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## TEXAS STATE BOARD OF PHARMACY

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1106 Clayton Lane, Room 125E  
Austin, Texas

Tuesday, February 7, 2023

### MINUTES<sup>1</sup>

#### BOARD BUSINESS MEETING

#### Tuesday, February 7, 2023

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

Staff present were Timothy L. Tucker, Pharm.D., former Executive Director/Secretary; Megan Holloway, General Counsel; Caroline Hotchkiss, Director of Enforcement; John Griffith, Litigation Counsel; Ann Driscoll, Ph.T.R., Operations Director; Linda Yazdanshenas, Prescription Monitoring Program Manager; Eamon Briggs, Deputy General Counsel; 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 November 1, 2022, and the Board Member Training Session held November 1, 2022. The motion was seconded by Mr. Tisch and passed 9-0-1, with Mr. Guerrero abstained.

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<sup>1</sup>See agenda and corresponding attachments for supporting materials.

**C. Discussion of and Possible Action Regarding Rules**

Final Adoption of Rules

- Rules Concerning Return of Prescription Drugs (§291.76) (Item C.1.1)

Mr. Griffith explained that the Board voted to propose the amendments to §291.76 during its November 1, 2022, meeting. The proposed amendments were published in the December 23, 2022, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §291.76 and explained the amendments clarify that a pharmacist must verify the completeness and reconciliation of the perpetual inventory of controlled substances for an ASC pharmacy.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Henke to approve for adoption, by Board Order, the amendments to §291.76, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Non-Resident Pharmacy (Class E) Operational Standards (§291.104) (Item C.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §291.104 during its November 1, 2022, meeting. The proposed amendments were published in the December 23, 2022, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §291.104 and explained the amendments correct a drafting error by adding an omitted word.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Miller to approve for adoption, by Board Order, the amendments to §291.104, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Rules Concerning Destruction of Dispensed Drugs (§303.1) (Item C.1.3)

Mr. Griffith explained that the Board voted to propose the amendments to §303.1 during its November 1, 2022, meeting. The proposed amendments were published in the December 23, 2022, issue of the *Texas Register*.

Mr. Griffith directed the Board's attention to amendments to §303.1 and explained that the amendments remove the inventory requirements for destruction using a waste disposal service of dangerous drugs dispensed in health care facilities or institutions and clarify dangerous drugs may be comingled with controlled substances in a shared container prior to destruction as allowed by federal laws and regulations.

Written comments were received from CVS Health in support of the proposed amendments and suggesting additional changes. Oral comments were received from Wanda Voigt, Director of Regulatory Compliance, Sharps Compliance, Inc., in support of the proposed amendments.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Tisch to approve for adoption, by Board Order, the amendments to §303.1, as presented. The motion was seconded by Ms. Montemayor and passed unanimously.

- Rules Concerning Pharmacy Responsibility – Electronic Reporting (§315.6) (Item C.1.4)

Mr. Griffith explained that the Board voted to propose the amendments to §315.6 during its November 1, 2022, meeting. The proposed amendments were published in the December 23, 2022, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §315.6 and explained the amendments specify that a pharmacy must report the data elements indicated as required by the board's Data Submission Guide for Dispensers.

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 §315.6, as presented. The motion was seconded by Ms. Montemayor and passed unanimously.

#### Proposal of Rules

- Rules Concerning Internship Requirements (§283.4) (Item C.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 specify that a pharmacist-intern registration expires due to failing the NAPLEX or Texas Pharmacy Jurisprudence Examination only if the intern fails either exam more than once.

Oral comments were received from Randy Martin, Pharm.D., R.Ph.,

President and Chairman, Texas Society of Health-System Pharmacists, in support of the proposed amendments and requesting that the requirement that a residency program be accredited by American Society of Health-System Pharmacists (ASHP) be removed.

