



# TEXAS STATE BOARD OF PHARMACY

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

August 6, 2013

## MINUTES<sup>1</sup>

### Tuesday, August 6, 2013

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

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

Also present were Pharmacist Intern Nahad Berenji and Legal Intern Nureen Steele.

#### **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.

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<sup>1</sup>See 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 TSBP Board Business Meeting held May 7, 2013; and the minutes of the Temporary Suspension Hearing held June 27, 2013, concerning Nathan John Hellums R.Ph., as presented.

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

**C. Discussion of and Possible Action Regarding Rules**

Final Adoption of Rules

- Rules Concerning Mental or Physical Examination (§281.6) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §281.6 during its May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.6 and explained that the amendments specifies the procedures to follow for a mental or physical examination ordered by the Board.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Mendoza to approve for adoption, by Board Order, amendments to §281.6. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Informal Disposition of a Contested Case (§281.22) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §281.22 during its May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register*; and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.22 and explained the amendments correct the citation reference.

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 §281.22. The motion was seconded by Ms. Kedron and passed unanimously.

- Rules Concerning Criminal Offenses (§281.63) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §281.63 during its May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.63 and explained that the amendments correct wording.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Stine to approve for adoption, by Board Order, amendments to §281.63. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Reinstatement (§281.66) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §281.66 during its May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.66 and explained that the amendments differentiate the reinstatement requirements for individuals with criminal offenses and individuals without criminal offenses.

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

- Rules Concerning Sanctions for Out-of-State Disciplinary Actions (§281.67) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §281.67 during its May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.67 and explained that the amendments correct references.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Tipton to approve for adoption, by Board Order, amendments to §281.67. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Records (§291.34) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §291.34 during its May 7, 2013, meeting. The proposed amendments were published in the June 28, 2013, issue of the *Texas Register*, and comments were received from the Coalition for Nurses in Advance Practice.

Ms. Benz directed the Board's attention to amendments to §291.34 and explained that the amendments clarify and update the section to be consistent with other sections of this title and DPS and DEA laws/rules; require documentation of a consultation with a prescriber regarding a prescription; add rules regarding auto-refill programs; and update the rules regarding prescription transfers and specifying that the transfer must be confirmed.

The president recognized Hal Carter, R.Ph., with Walgreens and Gary Cacciatore, R.Ph., with Cardinal Health.

Following discussion, the Board delayed action on the proposed amendments to §291.34 until later in the meeting.

#### Proposal of Rules

- Rules Concerning Informal Disposition of a Contested Case (§281.22) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to §281.22 and explained that the amendments implement S.B. 404 as passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §281.22, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

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

- Professional Recovery Network
  - Dr. Holder discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2010-2012) as well as the quarterly report on the number of pharmacists participating in the program during FY2013. (Tab 20)
  - President Waggener recognized Courtney Hulbert, Director of the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for the first three quarters

of FY2013, September 1, 2012, through May 31, 2013, and reviewed current PRN activities for the Board. (Tab 21)

President Waggener recessed the meeting at 10:21 a.m.

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

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

- Task Force on Pilot Project Concerning a Waste Identification and Disposal System Pilot Project (Tab 16)

The president recognized W. Michael Brimberry, R.Ph., MBA. David A. Nelson, M.D., Chief Executive Officer of Vigilant Devices, and Rafi Baddour, P. E., Consulting Engineer for Vigilant Devices.

Mr. Nelson explained that Vigilant Devices was requesting the Board approve a pilot project to allow a device to act as a witness during the wastage process of controlled substances. The pilot project proposes to demonstrate improved pharmaceutical care by: 1) facilitating documentation of the wastage; 2) enabling the detection of wastage discrepancies; 3) preventing controlled substance diversion; 4) eliminating the need for a human witness by providing a precise and reproducible chemical analysis of controlled substance wastage; and 5) rendering the drug non-retrievable in an environmentally sensitive fashion.

Ms. Benz directed the Board's attention to the proposal for a pilot project submitted by Vigilant Devices. She reported that President Waggener appointed Ms. Tipton, Ms. Benz and Ms. Arnold to serve on a task force to evaluate the pilot project request. Ms. Benz advised the Board that it was the recommendation of the task force that the proposal for the pilot project be approved under the terms and conditions set forth.

