FY2007. This increase was due to criminal background checks on applicants for Registration as a Pharmacy Technician or Pharmacy Technician Trainee. Because TSBP was underfunded for the technician/technician trainee registration program, TSBP was unable to employ sufficient staff to handle the workload relating to the investigation of complaints involving these individuals. As a result, the backlog of pending complaints has continued to increase.
2. TSBP did not meet, within a 5% variance, two of its six Key enforcement-related performance measures, set forth in the FY2006-07 Appropriations Act, as described below:
 - A. the performance target for "Number of Licensed Individuals Participating in a Peer Assistance Program" was 175 individuals, but the performance attained was 156 individuals; and
 - B. the performance target for "Average Complaint Resolution" was 120 days, but the performance attained was 185 days. NOTE: During the 79th Texas Legislative Session, TSBP had submitted its target for its FY2005 performance as 250 days. However, LBB staff changed the target to 120 days. TSBP disagreed with this change.

Despite this disappointment, TSBP met or exceeded all seven Non-Key performance measures. Accordingly, TSBP met or exceeded 85% of the FY2007 projections for 13 enforcement-related performance measures (see Ongoing Objective #1 for further details).

3. Division staff continued to spend significant time and efforts monitoring compliance with the terms of disciplinary orders that were entered by TSBP in FY2007. Almost all of the disciplinary orders entered in FY2007 required some type of monitoring by Division staff (i.e., 599 Orders, or 92% of the 648 disciplinary Orders that TSBP entered during FY2007, required some type of monitoring; see Ongoing Objective #5 for further details).
4. The Division experienced the loss of two employees during FY2007, as described below.
 - A. In October 2006, TSBP Enforcement Officer Jill Kier resigned. In November 2006, TSBP Enforcement Specialist Robert Rivera was promoted into Ms. Kier's former position. In January 2007, Nelma Sanchez was selected to fill Mr. Rivera's former position; and
 - B. In January 2007, Senior Enforcement Officer Amy Schroeder resigned. Her duties were assigned to other Division staff, and the vacant FTE position was subsequently reclassified as an Administrative Assistant IV (Investigative Administrative Assistant). New employee Demetria Williams was selected to fill this position.

Although the Division was disappointed to lose Ms. Kier and Ms. Schroeder, the Enforcement team benefited from the contributions made by Ms. Sanchez and Ms. Williams during FY2007.

FY2007 ANNUAL REPORT

GOAL

To promote voluntary compliance with pharmacy laws and rules. To monitor compliance with pharmacy laws and rules. To enforce pharmacy laws and rules through inspections and investigations of pharmacists and pharmacies. To monitor the complaint process and transfer complaints involving substantive allegations to the TSBP Legal Division for review and potential prosecution. To monitor compliance with Disciplinary Orders. To provide enforcement information and information regarding pharmacy laws and rules to agency customers.

Objectives (New)

1. **To assist the Executive Director, in cooperation with other Divisions, in the following new objectives throughout FY2007:**
 - A. **Preparing testimony, attending public hearings, and providing any fiscal or technical information as required by the 80th Texas Legislature; and reviewing all legislation that has an impact on the practice of pharmacy and agency operations, and monitoring the process of this legislation;**
 - B. **Monitoring the progress of the agency's Legislative Appropriations Request and corresponding performance measures for FY2008-2009;**
 - C. **Implementing the new program to register and regulate pharmacy technician trainees;**
 - D. **Implementing the Fingerprint-Based Applicant Criminal History Background Checks; and**
 - E. **Conducting the orientation of new Board Members within 90 days of appointment by the Governor.**

Status: **ACCOMPLISHED**

Comment: This objective was accomplished through the following activities:

- A. 80th Texas Legislature – Division Director assisted in the review of the following bills and offered comments regarding the fiscal implications on Division operations:
- B.
 - (1) S.B. 1750 – relating to applicants with felony offenses;
 - (2) H.B. 1974 – relating to the regulation of Pharmacy Benefit Managers;
 - (3) S.B. 1313 – relating to the reporting requirements relating to certain licensing agencies;
 - (4) S.B. 591 – relating to the collection of emergency contact information;
 - (5) H.B. 2037 – relating to the establishment of pharmacy kiosks; and
 - (6) S.B. 1879 – relating to the regulation of controlled substances.

ENFORCEMENT DIVISION

In addition, Division Director and Assistant Director attended the agency's budget hearing before the Senate Finance Committee on January 30, 2007.

- C. Legislative Appropriations Request – During the 80th Texas Legislative session, Division Director worked with the Executive Director to change the proposed targets for two Enforcement Performance Measures (number of resolved complaints and average complaint resolution time), in line with changes to the agency's proposed budget for the FY2008-09 biennium.
- D. Pharmacy Technician Trainees – Division staff accomplished the following activities:
 - (1) Division Director worked with the Executive Director and other agency staff to implement changes to the agency's policies and procedures relating to the registration and regulation of technician trainees. Specifically, Division Director worked with Legal Counsel with regard to procedures relating to criminal background checks of technician trainees and referral of those cases to the Legal Division. In addition, Division Director recommended a limited extension for applicants who had applied for registration prior to the prescribed deadline (February 1, 2007), whereupon TSBP posted an "approved list" on its webpage which allowed technicians who had met the February 2007 deadline to continue performing technician duties while TSBP was processing their applications.
 - (2) Division Director worked with other agency staff and computer programmers from Northrop Grumman to implement changes to: (a) the on-line registration program to accept Preliminary Applications from technician trainees; and (b) the agency's computer program to accept data about technician trainees.
 - (3) Division Director worked with Licensing staff in preparing clear instructions to applicants to explain the application process and the differences between applying for registration as a Technician or as a Trainee.
 - (4) Division Staff processed thousands of complaints on Technician Trainees as a result of criminal background checks.
- E. Fingerprint-Based Background Checks – The Board promulgated rules requiring applicants to submit fingerprint information and be responsible for all associated costs; these rules became effective on September 3, 2006 (for applicants for pharmacist licensure by exam; applicants for Intern registration; and applicants for Pharmacy Technician or Technician Trainee registration), and December 3, 2006 (for applicants for pharmacist licensure by reciprocity). However, the agency delayed implementation of the fingerprinting process due to several bills regarding fingerprinting that were being considered by the 80th Texas Legislature.
- F. Orientation of New Board Members – On September 26-27, 2006, Division staff, along with the Executive Director and other agency staff, participated in the orientation of new Board Members Jeanne Waggener, R.Ph., and Alice Mendoza, R.Ph. The new Board Member orientation was accomplished 47 days after August 10, 2006, the date that the Governor appointed the two new members and re-appointed Rosemary Combs, public member from El Paso, Texas.

ENFORCEMENT DIVISION

Objectives (Ongoing)

1. To submit data regarding enforcement and peer assistance data for Key Performance Targets required under the FY2006 – FY2007 Appropriations Act to Executive Director by specified due dates throughout FY2007; to assist in the preparation of applicable reports to the Legislative Budget Board and Governor's Budget Office regarding performance measures.

Status: ACCOMPLISHED

Comment: Throughout FY2007, Division staff collected data relating to enforcement and peer assistance performance measures. The statistical data was certified and submitted to the Legislative Budget Board (LBB) and Governor's Office of Budget, Planning & Policy (GBO) by the prescribed due dates, in conjunction with the licensing performance measures. See chart below:

Enforcement Performance Measure	FY07 Projected Performance	FY07 Performance Attained	Key or Non-Key (K/NK)	Projected Target Met?*
Outputs:				
Inspections	2,000	2,083	NK	Exceeded
Jurisdictional Complaints Resolved	1,980	4,931	K	Exceeded
Number of Licensed Individuals Participating in a Peer Assistance Program	175	156	K	Not Met
Number of Students Participating in a Peer Assistance Program	1	1	NK	Met
Efficiency:				
Average Cost per Jurisdictional Complaint Resolved	\$511.99	\$246.97	NK	Exceeded
Average Time for Jurisdictional Complaint Resolution	120	185	K	Not Met
Outcomes:				
Percent of Jurisdictional Complaints Resolved Resulting in Disciplinary Action	10%	13.80%	K	Exceeded
Percent of Licensees (Pharmacists and Pharmacies) with No Recent Violations (Disciplinary Orders)	99%	96.50%	K	Met
Recidivism Rate of Those Receiving Disciplinary Action	6%	4.30%	NK	Met
Percent of Jurisdictional Complaints Resolved within Six Months	50%	67.00%	NK	Exceeded
Recidivism Rate for Participants in Peer Assistance Program	30%	18.18%	NK	Met
One-Year Completion Rate for Participants in Peer Assistance Program	75%	83.67%	NK	Exceeded
Explanatory:				
Jurisdictional Complaints Received	2,500	5,793	K	Exceeded

* Within a 5% variance, TSBP's actual performance was either: equivalent to projected performance ("Met"); better than projected performance ("Exceeded"); or fell below projected performance ("Not Met").

ENFORCEMENT DIVISION

Statistics regarding three enforcement-related performance measures (Number of Jurisdictional Complaints Resolved, Average Complaint Resolution Time, and Number of Individuals Participating in a Peer Assistance Program) were reported to the LBB and GBO on a quarterly basis throughout FY2007. The other ten measures were reported to the LBB and GBO at year-end (annual basis).

As indicated in the chart above, TSBP met or exceeded, within a 5% variance, four of six key measures and all seven non-key measures. Accordingly, TSBP met or exceeded 85% of the FY2007 projections for 13 enforcement-related performance measures.

- 2. To monitor pharmacy inspections and pharmacists' practice by conducting 2,000 inspections, inspection-visits, and/or visits, including follow-up inspections to "Warning Notices" throughout FY2007. To inspect pharmacies and monitor pharmacists' practice throughout FY2007, according to the following priorities:**
- A. pharmacists and pharmacies who are the subject of a complaint received by TSBP or a disciplinary order entered by TSBP;**
 - B. new pharmacies or pharmacies with a recent change of ownership;**
 - C. pharmacies that have received a "Warning Notice" (follow-up inspections);**
 - D. requests for inspection by licensee;**
 - E. pharmacies with a preceptor working in the pharmacy; and**
 - F. routine inspections.**

Status: ACCOMPLISHED

Comment: TSBP Compliance Field Staff conducted 2,083 inspections during FY2007. The term "inspections" includes inspections, pre-inspections, partial-inspections, and inspection-visits. These terms are described below:

- A.** Inspections are full inspections of licensed facilities in which Compliance field staff check the facilities for compliance with each of the items on the inspection report form.
- B.** Pre-Inspections are partial inspections that occur prior to TSBP issuing the pharmacy license. The Compliance field staff determines if the pharmacy has the necessary items to open and operate a pharmacy in compliance with the laws and rules governing the practice of pharmacy. A pharmacy license is not issued to the facility unless the facility can pass the pre-inspection process.
- C.** Partial-Inspections are inspections of licensed facilities in which Compliance field staff check the facility for compliance with a portion of the items on the inspection report form. In addition, partial inspections include follow-up inspections of pharmacies that received a "Warning Notice" to determine if the pharmacies have corrected the discrepancies listed on the "Warning Notice." Follow-up inspections are conducted within six months after the pharmacy has notified the Board in writing that the discrepancies have been corrected.

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- D. Inspection-Visits are inspections in which Compliance field staff generally do not complete an inspection report form. Inspection-visits include inspections of non-licensed facilities that are operating a pharmacy (e.g., medical supply house), visits made to pharmacies that have closed (and did not notify the Board), and visits to “new” pharmacies that have not opened for business. The last two situations are discovered by Compliance field staff after arriving at the addresses listed in Board records.

Statistics regarding these inspections are set forth below:

Total Inspections by Type	FY2005	FY2006	FY2007	% of FY07	3-Year Average	% of 3-Yr. Average
Inspections	1,599	1,878	1,761	85%	1,746	85%
Pre-Inspections	63	78	110	5%	84	4%
Partial-Inspections	221	150	158	8%	176	9%
Inspection-Visits	39	55	51	2%	48	2%
Other	5	4	3	<1%	4	<1%
Total	1,927	2,165	2,083	100%	2,058	100%

Number of Inspections/Visits by Class	FY2005	FY2006	FY2007	% of FY07	3-Year Average	% of 3-Yr. Average
Class A Pharmacies	1,581	1,711	1,696	81%	1,663	81%
Class B Pharmacies	5	4	7	<1%	5	<1%
Class C Pharmacies	220	291	238	11%	250	12%
Class D Pharmacies	121	159	142	7%	141	7%
Total	1,927	2,165	2,083	100%	2,058	100%

Number of Warning Notices Issued by Class*	FY2005	FY2006	FY2007	% of FY07**	3-Year Average	% of 3-Yr. Average
Class A Pharmacies	392	426	323	81%	380	82%
Class B Pharmacies	2	0	1	0%	1	0%
Class C Pharmacies	60	71	64	16%	65	14%
Class D Pharmacies	19	18	13	3%	17	4%
Total	473	515	401	100%	463	100%

* A pharmacy may be issued a “Warning Notice” for non-compliance with more than one condition.

** This figure is the number and percentage of pharmacies receiving a “Warning Notice” during an inspection/visit and is based on the number of inspections/partial-inspections/visits conducted for the particular class of pharmacy.

