



TEXAS STATE BOARD OF PHARMACY

**TEXAS STATE BOARD OF PHARMACY
Health Professions Council Board Room
333 Guadalupe Street, Tower II, Suite 225
Austin, Texas**

November 1, 2016

MINUTES¹

Tuesday, November 1, 2016

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:00 a.m. Other Board Members present were Vice President Christopher M. Dembny, R.Ph.; Treasurer Alice G. Mendoza, R.Ph.; Dennis F. Wiesner, R.Ph.; Buford T. Abeldt, Sr., R.Ph. L. Suzan Kedron; Phyllis A. Stine; Bradley A. Miller, Ph.T.R.; Chip Thornsburg; Jenny Downing Yoakum, R.Ph.; and Suzette Tijerina, R.Ph.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Cathy Stella, Director of Licensing and Administrative Services; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Caroline Hotchkiss, Assistant General Counsel; Ben Santana, R.Ph., Chief of Compliance; Megan Holloway, Staff Attorney; Mary Martha Murphy, Staff Attorney; Jessica Lance, Staff Attorney; and Becky Damon, Executive Assistant.

A. Announcements

- President Waggener 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 Ms. Kedron to approve the minutes of the Board Business Meeting held August 2, 2016; and the minutes of a Temporary Suspension Hearing concerning DR Pharmacy; Felipe Jaime Pena, R.Ph.; Ragan Yvette Webster, R.Ph.; and Tracy Bernard Dunn, R.Ph., held October 7, 2016. The motion was seconded by Mr. Thornsburg and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Administrative Penalty for Failing to Operate a Pharmacy (§281.65) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §281.65 during its August 2, 2016, meeting. The proposed amendments were published in the September 23, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.65 and explained that the amendments make minor grammatical corrections and add an administrative penalty for failing to operate a pharmacy as specified in §291.11 relating to operating a pharmacy.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Stine to approve for adoption, by Board Order, amendments to §281.65, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Schedule II Prescriptions from Out-of-State Practitioners (§291.34) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §291.34 during its August 2, 2016, meeting. The proposed amendments were published in the September 23, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the amendments and explained the amendments to §291.34 implement provisions of Senate Bill 195 passed during the 2015 Texas Legislative session which update the requirements regarding Class A pharmacies dispensing Schedule II Controlled Substance prescriptions issued by prescribers licensed in a state other than Texas to require a written plan approved by the Texas State Board of Pharmacy.

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

- Rules Concerning Class C Pharmacies Operated by Management Companies (§291.74) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §291.74 during its August 2, 2016, meeting. The proposed amendments were published in the September 23, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the amendments and explained that the amendments to §291.74 eliminate references to pharmacies operated by management companies which are no longer authorized by DEA; implement provisions of Senate Bill 460 regarding notification for a change of location; and remove references to Class C-S pharmacies which are no longer necessary.

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 §291.74, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Amendments Concerning Class H Pharmacies (§291.155) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §291.155 during its August 2, 2016, meeting. The proposed amendments were published in the September 23, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the amendments and explained that the amendments to §291.155 clarify that a licensed Class H pharmacy may continue to operate after a Class A or Class C pharmacy obtains a license in the county.

President Waggener recognized Jerry Johnson, CPhT, with the Big Bend Regional Hospital. Mr. Johnson thanked the Board for their decision to consider these amendments which will allow Marfa Meds to continue operating.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Abeldt to approve for adoption, by Board Order, amendments to §291.155, as presented. The motion was seconded by Ms. Yoakum and passed unanimously.

- New Rule Concerning Pharmacists Dispensing Opioid Antagonists (§295.14) (Tab 06)

Ms. Benz explained that the Board voted to propose the new rule §295.14 during its August 2, 2016, meeting. The proposed new rule was published in the September 23, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the new rule and explained the new rule implements Senate Bill 1462, passed during the 2015 Texas Legislative Session allowing pharmacists to dispense naloxone to individuals under a standing order from a physician.

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, new rule §295.14, as presented. The motion was seconded by Ms. Tijerina and passed unanimously.

