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## 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

May 2, 2017

### MINUTES<sup>1</sup>

#### Tuesday, May 2, 2017

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:03 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.; Phyllis A. Stine; Buford T. Abeldt, Sr., R.Ph.; Bradley A. Miller, Ph.T.R.; Chip Thornsburg; Jenny Downing Yoakum, R.Ph.; and Suzette Tijerina, R.Ph.

Board member L. Suzan Kedron was 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; Brian Hurdle, Network Manager; 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.

#### **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. Dembny to approve the minutes of the Board Business Meeting held February 7, 2017; the minutes of the TSBP Executive Committee Meeting held on February 7, 2017; and the minutes of a Temporary Suspension Hearing concerning Houston South Side Pharmacy, and Frank A. Rollins, R.Ph., held March 24, 2017, as presented. The motion was seconded by Mr. Miller and passed unanimously.

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

Final Adoption of Rules

- Rules Concerning the Definition of Discipline Authorized (§281.61) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §281.61 during its February 7, 2017, meeting. The proposed amendments were published in the March 10, 2017, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.61 and explained that the amendments update the definitions of probation and revocation.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Thornsburg to approve for adoption, by Board Order, amendments to §281.61, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Administrative Penalty for Class E Pharmacies Operating Without a Texas Licensed Pharmacist-in-Charge (§281.65) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §281.65 during its November 1, 2016, meeting. The proposed amendments were published in the March 10, 2017, 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 §281.65 add an administrative penalty for operating a Class E or Class E-S pharmacy without a Texas licensed pharmacist-in-charge, and for accessing information submitted to the Prescription Monitoring Program in violation of the Texas Controlled Substances Act.

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 §281.65, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Notification (§291.3) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §291.3 during its February 7, 2017, meeting. The proposed amendments were published in the March 10, 2017, issue of the *Texas Register*, and comments were received from CVS Health.

Ms. Benz directed the Board's attention to amendments to §291.3 and explained that the amendments 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 a disciplinary action by another state to TSBP as required by §562.106 of the Act; and clarify requirements to be consistent with other section of the rules.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Stine to approve for adoption, by Board Order, amendments to §291.3, as presented. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Rules Concerning the Definition of Full-Time Pharmacist (§291.52) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §291.52 during its February 7, 2017, meeting. The proposed amendments were published in the March 10, 2017, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.52 and explained that the amendments add the definition of a full-time pharmacist to the Nuclear (Class B) pharmacy rules.

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 §291.52, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Earliest Fill Date for Schedule II Prescriptions (§315.3) (Tab 06)

Ms. Benz explained that the Board voted to propose the amendments to §315.3 during its February 7, 2017, meeting. The proposed amendments were published in the March 10, 2017, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §315.3 and explained that the amendments clarify the requirements for dispensing Schedule II prescriptions when issued as a multiple set.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Mendoza to approve for adoption, by Board Order, amendments to §315.3, as revised. The motion was seconded by Mr. Dembny and passed unanimously.

#### Proposal of Rules

- Rules Concerning Dispensing Pharmacist Responsibilities (§291.32) (Tab 07)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the dispensing pharmacist responsibilities. She explained the proposed amendments to §291.32 clarify what shall be included in the dispensing process of a dispensing pharmacist.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §291.32, as presented. The motion was seconded by Ms. Tijerina and passed unanimously.

- Rules Concerning Library Requirements (§291.33) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning library requirements. She explained the proposed amendments to §291.33 update the categories of references required to be maintained in the reference library of Class A pharmacies and require pharmacies that provide veterinary medications to keep a veterinary drug reference.

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

- Rules Concerning Documenting Identity of Pharmacists Receiving Orally or Telephonically Transmitted Prescriptions; and Transferring Controlled Substance Prescriptions (§291.34) (Tab 09)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning documenting the identity of the pharmacist receiving orally or telephonically transmitted prescriptions and the transferring of controlled substance prescriptions. She explained the proposed amendments to §291.34 add a requirement that orally or telephonically communicated prescriptions identify the transcribing pharmacist and the prescriber or agent communicating the prescription, and clarify the requirements regarding the transfer of prescription drug order information between pharmacies to be consistent with DEA requirements.