Following discussion, the motion was made by Mr. Fry to approve the pilot project as presented. The motion was seconded by Mr. Abeltd passed unanimously.

- Task Force on Compounding of Sterile Preparations (Tab 15)

Ms. Benz directed the Board's attention to the Final Report of the Task Force on Compounding of Sterile Preparations and the recommendations of the task force. She presented to the Board suggested amendments to §§291.33 and 291.36 Concerning Class A Pharmacies; §§291.54 and 291.56 Concerning Class B Pharmacies; §§291.74, 291.76, and 291.77 Concerning Class C Pharmacies; §§291.104 and 291.106 Concerning Class E Pharmacies; and §291.133 Concerning Pharmacies Compounding Sterile Preparations.

President Waggener recognized Rene Garza, R.Ph., who served as chair of the task force, and Lucinda Van Anglen, R.Ph., who served as member of the task force.

President Waggener recognized the following persons who presented oral remarks to the Board regarding the task force's recommendations:

Christopher Dembny, R.Ph.  
Paul F. Davis, R.Ph.,  
Richard Cole Knutsen, R.Ph.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments and new rules §§291.33, 291.36, 291.54, 291.56, 291.74, 291.76, 291.77, 291.104, 291.106 and 291.133, as presented. The motion was seconded by Ms. Kedron and passed unanimously.

President Waggener recessed the meeting at 11:47 a.m.

President Waggener reconvened the meeting at 12:35 p.m.

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

- Rules Concerning Pharmacist to Technician Ratio (§§291.32, 291.53 and 291.153) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to §291.32, 291.53 and 291.153 and explained that the amendments change pharmacist to technician ratio for Class A and Class B pharmacies from 1:3 to 1:4, and for Class G pharmacies from 1:6 to 1:7.

Written comments were received from:

Gary Schnable, R.Ph., RN, Executive Director, Oregon Board of Pharmacy  
Hal Wand, Executive Director, Arizona Board of Pharmacy  
Philip Burgess, R.Ph., D.Ph., MBA, Chairperson, Illinois Board of Pharmacy  
Stephany Klein, R.Ph.  
Robert Mayes, R.Ph.  
Tim Spoon, R.Ph.  
Janet Kim-way, R.Ph.  
Thomas A. Neiman, R.Ph.  
M. Rosario Neiman, R.Ph.  
Don Bristow, R.Ph.  
James W. Mayo, R.Ph.  
Al Corich, R.Ph.  
Sharon Abbey, R.Ph.  
Linda Dvorak, R.Ph.  
National Association of Chain Drug Stores  
Texas Federation of Drug Stores  
Kay Jezek Rider, R.Ph.

Jeanne Stasny, R.Ph.  
Mark Comfort, Pharm.D.  
Rose Guevara-Garza, R.Ph.  
Scott Bonham, R.Ph.  
Lance Ray, Pharm.D.  
Scott Buchel  
Scott Lason, R.Ph.  
Ngozi Dike  
Kimberly Smith, R.Ph.  
Michele Owens, R.Ph.  
Arthur Solomon, R.Ph.  
David Lee, R.Ph.  
Cindy Young Meyers, R.Ph.

Ms. Dodson presented a summary of the written comments that were received concerning the proposed changes to the pharmacist to technician ratio.

President Waggener recognized the following persons who presented oral remarks to the Board regarding the pharmacist to technician ratio:

M. Lynn Crismon, Dean, University of Texas at Austin College of Pharmacy  
David Lee, R.Ph  
Kimberly Smith, R.Ph.  
Jeanne Stasny, R.Ph.  
Kim Caldwell, R.Ph.  
Adam Chessler, R.Ph.  
Steven Gray

President Waggener explained that due to scheduling requirements further discussion of the pharmacist to technician ratio would be postponed until later in the meeting.

#### **E. Disciplinary Orders**

- Consideration of Proposal for Decision
  - In the Matter of Ansa Ene Hogan, R.Ph., License #33036 (Tab 35)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Joanne Summerhays on April 9, 2013, in the matter of pharmacist Ansa Ene Hogan, in which TSBP staff sought to deny the application for reinstatement of the pharmacist license of Ansa Ene Hogan.

