



TEXAS STATE BOARD OF PHARMACY

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

February 5, 2019

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, February 5, 2019

President Dennis Wiesner, R.Ph. called the meeting to order at 9:02 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.

Board Member L. Suzan Kedron was not present.

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)

¹See agenda and corresponding attachments for supporting materials.

Following discussion, the motion was made by Mr. Fernandez to approve the minutes of the Board Business Meeting held November 6, 2018. The motion was seconded by Mr. Lewis and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Removal of a Remedial Plan from Board Records (§281.68) (Tab 02)

Ms. Holloway explained that the Board voted to propose the amendments to §281.68 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §281.68 and explained that the amendments clarify that the Board shall remove all records of a completed remedial plan at the end of the fiscal year of the fifth anniversary of the date the board entered the remedial plan in accordance with section 565.060 of the Pharmacy Act.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Guerrero to approve for adoption, by Board Order, amendments to §281.68, as presented. The motion was seconded by Ms. Henke and passed unanimously.

- Rules Concerning Waiver of Inactive Status Fees for Military Service Members, Military Veterans, and Military Spouses (§283.12) (Tab 03)

Ms. Holloway explained that the Board voted to propose the amendments to §283.12 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §283.12 and explained that the amendments allow a military service member, military veteran, or military spouse to place his or her pharmacist license on inactive status without paying a fee while not practicing pharmacy in Texas.

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

- Rules Concerning Automated Devices and Systems in Class A Pharmacies (§291.31) (Tab 04)

Ms. Holloway explained that the Board voted to propose the amendments to §291.31 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §291.31 and explained that the amendments update the definitions of an automated counting device and automated pharmacy dispensing system and correct grammatical errors.

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

- Rules Concerning Automated Devices and Systems and Patient Counseling Requirements in Class A Pharmacies (§291.33) (Tab 05)

Ms. Holloway explained that the Board voted to propose the amendments to §291.33 during its August 7, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §291.33 and explained that the 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 inter-action with the pharmacist, update the requirements for the use of automated devices and systems in Class A pharmacies to be consistent with the updated definitions in §291.31 and changes in technology, remove the provisions relating to automated storage and distribution devices from this section, and correct grammatical errors.

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

- Rules Concerning Official Prescription Requirements in Class A Pharmacies (§291.35) (Tab 06)

Ms. Holloway explained that the Board voted to propose the amendments to §291.35 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to

§291.35 and explained that the amendments update the citation reference regarding the requirement for the use of official prescriptions for Schedule II controlled substances in Class A pharmacies.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fernandez to approve for adoption, by Board Order, amendments to §291.35, as presented. The motion was seconded by Ms. Spier and passed unanimously.

- Rules Concerning Outpatient Records in and Official Prescription Forms Class C Pharmacies (§291.75) (Tab 07)

Ms. Holloway explained that the Board voted to propose the amendments to §291.75 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §291.75 and explained that the amendments update citation references regarding outpatient records, outpatient prescription forms, and official prescriptions for Schedule II controlled substances, remove outdated references to nalbuphine (e.g., Nubain) from the electronic recordkeeping requirements for distribution and return of controlled substances, and correct grammatical errors.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §291.75, as revised. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Remote Services through Automated Storage and Delivery System (§291.121) (Tab 08)

Ms. Holloway explained that the Board voted to propose the amendments to §291.121 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §291.121 and explained that the amendments provide standards and requirements for the provision of remote pharmacy services using automated storage and delivery systems, including definitions, general requirements, operational standards, and records requirements.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Miller to approve for adoption, by Board Order, amendments to §291.121, as presented. The motion was seconded by Ms. Henke and passed unanimously.

- Rules Concerning Compounding Essentially Copies of Commercially Available Products (§§291.131, 291.133) (Tab 09 - 10)

Ms. Holloway explained that the Board voted to propose the amendments to §291.131 and §291.133 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*. Comments were received from Surval Patel, Pharm.D., Baxter Healthcare Corporation, National Community Pharmacists Association, and the Alliance of Independent Pharmacists of Texas regarding §291.133.

