



TEXAS STATE BOARD OF PHARMACY

**Health Professions Council Board Room
333 Guadalupe Street, Tower II, Suite 225
Austin, Texas
August 6, 2019**

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, August 6, 2019

President Dennis Wiesner, R.Ph., called the meeting to order at 9:07 a.m. Other Board Members present were Vice President Bradley A. Miller, Ph.T.R.; Treasurer Donnie Lewis, R.Ph.; Jenny Downing Yoakum, R.Ph.; Rick Fernandez, R.Ph.; Daniel Guerrero; Lori Henke, Pharm.D.; Julie Spier, R.Ph.; Chip Thornsburg; and Suzette Tijerina, R.Ph., and L. Suzan Kedron.

Staff present were Allison Vordenbaumen Benz, R.Ph., M.S., Executive Director/Secretary; Kerstin Arnold, General Counsel; Annette Graves, Assistant General Counsel; Megan Holloway, Assistant General Counsel; Caroline Hotchkiss, Director of Enforcement; Margarita Zamarripa, Executive Assistant; and Ann Driscoll, Ph.T.R., Team Manager.

A. Announcements

- President 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.

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

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

¹See agenda and corresponding attachments for supporting materials.

of the Board Business Meeting held May 7, 2019. The motion was seconded by Ms. Kedron and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Vendor Protest Procedures (§281.14) (Tab 02)

Ms. Holloway explained that the Board voted to propose the new rule language during its May 7, 2019 meeting. The proposed new rule language was published in the June 28, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to §281.14 and explained that the new rule establishes policy and procedures for resolving vendor protests relating to purchasing issues, as required by §2155.076 of the Government Code.

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

- Rules Concerning Vehicles (§281.19) (Tab 03)

Ms. Holloway explained that the Board voted to propose the amendments to §281.19 during its May 7, 2019 meeting. The proposed amendments were published in the June 28, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §281.19 and explained that the amendments add updated vehicle inscription information (formerly located in §281.15) and remove outdated references to an agency pool car.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Thornburg to approve for adoption, by Board Order, amendments to §281.19, as revised. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Negotiated Rulemaking (§281.15) (Tab 04)

Ms. Holloway explained that the Board voted to propose the amendments to §281.15 during its May 7, 2019 meeting. The proposed amendments were published in the June 28, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §281.15 and explained that the amendments repeal the existing rule relating to vehicle inscription information and create a new rule establishing policy and procedures for the use of negotiated rulemaking for the adoption of board rules in appropriate situations, as required by section 554.0011 of the Pharmacy Act.

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 §281.15, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Alternative Dispute Resolution (§281.16) (Tab 05)

Ms. Holloway explained that the Board voted to propose the new rule language during its May 7, 2019 meeting. The proposed new rule language was published in the June 28, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §281.16 and explained that the new rule establishes policy and procedures for the use of alternative dispute resolution internal and external disputes, as required by §554.0011 of the Pharmacy Act.

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 §281.16, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Examination Retake Requirements (§283.11) (Tab 06)

Ms. Holloway explained that the Board voted to propose the amendments to §283.11 during its May 7, 2019 meeting. The proposed amendments were published in the June 28, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §283.11 and explained that the amendments update the examination retake requirements and remove outdated references to an examination retake committee.

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 §283.11, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Education Requirements (§295.8) (Tab 07)

Ms. Holloway explained that the Board voted to propose the amendments to §295.8 during its May 7, 2019 meeting. The proposed amendments were published in the June 28, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §295.8 and explained that the amendments clarify the definition of initial license period, remove an outdated reference to the Commission for Certification in Geriatric Pharmacy, and correct grammatical errors.

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 §295.8, as presented. The motion was seconded by Mr. Miller and passed unanimously.