- Amendments Concerning the Definition of an Epinephrine Auto-Injector (§295.16) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §295.16 during its August 2, 2016, meeting. The proposed amendments were published in the September 23, 2016, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to the amendments and explained that the amendments to §295.16 update the definition of auto-injectors.

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 §295.16, as presented. The motion was seconded by Ms. Stine and passed unanimously

Proposal of Rules

- Rules Concerning Administrative Penalty for Class E Pharmacies Operating Without a Texas Licensed Pharmacist-in-Charge (§281.65) (Tab 08)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning administrative penalties for Class E pharmacies. She explained the amendments to §281.65 add an administrative penalty for operating a Class E or Class E-S pharmacy without a Texas licensed pharmacist-in-charge.

Following discussion, the motion was made by Mr. Dembny to approve for proposal amendments to §281.65, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Labeling Requirements (§291.93) (Tab 09)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning labeling requirements. She explained the amendments to §291.93 update the rules for Class D pharmacies to be consistent with other sections; and clarify the labeling requirements to allow an auxiliary label to be used for adding certain information to the prescription label.

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

- Rules Concerning Licensing Requirements for Class E-S Pharmacies (§291.106) (Tab 10)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning Class E-S pharmacies. She explained the amendments to §291.106 specify that a Class E-S pharmacy may not renew a pharmacy license unless the pharmacy has been inspected by the board or its designee within the last two year renewal cycle to be consistent with rules relating to other classes of pharmacies that compound sterile preparations.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal the amendments to §291.106, as presented. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Pharmacists Reviewing the Original Prescription When Compounding Non-Sterile Preparations (§291.131) (Tab 11)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning compounding non-sterile preparations. She explained the amendments to §291.131 specify that a pharmacist must review the original prescription record when dispensing a non-sterile compounded preparation.

Ms. Benz explained to the Board that rule §291.131 concerning compounding non-sterile preparations (Tab 11) and rule §291.133 concerning compounding sterile preparations (Tab 12) were related and recommended the Board consider them at the same time.

- Rules Concerning Pharmacists Reviewing the Original Prescription When Compounding Sterile Preparations (§291.133) (Tab 12)

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning compounding sterile preparations. She explained the amendments to §291.133 specify that a pharmacist must review the original prescription record when dispensing a sterile compounded preparation.

Ms. Benz directed the Board's attention to comments received from Audra Conwell, CAE, Executive Director/CEO, Alliance of Independent Pharmacists of Texas.

President Waggener recognized David Gonzales with the Alliance of Independent Pharmacists of Texas who commented on the suggested rule amendments.

Following discussion Mr. Thornsburg moved to table discussion. The motion failed a second.

Following further discussion of the suggested rule amendments concerning pharmacies compounding sterile and non-sterile preparations the Board directed staff to bring additional rule language to a future Board meeting.

Rule Review

- For Proposal

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 13)

- Chapter 297 Concerning Pharmacy Technicians (§§297.1-297.10) (Tab 14)

Following review of the rules concerning Pharmacy Technicians Mr. Wiesner requested additional information on rule §297.3 concerning the pharmacy technician examination requirements.

Ms. Stella explained that the agency must adhere to the state contracting rules and submit a Request for Qualifications (an open marketplace bid) if the board wants to approve additional vendors for a pharmacy technician certification examination. If staff submitted a bid now, it could take approximately three to four months to complete the process, as it must be reviewed by the Comptroller, posted as an open marketplace bid, evaluated by our psychometricians, and ultimately awarded.

President Waggener recognized Gary Cacciatore, R.Ph., with Cardinal Health, Joe DaSilva with the Texas Pharmacy Association, and Lisa McCartney, M.Ed., CPhT, PhTR, Department Chair, Pharmacy Technology Program, Austin Community College, who presented comments concerning pharmacy technician examinations.

Following discussion Mr. Wiesner moved to propose amendments to §297.3 concerning the examinations pharmacy technicians applicants are required to take and pass before being eligible for registration. The motion was seconded by Mr. Dembny and passed unanimously.

