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## TEXAS STATE BOARD OF PHARMACY

1601 Congress Ave, Room 2.013  
Austin, Texas

Tuesday, August 1, 2023

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

### BOARD BUSINESS MEETING

#### Tuesday, August 1, 2023

President Julie Spier, R.Ph., called the meeting to order at 9:04 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.; Rick Tisch; and Jenny Downing Yoakum, R.Ph.

Board Member Ian Shaw was 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; Mary Martha Murphy, Deputy Litigation Counsel; Shawn Cambron, Investigations Commander; 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 Ms. Tijerina to approve the minutes of the Board Business Meeting held May 2, 2023. The motion was seconded by Ms. Henke and passed unanimously.

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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 Internship Requirements (§283.4) (Item C.1.1) and Preceptor Requirements and Ratio of Preceptors to Pharmacist-Interns (§283.4) (Item C.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§283.4 and 283.6 during its May 2, 2023, meeting. The proposed amendments were published in the June 16, 2023, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §§283.4 and 283.6. He explained that the 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. Additionally, he explained the 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 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 §§283.4 and 283.6, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Delivery of Prescription Drugs (§291.12) (Item C.1.3)

Mr. Griffith explained that the Board voted to propose new rule §291.12 during its May 2, 2023, meeting. The proposed amendments were published in the June 16, 2023, issue of the *Texas Register*.

Mr. Griffith directed the Board's attention to amendments to §291.12 and explained that the amendments specify requirements for the delivery of prescription drugs to a patient or patient's agent. He also explained that a revised version had been prepared by Board staff based addressing some of the comments that were received.

Written comments were received from the following:

- Pharmaceutical Care Management Association with suggested changes to the proposed rule;
- Lauren Paul, Pharm.D., with CVS Health, in support of the proposed rule with suggested changes;
- Jeenu Philip, R.Ph., with Walgreen Co., with suggested changes to the proposed rule;
- Rob Geddes, Pharm.D., with Albertsons Companies, with

- suggested changes to the proposed rule;
- Richard Gutoski, R.Ph., with Alliance Rx Walgreens Pharmacy, with suggested changes to the proposed rule;
- Scott Clark, Pharm.D., with CenterWell Pharmacy, with suggested changes to the proposed rule;
- Express Scripts Pharmacy and Accredo Health Group, with suggested changes to the proposed rule;
- Loretta Boesing, with Unite for Safe Medications, in support of the proposed rule with suggested changes;
- Elizabeth Kroger, in support of the proposed rule;
- Dorothy Edwards, in support of the proposed rule;
- MJ Kubala, in support of the proposed rule; and
- Elena Rumiantseva, in support of the proposed rule.

Oral comments were received from the following:

- Ms. Boesing, reiterating her written comments;
- Ms. Paul, reiterating her written comments;
- Mr. Philip, reiterating his written comments;
- Debbie Garza, with Texas Pharmacy Association, in opposition to the proposed rule with suggested changes;
- Jason Davis, with H.E.B. Pharmacy, in opposition to the proposed rule.

Following discussion, the motion was made by Ms. Montemayor to send §291.12 back to Board staff for revisions. The motion was seconded by Ms. Yoakum and passed unanimously.

- Rules Concerning Pharmacy Residency Programs (§291.24) (Item C.1.4)

Mr. Griffith explained that the Board voted to propose repeal §291.24 during its May 2, 2023, meeting. The proposed repeal was published in the June 16, 2023, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to the repeal of §291.24 and explained that the repeal removes standards for a statutory program that no longer exists.

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 repeal of §291.24, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Rules Concerning Confidentiality (§291.27) (Item C.1.5)

Mr. Griffith explained that the Board voted to propose the amendments to §291.27 during its May 2, 2023, meeting. The proposed amendments

were published in the June 16, 2023, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §291.27 and explained that the amendments correct a misspelled word.

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 §291.27, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Rules Concerning Remote Pharmacy Services (§291.121) (Item C.1.6)

Mr. Griffith explained that the Board voted to propose the amendments to §291.121 during its May 2, 2023, meeting. The proposed amendments were published in the June 16, 2023, issue of the *Texas Register*.

Mr. Griffith directed the Board's attention to amendments to §291.121 and explained that the amendments allow remote pharmacy services using an automated pharmacy system to be provided at healthcare facilities regulated under Chapter 534, Health and Safety Code.