Proposal of Rules

- Rules Concerning Military Spouses Licensed/Registered in Similar Jurisdictions (§§283.12, 297.10) (Tabs 11, 12)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning military spouses licensed/registered in similar jurisdictions. She explained the proposed amendments establish procedures for a military spouse who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially similar to Texas's requirements to obtain an interim pharmacist license or interim pharmacy technician registration in accordance with Senate Bill 1200.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal amendments to §§283.12 and 297.10, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Telepharmacy System in a Federally Qualified Health Center (§291.121) (Tab 13)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning telepharmacy system in a federally qualified health center. She explained the proposed amendments to §291.121 clarify that a telepharmacy system located at a federally qualified health center may be located in a community in which a Class A or Class C pharmacy is located, in accordance with Senate Bill 670.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §291.121, as presented. The motion was seconded by Ms. Kedron and passed unanimously.

- Rules Concerning Continuing Education (§§295.8, 297.8) (Tabs 14,15)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning continuing education. She explained the proposed amendments to §295.8 add requirements for two hours of continuing education on pain management as specified in House Bill 3285, two hours of continuing education on prescribing and monitoring controlled substances as specified in House Bill 2174, and a human trafficking prevention course as specified in House Bill 2059, and remove a requirement for one hour of continuing education on opioid abuse. The proposed amendments to §297.8 add a requirement for a human trafficking prevention course as specified in House Bill 2059 and correct grammatical errors.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §§295.8 and 297.8, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Physician Delegation in Federally Qualified Health Center (§295.13) (Tab 16)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning physician delegation in federally qualified health center. She explained the proposed amendments clarify that a federally qualified health center is a practice setting in which physician delegation to a pharmacist of specific acts of drug therapy management may occur, in accordance with House Bill 2425.

Following discussion, the motion was made by Ms. Tijerina to approve for proposal amendments to §295.13, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Communication with Prescriber (§309.5) (Tab 17)

Ms. Holloway directed the Board's attention to rule language concerning communication with prescriber. She explained the proposed amendments remove the section's expiration date, in accordance with House Bill 1264.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §309.5, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Opioid Prescriptions for Acute Pain (§315.3) (Tab 18)

Ms. Holloway directed the Board's attention to rule language concerning opioid prescriptions for acute pain. She explained the proposed amendments specify that opioid prescriptions for the treatment of acute pain may not exceed a 10-day supply or provide for a refill, in accordance

with House Bills 2088 and 2174, remove expiration date from the section's title, and correct grammatical errors.

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

- Rules Concerning Zero Reporting to PMP (§315.6) (Tab 19)

Ms. Holloway directed the Board's attention to rule language concerning zero reporting to PMP. She explained the proposed amendments require a pharmacy that does not dispense any controlled substances during a seven-day period to submit a zero report to the Prescription Monitoring Program and establish a procedure for requesting a waiver of the zero-reporting requirement, in accordance with House Bill 2847.

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

- Rules Concerning Delegate Access to Prescription Monitoring Program Data (§315.11) (Tab 20)

Ms. Holloway directed the Board's attention to rule language concerning delegate access to Prescription Monitoring Program data. She explained the proposed amendments remove the effective date from the section title and clarify that a pharmacist may delegate access to prescription data to a pharmacist-intern or pharmacy technician trainee under the direction of the pharmacist, in accordance with House Bill 2847.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §315.11, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Prescription Monitoring Program Access Requirements (§315.15) (Tab 21)

Ms. Holloway directed the Board's attention to rule language concerning Prescription Monitoring Program access requirements. She explained the proposed amendments change the effective date of mandatory PMP database review before dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol, in accordance with Senate Bill 3284, and clarify that the duty to consult the PMP database does not apply if the patient has a documented diagnosis of sickle cell disease, in accordance with Senate Bill 1564.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §315.15, as presented. The motion was

seconded by Ms. Yoakum and passed unanimously.

Rule Review

- For Adoption

Ms. Holloway directed the Board's attention to the Board Rule Review Plan for FY 2018-2021 (Tab 22)

- Chapter 291 Concerning Pharmacies (All Classes of Pharmacies) (§§291.1-291.3, 291.5 – 291.11, 291.14 - 291.19, 291.22 - 291.24, 291.27 - 291.29) (Tab 23)
- Chapter 291 Concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91 – 291.94) (Tab 24)
- Chapter 291 Concerning Pharmacies (Non-Resident Pharmacy (Class E)) (§§291.101 – 291.106) (Tab 25)
- Chapter 295 Concerning Pharmacists (§§295.1 – 295.9, 295.11 – 295.16) (Tab 26)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Lewis to approve for adoption as presented, the review of Chapter 291 (§§291.1-291.3, 291.5-291.11, 291.14-291.19, 291.22-291.24, 291.27-291.29), Chapter 291 (§§291.91 – 291.94), Chapter 291 (§§291.101 – 291.106) and Chapter 295 (§§295.1 – 295.9, 295.11 – 295.16). The motion was seconded by Ms. Yoakum and passed unanimously.

