



TEXAS STATE BOARD OF PHARMACY

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

May 1, 2018

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, May 1, 2018

Vice President Jenny Downing Yoakum, R.Ph., served as Chair of the meeting and called the meeting to order at 9:00 a.m. Other Board Members present were Treasurer Bradley A. Miller, Ph.T.R.; Dennis F. Wiesner, R.Ph.; Buford T. Abeldt, Sr., R.Ph.; Christopher M. Dembny, R.Ph.; Phyllis Stine; Suzette Tijerina, R.Ph; and Chip Thornsburg

Board members Jeanne D. Waggener, R.Ph., President; Alice G. Mendoza, R.Ph.; and L. Suzan Kedron were not present.

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

A. Announcements

- Vice President Yoakum made general announcements.
- Announcements were made concerning Board Members and staff.
- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

¹See agenda and corresponding attachments for supporting materials.

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

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

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Prescription Pick Up Locations (§291.9) (Tab 02)

Ms. Holloway explained that the Board voted to propose the amendments to §291.9 during its February 6, 2018, meeting. The proposed amendments were published in the March 23, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments and explained that the amendments to §291.9 clarify the requirements for prescription pick up locations to be consistent with Drug Enforcement Administration (DEA) requirements.

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 §291.9, as revised. The motion was seconded by Mr. Wiesner and passed unanimously.

- Rules Concerning Automated Check Devices and Automated Storage and Distribution Devices (§291.33) (Tab 03)

Ms. Holloway explained that the Board voted to propose the amendments to §291.33 during its February 6, 2018 meeting. The proposed amendments were published in the March 23, 2018, issue of the *Texas Register*, and comments were received from CVS Health and the Texas Society of Health-System Pharmacists (TSHP).

Ms. Holloway directed the Board's attention to the amendments to §291.33 and explained that the proposed amendments update the requirements for the use of automated checking devices, and automated storage and distribution devices in Class A pharmacies.

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

- Rules Concerning Dispensing Pharmacist Initial Log (§§291.75 and 291.76) (Tab 04)

Ms. Holloway explained that the Board voted to propose the amendments to §§291.75 and 291.76 during its February 6, 2018, meeting. The proposed amendments were published in the March 23, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §§291.75 and 291.76 and explained that the amendments update the requirements for maintaining a log of pharmacy personnel initials or identification codes.

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 §§291.75 and 291.76, as revised. The motion was seconded by Mr. Abeltdt and passed unanimously.

- Rules Concerning Drugs Dispensed Through a Telepharmacy System (§291.121) (Tab 05)

Ms. Holloway explained that the Board voted to propose the amendments to §291.121 during its February 6, 2018, meeting. The proposed amendments were published in the March 23, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.121 and explained that the amendments clarify the requirements for delivery of drugs at a remote site through a telepharmacy system.

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

- Rules Concerning Prescription Drug Order Clarification (§291.125) (Tab 06)

Ms. Holloway explained that the Board voted to propose the amendments to §291.125 during its February 6, 2018, meeting. The proposed amendments were published in the March 23, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.125 and explained that the amendments clarify the definition of an outsourcing pharmacy and update the requirements for centralized prescription dispensing.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Abeldt to approve for adoption, by Board Order, amendments to §291.125, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F) Emergency Room (§291.151) (Tab 07)

Ms. Holloway explained that the Board voted to propose the amendments to §291.151 during its February 6, 2018, meeting. The proposed amendments were published in the March 23, 2018, issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.151 and explained that the amendments clarify the duties of the pharmacist-in-charge to include ensuring a pharmacist visits the pharmacy at least once each calendar week; clarify the requirements regarding the withdrawal of drugs from the freestanding emergency medical care facility; and correct a rule reference.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Dembny to approve for adoption, by Board Order, amendments to §291.151, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

Proposal of Rules

- Rules Concerning Disciplinary Aggravating and Mitigating Factors (§281.62) (Tab 08)

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

Following discussion, the motion was made by Mr. Wiesner to approve for proposal amendments to §281.62, as presented. The motion was seconded by Ms. Tijerina and failed 3-3-1, with Mr. Wiesner, Ms. Stine, and Ms. Tijerina in favor, Mr. Thornsburg, Mr. Abeldt, and Mr. Dembny opposed, and Mr. Miller abstained.