ENFORCEMENT DIVISION

Conditions Receiving "Warning Notices" FY2007						
Percentages are based on the total number of "Warning Notices" issued to Pharmacies in FY2007. Note - Pharmacies may be issued a "Warning Notice" for non-compliance with more than one condition.						
Type of Violation	FY2005	FY2006	FY2007	3-Year Average	% FY2007	% 3-Year Average
Equipment	114	103	80	99	10%	11%
Balance Failed Inspection	83	63	56	67		
Equipment Inspection Due (Not Balance)	31	36	15	27		
Insufficient Equipment	70	4	9	28		
Pharmacy Technicians	257	181	125	188	15%	20%
No/Incomplete Training	185	135	79	133		
No/Improper Supervision	41	25	24	30		
Improper Registration	30	18	16	21		
Supportive Personnel Name Tags	1	3	6	3		
Inadequate Library	75	57	16	49	2%	5%
Counseling Area	1	5	1	2	0%	0%
Licenses	122	162	116	133	14%	14%
Licenses Not Posted	89	144	102	112		
Delinquent Licenses	33	18	14	22		
Prescriptions	29	27	19	25	2%	3%
Lack Proper Information	10	16	5	10		
Prescription Label Incorrect	6	8	7	7		
Triplicate Non-Compliance	13	3	7	8		
Drug Stock/Environment	65	89	110	88	13%	9%
Improper Environment	31	36	58	42		
Out-of-Date Drug Stock	19	28	34	27		
Security	2	6	3	4		
Unsanitary	8	10	4	7		
Improper Drug Storage	1	3	4	3		
Area for Non-Sterile Compounding		2	5	4		
Violation of Limited Formulary	4	3	1	3		
Prohibited Drugs (Class D)		1	1	1		
Inventory	80	104	75	86	9%	9%
No Annual Inventory	45	41	40	42		
No Change of Ownership Inventory	5	31	2	13		
No Change of PIC Inventory	11	11	13	12		
Incomplete Inventory	18	20	19	19		
No Perpetual inventory (Class C)	0	0		0		
Improper Drug Destruction	1	1	1	1		
Improper Prepackaging Procedures	29	20	16	22	2%	2%

ENFORCEMENT DIVISION

Conditions Receiving "Warning Notices" FY2007 *Continued*

Type of Violation	FY2005	FY2006	FY2007	3 Year Average	% FY2007	% 3-Year Average
Computer Systems	45	43	19	36	2%	4%
Computer Records Incomplete	43	42	17	34		
Computer Records Non-Compliance	2	1	2	2		
Records	41	36	44	40	5%	4%
Records Not Available	18	10	12	13		
DEA Order Forms Incomplete	0	0		0		
Absence of R.Ph. Record	7	4	3	5		
Rx Not Separated	3	5	5	4		
Rx Records not Numerical Order	2	2	4	3		
Improper Transfer of RX copies		1	1	1		
Invoices Not Separated/ Retrievable	1	2	6	3		
Records for Non-Sterile Compounds	8	10	11	10		
No Written Information on Prescription	1	1	2	1		
Improper Refill Documentation	1	1		1		
OBRA Violations	16	11	31	19	4%	2%
Written Information Not Provided	0	0		0		
No Patient Counseling	13	10	31	18		
PMR Absent or Incomplete	3	1		2		
Sterile Pharmaceutical Violations	47	116	93	85	11%	9%
No/Incomplete QA/QC	6	12	5	8		
No/Incomplete P&P Manual	15	19	9	14		
No/Inadequate Preparation Area	20	77	69	55		
IV Preparation	2	6	7	5		
No DUR	3	1	2	2		
Absence of R.Ph. Pick-Up- Records	1		1	1		
Cytotoxic/Bio Procedures		1		1		
No/Incomplete Non-Sterile Cpd Records	0	0		0		0%
Improper Distribution	5	3	5	4	1%	0%
No PIC	6	10	5	7	1%	1%
Dispensing	9	11	41	20	5%	2%
Improper Dispensing	2	1	4	2		
Aiding and Abetting	2	3	10	5		
Illegal Dispensing	3	4	4	4		
Substitution Non-Compliance		1	1	1		
Out-of-State Rxs for Controlled Substances	1		1	1		
Improper Emergency Room Dispensing	1			1		
Improper Automated Dispensing Procedures			19	19		
Improper Provision		2	2	2		
Improper Advertising	0	0	6	2	1%	0%

ENFORCEMENT DIVISION

Conditions Receiving "Warning Notices" FY2007 *Continued*

Type of Violation	FY2005	FY2006	FY2007	3 Year Average	% FY2007	% 3-Year Average
Notification Violation	18	18	12	16	1%	2%
Theft & Loss of C/S Not Reported	6	8	5	6	1%	1%
Gray Market diversion	0	0	1	0	0%	0%
Improper Closing/Change of Ownership	4	3	1	3	0%	0%
Improper Inpatient Procedures (Class C)	1	1	1	1	0%	0%

The total number of inspections, partial-inspections, and inspection-visits by priority are indicated below for the past three fiscal years:

Purpose of Inspection (In Order of Priority)	FY2005	FY2006	FY2007	% of FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Complaint	49	73	118	6%	80	4%
Follow-up to Disciplinary Order	186	7	10	0%	68	3%
Pre-Inspection New	63	78	110	5%	84	4%
New Pharmacies	81	146	110	5%	112	5%
Change of Ownership	77	80	47	2%	68	3%
Preceptor	109	177	176	8%	154	7%
Follow-up to "Warning Notice"	65	95	79	4%	80	4%
Routine Inspections	1,281	1493	1390	67%	1,388	67%
Attempted Inspection	0	0	21	1%	7	0%
Other	16	16	22	1%	18	1%
Total	1,927	2,165	2,083	100%	2,058	100%

3. To coordinate and monitor throughout FY2007, the receipt, assignment, and resolution of all complaints filed with the agency and the notification of complainants. To investigate complaints throughout FY2007, according to the following priorities:
 - A. Complaints filed against licensees/registrants who have a chemical, mental or physical impairment;
 - B. Complaints involving the diversion of prescription drugs, through the following illegal means:
 - delivering prescription drugs without a prescription;
 - dispensing prescription drugs pursuant to an invalid prescription, such as forged or fraudulent prescriptions, prescriptions dispensed following an Internet consultation, and unauthorized refills; and
 - failing to keep and maintain accurate records of purchases and disposals of prescription drugs (i.e., audit shortages).
 - C. Complaints involving applicants for licensure or registration;
 - D. Complaints against licensees/registrants who have been convicted of a felony or misdemeanor involving offenses that are related to the practice of pharmacy;

ENFORCEMENT DIVISION

- E. Complaints involving dispensing errors and malpractice reports;
- F. Complaints involving violations of rules relating to patient counseling or drug regimen review;
- G. Complaints involving health-care fraud or fraud, deceit, and misrepresentation in the practice of pharmacy, including aiding and abetting a non-licensed individual in the practice of pharmacy;
- H. Complaints against licensees/registrants who have been convicted of a felony or misdemeanor involving offenses that are not related to the practice of pharmacy;
- I. Complaints against licensees/registrants who have been subject to a disciplinary action by another state board of pharmacy; and
- J. Complaints involving other violations of the laws and rules relating to the practice of pharmacy.

Status: ACCOMPLISHED

Comment: As reflected in the chart below, TSBP closed more complaints in FY2007 than in any prior fiscal year. In addition, TSBP received 5,849 complaints in FY2007, as compared to 3,549 complaints received in FY2006 (65% increase). The primary reason for the increased number of received complaints was due to criminal background checks that Division staff conducted on applicants for Technician Trainee Registration. Due to the increased volume of complaints involving criminal background checks (which generally take less time to investigate), TSBP was able to reduce the agency's average complaint resolution time from 207 days in FY2006 to 185 days in FY2007, as reflected in the chart below.

Year	Complaints Received	% Change Complaints Received Previous Year	Complaints Closed	% Change Complaints Closed Previous Year	% Complaints Closed	Resolution Time (Agency Average)	% Change Time
FY03	1,935		1,887		98%	153 Days	
FY04	4,475	+131%	3,018	+60%	67%	118 Days	-23%
FY05	3,086	-31%	3,327	+10%	108%	196 Days	+66%
FY06	3,549	+15%	3,387	+2%	95%	207 Days	+6%
FY07	5,849	+65%	4,980	+47%	85%	185 Days	-11%

ENFORCEMENT DIVISION

The following chart indicates the number of dispensing error complaints closed during the past five years:

DATA ON DISPENSING ERROR COMPLAINTS CLOSED FY03– FY07

Type of Dispensing Error	FY03	FY04*	FY05	FY06	FY07	5-Year Avg.
Wrong Drug/Strength or Wrong Directions for Use	152	122	126	114	152	133
Mislabeled	10	7	11	13	15	11
Dispensed Wrong Quantity	66	30	70	58	58	56
Dispensed Outdated Drug	4	5	3	3	10	5
Packaging/Delivery Error	10	8	14	23	32	17
Error + No Counseling	25	9	7	7	10	12
Total # Dispensing Error Complaints	267	181	231	218	277	235
Total # Complaints Closed	1,887	3,081	3,327	3,387	4,980	3,332
% Dispensing Error Complaints	14%	6%	7%	6%	6%	7%

* The majority of complaints closed in FY04 involved the implementation of the new technician registration program and thereby this data is skewed when compared to prior fiscal years.

The agency's history with regard to complaint data and field investigations during the past five years is reflected in the chart below:

Number of Complaints Handled Through Field Investigations FY2003– FY2007					
Fiscal Year	Compliance Officers	%	Investigators	%	Total
FY03	76	31%	166	69%	242
FY04	37	17%	180	83%	217
FY05	107	46%	126	54%	233
FY06	128	41%	182	59%	310
FY07	105	26%	299	74%	404
5-Year Avg.	91	32%	191	68%	281

ENFORCEMENT DIVISION

Additional complaint statistics on closed complaints for the past three fiscal years are outlined below:

DATA ON COMPLAINTS CLOSED FY2005 – FY2007

Form of Complaints	FY05	FY06	FY07	% of FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Telephone	65	62	66	1%	64	2%
Letter	218	250	219	4%	229	6%
TSBP Complaint Form	230	198	235	5%	221	6%
HPC 800 #	93	74	72	1%	80	2%
Fax	64	63	90	2%	72	2%
Visit	3	8	7	<1%	6	<1%
Agency Report	25	385	379	8%	263	7%
Inspection	22	55	52	1%	43	1%
Interoffice Referral	70	65	49	<1%	61	2%
Licensure Application	1,641	1,308	2,693	54%	1,881	48%
Data Bank	11	4	5	<1%	7	<1%
Theft/Loss Report	490	343	440	9%	424	11%
Investigation	68	141	254	5%	154	4%
Intra-Agency Referral	18	18	15	<1%	17	<1%
Malpractice Report	9	6	17	<1%	11	<1%
Press Clip	2	3	6	<1%	4	<1%
Email *	32	34	54	1%	40	1%
Internet *	265	370	325	7%	320	8%
Other	1	0	2	<1%	1	<1%
TOTAL	3,327	3,387	4,980	100%	3,898	100%

* TSBP accepts complaints via email, as well as through the agency's website (Internet). TSBP makes a distinction between email complaints (where the complainant sends an electronic message/ complaint to a TSBP employee) and Internet complaints (where the complainant completes the on-line TSBP complaint form). TSBP began accepting on-line complaints in the Spring of 2001.

ENFORCEMENT DIVISION

DATA ON COMPLAINTS CLOSED FY2005 – FY2007

Source of Complaints	FY05	FY06	FY07	% of FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Consumer	717	736	690	14%	714	18%
Government Agency	73	425	422	8%	307	8%
Pharmacist	44	60	76	2%	60	2%
Pharmacist (Self)	88	87	95	2%	90	2%
Applicant (R.Ph. Self)	102	108	159	3%	123	3%
Technician	7	12	12	<1%	10	<1%
Technician (Self)	868	35	90	2%	331	8%
Applicant (Tech Self)	*	805	628	13%	478	12%
Technician Trainee	**	**	0	--	0	--
Tech Trainee (Self)	**	**	0	--	0	--
Applicant (Tech Trainee Self)	**	**	1,236	25%	412	11%
TSBP	770	537	845	17%	717	18%
Doctor	45	60	73	1%	59	2%
Other Health Professional	17	14	16	<1%	16	<1%
NABP	10	4	6	<1%	7	<1%
PIC, Pharmacy Manager, or Supervisor	496	344	438	9%	426	11%
Loss Prevention Officer (Corporate)	3	6	6	<1%	5	<1%
Manufacturing Rep.	1	5	4	<1%	3	<1%
Professional Recovery Network (PRN)	6	13	16	<1%	12	<1%
Insurance Company	6	5	13	<1%	8	<1%
Attorney	8	3	10	<1%	7	<1%
Employee/Ex-Employee	14	29	17	<1%	20	<1%
Media	3	6	25	<1%	11	<1%
Drug Screening	41	71	92	2%	68	2%
Other	8	22	11	<1%	14	<1%
TOTAL	3,327	3,387	4,980	100%	3,898	100%

* New source code created in FY2006.

** TSBP began registering Technician Trainees in FY2007.

ENFORCEMENT DIVISION

DATA ON CLOSED FY2005 – FY2007 COMPLAINTS

Subjects of Complaints *	FY2005	FY2006	FY2007	3-Yr. Average
Licensees (RPh/Pharmacy)	1,544 (46%)	1,642 (48%)	1,742 (35%)	1,643 (42%)
Pharmacist	489	707	755	650
In-State Pharmacy	1,026	889	960	958
Out-of-State Pharmacy	29	46	27	34
Registrants (Intern/Tech)	123 (4%)	1,160 (34%)	645 (13%)	643 (16%)
Intern	**	**	5	N/A
Technician	123	1,160	639	641
Technician Trainee	***	***	1	N/A
Applicants (Lic & Reg)	1,604 (48%)	514 (15%)	2,530 (51%)	1,549 (40%)
Pharmacist	53	63	94	70
Pharmacy	22	35	38	32
Intern	66	53	79	66
Technician	1,463	363	790	872
Technician Trainee	***	***	1,529	N/A
Non-Licensees	56 (2%)	71 (2%)	63 (1%)	63 (2%)
Doctor	7	12	13	11
Manufacturer	0	1	2	1
Wholesaler	1	3	0	1
Non-Licensed Facility or Person	34	43	33	37
Insurance Company/ PBM	4	2	8	5
Out-of-State Facility	8	5	3	5
Other	2	5	4	4
TOTAL	3,327	3,387	4,980	3,898

* A complaint may have one or two subjects (i.e., an individual and a facility); however, for data reporting purposes, TSBP selects a single code as the subject of the complaint; for complaints with dual subjects, the complaint is generally coded as being filed against the individual rather than the facility. EXAMPLES:

- (a) a complaint may be filed on both a pharmacist and a pharmacy (e.g., dispensing error committed by a pharmacist at a particular pharmacy); in this event, the complaint is coded as being filed against the pharmacist; and
- (b) a complaint may be filed on both a technician and a pharmacy (e.g., theft of controlled substances by a technician at a pharmacy); in this event, the complaint is coded as being filed against the technician.