Following discussion, the motion was made by Ms. Henke to approve for proposal amendments to §283.4, with suggested amendments removing the ASHP accreditation requirement. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Pharmacist Continuing Education Requirements (§295.8) (Item C.2.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning continuing education requirements for pharmacists. He explained the proposed amendments to §295.8 clarify the requirements for obtaining continuing education in approved procedures of prescribing and monitoring controlled substances and correct grammatical errors.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §295.8, as presented. The motion was seconded by Mr. Miller and passed unanimously.

### Rule Review

- For Adoption

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

- Chapter 291 Concerning Pharmacies (All Classes of Pharmacies) (§§291.1 – 291.11, 291.14 – 291.19, 291.22 – 291.24, 291.27 – 291.29) (Item C.3.1.1)
- Chapter 291 Concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91 – 291.94) (Item C.3.1.2)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Ms. Montemayor to approve for adoption as presented, the review of Chapter 291 Concerning Pharmacies (All Classes of Pharmacies) (§§291.1 – 291.11, 291.14 – 291.19, 291.22 – 291.24, 291.27 – 291.29) and Chapter 291 Concerning Pharmacies (Clinic Pharmacy (Class D)) (§§291.91 – 291.94). The motion was seconded by Ms. Yoakum and passed unanimously.

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

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

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

Oral comments were received from Randy Martin, expressing concern that the Compounding Advisory Group had not met and asking if they would be looking at the upcoming changes to USP 795 and 797, which were published in November 2022.

Following discussion, the Board requested Board staff to bring back suggestions for reviewing the changes to USP 795 and 797, including potential modifications to the Compounding Advisory Group.

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

Ms. Yazdanshenas reported that the PMP Advisory Committee met via videoconference on December 1, 2022, and included a presentation by Bamboo Health, a PMP program update by Ms. Yazdanshenas which reviewed the PMP look-up mandate audit process, a discussion concerning NarxCare articles, and a presentation concerning PMP advertorials.

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

Ms. Yazdanshenas reported that the next Interagency Prescription Monitoring Program Workgroup Meeting has not been scheduled, but is planned for Summer 2023.

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

- Financial Report

Dr. Tucker explained that the agency had not been able to fill the position of Financial Director and was restructuring with Ms. Driscoll overseeing the finance and operations teams.

- FY2023 First Quarter Overview (Item E.1.1)

Ms. Driscoll provided a finance overview for the first quarter of FY2023 (September 1, 2021 – August 31, 2022). She explained that the agency posted an opening for the role of Budget Analyst

and that the agency was covering business-needs spending only and had halted unbudgeted spending.

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

Ms. Driscoll reviewed the first quarter FY2023 Board Member Travel Budget (September 1, 2022 – November 30, 2022).

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

Ms. Driscoll reported that there were no material changes to contracts for goods and services for the first quarter of FY2023 (September 1, 2022 – November 30, 2022).

- Update on Legislative Appropriations Request for FY2024-2025

Dr. Tucker reviewed the status of the Legislative Appropriations Request and reported that Board staff was scheduled to testify before the Senate Finance Committee on February 15, 2023. In response to a question concerning a Government Relations Specialist, Dr. Tucker explained that the position was on the agency's Legislative Appropriations Request and if approved the agency would be able to fill the position effective September 1, 2023.

Ms. Holloway explained that information concerning legislation that would impact TSBP or the practice of pharmacy will be presented at the May 2, 2023, meeting.

- Professional Recovery Network

- Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the first quarter of FY2023 (September 1, 2022 – November 30, 2022). (Item E.2.1)
- President Spier recognized PRN Program Director Raquel Leal, LPC. Ms. Leal directed the Board's attention to the PRN expense report for the first quarter of FY2023 (September 1, 2022 – November 30, 2022) and reviewed PRN activities for the Board. (Item E.2.2)

- Review and Approval of TSBP FY2022 Annual Report (Item E.3)

Ms. Driscoll directed the Board's attention to a draft of the TSBP FY2022 Annual Report.