- Rules Concerning Pharmacy License Applications (§291.1) (Tab 09)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning pharmacy license applications. She explained the proposed amendments clarify that the applicant for a pharmacy license must provide any information requested on the application.

Following discussion, the motion was made by Ms. Tijerina to approve for proposal amendments to §291.1, as presented. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Rules Concerning Change of Location by Sterile Compounding Pharmacies (§291.3) (Tab 10)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning change of location by sterile compounding pharmacies. She explained the proposed amendments add inspection requirements for sterile compounding pharmacies (Class A-S, C-S, and E-S) and nuclear pharmacies (Class B) when the pharmacy changes location.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §291.3, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Pharmacy Inspection Warning Notices (§291.19) (Tab 11)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning inspection warning notices. She explained the proposed amendments update the response required to a written warning notice.

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

- Rules Concerning Fingertip and Media Fill Testing in Pharmacies Under Common Ownership (§291.133) (Tab 12)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning pharmacies under common ownership. She explained the proposed amendments update the media fill and aseptic procedures test requirements for all sterile compounding personnel in Class A-S, Class B, Class C-S and Class E-S pharmacies; clarify the testing requirements for supervisory pharmacists working in multiple

pharmacies under common ownership; clarify the environmental testing certification procedures; and correct grammatical errors.

Ms. Holloway directed the Board's attention to comments received from CardinalHealth and TSHP.

Vice President Yoakum recognized Steven Knight, R.Ph., President-Elect of TSHP, who stated that TSHP was recommending that gloved fingertip sampling be required at only one pharmacy when pharmacies are under common ownership.

Vice President Yoakum recognized Jay Ashworth, R.Ph., with GE Healthcare, who stated that employees of pharmacies that are under common ownership should be able to go from pharmacy to pharmacy without having to fingertip test at each location.

Vice President Yoakum recognized Ben Fry, R.Ph., consulting pharmacist, who stated it was not practical to require fingertip testing at every pharmacy location if pharmacies are under common ownership.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal amendments to §291.133, with revisions to remove the language that would limit pharmacies under common ownership and control to sharing fingertip sampling only of supervisory pharmacist.

Vice President Yoakum recognized Richard Cole Knutson, R.Ph., with Central Admixture Pharmacy Services, who supported allowing pharmacies under common ownership to share fingertip testing.

The motion was seconded by Mr. Abeldt and passed 5-1-1, with Mr. Abeldt, Mr. Thornsburg, Ms. Tijerina, Mr. Dembny and Mr. Miller in favor, Mr. Wiesner opposed, and Ms. Stine abstained.

Vice President Yoakum recessed the meeting at 10:20 a.m.

Vice President Yoakum reconvened the meeting at 10:38 a.m.

- Rules Concerning Education Requirements for Pharmacists (§295.9) (Tab 13)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning education requirements for pharmacists. She explained the proposed amendments add a requirement of one hour of continuing education on opioid abuse for pharmacist license reactivation.

Following discussion, the motion was made by Ms. Stine to approve for proposal amendments to §295.9, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Notification to Consumers (§295.11) (Tab 14)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning notification to consumers. She explained the proposed amendments update the requirements for pharmacies to post a sign notifying consumers of the Board's contact information for filing complaints regarding the practice of pharmacy, and permits a pharmacy to utilize an electronic messaging system in lieu of such a sign.

Following discussion, the motion was made by Mr. Wiesner to approve for proposal amendments to §295.11, as presented. The motion was seconded by Ms. Tijerina and passed unanimously.

- Rules Concerning Pharmacy Technician Training Programs (§305.2) (Tab 15)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning pharmacy technician training programs. She explained the proposed amendments clarify the standard for Board approved pharmacy technician training programs by recognizing that pharmacy technician training programs are jointly accredited by the American Society of Health-System Pharmacists and the Accreditation Council on Pharmacy Education.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §305.2, as presented. The motion was seconded by Mr. Wiesner and passed unanimously.

