



TEXAS STATE BOARD OF PHARMACY

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

Austin, Texas

November 6, 2018

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, November 6, 2018

President Dennis Wiesner, R.Ph., called the meeting to order at 8:58 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, R.Ph.; Suzan Kedron; Julie Spier, R.Ph.; Chip Thornsburg; and Suzette Tijerina, R.Ph.

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

A. Announcements

- President Wiesner made general announcements.
- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.
- Announcements were made introducing new Board staff.

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 Ms. Kedron to approve the minutes of the Board Business Meeting held August 7, 2018 and the minutes of a Temporary Suspension Hearing concerning Emoss Pharmacy and Job Ratemo, R.Ph., held October 30, 2018, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- **Rules Concerning Disciplinary Aggravating and Mitigating Factors (§281.62) (Tab 02)**

Ms. Holloway explained that the Board voted to propose the amendments to §281.62 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 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 §281.62 update the factors which may merit an increase or decrease in the severity of disciplinary action imposed by the Board.

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

- **Rules Concerning Schedule of Administrative Penalties (§281.65) (Tab 03)**

Ms. Holloway explained that the Board voted to propose the amendments to §281.65 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and comments were received from CVS Health and the National Association of Chain Drug Stores (NACDS).

Ms. Holloway directed the Board's attention to the amendments to §281.65 and explained that the proposed amendments update the administrative penalties the Board may assess in certain disciplinary matters.

President Wiesner recognized Carole Hardin-Oliver with Walgreens and

John Rocchio with CVS Health.

Ms. Hardin-Oliver stated that pharmacy and pharmacist license holders should have separate violations when the pharmacy has policies and procedures in place.

Mr. Rocchio echoed Ms. Hardin-Oliver's statement that sanctions for permit holders and license holders should be separate when a violation occurs so long as the pharmacy shows it is following rules and the pharmacist fails to counsel or make an error, even when the pharmacy has measures in place to prevent such issues.

President Wiesner recognized Debbie Garza, CEO with Texas Pharmacy Association who also stated that pharmacy and pharmacist should be considered separately when disciplined.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §281.65, as presented. The motion was seconded by Mr. Thornsburg and passed 8-3-0 with Ms. Spier, Mr. Fernandez, and Ms. Tijerina opposed.

- Rules Concerning Inventory Requirements (§291.17) (Tab 04)

Ms. Holloway explained that the Board voted to propose the amendments to §291.17 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.17 and explained that the amendments clarify the requirements for taking inventories upon change of ownership and closure of pharmacies and correct grammatical errors.

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 §291.17, as presented. The motion was seconded by Ms. Spier and passed unanimously.

- Rules Concerning Access to Confidential Records (§291.28) (Tab 05)

Ms. Holloway explained that the Board voted to propose the amendments to §291.28 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and comments were received from CIOX Health.

Ms. Holloway directed the Board's attention to amendments to §291.28

and explained that the amendments update the time frame in which a pharmacy must respond to a request for confidential records and the format in which the records may be provided to be consistent with §181.102 of the Texas Health and Safety Code.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Kedron to approve for adoption, by Board Order, amendments to §291.28, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Prescription Drug Orders for Patients in Licensed Health Care Institutions, and a Pharmacist Decreasing the Quantity Prescribed (§291.34) (Tab 06)

Ms. Holloway explained that the Board voted to propose the amendments to §291.34 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and a comment was received from an anonymous individual and NACDS provided an additional resource.

Ms. Holloway directed the Board's attention to amendments to §291.34 and explained that the amendments clarify that a rubber stamp may not be used as the signature of a practitioner on written prescription drug orders; allow the utilization of and specify recordkeeping requirements for prescription drug orders dispensed for patients institutionalized in licensed health care institutions, as authorized in Title 40, Part 1, Chapter 19 of the Texas Administrative Code; allow a pharmacist to dispense a quantity less than indicated on the original prescription at the request of the patient or patient's agent; and correct grammatical errors.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Fernandez to approve for adoption, by Board Order, amendments to §291.34, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Drug Regimen Review (§291.74) (Tab 07)

Ms. Holloway explained that the Board voted to propose the amendments to §291.74 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.74 and explained that the amendments update the requirements for drug regimen review as authorized by §562.1011(i) of the Texas Pharmacy Act.

