

APPENDIX D

PERFORMANCE MEASURE DEFINITIONS FOR FY2009/2013

Licensing - Outcome Measures

(1) Percent of Licensees with No Recent Violations

Short Definition: The percent of the total number of licensees (pharmacists and pharmacies) at the end of the reporting period who have not been subject to a disciplinary order within the current and preceding two years (three years total). Note: The number of disciplined licensees is expressed as a percentage of the total number of licensees at the end of the reporting period (i.e., persons who obtained a new pharmacy or pharmacist license, during the reporting period, or who renewed a pharmacist or pharmacy license during the reporting period).

Purpose/Importance: Licensing individuals helps ensure that these persons meet legal standards for professional education and practice, which is a primary agency goal. This measure is an indication of the percentage of licensees who have not committed substantive violations of the laws and/or rules governing the practice of pharmacy. This measure is important because it indicates how effectively the agency's activities deter violations of professional standards established by statute and rule.

Source/Collection of Data: Data regarding the denominator (number of licensees during the reporting period) is generated by the agency's computerized data base. Data regarding the information needed to calculate the numerator (number of licensees who have been the subject of a disciplinary order within the past three fiscal years) is determined by a manual review of all disciplinary orders entered during the three-year reporting period (i.e., manually counting all of the orders contained in the notebooks for current and preceding two fiscal years). If a Disciplinary Order is reviewed and approved by the Board at a Board Meeting that falls in one fiscal year, but the Order does not get signed by a Board Member until a date that falls into a subsequent fiscal year, the Order will be considered as entered in the fiscal year that the Board reviews/approves the Order. The Orders are maintained in readily retrievable notebooks. Disciplinary Orders include the following two types of Orders:

- (1) Agreed Board Orders (consent orders that are entered by the Board, in which the licensee neither admits nor denies the allegations contained in the Order, but agrees to the sanctions imposed by the Board); and
- (2) Board Orders [includes: Orders which are entered by the Board after a public hearing has been conducted by the State Office of Administrative Hearings (SOAH), and may impose a sanction on the licensee; also includes Orders temporarily suspending a license (summary suspensions) or court-ordered suspensions (e.g., due to failure to pay child support)].

TSBP Director of Administrative Services & Licensing is responsible for the licensure data. TSBP Director of Enforcement is responsible for the disciplinary data and calculating the measure.

Methodology:

Method of Calculation: This measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

The following method is used to calculate the Numerator:

NUMERATOR - Denominator minus "X"

"X" is the total number of pharmacists, pharmacies who have been the subject of a Disciplinary Order within the current fiscal year and the two prior fiscal years (a total of three fiscal years). This number includes applicants who have a pharmacist, pharmacy license granted (with or without restrictions) under the terms of a Disciplinary Order.

Types of disciplinary orders included in this calculation would be orders imposing the following types of sanctions: granting a license (with or without restrictions), revocation, suspension with or without probation, cancellation, retirement, restriction, administrative penalty (fine), reprimand, or a combination of any of these sanctions. Warning letters are not considered as sanctions and are not included in this calculation.

There are some types of disciplinary orders that are NOT included in this calculation. These types of "excluded" Orders, for purposes of this performance measure only, are described below.

- (1) Disciplinary Orders would not be included in this calculation if the order resulted in the Board granting or denying the reinstatement of a previously revoked license, unless the order included allegations of "new" violations (violations committed or allegedly committed by the licensee after the date the license was revoked, or not included in the prior order). Orders reinstating a license will generally not be included in this calculation because these types of orders generally do not include allegations (charges) of violations of laws/rules. Orders that deny a petition for reinstatement may include allegations or findings of new violations.
- (2) Disciplinary Orders would not be included in the calculation if the order resulted in the Board denying an individual's application to obtain a new or to renew a pharmacist or pharmacy license. Since this type of order would not result in the person being counted in the denominator (in that the person would not be a licensee), the order should not be counted in the numerator.
- (3) Disciplinary Orders would not be included in this calculation if the order resulted in the Board (a) denying an internship registration; or (b) granting an internship registration (with or without conditions), but not granting a pharmacist license. Since this type of order would not result in the person being counted in the denominator (in that the person would not be a licensee), the order should not be considered in the numerator.
- (4) Disciplinary orders would not be included in this calculation if the order resulted in the Board granting or denying the modifications of a previously entered order, unless the order included allegations of "new" violations (violations committed or allegedly committed by the licensee after the date the order was entered, or not included in the prior order). Orders that grant modifications

will generally not be included in this calculation because these types of orders generally do not include allegations (charges) of violations of laws/ rules. Orders that deny modifications may include allegations or findings of new violations.

- (5) Disciplinary orders would not be included in this calculation if the order would result in "double counting" of a licensee. For example, pharmacists who were subject to more than one order during the three-year period will be counted only once. If a facility was subject to more than one order during the three-year period, it will be counted only once if it maintained the same license number during the three-year period. If a facility changed ownership (obtained a new license number), it will be included in this calculation.

DENOMINATOR - total number of licensees (pharmacists and pharmacies) licensed by the agency in this reporting period. This number is calculated by adding the totals of the following categories of licenses:

- (1) Number of new licenses issued to individuals (pharmacists) in current fiscal year (reporting period);
- (2) Number of new licenses issued to facilities (pharmacies) in current fiscal year (reporting period);
- (3) Number of pharmacist licenses renewed in current fiscal year (reporting period); and
- (4) Number of pharmacy licenses renewed in current fiscal year (reporting period).