- Chapter 291 Concerning Pharmacies (Services Provided by Pharmacies) (§§291.120-291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133) (Tab 15)
- Chapter 291 Concerning Pharmacies (Other Classes of Pharmacy) (§§291.151, 291.153, 291.155) (Tab 16)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Dembny to approve for proposal as presented, the review of Chapter 297 (§§297.1-297.10) Chapter 291 (§§291.120-291.121, 291.123, 291.125, 291.127, 291.129, 291.131, 291.133); and Chapter 291 (§§291.151, 291.153, 291.155). The motion was seconded by Mr. Abeldt and passed unanimously.

President Waggener recessed the meeting at 10:15 a.m.

President Waggener reconvened the meeting at 10:25 a.m.

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

- Financial Update

- Review of FY2016 Expenditures (Tab 17)

Ms. Stella reviewed the expenditures for FY2016 (September 1, 2015, through August 31, 2016) for the Board.

- Review of Board Member Travel Budget (Tab 18)

Ms. Stella reviewed the Board Member FY2016 Travel Budget.

- Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Tab 19)

Ms. Stella presented a report on material changes to TSBP contracts for goods and services for the last quarter of FY2016 (June 1, 2016 – August 31, 2016). The report listed contracts that exceeded either the original cost estimate or the original term date.

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

- Update on Legislative Appropriations Request for FY2018-2019 (Tab 20)

Ms. Stella directed the Board's attention to the Exceptional Item Request for the FY2018-2019 Legislative Appropriations Request (LAR).

- Review and Approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Tab 24)

Following review of a list of ACPE approved professional degree programs of colleges and schools of pharmacy, a motion was made by Mr. Dembny to approve the list of ACPE accredited professional programs of colleges and schools of pharmacy, as presented, as required under Board Rule §305.1. The motion was seconded by Mr. Thornsburg and passed unanimously.

- Professional Recovery Network

- Ms. Fisher discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2014-2016) as well as the quarterly report on the number of pharmacists participating in the program during FY2016 (September 1, 2015 – August 31, 2016). (Tab 21)
- President Waggener recognized Courtney Hulbert with the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for FY2016 (September 1, 2015 – August 31, 2016). Ms. Hulbert reviewed current PRN activities for the Board. (Tab 22)

- Ms. Hulbert directed the Board's attention to the Professional Recovery Network Program Audit for program year ended August 31, 2016, and noted that there were no exceptions noted in the audit. (Tab 23)
- Discussion Concerning USP 800 and a Request to Delay Enforcement Until July 1, 2021 (Tab 25)

Ms. Dodson directed the Board's attention to a joint letter from: American Pharmacists Association (APhA); American Society of Consultant Pharmacists (ASCP); College of Psychiatric and Neurologic Pharmacists (CPNP); International Academy of Compounding Pharmacists (IACP); National Alliance of State Pharmacy Associations (NASPA); National Association of Chain Drugs Stores (NACDS) and the National Community Pharmacists Association (NCPA). Ms. Dodson explained that the organizations were writing in regards to a new general chapter from the U.S. Pharmacopeial Convention (USP), *General Chapter <800>, Hazardous Drugs – Handling in Healthcare Settings*. The organizations are requesting a delay in enforcement of the new requirements.

Ms. Dodson explained that a Task Force on Implementation of Rules Relating to USP General Chapter 800 – Hazardous Drugs was scheduled to meet on January 31, 2017, and staff would bring the task force recommendations, including any recommendations for a possible delay in implementation, to a future Board meeting.

- Report on Prescription Monitoring Program Implementation (Tab 26)

Ms. Benz reported the Prescription Monitoring Program (PMP) went live on September 1, 2016, and there are currently over 42,000 registered users.

Ms. Benz presented the minutes from the July 11, 2016, meeting of the PMP work group.

- Report on Sunset Review (Tab 27)

Ms. Dodson reported that the Sunset Advisory Commission noted in their report that TSPB was a well-run agency. The commission also made several recommendations regarding the PMP including that prescribers be required to review the PMP before issuing a prescription and pharmacists be required to review the PMP before dispensing a prescription.

