



TEXAS STATE BOARD OF PHARMACY
Health Professions Council Board Room
333 Guadalupe Street, Tower II, Suite 225
Austin, Texas
August 1, 2017
MINUTES¹

Tuesday, August 1, 2017

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:00 a.m. Other Board Members present were Vice President Christopher M. Dembny, R.Ph.; Treasurer Alice G. Mendoza, R.Ph.; Dennis F. Wiesner, R.Ph.; Phyllis A. Stine; Buford T. Abeldt, Sr., R.Ph.; Bradley A. Miller, Ph.T.R.; Chip Thornsburg; Jenny Downing Yoakum, R.Ph.; and Suzette Tijerina, R.Ph.

Board member L. Suzan Kedron was not present.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Cathy Stella, Director of Licensing and Administrative Services; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Vordenbaumen Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Brian Hurdle, Network Manager; Caroline Hotchkiss, Assistant General Counsel; Ben Santana, R.Ph., Chief of Compliance; Megan Holloway, Staff Attorney; Mary Martha Murphy, Staff Attorney; Jessica Lance, Staff Attorney; and Becky Damon, Executive Assistant.

Also present was Legal Intern Hayley Ostrin.

A. Announcements

- President Waggener made general announcements.
- Announcements were made concerning Board Members and staff.
- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

¹See agenda and corresponding attachments for supporting materials.

B. Discussion and Approval of Minutes of Previous Meetings (Tab 01)

Following discussion, the motion was made by Ms. Stine to approve the minutes of the Board Business Meeting held May 2, 2017; the minutes of the Executive Committee Meeting held June 20-21, 2017; and the confidential minutes of a Temporary Suspension Hearing held July 12, 2017, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

C. Consideration of Personnel Matters (Tab 02)

President Waggener explained that the Board's Executive Committee met on June 20-21, 2017, and interviewed candidates for the position of Executive Director/Secretary of the Texas State Board of Pharmacy. She reported that the committee's recommendation was that Allison Vordenbaumen Benz, R.Ph., be hired as the new Executive Director/Secretary of the TSBP, upon the retirement of Gay Dodson, R.Ph.

Mr. Wiesner made the motion to offer the position of Executive Director/Secretary of the Texas State Board of Pharmacy to Allison Vordenbaumen Benz, R.Ph., M.S. The motion was seconded by Ms. Mendoza and passed unanimously.

D. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Dispensing Pharmacist Responsibilities (§291.32) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.32 during its May 2, 2017, meeting. The proposed amendments were published in the June 16, 2017, issue of the *Texas Register*, and comments were received from the Coalition for Nurses in Advanced Practice.

Ms. Benz directed the Board's attention to amendments to §291.32 and explained that the amendments clarify what shall be included in the dispensing process of a dispensing pharmacist.

Ms. Benz explained to the Board that rules §291.32 Concerning Dispensing Pharmacist Responsibilities (Tab 03); §291.33 Concerning Library Requirements (Tab 04); and §291.34 Concerning Documenting Identity of Pharmacist Receiving Orally or Telephonically Transmitted Prescriptions; and Transferring Controlled Substance Prescriptions (Tab 05) were related and recommended the Board consider them at the same time.

- Rules Concerning Library Requirements (§291.33) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §291.33 during its May 2, 2017, meeting. The proposed amendments were published in the June 16, 2017, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the amendments to §291.33 and explained the amendments update the categories of references required to be maintained in the reference library of Class A pharmacies and require pharmacies that dispense veterinary medications to keep a veterinary drug reference.

- Rules Concerning Documenting Identity of Pharmacist Receiving Orally or Telephonically Transmitted Prescriptions; and Transferring Controlled Substance Prescriptions (§291.34) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §291.34 during its May 2, 2017, meeting. The proposed amendments were published in the June 16, 2017, issue of the *Texas Register*, and comments were received from the National Association of Chain Drug Stores and the Coalition for Nurses in Advanced Practice.

