



TEXAS STATE BOARD OF PHARMACY

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

February 4, 2020

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, February 4, 2020

President Julie Spier, R.Ph., called the meeting to order at 9:01 a.m. Other Board Members present were 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; and Suzette Tijerina, R.Ph.

Board member Rick Tisch was not present.

Staff present 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; Caroline Hotchkiss, Director of Enforcement; Ann Driscoll, Ph.T.R., Team Manager; and Lily Moreno, Executive Assistant.

A. Announcements

- President Spier made general announcements.
- Announcements were made concerning Board Members.
- 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 (Item B)

Following discussion, the motion was made by Mr. Lewis to approve the minutes of the Board Business Meeting held November 5, 2019, and the minutes of the Board Member Training Session held November 4, 2019. The motion was seconded by Mr. Guerrero and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Removal of Student Loan Default as Ground for Discipline (§§281.7 and 281.9) (Items C.1.1.1 and C.1.1.2)

Ms. Holloway explained that the Board voted to propose the amendments to §§281.7 and 281.9 during its November 5, 2019 meeting. The proposed amendments were published in the January 3, 2020 issue of the *Texas Register*. Comments were received from Craig Chapman, Pharm.D., R.Ph., regarding §281.7 in support of the proposed changes.

Ms. Holloway directed the Board's attention to the amendments to §§281.7 and 281.9 and explained that the amendments to §281.7 remove failing to repay a student loan as a ground for discipline of a pharmacist license and the amendments to §281.9 remove failing to repay a student loan as a ground for discipline of a pharmacy technician registration, in accordance with Senate Bill 37 of the 86th Legislative Session.

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 §§281.7 and 281.9, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Removal of Arrests as Consideration for Licensure or Registration (§281.66) (Item C.1.2)

Ms. Holloway explained that the Board voted to propose the amendments to §281.66 during its November 5, 2019 meeting. The proposed amendments were published in the January 3, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §281.66 and explained that the amendments remove arrests as an item the board may consider in determining the reinstatement of an applicant's previously revoked or canceled license or registration, in accordance with Senate Bill 1217 of the 86th Legislative Session.

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

- Rules Concerning Automatic Denial or Revocation for Certain Criminal Offenses (§281.69) (Item C.1.3)

Ms. Holloway explained that the Board voted to propose new rule §281.69 during its November 5, 2019 meeting. The proposed rule was published in the January 3, 2020 issue of the Texas Register, and no comments were received.

Ms. Holloway directed the Board's attention to §281.69 and explained that the new rule provides for the automatic denial of a pharmacist licensure application or revocation of a pharmacist license for certain criminal offenses, in accordance with House Bill 1899 of the 86th Legislative Session. Ms. Holloway presented revised language to proposed new rule §281.69, to correct rule reference errors.

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, new rule §281.69, as revised. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Surety Bonds for Certain Investigations (§281.70) (Item C.1.4)

Ms. Holloway explained that the Board voted to propose new rule §281.70 during its November 5, 2019 meeting. The proposed rule was published in the January 3, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to §281.70 and explained that the new rule specifies that the Board may require a surety bond if an investigation of a pharmacy involves §565.002(a)(7) or (10) of the Pharmacy Act, in accordance with House Bill 3496 of the 86th Legislative Session.

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, new rule §281.70, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Sworn Disclosure Statement (§§291.4, 291.1, 291.3, and 291.14) (Items C.1.5.1, C.1.5.2, C.1.5.3, and C.1.5.4)

Ms. Holloway explained that the Board voted to propose new rule §291.4 and the amendments to §§291.1, 291.3, and 291.14 during its November 5, 2019 meeting. The proposed rule and amendments were

published in the January 3, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to §291.4 and amendments to §§291.1, 291.3, and 291.14 and explained that §291.4 creates a requirement for a pharmacy license applicant to submit a sworn disclosure statement, in accordance with House Bill 3496 of the 86th Legislative Session; the amendments to §291.1 clarify that an applicant for a pharmacy license must submit a sworn disclosure statement, in accordance with House Bill 3496, and correct a grammatical error; the amendments to §291.3 clarify that notification to the Board of a change of managing officer or application for change of ownership shall include an updated sworn disclosure statement, in accordance with House Bill 3496, and correct grammatical errors; and the amendments to §291.14 add a requirement to submit a sworn disclosure statement, in accordance with House Bill 3496, and correct a grammatical error.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Thornsburg to approve for adoption, by Board Order, new rule §291.4 and amendments to §§291.1, 291.3, and 291.14, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Electronic Controlled Substance Prescriptions (§291.34) (Item C.1.6)

