



TEXAS STATE BOARD OF PHARMACY

1601 Congress Ave, Room 2.013
Austin, Texas

Tuesday, May 2, 2023

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, May 2, 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.; Rick Fernandez, R.Ph.; Lori Henke, Pharm.D.; Donnie Lewis, R.Ph.; Bradley A. Miller, Ph.T.R.; Ian Shaw; Rick Tisch; and Jenny Downing Yoakum, R.Ph.

Board Members Donna Montemayor, R.Ph., and Daniel Guerrero were not in attendance.

Staff present were 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; Ruben Leal, Budget Analyst; Eamon Briggs, Deputy 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. Tisch to approve the minutes of the Board Business Meeting held February 7, 2023, the Board Business Meeting held March 1, 2023, and the Board Business Meeting held March 28,

¹See agenda and corresponding attachments for supporting materials.

2023. The motion was seconded by Ms. Yoakum and passed unanimously.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Internship Requirements (§§283.2 and 283.4) (Items C.1.1.1 and C.1.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§283.2 and 283.4 during its February 7, 2023, meeting. The proposed amendments were published in the March 17, 2023, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §§283.2 and 283.4. He explained that the amendments remove the requirement that a residency program be accredited by the American Society of Health-System Pharmacists for a resident to be eligible for designation as an extended-intern. Additionally, he explained the 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.

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 §§283.2 and 283.4, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Remote Pharmacy Services (§291.121) (Item C.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §291.121 during its February 7, 2023, meeting. The proposed amendments were published in the March 17, 2023, issue of the *Texas Register*.

Mr. Griffith directed the Board's attention to amendments to §291.121 and explained the amendments allow remote pharmacies services to be provided using an automated pharmacy system to be provided at healthcare facilities regulated under Chapters 464 and 577, Health and Safety Code.

Written comments were received from W. Perry Flowers, R.Ph., Vice President, Medical Affairs, Enterprise Medication Management, with BD - Medication Management Solutions, in support of the amendments. Written comments were also received from Angela Babin, BSP Pharm, MBA, Senior Director of Pharmacy Programs, with The Harris Center, in support of the amendments and suggesting the addition of healthcare facilities regulated under Chapter 534, Health and Safety Code, to the

types of facilities authorized to provide remote pharmacy services using an automated pharmacy system.

Oral comments were received from Ms. Babin and Brittany Parmentier, with The Harris Center, reiterating the written comments. Oral comments were also heard from Gary Cacciatore, Pharm.D., R.Ph. representing BD Pyxis, in support of the amendments and The Harris Center's suggestions, but requesting that the addition of Chapter 534 not cause a delay to the adoption of the amendments adding Chapter 464 and 577.

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 §291.121, as presented. The motion was seconded by Mr. Shaw and passed unanimously. The Board also directed staff to bring back proposed language to further amend §291.121 by also listing Chapter 534 regulated healthcare facilities.

- Rules Concerning Pharmacist Continuing Education Requirements (§295.8) (Item C.1.3)

Mr. Griffith explained that the Board voted to propose the amendments to §295.8 during its February 7, 2023, meeting. The proposed amendments were published in the March 17, 2023, issue of the *Texas Register* and no comments were received.

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

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

Proposal of Rules

- Rules Concerning Preceptor Requirements and Ratio of Preceptors to Pharmacist-Interns (§283.6) (Item C.2.1)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning preceptor requirements. He explained the proposed amendments to §283.6 remove the condition that a pharmacist preceptor must have six months of residency training if the pharmacist-intern's residency program is accredited by the American Society of Health-System Pharmacists.

Following discussion, the motion was made by Mr. Lewis to approve for

proposal amendments to §283.64, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Pharmacy Residency Programs (§291.24) (Item C.2.2)

Mr. Griffith directed the Board's attention to suggested repeal of rule language concerning pharmacy residency programs. He explained the proposed repeal of §291.24 removes standards for a statutory program that no longer exists.

Following discussion, the motion was made by Ms. Henke to approve for proposal the repeal §291.24, as presented. The motion was seconded by Mr. Shaw and passed unanimously.

- Rules Concerning Confidentiality (§291.27) (Item C.2.3)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning confidentiality. He explained the proposed amendments to §291.27 correct a misspelled word.