Ms. Arnold introduced Judge Joanne Summerhays, who reviewed the *Proposal for Decision* for the Board. Judge Summerhays advised the Board that her recommendation was that Ansa Ene

Hogan's license be reinstated with a two-year period of probation with restrictions.

Mr. Vance reviewed the background in the case for the Board. He directed the Board's attention to two versions of proposed Board Order #R-11-010 and reviewed the options available for the Board.

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 version two of Board Order #R-11-010, as presented, in the matter of Ansa Ene Hogan, to deny reinstatement of Ms. Hogan's pharmacist license. The motion was seconded by Mr. Fry and passed unanimously.

President Waggener recessed the meeting at 1:43 p.m.

President Waggener reconvened the meeting at 2:02 p.m.

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

- Rules Concerning Pharmacist to Technician Ratio (§§291.32, 291.53 and 291.153) (Tab 12) (cont'd)

President Waggener recognized the following persons who presented oral remarks to the Board regarding the pharmacist to technician ratio:

Randy Shipp, R.Ph.  
Tamara Francois, R.Ph.  
Amy Gillock, R.Ph.  
Dennis McAllister, R.Ph.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §§291.32, 291.53, and 291.153 as presented. The motion was seconded by Mr. Wetherbee with revisions. Mr. Fry accepted revisions to his motion and the motion failed 3-5-0, with Mr. Fry, Mr. Abeldt and Ms. Kedron in favor and Mr. Wiesner, Ms. Mendoza, Mr. Wetherbee, Ms. Tipton, and Ms. Stine opposed.

Following discussion, the motion was made by Mr. Wetherbee to approve for proposal amendments to §§291.32, 291.53 and 291.153 with revised language to eliminate technician ratios. The motion was seconded by Ms. Stine and passed 6-2-0, with Mr. Wiesner, Ms. Mendoza, Ms. Tipton Mr. Wetherbee, Ms. Kedron and Ms. Stine in favor and Mr. Fry and Mr. Abeldt opposed.

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

Final Adoption of Rules

- Rules Concerning Records (§291.34) (Tab 07) (cont'd)

Ms. Benz explained that the Board reviewed the proposed amendments to §291.34 earlier in the meeting, and had directed staff to make changes to the proposed amendments. She directed the Board's attention to the revised amendments and pointed out that, as the Board had directed, changes had been made to correct grammar, correct references to the United Mexican States, change the "full name" of the designated agent to be the "name" of the designated agent, and add that prescription transfer must be done in a timely manner.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Kedron to approve for adoption, by Board Order, amendments to §291.34, as revised. The motion was seconded by Mr. Wiesner and passed unanimously.

Proposal of Rules (cont'd)

- Rules Concerning Remedial Plan (§281.68) (Tab 09)

Ms. Benz directed the Board's attention to suggested new rule §281.68 and explained that the new rule implements S.B. 404 as passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion, the motion was made by Mr. Fry to approve for proposal new rule §281.68, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

President Waggener recessed the meeting at 3:03 p.m.

President Waggener reconvened the meeting at 3:18 p.m.

- Rules Concerning Inventory Requirements (§291.17) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to §291.17 and explained that the amendments clarify the requirements for notarization of inventories.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.17, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning License Fees (§§291.6, 295.5, and 297.4) (Tab 11)

President Waggener advised that the proposed amendments to rules concerning license fees would be considered later in the meeting in conjunction with the financial reports (Item #E.1.3).

- Rules Concerning Auto-Refill in Class E Pharmacies (§291.105) (Tab 13)

Ms. Benz directed the Board's attention to suggested amendments to §291.105 and explained that the amendments add requirements for Class E pharmacies using auto-refill programs.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.105, as presented. The motion was seconded by Ms. Stine and passed unanimously.

- Rules Concerning Military Spouses (§§283.12 and 297.10) (Tab 14)

Ms. Benz directed the Board's attention to suggested amendments to §283.12 and 297.10 and explained that the amendments implement S.B. 162 as passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion, the motion was made by Mr. Wetherbee to approve for proposal amendments to §§283.12 and 297.10, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

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

- Financial Update

- Review of FY2013 Operating Budget (Tab 17)

Ms. Stella reviewed the expenditures for the first three quarters of FY2013 (September 1, 2012, through May 31, 2013) for the Board.

- Review of Board Member Travel Budget (Tab 18)

Ms. Stella reviewed the Board Member FY2013 Travel Budget.