Following discussion and review of the Preamble and Order Adopting

Rules, the motion was made by Mr. Fernandez to approve for adoption, by Board Order, amendments to §291.74, as presented. The motion was seconded by Ms. Spier and passed 9-2-0, with Mr. Lewis and Ms. Henke opposed.

- Rules Concerning Inventory Requirements (§291.104) (Tab 08)

Ms. Holloway explained that the Board voted to propose the amendments to §291.104 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.104 and explained that the amendments update the time period to report required prescription information from a Class E pharmacy to the Texas Prescription Monitoring Program, to be consistent with §481.074(q) of the Texas Controlled Substances Act and correct grammatical errors.

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

- Rules Concerning Satellite Pharmacy Application Requirements (§291.129) (Tab 09)

Ms. Holloway explained that the Board voted to propose the amendments to §291.129 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to amendments to §291.129 and explained that the amendments update the application requirements for Class A and Class C pharmacies to remove certain notarization requirements, and correct grammatical and punctuation errors.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Kedron to approve for adoption, by Board Order, amendments to §291.129, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Pharmacy Electronic Reporting Responsibility (§315.6) (Tab 10)

Ms. Holloway explained that the Board voted to propose the amendments to §315.6 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and

comments were received from the Texas Dental Association.

Ms. Holloway directed the Board's attention to amendments to §315.6 and explained that the amendments require pharmacies to report the dispensing of prescriptions for controlled substances to the Texas Prescription Monitoring Program not later than the next business day, in accordance with §481.074(q) of the Texas Controlled Substances Act, and to correct previously submitted data within seven days of identifying errors or omissions.

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

- **Rules Concerning Access Requirements (§315.15) (Tab 11)**

Ms. Holloway explained that the Board voted to propose the amendments to §315.15 during its August 7, 2018 meeting. The proposed amendments were published in the October 5, 2018 issue of the *Texas Register*, and comments were received from the Texas Medical Association and the Texas Dental Association.

Ms. Holloway directed the Board's attention to amendments to §315.15 and explained that the amendments specify requirements for pharmacists to consult the Texas Prescription Monitoring Program (PMP) database to review a patient's controlled substance history before prescribing or dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol as provided in §§481.0764 and 481.0765 of the Texas Controlled Substances Act and clarify that PMP information may only be accessed as authorized in §481.076 of the Texas Controlled Substances Act. Ms. Holloway also reviewed changes made to the proposed amendments by Board Staff to address the comments received.

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 §315.15, as revised. The motion was seconded by Mr. Fernandez and passed unanimously.

President Wiesner recessed the meeting at 10:05 a.m.

President Wiesner reconvened the meeting at 10:20 a.m.

Proposal of Rules

- **Rules Concerning Removal of a Remedial Plan from Board Records (§281.68) (Tab 12)**

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning removal of a remedial plan from Board records. She explained the proposed 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 §565.060 of the Texas Pharmacy Act.

Following discussion, the motion was made by Ms. Tijerina to approve for proposal amendments to §281.68, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Waiver of Inactive Status Fees for Military Service Members, Military Veterans, Military Spouses (§283.12) (Tab 13)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning pharmacy license applications. She explained the proposed amendments add provisions for a military service member, a military veteran, or a military spouse to place his/her pharmacist license on inactive status without paying a fee.

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

- Rules Concerning Automated Devices and Systems in Class A Pharmacies (§291.31) (Tab 14)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning automated devices and systems in Class A pharmacies. She explained the proposed amendments update the definitions of an automated counting device and automated pharmacy dispensing system, and correct grammatical errors.

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

- Rules Concerning Automated Devices and Systems in Class A Pharmacies (§291.33) (Tab 15)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning automated devices and systems in a Class A pharmacies. She explained the proposed amendments update the requirements for automated devices and systems in a Class A pharmacy, remove the provisions relating to automated storage and distribution devices, and correct grammatical errors.

