



TEXAS STATE BOARD OF PHARMACY

333 Guadalupe Street, Tower III, Suite 100
Austin, Texas

Tuesday, May 3, 2022

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, May 3, 2022

President Julie Spier, R.Ph., called the meeting to order at 9:00 a.m. Other Board Members present were Vice President Lori Henke, Pharm.D.; Treasurer Rick Fernandez, R.Ph.; Daniel Guerrero; Donnie Lewis, R.Ph.; Bradley A. Miller, Ph.T.R.; Ian Shaw; Suzette Tijerina, R.Ph.; Rick Tisch; and Jenny Downing Yoakum, R.Ph.

Board Member Donna Montemayor, R.Ph., was not in attendance.

Staff present were Timothy L. Tucker, Pharm.D., Executive Director/Secretary; Megan Holloway, General Counsel; Caroline Hotchkiss, Director of Enforcement; Ann Du, Financial Services Director; John Griffith, Litigation Counsel; Ann Driscoll, Ph.T.R., Operations Director; Eamon Briggs, Assistant General Counsel; Shayda Bakhshi, Outreach Coordinator; and Lily Moreno, Executive Assistant.

A. Announcements

President Spier made general announcements, including concerning continuing education credit for attending the Board Meeting, and reviewed the meeting procedures.

B. Discussion and Approval of Minutes of Previous Meetings (Item B)

Following discussion, the motion was made by Mr. Lewis to approve the minutes of the Board Business Meeting held February 1, 2022. The motion was seconded by Mr. Tisch and passed 8-0-1, with Mr. Guerrero abstained.

¹See agenda and corresponding attachments for supporting materials.

C. Public Comments

The Board heard public comments from Debbie Garza, R.Ph., CEO, Texas Pharmacy Association, in support of the proposed amendments concerning emergency medication kits (Item D.1.2), in support of compliance staff's suggestions for amendments concerning non-sterile compounding (Item F.10), and in support of permanently waiving the in-person requirement for patient counseling (Item F.11).

D. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Pharmacist Reinstatement Requirements (§281.66) (Item D.1.1)

Mr. Griffith explained that the Board voted to propose the amendments to §281.66 during its February 1, 2022, meeting. The proposed amendments were published in the March 18, 2022, issue of the Texas Register, and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §281.66 and explained the amendments specify the number of continuing education and internship hours required for reinstatement of a license to practice pharmacy.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Fernandez to approve for adoption, by Board Order, the amendments to §281.66, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Pharmacist Reinstatement Requirements (§291.121) (Item D.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §291.121 during its February 1, 2022, meeting. The proposed amendments were published in the March 18, 2022, issue of the Texas Register, and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §291.121 and explained the amendments remove a prohibition against duplicating drugs stored in emergency medication kits.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, the amendments to §291.121, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

Proposal of Rules

- Rules Concerning Internship Requirements (§283.4) (Item D.2.1)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning internship requirements. He explained the proposed amendments to §283.4 remove language to establish that a person graduating from a college/school of pharmacy shall only be credited the number of hours obtained and reported by the program.

Following discussion, the motion was made by Mr. Tisch to approve for proposal amendments to §283.4, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Operational Standards (§291.33) (Item D.2.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning operational standards in a Class A pharmacy. He explained the proposed amendments to §291.33 update a term and correct a citation reference.

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

- Rules Concerning Centralized Prescription Dispensing (§§291.104 and 291.125) (Items D.2.3.1 and D.2.3.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning centralized prescription dispensing. He explained the proposed amendments to §291.104, which is the same language presented for proposal to the Board during its February 1, 2022, meeting, clarify that a Class E pharmacy engaged in outsourcing of prescription drug order dispensing to a central fill pharmacy shall comply with §291.125, regarding centralized dispensing. He explained the proposed amendments to §291.125 clarify that a Class E pharmacy may outsource prescription drug order dispensing to a central fill pharmacy and shall comply with specified requirements unless compliance with the requirements would violate the laws or rules in the state in which the pharmacy is located. Mr. Griffith explained that the purpose of the suggested amendments is to clarify that Class E pharmacies are not prohibited from outsourcing centralized prescription dispensing.