- Review and Approval of FY2014 Operating Budget and Revenue Projections (Tab 19)

Ms. Stella directed the Board's attention to revenue projections for FY2014-2015. She explained that while the agency had received an increase in appropriations for FY2014-2015, the agency is required to generate additional revenue to receive the appropriations. Based on these requirements, she directed the Board's attention to three possible fee scenarios that would meet these requirements.

Following discussion, based on the actual appropriated budgets for FY2014-2015, the motion was made by Ms. Stine to approve for proposal amendments to §§291.6, 295.5, and 297.4, increasing pharmacist license fees by \$68.00; pharmacy license fees by \$124.00; pharmacy technician registration fees by \$25.00; and pharmacy technician trainee registration fees by \$15.00. The motion was seconded by Mr. Fry and passed unanimously.

Ms. Stella directed the Board's attention to a proposed operating budget for FY2014. She reviewed the budget, including Board Member travel.

Following discussion, the motion was made by Mr. Wetherbee to approve the FY2014 operating budget, as presented, to include an additional compensation of 1% in FY2014 to the Executive Director/Secretary, effective September 1, 2013. The motion was seconded by Ms. Stine and passed unanimously.

- Review and approval of *TSBP FY2012 Annual Report* (Tab 22)

Ms. Dodson directed the Board's attention to a draft of the *TSBP FY2012 Annual Report*. She reviewed the agency's significant accomplishments in FY2012 for the Board.

Following discussion, the motion was made by Mr. Wetherbee to approve the *TSBP FY2012 Annual Report*, as presented. The motion was seconded by Mr. Fry and passed unanimously.

- Review and approval of *TSBP FY2014 Goals and Objectives* (Tab 23)

Following review of the Goals and Objective, the motion was made by Ms. Kedron to approve, as presented, the *TSBP FY2014 Goals and Objectives*. The motion was seconded by Ms. Mendoza and passed unanimously.

- Discussion Concerning *TSBP's FY2015-2019 Strategic Plan* (Tab 24)

Ms. Dodson directed the Board's attention to a timeline for development of *TSBP's FY2015-2019 Strategic Plan*. She explained that, according to the timeline, staff would send questionnaires to interested parties asking for their input and suggestions this month.

- Review and approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Tab 25)

Following review of a list of ACPE approved professional degree programs of colleges and schools of pharmacy, a motion was made by Mr. Abeldt 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 Ms. Tipton and passed unanimously.

- Discussion Concerning the Status of a Prescription After a Physician Dies (Tab 26)

Mr. Wiesner stated that some pharmacies have had disputes with third party payers when the pharmacy dispenses a prescription after the death of the prescribing physician.

Ms. Arnold stated the Medical Board would be discussing this issue at their next board meeting and she would report their findings at the November Board meeting.

- Discussion Concerning Prescription Labeling Requirements for Central Fill Pharmacies (Tab 27)

President Waggener recognized Jeff Mesaros, R.Ph., and Ron Jencopale, R.Ph.

Mr. Wiesner explained that the DUR is typically done at the primary pharmacy before a prescription is sent to a central fill pharmacy.

Following discussion the Board directed staff to bring back suggested rule language concerning prescription labeling requirements for central fill pharmacies to the November Board meeting.

- Discussion Concerning Electronic Delivery of Drug Information to Patients (Tab 28)

Mr. Wiesner discussed what the options are concerning the delivery of drug information to the patient.

Following discussion the Board directed staff to bring back suggested rule language concerning electronic delivery of drug information to patients to the February Board meeting.

- Discussion Concerning Certification Programs and Possible Proposal of Amendments to §295.12 (Pharmacist Certification Programs) (Tab 29)

Ms. Benz directed the Board's attention to suggested amendment to §295.12 and explained that the rules have not been updated in long time and that staff was recommending the rule changes.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §295.12, as presented. The motion was seconded by Ms. Tipton and passed unanimously.

- Discussion Concerning USP Prescription Container Labeling Standards (Tab 30)

Ms. Dodson presented information concerning a request from the Legislative Budget Board (LBB) that the Board adopt USP container labeling requirements.

President Waggener recognized Steven Gray who stated California has passed laws to standardize labels.

President Waggener recognized Al Green who stated New York had just passed a new law requiring labels be printed in 12 point font.