Ms. Holloway explained that the Board voted to propose the amendments to §291.34 during its November 5, 2019 meeting. The proposed amendments were published in the January 3, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §291.34 and explained that the amendments remove an outdated reference to the Department of Public Safety and correct grammatical errors. Ms. Holloway presented revised language to correct rule references.

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 §291.34, as revised. The motion was seconded by Ms. Montemayor and passed unanimously.

- Rules Concerning Reactivation of Pharmacist License Continuing Education Requirements (§295.9) (Item C.1.7)

Ms. Holloway explained that the Board voted to propose the amendments to §295.9 during its November 5, 2019 meeting. The proposed amendments were published in the January 3, 2020 issue of the *Texas*

Register, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §295.9 and explained that the amendments add a requirement for one hour of continuing education on pain management as specified in §481.0764 of the Texas Controlled Substances Act and remove a requirement for one hour of continuing education on opioid abuse.

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 §295.9, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Physician Delegation to Pharmacist under Written Protocol (§295.13) (Item C.1.8)

Ms. Holloway explained that the Board voted to propose the amendments to §295.13 during its November 5, 2019 meeting. The proposed amendments were published in the January 3, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §295.13 and explained that the amendments specify the circumstances under which physician delegation to a pharmacist of specific acts of drug therapy management may occur, in accordance with Senate Bill 1056 of the 86th Legislative Session.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Montemayor to approve for adoption, by Board Order, amendments to §295.13, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Controlled Substance Safe Disposal Notice (§315.3) (Item C.1.9)

Ms. Holloway explained that the Board voted to propose the amendments to §315.3 during its November 5, 2019 meeting. The proposed amendments were published in the January 3, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §315.3 and explained that the amendments add a requirement for a person dispensing a Schedule II controlled substance prescription to provide written notice on the safe disposal of controlled substance prescription drugs, in accordance with House Bill 2088 of the 86th Legislative Session.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Thornsburg to approve for adoption,

by Board Order, amendments to §315.3, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Patient Access to Prescription Monitoring Program Information (§315.16) (Item C.1.10)

Ms. Holloway explained that the Board voted to propose new rule §315.16 during its November 5, 2019 meeting. The proposed rule was published in the January 3, 2020 issue of the *Texas Register*. Comments were received from Craig Chapman, Pharm.D., R.Ph., regarding §315.16 in support of the proposed changes with a request to provide additional mailing options for patients without a mailbox at their listed address.

Ms. Holloway directed the Board's attention to §315.16 and explained that the new rule establishes the policy and procedures for a patient or the patient's legal guardian to obtain a copy of the patient's Prescription Monitoring Program prescription record, in accordance with House Bill 3284 of the 86th Legislative Session. Ms. Holloway presented revised language to proposed new rule §315.16, to address Mr. Chapman's suggestion.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Guerrero to approve for adoption and to be effective June 1, 2020, by Board Order, new rule §315.16, as revised. The motion was seconded by Mr. Lewis and passed unanimously.

Proposal of Rules

- Rules Concerning Temporary Suspension or Restriction Procedures (§281.35) (Item C.2.1)

Ms. Holloway directed the Board's attention to suggested new rule language concerning temporary suspension or restriction procedures. She explained the proposed new rule §281.35 details procedures for the temporary suspension or restriction of a license or registration.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal new rule §281.35, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Elimination of Pharmacist Intern-Trainee Designation (§§283.2, 283.4, 283.5, and 283.6) (Items C.2.2.1, C.2.2.2, C.2.2.3, and C.2.2.4)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning removal of the pharmacist intern-trainee designation. She explained the proposed amendments to §283.2 remove the definition of and references to a pharmacist intern-trainee; the

proposed amendments to §283.4 remove references to a pharmacist intern-trainee and certain requirements for a pharmacist intern, and correct grammatical errors; the proposed amendments to §283.5 remove references to a pharmacist intern-trainee; and the proposed amendments to §283.6 remove references to a pharmacist intern-trainee, clarify that a pharmacist preceptor must be certified by the board, and remove a fee for a duplicate or amended certificate.

