



TEXAS STATE BOARD OF PHARMACY

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

August 5, 2014

MINUTES¹

Tuesday, August 5, 2014

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:00 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.; Joyce A. Tipton, R.Ph.; Christopher M. Dembny, R.Ph.; Bradley A. Miller, Ph.T.R.; L. Suzan Kedron; Charles Wetherbee; and Phyllis 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; Caroline Hotchkiss, Assistant General Counsel; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Tyler Vance, Staff Attorney; Stacy Martyak, Staff Attorney; Lance Brenton, Staff Attorney; and Becky Damon, Executive Assistant.

Also present were Pharmacist Intern Thuy Bui and Legal Intern Jessica Lance.

A. Announcements

- President Waggener made general announcements.
- Announcements were made concerning Board Members and staff.

¹See agenda and corresponding attachments for supporting materials.

- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

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 Executive Committee Meeting held April 29, 2014; the minutes of the Board Business Meeting held May 6, 2014; the minutes of two Open Meetings held July 2, 2014, the first concerning a possible new class of pharmacy located in a physician's office, and the second concerning physician ownership interests of pharmacies; the minutes of an Open Meeting held July 7, 2014, concerning hospital bed size; the minutes of a Temporary Suspension Hearing held May 12, 2014, concerning A & I Pharmacy, LLC; and the minutes of a Temporary Suspension Hearing held on July 11, 2014, concerning Megs Discount Pharmacy and Susan Jenevive Megwa, 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 Pharmacies Compounding Sterile Preparations (§291.133) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §291.133 during its May 6, 2014, meeting. The proposed amendments were published in the June 13, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.133 and explained that the amendments clarify the training requirements for pharmacy technicians in ASHP accredited programs.

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 §291.133. The motion was seconded by Ms. Stine and passed unanimously.

- Rules Concerning Advanced Practice Registered Nurses (§§291.31 and 291.34) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §§291.31 and 291.34 during its May 6, 2014, meeting. The proposed amendments were published in the June 13, 2014, issue of the *Texas Register*, and comments were received from the Coalition for Nurses in Advanced Practice.

Ms. Benz directed the Board's attention to amendments to §§291.31 and 291.34 and explained that the amendments implement the provisions of Senate Bill 406 passed by the 83rd Texas Legislature. The amendments updated the reference to advanced practice registered nurses and eliminate the reference to "carry out" an order.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Wetherbee to approve for adoption, by Board Order, amendments to §§291.31 and 291.34, as revised. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Personnel (§291.32) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §291.32 during its May 6, 2014, meeting. The proposed amendments were published in the June 13, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.32 and explained that the amendments clarify the requirements for dispensing a prescription are the same for a pharmacist and for an intern; and clarify that the dispensing process includes the transfer of a prescription.

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, amendments to §291.32. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Substitution of Dosage Form (§291.33) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §291.33 during its May 6, 2014, meeting. The proposed amendments were published in the June 13, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.33 and explained that the amendments implement the provisions of Senate Bill 869 passed by the 83rd Texas Legislature. The amendments eliminate the requirement for the pharmacist to notify the prescriber of a substitution of dosage form.

Following discussion and review of the Preamble and Order Adopting Rule, the motion was made by Mr. Abeltd to approve for adoption, by Board Order, amendments to §291.33. The motion was seconded by Mr. Fry and passed unanimously.

- Rules Concerning Labeling and Compounding of Sterile Preparations (§§291.76 and 291.151) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §§291.76 and 291.151 during its May 6, 2014, meeting. The proposed amendments were published in the June 13, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§291.76 and 291.151 and explained that the amendments clarify the labeling requirements for medications provided by ASC pharmacies and Class F pharmacies; and remove references to sterile compounding since this is no longer applicable for these classes of pharmacy.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Wetherbee to approve for adoption, by Board Order, amendments to §§291.76 and 292.151, with revisions. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning License Fees (§§291.6, 295.5 and 297.4) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §§291.6, 295.5 and 297.4 during its May 6, 2014, meeting. The proposed amendments were published in the June 13, 2014, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§291.6, 295.5 and 297.4 and explained that the amendments will decrease pharmacy and pharmacist license fees and pharmacy technician registration fees based on expected expenses.