Data Limitations: With regard to the Denominator, the agency has no control over the number of persons who wish to obtain or renew a license to operate a pharmacy in Texas, or who wish to obtain or renew a license to practice pharmacy in Texas. With regard to the Numerator, the number of disciplinary orders (that are entered by the Board each year) is limited by (1) the number of applicants/licensees who commit substantive violations of the laws and/or rules governing the practice of pharmacy; (2) the number of complaints filed (TSBP has no control over the number of complaints that are filed with TSBP each year); and (3) the quantity of agency staff who investigate complaints and institute disciplinary action against an applicant or licensee.

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

(2) Percent of Licensees Who Renew Online

Short Definition: Percent of the total number of licensed, registered, or certified individuals who renewed their license, registration, or certification online during the reporting period.

Purpose/Importance: To track use of online license renewal technology by the licensee population.

Source/Collection of Data: The TSBP computerized data base calculates the total number of licenses or registrations renewed for a specific period of time, including the number of renewals that are issued as a result of the user accessing the Texas Online application system.

Methodology: Total number of individual licenses, registrations, or certifications renewed online divided by the total number of individual licenses, registrations, or certifications renewed during the reporting period. The result should be multiplied by 100 to achieve a percentage.

Data Limitations: TSBP has no control over the number of individuals who choose to submit an online license, registration, or certification.

Calculation Type Non-Cumulative.

New Measure No.

Desired Performance Higher than Target.

(3) Percent of New Individual Licenses Issued Online

Short Definition: Percent of all new licenses, registrations, or certifications issued to individuals during the reporting period, using the Texas Online technology for initial payment.

Purpose/Importance: To track use of Texas Online license renewal application technology by the licensee population.

Source/Collection of Data: The TSBP computerized data base can calculate the total number of new licenses or registrations issued for a specific period of time.

The TSBP computerized data base calculates the total number of initial licenses or registrations issued for a specific period of time, including the number that was issued as a result of the user using the Texas Online application system.

Methodology: Total number of new licenses, registrations, or certifications issued to individuals online divided by the total number of new licenses, registrations, or certifications issued to individuals during the reporting period. The result should be multiplied by 100 to achieve a percentage.

Data Limitations: TSBP has no control over the number of individuals who choose to submit an online license, registration, or certification.

Calculation Type Non-Cumulative.

New Measure No.

Desired Performance Higher than Target.

Licensing - Output Measures

(1) Number of New Licenses Issued to Individuals

Short Definition: The number of licenses issued to previously unlicensed individuals during the reporting period.

Purpose/Importance: To determine the number of new licenses issued to Texas pharmacists. This measure can be used to assist in determining the extent of a pharmacist surplus or shortage in Texas.

Source/Collection of Data: The licensing computer applications as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for data.

Method of Calculation: The unduplicated number of individuals initially licensed in a reporting period.

Data Limitations: Data is dependent on the actual number of individuals who are initially licensed as a Texas pharmacist. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose Texas as their state of licensure) however, is not a factor that can be controlled by the agency.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

(2) Number of New Registrations Issued to Individuals

Short Definition: The number of registrations issued to previously unregistered individuals during the reporting period.

Purpose/Importance: To determine the number of new registrations issued to Texas pharmacy technicians and technician trainees. This measure can be used to assist in determining the extent of a pharmacy technician surplus or shortage in Texas.

Source/Collection of Data: The licensing computer applications as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for data.

Method of Calculation: The unduplicated number of individuals initially registered in a reporting period.

Data Limitations: Data is dependent on the actual number of individuals who are initially registered as a Texas pharmacy technician and technician trainee. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose Texas as their state of registration) however, is not a factor that can be controlled by the agency.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

(3) Number of Licenses Renewed (Individuals)

Short Definition: The number of licenses issued to previously-licensed individuals during the reporting period.

Purpose/Importance: To determine the number of pharmacists who renew their Texas license. This measure can be used to assist in determining the extent of a pharmacist surplus or shortage in Texas, and determine the impact to the agency workload as this number increases.

Source/Collection of Data: The licensing computer applications, as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for data.

Method of Calculation: The unduplicated number of individuals who renew a license in a reporting period.

Data Limitations: Data is dependent on the actual number of individuals who choose to continue their Texas pharmacist license. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose Texas as their state of licensure) however, is not a factor that can be controlled by the agency.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target

(4) Number of Registrations Renewed (Individuals)

Short Definition: The number of registrations issued to previously-registered individuals during the reporting period.

Purpose/Importance: To determine the number of pharmacy technicians who renew their Texas registration. This measure can be used to assist in determining the extent of a pharmacy technician surplus or shortage in Texas, and determine the impact to the agency workload as this number increases.

Source/Collection of Data: The licensing computer applications, as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for data.

Method of Calculation: The unduplicated number of individuals who renew a registration in a reporting period.

Data Limitations: Data is dependent on the actual number of individuals who choose to continue their Texas pharmacy technician registration. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose Texas as their state of registration) however, is not a factor that can be controlled by the agency.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than target.