Following discussion, the motion was made by Ms. Henke to approve for proposal amendments to §§283.2, 283.4, 283.5, and 283.6, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Fee for Change of Name (§§295.1 and 297.9) (Items C.2.3.1 and C.2.3.2)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning fee for change of name. She explained the proposed amendments to §295.1 remove a fee for a change of name for pharmacists and the proposed amendments to §297.9 remove a fee for a change of name for technicians.

Following discussion, the motion was made by Ms. Tijerina to approve for proposal amendments to §§295.1 and 297.9, as presented. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Rules Concerning Administrative Actions as a Result of a Compliance Inspection (§291.19) (Item C.2.4)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning administrative actions as a result of a compliance inspection. She explained the proposed amendments to §291.19 update the actions that may be taken after violations are observed during a compliance inspection to reflect current procedures.

Following discussion, the motion was made by Mr. Fernandez to approve for proposal amendments to §291.19, as presented. The motion was seconded by Ms. Tijerina and passed unanimously.

- Rules Concerning Drug or Device Labeling in a Clinic Pharmacy (§291.93) (Item C.2.5)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning drug or device labeling in a clinic pharmacy. She explained the proposed amendments to §291.93 clarify the type of label supportive personnel may affix to a drug or device provided under the supervision of a physician according to standing delegation orders or standing medical orders.

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

- Rules Concerning Limited Prescription Delivery Pharmacy (Class H) (§291.155) (Item C.2.6)

Ms. Holloway directed the Board's attention to suggested repeal of rule language concerning limited prescription delivery pharmacy. She explained the proposed repeal of §291.155 removes regulations relating to a class of pharmacy that no longer exists.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §291.155, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Mental Health Awareness Continuing Education (§295.8) (Item C.2.7)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning mental health awareness continuing education. She explained the proposed amendments to §295.8 add a requirement for mental health awareness continuing education and clarify the continuing education requirements for pharmacists during their initial license period.

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

- Rules Concerning Electronic Prescribing Waivers (§315.3) (Item C.2.8)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning electronic prescribing waivers. She explained the proposed amendments to §315.3 clarify the circumstances under which a controlled substance prescription is not required to be issued electronically and the procedures for requesting a waiver of the electronic prescribing requirement in accordance with House Bill 2174 of the 86th Legislative Session.

Ms. Yoakum suggested adding language concerning veterinarian and compounding exclusions to be presented after the lunch break for review.

Rule Review

- For Adoption

Ms. Holloway directed the Board's attention to the Board Rule Review Plan for FY 2018-2021 (Item C.3)

- Chapter 291 Concerning Pharmacies (Community Pharmacy (Class A)) (§§291.31 – 291.36) (Item C.3.1.1)
- Chapter 283 Concerning Licensing Requirements for Pharmacists (§§283.1 – 283.12) (Item C.3.1.2)
- Chapter 315 Concerning Controlled Substances (§§315.1 – 315.14) (Item C.3.1.3)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Thornsburg to approve for adoption as presented, the review of Chapter 291 (§§291.31 – 291.36), Chapter 283 (§§283.1 – 283.12), and Chapter 315 (§§315.1 – 315.14). The motion was seconded by Ms. Yoakum and passed unanimously.

President Spier recessed the meeting at 9:58 a.m.

President Spier reconvened the meeting at 10:21 a.m.