Ms. Holloway directed the Board's attention to the amendment to §291.131 and §291.133 and explained that the amendments add definitions for active pharmaceutical ingredient, commercially available product, easily substitutable dosage strength, and essentially a copy of a commercially available product.

President Wiesner recognized Christine Versichele with DynaLabs who presented oral remarks regarding the proposed amendments to §291.131 and the upcoming changes to USP<795> and USP<797>.

Following discussion and review of the comments, the motion was made by Mr. Guerrero to withdraw from consideration the amendments to §291.131 and §291.133 and to direct staff to convene a task force. The motion was seconded by Ms. Yoakum and passed unanimously.

Board Member L. Suzan Kedron joined the meeting at 9:26 a.m.

- Rules Concerning Medication Therapy Management Services in Class G Pharmacies (§291.153) (Tab 11)

Ms. Holloway explained that the Board voted to propose the amendments to §291.153 during its November 6, 2018, meeting. The proposed amendments were published in the January 4, 2019, issue of the *Texas Register*, and comments were received from the Texas Medical Association.

Ms. Holloway directed the Board's attention to amendments to §291.153 and explained that the amendments provide the provision of medication therapy management services in Class G pharmacies and update a reference to pharmacy technician certification.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Guerrero to withdraw from consideration amendments to §291.153. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Rules Concerning Controlled Substances Prescription Forms (§315.12) (Tab 12)

Ms. Holloway explained that the Board voted to propose the amendments to §315.12 during its November 6, 2018 meeting. The proposed amendments were published in the January 4, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §315.12 and explained that the amendments correct a reference to the agency responsible for issuing a controlled substances registration number to the United States Drug Enforcement Administration.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Thornsburg to approve for adoption, by Board Order, amendments to §315.12, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

Proposal of Rules

- Rules Concerning Grounds for Discipline of Pharmacist License Relating to Inspection Warning Notices (§281.7) (Tab 13)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning grounds for discipline for pharmacists. She explained the proposed amendments update the grounds for disciplinary action against a pharmacist license after receipt of a warning notice from the board to reflect current board policies and procedures, and correct grammatical errors.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §281.7, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Electronic Licensing Documentation (§§283.4, 295.1, 295.5, 297.4) (Tabs 14 - 17)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning electronic licensing documentation. She explained the proposed amendments to §283.4 update the pharmacist-intern requirements to reflect the board's new procedure of issuing electronic pharmacist-intern documentation, the proposed amendments to §295.1 update the change of address or name requirements for pharmacists to reflect the board's new procedure of issuing electronic renewal certificates, the proposed amendments to §295.5 remove the fees for duplicate or amended renewal certificates to reflect the board's new procedure of issuing electronic renewal certificates and correct a

subsection reference, and the proposed amendments to §297.4 remove the fees for duplicate or amended certificates to reflect the board's new procedure of issuing electronic renewal certificates.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §§283.4, 295.1, 295.5, and 297.4, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Preceptor Requirements for Display of Certificate (§283.6) (Tab 18)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning preceptor requirements. She explained the proposed amendments remove the requirement for pharmacist preceptors to publicly display their licenses and certificates and correct grammatical and reference errors.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §283.6, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Annual Inventory of Class C or C-S Pharmacy (§291.17) (Tab 19)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning inventory requirements. She explained the proposed amendments clarify that the annual inventory of a Class C and Class C-S pharmacy shall include a physical count of all controlled substances located in the pharmacy and all controlled substances located in other departments of the institution.