Ms. Dodson also reported that Sunset Advisory Commission recommended that the Board be continued for another 12 years.

- Report on TSBP Office Move (Tab 28)

Ms. Dodson reported that the office move was currently in process and all staff would be in offices on the 5th floor of the Hobby Building within the next week.

- Discussion of Possible Statutory Changes for Consideration During the 85th Session of the Texas Legislature (Tab 29)

Ms. Dodson presented a list of items for consideration during the 85th session of the Texas Legislature. She requested Board members submit to her any additional items they would like to have considered.

E. Disciplinary Orders

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

- Consideration of Proposals for Decision (Tab 30)
 - No Proposals for Decision were presented.
- Report on Agreed Board Orders Entered by Executive Director (Tab 31)
 - The Board reviewed 26 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, 2016, through October 26, 2016.
 - The Board reviewed 19 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 5, 2016, through October 24, 2016, and three Confidential Agreed Board Order, entered during the period from September 28, 2016, through October 26, 2016.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 32)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 17 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 20 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. Veronica Arnold | ABO #T-16-141 |
| 2. Mary Catherine Birch | ABO #T-16-240 |
| 3. Michael Forst | ABO #T-16-230-N |
| 4. Lakesha Denise Hillis | ABO #T-16-229-N |
| 5. Jennifer Innis | ABO #T-16-168 |
| 6. Katava Va'shun McClure | ABO #T-16-223 |
| 7. Maikale Shontae McDonald | ABO #T-16-143-N |
| 8. Denetria Renee Penfield | ABO #T-16-224-N |
| 9. Magdelina Virginia Perez | ABO #T-16-025-N |
| 10. Bobby Edward Bowen | ABO #T-16-257-N |
| 11. Analicia Leticia Jio | ABO #T-16-182-N |
| 12. Lawanda Denise Terrell | ABO #T-16-070 |
| 13. Francly Valenzuela | ABO #T-16-253-N |
| 14. Elienid Budd | ABO #T-16-217 |
| 15. Sylvia Castillo | ABO #T-16-280 |
| 16. Jennifer Sue Cortez | ABO #T-16-270 |
| 17. Elias Soza | ABO #T-16-022 |

Default Board Orders (Technicians and Technician Trainees)

(Did not appear for an Informal Conference)

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| 18. Jose Miguel Calvillo | DBO #T-16-140 |
| 19. Michael David Lewis, Jr. | DBO #T-16-172 |
| 20. Angela Marie Macias | DBO #T-16-071 |
| 21. Tykeeya Shakel Murrell | DBO #T-16-242-N |
| 22. Stephanie Pfeifer | DBO #T-16-236 |
| 23. Alejandro Ramirez | DBO #T-15-456 |
| 24. Sybil Virginia Whittington | DBO #T-16-269-N |
| 25. Dalonna Victorya Vanskike | DBO #T-16-204-N |
| 26. Michael W. Baker | DBO #T-16-105 |
| 27. Krystal Lynn Booth | DBO #T-16-106 |
| 28. Deunie Lischa Faulkner | DBO #T-16-250 |
| 29. Steven Paul McGee | DBO #T-16-251 |
| 30. Jaime Montanaro | DBO #T-16-282 |
| 31. John Pagano | DBO #T-16-064 |
| 32. Victor Antonio Ruiz | DBO #T-16-272 |
| 33. Karen Ann Sterne | DBO #T-15-463 |
| 34. Joshua Eli Trevino | DBO #T-16-267 |
| 35. Whitnie D'Relle Richardson | DBO #T-16-046-N |
| 36. Joseph Anthony Turcios | DBO #T-16-316 |
| 37. Briann Roberta Wyatt | DBO #T-16-232 |

The motion was made by Ms. Stine to approve the 17 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 20 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. Mendoza and passed as follows.