Following discussion, the motion was made by Mr. Tisch to approve for proposal amendments to §291.27, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Pharmacies Located in a Freestanding Emergency Medical Care Facility (Class F) (§291.151) (Item C.2.4)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning pharmacies located in a freestanding emergency medical care facility (FEMCF). He explained the proposed amendments to §291.151 clarify that a pharmacist must verify the completeness and reconciliation of the perpetual inventory of controlled substances for an FEMCF pharmacy.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §291.151, as presented. The motion was seconded by Mr. Shaw and passed unanimously.

Rule Review

- For Proposal

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

- Chapter 291 Concerning Pharmacies (Non-Resident Pharmacy (Class E)) (§§291.101-291.106) (Item C.3.1.1)

- Chapter 295 Concerning Pharmacists (§§295.1-295.9, §§295.11-295.16) (Item C.3.1.2)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Ms. Tijerina to approve for proposal as presented, the review of Chapter 291 Concerning Pharmacies (Non-Resident Pharmacy (Class E)) (§§291.101-291.106) and Chapter 295 Concerning Pharmacists (§§295.1-295.9, §§295.11-295.16). The motion was seconded by Mr. Lewis and passed unanimously.

D. Discussion of and Possible Action Concerning Pilot Projects

- Pilot Project on Residential Delivery of Prescription Drugs by Means of Drone Delivery Service (Item D.1)

President Spier recognized Robert Lamontagne, R.Ph., Pharmacist-in-Charge, Amazon Pharmacy #008 (Applicant for Texas Pharmacy License); Dan Luce, Consultant; and Amanda Armistead, Senior Public Policy Manager, Amazon Corporate, who presented a petition for a pilot project regarding residential delivery of prescription drugs by means of a drone delivery service, in partnership with Prime Air.

Ms. Holloway directed the Board's attention to the Board Task Force's response to the petition and reviewed the recommendations, including the rules to be waived during the pilot project, information to be provided in the quarterly reports to the Board, and the conditions of the pilot project.

Following discussion, the motion was made by Mr. Tisch to approve the pilot project with additional quarterly reporting requirements, as discussed. The motion was seconded by Mr. Lewis and passed unanimously.

President Spier recessed the meeting at 10:01 a.m.

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

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

- Review and Approval of FY2023 Annual Internal Audit Report (Item F.3)

President Spier recognized Daniel Graves and Jeff Jones, Weaver and Tidwell, LLP. Mr. Graves presented the FY2023 Annual Internal Audit Report and Mr. Jones reviewed the follow-up of compliance monitoring/peer assistance on 2021 Internal Audit findings.

Following review, the motion was made by Mr. Lewis to approve the FY2023 Annual Internal Audit Report. The motion was seconded by Mr. Miller and passed unanimously.

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the second quarter of FY2023 (December 1, 2022 – February 28, 2023). (Item F.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 second quarter of FY2023 (December 1, 2022 – February 28, 2023) and reviewed PRN activities for the Board. (Item F.2.2)

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

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

President Spier reported that the Compounding Advisory Group had not met since the previous Board meeting and thanked the members for their service.

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

Ms. Yazdanshenas reported that the PMP Advisory Committee had not met since the previous Board meeting, and the next meeting will be held via videoconference on June 1, 2023.

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

Ms. Yazdanshenas reported that the next Interagency Prescription Monitoring Program Workgroup Meeting has not been scheduled and will be planned for Summer 2023.

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

- Financial Report

Ms. Driscoll introduced new Board staff member Ruben Leal, Budget Analyst.

- Review of FY2023 Second Quarter Expenditures (Item F.1.1)

Ms. Driscoll reviewed the expenditures for the second quarter of FY2023 (December 1, 2022 – February 28, 2023) for the Board.

She explained that the detailed summary of expenditures would be available at the next meeting.

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

Ms. Driscoll reviewed the second quarter FY2023 Board Member Travel Budget (December 1, 2022 – February 28, 2023).

- 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 second quarter of FY2023 (December 1, 2022 – February 28, 2023).

- Update on Legislative Appropriations Request for FY2024-2025

Ms. Holloway reviewed the status of the Legislative Appropriations Request.