Ms. Benz directed the Board's attention to amendments to §291.34 and explained that the amendments add a requirement that orally or telephonically communicated prescriptions identify the transcribing pharmacist and the prescriber or agent communicating the prescription; and clarify the requirements regarding the transfer of prescription drug order information between pharmacies to be consistent with DEA requirements.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Dembny to approve for adoption, with the revision suggested by the Coalition for Nurses in Advanced Practice regarding the change of physician to practitioner, by Board Order, amendments to §§291.32, 291.33 and 291.34, as presented. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Rules Concerning Withdrawal of Drugs in Class ASC Pharmacies (§291.76) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §291.76 during its May 2, 2017, meeting. The proposed amendments were published in the June 16, 2017, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.76 and explained that the amendments clarify the duties of the pharmacist-in-charge to include ensuring a pharmacist visits the pharmacy at least once each calendar week; clarify the requirements regarding the withdrawal of drugs from the ambulatory surgical center pharmacy; and correct a rule reference.

Ms. Benz explained to the Board that rules §291.76 Concerning Withdrawal of Drugs in Class ASC Pharmacies (Tab 06); and §291.77 Concerning Licensing Requirements for Class C-S Pharmacies (Tab 07) were related and recommended the Board consider them at the same time.

- Rules Concerning Licensing Requirements for Class C-S Pharmacies (§291.77) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §291.77 during its May 2, 2017, meeting. The proposed amendments were published in the June 16, 2017, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.77 and explained that the amendments remove licensing requirements specific to Class C-S pharmacies owned or operated by hospital management or consulting firms, and correct a grammatical error.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Dembny to approve for adoption, by Board Order, amendments to §§291.76 and 291.77, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Practitioners Initiating Therapy in Class D (Clinic) Pharmacies (§291.93) (Tab 08)

Ms. Benz explained that the Board voted to propose the amendments to §291.93 during its May 2, 2017, meeting. The proposed amendments were published in the June 16, 2017, issue of the *Texas Register*, and comments were received from the Coalition for Nurses in Advanced Practice.

Ms. Benz directed the Board's attention to amendments to §291.93 and explained that the amendments update the requirements for Class D pharmacies regarding labeling for prepackaged drug units and clinic pharmacies with expanded formularies including antipsychotic drugs.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Mendoza to approve for adoption, with the revision suggested by the Coalition for Nurses in Advanced Practice regarding the change of physician to practitioner, by Board Order, amendments to §291.93, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

Proposal of Rules

- Rules Concerning Telepharmacies (§291.121) (Tab 15)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning telepharmacies. She explained the proposed amendments implement Senate Bill 1633, and portions of House Bill 2561, relating to telepharmacy as passed by the 85th Texas Legislature.

Ms. Benz directed the Board's attention to written comments received from the Texas Pharmacy Association.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §291.121, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Administrative Penalties (§281.65) (Tab 09)

Ms. Benz explained that staff was not presenting suggested amendments to the rule language at this meeting.

- Rules Concerning Notification for Fires and Disasters (§291.3) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning fires and disasters. She explained the proposed amendments clarify requirements for a pharmacy to notify the board of a fire or other disaster.

Following discussion, the motion was made by Ms. Mendoza to approve for proposal amendments to §291.3, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Notification When Closing a Pharmacy (§291.5) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning closing a pharmacy. She explained the proposed amendments clarify requirements for closing a pharmacy.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §291.5, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Pick Up Locations (§291.9) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning pick up locations. She explained the proposed amendments clarify the requirements for prescription pick up locations to be consistent with DEA requirements.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal amendments to §291.9, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning the Definition of Dispensing Error (§291.31) (Tab 13)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning dispensing errors. She explained the proposed amendments clarify the definition of a dispensing error to include incorrect quantity.

Following discussion, the motion was made by Ms. Mendoza to approve for proposal amendments to §291.31, as presented. Due to the lack of a second the motion failed.