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

- Rules Concerning Withdrawal of Drugs in Class ASC Pharmacies (§291.76) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning the withdrawal of drugs in Class ASC pharmacies. She explained the proposed amendments to §291.76 clarify the requirements regarding the withdrawal of drugs from the ambulatory surgical center pharmacy.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §291.76, as revised. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Licensing Requirements for Class C-S Pharmacies (§291.77) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning licensing requirements for Class C-S pharmacies. She explained the proposed amendments to §291.77 remove licensing requirements specific to Class C-S pharmacies owned or operated by hospital management or consulting firms, and correct a grammatical error.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §291.77, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Practitioners Initiating Therapy in Class D (Clinic) Pharmacies (§291.93) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning practitioners initiating therapy in Class D (Clinic) pharmacies. She explained the proposed amendments to §291.93 replace the word physician with practitioner and update the list of individuals who can complete the label on prepackaged medications.

Following discussion, the motion was made by Ms. Mendoza to approve for proposal amendments to §291.93, as presented. The motion was seconded by Mr. Thornsburg and passed unanimously.

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

- Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs (Tab 13)

Ms. Benz reported that the Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs had held two meetings and will present recommendations to implement the chapter at the August Board Meeting.

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

- Financial Update

- Review of FY2017 Operating Budget (Tab 15)

Ms. Stella reviewed the expenditures for the first two quarters of FY2017 (September 1, 2016 - through February 28, 2017) 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. Stine and passed unanimously.

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

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

- Review and Approval of TSBP Revenue Projections (Tab 19)

Ms. Stella directed the Board's attention to a report on revenue projections for FY2018-2019.

Ms. Stella explained that staff would present recommendations of fee structures necessary to support the agency's FY2018-2019 budget at the August Board meeting.

- Report on Internal Risk Assessment (Tab 22)

Ms. Stella directed the Board's attention to an internal risk assessment that is reported annually to the State Auditor's Office. She reviewed the risk assessment for the Board.

Following discussion, it was the consensus of the Board that the report was an adequate risk assessment for TSBP.

- *TSBP FY2018 Calendar of Events* (Tab 23)

Ms. Dodson directed the Board's attention to a draft of the *TSBP FY2018 Calendar of Events*. Following review, the motion was made by Mr. Dembny to approve the *TSBP FY2018 Calendar of Events*, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

President Waggener recessed the meeting at 10:12 a.m.

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

**D. Discussion of and Possible Action Concerning Reports of Committees/Task Forces (cont'd)**

- Pilot Project Concerning Lamb County Telepharmacy (Tab 14)

Ms. Benz presented a recommendation concerning a petition for a Pilot Project from Micah Pratt, R.Ph. She explained that President Waggener had appointed Suzette Tijerina, R.Ph., as the Board liaison to work with staff on the task force. The Pilot Project proposed to provide remote pharmacy services using telepharmacy systems. Ms. Benz advised the Board that it was the recommendation of the task force that the pilot project be approved, with several conditions.

President Waggener recognized Micah Pratt, R.Ph., who explained the purpose of the Pilot Project was to utilize telepharmacy to provide pharmacy services to two rural clinics. He explained that at this time he was requesting approval to open a telepharmacy to be located at the

Olton Clinic, a rural health clinic owned by Lamb Healthcare Center (county owned hospital – Lamb County).

Mr. Pratt explained that the pharmacy at the clinic would be staffed by a registered pharmacy technician, with pharmacist oversight provided remotely by pharmacists in his Class A pharmacy.

President Waggener recognized Adam Chesler, R.Ph., with Cardinal Health, who explained that the closest pharmacy to the Olton Clinic was over 23 miles away.

Ms. Dodson directed the Board's attention to two pending legislative bills concerning telepharmacy, House Bill 3886 and Senate Bill 1633.

Ms. Dodson explained that it was the staff's recommendation to postpone approval of the Pilot Project until after the legislative session.

President Waggener recognized Gary Cacciatore, R.Ph., with Cardinal Health, who stated that the Pilot Project was requesting a waiver of existing rules and he did not think the legislation would have any effect on the Pilot Project.

Following discussion the motion was made by Mr. Wiesner to approve the Pilot Project with the following modifications to the recommendations from the Task Force: allow the remote site to dispense controlled substance (Schedule III-V) prescriptions but not Schedule II prescriptions (recommendation #4); allow medications to be delivered to the remote site from the wholesaler (recommendation #7); allow the remote site to receive telephone calls, however any calls regarding questions about medications or other issues that should be answered by a pharmacist must be referred to the pharmacy for a pharmacist to respond (recommendation #10); and allow the remote site to sell over-the-counter drugs/devices (recommendation #11). The motion was seconded by Mr. Dembny and passed unanimously.

