



TEXAS STATE BOARD OF PHARMACY

333 Guadalupe Street, Tower III, Suite 100

Tuesday, November 2, 2021

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, November 2, 2021

President Julie Spier, R.Ph., called the meeting to order at 9:04 a.m. Other Board Members present were Vice President Lori Henke, Pharm.D.; Treasurer Rick Fernandez, R.Ph.; Daniel Guerrero; Bradley A. Miller, Ph.T.R.; Donna Montemayor, R.Ph.; Suzette Tijerina, R.Ph.; and Rick Tisch.

Board Member Chip Thornsbury 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; Eamon Briggs, Assistant General Counsel; Ann Driscoll, Ph.T.R., Operations Director; 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. She announced that, although not in attendance, the meeting was Mr. Thornburg's last as Board member and thanked him for his service.

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

Following discussion, the motion was made by Mr. Guerrero to approve the minutes of the Board Business Meeting held August 3, 2021. The motion was seconded by Mr. Lewis and passed unanimously.

¹See agenda and corresponding attachments for supporting materials.

C. Public Comments

The Board heard public comments from the following regarding amendments concerning pharmacies compounding non-sterile preparations:

- Ross Caputo, Ph.D., President and CEO, Eagle Analytical, commending the Board for their efforts regarding the amendments and providing information about his observations of non-sterile pharmacies during his inspections of these facilities, including unsanitary compounding areas and failed potency tests;
- Debbie Garza, R.Ph., CEO, Texas Pharmacy Association, in opposition of the amendments, as the association believes the current rules are adequate and the amendments would reduce patient access to medication;
- Sabrina Griggs, R.Ph., PIC and Owner, Apothecary Shoppe, in opposition to the training requirements, as adequate continuing education is not available; suggesting that personnel not involved in the compounding process should be exempt from the testing requirements; and requesting that the Board seek additional input from small town pharmacies;
- John Jeff Carson, R.Ph., President, Oakdell Compounding Pharmacy, in support of the amendments, as currently the Board lacks foundational rules for safe compounding, and to provide tools to the inspectors to improve compounding practices;
- Chad Baker, Senior VP-Marketing, FLAVORx, Inc., in opposition of the amendments, as the amendments will reduce patient access regarding flavoring of medications;
- Ben Sims, Pharmacy Compliance Analyst, Brookshire Grocery Company, in agreement with comments from Ms. Garza and Mr. Baker;
- Latresa Billings, Pharm.D., R.Ph., President, Texas Society of Health-System Pharmacists, in opposition to the amendments, as they could have a significant impact to Class C pharmacies and increase the cost of patient care; and requesting the Board postpone any decision regarding the amendments until more information on the economic impact is available or until USP 795 is implemented;
- Brady Shimek, Pharm.D., R.Ph., Pharmacy District Director, Brookshire Brothers Pharmacy, and representing the Texas Federation of Drug Stores, in opposition of the amendments, as the amendments will increase costs and remove the ability of pharmacies to offer non-sterile compounding services, therefore diminishing patient access;
- Jeenu Philip, R.Ph., Director, Pharmacy Affairs, Walgreen Co., in opposition to the amendments, as they are overly burdensome and costly and will reduce patient access and requesting the Board to provide additional data and evidence for the requirements and seek additional input;
- Gary Cacciatore, Managing Member, Pharmacy Regulatory Advisors, LLC, expressing concern with the amendments, as they are unnecessarily complex and could be difficult for pharmacists to understand; in opposition to additional classes of pharmacy, which could lead to overregulation; and

- indicating that the trend is toward less regulation;
- Genee Schexnayder, Compounding Pharmacy Manager, H.E.B. Pharmacy, in opposition to the amendments, explaining that the goal of the Compounding Advisory Group was to increase regulation not to decrease patient access and suggesting that the amendments be sent back to Board staff for review; and
- Jeff Loesch, Pharm.D., R.Ph., Director of Pharmacy-Dallas Division, Kroger Pharmacy, and President, Texas Federation of Drug Stores, in opposition to the amendments, as the training and regulation is the same for pharmacies performing compounding with different complexities and the amendments create barriers that prevent or limit patient access to medication.

D. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Licenses and Registrations for Military Service Members, Military Veterans, and Military Spouses (§§283.12 and 297.10) (Items D.1.1.1 and D.1.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§283.12 and 297.10 during its August 3, 2021 meeting. The proposed amendments were published in the September 24, 2021 issue of the Texas Register, and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §§283.12 and 297.10 and explained the amendments specify that a copy of a permanent change of station order may be used as proof of a military spouse's residency and add a new service branch to the definition of armed forces of the United States, in accordance with House Bill 139 of the 87th Legislative Session.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Montemayor to approve for adoption, by Board Order, the amendments to §§283.12 and 297.10, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Emergency Refill of Insulin and Insulin-Related Equipment or Supplies (§291.34) (Item D.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §291.34 during its August 3, 2021 meeting. The proposed amendments were published in the September 24, 2021 issue of the Texas Register.

Mr. Griffith directed the Board's attention to amendments to §291.34 and explained the amendments clarify that a pharmacist may provide an emergency refill of insulin or insulin-related equipment or supplies under

certain conditions, in accordance with House Bill 1935 of the 87th Legislative Session.

A written comment was received by Craig Chapman, Pharm.D., R.Ph. with Mabank Family Pharmacy, in support of the amendments and suggesting a revision to allow insulin to be provided in the smallest available package. Mr. Griffith clarified that to make the suggested change would require a legislative change, as the rule language was directly from the bill.

Mr. Fernandez requested to document that the pharmacist may not be able to dispense an emergency refill of insulin under this rule, as insulin packaging may exceed a 30-day supply.

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

President Spier recessed the meeting at 9:53 a.m.

President Spier reconvened the meeting at 10:11 a.m.

- Rules Concerning Pharmacies Compounding Non-Sterile Preparations (§§291.36, 291.77, 291.106 and 291.131) (Items D.1.3.1, D.1.3.2, D.1.3.3, and D.1.3.4)

Mr. Griffith explained that the Board voted to propose the amendments to §§291.36, 291.77, 291.106 and 291.131 during its August 3, 2021 meeting. The proposed amendments were published in the September 24, 2021 issue of the Texas Register.

Mr. Griffith directed the Board's attention to amendments to §§291.36, 291.77, 291.106 and 291.131, and explained that these amendments were suggested on the recommendation of the Compounding Advisory Group. Mr. Griffith explained that the amendments to §291.36 create the designation of Class A-N for community pharmacies engaged in the compounding of certain non-sterile preparations and Class A-SN for community pharmacies engaged in the compounding of both sterile and certain non-sterile preparations; the amendments to §291.77 create the designation of Class C-N for institutional or ASC pharmacies engaged in the compounding of certain non-sterile preparations and Class C-SN for institutional or ASC pharmacies engaged in the compounding of both sterile preparations and certain non-sterile preparations; the amendments to §291.106 create the designation of Class E-N for non-resident pharmacies engaged in the compounding of certain non-sterile preparations and Class E-SN for non-resident pharmacies engaged in the compounding of both sterile preparations and certain non-sterile preparations; and the amendments to §291.131 add definitions of "cleaning" and "sanitizing," update requirements for all personnel engaged

in non-sterile compounding, add additional requirements for personnel engaged in certain types of non-sterile compounding, and update environmental and equipment requirements for non-sterile compounding.

