



TEXAS STATE BOARD OF PHARMACY

333 Guadalupe Street, Tower II, Suite 225

Austin, Texas

August 7, 2018

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, August 7, 2018

President Dennis Wiesner, R.Ph., called the meeting to order at 9:02 a.m. Other Board Members present were Vice President Jenny Downing Yoakum, R.Ph., Treasurer Bradley A. Miller, Ph.T.R; Rick Fernandez, R.Ph.; Daniel Guerrero; Lori Henke, R.Ph.; Suzan Kedron; Donnie Lewis, R.Ph.; Suzette Tijerina, R.Ph.; and Julie Spier, R.Ph.

Board member Chip Thornsburg was not present.

Staff present were Allison Vordenbaumen Benz, R.Ph., M.S., Executive Director/Secretary; Kerstin Arnold, General Counsel; Hemant Makan, Director of Licensing and Administrative Services; Caroline K. Hotchkiss, Director of Enforcement; Megan Holloway, Assistant General Counsel; and Becky Damon, Executive Assistant, and Margarita Zamarripa, Administrative Assistant V.

A. Announcements

- President Dennis Wiesner 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.

¹See 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 Ms. Tijerina to approve the minutes of the Board Business Meeting held May 1, 2018. The motion was seconded by Mr. Lewis and passed 8-0-1 with Mr. Guerrero abstaining.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Pharmacy License Applications (§291.1) (Tab 02)

Ms. Holloway explained that the Board voted to propose the amendments to §291.1 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments and explained that the amendments to §291.1 state that the applicant for a pharmacy license must provide any information requested on the application.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Kedron to approve for adoption, by Board Order, amendments to §291.1, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Change of Location of Sterile Compounding Pharmacies (§291.3) (Tab 03)

Ms. Holloway explained that the Board voted to propose the amendments to §291.3 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments and explained that the amendments to §291.3 add inspection requirements for sterile compounding pharmacies (Class A-S, C-S and E-S) and nuclear pharmacies (Class B) when the pharmacy changes location.

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

- Rules Concerning Pharmacy Inspection Warning Notices (§291.19) (Tab 04)

Ms. Holloway explained that the Board voted to propose the amendments to §291.19 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments and explained that the amendments to §291.19 update the response required to a written warning notice given during an inspection.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Spier to approve for adoption, by Board Order, amendments to §291.19 as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning the Red Flag Checklist (§291.29) (Tab 05)

Ms. Holloway explained that the Board voted to propose the amendments to §291.29 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and comments were received from the Texas Pharmacy Business Council; jointly the Texas Medical Association, the Texas Pain Society, and the Texas Orthopaedic Association, as the Medical Associations; and the Texas Orthopaedic Association; and jointly the Texas Medical Association and Texas Pain Society.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §291.29 clarify the patterns (i.e., red flag factors) relevant to preventing non-therapeutic dispensing of controlled substances to be considered by a pharmacist by evaluating the totality of the circumstances before dispensing a controlled substance prescription. Ms. Holloway also reviewed changes made to the proposed amendment by the Board staff to address the comments received.

President Wiesner recognized Michael Wright with the Texas Pharmacy Business Council. Mr. Wright requested the rule changes be placed on hold pending further review.

President Wiesner recognized Audra Conwell with the Alliance of Independent Pharmacists of Texas. Ms. Conwell also requested the rule change be placed on hold pending further review.

President Wiesner recognized R. Cole Knutson with CAPS, Inc. Mr. Knutson questioned the enforcement of the rule amendments with the revisions.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Henke to approve for adoption, by Board Order, amendments to §291.29 with changes, as presented. The

motion was seconded by Mr. Fernandez and passed 5-4-0 with Ms. Kedron, Mr. Guerrero, Ms. Spier, Mr. Fernandez and Ms. Henke in favor and Ms. Yoakum, Mr. Miller, Mr. Lewis and Ms. Tijerina opposed.