Licensing - Efficiency Measures

(1) Percent of New Individual Licenses Issued Within 10 Working Days

Short Definition: The percentage of initial individual license applications that were processed during the reporting period within 10 working days, measured from the time in working days elapsed from the receipt of all required documentation (e.g., applicable fees, application, supporting documents, examination scores) until the date the license is mailed.

Purpose/Importance: This measures the ability of the agency to process new applications in a timely manner and its responsiveness to a primary constituent group.

Source/Collection of Data: Data from a computer application program as developed and maintained by agency database system under master contract with the Department of Information Resources as well as manual licensing records are used to determine this calculation. At the end of each fiscal quarter, the Director of Licensing prints a report from the computer application program, listing all dates and new licenses issued in that quarter. This date is compared to the date the final required documentation is received and a turnaround time in working days is established. TSBP Director of Administrative Services & Licensing is responsible for the data.

Method of Calculation: The performance measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

NUMERATOR - Total number of individuals licensed during the reporting period. This number is obtained from data developed from a computer program developed by agency database system under master contract with the Department of Information Resources.

DENOMINATOR - Using the total number of individual licenses mailed during the reporting period, the sample size is determined by using an approved statistical sampling method. The number of licenses to be sampled (sample size) is divided into the number of licenses mailed during the quarter to identify the

sampling interval. The number of initial individual licenses in the sample that were mailed in 10 working days or less from the date of all required documentation is determined by comparing the date on the final piece of required documentation of each individual license to the initial date of license. This number is multiplied by the sample interval to estimate the total number of individual licenses mailed in 10 working days. The resulting number is the denominator.

Data Limitations: In most cases of pharmacist licensure, the final piece of documentation is the passing grade on either the NAPLEX or MPJE examination. The agency has no control over the date the applicant sits for either of these examinations, or the date these grades are reported to the agency. Therefore, the date that the examination grades are downloaded to the agency computer system is used. This date is maintained by the Licensing Specialist in a manual filing system and can be accessed only by applicant name and date of license.

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No
<u>Desired Performance</u>	Higher than Target.

(2) Percent of Individual License Renewals Issued Within 7 Working Days

Short Definition: The percentage of individual license renewal applications that were processed during the reporting period within 7 working days measured from the time in working days elapsed from the receipt of all required documentation (e.g., applicable fees, application, supporting documents) until the date the license is mailed.

Purpose/Importance: This measures the ability of the agency to process renewal applications in a timely manner and its responsiveness to a primary constituent group.

Source/Collection of Data: Data from a computer application program, as developed and maintained by agency database system under master contract with the Department of Information Resources, as well as manual licensing records are used to determine this calculation. At the end of each fiscal quarter, the Director of Licensing prints a report from the computer application program, listing all dates and licenses renewed in that quarter. This date is compared to the date the final required documentation is received and a turnaround time in working days is established. TSBP Director of Administrative Services & Licensing is responsible for the data.

Method of Calculation: The performance measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

NUMERATOR - Total number of individuals licensed (renewed) during the reporting period. This number is obtained from data developed from a computer program developed by agency database system under master contract with the Department of Information Resources.

DENOMINATOR - Using the total number of individual licenses mailed during the reporting period, the sample size is determined by using an approved statistical sampling method. The number of licenses to be sampled (sample size) is divided into the number of licenses mailed during the quarter to identify the

sampling interval. The number of individual licenses renewed in the sample that were mailed in 7 working days or less from the date of all required documentation, is determined by comparing the date on the final piece of required documentation of each individual license to the renewal date of license. This number is multiplied by the sample interval to estimate the total number of individual licenses mailed in 7 working days. The resulting number is the denominator.

<u>Data Limitations:</u>	None.
<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No
<u>Desired Performance</u>	Higher than Target.

LICENSING - EXPLANATORY MEASURES

(1) Total Number of Individuals Licensed

Short Definition: The unduplicated number of individuals currently licensed (active and inactive) by the agency.

Purpose/Importance: An information tool to report the number of pharmacists who are currently licensed by the agency, at any given point in time.

Source/Collection of Data: This number is obtained from licensing computer applications, as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for the data.

Method of Calculation: See Collection of Data above.

Data Limitations: Data is dependent on the actual number of individuals who choose to continue their Texas pharmacist license. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose Texas as their state of licensure) however, is not a factor that can be controlled by the agency.

<u>Calculation Type</u>	Non-Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

(2) Total Number of Business Facilities Licensed

Short Definition: The unduplicated number of facilities currently licensed by the agency.

Purpose/Importance: An information tool to report the number of pharmacies that are currently licensed by the agency, at any given point in time.

Source/Collection of Data: This number is obtained from licensing computer applications as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for the data.

Method of Calculation: See Collection of Data above.

Data Limitations: Data is dependent on the actual number of pharmacies that choose to continue their licensure status in Texas. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose to operate a pharmacy in Texas) however, is not a factor that can be controlled by the agency.

Calculation Type Non-Cumulative.

New Measure No.

Desired Performance Higher than Target.

(3) Total Number of Individuals Registered

Short Definition: The unduplicated number of individuals currently registered by the agency.

Purpose/Importance: An information tool to report the number of pharmacy technicians and pharmacy technician trainees who are currently registered by the agency, at any given point in time.