Written comments were received from the following:

- Alliance for Pharmacy Compounding and National Community Pharmacists Association, in a joint comment;
- Jim Hrnecir, R.Ph., Las Colinas Pharmacy;
- Kathleen Jackson, R.Ph., PhD (H.C), FIAPC;
- Houston Methodist Hospital System;
- Texas Pharmacy Association;
- Texas Federation of Drug Stores;
- Texas Society of Health-System Pharmacists;
- Dennis Wiesner, R.Ph.;
- Mark Johnston, R.Ph., CVS Health;
- Jeenu Philip, R.Ph., Walgreens Co.;
- Jeff Loesch, Pharm.D., R.Ph., Kroger Health;
- Rob Geddes, Pharm.D., Alberstons Companies;
- Chad Baker, FLAVORx, Inc.;
- Ted Menard, R.Ph., Texas Health Resources Infusion Pharmacy;
- Lee Ann Hampton, Pharm.D., R.Ph., Paris Apothecary;
- Craig Chapman, Pharm.D., R.Ph., Mabank Family Pharmacy;
- Thomas Guerra, R.Ph., H.E.B. Pharmacy;
- Melissa Closner, R.Ph., H.E.B. Pharmacy;
- Jacob Colbath, Pharm.D., R.Ph., H.E.B. Pharmacy;
- JD Fain, Pharm.D., R.Ph., Pieratt's Pharmacy;
- Adam Bayer, Pharm.D., R.Ph., Hillcrest Pharmacy;
- Yunkyung Lee, Pharm.D., R.Ph., H.E.B. Pharmacy;
- Paul Kitchens, R.Ph., H.E.B. Pharmacy;
- Erin Raber, Pharm.D., R.Ph., Hyland's Pharmacy;
- Crystal McEntire, Pharm.D., R.Ph., Hyland's Pharmacy;
- Lauren Hayden, Pharm.D., R.Ph., H.E.B. Pharmacy;
- Kunal Nagarheth, Pharm.D., R.Ph.;
- Thor Traylor, R.Ph., Brookshire Brothers, Inc.;
- Robyn Griffith, Pharm.D., R.Ph., Brookshire Brothers, Inc.;
- Sheila Dawson, R.Ph., Brookshire Brothers, Inc.;
- Laura Edmundson, Pharm.D., R.Ph., Brookshire Brothers, Inc.;
- Chuck Sinn, Pharm.D., R.Ph., H.E.B. Pharmacy;
- Brian A. Hettler, Pharm.D., R.Ph.;
- Aaron Gibson, Pharm.D., R.Ph.; and
- A.J. Day, Pharm.D., R.Ph., Professional Compounding Centers of America.

Ms. Holloway advised on the options the Board could take regarding the amendments: withdraw the amendments and send back to the Compounding Advisory Group or Board staff; withdraw the amendments with no further action; withdraw the amendments and re-propose with

revisions; or adopt the amendments, as presented.

Following discussion, the motion was made by Mr. Guerrero to withdraw the amendments to §§291.36, 291.77, 291.106 and 291.131, and requesting for Board staff to evaluate and determine appropriate follow-up action. The motion was seconded by Ms. Henke 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 specify that a person may not have previously failed the NAPLEX or Texas Pharmacy Jurisprudence Examination to be designated an extended-intern as a resident in a residency program accredited by the American Society of Health-System Pharmacists and correct grammatical errors.

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

- Rules Concerning Professional Responsibility of Pharmacists (§291.29) (Item D.2.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning professional responsibility of pharmacists. He explained the proposed amendments to §291.29 establish the determination of a valid prescription issued as a result of teledentistry dental services, in accordance with House Bill 2056 of the 87th Legislative Session, or telemedicine medical services.

Following discussion, the motion was made by Mr. Fernandez to approve for proposal amendments to §291.29, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Rules Concerning Schedule II Controlled Substances (§291.34) (Item D.2.3)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning Schedule II controlled substances. He explained the proposed amendments to §291.34 extend the time period for a pharmacist to dispense prescription drug orders for Schedule II controlled substances issued by a practitioner in another state to the end of the thirtieth day after the date the prescription is issued to be consistent with federal law and correct a citation reference.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §291.34, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