** New subject code created in FY2007.

*** TSBP began registering Tech Trainees in FY2007.

ENFORCEMENT DIVISION

NATURE OF ALLEGATIONS OF COMPLAINTS CLOSED FY2005 – FY2007

Alleged Violation	FY05	FY06	FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Diversion	11	24	23	19	<1%
Controlled Substances (C/S)	8	14	18	13	<1%
Dangerous Drugs (D/D)	1	3	2	2	<1%
Both (C/S & D/D)	2	7	3	4	<1%
Unauthorized Dispensing	15	29	22	22	<1%
Controlled Substances	5	4	5	5	<1%
Dangerous Drugs	6	15	6	9	<1%
Both (C/S & D/D)	4	10	11	8	<1%
Illegal Delivery	3	0	2	2	<1%
Controlled Substances	2	0	0	1	<1%
Dangerous Drugs	0	0	0	0	0%
Both (C/S & D/D)	1	0	2	1	<1%
Illegal Possession	1	1	2	1	<1%
Controlled Substances	0	1	1	1	<1%
Both (C/S & D/D)	1	0	1	1	<1%
Convictions/Criminal Offenses	1,001	1,189	2,454	1,548	40%
Felony	34	28	51	38	<1%
Misdemeanor	130	197	457	261	7%
DWI/PI	197	292	515	335	9%
Deferred Adjudication	195	264	438	299	8%
Offense on Application	445	408	993	615	16%
Dispensing Error	240	218	277	245	6%
Wrong Drug/Strength	126	114	152	131	3%
Mislabeling	11	13	15	13	<1%
Wrong Quantity	70	58	58	62	2%
Outdated Drug	3	3	10	5	<1%
Packaging/Delivery	14	23	32	23	<1%
Dispensing Error and No or Improper Patient Counseling	7	7	10	8	<1%
No or Improper Patient Counseling	9	9	17	12	<1%
No or Improper Drug Regimen Review	12	10	16	13	<1%
Theft/Loss of C/S and/or D/D	499	361	457	439	11%
Aiding & Abetting	9	33	46	29	<1%
Action by Other Board	42	52	53	49	1%
Non-Compliance with Substitution Rules	83	68	60	70	2%
Non-Compliance with Disciplinary Order	90	158	230	159	4%
Non-Compliance with PRN Contract	*	*	4	1	<1%
Interference with Doctor/Patient Relationship	74	67	35	59	2%
Confidentiality	13	11	33	19	<1%
Failed to Keep Records	0	0	6	2	<1%
Negligence	0	0	0	0	0%
Unsafe Practice	2	5	2	3	<1%
Compounding	*	*	3	1	<1%
Unprofessional Conduct	7	10	8	8	<1%
Gross Immorality	1	4	2	2	<1%
Fraud	652	338	502	497	13%
Fraud, Deceit & Misrepresentation	2	4	5	4	<1%
Falsified Response to Warning Notice	1	0	3	1	<1%
Falsified Application	636	318	478	477	12%
Filled/Passed Forged Prescription	9	7	12	9	<1%
Insurance Fraud	2	9	4	5	<1%
Medicare Fraud	2	0	0	1	<1%

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Alleged Violation	FY05	FY06	FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Impairment	21	22	24	22	<1%
Probable Cause	5	5	12	7	<1%
Drug & Alcohol	1	4	1	2	<1%
Drug	10	10	7	9	<1%
Alcohol	2	2	3	2	<1%
Physical	0	0	0	0	0%
Mental	3	1	1	2	<1%
Changed Prescription	53	31	31	38	<1%
Non-Therapeutic Dispensing	17	18	17	17	<1%
Excessive Purchases of Controlled Substances	0	0	1	0	0%
Anabolic Steroids	0	0	0	0	0%
Grey Market Diversion	2	5	1	3	<1%
Samples	2	1	2	2	<1%
Technician Violation	12	12	9	11	<1%
Improper Security	2	0	1	1	<1%
Problem with OTC Drug	1	2	1	1	<1%
Closed Pharmacy Improperly	6	3	4	4	<1%
Operating Pharmacy without License	9	4	6	6	<1%
Working Conditions	19	7	6	11	<1%
Delinquent License	5	20	19	15	<1%
Kickbacks	1	0	1	1	<1%
No PIC	0	4	2	2	<1%
Recordkeeping Error	67	104	65	79	2%
Notification Violation	1	0	0	0	0%
No Annual Inventory / No PIC Inventory	1	0	0	0	0%
C-II Rx	1	3	3	2	<1%
Improper Rx's Issued by Doctors	1	3	3	2	<1%
Advertising	13	20	17	17	<1%
Overcharging	4	2	3	3	<1%
Billing Dispute	64	76	66	69	2%
Customer Service	49	63	68	60	2%
Hot Check	25	14	14	18	<1%
Accountability Audit Discrepancies (shortages/overages)	2	0	10	4	<1%
CE Audit	23	20	18	20	<1%
Default on Student Loans	0	1	0	0	0%
Other Allegations	147	344	303	265	7%
Texas Pharmacy Act	24	60	71	52	1%
Texas Dangerous Drug Act	0	2	0	1	<1%
Texas Controlled Substances Act	7	29	41	26	<1%
Food Drug & Cosmetic Act	6	15	6	9	<1%
TSBP Rule	90	77	70	79	2%
Other Laws/Rules	20	161	115	99	3%
Reinstatement	6	8	8	7	<1%
Modification	18	13	23	18	<1%
TOTAL	3,327	3,387	4,980	3,898	100%

* New violation codes created in FY2007.

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ACTION TAKEN BY TSBP TO CLOSE COMPLAINTS FY2005 – FY2007

	FY2005	FY2006	FY2007	3-Yr. Avg.	% of 3- Yr. Avg.
Investigations Not Resulting in Disciplinary Action:	2,350	2,527	3,902	2,926	75%
Investigate + Dismissal (Warning) Letter	896	816	1,461	1,058	27%
Investigate + Complaint Closed with Verbal Warning	386	268	282	312	8%
Investigate + Complaint Closed with No Action Due to Insufficient Evidence to Prove Violation Occurred	679	936	1,505	1,040	27%
Investigate + Lost Jurisdiction (registration expired)	*	*	43	14	<1%
Inspections	74	13	41	43	1%
Inspection + Warning Notice or Dismissal Letter	11	12	16	13	<1%
Application Withdrawn	15	15	31	20	<1%
Other **	289	467	523	426	11%
Investigations Resulting in Disciplinary Action:	717	619	853	730	19%
Agreed Board Order	523	448	572	514	13%
Board Order	12	49	96	52	1%
Preliminary Notice Letter + Dismissal (Warning) Ltr.	1	1	1	1	<1%
PNL + Application Withdrawn (with or without Informal Conference)	162	101	159	141	4%
PNL + Informal Conference + Dismissal Letter	6	4	10	7	<1%
PNL + Informal Conference + Case Dismissed	12	7	9	9	<1%
PNL + Case Dismissed	1	9	6	5	<1%
Referrals To:	73	61	25	53	1%
Medical Board	1	0	4	2	<1%
PRN Program	2	5	0	2	<1%
Supervisor	8	9	1	6	<1%
Other Agency	62	47	20	43	1%
No Action Because:	187	180	200	189	5%
No Violation	31	15	4	17	<1%
No Jurisdiction	16	49	48	38	<1%
Insufficient Information	14	17	13	15	<1%
Other ***	126	99	135	120	3%
TOTAL	3,327	3,387	4,980	3,898	100%

* New action code created in FY2007.

** Represents miscellaneous actions, such as: complainant has withdrawn complaint, multiple actions [e.g., investigation and refer to PRN, complainant will not cooperate with investigation, alleged violation has already been addressed by a previous (recent) compliance inspection or the resolution is not described by the above categories].

*** Violation not substantive (e.g., report of theft/loss of small quantity of controlled substance).

ENFORCEMENT DIVISION

**Reports Submitted to the Texas State Board of Pharmacy
Regarding Thefts/Losses of Controlled Substances in Texas Pharmacies
Due to Employee Pilferage
FY2007 (9/1/2006 – 8/31/2007)**

CLASSIFICATION OF EMPLOYEE	Class "A"	Class "C"	Hospital Floor Stock	Total	%	DU	%
Registered Pharmacist	5	2	0	7	6%	49,893	19%
Pharmacist Intern	0	0	0	0	0%	0	0%
Registered Pharmacy Technician	28	6	0	34	29%	99,199	38%
Physician	0	0	0	0	0%	0	0%
Registered Nurse	0	0	13	13	11%	885	<1%
Certified Registered Nurse Anesthetist	0	0	0	0	0%	0	0%
Licensed Vocational Nurse	0	0	1	1	<1%	16	<1%
Delivery – In or Out of Pharmacy	25	1	0	26	22%	25,996	10%
Pharmacy Cashier – Pharmacy Clerk	2	0	0	2	2%	20,650	8%
Pharmacy Staff – Unidentified	21	0	0	21	18%	50,655	19%
Hospital Staff – Unidentified	0	0	3	3	3%	47	<1%
Hospital Staff – Pharmacy Staff	0	0	1	1	<1%	10	<1%
Miscellaneous*	7	4	0	11	9%	12,730	5%
TOTALS	88	13	18	119**	100%	260,081	100%

* Examples: Non-pharmacy employees; contract workers (e.g., repairmen, cleaning crew).

** A total of 123 DEA Reports involving 119 individuals

ENFORCEMENT DIVISION

**Report Submitted to the Texas State Board of Pharmacy
Regarding Thefts/Losses of Controlled Substances in Texas Pharmacies
Due to Employee Pilferage
FY2006 and FY2007 (by Individuals)**

CLASSIFICATION OF EMPLOYEE	FY 2006		FY 2007		% Change
	Total # of Individuals	%	Total # of Individuals	%	
Registered Pharmacist	8	4%	7	6%	-13%
Pharmacist Intern	1	<1%	0	0%	-100%
Registered Pharmacy Technician	62	28%	34	29%	-45%
Physician	0	0%	0	0%	0%
Registered Nurse	22	10%	13	11%	-41%
Certified Registered Nurse Anesthetist	2	<1%	0	0%	-100%
Licensed Vocational Nurse	4	2%	1	<1%	-75%
Delivery – In or Out of Pharmacy	36	16%	26	22%	-28%
Pharmacy Cashier – Pharmacy Clerk	5	2%	2	2%	-60%
Pharmacy Staff – Unidentified	56	25%	21	18%	-63%
Hospital Staff – Unidentified	13	6%	3	3%	-77%
Hospital Staff – Pharmacy Staff	1	<1%	1	<1%	0%
Miscellaneous *	12	5%	11	9%	-8%
TOTALS	222	100%	119	100%	-46%

* Examples: Non-pharmacy employees; contract workers (e.g., repairmen, cleaning crew).

ENFORCEMENT DIVISION

**Reports Submitted to the Texas State Board of Pharmacy
Regarding Thefts/Losses of Controlled Substances in Texas Pharmacies
Due to Employee Pilferage
FY2006 and FY2007 (by Dosage Units)**

CLASSIFICATION OF EMPLOYEE	FY 2006		FY 2007		% Change
	Total # of Dosage Units	%	Total # of Dosage Units	%	
Registered Pharmacist	10,392	2%	49,893	19%	+380%
Intern (Pharmacist)	4,492	<1%	0	0%	-100%
Registered Pharmacy Technician	378,359	80%	99,199	38%	-74%
Physician	0	0%	0	0%	0%
Registered Nurse	1,046	<1%	885	<1%	-15%
Certified Registered Nurse Anesthetist	6	<1%	0	0%	-100%
Licensed Vocational Nurse	438	<1%	16	<1%	-96%
Delivery – In or Out of Pharmacy	16,525	3%	25,996	10%	+57%
Pharmacy Cashier – Pharmacy Clerk	29,641	6%	20,650	8%	-30%
Pharmacy Staff – Unidentified	22,348	5%	50,655	19%	+127%
Hospital Staff – Unidentified	334	<1%	47	<1%	-86%
Hospital Staff – Pharmacy Staff	10	<1%	10	<1%	0%
Miscellaneous *	9,353	2%	12,730	5%	+36%
TOTALS	472,944	100%	260,081	100%	-45%

* Examples: Non-pharmacy employees; contract workers (e.g., repairmen, cleaning crew).

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4. **To provide technical assistance, maintain liaison, and coordinate joint investigations of pharmacists, interns, pharmacy technicians, and pharmacies, in line with the “lead agency approach,” with federal, state, and local law enforcement agencies, including health regulatory or administrative agencies, throughout FY2007.**

Status: **ACCOMPLISHED**

Comment: TSBP continued to provide assistance to other agencies, when requested, throughout FY2007. TSBP Field Investigators maintained liaison with law enforcement agents across the state, totaling over 800 contacts with 249 agencies. Multiple Field Investigators assisted agents of the Drug Enforcement Administration and other law enforcement agencies with audits of pharmacies in the Southeast Texas area. In addition, as a result of conducting criminal background checks, in-house investigative staff made hundreds of contacts with courts and law enforcement agencies both in Texas and out-of-state. Division Director testified in a federal trial in Houston in October 2006; the case involved a dispensing physician.

5. **To monitor compliance with all Board Orders and Agreed Board Orders, including rehabilitation Orders relating to impaired or recovering pharmacists, throughout FY2007.**

Status: **ACCOMPLISHED**

Comment: Almost all of the disciplinary orders entered in FY2007 required some type of monitoring by Division staff (i.e., 599 orders or 92% of the 648 disciplinary orders that TSBP entered during FY2007 required some type of monitoring). Monitoring included the following types of actions/activities:

- A. Licensure documents – Division staff monitored the receipt of licensure documents that were required to be submitted to TSBP (e.g., wall certificate of a revoked pharmacist license) and returned these documents as required (e.g., upon reinstatement of the license or completion of the suspension period).
- B. Fines & Fees – Division staff, in conjunction with Accounting staff, ensured that Administrative Penalties (fines) and probation fees were paid.
- C. Reinstatement – Division staff monitored the status of reinstatement applicants [e.g., whether the applicant completed Law Exam, Internship, and required CE within the required time period; reviewing reports from supervising pharmacist(s)].
- D. Rehabilitation Orders – These types of Orders are extremely labor-intensive, including monitoring of random drug screens and the review/evaluation of approximately 12 reports per year per Order [reports from probationer, supervising pharmacist(s), and mental health professional(s)].
- E. Other – Division staff monitored the submission of other documents (e.g., required continuing education and policy/procedures manuals; quarterly reports from a consulting/auditing pharmacist on a pharmacy's operation).