Source/Collection of Data: This number is obtained from licensing computer applications, as developed and maintained by agency database system under master contract with the Department of Information Resources. TSBP Director of Administrative Services & Licensing is responsible for the data.

Method of Calculation: See Collection of Data above.

Data Limitations: Data is dependent on the actual number of individuals who choose to initiate or continue their Texas pharmacy technician registration. This measure is only useful as an explanatory piece of information. The data can give the reader an idea of the workload in the licensing area. The data (number of people who choose Texas as their state of registration) however, is not a factor that can be controlled by the agency.

Calculation Type Non-Cumulative.

New Measure Yes.

Desired Performance

Higher than Target.

ENFORCEMENT - OUTCOME MEASURES

(1) Percent of Complaints Resulting in Disciplinary Action

Short Definition: Percent of documented jurisdictional complaints that were resolved (closed) through the entry of a Disciplinary Order during the reporting period.

Purpose/Importance: This measure is intended to show the extent to which the agency exercises its disciplinary authority in proportion to the number of complaints received. It is important that both the public and licensees have an expectation that the agency will work to ensure fair and effective enforcement of the laws and rules governing the practice of pharmacy. This measure seeks to indicate the agency's responsiveness to this expectation, as well as serves as an indication of the agency's workload with regard to investigations resulting in disciplinary actions as compared to investigations not resulting in disciplinary actions.

Source/Collection of Data: Data is obtained from the agency's computerized data base (complaint-tracking system). Disciplinary Orders are maintained in readily retrievable notebooks. The TSBP Director of Enforcement is responsible for the data.

Method of Calculation: The performance measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

The following method is used to calculate the Numerator:

NUMERATOR - Total number of complaints (jurisdictional only) that are resolved (closed) during the reporting period in which at least one licensee has been the subject of a Disciplinary Order. See performance measure entitled "Percent of Licensees with No Recent Violations" for description and explanation of the term "Disciplinary Order." See performance measure entitled "Complaints Received" for description and explanation of the term "Jurisdictional Complaint." All Disciplinary Orders would be included in this calculation, including: (1) orders that grant or deny an application for a pharmacist or pharmacy license; (2) petition to reinstate a previously revoked license; and (3) petition to modify a previously entered order.

A complaint may involve two licensees (one pharmacist and one pharmacy). Such a complaint may result in Disciplinary Orders against both licensees, only one licensee, or neither licensee. If the complaint results in a Disciplinary Order on one licensee (e.g., pharmacist) in one fiscal year (or reporting period) and a non-disciplinary action (i.e., no Disciplinary Order) on the second licensee (e.g., pharmacy) in another fiscal year (or reporting period), the complaint will be counted in the numerator as of the date the Disciplinary Order was entered (signed). If the complaint results in a Disciplinary Order on one licensee in one fiscal year (or reporting period) and a second Disciplinary Order on the second licensee in another fiscal year (reporting period), the complaint will be counted in the fiscal year (reporting period) as of the last date the Disciplinary Order was entered (signed). If the complaint is not closed with the entry of a Disciplinary Order on at least one licensee, the complaint will not be counted in the numerator. If the

complaint results in two Disciplinary Orders, the complaint will still be counted as only one complaint. If the Board enters a Disciplinary Order that closes more than one complaint (as a result of multiple complaints being filed on the licensee), all complaints will be counted in the numerator.

DENOMINATOR -- Total number of jurisdictional complaints that are resolved (closed) during the reporting period, regardless of how the complaint was resolved (closed). This is the same number that will be reported for the performance measure entitled "Complaints Resolved."

Data Limitations: TSBP has no control over the number of complaints it receives, and consequently, has no control over the number of complaints that require disciplinary action to be taken (i.e., complaints that, following an investigation, produce evidence to prove that a licensee or applicant has committed a substantive violation of the laws and/or rules governing the practice of pharmacy).

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

Note: this statement is based upon the assumption that a greater percentage of disciplinary actions is an indication of "better" (more effective) enforcement. However, this assumption may or may not be true.

(2) Recidivism Rate of Those Receiving Disciplinary Action

Short Definition: The number of "repeat offenders" at the end of the reporting period as a percentage of all offenders during the most recent three-year period. For purposes of this measure, the term "repeat offender" is defined as a person who has been the subject of two or more disciplinary orders within the past three fiscal years.

Purpose/Importance: This measure is intended to show how effectively TSBP enforces the laws and rules governing the practice of pharmacy. It also gives an indication of the workload on the agency's enforcement/legal staff that is caused by "repeat offenders." It is important that TSBP enforce its laws and rules strictly enough to ensure consumers are protected from unsafe, incompetent, and unethical practice by licensees.

Source/Collection of Data: Data is obtained from the agency's computerized data base (complaint-tracking system). Disciplinary Orders are maintained in readily retrievable notebooks. The TSBP Director of Enforcement is responsible for the data.

Method of Calculation: This performance measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

The following method is used to calculate the Numerator:

NUMERATOR - Total number of persons who were the subject of more than one Disciplinary Order during the current fiscal year and the two prior fiscal years. See the performance measure entitled "Percent of Licensees with No Recent Violations" for description and explanation of the term "Disciplinary Order." Warning Letters are not disciplinary orders and are not included in this calculation.

