



TEXAS STATE BOARD OF PHARMACY

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

February 7, 2017

MINUTES¹

Tuesday, February 7, 2017

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:10 a.m. Other Board Members present were Vice President Christopher M. Dembny, R.Ph.; Treasurer Alice G. Mendoza, R.Ph.; Dennis F. Wiesner, R.Ph.; L. Suzan Kedron; Buford T. Abeldt, Sr., R.Ph.; Bradley A. Miller, Ph.T.R.; Chip Thornsburg; and Jenny Downing Yoakum, R.Ph.

Board Members Suzette Tijerina, R.Ph., and Phyllis A. Stine were 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; Caroline Hotchkiss, Assistant General Counsel; Ben Santana, R.Ph., Chief of Compliance; Megan Holloway, Staff Attorney; Mary Martha Murphy, Staff Attorney; Jessica Lance, Staff Attorney; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Meskerem Dugnathehew.

¹See agenda and corresponding attachments for supporting materials.

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.

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

Following discussion, the motion was made by Mr. Dembny to approve the minutes of the Board Business Meeting held November 1, 2016, and the minutes of a Temporary Suspension Hearing concerning Korner Pharmacy, and Charlie Bellinger Bethea, R.Ph., held January 20, 2017, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Labeling Requirements (§291.93) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §291.93 during its November 1, 2016, meeting. The proposed amendments were published in the December 30, 2016, issue of the *Texas Register*, and comments were received from the Coalition for Nurses in Advanced Practice (CNAP).

Ms. Benz directed the Board's attention to amendments to §291.93 and explained that the amendments update the rules for Class D pharmacies to be consistent with other sections; and clarify the labeling requirements to allow an auxiliary label to be used for adding certain information to the prescription label.

Following discussion of the comments received from CNAP the Board directed staff to bring back suggested amendments to rule language for the Board's consideration at its May meeting.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Abeldt to approve for adoption, by Board Order, amendments to §291.93, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Licensing Requirements for Class E-S Pharmacies (§291.106) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.106 during its November 1, 2016, meeting. The proposed amendments were published in the December 30, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the amendments and explained the amendments to §291.106 specify that a Class E-S pharmacy may not renew a pharmacy license unless the pharmacy has been inspected by the board or its designee within the last two year renewal cycle to be consistent with other sections.

President Waggener recognized Al Carter with CVS Health. Mr. Carter asked how Class E-S pharmacies can determine if an inspector is TSBP approved. Ms. Arnold explained there is link on the TSBP website which reflects the names of the approved vendors and inspectors.

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

- Rules Concerning Pharmacy Technician Registration Requirements (§297.3) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §297.3 during its November 1, 2016, meeting. The proposed amendments were published in the December 30, 2016, issue of the *Texas Register*, and comments were received from the National Association of Chain Drug Stores (NACDS) and the Texas Society of Health-System Pharmacists (TSHP).

Ms. Benz directed the Board's attention to amendments to §297.3 and explained that the amendments clarify the examination requirements for pharmacy technicians.

President Waggener recognized Jeff Wagner, with TSHP, who stated that as discussed at the Task Force on Pharmacy Technician Qualifications and Duties, the Board should require all exams be equal in scope.

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

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

- Decision on Recommendations for the Pharmacy Technician Certification Testing Request for Qualifications (Tab 21)

Ms. Dodson reported that the Board's Executive Committee held a meeting to review the evaluations received from two independent psychometricians contracted by the Board regarding the bid proposal submitted in response to a Request for Qualifications (RFQ) posted in December 2016, concerning pharmacy technician certification testing.

Ms. Dodson presented a letter received from Senator Juan Hinojosa regarding this matter.

Ms. Stella directed the Board's attention to information concerning the evaluation of the bid received from the National Healthcareer Association (NHA). She explained that NHA administers the Certification of Pharmacy Technicians (ExCPT) exam and their bid was the only bid submitted in response to the RFQ.

Ms. Dodson explained that TSBP currently has a contract with the Pharmacy Technician Certification Board (PTCB) to accept their certification exam. The contract is valid until August 2017, and can be extended until August 2018. She explained that the Board's approval of the ExCPT exam would provide technicians a choice of certification exams.