Following discussion, the motion was made by Mr. Guerrero to approve for proposal amendments to §§291.104 and 291.125, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Rules Concerning Educational Requirements and Pharmacy Technician Training Programs (§§305.1 and 305.2) (Items D.2.4 and D.2.5)

Mr. Griffith directed the Board's attention to suggested repeal of rule language concerning educational requirements and pharmacy technician training programs. He explained the proposed repeal of §§305.1 and 305.2 was presented to the Board previously as part of Rule Review during the November 2, 2021, and February 1, 2022, meetings. Mr. Griffith explained that the proposed repeal of §305.1 removes professional practice degree program standards that are redundant with standards specified elsewhere in Board rules and the proposed repeal of §305.2 removes standards for pharmacy technician training programs that are not required to be specified in Board rule and other requirements that are outside the resources of the Board to perform. Mr. Griffith clarified that §554.053 of the Pharmacy Act requires that the Board issue standards for pharmacy technician training programs, which could be added to the Board website.

Following discussion, a motion was made by Mr. Miller to postpone a decision regarding the repeal of §305.2 until the Board's August 2, 2022, meeting, which was seconded by Mr. Guerrero. Ms. Holloway clarified that if the Board decided to propose the repeal of §305.2, the formal rulemaking process would begin, and the repeal would be presented for potential adoption at the August meeting with any written comments that are received. Mr. Miller withdrew the motion and Mr. Guerrero withdrew the second.

Following additional discussion, the motion was made by Mr. Lewis to approve for proposal the repeal of §§305.1 and 305.2, as presented. The motion was seconded by Mr. Miller and passed unanimously. Additionally, the Board requested that staff draft language regarding standards for pharmacy technician training programs to be listed on the website, for presentation at the next meeting.

Rule Review

- For Proposal

Mr. Griffith directed the Board's attention to the Board Review Plan for FY2022-FY2025 (Item D.3).

- Chapter 281 Concerning Administrative Practices and Procedures (§§281.1 – 281.23, 281.30-281.35, 281.60-281.70) (Item D.3.1.1)
- Chapter 311 Concerning Code of Conduct (§§311.1 – 311.2) (Item D.3.1.2)

Following discussion, in accordance with Government Code §2001.039,

the motion was made by Ms. Henke to approve for proposal as presented, the review of Chapter 281 (§§281.1 – 281.23, 281.30-281.35, 281.60-281.70) and Chapter 311 (§§311.1 – 311.2). The motion was seconded by Mr. Lewis and passed unanimously.

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

- Report on Compounding Advisory Group (Item E.1)

Dr. Tucker reported that the Compounding Advisory Group had not met since the previous Board meeting.

- Report on Prescription Monitoring Program (PMP) Advisory Committee (Item E.2)

Dr. Tucker reported that the PMP Advisory Committee had not met since the previous Board meeting and the next meeting will be held on June 29, 2022.

- Report on Interagency Prescription Monitoring Program Work Group (Item E.3)

Dr. Tucker reported that an Interagency Prescription Monitoring Program Workgroup Meeting was held on April 27, 2022 and included a discussion concerning funding for statewide integration and NarxCare.

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

- Financial Report
 - Review of FY2022 Second Quarter Expenditures (Item F.1.1)

Ms. Du reviewed the expenditures for the second quarter of FY2022 (December 1, 2021 – February 28, 2022) for the Board.

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

Ms. Du reviewed the second quarter FY2022 Board Member Travel Budget (December 1, 2021 – February 28, 2022).

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

Ms. Du reported that there were no material changes to contracts for goods and services.