Ms. Dodson stated she would report to the LBB that the Board is reviewing USP standards.

- Report on Shared Regulatory Data Base Project (Tab 31)

Mr. Rapp reported on the Shared Regulatory Data Base system and explained that the Funeral Services Commission had gone live on the system with minimal effect to the TSBP system.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 32)

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

- Update on Legislation Filed During the 83<sup>rd</sup> Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 33)

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

Ms. Dodson directed the Board's attention to an action chart concerning legislation that was passed during the 83<sup>rd</sup> 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.

- Discussion of Possible Statutory Changes for Consideration During the 84<sup>th</sup> Session of the Texas Legislature (Tab 34)

Ms. Dodson advised the Board that there are no recommendations to date.

**E. Disciplinary Orders (cont'd)**

- Report on Agreed Board Orders Entered by Executive Director (Tab 36)
  - The Board reviewed 31 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 May 8, 2013, through July 15, 2013.
  - The Board reviewed 21 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 May 20, 2013, through July 30, 2013.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 37)
  - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 17 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and nine proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

**Agreed Board Orders**

- |                              |                 |
|------------------------------|-----------------|
| 1. Lyndsay Somers            | ABO #T-12-316   |
| 2. Joycie Guillot            | ABO #T-12-553-N |
| 3. Charles Hall              | ABO #T-12-575   |
| 4. Billy Leon Henderson      | ABO #T-12-521   |
| 5. Jamillah Francesca Locks  | ABO #T-12-531-N |
| 6. Michael Andrew Moore      | ABO #T-13-123   |
| 7. Allan Jonathan Moreno     | ABO #T-12-371-N |
| 8. Kevin Arnulfo Rodriguez   | ABO #T-12-539   |
| 9. Cynthia Bernice Thurston  | ABO #T-12-512-N |
| 10. Michelle Marie Tripp     | ABO #T-13-187   |
| 11. Amina Wakaye             | ABO #T-13-142   |
| 12. Daisy Arismendi          | ABO #T-13-192   |
| 13. Barbara Jean Morris      | ABO #T-13-061-N |
| 14. Kien Nguyen              | ABO #T-13-189   |
| 15. David Rougeau            | ABO #T-13-159-N |
| 16. Nina R. Smith            | ABO #T-13-093   |
| 17. Tammy Lorraine Weidemann | ABO #T-13-258   |

**Default Board Orders**

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|----------------------------|---------------|
| 18. Whitney Deivory Choice | ABO #T-12-488 |
| 19. Alisha Beth Grisham    | ABO #T-13-185 |
| 20. Guy Alfred Mata        | ABO #T-13-096 |

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|-----|------------------------|-----------------|
| 21. | Priscilla Ann Silva    | ABO #T-12-563   |
| 22. | Amanda McNeill Young   | ABO #T-12-542   |
| 23. | Carmen Chambers        | ABO #T-12-583   |
| 24. | Brandon Dewanye Fowler | ABO #T-12-545   |
| 25. | Luis Alfonso Pena      | ABO #T-13-186-N |
| 26. | Marissa Deanna Tavarez | ABO #T-13-259-N |

The motion was made by Mr. Fry to approve the 17 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference and nine proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

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

1. 7-0-1 Ms. Kedron abstained
2. 7-0-1 Mr. Wetherbee abstained
3. 7-0-1 Mr. Wetherbee abstained
4. 7-0-1 Mr. Wetherbee abstained
5. 7-0-1 Mr. Wetherbee abstained
6. 7-0-1 Mr. Wetherbee abstained
7. 7-0-1 Mr. Wetherbee abstained
8. 7-0-1 Mr. Wetherbee abstained
9. 7-0-1 Mr. Wetherbee abstained
10. 7-0-1 Mr. Wetherbee abstained
11. 7-0-1 Mr. Wetherbee abstained
12. 7-0-1 Mr. Wiesner abstained
13. 7-0-1 Mr. Wiesner abstained
14. 7-0-1 Mr. Wiesner abstained
15. 7-0-1 Mr. Wiesner abstained
16. 7-0-1 Mr. Wiesner abstained
17. 7-0-1 Mr. Wiesner abstained
18. 7-0-1 Mr. Wetherbee abstained
19. 7-0-1 Mr. Wetherbee abstained
20. 7-0-1 Mr. Wetherbee abstained
21. 7-0-1 Mr. Wetherbee abstained
22. 7-0-1 Mr. Wetherbee abstained
23. 7-0-1 Mr. Wiesner abstained
24. 7-0-1 Mr. Wiesner abstained
25. 7-0-1 Mr. Wiesner abstained
26. 7-0-1 Mr. Wiesner abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 11 proposed Agreed Board Orders (Alternative Resolutions); and 29 proposed Agreed Board Orders concerning pharmacists, pharmacies, students, and pharmacist-interns, who appeared for an Informal Conference.