- Discussion of and Possible Action Regarding Rules Concerning Electronic Prescribing Waivers (§315.3) (Item C.2.8), continued

Ms. Arnold explained that following review during the preceding break and in lieu of bringing back language after the lunch break, it was identified that there was no need to update the language for exclusions at this time, as these exclusions would be considered when subsequent rules for requirements for electronic prescribing are considered.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §315.3, as presented. The motion was seconded by Mr. Lewis and passed with Ms. Henke, Ms. Montemayor and Mr. Guerrero opposed.

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

- Review and Approval of Internal Audit Charter and FY2020 Annual Internal Audit Plan (Item E.3)

President Spier recognized Kimberly Lopez-Gonzales and Rene Gonzalez, Garza/Gonzalez & Associates, Certified Public Accountants. Ms. Lopez-Gonzalez explained the purpose of the Internal Audit Charter and presented the risk assessment process for the FY2020 Annual Internal Audit Plan.

Following review of the Internal Audit Charter and the FY2020 Annual Internal Audit Plan, the motion was made by Ms. Tijerina to approve the Internal Audit Charter and the FY2020 Annual Internal Audit Plan. The motion was seconded by Mr. Guerrero and passed unanimously.

- Financial Report

- Review of FY2019 Expenditures (Item E.1.1)

Ms. Benz reviewed the expenditures for the first quarter of FY2020 (September 1, 2019 – November 30, 2019) for the Board.

- Review of Board Member Travel Budget (Item E.1.2)

Ms. Benz reviewed the Board Member Travel Budget for the first quarter of FY2020 (September 1, 2019 – November 30, 2019).

- Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Item E.1.3)

Ms. Benz reported that there were no material changes to contracts for goods and services.

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

- Report on Pilot Project Concerning Automated Dispensing and Delivery Systems (Item D.1)

President Spier recognized Edward Rickert, Quarles & Brady LLP, Counsel representing Sam's Club and MedAvail; Michael Inclema, Regional Director, Sam's Club; and Seema Siddiqui, MedAvail. Mr. Rickert, Mr. Inclema, and Ms. Siddiqui presented a report on the MedAvail MedCenter Automated Dispensing and Delivery System and described the progress since its launch on November 22, 2019. They answered questions from the Board and discussed their goals for the next quarter.

Mr. Fernandez asked for a formalized process to survey patients, and Ms. Siddiqui agreed to follow up on that for the next quarterly report.

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

- Review and Approval of TSBP FY2019 Annual Report (Item E.4)

Ms. Benz directed the Board's attention to a draft of the *TSBP FY2019 Annual Report*.

Following review and discussion, the motion was made by Mr. Guerrero to approve the *TSBP FY2019 Annual Report*, allowing for minor formatting changes, as presented. The motion was seconded by Mr. Lewis and

passed unanimously.

- Update on FY2021 – 2025 Strategic Plan (Item E.5)

Ms. Benz directed the Board's attention to a timeline for the FY2021-2025 Strategic Plan and the FY2022-2023 Legislative Appropriations Request. She explained that staff is awaiting instructions and would present the TSBP FY2021-2025 Strategic Plan at the May 2020 meeting for approval.

- Report on the Prescription Monitoring Program and Advisory Committee (Item E.7)

Ms. Benz presented a report on the Prescription Monitoring Program regarding data for the first quarter of FY2020 (September 1, 2019 – November 30, 2019).

Ms. Benz directed the Board's attention to a list of PMP Advisory Committee members. Ms. Benz gave a brief summary of the PMP Advisory Committee meeting in January 2020 and reported that the PMP Advisory Committee will meet again in early April 2020 to develop and provide recommendations regarding funding for integration to the Executive Committee for the Legislative Appropriation Request.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item E.8)

Ms. Arnold provided an update concerning a petition filed in district court in Travis County that seeks the allowance of licensed Texas doctors to dispense prescriptions to their patients. Ms. Arnold advised the Board that litigation is ongoing, and that staff is continuing to work with the Texas Attorney General's Office. She reported that the trial is set for the summer.