- Review and Approval of Legislative Appropriations Request for FY2024-2025

Ms. Du directed the Board's attention to the Proposed Exceptional Items for the FY2024-2025 Legislative Appropriations Request. Ms. Du reviewed the proposed exceptional items. Ms. Du explained that the agency along with several other regulatory agencies had engaged in a compensation study and the results are pending, which may affect the proposed exceptional items relating to compensation. Dr. Tucker reviewed each of the exceptional items. He explained that he is working with Board staff to find funding for Prescription Monitoring Program statewide integration and NarxCare and for the technology legacy updates. Ms. Du then reviewed the potential fee increases if all items are approved.

Following review and discussion, the motion was made by Mr. Guerrero to approve the Proposed Exceptional Items for FY2024-2025 for the Legislative Appropriations Request, as presented, and allowing for Dr. Tucker in consultation with the Board president to make adjustments for any additional circumstances that might arise. The motion was seconded by Ms. Tijerina and passed unanimously.

- Professional Recovery Network
 - President Spier recognized Will Turney, LMSW, PRN Case Manager. Mr. Turney directed the Board's attention to the PRN expense report through the second quarter of FY2022 (December 1, 2021 – February 28, 2022) and reviewed PRN activities for the Board. (Item F.2.2)
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the second quarter of FY2022 (December 1, 2021 – February 28, 2022). (Item F.2.1)

President Spier recessed the meeting at 10:13 a.m.

President Spier reconvened the meeting at 10:32 a.m.

- Review and Approval of FY2023-FY2027 Strategic Plan and Customer Service Survey (Item F.3)

Dr. Tucker directed the Board's attention to a draft of the FY2023-2027 Strategic Plan and to the Customer Service Survey, located at the end of the Strategic Plan.

Following review, the motion was made by Mr. Guerrero to approve the FY2023-2027 Strategic Plan, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Report on FY2022 Annual Internal Audit Report (Item F.4)

President Spier recognized Daniel Graves, Weaver and Tidwell, LLP, who reviewed the status of the FY2022 Annual Internal Audit. Mr. Graves reported that the audit was on track for the report to be presented for approval at the Board's next meeting.

- Discussion Concerning National Association of Boards of Pharmacy Proposed Resolutions (Item F.5)

President Spier explained that the Board had received a copy of the National Association of Boards of Pharmacy (NABP) proposed resolutions. She reported that she and Mr. Fernandez would be delegate and alternate delegate at the upcoming NABP Annual Meeting and would have the opportunity to vote on the proposed resolutions. President Spier reviewed each proposed resolution with the Board.

- Report on Prescription Monitoring Program (Item F.6)

Dr. Tucker reviewed the Prescription Monitoring Program (PMP) data for the second quarter of FY2022 (December 1, 2021 – February 28, 2022).

Dr. Tucker reported that Board staff is working with Texas Health and Human Services and the University of Texas to make updates to the quarterly one-page report regarding PMP data. The Board requested that future reports include trend data.

- Update on Agency Move (Item F.7)

Ms. Driscoll provided an update concerning the agency move, which included information regarding the staff move committee, the Texas Facilities Commission move newsletter, security, badge access, and parking. Ms. Driscoll also reviewed the move schedule and that the agency is scheduled to move in September 2022.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item F.8)

Ms. Holloway explained that there have been no updates since the last meeting concerning the appeal status of the *Garrett* lawsuit that was filed in district court in Travis County and sought to invalidate the restriction that licensed Texas physicians cannot dispense prescriptions to patients at their offices without a pharmacy license.

Ms. Holloway provided an update on the *Whole Women's Health* lawsuit, concerning Senate Bill 8 of the 87th Legislative Session (SB 8). She explained that the plaintiffs are suing the Executive Directors of the Texas Medical Board, the Texas Board of Nursing, and the Texas State Board of Pharmacy; the Executive Commissioner of the Texas Public Health and Human Services Commission; and the Texas Attorney General.

Ms. Holloway explained that the Texas Supreme Court delivered an opinion on the certified question of whether Texas law authorizes state officials or agencies to directly or indirectly enforce the state's abortion restriction requirements. The Texas Supreme Court opinion concluded that Texas law does not. On April 26, 2022, the Fifth Circuit Court of Appeals remanded the case with instructions to dismiss all challenges to the private enforcement provision of the statute.

