



TEXAS STATE BOARD OF PHARMACY

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

May 5, 2015

MINUTES¹

Tuesday, May 5, 2015

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:03 a.m. Other Board Members present were Vice President Buford T. Abeltd, Sr., R.Ph.; Treasurer Christopher M. Dembny, R.Ph.; W. Benjamin Fry, R.Ph.; Dennis F. Wiesner, R.Ph.; Alice G. Mendoza, R.Ph.; Joyce A. Tipton, R.Ph.; Charles F. Wetherbee; Phyllis A. Stine; and Bradley A. Miller, Ph.T.R.

Board Member L. Suzan Kedron was not present.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Cathy Stella, Director of Licensing and Administrative Services; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Steve Rapp, Director of Information Technology; Caroline Hotchkiss, Assistant General Counsel; Ben Santana, R.Ph., Chief of Compliance; Tyler Vance, Staff Attorney; Megan Holloway, Staff Attorney; Ginger Hunter, Staff Attorney; and Becky Damon, Executive Assistant.

A. Announcements

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

¹See agenda and corresponding attachments for supporting materials.

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

Following discussion, the motion was made by Mr. Fry to approve the minutes of the Board Business Meeting held February 3, 2015, and the minutes of a Temporary Suspension Hearing held April 22, 2015, concerning RX Max Pharmacy; Shlonda Fay Williams, R.Ph.; and Chukwuma U. Anyanwu, R.Ph., as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Class E Pharmacies (§§291.104 and 291.106) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §§291.104 and 291.106 during its February 3, 2015, meeting. The proposed amendments were published in the March 27, 2015, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§291.104 and 291.106 and explained that the amendments clarify the requirements for Class E pharmacies; and update the patient counseling and prescription transfer requirements to be consistent with other sections.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §§291.104 and 291.106, as presented. The motion was seconded by Ms. Stine and passed unanimously.

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

Ms. Benz explained that the Board voted to propose the amendments to §291.133 during its February 3, 2015, meeting. The proposed amendments were published in the March 27, 2015, issue of the *Texas Register*, and comments were received from William Stuart, R.Ph., President, Hartley Medical, and from Sidney Phillips, R.Ph., representing the Texas Society of Health System Pharmacist.

Ms. Benz directed the Board's attention to amendments to §291.133 and explained that the amendments update the sterile compounding rules to be consistent with updated changes to USP 797.

Following discussion of the rules and review of comments received, the Board recommended revisions to the proposed amendments, and postponed action until later in the meeting.

- Rules Concerning Emergency Temporary Pharmacist License (§295.6) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §295.6 during its February 3, 2015, meeting. The proposed amendments were published in the March 27, 2015, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §295.6 and explained that the amendments implement provisions of HB 746 regarding volunteer registry.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §295.6, as presented. The motion was seconded by Ms. Tipton and passed unanimously.

- New Rule Concerning Emergency Temporary Pharmacy Technician Registration (§297.11) (Tab 05)

Ms. Benz explained that the Board voted to propose new rule §297.11 during its February 3, 2015, meeting. The proposed new rule was published in the March 27, 2015, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to new rule §297.11 and explained that the new rule implements provisions of HB 746 regarding volunteer registry.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Ms. Mendoza to approve for adoption, by Board Order, new rule §297.11, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Inactive License Continuing Education Requirements (§295.9) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §295.9 during its February 3, 2015, meeting. The proposed amendments were published in the March 27, 2015, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §295.9 and explained that the amendments specify the requirements for the activation of an inactive license to include one hour of continuing education credit related to Texas pharmacy laws/rules.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Ms. Tipton to approve for adoption, by Board Order, amendments to §295.9, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Criminal History Background Checks for Pharmacy Technician Renewal Applications (§297.3) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §297.3 during its February 3, 2015, meeting. The proposed amendments were published in the March 27, 2015, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §297.3 and explained that the amendments require a criminal history background check, including fingerprints, for a pharmacy technician renewal application.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §297.3, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

Proposal of Rules

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

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

- Rules Concerning Pharmacist Examination Fee and Amended Pharmacy License Fee (§§283.9 and 291.6) (Tab 09)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the pharmacist examination fee and the amended pharmacy license fee. She explained the amendments will increase the pharmacist examination fee from \$52.00 to \$103.00, and will increase the fee to obtain an amended pharmacy license from \$20.00 to \$100.00.

Ms. Benz explained to the Board that suggested amendments to §295.5 concerning pharmacist licensing fees would be presented later in the meeting and recommended the Board consider amendments to §283.9 concerning the pharmacist examination fee at the same time.

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

- Rules Concerning Pharmacy Technician Continuing Education Requirements (§297.8) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning pharmacy technician continuing education requirements. She explained the amendments update the continuing education requirements for pharmacy technicians.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §297.8, with recommended changes. The motion was seconded by Mr. Wetherbee and passed unanimously.

President Waggener recessed the meeting at 10:20 a.m.

President Waggener reconvened the meeting at 10:35 a.m.

- Rules Concerning Sterile Compounding by Nuclear Pharmacies (§§291.51-291.54 and 291.133) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning sterile compounding by Nuclear Pharmacies. She explained the amendments update rules for nuclear pharmacies in regard to compounding sterile radiopharmaceuticals.