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

- Rules Concerning Official Prescription Requirements in Class A Pharmacies (§291.35) (Tab 16)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning official prescription requirements in Class A pharmacies. She explained the proposed amendments update the citation reference regarding the requirements for the use of official prescription forms.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §291.35, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Outpatient Records in Class C Pharmacies (§291.75) (Tab 17)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning outpatient records in Class C pharmacies. She explained the proposed amendments update the citation references regarding outpatient records, outpatient prescription forms, and official controlled substance forms, and correct grammatical errors.

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

- Rules Concerning Remote Services through an Automated Storage and Delivery System (§291.121) (Tab 18)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning remote services through an automated storage and delivery system. She explained the proposed amendments provide standards for the provision of remote pharmacy services through automated storage and delivery systems.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §291.121, with changes. The motion was seconded by Mr. Miller and passed unanimously.

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

- Review and Approval of Internal Audit Charter and FY2019 Annual Internal Audit Plan (Tab 30)

President Wiesner recognized Hemant Makan, Director of Licensing and Administrative Services. Mr. Makan directed the Board's attention to the Internal Audit Charter and FY2019 Annual Internal Audit Plan.

Following review of the Internal Audit Charter by the Board, the motion was made by Mr. Lewis to approve the Internal Audit Charter as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

President Wiesner recognized Kimberly Lopez-Gonzales with Garza/Gonzalez and Associates, Certified Public Accountants. Ms. Lopez-Gonzales explained the risk assessment process for the FY2019 Annual Internal Audit Plan.

Following review of the FY2019 Annual Internal Audit Plan by the Board, the motion was made by Mr. Lewis to approve the FY2019 Internal Audit Plan as presented. The motion was seconded by Ms. Kedron and passed unanimously.

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

Proposal of Rules

- Rules Concerning Compounding Essentially Copies of Commercially Available Products (§291.131) (Tab 19)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning compounding essentially copies of commercially available products. She explained the proposed 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 Ben Santana, Chief of Compliance for the Texas State Board of Pharmacy. Mr. Santana addressed language regarding the definitions.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal amendments to §291.131, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- **Rules Concerning Compounding Essentially Copies of Commercially Available Products (§291.133) (Tab 20)**

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning compounding essentially copies of commercially available products. She explained the proposed amendments add new definitions for active pharmaceutical ingredient, commercially available product, easily substitutable dosage strength, and essentially a copy of a commercially available product.

Following discussion, the motion was made by Ms. Spier to approve for proposal amendments to §291.133, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- **Rules Concerning Medication Therapy Management Services (§291.153) (Tab 21)**

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning medication therapy management services. She explained the proposed amendments provide standards for the provision of medication therapy management services in Class G pharmacies.

President Wiesner recognized Mr. Santana. Mr. Santana provided background on the history of medical therapy management (MTM) and a federal law that resulted in its origin.

Following discussion, the motion was made by Mr. Fernandez to approve for proposal amendments to §291.153, with changes. The motion was seconded by Ms. Henke. Mr. Miller made a motion to amend the motion to update references to pharmacy technician certification examinations. Mr. Fernandez seconded Mr. Miller's motion which passed unanimously. Subsequently, the Board passed Mr. Fernandez's initial motion unanimously.

- **Rules Concerning Controlled Substances Prescription Forms (§315.12) (Tab 22)**

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning controlled substances prescription forms. She explained the proposed amendments clarify that the United States Drug Enforcement Administration issues controlled substance registration numbers.

Following discussion, the motion was made by Ms. Kedron to approve for proposal amendments to §315.12, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

Rule Review

- For Proposal

Ms. Holloway directed the Board's attention to the TSBP Rule Review Plan for FY2018-2021 (Tab 23)

- Chapter 291 Concerning Pharmacies (All Classes of Pharmacies) (§§291.1-291.3, 291.5-291.11, 291.14-291.19, 291.22-291.24, 291.27-291.29) (Tab 24)

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 291 (§§291.1-291.3, 291.5-291.11, 291.14-291.19, 291.22-291.24, 291.27-291.29). The motion was seconded by Mr. Fernandez and passed unanimously.

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

- Task Force to Review and Update *Guidelines for Establishing Pharmacist Peer Review Committees* (Tab 26)

Ms. Benz advised the Board that the Task Force will hold its first meeting on January 15, 2019.