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

- Financial Update

- Review of FY2019 Expenditures (Tab 27)

Ms. Benz reviewed the expenditures for the third quarter of FY2019 (March 1, 2019 - through May 31, 2019) for the Board.

- Review of Board Member Travel Budget (Tab 28)

Ms. Benz reviewed the Board Member Travel Budget through the third quarter of FY2019.

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

Ms. Benz presented a report on material changes to contracts for goods and services. Ms. Benz notified the Board that the legislature authorized funding for Appriss Health to implement statewide integration for both enhancements are now available at no cost to the NarxCare users. Ms. Benz also stated that beginning March 1, 2020 in accordance with Senate Bill 3284, mandatory Prescription Monitoring Program database review will be in effect, and amendments to the rules were proposed to reflect this date in §315.15.

Following consideration, in accordance with §2155.088 of the Government Code, the motion was made by Mr. Thornsburg to approve the material changes to the contracts for goods and services reported. The motion was seconded by Mr. Fernandez and passed with Mr. Guerrero opposed.

- Review and Approval of FY2020 Operating Budget and Revenue Projections (Tab 30)

Ms. Benz directed the Board's attention to a proposed operating budget for FY2020.

Following discussion, the motion was made by Mr. Thornsburg to approve the FY2020 operating budget, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

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

Final Adoption of Rules continued

- Rules Concerning Licensing Fees (§§291.6, 295.5) (Tabs 08, 09, 10)

Ms. Holloway explained that the Board voted to propose the amendments to §§291.6 and 295.5 during its May 7, 2019 meeting. The proposed amendments to §291.6 were published in the June 28, 2019 issue of the Texas Register at TexReg3222. The proposed amendments to §295.5 were published in the July 5, 2019 issue of the *Texas Register* at TexReg3429. Comments were received from Alliance of Independent Pharmacists of Texas.

Ms. Holloway directed the Board's attention to the amendments to §291.6 and explained that the amendments §291.6 will increase pharmacy license fees based on expected expenses and the amendments to §295.5 will increase pharmacist license fees based on expected expenses.

President Wiesner recognized Bruce McAnally, R.Ph., who presented oral remarks regarding fee increases.

President Wiesner recognized Debbie Garza, CEO, Texas Pharmacy Association, who requested the Board reconsider fee increases.

President Wiesner recognized Audra Conwell, Alliance of Independent Pharmacists of Texas. Ms. Conwell who requested the amendments to be placed on hold pending further review.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Guerrero to approve for adoption, by Board Order, amendments to §§291.6 and 295.5, as presented. The motion was seconded by Ms. Henke and passed with Ms. Yoakum, Mr. Guerrero and Mr. Thornsburg opposed.

President Wiesner recessed the meeting at 10:25 a.m.
President Wiesner reconvened the meeting at 10:40 a.m.

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

- Discussion Concerning Proposed Automated Dispensing and Delivery Systems Pilot Program (Tab 37)

President Wiesner presented a petition for a Pilot Project from Sam's Club, Inc., regarding using MedAvail MedCenter automated dispensing and delivery systems, and Next Level Urgent Care regarding using MedifriendRx automated dispensing and delivery systems.

President Wiesner recognized Kevin Rue, MedifriendRx, and Matt Broome, Sam's Club, who explained the purpose of each of the automated dispensing and delivery systems.

Following discussion, the motion was made by Ms. Henke to approve the Pilot Program with the conditions discussed. The motion was seconded by Mr. Miller and passed with Ms. Yoakum and Mr. Thornsburg opposed.