Following review, a motion was made by Mr. Guerrero to approve the TSBP FY2022 Annual Report, allowing for minor administrative changes, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Report on Prescription Monitoring Program (Item E.4)

Ms. Yazdanshenas reviewed the Prescription Monitoring Program (PMP) data for the first quarter of FY2023 (September 1, 2022 – November 30, 2022). She also provided an update concerning the pharmacist mandate PMP audit.

President Spier noted that Florida had joined PMP Interconnect as a partner state.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item E.5)

Ms. Holloway provided an update 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. She explained that there was a favorable ruling from a district court to dismiss the case and following an appeal filed by the plaintiffs, on January 25, 2023, the 3<sup>rd</sup> Court of Appeals affirmed the trial court's order.

Ms. Holloway provided an update 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 on December 5, 2022, a district court issued an order affirming the Board's decision.

Ms. Holloway explained that there have been no updates since the last meeting concerning the 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, alleging that the red flag factors rule is discriminatory and the unlawful administration of disciplinary proceedings.

Ms. Holloway explained that there have been no updates since the last meeting concerning the lawsuit filed by Lightcare Rx, LLC (Texas Pharmacy License #32609) and the pharmacist-in-charge, Leila

Elahianboroujeni (Pharmacist License #64241), in the Travis County District Court, appealing the entry of the Board Orders entered in May 2022.

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

President Spier reconvened the meeting at 10:17 a.m.

- Discussion Concerning Prescription Delivery and Shipping Conditions (Item E.6)

Ms. Hotchkiss explained that at the November 2022 meeting, the Board had requested a discussion concerning temperature ranges on delivery. She directed the Board's attention to a chart prepared by Board staff concerning complaints filed in the last two years (January 1, 2021 – January 1, 2023) involving inappropriate temperature of medication upon delivery. Ms. Hotchkiss also directed the Board to the current rule language concerning shipping and temperature range and rule language from the Arkansas Board of Pharmacy.

President Spier recognized Loretta Boesing, founder of Unite for Safe Medications and patient advocate. Ms. Boesing shared information concerning her son, a transplant recipient who experienced adverse effects after receiving medication delivered at an improper temperature, and her ongoing petition process to advocate for changes to how medications are shipped.

Following discussion, the Board requested additional information for the next meeting, including the surrounding statutes from Arkansas' rule language, studies regarding temperature and delivery, suggested rule language, and information concerning the prescription benefit manager portion.

- Discussion Concerning Expiration Date for Pharmacist Interns (Item E.7)

Ms. Holloway directed the Board's attention to a spreadsheet prepared by Board staff listing the examination and internship requirements from each state. Ms. Holloway explained that the spreadsheet was prepared as a follow-up to a request from the November 2022 meeting.

Following review and discussion, the Board requested additional information from the licensing team.

- Discussion Concerning Automated Pharmacy Systems in Mental Health Facilities (Item E.8)

President Spier recognized Gary Cacciatore, Pharm.D., R.Ph. representing BD Pyxis. Mr. Cacciatore requested that the Board expand the use of automated remote dispensing to include mental health and



chemical dependency treatment facilities. He directed the Board's attention to background information and suggested amendments to §291.121 that would add mental health facilities and chemical dependency treatment facilities to the list of facilities to which a provider pharmacy can provide remote pharmacy services using an automated pharmacy system.

Following discussion, the motion was made by Ms. Montemayor to approve for proposal amendments to §291.121, as presented. The motion was seconded by Ms. Henke and passed unanimously.

- Discussion Concerning Central Fill Pharmacies (Item E.9)

President Spier recognized Jeenu Philip, Director, Pharmacy Affairs, Walgreen Co. Mr. Philip described the practice setting differences in central fill pharmacies that would allow for an increased technician to pharmacist ratio and requested a solution that would allow the ratio to increase to 12:1 in central fill pharmacies.