Rule Review

- For Proposal

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

- Chapter 291 Concerning Pharmacies (Nuclear Pharmacy (Class B)) (§§291.51 – 291.55) (Item D.3.1.1)
- Chapter 305 Concerning Educational Requirements (§§305.1 – 305.2) (Item D.3.1.2)
- Chapter 309 Concerning Generic Substitution (§§309.1 – 309.8) (Item D.3.1.3)

Ms. Holloway explained that there was a suggestion from Board staff that Chapter 305 may no longer be needed and the Board could choose to repeal the rules. She explained that §§558.051 and 558.101 of the Texas Pharmacy Act require “professional practice degree” to be defined by Board rule, which is accomplished with §305.1, however §§283.2 and 283.3 of the rules also meet the requirement. She explained that regarding §305.2, which provides standards for pharmacy technician training programs, §554.053 of the Texas Pharmacy Act requires the Board to issue standards regarding pharmacy technician training programs but does not require this to be defined in the rules. Additionally, Ms. Holloway said that the Board does not perform or have the resources to perform everything in §305.2.

Following discussion, in accordance with Government Code §2001.039, the motion was made by Ms. Montemayor to approve for proposal the repeal of Chapter 305 (§§305.1 – 305.2) concerning educational requirements. The motion was seconded by Mr. Guerrero and passed unanimously. A motion was made by Mr. Lewis to approve for proposal, as presented, the review of Chapter 291 (§§291.51 – 291.55) and Chapter 309 (§§309.1 – 309.8). The motion was seconded by Ms. Henke 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 meeting was held via videoconference on October 8, 2021.

- Group Recommendations Concerning Hormone Pellet Compounding Process and Terminal Sterilization Process by a Third-Party Provider

Dr. Tucker explained that at the August Board meeting, the Board requested that the advisory group review a hormone pellet compounding process and terminal sterilization process by a third-party provider. Dr. Tucker reported that following review, the Compounding Advisory Group recommended that the process continue being considered a sterile compounding process and subject to compliance with the sterile compounding requirements.

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

Dr. Tucker reported that the PMP Advisory Committee meeting will hold its next meeting on November 17, 2021.

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

- Financial Report
 - Review of FY2021 Expenditures (Item F.1.1)

Ms. Du reviewed the expenditures for FY2021 as of August 31, 2021, for the Board.

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

Ms. Du reviewed the FY2021 Board Member Travel Budget.

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

Ms. Du reviewed the list of updated contracts for goods and services for the fourth quarter of FY2021 (June 1, 2021 – August 31, 2021) for the Board. She explained that the updates include extensions to the terms of existing contracts and additional

services for case review and expert witness testimony.

- Discussion Concerning FY2023-FY2027 Strategic Plan (Item F.3)

Dr. Tucker directed the Board's attention to the FY2023-FY2027 Strategic Plan Questionnaire responses and reviewed the timeline. He explained that staff is reviewing the responses and would present the drafted issue statements for the FY2023-FY2027 Strategic Plan at the February 1, 2022 meeting.

- Report on Prescription Monitoring Program (Item F.5)

Dr. Tucker reviewed the Prescription Monitoring Program data for the fourth quarter of FY2021 (June 1, 2021 – August 31, 2021). He explained that Board staff will continue to monitor the numbers for any significant changes due to the loss of funding for the PMP integration and NarxCare.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item F.6)

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. Ms. Holloway advised that for the appeal process the Board is being represented by an attorney from the Office of the Solicitor General. She explained that briefs were filed in July and August, respectively, and the court will decide the case without oral argument.

Ms. Holloway provided an update concerning an appeal filed by CVS/pharmacy #7816 (Texas Pharmacy License #24526), following the entry of the Board order at the February 2, 2021 Board meeting that was entered after a hearing held by the State Office of Administrative Hearings. She explained that the Board is being represented by an attorney from the Office of the Attorney General in the appeal process.