- Rules Concerning Automation Rules (§§291.31, 291.32, and 291.33) (Tab 06)

Ms. Holloway explained that the Board voted to propose the amendments to §§291.31, 291.32, and 291.33 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and comments were received by National Association of Chain Drug Stores.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §291.31 create a definition of electronic verification process and update the definition of prepackaging. The amendments to §291.32 allow pharmacy technicians and pharmacy technician trainees to load prepacked containers previously verified by a pharmacist or manufacturer's unit of use packages into automated dispensing system. The amendments to §291.33 update the requirements for use of automated storage distributions devices by Class A pharmacies.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Tijerina to approve for adoption, by Board Order, amendments to §§291.31, 291.32, and 291.33 as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Professional Responsibility (§291.34) (Tab 07)

Ms. Holloway explained that the Board voted to propose the amendments to §291.34 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §291.34 clarify the responsibility of a pharmacy owner as provided in §562.112 of the Texas Pharmacy Act.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Yoakum to approve for adoption, by Board Order, amendments to §291.34, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Prospective Review in Rural Hospitals (§291.74) (Tab 08)

Ms. Holloway explained that the Board voted to propose the amendments to §291.74 during its May 1, 2018, meeting. The proposed amendments

were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §291.74 update the requirements for the drug use review as authorized by §562.1011(i) of the Texas Pharmacy Act.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Yoakum to approve for adoption, by Board Order, amendments to §291.74, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Fingertip and Media Fill Testing in Pharmacies Under Common Ownership (§291.133) (Tab 09)

Ms. Holloway explained that the Board voted to propose the amendments to §291.133 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and comments were received from GE Healthcare and The Texas Society of Health-System Pharmacists.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §291.133 update the media fill and aseptic procedures test requirements for all sterile compounding personnel in Class A-S, Class B, Class C-S and Class E-S pharmacies; clarify the testing requirements for supervisory pharmacists working in multiple pharmacies under common ownership; clarify the environmental testing certification procedures; and correct grammatical and punctuation errors.

President Wiesner recognized Tammy Cohen with the Texas Society of Health-System Pharmacists who was in support of the proposed revision to §291.133.

President Wiesner recognized Gary Cacciatore with Cardinal Health.

President Wiesner recognized W. Benjamin Fry with the Texas Oncology who was in support of the proposed revision to §291.133.

President Wiesner recognized R. Cole Knutson with CAPS, Inc. Mr. Knutson would like the language changed.

Following discussion of the rules, the Board recommended revision to the proposed amendments, and postponed action until later in the meeting.

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

President Wiesner reconvened the meeting at 10:38 a.m.

- Rules Concerning Education Requirements for Pharmacists (§295.9) (Tab 10)

Ms. Holloway explained that the Board voted to propose the amendments to §295.9 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §295.9 add a requirement of one hour of continuing education on opioid abuse for pharmacist license reactivation.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Tijerina to approve for adoption, by Board Order, amendments to §295.9, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Notification to Consumers (§295.11) (Tab 11)

Ms. Holloway explained that the Board voted to propose the amendments to §295.11 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §295.11 update the requirement for pharmacies to post a sign notifying consumers of the Board's contact information for filing complaints regarding the practice of pharmacy, and permit a pharmacy to utilize an electronic messaging system in lieu of such a sign.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Miller to approve for adoption, by Board Order, amendments to §295.11, as presented. The motion was seconded by Ms. Spier and passed unanimously.

- Rules Concerning Pharmacy Technician Training Programs (§305.2) (Tab 12)

Ms. Holloway explained that the Board voted to propose the amendments to §305.2 during its May 1, 2018, meeting. The proposed amendments were published in the June 29, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §305.2 clarify the standard for Board-approved pharmacy technician training programs by recognizing that pharmacy technician training programs are jointly accredited by the American

Society of Health-System Pharmacists and the Accreditation Council on Pharmacy Education.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §305.2, as presented. The motion was seconded by Mr. Miller and passed unanimously.

Proposal of Rules

- Rules Concerning Disciplinary Aggravating and Mitigating Factors (§281.62) (Tab 13)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning disciplinary action. She explained the proposed amendments update the factors which may merit an increase or decrease in the severity of disciplinary action imposed by the Board.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §281.62, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Administrative Penalties (§281.65) (Tab 14)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning administrative penalties. She explained the proposed amendments update the administrative penalties the Board may assess in disciplinary matters.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §281.65, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

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

- Update on Task Force on the Operation of Rural Hospitals Pharmacies (Tab 28)

Ms. Benz advised the Board that the Task Force held meetings on April 17, 2018, and June 1, 2018.

Ms. Benz presented changes to §291.74 that were recommended by the Task Force.