- Update on Legislation Passed During the 86th Texas Legislative Session that have an Impact on TSBP and/or the Practice of Pharmacy. (Item E.9)

Ms. Benz directed the Board's attention to an action chart concerning legislation that was passed during the 86th Texas Legislative Session that has an impact on the Board and/or the practice of pharmacy. The chart contains the bill numbers and the Board's progress in implementation of the bill. She reported that following the current Board meeting most items will have been addressed.

President Spier recessed the meeting at 10:58 a.m.

President Spier reconvened the meeting at 11:10 a.m.

- Discussion Concerning Proposal for Peer Review Committee for Compounding Pharmacies (Item E.6)

Ms. Benz directed the Board's attention to the results of a compounding survey, which was submitted to pharmacies by Board staff following a meeting with a group of individuals involved in compounding. Ms. Benz described recommendations from the group, which included forming a peer review committee and adding a subclass of pharmacy for non-sterile compounding. Ms. Benz directed the Board's attention to Chapter 554 of the Texas Pharmacy Act concerning Peer Review Committees and to information regarding NABP's new accreditation program for compounding pharmacies.

President Spier recognized Ms. Yoakum and John Jeffrey Carson, R.Ph., President, Oakdell Pharmacy. Mr. Carson spoke regarding the operations for compounding pharmacies and expressed his support for a peer review committee in order to provide clarity to the profession and the Board regarding compounding.

Ms. Arnold clarified differences between a peer review committee, which can be recognized under the Texas Pharmacy Act, but cannot be established by the Board, and an advisory or task force committee, which would not be subject to confidentiality unless relating to an investigation.

Following discussion, a motion was made by Mr. Lewis to create an ongoing advisory group regarding sterile and non-sterile compounding to provide recommendations to the Board and Board staff concerning licensure and training. Mr. Thornsburg requested an amendment to the motion for the group to be a resource to Board staff regarding inspections. Mr. Lewis accepted the amendment to his motion. Mr. Guerrero seconded the amended motion. Mr. Fernandez asked that there be no conflict of interest with regards to recommendations from the advisory group. Mr. Guerrero recommended that the purpose and development of the advisory group be reviewed in 12 months. The amended motion passed unanimously.

President Spier recessed the meeting at 11:52 a.m.
President Spier reconvened the meeting at 1:02 p.m.

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the first quarter of FY2020 (September 1, 2019 – November 30, 2019). (Item E.2.1)
 - President Spier recognized Eden Males, Program Director, Professional Recovery Network (PRN). Ms. Males directed the

Board's attention to the PRN expense report through the first quarter of FY2020 (September 1, 2019 – November 30, 2019). Ms. Males reviewed PRN activities for the Board. (Item E.2.2)

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Item F.1)

The Board received a report on complaints dismissed and closed during the first quarter of FY2020 (September 1, 2019 – November 30, 2019). The report also included quarterly averages for FY2020 as compared to FY2019, as well as percentage change from FY2019 to FY2020.

Ms. Hotchkiss reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Item F.2)

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

Ms. Hotchkiss reviewed the report for the Board.

G. Consideration of and Possible Action Concerning Disciplinary Orders

- Report on Agreed Board Orders Entered by Executive Director (Item G.1)
 - The Board reviewed 19 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 November 21, 2019, through January 30, 2020.
 - The Board reviewed 9 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 October 29, 2019, through January 30, 2020.
 - The Board reviewed 4 Confidential Agreed Board Orders concerning pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from December 19, 2019, through January 15, 2020.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Item G.2)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the 18 proposed Agreed Board

Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 7 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

The motion was made by Ms. Montemayor to approve the 18 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference, and 7 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:

No.	Name	ABO or DBO*	ABO #	Board Vote (Yes-No-Recuse)	Recused Board Members
1	Mieshia Lakaye Bivins	ABO	2019-04310	7-0-2	Tijerina, Henke
2	Titisha Huff Bowie	ABO	2019-02650	7-0-2	Tijerina, Henke
3	Vera Larayne Dorgan	ABO	2019-03826	7-0-2	Tijerina, Henke
4	Sunshine J. Flores	ABO	2018-05830	7-0-2	Tijerina, Henke
5	Tremain Juwan Johnson	ABO	2019-03966	7-0-2	Tijerina, Henke
6	Ruby Pacheco	ABO	2019-02819	7-0-2	Tijerina, Henke
7	Erica Monique Thomas	ABO	2018-05528	7-0-2	Tijerina, Henke
8	Diana April Campos	ABO	2019-05884	7-0-2	Lewis, Fernandez
9	Tiffany Chatman	ABO	2019-04503	7-0-2	Lewis, Fernandez
10	Cynthia Maria Daniels	ABO	2019-04101	7-0-2	Lewis, Fernandez
11	Cyntria Gilbert Hodge	ABO	2019-05584	7-0-2	Lewis, Fernandez
12	Valencia D. Mapp	ABO	2018-02966	7-0-2	Lewis, Fernandez
13	Britney Martinez	ABO	2019-02128	7-0-2	Lewis, Fernandez
14	Dorian Peoples	ABO	2019-04114	7-0-2	Lewis, Fernandez
15	Casey Herbert	ABO	2019-05621	8-0-1	Fernandez
16	Nicholas James Miller	ABO	2019-05968	8-0-1	Fernandez
17	Angela Odden	ABO	2019-05628	8-0-1	Fernandez
18	Michael Allen Stephenson	ABO	2020-00195	8-0-1	Fernandez
19	Laura Michelle Pollock	DBO	2018-06335	7-0-2	Tijerina, Henke
20	Rita Marie Pradia	DBO	2019-04975	7-0-2	Tijerina, Henke
21	Cydney Jolyn Jackson	DBO	2019-05436	7-0-2	Lewis, Fernandez
22	Lauren Rene Jones	DBO	2019-01158	8-0-1	Fernandez
23	Tyler Smith-Cole	DBO	2020-00267	8-0-1	Fernandez
24	Phillip Michael Thomas	DBO	2019-01166	8-0-1	Fernandez
25	Karia E. Wright	DBO	2020-00825	8-0-1	Fernandez

*Agreed Board Order (ABO) and Default Board Order (DBO)

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the 11 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 13 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference; and 2 Default Board Orders concerning pharmacies who did not appear with any person on behalf of the license for an Informal Conference.

The motion was made by Mr. Lewis to approve the 11 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 13 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference; and 2 Default Board Orders concerning pharmacies who did not appear for an Informal Conference.

The motion was seconded by Mr. Fernandez and passed as follows:

No.	Name	ABO or DBO*	ABO #	Board Vote (Yes-No-Recuse)	Recused Board Members
1	Childress Outpost Pharmacy	ABO	2019-00611	9-0-0	-
2	CVS/pharmacy #5839	ABO	2019-00732	8-0-1	Tijerina
3	CVS/pharmacy #7207	ABO	2019-05334	8-0-1	Tijerina
4	CVS/pharmacy #7813	ABO	2019-05810	8-0-1	Tijerina
5	Deidre Lynn Daniels	ABO	2020-00923	9-0-0	-
6	Susan Jenevive Megwa	ABO	2020-00778	9-0-0	-
7	Terrell Dea Moorhead	ABO	2020-00162	9-0-0	-
8	Tom Hoc-Thai-Nguyen	ABO	2019-05427	9-0-0	-
9	Rajiv Jatin Shah	ABO	2019-05425	9-0-0	-
10	Walgreens #06663	ABO	2019-03268	8-0-1	Fernandez
11	Walgreens #9123	ABO	2019-03264	8-0-1	Fernandez
12	Chioma Adamaka Anyadike	ABO	2019-03299	7-0-2	Lewis, Henke
13	Baybrook Pharmacy LLC	ABO	2019-04506	7-0-2	Lewis, Henke
14	Community of Houston Pharmacy LLC	ABO	2019-03946	7-0-2	Lewis, Henke
15	CVS/pharmacy #6851	ABO	2018-01272	6-0-3	Lewis, Fernandez, Tijerina
16	Eric Todd Ellison	ABO	2019-04641	7-0-2	Lewis, Fernandez
17	H.E.B. Pharmacy #029	ABO	2019-03303	6-0-3	Lewis, Fernandez, Montemayor