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

- Rules Concerning Theft or Significant Loss Reports (§291.34) (Tab 20)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning records. She explained the proposed amendments remove an outdated reference to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made and correct grammatical errors.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §291.34 with revisions to remove the reference to a Schedule V nonprescription register book. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Theft or Significant Loss Reports (§§291.55, 291.75, 291.76, 291.151) (Tabs 21 - 24)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning records. She explained the proposed amendments remove outdated references to the Department of Public Safety as one of the agencies to which reports of theft or loss of controlled substances are made and correct grammatical errors.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §§291.55, 291.75, 291.76, and 291.151, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Official Prescription Forms (§315.2) (Tab 25)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning official prescription forms. She explained the proposed amendments remove the effective date from the short title and remove language pertaining to the validity of official prescription forms previously issued by the Texas Department of Public Safety.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §315.2, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Access Requirements (§315.15) (Tab 26)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning Texas Prescription Monitoring Program access requirements. She explained the proposed amendment clarifies which pharmacist is responsible for the review of the Texas Prescription Monitoring Program database prior to dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol.

President Wiesner recognized Zach Shenkir, a CVS pharmacy technician and pharmacist intern who inquired about the PMP documentation and how the process should be handled.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §315.15, with revisions. The motion was seconded by Mr. Lewis and passed unanimously.

President Wiesner recessed the meeting at 10:01 a.m.

President Wiesner reconvened the meeting at 10:17 a.m.

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

- Update on Task Force on *Guidelines for Establishing Pharmacist Peer Review* (Tab 29)

Ms. Benz advised the Board that the Task Force held its first meeting on January 15, 2019. She explained that additional information would be provided at the May Board meeting.

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 30)

No material changes to contracts for goods and services were presented.

- Review of FY2019 First Quarter Expenditures (Tab 31)

Ms. Cori Briscoe, Financial Services Manager, reviewed the expenditures for the first quarter of FY2019 (September 1, 2018 - through November 30, 2018) for the Board.

- Review of Board Member Travel Budget (Tab 32)

Ms. Briscoe reviewed the Board Member Travel Budget.

- Update on Legislative Appropriations Request for FY2020-2021 (Tab 33)

Ms. Benz directed the Board's attention to the FY2020-2021 Legislative Appropriations Request (LAR).

- Discussion Concerning Pharmacy Technicians Working Remotely (Tab 36)

Ms. Benz presented a letter received from Roger N. Morris, R.Ph., with Quarles & Brady, LLP, requesting clarification on pharmacy technicians working remotely.

Ms. Benz presented Senate Bill 1633 of the 85th Legislative Session-Regular and suggested amendments to rule language concerning

pharmacy technicians working remotely.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §§291.32, 291.123, and 291.153 as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Report on Prescription Monitoring Program (Tab 37)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the first quarter of FY2019 (September 1, 2018 – November 30, 2018); and the minutes of the October 23, 2018 Interagency Work Group meeting.

- Review and Approval of *TSBP FY2018 Annual Report* (Tab 38)

Ms. Benz directed the Board's attention to a draft of the *TSBP FY2018 Annual Report*. She reviewed the agency's significant accomplishments in FY2018 for the Board.

Following review and discussion, the motion was made by Mr. Thornsburg to approve the *TSBP FY2018 Annual Report*, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 39)

The Board received a report on complaints dismissed and closed during the first quarter of FY2019 (September 1, 2018 – November 30, 2018). 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 40)

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

Ms. Hotchkiss reviewed the report for the Board.

G. Disciplinary Orders

- Report on Agreed Board Orders Entered by Executive Director (Tab 41)
 - The Board reviewed 8 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 March 7, 2018, through April 26, 2018.