Ms. Holloway provided an update on the *Whole Women's Health* lawsuit, concerning Senate Bill 8 of the 87th Legislative Session. 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 attorneys from the Office of the Attorney General and the Office of the Solicitor General have been appointed to handle the case for the Board and the other defendants, with the Office of the Solicitor General handling the matter pending in the United States Court of Appeals for the Fifth Circuit and United States Supreme Court. She explained that briefs were filed in the 5th Circuit and oral arguments were

tentatively set for early December in New Orleans, however, plaintiffs requested emergency relief from the Supreme Court and was granted on October 22, 2021, and oral arguments were held on November 1, 2021.

Ms. Holloway provided an update on 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, 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 reported that the Board is being represented by an attorney from the Office of the Attorney General and a motion to dismiss was filed on October 26, 2021.

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. She explained that the Board is being represented by an attorney from the Office of the Attorney General in the appeal process.

- Update on Legislation Passed During the 87th Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Item F.7)

Dr. Tucker directed the Board's attention to an action chart concerning legislation that was passed during the 87th Session of the Texas Legislature that had an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, effective date of the bill, action required of TSBP, and the current status of TSBP's implementation of the bill, which included three bills that required action by the Board, two of which were heard earlier with the adopted rules and the other heard with the proposed rules.

- Update Concerning FDA Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products (Item F.8)

Dr. Tucker directed the Board's attention to a letter sent to FDA from Board staff, as requested by the Board, detailing the Board's concerns with the FDA Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products (FDA MOU). He reported that Board staff received confirmation that the letter was received and that following the latest court ruling concerning the FDA MOU, FDA publicly stated that other options regarding enforcement of the FDA MOU are being considered. Dr. Tucker explained that Board staff will continue to monitor and report updates concerning this matter.

- Update on Agency Move (Item F.9)

Ms. Driscoll directed the Board's attention to the Capitol Complex Tenant Relocation Timelines and images of the build progress from the Texas Facilities Commission (TFC) website for the Capitol Complex. She explained that the interior of the new George H.W. Bush Building is completed to about the fourth floor and that Board staff is awaiting additional information from TFC.

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 FY2021 (September 1, 2020 – August 31, 2021). 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 FY2021 to the quarterly averages for FY2020, as well as percentage change from FY2020 to FY2021.

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

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

President Spier recessed the meeting at 11:42 a.m.
President Spier reconvened the meeting at 12:48 p.m.

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

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for FY2021 (September 1, 2020 – August 31, 2021). (Item F.2.1)
 - Ms. Hotchkiss recognized PRN Program Director Raquel Leal, LPC. Ms. Leal directed the Board's attention to the PRN expense report for FY2021 (September 1, 2020 – August 31, 2021) and reviewed PRN activities for the Board. (Item F.2.2)
- Review and Approval of Annual Internal Audit Plan (Item F.4)

President Spier recognized Daniel Graves and Jeff Jones, Weaver and Tidwell, LLP, Partners, who reviewed the risk assessment process, the FY2022 Internal Audit Plan and Schedule, and the 3-year audit plan.

Following discussion, a motion was made by Mr. Lewis, to approve the FY2022 Internal Audit Plan. The motion was seconded by Mr. Tisch and passed unanimously.

- Discussion Concerning Emergency Kits in Long-Term Care Facilities (Item F.10)

Dr. Tucker provided background and explained that the rule being discussed, §291.121, concerning remote pharmacy services using emergency kits, was adopted in 2007 and was not a recent change.

President Spier recognized Raymond Carvajal, R.Ph., Managing Officer, Carvajal Pharmacy LTC, LLC, who introduced Adrian Aguirre, Pharm.D., R.Ph., Pharmacist-in-Charge, and Mark Carvajal, CEO. Mr. Aguirre explained that the current rule concerning emergency kits allows for only one emergency kit per pharmacy, and in order for different pharmacies to service the same facility, they must enter into a written agreement and the drugs in each kit cannot be duplicated. He explained that this is creating difficulties in the long-term care facilities with delay of therapy because patients are admitted to the facilities before the drugs are available and rely on the emergency kits to provide the drugs in the interim.

