



TEXAS STATE BOARD OF PHARMACY

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

November 5, 2019

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, November 5, 2019

President Julie Spier, R.Ph., called the meeting to order at 9:01 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.; Chip Thornsburg; Suzette Tijerina, R.Ph.; Rick Fernandez, R.Ph.; Lori Henke, Pharm.D.; Donna Montemayor, R.Ph., and Rick Tisch.

Board Member Daniel Guerrero was not present.

Staff present were Allison Vordenbaumen Benz, R.Ph., M.S., Executive Director/Secretary; Kerstin Arnold, General Counsel; Annette Graves, Assistant General Counsel; Megan Holloway, Assistant General Counsel; Caroline Hotchkiss, Director of Enforcement; Margarita Zamarripa, Executive Assistant; and Ann Driscoll, Ph.T.R., Team Manager.

A. Announcements

- President Spier 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 (Item B.)

Following discussion, the motion was made by Ms. Henke to approve the minutes of the Board Business Meeting held August 6, 2019; the minutes of Temporary Suspension Hearing concerning RRX Pharmacy, Ibrahim Zaidan, R.Ph., and Gary Lynne Smith, R.Ph., held on August 7, 2019; and the minutes of Temporary Suspension Hearing concerning Care RRX Pharmacy, Ibrahim Zaidan, R.Ph., Gary Lynne Smith, R.Ph., and Tracy Thuy Ly, R.Ph., held August 28, 2019. The motion was seconded by Mr. Lewis and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Military Spouses Licensed/Registered in Similar Jurisdictions (§§283.12 and 297.10) (Items C.1.1.1 and C.1.1.2)

Ms. Holloway explained that the Board voted to propose the amendments to §§283.12 and 297.10 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §§283.12 and 297.10 and explained that the amendments establish procedures for a military spouse who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially similar to Texas's requirements to obtain an interim pharmacist license or interim technician registration, in accordance with Senate Bill 1200 of the 86th Legislative Session.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Miller to approve for adoption, by Board Order, amendments to §§283.12 and 297.10, as presented. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Rules Concerning Telepharmacy System in a Federally Qualified Health Center (§291.121) (Item C.1.2)

Ms. Holloway explained that the Board voted to propose the amendments to §291.121 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*. Comments were received from Cardinal Health regarding §291.121 in support of the proposed changes.

Ms. Holloway directed the Board's attention to the amendments to §291.121 and explained that the amendments clarify that a telepharmacy system located at a federally qualified health center may be located in a

community in which a Class A or Class C pharmacy is located, in accordance with Senate Bill 670 of the 86th Legislative Session.

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

- Rules Concerning Continuing Education (§§295.8 and 297.8) (Items C.1.3.1 and C.1.3.2)

Ms. Holloway explained that the Board voted to propose the amendments to §§295.8 and 297.8 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §§295.8 and 297.8. She explained that the amendments to §295.8 add requirements for two hours of continuing education on pain management as specified in House Bill 3285 of the 86th Legislative Session, two hours of continuing education on prescribing and monitoring controlled substances as specified House Bill 2174 of the 86th Legislative Session, and a human trafficking prevention course as specified in House Bill 2059 of the 86th Legislative Session, and remove a requirement for one hour of continuing education on opioid abuse. Ms. Holloway also explained that the amendments to §297.8 add a requirement for a human trafficking prevention course as specified in House Bill 2059 of the 86th Legislative Session and correct grammatical errors.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Henke to approve for adoption, by Board Order, amendments to §§295.8 and 297.8, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Physician Delegation in Federally Qualified Health Center (§295.13) (Item C.1.4)

Ms. Holloway explained that the Board voted to propose the amendments during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 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 clarify that a federally qualified health center is a practice setting in which physician delegation to a pharmacist of specific acts of drug therapy management may occur, in accordance with House Bill 2425 of the 86th Legislative Session.

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 §295.13, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Communication with Prescriber (§309.5) (Item C.1.5)

Ms. Holloway explained that the Board voted to propose the amendments to §309.5 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*. Comments were received from National Association of Chain Drug Stores regarding §309.5.

Ms. Holloway directed the Board's attention to the amendments to §309.5 and explained that the amendments remove the section's expiration date, in accordance with House Bill 1264 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 §309.5, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Opioid Prescriptions for Acute Pain (§315.3) (Item C.1.6)

Ms. Holloway explained that the Board voted to propose the amendments to §315.3 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 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 specify that opioid prescriptions for the treatment of pain may not exceed a 10-day supply or provide for a refill, in accordance with House Bill 2174 of the 86th Legislative Session, remove the expiration date from the section's title, and correct grammatical errors.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Yoakum to approve for adoption, by Board Order, amendments to §315.3, as presented. The motion was seconded by Mr. Fernandez and passed unanimously.