The motion was made by Mr. Dembny that the Board go into Executive Session, under the authority of Texas Occupations Code 551.074, to consult with counsel. The motion was seconded by Ms. Mendoza and passed unanimously.

President Waggener declared the Board in Executive session at 9:33 a.m.

At 9:50 a.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.

Following discussion and review of the evaluation, the motion was made by Mr. Thornsburg to approve the NHA bid and accept the ExCPT exam as a Board approved exam. The motion was seconded by Mr. Dembny.

In order to allow sufficient time for staff to implement procedures, the effective date for applicants to use the ExCPT examination for registration will be September 1, 2017. However, depending on staff resources, the date for use of the ExCPT examination could be as early as May 2017.

President Waggener recognized Mike Johnston with the National Pharmacy Technician Association (NPTA); Miriam Smith with the Pharmacy Technician Certification Board (PTCB); Lyndsey McDonald with NHA; and Lisa McCartney with the Austin Community College, who presented comments to the Board

Following discussion the board voted unanimously to approve the motion.

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

Proposal of Rules

- Rules Concerning the Definition of Discipline Authorized (§281.61) (Tab 05)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the definition of discipline authorized. She explained the amendments to §281.61 update the definition of probation and revocation.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §281.61, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Notification (§291.3) (Tab 06)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning notification requirements. She explained the amendments to §291.3 update the requirements for a change of name for a pharmacy; update the notification requirements for internet sites verified by NABP; add a requirement for pharmacies and pharmacists to report disciplinary action by another state to TSBP as required by §562.106 of the Act; and clarify requirements to be consistent with other sections of the rules.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal amendments to §291.3, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning the Definition of Full-Time Pharmacist (§291.52) (Tab 07)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning a full-time pharmacist. She explained the amendments add the definition of a full-time pharmacist to the Nuclear (Class B) pharmacy rules.

Following discussion, the motion was made by Mr. Dembny to approve for proposal the amendments to §291.52, with recommended changes. The motion was seconded by Ms. Yoakum and pass unanimously.

- Rules Concerning Earliest Fill Date for Schedule II Prescriptions (§315.3) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning Schedule II prescriptions. She explained the amendments clarify the requirements for dispensing Scheduled II prescriptions when issued as a multiple set.

Following discussion, the motion was made by Mr. Abeldt to approve for proposal the amendments to §315.3, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

Rule Review

- For Adoption

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 09)

- Chapter 297 Concerning Pharmacy Technicians (§§297.1-297.10) (Tab 10)
- Chapter 291 Concerning Pharmacies (Services Provided by Pharmacies) (§§291.120-291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133) (Tab 11)
- Chapter 291 Concerning Pharmacies (Other Classes of Pharmacy) (§§291.151, 291.153, 291.155) (Tab 12)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Ms. Yoakum to approve for adoption as presented, the review of Chapter 297 (§§297.1-297.10) Chapter 291 (§§291.120-291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133); and Chapter 291 (§§291.151, 291.153, 291.155). The motion was seconded by Mr. Miller and passed unanimously.

President Waggener recessed the meeting at 10:37 a.m.

President Waggener reconvened the meeting at 10:50 a.m.

F. Disciplinary Orders

- Consideration of Proposal for Decision
 - In the Matter of Lifechek Drug #52, Pharmacy License #28438 (Tab 24)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Hunter Burkhalter, on November 15, 2016, in the matter of Lifechek Drug #52.

Ms. Arnold introduced Judge Burkhalter, who advised the Board that he was in attendance to answer questions from the Board.

Ms. Holloway reviewed the background in the case for the Board. She directed the Board's attention to three versions of proposed Board Order #K-16-009-B and reviewed the options available for the Board.

President Waggener recognized Bruce Gingrich, the owner and managing officer of the Lifechek chain of drug stores. Mr. Gingrich stated that the Lifechek stores have an overall good compliance history with no prior violations of this type. Mr. Gingrich requested the Board impose the lower proposed fine of \$500.00.

Ms. Yoakum asked Judge Burkhalter how long the technician worked in the pharmacy without a technician registration. Judge Burkhalter stated the evidence indicated she had continued working two to three months after her Technician in Training registration expired.