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 §§291.6, 295.5 and 297.4. The motion was seconded by Ms. Mendoza and passed unanimously.

Proposal of Rules

- Rules Concerning Patient Counseling (§§291.31 and 291.33) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning patient counseling. She explained the amendments update the definition of a new prescription drug order; update the patient counseling requirements allowing written information about a medication to be provided to patients electronically; eliminate the requirement that the pharmacy have a patient prescription drug information reference text or leaflets available for patients; eliminate the requirements that a patient is

offered information about refilled prescriptions; and eliminate the sign regarding the availability of a pharmacist to ask questions.

Following discussion, the motion was made by Ms. Tipton to approve for proposal amendments to §§291.31 and 291.33, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Transfer of Prescriptions (§291.34) (Tab 09)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the transfer of prescriptions. She explained the amendments update the prescription transfer requirements to be consistent with DEA regulations; clarify the requirements for bulk transfers; and clarify the information that must be transferred for compounded preparations.

Following discussion, the motion was made by Mr. Wiesner to approve for proposal amendments to §291.34, as presented. The motion was seconded by Mr. Wetherbee and passed unanimously.

- Rules Concerning Nuclear Pharmacy (§§291.52, 291.53 and 291.54) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning nuclear pharmacy. She explained the amendments update the definitions; require nuclear pharmacies to be inspected prior to renewal; and clarify the requirements for compounding non-sterile radiopharmaceuticals.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §§291.52, 291.53 and 291.54, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Automated Emergency Medication Kits (§291.121) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning automated emergency medication kits. She explained the amendments clarify the requirements for emergency kits using automated systems and bar-code type technology.

Following discussion, the motion was made by Mr. Wetherbee to approve for proposal amendments to §291.121, with revisions. The motion was seconded by Ms. Stine and passed unanimously.

- Rules Concerning Nuclear Pharmacies Compounding Sterile Preparations (§291.133) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning nuclear pharmacies compounding sterile preparations. She explained the amendments clarify that this section applies to Class B pharmacies preparing non-radioactive sterile preparations.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.133, as presented. The motion was seconded by Ms. Mendoza.

Rule Review

- For Adoption

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 13)

- Chapter 281 Concerning Administrative Practices and Procedures (§§281.1-281.13, 281.15, 281.17-281.23, 281.30-281.34, 281.60-281.68) (Tab 14)
- Chapter 311 Concerning Code of Conduct (§§311.1-311.2) (Tab 15)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Fry to approve for adoption, the review of Chapter 281 (§§281.1-281.13, 281.15, 281.17-281.23, 281.30-281.34, 281.60-281.68); and Chapter 311 (§§311.1-311.2).

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

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

- Financial Update
 - Review of FY2014 Operating Budget (Tab 16)

Ms. Stella reviewed the expenditures for the first three quarters of FY2014 (September 1, 2013, through May 31, 2014) for the Board.

- Review of Board Member Travel Budget (Tab 17)

Ms. Stella reviewed the Board Member FY2014 Travel Budget.

- Review and Approval of FY2015 Operating Budget (Tab 18)

Ms. Stella directed the Board's attention to a proposed operating budget for FY2015. She reviewed the budget, including Board Member travel.

Following discussion, the motion was made by Mr. Wetherbee to approve the FY2015 operating budget, as presented. The motion was seconded by Mr. Dembny and pass unanimously.

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

Ms. Stella directed the Board's attention to the Exceptional Item Request for the FY2016-2017 Legislative Appropriations Request (LAR) and the Administrator's Statement for the 84th Regular Session of the Legislature.

President Waggener recessed the meeting at 10:25 a.m.

