Texas State Board of Pharmacy

Board Business Meeting
333 Guadalupe Street, Suite 2-225
Austin, Texas

Tuesday, November 9, 2010
9:00 a.m. – Conclusion

A G E N D A

A. JW Announcements
   ● Meeting Procedures
   ● Board Members
   ● Staff
   ● Continuing Education

B. JW Discussion and Approval of Minutes (Tab 01)
   ● TSBP Board Business Meeting, Held August 10-11, 2010

C. AB Discussion of and Possible Action Regarding Rules
   C.1 Final Adoption of Rules
      C.1.1 Amendments to §281.6 Concerning Mental or Physical Examination (Tab 02)
      C.1.2 New Rule §281.23 Concerning Subpoenas and Amendments to §281.31 Concerning Burden of Proof (Tab 03)
C.1.3 Amendments to §§281.60, 281.63, and 281.64 Concerning Disciplinary Guidelines (Tab 04)

C.1.4 Amendments to §291.32 Concerning Electronic Verifications of Prescription Data Entry by a Pharmacist at Another Location and §291.33 Concerning Generic Substitution (Tab 05)

C.1.5 Amendments to §§291.72 and 291.73 Concerning Tech-Check-Tech (Tab 06)

C.1.6 Amendments to §§309.3 and 309.4 Concerning Generic Substitution and Repeal of §309.5 Concerning Labeling Requirements (Tab 07)

C.2 Proposal of Rules

C.2.1 Amendments to §§281.2, 281.30, 283.4, 283.7, 283.8, 291.1 and 297.3 Concerning Address of Record (Tab 08)

C.2.2 Amendments to §§291.3 and 291.11 Concerning Definition of Ceasing to Operate a Pharmacy (Tab 09)

C.2.3 New Rule §291.16 and Amendments to §§291.33, 291.74, 291.76, and 291.151 to Consolidate the Requirements Relating to Samples (Tab 10)

C.2.4 Amendments to §291.17 Concerning Clarification of Inventory Requirements (Tab 11)

C.2.5 Amendments to §291.32 Concerning Duties of Pharmacy Technician and Pharmacy Technician Trainees (Tab 12)

C.2.6 Amendments to §291.34 Concerning Records Relating to Dispensing Errors (Tab 13)

C.2.7 Amendments to §295.8 Concerning Continuing Education (Tab 14)

C.2.8 Amendments to §311.1 Concerning Complaints Filed Against Employees (Tab 15)
C.3  Rule Reviews in Accordance with Government Code, Section §2001.039  (Tab 16)

C.3.1  For Proposal

C.3.1.1  Chapter 291 Concerning Pharmacies (All Classes of Pharmacies)  

C.3.1.2  Chapter 291 Concerning Pharmacies (Clinic Pharmacy) (Class D))  
(§§291.91-291.94)  (Tab 18)

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

CS  D.1  Financial Update

D.1.1  Review and Approval of FY2010 Expenditures  (Tab 19)

D.1.2  Review of Board Member Travel Budget  (Tab 20)

D.1.3  Update on Legislative Appropriations Request for FY2012-2013  (Tab 21)

CF  D.2  Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students

D.2.1  Professional Recovery Network (PRN)

D.2.1.1  Update on Number of Individuals Participating in PRN Program  (Tab 22)

D.2.1.2  Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Donna Chamberlain  (Tab 23)

GD  D.3  Report on TSBP Sampling of Compounded Products  (Tab 24)

GD  D.4  Discussion Concerning Requirement to Report to Healthcare Integrity and Protection Data Bank (HIPDB)  (Tab 25)

GD  D.5  Discussion Concerning Request from CommUnity Care for Clarification of Rules Concerning Class D Pharmacies  (Tab 26)
AGENDA, Board Business Meeting
November 9, 2010
Page 4

GD  D.6 Discussion Concerning Suggestions from Doyle High, R.Ph., of a “plan that would save the board money and make the system work a lot more efficiently” when enforcing the law requiring pharmacy technicians to be register and have a current registration when working (Tab 27)

GD  D.7 Update Federal Issues (Tab 28)

D.7.1 Passage of the Safe Disposal Act of 2010

D.7.2 DEA’s Federal Register Publication of the “Role of Authorized Agents in Communicating Controlled Substance Prescriptions to Pharmacies”

GD  D.8 Update and Discussion Regarding Implementation of Rules Requiring Pharmacies to Document the Identity of the Counseling Pharmacist (Tab 29)

GD  D.9 Update on TSBP Action on Legislation Passed During the 81st Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 30)

GD  D.10 Discussion of Possible Statutory Changes for Consideration During the 82nd Session of the Texas Legislature (Tab 31)

E.  CF Consideration of and Possible Action Concerning the Following Enforcement Reports

E.1 Consideration of Petition(s) to Serve as a Preceptor

  E.1.1 Petition from Sandhya Sunil Shenoy, R.Ph. (Tab 32)

  E.1.2 Petition from Timmy Van Le, Pharm.D. (Tab 33)

  E.1.3 Petition from Lance Ray, Pharm.D. (Tab 34)

E.2 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 35)

E.3 Report on Status of Active/Pending Complaints (Tab 36)
F. KA Disciplinary Orders

F.1 Report on Agreed Board Orders Entered by Executive Director [Tab 37]

F.2 Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders [Tab 38]

F.3 Executive Session to Consider Confidential Agreed Board Orders and Default Board Orders [Tab 39]

G. JW Miscellaneous

G.1 Items to be Placed on Agenda for February 2011 Board Meeting [Tab 40]

G.2 Discussion of and Possible Action on Recent Conferences and Events

- National Association of Chain Drug Stores (NACDS) Pharmacy and Technology Conference, San Diego, CA, August 28 - September 1, 2010
- Academy of Managed Care Pharmacy (AMCP) Educational Conference, St. Louis, MO, October 13-15, 2010.
- National Pharmacy Week, October 17-23, 2010
- MALTA-GON Conference
  Little Rock, AR, October 31 - November 3, 2010

G.3 Discussion of and Possible Action on Upcoming Conferences and Events

- Informal Conferences, Austin,
  November 30 - December 1, 2010 (Abeldt)
- Technician Informal Conferences, Austin, November 16, 2010 (Mendoza)
- American Society of Health-System Pharmacists (ASHP) Mid-Year Clinical Meeting, Anaheim, CA, December 5-9, 2010
- Informal Conferences, Austin, January 11-13, 2011 (Wiesner)
- Technician Informal Conferences, Austin, January 18, 2011 (Abeldt)
- TSBP Board Business Meeting, Austin, February 8-9, 2011

THE TEXAS STATE BOARD OF PHARMACY MAY ENTER EXECUTIVE SESSION TO CONSIDER ANY AGENDA ITEM WHEN PERMITTED BY TEXAS LAW.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Cathy Stella at (Voice) 512/305-8000, (FAX) 512/305-8075, or TDD 1-800/735-2989. Requests for reasonable accommodations should be made five working days prior to the meeting so that appropriate arrangements can be made.