Ms. Holloway explained that there have been no updates since the last meeting concerning a lawsuit filed by Lightcare Rx, LLC (Texas Pharmacy License #32609) in federal district court. She explained that Board staff filed and served notice of a hearing at the State Office of Administrative Hearings (SOAH), following an informal conference held in March 2021 regarding the alleged failure of the pharmacy to operate. She explained that the lawsuit alleges that the Board's failure to operate rule is unconstitutional and discriminates against pharmacies in HEAT zones. Ms. Holloway explained the case is still stayed pending the Administrative Law Judge's opinion in the SOAH case.

Ms. Holloway reported on an appeal filed by CVS/pharmacy #8336 (Texas Pharmacy License #24881), following the entry of the Board order at the May 11, 2021 Board meeting that was entered after a hearing held by the State Office of Administrative Hearings. Ms. Holloway explained that the case is in the 455th District Court in Travis County and the Board is being represented by an attorney from the Office of the Attorney General and a judge has not yet been assigned.

Ms. Holloway reported on a lawsuit filed in federal district court by Blue Mint Pharmco, LLC, owner of Blue Mint Pharmacy (Texas Pharmacy License #28639), and Jona Rushin, Pharmacist-in-Charge. She explained that Board staff filed and served notice of a hearing at SOAH, following an informal conference held in March 2021 regarding alleged non-therapeutic dispensing. She explained that the lawsuit alleges that the red flag factors rule is discriminatory and the unlawful administration of disciplinary proceedings. Ms. Holloway explained that an attorney from the Office of the Attorney General has been appointed to handle the case and a pre-motion conference was scheduled.

- Discussion of Possible Statutory Changes for Consideration During the 88th Session of the Texas Legislature (Item F.9)

Ms. Holloway reviewed suggestions from Board staff of potential law changes for the 88th Legislative Session.

- Discussion Concerning Non-Sterile Compounding Rules (Item F.10)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning non-sterile compounding. She explained that at the February 2022 Board meeting, the Board instructed staff to bring back proposed amendments for discussion, based on compliance staff suggestions. Ms. Holloway explained the proposed amendments to §291.131 add definitions for cleaning and sanitizing; expand training required for all personnel involved in non-sterile compounding and specify training areas; removes language for occasional compounding and requires all pharmacies engaged in non-sterile compounding to have a designated and adequate area for compounding; add requirements for cleaning and sanitizing of the compounding area, hand hygiene, and garbing as defined in appropriate standard operating procedures; updates requirements for maintaining balances; add required documentation for the master worksheet; and add required documentation for the preparation worksheet.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal amendments to §291.131, revised to remove the requirement that a balance be inspected and calibrated at least every 12 months by a qualified independent individual and to update the requirement that a balance be calibrated and the accuracy verified by the pharmacy from on a routine basis to at least every 12 months. The motion was seconded by Mr. Guerrero and passed unanimously.

- Discussion Concerning Patient Counseling (Item F.11)

Ms. Holloway explained that the requirement for in-person counseling has been waived since March 20, 2020, and is set to expire on June 30, 2022, or when the disaster declaration issued March 13, 2020, is lifted or expires. Ms. Holloway directed the Board's attention to suggested amendments concerning operational standards in a Class A pharmacy. She explained that the amendments to §291.33 remove the requirement for in-person counseling permanently after the waiver is lifted or expires.

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

President Spier reconvened the meeting at 1:00 p.m.

- Discussion of Possible Statutory Changes for Consideration During the 88th Session of the Texas Legislature (Item F.9), continued

Dr. Tucker reported that he had received feedback concerning §562.0541 of the Texas Pharmacy Act, regarding emergency refill of insulin. Therefore, Board staff is suggesting clarification about the 30-day supply of insulin.