- Rules Concerning Zero Reporting to the Prescription Monitoring Program (§315.6) (Item C.1.7)

Ms. Holloway explained that the Board voted to propose the amendments to §315.6 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*,

and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §315.6 and explained that the amendments require a pharmacy that does not dispense any controlled substances during a seven-day period to submit a zero report to the Prescription Monitoring Program and establish a procedure for requesting a waiver of the zero reporting requirement, in accordance with House Bill 2847 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, amendments to §315.6, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Delegate Access to Prescription Monitoring Program Data (§315.11) (Item C.1.8)

Ms. Holloway explained that the Board voted to propose the amendments to §315.11 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §315.11 and explained that the amendments remove the effective date from the section title and clarify that a pharmacist may delegate access to prescription data to a pharmacist-intern or pharmacy technician trainee under the direction of the pharmacist, in accordance with House Bill 2847 of the 86th Legislative Session.

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

- Rules Concerning Prescription Monitoring Program Access Requirements (§315.15) (Item C.1.9)

Ms. Holloway explained that the Board voted to propose the amendments to §315.15 during its August 6, 2019 meeting. The proposed amendments were published in the September 27, 2019 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §315.15 and explained that the amendments change the effective date of mandatory Prescription Monitoring Program (PMP) database review before dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol, in accordance with House Bill 3284 of the 86th Legislative Session, and clarify that the duty to consult the PMP database does not apply if the

patient has a documented diagnosis of sickle cell disease, in accordance with Senate Bill 1564 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 §315.15, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

Proposal of Rules

- Rules Concerning Removal of Student Loan Default as Ground for Discipline (§§281.7 and 281.9) (Items C.2.1.1 and C.2.1.2)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning removal of student loan default as grounds for discipline. She explained the proposed amendments to §281.7 remove failing to repay a student loan as a ground for discipline of a pharmacist license, and the proposed amendments to §281.9 remove failing to repay a student loan as a ground for discipline of a pharmacy technician registration or pharmacy technician trainee registration, in accordance with Senate Bill 37 of the 86th Legislative Session.

Following discussion, the motion was made by Ms. Henke to approve for proposal 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.2.2)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning removal of arrests as consideration for licensure or registration. She explained the proposed amendments to §281.66 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, the motion was made by Mr. Lewis to approve for proposal amendments to §281.66, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Automatic Denial or Revocation for Certain Criminal Offenses (§281.69) (Item C.2.3)

Ms. Holloway directed the Board's attention to suggested new rule language concerning automatic denial or revocation for certain criminal offenses. She explained the proposed new rule §281.69 provides for the automatic denial of a pharmacist licensure application or revocation of a

pharmacist license for certain offenses, in accordance with House Bill 1899 of the 86th Legislative Session.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal new rule §281.69, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Surety Bonds for Certain Investigations (§281.70) (Item C.2.4)

Ms. Holloway directed the Board's attention to suggested new rule language concerning surety bonds for certain investigations. She explained the proposed new rule §281.70 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, the motion was made by Mr. Fernandez to approve for proposal new rule §281.70, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Sworn Disclosure Statement (§§291.4, 291.1, 291.3, 291.14) (Items C.2.5.1, C.2.5.2, C.2.5.3, and C.2.5.4)

Ms. Holloway directed the Board's attention to suggested new rule language and suggested amendments to existing rule language concerning sworn disclosure statement. She explained the proposed new rule §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 proposed 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 proposed 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 proposed 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, the motion was made by Mr. Fernandez to approve for proposal new rule §291.4 and amendments to §§291.1, 291.3, and 291.14, as presented. The motion was seconded by Ms. Montemayor and passed unanimously.

- Rules Concerning Electronic Controlled Substance Prescriptions (§291.34) (Item C.2.6)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning electronic controlled substance prescriptions. She explained the proposed amendments to §291.34 remove an outdated reference to the Department of Public Safety and correct grammatical errors.