For purposes of calculating the numerator of this performance measure only, the following types of Disciplinary Orders would not be included: (1) Orders that grant or deny an application for a license or registration, unless the disciplinary action to deny/grant an application involved a repeat offense; (2) Orders that grant or deny a petition to modify a previously entered Order, unless the disciplinary action to deny/grant the petition involved a repeat offense; and (3) Orders that would result in “double counting.” See performance measure entitled “Percent of Licensees with no Recent Violations” for description and explanation of the term “double counting.”

“Repeat offenders” are determined by manually reviewing Disciplinary Orders (that are maintained in notebooks) to determine the license numbers and registration numbers that were subject to Orders entered during the current fiscal year; then entering those license and registration numbers into the agency's computerized data base to determine if the person was subject to another Order that was entered in the prior two fiscal years. If the individual does not have a license number (e.g., applicant), matching of names will be required.

DENOMINATOR - The number of persons who have been the subject of a Disciplinary Order during the past three fiscal years. For purposes of calculating the denominator of this performance measure only, the following types of Disciplinary Orders would not be included: (1) Orders denying the reinstatement of license, unless the Order included allegations of “new” violations; (2) Orders granting or denying the modification of a previously entered Order, unless the Order included allegations of “new” violations; and (3) Orders that would result in “double counting.” See performance measure entitled “Percent of Licensees with No Recent Violations” for description and explanation of the terms “new violations” and “double counting.”

Data Limitations: TSBP aggressively monitors persons who are on probation (as a result of a sanction imposed by a Disciplinary Order). However, a person may violate the laws/rules governing the practice of pharmacy, despite the fact that the person knows the action will be a probation violation and will likely result in additional, more severe disciplinary sanctions. TSBP has no control over the licensee's intentions to violate the laws/rules governing the practice of pharmacy.

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Lower than Target.

Note: this statement is based upon the assumption that a lower percentage of repeat offenders is an indication of the agency's effectiveness of enforcement. This assumption may or may not be true.

(3) Percent of Documented Complaints Resolved Within Six Months

Short Definition: The percent of documented jurisdictional complaints resolved (closed) during the reporting period, that were resolved (closed) within a six-month period (180 calendar days) from the date of the receipt of the complaint by the agency.

Purpose/Importance: This measure gives an indication of the agency's timeliness in resolving (closing) complaints. It is important to ensure the swift enforcement of the laws and rules governing the practice of pharmacy, which is an agency goal.

Source/Collection of Data: Data is generated by the agency's computerized data base (complaint tracking system). The TSBP Director of Enforcement is responsible for the data.

Method of Calculation: This performance measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

NUMERATOR - Total number of jurisdictional complaints closed within six months (or less) from the date of the receipt of the complaint.

DENOMINATOR - This number is the same as the number reported for the performance measure entitled "Jurisdictional Complaints Resolved."

The date of the receipt of the complaint is documented on the complaint form and is entered into the agency's computerized complaint tracking system. The date the complaint is closed by the agency is also documented on the complaint form and entered into the agency's computerized complaint tracking system. The computer calculates the total number of days it took the agency to resolve (close) each one of the complaints closed during the reporting period. The computer also calculates the number of complaints closed within six months and the number of complaints that were not closed within six months, as well as the percentage for each. The computer generates a report that: (a) lists all jurisdictional complaints closed during the reporting period, by complaint number; (b) identifies the complaints that took only six months to close; and (c) produces the information with regard to the percentage of complaints closed within six months.

Data Limitations: Because the agency prioritizes complaints, more serious complaints are handled before less serious complaints. In addition, the size of TSBP's complaint backlog has an impact on the number (percentage) of complaints that can be closed in a timely manner. When TSBP receives more complaints than it resolves (closes), a backlog of complaints is formed. Each year that TSBP is unable to close 100% of the complaints it receives, the backlog continues to mount and complaints get older before agency staff can begin to work on the new complaints being received. Most significantly, the swiftness of resolution is dependent on the number and efficiency of enforcement staff who are handling the resolution of complaints.

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

ENFORCEMENT - OUTPUT MEASURES

(1) Number of Inspections

Short Definition: Total number of compliance inspections/visits during the reporting period.

Purpose/Importance: This measure is an indication of the output of the agency's field Compliance Officers/Inspectors. In addition, the number of inspections/visits can be reflective of compliance with requirements. The more often an inspection occurs in a facility, the more likely they are to be in compliance.

Source/Collection of Data: Data is generated by the agency's computerized data base and is verified through a manual reporting system. TSBP Director of Enforcement is responsible for data.

Method of Calculation: The date of the inspection or inspection-visit is entered into the agency's computerized system. The computer calculates the number of inspections per reporting period. Compliance Officers/Inspectors complete weekly activity reports, indicating the number of pharmacies that were inspected or visited. The two reports are checked/verified against each other.

Data Limitations: The number of inspections conducted is dependent on the number of field Compliance Officers/Inspectors who are available to conduct the inspections. If the agency experiences any turnover in this area, the number of inspections conducted is decreased.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

(2) Number of Complaints Resolved

Short Definition: The total number of jurisdictional complaints resolved (closed) during the reporting period.

Purpose/Importance: This measure is an indication of the agency's workload with regard to the number of complaint investigations conducted and final actions taken by the agency.