Following discussion, the motion was made by Ms. Yoakum to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision*, and approve version three of Board Order #K-16-009-B, as presented, in the matter of Lifechek Drug #52, to impose an administrative penalty of \$3,000. 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 Pharmacy Technician Qualifications and Duties (Tab 13)

Ms. Benz reported that the Task Force on Pharmacy Technician Qualifications and Duties held a meeting on November 7, 2016, and directed the Board's attention to recommendations made by the Task Force.

Ms. Benz directed the Board's attention to written comments received from: Lyndsey McDonald, with NHA; Mary Staples, with NACDS; Sharon Ottinger; High School Health Science teachers; and PTCB.

Following review and discussion of the Task Force's recommendations and comments received the Board directed staff to bring back information from the Pharmacy Technician Stakeholder Consensus Conference to be held February 14, 2017, for the Board's review at its May meeting.

- Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs (Tab 14)

Ms. Benz reported that the Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs held a meeting on January 31, 2017, and reviewed current rules. Another meeting is scheduled for March 27, 2017.

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

- Financial Update
 - Review of FY2017 Operating Budget (Tab 15)

Ms. Stella reviewed the expenditures for the first quarter of FY2017 (September 1, 2016 - through November 30, 2016) for the Board.

- Review of Board Member Travel Budget (Tab 16)

Ms. Stella reviewed the Board Member FY2017 Travel Budget.

- Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Tab 17)

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

- Update on Legislative Appropriations Request for FY2018-2019 (Tab 18)

Ms. Stella presented a report comparing the recommendations from the Legislative Budget Board to the House Appropriations and the Senate Finance Committee concerning the Legislative Appropriations Request for FY2018-2019.

- 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 (FY2014-2016) as well as the quarterly report on the number of pharmacists participating in the program during the first quarter of FY2017 (September 1, 2016 – November 30, 2016). (Tab 19)
 - President Waggener recognized Courtney Hulbert with the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for the first quarter of FY2017 (September 1, 2016 – November 30, 2016). Ms. Hulbert reviewed current PRN activities for the Board. (Tab 20)

- Report on Prescription Monitoring Program Implementation (Tab 22)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the first quarter of FY2017 (September 1, 2016 – November 30, 2016); and the minutes of the October 3, 2016, Interagency Work Group meeting.

Ms. Benz reviewed the report concerning the Interagency Prescription Monitoring Work Group that was sent to Greg Abbott, Governor; Dan Patrick, Lt. Governor; and Joe Straus, Speaker of the House.

- Update on Legislation Filed During the 85th Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 23)

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.

President Waggener recessed the meeting at 12:04 p.m.

President Waggener reconvened the meeting at 12:53 p.m.

F. Disciplinary Orders (cont'd)

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

- Report on Agreed Board Orders Entered by Executive Director (Tab 25)
 - The Board reviewed 16 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 November 9, 2016, through January 20, 2017.
 - The Board reviewed 13 Agreed Board Orders concerning pharmacies and pharmacists, that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from December 15, 2016, through February 3, 2017.
 - The Board reviewed two Confidential Agreed Board Orders concerning pharmacists, that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from December 6, 2016, through February 3, 2017.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 26)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 15 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 (Technicians and Technician Trainees)
(Following an Informal Conference)

- | | |
|--------------------------------|-----------------|
| 1. Jon Calvice Landry | ABO #T-16-328 |
| 2. Robert Emil Chase | ABO #T-16-237 |
| 3. Grace Corbett Davila Powell | ABO #T-16-252-N |
| 4. Ashley Nicole Gammage | ABO #T-16-163-N |

- | | |
|---------------------------------------|-----------------|
| 5. Megan Lynn McGee | ABO #T-16-356-N |
| 6. Melissa Angelica Menchaca-Williams | ABO #T-16-266-N |
| 7. Takia Erin Trevino (Martinez) | ABO #T-16-347 |
| 8. Roberta Jo Ann Underwood | ABO #T-16-268 |
| 9. Coty Robin Pritchard | ABO #T-16-279 |
| 10. David Daniels | ABO #T-16-344 |
| 11. Kassie C. Daniels | ABO #T-15-320-N |
| 12. Clevon Leroy Johnson | ABO #T-16-311-N |
| 13. Kendria Shanta Johnson | ABO #T-16-338 |
| 14. Tredena Marcelle Reynolds | ABO #T-16-216 |
| 15. Connie Saldana | ABO #T-16-378 |