- Rules Concerning Drug Use Review in Certain Rural Hospitals (§291.74) (Tab 14)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning drug use review. She explained the proposed amendments update the requirements for drug use review as authorized by Section 562.1011(i) of the Act.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §291.74, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Information Required in Written Agreements with Practitioners (§§291.131 and 291.133) (Tab 16)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning written agreements with practitioners. She explained the proposed amendments clarify the requirements regarding written agreements for supplying compounded preparations for office use and make formatting changes.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal amendments to §§291.131 and 291.133, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Technician Examinations (§297.7) (Tab 17)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning technician examinations. She explained the proposed amendments remove specific references to the Pharmacy Technician Certification Board.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §297.7, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Continuing Education Requirements for Technicians (§297.8) (Tab 18)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning technician continuing education. She explained the proposed amendments remove specific references to the Pharmacy Technician Certification Board and clarify the continuing education requirements.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §297.8, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning the Registration for Military Service Members, Military Veterans, and Military Spouses (§297.10) (Tab 19)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning military service members, military veterans and military spouses. She explained the proposed amendments remove specific references to the Pharmacy Technician Certification Board.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal amendments to §297.10, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning the Documentation of Generic Substitution (§309.6) (Tab 20)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning generic substitution. She explained the proposed amendments clarify the requirements for documenting substitution.

Following discussion, the motion was made by Ms. Mendoza to approve for proposal amendments to §309.6, as presented. The motion was seconded by Mr. Wiesner and passed unanimously.

- Rules Concerning License Fees (§§291.6, 295.5, and 297.4) (Tab 21)

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

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

President Waggener reconvened the meeting at 10:32 a.m.

Rule Review

- Ms. Benz presented the proposed Rule Review Plan for FY2018-2021. (Tab 22)

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

- Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs (Tab 23)

Ms. Benz advised the Board that the Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs met on January 31, 2017, and March 27, 2017. She directed the Board's attention to the Task Force's final report which contains recommendations.

President Waggener recognized A.J. Day, the Chairman of the Task Force. Mr. Day presented information concerning employee exposure risk from handling hazardous drugs.

The motion was made by Ms. Yoakum that the Board go into Executive Session, under the authority of Texas Occupations Code 551.071, to consult with counsel. The motion was seconded by Mr. Dembny and passed unanimously.

President Waggener declared the Board in Executive session at 10:50 a.m.

At 11:10 a.m., President Waggener announced that the Board would resume the meeting in Open Session. President Waggener announced that no action was taken and no decisions were made during Executive Session.

President Waggener recognized Lucinda Van Anglen who stated that she believed the majority of the Task Force members agreed with the recommendations made.

President Waggener recognized Cole Knutson, who noted that the list of drugs from the National Institute for Occupational Safety and Health contains several different tables and that each table could be handled differently.

Following discussion there was no action taken by the Board on the draft rules recommended by the Task Force.

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

- Presentation Regarding the Pharmacy Technician Stakeholder Consensus Conference Held February 15-16, 2017, Miriam A. Mobley Smith, Pharm.D., FASHP, Director of Strategic Alliances, Pharmacy Technician Certification Board (Tab 33)

President Waggener recognized Miriam Mobley Smith, Pharm.D., who presented information regarding the Pharmacy Stakeholder Consensus Conference and the recommendations brought forth from the conference.

- Financial Update
 - Review of FY2017 Operating Budget (Tab 24)

Ms. Stella reviewed the expenditures for the first three quarters of FY2017 (September 1, 2016 - through May 31, 2017) for the Board.
 - Review of Board Member Travel Budget (Tab 25)

Ms. Stella reviewed the Board Member FY2017 Travel Budget.
 - Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Tab 26)

Following consideration, in accordance with Section §2155.088 of the Texas Government Code, the motion was made by Mr. Dembny to approve the material changes to the contracts for goods and services as reported. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Review and Approval of FY2018 Operating Budget (Tab 27)

Ms. Stella directed the Board's attention to a proposed operating budget for FY2018.