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

1. 9-0-1 Mr. Dembny abstained
2. 9-0-1 Mr. Dembny abstained
3. 9-0-1 Mr. Dembny abstained
4. 9-0-1 Mr. Dembny abstained
5. 9-0-1 Mr. Dembny abstained
6. 9-0-1 Mr. Dembny abstained
7. 9-0-1 Mr. Dembny abstained
8. 9-0-1 Mr. Dembny abstained
9. 9-0-1 Mr. Dembny abstained
10. 9-0-1 Ms. Stine abstained
11. 9-0-1 Ms. Stine abstained
12. 9-0-1 Ms. Stine abstained
13. 9-0-1 Ms. Stine abstained
14. 9-0-1 Mr. Dembny abstained
15. 9-0-1 Mr. Dembny abstained
16. 9-0-1 Mr. Dembny abstained
17. 9-0-1 Mr. Dembny abstained

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

18. 9-0-1 Mr. Dembny abstained
19. 9-0-1 Mr. Dembny abstained
20. 9-0-1 Mr. Dembny abstained
21. 9-0-1 Mr. Dembny abstained
22. 9-0-1 Mr. Dembny abstained
23. 9-0-1 Mr. Dembny abstained
24. 9-0-1 Mr. Dembny abstained
25. 10-0-0
26. 9-0-1 Ms. Stine abstained
27. 9-0-1 Ms. Stine abstained
28. 9-0-1 Ms. Stine abstained
29. 9-0-1 Ms. Stine abstained
30. 9-0-1 Ms. Stine abstained
31. 9-0-1 Ms. Stine abstained
32. 9-0-1 Ms. Stine abstained
33. 9-0-1 Ms. Stine abstained
34. 9-0-1 Ms. Stine abstained
35. 9-0-1 Mr. Dembny abstained
36. 9-0-1 Mr. Dembny abstained
37. 9-0-1 Mr. Dembny abstained

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 16 proposed Agreed Board Orders (Alternative Resolutions); 59 proposed Agreed Board Orders concerning pharmacists, pharmacies, pharmacist-interns, and pharmacy technicians following an Informal Conference; one Default Board Order concerning a pharmacy that did not appear for an Informal Conference, one proposed Agreed Board Order concerning a pharmacist following a Mediated Settlement Conference; and three proposed Agreed Board Orders concerning pharmacists following a Temporary Suspension Hearing.

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

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| 1. Mehdi Aghamoosa | ABO #L-16-027 |
| 2. Allergychoices Pharmacy | ABO #L-16-037 |
| 3. Ardon Health, LLC | ABO #L-16-033 |
| 4. Brown's Pharmacy | ABO #H-15-086-B |
| 5. CVS/pharmacy #6570 | ABO #L-14-057 |
| 6. CVS/pharmacy #7403 | ABO #H-16-027 |
| 7. CVS/pharmacy #7465 | ABO #H-16-022-B |
| 8. CVS/pharmacy #10301 | ABO #H-16-028 |
| 9. Leah Lynneah Hettler | ABO #C-16-019-A |
| 10. Linchi Le | ABO #K-16-016 |
| 11. Muniz Rio Grande Pharmacy, LLC | ABO #C-16-041-B |
| 12. Jose Roberto Muniz | ABO #C-16-041-A |
| 13. Michael Paul Muniz | ABO #C-16-042 |
| 14. Kevin Linh Nguyen | ABO #L-16-022 |
| 15. Wells Pharmacy Network LLC | ABO #L-15-037 |
| 16. Kawanda Williams | ABO #K-16-017 |

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

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| 17. Affinity Biotech | ABO #L-16-014 |
| 18. Alliance Allergy Solutions, LLC | ABO #L-16-021 |
| 19. Richard Earl Appling II | ABO #F-15-032 |
| 20. APS Pharmacy | ABO #F-15-034 |
| 21. Onyeka Okwuchukwu Arinze | ABO #F-16-034 |
| 22. Ngoc Banh | ABO #K-15-034-A |
| 23. Bowers Prescription, LLC | ABO #H-16-017-B |
| 24. Patricia Lea Miller | ABO #H-16-017-A |
| 25. Brookshire Pharmacy #94 | ABO #H-15-087-B |
| 26. Gwendolyn Lee Walker | ABO #H-15-087-A |
| 27. Christus Spohn Hospital | ABO #B-14-011-B |
| 28. Christopher Wayne Miller | ABO #B-14-011-A |
| 29. Lynn Michelle Clark | ABO #E-15-006 |
| 30. Compounding Corner Pharmacy | ABO #J-16-008 |
| 31. CVS/pharmacy #4794 | ABO #H-15-063-B |