President Waggener reconvened the meeting at 10:40 a.m.

- Report on Open Meeting Concerning a New Class of Pharmacy Located in a Physician's Office with Limited Dispensing (Tab 29)

The president recognized the following persons who presented oral remarks to the Board concerning a new class of pharmacy located in a physician's office with limited dispensing.

Bob Broadus, R.Ph. - Allergen
Rene Garza, Pharm.D. - Alliance of Independent Pharmacist of Texas
Analea Patterson – Valeant
Bill Morgan, R.Ph.
Chris Alvarado, R.Ph.
Lucinda Van England, R.Ph. - Healix

Written comments were received from:

Senator Charles Schwertner, M.D., R.Ph.
Representative John Zerwas, M.D.
Representative J.D. Sheffield, D.O.
Texas Legislative Black Caucus
Caroline Ngo, Pharm.D.
Tuan Ta, R.Ph.
Kristin Coffey, R.Ph.
Sunni Smart, R.Ph.
Don Chabala, R.Ph.

Opinya Ekabo, R.Ph.
Bryan Pha, R.Ph.
Xuan Chu, R.Ph.
Bang Nguyen, R.Ph.
Lien Phan, R.Ph.
Rodney L. Baty, R.Ph.
Treasure Pharmacy Inc.
Gloria Cox, R.Ph.
Michael H. Smith, R.Ph.
Gabriela Rodriguez, Technician
Shah Sheith, Pharm.D.
Una J. Lawson, Technician
Muna Al-Dahan, R.Ph.
Kesha L. Harris, R.Ph.
Wilford Stephen, R.Ph.

Following discussion, the motion was made by Mr. Wetherbee to direct staff to draft suggested amendments to rules to establish a new class of pharmacy located in a physician's office with limited dispensing. The motion was seconded by Mr. Miller. The motion passed 6-4-0, with Mr. Wiesner, Ms. Stine, Ms. Tipton, Mr. Miller, Mr. Wetherbee; and Ms. Kedron, in favor; and Mr. Abeldt, Mr. Fry, Ms. Mendoza, and Mr. Dembny opposed.

President Waggener recessed the meeting at 11:40 a.m.

President Waggener reconvened the meeting at 12:48 p.m.

- Review and approval of *TSBP FY2013 Annual Report* (Tab 23)

Ms. Dodson directed the Board's attention to a draft of the *TSBP FY2013 Annual Report*. She reviewed the agency's significant accomplishments in FY2013 for the Board.

- Review and approval of *TSBP FY2015 Goals and Objectives* (Tab 24)

Ms. Dodson presented the *TSBP FY2015 Goals and Objectives* and explained the new objectives.

Following review of the *TSBP FY2013 Annual Report* and the *TSBP FY2015 Goals and Objective*, the motion was made by Mr. Fry to approve, as presented, the *TSBP FY2013 Annual Report* and the *TSBP FY2015 Goals and Objectives*. The motion was seconded by Ms. Kedron and passed unanimously.

- Report on Open Meeting Concerning Electronic Supervision of Pharmacy Technicians in a Class C Pharmacy in a Facility with 101 Beds or More and Possible Rule Amendments to §291.72 (Tab 28)

Ms. Benz presented a report on the Open Meeting held July 7, 2014, concerning hospital bed size. She explained that currently a hospital's bed size is defined as the number of licensed beds.

The president recognized the following persons who presented oral remarks to the Board regarding hospital bed size:

Pat Garrett, R.Ph. - Seton Healthcare
Emily Alexander, R.Ph. – Envision Telepharmacy

Ms. Dodson directed the Board's attention to suggested amendments to rule language concerning hospital bed size. She explained the suggested amendments update the definition of number of beds.