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In addition to the in-house monitoring described above, Compliance Officers conducted inspections of pharmacies for the purpose of monitoring compliance with the terms of the Orders, particularly individuals/facilities who were revoked, suspended, or subject to a probated suspension (see Ongoing Objective #2).

The following charts indicate the types of Orders entered in FY2007, which required the Division to monitor the licensee's compliance with the Order, in some manner:

Types of TSBP Disciplinary Orders Entered on Licensees (Pharmacists and Pharmacies) and Interns That Required Monitoring (FY05-FY07)						
Sanction	FY05 Orders	FY06 Orders	FY07 Orders	% of FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Revoke / Retire	12	16	29	10%	19	8%
Suspension	22	25	33	11%	27	12%
Restricted	4	4	8	3%	5	2%
Rehabilitation Orders*	6	6	13	4%	8	4%
Reinstatement	2	5	4	1%	4	2%
Fines or Probation Fees Only	46	69	94	31%	70	31%
Continuing Education, Texas Jurisprudence Exam, and/or Pharmacy Law Course (could also include fines and/or probation fees)	38	29	46	15%	38	17%
Continuous Quality Improvement Program, Self Assessments (ISMP), Policies/Procedures, and/or Quarterly Reports (could also include fines and/or probation fees)	24	39	51	17%	38	17%
TOTAL NUMBER OF ORDERS ON LICENSEES REQUIRING MONITORING	154	193	278	93%	208	92%
TOTAL NUMBER OF ORDERS NOT REQUIRING MONITORING	18	14	22	7%	18	8%
TOTAL ORDERS	172	207	300	100%	226	100%

* Rehabilitation Orders not included in other categories (e.g., Revocation, Restriction, Reinstatement).

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Types of TSBP Disciplinary Orders Entered on Technicians That Required Monitoring (FY06 – FY07)					
Sanction	FY06 Orders	FY07 Orders	% of FY07	2-Year Average	% of 2-Year Average
Revoke	31	57	16%	44	14%
Suspension	114	75	22%	95	31%
Restriction	N/A	1	<1%	N/A	N/A
Report from Mental Health Provider (MHP) *	40	16	5%	28	9%
Fines Only	62	60	17%	61	20%
Probation with Conditions	17	113	32%	65	21%
TOTAL NUMBER OF ORDERS ON TECHNICIANS REQUIRING MONITORING	264	321	92%	293	95%
TOTAL NUMBER OF ORDERS ON TECHNICIANS NOT REQUIRING MONITORING	4	27	8%	16	5%
TOTAL NUMBER OF ORDERS ON TECHNICIANS	268	348	100%	308	100%

* Orders not included in other categories (e.g., suspension).

Total Number of Orders Entered by TSBP Licensees (Pharmacists and Pharmacies), Interns, and Technicians (FY07)		
	FY07	% of FY07
Total Number of Orders on Licensees Requiring Monitoring	278	43%
Total Number of Orders on Technicians Requiring Monitoring	321	49%
Total Number of Orders Requiring Monitoring	599	92%
Total Number of Orders Not Requiring Monitoring	49	8%
Total Number of Orders Entered by TSBP in FY06	648	100%

During FY2007, TSBP entered 60 confidential disciplinary Orders on pharmacists. These Orders were based upon various violations that the licensees allegedly committed, as reflected in the chart below:

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Confidential Disciplinary Orders Entered by TSBP (FY05 – FY07)						
Nature of Violation	FY05	FY06	FY07	% of FY07	3-Yr. Avg.	% of 3-Yr. Avg.
Non-Compliance with ABO	11	22	15	25%	16	31%
Non-Compliance with PRN	N/A	1	3	5%	N/A	N/A
Action by Other Boards	5	1	3	5%	3	6%
Audit Shortages	0	0	1	2%	0	0%
Alcohol-Related Conviction	1	3	4	7%	3	6%
Theft of Prescription Drugs	1	0	6	10%	2	4%
Created Fraudulent Rx or Obtained C/S by Fraud	1	2	2	3%	2	4%
Convictions	4	0	1	2%	2	4%
Deferred Adjudication	0	0	2	3%	1	2%
Illegal Possession of Controlled Substances	0	2	0	0%	1	2%
Unauthorized Refills of Controlled Substances	0	0	0	0%	0	0%
Probable Cause	6	5	3	5%	5	10%
Request for Modification of ABO	12	8	14	23%	11	21%
Request for Retirement or Revocation	0	3	2	3%	2	4%
Request for Reinstatement	2	5	4	7%	4	8%
TOTAL	43	52	60	100%	52	100%

Of the 60 confidential *pharmacist* Orders entered in FY2007, there were 27 Orders resulting in an impaired/recovering pharmacist being added to the number who were being monitored at the end of FY2007, as reflected in the chart below. However, 19 pharmacists were deleted from the list as a result of early termination of probation, successful completion of probation, death, revocation or retirement of license, or license expired. Accordingly, as of August 31, 2007, a total of 97 impaired/recovering pharmacists were being monitored by TSBP. The number of individuals being monitored at year-end, as compared to the year-end of previous fiscal years, is depicted in the following chart:

Impaired/Recovering Pharmacists Monitored by Enforcement Division (FY03 – FY07)			
Fiscal Year	Total Orders*	Total New Orders**	Total Being Monitored***
FY03	48	23	102
FY04	58	26	103
FY05	43	15	93
FY06	51	16	89
FY07	60	27	97

* All Orders entered by the Board involving an impaired pharmacist (including revocations, modifications, and “second Orders” due to disciplinary action for violation of the terms of previously entered Orders).

** An Order that resulted in one individual being added to the list of impaired pharmacists to be monitored by the agency.

*** Total number of pharmacists being monitored by the agency as of the last day of the reporting period. The number represents the new Orders entered by the agency during the fiscal year, minus the number of deletions made during reporting period (e.g., as a result of death, early termination of probation through the entry of an Order, and/or successful completion of probation).

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6. To provide verbal and written information to Board staff and customers as needed or required throughout FY2007, to include providing technical assistance to other Divisions and responding to surveys and questionnaires.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

A. COMPLIANCE INSPECTIONS

The Division conducted 2,083 inspections in FY2007 (see Ongoing Objective #2).

B. TELEPHONE CALLS

Division staff provided technical assistance and answered questions regarding laws and rules governing the practice of pharmacy from approximately 11,498 callers who were routed through the Compliance Queue telephone line.

Number of Telephone Calls Handled via Compliance Queue (FY05 – FY07)	
FY05	7,995
FY06	10,492
FY07	11,498

C. WRITTEN INFORMATION

During FY2007, Division staff mailed 23 packets of information and 386 customer service surveys to TSBP customers.

D. PRESENTATIONS (PUBLIC SPEAKING ENGAGEMENTS) – regarding Pharmacy Laws/Rules (unless otherwise noted)

DATE	PRESENTATIONS Name of Association/Presentation and Location of Meeting	STAFF PERSON	ATTENDANCE (Approx.)
9/14/06	Prescription Fraud/Diversions from Texas Pharmacies; Texas District and County Attorney Assoc (S. Padre Is.)	Rob Lunsford	118
9/18-19/06	Crisis Intervention Training (TDI Investigators, Austin)	Rob Lunsford	28
9/20/06	Special Investigative Topics (Austin)	Rob Lunsford	26
9/20/06	Cultural Diversity (Austin)	Rob Lunsford	28
9/20/06	St. Lukes Hospital Technicians (Houston)	Iona Grant, R.Ph.	40
9/30/06	TSU Annual Preceptor's Conference (Houston)	Iona Grant, R.Ph.	150
11/21/06	TSU P-1 Class (Houston)	Iona Grant, R.Ph.	125
11/27/06	Internship Opportunities at TSBP (University of Texas College of Pharmacy Students, Austin)	Carol Fisher, R.Ph.	75
1/23/07	Lake Houston Pharmacy Association (Humble)	Iona Grant, R.Ph.	60
1/31/07	DEA San Antonio Diversion Group (San Antonio)	Mike Ethridge, R.Ph.	5
2/6/07	TSU Pre-Pharmacy Orientation Class (Houston)	Iona Grant, R.Ph.	100
2/8/07	TSU Pre-Pharmacy Orientation Class (Houston)	Iona Grant, R.Ph.	120
3/3/07	TSU Annual Preceptor's Conference (Houston)	Iona Grant, R.Ph.	75
5/17/07	Coastal Bend Pharmacy Association (Corpus Christi)	Mike Ethridge, R.Ph.	35
6/15/07	Diversion (Walgreens Pharmacist Interns, Houston)	Rob Lunsford	48
6/28/07	Walgreens Co (Houston)	Iona Grant, R.Ph.	50
7/12/07	MacPherson's Pharmacy (Harlingen)	Mike Ethridge, R.Ph.	14
Total			1,097

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E. ASSISTANCE TO BOARD MEMBERS AND EXECUTIVE DIRECTOR

- (1) Division Director assisted in the development of the proposed Goals and Objectives for FY2008, which were presented to/approved by the Board at its meeting held in August 2007;
- (2) Division Director made presentations at all Board meetings held in FY2007 regarding the number of acting/pending complaints and the number of dismissed complaints;
- (3) Division Director assisted in the review/edit of drafts of minutes of four Board meetings;
- (4) On behalf of Executive Director and at the request of Congressman, Division Director attended a press conference in Orange, Texas, on June 11, 2007, regarding pain management clinics located in the Houston-Southeast Texas area;
- (5) In the absence or at the request of the Executive Director, Division Director responded to inquiries from the media; and
- (6) Division Director assisted in the review/edit of the agency's FY2006 Annual Report.

F. TECHNICAL ASSISTANCE TO BOARD STAFF

- (1) Legal Division
 - (a) Disciplinary Proceedings – At the request of TSBP General Counsel, Division Director reviewed drafts of Preliminary Notice Letters prior to these documents being finalized and mailed;
 - (b) Division staff attended informal conferences involving pharmacists and pharmacies, and pharmacy technicians; and
 - (c) Division Director served as an expert witness for two formal disciplinary hearings conducted by the State Office of Administrative Hearings.
- (2) Division of Professional Services
 - (a) *TSBP Newsletter* – Division staff assisted with each issue of the Newsletter (e.g., wrote articles such as Compliance Reminders and Complaint Corner and provided applicable information regarding disciplinary orders entered by the Board).
- (3) Administrative Services and Licensing Division
 - (a) Review Applications for Licensure/Registration – Division staff reviewed applications of any applicant with a criminal history or prior disciplinary action by another professional licensing board, and determined, in concert with the Executive Director and Legal Counsel, whether disciplinary action would be instituted to deny

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the application. Division staff also assisted in the review of applications for a Class B or D Pharmacy license, as indicated in the chart below:

Activity	FY2005	FY2006	FY2007	3-Year Average
New Class D (Clinic) Pharmacy Applications	19	10	23	17
New Class B (Nuclear) Pharmacy Applications	0	0	0	0
Petitions for Expanded Formularies for Class D (Clinic) Pharmacies	41	72	69	61
Petitions for Alternative Visitation Schedules for Class D (Clinic) Pharmacies	10	6	3	6
Notifications of Temporary Locations for Class D (Clinic) Pharmacies	1	3	5	3
Standard Class D Formularies Reviewed	4	6	10	7

G. TECHNICAL ASSISTANCE TO OTHER AGENCIES AND ORGANIZATIONS

- (1) Division staff notified various agencies regarding disciplinary orders entered by the Board (e.g., DEA, DPS, MHMR, HHS, NABP, HIP-DB, and Deans of the Texas Colleges of Pharmacy);
- (2) Division Director answered questions of the former Executive Director of the National Association of Pharmacy Regulatory Authorities (NAPRA) in Canada, relating to the development of an assessment tool (test) and competencies for Inspector training and assessment; and
- (3) See Ongoing Objective #4.

7. In cooperation with the Executive Director and other Divisions, to provide internship experience to student pharmacist-interns upon requests from the Texas Colleges of Pharmacy, throughout FY2007.

Status: ACCOMPLISHED

Comment: During FY2007, Division Director, Assistant Director, and Chief of Compliance served as preceptors to twelve students from four different Colleges of Pharmacy, as listed below:

FY2006-2007

- April Aguiere (August 14 – September 22, 2006) – University of Texas
- Chau Hong (August 14 – September 22, 2006) – Texas Southern University

FY2007

- Jing Wang (September 25 – November 3, 2006) – University of Houston
- Christy Khoury-Dennis (September 25 – November 3, 2006) – University of Texas
- Veronica Gonzales (January 8 – February 16, 2007) – Texas Southern University
- Natalie Klinck Haggerty (January 8 – February 16, 2007) – University of Texas
- Suneet D. Gandhi (February 19 – March 30, 2007) – University of Texas
- John Gilbert Salinas (April 2 – May 11, 2007) – University of Texas

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- Neha Shah (May 21 – June 29, 2007) – University of Houston
- Cindy Luu (July 2 – August 10, 2007) – University of Texas

FY2007-2008

- Amanda Leah Kelley (August 13 – September 21, 2007) – University of Texas
- Lisa Garza Pena (August 20 – September 28, 2007) – Texas Tech University

Division Director prepared a Rotation Schedule for each intern that covered goals, expectations and scheduled activities during the six-week rotation. Preceptors conducted mid-term and final evaluations of each intern.