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

- Discussion on §291.131 Pharmacies Compounding Non-Sterile Preparations and §291.133 Pharmacies Compounding Sterile Preparations and the Information Required in a Written Agreement with the Practitioner or Pharmacy Who Receives a Compounded Product (Tab 24)

Ms. Dodson presented information concerning §291.131 and §291.133 and explained these rules require that a pharmacy that provides a compounded preparation to a practitioner for office use, or to another pharmacy, enter into a written agreement with the practitioner or



pharmacy that requires the practitioner or pharmacy to include on a patient's chart; medication order; or medication administration record the lot number and beyond-use date of a compounded preparation administered to a patient.

Following discussion, the Board directed staff to bring back suggested rule amendments concerning the documentation of the administration of compounded preparations.

- Discussion Concerning the Use of Color Coded Containers When Dispensing Prescription Medications (Tab 25)

Ms. Dodson presented a suggestion received from a consumer that pharmacies use color coded containers when dispensing prescription medications.

Following discussion no action was taken by the Board.

- Report on Implementation of ExCPT Exam (Tab 26)

Ms. Stella reported that TSBP is working with the National Healthcareer Association and they are currently testing the electronic transmission of scores from ExCPT to TSBP. Ms. Stella stated that the testing would be completed and the system operational by September 1, 2017.

- Report on Appeals from State Office of Administrative Hearings Cases and Other Court Actions (Tab 27)

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

- Prescription Monitoring Program Report (Tab 28)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the first two quarters of FY2017 (September 1, 2016 – February 28, 2017); and the minutes of the January 30, 2017, Interagency Work Group meeting.

President Waggener recessed the meeting at 11:50 a.m.

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

- 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 two quarters of FY2017 (September 1, 2016 – February 28, 2017). (Tab 20)
  - 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 two quarters of FY2017 (September 1, 2016 – February 28, 2017). Ms. Hulbert reviewed current PRN activities for the Board. (Tab 21)
- Prescription Monitoring Program Report (Tab 28) (cont'd)

Ms. Benz presented a video produced by the Texas Medical Association. The video featuring Ms. Benz is a tutorial for physicians on how to register with the Texas Prescription Monitoring Program.
- Update on Legislation Filed During the 85<sup>th</sup> Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 29)

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

**F. Disciplinary Orders**

- Consideration of Proposal for Decision (Tab 30)
  - No Proposals for Decision were presented.

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 31)
  - The Board reviewed 25 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 February 15, 2017, through May 1, 2017.

- The Board reviewed 16 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 February 16, 2017, through May 1, 2017.
- The Board reviewed three 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 February 16, 2017, through April 25, 2017.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 32)
  - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and eight 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. Moices Cruz-Cabrera	ABO #T-16-329-N
2. Abel Frank Guevara III	ABO #T-17-034
3. Austin Warren Smith	ABO #T-17-033
4. Patricia A. Bassett	ABO #T-16-405
5. Sabrina Marie King	ABO #T-16-393-N
6. Denise Elizabeth Lopez	ABO #T-17-035
7. Karlene Sue White	ABO #T-16-083-N
8. Tanesha Wilcox	ABO #T-16-187
9. Ivan Castillo Hernandez	ABO #T-17-080
10. Michael Anthony Ortiz	ABO #T-17-079
11. Carlos Rodriguez, Jr.	ABO #T-17-051
12. David Rougeau	ABO #T-17-022
13. Kelli Lynn Strother	ABO #T-17-045-N

**Default Board Orders** (Technicians and Technician Trainees)  
(Did not appear for an Informal Conference)

14. Ricky Broshun Else	DBO #T-17-075
15. Juan Antonio Lara	DBO #T-16-283
16. Sarah Batey	DBO #T-16-406-N
17. Ashlyn Brown	DBO #T-16-400
18. Ivana Militiev	DBO #T-16-408
19. Miranda Ann Monday	DBO #T-16-407-N
20. Antonio Valdez Rodriguez	DBO #T-17-048
21. Orenthol James Love	DBO #T-16-372-N

The motion was made by Mr. Thornsburg to approve the following: 13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference, and eight 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. Mendoza and passed as follows.