President Wiesner recognized Don McBeath with Texas Rural and Community Hospitals.

President Wiesner recognized Sabrina Griggs, Task Force member.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §291.74, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

C. Discussion of and Possible Action Regarding Rules (continued)

- Rules Concerning Inventory Requirements (§291.17) (Tab 15)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning inventory requirements. She explained the proposed amendments update the requirements for taking inventories upon change of ownership and closure of pharmacies, and correct grammatical errors.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §291.17, as presented. The motion was seconded by Ms. Spier and passed unanimously.

- Rules Concerning Access to Confidential Records (§291.28) (Tab 16)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning access to confidential records. She explained the proposed amendments update the requirements for responding to a request for a patient's confidential records, to be consistent with section 181.102 of the Health and Safety Code.

Following discussion, the motion was made by Mr. Guerrero to approve for proposal amendments to §291.28, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Patient Counseling Requirements (§291.33) (Tab 17)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning patient counseling requirements. She explained the proposed amendments clarify the pharmacist's patient counseling duties by expressly prohibiting a pharmacy's computer system from asking questions of the patient intended to screen and/or limit interaction with the pharmacist.

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. Fernandez and passed unanimously.

- Rules Concerning Prescription Drug Orders for Patients in Licensed Health Care Institutions (§291.34) (Tab 18)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning prescription drug order for patients in license health care institutions. She explained the proposed amendments allow the utilization of and specify recordkeeping requirements for prescription drug orders dispensed for patients institutionalized in licensed health care institutions, as authorized in Title 40, Part 1, Chapter 19 of the Texas Administrative Code, and correct grammatical errors.

Following discussion, the motion was made by Mr. Guerrero to approve for proposal amendments to §291.34 as presented. The motion was seconded by Ms. Spier and passed 9-1-0 with Ms. Henke opposed.

- Rules Concerning a Pharmacist Decreasing the Quantity Prescribed (§291.34) (Tab 19)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning a pharmacist decreasing the quantity prescribed. She explained the proposed amendments update allow a pharmacist to dispense less than the quantity prescribed at the request of the patient or patient's agent, and correct grammatical errors.

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

- Rules Concerning Reproduced Signatures (§291.34) (Tab 20)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning reproduced signatures. She explained the proposed amendments clarify that a rubber stamp may not be used as the signature of a practitioner, and correct grammatical errors.

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

- Rules Concerning Reporting to the Prescription Monitoring Program (§291.104) (Tab 21)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning reporting to the Prescription Monitoring Program. She explained the proposed amendments update the time period to report required prescription information from a Class E pharmacy to the Texas Prescription Monitoring Program, to be consistent with section 481.075(q) of the Texas Controlled Substances Act, and correct

grammatical errors.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal amendments to §291.104, as presented. The motion was seconded by Ms. Henke and passed unanimously.

- Rules Concerning Satellite Pharmacy Application Requirements (§291.129) (Tab 22)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning satellite pharmacy application requirements. She explained the proposed amendments update the application requirements for Class A and Class C pharmacies, and correct grammatical errors.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §291.129, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Pharmacy Electronic Reporting Responsibility (§315.6) (Tab 23)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning pharmacy electronic reporting responsibility. She explained the proposed amendments update the time period to report required prescription information to the Texas Prescription Monitoring Program to be consistent with section 481.075(q) of the Texas Controlled Substances Act, add a requirement to correct inaccurate data that submitted to PMP, and correct grammatical errors.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §315.6, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Access Requirements (§315.15) (Tab 24)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning access requirements. She explained the proposed amendments requirements for practitioners and pharmacists to consult the Texas Prescription Monitoring Program (PMP) database to review a patient's controlled substance history before prescribing or dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol as provided in sections 481.0764 and 481.0765 of the Texas Controlled Substances Act and clarifies that PMP information may only be accessed as authorized in section 481.076 of the Texas Controlled Substances Act.

Following discussion, the motion was made by Mr. Lewis to approve for

proposal amendments to §315.6, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

Final Adoption of Rules (continued...)