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| 32. CVS/pharmacy #5255 | ABO #B-12-037 |
| 33. CVS/pharmacy #8335 | ABO #C-15-037-B |
| 34. Le Nhu Vo | ABO #C-16-038 |
| 35. Greenpark Compounding Pharmacy | ABO #H-16-006-B |
| 36. Cindy Lee Rodriguez | ABO #T-16-200 |
| 37. H.E.B. Pharmacy #161, LP | ABO #H-16-030 |
| 38. H.E.B. Pharmacy #592 | ABO #H-16-014 |
| 39. Las Palmas Medical Center,
A Campus of LPDS Healthcare | ABO #J-15-014-B |
| 40. Antonio Renteria Campos | ABO #J-15-014-A |
| 41. Kiet Nguyen Le | ABO #E-13-018 |
| 42. Legacy Pharmacy | ABO #C-15-001-B |
| 43. Mayur M. Shah | ABO #C-15-001-A |
| 44. Tracey Jo Stevens | ABO #J-16-014 |
| 45. Rachael Elaine Lee | ABO #T-16-205 |
| 46. Masterpharm, LLC | ABO #L-15-036 |
| 47. Antoinette Theodora McDaniel | ABO #H-16-008-A |
| 48. Reginald Winston McCoy | ABO #R-16-007 |
| 49. Medicine Cabinet SM, LLC | ABO #K-15-031-B |
| 50. Waymon Barrett | ABO #K-15-031-A |
| 51. Myers Drug, Inc. | ABO #B-16-004-B |
| 52. Douglas Ray Chadwick | ABO #B-16-004-A |
| 53. OC Pharmacy | ABO #H-15-079-B |
| 54. Dongli Wang | ABO #H-15-079-A |
| 55. Stephen Okwor | ABO #C-16-016-A |
| 56. Pasadena Health Center Inc. | ABO #K-15-027-B |
| 57. Rolando Rangel | ABO #K-15-027-A |
| 58. Delores Rodriguez | ABO #T-15-349 |
| 59. Kajalben Patel | ABO #C-16-023-A |
| 60. Premier RX Pharmacy | ABO #K-16-011-B |
| 61. Emmanuel Ike Orusakwe | ABO #K-16-011-A |
| 62. Quality Care Pharmacy &
Compounding | ABO #H-16-013-B |
| 63. Rockwall Drug & General Store | ABO #M-16-012 |
| 64. The Medicine Man Pharmacy | ABO #H-15-078-B |
| 65. Lauren Sue McCreary | ABO #H-15-078-A |
| 66. Tom Thumb Pharmacy #2642 | ABO #C-16-032-B |
| 67. Chinewe Okeke-Moffatt | ABO #C-16-032-A |
| 68. University of Colorado Hospital
Atrium Pharmacy | ABO #F-16-017 |
| 69. Walgreens #3910 | ABO #H-16-020-B |
| 70. Bo Sijuwade | ABO #H-16-020-A |
| 71. Walgreens #3956 | ABO #H-15-073-B |
| 72. Warren Calvin Lee | ABO #H-15-073-A |
| 73. Walgreens #5612 | ABO #J-15-002-B |

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| 74. Chukwuemeka Munachiso
Chukwurah | ABO #J-15-002-A |
| 75. Walmart Pharmacy 10-2978 | ABO #H-15-076 |

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

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| 76. Mainland Pharmacy Inc. | DBO #J-14-007 |
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Agreed Board Board Order (Pharmacy)
(Following a Mediated Settlement Conference)

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| 77. Victory Medical Center Pharmacy | ABO #H-15-004-B |
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Agreed Board Board Order (Pharmacists)
(Following a Temporary Suspension Hearing)

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| 78. Tracy Bernard Dunn | ABO #H-17-002 |
| 79. Felipe Jaime Pena | ABO #A-17-004 |
| 80. Ragan Yvette Webster | ABO #A-17-001 |

- Confidential Agreed Board Orders (Tab 33)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for two proposed Confidential Board Orders (Alternative Resolutions); and five proposed Confidential Board Orders following Informal Conferences.