**Agreed Board Orders** (Alternative Resolutions)

1. CVS/pharmacy #7428 ABO #H-12-057-B
2. Jacquelyn Tell Metzger ABO #H-12-057-A
3. Vanessa A. Ebosiem ABO #L-13-013
4. Tom Thumb Pharmacy #3625 ABO #H-12-044-B
5. Nicholas Spiros Georgas ABO #H-12-044-A
6. Walgreen Co. #4171 ABO #H-12-005-B
7. Walgreen Co. #5509 ABO #H-12-027-B
8. Walgreen Co. #7214 ABO #H-13-026-B
9. Melissa Lynn Schmidt ABO #H-13-026-A
10. Walgreen Co. #11817 ABO #H-13-005-B
11. Joel Saucedo ABO #H-13-005-A

**Agreed Board Orders** (Following an Informal Conference)

12. Apothecary Shop ABO #M-13-024
13. Fadi Wasef Atiya ABO #L-13-006
14. Austin Compounding Pharmacy ABO #M-13-023
15. Concierge Compounding  
Pharmaceuticals, Inc. ABO #L-13-019
16. CVS/pharmacy #4794 ABO #H-12-030-B
17. Glen Dale Mathia ABO #H-12-030-A
18. CVS/pharmacy #7725 ABO #H-12-078-B
19. Carla Y. Ramos Miller ABO #H-12-078-A
20. Victor Egbulefu ABO #F-13-006
21. Clemis Jackson ABO #L-13-015
22. Carmen Maria Lukner ABO #H-12-028-A
23. Maxwell Pharmacy, Inc. ABO #H-12-046-B
24. Joseph Morris Maxwell, Jr. ABO #H-12-046-A
25. Metroplex Hospital ABO #J-11-021-B
26. Trupti Sarang ABO #J-11-021-A
27. Pedram H. Pahlavan ABO #G-12-022
28. Randol Mill Pharmacy ABO #H-12-021-B
29. Kevin Lynn Heide ABO #H-12-021-A
30. Hetty Osaro Umeh ABO #M-13-021
31. Wal-Mart Pharmacy #10-3284 ABO #H-12-009-B
32. Vinod B. Shah ABO #H-12-009-A
33. Wal-Mart Pharmacy #10-3391 ABO #H-13-022-B
34. Myra Yvette Rivera ABO #H-13-022-A
35. Walgreen Co. #03370 ABO #H-12-067-B
36. Russelene Elizabeth Lewis ABO #H-12-067-A
37. Jessica Ascencio ABO #T-13-066
38. Maria Teresa Perales ABO #T-13-065
39. Walgreen Co. #6189 ABO #H-12-053-B
40. Walgreen Co. #9679 ABO #H-12-047-B

The motion was made by Mr. Wetherbee to approve the 11 proposed Agreed Board Orders (Alternative Resolutions); 29 proposed Agreed Board Orders concerning pharmacists, pharmacies, students, and pharmacist-interns who appeared for an Informal Conference.