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

- Rules Concerning Reactivation of Pharmacist License Continuing Education Requirements (§295.9) (Item C.2.7)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning reactivation of pharmacist license continuing education requirements. She explained the proposed amendments to §295.9 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, the motion was made by Mr. Lewis to approve for proposal 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.2.8)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning physician delegation to pharmacist under written protocol. She explained the proposed amendments to §295.13 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, the motion was made by Mr. Fernandez to approve for proposal 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.2.9)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning controlled substance safe disposal notice. She explained the proposed amendments to §315.3 remove the effective date

from the short title and 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, 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 unanimously.

- Rules Concerning Patient Access to Prescription Monitoring Program Information (§315.16) (Item C.2.10)

Ms. Holloway directed the Board's attention to suggested new rule language concerning patient access to Prescription Monitoring Program information. She explained the proposed 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.

Following discussion, the motion was made by Mr. Thornsburg to approve for proposal new rule §315.16, 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 Board Rule Review Plan for FY 2018-2021 (Item C.3.1)

- 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 Ms. Henke to approve for proposal 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. Tijerina and passed unanimously.

President Spier recessed the meeting at 9:56 a.m.

President Spier reconvened the meeting at 10:15 a.m.

Board Member Daniel Guerrero joined the meeting at 10:30 a.m.

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

- Financial Report

- Review of FY2019 Expenditures (Item D.1.1)

Raul Pacheco, Financial Services Manager, reviewed the expenditures for FY2019 as of August 31, 2019, for the Board.

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

Mr. Pacheco reviewed the Board Member FY2019 Travel Budget.

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

Mr. Pacheco reviewed a report on material changes to contracts for goods and services.

- FY2021 – 2025 Strategic Plan (Item D.3)

Ms. Benz directed the Board's attention to a listing of four issues for the Board to review concerning the *FY2021 -2025 Strategic Plan*.

Ms. Benz presented comments concerning TSBP's *FY2021-2025 Strategic Plan* received from the National Association of Chain Drug Stores; Texas Medical Board; Alliance of Independent Pharmacists of Texas; Pharmacy Technician Certification Board; University of North Texas HSC, and Accreditation Council for Pharmacy Education.

Ms. Benz explained that the staff would present the *TSBP FY2021-2025 Strategic Plan* at the May 2020 meeting.

- Amendments Concerning Pharmacy Technician and Pharmacist-Intern Ratios (Item D.4.1)

Ms. Benz presented information concerning pharmacy technician and pharmacist-intern ratios and explained the potential areas for expanded pharmacy technician duties. Comments were received from:

- Senators Charles Schwertner, M.D., R.Ph., Jane Nelson, Lois Kolkhorst, Donna Campbell, M.D., and Dawn Buckingham, M.D;
 - State Representative J.D. Sheffield;
 - Stan Britten, R.Ph., Independent Pharmacy Owner;

- Steven C. Anderson, IOM, CAE, President and Chief Executive Officer, National Association of Chain Drug Stores;
- Erin L. Tolman, M.Ed., C.Ph.T.;
- Laura Edmundson, R.Ph., Director of Clinical Pharmacy, Brookshire Brothers, Inc.;
- Elaine Young, Director of Pharmacy Technology Program, Angelina College;
- Brian Fagan, Pharm.D., R.Ph., Pharmacy Manager, HEB Pharmacy #373;
- Caroline Rodriguez Lestico, Pharm.D., R.Ph., Pharmacist-in-Charge, HEB Pharmacy;
- Derek Lehew, Pharm.D., R.Ph., Pharmacy Manager, HEB Pharmacy #426;
- Lauren Clark, Pharm.D., R.Ph., Pharmacy Manager, HEB Pharmacy #630;
- Ly Tran, R.Ph., Pharmacy Manager, HEB Pharmacy;
- Mikaela DeBarba, Pharm.D., R.Ph., HEB Pharmacy;
- Clarence Richardson, R.Ph., Pharmacy Manager, HEB Pharmacy;
- Rob Geddes, Pharm.D., R.Ph., Director, Pharmacy Legislative and Regulatory Affairs, Albertson Companies, Inc.;
- Chris McMillian, R.Ph., Healthcare Supervisor, Walgreen Co.;
- Brianna Chesser, Pharm.D., R.Ph., Pharmacy Manager, Kroger Pharmacy;
- Jeff Loesch, Pharm.D., R.Ph., CHC, Director of Pharmacy, The Kroger Co.;
- Jon Pulis, R.Ph., Staff Pharmacist, Kroger Pharmacy;
- Rebecca McPhearson Anderson, R.Ph., Pharmacy Manager, Kroger Pharmacy;
- Jared Koyle, Pharm.D., R.Ph., Kroger Pharmacy;
- Timothy A. Ogurek, R.Ph., Assistant Pharmacy Manager, Kroger Pharmacy;
- Diep Ngoc Pham, Pharm.D., R.Ph., Kroger Pharmacy;
- Stacey Lauber, R.Ph., Pharmacy Manager, Kroger Pharmacy;
- Candace S. Dixon, Pharm.D., R.Ph., Pharmacy Manager, Kroger Pharmacy;
- Jill Lester Pharm.D., BCPS, BCACP, R.Ph., Pharmacy Practice Coordinator, The Kroger Co. Dallas Division;
- Tanja Tolman, R.Ph., Kroger Pharmacy;
- Dan Troung, R.Ph., Pharmacy Manager, Kroger Pharmacy;
- Jeri Wilkerson, Pharm.D., R.Ph., Pharmacy Practice Coordinator, Kroger Pharmacy;
- Micah McCuiston, Pharm.D., R.Ph.;
- Anjanette Wyatt, Pharm.D., R.Ph.;
- Jasper and Keisha Lovoi, The Woodlands Compounding Pharmacy;
- Debbie B. Garza, R.Ph., Chief Executive Officer, Texas Pharmacy Association;