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

Ms. Yazdanshenas reviewed the Prescription Monitoring Program (PMP) data for the second quarter of FY2023 (December 1, 2022 – February 28, 2023). She explained that the dispensation data was not available for reporting due to a data migration in the PMP system. Ms. Yazdanshenas also provided an update concerning the PMP look-up mandate audit process.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item F.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 on April 14, 2023, the plaintiffs filed a petition for a review with the Texas Supreme Court.

Ms. Holloway provided an update 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. She explained that on March 3, 2023, the court dismissed the case.

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.

- Update on Legislation Being Considered During the 88th Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Item F.6)

Ms. Holloway directed the Board's attention to a chart showing legislation Board staff are tracking that has an impact on TSBP and/or the practice of pharmacy. She reviewed bills relating to pharmacy practice.

- Discussion Concerning National Association of Boards of Pharmacy Proposed Resolutions (Item F.7)

President Spier explained that the Board had received a copy of the National Association of Boards of Pharmacy (NABP) proposed resolutions. She reviewed each proposed resolution with the Board for feedback on how to vote as the delegate at the upcoming NABP Annual Meeting.

- Discussion Concerning Prescription Delivery and Shipping Conditions (Item F.8)

Ms. Holloway explained that at the previous meeting the Board had requested additional information and potential rule language concerning prescription delivery and shipping conditions. Ms. Holloway directed the Board's attention to suggested new rule language concerning prescription delivery and shipping conditions; a Southwestern Oklahoma State study on the exposure of drugs to excessive temperature during the mail-order pharmacy process; a University of Utah assessment of unrefrigerated shipping methods; and a NABP report for the task force on mail delivery prescriptions. Ms. Holloway reviewed new rule §291.12 and explained that the rule would specify requirements for the delivery of prescription drugs to a patient or patient's agent.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal new rule §291.12 with modifications to the section concerning delivery by mail replacements, removing the next-day delivery and the seven-day supply requirements. The motion was seconded by Ms. Henke and passed unanimously.

- Discussion Concerning Compounding and Revised USP 795 and 797 Guidelines (Item F.9)

President Spier proposed going forward concerning the revisions of USP 795 and 797 that the Board establish a new advisory committee structured with two subcommittees, one for USP 795 and the non-sterile compounding rules and the other for USP 797 and the sterile compounding rules.

President Spier recognized Randy Martin, Pharm.D., R.Ph., Texas Society of Health-System Pharmacists. Mr. Martin reviewed items of concern that he and his group had identified where USP is in direct conflict with Board rules.

Following discussion, the motion was made by Ms. Yoakum to establish a new committee, as proposed, to review USP 795 and 797 revisions. The motion was seconded by Mr. Lewis and passed unanimously.

- Discussion Concerning Documentation of Supervising Physicians for Midlevel Practitioners in Central Processing (Item F.10)

Ms. Hotchkiss directed the Board to a chart prepared by Board staff showing the regulatory landscape concerning advanced practice nurses and physician assistants and supervising physician requirements by jurisdiction. She explained that, as indicated in the chart, Texas by statute requires documentation of supervising physician name and information on a prescription issued by advanced practice nurses and physician assistants.

- Discussion Concerning Expiration Dates for Pharmacist Interns (Item F.11)

Ms. Holloway explained that the Board requested that staff ask the licensing team if the internship hour expiration was a frequent issue, and that staff learned that in the few instances where this issue occurred, allowing the internship hours to be used for 3 years would have resolved the issue. Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning internship requirements. She explained that the proposed amendments to §283.4 extend the period that internship hours may be used for licensure from two years to three years from the date the internship is completed.

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

- Discussion Concerning Central Fill Pharmacy Ratios (Item F.12)

Ms. Holloway explained that at the previous meeting there was a request to look into potentially changing the tech ratios in central fill pharmacies, however, Board staff determined that it would be very difficult without creating a new class of pharmacy specifically for central fill. She further explained that the way the rules are currently written, central fill is a pharmacy service and it would be difficult to regulate and enforce a different ratio only while the pharmacy is performing a specific service.

- Discussion Concerning Printing of Pharmacy License Certificates (Item F.13)

President Spier explained that the Board contracts out the printing of pharmacy licenses and that pharmacists and technicians can self-print a copy of their license and registration certificates. President Spier indicated that the question about allowing pharmacy licenses to also be self-printed had come up and that she verified with the licensing team that it could be set up so that access to printing the license is secure.

Following discussion, the Board requested staff to bring back potential rule language to allow pharmacy licenses to be printed by the licensees.