Default Board Orders (Technicians and Technician Trainees)

(Did not appear for an Informal Conference)

- | | |
|-----------------------------------|-----------------|
| 16. Jennifer Nicole Fuentes | DBO #T-16-339 |
| 17. David Wayne Lindsey, Jr. | DBO #T-16-139 |
| 18. Andriana N. Sanchez | DBO #T-16-342-N |
| 19. Lindsay Ann Abner | DBO #T-16-345-N |
| 20. Grissel Cuellar | DBO #T-16-287 |
| 21. Jamie Felkner | DBO #T-16-358-N |
| 22. Guillermo Alexander Gonzales | DBO #T-16-370-N |
| 23. Casey Makuaka'aina Kalmbacher | DBO #T-16-363-N |
| 24. Teresa Jasmin Murillo | DBO #T-16-276-N |

The motion was made by Mr. Dembny to approve the 15 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. Yoakum and passed as follows.

Agreed Board Orders (Technicians and Technician Trainees)

(Following an Informal Conference)

1. 7-0-1 Mr. Dembny
2. 7-0-1 Mr. Wiesner abstained
3. 7-0-1 Mr. Wiesner abstained
4. 7-0-1 Mr. Wiesner abstained
5. 7-0-1 Mr. Wiesner 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 Mr. Miller abstained
10. 7-0-1 Ms. Yoakum abstained
11. 7-0-1 Ms. Yoakum abstained
12. 7-0-1 Ms. Yoakum abstained

13. 7-0-1 Ms. Yoakum abstained
14. 7-0-1 Ms. Yoakum abstained
15. 7-0-1 Ms. Yoakum abstained

Default Board Orders (Technicians and Technician Trainees)

(Did not appear for an Informal Conference)

16. 7-0-1 Mr. Wiesner abstained
17. 7-0-1 Mr. Wiesner abstained
18. 7-0-1 Mr. Wiesner abstained
19. 7-0-1 Ms. Yoakum abstained
20. 7-0-1 Ms. Yoakum abstained
21. 7-0-1 Ms. Yoakum abstained
22. 7-0-1 Ms. Yoakum abstained
23. 7-0-1 Ms. Yoakum abstained
24. 7-0-1 Ms. Yoakum 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); two Temporary Suspension Orders concerning one pharmacy and one pharmacist following a Temporary Suspension Hearing; 31 proposed Agreed Board Orders concerning pharmacies; pharmacists; and technicians following an Informal Conference; and three proposed Agreed Board Orders concerning pharmacies following Mediated Settlement Conferences.

Agreed Board Orders (Pharmacies and Pharmacists)

(Alternative Resolutions)

- | | |
|------------------------------|-----------------|
| 1. Advanced Pharmacy, LLC | ABO #F-17-001 |
| 2. Brent Elwood Blair | ABO #K-17-001 |
| 3. Carepoint Pharmacy | ABO #K-16-018 |
| 4. CVS/pharmacy #5858 | ABO #H-16-035-B |
| 5. Empire Specialty Pharmacy | ABO #F-15-037 |
| 6. Christopher Orlando Ford | ABO #F-16-023 |
| 7. Walter Gerard Lloyd | ABO #L-16-045 |
| 8. Aaron Morrow | ABO #K-17-002 |
| 9. Patient Care America | ABO #F-16-018 |
| 10. Shruti Sharma | ABO #F-16-028 |
| 11. John D. Ware Jr. | ABO #K-16-022 |

Temporary Suspension Orders (Pharmacy and Pharmacist)

(Following a Temporary Suspension Conference)

- | | |
|------------------------------|-------------------|
| 12. Korner Pharmacy | TSO #A-17-008-BS1 |
| 13. Charlie Bellinger Bethea | TSO #A-17-008-AS1 |