- Carter High, Pharm.D., R.Ph., Director of Legislative Affairs, Best Value Pharmacies, Inc.;
 - Mike Gohlke, President, and Alton Kanak, R.Ph., Chairman, American Pharmacies;
 - Lee Ann Hampton, Pharm.D., R.Ph., Paris Apothecary;
 - Audra L. Conwell, CAE, Chief Executive Officer, Alliance of Independent Pharmacist of Texas;
 - Patrick W. Powers, R.Ph.;
 - John C. Heal Jr., Director of Governmental Affairs, Texas TrueCare;
 - Edmund Horton, R.Ph., Tanglewood Pharmacy;
 - Denys Coates, R.Ph., Pharmacist-In-Charge, Tanglewood Pharmacy;
 - David Clark, Pharm.D., R.Ph., Staff Pharmacist, Tanglewood Pharmacy;
 - Courtney Bowen, C.Ph.T., Business Manager, Tanglewood Pharmacy;
 - Ashley Dyer, CPh.T., R.Ph.T.; and
 - Jordan Talley, Pharm.D., R.Ph., Barnes & Williams Drug Centers.
- Rules Concerning Pharmacy Technician and Pharmacist-Intern Ratios (§§283.5, 291.32, 291.53, 291.129, and 291.153) (Items D.4.1.1 – D.4.1.5)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning pharmacy technician and pharmacist-intern ratios. She explained the proposed amendments to §283.5 remove the restriction on the ratio of pharmacist to pharmacists-interns performing pharmacy technician duties and correct grammatical errors; the proposed amendments to §291.32 remove the restriction on the ratio of on-site pharmacists to pharmacy technicians and pharmacy technician trainees in a Class A pharmacy, except as provided by §568.006 of the Pharmacy Act, and correct grammatical errors; the proposed amendments to §291.53 remove the restriction on the ratio of on-site pharmacists to pharmacy technicians and pharmacy technician trainees in a Class B pharmacy and correct grammatical errors; the proposed amendments to §291.129 remove the restriction on the ratio of on-site pharmacists to pharmacy technicians and pharmacy technician trainees in a satellite pharmacy and correct a grammatical error; and the proposed amendments to §291.153 remove the restriction on the ratio of on-site pharmacists to pharmacy technicians and pharmacy technician trainees in a Class G pharmacy and correct grammatical errors.

President Spier recognized the following individuals to speak:

John Jeff Carson, R.Ph., Owner of Oakdell Pharmacy, spoke against increasing the pharmacist to pharmacy technician ratio.

Debbie Garza, R.Ph., CEO of Texas Pharmacy Association, spoke in favor of increasing the pharmacist to pharmacy technician ratio.

Rannon Ching, R.Ph., Pharmacist-in-Charge of Tarrytown Pharmacy, spoke in favor of increasing the pharmacist to pharmacy technician ratio.

Sandra Guckian, R.Ph., National Association of Chain Drug Stores, spoke in favor of increasing the pharmacist to pharmacy technician ratio.

David Le, R.Ph., spoke in favor of increasing the pharmacist to pharmacy technician ratio.

Brian Fagan, R.Ph., spoke in favor of increasing the pharmacist to pharmacy technician ratio.

Daniel Nyakundi, R.Ph., spoke in favor of increasing the pharmacist to an advanced level of pharmacy technician ratio.