- Consideration for Approval of the Executive Director's Salary Increase Noted in the Appropriations Act (Tab 28)

Following discussion, the motion was made by Ms. Stine to approve the FY2018 operating budget, as presented, to include an additional compensation of \$2,028.00, effective September 1, 2017, for the Executive Director. The motion was seconded by Mr. Dembny and passed unanimously

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

Proposed Rules (cont'd)

- Rules Concerning Licensing Fees (§§291.6, 295.5, and 297.4) (Tab 21)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning licensing and registration fees. She explained the proposed amendments will increase pharmacy and pharmacist licensing fees and pharmacy technician and pharmacy technician trainee registration fees based on expected appropriations.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §§291.6, 295.5, and 297.4, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

President Waggener recessed the meeting at 11:55 a.m.

President Waggener reconvened the meeting at 12:45 p.m.

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

- Professional Recovery Network
 - Ms. Fisher discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2014-2016) as well as the quarterly report on the number of pharmacists participating in the program during the first three quarters of FY2017 (September 1, 2016 – May 31, 2017). (Tab 29)

- President Waggener recognized Courtney Hulbert with the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for the first three quarters of FY2017 (September 1, 2016 – May 31, 2017). Ms. Hulbert reviewed current PRN activities for the Board. (Tab 30)
- Discussion Review and Approval of *TSBP FY2016 Annual Report* (Tab 31)

Ms. Dodson directed the Board's attention to a draft of the *TSBP FY2016 Annual Report*. She reviewed the agency's significant accomplishments in FY2016 for the Board.

- Review and Approval of *TSBP FY2018 Goals and Objectives* and Timeline for TSBP FY2019-2013 Strategic Plan (Tab 32)

Ms. Dodson directed the Board's attention to the *TSBP FY2016 Goals and Objectives* and the timeline for the FY2019-2013 Strategic Plan.

Following review and discussion, the motion was made by Mr. Thornsburg to approve the *TSBP FY2016 Annual Report*; the *TSBP FY2018 Goals and Objectives*; and the timeline for the FY2019-2013 Strategic Plan, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Discussion Concerning Training for Pharmacy Technicians Who Compound Sterile Preparations (Tab 34)

Ms. Dodson presented information on the current standards for the training of technicians who compound sterile preparations.

- Review and Approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Tab 35)

Following review of a list of ACPE approved professional degree programs of colleges and schools of pharmacy, a motion was made by Ms. Stine to approve the list of ACPE accredited professional programs of colleges and schools of pharmacy, as presented, as required under Board Rule §305.1. The motion was seconded by Mr. Dembny and passed unanimously.

- Discussion Regarding Pharmacist's Continuing Education Requirements to Include One Hour on Pain Managements and/or Opioid Abuse (Tab 36)

Mr. Wiesner stated that few pharmacists obtain continuing education on the subject of opioid abuse or pain management. He suggested amending rule language to require pharmacists to complete one hour of continuing education on opioid abuse or pain management every two years.

President Waggener stated there is a large amount of material available for continuing education on this issue.

Following discussion the Board directed staff to develop suggested rule language concerning pharmacist continue education requirements and to present the proposed language for consideration by the Board at the November 2017 meeting.

- Review of the Use of Automated Checking Devices and Automated Dispensing Devices by Pharmacy Technicians at Class A Pharmacies (Tab 37)

Mr. Wiesner stated that the technology used in pharmacies was changing quickly and he recommended the Board continually review rules concerning technology.

Following discussion the Board directed staff to review rules concerning technology and bring information back to the Board.

- Discussion Regarding Sterile Compounding Requirements (Tab 38)

Mr. Dembny suggested that the finger-tip testing required for the compounding of sterile preparations should be carried over to pharmacies in common ownership.

Following discussion the Board directed staff to develop suggested rule language concerning finger-tip testing and to present the proposed language for consideration by the Board at the November 2017 meeting.

Ms. Dodson and Ms. Fisher explained that TSBP would not conduct routine sampling of sterile compounded products during the next two fiscal years due to budget cuts.

