

**TEXAS STATE BOARD OF PHARMACY  
QUARTERLY REPORT ON DISMISSED COMPLAINTS \*\*\***

|  | 1                           | 2                           | 3                           | 4                           | 5                            |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------------------------------|
|  | <b>FY13<br/>1st Quarter</b> | <b>FY13<br/>2nd Quarter</b> | <b>FY13<br/>3rd Quarter</b> | <b>FY13<br/>4th Quarter</b> | <b>FY13<br/>Year-to-Date</b> |
| <b>Investigations Not Resulting in Disciplinary Action</b>                                   | <b>1,289 (78%)</b>          | <b>1,228 (77%)</b>          | <b>1,480 (83%)</b>          | <b>1,263 (82%)</b>          | <b>5,260 (80%)</b>           |
| Investigate + Dismissal (Warning) Letter   | 276                         | 351                         | 457                         | 379                         | 1,463                        |
| Investigate + Cpt. Closed with Verbal Warning  | 42                          | 53                          | 44                          | 28                          | 167                          |
| Investigate + Cpt. Closed with No Action Due to Insuff. Evidence to Prove Violation Occurred | 544                         | 440                         | 530                         | 479                         | 1,993                        |
| Investigate + Lost Jurisdiction (regist expired)   | 58                          | 55                          | 68                          | 49                          | 230                          |
| Inspections  | 37                          | 34                          | 55                          | 14                          | 140                          |
| Inspection + Warning Notice or Dismissal Ltr.  | 17                          | 6                           | 21                          | 17                          | 61                           |
| Application Withdrawn  | 62                          | 53                          | 50                          | 40                          | 205                          |
| Other *  | 253                         | 236                         | 255                         | 257                         | 1,001                        |
| <b>Investigations Resulting in Disc. Action</b>  | <b>251 (15%)</b>            | <b>225 (14%)</b>            | <b>191 (11%)</b>            | <b>174 (11%)</b>            | <b>841 (13%)</b>             |
| Agreed Board Order   | 195                         | 169                         | 138                         | 144                         | 646                          |
| Board Order  | 26                          | 28                          | 26                          | 10                          | 90                           |
| Preliminary Notice Letter (PNL) + Dismissal (Warning) Letter                                 | 0                           | 0                           | 0                           | 0                           | 0                            |
| PNL + Application Withdrawn (with or without Informal Conference) ****                       | 18                          | 19                          | 18                          | 11                          | 66                           |
| PNL + Informal Conference + Dismissal Letter   | 9                           | 6                           | 5                           | 3                           | 23                           |
| PNL + Informal Conference + Case Dismissed   | 3                           | 1                           | 4                           | 6                           | 14                           |
| PNL / Case Dismissed   | 0                           | 1                           | 0                           | 0                           | 1                            |
| Temp. Suspension Hearing / Case Dismissed  | 0                           | 1                           | 0                           | 0                           | 1                            |
| <b>Referrals To Other Agencies</b>   | <b>22 (1%)</b>              | <b>13 (1%)</b>              | <b>16 (1%)</b>              | <b>9 (&lt;1%)</b>           | <b>60 (1%)</b>               |
| <b>No Action **</b>  | <b>91 (6%)</b>              | <b>123 (8%)</b>             | <b>92 (5%)</b>              | <b>85 (6%)</b>              | <b>391 (6%)</b>              |
| <b>TOTAL</b>   | <b>1,653 (100%)</b>         | <b>1,589 (100%)</b>         | <b>1,779 (100%)</b>         | <b>1,531 (100%)</b>         | <b>6,552 (100%)</b>          |

- \* Represents miscellaneous actions, such as: complainant withdrew complaint or does not wish to cooperate with investigation, or complaint has been inactivated (e.g., due to pending criminal trial/proceedings).
- \*\* No action due to: no violation; no jurisdiction; insufficient information; violation not substantive (e.g., report of loss of small quantity of controlled substance).
- \*\*\* TSBP migrated to a new computer system on 5-27-11. All pending complaints with two entities were migrated as two complaints.
- \*\*\*\* New code implemented in FY12.