Rule Review

- For Proposal

Ms. Holloway directed the Board's attention to the TSBP Rule Review Plan for FY2018-2021 (Tab 16)

- Chapter 281 Concerning Administrative Practices and Procedures (§§281.1-281.13, 281.15, 281.17-281.23, 281.30-281.34, 281.60-281.68) (Tab 17)
- Chapter 311 Concerning Code of Conduct (§§311.1-311.2) (Tab 18)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Thornsburg to approve for proposal as presented, the review of Chapter 281 (§§281.1-281.13, 281.15, 281.17-281.23, 281.30-281.34, 281.60-281.68); and Chapter 311 (§§311.1-311.2). The motion was seconded by Mr. Dembny and passed unanimously.

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

- Task Force on the Operation of Rural Hospital Pharmacies (Tab 19)

Ms. Benz advised the Board that President Waggener had made appointments to the Task Force on the Operation of Rural Hospital Pharmacies and directed the Board Member's attention to a list of the task force members.

Ms. Benz advised the Board that the Task Force held its first meeting on April 17, 2018. She explained that a survey to collect relevant statistical data will be sent to rural hospitals and that the Task Force is scheduled to meet again in June.

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 20)

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

- Review of FY2018 Expenditures (Tab 21)

Ms. Stella reviewed the expenditures for the first two quarters of FY2018 (September 1, 2017 - through February 28, 2018) for the Board.

- Review of Board Member Travel Budget (Tab 22)

Ms. Stella reviewed the Board Member FY2018 Travel Budget.

- Review and Approval of Exceptional Item Request for FY2020-2021 (Tab 23)

Ms. Stella directed the Board's attention to the recommended Exceptional Item Request for FY2020-2021.

Ms. Benz explained that the request for the Prescription Monitoring Program (PMP) was for three new system updates that would enhance the capabilities of the program, and for one additional full time employee.

Ms. Stella explained that if the PMP request was approved all of the state agencies that participate in the PMP would share in the cost of these updates with changes in their fees.

Following review and discussion of the budget documents, the motion was made by Mr. Dembny to approve the proposed Exceptional Item Request for FY2020-2021 as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

The motion was made by Mr. Dembny to give the Executive Director the authority to approve any additional changes that might arise during the 2019 Legislative Session. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Review TSBP Revenue Projections and Fee Recommendations (Tab 24)

Ms. Stella provided the Board a report on revenue projections, history of TSBP's fee structure, and scenarios of fee structures necessary to support the agency's budget for FY2020-2021.

- Discussion and Possible Action Concerning Automation Rules (§291.32 and §291.33) (Tab 32)

Vice President Yoakum recognized Kathleen Chagnon and Corinne Smith with Remedi RX, who provided a Power Point presentation explaining how their automation system tracks medications from the manufacturer to the patient including all pharmacy staff involved in the process.

Following discussion the Board requested that staff do a broader review of current automated device rules and also check with other states on how they regulate automated devices.

Following discussion, the motion was made by Mr. Wiesner to approve for proposal amendments to §§291.31, 291.32 and 291.33, as presented. The motion was seconded by Mr. Dembny and passed unanimously.

Vice President Yoakum recessed the meeting at 11:45 a.m.

Vice President Yoakum reconvened the meeting at 12:30 p.m.

- Decision on Recommendations for the Pharmacy Technicians Certification Testing Request for Qualifications (Tab 25)

Ms. Stella reviewed the scores received from two independent psychometricians contracted by the Board to review and score the bid proposals submitted by the Pharmacy Technician Certification Board (PTCB) and the National HealthCareer Association (NHA) concerning pharmacy technician certification testing.

Following discussion and review of the evaluation scores, the motion was made by Ms. Stine to approve both the PTCB and the NHA bid and accept their pharmacy technician certification exams as a Board approved exams. The motion was seconded by Mr. Dembny and passed unanimously.

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

Following discussion, the motion was made by Mr. Miller to approve, the minutes of the Board Executive Committee Meeting held April 30, 2018. The motion was seconded by Mr. Dembny and passed unanimously.

E. Discussion of and Possible Action Concerning the Following Reports and Discussions (con'td)

- Review and Approval of *TSBP FY2019-2023 Strategic Plan* (Tab 29)

Ms. Benz directed the Board's attention to a draft of the *TSBP FY2019-2023 Strategic Plan*.