Following discussion, the motion was made by Mr. Wetherbee to approve for proposal amendments to §291.72, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Professional Recovery Network
 - The president recognized Emily Abel with the Professional Recovery Network (PRN). Ms. Abel directed the Board's attention to the PRN budget report for the first three quarters of FY2014 (September 1, 2013, through May 31, 2014) and reviewed current PRN activities for the Board. (Tab 21)
 - The president recognized Joe DaSilva, Chief Executive Officer, of the Texas Pharmacy Association. Mr. DaSilva presented the Audited Statement of Activities for the PRN program year which ended August 31, 2013. (Tab 22)
 - Dr. Holder discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2011-2013) as well as the quarterly report on the number of pharmacists participating in the program during FY2014. (Tab 20)
- 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. Fry 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. Stine and passed unanimously.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 26)

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

- Report on Shared Regulatory Data Base Project and Update on TSBP Website (Tab 27)

Ms. Dodson presented the Board a demonstration on how the newly designed TSBP website looked and functioned. She explained the conversion to the new website design and the new website address is scheduled for September 1, 2014.

- Report on Open Meeting Concerning Physician Ownership of Pharmacies (Tab 30)

Ms. Dodson reported on the Open Meeting held July 2, 2014, concerning physician ownership of pharmacies. She explained that there are no laws or regulations that prohibit a physician owning a pharmacy.

- Discussion Concerning Pharmacies Operating Without a Pharmacist-in-Charge (Tab 31)

Ms. Fisher reported that following the May Board Meeting she has begun receiving and reviewing reports on pharmacies which have no Pharmacist-in-Charge (PIC) listed. She is contacting these pharmacies to determine if the pharmacy failed to report a change of PIC or if the pharmacy is operating without a PIC. Inspections are being conducted as needed. She has determined that many of these pharmacies have closed without notifying the Board.

Ms. Fisher reported that a Warning Notice is issued to the pharmacy whenever an inspector discovers a pharmacy operating without a PIC. She explained that the Licensing Division will report to the Enforcement Division anytime they receive a report of an outgoing PIC but no corresponding incoming PIC.

- Discussion Concerning the Inspection of Pharmacies Compounding Sterile Preparations and Training of Staff (Tab 32)

Dr. Holder reported that eleven members of the TSBP staff have attended a two and a half day training program at CriticalPoint in Denver, Colorado. He explained this training prepares the TSBP inspectors to conduct inspections of pharmacies that compound sterile preparations. He explained that the remainder of the TSBP inspectors are scheduled to attend this training in September.

The president recognized the following persons who presented oral remarks to the Board concerning pharmacies compounding sterile preparations:

Terry Baughman, - Community Health System.
Lucinda Van England - Healix

Ms. Fisher reported that staff was reviewing rule language concerning pharmacies compounding sterile preparations and a draft of suggested amendments to rule language would be brought to the Board at its November meeting.

President Waggener recessed the meeting at 2:25 p.m.

President Waggener reconvened the meeting at 2:37 p.m.

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

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.

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

Ms. Dodson presented three reports concerning possible statutory changes for consideration during the 84th Session of the Texas Legislature.

The first report contained recommendations from the Task Force on Pharmacy Technicians.

The second report contained recommendations for legislative action during the 2013 Session of the Legislature that did not pass.

The third report contained recommendations for legislative action during the 2015 Session of the Legislature.

After reviewing and discussing the three reports the Board:

- (1) Took no action on the recommendations from the Task Force on Pharmacy Technicians.
- (2) Directed staff to work with the associations on the first nine items in the report containing legislative action that did not pass during the 2013 Session and on the new suggestions for law changes during the 2015 Session.

Mr. Wiesner left the meeting at 2:50 p.m.