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

President Spier reconvened the meeting at 12:31 p.m.

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 FY2023 (December 1, 2022 – February 28, 2023). 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 FY2023 to the quarterly averages for FY2022, as well as percentage change from FY2022 to FY2023.

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

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

H. Disciplinary Orders

- Report on Agreed Board Orders and Board Orders Entered by Executive Director (Item H.2)
 - The Board reviewed 8 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Board President on behalf of the Board, in accordance with the Board's directives, during the period from February 16, 2023, through May 1, 2023.
 - The Board reviewed 4 Agreed Board Orders concerning pharmacies, pharmacists, and interns that had been entered by the Board President on behalf of the Board, in accordance with the Board's directives, during the period from March 3, 2023, through April 26, 2023.
 - The Board reviewed 2 Confidential Agreed Board Orders concerning pharmacists that had been entered by the Board President on behalf of the Board, in accordance with the Board's directives, during the period from March 10, 2023, through March 30, 2023.
 - The Board reviewed 2 Board Orders concerning pharmacies that had been entered by the Board President on behalf of the Board, in accordance with the Board's directives, on March 3, 2023.
 - The Board reviewed 3 Board Orders concerning pharmacies that had been entered by a Board Panel on behalf of the Board, in accordance with the Board's directives, on March 31, 2023.
- 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:

- 12 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference;
- 5 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference;
- 3 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees (Following State Office of Administrative Hearings);

- 20 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 34 proposed Agreed Board Orders concerning pharmacies, pharmacists, and interns who appeared for an Informal Conference;
- 5 proposed Confidential Agreed Board Orders concerning pharmacists and interns who appeared for an Informal Conference;
- 12 proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and
- 2 proposed Remedial Plans concerning pharmacists who attended an Informal Conference.

The motion was made by Mr. Lewis 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, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
1	Elijah Larenz Gallegos	T	ABO	2022-03110	7-0-1	Miller
2	Lakesha Denise Harding	T	ABO	2023-00092	6-0-2	Henke, Yoakum
3	Keith Michael Jones	T	ABO	2022-07761	6-0-2	Henke, Yoakum
4	Tara Lynn Mirelez	T	ABO	2022-06936	6-0-2	Henke, Yoakum
5	Elvira Velasquez	T	ABO	2023-00393	6-0-2	Henke, Yoakum
6	Tina Ann Cornejo	T	ABO	2023-00605	7-0-1	Henke
7	Joshua Gregrich	T	ABO	2023-00492	7-0-1	Henke
8	Jacie Paige McKinney	T	ABO	2022-04047	7-0-1	Henke
9	Precious Williams	T	ABO	2023-00863	7-0-1	Henke
10	Joanna Garza	T	ABO	2023-02044	7-0-1	Lewis
11	Adonis Francisco Vasquez	T	ABO	2023-01952	7-0-1	Lewis
12	Billie Jean Winkle	T	ABO	2023-01689	7-0-1	Lewis
13	Christina Shade Jones	T	DBO	2023-01813	7-0-1	Henke
14	Joanna Ramirez	T	DBO	2022-06203	7-0-1	Henke
15	Jessica Suzanne Scott	T	DBO	2022-06949	7-0-1	Henke
16	Skylar Tyneice Johnson	T	DBO	2022-07331	7-0-1	Lewis
17	Shawta Reed	T	DBO	2023-01097	7-0-1	Lewis
18	Michael McQuitty	T	DBO	2022-00101	6-0-2	Miller, Tijerina
19	Leslie Ann Gonzales	T	DBO	2022-01552	6-0-2	Henke, Miller
20	Juan Daniel Sanchez	T	DBO	2022-06173	7-0-1	Fernandez
21	Atlas Pharmacy	P	ABO	2023-00501	8-0-0	-
22	Baylor Scott & White Pharmacy #101	P	ABO	2022-06627	8-0-0	-