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

Gary Cacciatore, R.Ph. – CardinalHealth
Jay Ashworth, R.Ph. – G.E. Healthcare

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §§291.51-291.54 and 291.133, with recommended changes. The motion was seconded by Mr. Abeldt and passed unanimously.

Rule Review

- For Proposal

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 12)

- Chapter 291 Concerning Pharmacies (Non-Resident Pharmacy (Class E)) (§§291.101-291.106) (Tab 13)
- Chapter 295 Concerning Pharmacist (§§295.1-295.9, 295.11-295.13, and 295.15) (Tab 14)

Following discussion, in accordance with Government Code §2001.039, The motion was made by Ms. Tipton to approve for proposal, the review of Chapter 291 (§§291.101-291.106); and Chapter 295 (§§295.1-295.9, 295.11-291.13, and 295.15). The motion was seconded by Mr. Dembny and passed unanimously.

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

- Task Force on ASC Pharmacy and Class F Pharmacy Rules (Tab 15)

Ms. Benz reported that the Task Force on ASC Pharmacy and Class F Pharmacy Rules held a meeting on April 29, 2015, and reviewed current rules. She explained that proposed amendments to these rules would be presented to the Board at a future Board Meeting.

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

- Financial Update
 - Review of FY2015 Operating Budget (Tab 16)

Ms. Stella reviewed the expenditures for the first two quarters of FY2015 (September 1, 2014 – February 28, 2015) for the Board.

- Review of Board Member Travel Budget (Tab 17)

Ms. Stella reviewed the Board Member FY2015 Travel Budget.

- Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Tab 18)

Ms. Stella presented a report on material changes to TSBP contracts for goods and services for the first two quarters of FY2015 (September 1, 2014 – February 28, 2015). The report listed contracts that exceeded either the original cost estimate or the original term date.

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

- Review of Legislative Appropriations Request for FY2016-2017 (Tab 19)

Ms. Stella presented a report comparing the recommendations from the House of Representatives and from the Senate concerning the Legislative Appropriations Request for FY2016-2017.

- Review TSBP Revenue Projections and Fee Scenarios (Tab 22), Rules Concerning License Fees (§§291.6, 295.5 and 297.4) (Tab 08); Rules Concerning Pharmacist Examination Fee (§283.9) (Tab 09) (cont'd)

Ms. Stella directed the Board's attention to a report on revenue projections, a history of TSBP's fee structure, and scenarios of fee structures necessary to support the agency's budget for FY2016-2017.

Ms. Stella directed the Board's attention to suggested amendments to rule language that would increase pharmacy license fees by \$22.00; increase pharmacist license fees by \$21.00; and increase the pharmacist examination fee by \$51.00. Ms. Stella explained that there were no suggested amendments to §297.4 concerning registration fees for pharmacy technicians or pharmacy technician trainees.

Following discussion, based on the revenue projections for FY2016-2017, the motion was made by Mr. Dembny to approve for proposal amendments to §§283.9, 291.6 and 295.5, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

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

President Waggener reconvened the meeting at 1:02 p.m.

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of Kenneth Michael Hollas, Pharmacist License #34064 (Tab 33)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Catherine Egan, on January 26, 2015, in the matter of Kenneth Michael Hollas, R.Ph., and explained that Judge Egan issued a Proposal for Decision recommending revocation of the pharmacist license.

Ms. Hotchkiss reviewed the background in the case for the Board. She directed the Board's attention to proposed Board Order #G-13-025 concerning Kenneth Michael Hollas, R.Ph. She explained the Board Order would revoke Mr. Hollas' pharmacist license.

Following discussion, the motion was made by Mr. Wetherbee to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve Board Order #G-13-025, as presented, in the matter of Kenneth Michael Hollas, R.Ph., to revoke Mr. Hollas' pharmacist license. The motion was seconded by Mr. Dembny and passed unanimously.

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

- Report on Internal Risk Assessment (Tab 23)

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

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

- *TSBP FY2016 Calendar of Events* (Tab 24)

Ms. Dodson directed the Board's attention to a draft of the *TSBP FY2016 Calendar of Events*. Following review, the motion was made by Mr. Fry to approve the *TSBP FY2016 Calendar of Events*, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Discussion of Succession Plan for Executive Director (Tab 25)

Ms. Dodson directed the Board's attention to proposed Policy and Procedures for Selection of Successor Executive Director.

Following review, the motion was made Mr. Fry to accept the proposed Policy and Procedures for Selection of Successor Executive Director, as presented. The motion was seconded by Mr. Abeldt and passed unanimously

- Discussion Concerning Notification to a Prescriber When a Prescription is Not Picked Up (Tab 26)

Ms. Dodson explained that the Board received a letter from a pharmacist who asked the Board to consider requiring retail pharmacies to notify a provider when a prescription is not picked up.

Following discussion no action was taken by the Board.

- Discussion Concerning Prescription Transfer Requirements (Tab 27)

Mr. Fry stated that he had heard numerous reports of patients whose prescription transfers were not completed in a timely manner.

Following discussion, the Board directed staff to bring back suggested rule amendments concerning prescription transfers for the Board's consideration at its August Board Meeting.