Following discussion, the Board asked for staff to bring potential rule language forward concerning increasing the technician to pharmacist ratio at a future meeting.

**F. Consideration of and Possible Action Concerning Enforcement Reports**

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

Ms. Hotchkiss reported on complaints dismissed and closed during the first quarter of FY2023 (September 1, 2022 – November 30, 2022). The report also included a comparison of complaints closed with disciplinary orders to those closed without disciplinary orders and a comparison of the first quarter of FY2023 to the quarterly averages for FY2022, as well as percentage change from FY2022 to FY2023.

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

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

**G. Disciplinary Orders**

- Consideration of Proposals for Decision in the Matter of Wilkinson Oloyede Thomas, Pharmacist License #47264 (Item G.1)

President Spier recognized John Griffith, Litigation Counsel, who directed the Board's attention to the Proposal for Decision and the corresponding proposed Board Order. He advised the Board that following a hearing held before State Office of Administrative Hearings Administrative Law Judge

Brent McCabe, a Proposal for Decision was issued on October 20, 2022, in the matter of Wilkinson Oloyede Thomas. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2022-00783, which would revoke Mr. Thomas' pharmacist license, as recommended by Judge McCabe 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 #2022-00783 in the matter of Wilkinson Oloyede Thomas. The motion was seconded by Mr. Guerrero and passed unanimously.

- Report on Agreed Board Orders and Board Orders Entered by Executive Director (Item G.2)
  - The Board reviewed 8 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 November 10, 2022, through January 24, 2023.
  - The Board reviewed 6 Agreed Board Orders concerning pharmacies and pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from November 29, 2022, through January 24, 2023.
  - 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 November 10, 2022, through December 22, 2022.
- Discussion of and Action on Proposed Agreed Board Orders, Proposed Default Board Orders, and Proposed Remedial Plans (Items G.3 and G.4)

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

- 26 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference;
- 2 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference;

- 25 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 27 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference;
- 1 proposed Default Board Order concerning a pharmacist who did not appear for an Informal Conference;
- 3 proposed Confidential Agreed Board Orders concerning pharmacists (Alternative Resolutions);
- 2 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference;
- 1 proposed Default Agreed Board Order concerning a pharmacist who did not appear for an Informal Conference;
- 6 proposed Remedial Plans concerning pharmacists and a pharmacy (Alternative Resolutions); and
- 5 proposed Remedial Plans concerning pharmacists who attended an Informal Conference.

The motion was made by Mr. Guerrero to approve the proposed Disciplinary Orders and Remedial Plans, as presented. The motion was seconded by Mr. Tisch, 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	Sharon Lasha Creer	T	ABO	2021-04166	8-0-2	Henke, Lewis
2	Jessie Dale Granjeno	T	ABO	2022-06123	8-0-2	Henke, Lewis
3	Rickhard Huggup	T	ABO	2021-04447	8-0-2	Henke, Lewis
4	Matthew Murillo	T	ABO	2022-05756	8-0-2	Henke, Lewis
5	Jenna Mae Porter	T	ABO	2022-01008	8-0-2	Henke, Lewis
6	Alexa Raney	T	ABO	2022-00419	8-0-2	Henke, Lewis
7	Miguel Arcanjel Rebuloso	T	ABO	2022-02992	8-0-2	Henke, Lewis
8	Kevin Arnfulo Rodriguez	T	ABO	2022-03656	8-0-2	Henke, Lewis
9	Michael John Villarreal	T	ABO	2022-01670	8-0-2	Henke, Lewis
10	Joshua Campos	T	ABO	2022-04742	8-0-2	Fernandez, Montemayor
11	Ashley Morgan Cortes	T	ABO	2022-06127	8-0-2	Fernandez, Montemayor
12	Dominque Douglas	T	ABO	2022-05013	8-0-2	Fernandez, Montemayor