|   | 1                           | 2                           | 3                           | 4                           | 5                            |
|---|-----------------------------|-----------------------------|-----------------------------|-----------------------------|------------------------------|
|   | <b>FY13<br/>1st Quarter</b> | <b>FY13<br/>2nd Quarter</b> | <b>FY13<br/>3rd Quarter</b> | <b>FY13<br/>4th Quarter</b> | <b>FY13<br/>Year-to-Date</b> |
| Complaints Closed Resulting in Disciplinary Action (ABOs / BOs) | 221 (13%)                   | 197 (12%)                   | 164 (9%)                    | 154 (10%)                   | 736 (11%)                    |
| Complaints Closed with Actions Other than Disciplinary Action   | 1,432 (87%)                 | 1,392 (88%)                 | 1,615 (91%)                 | 1,377 (90%)                 | 5,816 (89%)                  |
| <b>TOTAL</b>  | <b>1,653 (100%)</b>         | <b>1,589 (100%)</b>         | <b>1,779 (100%)</b>         | <b>1,531 (100%)</b>         | <b>6,552 (100%)</b>          |

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|  | <b>FY12<br/>Quarterly Avg.</b> | <b>FY13<br/>4th Quarter</b> | <b>FY13 Qtrly. Avg.<br/>Year-to-Date</b> | <b>FY12 – FY13<br/>% Change</b> |
| <b>Investigations Not Resulting in Disciplinary Action</b>                                   | <b>1,139 (79%)</b>             | <b>1,263 (82%)</b>          | <b>1,315 (80%)</b>                       | <b>+15%</b>                     |
| Investigate + Dismissal (Warning) Letter   | 349                            | 379                         | 366                                      | +5%                             |
| Investigate + Cpt. Closed with Verbal Warning  | 101                            | 28                          | 42                                       | -58%                            |
| Investigate + Cpt. Closed with No Action Due to Insuff. Evidence to Prove Violation Occurred | 342                            | 479                         | 498                                      | +46%                            |
| Investigate + Lost Jurisdiction (regist expired)   | 38                             | 49                          | 58                                       | +53%                            |
| Inspections  | 27                             | 14                          | 35                                       | +30%                            |
| Inspection + Warning Notice or Dismissal Ltr.  | 11                             | 17                          | 15                                       | +36%                            |
| Application Withdrawn  | 91                             | 40                          | 51                                       | -44%                            |
| Other *  | 183                            | 257                         | 250                                      | +37%                            |
| <b>Investigations Resulting in Disc. Action</b>  | <b>228 (16%)</b>               | <b>174 (11%)</b>            | <b>210 (13%)</b>                         | <b>-8%</b>                      |
| Agreed Board Order   | 188                            | 144                         | 162                                      | -14%                            |
| Board Order  | 25                             | 10                          | 23                                       | -8%                             |
| Preliminary Notice Letter (PNL) + Dismissal (Warning) Letter                                 | 0                              | 0                           | 0  | 0%                              |
| PNL + Application Withdrawn (with or without Informal Conference) ****                       | 6                              | 11                          | 17                                       | +183%                           |
| PNL + Informal Conference + Dismissal Letter   | 5                              | 3                           | 6  | +20%                            |
| PNL + Informal Conference + Case Dismissed   | 3                              | 6                           | 4  | +33%                            |
| PNL / Case Dismissed   | 0                              | 0                           | 0  | 0%                              |
| Temp. Suspension Hearing / Case Dismissed  | 1                              | 0                           | 0  | -100%                           |
| <b>Referrals To Other Agencies</b>   | <b>19 (1%)</b>                 | <b>9 (&lt;1%)</b>           | <b>15 (1%)</b>                           | <b>-21%</b>                     |
| <b>No Action **</b>  | <b>56 (4%)</b>                 | <b>85 (6%)</b>              | <b>98 (6%)</b>                           | <b>+75%</b>                     |
| <b>TOTAL</b>   | <b>1,442 (100%)</b>            | <b>1,531 (100%)</b>         | <b>1,638 (100%)</b>                      | <b>+14%</b>                     |

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| Complaints Closed Resulting in Disciplinary Action (ABOs / BOs) | 213 (15%)                      | 154 (10%)                   | 184 (11%)                                | -14%                            |
| Complaints Closed with Actions Other than Disciplinary Action   | 1,229 (85%)                    | 1,377 (90%)                 | 1,454 (89%)                              | +18%                            |
| <b>TOTAL</b>  | <b>1,442 (100%)</b>            | <b>1,531 (100%)</b>         | <b>1,638 (100%)</b>                      | <b>+14%</b>                     |