F. Disciplinary Orders

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

- Consideration of Proposals for Decision (Tab 35)
 - No Proposals for Decision were presented.
- Report on Agreed Board Orders Entered by Executive Director (Tab 36)
 - The Board reviewed 41 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from May 8, 2014, through July 25, 2014.
 - The Board reviewed 14 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 May 9, 2014, through August 4, 2014.
- 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: 35 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 19 proposed Default Board Orders concerning

pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

Agreed Board Orders

1. Joshua Wayne Cardenas ABO #T-13-252
2. Vilma Ruth Diaz ABO #T-14-075-N
3. Michele Duchene ABO #T-13-282-N
4. Jaymie Michele Edwards ABO #T-14-059
5. Candace Marie Gonzalez ABO #T-14-034
6. Richard Horta ABO #T-13-244-N
7. Tyler Murray ABO #T-13-424-N
8. Jasmine Nicole Perez ABO #T-13-390
9. Yvette Monique Rocha ABO #T-14-098
10. Eimen Hamid Salem ABO #T-13-419
11. Marc Maxwell Smith ABO #T-13-361
12. Danielle Elizabeth Varner ABO #T-13-444
13. Christi Williams ABO #T-13-434-N
14. Melissa Aguilar ABO #T-14-112
15. Alex Bernard ABO #T-13-339
16. James Nicholas Campos ABO #T-14-088
17. Shane Fleming Duke ABO #T-13-398
18. Ivan Garcia ABO #T-13-451-N
19. Marsha Leann Guess ABO #T-14-047
20. Michael David Lewis, Jr. ABO #T-13-440
21. William Cody Querner ABO #T-13-480
22. Jacob Dominic Quintero ABO #T-14-024
23. Bvladimir Rodriguez ABO #T-14-084-N
24. Oranda Ross ABO #T-14-133
25. Rosario Blanco ABO #T-13-491
26. Lynette Harris Dunn ABO #T-14-187-N
27. Kristine Khachatryan ABO #T-14-183
28. Valerie King ABO #T-14-092
29. Bobby Joe McCauley ABO #T-14-156-N
30. Jacob Onyango Otieno ABO #T-14-196
31. Khanh Pham ABO #T-14-197
32. Constantino Andrugá Rosour ABO #T-14-172
33. Regida Shantel Ross ABO #T-13-443
34. Jason Ryan Swayden ABO #T-14-099
35. Amy Young ABO #T-14-247

Default Board Orders

36. Epsteine Defrance Henry ABO #T-13-392
37. Andres Wilfredo Alvarez ABO #T-12-599
38. Brandon Anzaldúa ABO #T-13-453
39. Rachelle Yvete Barnes ABO #T-13-442
40. James Charles Cooper ABO #T-13-421
41. Jennifer Barbabra Kloesel ABO #T-14-073

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| 42. | Brittany Owens | ABO #T-13-454 |
| 43. | Esaid Ramirez | ABO #T-13-439-N |
| 44. | Lisa Michelle Rodriguez | ABO #T-14-020 |
| 45. | Gregory Travis Ulmer | ABO #T-13-409 |
| 46. | Katrice Annette Williams | ABO #T-13-389 |
| 47. | Tiffany Campbell | ABO #T-14-033 |
| 48. | Janice Lee Corona | ABO #T-14-131 |
| 49. | Luke Bennett Dees | ABO #T-14-168 |
| 50. | Arthur Masso | ABO #T-13-455 |
| 51. | Jerry Glen Smith | ABO #T-14-109 |
| 52. | Jordan Lace Wicker | ABO #T-13-416 |
| 53. | Shawana Elaine Bennings | ABO #T-14-175 |
| 54. | Joel Bernal | ABO #T-14-071 |

The motion was made by Mr. Wetherbee to approve the 35 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 19 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. Dembny and passed as follows.