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

- Financial Update
 - Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Tab 27)

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

- Review of FY2018 Expenditures (Tab 28)

Cori Briscoe, Financial Services Manager, reviewed the expenditures for FY2018 as of August 31, 2018 for the Board.

- Review of Board Member Travel Budget (Tab 29)

Mr. Makan reviewed the Board Member FY2019 Travel Budget.

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the past four fiscal years (FY2015-2018). (Tab 31)
 - Ms. Hotchkiss introduced Eden Males, the new director of the Professional Recovery Network (PRN). Ms. Males reviewed current PRN expenditures and activities for the Board. (Tab 32)
- Update on Development of Educational Program Concerning Audit Shortages (Tab 33)
- Ms. Benz presented information on the status of educational materials concerning drug audit shortage. A video series has been created for pharmacies to evaluate their security. A segment of the video series was presented to the Board.

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

President Wiesner reconvened the meeting at 12:34 p.m.

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

- Report on Prescription Monitoring Program (Tab 34)

Ms. Benz presented a report on the Prescription Monitoring Program activities for the fourth quarter of FY2018 and the minutes of the July 31, 2018 Interagency Work Group meeting.

- Discussion of Possible Statutory Changes for Consideration During the 86th Session of the Texas Legislature (Tab 35)

Ms. Benz presented a list of suggestions for law changes during the 86th Legislative Session. She asked that Board Members review the list and provide their suggestions for additions or changes.

F. Disciplinary Orders

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 36)
 - The Board reviewed 20 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 August 16, 2018, through October 30, 2018.
 - The Board reviewed 16 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 August 16, 2018, through October 30, 2018.
 - The Board reviewed two Confidential Agreed Board Orders concerning two pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, on September 4, 2018, and September 21, 2018.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 37)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 10 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. Anil Romell Monteiro	ABO #T-18-016
2. Carolina Busby-Amado	ABO #T-18-028-N
3. Tammy Rena Green	ABO #T-18-072-N
4. Anny Siharaj	ABO #T-18-112
5. Frankie Raquel Elliott	ABO #T-18-111
6. Kevin James Levy	ABO #T-18-132
7. Sylvia Nchore	ABO #T-17-204
8. Nicole Lynn Mistrot	ABO #T-18-104-N
9. Claudia Ramos	ABO #T-18-124
10. Connie Saldana	ABO #T-18-117

Default Board Orders (Technicians and Technician Trainees)

(Did not appear for an Informal Conference)

- | | |
|-------------------------------|-----------------|
| 11. Will Riley Moseley | DBO #T-18-034 |
| 12. Alexia Rae Bauer | DBO #T-17-195 |
| 13. Melissa Guzman | DBO #T-18-054 |
| 14. Casey Kessinger | DBO #T-18-029 |
| 15. Jessica Cristin Molina | DBO #T-17-272 |
| 16. Patricia Maureen Felix | DBO #T-18-090 |
| 17. Jasmine Andrea Roby-Davis | DBO #T-18-116-N |
| 18. Vincent Siggers | DBO #T-18-128 |

The motion was made by Mr. Thornsburg to approve the following: 10 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. Lewis and passed as follows:

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

1. 10-0-1 Ms. Kedron abstained
2. 10-0-1 Mr. Wiesner abstained
3. 10-0-1 Mr. Wiesner abstained
4. 10-0-1 Mr. Wiesner abstained
5. 10-0-1 Mr. Wiesner abstained
6. 10-0-1 Mr. Wiesner abstained
7. 10-0-1 Mr. Wiesner abstained
8. 10-0-1 Mr. Miller abstained
9. 10-0-1 Mr. Miller abstained
10. 10-0-1 Mr. Miller abstained

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

11. 10-0-1 Ms. Kedron abstained
12. 10-0-1 Mr. Wiesner abstained
13. 10-0-1 Mr. Wiesner abstained
14. 10-0-1 Mr. Wiesner abstained
15. 10-0-1 Mr. Wiesner abstained
16. 10-0-1 Mr. Miller abstained
17. 10-0-1 Mr. Miller abstained
18. 10-0-1 Mr. Miller abstained