Jim Hrcir, R.Ph., Las Colinas Pharmacy, spoke against increasing the pharmacist to pharmacy technician ratio but was in favor of a 1:5 ratio.

Tyler Skeeler, R.Ph., spoke in favor of increasing the pharmacist to pharmacy technician ratio.

Tiffani Johnson, Ph.T.R., Program Director, Cedar Valley College, spoke in favor of advanced education to expand the role of a pharmacy technicians.

Laura Temple, R.Ph., Owner of Laura's Pharmacy, spoke against increasing the pharmacist to pharmacy technician ratio.

Jeff Loesch, R.Ph., Director of Pharmacy, The Kroger Co., spoke in favor of increasing the pharmacist to pharmacy technician ratio.

Tomson George, R.Ph., Senior Manager of Professional Affairs, Walgreens Co., spoke in favor of increasing the pharmacist to pharmacy technician ratio.

The Board agreed to postpone the decision on amendments to rules related to the pharmacist to pharmacy technician ratio and directed staff to bring back rule language addressing the pharmacist to pharmacy technician ratio and expansion of pharmacy technician duties at the May Board meeting. Mr. Fernandez and Ms. Montemayor objected.

President Spier recessed the meeting at 11:42 a.m.

President Spier reconvened the meeting at 12:36 p.m.

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

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for FY2019 (September 1, 2018 – August 31, 2019). (Item D.2.1)
 - President Spier recognized Eden Males with the Professional Recovery Network (PRN). Ms. Males directed the Board's attention to the PRN expense report for FY2019 (September 1, 2018 – August 31, 2019). Ms. Males reviewed current PRN activities for the Board. (Item D.2.2)
- Request from Texas Consortium on Experiential Programs for Consideration of Changes to Internship Rules (Item D.5)

Ms. Benz presented a request from Texas Consortium on Experiential Programs (TCEP) to consider a change to the rules regarding pharmacist interns by allowing pharmacy students to be student interns as soon as the completed application is submitted to TSBP and they are certified by the programs as officially enrolled.

Ms. Benz recognized Jeff Copeland, Associate Dean, University of the Incarnate Word, and Asim Abu-Baker, Associate Dean, Texas A & M University. Mr. Copeland explained that he and Mr. Abu-Baker were in attendance on behalf of TCEP to present to the Board the recommendation of changes to the rules regarding pharmacist interns. He explained that removing the intern trainee designation and 30-hour verification after the first professional year would allow students to gain internship experiences with prospective employers earlier in their educational career and compete for internship programs.

Following discussion, Mr. Guerrero directed the Board staff to examine the current rule language regarding pharmacist interns. In addition, the Board also directed staff to gather and provide information on the current intern rules in other states.

- Request from Genoa Healthcare Concerning Consideration of Changes to Telepharmacy Rules (Item D.6)

Ms. Benz directed the Board's attention to a request from Genoa Healthcare for the Board to add mental health care centers to the list of places allowed to have a telepharmacy.

President Spier recognized Dale Matsen, Vice President Regulatory Affairs, Genoa Healthcare; Nishi Soni, Director of Pharmacy, Genoa

Healthcare; and Gary Cacciatore, Vice President and Associate Regulatory Counsel, Cardinal Health.

Mr. Matsen explained that Genoa Healthcare serves community health centers which serve individuals with serious mental illness or addiction. He also explained because their patients often struggle to hold down a job, maintain stable housing, or have reliable transportation it is beneficial to their patients to have access to get their prescriptions filled at their facility. Mr. Matsen stated a peer review found that it decreased by 40% a mental health relapse.

Following discussion, the Board directed staff to examine the current definition of community and return with the item for the February Board meeting.

President Spier recessed the meeting at 1:58 p.m.

President Spier reconvened the meeting at 2:09 p.m.

- Request Concerning Continuing Education Credit for Mental Health Awareness (Item D.7)

Ms. Benz presented a request from Kyle Milberger, Pharm.D., BCPS, Director of Pharmacy, Texas Health Presbyterian Hospital Kaufman, to consider a change to the continuing education requirements for pharmacists and pharmacy technicians to also include 1 hour of education of mental health awareness for every 2-year renewal period.

Following discussion, Ms. Henke made a motion to bring back proposed language to allow the continuing education requirement one time. The motion was seconded by Mr. Lewis and passed unanimously.