- 8. To serve as liaison for the Board to the Professional Recovery Network (PRN) of the Texas Pharmacy Association and to monitor non-financial contractual obligations of PRN throughout FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Board Member Ben Fry, R.Ph., served as an ex-officio member of the TX-PRN State Committee throughout FY2007;
- B. The TX-PRN Program submitted year-to-date financial reports to TSBP at each one of its Board meetings in FY2007;
- C. TSBP requested an independent audit be conducted on the data provided to TSBP (financial data and performance measure data). This audit was conducted on September 15, 2006, and the results of the audit were reported to the Board at its meeting held on February 13-14, 2007;
- D. Throughout FY2007, Division staff reviewed monthly activity reports submitted to TSBP by TX-PRN Director;
- E. Division staff attended two TX-PRN State Advisory Committee meetings (October 21, 2006, and April 28, 2007); and
- F. Throughout FY2007, Enforcement Program Specialist Janelle Nastri worked closely with TX-PRN Program Director to ensure the accuracy of data for peer assistance performance measures.

- 9. To assist the Executive Director in developing and implementing the objectives of the Health Professions Council pertinent to Division activities throughout FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- (1) HPC Annual Report – Division Director submitted agency Enforcement performance data to be incorporated in the HPC Annual Report.

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- (2) HPC Toll-Free Complaint Hotline – HPC member agencies are billed for hotline calls received by the respective agency. When complainants call the hotline, they may leave a message advising the agency of the complainant's name, address, and telephone number, or they may “zero out” and speak to an HPC staff member for clarification of procedures. During FY2007, TSBP mailed 564 complaint forms to individuals requesting forms on the HPC toll-free complaint hotline and 585 complaint forms to individuals who called the TSBP voice mail complaint line, which represented an increase in the number of complaint forms being mailed by TSBP to potential complainants, as compared to FY2006. The number of requests for complaint forms received in FY2007, as compared to the four previous fiscal years, is depicted in the following chart:

Complaint Forms Processed by Enforcement Division (FY02 – FY06)				
Fiscal Year	Requests for Complaint Forms via HPC 800#	% Change	Requests for Complaint Forms via TSBP Voice Mail	% Change
FY03	628		634	
FY04	260	-59%	232	-63%
FY05	490	+88%	422	+82%
FY06	506	+3%	495	+17%
FY07	564	+11%	585	+18%

- 10. To maintain a staff development program by encouraging Division staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2007.**

Status: ACCOMPLISHED

Comment: In FY2007, Division staff attended several team meetings, Division staff meetings, and general staff meetings. Division Staff Meetings and General Staff Meetings were held in November 2006, February 2007, June 2007, and August 2007. In conjunction with quarterly General Staff Meetings, Division staff participated in all-staff training, as listed below:

- 11/30/06 – Take Wellness to Heart; Presentation by Joe Golson, Employees Retirement System
- 12/1/06 – Generation to Generation: Staying on the Road to Connection and Communication; EAP Presentation
- 2/27/07 – Finding Your Oxygen: Keys to Work-Life Balance and Success; EAP Presentation
- 6/13/07 – Nutrition; Presentation by Mary Ellen Autry, RD, LD, CDE, Austin Diagnostic Clinic

Carol Fisher, R.Ph., M.P.A.	
10/22/06	Staying on the Recovery Road (PRN Fall Seminar) – Austin
5/19-22/07	National Association of Boards of Pharmacy Annual Meeting – Portland, Oregon
7/10/07	EEO Training – Austin
7/12-14/07	Texas Pharmacy Association Annual Meeting – Grapevine
8/18/07	University of Texas 25th Annual Preceptor Orientation and Training Conference – Salado

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Paul Holder, R.Ph., Pharm.D.	
9/5/06	National Certified Investigator/Inspector Training Program – Austin
12/18-21/06	2007 Telicon Legislative Seminar – Austin
4/9/07	Internet for Investigators Seminar – San Marcos
4/10/07	Advanced Internet Search for Investigators – San Marcos
4/19-23/07	Texas Society of Health-System Pharmacists 59th Annual Seminar – San Antonio
6/12/07	Pharmacy Software – Austin
8/29/07	Audit Investigations – Austin

Joe Lewis	
	None, except for general meetings listed at beginning of this section.

Ben Santana, R.Ph.	
9/21/06	Employee Coaching – A Servant-Leadership Approach (Highland Business Center) – Austin
12/2/06	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) -- Austin
6/12/07	Pharmacy Software – Austin
7/10/07	EEO Training – Austin
7/12-15/07	Texas Pharmacy Association Annual Meeting -- Grapevine
8/29/07	Audit Investigations – Austin

Janelle Nastri	
10/22/06	Staying on the Recovery Road (PRN Fall Seminar) – Austin
4/24/07	Presentation on Methamphetamine Abuse, DPS – Austin
4/29/07	Transformation Through Story (PRN Spring Seminar) – Austin
7/10/07	EEO Training – Austin

Iona Grant, R.Ph.	
9/30/06	Texas Southern University – Continuing Professional Development – Annual Preceptor's Conference – Austin
9/30/06	Review of Experiential Requirements – Houston
10/21/06	The Role of Liver Enzymes (ALT/AST) in Outcomes for Patients with Hepatitis Syndrome – Houston
2/28/07	PointSync Suite Automated Pharmacy Inspection Process – presentation by MobileDataforce – Austin
6/11/07	Compliance Staff Training – “Personal Safety Training for Field Personnel: Conflict Management” – Austin
7/12-15/07	Texas Pharmacy Association Annual Meeting -- Grapevine

Mike Ethridge, R.Ph.	
11/29/06	“Healthy Happiness” – Employees Retirement System of Texas – Austin
2/28/07	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) – Austin
4/19-23/07	Texas Society of Health System Pharmacists 59th Annual Meeting & Seminar – San Antonio
6/11/07	“Personal Safety Training for Field Personnel: Conflict Management” – Austin

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Sharon Dimmick	
9/14/06	EEO Training – Austin
11/6-8/06	Aseptic Compounding Training – PCCA – Houston
12/2/06	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) – Austin
4/19-23/07	Texas Society of Health System Pharmacists 59th Annual Meeting & Seminar – San Antonio
6/11/07	“Personal Safety Training for Field Personnel: Conflict Management” – Austin

Chris Schuttler	
12/2/06	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) – Austin
6/11/07	“Personal Safety Training for Field Personnel: Conflict Management” – Austin
7/12-15/07	Texas Pharmacy Association Annual Meeting – Grapevine

David Meryman	
12/2/06	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) – Austin
4/19-23/07	Texas Society of Health System Pharmacists 59th Annual Meeting & Seminar – San Antonio
6/11/07	“Personal Safety Training for Field Personnel: Conflict Management” – Austin

Karen Guenther	
11/6-8/06	Aseptic Compounding Training – PCCA – Houston
2/28/07	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) – Austin
6/11/07	“Personal Safety Training for Field Personnel: Conflict Management” – Austin
7/12-15/07	Texas Pharmacy Association Annual Meeting – Grapevine

Ann Driscoll	
12/2/06	PointSync Suite Automated Pharmacy Inspection Process (presentation by MobileDataforce) – Austin
4/20-22/07	Texas Society of Health System Pharmacists 2007 Annual Meeting & Seminar – San Antonio
6/11/07	“Personal Safety Training for Field Personnel: Conflict Management” – Austin

Robert Ebrom	
9/18-19/06	Crisis Intervention Training – Austin
9/20/06	Cultural Diversity Training – Austin
10/9/06	Intoxilyzer Training Re-certification – Floresville
6/18-20/07	Follow the Money – Austin

Gordon R. Lunsford	
9/18-19/06	Crisis Intervention Training – Austin
9/20/06	Cultural Diversity – Austin
4/9/07	Internet for Investigators (Basic) – San Marcos
4/10/07	Advanced Internet Search for Investigators – San Marcos

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Wayne L. Jones	
9/18-19/06	Crisis Intervention Training – Austin
9/20/06	Cultural Diversity – Austin
9/26/06	Medicare Part D – Dallas
6/6/07	Crime Scene Involving Infectious Disease – Sulphur Springs

Tara M. Rike	
	None, except for general meetings listed at beginning of this section

Sarah Guevara	
9/18-19/06	Crisis Intervention Training – Austin
9/20/06	Cultural Diversity – Austin
2007 – 2008	Obtained Pharmacy Continuing Education to meet Pharmacy Technician Registration requirements

Allen Corporon	
9/18-19/06	Crisis Intervention Training – Austin
6/18-20/07	Counter Drug Money Laundering School -- Austin

Melissa Weeden	
	None, except for general meetings listed at beginning of this section

Robert Rivera	
5/21-25-07	TLETS/NLETS and NCIC/NCIC Basic Procedures Course; DPS – Austin

Amy Schroeder	
1/07	Resigned

Jill Kier	
10/06	Resigned

Linda Yazdanshenas	
7/10/07	EEO Training – Austin
11/27/07	Records Management Class -- Austin

Nelma Sanchez	
4/26/07	The Treatment of GERD; Capital Area Pharmacy Assoc. – Austin
5/21-25/07	TLETS/NLETS and NCIC/NCIC Basic Procedures Course; DPS – Austin
6/28/07	Beta Blockers & Hypertension; Capital Area Pharmacy Assoc. – Austin
7/26/07	Smoking Cessation; Capital Area Pharmacy Assoc. – Austin
8/18/07	New Topics in Insulin Treatment; Capital Area Pharmacy Assoc. - Austin

Patty Galan	
10/22/06	Staying on the Recovery Road (PRN Fall Seminar) – Austin
4/23/07	Presentation on Alcohol Abuse, DPS – Austin
4/24/07	Presentation on Methamphetamine Abuse, DPS – Austin
5/23/07	Blue Cross/Blue Shield Benefits Presentation – Austin

ENFORCEMENT DIVISION

Becky Damon	
10/22/06	Staying on the Recovery Road (PRN Fall Seminar) – Austin
4/23/07	Presentation on Alcohol Abuse, DPS – Austin
4/24/07	Presentation on Methamphetamine Abuse, DPS – Austin
4/29/07	Transformation Through Story (PRN Spring Seminar) – Austin

Diane Torres	
	None, except for general meetings listed at beginning of this section.

Yvette Muniz	
7/10/07	EEO Training – Austin
11/27/07	Records Management Class -- Austin

Noreen Trevino	
11/15/06	Imaging Training – Austin
7/10/07	EEO Training -- Austin

Kelly Clark	
	None, except for general meetings listed at beginning of this section.

11. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2007.

Status: **ACCOMPLISHED**

Comment: Formal performance reviews were conducted as follows:

Employee	Date of Evaluation
Paul Holder, R.Ph.	August 17, 2007
Joe Lewis	Retired 5/31/07; Rehired 7/1/07
Ben Santana, R.Ph.	August 22, 2007
Janelle Nastri	August 10, 2007
Iona Grant, R.Ph.	June 12, 2007
Mike Ethridge, R.Ph.	August 29, 2007
Chris Schuttler	August 29, 2007
David Meryman	August 30, 2007
Sharon Dimmick	August 30, 2007
Karen Guenther	August 30, 2007
Ann Driscoll	August 30, 2007
Robert Ebrom, Jr.	August 13, 2007
Wayne Jones	May 30, 2007
Gordon Lunsford	May 30, 2007
Tara Rike	May 30, 2007
Sarah Guevara	May 29, 2007
Allen Corporon	May 29, 2007
Amy Schroeder	Resigned January 2007
Melissa Weeden	August 14, 2007
Cynthia Fazin	August 14, 2007
Robert Rivera	August 18, 2007
Norma Sanchez	August 16, 2007
Demetria Williams	Hired April 2007
Linda Yazdanshenas	August 20, 2007
Jill Kier	Resigned October 2006
Patty Castillo	August 21, 2007

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Becky Damon	August 22, 2007
Noreen Trevino	August 21, 2007
Yvette Muniz	August 20, 2007
Diane Torres	August 20, 2007
Kelly Clark	August 21, 2007

Other activities relating to personnel included:

- A. During FY2007, Division Director updated/revised four job descriptions and developed three new job descriptions: Investigative Administrative Assistant and two new positions funded by the 80th Texas Legislature, effective 9/1/07 (FY2008): Enforcement Program Officer and Senior Staff Investigator.
- B. During FY2007, Division staff conducted in-depth orientations for three new Division Staff: Sharon Dimmick (September 2006); Nelma Sanchez (January 2007); and Demetria Williams (April 2007).

- 12. To destroy records in accordance with the agency's record retention plan throughout FY2007; to update the Division's *Policies and Procedures Manual* as needed and submit any substantive revisions to the Executive Director for approval throughout FY2007.**

Status: ACCOMPLISHED

Comment: The following activities relate to this objective:

- A. Records Management

During FY2007, Division staff destroyed 7.02 cubic feet of records, in accordance with the TSBP record retention schedule. This performance represented an 80% decrease over the prior fiscal year, as represented in the chart below:

Fiscal Year (FY03 – FY07)	# of Cubic Feet of Records Destroyed	% Change
FY2003	39.00	
FY2004	30.50	-22%
FY2005	72.00	+136%
FY2006	35.56	-51%
FY2007	7.02	-80%

- B. Policies and Procedures

During FY2007, Division Director updated procedures relating to complaint worksheet.

- 13. To recommend policies and procedures to the Executive Director that will enhance the efficiency and effectiveness of the agency throughout FY2007.**

Status: ACCOMPLISHED

ENFORCEMENT DIVISION

Comment: All Division staff made recommendations to improve the efficiency and effectiveness of agency operations. Significant recommendations included the following:

- A. Division Director made a recommendation to the Licensing Division to send a letter to pharmacies if TSBP records reflected that a pharmacy technician was working at the pharmacy with a delinquent/expired registration.
- B. Division staff made recommendations for procedures to streamline/enhance the pre-inspection program;
- C. Division staff made recommendations to enhance the agency's computerized complaint tracking system and enhancements to computerized information regarding pharmacy owners;
- D. Compliance Field Staff made recommendations to enhance inspection procedures and regional pharmacy rosters;
- E. Division Director recommended that applications for licensure and registration be revised to ask the applicant if he/she were a registered sex offender; and
- F. Division staff, in cooperation with the Legal Division, developed an application for reinstatement of a Pharmacy Technician's Registration.