Agreed Confidential Board Orders (Pharmacists)
(Alternative Resolutions)

1. ABO #G-16-005
2. ABO #G-16-024

(Following an Informal Conference)

3. ABO #G-16-023
4. ABO #G-15-024
5. ABO #G-16-012
6. ABO #G-16-019
7. ABO #N-16-008

The motion was made by Mr. Wiesner to approve the 16 proposed Agreed Board Orders (Alternative Resolutions); 16 proposed Agreed Board Orders (Alternative Resolutions); 59 proposed Agreed Board Orders concerning pharmacists, pharmacies, pharmacist-interns, and pharmacy technicians following an Informal Conference; one Default Board Order concerning a pharmacy that did not appear for an Informal Conference, one proposed Agreed Board Order concerning a pharmacy following a Mediated Settlement Conference; three Agreed Board Orders concerning pharmacists following a Temporary

Suspension Hearing; two proposed Confidential Board Orders (Alternative Resolutions); and five proposed Confidential Board Orders following Informal Conferences.

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

Agreed Board Orders (Pharmacies and Pharmacist)
(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
10. 10-0-0
11. 10-0-0
12. 10-0-0
13. 10-0-0
14. 10-0-0
15. 10-0-0
16. 10-0-0

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

17. 10-0-0
18. 10-0-0
19. 9-0-1 Ms. Stine abstained
20. 10-0-0
21. 9-0-1 Mr. Dembny abstained
22. 9-0-1 Mr. Dembny abstained
23. 9-0-1 Ms. Yoakum abstained
24. 9-0-1 Ms. Yoakum abstained
25. 9-0-1 Ms. Stine abstained
26. 9-0-1 Ms. Stine abstained
27. 10-0-0
28. 10-0-0
29. 9-0-1 Ms. Stine abstained
30. 9-0-1 Ms. Yoakum abstained
31. 9-0-1 Ms. Yoakum abstained
32. 9-0-1 Ms. Yoakum abstained
33. 9-0-1 Ms. Yoakum abstained
34. 9-0-1 Ms. Yoakum abstained
35. 9-0-1 Ms. Yoakum abstained
36. 9-0-1 Ms. Yoakum abstained

- 37. 8-0-2 Ms. Yoakum and Mr. Wiesner abstained
- 38. 9-0-1 Mr. Wiesner abstained
- 39. 9-0-1 Ms. Yoakum abstained
- 40. 9-0-1 Ms. Yoakum abstained
- 41. 9-0-1 Ms. Yoakum abstained
- 42. 10-0-0
- 43. 10-0-0
- 44. 10-0-0
- 45. 10-0-0
- 46. 9-0-1 Ms. Stine abstained
- 47. 9-0-1 Ms. Stine abstained
- 48. 9-0-1 Ms. Yoakum abstained
- 49. 10-0-0
- 50. 10-0-0
- 51. 9-0-1 Ms. Yoakum abstained
- 52. 9-0-1 Ms. Yoakum abstained
- 53. 9-0-1 Mr. Miller abstained
- 54. 9-0-1 Mr. Miller abstained
- 55. 10-0-0
- 56. 10-0-0
- 57. 10-0-0
- 58. 10-0-0
- 59. 10-0-0
- 60. 10-0-0
- 61. 10-0-0
- 62. 9-0-1 Ms. Yoakum abstained
- 63. 9-0-1 Mr. Dembny abstained
- 64. 9-0-1 Ms. Stine abstained
- 65. 9-0-1 Ms. Stine abstained
- 66. 9-0-1 Ms. Yoakum abstained
- 67. 9-0-1 Ms. Yoakum abstained
- 68. 9-0-1 Ms. Yoakum abstained
- 69. 9-0-1 Ms. Yoakum abstained
- 70. 9-0-1 Ms. Yoakum abstained
- 71. 9-0-1 Ms. Yoakum abstained
- 72. 9-0-1 Ms. Yoakum abstained
- 73. 9-0-1 Ms. Yoakum abstained
- 74. 9-0-1 Ms. Yoakum abstained
- 75. 9-0-1 Ms. Yoakum abstained