Agreed Board Orders

1. 8-0-1 Ms. Stine abstained
2. 8-0-1 Ms. Stine abstained
3. 8-0-1 Ms. Stine abstained
4. 8-0-1 Ms. Stine abstained
5. 8-0-1 Ms. Stine abstained
6. 8-0-1 Ms. Stine abstained
7. 8-0-1 Ms. Stine abstained
8. 8-0-1 Ms. Stine abstained
9. 8-0-1 Ms. Stine abstained
10. 8-0-1 Ms. Stine abstained
11. 8-0-1 Ms. Stine abstained
12. 8-0-1 Ms. Stine abstained
13. 8-0-1 Ms. Stine abstained
14. 8-0-1 Ms. Mendoza abstained
15. 8-0-1 Ms. Mendoza abstained
16. 8-0-1 Ms. Mendoza abstained
17. 8-0-1 Ms. Mendoza abstained
18. 8-0-1 Ms. Mendoza abstained
19. 8-0-1 Ms. Mendoza abstained
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 Ms. Mendoza abstained

24. 8-0-1 Ms. Mendoza abstained
25. 8-0-1 Ms. Kedron abstained
26. 8-0-1 Ms. Kedron abstained
27. 8-0-1 Ms. Kedron abstained
28. 8-0-1 Ms. Kedron abstained
29. 8-0-1 Ms. Kedron abstained
30. 8-0-1 Ms. Kedron abstained
31. 8-0-1 Ms. Kedron abstained
32. 8-0-1 Ms. Kedron abstained
33. 8-0-1 Ms. Kedron abstained
34. 8-0-1 Ms. Kedron abstained
35. 8-0-1 Ms. Kedron abstained

Default Board Orders

36. 8-0-1 Mr. Fry abstained
37. 8-0-1 Ms. Stine abstained
38. 8-0-1 Ms. Stine abstained
39. 8-0-1 Ms. Stine abstained
40. 8-0-1 Ms. Stine abstained
41. 8-0-1 Ms. Stine abstained
42. 8-0-1 Ms. Stine abstained
43. 8-0-1 Ms. Stine abstained
44. 8-0-1 Ms. Stine abstained
45. 8-0-1 Ms. Stine abstained
46. 8-0-1 Ms. Stine abstained
47. 8-0-1 Ms. Mendoza abstained
48. 8-0-1 Ms. Mendoza abstained
49. 8-0-1 Ms. Mendoza abstained
50. 8-0-1 Ms. Mendoza abstained
51. 8-0-1 Ms. Mendoza abstained
52. 8-0-1 Ms. Mendoza abstained
53. 8-0-1 Ms. Kedron abstained
54. 8-0-1 Ms. Kedron abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 21 proposed Agreed Board Orders (Alternative Resolutions); 31 proposed Agreed Board Orders concerning pharmacies; pharmacists and one technicians, following an Informal Conference; and two proposed Default Board Orders concerning two pharmacists who did not appear for an Informal Conference.

Agreed Board Orders (Alternative Resolutions)

1. Brookshire Bros. Pharmacy ABO #H-13-068-B
2. Ronald Dell Malick ABO #H-13-068-A
3. CVS/pharmacy #3292 ABO #H-13-011-B
4. Urmila Amit Patel ABO #H-13-011-A

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| 5. | CVS/pharmacy #5380 | ABO #H-13-048-A |
| 6. | Elaine Chen | ABO #H-13-048-A |
| 7. | CVS/pharmacy #6961 | ABO #H-13-002-B |
| 8. | Stephen M. Bulgerin | ABO #H-13-002-A |
| 9. | CVS/pharmacy #7808 | ABO #H-13-058 |
| 10. | CVS/pharmacy #7826 | ABO #H-14-011-B |
| 11. | Leon Inge | ABO #H-14-011-A |
| 12. | Gus's Drug Store | ABO #H-12-066-B |
| 13. | Chinwendu Racheal Mbonu | ABO #H-14-009-A |
| 14. | Peter Melek | ABO #H-14-017-A |
| 15. | Cindy Trinh Nguyen | ABO #H-14-003-A |
| 16. | Nohemi Pham | ABO #H-13-062-A |
| 17. | Walgreen Co. #4054 | ABO #H-13-040-B |
| 18. | Lavanya Jella | ABO #H-13-040-A |
| 19. | Walgreen Co. #7187 | ABO #H-14-007 |
| 20. | Walgreen Co. #11514 | ABO #H-13-055-B |
| 21. | Stephanie Kim Duong | ABO #H-13-055-A |