- The Board reviewed 33 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 March 7, 2018, through April 26, 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 April 26, 2018.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 42)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 8 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 13 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. Antoinette D. Sample | ABO #T-18-123 |
| 2. Deanna Carmichael | ABO #T-18-146 |
| 3. Enjoli Marie Todd | ABO #T-18-166-N |
| 4. Diana Chapman | ABO #T-17-225-N |
| 5. Marc Chezem | ABO #T-18-192 |
| 6. Cachao Gianquinto | ABO #T-18-204-N |
| 7. Victor Manuel Navarro | ABO #T-18-176-N |
| 8. Ashton Nichole Poledore | ABO #T-18-096-N |

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

- | | |
|-------------------------------|-----------------|
| 9. Tiffany Lynne Allen | DBO #T-19-001 |
| 10. Kayla Patrese Bobo | DBO #T-18-171-N |
| 11. Brandi Lynn Figueroa | DBO #T-18-089-N |
| 12. Jeremi Wayne McGuire | DBO #T-18-094-N |
| 13. Jacob Gerald Morgan | DBO #T-19-002-N |
| 14. Analise Gabriela Rivera | DBO #T-18-178-N |
| 15. Marcella Rebecca Carrasco | DBO #T-18-188-N |
| 16. Ralphiel Collier | DBO #T-18-114 |

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|------------------------------|-----------------|
| 17. Breana Junea Dixon | DBO #T-18-086-N |
| 18. Mohammad Essam Hameed | DBO #T-18-219-N |
| 19. Michele Lee Linden | DBO #T-18-207 |
| 20. Bianca Ascennette Medina | DBO #T-18-095-N |
| 21. Pricilla Ysidra Sierra | DBO #T-18-059 |

The motion was made by Ms. Henke to approve the following: 8 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference, and 13 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. Lewis and passed as follows.

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

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

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

9. 9-0-1 Ms. Yoakum abstained
10. 9-0-1 Ms. Yoakum abstained
11. 9-0-1 Ms. Yoakum abstained
12. 9-0-1 Ms. Yoakum abstained
13. 9-0-1 Ms. Yoakum abstained
14. 9-0-1 Ms. Yoakum abstained
15. 9-0-1 Mr. Thornsburg abstained
16. 9-0-1 Mr. Thornsburg abstained
17. 9-0-1 Mr. Thornsburg abstained
18. 9-0-1 Mr. Thornsburg abstained
19. 9-0-1 Mr. Thornsburg abstained
20. 9-0-1 Mr. Thornsburg abstained
21. 9-0-1 Mr. Thornsburg abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 11 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 38 proposed Agreed Board Orders

concerning pharmacies, pharmacists, and technicians; who appeared for an Informal Conference; one proposed Agreed Board Order concerning a pharmacist following a Mediated Settlement Conference; and two Default Board Orders concerning a pharmacy and a pharmacist who did not appeared for an Informal Conference.

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

- | | |
|------------------------------|-----------------|
| 1. CVS/Pharmacy #5872 | ABO #H-17-010 |
| 2. CVS/Pharmacy #10752 | ABO #H-18-017 |
| 3. Jose Mari De Asis Veloso | ABO #C-17-033-A |
| 4. GoGo Meds | ABO #K-18-039 |
| 5. Prescription Shop | ABO #H-18-025-B |
| 6. Yankton Sy Wyatt | ABO #H-18-025-A |
| 7. Tanglewood Pharmacy, Inc. | ABO #H-17-046-B |
| 8. Edmund Robert Horton | ABO #H-17-046-A |
| 9. Walgreens #06912 | ABO #H-18-039-B |
| 10. Walgreens #4396 | ABO #H-18-021-B |
| 11. Walgreens #7839 | ABO #J-13-010-B |
| 12. CVS/Pharmacy #7703 | ABO #H-18-044-B |