Default Board Order (Pharmacist)
(Did not appear for an Informal Conference)
76. 10-0-0

Agreed Board Order (Pharmacy)
(Following a Mediated Settlement Conference)
77. 9-0-1 Mr. Abeldt abstained

Agreed Board Order (Pharmacists)

(Following a Temporary Suspension Hearing)

78. 8-0-2 Mr. Dembny and Ms. Yoakum abstained
79. 8-0-2 Mr. Dembny and Ms. Yoakum abstained
80. 8-0-2 Mr. Dembny and Ms. Yoakum abstained

Agreed Confidential Board Orders

(Alternative Resolutions)

1. 10-0-0
2. 10-0-0

(Following an Informal Conference)

3. 9-0-1 Mr. Dembny abstained
4. 9-0-1 Mr. Miller abstained
5. 10-0-0
6. 9-0-1 Ms. Yoakum abstained
7. 9-0-1 Ms. Yoakum abstained

The Board reviewed the alleged violations and the Temporary Suspension Orders entered following a Temporary Suspension Hearing concerning a pharmacy and pharmacists.

- | | |
|-------------------------|------------------|
| 1. DR Pharmacy | ABO #A-15-033-S1 |
| 2. Tracy Bernard Dunn | ABO #A-17-002-S1 |
| 3. Felipe Jaime | ABO #A-17-004-S1 |
| 4. Regan Yvette Webster | ABO #A-17-001-S1 |
| 5. Tracy Bernard Dunn | ABO #A-17-002 |
| 6. Felipe Jaime Pena | ABO #A-17-004 |
| 7. Ragan Yvette Webster | ABO #A-17-001 |

- Discussion of and Action on Proposed Remedial Plans (Tab 34)
 - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following four proposed Remedial Plans (Alternative Resolutions).

Remedial Plans (Pharmacists)

(Alternative Resolutions)

1. Tammy Leigh Bennett #H-16-022-A
2. Halls Pharmacy #H-16-015-B
3. Raja Manjeeth Avanadula #H-16-015-A
4. Kayla Adlof Hester #H-15-086-A

The motion was made by Mr. Dembny to approve the four proposed Remedial Plans (Alternative Resolutions).

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

Remedial Plans (Pharmacists)
(Alternative Resolutions)

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

F. Consideration of and Possible Action Concerning Enforcement Reports

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 35)

The Board received a report on complaints dismissed and closed during FY2016 (September 1, 2015 – August 31, 2016). The report also included quarterly averages for FY2015 as compared to FY2016, as well as percentage change from FY2015 to FY2016.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 36)

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

Ms. Fisher reviewed the report for the Board.

G. Miscellaneous

- Items to be Placed on Agenda for February Board Meeting (Tab 37)
 - Recommendations from Task Force on Pharmacy Technician Qualifications and Duties
- Discussion of and Possible Action on Recent Conferences and Events

The Board discussed Board Member and Executive Director attendance at recent conferences and events.

- Discussion of and Possible Action on Upcoming Conferences and Events

The Board discussed Board Member and Executive Director attendance at upcoming conferences and events.

- Consideration of Personnel Matters (Tab 38)

President Waggener reported that an Executive Director Selection Committee has been appointed and the committee is composed of President Jeanne Waggener, Vice President Christopher Dembny, Treasurer Alice Mendoza, and former Board Member W. Benjamin Fry.

President Waggener adjourned the meeting at 12:02 p.m.

APPROVED:

Jeanne D. Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

February 7, 2017