14. To recommend changes to the Texas Pharmacy Act and rules, which will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director throughout FY2007.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Texas Pharmacy Act
 - (1) Division Director recommended that Section 565 of the Texas Pharmacy Act relating to grounds for discipline be amended to include the following actions: issuance of a worthless check to TSBP (e.g., a technician paying for his/her registration fee with a "hot" check); and failing a drug screen (e.g., when a licensee or registrant has tested positive for an illegal substance or a drug for which the individual does not have a valid prescription); and
 - (2) TSBP Chief of Investigations and Deputy Chief of Investigations continued to urge amending the Texas Pharmacy Act to remove the language that prohibits agency employees who are commissioned peace officers to carry weapons.

ENFORCEMENT DIVISION

B. TSBP Rules

- (1) Division Director recommended revisions to the Pharmacy Technician Training section to include additional instruction on Confidentiality of Patient Records;
- (2) Division staff made several recommendations regarding TSBP rules relating to Pharmacies Compounding Sterile Pharmaceuticals; and
- (3) Division staff made recommendations to strengthen the rules relating to absence of pharmacist and security in Class A Pharmacies.

15. To prepare and submit a report on the accomplishment of Division objectives, for incorporation into the agency's *FY2006 Annual Report* to be presented to the Board at its May 2007 Board meeting.

Status: PARTIALLY ACCOMPLISHED

Comment: The Division's first draft of the *FY2006 Annual Report* was submitted to the Executive Director by the due date. The final draft of the *TSBP Annual Report for FY2006* was presented to and approved by the Board at its meeting held in August 2007.

FY2007 SIGNIFICANT ACCOMPLISHMENTS

1. Division staff accomplished 14 of the Division's 15 objectives and partially accomplished one objective for FY2007.
2. During FY2007, the agency began the initial registration process for all pharmacy technician trainees, while continuing to handle the large number of ongoing disciplinary issues for pharmacy technicians. The Division handled numerous disciplinary cases against the pharmacy technicians and pharmacy technician trainees who were found to have had a criminal history, who falsified the registration application, or who had some other ground for disciplinary action. The Division initiated 495 disciplinary actions by mailing a Preliminary Notice Letter and entered 348 orders against pharmacy technicians and pharmacy technician trainees during the fiscal year.
3. TSBP continued with the significantly increased number of disciplinary orders in FY2007 over fiscal years prior to the registration of pharmacy technicians and pharmacy technician trainees, based in large part on the additional cases against pharmacy technicians and pharmacy technician trainees but also with an increase in cases against pharmacists and pharmacies. The Division entered 300 disciplinary actions against pharmacists and pharmacies and 348 against pharmacy technicians and pharmacy technician trainees, for a total of 648 disciplinary actions.
4. 97% of the disciplinary cases against pharmacists and pharmacies and more than 99% of the cases against pharmacy technicians were settled through the entry of Agreed Board Orders, which resulted in significant efficiencies, both in terms of complaint resolution time and expenditures.
5. The Division initiated more disciplinary actions by mailing Preliminary Notice Letters (PNL) in FY2007 than any prior fiscal year. The Division mailed a total of 792 PNLs, as compared to 654 in FY2006, with 297 PNLs mailed to pharmacists and pharmacies and 495 PNLs mailed to pharmacy technicians and pharmacy technician trainees. The number of days to mail all PNLs after the case review date, which was 49 days in FY2007, as compared to 50 days in FY2006, fell slightly due largely to the increased complexity of pharmacy technician PNLs and the increased number of pharmacist and pharmacy PNLs, which are inherently more complex.
6. The Division conducted a total of 31 days of Informal Conferences for both pharmacists and pharmacies and for pharmacy technicians and pharmacy technician trainees in FY2007, approximately the same number as 33 days in FY2006. This large number of Informal Conference days allowed the Division to resolve a large number of disciplinary cases.

LEGAL DIVISION

7. The Division resolved three cases that were set for administrative hearings at the State Office of Administrative Hearings (SOAH) prior to proceeding to hearing. The cases were resolved through Agreed Board Orders (ABO) through negotiations with the licensees or their attorneys or through the SOAH Mediation process. These resolutions saved the agency considerable resources both in time and expenditures.
8. Eight administrative hearings were conducted at SOAH. These hearings involved preparing motions for summary judgment and numerous discovery documents (including interrogatories and requests for admission), preparing for trial and for witness examination, and conducting the hearings. Following the hearings, exceptions were filed and drafts of proposed orders were prepared. The extensive preparation for the hearings and the presentations to the Board required a considerable amount of time, and even with the increase in the number of hearings, the Division was able to maintain a fairly consistent number of cases resolved.

PHARMACISTS/PHARMACIES

FISCAL YEAR	NUMBER OF BOARD ORDERS (BOs)	NUMBER OF DEFAULT ORDERS ENTERED BY BOARD	NUMBER OF AGREED BOARD ORDERS (ABOs)	NUMBER OF DISCIPLINARY ORDERS (BOs & ABOs)	% CHANGE IN DISCIPLINARY ORDERS	% ABOs OR DEFAULT OF TOTAL ORDERS
FY03	4	0	209	213	17%	98%
FY04	6	0	229	235	10%	98%
FY05	2	5	165	172	-27%	99%
FY06	0	1	206	207	20%	100%
FY07	10	5	285	300	45%	97%
TOTAL	22	11	1094	1127	41% OVER 5 YRS.	5 YR. AVG. 98%

PHARMACY TECHNICIANS/PHARMACY TECHNICIAN TRAINEES

FISCAL YEAR	NUMBER OF BOARD ORDERS (BOs)	NUMBER OF DEFAULT BOARD ORDERS (BOs)	NUMBER OF AGREED BOARD ORDERS (ABOs)	NUMBER OF DISCIPLINARY ORDERS (BOs & ABOs)	% INCREASE IN DISCIPLINARY ORDERS	% ABOs OR DEFAULT OF TOTAL ORDERS
FY04	0	0	234	234	N/A	100%
FY05	3	0	377	380	62%	99.2%
FY06	4	34	230	268	-29%	98.5%
FY07	1	51	296	348	30%	99.7%
TOTAL	8	85	1137	1230	N/A	99.4%

LEGAL DIVISION

FY2007 SIGNIFICANT DISAPPOINTMENTS/CONSTRAINTS

1. The Legal Division suffered from the absence of two attorneys based on medical leave during the summer of 2007, and the resignation of one legal assistant and the medical leave of another legal assistant in August 2007. The caseload continued to increase and will likely reflect an increase in the resolution time for cases in FY2008. In addition, the cases against pharmacy technicians and pharmacy technician trainees continued to become more complicated and time-consuming as the cases began to involve not merely adjudicated criminal offenses, but also cases involving investigations by TSBP of thefts at pharmacies, which leads to a longer resolution time in the Legal Division due to the longer amount of time to draft and prepare the cases.

LEGAL DIVISION
FY2007 ANNUAL REPORT

GOAL

To prosecute violations of the laws and rules related to the practice of pharmacy. To provide adjudicative information to agency customers. To provide legal services and guidance to the Board and the agency staff relating to the regulation of the practice of pharmacy and the administration of the agency.

Objectives (New)

To assist the Executive Director, in cooperation with other Divisions, in the following new objectives throughout FY2007:

- A. Preparing testimony, attending public hearings, and providing any fiscal or technical information as required by the 80th Texas Legislature; and reviewing all legislation that has an impact on the practice of pharmacy and agency operations, and monitoring the progress of this legislation;
- B. Implementing the new program to register and regulate pharmacy technician trainees;
- C. Implementing the fingerprint-based applicant criminal history background checks; and
- D. Conducting the orientation of new Board Members within 90 days of appointment by the Governor.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. 80th Texas Legislature – The following activities are applicable:
 - (1) General Counsel viewed House Appropriations committee meetings and Senate Finance committee meetings.
 - (2) General Counsel reviewed numerous bills filed during the 80th legislative session for applicability to TSBP licensees and registrants and TSBP operation, including bills related to criminal history background checks, wholesale distribution, PBM licensure, government records, confidentiality, ethical considerations, flavoring of prescriptions, recycling of drugs by penal institutions, and automated pharmacy systems.
 - (3) General Counsel provided information and impact analysis to various senators and representatives as requested. See also Ongoing Objective 8(D).

LEGAL DIVISION

- (4) General Counsel assisted Executive Director as requested with any issues involving pharmacy practice or agency related legislation and participated in meetings to implement legislation.
- (5) General Counsel drafted and/ or reviewed bill drafts for legal sufficiency and suggested modifications as necessary.

B. Pharmacy Technician Trainees – The following activities are applicable:

- (1) General Counsel and Division Staff worked with the Executive Director and other agency staff to implement changes to the agency's policies and procedures relating to the registration and regulation of pharmacy technician trainees. Specifically, Division Staff implemented policies and procedures relating to cases involving applicants for pharmacy technician trainee registration, to be incorporated into the policies and procedures already in place for pharmacy technicians. Following a limited extension for applicants who had applied for registration prior to the prescribed deadline (February 1, 2007), General Counsel recommended posting an "approved list" on TSBP webpage which allowed technicians who had met the February 1, 2007, deadline to continue performing technician duties while TSBP was processing their applications.
- (2) General Counsel worked with other agency staff and computer programmers from Northrop Grumman to implement changes to: (a) the on-line registration program to accept Preliminary Applications from pharmacy technician trainees; and (b) the agency's computer program to accept data about pharmacy technician trainees.
- (3) Division Staff worked with Licensing staff to prepare instructions to applicants to explain the application process and the differences between applying for registration as a pharmacy technician or as a pharmacy technician trainee.

C. Fingerprint-Based Background Checks – The Board promulgated rules requiring applicants to submit fingerprint information and be responsible for all associated costs; these rules became effective on September 3, 2006 (for applicants for pharmacist licensure by exam; applicants for Intern registration; and applicants for pharmacy technician or pharmacy technician trainee registration) and on December 3, 2006 (for applicants for pharmacist licensure by reciprocity). However, the agency delayed implementation of the fingerprinting process due to several bills regarding fingerprinting that were being considered by the 80th Texas Legislature.

D. Orientation of New Board Members – On September 26-27, 2006, General Counsel conducted the orientation of new Board Members Jeanne Waggener, R.Ph., and Alice Mendoza, R.Ph. The new Board Member orientation was accomplished 47 days after the August 10, 2006, appointment by the Governor of the two new members and the reappointment of Rosemary Combs, public member from El Paso, Texas.

LEGAL DIVISION

Objectives (Ongoing)

1. To coordinate and monitor throughout FY2007 the receipt, assignment, and resolution of all cases accepted by the Division.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Division staff met approximately once a month to discuss the status of pending cases, to assess workload allocation, and determine the most effective strategies to complete cases in a timely and efficient manner.
- B. Division staff maintained a database system to track the current status of all cases, which has increased efficiency in monitoring cases.
- C. TSBP entered a total of 648 disciplinary orders in FY2007, as reflected in the charts below.

Type of Order	Summary Suspensions	SOAH Board Orders	Default Board Orders	ABOs Entered by ED	ABOs Public	ABOs Confidential	Total Number of Orders
Pharmacists and Pharmacies	9	10	5	65	152	59	300
Pharmacy Technicians	2	1	51	8	130	156	348
Total	11	11	56	73	282	215	648

The Division Staff prepared for the presentation of Agreed Board Orders and Board Orders for approval at the four regularly scheduled Board meetings throughout the year.

Information regarding the disciplinary cases entered in FY2007 is set forth in the following charts:

LEGAL DIVISION

TEXAS STATE BOARD OF PHARMACY
SANCTIONS IMPOSED BY THE ENTRY OF
DISCIPLINARY ORDERS (FY2007)

			Pharmacist	Pharmacy	Total	
Licenses Removed	29	(10%)				
Revoke			17	6	23	(8%)
Retire			6	0	6	(2%)
Suspensions	66	(22%)				
Suspension			10	3	13	(4%)
Suspension w/Conditions			17	0	17	(6%)
Suspension/Fine			3	0	3	(1%)
Suspension/Probation			2	0	2	(<1%)
Suspension/Probation w/Conditions			17	3	20	(7%)
Suspension/Probation/Fine			0	5	5	(2%)
Suspension/Probation/Fine w/Conditions			1	5	6	(2%)
Restrictions	8	(3%)	8	0	8	
Other	154	(51%)				
Fine			52	13	65	(22%)
Fine with Conditions			8	16	24	(8%)
Fine and Reprimand			0	2	2	(<1%)
Fine, Reprimand with Conditions			14	17	31	(10%)
Reprimand			3	2	5	(2%)
Reprimand with Conditions			16	11	27	(9%)
Issuance License/Regist.	26	(9%)				
Grant with Suspension			0	0	0	(0%)
Grant with Probation			12	1	13	(4%)
Grant with Probation and Conditions			1	0	1	(<1%)
Grant with Reprimand			4	2	6	(2%)
Grant with Fine			5	1	6	(2%)
Deny			0	0	0	(0%)
Reinstatements	4	(1%)				
Grant			0	0	0	(0%)
Grant with Probation/Conditions			4	0	4	(1%)
Deny			0	0	0	(0%)
Modifications	13	(4%)				
Grant			13	0	13	(4%)
Deny			0	0	0	(0%)
TOTAL FY07:	300	(100%)	213	87	300	(100%)

FY07 Orders Entered Against Pharmacist Licenses	213	71%
FY07 Orders Entered Against Pharmacy Licenses	87	29%
FY07 Total Disciplinary Orders on Pharmacist/Pharmacy	300	100%

LEGAL DIVISION

TEXAS STATE BOARD OF PHARMACY
DISCIPLINARY ORDERS (FY2007)
NATURE OF VIOLATIONS*

	RPh	Phcy	Total	Total %
Diversion	8	1	9	3%
Illegal Delivery	0	0	0	
Unauthorized Dispensing	0	0	0	
Theft of Controlled Substances	6	0	6	
Obtained C/S by Fraud	1	0	1	
No Valid Dr-Pt Relationship (Internet)	0	0	0	
Dispensing Internet RXs	1	1	2	
Convictions	41	4	45	15%
Felony	14	4	18	
Misdemeanor	6	0	6	
Deferred Adjudication, Felony	18	0	18	
Alcohol-Related	3	0	3	
Audit Discrepancies	18	14	32	11%
Drug	11	14	25	
Continuing Education	7	0	7	
Practice Deficiencies	35	36	71	24%
Dispensing Errors	20	18	38	
Dispensing Errors & No Counsel and/or No Drug Regimen Review	11	15	26	
No Counsel and/or DRR	4	3	7	
Unprofessional Conduct	84	30	114	38%
Aiding and Abetting	9	5	14	
Allow Tech to Work with Delinquent or No Registration	11	12	23	
Falsified Application for Licensure	27	6	33	
Samples	1	1	2	
Practicing/Delinquent License	0	0	0	
Falsify Response to W/N	0	0	0	
Probable Cause/Chemical Dependency	6	1	7	
Action by Other Boards	8	4	12	
Non-Compliance with Previously Entered Order	19	0	19	
Non-Compliance with PRN Program	2	0	2	
Confidentiality Violations	0	1	1	
Failed to Keep/Maintain Records	1	0	1	
Other				
Modification	17	0	17	6%
Reinstatement	4	0	4	1%
Request for Revocation/Retirement	6	2	8	3%
TOTAL FY07:	213	87	300	101% **

* Board Orders/Agreed Board Orders may contain more than one type of violation. However, for purposes of this list, only one type of violation has been identified. The identified violation was selected as the primary violation.