President Wiesner recessed the meeting at 11:45 a.m.
President Wiesner reconvened the meeting at 12:39 p.m.

Board Member L. Suzan Kedron left the meeting during the break.

- Review and Approval of TSBP FY2020 Goals and Objectives (Tab 33)

Ms. Benz directed the Board's attention to the the Goals and Objectives for FY2020.

Following review and discussion, the motion was made by Mr. Fernandez to approve the TSBP FY2020 Goals and Objectives, as presented.

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

- Review and Approval of Timeline for TSBP FY2021-2025 Strategic Plan (Tab 34)

Ms. Benz directed the Board's attention to the timeline for the TSBP FY2021-2025 Strategic Plan.

Following review and discussion, the motion was made by Mr. Guerrero to approve the timeline for the TSBP FY2021-2025 Strategic Plan, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Review and Approval of *Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy* (Tab 35)

Following review of a list of ACPE approved professional degree programs of colleges and schools of pharmacy, a motion was made by Ms. Spier to approve the list of ACPE accredited professional programs of colleges and schools of pharmacy, as presented, as required under Board Rule §305.1. The motion was seconded by Ms. Henke and passed unanimously.

- Report on the Prescription Monitoring Program (Tab 38)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the third quarter of FY2019 (March 1, 2019 – May 31, 2019); and the minutes of the April 30, 2019 Interagency Work Group meeting.

- Update on Audit Shortages Video (Tab 39)

Shayda Bakhshi, Outreach Coordinator, presented an educational video to help pharmacies prevent theft and loss of controlled substances.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Tab 40)

Ms. Arnold presented information concerning a petition filed in district court in Travis County that challenges the prohibition against of licensed Texas doctors to dispense prescriptions to patients from their offices, along with TSBP's answer to the filed petition.

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the quarterly report for the third quarter of FY2019 (March 1, 2019 – May 31, 2019). (Tab 31)

- President Wiesner recognized Eden Males with the Professional Recovery Network (PRN). Ms. Males directed the Board's attention to the PRN budget report for through the third quarter of FY2019 (September 1, 2018 – May 31, 2019). Ms. Males reviewed current PRN activities for the Board. (Tab 32)
- Discussion Concerning Pharmacy Practices in other States, including Rules Regarding Expanded Pharmacy Technicians Roles, and Prior Board Task Force Suggestions Regarding Technicians and Working Conditions (Tab 36)

Ms. Benz presented an overview of pharmacy business practice rules in other states, including rules regarding expanded pharmacy technician roles and prior Board Task Force suggestions regarding technicians and working conditions. Comments from the National Association of Chain Drug Stores were received.

President Wiesner recognized John Rocchio, CVS. Mr. Rocchio commented on workplace conditions and provided new language to the Board to review.

Mr. Wiesner commented that the National Association of Chain Drug Stores elicited the University of Pittsburg to evaluate the roles of pharmacy technicians in a pharmacy.

President Wiesner recognized Daniel Nyakundi, Memorial Hermann Memorial City Medical Center. Mr. Nyakundi requested that the Board look at immunizations as well when expanding the pharmacy technician's role.

President Wiesner recognized Kim Caldwell, RPh. Mr. Caldwell commented that the potential of a different class of pharmacy technician should be considered.

President Wiesner recognized Sydney Johnson, Dallas County Community District. Ms. Johnson commented that pharmacy technicians' roles should be advanced, and a different class of pharmacy technician may assist with advancement.

Mr. Rocchio commented that his proposed rule language changes would allow pharmacy technicians to perform additional duties. Mr. Rocchio also noted that twelve jurisdictions currently allow this. Mr. Rocchio urged the Board to review the rules now and have new rules in place by the end of the year.

Following discussion, the motion was made by Mr. Fernandez to examine the possibility of expanding the role of pharmacy technicians and directed Board staff to contact the Medical Board regarding immunization delegation and to draft rules regarding the following items:

1. Remove technician ratios in Class A pharmacies; and
2. Allow technicians to perform telephonic prescription transfers of non-controlled substances.
3. Allow technicians to perform nonjudgmental prescription clarification at direction of pharmacist.
4. Allow technicians to accept new oral prescription drug orders.