Agreed Board Orders (Following an Informal Conference)

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| 22. | Charles Joseph Anselmo | ABO #R-14-002 |
| 23. | Brookshire Pharmacy #89 | ABO #H-13-036-B |
| 24. | Cynthia Coe Yelverton | ABO #H-13-036-A |
| 25. | Buda Drug Store | ABO #H-13-066-B |
| 26. | Tammy Baucum Gray | ABO #H-13-066-A |
| 27. | CVS/pharmacy #2976 | ABO #J-12-020-B |
| 28. | CVS/pharmacy #5962 | ABO #H-12-056-B |
| 29. | CVS/pharmacy #6650 | ABO #H-13-024-B |
| 30. | Atula V. Patel | ABO #H-13-024-A |
| 31. | CVS/pharmacy #7416 | ABO #H-12-080-B |
| 32. | Beccy Nneoma Ndukwe | ABO #H-12-080-A |
| 33. | CVS/pharmacy #7672 | ABO #B-13-003-B |
| 34. | CVS/pharmacy #7832 | ABO #H-14-017-B |
| 35. | Krista M. Cenova | ABO #H-14-031 |
| 36. | Dads Pharmacy | ABO #C-13-007-B |
| 37. | Benito Muniz Jr. | ABO #C-13-007-A |
| 38. | Elijio Vela Jr. | ABO #T-14-031 |
| 39. | Denton Prescription Shop | ABO #K-13-028-B |
| 40. | Richard Earl Appling II | ABO #K-13-028-A |
| 41. | Steven Metz | ABO #L-14-015 |
| 42. | Charles Jude Mitchell | ABO #E-12-002 |
| 43. | Joseph Ray Moss | ABO #E-13-008 |
| 44. | Oluchi E. Ohanaka | ABO #F-12-042 |
| 45. | Pharmnet Prescription Services | ABO #B-12-024-B |
| 46. | Steven J. Brubaker | ABO #B-12-024-A |
| 47. | Brynn Searles | ABO #L-14-017 |
| 48. | Karen Mai Tran | ABO #E-14-002 |
| 49. | Tammi Sue Tucker | ABO #H-13-056-A |

50. Wal-Mart Pharmacy #10-131 ABO #B-13-007

Default Orders

51. Narendra Cheraku ABO #E-14-004
52. Chamoun Hazim ABO #H-12-056-A

The motion was made by Mr. Fry to approve the 21 proposed Agreed Board Orders (Alternative Resolutions); 31 proposed Agreed Board Orders concerning pharmacies, pharmacist and one technician, following an Informal Conference; and two proposed Default Board Orders concerning two pharmacist who did not appear for an Informal Conference.

The motion was seconded by Mr. 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. 6-0-0
16. 9-0-0
17. 9-0-0
18. 9-0-0
19. 9-0-0
20. 9-0-0
21. 9-0-0

Agreed Board Orders (Following an Informal Conference)

22. 8-0-1 Ms. Mendoza abstained
23. 8-0-1 Ms. Mendoza abstained
24. 8-0-1 Ms. Mendoza abstained
25. 8-0-1 Ms. Mendoza abstained
26. 8-0-1 Ms. Mendoza abstained
27. 8-0-1 Ms. Mendoza abstained
28. 8-0-1 Ms. Mendoza abstained
29. 8-0-1 Mr. Abeldt abstained
30. 8-0-1 Mr. Abeldt abstained