Source/Collection of Data: Data is generated by the agency's computerized data base (complaint tracking system). TSBP Director of Enforcement is responsible for data.

Method of Calculation: All jurisdictional complaints resolved (closed) during the reporting period will be included in this calculation, regardless of the method of resolution. If a complaint is referred to the TSBP Legal Division for review (for possible institution of disciplinary action), the complaint will not be considered closed until final action is taken (e.g., entry of a disciplinary order, adjudicative warning letter, closing of complaint with no formal action, or institution of disciplinary action with subsequent dismissal). For these complaints, the date of the adjudication action will be the date that the complaint is closed (e.g., date of the disciplinary order, date of the warning letter, date of the informal conference in which the decision was

made to dismiss the case). If the complaint is not referred to the Legal Division for review, the complaint will be considered closed as of the date of action (e.g., date of warning letter, if complaint was closed with a warning letter; date of the telephone call, if the complaint was closed with a telephone call; date of the final review by the division director, or designee, such as when a complaint is closed with investigation/no violation).

Data Limitations: TSBP has no control over the number of complaints that it receives, which has a direct relationship to the number of complaints it resolves (closes). Most significantly, the quantity of complaints closed is dependent on the number and efficiency of enforcement staff who are handling the resolution of complaints.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target.

ENFORCEMENT - EFFICIENCY MEASURES

(1) Average Time for Complaint Resolution

Short Definition: The average length of time to resolve (close) a jurisdictional complaint, for all jurisdictional complaints resolved (closed) during the reporting period.

Purpose/Importance: This measure gives an indication of the agency's timeliness in closing complaints.

Source/Collection of Data: Data is generated by the agency's computerized data base (complaint tracking system). TSBP Director of Enforcement is responsible for data.

Method of Calculation: The date of the receipt of the complaint is entered into the agency's computerized complaint tracking system. The date the complaint is closed by the agency is also entered into the agency's computerized complaint tracking system. For each complaint, the agency's computer system calculates the total number of calendar days elapsed from the date of the receipt of the complaint by the agency to the date that the complaint is closed (i.e., the date final action is taken by the agency). Then the computer calculates the total number of calendar days for all closed complaints and divides this number by the total number of complaints closed by the agency (resulting figure is the average time for complaint resolution).

Data Limitations: When the agency receives many more complaints than it resolves (closes), a backlog of complaints is formed. Each year that the agency is unable to close 100% of the complaints it receives, the backlog continues to mount and complaints get older before agency staff can begin to work on the new complaints being received. This situation has a major impact on the average complaint resolution time. Most significantly, the swiftness of resolution is dependent on the number and efficiency of enforcement staff who are handling the resolution of complaints.

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Lower than Target.

ENFORCEMENT - EXPLANATORY MEASURES

(1) Number of Jurisdictional Complaints Received

Short Definition: The total number of jurisdictional complaints received by TSBP during the reporting period. See explanation of "jurisdictional complaint" below.

Purpose/Importance: This measure is an indication of the workload on the agency's enforcement staff.

Source/Collection of Data: Data is generated by the agency's computerized data base (complaint tracking system). TSBP Director of Enforcement is responsible for the data.

Method of Calculation: After a complaint is received and evaluated, agency staff determine whether the complaint is a jurisdictional complaint or a non-jurisdictional complaint. Jurisdictional complaints include complaints filed against persons licensed or registered by TSBP or persons who are applying for a license/registration that is issued by TSBP, regardless of the allegations made in the complaint. Jurisdictional complaints also include complaints filed against persons who are not licensed or registered by TSBP, if the complainant has alleged that the subject of the complaint has violated the Texas Pharmacy Act or the Texas Dangerous Drug Act (TSBP has the jurisdiction and authority to enforce these two Acts). Agency staff enter the jurisdictional status in the agency's computer system. The computer calculates the number of jurisdictional complaints received during the reporting period and produces a report that (1) lists the total number of jurisdictional complaints received; (2) identifies all jurisdictional complaints received during the reporting period, by complaint number; and (3) lists the number of non-jurisdictional complaints. Although TSBP keeps track of the total number of non-jurisdictional complaints, TSBP does not use that figure in its calculation of this performance measure.

Data Limitations: TSBP has no control over how many complaints it receives. The Texas Pharmacy Act requires pharmacies to post a sign informing the consumer how to file a complaint (the sign lists the agency's address, telephone number, and toll-free number). TSBP also requires pharmacies who deliver (mail) prescriptions to advise customers of the same information contained in the aforementioned sign. This information has increased consumer awareness.

<u>Calculation Type</u>	Cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than Target, provided the agency has sufficient staff to handle the increased workload.

PEER ASSISTANCE - OUTCOME MEASURES

(1) Recidivism Rate for Peer Assistance Program

Short Definition: The percent of individuals who relapse within three years of the end of the reporting period as part of the total number of individuals who participate in the program during the previous three years.

Purpose/Importance: This measure is intended to show the three-year recidivism rate for those individuals who have been through the peer assistance program. It is important because it indicates that consumers are being protected from unsafe, incompetent, and unethical (professional) practice as a result of the peer assistance program.