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

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

No.	Name	T, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
13	Tyneisha Viola Fludd-Britt	T	ABO	2022-06994	8-0-2	Fernandez, Montemayor
14	Amanda Michelle Fought	T	ABO	2021-02386	8-0-2	Fernandez, Montemayor
15	Ashley Nichole Herbert	T	ABO	2022-05873	8-0-2	Fernandez, Montemayor
16	Jana Latice Hersey	T	ABO	2022-03697	8-0-2	Fernandez, Montemayor
17	Yvonne Nicole Lindsey	T	ABO	2022-03922	8-0-2	Fernandez, Montemayor
18	Michele Nicole Markham	T	ABO	2022-06174	8-0-2	Fernandez, Montemayor
19	Ebony Denise Miles	T	ABO	2022-05209	8-0-2	Fernandez, Montemayor
20	Ashley Nicole Scott	T	ABO	2022-04926	8-0-2	Fernandez, Montemayor
21	Latricka Ann Gwin	T	ABO	2022-04830	8-0-2	Miller, Montemayor
22	Rebecca Marie Hiller	T	ABO	2022-05761	8-0-2	Miller, Montemayor
23	Peggy Jo Holladay	T	ABO	2022-04956	8-0-2	Miller, Montemayor
24	Sarah Elizabeth Rivero	T	ABO	2022-06470	8-0-2	Miller, Montemayor
25	Francisco Tran	T	ABO	2022-05751	8-0-2	Miller, Montemayor
26	Jovan Aaron Silva	T	ABO	2022-05931	8-0-2	Henke, Yoakum
27	Brian Armstrong	T	DBO	2022-00259	8-0-2	Fernandez, Montemayor
28	Kyndalyn Brown	T	DBO	2022-01682	8-0-2	Fernandez, Montemayor
29	A1 Pharmacy	P	ABO	2022-01490	10-0-0	-
30	Dele Z. Babatunde	R	ABO	2022-07487	10-0-0	-
31	CVS/pharmacy #2995	P	ABO	2022-06861	9-0-1	Tijerina
32	CVS/pharmacy #6381	P	ABO	2022-03527	9-0-1	Tijerina
33	CVS/pharmacy #10215	P	ABO	2022-02301	9-0-1	Tijerina
34	Susan Irene Kissack	R	ABO	2022-07256	9-0-1	Tijerina
35	CVS/pharmacy #10489	P	ABO	2022-03796	9-0-1	Tijerina
36	CVS/pharmacy #10524	P	ABO	2022-05799	9-0-1	Tijerina
37	CVS/pharmacy #10671	P	ABO	2022-01650	9-0-1	Tijerina
38	CVS/pharmacy #10692	P	ABO	2022-03035	9-0-1	Tijerina
39	Fairmont Pharmacy	P	ABO	2022-03237	10-0-0	-
40	Corina Guerrero	R	ABO	2022-06823	10-0-0	-
41	H.E.B. Pharmacy #414	P	ABO	2022-01951	9-0-1	Montemayor
42	Christine Folake Obasi-Coon	R	ABO	2022-06871	10-0-0	-

\*Technician or Technician Trainee (T), Pharmacist (R), and Pharmacy (P)  
 \*\*Agreed Board Order (ABO), Default Board Order (DBO), and Remedial Plan (RP)