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

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| 13. Chioma Adamaka Anyadike | ABO #K-18-038-A |
| 14. Children's Hospital of San Antonio | ABO #H-18-041-B |
| 15. Cleveland Pharmacy | ABO #H-18-008-B |
| 16. Nipul Kanti Patel | ABO #H-18-008-A |
| 17. Christopher Woolford | ABO #J-18-025 |
| 18. CVS/pharmacy #5963 | ABO #H-16-074-B |
| 19. CVS/pharmacy #6779 | ABO #H-15-009-B |
| 20. Chandra Brown Davis | ABO #C-18-008 |
| 21. Doughertys Airway Pharmacy | ABO #H-17-048-B |
| 22. Wayne Lowell McMeans | ABO #H-17-48-B |
| 23. Vanessa Kimberly Duran | ABO#L-18-027 |
| 24. Lee Giah Freeman, Jr. | ABO #A-17-016 |
| 25. Richard Benton Gunnoe | ABO #J-18-026 |
| 26. H.E.B. Pharmacy #462 | ABO #H-18-029-B |
| 27. Ricardo David Cardenas | ABO #H-18-029-A |
| 28. H.E.B. Pharmacy #586 | ABO #H-18-040-B |
| 29. H.E.B. Pharmacy #715 | ABO #H-18-004-B |
| 30. Chad Thomas Ewer | ABO #H-18-004-A |
| 31. Lori Revel Harrison | ABO #C-17-035-A |
| 32. Innoveix Pharmaceuticals, Inc. | ABO #K-16-039-B |
| 33. Brett Conley Riddle | ABO #K-16-039-A |
| 34. Jay's City Pharmacy | ABO #K-18-030-B |

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| 35. John James Kotzur | ABO #K-18-030-A |
| 36. Kenneth Dale Klein | ABO #J-18-027 |
| 37. Alina Malik | ABO #H-16-056-A |
| 38. Deborah Rae Malpica | ABO #M-19-003 |
| 39. Professional Pharmacy | ABO #H-14-005 |
| 40. Prucare Pharmacy, Inc. | ABO #K-18-040 |
| 41. The Medicine Shoppe Pharmacy #1294 | ABO #B-17-017 |
| 42. Chukwuemeka Onyekachi Unachukwu | ABO #E-18-010 |
| 43. Kendra Wright | ABO #H-17-029-A |
| 44. Halls Pharmacy | ABO #H-16-015-B |
| 45. Venkatakiran Kumar Kali | ABO #H-16-015-B |

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

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| 46. Chau Hong Phan | ABO #A-17-025 |
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Default Board Orders (Pharmacy and Pharmacist)
(Did not appear for an Informal Conference)

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| 47. Universal Pharmacy | DBO #K-18-038-B |
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The motion was made by Mr. Thornburg to approve the following: 12 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 33 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians; who appeared for an Informal Conference; one Agreed Board Order concerning a pharmacist following a Mediated Settlement Conference; and one Default Board Orders concerning a pharmacy who did not appeared for an Informal Conference.

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

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

1. 9-0-1 Ms. Tijerina abstained
2. 9-0-1 Ms. Tijerina abstained
3. 10-0-0
4. 10-0-0
5. 10-0-0
6. 10-0-0
7. 10-0-0
8. 8-0-0
9. 9-0-1 Mr. Fernandez abstained
10. 9-0-1 Mr. Fernandez abstained