The motion was seconded by Mr. Guerrero and passed unanimously.

President Wiesner recessed the meeting at 2:09 p.m.

President Wiesner reconvened the meeting at 2:22 p.m.

- Update on Legislation Passed During the 86th Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy. (Tab 41)

Ms. Benz directed the Board's attention to an action chart concerning legislation that was passed during the 86th Session of the Texas Legislature that has an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, action required by TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

E. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 42)

The Board received a report on complaints dismissed and closed during the first three quarters of FY2019 (September 1, 2018 – May 31, 2019). The report also included quarterly averages for FY2019 as compared to FY2018, as well as percentage change from FY2018 to FY2019.

Ms. Hotchkiss reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 43)

The Board received the *Report on Status of Active/Pending Complaints*.

Ms. Hotchkiss reviewed the report for the Board.

F. Disciplinary Orders

- Report on Agreed Board Orders Entered by Executive Director (Tab 44)
 - The Board reviewed 14 Agreed Board Orders (Alternative Resolutions) 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 20, 2019, through August 2, 2019.
- The Board reviewed 10 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 June 27, 2019, through August 2, 2019.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 45)
 - 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 6 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. Shequita R. Reliford	ABO #T-19-052-N
2. Bertha Trevino	ABO #T-19-032
3. Martin Antonio Ventocilla	ABO #T-18-261
4. Stephen T. Garza	ABO #T-19-049
5. Winter Renee Green	ABO #T-19-050-N
6. Ashley Monique Jacob	ABO #T-18-221
7. Terrence Parker	ABO #T-18-285-N
8. Anny Siharaj	ABO #T-19-065
9. Amanda Simonelli	ABO #T-19-004
10. Tamala Brown	ABO #T-17-375-N
11. Sandra Centeno	ABO #T-18-022
12. Debra Escobedo	ABO #T-19-073
13. Roman Guerrero	ABO #T-18-271
14. Bianca Sanchez	ABO #T-19-042
15. Connie Saldana	ABO #T-19-069

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

16. Christopher Michael Manning	DBO #T-18-165
17. Jeremiah Patrick King	DBO #T-18-288
18. Gianni Antoine	DBO #T-19-075
19. Jervelle Moore	DBO #P-19-005-T
20. Aaron Daniel Phillips	DBO #T-18-210-N
21. Tinashe Maswoswe	DBO #T-15-460-N

The motion was made by Ms. Henke to approve the following:
15 proposed Agreed Board Orders concerning pharmacy

technicians and pharmacy technician trainees who appeared for an Informal Conference, and 6 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. Wiesner abstained
2. 9-0-1 Mr. Wiesner abstained
3. 9-0-1 Mr. Wiesner abstained
4. 9-0-1 Mr. Lewis abstained
5. 9-0-1 Mr. Lewis abstained
6. 9-0-1 Mr. Lewis abstained
7. 9-0-1 Mr. Lewis abstained
8. 9-0-1 Mr. Lewis abstained
9. 9-0-1 Mr. Lewis abstained
10. 9-0-1 Ms. Tijerina abstained
11. 9-0-1 Ms. Tijerina abstained
12. 9-0-1 Ms. Tijerina abstained
13. 9-0-1 Ms. Tijerina abstained
14. 9-0-1 Ms. Tijerina abstained
15. 9-0-1 Ms. Tijerina abstained

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

16. 9-0-1 Mr. Wiesner abstained
17. 9-0-1 Mr. Lewis abstained
18. 9-0-1 Ms. Tijerina abstained
19. 9-0-1 Ms. Tijerina abstained
20. 9-0-1 Ms. Tijerina abstained
21. 9-0-1 Mr. Miller abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 6 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 32 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians who appeared for an Informal Conference; and three Default Board Orders concerning a pharmacy and a pharmacist who did not appear for an Informal Conference.