Following review and discussion the motion was made by Mr. Thornsburg to approve the *TSBP FY2019-2023 Strategic Plan* as presented. The motion was seconded by Mr. Abeldt and passed unanimously

- Review and Approval of *TSBP FY2019 Calendar of Events* (Tab 30)

Ms. Benz directed the Board's attention to a draft of the *TSBP FY2019 Calendar of Events*. Following review, the motion was made by Mr. Dembny to approve the *TSBP FY2019 Calendar of Events*, as presented. The motion was seconded by Mr. Wiesner and passed unanimously.

- Discussion Concerning a Pharmacist Decreasing the Quantity Prescribed (Tab 31)

Ms. Benz presented a letter received from the Office of Inspector General of the Texas Health and Human Services Commission requesting clarification on rules concerning a pharmacist dispensing a quantity of medication that is less than the quantity on the prescription, without obtaining authorization from the prescribing physician.

Ms. Benz explained that as a matter of enforcement policy, the Board recognizes that the patient may not want to receive the prescribed quantity all at one time and will allow the patient to request and receive a smaller quantity.

Following discussion the Board requested that staff review rules concerning decreasing the quantity on the prescription and bring back recommendations.

- Discussion and Possible Action Concerning Incorporating the Red Flag Checklist into Rule §291.29 (Tab 33)

Ms. Benz presented information concerning the Red Flag checklist. She explained that not all the items on the checklist are in the rules.

Ms. Benz presented suggested rule amendments to §291.29, to incorporate all the items on the checklist into the rules.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §291.29, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Discussion and Possible Action Concerning Professional Responsibility (§291.34) (Tab 34)

Ms. Hotchkiss directed the Board's attention to suggested amendments to rule language concerning the responsibility of the owner of a Class A pharmacy to insure its agents and employees engage in appropriate decisions regarding dispensing of valid prescriptions.

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

- Report on Appeals from State Office of Administrative Hearings Cases and Other Court Actions (Tab 35)

Ms. Arnold presented information concerning the appeal of cases from the State Office of Administrative Hearing.

- Report on Prescription Monitoring Program (Tab 36)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the first two quarters of FY2018 (September 1, 2017 – February 28, 2018); and the minutes of the January 30, 2018, Interagency Work Group meeting.

- Discussion of Possible Statutory Changes for Consideration During the 86th Session of the Texas Legislature (Tab 37)

Ms. Benz presented a list of staff suggestions for law changes during the 2019 Legislative Session. She asked that Board Members review the list and provide their suggestions for additions or changes.

- Update on Legislation Passed During the 85th Texas Legislative Session that have an Impact on TSBP and/or the Practice of Pharmacy (Tab 38)

Ms. Benz directed the Board's attention to an action chart concerning legislation that was passed during the 85th 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 of TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

- Professional Recovery Network

- Vice President Yoakum recognized Brittany Lash with the Professional Recovery Network (PRN). Ms. Lash directed the Board's attention to the PRN budget report for the first two quarters of FY2018 (September 1, 2017 – February 28, 2018). Ms. Lash reviewed current PRN activities for the Board. (Tab 27)

- Ms. Lash reported that at this time PRN did not have a Proposed Budget for FY2020-2021. (Tab 28)

- Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2015-2017) as well as the quarterly report for the first two quarters of FY2018 (September 1, 2017 – February 28, 2018). (Tab 26)

F. Disciplinary Orders

- Consideration of Proposal for Decision (Tab 39)
 - No Proposals for Decision were presented.

Ms. Arnold directed the Board's attention to reports concerning disciplinary orders for pharmacy technicians and pharmacy technician trainees, pharmacies, interns, and pharmacists.