**Agreed Board Orders** (Technicians and Technician Trainees)

(Following an Informal Conference)

1. 8-0-1 Mr. Thornsburg abstained
2. 8-0-1 Mr. Thornsburg abstained
3. 8-0-1 Mr. Thornsburg abstained
4. 9-0-0
5. 9-0-0
6. 9-0-0
7. 9-0-0
8. 9-0-0
9. 8-0-1 Mr. Thornsburg abstained
10. 8-0-1 Mr. Thornsburg abstained
11. 8-0-1 Mr. Thornsburg abstained
12. 8-0-1 Mr. Thornsburg abstained
13. 8-0-1 Mr. Thornsburg abstained

**Default Board Orders** (Technicians and Technician Trainees)

(Did not appear for an Informal Conference)

14. 8-0-1 Mr. Thornsburg abstained
15. 8-0-1 Mr. Thornsburg abstained
16. 9-0-0
17. 9-0-0
18. 9-0-0
19. 9-0-0
20. 9-0-0
21. 8-0-1 Mr. Thornsburg abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: four proposed Agreed Board Orders (Alternative Resolutions); two Temporary Suspension Orders concerning one pharmacy and one pharmacist following a Temporary Suspension Hearing; two Agreed Board Orders concerning one pharmacy and one pharmacist following a Temporary Suspension; 16 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference; and one Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

**Agreed Board Orders** (Pharmacies and Pharmacists)

(Alternative Resolutions)

- |                       |                 |
|-----------------------|-----------------|
| 1. CVS/pharmacy #4880 | ABO #C-16-026-B |
| 2. Trang Lee          | ABO #C-16-026-A |
| 3. Pharmacy Solutions | ABO #L-17-021   |
| 4. Walgreens #09224   | ABO #K-16-026-B |

**Temporary Suspension Orders** (Pharmacy and Pharmacist)

(Following a Temporary Suspension Hearing)

- |                                |                   |
|--------------------------------|-------------------|
| 5. Houston South Side Pharmacy | TSO #A-17-010-BS1 |
| 6. Frank A. Rollins            | TSO #A-17-010-AS1 |

**Agreed Board Orders** (Pharmacy and Pharmacist)

(Following a Temporary Suspension)

- |                                |                 |
|--------------------------------|-----------------|
| 7. Houston South Side Pharmacy | ABO #A-17-010-B |
| 8. Frank A. Rollins            | ABO #A-17-010-A |

**Agreed Board Orders** (Pharmacies and Pharmacists)

(Following an Informal Conference)

- |                                     |                 |
|-------------------------------------|-----------------|
| 9. Judith Ester G. Alexander        | ABO #A-17-005   |
| 10. Darcy Lee Amick                 | ABO #F-16-027   |
| 11. Tracy Bernard Dunn              | ABO #M-17-014   |
| 12. Goodlife Pharmacy, Inc.         | ABO #L-16-061-B |
| 13. Stuart Elliott Tolman           | ABO #L-16-061-A |
| 14. Zachary Kirk                    | ABO #H-16-064-A |
| 15. Cory H. McGuinn-Parks           | ABO #L-16-051   |
| 16. NBJ Pharmacy, Inc.              | ABO #K-14-012-B |
| 17. Kouassi Hyacinthe N'Dri         | ABO #K-14-012-A |
| 18. Bede Nduka                      | ABO #A-15-014-A |
| 19. Kevin Michael Gray              | ABO #C-16-037   |
| 20. PPM Pharmacy                    | ABO #L-17-013   |
| 21. Roy Allen Martin                | ABO #L-17-016   |
| 22. Queen Pharmacy                  | ABO #F-15-029   |
| 23. Lisa Marie Russell              | ABO #F-16-040   |
| 24. University Compounding Pharmacy | ABO #L-17-003   |

**Default Board Order** (Pharmacist)

(Did not appear for Informal Conference)

- |                              |               |
|------------------------------|---------------|
| 25. Rachel Chundenu Kientcha | DBO #E-15-007 |
|------------------------------|---------------|

The motion was made by Mr. Thornsburg to approve the following: four proposed Agreed Board Orders (Alternative Resolutions); two Agreed Board Orders concerning one pharmacy and one pharmacist after a Temporary Suspension; 16 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference; and one Default Board Order concerning a pharmacist who did not appear for an Informal Conference

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

**Agreed Board Orders** (Pharmacies & Pharmacists)

(Alternative Resolutions)

1. 9-0-0
2. 9-0-0
3. 9-0-0
4. 9-0-0

**Agreed Board Orders** (Pharmacy and Pharmacist)

(Following a Temporary Suspension)

7. 7-0-2 Mr. Wiesner and Mr. Dembny abstained
8. 7-0-2 Mr. Wiesner and Mr. Dembny abstained

**Agreed Board Orders** (Pharmacies and Pharmacists)

(Following an Informal Conference)