No.	Name	T, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
43	Rose Pharmacy, LLC	P	ABO	2022-06821	10-0-0	-
44	Roselinda Obiageli Okeke	R	ABO	2022-07542	10-0-0	-
45	Jacky Truong	R	ABO	2022-06932	10-0-0	-
46	Walgreens #3025	P	ABO	2022-04415	9-0-1	Fernandez
47	Walgreens #3081	P	ABO	2021-04603	9-0-1	Fernandez
48	Walgreens #4132	P	ABO	2022-03658	9-0-1	Fernandez
49	Walgreens #4274	P	ABO	2022-03058	9-0-1	Fernandez
50	Walgreens #4538	P	ABO	2022-03788	9-0-1	Fernandez
51	Walgreens #5375	P	ABO	2022-04193	9-0-1	Fernandez
52	Walgreens #7671	P	ABO	2022-02132	9-0-1	Fernandez
53	Walgreens #12029	P	ABO	2022-03793	9-0-1	Fernandez
54	Jamesia Deanna Willis	R	ABO	2021-03990	8-0-2	Lewis, Montemayor
55	Jose Abraham Dino	R	ABO	2022-06005	8-0-2	Lewis, Yoakum
56	Flashfill Pharmacy	P	ABO	2022-01416	8-0-2	Lewis, Yoakum
57	Nikhil Ravi Prasad	R	ABO	2022-02812	8-0-2	Lewis, Yoakum
58	Best Value Royce's Pharmacy	P	ABO	2022-02686	8-0-2	Henke, Lewis
59	Jane M. Teders	R	ABO	2022-06132	8-0-2	Henke, Lewis
60	Cardinal Health Pharmacy Services, LLC	P	ABO	2021-05910	8-0-2	Henke, Lewis
61	Jehu T. Gracia	R	ABO	2022-06276	8-0-2	Henke, Lewis
62	Jignasa Nimesh Patel	R	ABO	2022-06329	8-0-2	Henke, Lewis
63	Smart Rx Pharmacy TX 1	P	ABO	2022-01532	8-0-2	Henke, Lewis
64	Lisa Nguyen-Le	R	ABO	2022-06196	8-0-2	Henke, Lewis
65	Walgreens #02445	P	ABO	2021-02627	7-0-3	Fernandez, Henke, Lewis
66	Tiffany Nguyet Bao Nguyen	R	ABO	2022-05549	7-0-3	Fernandez, Henke, Lewis
67	Walgreens #15339	P	ABO	2021-04486	7-0-3	Fernandez, Henke, Lewis
68	AlleReach Pharmacy	P	ABO	2022-02356	8-0-2	Miller, Montemayor
69	CVS/pharmacy #8389	P	ABO	2022-02131	7-0-3	Tijerina, Miller, Montemayor
70	Sarmistha Mazumder	R	ABO	2022-05176	7-0-3	Tijerina, Miller, Montemayor
71	Leonel Guerrero	R	ABO	2022-07251	8-0-2	Miller, Montemayor
72	Lin Leung	R	ABO	2022-07546	8-0-2	Miller, Montemayor
73	Patrick Michael McNerney	R	ABO	2022-06800	8-0-2	Miller, Montemayor
74	Richard William Molinaro, Jr.	R	ABO	2022-01112	8-0-2	Miller, Montemayor

\*Technician or Technician Trainee (T), Pharmacist (R), and Pharmacy (P)  
 \*\*Agreed Board Order (ABO), Default Board Order (DBO), and Remedial Plan (RP)