- 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 (FY2012-2014) as well as the quarterly report on the number of pharmacists participating in the program during the first two quarters of FY2015 (September 1, 2014 – February 28, 2015). (Tab 20)
 - President Waggener recognized Courtney Hulbert with the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for FY2015 (September 1, 2014 – February 28, 2015) and reviewed current PRN activities for the Board. (Tab 21)
 - Discussion Concerning Medical Board Rules Regarding Telemedicine (Tab 28)
- Ms. Arnold presented information concerning the Medical Board's rules regarding telemedicine.
- Report on Appeals from State Office of Administrative Hearing Cases (Tab 29)

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

- Report on Continuing Education Initiative (Tab 30)

Ms. Benz reported on webinar participation and new TSBP training videos related to nontherapeutic dispensing available on YouTube and on the TSBP webpage.

- Update on Legislation Filed During the 83rd Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 31)

Ms. Dodson directed the Board's attention to an action chart concerning legislation that was passed during the 83rd Session of the Texas Legislature that has an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, action required of TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

Ms. Dodson explained that with the Board's adoption earlier in this meeting of rules to implement HB 746, all items on the chart are now complete.

- Discussion of Possible Statutory Changes for Consideration During the 84th Session of the Texas Legislature (Tab 32)

Ms. Dodson presented a report on the status of bills that have been filed in the House of Representative and in the Senate that could have an impact on TSBP and/or the practice of pharmacy.

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

Final Adoption of Rules (cont'd)

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

Ms. Benz explained that the Board reviewed the proposed amendments to §291.133 earlier in the meeting and had directed staff to make revisions to the proposed amendments to address the comments received. She directed the Board's attention to the revised amendments concerning compounding sterile preparations.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §291.133, as revised. The motion was seconded by Ms. Mendoza and passed unanimously.

F. Disciplinary Orders (cont'd)

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

- Report on Agreed Board Orders Entered by Executive Director (Tab 34)
 - The Board reviewed 37 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from February 6, 2015, through April 24, 2015.
 - The Board reviewed 17 Agreed Board Orders concerning pharmacists, pharmacies, and pharmacist-interns that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from February 11, 2015, through April 23, 2015.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 35)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 19 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 13 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders

- | | |
|--------------------------|-----------------|
| 1. Valerie La-Dawn Dykes | ABO #T-15-021-N |
| 2. John Freeman | ABO #T-14-078-N |
| 3. Dollie Pearl Johnson | ABO #T-15-049-N |
| 4. Anny Siharaj | ABO #T-15-047 |
| 5. Jerry Glenn Smith | ABO #T-15-002 |
| 6. Khaliah Nicole Smith | ABO #T-15-003 |
| 7. June R. Wabbington | ABO #T-14-250 |
| 8. Keila Ann Barnett | ABO #T-13-503-N |
| 9. Melissa Renee Brocken | ABO #T-14-412-N |
| 10. Naomi Frausto | ABO #T-15-084-N |
| 11. Nkeesha Hill | ABO #T-15-074-N |
| 12. Richard Horta | ABO #T-15-068-N |
| 13. Tracie Nicole Jones | ABO #T-13-405-N |
| 14. Maria De'Anna Lee | ABO #T-15-063 |
| 15. Antoinette Martin | ABO #T-14-441-N |
| 16. Mario Aaron Martinez | ABO #T-14-418 |

- | | |
|-----------------------------|---------------|
| 17. Margaret B. McGary | ABO #T-14-349 |
| 18. Erica Rae Moore | ABO #T-15-050 |
| 19. Hayley Rochelle Pequeno | ABO #T-15-083 |

Default Board Orders

- | | |
|-------------------------------|----------------|
| 20. Jasmine Gaston | BO #T-14-445 |
| 21. Crystal G. Hewett | BO #T-14-204 |
| 22. Juan Luviano | BO #T-14-388 |
| 23. Jakob Jarritt Alaniz | BO #T-14-462-N |
| 24. Carmen Aleman-McClan | BO #T-15-067 |
| 25. Joseph Michael Amaya | BO #P-15-001-T |
| 26. Adrian Cisneros | BO #T-14-460 |
| 27. Dominic Raul Leyva | BO #T-14-203 |
| 28. Christopher Morales | BO #T-14-367-N |
| 29. Antoinette Murray | BO #T-14-472-N |
| 30. Myles Ngumezi | BO #T-14-427-N |
| 31. Busayomi Anifat Olayiwola | BO #T-14-461-N |
| 32. Tammy Michelle Webb | BO #T-15-041 |

The motion was made by Ms. Tipton to approve the 19 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 13 proposed Default Board Orders concerning pharmacy technicians and pharmacy technicians trainees who did not appear for an Informal Conference.

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

Agreed Board Orders

1. 8-0-1 Ms. Mendoza abstained
2. 8-0-1 Ms. Mendoza abstained
3. 8-0-1 Ms. Mendoza abstained
4. 8-0-1 Ms. Mendoza abstained
5. 8-0-1 Ms. Mendoza abstained
6. 8-0-1 Ms. Mendoza abstained
7. 8-0-1 Ms. Mendoza 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
13. 8-0-1 Mr. Miller abstained
14. 8-0-1 Mr. Miller abstained
15. 8-0-1 Mr. Miller abstained
16. 8-0-1 Mr. Miller abstained
17. 8-0-1 Mr. Miller abstained
18. 8-0-1 Mr. Miller abstained
19. 8-0-1 Mr. Miller abstained

Default Board Orders

20. 8-0-1 Ms. Mendoza abstained
21. 8-0-1 Ms. Mendoza abstained
22. 8-0-1 Ms. Mendoza 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
28. 8-0-1 Mr. Miller abstained
29. 8-0-1 Mr. Miller abstained
30. 8-0-1 Mr. Miller abstained
31. 8-0-1 Mr. Miller abstained
32. 8-0-1 Mr. Miller abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 17 proposed Agreed Board Orders (Alternative Resolutions); and 28 proposed Agreed Board Orders concerning pharmacies; pharmacists; pharmacist-interns, and technicians following an Informal Conference; and two proposed Agreed Board Orders concerning pharmacists following a Temporary Suspension Hearing.