Written comments were received from Angela Babin, BSP Pharm, MBA, with The Harris Center, 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 §291.121, 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.1.7)

Mr. Griffith explained that the Board voted to propose the amendments to §291.151 during its May 2, 2023, meeting. The proposed amendments were published in the June 16, 2023, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §291.151 and explained that the amendments clarify that a pharmacist must verify the completeness and reconciliation of the perpetual inventory of controlled substances for a freestanding emergency medical care facility pharmacy.

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 §291.151, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

Proposal of Rules

- Rules Concerning Licenses and Registrations for Military Service Members, Military Veterans, and Military Spouses (§§283.12 and 297.10) (Items C.2.1.1 and C.2.1.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning licenses and registrations for military service members, military veterans, and military spouses. He explained the proposed amendments to §283.12 establish procedures for a military service member who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially similar to Texas's requirements to obtain an interim pharmacist license, in accordance with Senate Bill 422 of the 88<sup>th</sup> Legislative Session and make grammatical corrections, and the proposed amendments to §297.10 establish procedures for a military member who is currently registered in good standing by a jurisdiction with registration requirements that are substantially similar to Texas's requirements to obtain an interim pharmacy technician registration, in accordance with Senate Bill 422 and make grammatical corrections.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §§283.12 and 297.10, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Temporary Closing (§§291.3 and 291.5) (Items C.2.2.1 and C.2.2.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning temporary closing of a pharmacy. He explained the proposed amendments to §291.3 clarify that a pharmacy must notify the board in writing if the pharmacy temporarily closes for the loss of a pharmacist-in-charge and clarify the notification requirements for amending a pharmacy license, and the proposed amendments to §291.5 provide that a pharmacy may temporarily close for the loss of a pharmacist-in-charge if the pharmacy timely notifies the board in writing of the temporary closure.

Following discussion, the motion was made by Ms. Henke to approve for proposal amendments to §§291.3 and 291.5, as presented. The motion was seconded by Mr. Lewis and passed 8-1-0, with Mr. Fernandez opposed.

- Rules Concerning Return of Prescription Drugs (§291.8) (Item C.2.4)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning return of prescription drugs. He explained the proposed amendments to §291.8 update the name of a state agency.

Following discussion, the motion was made by Mr. Guerrero to approve for proposal amendments to §291.8, as presented. The motion was seconded by Ms. Tijerina and passed unanimously.

- Rules Concerning Community Pharmacy (Class A) Operational Standards (§291.33) (Item C.2.5)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning community pharmacy (Class A) operational standards. He explained the proposed amendments to §291.33 specify prepackaging and labeling requirements for a participating provider to dispense donated prescription drugs under Chapter 442, Health and Safety Code, in accordance with House Bill 4332 of the 88<sup>th</sup> Legislative Session.

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

President Spier recessed the meeting at 10:15 a.m.

President Spier reconvened the meeting at 10:29 a.m.

President Spier recognized Gary Cacciatore, Pharm.D., R.Ph., who asked for clarification regarding the proposed update to §291.33 concerning drug donations under the community pharmacy (Class A) rules, as the statute also authorizes institutional pharmacies (Class C) to participate.

Ms. Holloway explained that Board staff will evaluate whether language may be included under the Class C rules, however, anyone defined as a participating provider may dispense donated prescription drugs, as authorized by Chapter 442, Health and Safety Code.

- Rules Concerning Institutional Pharmacy (Class C) Operational Standards (§291.74) (Item C.2.6)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning institutional pharmacy (Class C) operational standards. He explained the proposed amendments to §291.74 re-insert rule text that was inadvertently removed and make grammatical corrections.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §291.74, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Rules Concerning Satellite Pharmacies (§291.129) (Item C.2.7)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning satellite pharmacies. He explained the proposed amendments to §291.129 clarify how the board provides a satellite pharmacy license.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal amendments to §291.129, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Continuing Education Requirements (§§295.8 and 295.9) (Items C.2.8.1 and C.2.8.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning continuing education requirements. He explained the proposed amendments to §295.8 remove continuing education requirements that have expired and the proposed amendments to §295.9 remove a continuing education requirement for which the statutory authority has expired from the conditions for reactivation of an inactive license and make a grammatical correction.

Following discussion, the motion was made by Mr. Guerrero to approve for proposal amendments to §§295.8 and 295.9, as presented. The motion was seconded by Mr. Lewis 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 (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. Yoakum to approve for adoption 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 Ms. Henke and passed unanimously.

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

- Report on Prescription Monitoring Program (PMP) Advisory Committee (Item D.1)

Ms. Yazdanshenas reported that the PMP Advisory Committee meeting was held via videoconference on June 1, 2023, and included presentations by Bamboo Health and UT Center for Health Communication, a PMP funding update, and a PMP program update. Ms. Yazdanshenas also reported that Board staff requested nominations for PMP Advisory Committee members for the next three-year term.