- Update Concerning Implementation of USP <795>, <797>, and <825> Postponement (Item D.8)

Ms. Benz presented NABP's statement regarding the postponement of USP General Chapters <795>, <797>, and <825>.

- Report on the Prescription Monitoring Program (Item D.9)

Ms. Benz presented a report on the Prescription Monitoring Program regarding data for FY2019; and the minutes of the July 30, 2019 Interagency Work Group meeting.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item D.10)

Ms. Arnold discussed a petition filed in district court in Travis County that seeks the allowance of licensed Texas doctors to dispense prescriptions

to their patients, along with TSBP's answer to the filed petition. Ms. Arnold advised the Board that staff is working with the Texas Attorney General's Office and the trial is set for the mid-summer.

- Report on Implementation of Legislation Passed During the 86th Texas Legislative Session that have an Impact on TSBP and/or the Practice of Pharmacy. (Item D.11)

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 TSBP and/or the practice of pharmacy. The chart contains the bill numbers and TSBP's implementation of the bill.

- Revocation of Pharmacy Licenses for Failure to Operate from S.B. 683 (Item D.11.1)

Ms. Arnold explained to the Board information regarding Senate Bill 683 that requires TSBP to notify a pharmacy that has ceased to operate for a period of 30 days or more that its license will be revoked and inform the license holder of the right to a hearing to contest the revocation. She asked that the Executive Director be allowed to enter an order to revoke the license. Following discussion, Mr. Tisch motioned to approve. Ms. Henke seconded the motion and the motion passed unanimously.

E. Consideration of and Possible Action Concerning Enforcement Reports

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

The Board received a report on complaints dismissed and closed during FY2019 (September 1, 2018 – August 31, 2019). The report also included quarterly averages for FY2019 as compared to FY2018, as well as percentage change from FY2018 to FY2019.

Ms. Hotchkiss reviewed the report for the Board.

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

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

Ms. Hotchkiss reviewed the report for the Board.

F. Consideration of and Possible Action Concerning Disciplinary Orders

- Report on Agreed Board Orders Entered by Executive Director (Item F.1)
 - The Board reviewed 23 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 12, 2019, through November 1, 2019.

- The Board reviewed 12 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 12, 2019, through November 1, 2019.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Item F.2)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 3 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.	Krystal Denise Charles	ABO #T-17-369-N
2.	Catrina Battie	ABO #2019-00745
3.	Jessica Yvette Cortinas	ABO #2018-05586
4.	Laura Mendez	ABO #2019-03882
5.	Karla Michelle Sanchez	ABO #2019-03135
6.	Apurva Laxmi Vanguri	ABO #2019-01244
7.	Jeremy Dekee Carpenter	ABO #2019-01369
8.	Shardae Cierra Coleman	ABO #2019-03204
9.	Tacora Harris	ABO #2019-00885
10.	Sundie Ladawn Hoffman	ABO #2017-05924
11.	Jerolyn Hurd	ABO #2019-02530
12.	Laura Najera	ABO #2019-03392
13.	Melissa Michelle Perez	ABO #2018-03306

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

14.	Lauren Nicole Norman	DBO #2018-05193
15.	Jeremiah Martinez	DBO #2018-06405
16.	Joanna Marie Rios	DBO #2018-05475

The motion was made by Mr. Guerrero to approve the following:
13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an

Informal Conference, and 3 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

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

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

1. 9-0-1 Ms. Tijerina abstained
2. 9-0-1 Ms. Yoakum abstained
3. 9-0-1 Ms. Yoakum abstained
4. 9-0-1 Ms. Yoakum abstained
5. 9-0-1 Ms. Yoakum abstained
6. 9-0-1 Ms. Yoakum abstained
7. 8-0-2 Mr. Lewis and Ms. Henke abstained
8. 8-0-2 Mr. Lewis and Ms. Henke abstained
9. 8-0-2 Mr. Lewis and Ms. Henke abstained
10. 8-0-2 Mr. Lewis and Ms. Henke abstained
11. 8-0-2 Mr. Lewis and Ms. Henke abstained
12. 8-0-2 Mr. Lewis and Ms. Henke abstained
13. 8-0-2 Mr. Lewis and Ms. Henke abstained

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

14. 9-0-1 Ms. Yoakum abstained
15. 8-0-2 Mr. Lewis and Ms. Henke abstained
16. 8-0-2 Mr. Lewis and Ms. Henke abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 9 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 6 Temporary Suspension Orders concerning pharmacies and pharmacists (Following Temporary Suspension Hearing); 3 proposed Agreed Board Orders (Following Temporary Suspension Hearing); 22 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference; and one Default Board Orders concerning a pharmacist who did not appear for an Informal Conference.