Agreed Board Orders (Alternative Resolutions)

- | | |
|---------------------------------|-----------------|
| 1. Brookshire Pharmacy #126 | ABO #H-14-026-B |
| 2. CVS/pharmacy #851 | ABO #H-14-043-B |
| 3. Roy J. Mazzagate, Jr. | ABO #H-14-043-A |
| 4. CVS/pharmacy #3292 | ABO #C-14-026-B |
| 5. Tany Magocha | ABO #C-14-026-A |
| 6. CVS/pharmacy #7154 | ABO #H-14-016-B |
| 7. CVS/pharmacy #7442 | ABO #H-14-029-B |
| 8. Greer Pharmacy | ABO #L-14-042 |
| 9. Kermit Pharmacy | ABO #H-15-012-B |
| 10. Jerod Amoo Jewell | ABO #H-15-012-A |
| 11. Lifechek Drug #37 | ABO #H-15-017 |
| 12. Magellan Rx Pharmacy, LLC | ABO #L-15-005 |
| 13. Target Store T-1204 | ABO #H-14-028-B |
| 14. Henna Naz Rahi | ABO #H-14-028-A |
| 15. Walgreens #3095 | ABO #H-14-001 |
| 16. Walgreens #03542 | ABO #H-14-036-B |
| 17. Christopher Aaron Bransford | ABO #H-14-036-A |

Agreed Board Orders (Following an Informal Conference)

- | | |
|-----------------------------|-----------------|
| 18. Brookshire Pharmacy #74 | ABO #H-14-006-B |
| 19. Sheila Beth Dawson | ABO #H-14-006-A |
| 20. Catherine Cao | ABO #H-14-052 |
| 21. Claudia Janet Frausto | ABO #T-14-302 |
| 22. Cego Infusion Services | ABO #K-14-011-B |

23. Amama Umoette	ABO #K-14-011-A
24. Esther H. Cohen	ABO #M-15-003
25. CVS/pharmacy #5667	ABO #B-14-009-B
26. Doan Ngoc Nguyen	ABO #B-14-009-A
27. CVS/pharmacy #7198	ABO #H-15-005-B
28. CVS/pharmacy #7460	ABO #H-14-053-B
29. Kayda Irene McCord	ABO #H-14-053-A
30. CVS/pharmacy #7825	ABO #B-13-009
31. Drug Crafters	ABO #B-12-013-B
32. Timothy Joseph Janusz	ABO #S-14-005
33. Susan Jenevive Megwa	ABO #A-13-056
34. Ricky Edwin Merritt	ABO #A-13-066
35. Anuli Obianuju Nabo	ABO #C-14-030-A
36. Joseph Franklin Neely	ABO #H-14-034
37. Kathryn Wright Rodgers	ABO #C-14-039-A
38. Deidre Ann Shelton	ABO #B-13-003-A
39. Target Store T-1368	ABO #K-14-003-B
40. Walgreens #03370	ABO #C-14-029-B
41. Edward Monyancha Ondieki	ABO #C-14-029-A
42. Walmart Pharmacy 10-473	ABO #H-14-055-B
43. Peter John Chomout	ABO #H-14-055-A
44. Walmart Pharmacy 10-3530	ABO #B-13-017
45. Windies Community RX, LLC	ABO #L-14-045

Agreed Board Orders (Following a Temporary Suspension Hearing)

46. Chukwuma U. Anyanwu	ABO #A-15-019-A
47. Shlonda Fay Williams	ABO #A-15-015-A

The motion was made by Mr. Wetherbee to approve the 17 proposed Agreed Board Orders (Alternative Resolutions); 28 proposed Agreed Board Orders concerning pharmacies; pharmacists; pharmacist-interns; and technicians following an Informal Conference; and two proposed Agreed Board Orders concerning pharmacists following a Temporary Suspension Hearing.

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

Agreed Board Orders (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
15. 9-0-0
16. 9-0-0
17. 9-0-0

Agreed Board Orders (Following an Informal Conference)

18. 8-0-1 Mr. Wiesner abstained
19. 8-0-1 Mr. Wiesner abstained
20. 8-0-1 Mr. Wiesner abstained
21. 8-0-1 Mr. Wiesner 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. Wiesner abstained
26. 8-0-1 Mr. Wiesner abstained
27. 8-0-1 Mr. Miller abstained
28. 8-0-1 Mr. Miller abstained
29. 8-0-1 Mr. Miller abstained
30. 8-0-1 Mr. Wiesner abstained
31. 8-0-1 Mr. Abeldt abstained
32. 8-0-1 Mr. Miller abstained
33. 8-0-1 Mr. Miller abstained
34. 8-0-1 Ms. Tipton abstained
35. 8-0-1 Ms. Tipton abstained
36. 8-0-1 Mr. Wiesner abstained
37. 8-0-1 Mr. Wiesner abstained
38. 8-0-1 Mr. Abeldt abstained
39. 8-0-1 Mr. Wiesner abstained
40. 8-0-1 Ms. Tipton abstained
41. 8-0-1 Ms. Tipton abstained
42. 8-0-1 Mr. Miller abstained
43. 8-0-1 Mr. Miller abstained
44. 8-0-1 Ms. Tipton abstained
45. 8-0-1 Mr. Wiesner abstained