- Rules Concerning Fingertip and Media Fill Testing in Pharmacies Under Common Ownership (§291.133) (Tab 09)

Ms. Holloway explained that the Board reviewed the proposed amendments to §291.133 earlier in the meeting and had directed staff to make revisions to the proposed amendments. She directed the Board's attention to the revised amendments concerning fingertip and media fill testing in pharmacies under common ownership.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Tijerina to approve for adoption, by Board Order, amendments to §291.133 with changes, as presented. The motion was seconded by Mr. Miller and passed unanimously.

Rule Review

- For Adoption

Ms. Holloway directed the Board's attention to the Board Rule Review Plan for FY2018-2021 (Tab 25)

- 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 26)
- Chapter 311 Concerning Code of Conduct (§§311.1-311.2) (Tab 27)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Guerrero to approve for adoption as presented, 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. Kedron and passed unanimously.

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

- Financial Update
 - Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Tab 29)

Mr. Makan presented a report on material changes to Board contracts for good and services for FY2018 (June 1, 2018 – August 31, 2018).

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

- Review of FY2018 Expenditures (Tab 30)

Ms. Cori Briscoe, Financial Services Manager reviewed the expenditures for the third quarter of FY2018 (March 1, 2018 - through May 31, 2018) for the Board.

- Review of Board Member Travel Budget (Tab 31)

Ms. Briscoe reviewed the Board Member FY2018 Travel Budget.

- Review and Approval of FY2019 Operating Budget (Tab 32)

Mr. Makan directed the Board's attention to a proposed operating budget for FY2019.

Following discussion, the motion was made by Mr. Guerrero to approve the FY2019 operating budget, as presented. The motion was seconded by Mr. Lewis and pass unanimously.

- Update on Legislative Appropriations Request (Tab 33)

Mr. Makan directed the Board's attention to the FY2020-2021 Legislative Appropriations Request (LAR) and the Administrator's Statement for the 86th Regular Session of the Legislature.

President Wiesner recessed the meeting at 11:48 a.m.

President Wiesner reconvened the meeting at 12:38 p.m.

- Review and Approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Tab 37)

President Wiesner recognized Misty Anderson, Licensing Manager for the Board. Ms. Anderson presented information on ACPE.

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

- Review and Approval of the Texas State Board of Pharmacy FY2019 Goals and Objectives (Tab 38)

Ms. Benz presented the Goals and Objectives for FY2019.

Following review and discussion, the motion was made by Mr. Fernandez to approve the *Texas State Board of Pharmacy FY2019 Goals and Objectives*, as presented. The motion was seconded by Ms. Henke and passed unanimously.

- Update on Mobile Inspection Project (Tab 39)

Mr. Santana provided a presentation explaining changes to inspections from a three part form to an electronic form. He clarified the new inspections were set to begin September 1, 2018.

- Presentation on Update on Development of Educational Program Concerning Audit Shortages (Tab 40)

Ms. Benz presented information on the status of educational materials concerning audit shortage. A template has been created to use for pharmacies to evaluate their security. A video series is being developed as well.

- Professional Recovery Network

- Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program and reviewed the information for the new Board members. (Tab 35)
- President Wiesner recognized Brittany Lash with the Professional Recovery Network (PRN). Ms. Lash reviewed current PRN activities for the Board. (Tab 36)

- Review and Approval of FY2018 Annual Internal Audit Report (Tab 34)

Mr. Makan presented information concerning the Board's Internal Audit Plan for FY2018.

President Wiesner recognized Rene Gonzalez with Garza/Gonzalez & Associates, a Certified Public Accounting firm. Mr. Gonzalez explained

that the Board's FY2018 Internal Audit Plan was prepared using a risk assessment process, where various documents and questionnaires completed by the Board's President, Executive Director, and staff were reviewed. Mr. Gonzalez presented that the Board has met its requirements and the report will be submitted to the Governor, Sunset commission office, and the Legislative Budget Board.

The internal audit for FY2018 Prescription Monitoring Program was presented.

Following discussion, the motion was made by Mr. Lewis to approve as presented. The motion was seconded by Ms. Spier and passed unanimously.

- Report on Appeals from State Office of Administrative Hearings Cases and Other Court Actions (Tab 41)

Ms. Arnold indicated there was no new information concerning the appeal of cases from the State Office of Administrative Hearing or other court actions.

- Report on Prescription Monitoring Program (Tab 42)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the third quarter of FY2018 (March 1, 2018 – May 31, 2018); and the minutes of the July 31, 2018, Interagency Work Group meeting.