Dr. Tucker explained that the Carvajal Pharmacy team had requested a waiver to the rules concerning emergency kits, but after consultation with Ms. Holloway, determined that a waiver would not be allowed for the situation and a rule change would be required.

Following discussion, the Board requested that Board staff research the emergency kit process and what rule changes, if any, can be made to improve the process.

H. Disciplinary Orders

- Consideration of Proposal for Decision in the Matter of Isaac Simeon Achobe, Pharmacist License #27139

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 (SOAH) Administrative Law Judge Rebecca S. Smith, a Proposal for Decision was issued on July 21, 2021, in the matter of Isaac Simeon Achobe. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2021-00244, which would deny Mr. Achobe's petition for early termination of his disciplinary order, as recommended by Judge Smith and Board staff.

Following discussion, the motion was made by Mr. Guerrero to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and approve the entry of Board Order #2021-00244 in the matter of Isaac Simeon Achobe. The motion was seconded by Mr. Lewis and passed unanimously.

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

- Review of Board Mission Statement

Mr. Guerrero reviewed background of the mission statement update process, which included discussion and workshopping at previous Board meetings, review and modifications from Board staff and a final review by the members at their November 1, 2021 training. Mr. Guerrero read the proposed mission and action statements.

Mission Statement:

The Texas State Board of Pharmacy, as a leader in protecting the public health of the citizens of Texas, shall uphold quality standards for licensing and facilitate regulation that promotes innovative, multidisciplinary, and collaborative practices and education which produce quality care and positive patient outcomes.

Action Statement:

The Texas State Board of Pharmacy approaches its mission with integrity and prioritizes the health and safety of the citizens of Texas in all aspects of facilitating pharmacy regulation. Our processes and services are built on our core values of protecting public health and acting in accordance with the highest standards of ethics. We carry out our mission through the following functions:

- License/Registration issuance and regulation
- Rulemaking in accordance with applicable Texas and federal laws
- Complaint processing and adjudication when appropriate
- Conducting compliance inspections
- Educating our constituency
- Providing practice and information resources
- Hosting our state PDMP
- Offering excellent customer service

Following discussion, a motion was made by Ms. Montemayor to approve the proposed mission and action statements, with the action statement revised, replacing PDMP with Prescription Monitoring Program. The motion was seconded by Mr. Tisch and passed unanimously.

H. Disciplinary Orders, continued

- Report on Agreed Board Orders Entered by Executive Director (Item H.2)
 - The Board reviewed 18 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from August 17, 2021, through October 28, 2021.
 - The Board reviewed 4 Agreed Board Orders concerning pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from August 26, 2021, through October 28, 2021.
 - The Board reviewed 6 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 August 19, 2021, through October 27, 2021.
 - The Board reviewed 1 Confidential Agreed Board Order concerning pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, on August 19, 2021.
- 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:

- 18 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;
- 11 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 20 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference;
- 3 proposed Default Board Orders concerning a pharmacies and a pharmacist who did not appear for an Informal Conference;

- 1 proposed Confidential Agreed Board Order concerning a pharmacist (Alternative Resolution);
- 6 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference;
- 4 proposed Remedial Plans concerning a pharmacy and pharmacists (Alternative Resolutions); and
- 6 proposed Remedial Plans concerning pharmacies and pharmacists following an Informal Conference.
- Executive Session to Consider Discussion of and Action on Disciplinary Orders (H.5)

Ms. Henke made a motion to enter Executive Session to consider a confidential disciplinary order. The motion was seconded by Mr. Guerrero and passed unanimously.

President Spier declared the Board in Executive Session at 1:50 p.m.

At 2:16 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.