Ms. Dodson explained that staff was recommending pharmacies be required to do periodic testing of sterile compounded products. She explained this requirement would place the testing responsibility on the pharmacy.

President Waggener recognized Lucinda Van Anglen who recommended that the Board review the California rules that require pharmacies to test sterile compounded products.

Following discussion the Board directed staff to develop suggested rule language concerning the testing of sterile compounded products and to present the proposed language for consideration by the Board at the November 2017 meeting.

- Report on Implementation of ExCPT Exam (Tab 39)

Ms. Stella reported that testing will be completed and the system operational by September 1, 2017.

- Report on Appeals from State Office of Administrative Hearings Cases and Other Court Actions (Tab 40)

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

- Prescription Monitoring Program Report (Tab 41)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the first three quarters of FY2017 (September 1, 2016 – May 31, 2017); and the minutes of the April 24, 2017, Interagency Work Group meeting.

- Update on Legislation Passed During the 85th Texas Legislative Session that have an Impact on TSBP and/or the Practice of Pharmacy (Tab 42)

Ms. Dodson directed the Board's attention to an action chart concerning legislation that was passed during the 85th Session of the Texas Legislature that has an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, action required of TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

G. Disciplinary Orders

- Consideration of Proposal for Decision (Tab 43)
 - No Proposals for Decision were presented.

Ms. Arnold directed the Board's attention to reports concerning disciplinary orders for pharmacy technicians and pharmacy technician trainees, pharmacies, interns, and pharmacists.

- Report on Agreed Board Orders Entered by Executive Director (Tab 44)
 - The Board reviewed 10 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from May 18, 2017, through June 12, 2017.

- The Board reviewed 16 Agreed Board Orders concerning pharmacies and pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from May 30, 2017, through June 24, 2017.
- The Board reviewed two Confidential Agreed Board Orders concerning pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from June 6, 2017, through June 26, 2017.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 45)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 12 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 15 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders (Technicians and Technician Trainees)
(Following an Informal Conference)

1. Jennifer Dawn Caldwell	ABO #T-16-373
2. Anil Romell Monteiro	ABO #T-17-093
3. Maegan Marie Robertson	ABO #T-16-421
4. Katherine Elaine Worthey	ABO #T-17-065
5. Beth Marie Garcia	ABO #T-17-039
6. Christopher Garza	ABO #T-16-430
7. Bryant Adrian Olivas	ABO #T-17-038
8. Zacchaeus P. Wooten	ABO #T-17-078-N
9. Katherine Lea Hernandez	ABO #T-17-163
10. Xavier Spearman	ABO #T-17-083-N
11. Phillip White	ABO #T-15-139-N
12. Madison Judith Yarbrough	ABO #T-16-431-N

Default Board Orders (Technicians and Technician Trainees)
(Did not appear for an Informal Conference)

13. Jacquelin Campos	DBO #T-17-054
14. Jessica Cortez	DBO #T-17-082
15. Loretta Lee Newell	DBO #T-16-341
16. Gwenisia T. Scott	DBO #T-16-375
17. Kassandra Carter	DBO #T-16-429
18. Jacquelyn Gonzales	DBO #T-17-155
19. Hillary Anne Heckler	DBO #T-17-013
20. Lashonica Sheray Jordan	DBO #T-17-001

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| 21. Veronica Gissela Alaniz | DBO #T-17-124 |
| 22. Selena Baxter | DBO #T-17-193-N |
| 23. Paula Samantha Gardea | DBO #T-17-094 |
| 24. Karias Dorlene Gipson | DBO #T-17-162 |
| 25. Huy Nguyen | DBO #T-17-148 |
| 26. Kristina Amanda Scheller | DBO #T-17-141 |
| 27. Lavonda Monette Stubbs | DBO #T-17-017 |

The motion was made by Mr. Dembny to approve the following: 12 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference, and 15 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

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

Agreed Board Orders (Technicians and Technician Trainees)
(Following an Informal Conference)

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

Default Board Orders (Technicians and Technician Trainees)
(Did not appear for an Informal Conference)