H. Disciplinary Orders

- Consideration of Proposal for Decision in the Matter of Lightcare Pharmacy, Pharmacy License #32609 and Leila Elahianboroujeni, Pharmacist License #64241 (Items H.1.1 and H.1.2)

President Spier recognized John Griffith, Litigation Counsel, who directed the Board's attention to the Proposal for Decision and the corresponding proposed Board Orders. He advised the Board that following a hearing held before State Office of Administrative Hearings (SOAH) Administrative Law Judge Trevor Moore, a Proposal for Decision was issued on March 1, 2022, in the matter of Lightcare Pharmacy and Leila Elahianboroujeni. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2020-02555, which would impose a \$3,000 administrative penalty on Lightcare Pharmacy's license, as recommended by Judge Moore and Board staff. He also reviewed Board Order #2020-02556, which would impose a \$1,000 administrative penalty on Ms. Elahianboroujeni's pharmacist license, as recommended by Judge Moore and Board staff.

President Spier recognized Ms. Elahianboroujeni, who explained her position.

Following discussion, the motion was made by Mr. Lewis to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and approve the entry of Board Order #2020-02555 in the matter of Lightcare Pharmacy and Board Order #2020-02556 in the matter of Leila Elahianboroujeni. The motion was seconded by Mr. Guerrero and passed unanimously.

- Consideration of Proposal for Decision in the Matter of Patient Care Pharmacy, Pharmacy License #27193 and Jacque K. Washington, Pharmacist License #46648 (Items H.1.3 and H.1.4)

Mr. Griffith directed the Board's attention to the Proposal for Decision and the corresponding proposed Board Orders. He advised the Board that following a hearing held before State Office of Administrative Hearings

(SOAH) Administrative Law Judge Rebecca S. Smith, a Proposal for Decision was issued on March 15, 2022, in the matter of Patient Care Pharmacy and Jacque K. Washington. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2020-01580, which would impose a \$3,000 administrative penalty on Patient Care Pharmacy's license, as recommended by Judge Smith and Board staff. He also reviewed Board Order #2020-02565, which would impose a \$1,000 administrative penalty on Mr. Washington's pharmacist license, as recommended by Judge Smith and Board staff.

Following discussion, the motion was made by Mr. Lewis to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and approve the entry of Board Order #2020-01580 in the matter of Patient Care Pharmacy and Board Order #2020-02565 in the matter of Jacque K. Washington. The motion was seconded by Mr. Tisch and passed unanimously.

- Report on Agreed Board Orders and Board Orders Entered by Executive Director (Item H.2)
 - The Board reviewed 7 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 February 9, 2022, through April 13, 2022.
 - The Board reviewed 11 Agreed Board Orders concerning pharmacies, pharmacists, and interns that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from February 9, 2022, through April 25, 2022.
 - The Board reviewed 3 Board Orders concerning pharmacies that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from April 14, 2022, through April 20, 2022.
 - The Board reviewed 1 Confidential Agreed Board Order concerning a pharmacist that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, on March 24, 2022.
- Discussion of and Action on Proposed Agreed Board Orders, Proposed Default Board Orders, and Proposed Remedial Plans (Items H.3 and H.4)

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

- 20 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference;
- 4 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference;
- 24 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 25 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference;
- 3 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference;
- 15 proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and
- 4 proposed Remedial Plans concerning pharmacists who attended an Informal Conference.

The motion was made by Mr. Tisch to approve the proposed Disciplinary Orders and Remedial Plans, as presented. The motion was seconded by Mr. Guerrero, and the motion passed as follows:

No.	Name	T, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No-Recuse)	Recused Board Members
1	Keely Paige Schmidt	T	ABO	2021-06053	8-0-1	Lewis
2	Kamiah Michaela Deyon	T	ABO	2021-05925	8-0-1	Henke
3	Emily Machalicek	T	ABO	2021-03332	8-0-1	Henke
4	Loletia Mack	T	ABO	2022-00121	8-0-1	Henke
5	Michelle Annette Nalls	T	ABO	2021-01707	8-0-1	Henke
6	Dianna Ann Perez	T	ABO	2022-00633	8-0-1	Henke
7	Holly Renea Prock	T	ABO	2021-05546	8-0-1	Henke
8	Brenda Rodriguez	T	ABO	2022-00195	8-0-1	Henke
9	Kristen Denise Salinas	T	ABO	2021-03461	8-0-1	Henke
10	Alicia Elaine Cobos	T	ABO	2022-00225	8-0-1	Henke
11	Angelika Johnson	T	ABO	2022-02690	8-0-1	Henke
12	Charles Lhota	T	ABO	2021-05567	8-0-1	Henke
13	Patricia Ann Limbrick	T	ABO	2022-01201	8-0-1	Henke
14	Amber Nicole Polak	T	ABO	2022-01412	8-0-1	Henke
15	Amanda Beth Sanderson	T	ABO	2021-05562	8-0-1	Henke
16	Kayvaun Omid Shokraneh-Kenari	T	ABO	2021-02591	8-0-1	Henke

*Technician or Technician Trainee (T), Pharmacist (R), and Pharmacy (P)

**Agreed Board Order (ABO), Default Board Order (DBO), and Remedial Plan (RP)

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No.	Name	T, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
17	Cardisha L. Thurman	T	ABO	2021-05876	8-0-1	Henke
18	Kenika Bell Smith	T	ABO	2021-04732	8-0-1	Lewis
19	Vanessa Yvonne Hernandez	T	ABO	2022-01550	8-0-1	Lewis
20	Robert Manuel Santistevan	T	ABO	2021-04668	8-0-1	Lewis
21	Anarry Malik Foster	T	DBO	2022-00568	8-0-1	Henke
22	Rosalind K. Ryan	T	DBO	2021-03148	8-0-1	Henke
23	Caitlin Madison Deleel	T	DBO	2021-05194	8-0-1	Lewis
24	Juan Miguel Jasso	T	DBO	2022-02457	8-0-1	Lewis
25	Rolando Javier Carranza	R	ABO	2022-02081	9-0-0	-
26	CHN Pharmacy #200	P	ABO	2022-00268	9-0-0	-
27	Cleveland Emergency Hospital – The Woodlands	P	ABO	2022-01106	9-0-0	-
28	Patrice Wendy Clifford	R	ABO	2022-00574	9-0-0	-
29	CVS/pharmacy #4715	P	ABO	2021-06047	8-0-1	Tijerina
30	CVS/pharmacy #7751	P	ABO	2021-01925	8-0-1	Tijerina
31	CVS/pharmacy #7784	P	ABO	2021-00270	8-0-1	Tijerina
32	Dismukes Pharmacy	P	ABO	2021-01986	9-0-0	-
33	East Safety First Pharmacy	P	ABO	2022-01011	9-0-0	-
34	JW Pharmacy	P	ABO	2021-04573	9-0-0	-
35	Larry Gene Maxwell	R	ABO	2021-05952	9-0-0	-
36	Christopher Ochuka Njigha	R	ABO	2021-03463	9-0-0	-
37	Vikas Patel	R	ABO	2022-00315	9-0-0	-
38	Randall's Pharmacy #1031	P	ABO	2021-05855	9-0-0	-
39	The Medicine Place	P	ABO	2021-05287	9-0-0	-
40	Tops Surgical Specialty	P	ABO	2021-06068	9-0-0	-
41	United Pharmacy #529	P	ABO	2021-04705	9-0-0	-
42	Walgreens #4605	P	ABO	2021-06062	8-0-1	Fernandez
43	Walgreens #6525	P	ABO	2021-05843	8-0-1	Fernandez
44	Christina Ebune Fomoso	R	ABO	2022-00926	8-0-1	Fernandez
45	Walgreens #7645	P	ABO	2021-02456	8-0-1	Fernandez
46	Walmart Pharmacy 10-2724	P	ABO	2021-03040	9-0-0	-
47	Walmart Pharmacy 10-4194	P	ABO	2021-05032	9-0-0	-
48	Wickliffe Pharmaceutical, Inc.	P	ABO	2021-00533	9-0-0	-
49	Stonegate Pharmacy	P	ABO	2019-05801	8-0-1	Yoakum
50	CVS/pharmacy #4794	P	ABO	2019-03350	7-0-2	Fernandez, Tijerina
51	CVS/pharmacy #10540	P	ABO	2020-03813	6-0-3	Lewis, Tijerina, Tisch
52	CVS/pharmacy #8323	P	ABO	2020-04624	6-0-3	Lewis, Tijerina, Tisch
53	Olajuwon A. Abijo	R	ABO	2021-03986	7-0-2	Guerrero, Lewis
54	Bemaj Pharmacy	P	ABO	2020-03039	7-0-2	Guerrero, Lewis
55	Anthony E. Odubele	R	ABO	2021-05295	7-0-2	Guerrero, Lewis
56	Hussam Hamoush	R	ABO	2021-02787	8-0-1	Lewis
57	Kimberly Faye Heflin	R	ABO	2021-03987	7-0-2	Guerrero, Lewis