- Discussion of and Action on Proposed Agreed Board Orders, Proposed Default Board Orders, and Proposed Remedial Plans (Items H.3 and H.4), continued

The motion was made by Mr. Guerrero to approve the proposed Disciplinary Orders and Remedial Plans, as presented. The motion was seconded by Mr. Lewis, 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	Katherine Ariel Martinez	T	ABO	2021-03135	7-0-2	Lewis, Tijerina
2	Sara Easterbrooks	T	ABO	2019-05026	7-0-2	Miller, Montemayor
3	Stephen T. Garza	T	ABO	2021-02383	7-0-2	Miller, Montemayor
4	Ligia Damaris Gutierrez	T	ABO	2020-05559	7-0-2	Miller, Montemayor
5	Crystal Dawn Guzman	T	ABO	2019-04583	7-0-2	Miller, Montemayor
6	Kristen Langevin	T	ABO	2021-03590	7-0-2	Miller, Montemayor

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

TSBP Board Business Meeting

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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
7	Gerardo L. Ledesma	T	ABO	2020-02871	7-0-2	Miller, Montemayor
8	Muchan A. Moreno	T	ABO	2020-05566	7-0-2	Miller, Montemayor
9	Karla Michelle Sanchez	T	ABO	2021-02694	7-0-2	Miller, Montemayor
10	Nahshon Eugene Smith	T	ABO	2021-03337	7-0-2	Miller, Montemayor
11	Modupela Comfort Sonya	T	ABO	2020-04844	7-0-2	Miller, Montemayor
12	Jonnisha Allen	T	ABO	2021-03015	8-0-1	Henke
13	Katrina Verline Bates	T	ABO	2021-03760	8-0-1	Henke
14	Aveal Jovette Gambrell	T	ABO	2021-02908	8-0-1	Henke
15	Sundie LaDawn Hoffman	T	ABO	2021-04225	8-0-1	Henke
16	Jennika Provilon	T	ABO	2021-04375	8-0-1	Henke
17	Courtney Latae White	T	ABO	2021-03145	8-0-1	Henke
18	Laquonsha Shantel Wilson	T	ABO	2021-04071	8-0-1	Henke
19	Isaac Douglas Matthijetz	T	DBO	2020-05276	7-0-2	Miller, Montemayor
20	Lindsey Lee Sweet	T	DBO	2021-02294	8-0-1	Henke
21	Bryan Pharmacy LLC	P	ABO	2021-03454	9-0-0	-
22	CVS/pharmacy #3244	P	ABO	2020-05017	8-0-1	Tijerina
23	CVS/pharmacy #5388	P	ABO	2020-02292	8-0-1	Tijerina
24	CVS/pharmacy #6965	P	ABO	2021-00532	8-0-1	Tijerina
25	CVS/pharmacy #7757	P	ABO	2020-02936	8-0-1	Tijerina
26	Leeds Pharmacy	P	ABO	2020-03328	9-0-0	-
27	Regional Pharmacy	P	ABO	2021-03306	9-0-0	-
28	Tarun K. Patel	R	ABO	2021-05689	9-0-0	-
29	Clint Tyler Manske	R	ABO	2021-05690	9-0-0	-
30	Vu Bao Tran	R	ABO	2021-03318	9-0-0	-
31	Helen My-Hanh Nguyen Vo	R	ABO	2021-03320	9-0-0	-
32	Oliver Osadebay Anam	R	ABO	2021-03598	7-0-2	Montemayor, Tisch
33	Austin Rx Pharmacy	P	ABO	2020-04579	8-0-1	Henke
34	Cassandra Darden	R	ABO	2021-04657	8-0-1	Henke
35	Douglas Chan	R	ABO	2021-02567	7-0-2	Lewis, Tijerina
36	IBO Pharmacy	P	ABO	2021-03485	8-0-1	Henke
37	Gerald Christopher Melvin	R	ABO	2021-03486	8-0-1	Henke
38	Pediatric Pharmacy	P	ABO	2021-02141	7-0-2	Fernandez, Montemayor
39	Ruben Garcia	R	ABO	2021-03849	7-0-2	Fernandez, Montemayor
40	Jesus Garcia Jr.	R	ABO	2021-04256	7-0-2	Fernandez, Montemayor
41	PillPack by Amazon Pharmacy	P	ABO	2019-05709	7-0-2	Montemayor, Tisch