- Discussion of Possible Statutory Changes for Consideration During the 86th Session of the Texas Legislature (Tab 43)

Ms. Benz presented a list of possible law changes for the 2019 Legislative Session.

G. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 49)

The Board received a report on complaints dismissed and closed since the Board's last public meeting held May 1, 2018. Ms. Hotchkiss reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 50)

The Board received the *Report on Status of Active/Pending Complaints*. Ms. Hotchkiss reviewed the report for the Board.

F. Disciplinary Orders

- Consideration of Proposal for Decision (Tab 44)
 - 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 45)
 - 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 May 15, 2018, through July 30, 2018.
 - The Board reviewed 15 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 May 15, 2018, through July 30, 2018.
 - The Board reviewed one Confidential Agreed Board Order concerning a pharmacist that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, on May 31, 2018.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 46)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 9 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and seven 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. Yvette Monique Rocha | ABO #T-14-098 |
| 2. Christopher Kyle Dy | ABO #T-17-170 |
| 3. Jordan Hollenback | ABO #T-18-045 |
| 4. Maria Del Carmen Lawson | ABO #T-17-374-N |
| 5. Britney Martinez | ABO #T-17-0385 |

- | | |
|------------------------------|-----------------|
| 6. Keshandra Shundrah Wilson | ABO #T-18-060-N |
| 7. Sean Mikel Badal | ABO #T-18-075 |
| 8. Rubi Scarlett Gonzalez | ABO #T-17-417 |
| 9. Alexis Tapia | ABO #T-17-401 |

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

- | | |
|------------------------------|-----------------|
| 10. Ashley Nicole Barrientes | DBO #T-17-361-N |
| 11. Trinh Le Bellar | DBO #T-17-203 |
| 12. Lashonica Sheray Jordan | DBO #T-18-043 |
| 13. Briana Marie Labrado | DBO #T-18-036 |
| 14. Patrick Geroy Makey | DBO #T-17-418-N |
| 15. Randi Carty | DBO #T-18-065-N |
| 16. Brandon Scott King | DBO #T-18-011 |

The motion was made by Mr. Lewis to approve the following:
9 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference, and seven proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

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

Agreed Board Orders (Technicians and Technician Trainees)
(Following an Informal Conference)

1. 9-0-1 Mr. Abeldt abstained
2. 9-0-1 Mr. Wiesner abstained
3. 9-0-1 Ms. Kedron abstained
4. 9-0-1 Ms. Kedron abstained
5. 9-0-1 Mr. Miller abstained
6. 9-0-1 Mr. Miller abstained
7. 9-0-1 Mr. Wiesner abstained
8. 9-0-1 Mr. Wiesner abstained
9. 9-0-1 Mr. Miller abstained

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

10. 9-0-1 Ms. Kedron abstained
11. 9-0-1 Ms. Kedron abstained
12. 9-0-1 Ms. Kedron abstained
13. 9-0-1 Ms. Kedron abstained
14. 9-0-1 Ms. Kedron abstained
15. 9-0-1 Mr. Miller abstained
16. 9-0-1 Mr. Miller abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 7 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions) and 49 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians; who appeared for an Informal Conference.

Agreed Board Orders (Pharmacies, Pharmacists, and Technicians)
(Alternative Resolutions)

- | | |
|------------------------------|------------------|
| 1. ASPCares | ABO #H-17-020-B |
| 2. Ashwini Goswami | ABO #H-17-020-A |
| 3. Mandy Baig | ABO #K-18-001-A |
| 4. Rhondreka Jeannine Hughes | ABO #K-18-013-A |
| 5. Janis Sumner Neal | ABO #K-18-18-006 |
| 6. Thomas Nguyen | ABO #K-17-036-A |
| 7. Julliane Rose Swick | ABO #K-17-052-A |