11. 9-0-1 Mr. Fernandez abstained
12. 9-0-1 Mr. Fernandez abstained

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

13. 8-0-2 Mr. Miller and Mr. Fernandez abstained
14. 8-0-2 Mr. Miller and Mr. Fernandez abstained
15. 8-0-2 Mr. Miller and Mr. Fernandez abstained
16. 8-0-2 Mr. Miller and Mr. Fernandez abstained
17. 8-0-2 Mr. Miller and Mr. Fernandez abstained
18. 7-0-3 Mr. Wiesner, Mr. Guerrero, and Ms. Tijerina abstained
19. 7-0-3 Mr. Wiesner, Ms. Yoakum, and Ms. Tijerina abstained
20. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
21. 8-0-2 Mr. Miller and Mr. Fernandez abstained
22. 8-0-2 Mr. Miller and Mr. Fernandez abstained
23. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
24. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
25. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
26. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
27. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
28. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
29. 8-0-2 Mr. Miller and Mr. Fernandez abstained
30. 8-0-2 Mr. Miller and Mr. Fernandez abstained
31. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
32. 8-0-2 Mr. Miller and Mr. Fernandez abstained
33. 8-0-2 Mr. Miller and Mr. Fernandez abstained
34. 8-0-2 Mr. Miller and Mr. Fernandez abstained
35. 8-0-2 Mr. Miller and Mr. Fernandez abstained
36. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
37. 9-0-1 Mr. Miller abstained
38. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
39. 8-0-2 Mr. Miller and Mr. Fernandez abstained
40. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
41. 8-0-2 Mr. Miller and Mr. Fernandez abstained
42. 8-0-2 Mr. Thornsburg abstained
43. 8-0-2 Mr. Fernandez and Mr. Miller abstained
44. 8-0-2 Mr. Fernandez and Mr. Miller abstained
45. 8-0-2 Mr. Fernandez and Mr. Miller abstained
47. 6-0-1 Mr. Wiesner abstained

Agreed Board Order (Pharmacist)
(Following a Mediated Settlement Hearing)

46. 8-0-2 Mr. Wiesner and Mr. Miller abstained

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

47. 8-0-2 Mr. Fernandez and Mr. Miller abstained

- Confidential Agreed Board Orders (Tab 43)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: six proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference.

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

1. ABO #G-12-039
2. ABO #G-19-001
3. ABO #N-19-003
4. ABO #M-19-007
5. ABO #G-18-005
6. ABO #L-18-025

The motion was made by Ms. Kedron to approve the following: six 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 Orders (Pharmacists)
(Following an Informal Conference)

1. 8-0-2 Mr. Miller and Mr. Fernandez abstained
2. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
3. 9-0-1 Mr. Thornsburg abstained
4. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained
5. 8-0-2 Mr. Miller and Mr. Fernandez abstained
6. 8-0-2 Mr. Wiesner and Mr. Guerrero abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 44)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: five proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and two proposed Remedial Plans concerning a pharmacist and a pharmacy following an Informal Conference.

Remedial Plans (Pharmacists)
(Alternative Resolutions)

1. Jameela Fatima Khaja #H-18-021-A
2. Sovong Mey #H-18-023-A

- | | |
|----------------------------|-------------|
| 3. Huy Duc Pham | #H-18-034-A |
| 4. Thomas Winters | #J-13-010-A |
| 5. Shelley Carroll Simpson | #H-18-045-A |

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

- | | |
|-------------------------|-------------|
| 6. Kroger Pharmacy #572 | #H-18-024-B |
| 7. Natalie Jane Baker | #H-18-024-A |

The motion was made by Mr. Miller to approve the following: five proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and two proposed Remedial Plans concerning a pharmacy and a pharmacist following and informal conference.

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

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

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

Remedial Plans (Pharmacists)
(Following and Informal Conference)

6. 8-0-2 Mr. Miller and Mr. Fernandez abstained
7. 8-0-2 Mr. Miller and Mr. Fernandez abstained

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

- Professional Recovery Network
 - President Wiesner recognized Eden Males with the Professional Recovery Network (PRN). Ms. Males directed the Board's attention to the PRN budget report for the first quarter of FY2019 (September 1, 2018 – November 30, 2018). Ms. Males reviewed current PRN activities for the Board. (Tab 35)
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program

for the quarterly report for the first quarter of FY2019
(September 1, 2018 – November 30, 2018). (Tab 34)

H. Miscellaneous

- Items to be Placed on Agenda for May 2019 Board Meeting (Tab 45)
 - Discussion Concerning Prescribing and Electronic Prescriptions
 - Update on Legislation Being Considered During the 86th Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy.
 - Discussion of and Possible Action on Upcoming Meetings
- No discussion on possible action on Upcoming Conferences and Events

President Wiesner adjourned the meeting at 11:45 a.m.

APPROVED:

Dennis F. Wiesner, R.Ph.
President

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

May 7, 2019