Source/Collection of Data: The PRN program will review its records and report the following numbers to TSBP: Data regarding the denominator [total number of individuals who have been reported to the PRN program in X-4 (where X is the current fiscal year), and who achieved a one-year sobriety date during X-3] is determined by a manual review of contracts entered during the reporting period. Data regarding the information needed to calculate the numerator (any individual who became the subject of a related disciplinary order anytime between the end of the one-year sobriety date and the end of the current fiscal year) is determined by a manual review of individuals' files.

TSBP will review its records and determine the following numbers: Data regarding the denominator [number of individuals who have been the subject of a disciplinary order in X-4 (where X is the current fiscal year), and who achieved a one-year sobriety date during x-3] is determined by manual review of disciplinary orders entered during the reporting period. Data regarding the information needed to calculate the numerator (any individual who became the subject of a related disciplinary order anytime between the end of the one-year sobriety date and the end of the current fiscal year) is determined by a manual review of disciplinary orders.

TSBP will add the PRN numbers to its numbers and calculate totals. TSBP Enforcement Administrator is responsible for the collection of data. The data is maintained in manual files.

Method of Calculation: Of all individuals successfully completing the program in fiscal year X-3, (where X is the current fiscal year), the percent of individuals receiving related disciplinary action from the Board anytime between the beginning of the fiscal year X-3 and the end of fiscal year X (i.e., the current fiscal year).

This measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

The following method is used to calculate the Numerator:

NUMERATOR - "X" is any individual who became the subject of a related Disciplinary Order anytime between successfully completing the program and the end of the current fiscal year. Applicable terms are defined below:

- (1) "Individuals" are defined as pharmacists licensed by TSBP, applicants for licensure, and eligible pharmacy students (students enrolled in the professional sequence of an accredited pharmacy degree program approved by TSBP), who are participating in the PRN program or are subject of a Disciplinary Order.
- (2) The term "Disciplinary Order" is defined in the performance measure entitled "Percent of Licensees with no Recent Violations."
- (3) A "related" Disciplinary Order would be an Order containing one or more violations or alleged violations (i.e., charges or counts) that directly relate to relapse of impairment (e.g., unauthorized use of controlled drugs for personal use). An "unrelated" Order would not be included in this figure. Unrelated Orders would include the following types of disciplinary orders: (a) orders based upon an individual's failure to submit to a drug screen (i.e., a "no-show" is not considered a "relapse"); (b) orders based upon an individual's failure to submit required reports (e.g., self performance reports and reports from supervising pharmacist and/or mental health professional); and (c) orders based upon violations or alleged violations of the laws and rules governing the practice of pharmacy, other than impairment (e.g., failure to produce required continuing education records upon audit).
- (4) "Successfully completing the program" means individuals who have completed one-year sobriety (i.e., 12 months of sobriety from "start date" - see explanation of "start date" below).

The following method is used to calculate the Denominator:

DENOMINATOR - Total number of individuals who have been reported to the PRN program (regardless of the referral source) or who were the subject of a disciplinary order in X-4 (where X is the current fiscal year), and who achieved a one-year sobriety date during X-3.

These figures would include individuals in the PRN known only to the PRN program, as well as individuals in the PRN program known to the PRN program and TSBP. Year-end figures would not include individuals who did not participate in the program ("dropped out" of the program) during the reporting period because: (a) the individual allowed his/her pharmacist license to expire during the reporting period (i.e., the individual no longer holds a valid license and thereby, is not under TSBP's jurisdiction); and (b) the individual dies during the reporting period (regardless of the reason for the death of the individual). Accordingly, such an individual may be included in the calculations during one or two of the three-year reporting period, but not in the remaining years of the reporting period.

If an individual was reported to the PRN program in one fiscal year, and reported to TSBP in a subsequent fiscal year (or vice versa), the following is applicable:

- (A) the individual would be counted only once;
- (B) for individuals reported to TSBP, the "start date" (for calculating the one-year sobriety period) would be the date of the entry of the Disciplinary Order*;
- (C) for individuals reported to PRN program, the "start date" (for calculating the one-year sobriety period) would be the date the individual signed a contract with the PRN program, or an equivalent date*;

(D) for purposes of calculating the one-year sobriety period, the “start date” would be earlier of (B) or (C).

* If an individual is subject to a new/revised PRN contract or a second related Disciplinary Order (other than revocation, cancellation, or retirement), the date of the entry of the second contract or order would serve as a new “start date” for calculating the one-year sobriety period.

Data Limitations: With regard to the Denominator, TSBP has no control over the number of individuals who enter into PRN contracts. With regard to the numerator, the number of disciplinary orders (that are entered by TSBP each year) is limited by the number of individuals who commit violations involving relapse or impairment.

Calculation Type Non-cumulative.

New Measure No.

Desired Performance Lower than target.

(2) One-year Completion Rate for Peer Assistance Program

Short definition: Percent of individuals who successfully completed the peer assistance program during the year prior to the reporting period and have not relapsed during the one-year period.

Purpose/Importance: It is important because it indicates that consumers are being protected from unsafe, incompetent, and unethical (professional) practice as a result of the peer assistance program.