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

- | | | |
|----|----------------------------|-----------------|
| 1. | Accredo Health Group, Inc. | ABO #2018-06451 |
| 2. | Comanche Pharmacy | ABO #2019-03833 |
| 3. | John Benjamin Knudson | ABO #2019-03835 |
| 4. | Henry Ford Pharmacy | ABO #F-19-005 |
| 5. | Long Term Care Rx | ABO #2019-04753 |

- | | | |
|----|----------------------|-----------------|
| 6. | Walter David Spence | ABO #2019-04755 |
| 7. | Rosenberg 9 Pharmacy | ABO #K-19-010-B |
| 8. | Ibironke Olufunke | ABO #H-18-037-A |
| 9. | Walgreens #7213 | ABO #2019-01903 |

Temporary Suspension Orders (Pharmacies and Pharmacists)
(Following a Temporary Suspension Hearing)

- | | | |
|-----|-------------------|-----------------|
| 10. | Care RRX Pharmacy | TSO #2019-00432 |
| 11. | Gary Lynne Smith | TSO #2019-05005 |
| 12. | Ibrahim Zaidan | TSO #2019-05002 |
| 13. | RRX Pharmacy LLC | TSO #2018-00370 |
| 14. | Gary Lynne Smith | TSO #2019-05007 |
| 15. | Ibrahim Zaidan | TSO #2019-05003 |

Agreed Board Orders (Pharmacies and Pharmacists)
(Following a Temporary Suspension)

- | | | |
|-----|------------------|-----------------|
| 16. | RRX Pharmacy LLC | TSO #2018-00370 |
| 17. | Gary Lynne Smith | TSO #2019-05007 |
| 18. | Ibrahim Zaidan | TSO #2019-05003 |

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

- | | | |
|-----|-------------------------------------|-----------------|
| 19. | Chukwuma U. Anyanwu | ABO #2019-05944 |
| 20. | APN Pharmacy LLC | ABO #2019-03621 |
| 21. | Mary Bell McKinney | ABO #2019-03671 |
| 22. | CVS/pharmacy #3292 | ABO #H-17-018-B |
| 23. | CVS/pharmacy #7403 | ABO #H-13-029-B |
| 24. | Hopewell Pharmacy | ABO #2019-03132 |
| 25. | Intrathecal Compounding Specialists | ABO #L-19-003 |
| 26. | Katy Medical Pharmacy LTC | ABO #2019-04155 |
| 27. | Alton Gene Kanak | ABO #2019-05173 |
| 28. | Kiet Nguyen Le | ABO #2019-02761 |
| 29. | Main Street Pharmacy | ABO #2019-03898 |
| 30. | Myrtle Jolynn Moyer | ABO #2019-04921 |
| 31. | Emmanuel Mbanefo Nwora | ABO #2019-05417 |
| 32. | One Choice Pharmacy | ABO #K-19-014 |
| 33. | Lisa Ann Parker | ABO #2018-04298 |
| 34. | Angela Marie Patrick | ABO #2019-05437 |
| 35. | Savon Pharmacy #135 | ABO #2019-01547 |
| 36. | Sahar Naim Abed | ABO #2019-03327 |
| 37. | Walgreens #11646 | ABO #2019-02871 |
| 38. | Walmart Pharmacy 10-4416 | ABO #H-18-057-B |
| 39. | Donald Eugene Dowell | ABO #H-18-057-A |
| 40. | Geraldine G. Engle | ABO #J-19-012 |

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

41. Ravi Morisetty DBO #2019-04533

The motion was made by Mr. Thornsburg to approve the following: 9 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions); 6 Temporary Suspension Orders concerning pharmacies and pharmacists (Following Temporary Suspension Hearing); 3 proposed Agreed Board Orders (Following Temporary Suspension Hearing); 22 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference; and one Default Board Orders concerning a pharmacist who did not appear for an Informal Conference.