13. 8-0-1 Mr. Abeldt abstained
14. 8-0-1 Mr. Abeldt abstained
15. 8-0-1 Mr. Abeldt abstained
16. 8-0-1 Mr. Abeldt abstained
17. 8-0-1 Mr. Miller abstained
18. 8-0-1 Mr. Miller abstained
19. 8-0-1 Mr. Miller abstained
20. 8-0-1 Mr. Miller abstained
21. 8-0-1 Mr. Miller abstained
22. 8-0-1 Mr. Miller abstained
23. 8-0-1 Mr. Miller abstained
24. 8-0-1 Mr. Miller abstained
25. 8-0-1 Mr. Miller abstained

26. 8-0-1 Mr. Miller abstained
 27. 8-0-1 Mr. Miller abstained
- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 14 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 45 proposed Agreed Board Orders concerning pharmacies, pharmacists, interns, and technicians who appeared for an Informal Conference; and one Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

Agreed Board Orders (Pharmacies, Pharmacists, Interns, Technicians)
(Alternative Resolutions)

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|---|-----------------|
| 1. California Pharmacy & Compounding Center | ABO #L-17-015 |
| 2. CVS/pharmacy #6802 | ABO #H-16-059-B |
| 3. CVS/pharmacy #8330 | ABO #H-16-037-B |
| 4. CVS/pharmacy #8444 | ABO #C-16-030-B |
| 5. Anitha Parvataneni | ABO #C-16-030-A |
| 6. CVS/pharmacy #10073 | ABO #H-16-062-B |
| 7. Federico Ramirez | ABO #H-17-025 |
| 8. CVS/pharmacy #17486 | ABO #H-16-050 |
| 9. Direct Pharmacy Source, Inc. | ABO #K-17-006 |
| 10. Lee Silsby Compounding Pharmacy | ABO #F-16-047 |
| 11. Renner Pharmacy | ABO #L-17-028 |
| 12. Oluwafunto Olayinka | ABO #F-16-051 |
| 13. Walgreens #03660 | ABO #H-16-069-B |
| 14. Walgreens #12357 | ABO #H-16-065 |

Agreed Board Orders (Pharmacies and Pharmacists)
(Following an Informal Conference)

- | | |
|---|-----------------|
| 15. BriovaRx Infusion Services 305, LLC | ABO #K-16-030 |
| 16. Crysoncare Pharmacy Inc. | ABO #K-16-033-B |
| 17. Jeremy Scott Coffey | ABO #K-16-033-A |
| 18. Curexa | ABO #F-17-011 |
| 19. Mark Taylor | ABO #F-17-010 |
| 20. Custom Meds, Inc | ABO #L-17-005 |
| 21. CVS/pharmacy #5320 | ABO #H-15-084-B |
| 22. Darrell Joseph Matthews | ABO #H-15-084-A |
| 23. CVS/pharmacy #5910 | ABO #H-16-049-B |
| 24. Tina Luong | ABO #H-16-049-A |
| 25. CVS/pharmacy #6752 | ABO #H-16-060-B |
| 26. Joanne Ngoc Tran | ABO #H-16-060-A |
| 27. Adetayo Adenola | ABO #T-17-040 |
| 28. CVS/pharmacy #7645 | ABO #B-14-015 |
| 29. CVS/pharmacy #8321 | ABO #B-15-012 |
| 30. CVS/pharmacy #16891 | ABO #H-16-031-B |