** Due to rounding.

LEGAL DIVISION

VIOLATIONS IN DISCIPLINARY ORDERS ON PHARMACY TECHNICIANS (FY2007)

		Total	(%)
Gross Immorality		1	<1%
Immoral conduct	0		
with falsified application	0		
Engaging in felony	0		
with falsified application	0		
Engaging in sexually deviant behavior	1		
with falsified application	0		
Falsification		33	9%
Conviction		182	52%
Misdemeanor	106		
With falsified application	32		
Felony	40		
With falsified application	4		
Drug or Alcohol Dependency		28	8%
Drug or Alcohol Dependency	23		
With falsified application	5		
Violation of Drug Laws		76	22%
Misdemeanor	30		
with falsified application	1		
Felony	41		
with falsified application	4		
Other Violations		23	7%
Working w/o Registration	3		
Delinquent Registration	9		
Performed RPh Duty	4		
Violation of Rehab ABOs	5		
Violation of ABOs	2		
Revocation Request		5	1%
TOTAL FY07:		348	

LEGAL DIVISION

**SANCTIONS IMPOSED BY THE ENTRY OF
DISCIPLINARY ORDERS ON
PHARMACY TECHNICIANS (FY2007)**

		Total	(%)
License Removed		57	16%
Revoke	52		
Retire	5		
Suspensions		73	21%
Suspension	3		
Suspension with Conditions	3		
Suspension/Fine	0		
Suspension/Fine with Conditions	0		
Suspension/Probation	20		
Suspension/Probation/Fine	0		
Probation	42		
Probation/Fine	5		
Restrictions	1	1	<1%
Other		27	8%
Fine	26		
Fine with Conditions	0		
Reprimand	1		
Reprimand with Conditions	0		
Fine/Reprimand	0		
Fine/Reprimand with Conditions	0		
Issuance License/Regist.		190	55%
Grant with Suspension	11		
Grant with Suspension/Probation	7		
Grant with Suspension/Fine	1		
Grant with Probation	105		
Grant with Fine	26		
Grant with Reprimand	23		
Grant with Probation/Fine	5		
Grant with Reprimand/Fine	11		
Grant with Suspension/Probation/Fine	1		
Deny	0		
Reinstatements		0	0%
Grant with Probation	0		
Deny	0		
Modifications		0	0%
Grant	0		
Deny	0		
TOTAL FY07:		348	

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2. **To review all cases referred to the Division for potential disciplinary action; and if sufficient evidence exists to warrant action, to institute disciplinary proceedings against licensees within an average of 150 days of the date of the receipt of the case, in accordance with priorities established for the Enforcement Division, throughout FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. During FY2007, Division staff participated in 20 case and/or complaint review meetings. These meetings were held approximately twice per month with participation by the Executive Director and Legal and Enforcement Division staff.
- B. Division Staff mailed a record high number of 792 Preliminary Notice Letters in FY2007, in accordance with the priorities established for the Division, as compared to FY2006, when the Division mailed 654 PNLs. Of these PNLs, 297 PNLs were mailed to pharmacists and pharmacies, and 495 PNLs were mailed to pharmacy technicians.
- C. The number of days to mail PNLs after the case review date in FY2007 was 49 days, which is a slight decrease from the FY2006 number of 50 days. The number of days for PNLs to be sent to pharmacists and pharmacies averaged 82 days as compared to 69 days in FY2006. PNLs to pharmacy technicians were sent in an average of 30 days from receipt of the case, as compared to 37 days in FY2006.
- D. Total resolution time for cases in FY2007 was 148 days from receipt of the case in the Legal Division to the entry of an Agreed Board Order (ABO), which is slightly higher than last year's number of 136 days. Case resolution for pharmacists and pharmacies averaged 186 days, which is the same number of days as in FY2006, and for pharmacy technicians averaged 123 days, up from 100 days in FY2006.
- E. During the 79th Legislative Session, the Board was authorized to conduct Temporary Suspension hearings before a three-member panel of the Board to determine whether a licensee/registration should be temporarily suspended or restricted based on a continuing threat to the public welfare. The Division conducted Temporary Suspension hearings for three cases involving a total of five pharmacists, two pharmacies, and two pharmacy technicians (one of which was not temporarily suspended) in FY2007. One case was based on allegations of impairment while working as a pharmacist, and the other two cases involved pharmacy technicians dispensing prescriptions with no pharmacist present. The cases resulted in the temporary suspension of the licenses (with the exception of one pharmacy technician). One case required a contested case hearing before the State Office of Administrative Hearings while the other two cases were ultimately settled with an ABO.

3. **To plan and conduct a minimum of 15 days of informal conference sessions in FY2007 to adjudicate violators of pharmacy laws/rules.**

Status: ACCOMPLISHED

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Comment: During FY2007, the Division prepared for 31 days of Informal Conferences for 480 licensees/registrants, as indicated in the following charts. The number of licensees/registrants increased in FY2007, from 402 licensees/registrants in FY2006.

Informal Conferences for Pharmacies and Pharmacists					
Dates of Informal Conferences	# of Days	# of Phy/RPh Licensees	# of Techs	# of Cases	# of Licensees Dismissed
9/5-7/2007	2 ½	27	0	20	5
10/17-19/2006	2 ½	31	1	24	0
12/12-14/2006	2 ½	24	2	15	4
1/23-25/2007	2 ½	24	2	18	2
3/6-7/2007	2	20	0	14	2
4/10-11/2007	2	17	0	13	0
6/5-6/2007	2	17	0	13	1
7/16-18/2007	3	22	1	20	0
TOTAL FY2007	19	182	6	136	14

Informal Conferences for Technicians/Technician Trainees						
Dates of Informal Conferences	# of Days	# of Cases	Applicants (tech/TNT)	Registrants	No-show (tech/TNT)	Defaults
9/21/2006	1	20	8/0	4	5/0	3
10/24/2006	1	20	5/0	6	3/0	6
11/21/2006	1	19	6/0	2	5/0	6
12/19/2006	1	19	0/0	10	3/0	6
1/26/2007	1	24	6/0	5	4/0	9
2/22/2007	1	14	5/0	3	2/0	4
3/22/2007	1	29	9/6	1	3/2	8
4/18/2007	1	34	10/5	4	6/1	8
5/16/2007	1	35	5/8	3	4/11	4
6/21/2007	1	30	3/8	2	5/9	3
7/24/2007	1	26	4/8	5	2/5	2
8/23/2007	1	22	3/3	4	1/2	9
TOTAL FY2007	12	292	64/38	49	43/30	68

4. To refer disciplinary cases to the State Office of Administrative Hearings (SOAH) throughout FY2007, and file a complaint with SOAH within an average of 120 days of the date that the agency determines the case cannot be settled with an Agreed Board Order.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. At the onset of FY2007, two cases were ongoing following a hearing at the State Office of Administrative Hearings in FY2006 and pending approval of a Board Order. The Division filed formal Complaints at SOAH, within 120 days that the case failed to settle with an Agreed Board Order, for twelve cases in FY2007.

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- B. Three cases were resolved prior to a full contested administrative hearing being conducted at SOAH. This resolution was beneficial in saving the agency both considerable time and effort in the alternative of preparing for and presenting a full contested case hearing. However, considerable preparation was required for several of the cases because they were not resolved until shortly before the scheduled hearing date.
 - C. Eight administrative hearings were conducted in FY2007. Seven Proposals for Decision (PFD) were issued by the Administrative Law Judges during FY2007, for hearings conducted in FY2007. In each case, the Board essentially adopted the recommendations in the PFDs by Board Order. One case was anticipating the return of a PFD at the end of FY2007, and one case was pending a hearing at the end of FY2007
 - D. SOAH performed 104.35 hours of work on 14 cases for the TSBP in FY2007, totaling approximately \$12,020.39 in direct hearings expenses and \$13,725.29 in total case expenses. These SOAH hours are slightly decreased from the 147.15 hours of work in FY2006, based on an increase in the number of default cases.
5. **To research legal issues and provide legal services and advice to the Board and agency staff; to provide legal services to the Enforcement and Administrative Services and Licensing Divisions regarding interpretation of the laws and rules and to the Division of Professional Services in the development of agency rules and publication of newsletters.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Legal Research and Advice on Agency Administration
 - (1) General Counsel reviewed the following for legal sufficiency and effectiveness:
 - (a) Policy and Procedures for Board members;
 - (b) TSBP Employee Handbook;
 - (c) Executive session procedures;
 - (d) Letter of Agreement with NABP regarding administration of NAPLEX and MPJE;
 - (e) TSBP Recruitment Plan;
 - (f) Interagency Contract with Texas Workforce Commission;
 - (g) Peer Assistance Program Request for Bid;

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- (h) Memorandum of Understanding with DSHS for disaster recovery;
and
- (i) Contract with DIR for provision of VAX services.
- (2) General Counsel served as Fraud Coordinator and responded to Fraud Survey for the Governor's office.
- (3) General Counsel participated in meetings and provided recommendations in the development of the agency's Risk Management plan, including a recommendation to add "rulemaking" as a prioritized consolidated activity.
- (4) General Counsel provided legal advice and consultation on numerous personnel issues during FY2007, including:
 - (a) coordinated and provided recommendations on actions for violations of employment policies and procedures;
 - (b) assisted with issues in various hiring/disciplinary processes;
 - (c) drafted and/or reviewed disciplinary documentation;
 - (d) sick leave pool eligibility; and
 - (e) interviewed applicants for new positions.
- (5) General Counsel coordinated investigation of harassment complaint and obtained successful resolution through mediation process.
- (6) General Counsel continued to serve as the agency's Ethics Advisor and continued to assist Board Members and staff with legal and ethical issues.
- (7) General Counsel researched the addition of Board members to TSBP to comply with constitutional requirements.
- (8) General Counsel responded to State Auditors Office audit on classification of attorney positions in Legal Division.
- (9) General Counsel participated in meetings with Texas Workforce Commission regarding human resources audit.
- (10) General Counsel coordinated resolution of issues with Peer Assistance bid specifications, in conjunction with TSBP Purchaser.

B. Technical Assistance to Enforcement Activities

- (1) Division staff researched numerous issues, including the following issues:
 - (a) Crimes of moral turpitude;
 - (b) Applicability of Occupations Code Ch. 53;

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- (c) Applicability of law to applicants; and
 - (d) Effect of non-disclosure order on admissibility of evidence.
- (2) General Counsel attended quarterly meetings of Compliance staff and Investigative staff, as requested, to provide legal guidance on inspection and investigative issues including obtaining evidence and issuing subpoenas.
 - (3) Division staff drafted numerous subpoenas to assist with the investigative work of the TSBP investigators.
 - (4) Division staff handled numerous legal questions from all staff regarding a myriad of issues.
 - (5) General Counsel reviewed numerous complaint files for pharmacists and pharmacies and provided guidance regarding the identification of violations and the resolution of the cases. In addition, General Counsel reviewed numerous complaint files on pharmacy technicians to determine type of violation and appropriate action, as previously determined by the Board.
 - (6) Division staff made presentations at all Board meetings held in FY2007. Presentations included information about proposed Agreed Board Orders and proposed Board Orders following SOAH proceedings.
 - (7) General Counsel assisted in the review and preparation of minutes of four regularly-scheduled Board meetings.
 - (8) Division staff informed the Enforcement staff of disciplinary actions to be taken by the Board prior to entry of the orders, to ensure the correct information is immediately available on the computer system.
 - (9) Division staff assisted the Enforcement Division with issues involving the monitoring of impaired pharmacists, including legal consultation on handling of positive drug screens and interfacing with the PRN program.
 - (10) Division staff updated the Disciplinary Index to all actions taken by TSBP on a quarterly basis following each Board.
 - (11) Division staff developed criteria for investigators to use for cases on non-therapeutic dispensing cases and for temporary suspension cases.

C. Legal Services for Professional Services

- (1) Division staff participated on a committee to develop articles for the TSBP Newsletter.

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- (2) General Counsel assisted the Division of Professional Services in the review/drafting of proposed rules and preambles for rules, and the review of rule submissions to the *Texas Register* for all rules either proposed or adopted during FY2007, including compounding, prepackaging, recordkeeping and disciplinary rules.

D. Legal Services for Licensing

- (1) Division staff assisted with recommendations on eligibility for licensure and registration, verified accuracy of warning letters, and handled cases through the legal process.
- (2) Division staff assisted the Licensing Division with development of procedures for registration of pharmacy technician trainees in compliance with the Pharmacy Act and Board rules, including drafting of letters and rule development.

E. Other Legal Services regarding Pharmacy Issues

- (1) General Counsel participated in meetings and teleconferences regarding:
 - (a) labeling proposal for “dual” pharmacy names;
 - (b) remote pharmacy sites;
 - (c) dispensing kiosks in employer offices; and
 - (d) signing of prescriptions by pharmacists in hospitals.
- (2) General Counsel participated in the review of the question pool for the Multistate Jurisprudence Examination to ensure the validity of the questions in the pool.
- (3) General Counsel participated in teleconference meetings of committee to review requests for pilot projects.
- (4) General Counsel participated in meetings of the following task forces:
 - (a) Pharmacy Compounding Task Force;
 - (b) Pharmacy Security Task Force; and
 - (c) Internship Task Force.