31. 8-0-1 Ms. Mendoza abstained
32. 8-0-1 Ms. Mendoza abstained
33. 8-0-1 Mr. Abeldt abstained
34. 8-0-1 Mr. Abeldt abstained
35. 8-0-1 Mr. Abeldt abstained
36. 8-0-1 Ms. Mendoza abstained
37. 8-0-1 Ms. Mendoza abstained
38. 8-0-1 Ms. Mendoza abstained
39. 8-0-1 Ms. Mendoza abstained
40. 8-0-1 Ms. Mendoza abstained
41. 8-0-1 Ms. Kedron abstained
42. 8-0-1 Ms. Tipton abstained
43. 8-0-1 Mr. Abeldt abstained
44. 8-0-1 Mr. Abeldt abstained
45. 8-0-1 Mr. Abeldt abstained
46. 8-0-1 Mr. Abeldt abstained
47. 8-0-1 Mr. Abeldt abstained
48. 8-0-1 Ms. Mendoza abstained
49. 8-0-1 Ms. Kedron abstained
50. 8-0-1 Mr. Abeldt abstained

Default Orders

51. 8-0-1 Ms. Mendoza abstained
52. 8-0-1 Ms. Mendoza abstained

- The Board reviewed the alleged violations and the Temporary Suspension Orders entered following Temporary Suspension Hearings concerning two pharmacies and a pharmacist.

1. A & I Pharmacy, LLC BO #J-14-004-BS2
2. Megs Discount Pharmacy BO #A-13-056-BS1
3. Susan Jenevive Megwa BO #A-13-056-AS1

- Confidential Agreed Board Orders (Tab 38)

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); eight proposed Confidential Agreed Board Orders following an Informal Conference; and two proposed Default Board Orders, concerning pharmacists, who did not appear for an Informal Conference.

Agreed Board Order (Alternative Resolution)

1. ABO #N-14-024
2. ABO #N-14-022
3. ABO #N-14-025

Agreed Board Orders (Following an Informal Conference)

4. ABO #R-13-006
5. ABO #N-14-018
6. ABO #N-14-027
7. ABO #N-14-026
8. ABO #G-13-015
9. ABO #N-14-020
10. ABO #N-14-023

Default Board Order

11. ABO #N-14-008
12. ABO #N-14-005

The motion was made by Mr. Wetherbee to approve the three proposed Confidential Agreed Board Orders (Alternative Resolution); eight proposed Confidential Agreed Board Orders following an Informal Conference; and two proposed Default Board Orders concerning pharmacists 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

Agreed Board Orders (Following an Informal Conference)

4. 8-0-1 Mr. Abeldt abstained
5. 8-0-1 Ms. Mendoza abstained
6. 8-0-1 Ms. Kedron abstained
7. 8-0-1 Ms. Kedron abstained
8. 8-0-1 Mr. Abeldt abstained
9. 8-0-1 Ms. Mendoza abstained
10. 8-0-1 Ms. Mendoza abstained

Default Board Orders

11. 8-0-1 Mr. Abeldt abstained
12. 8-0-1 Ms. Mendoza abstained

- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 37) (cont'd)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for the following proposed Remedial Plan, following an Informal Conference.

1. Van Tuong Nguyen

H-13-033-A

The motion was made by Mr. Wetherbee to approve the proposed Remedial Plan following an Informal Conference.

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

1. 8-0-1 Mr. Abeldt abstained

Following discussion the Board decided that respondents who meet the criteria for resolution of a complaint with a Remedial Plan will be offered the opportunity to either attend an Informal Conference to resolve the complaint or they may enter into the Remedial Plan without an Informal Conference.

F. 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 during the first three quarters of FY2014 (September 1, 2013 – May 31, 2014). The report also included quarterly averages for FY2013 as compared to FY2014, as well as percentage change from FY2013 to FY2014. 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 November Board Meeting (Tab 41)
 - Rules Concerning Class C Pharmacies
 - Rules Concerning a New Class of Pharmacy Located in a Physician's Office with Limited Dispensing
- Discussion of and Possible Action on Recent Conferences and Events

The Board discussed Board Member and Executive Director attendance at 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 matter under the authority of the Texas Government Code, Section 551.074. The motion was seconded by Ms. Mendoza and passed unanimously.

President Waggener declared the Board in Executive Session at 4:09 p.m.

At 4:26 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 4:43 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

November 4, 2014