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

- | | |
|--|-----------------|
| 8. Aeva Specialty Pharmacy | ABO #K-17-038 |
| 9. Innocent Akani | ABO #A-18-007 |
| 10. Brown's Pharmacy | ABO #C-17-014 |
| 11. CareRx Pharmacy | ABO #K-18-016-B |
| 12. CVS/pharmacy #5977 | ABO #K-17-049-B |
| 13. CVS/pharmacy #6822 | ABO #H-17-003-B |
| 14. Alexandria Marie Soulard | ABO #H-17-003-A |
| 15. CVS/pharmacy #6904 | ABO #H-15-072-B |
| 16. CVS/pharmacy #7441 | ABO #K-17-022-B |
| 17. CVS/pharmacy #7640 | ABO #H-17-044-B |
| 18. Beverly Addison | ABO #H-17-044-A |
| 19. CVS/pharmacy #8336 | ABO #J-17-004-B |
| 20. Nikul Patel | ABO #J-17-004-A |
| 21. Sun Ok Lee | ABO #J-18-003 |
| 22. CVS/pharmacy #10262 | ABO #C-17-005 |
| 23. CVS/pharmacy #10631 | ABO #K-17-014-B |
| 24. CVS/pharmacy #16119 | ABO #H-18-003-B |
| 25. Ike Rexmanuel Darniel | ABO #A-17-009 |
| 26. Diplomat Specialty Infusion Group | ABO #K-17-057 |
| 27. DT Pharmacy | ABO #K-17-062-B |
| 28. Dieu Thao Khoa Nguyen | ABO #K-17-062-A |
| 29. Gabecare Directrx, Inc. | ABO #F-17-037 |
| 30. Hartley Medical Center Pharmacy, Inc. | ABO #L-17-024 |
| 31. Houston Center for Infectious Diseases | ABO #K-18-007 |
| 32. Diana Gonzalez | ABO #T-18-017 |
| 33. David Nguyen | ABO #L-18-004 |
| 34. Osagie Ohonba | ABO #C-16-034-A |

35. People's Pharmacy #1	ABO #H-17-028B
36. Lori Brotman Prager	ABO #H-17-028-A
37. Remco Pharmacy	ABO #L-17-042
38. Rx-Direct Home Delivery	ABO #L-18-001
39. Taylors Pharmacy	ABO #K-18-002
40. Texan Care Pharmacy	ABO #K-17-054-B
41. Ankur Trivedi	ABO #K-17-054-A
42. Texana Center	ABO #H-17-032-B
43. Weldon Eugene Ferrell	ABO #H-17-032-A
44. Tom Thumb Pharmacy #2559	ABO #H-17-045
45. Gorathy Maria Uwake	ABO #M-18-012
46. Walgreens #00553	ABO #K-17-056
47. Dozie Nwokem	ABO #T-17-353
48. Walgreens #4745	ABO #H-17-043-B
49. Walgreens #5377	ABO #H-18-006-B
50. Walgreens #7592	ABO #H-17-047-B

The motion was made by Ms. Kedron to approve the following: 7 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions) and 43 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians; who appeared for an Informal Conference

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

Agreed Board Orders (Pharmacies & Pharmacists)
(Alternative Resolutions)

1. 10-0-0
2. 10-0-0
3. 10-0-0
4. 10-0-0
5. 10-0-0
6. 10-0-0
7. 10-0-0

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

8. 9-0-1 Mr. Wiesner abstained
9. 9-0-1 Mr. Wiesner abstained
10. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
11. 9-0-1 Mr. Wiesner abstained
12. 8-0-2 Mr. Miller and Wiesner abstained
13. 9-0-1 Ms. Waggoner abstained
14. 9-0-1 Ms. Waggoner abstained
15. 9-0-1 Ms. Waggoner abstained
16. 8-0-2 Mr. Wiesner and Mr. Miller abstained

17. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
18. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
19. 8-0-2 Ms. Yoakum Mr. Wiesner abstained
20. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
21. 8-0-2 Mr. Wiesner and Mr. Lewis abstained
22. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
23. 9-0-1 Mr. Wiesner and Mr. Miller abstained
24. 9-0-1 Mr. Wiesner and Mr. Lewis abstained
25. 9-0-1 Mr. Wiesner and Mr. Lewis abstained
26. 9-0-1 Mr. Wiesner abstained
27. 9-0-1 Mr. Wiesner abstained
28. 9-0-1 Mr. Wiesner abstained
29. 9-0-1 Mr. Wiesner abstained
30. 9-0-1 Ms. Tijerina abstained
31. 8-0-2 Mr. Wiesner and Ms. Yoakum abstained
32. 8-0-2 Mr. Wiesner and Ms. Yoakum abstained
33. 9-0-1 Mr. Wiesner abstained
34. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
35. 9-0-1 Mr. Wiesner abstained
36. 9-0-1 Mr. Wiesner abstained
37. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
38. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
39. 9-0-1 Ms. Kedron abstained
40. 8-0-2 Mr. Wiesner and Mr. Miller abstained
41. 8-0-2 Mr. Wiesner and Mr. Miller abstained
42. 9-0-1 Mr. Wiesner abstained
43. 9-0-1 Mr. Wiesner abstained
44. 9-0-1 Mr. Wiesner abstained
45. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
46. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
47. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
48. 9-0-1 Mr. Wiesner abstained
49. 9-0-1 Mr. Wiesner abstained
50. 9-0-1 Mr. Wiesner abstained