*Technician or Technician Trainee (T), Pharmacist (R), and Pharmacy (P)

**Agreed Board Order (ABO), Default Board Order (DBO), and Remedial Plan (RP)

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58	Hesperia Pharmacy	P	ABO	2021-02935	7-0-2	Guerrero, Lewis
59	Bennie Lee Kelly	R	ABO	2021-05760	7-0-2	Guerrero, Lewis
60	Ann Nguyen	R	ABO	2021-04596	8-0-1	Lewis
61	Pharmacia Henrique	P	ABO	2022-00169	8-0-1	Lewis
62	Henry Ekwa Njie	R	ABO	2021-01419	8-0-1	Lewis
63	Falcon Pharmacy of Texas #2, Inc.	P	ABO	2021-02792	7-0-2	Henke, Lewis
64	So Sheung Fong	R	ABO	2021-04351	7-0-2	Henke, Lewis
65	Lilly Koutcho	R	ABO	2021-05813	7-0-2	Henke, Lewis
66	Conversio Health	P	ABO	2022-00816	8-0-1	Henke
67	Kay Donnelly Harbour	R	ABO	2021-04181	8-0-1	Henke
68	Kesha Lynette Harris	R	ABO	2022-02396	8-0-1	Henke
69	HRx Pharmacy LLC	P	ABO	2021-06054	8-0-1	Henke
70	Velox Pharmacy Solutions	P	ABO	2021-01096	8-0-1	Henke
71	Karen Lyn Muir	R	ABO	2022-02060	7-0-2	Lewis, Tisch
72	Nga-Phuong Nguyen	R	ABO	2022-00648	7-0-2	Lewis, Tisch
73	Alan Theriault	R	ABO	2022-04058	7-0-2	Lewis, Miller
74	<i>Confidential</i>	R	ABO	2021-4290	7-0-2	Henke, Lewis
75	<i>Confidential</i>	R	ABO	2022-00432	8-0-1	Henke
76	<i>Confidential</i>	R	ABO	2022-02057	7-0-2	Lewis, Tisch
77	Vanessa Akpojiovwi	R	RP	2021-05913	9-0-0	-
78	Reza Amirzadeh	R	RP	2022-00880	9-0-0	-
79	Jerry L. Barnett	R	RP	2022-01630	9-0-0	-
80	Rojelyn Calong	R	RP	2022-01402	9-0-0	-
81	Trey Crandall	R	RP	2022-02065	9-0-0	-
82	Martin Lee Dennis	R	RP	2022-00521	9-0-0	-
83	Maria Onuigbo Elioku	R	RP	2022-00893	9-0-0	-
84	Jay's Pharmacy	P	RP	2021-03107	9-0-0	-
85	Antony Kalleeny	R	RP	2022-02715	9-0-0	-
86	Diane Nguyen	R	RP	2022-00179	9-0-0	-
87	Phoenix Drugstore and Medical Supplies	P	RP	2022-00572	9-0-0	-
88	Pill Box Drive-In Pharmacy	P	RP	2021-01354	9-0-0	-
89	Courtney Hick Stegman	R	RP	2022-00347	9-0-0	-
90	Srinivasu Vatti	R	RP	2022-00889	9-0-0	-
91	Heena Zaveri	R	RP	2022-00345	9-0-0	-
92	Wenbei Zhou	R	RP	2020-05183	8-0-1	Yoakum
93	Aderonke Akanke Adesokan	R	RP	2021-03608	7-0-2	Henke, Lewis
94	Ripal Amin	R	RP	2022-00049	7-0-2	Henke, Lewis
95	Obiechina Nnamdi Ezekwesili	R	RP	2021-03889	8-0-1	Henke