Agreed Board Orders (Following a Temporary Suspension Hearing)

46. 7-0-2 Ms. Tipton & Ms. Stine abstained
47. 7-0-2 Ms. Tipton & Ms. Stine abstained

- The Board reviewed the alleged violations and the Temporary Suspension Orders entered following a Temporary Suspension Hearing concerning a pharmacy and two pharmacists.
 - 1. RX Max Pharmacy #A-15-015-BS1
 - 2. Shlonda Fay Williams #A-15-015-AS1
 - 3. Chukwuma U. Anyanwu #A-15-019-AS1
- Confidential Agreed Board Orders (Tab 37)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: three proposed Confidential Agreed Board Orders (Alternative Resolution); nine proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Default Board Order, concerning a pharmacist who did not appear for an Informal Conference.

Agreed Board Order (Alternative Resolution)

1. ABO #E-15-003
2. ABO #N-15-014
3. ABO #M-15-002

Agreed Board Orders (Following an Informal Conference)

4. ABO #N-15-010
5. ABO #G-15-005
6. ABO #E-13-017
7. ABO #R-14-005
8. ABO #G-15-013
9. ABO #G-15-006
10. ABO #G-15-002
11. ABO #N-14-037
12. ABO #N-15-002

Default Board Order

13. BO #N-15-004

The motion was made by Ms. Tipton to approve the three proposed Confidential Agreed Board Orders (Alternative Resolution); nine proposed Confidential Agreed Board Orders following an Informal Conference; and one proposed Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

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

Agreed Board Orders (Alternative Resolution)

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

Confidential Agreed Board Orders (Following an Informal Conference)

4. 8-0-1 Mr. Miller abstained
5. 8-0-1 Mr. Wetherbee 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. Wiesner abstained
10. 8-0-1 Mr. Miller abstained
11. 8-0-1 Ms. Tipton abstained
12. 8-0-1 Ms. Tipton abstained

Default Board Orders

13. 8-0-1 Mr. Miller abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 36)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: three proposed Remedial Plans (Alternative Resolutions); and one proposed Remedial Plan, following an Informal Conference.

Remedial Plans (Alternative Resolutions)

1. Jeff Baek #H-14-041
2. Adele Alicia Bailes #H-15-005-A
3. Yi Guo #H-14-016-A

Remedial Plans (Following an Informal Conference)

4. Michael Lee Ellis #H-12-013-A

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

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

Remedial Plans (Alternative Resolutions)

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

Remedial Plans (Following an Informal Conference)

4. 8-0-1 Mr. Fry abstained

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 38)

The Board received a report on complaints dismissed and closed during the first two quarters of FY2015 (September 1, 2014 – February 28, 2015). The report also included quarterly averages for FY2014 as compared to FY2015, as well as percentage change from FY2014 to FY2015.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 39)

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

Ms. Fisher reviewed the report for the Board.

G. Miscellaneous

- Items to be Placed on Agenda for August Board Meeting (Tab 40)
 - Rules concerning the transfer of prescriptions
 - Rules concerning patient specific compounding records

- 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 2:59 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

August 4, 2015



TEXAS STATE BOARD OF PHARMACY

May 12, 2015

**Minutes of the Temporary Suspension Hearing
of Artemis Pharmacy LLC (Pharmacy License #28030); and
Taofik Mobolaji Brown (Pharmacist License #51233)**

Chair Dennis F. Wiesner, R.Ph., called the meeting to order at 9:45 a.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Joyce A. Tipton, R.Ph., M.B.A., and Phyllis A. Stine were also present.

Staff present: Kerstin E. Arnold, General Counsel; Caroline K. Hotchkiss, Assistant General Counsel; Shawn Clark, Field Investigator; and Kate Hayden, Legal Assistant.

Respondents: Artemis Pharmacy LLC (Pharmacy License #28030) (no representative present); and Taofik Mobolaji Brown (Pharmacist License #51233), represented by Eddie M. Pope.

Court Reporter: Renae Seggern, Ken Owen & Associates, L.P.

A. Opening:

The Chair called the case of the Petition for the Temporary Suspension in the Matters of Artemis Pharmacy LLC (Pharmacy License #28030); and Taofik Mobolaji Brown (Pharmacist License #51233). He inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Caroline K. Hotchkiss, attorney for the Board staff.

Respondents: Beveier Auguste, managing officer of Artemis Pharmacy, LLC, on behalf of Artemis Pharmacy LLC, or any other representative of the pharmacy, was not in attendance; Taofik Mobolaji Brown and Eddie M. Pope, attorney for Mr. Brown.

B. Presentation by Board's Attorney, Caroline K. Hotchkiss:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Board witnesses: Shawn Clark and Kate Hayden.
4. Cross examination of Taofik Mobolaji Brown.
5. Closing statement.

C. Presentation by Respondent's Attorney, Eddie M. Pope:

1. Opening statement.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Taofik Mobolaji Brown.
4. Cross examination of Shawn Clark and Kate Hayden.
5. Closing statement.