9. 8-0-1 Ms. Stine abstained
10. 8-0-1 Mr. Wiesner abstained
11. 8-0-1 Mr. Thornsburg abstained
12. 8-0-1 Mr. Dembny abstained
13. 8-0-1 Mr. Dembny abstained
14. 8-0-1 Ms. Stine abstained
15. 8-0-1 Ms. Stine abstained
16. 8-0-1 Mr. Dembny abstained
17. 8-0-1 Mr. Dembny abstained
18. 8-0-1 Mr. Wiesner abstained
19. 8-0-1 Mr. Wiesner abstained
20. 8-0-1 Ms. Stine abstained
21. 8-0-1 Ms. Stine abstained
22. 9-0-0
23. 8-0-1 Mr. Dembny abstained
24. 8-0-1 Mr. Dembny abstained

**Default Board Order** (Pharmacist and Intern)

(Did not appear for Informal Conference)

25. 8-0-1 Mr. Thornsburg abstained

- Confidential Agreed Board Orders (Tab 33)
  - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: two proposed Confidential Agreed Board Orders concerning a pharmacist and an intern (Alternate Resolutions); and 12 proposed Confidential Agreed Board Orders concerning pharmacists following an Informal Conference.

**Confidential Agreed Board Order** (Pharmacist and Intern)

(Alternative Resolutions)

1. ABO #N-17-009
2. ABO #G-16-026

**Confidential Agreed Board Orders** (Pharmacists)

(Following an Informal Conference)

3. ABO #M-17-008
4. ABO #G-17-005
5. ABO #G-16-017
6. ABO #G-16-029
7. ABO #G-16-025
8. ABO #F-16-046
9. ABO #M-17-005
10. ABO #M-17-007
11. ABO #M-17-001
12. ABO #M-17-006
13. ABO #M-17-012
14. ABO #L-16-069

The motion was made by Mr. Miller to approve the following: two proposed Confidential Agreed Board Orders concerning a pharmacist and an intern (Alternative Resolutions); and 12 proposed Confidential Agreed Board Orders concerning pharmacists following and Informal Conference.

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

**Confidential Agreed Board Order** (Pharmacists and Intern)

(Alternative Resolutions)

1. 9-0-0
2. 9-0-0

**Confidential Agreed Board Orders** (Pharmacists)

(Following an Informal Conference)

3. 8-0-1 Ms. Stine abstained
4. 8-0-1 Mr. Wiesner abstained
5. 8-0-1 Ms. Stine abstained
6. 8-0-1 Mr. Thornsburg abstained
7. 8-0-1 Mr. Dembny abstained
8. 8-0-1 Mr. Dembny abstained
9. 8-0-1 Ms. Stine abstained
10. 8-0-1 Ms. Stine abstained
11. 8-0-1 Mr. Wiesner abstained
12. 8-0-1 Ms. Stine abstained
13. 8-0-1 Ms. Stine abstained
14. 8-0-1 Ms. Stine abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 34)
  - No Remedial Plans were presented.

Ms. Arnold advised the Board that the staff was requesting that the Board allow the Executive Director to review requests from pharmacists and enter orders granting the pharmacists additional time to complete reinstatement requirements, on behalf of the Board.

Following discussion the motion was made by Mr. Dembny to allow the Executive Director to review and enter orders granting pharmacists additional time to complete reinstatement requirements. The motion was seconded by Ms. Stine and passed unanimously

Ms. Arnold advised the Board that staff was requesting that the Board give staff the authority to offer Class E and Class E-S pharmacies operating without a Texas licensed pharmacist-in-charge the option of signing an Agreed Board Order (Alternative Resolution) without appearing at an informal conference. A proposed settlement Agreed Board Order would be sent to the licensee with the preliminary notice letter. The recommended sanctions would be consistent with the Board rules concerning administrative penalties. The licensee would be given the choice of either signing and returning the ABO or appearing at an informal conference.

Following discussion the motion was made by Mr. Dembny to give Class E and Class-ES pharmacies operating without a Texas licensed pharmacist-in-charge the option of signing an ABO without appearing at an informal conference. The motion was seconded by Mr. Miller and passed unanimously.

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

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 35)

The Board received a report on complaints dismissed and closed during the first two quarters of FY2017 (September 1, 2016 – February 28, 2017). 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 36)

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 August Board Meeting (Tab 37)
  - Report on Pharmacy Technician Stakeholder Consensus Conference
  - Recommendation of Board Committee concerning the hiring of new Executive Director
- 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 1:30 p.m.

APPROVED:

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Jeanne D. Waggener, R.Ph.  
President

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Gay Dodson, R.Ph.  
Executive Director/Secretary

August 1, 2017