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

- | | |
|---------------------------|-----------------|
| 2. Fort Bend Rx Pharmacy | ABO #J-19-013-B |
| 3. Tracy Kirkpatrick | ABO #L-19-028 |
| 4. Kroger Pharmacy #342 | ABO #J-19-006-B |
| 5. Marley Drug, Inc. | ABO #L-19-015 |
| 6. Robert Brent Clevenger | ABO #L-19-024 |

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

- | | |
|---|-----------------|
| 7. Esther Chinedozi Amaka | ABO #R-19-001 |
| 8. Botica Familiar Pharmacy | ABO #J-18-013-B |
| 9. Azenath Mogotu Gichana | ABO #J-18-013-A |
| 10. Brazos Care Pharmacy | ABO #K-19-005 |
| 11. Anh Lan Chau | ABO #G-18-024 |
| 12. Jackoline Marie Costantino | ABO #F-19-008 |
| 13. CVS/Pharmacy #7196 | ABO #H-17-026 |
| 14. Purvi B. Mody | ABO #C-18-007 |
| 15. CVS/Pharmacy #8440 | ABO #H-18-018-B |
| 16. Discount Plus Pharmacy | ABO #K-19-011-B |
| 17. Jonathan Lekwuwa | ABO #K-19-011-A |
| 18. Desire Eboy Eyong | ABO #J-19-020 |
| 19. Globe Pharmacy | ABO #B-18-010 |
| 20. Infinity Compounding Solutions, LLC | ABO #F-17-043 |
| 21. Kroger Pharmacy #560 | ABO #H-18-022-B |
| 22. Lee's Pharmacy & Medical Equipment
Company | ABO #H-18-030 |
| 23. Reginald Winston McCoy | ABO #M-19-019 |
| 24. Meds for Vets, LLC | ABO #K-17-035 |
| 25. Nau's Enfield Pharmacy | ABO #C-17-036 |
| 26. Nexgen Compounding Pharmacy | ABO #H-17-029-B |
| 27. Huy Phuoc Bao Nguyen | ABO #J-19-018-A |
| 28. Larry Ajiboye Ojo | ABO #C-16-012-A |
| 29. Brinda Dipul Patel | ABO #H-18-027-A |
| 30. Powerhouse Pharmacy | ABO #K-19-004 |
| 31. TIGERx Pharmacy | ABO #H-19-002-B |
| 32. John Allen Case | ABO #H-19-002-A |
| 33. Alison Page Vincent | ABO #H-18-039-A |
| 34. Walgreens #9908 | ABO #B-18-011 |
| 35. Walgreens #12837 | ABO #H-18-054-B |
| 36. Robert Anthony Rios | ABO #H-18-054-A |
| 37. Westlands Pharmacy | ABO #B-18-002-B |
| 38. Rosalind Amaka Onyia | ABO #B-18-002-A |

Default Board Orders (Pharmacy and Pharmacist)
(Did not appear for an Informal Conference)

- | | |
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| 39. Alpha Pharmacy | ABO #K-18-037-B |
|--------------------|-----------------|

- | | |
|-------------------------|-----------------|
| 40. Loi Thi Vu | ABO #K-18-037-A |
| 41. Pill Cloud Pharmacy | ABO #J-19-018-B |

The motion was made by Mr. Lewis to approve the following: 6 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 32 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians who appeared for an Informal Conference; and three Default Board Orders concerning a pharmacy who did not appear for an Informal Conference.

The motion was seconded by Ms. Yoakum 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

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

7. 8-0-2 Mr. Wiesner and Ms. Henke abstained
8. 8-0-2 Mr. Wiesner and Ms. Henke abstained
9. 8-0-2 Mr. Wiesner and Ms. Henke abstained
10. 8-0-2 Mr. Wiesner and Ms. Spier abstained
11. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
12. 8-0-2 Mr. Wiesner and Ms. Henke abstained
13. 7-0-3 Mr. Wiesner, Ms. Spier and Ms. Tijerina abstained
14. 7-0-3 Mr. Wiesner, Ms. Spier and Ms. Tijerina abstained
15. 7-0-3 Mr. Wiesner, Ms. Spier and Ms. Tijerina abstained
16. 8-0-2 Mr. Wiesner and Ms. Henke abstained
17. 8-0-2 Mr. Wiesner and Ms. Henke abstained
18. 8-0-2 Mr. Wiesner and Ms. Henke abstained
19. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
20. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
21. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
22. 8-0-2 Mr. Wiesner and Ms. Spier abstained
23. 8-0-2 Mr. Wiesner and Ms. Henke abstained
24. 8-0-2 Mr. Wiesner and Ms. Spier abstained
25. 8-0-2 Mr. Wiesner and Ms. Spier abstained
26. 8-0-2 Mr. Fernandez and Mr. Miller abstained
27. 8-0-2 Mr. Wiesner and Ms. Henke abstained