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

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

TSBP Board Business Meeting

Minutes/May 2, 2023

Page 13

No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
23	Bekki Nann McCormick	P	ABO	2023-01720	8-0-0	-
24	Brookshire Pharmacy #005	P	ABO	2022-06004	8-0-0	-
25	Brian James Richard	R	ABO	2022-07638	8-0-0	-
26	CVS/pharmacy #6734	P	ABO	2022-05075	7-0-1	Tijerina
27	CVS/pharmacy #6901	P	ABO	2022-05660	7-0-1	Tijerina
28	CVS/pharmacy #7268	P	ABO	2022-03518	7-0-1	Tijerina
29	CVS/pharmacy #7818	P	ABO	2022-07456	7-0-1	Tijerina
30	Gail's Pharmacy	P	ABO	2022-05500	8-0-0	-
31	H.E.B. Pharmacy #622	P	ABO	2022-05500	8-0-0	-
32	Kathy Nhu Ly	R	ABO	2023-00558	8-0-0	-
33	Manish Ambalal Patel	R	ABO	2023-01316	8-0-0	-
34	Revive Rx	P	ABO	2022-07836	8-0-0	-
35	Walgreens #03419	P	ABO	2022-01266	7-0-1	Fernandez
36	Walgreens #9400	P	ABO	2022-04290	7-0-1	Fernandez
37	Walgreens #9680	P	ABO	2022-03130	7-0-1	Fernandez
38	Walmart Pharmacy 10-4453	P	ABO	2022-06436	8-0-0	-
39	Damon C. Burnette	R	ABO	2023-03085	8-0-0	-
40	Sang Tran	R	ABO	2023-00901	8-0-0	-
41	Excel Pharmacy, Inc	P	ABO	2021-03104	6-0-2	Lewis, Miller
42	Victoria Adanna Metu	R	ABO	2021-05950	6-0-2	Lewis, Miller
43	Pablo Escobar, Jr.	R	ABO	2022-03826	8-0-0	-
44	MedSource Essentials Group	P	ABO	2022-01409	6-0-2	Henke, Lewis
45	Sunnyside Pharmacy	P	ABO	2022-06275	6-0-2	Henke, Lewis
46	Noon A. Hamid	R	ABO	2022-03920	7-0-1	Miller
47	Dominic Edwin Regalbutu	R	ABO	2022-05948	7-0-1	Miller
48	Timothy John Rogers	R	ABO	2022-05957	7-0-1	Miller
49	Texas Scripts	P	ABO	2022-02070	7-0-1	Miller
50	Santos Orlando Gonzalez	R	ABO	2022-07252	7-0-1	Miller
51	Eguono Ogbevire	R	ABO	2022-07080	7-0-1	Henke
52	Rotunda Pharmacy	P	ABO	2022-06822	6-0-2	Henke, Lewis
53	Kirti Ruxmohan	R	ABO	2022-06934	7-0-1	Henke
54	Anthony Clay Coleman	R	ABO	2023-00522	7-0-1	Henke
55	CVS/pharmacy #2876	P	ABO	2022-02310	6-0-2	Henke, Tijerina
56	CVS/pharmacy #10535	P	ABO	2021-02310	6-0-2	Henke, Tijerina
57	Yulia Nikolaevna Small	R	ABO	2022-07760	6-0-2	Henke, Tijerina
58	Roland Garrick	I	ABO	2023-01764	7-0-1	Henke
59	Greenpark Compounding Pharmacy	P	ABO	2021-05909	7-0-1	Henke
60	Kenneth Lee Hughes	R	ABO	2022-03407	7-0-1	Henke
61	Ashley Marie Leinweber	R	ABO	2023-01976	7-0-1	Henke
62	Sejal Dhaval Parekh	R	ABO	2023-01978	7-0-1	Henke
63	Mamta H. Samtani	R	ABO	2023-01979	7-0-1	Henke
64	Diana Samuel	R	ABO	2023-01980	7-0-1	Henke
65	Hart Pharmacy	P	ABO	2022-05502	7-0-1	Henke