D. Motions:

1. A motion was made by Ms. Tipton to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act to consult with counsel regarding pending disciplinary actions against the Respondents at 11:55 a.m. Ms. Stine seconded the motion. The motion passed unanimously.

The panel members went into Executive Session.

The Chair reconvened the meeting at 12:14 p.m., and announced that no action was taken during Executive Session.

2. A motion was made by Ms. Tipton that the Petitions for the Temporary Suspension of Artemis Pharmacy LLC (Pharmacy License #28030) and Taofik Mobolaji Brown (Pharmacist License #51233) be granted, in that the evidence and information indicate that the Respondents' operation as a pharmacy and practice as a pharmacist, respectively, pose a continuing threat to the public welfare. Ms. Tipton further moved that the staff proposed Temporary Suspension Order be adopted, that Respondents' pharmacy and pharmacist licenses be suspended and shall continue in effect, pending a hearing on the suspended licenses, until further Order of the Board, in accordance with the Administrative Procedure Act and the Board's rules. Ms. Stine seconded the motion. The motion passed unanimously with the Temporary Suspension Orders being effective immediately.

The Chair announced that the Petitions for Temporary Suspension of Artemis Pharmacy LLC and Taofik Mobolaji Brown were granted.

Chair Wiesner adjourned the hearing at 12:20 p.m.

APPROVED:

Dennis F. Wiesner, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 12, 2015

**Minutes of the Temporary Suspension Hearing
of Supreme Rx Pharmacy (Pharmacy License #27422)**

Chair Dennis F. Wiesner, R.Ph., called the meeting to order at 3:03 p.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Joyce A. Tipton, R.Ph., M.B.A., and Phyllis A. Stine were also present.

Staff present: Kerstin E. Arnold, General Counsel; Caroline K. Hotchkiss, Assistant General Counsel; John Hargis, Chief Investigator; and Kate Hayden, Legal Assistant.

Respondents: Supreme Rx Pharmacy (Pharmacy License #27422) (no representative present).

Court Reporter: Renea Seggern, Ken Owen & Associates, L.P.

A. Opening:

The Chair called the case of the Petition for the Temporary Suspension in the Matter of Supreme Rx Pharmacy (Pharmacy License #27422). He inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Caroline K. Hotchkiss, attorney for the Board staff.

Respondent: John Auguste, managing officer of Telja Unlimited, LLC, on behalf of Supreme Rx Pharmacy, or any other representative of the pharmacy, was not in attendance. The hearing was held without notice to Supreme Rx Pharmacy based on the authority granted in the Texas Pharmacy Act.

B. Presentation by Board's Attorney, Caroline K. Hotchkiss:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Closing statement.

C. Motion:

A motion was made by Ms. Tipton that the Petition for the Temporary Suspension of Supreme Rx Pharmacy (Pharmacy License #27422) be granted, in that the evidence and information indicate that the Respondent's operation as a pharmacy poses a continuing threat to the public welfare. Ms. Tipton further moved that the staff proposed Temporary Suspension Order be adopted, that Respondent's pharmacy license be suspended for fourteen (14) days unless a second Temporary Suspension hearing and a subsequent order is entered, in accordance with the Administrative Procedure Act and the Board's rules. Ms. Stine seconded the motion. The motion passed unanimously with the Temporary Suspension Order being effective immediately.

The Chair announced that the Petition for Temporary Suspension of Supreme Rx Pharmacy was granted.

Chair Wiesner adjourned the hearing at 3:20 p.m.

APPROVED:

Dennis F. Wiesner, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 26, 2015

**Minutes of the Temporary Suspension Hearing
of Supreme Rx Pharmacy (Pharmacy License #27422);
Jesse Cornell Sanders II (Pharmacist License #19454); and
Ragan Yvette Webster (Pharmacist License #41192)**

Chair Jeanne D. Waggener, R.Ph., called the meeting to order at 9:37 a.m., in conference room number 100, Tower III, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis F. Wiesner, R.Ph., and Bradley A. Miller, Ph.T.R., were also present.

Staff present: Kerstin E. Arnold, General Counsel; Caroline K. Hotchkiss, Assistant General Counsel; and Kate Hayden, Legal Assistant.

Respondents: Supreme Rx Pharmacy (Pharmacy License #27422) (no representative present); Jesse Cornell Sanders II (Pharmacist License #19454) (not present); and Ragan Yvette Webster (Pharmacist License #41192).

Court Reporter: Renea Seggern, Ken Owen & Associates, L.P.

A. Opening:

The Chair called the case of the Petitions for the Temporary Suspension in the Matters of Supreme Rx Pharmacy (Pharmacy License #27422); Jesse Cornell Sanders II (Pharmacist License #19454); and Ragan Yvette Webster (Pharmacist License #41192). She inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Caroline K. Hotchkiss, attorney for the Board staff.

Respondent: Ragan Yvette Webster; John Auguste, managing officer of Telja Unlimited, LLC, on behalf of Supreme Rx Pharmacy, and Jesse Cornell Sanders II, or any representative on behalf of either the pharmacy or Mr. Sanders, were not in attendance.

B. Presentation by Board's Attorney, Caroline K. Hotchkiss:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Board witness: Kate Hayden.
4. Cross examination of Ragan Yvette Webster.
5. Closing statement.

C. Presentation by Respondent Ragan Yvette Webster:

1. Opening statement.
2. Closing statement.

D. Motions:

1. A motion was made by Mr. Wiesner to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act to consult with counsel regarding pending disciplinary actions against the Respondent at 11:04 a.m. Mr. Miller seconded the motion. The motion passed unanimously.