*Technician or Technician Trainee (T), Pharmacist (R), and Pharmacy (P)

**Agreed Board Order (ABO), Default Board Order (DBO), and Remedial Plan (RP)

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

- Discussion Concerning PMP Reporting Requirements (Item F.12)

Ms. Holloway provided background information concerning the Prescription Monitoring Program (PMP). She explained that following the recent audit by the State Auditor's Office and based on recommendations from the audit, Board staff implemented a process for identifying pharmacies that are out of compliance with §481.074(q) of the Texas Controlled Substances Act, which requires that a dispensing pharmacist send all required information to the Board no later than the next business day after the prescription has been completely filled. She explained that "completely filled" is not defined in the Texas Controlled Substances Act and the Board clarified in §315.6(a) of the Texas Pharmacy Rules that the information be reported to the PMP no later than the next business day after the prescription is dispensed. Ms. Holloway explained that in the context of a community pharmacy, dispense is defined by the Texas Pharmacy Rules as preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice.

President Spier recognized Patrick Frost, R.Ph., Pharmacist-in-Charge of Intracare Community Pharmacy, LLC. Mr. Frost explained that he was seeking clarification of when the report should be submitted and indicated that because "completely filled" is not defined his pharmacy was submitting the report after the prescriptions are picked up or delivered.

Following discussion, the Board clarified that the report should be submitted no later than the next business day after the prescription is dispensed, not delivered.

- Report on Opioid Regulatory Collaborative Summit (Item F.13)

Ms. Henke reported on her participation with the Opioid Regulatory Collaborative Summit on March 7-8, 2022. She explained that the summit was a collaboration of regulatory boards from pharmacy, medicine, nursing, dentistry, and physician assistants with a goal of determining how to make an impact on opioid regulation. Ms. Henke reviewed some of the goals identified at the summit, which included reducing the stigma of substance use disorders, supporting medication treatments for opioid use, championing collaborative efforts, and increasing telehealth access to treatment.

G. Consideration of and Possible Action Concerning Enforcement Reports

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

Ms. Hotchkiss reported on complaints dismissed and closed during the second quarter of FY2022 (December 1, 2021 – February 28, 2022). The report also included a comparison of complaints closed with disciplinary orders to those closed without disciplinary orders and a comparison of quarterly averages for FY2022 to the quarterly averages for FY2021, as well as percentage change from FY2021 to FY2022.

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

Ms. Hotchkiss reviewed the *Report on Status of Active/Pending Complaints* for the Board.

I. Miscellaneous

- Items to be Placed on Agenda for August 2, 2022, Board Meeting:

President Spier requested Board members to submit any items for the August 2, 2022, Board meeting to staff.

- Discussion of and Possible Action on Upcoming Meetings

President Spier reviewed upcoming meetings and conferences.

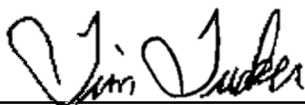
Mr. Lewis made a motion to adjourn the meeting. The motion was seconded by Mr. Guerrero.

President Spier adjourned the meeting at 2:02 p.m.

APPROVED:



Julie Spier, R.Ph.
President



Timothy L. Tucker, Pharm.D.
Executive Director/Secretary

August 2, 2022