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 22 proposed

Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 27 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians who appeared for an Informal Conference; and one Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

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

- | | |
|---------------------------------|-----------------|
| 1. A-Plus Pharmacy | ABO #L-18-010-B |
| 2. Michael J. A. S. Sulaiman | ABO #L-18-010-A |
| 3. Advanced Pharmacy, LLC | ABO #K-18-006 |
| 4. Allivet | ABO #K-17-031 |
| 5. APS Pharmacy | ABO #L-16-076 |
| 6. CVS/pharmacy #6896 | ABO #H-18-019-B |
| 7. Direct Pharmacy Source, Inc. | ABO #L-18-006 |
| 8. Tony Osa Ebuehi | ABO #E-18-004 |
| 9. Parks Drug | ABO #K-18-029-B |
| 10. John David Bullard | ABO #K-18-029-A |
| 11. Stokes Pharmacy | ABO #F-18-013 |
| 12. Vina Pharmacy | ABO #H-18-015 |
| 13. Walgreens #03885 | ABO #H-16-058-B |
| 14. Walgreens #3138 | ABO #H-14-030-B |
| 15. Krisina Linaye Gilmore | ABO #C-18-006 |
| 16. Walgreens #3444 | ABO #C-17-037-B |
| 17. Alma Aurora Perez | ABO #C-17-037-A |
| 18. Walgreens #4459 | ABO #H-18-023-B |
| 19. Walgreens #7264 | ABO #C-17-034-B |
| 20. Coday Wayne Graham | ABO #C-17-034-A |
| 21. Walgreens #7898 | ABO #C-17-033-B |
| 22. Walgreens #9810 | ABO #J-15-009 |

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

- | | |
|------------------------------------|----------------|
| 23. Rudolf A. Achiri | ABO#H-18-003-A |
| 24. Ginger Cuba Borman | ABO #J-18-011 |
| 25. Michael Clawson Boccieri | ABO #J-18-010 |
| 26. Creekbend Community Pharmacy | ABO #K-17-051 |
| 27. Yucabeth Moochi Kumenda | ABO #K-17-051 |
| 28. Binta Berry | ABO #T-17-322 |
| 29. CVS/pharmacy #4794 | ABO #H-17-051 |
| 30. Nikkol Francis Denson | ABO #M-18-022 |
| 31. Direct Success Pharmacy Dept. | ABO #K-17-058 |
| 32. Heart of America Pharmacy, LLC | ABO #H-18-020 |

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|----------------------------------|-----------------|
| 33. Ansa Ene Hogan | ABO #R-18-003 |
| 34. Inverness Apothecary Trinity | ABO #K-17-047 |
| 35. Kathy B. McKay | ABO #A-16-027 |
| 36. Medstar Pharmacy | ABO #C-16-012-B |
| 37. Ihechukwu Obute | ABO #T-18-037 |
| 38. Aslam R. Moosa | ABO #K-18-012-A |
| 39. Kouassi Hyacinthe N'Dri | ABO #M-18-018 |
| 40. Nnabuike Joseph Okeke | ABO #E-18-001 |
| 41. Raul Demetrio Rendon | ABO #E-16-015 |
| 42. Paramdeep Singh | ABO #H-17-018-A |
| 43. Tower Medic Pharmacy | ABO #M-18-023 |
| 44. Walgreens #5921 | ABO #H-16-056-B |
| 45. Eddie Lee Brown | ABO #J-18-015 |
| 46. Wellness Pharmacy, Inc. | ABO #F-18-003 |
| 47. Woodland Hills Pharmacy | ABO #L-18-012 |
| 48. Millers of Wyckoff | ABO #F-16-057 |

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

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| 49. Darrell Hooker | ABO #H-13-029-A |
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The motion was made by Mr. Thornsburg to approve the following: 22 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 27 proposed Agreed Board Orders concerning pharmacies, pharmacists, and technicians who appeared for an Informal Conference; and one Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

The motion was seconded by Ms. Kedron and passed as follows:

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

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

13. 10-0-1 Mr. Fernandez abstained
14. 10-0-1 Mr. Fernandez abstained
15. 11-0-0
16. 10-0-1 Mr. Fernandez abstained
17. 11-0-0
18. 10-0-1 Mr. Fernandez abstained
19. 10-0-1 Mr. Fernandez abstained
20. 11-0-0
21. 10-0-1 Mr. Fernandez abstained
22. 10-0-1 Mr. Fernandez abstained

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

23. 9-0-2 Mr. Wiesner and Mr. Lewis abstained
24. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
25. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
26. 10-0-1 Mr. Wiesner abstained
27. 10-0-1 Mr. Wiesner abstained
28. 10-0-1 Mr. Wiesner abstained
29. 8-0-3 Mr. Wiesner, Ms. Yoakum, and Ms. Tijerina abstained
30. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
31. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
32. 9-0-2 Mr. Miller and Mr. Fernandez abstained
33. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
34. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
35. 9-0-2 Mr. Miller and Mr. Fernandez abstained
36. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
37. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
38. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
39. 9-0-2 Mr. Miller and Mr. Fernandez abstained
40. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
41. 10-0-1 Mr. Thornsburg abstained
42. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
43. 9-0-2 Mr. Miller and Mr. Fernandez abstained
44. 10-0-1 Mr. Miller abstained
45. 9-0-2 Mr. Miller and Mr. Fernandez abstained
46. 9-0-2 Mr. Miller and Mr. Fernandez abstained
47. 10-0-1 Mr. Wiesner abstained
48. 9-0-2 Mr. Miller and Mr. Fernandez abstained
49. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained

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

51. 9-0-2 Mr. Miller and Mr. Fernandez abstained

- Confidential Agreed Board Orders (Tab 38)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: nine proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference; and one proposed Confidential Default Board Order concerning a pharmacist who did not appear for an Informal Conference.

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

1. ABO #G-17-030
2. ABO #M-18-020
3. ABO #R-18-005
4. ABO #N-18-010
5. ABO #G-18-007
6. ABO #M-18-021
7. ABO #M-18-013
8. ABO #G-17-029
9. ABO #N-18-013

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

10. DBO #G-18-003

The motion was made by Mr. Lewis to approve the following: nine 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. Guerrero and passed as follows.

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

1. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
2. 10-0-1 Mr. Wiesner abstained
3. 9-0-2 Mr. Wiesner and Ms. Yoakum abstained
4. 10-0-1 Mr. Miller abstained
5. 10-0-1 Mr. Miller abstained
6. 10-0-1 Mr. Wiesner abstained
7. 10-0-1 Mr. Wiesner abstained
8. 9-0-2 Mr. Miller and Mr. Fernandez abstained
9. 9-0-2 Mr. Miller and Mr. Fernandez abstained

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

10. 9-0-2 Mr. Miller and Mr. Fernandez abstained

- Discussion of and Action on Proposed Remedial Plans (Tab 39)
 - 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).

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

- | | |
|---------------------------|-------------|
| 1. Lauren Amilcar | #H-14-030-A |
| 2. Mohamed Ben Barrie | #H-16-074-A |
| 3. Stephen Michael Crocco | #H-18-019-A |

The motion was made by Ms. Spier to approve the following: three proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions).

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

Remedial Plans (Pharmacies and Pharmacists)
(Alternative Resolutions)

1. 11-0-0
2. 11-0-0
3. 11-0-0

G. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 40)

The Board received a report on complaints dismissed and closed during the last quarter of FY2018 (June 1, 2018 – August 31, 2018). The report also included quarterly averages for FY2018 as compared to FY2017, as well as percentage change.

Ms. Hotchkiss reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 41)

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 February 2019 Board Meeting (Tab 42)
- Discussion of and Possible Action on Upcoming Meetings

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

I. **Consideration of Personnel Matters**

- Executive Session to Conduct Evaluation of Executive Director (Tab 43)

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

President Wiesner declared the Board in Executive Session at 2:05 p.m.

At 2:35 p.m., President Wiesner announced that the Board would resume the meeting in Open Session. President Wiesner announced that no action was taken and no decisions were made during Executive Session.

President Wiesner adjourned the meeting at 2:35 p.m.

APPROVED:



Dennis F. Wiesner, R.Ph.
President



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

February 5, 2019