6. **To review and monitor the Texas Register for Attorney General opinions; to draft requests for Attorney General Opinions throughout FY2007; to serve as liaison for the Board to the Office of the Attorney General (OAG); to monitor and assist with appeals, injunctions, or civil litigation handled by the OAG against pharmacists or non-pharmacists**

Status: ACCOMPLISHED

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Comment: This objective was accomplished through the following activities:

- A. Division Staff reviewed new opinions of the Office of the Attorney General and the Texas Ethics Commission for applicability to TSBP on a weekly basis, and disseminated any relevant material to appropriate agency personnel.
- B. Liaison with the Office of Attorney General
 - (1) Division staff continued to serve as liaison with the OAG throughout FY2007. Joe Pitner served as the Assistant Attorney General assigned to TSBP from the OAG Administrative Law Division until his retirement and was replaced by Michael Crowley in June 2007.
 - (2) Appeals; Injunctions; Civil Litigation
 - (a) No disciplinary cases were appealed during FY2007.
 - (b) General Counsel coordinated representation by OAG on opposition to a Subpoena Duces Tecum for records involving an impaired pharmacist.
 - (3) Requests for AG Opinions
 - (a) No requests for AG Opinions were filed in FY2007.
 - (4) General Assistance
 - (a) General Counsel and Staff Attorney served on the Electronically Stored Information Task Force to develop statewide guidance policy for retention of electronic records and attended numerous meetings over a period of four months.
 - (b) General Counsel provided information to OAG attorneys regarding restocking of drugs, patient record confidentiality, and hospital formulary issues.

7. To assist with open records requests throughout FY2007, in accordance with the procedures set forth in the Texas Public Information Act.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

General Counsel reviewed written responses to open records requests, prepared by the Professional Services Division, for legal compliance with the Public Information Act in FY2007. In addition, the General Counsel assisted with clarifying certain open records requests requiring telephonic clarification, when legal issues were involved.

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8. To provide verbal and written information to Board staff and customers, including responses to surveys and questionnaires, as needed and required throughout FY2007; to provide legal assistance and maintain liaison with appropriate local, state, and federal prosecutors, legal divisions, and enforcement agencies involved in the investigation or prosecution of Board licensees, in conjunction with the Enforcement Division, throughout FY2007.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Surveys/Questionnaires and Other Correspondence
 - (1) General Counsel and/or Division staff responded to the following surveys:
 - (a) Texas Department of Licensing and Regulation;
 - (b) ERS Smoking Policy Questionnaire;
 - (c) Employee Assistance Program;
 - (d) Annual Survey from the State Office of Administrative Hearings; and
 - (e) Texas State Agency Purchasing Survey from the Office of Attorney General.
- B. Technical Assistance to Other Agencies and Organizations
 - (1) Division staff attended State Agency Council meetings during FY2007.
 - (2) General Counsel met with representatives of various pharmacies to discuss the legality of proposed operations.
 - (3) General Counsel assisted the Professional Recovery Network with system to refer participants to TSBP for relapse and positive alcohol/drug screens.
 - (4) General Counsel prepared projections for FY2008-2009 on anticipated workload for the State Office of Administrative Hearings.
 - (5) Division staff attended Public Service Career Day at the University of Texas School of Law.
 - (6) General Counsel met with representatives of DSHS and the Veterinary Board regarding provision of drugs to dairy farm facilities.
 - (7) General Counsel met with Medical Board General Counsel regarding pharmacist prescriptive authority as a delegated act under drug therapy management.

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- (8) General Counsel met with representatives of Travis County on recycling of drugs at detention facilities.
- (9) General Counsel met with PRN Director to clarify legal requirements for referral to PRN.
- (10) General Counsel met with Department of Public Safety representatives regarding modification of issue date on official prescriptions within 21 days of issuance and assisted with draft of proposed rule to implement change.
- (11) Division staff assisted Tarrant County District Attorney with criminal prosecution involving human growth hormone.
- (12) Division staff responded to question from State Bar regarding reporting requirements for criminal offenses of pharmacists.
- (13) General Counsel provided information to Physical and Occupational Therapy Board regarding administration of controlled substances by physicians.
- (14) General Counsel reviewed DSHS Healthcare Liability FAQ for applicability to pharmacists volunteering during a disaster for a volunteer organization or a governmental entity.
- (15) Division staff provided information to the FBI regarding internet pharmacy case.
- (16) Division staff coordinated with Maryland Board of Pharmacy on complaint against veterinary pharmacy.

D. Technical Assistance to the Legislature

- (1) General Counsel responded to survey by Rep. Calegari regarding the Private Real Property Rights Preservation Act.
- (2) General Counsel and/or Division staff responded to questions and/or assisted regarding:
 - (a) Texas Medical Privacy Act application to information on envelopes to pharmacy patients for Sen. Nelson;
 - (b) physician ownership of pharmacies for Sen. Isett;
 - (c) pharmacy application for Sen. Salazar;
 - (d) Health and Safety Code interpretation for Sen. Nelson;
 - (e) modifications to Pharmacy Act for labeling requirements of auxiliary information and for limitation on criminal offenses for Rep. Davis;
 - (f) definition of moral turpitude for Rep. Davis;

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- (g) impact of SB1750 regarding criminal offenses for House Licensing and Administration Committee; and
- (h) dispensing and recordkeeping requirements for Rep. West.

E. Technical Assistance to the Press and the Public

- (1) Division staff answered numerous telephone calls from pharmacist and pharmacy technician applicants regarding the application process and the associated disciplinary process, including providing information about denial of registration and options for Informal Conference.
- (2) Division staff answered numerous questions from licensees, attorneys, and other members of the public regarding legal issues, including:
 - (a) licensing eligibility and requirements;
 - (b) effect of convictions and deferred adjudications and/or probation for various crimes on registration and licensure;
 - (c) dispensing in dental offices;
 - (d) central processing;
 - (e) labeling requirements; and
 - (f) forged prescriptions.
- (3) General Counsel responded to requests for information from the following television and newspaper reporters on issues including:
 - (a) Peter Korn, Portland Tribune; and
 - (b) Jeff Eeline, KTRK 13 Houston.
- (4) General Counsel answered questions from members of the public about dispensing from dentists' offices.
- (5) General Counsel participated in meetings and provided legal analysis regarding use of pharmacy technicians in hospital pharmacies and providing pharmacy services as DBA.

9. To assist the Executive Director in developing and implementing the objectives of the Health Professions Council (HPC) pertinent to Division activities throughout FY2007.

Status: ACCOMPLISHED

LEGAL DIVISION

Comment: This objective was accomplished through the following activities:

General Counsel served as chair of the HPC Legal Committee, which includes attorneys from other agencies, and provided updates to HPC about Legal Committee activities as requested.

10. To maintain a staff development program by encouraging Division staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training throughout FY2007.

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

In FY2007, Division staff attended several general staff meetings, and in-house training sessions. In addition, Division staff attended the following programs, seminars, and events:

Kerstin Arnold	9/28-29/2006	Advanced Administrative Law Conference
	11/29/2006	Webinar on Sanctioning Reference Points used by Health Licensing Boards in Virginia
	12/20/2006	Telicon Review for 80th Legislative Session
	2/9/2007	General Counsel CLE
	2/27/2007	EAP Presentation: Finding Your Oxygen
	4/19/2007	Public Information Legislative Update
	4/25/2007	Computer Evidence CLE
	5/23/2007	Training on Personal Health Manager
	6/20/2007	Legislative Update
Julie Hildebrand	10/26-27/2006	Advanced Administrative Law Conference
	11/29/2006	Webinar on Sanctioning Reference Points used by Health Licensing Boards in Virginia
	2/27/2007	EAP Presentation: Finding Your Oxygen
	4/25/2007	Computer Evidence CLE
	8/30-31/07	Advanced Texas Administrative Law Conference
Mitra Woody	9/28-29/2006	Advanced Administrative Law Conference
	2/27/2007	EAP Presentation: Finding Your Oxygen
	4/25/2007	Computer Evidence CLE
	6/20/2007	Legislative Update
	8/30-31/07	Advanced Texas Administrative Law Conference
Jing Belfiglio	2/27/2007	EAP Presentation: Finding Your Oxygen
	4/25/2007	Computer Evidence CLE
Sharanya Rao	10/5/2006	UT Law School Conference on Gender and Labor: What's Working
	11/15/2006	DPS NCIC/TCIC Policy and Procedures Training
	2/27/2007	EAP Presentation: Finding Your Oxygen
	4/13-14/2007	ABA Section for Dispute Resolution Annual Conference
Cheryl Sepulveda	2/27/2007	EAP Presentation: Finding Your Oxygen
	7/10/2007	EEO Training with BNE
Georgienne Nassauer	10/12/2006	Texas Conference for Women
	2/27/2007	EAP Presentation: Finding Your Oxygen
	4/23/2007	Alcohol Awareness Class

LEGAL DIVISION

- 11. To conduct periodic reviews and annual evaluations of all employees under the supervision of this Division during FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

Employee	Date of Evaluation	Evaluation By
Kerstin Arnold, J.D.	8/29/2007	Executive Director
Julie Hildebrand, J.D.	8/31/2007	General Counsel
Mitra Woody, J.D.	8/31/2007	General Counsel
Cheryl Sepulveda	8/31/2007	Assistant General Counsel
Georgienne Nassauer	8/31/2007	Assistant General Counsel
Sharanya Rao	8/31/2007	General Counsel

Other activities related to Division personnel are listed below:

- A. General Counsel conducted team meetings approximately once a month with Division staff.
 - B. The Division interviewed for and had a law clerk during the summer of 2007 from the University of Texas School of Law, who provided assistance with the preparation of legal cases.
 - C. General Counsel prepared and conducted orientations of all new TSBP employees and interns during FY2007 regarding the Legal Division, the legal process, ethics, and Public Information and Open Meetings Acts.
 - D. Division staff completed training of new Legal Assistant Sharanya Rao.
 - E. General Counsel developed plan for restructuring division responsibilities and job description for new attorney position.
- 12. To destroy records in accordance with the agency's record retention plan throughout FY2007; to update the Division's Policies and Procedures Manual as needed and submit any substantive revisions to the Executive Director for approval throughout FY2007.**

Status: ACCOMPLISHED

Comment: This objective was partially accomplished as follows:

- A. Records Management

During FY2007, Division staff destroyed records, in accordance with the TSBP record retention schedule, including general correspondence. Division staff also prepared and indexed material for transfer to the State Library.

LEGAL DIVISION

B. Policies and Procedures

- (1) Division staff updated and maintained Disciplinary Notebooks and Index containing all Board Orders and Agreed Board Orders.
- (2) Division staff updated notebook of samples of preliminary notice letters for pharmacist and pharmacy disciplinary actions and developed forms for various pharmacy technician and technician trainee PNLs and ABOs.

13. To recommend policies and procedures to the Executive Director that will enhance the efficiency and effectiveness of the agency throughout FY2007.

Status: **ACCOMPLISHED**

Comment: This objective was accomplished as follows:

- A. General Counsel served on the agency's Wellness Committee, and coordinated the Maintain No Gain program during the winter, the agency's Texas Roundup participation, and the High Blood Pressure/Stroke Awareness program in the spring, in conjunction with the Director of Professional Services. Division staff organized water consumption contest. General Counsel also scheduled presentations by Joe Golson, ERS representative, and Mary Ellen Autry, licensed nutritionist.
- B. Division staff developed Calendar of Events for FY2007 for informal conferences and reserved conference rooms accordingly.
- C. General Counsel recommended allowing VAX searches based on the social security number of licensees/registrants and based on comments entered on the complaint screen.
- D. General Counsel recommended changing VAX to store and display a history of statutes for licensees/registrants.
- E. Division staff recommended changes to the TSBP website to reorganize pharmacy technician information.
- F. General Counsel recommended disciplinary scheme for pharmacy technicians and technician trainees to consider both as one registration with different designations and developed method for allowing technician trainee applicants to continue working if application was made prior to February 1, 2007, by placing them on an authorized list on the TSBP website.
- G. Division staff developed template to combine disciplinary actions for pharmacy technician and technician trainees to avoid entry of two orders for the same violation.
- H. General Counsel drafted questionnaire for use by mental health professionals evaluating pharmacy technicians and technician trainees to clarify drug or alcohol dependency criteria and recommended that the evaluation be conducted prior to Informal Conference to improve efficiency in the licensing process.

LEGAL DIVISION

- I. Legal Division developed new priorities for handling of disciplinary cases to reflect TSBP policies and to enhance compliance with disciplinary grounds in Pharmacy Act.
 - J. General Counsel recommended changes to agency's record retentions policies related to email, and developed goals and objective for the employee email team to research and implement policies. Staff Attorney served as chair of task force and General Counsel participated in meetings.
 - K. General Counsel developed requirements for electronic audit report for use by TSBP investigators for specific pharmacy system vendor.
- 14. To recommend changes to the Texas Pharmacy Act and rules, which will enhance the agency's ability to protect the public health, safety, and welfare, or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director throughout FY2007.**

Status: ACCOMPLISHED

Comment: This objective was accomplished through the following activities:

- A. Texas Pharmacy Act
 - (1) See New Objective (A) above.
 - B. Board Rules
 - (1) Division staff reorganized rules regarding disciplinary and rulemaking procedures to remove unnecessary rules and provide more efficient notice to licensees/registrants.
 - (2) General Counsel recommended reorganization of Board rules in new subchapter G for related pharmacy services provided by all classes of pharmacies.
- 15. To prepare and submit a report on the accomplishment of Division objectives, for incorporation into the agency's FY2006 *Annual Report* to be presented to the Board by its May 2007 Board meeting.**

Status: PARTIALLY ACCOMPLISHED

Comment: The Division's first draft of the FY2006 *Annual Report* was submitted to the Executive Director by the due date. The final draft of the *TSBP Annual Report for FY2006* was presented to and approved by the Board at its meeting held in August 2007.