31. Kristen Kaye Simmons	ABO #H-16-031-A
32. Timothy Kim	ABO #H-17-012
33. James Feyisetan George	ABO #R-17-005
34. Margaret Waithira Githara	ABO #H-15-072-A
35. Janelle Lateesh Harris	ABO #E-17-001
36. H.E.B. Pharmacy #574	ABO #H-16-064-B
37. Jonelle Hutsell	ABO #L-17-019
38. Eric Huynh	ABO #E-17-003
39. Jennifer Trang Kessel	ABO #H-17-024
40. LPE Pharmacy	ABO #L-17-029
41. Yadira Garcia	ABO #F-17-016
42. Devendra Kumar Patchala	ABO #L-16-044
43. Piney Point Pharmacy	ABO #K-16-034-B
44. George Phillip Tompkins	ABO #K-16-034-A
45. Randalls Pharmacy #3054	ABO #B-15-024
46. Tower Medic Pharmacy	ABO #H-16-048-B
47. Melvin B. Musgrove	ABO #K-15-039
48. Walgreens #1933	ABO #C-16-003-B
49. Kristin Kay Powers	ABO #C-16-003-A
50. Richard Adam Glenn	ABO #C-17-026
51. Walgreens #2844	ABO #H-16-026-B
52. Adora Tracy Ezeh	ABO #H-16-026-A
53. Walgreens #5709	ABO #B-15-017
54. Walgreens #6783	ABO #K-16-027-B
55. Naveen K. Thomas	ABO #K-16-027-A
56. Nnaji Dimiri	ABO #T-16-366
57. Your RX Pharmacy	ABO #C-16-025-B
58. Philly Un	ABO #C-16-025-A
59. Dat Tan Nguyen	ABO #C-17-001

Default Board Order (Pharmacist)
(Did not appear for Informal Conference)

60. Patrick Casey DBO #G-16-002

- Confidential Agreed Board Orders (Tab 46)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one Confidential Temporary Suspension Order concerning a pharmacist following a Temporary Suspension Hearing; and 10 proposed Confidential Agreed Board Orders concerning pharmacists following an Informal Conference.

Confidential Temporary Suspension Order (Pharmacist)
(Following a Temporary Suspension Hearing)

TSO #G-17-019-S1

Confidential Agreed Board Orders (Pharmacists)
(Following an Informal Conference)

1. ABO #G-17-003
2. ABO #N-17-004
3. ABO #G-16-009
4. ABO #G-17-016
5. ABO #M-17-009
6. ABO #G-16-018
7. ABO #G-17-013
8. ABO #G-16-013
9. ABO #N-17-003
10. ABO #M-17-017

The motion was made by Mr. Thornsburg to approve the following: 14 proposed Agreed Board Orders (Alternative Resolutions); 45 proposed Agreed Board Orders concerning pharmacies, pharmacists, interns and technicians who appeared for an Informal Conference; one Default Board Order concerning a pharmacist who did not appear for an Informal Conference; and 10 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference.

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

Agreed Board Orders (Pharmacies & Pharmacists)
(Alternative Resolutions)

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

Agreed Board Orders (Pharmacies and Pharmacists)
(Following an Informal Conference)

15. 8-0-1 Ms. Tijerina abstained
16. 8-0-1 Ms. Tijerina abstained
17. 8-0-1 Ms. Tijerina abstained
18. 9-0-0
19. 9-0-0
20. 8-0-1 Ms. Tijerina abstained

21. 8-0-1 Ms. Stine abstained
22. 8-0-1 Ms. Stine abstained
23. 8-0-1 Ms. Stine abstained
24. 8-0-1 Ms. Stine abstained
25. 8-0-1 Ms. Stine abstained
26. 8-0-1 Ms. Stine abstained
27. 8-0-1 Ms. Stine abstained
28. 8-0-1 Ms. Stine abstained
29. 8-0-1 Ms. Stine abstained
30. 9-0-0
31. 9-0-0
32. 9-0-0
33. 8-0-1 Mr. Miller abstained
34. 9-0-0
35. 8-0-1 Ms. Tijerina abstained
36. 7-0-2 Ms. Stine and Mr. Wiesner abstained
37. 8-0-1 Ms. Tijerina abstained
38. 8-0-1 Mr. Thornsburg abstained
39. 9-0-0
40. 9-0-0
41. 9-0-0
42. 8-0-1 Mr. Thornsburg abstained
43. 8-0-1 Ms. Tijerina abstained
44. 8-0-1 Ms. Tijerina abstained
45. 8-0-1 Ms. Stine abstained
46. 9-0-0
47. 9-0-0
48. 8-0-1 Ms. Tijerina abstained
49. 8-0-1 Ms. Tijerina abstained
50. 8-0-1 Ms. Tijerina abstained
51. 8-0-1 Ms. Stine abstained
52. 8-0-1 Ms. Stine abstained
53. 8-0-1 Ms. Stine abstained
54. 8-0-1 Ms. Tijerina abstained
55. 8-0-1 Ms. Tijerina abstained
56. 8-0-1 Ms. Tijerina abstained
57. 8-0-1 Ms. Tijerina abstained
58. 8-0-1 Ms. Tijerina abstained
59. 8-0-1 Ms. Tijerina abstained