Agreed Board Orders (Pharmacies, Pharmacists, and Technicians)
(Following an Informal Conference)

- | | |
|---|-----------------|
| 14. Grace Yukmui Chui | ABO #K-16-015 |
| 15. Paul Guy Clark, Jr. | ABO #R-16-006 |
| 16. Lisa Marie Coffelt | ABO #G-16-021 |
| 17. Commcare Pharmacy-FTL | ABO #L-16-038 |
| 18. Sean Michael Dickie | ABO #A-15-039 |
| 19. Fiesta Lifecare Pharmacy 1, LLC | ABO #L-17-006 |
| 20. Fiesta Lifecare Pharmacy 2, LLC | ABO #L-17-007 |
| 21. Fiesta Lifecare Pharmacy 3, LLC | ABO #L-17-008 |
| 22. Fiesta Lifecare Pharmacy 4, LLC | ABO #L-17-009 |
| 23. Fiesta Lifecare Pharmacy 5, LLC | ABO #L-17-010 |
| 24. Fiesta Lifecare Pharmacy 6, LLC | ABO #L-17-011 |
| 25. Harding & Parker Pharmacy | ABO #L-16-054 |
| 26. Lifecare Pharmacy Culebra, LLC | ABO #L-17-012 |
| 27. Lifecare Pharmacy of Dallas | ABO #L-17-001 |
| 28. Qualicare Specialty Pharmacy, LLC | ABO #L-16-053 |
| 29. H.E.B. Pharmacy #639 | ABO #H-16-012-B |
| 30. Shane Kyle Boeker | ABO #T-16-326-N |
| 31. Intrathecal Compounding Specialists | ABO #L-16-039 |
| 32. Brooke Amber Johnson | ABO #H-15-063-A |
| 33. Marium Noor Kabir | ABO #C-15-037-A |
| 34. Medaus Pharmacy | ABO #L-16-020 |
| 35. Norvell Ray Moss | ABO #R-16-005 |
| 36. Yen Thi Ngoc Nguyen | ABO #J-16-009 |
| 37. Adekunle Omoyosi | ABO #E-16-009 |
| 38. Kevin James Rigsby | ABO #H-16-013-A |
| 39. Emmanuel Chima Timothy | ABO #F-16-030 |
| 40. Verde Pharmacy & Medical Supply | ABO #F-16-033-B |
| 41. Osaru Chiamaka Okoro | ABO #F-16-033-A |
| 42. Walgreens #4161 | ABO #C-16-014-B |
| 43. Angela Yvette Lewis | ABO #C-16-014-A |
| 44. Andrea Mandujano | ABO #T-16-244-N |

Agreed Board Orders (Pharmacies, and Pharmacists)
(Following a Mediated Settlement Conference)

- | | |
|---------------------------------|-----------------|
| 45. American Specialty Pharmacy | ABO #B-15-011 |
| 46. CVS/pharmacy #4599 | ABO #H-15-071-B |
| 47. CVS/pharmacy #7151 | ABO #H-15-018-B |

The motion was made by Mr. Dembny to approve the 11 proposed Agreed Board Orders (Alternative Resolutions) concerning pharmacies and pharmacists; 31 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians following an Informal Conference; and three proposed Agreed Board Orders concerning pharmacies following Mediated Settlement Conferences.

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

Agreed Board Orders (Pharmacies & Pharmacists)

(Alternative Resolutions)

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

Agreed Board Orders (Pharmacies; Pharmacists; and Technicians)

(Following an Informal Conference)