*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
42	Piney Point Pharmacy	P	ABO	2020-04964	8-0-1	Montemayor
43	Rebecca Katherin Sears	R	ABO	2021-00831	7-0-2	Lewis, Tisch
44	Robert Joseph Trad	R	ABO	2021-00572	7-0-2	Fernandez, Montemayor
45	Onyekachi Enyinnaya Ukpabi Jr.	R	ABO	2021-01669	7-0-2	Lewis, Tisch
46	Walgreens #3870	P	ABO	2020-03794	6-0-3	Fernandez, Lewis, Tijerina
47	Walgreens #10449	P	ABO	2020-03392	7-0-2	Henke, Fernandez
48	Michele Everett Soliz	R	ABO	2021-03356	7-0-2	Henke, Fernandez
49	Ragan Yvette Webster	R	ABO	2021-01850	8-0-1	Montemayor
50	Woodlands Community Pharmacy	P	ABO	2021-00534	7-0-2	Fernandez, Montemayor
51	Hani Sobhi Mankarious	R	ABO	2021-03322	7-0-2	Fernandez, Montemayor
52	Remcare Pharmacy	P	DBO	2021-04933	8-0-1	Henke
53	Christopher Kalejaiye Ajayi	R	DBO	2021-04932	8-0-1	Henke
54	Tot Pharmacy	P	DBO	2020-05261	8-0-1	Henke
55	<i>Confidential</i>	R	ABO	2021-04068	9-0-0	-
56	<i>Confidential</i>	R	ABO	2021-04094	8-0-1	Henke
57	<i>Confidential</i>	R	ABO	2021-01846	8-0-1	Henke
58	<i>Confidential</i>	R	ABO	2021-04444	8-0-1	Henke
59	<i>Confidential</i>	R	ABO	2021-00848	8-0-1	Henke
60	<i>Confidential</i>	R	ABO	2022-00333	8-0-1	Henke
61	<i>Confidential</i>	R	ABO	2021-05422	8-0-1	Henke
62	Best Discount Pharmacy	P	RP	2021-03623	9-0-0	-
63	Albert Stephen Corich III	R	RP	2021-03354	9-0-0	-
64	Lance Frederick Henderson	R	RP	2021-04977	9-0-0	-
65	James Michael McQueen	R	RP	2021-03327	9-0-0	-
66	Albertsons-Safeway Pharmacy #4705	P	RP	2020-02255	7-0-2	Lewis, Tijerina
67	Lawrence Simms Brashear	R	RP	2021-03336	7-0-2	Montemayor, Tisch
68	Tammy Lynn Estes	R	RP	2021-02617	7-0-2	Lewis, Tijerina
69	Herbert Fisher	R	RP	2021-01248	7-0-2	Montemayor, Tisch
70	Reveles Clinical Services	P	RP	2021-02847	7-0-2	Montemayor, Tisch
71	R'Kes Demon Starling	R	RP	2021-03342	7-0-2	Montemayor, Tisch

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

I. Miscellaneous

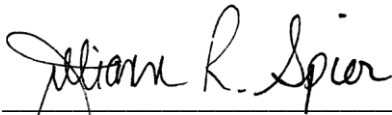
- Items to be Placed on Agenda for February 1, 2022 Board Meeting:
 - Ms. Hotchkiss explained that a request was made regarding a software vendor provider and accepted method of issuance for a controlled substance prescription.
 - Discussion Concerning Emergency Kits in Long-Term Care Facilities
- Discussion of and Possible Action on Upcoming Meetings

Dr. Tucker reviewed upcoming meetings and conferences.

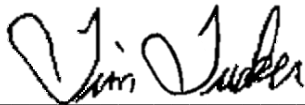
Mr. Guerrero made a motion to adjourn the meeting. The motion was seconded by Mr. Fernandez.

President Spier adjourned the meeting at 2:21 p.m.

APPROVED:



Julie Spier, R.Ph.
President



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

February 1, 2022