- Report on Interagency Prescription Monitoring Program Work Group (Item D.2)

Ms. Yazdanshenas reported that the Interagency Prescription Monitoring Program Workgroup Meeting had not met since the previous Board meeting, and the next meeting will be held on August 21, 2023.

- Report on Compounding Rules Advisory Group (Item D.3)

President Spier reviewed the selected members of the Compounding Rules Advisory Group Sterile and Non-Sterile Subcommittees and reported that their first meeting would be held August 2, 2023.

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

- Financial Report

- Review of FY2023 Third Quarter Expenditures (Item E.1.1)

Mr. Leal reviewed the expenditures for the third quarter of FY2023 (March 1, 2023 – May 31, 2023) for the Board.

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

Mr. Leal reviewed the third quarter FY2023 Board Member Travel Budget (March 1, 2023 – May 31, 2023).

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

Mr. Leal reported that there were no material changes to contracts for goods and services for the third quarter of FY2023 (March 1, 2023 – May 31, 2023).



- Review and Approval of FY2024 Operating Budget (Item E.1.4)

Mr. Leal directed the Board's attention to the proposed operating budget for FY2024 (September 1, 2023 – August 31, 2024).

Following review and discussion, the motion was made by Mr. Lewis to approve the FY2024 Operating Budget, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Review of Fee Recommendations (Item E.1.5)

Ms. Driscoll reviewed three potential fee increase options to account for the legislative appropriations requests: Option #1, in which the increase was distributed proportionally between pharmacists and pharmacies; Option #2, in which the increase was distributed proportionally between pharmacists, pharmacies, and technicians; and Option #3, in which the increase was distributed equally between pharmacists, pharmacies, and technicians.

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

- Rules Concerning Fees (§§291.6, 295.5, 297.4, and 291.121) (Items C.2.3.1, C.2.3.2, C.2.3.3, and C.2.3.4)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning fees. He explained the proposed amendments to §291.6 specify the application fee for an initial or renewed certificate to provide remote pharmacy services, and remove the fee for issuance of a duplicate renewal certificate; the proposed amendments to §295.5 increase pharmacist license fees based on expected expenses; the proposed amendments to §297.4 increase pharmacy technician and pharmacy technician trainee registration fees based on expected expenses; and the proposed amendments to §291.121 clarify how the board provides a license to engage in remote pharmacy services.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §§291.6, 295.5, and 291.121, with Fee Recommendation Option #1, as presented. The motion was seconded by Mr. Guerrero and passed unanimously. As Option #1 did not include fee changes for technicians, no action was taken with regards to §297.4.

**E. 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 the third quarter of FY2023 (March 1, 2023 – May 31, 2023). (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 third quarter of FY2023 (March 1, 2023 – May 31, 2023) and reviewed PRN activities for the Board. (Item E.2.2)

- Review and Approval of TSBP FY2024 Goals and Objectives (Item E.4)

Ms. Driscoll directed the Board's attention to the Goals and Objectives for FY2024.

Following review, the motion was made by Ms. Tijerina to approve the TSBP FY2024 Goals and Objectives, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Review of Timeline for TSBP FY2025-2029 Strategic Plan (Item E.5)

Ms. Driscoll reviewed the timeline for the TSBP FY2025-2029 Strategic Plan for the Board.

- Review and Approval of Annual Internal Audit Plan (Item E.3)

President Spier recognized Daniel Graves and Jeff Jones, Weaver and Tidwell, LLP. Mr. Graves presented the FY2024 Annual Internal Audit Plan and Mr. Jones reviewed the follow-up of licensing on 2022 Internal Audit findings.

Following review, the motion was made by Mr. Tisch to approve the FY2024 Annual Internal Audit Plan, as presented. The motion was seconded by Mr. Guerrero and passed unanimously.

- Review and Approval of Accreditation Council for Pharmacy Education (ACPE) Accredited Professional Programs of Colleges and Schools of Pharmacy (Item E.6)

President Spier directed the Board's attention to a list of ACPE accredited programs of colleges and schools of pharmacy.

Following review, the motion was made by Mr. Lewis to approve the list of ACPE accredited programs of colleges and schools of pharmacy, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Review of FY2024 Calendar of Events (Item E.7)

President Spier reviewed the FY2024 Calendar of Events (September 1, 2023 – August 31, 2024) for the Board.