Source/Collection of Data: The PRN program will review its records and report the following to TSBP: Data regarding the denominator (number of individuals who have entered contracts with the PRN program in the prior fiscal year) is determined by a manual review of contracts entered during the reporting period. Data regarding the information needed to calculate the numerator (the number of individuals who achieved their one-year sobriety date in the current fiscal year) is determined by a manual review of individuals’ files. For individuals on PRN contracts only (not subject to TSBP Disciplinary Orders), the PRN program will determine if the individual relapsed.

TSBP will review its records and determine the following numbers: Data regarding the denominator (total number of individuals subject to TSBP Disciplinary Order for impairment during the prior fiscal year) is determined by manual review of disciplinary orders entered during the prior fiscal year. Data regarding the information needed to calculate the numerator (number of individuals who were subject to an order during the prior fiscal year and who achieved one-year sobriety) is determined by a manual review of individuals’ files.

TSBP will add the PRN numbers to its number and calculate totals. TSBP Enforcement Administrator is responsible for the collection of the data. The data is maintained in manual files.

Method of Calculation: Of all the individuals who have been referred to the peer assistance program in fiscal year X-1 (where X is the current fiscal year), the percent who have successfully participated in the program for one year with no relapses. For the purposes of this performance measure, the definition of the

term "individual" is the same definition contained in the performance measure entitled "Recidivism Rate for Peer Assistance Programs."

This measure is calculated by dividing the numerator by the denominator and multiplying by 100 to achieve a percentage.

NUMERATOR - the number of individuals under a PRN contract who achieved their one-year sobriety date in the current fiscal year and the number of individuals who were subject to a disciplinary order during the prior fiscal year (and subject to a PRN contract after the date of the TSBP Disciplinary Order) and who achieved a one-year sobriety during the current fiscal year. Applicable terms are defined below:

- (1) "Participation in the peer assistance program" - individuals who have signed a contract with the PRN program or been the subject of a disciplinary order during FYX-1.
- (2) "One-year sobriety date" - this term refers to individuals who have not had a relapse within 12 months of the entry of their contract or their disciplinary order. Individuals who die (regardless of the reason for the death of the individual) within 12 months of the entry of their contract or disciplinary order would not be considered as not having achieved their one-year sobriety date). Individuals who have had their pharmacist license revoked within 12 months of the entry of their contract or their disciplinary order, regardless of the reason, would be considered as not achieving their one-year sobriety date.

DENOMINATOR - The number of all individuals who signed a contract with the PRN program during the prior fiscal year and all individuals who were subject to a TSBP Disciplinary Order for impairment during the prior fiscal year. For purposes of this performance measure, unrelated Disciplinary Orders would not be included in this calculation (i.e., Disciplinary Orders not related to relapse).

Data Limitations: TSBP has no control over the number of individuals who enter into PRN contracts or the number of individuals who relapse.

<u>Calculation Type</u>	Non-cumulative.
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than target.

PEER ASSISTANCE - OUTPUT MEASURES

(1) Number of Licensed Individuals Participating In a Peer Assistance Program

Short Definition: The number of licensed individuals who participated in a peer assistance program sponsored by the agency during the reporting period.

Purpose/Importance: This measure shows licensed individuals who continue to practice in their respective field who are participating in a substance abuse program.

Source/Collection of Data: The PRN program will manually review its records and report the following to TSBP: the total number of licensed individuals who have signed a contract during the reporting period and are being monitored by the PRN program (minus any TSBP program participants). TSBP will manually review its records and determine the following: the number of licensed individuals who have had disciplinary orders entered during the reporting period and are being monitored by TSBP and add the TSBP number to the PRN number.

TSBP will add the PRN numbers to its numbers and calculate totals. The TSBP Enforcement Administrator is responsible for the collection of the data. The data is maintained in manual files.

The first quarter's report will include all licensed individuals carried forward from the prior year as well as those individuals who have had Disciplinary Orders entered/signed contracts during the quarter. However, the report for the second, third, and fourth quarters will be only the number of licensed individuals who have had Disciplinary Orders entered/signed contracts during the respective quarter, in order for the cumulative number to be the total number of licensed individuals who participated in the peer assistance program during the current fiscal year.

Method of Calculation: The summation of all the licensed individuals who are listed as participating in the program during the reporting period.

PRN program will determine the total number of licensed individuals who are being monitored by the PRN program (i.e., individuals who have signed a contract with the PRN program). TSBP will determine the total number of licensed individuals who are being monitored by TSBP (i.e., individuals who have been subject to a Disciplinary Order requiring the individual to participate in the PRN program, and/or that includes allegations or findings of one or more counts of impairment) during the current fiscal year.

The term "licensed individuals" refers only to pharmacists licensed by TSBP including pharmacists who have been subject to an order reinstating their license. If an individual is licensed as a pharmacist as of September 1 of the current fiscal year, the individual will be counted as being licensed, for the purpose of this performance measure. Pharmacists licensed by TSBP include individuals who have the following licensure status: active, inactive, delinquent, suspended, probation, or restricted. Licensed individuals do not include expired pharmacists, applicants for licensure, or potential applicants for licensure.

Data Limitations: TSBP has no control over the number of licensed individuals who develop a physical, mental, or chemical impairment. In addition, the agency has no control over the number of licensed individuals reported to and monitored by PRN program.

<u>Calculation Type</u>	Cumulative
<u>New Measure</u>	No.
<u>Desired Performance</u>	Higher than target.