No.	Name	T, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
75	Pharmacia Henrique	P	ABO	2022-06274	8-0-2	Miller, Montemayor
76	Henry Ekwa Njie	R	ABO	2022-05890	8-0-2	Miller, Montemayor
77	Shimitre Rachelle Williams	R	ABO	2022-02799	8-0-2	Miller, Montemayor
78	Myckieala Cooper	R	ABO	2022-07835	9-0-1	Henke
79	Instant Rx Pharmacy	P	ABO	2022-03431	9-0-1	Lewis
80	Obiechina Nnamdi Ezekwesili	R	ABO	2022-06931	9-0-1	Lewis
81	Eleanor May Hitt	R	DBO	2022-07640	9-0-1	Henke
82	<i>Confidential</i>	R	ABO	2022-07644	10-0-0	-
83	<i>Confidential</i>	R	ABO	2022-05707	10-0-0	-
84	<i>Confidential</i>	R	ABO	2022-06322	10-0-0	-
85	<i>Confidential</i>	R	ABO	2022-05526	8-0-2	Henke, Lewis
86	<i>Confidential</i>	R	ABO	2022-06739	8-0-2	Miller, Montemayor
87	<i>Confidential</i>	R	ABO	2022-06260	8-0-2	Miller, Montemayor
88	April Michelle Butler	R	RP	2022-03238	10-0-0	-
89	Clement Onyemaechi Ogu	R	RP	2022-07845	10-0-0	-
90	Jackie Phan	R	RP	2022-07480	10-0-0	-
91	Sitlausdeo Pharmacy LLC	P	RP	2022-06870	10-0-0	-
92	Jeff Tu	R	RP	2022-06135	10-0-0	-
93	Anand Yaparla	R	RP	2022-06134	10-0-0	-
94	Joe Darren Mitchell	R	RP	2022-03391	8-0-2	Henke, Lewis
95	Arwa Ghali Hamza Aboud	R	RP	2022-07239	8-0-2	Miller, Montemayor
96	Andree Marie Dargin	R	RP	2022-07236	8-0-2	Miller, Montemayor
97	Erica Noelle Leger	R	RP	2022-02358	8-0-2	Miller, Montemayor
98	Priyanka Sabrina Thacker	R	RP	2022-06636	8-0-2	Miller, Montemayor

\*Technician or Technician Trainee (T), Pharmacist (R), and Pharmacy (P)  
 \*\*Agreed Board Order (ABO), Default Board Order (DBO), and Remedial Plan (RP)

## H. Miscellaneous

- Items to be Placed on Agenda for May 2, 2023, Board Meeting:
  - Discussion Concerning Prescription Delivery and Shipping Conditions
  - Discussion Concerning Expiration Date for Pharmacist Interns
  - Discussion Concerning Central Processing (Determining Supervising Physicians for Midlevel Prescribers)

- Discussion of and Possible Action on Upcoming Meetings  
President Spier reviewed upcoming meetings and conferences.
- Special Recognition of Service  
President Spier recognized Iona Grant, TSBP Compliance Director, and presented Ms. Grant with a 50-Year pharmacist certificate.

President Spier recessed the meeting at 11:24 a.m.  
President Spier reconvened the meeting at 12:30 p.m.

#### **I. Consideration of Personnel Matters**

- Executive Session to Conduct Evaluation of Executive Director  
Ms. Henke made a motion that the Board go into Executive Session to consult with legal counsel and to consider personnel matters under the authority of the Texas Government Code, §551.071 and 551.074, respectively. The motion was seconded by Mr. Lewis and passed unanimously.

President Spier declared the Board in Executive Session at 12:31 p.m.

At 4:54 p.m., President Spier announced that the Board would resume the meeting in Open Session and that no action was taken and no decisions were made during Executive Session.

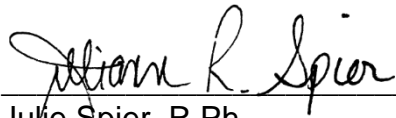
A motion was made by Mr. Guerrero to terminate the employment of Dr. Tucker as Executive Director/Secretary of the Texas State Board of Pharmacy, effective February 7, 2023. The motion was seconded by Mr. Tisch and passed 9-1-0, with Mr. Lewis opposed.

President Spier requested that Board staff look into removing the pharmacist requirement for the position of Executive Director in §553.002 of the Texas Pharmacy Act.

Ms. Henke made a motion to adjourn the meeting. The motion was seconded by Mr. Lewis and passed unanimously.

President Spier adjourned the meeting at 4:56 p.m.

APPROVED:



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Julie Spier, R.Ph.  
President



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Suzette Tijerina, R.Ph.  
Vice President and Secretary *pro tempore* for purpose of authenticating minutes in  
absence of Executive Director/Secretary

May 2, 2023