- Confidential Agreed Board Orders (Tab 42)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: three proposed Confidential Agreed Board Orders concerning a pharmacist (Alternative Resolution) and eleven proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference

Confidential Agreed Board Order (Pharmacist)
(Alternative Resolution)

1. ABO #G-17-005

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

2. ABO #M-18-017
3. ABO #N-17-017
4. ABO #M-18-011
5. ABO #M-18-016
6. ABO #R-18-002
7. ABO #M-18-019
8. ABO #G-18-012
9. ABO #N-18-009
10. ABO #G-18-011
11. ABO #A-18-006

The motion was made by Mr. Miller to approve the following: one proposed Confidential Agreed Board Order concerning a pharmacist (Alternative Resolution) and ten proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference.

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

Confidential Agreed Board Order (Pharmacist)
(Alternative Resolutions)

1. 10-0-0
2. 10-0-0
3. 10-0-0

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

4. 9-0-1 Mr. Wiesner abstained
5. 9-0-1 Mr. Miller abstained
6. 9-0-1 Mr. Wiesner abstained
7. 9-0-1 Mr. Wiesner abstained
8. 9-0-1 Mr. Wiesner abstained
9. 9-0-1 Mr. Miller abstained
10. 9-0-1 Mr. Miller abstained
11. 9-0-1 Mr. Wiesner abstained
12. 9-0-1 Mr. Wiesner abstained
13. 9-0-1 Mr. Wiesner abstained
14. 9-0-1 Mr. Wiesner abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 48)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: seven proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and three proposed Remedial Plans concerning pharmacists following an Informal Conference.

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

- | | |
|------------------------------|-------------|
| 1. ASP Cares | #H-17-020-B |
| 2. Ashwini Goswami | #H-17-020-A |
| 3. Mandy Baig | #H-18-001-A |
| 4. Rhondreka Jeannine Hughes | #H-18-013-A |
| 5. Janis Sumner Neal | #H-18-006 |
| 6. Thomas Nguyen | #H-17-036-A |
| 7. Julliane Rose Swick | #H-17-052-A |

Remedial Plans (Pharmacists)
(Following and Informal Conference)

- | | |
|------------------------|-------------|
| 8. Chidi Eleazar Amadi | #H-17-043-A |
| 9. Phongphu Alex Dang | #H-17-047-A |
| 10. Asma Tahir | #H-18-016-A |

The motion was made by Ms. Kedron to approve the following: three proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and three proposed Remedial Plans concerning pharmacists following and informal conference.

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

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

1. 10-0-0
2. 10-0-0
3. 10-0-0

Remedial Plans (Pharmacists)
(Following and Informal Conference)

4. 6-0-1 Mr. Wiesner abstained
5. 5-0-2 Mr. Wiesner abstained
6. 6-0-1 Mr. Wiesner abstained

H. Miscellaneous

- Items to be Placed on Agenda for August Board Meeting (Tab 51)
 - Mobile Inspections
- Election of Vice President and Treasurer (Tab 52)

President Wiesner asked for nominations for the office of Treasurer for FY2019. Ms. Yoakum nominated Mr. Lewis. The motion was seconded by Ms. Henke and passed unanimously.

President Wiesner asked for nominations for the office of Vice President for FY2019. Ms. Yoakum nominated Mr. Miller. The motion was seconded by Mr. Lewis and passed unanimously.

President Wiesner adjourned the meeting at 1:59 p.m.

APPROVED:



Dennis F. Wiesner, R.Ph.
President



Allison Vordenbaumen Benz, R.Ph., M.S.
Executive Director/Secretary

November 6, 2018