- Report on Agreed Board Orders Entered by Executive Director (Tab 40)
 - The Board reviewed 12 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 15 Agreed Board Orders concerning pharmacies and pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from 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 41)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 14 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and eight 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. Diana April Campos | ABO #T-18-027 |
| 2. Damonay Regena Duvernay | ABO #T-17-289-N |
| 3. Sabrina Hooper | ABO #T-17-333-N |
| 4. Olivia Diane Merritt | ABO #T-17-351-N |
| 5. Luis Alberto Ochoa | ABO #T-17-037 |

- | | |
|------------------------------|-----------------|
| 6. Demetria Diane Singleton | ABO #T-17-146 |
| 7. Stacy Marie St Andre | ABO #T-17-245-N |
| 8. Ricardo Carrasco | ABO #T-17-243 |
| 9. Lakeshia Renee Chaney | ABO #T-17-339 |
| 10. Julissa Diaz | ABO #T-17-373-N |
| 11. Leoncio Guerrero | ABO #T-17-324-N |
| 12. Berta Victoria Mendoza | ABO #T-17-371-N |
| 13. Demeatria Monette Taylor | ABO #T-17-302-N |
| 14. Janie Chagolla | ABO #T-17-321 |

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

- | | |
|---------------------------|-----------------|
| 15. Tamia J. Evans | DBO #T-17-337-N |
| 16. Abdullah Sattar | DBO #T-17-313-N |
| 17. Carl Santos Baer | DBO #T-17-317 |
| 18. Kassie C. Daniels | DBO #T-18-014-N |
| 19. Luis Ovalle | DBO #T-17-388-N |
| 20. Elizabeth Jayne Perez | DBO #T-18-022 |
| 21. Priscilla Reyna | DBO #T-17-255 |
| 22. Gwenisia T. Scott | DBO #T-18-021 |

The motion was made by Mr. Thornsburg to approve the following:
14 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference, and eight 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. Dembny and passed as follows.

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

1. 6-0-1 Ms. Tijerina abstained
2. 6-0-1 Ms. Tijerina abstained
3. 6-0-1 Ms. Tijerina abstained
4. 6-0-1 Ms. Tijerina abstained
5. 6-0-1 Ms. Tijerina abstained
6. 6-0-1 Ms. Tijerina abstained
7. 6-0-1 Ms. Tijerina abstained
8. 6-0-1 Mr. Wiesner abstained
9. 6-0-1 Mr. Wiesner abstained
10. 6-0-1 Mr. Wiesner abstained
11. 6-0-1 Mr. Wiesner abstained
12. 6-0-1 Mr. Wiesner abstained
13. 6-0-1 Mr. Wiesner abstained
14. 6-0-1 Mr. Wiesner abstained

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

15. 6-0-1 Ms. Tijerina abstained
16. 6-0-1 Ms. Tijerina abstained
17. 6-0-1 Mr. Wiesner abstained
18. 6-0-1 Mr. Wiesner abstained
19. 6-0-1 Mr. Wiesner abstained
20. 6-0-1 Mr. Wiesner abstained
21. 6-0-1 Mr. Wiesner abstained
22. 6-0-1 Mr. Wiesner 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 appear for an Informal Conference.

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

- | | |
|--|-----------------|
| 1. CVS/Pharmacy #4820 | ABO #H-17-035-B |
| 2. Scott Ross Reynolds | ABO #H-17-035-A |
| 3. HealthPartners Refill Center Pharmacy | ABO #K-17-029 |
| 4. Shila Marie Hoffman | ABO #K-17-052 |
| 5. NaturalMed Apothecary | ABO #K-18-014 |
| 6. Triad Rx. Inc. | ABO #K-17-055 |
| 7. Walgreens #03542 | ABO #K-17-053-B |
| 8. Walgreens #4113 | ABO #H-17-040-B |
| 9. Walgreens #5424 | ABO #H-17-052-B |
| 10. Walgreens #7530 | ABO #C-16-034-B |
| 11. Walgreens #11514 | ABO #H-17-034-B |

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

- | | |
|--|-----------------|
| 12. Haider Al-Wishah | ABO #B-17-003 |
| 13. AmEx Pharmacy | ABO #L-17-041 |
| 14. Christina M. Buhrman | ABO #L-17-026 |
| 15. John Keith Askew | ABO #J-18-004 |
| 16. Baylor Scott & White Pharmacy #231 | ABO #C-17-027-B |
| 17. James Allen Konopka | ABO #C-17-027-A |