*Agreed Board Order (ABO) and Default Board Order (DBO)

No.	Name	ABO or DBO*	ABO #	Board Vote (Yes-No-Recuse)	Recused Board Members
18	Michael Hairston	ABO	2020-00255	7-0-2	Fernandez, Thornsburg
19	Kesha Lynette Harris	ABO	2019-03508	7-0-2	Fernandez, Thornsburg
20	Darrell Hooker	ABO	2019-05809	7-0-2	Lewis, Fernandez
21	Dana Tim Knowles	ABO	2019-04044	7-0-2	Lewis, Fernandez
22	Tracy Thuy Ly	ABO	2019-05000	7-0-2	Lewis, Fernandez
23	Athanasios Mastrokostas	ABO	2019-03911	7-0-2	Fernandez, Thornsburg
24	Pinnacle Health RX Pharmacy	ABO	2019-04276	7-0-2	Lewis, Fernandez
25	Crosby Pharmacy and Wellness	DBO	2019-04150	7-0-2	Lewis, Fernandez
26	Your Pharmacy, Inc.	DBO	2019-03896	7-0-2	Lewis, Fernandez

*Agreed Board Order (ABO) and Default Board Order (DBO)

- Confidential Agreed Board Orders (Item G.3)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the 6 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference.

The motion was made by Ms. Yoakum to approve the 6 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference.

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

No.	Agreed Board Order #	Board Vote (Yes-No-Recuse)	Recused Board Members
1	2020-00660	7-0-2	Thornsburg, Fernandez
2	2020-00920	7-0-2	Lewis, Fernandez
3	2020-00209	8-0-1	Thornsburg
4	2020-01235	7-0-2	Thornsburg, Fernandez
5	2020-00054	7-0-2	Lewis, Henke
6	2019-02613	7-0-2	Thornsburg, Fernandez

- Discussion of and Action on Proposed Remedial Plans (Item G.4)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the 3 proposed Remedial Plans concerning pharmacists (Alternative Resolutions) and 3 proposed Remedial Plans concerning pharmacists following an

Informal Conference.

The motion was made by Mr. Thornsburg to approve the 3 proposed Remedial Plans concerning pharmacists (Alternative Resolutions) and 3 proposed Remedial Plans concerning pharmacists following an Informal Conference.

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

No.	Name	Remedial Plan #	Board Vote (Yes-No-Recuse)	Recused Board Members
1	Glen Keith Anderson	2019-05416	9-0-0	-
2	Mohammed Ibrahim Elnajjar	2019-05922	9-0-0	-
3	Marie Salvante Mendoza	2019-04711	9-0-0	-
4	Annaliza Sandoval Aniban	2019-04783	7-0-2	Lewis, Henke
5	Patrice Wendy Clifford	2020-00161	7-0-2	Lewis, Fernandez
6	Basil Arif Zahid	2019-05372	7-0-2	Lewis, Henke

H. Miscellaneous

- Items to be Placed on Agenda for May 5, 2020 Board Meeting
 - Amendments Concerning Technician Duties and Ratios
 - Report on Compounding Advisory Group
- Discussion of and Possible Action on Upcoming Meetings

President Spier reminded Board Members about upcoming informal conferences and informed them that a current list would be provided.

I. Consideration of Personnel Matters

- Executive Session to Conduct Evaluation of Executive Director

Mr. Thornsburg made a motion that the Board go into Executive Session to consider personnel matters under the authority of the Texas Government Code, §551.074. The motion was seconded by Mr. Guerrero and passed unanimously.

President Spier declared the Board in Executive Session at 1:34 p.m.

At 2:10 p.m., President Spier announced that the Board would resume the meeting in Open Session and that no action was taken and no decisions were made during Executive Session.

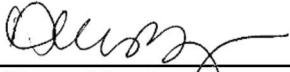
Mr. Lewis made a motion to adjourn the meeting. The motion was seconded by Ms. Yoakum and passed unanimously.

President Spier adjourned the meeting at 2:14 p.m.

APPROVED:



Julie Spier, R.Ph.
President



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

May 5, 2020