14. 7-0-1 Mr. Miller abstained
15. 7-0-1 Mr. Wiesner abstained
16. 7-0-1 Mr. Wiesner abstained
17. 7-0-1 Mr. Miller abstained
18. 7-0-1 Mr. Miller abstained
19. 7-0-1 Mr. Wiesner abstained
20. 7-0-1 Mr. Wiesner abstained
21. 7-0-1 Mr. Wiesner abstained
22. 7-0-1 Mr. Wiesner 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
27. 7-0-1 Mr. Wiesner abstained
28. 7-0-1 Mr. Wiesner abstained
29. 6-0-2 Mr. Wiesner and Mr. Miller abstained
30. 6-0-2 Mr. Wiesner and Mr. Miller abstained
31. 7-0-1 Mr. Miller abstained
32. 7-0-1 Ms. Yoakum abstained
33. 7-0-1 Ms. Yoakum abstained
34. 7-0-1 Mr. Miller abstained
35. 7-0-1 Mr. Wiesner abstained
36. 7-0-1 Mr. Miller abstained
37. 7-0-1 Mr. Wiesner abstained
38. 7-0-1 Ms. Yoakum abstained
39. 7-0-1 Mr. Miller abstained
40. 7-0-1 Mr. Miller abstained
41. 7-0-1 Mr. Miller abstained
42. 7-0-1 Mr. Miller abstained

43. 7-0-1 Mr. Miller abstained
44. 7-0-1 Mr. Miller abstained

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

45. 6-0-2 Mr. Wiesner and Mr. Thornsburg abstained
46. 7-0-1 Mr. Wiesner abstained
47. 7-0-1 Mr. Wiesner abstained

- Confidential Agreed Board Orders (Tab 27)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one proposed Confidential Agreed Board Order (Alternate Resolution); eight proposed Confidential Agreed Board Orders concerning pharmacists and interns following an Informal Conference; and three proposed Default Board Orders concerning pharmacists who did not appear for an Informal Conference.

Confidential Agreed Board Order (Pharmacist)
(Alternative Resolution)

1. ABO #N-17-001

Confidential Agreed Board Orders (Pharmacists and Interns)
(Following an Informal Conference)

2. ABO #M-17-002
3. ABO #M-16-019
4. ABO #M-17-004
5. ABO #G-17-001
6. ABO #N-16-014
7. ABO #M-17-003
8. ABO #E-17-002
9. ABO #R-16-004

Confidential Default Board Orders (Pharmacists)
(Did not appear for an Informal Conference)

10. DBO #G-16-015
11. DBO #E-16-007
12. DBO #K-16-021

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

The motion was seconded by Ms. Yoakum and passed as follows;

Confidential Agreed Board Order (Pharmacists)
(Alternative Resolution)

1. 8-0-0

Confidential Agreed Board Orders (Pharmacists and Intern)
(Following an Informal Conference)

2. 7-0-1 Mr. Wiesner abstained
3. 7-0-1 Mr. Dembny abstained
4. 7-0-1 Mr. Wiesner abstained
5. 7-0-1 Mr. Wiesner abstained
6. 7-0-1 Mr. Wiesner abstained
7. 7-0-1 Mr. Wiesner abstained
8. 7-0-1 Ms. Yoakum abstained
9. 7-0-1 Mr. Wiesner abstained

Confidential Default Board Orders (Pharmacists)
(Did not appear for an Informal Conference)

10. 7-0-1 Mr. Wiesner abstained
11. 7-0-1 Mr. Wiesner abstained
12. 7-0-1 Mr. Miller abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 28)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one proposed Remedial Plan (Alternative Resolution); and one proposed Remedial Plan following an Informal Conference.

Remedial Plan (Pharmacist)
(Alternative Resolution)

1. Brian J. Meissner #H-16-035-A

Remedial Plan (Pharmacist)
(Following an Informal Conference)

2. Omaid Magaly Hernandez-Ray #H-16-012-A

The motion was made by Ms. Yoakum to approve the one proposed Remedial Plan concerning a pharmacist (Alternative Resolution); and one proposed Remedial Plan concerning a pharmacist following an Informal Conference.

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

Remedial Plan (Pharmacist)
(Alternative Resolutions)

1. 8-0-0

Remedial Plan (Pharmacist)
(Following an Informal Conference)

2. 7-0-1 Mr. Miller abstained

G. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 29)

The Board received a report on complaints dismissed and closed during the first quarter of FY2017 (September 1, 2016 – November 30, 2016). The report also included quarterly averages for FY2016 as compared to FY2017, as well as percentage change from FY2016 to FY2017.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 30)

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 May Board Meeting (Tab 31)
 - Proposed amendments to §291.93
 - Report on Pharmacy Technician Stakeholder Consensus Conference

- 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 1:10 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

May 2, 2017