18. Coram CVS/Specialty Infusion Services ABO #K-17-013
19. CVS/pharmacy #4777 ABO #H-17-004-B
20. CVS/specialty ABO #K-17-008
21. Daniel's Pharmacy #1 ABO #B-17-002
22. Fort Bend Rx Pharmacy ABO #K-17-046
23. Galloway Pharmacy ABO#J-17-019-B
24. Hedayat A. Saadat ABO #J-17-019-A
25. H.E.B. Pharmacy #384 ABO #H-17-030-B
26. Brandi Alyssa Waggoner ABO #H-17-030-A
27. H.E.B. Pharmacy #576 ABO #H-16-034-B
28. Lori Ann LeBlanc ABO #K-17-036-A
29. Marian Respiratory Care, Inc. ABO #L-17-043
30. Nationsmed Healthcare ABO #K-18-004
31. Pascaline A. Nwokoma ABO #K-17-050
32. Emmanuel Odinigwe ABO #H-17-022-A
33. Orsini Pharmaceutical Services ABO #F-17-032
34. Partell Specialty Pharmacy ABO #K-16-029
35. Deidre Ann Shelton ABO #E-16-016
36. Smart Rx Pharmacy ABO #K-17-024
37. Stonegate Pharmacy ABO #H-16-041-B
38. Justine Leandra Sanchez ABO #H-16-041-A
39. Kyle Ryan Grimslid ABO #H-17-042
40. Justin Timothy Swanberg ABO #B-16-015
41. Jillander Williams Sturges ABO #J-17-020
42. Summit Pharmacy, Inc. ABO #F-17-029
43. Allan Kiptoo Talai ABO #K-17-049-A
44. Tigua Pharmacy, Inc. ABO #C-17-007
45. Leo Torres ABO #T-17-323
46. Matthew D. Tran ABO #M-17-021
47. US Compounding, Inc. ABO #L-17-038
48. Donald Ray vonMinden ABO #R-17-008
49. Walgreens #03224 ABO #H-17-013

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

50. Jeremy Branch ABO #A-16-008-A

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

51. Ajoy Healthcare Pharmacy DBO #K-18-001
52. Kouassi Hyacinthe N'Dri DBO #N-17-018

The motion was made by Mr. Miller to approve 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 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 appear for an Informal Conference.

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

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

1. 6-0-1 Ms. Tijerina abstained
2. 6-0-1 Ms. Tijerina abstained
3. 7-0-0
4. 7-0-0
5. 7-0-0
6. 7-0-0
7. 7-0-0
8. 7-0-0
9. 7-0-0
10. 7-0-0
11. 7-0-0

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

12. 6-0-1 Mr. Wiesner abstained
13. 6-0-1 Mr. Thornsburg abstained
14. 6-0-1 Mr. Thornsburg abstained
15. 6-0-1 Mr. Wiesner abstained
16. 6-0-1 Mr. Wiesner abstained
17. 6-0-1 Mr. Wiesner abstained
18. 5-0-2 Mr. Wiesner and Ms. Tijerina abstained
19. 5-0-2 Mr. Wiesner and Ms. Tijerina abstained
20. 5-0-2 Mr. Wiesner and Ms. Tijerina abstained
21. 5-0-2 Mr. Wiesner and Mr. Miller abstained
22. 5-0-2 Mr. Wiesner and Mr. Miller abstained
23. 6-0-1 Mr. Wiesner abstained
24. 6-0-1 Mr. Wiesner abstained
25. 6-0-1 Mr. Wiesner abstained
26. 6-0-1 Mr. Wiesner abstained
27. 6-0-1 Mr. Wiesner abstained
28. 6-0-1 Mr. Wiesner abstained