28. 8-0-2 Mr. Wiesner and Ms. Yoakum abstained
29. 8-0-2 Mr. Wiesner and Ms. Spier abstained
30. 8-0-2 Mr. Wiesner and Ms. Spier abstained
31. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
32. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
33. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained
34. 7-0-3 Mr. Wiesner, Ms. Tijerina, and Mr. Fernandez abstained
35. 7-0-3 Mr. Wiesner, Ms. Spier, and Mr. Fernandez abstained
36. 7-0-3 Mr. Wiesner and Ms. Spier abstained
37. 8-0-2 Mr. Wiesner and Ms. Henke abstained
38. 8-0-2 Mr. Wiesner and Ms. Henke abstained

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

39. 8-0-2 Mr. Miller and Mr. Fernandez abstained
40. 8-0-2 Mr. Miller and Mr. Fernandez abstained
41. 8-0-2 Mr. Wiesner and Ms. Henke abstained

- Confidential Agreed Board Orders (Tab 46)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: four proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference; and one proposed Confidential Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

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

1. ABO #N-19-006
2. ABO #S-19-001
3. ABO #R-19-005
4. ABO #M-19-017

Default Board Order (Pharmacist)
(Following an Informal Conference)

5. ABO #G-19-010

The motion was made by Mr. Lewis to approve the following: four proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference; and one proposed Confidential Default Board Order concerning a pharmacist who did not appear for an Informal Conference. The motion was seconded by Mr. Yoakum and passed as follows.

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

1. 8-0-2 Mr. Wiesner and Ms. Spier abstained
2. 8-0-2 Ms. Tijerina abstained
3. 9-0-1 Mr. Wiesner and Ms. Spier abstained
4. 8-0-2 Mr. Wiesner and Ms. Henke abstained

Default Board Order (Pharmacist)
(Following an Informal Conference)

5. 8-0-2 Mr. Wiesner and Ms. Henke abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 47)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one proposed Remedial Plan concerning a pharmacist (Alternative Resolutions); and two proposed Remedial Plans concerning pharmacists following an Informal Conference.

Remedial Plans (Pharmacists)
(Alternative Resolutions)

1. Tameka Faye Maiden #J-19-006-A

Remedial Plans (Pharmacy and Pharmacist)
(Following and Informal Conference)

2. Jeffery Blue Harrison #H-18-048-A
3. Subha George James #H-18-022-A

The motion was made by Ms. Spier to approve the following: one proposed Remedial Plans concerning a pharmacist (Alternative Resolutions); and two proposed Remedial Plans concerning pharmacists following and informal conference.

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

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

1. 10-0-0

Remedial Plans (Pharmacists)
(Following and Informal Conference)

2. 9-0-1 Ms. Spier abstained
3. 8-0-2 Mr. Wiesner and Ms. Tijerina abstained

G. Miscellaneous

- Items to be Placed on Agenda for November 5, 2019 Board Meeting
 - Discussion of information regarding expansion of duties for pharmacy technicians including providing immunizations.
 - Discussion of and Possible Action on Upcoming Conferences
- No discussion on possible action on Upcoming Conferences

H. Consideration of Personnel Matters

Mr. Wiesner explained that the 86th Texas Legislative Session provided funds for an increase for the Executive Director/Secretary of the Board.

Ms. Spier made the motion to increase the salary of the Executive Director/Secretary of the Board. The motion was seconded by Mr. Lewis and passed unanimously.

President Wiesner adjourned the meeting at 2:43 p.m.

APPROVED:



President



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

November 5, 2019