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

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

No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
66	Robert Earl Hart	R	ABO	2023-00209	7-0-1	Henke
67	Kwadwo Sarfo Kantanka	R	ABO	2023-01243	7-0-1	Henke
68	Lee Ann McElroy	R	ABO	2022-00139	7-0-1	Henke
69	Dakota Smith	I	ABO	2023-00310	7-0-1	Henke
70	Consuela La Verne Yancy	R	ABO	2022-04697	7-0-1	Henke
71	Aim Rx	P	ABO	2023-00290	6-0-2	Henke, Lewis
72	Maximiliano Garcia Jr.	R	ABO	2023-00293	6-0-2	Henke, Lewis
73	El Paso Baptist Clinic	P	ABO	2023-01876	6-0-2	Henke, Lewis
74	Rx Express Pharmacy	P	ABO	2022-06783	6-0-2	Henke, Lewis
75	<i>Confidential</i>	R	ABO	2022-05342	7-0-1	Miller
76	<i>Confidential</i>	R	ABO	2023-00765	7-0-1	Henke
77	<i>Confidential</i>	R	ABO	2023-01846	6-0-2	Henke, Lewis
78	<i>Confidential</i>	I	ABO	2023-03067	6-0-2	Henke, Lewis
79	<i>Confidential</i>	R	ABO	2022-05199	6-0-2	Henke, Lewis
80	Avant Pharmacy, LLC	P	RP	2023-00314	8-0-0	-
81	Chintan Patel	R	RP	2023-00315	8-0-0	-
82	Daryl Joseph David Janicek	R	RP	2023-00545	8-0-0	-
83	Cordece Jolivette	R	RP	2023-00078	8-0-0	-
84	Manohar Miryala	R	RP	2022-06930	8-0-0	-
85	Neugen Pharmacy Inc	P	RP	2023-00825	8-0-0	-
86	Anthony Eze Ejimadu	R	RP	2023-00827	8-0-0	-
87	Taylor Maria Parker	R	RP	2023-01269	8-0-0	-
88	Meha P. Patel	R	RP	2022-07618	8-0-0	-
89	Primecare Pharmacy	P	RP	2022-05461	8-0-0	-
90	Edwina Gail Walker	R	RP	2022-07534	8-0-0	-
91	Joseph Donald Williams	R	RP	2023-00695	8-0-0	-
92	Nicole Blank	R	RP	2022-03989	7-0-1	Lewis
93	Prem Swaroop Kalidindi	R	RP	2022-05848	7-0-1	Henke

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

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

I. Consideration of Personnel Matters

- Discussion and Possible Action on the Position of Executive Director

President Spier explained that the current plan was to post the Executive Director position on June 1, 2023, and that the Office of the Governor is aware of the plans. She requested that Board members interested in participating on the interview panel let her know and explained that interviews will be held in person in Austin.

J. Miscellaneous

- Items to be Placed on Agenda for August 1, 2023, Board Meeting:

President Spier requested Board members to submit any items for the August 1, 2023, Board meeting to staff.
- Discussion of and Possible Action on Upcoming Meetings

President Spier reviewed upcoming meetings and conferences.

President Spier recessed the meeting at 12:52 p.m.
President Spier reconvened the meeting at 1:00 p.m.

H. Disciplinary Orders, continued

- Consideration of Proposal for Decision in the Matter of Blue Mint Pharmacy, Pharmacy License #28639, and Jona Rushin, Pharmacist License #43390 (Item H.1.1)

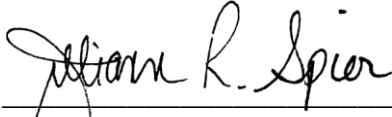
President Spier recognized John Griffith, Litigation Counsel, who directed the Board's attention to the Proposal for Decision and the corresponding proposed Board Orders. He advised the Board that following a hearing held before State Office of Administrative Hearings Administrative Law Judges Srinivas Behara and Susan Rodriguez, a Proposal for Decision was issued on January 13, 2023, in the matter of Blue Mint Pharmacy and Jona Rushin. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2020-01286, which would revoke the pharmacy license of Blue Mint Pharmacy, and Board Order #2021-00284, which would revoke Mr. Rushin's pharmacist license, as recommended by Judges Behara and Rodriguez and Board staff.

Following discussion, the motion was made by Mr. Tisch to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and approve the entry of Board Order #2020-01286 in the matter of Blue Mint Pharmacy and Board Order #2021-00284 in the matter of Jona Rushin. The motion was seconded by Mr. Lewis and passed unanimously.

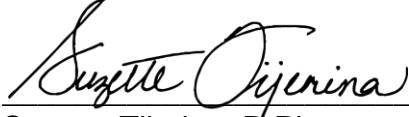
Mr. Shaw made a motion to adjourn the meeting. The motion was seconded by Mr. Miller and passed unanimously.

President Spier adjourned the meeting at 1:08 p.m.

APPROVED:



Julie Spier, R.Ph.
President



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

August 1, 2023