29. 6-0-1 Mr. Wiesner abstained
30. 5-0-2 Mr. Wiesner and Mr. Miller abstained
31. 6-0-1 Mr. Wiesner abstained
32. 5-0-2 Mr. Wiesner and Mr. Miller abstained
33. 6-0-1 Mr. Wiesner abstained
34. 5-0-2 Mr. Wiesner and Mr. Miller abstained
35. 6-0-1 Mr. Wiesner abstained
36. 6-0-1 Mr. Wiesner abstained
37. 6-0-1 Mr. Wiesner abstained
38. 6-0-1 Mr. Wiesner abstained
39. 6-0-1 Mr. Wiesner abstained
40. 6-0-1 Mr. Wiesner abstained
41. 5-0-2 Mr. Wiesner and Mr. Miller abstained
42. 5-0-2 Mr. Wiesner and Mr. Miller abstained
43. 5-0-2 Mr. Wiesner and Mr. Miller abstained
44. 6-0-1 Mr. Wiesner abstained
45. 6-0-1 Mr. Wiesner abstained
46. 6-0-1 Mr. Dembny abstained
47. 6-0-1 Mr. Wiesner abstained
48. 5-0-2 Mr. Wiesner and Mr. Miller abstained
49. 5-0-2 Mr. Wiesner and Mr. Miller abstained

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

50. 4-0-3 Mr. Wiesner, Mr. Dembny and Mr. Miller abstained

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

51. 5-0-2 Mr. Wiesner and Mr. Miller abstained
52. 6-0-1 Mr. Wiesner abstained

- Confidential Agreed Board Orders (Tab 42)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: one proposed Confidential Agreed Board Order concerning a pharmacist (Alternative Resolution); seven 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 Order (Pharmacist)
(Alternative Resolution)

1. ABO #N-17-016

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

2. ABO #M-18-008
3. ABO #G-17-027
4. ABO #N-17-012
5. ABO #M-17-029
6. ABO #M-18-007
7. ABO #M-18-015
8. ABO #M-17-018

Default Board Order (Pharmacist)
(Did not appear for an Informal Conference)

9. DBO #N-17-013

The motion was made by Mr. Dembny to approve the following: one proposed Confidential Agreed Board Order concerning a pharmacist (Alternative Resolution); seven 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. Miller and passed as follows.

Confidential Agreed Board Order (Pharmacist)
(Alternative Resolutions)

1. 7-0-0

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

2. 6-0-1 Mr. Wiesner abstained
3. 6-0-1 Mr. Wiesner abstained
4. 6-0-1 Mr. Thornsburg abstained
5. 6-0-1 Mr. Wiesner abstained
6. 6-0-1 Mr. Wiesner abstained
7. 6-0-1 Mr. Wiesner abstained
8. 6-0-1 Mr. Wiesner abstained

Default Board Order (Pharmacist)
(Did not appear for an Informal Conference)

9. 6-0-1 Mr. Wiesner abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 43)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: three proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and three proposed Remedial Plans concerning pharmacists following an Informal Conference.

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

- | | |
|-------------------------|-------------|
| 1. Central Drug | #H-17-037-B |
| 2. Stephen Anton Branch | #H-17-037-A |
| 3. Luchana Dewar Eugene | #H-17-040-A |

Remedial Plans (Pharmacists)
(Following and Informal Conference)

- | | |
|----------------------------|-------------|
| 4. Marcia Pinell Magee | #H-16-034-A |
| 5. Beverly Maria Namulundu | #H-18-002 |
| 6. Felix Ifeanyi Okonkwo | #H-17-004-A |

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

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

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

1. 7-0-0
2. 7-0-0
3. 7-0-0

Remedial Plans (Pharmacists)
(Following and Informal Conference)

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

G. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 44)

The Board received a report on complaints dismissed and closed during the first two quarters of FY2018 (September 1, 2017 – February 28, 2018). The report also included quarterly averages for FY2017 as compared to FY2018, as well as percentage change from FY2017 to FY2018.

Ms. Hotchkiss reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 45)

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

Ms. Hotchkiss reviewed the report for the Board.

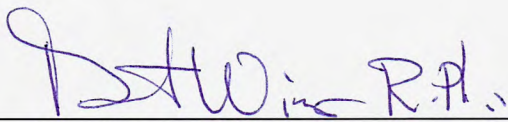
H. Miscellaneous

- Items to be Placed on Agenda for August Board Meeting (Tab 46)
 - Suggested rule amendments concerning a pharmacist decreasing the quantity prescribed
- Discussion of and Possible Action on Upcoming Meetings

The Board discussed Board Member and Executive Director attendance at upcoming meetings.

Vice President Yoakum adjourned the meeting at 1:30 p.m.

APPROVED:



Dennis F. Wiesner, R.Ph.
President



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

August 7, 2018