The panel members went into Executive Session.

The Chair reconvened the meeting at 11:22 a.m., and announced that no action was taken during Executive Session.

2. A motion was made by Mr. Wiesner that the Petitions for the Temporary Suspension of Supreme Rx Pharmacy (Pharmacy License #27422), Jesse Cornell Sanders II (Pharmacist License #19454), and Ragan Yvette Webster (Pharmacist License #41192) be granted, in that the evidence and information indicate that the Respondents' operation as a pharmacy and practice as pharmacists, respectively, pose a continuing threat to the public welfare. Mr. Wiesner further moved that the staff proposed Temporary Suspension Order be adopted, that Respondents' pharmacy and pharmacist licenses be suspended and shall continue in effect, pending a hearing on the suspended licenses, until further Order of the Board, in accordance with the Administrative Procedure Act and the Board's rules. Mr. Miller seconded the motion. The motion passed unanimously with the Temporary Suspension Order being effective immediately.

The Chair announced that the Petitions for Temporary Suspension of Supreme Rx Pharmacy, Jesse Cornell Sanders II, and Ragan Yvette Webster were granted.

Chair Waggener adjourned the hearing at 11:25 a.m.

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APPROVED:

Jeanne D. Waggener, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 12, 2015

**Minutes of the Temporary Suspension or Restriction Hearing
of IVMedco Fort Worth (Pharmacy License #13332)**

Chair Dennis F. Wiesner, R.Ph., called the meeting to order at 1:25 p.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Joyce A. Tipton, R.Ph., M.B.A., and Phyllis A. Stine were also present.

Staff present: Kerstin E. Arnold, General Counsel; Caroline K. Hotchkiss, Assistant General Counsel; and Adrienne M. Bauer, Compliance Inspector (via video conference).

Respondents: IVMedco Fort Worth (Pharmacy License #13332) (no representative present).

Court Reporter: Renea Seggern, Ken Owen & Associates, L.P.

A. Opening:

The Chair called the case of the Petition for the Temporary Suspension or Restriction in the Matter of IVMedco Fort Worth (Pharmacy License #13332). He inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Caroline K. Hotchkiss, attorney for the Board staff.

Respondent: Joseph Kemper West, Corporate President of IVMedco, Inc., on behalf of IVMedco Fort Worth, or any other representative of the pharmacy, was not in attendance. The hearing was held without notice to IVMedco Fort Worth based on the authority granted in the Texas Pharmacy Act.

B. Presentation by Board's Attorney, Caroline K. Hotchkiss:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Board witness: Adrienne M. Bauer.
4. Closing statement.

C. Motions:

1. A motion was made by Ms. Tipton that the Petition for the Temporary Suspension of IVMedco Fort Worth (Pharmacy License #13332) be granted. Subsequently, a motion was made by Ms. Tipton to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act to consult with counsel regarding pending disciplinary actions against the Respondent at 2:30 p.m. Ms. Stine seconded the motion. The motion passed unanimously.

The panel members went into Executive Session.

The Chair reconvened the meeting at 2:46 p.m., and announced that no action was taken during Executive Session.

2. Ms. Tipton withdrew the initial motion, and a motion was made by Ms. Tipton that the Petition for the Temporary Suspension or Restriction of IVMedco Fort Worth (Pharmacy License #13332) be granted, in that the evidence and information indicate that the Respondent's operation as a pharmacy engaged in the compounding of high-risk sterile preparations poses a continuing threat to the public welfare. Ms. Tipton further moved that the staff proposed Temporary Suspension or Restriction Order be adopted, that Respondent's pharmacy license be restricted for fourteen (14) days unless a second Temporary Suspension or Restriction hearing and a subsequent order is entered, in accordance with the Administrative Procedure Act and the Board's rules. Ms. Stine seconded the motion. The motion passed unanimously with the Temporary Suspension or Restriction Order being effective immediately.

The Chair announced that the Petition for Temporary Suspension or Restriction of IVMedco Fort Worth was granted.

Chair Wiesner adjourned the hearing at 2:50 p.m.

APPROVED:

Dennis F. Wiesner, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 26, 2015

**Minutes of the Second Temporary Suspension or Restriction Hearing
of IVMedco Fort Worth (Pharmacy License #13332)**

Chair Jeanne D. Waggener, R.Ph., called the meeting to order at 12:00 p.m., in conference room number 100, Tower III, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis F. Wiesner, R.Ph., and Bradley A. Miller, Ph.T.R. were also present.

Staff present: Kerstin E. Arnold, General Counsel; Caroline K. Hotchkiss, Assistant General Counsel; and Terri Burrows, R.Ph., Compliance Officer.

Respondent: IVMedco Fort Worth (Pharmacy License #13332) (no representative present).

Court Reporter: Renea Seggern, Ken Owen & Associates, L.P.

A. Opening:

The Chair called the case of the Petition for the Temporary Suspension or Restriction in the Matter of IVMedco Fort Worth (Pharmacy License #13332). She inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Caroline K. Hotchkiss, attorney for the Board staff.

Respondent: Joseph Kemper West, Corporate President of IVMedco, Inc., on behalf of IVMedco Fort Worth, was not in attendance for the hearing today due to agreement reached with Board staff.