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

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

1. 10-0-0
2. 10-0-0
3. 10-0-0
4. 10-0-0
5. 10-0-0
6. 10-0-0
7. 10-0-0
8. 10-0-0
9. 10-0-0

Temporary Suspension Orders (Pharmacy and Pharmacist)
(Following a Temporary Suspension Hearing)

10. 8-0-2 Ms. Yoakum and Ms. Henke abstained
11. 8-0-2 Ms. Yoakum and Ms. Henke abstained
12. 8-0-2 Ms. Yoakum and Ms. Henke abstained
13. 8-0-2 Ms. Yoakum and Ms. Henke abstained
14. 8-0-2 Ms. Yoakum and Ms. Henke abstained
15. 8-0-2 Ms. Yoakum and Ms. Henke abstained

Agreed Board Orders (Pharmacies, Pharmacists and Technicians)
(Following a Temporary Suspension)

16. 8-0-2 Ms. Yoakum and Ms. Henke abstained
17. 8-0-2 Ms. Yoakum and Ms. Henke abstained
18. 8-0-2 Ms. Yoakum and Ms. Henke abstained

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

19. 8-0-2 Mr. Lewis and Ms. Henke abstained
20. 9-0-1 Ms. Yoakum abstained
21. 9-0-1 Ms. Yoakum abstained
22. 9-0-1 Ms. Yoakum abstained
23. 8-0-2 Mr. Fernandez and Mr. Miller abstained
24. 9-0-1 Ms. Yoakum abstained
25. 9-0-1 Mr. Lewis and Ms. Henke abstained
26. 9-0-1 Ms. Yoakum abstained
27. 9-0-1 Ms. Yoakum abstained
28. 9-0-1 Ms. Yoakum abstained
29. 8-0-2 Mr. Lewis and Ms. Henke abstained
30. 8-0-2 Mr. Lewis and Ms. Henke abstained
31. 8-0-2 Mr. Lewis and Ms. Henke abstained
32. 9-0-1 Mr. Lewis and Ms. Henke abstained
33. 8-0-2 Mr. Lewis and Ms. Henke abstained
34. 9-0-1 Ms. Yoakum abstained
35. 9-0-1 Ms. Yoakum abstained
36. 9-0-1 Ms. Yoakum abstained
37. 9-0-1 Ms. Yoakum abstained
38. 9-0-1 Ms. Henke abstained
39. 9-0-1 Ms. Henke abstained
40. 9-0-1 Ms. Henke abstained

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

41. 8-0-2 Mr. Lewis and Ms. Henke abstained

- Confidential Agreed Board Orders (Item F.3)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 4 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference

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

1. ABO #2019-05650
2. ABO #2019-05799
3. ABO #2019-03507
4. ABO #2019-05838

The motion was made by Mr. Thornsburg to approve the following:
4 proposed Confidential Agreed Board Orders concerning
pharmacists who appeared for an Informal Conference.

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

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

1. 8-0-2 Mr. Lewis and Ms. Henke abstained
2. 9-0-1 Ms. Yoakum abstained
3. 9-0-1 Ms. Yoakum abstained
4. 8-0-2 Mr. Lewis and Ms. Henke abstained

- Discussion of and Action on Proposed Remedial Plans (Item F.4)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for the following: one proposed Remedial Plans concerning a pharmacist following an Informal Conference.

Remedial Plans (Pharmacists)
(Alternative Resolutions)

1. Clayton Reece Boyd Plan #2017-05849

The motion was made by Mr. Thornsburg to approve the following: one proposed Remedial Plans concerning a pharmacist following and informal conference.

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

Remedial Plans (Pharmacist)
(Following and Informal Conference)

1. 8-0-2 Mr. Lewis and Ms. Henke abstained

G. Election of Board Officers

- Election of Vice President and Treasurer (Item G.1)
 - President Spier called for nominations for the office of Vice President and Treasurer. Ms. Yoakum motioned to nominate Mr. Lewis as Vice President. The motion was seconded by Mr. Guerrero and passed unanimously. Mr. Miller motioned to nominate Ms. Yoakum as Treasurer. Mr. Guerrero seconded the motion and the motion passed unanimously.

H. Miscellaneous

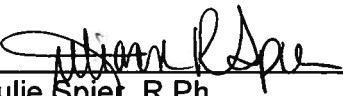
- Items to be Placed on Agenda for February 4, 2020 Board Meeting (Item H.1)
 - Discussion Concerning Changes to Intern Rules
 - Discussion Concerning Telepharmacy

- Report on Automated Dispensing and Delivery Systems Pilot Program
- Requirement for Mental Health Awareness education for licensees
- Discussion of and Possible Action on Upcoming Meetings

President Spier reviewed the upcoming informal conferences and Board members were reminded that they would be contacted to sign up in the near future.

President Spier adjourned the meeting at 2:42 p.m.

APPROVED:



Julie Spier, R.Ph.
President



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

February 4, 2020