Default Board Order (Pharmacist)

(Did not appear for Informal Conference)

60. 8-0-1 Ms. Yoakum abstained

Confidential Agreed Board Orders (Pharmacists)

(Following an Informal Conference)

1. 8-0-1 Ms. Tijerina abstained
2. 8-0-1 Ms. Stine abstained

3. 8-0-1 Ms. Stine abstained
4. 8-0-1 Mr. Miller abstained
5. 8-0-1 Ms. Tijerina abstained
6. 8-0-1 Ms. Tijerina abstained
7. 9-0-0
8. 8-0-1 Mr. Thornsburg abstained
9. 8-0-1 Ms. Stine abstained
10. 8-0-1 Mr. Miller abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 47)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following three proposed Remedial Plans (Alternative Resolutions) and two proposed Remedial Plans following an Informal Conference.

Remedial Plans (Pharmacists)
(Alternative Resolutions)

- | | |
|--------------------------|-------------|
| 1. Dung Thi Nguyen | #H-16-069-A |
| 2. Samantha Young Ah Suh | #H-16-059-A |
| 3. Jesse Michael Vance | #H-16-062-A |

Remedial Plans (Pharmacy and Pharmacist)
(Following an Informal Conference)

- | | |
|--------------------------|-------------|
| 4. Quail Valley Pharmacy | #K-16-025-B |
| 5. Vanese Shontel Berry | #K-16-025-A |

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

Remedial Plans (Pharmacists)
(Alternative Resolutions)

1. 9-0-0
2. 9-0-0
3. 9-0-0

Remedial Plans (Pharmacy and Pharmacist)
(Following an Informal Conference)

4. 8-0-1 Ms. Tijerina abstained
5. 8-0-1 Ms. Tijerina abstained

H. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 48)

The Board received a report on complaints dismissed and closed during the first three quarters of FY2017 (September 1, 2016 – May 31, 2017). The report also included quarterly averages for FY2016 as compared to FY2017, as well as percentage change from FY2016 to FY2017.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 49)

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

Ms. Fisher reviewed the report for the Board.

I. Election of Board Officers (Tab 50)

President Waggener asked for nominations for the office of Vice President for FY2018. Ms. Mendoza nominated Mr. Wiesner and Mr. Dembny nominated Ms. Yoakum. Board member's votes were divided equally between Mr. Wiesner and Ms. Yoakum and Mr. Wiesner deferred the nomination to Ms. Yoakum.

President Waggener asked for nominations for the office of Treasurer for FY2018. Mr. Wiesner nominated Mr. Miller and Ms. Yoakum nominated Mr. Thornsburg. Mr. Miller was elected 7-3-0.

J. Miscellaneous

- Items to be Placed on Agenda for November Board Meeting (Tab 51)
 - Suggested rule amendments concerning the pharmacies testing sterile compounded products
 - Suggested rule amendments concerning requiring pharmacist complete one hour of opioid abuse continuing education
 - Suggested rule amendments concerning finger tip testing in pharmacies compounding sterile pharmaceuticals
 - Use of technology by pharmacy technicians in Class A pharmacies

- Discussion of and Possible Action on Recent Conferences and Events

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

- Discussion of and Possible Action on Upcoming Conferences and Events

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

President Waggener adjourned the meeting at 2:40 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

November 7, 2017