B. Presentation by Board's Attorney, Caroline K. Hotchkiss:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Board witness: Terri Burrows.
4. Presentation of agreement to temporary restriction.
5. Closing statement.

C. Motion:

A motion was made by Mr. Miller that the Petition for the Temporary Restriction of IVMedco Fort Worth (Pharmacy License #13332) be granted, in that the evidence and information indicate that the Respondent's compounding of high-risk sterile preparations poses a continuing threat to the public welfare. Mr. Miller further moved that the staff proposed Agreed Temporary Restriction Order of IVMedco Fort Worth (Pharmacy License #13332) be adopted, and the Respondent's pharmacy license be restricted to prohibit the compounding of high-risk sterile preparations pending inspection and approval by Board staff to resume such compounding. Mr. Wiesner seconded the motion. The motion passed unanimously with the Agreed Temporary Restriction Order being effective immediately.

The Chair announced that the Petition for Temporary Restriction of IVMedco Fort Worth was granted.

Chair Waggener adjourned the hearing at 12:36 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

July 13, 2015

**Minutes of the Agreed Temporary Suspension Hearing
of Supreme Rx Pharmacy (Pharmacy License #27422);
RX Max Pharmacy (Pharmacy License #27883); and
Artemis Pharmacy LLC (Pharmacy License #28030)**

Chair Jeanne D. Waggener, R.Ph., called the meeting to order at 9:02 a.m., in Suite 3-600, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Joyce A. Tipton, R.Ph., M.B.A., and Phyllis A. Stine, were also present.

Staff present: Kerstin E. Arnold, General Counsel; and Caroline K. Hotchkiss, Assistant General Counsel.

Respondents: Supreme Rx Pharmacy (Pharmacy License #27422); RX Max Pharmacy (Pharmacy License #27883); and Artemis Pharmacy LLC (Pharmacy License #28030), represented by Don E. Lewis, were not present.

A. Opening:

The Chair called the case of the Consideration of Agreed Temporary Suspension in the Matters of Supreme RX Pharmacy (Pharmacy License #27422); RX Max Pharmacy (Pharmacy License #27883); and Artemis Pharmacy LLC (Pharmacy License #28030). She inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Caroline K. Hotchkiss, attorney for the Board staff.

Respondent: Don E. Lewis, attorney for Supreme RX Pharmacy; RX Max Pharmacy; and Artemis Pharmacy LLC, or any other representative on behalf of the pharmacies, was not in attendance.

B. Presentation by Board's Attorney, Caroline K. Hotchkiss:

Verbal synopsis of procedural history and proposed settlement, which had previously been presented to the panel members for review.

C. Motion:

A motion was made by Ms. Tipton that the proposed Agreed Temporary Suspension Orders of Supreme RX Pharmacy (Pharmacy License #27422); RX Max Pharmacy (Pharmacy License #27883); and Artemis Pharmacy LLC (Pharmacy License #28030) be adopted, that Respondents' pharmacy licenses be suspended and shall continue in effect, pending a hearing on the suspended licenses, until further Order of the Board, in accordance with the Administrative Procedure Act and the Board's rules. Ms. Stine seconded the motion. The motion passed unanimously with the Agreed Temporary Suspension Orders being effective immediately.

The Chair announced that the Agreed Temporary Suspension Orders are adopted and Respondents' licenses are suspended.

Chair Waggener adjourned the hearing at 9:09 a.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary



TEXAS STATE BOARD OF PHARMACY

May 26, 2015

**Minutes of the Consideration of Show Cause Order Hearing
of Travis Ivy (Pharmacy Technician Registration #218823)**

Chair Jeanne D. Waggener, R.Ph., called the meeting to order at 9:05 a.m., in conference room number 100, Tower III, 333 Guadalupe Street, Austin, Texas 78701. Board Members, Dennis F. Wiesner, R.Ph., and Bradley A. Miller, Ph.T.R. were also present.

Staff present: Kerstin E. Arnold, General Counsel, and Tyler P. Vance, Staff Attorney.

Respondent: Travis Ivy (Registration #218823) (no representative present).

Court Reporter: Renea Seggern, Ken Owen & Associates, L.P.

A. Opening:

The Chair called the case of the Consideration of Show Cause Order in the Matter of Travis Ivy (Registration #218823). She inquired into whether or not a panel member wished to be recused. All panel members responded negatively.

The Chair requested the parties to go on record stating their names and who they are representing.

Board Staff: Tyler P. Vance, attorney for the Board staff.

Respondent: Travis Ivy was not in attendance nor was he represented.

B. Presentation by Board's Attorney, Tyler P. Vance:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence.
3. Closing statement.

C. Motion:

A motion was made by Mr. Wiesner that the Order requiring an examination of Travis Ivy (Pharmacy Technician Registration #218823) be adopted in that the evidence indicates probable cause that Mr. Ivy has developed an incapacity of a nature that

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prevents a pharmacy technician from practicing with reasonable skill, competence, and safety to the public. Mr. Wiesner further moved that the Order require Mr. Ivy to submit to a mental examination by a physician or other health care professional designated by the Board no later than 60th day after the date of the Order. Mr. Miller seconded the motion. The motion passed unanimously with the Order being effective immediately.

The Chair announced that the Order in the Matter of Travis Ivy was granted.

Chair Waggener adjourned the hearing at 9:12 a.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
Chair

Gay Dodson, R.Ph.
Executive Director/Secretary