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

1. 8-0-0
  2. 8-0-0
  3. 8-0-0
  4. 8-0-0
  5. 8-0-0
  6. 8-0-0
  7. 8-0-0
  8. 8-0-0
  9. 8-0-0
  10. 8-0-0
  11. 8-0-0
  12. 7-0-1 Mr. Wiesner abstained
  13. 7-0-1 Ms. Stine abstained
  14. 7-0-1 Mr. Wiesner abstained
  15. 7-0-1 Mr. Wiesner abstained
  16. 7-0-1 Ms. Stine abstained
  17. 7-0-1 Ms. Stine abstained
  18. 7-0-1 Ms. Stine abstained
  19. 7-0-1 Ms. Stine abstained
  20. 7-0-1 Ms. Stine abstained
  21. 7-0-1 Mr. Wiesner abstained
  22. 7-0-1 Mr. Wiesner abstained
  23. 7-0-1 Ms. Stine abstained
  24. 7-0-1 Ms. Stine abstained
  25. 7-0-1 Mr. Wiesner abstained
  26. 7-0-1 Mr. Wiesner abstained
  27. 7-0-1 Mr. Wiesner abstained
  28. 7-0-1 Mr. Wiesner abstained
  29. 7-0-1 Mr. Wiesner abstained
  30. 7-0-1 Mr. Wiesner abstained
  31. 7-0-1 Ms. Stine abstained
  32. 7-0-1 Ms. Stine abstained
  33. 7-0-1 Ms. Stine abstained
  34. 7-0-1 Ms. Stine abstained
  35. 7-0-1 Ms. Stine abstained
  36. 7-0-1 Ms. Stine abstained
  37. 7-0-1 Ms. Stine abstained
  38. 7-0-1 Ms. Stine abstained
  39. 7-0-1 Mr. Wiesner abstained
  40. 8-0-0
- Confidential Agreed Board Orders (Tab 38)
- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one proposed Confidential Agreed Board Order following a Mediated Settlement Conference; nine proposed Confidential Agreed Board Orders following an Informal Conference;

and one Confidential Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

**Agreed Board Order** (Following a Mediated Settlement Conference)

1. ABO #B-07-059-A

**Agreed Board Orders** (Following an Informal Conference)

2. ABO #N-13-025
3. ABO #G-13-001
4. ABO #L-13-020
5. ABO #E-12-003
6. ABO #M-13-026
7. ABO #M-13-027
8. ABO #N-13-028
9. ABO #G-13-002
10. ABO #N-13-006

**Default Board Order**

11. ABO #N-13-023

The motion was made by Mr. Wetherbee to approve the one proposed Confidential Agreed Board Order following a Mediated Settlement Conference; nine proposed Confidential Agreed Board Orders following an Informal Conference; and one Confidential Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

The motion was seconded by Ms. Kedron and passed as follows:

1. 7-0-1 Ms. Kedron abstained
2. 7-0-1 Ms. Stine abstained
3. 7-0-1 Ms. Stine abstained
4. 7-0-1 Mr. Wiesner abstained
5. 7-0-1 Ms. Stine abstained
6. 7-0-1 Mr. Wiesner abstained
7. 7-0-1 Mr. Wiesner abstained
8. 7-0-1 Mr. Wiesner abstained
9. 7-0-1 Ms. Stine abstained
10. 7-0-1 Ms. Stine abstained
11. 7-0-1 Ms. Stine abstained

- The Board reviewed the alleged violations and the Confidential Agreed Temporary Suspension Order entered following a Temporary Suspension Hearing concerning a pharmacist.

1. ABO #N-13-030

**G. Consideration of and Possible Action Concerning Enforcement Reports**

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 39)

The Board received a report on complaints dismissed and closed the first three quarters of FY2013 (September 1, 2012 – May 31, 2013). The report also included quarterly averages for FY2012 as compared to FY2013, as well as percentage change from FY2012 to FY2013.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 40)

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

Ms. Fisher reviewed the report for the Board.

**G. Miscellaneous**

- Items to be Placed on Agenda for May Board Meeting (Tab 41)
  - Suggested rule language concerning prescription label requirements for central fill pharmacies.
  - Discussion concerning *TSBP FY2015-2019 Strategic Plan*.
  - Discussion concerning the Status of a Prescription After a Physician Dies.
- 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.

- Evaluation of Executive Director (Tab 42)

Mr. Wetherbee made a motion that the Board go into Executive Session to consider personnel matters under the authority of the Texas Government Code, Section 551.074. The motion was seconded by Ms. Stine and passed unanimously.

President Waggener declared the Board in Executive Session at 5:43 p.m.

At 6:04 p.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.

The Board reviewed their evaluation with Ms. Dodson and thanked her for her outstanding service to the Board.

President Waggener adjourned the meeting at 6:17 p.m.

APPROVED:

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Jeanne D. Waggener, R.Ph.  
President

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Gay Dodson, R.Ph.  
Executive Director/Secretary

November 5, 2013