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## TEXAS STATE BOARD OF PHARMACY

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### Under the Authority of the Governor's Proclamation of Emergency Disaster Held via Videoconference

Friday, March 20, 2020

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

### EMERGENCY BOARD BUSINESS MEETING

#### Friday, March 20, 2020

Executive Director/Secretary, Allison Vordenbaumen Benz, R.Ph., called the meeting to order at 4:00 p.m. via Go-to-Training.

Board Members present via Go-to-Training were President Julie Spier, R.Ph.; Vice President Donnie Lewis, R.Ph.; Treasurer Jenny Downing Yoakum, R.Ph.; Rick Fernandez, R.Ph.; Daniel Guerrero; Lori Henke, Pharm.D.; Bradley A. Miller, Ph.T.R.; Donna Montemayor, R.Ph.; Chip Thornsburg; Suzette Tijerina, R.Ph.; and Rick Tisch.

Staff present via Go-to-Training were Allison Vordenbaumen Benz, R.Ph., M.S., Executive Director/Secretary; Kerstin Arnold, General Counsel; Annette Graves, R.Ph., Assistant General Counsel; Megan Holloway, Assistant General Counsel; Ann Driscoll, Ph.T.R., Team Manager; and Shayda Bakhshi, Outreach Coordinator.

#### **A. Discussion of and Possible Action Regarding Rule**

Rule Concerning Medication Limitation Under the Authority of the Governor's Proclamation of Emergency Disaster (§291.30)

Ms. Benz directed the Board's attention to suggested emergency new rule language and explained that the Board may adopt on an emergency basis a new

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<sup>1</sup>See agenda and corresponding attachments for supporting materials.

rule due to imminent peril to public health, safety and welfare if the Board finds that it is not practical to provide the usual 30 days' prior notice and hearing. Ms. Benz explained the extraordinary demand for chloroquine and hydroxychloroquine as a result of COVID-19 (coronavirus) and the imminent peril to public health, safety and welfare caused by shortages of medication for existing conditions due to COVID-19 (coronavirus). Ms. Benz explained that the suggested emergency new rule §291.30 provides limitations on the dispensing of chloroquine or hydroxychloroquine.

A motion was made by Mr. Tisch to amend the language to include mefloquine and azithromycin. The motion was seconded by Mr. Lewis.

Following discussion and review of the Preamble and Order Adopting Rule, a motion was made by Mr. Tisch to approve for adoption, by Board Order, new rule §291.30 as amended. The motion was seconded by Ms. Montemayor. Ms. Benz called roll to record verbal confirmation of votes and the motion passed unanimously.

**B. Discussion regarding waivers issued as a result of the Governor's disaster declaration for COVID-19**

Ms. Benz reviewed waivers issued by the Governor's office, as shown below, and informed the Board the information could be found on the Coronavirus Disease (COVID-19) Resources page on the Board's website and would be updated as needed.

- [§291.17](#) – The Office of the Governor temporarily suspended the annual inventory notarization requirement in §291.17(c)(3).
- [§291.33](#) – The Office of the Governor temporarily suspended the requirement in §291.33(c)(1)(B)(iii) to have in-person contact for patient counseling in order to allow patient counseling to be performed by telephonic consultation.
- [§291.36](#) – The Office of the Governor temporarily suspended the requirement in §291.36(2) to obtain to obtain an inspection within the last renewal period in order to renew a Class A-S pharmacy license.
- [§291.54](#) – The Office of the Governor temporarily suspended the requirement in §291.54(a)(13) to obtain an inspection within the last renewal period in order to renew a Class B pharmacy license.
- [§291.77](#) – The Office of the Governor temporarily suspended the requirement in §291.77(2) to obtain an inspection within the last renewal period in order to renew a Class C-S pharmacy license.
- [§291.106](#) – The Office of the Governor temporarily suspended the requirement in §291.106(4) to obtain an inspection within the last renewal period in order to renew a Class E-S pharmacy license.

- [§291.121](#) – The Office of the Governor temporarily suspended the requirement in §291.121(d)(3), (4)(C)(i) to the extent necessary to expand the pilot program for automated systems in order to allow for remote automated dispensing.
- [§295.15](#) – The Office of the Governor temporarily suspended the requirement in §295.15(c)(2)(C) to maintain documentation of current certification in American Heart Association's Basic Cardiac Life Support for Health-Care Providers or its equivalent in order to provide immunization or vaccination under written protocol of a physician.

Ms. Benz adjourned the meeting at 4:37 p.m.

APPROVED:



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Julie Spier, R.Ph.  
President



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

May 5, 2020