- Report on Prescription Monitoring Program (Item E.8)

Ms. Yazdanshenas reviewed the Prescription Monitoring Program (PMP) data for the third quarter of FY2023 (March 1, 2023 – May 31, 2023). Ms. Yazdanshenas also provided an update concerning the PMP look-up mandate audit process and provided a notice concerning an update to the PMP dispensation reporting requirement.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item E.9)

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 the Office of the Solicitor General, who was appointed to handle the case for the Board, will file a response by August 9, 2023, to the plaintiff's petition for review with the Texas Supreme Court.

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 E.10)

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 Continuous Quality Improvement Plan for Immunizations and Vaccinations (Item E.11)

President Spier explained that the discussion item concerning a continuous quality improvement plan (CQIP) for immunizations and vaccinations was suggested by Mr. Lewis.

Ms. Holloway directed the Board's attention to a recommendation of policies and procedures for immunizations and vaccinations prepared by Board staff. She explained that, generally, if a pharmacy has a disciplinary issue concerning immunizations and vaccinations, the pharmacy would be required to develop policies and procedures.

Mr. Lewis explained that he was concerned that there was nothing to specifically address pharmacies improving their practice regarding immunizations and vaccinations and was recommending some mechanism to help pharmacies avoid errors.

President Spier noted that the number of errors reported concerning immunizations and vaccinations was minute compared to the total number of immunizations and vaccinations given and acknowledged that the recommendations prepared by Board staff would provide pharmacies a framework for developing their own policies and procedures.

Following discussion, the Board requested the recommendations be added to the website as a resource for pharmacies.

- Update Concerning Pilot Project on Residential Delivery of Prescription Drugs by Means of Drone Delivery System (Item E.12)

Ms. Holloway provided an update on the pilot project on residential delivery of prescription drugs by means of a drone delivery service, which was approved at the May 2, 2023, meeting. She reported that the pharmacy license for Amazon Pharmacy #008 was issued shortly after the May meeting. She explained that the Amazon team was confident that they would be able to start the project by the August 30, 2023, deadline and that they would present their first report at the November 7, 2023, 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 third quarter of FY2023 (March 1, 2023 – May 31, 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 F.2)

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

President Spier recessed the meeting at 11:45 a.m.  
President Spier reconvened the meeting at 1:15 p.m.

## **G. Disciplinary Orders**

- Consideration of Proposal for Decision in the Matter of Elevate RX, Pharmacy License #31919 (Item G.1.1)

President Spier recognized Mary Martha Murphy, Deputy Litigation Counsel, who directed the Board's attention to the Proposal for Decision and the corresponding proposed Board Order. She advised the Board that following a hearing held before State Office of Administrative Hearings Administrative Law Judge Linda J. Burgess, a Proposal for Decision was issued on June 14, 2023, in the matter of Elevate RX. Ms. Murphy reviewed the background in the case for the Board and reviewed Board Order #2022-07235, which would revoke the pharmacy license of Elevate RX, as recommended by Judge Burgess 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 #2022-07235 in the matter of Elevate RX. The motion was seconded by Mr. Lewis and passed unanimously.

- Report on Agreed Board Orders Entered by Board President and Board Orders Entered by Board Panel (Item G.2)
  - The Board reviewed 15 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 May 22, 2023, through July 31, 2023.
  - The Board reviewed 11 Agreed Board Orders concerning pharmacies and 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 May 10, 2023, through June 29, 2023.
  - The Board reviewed 6 Board Orders concerning pharmacies that had been entered by a Board Panel on behalf of the Board, in accordance with the Board's directives, during the period from May 22, 2023, through July 31, 2023.

- 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:

- 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;
- 1 proposed Default Board Orders concerning a pharmacy technician trainee (Following a State Office of Administrative Hearing);
- 22 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 20 proposed Agreed Board Orders concerning pharmacies, pharmacists, and interns who appeared for an Informal Conference;
- 3 proposed Confidential Agreed Board Orders concerning pharmacists and interns who appeared for an Informal Conference;
- 10 proposed Remedial Plans concerning pharmacies and pharmacists (Alternative Resolutions); and
- 7 proposed Remedial Plans concerning pharmacies and pharmacists who attended an Informal Conference.

The motion was made by Ms. Montemayor 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, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
1	Elizabeth Ann Pena	T	ABO	2023-00878	7-0-2	Henke, Montemayor
2	Briana Deshawn Risper	T	ABO	2023-02549	7-0-2	Henke, Montemayor
3	Kevin McGrew	T	ABO	2023-01854	7-0-2	Henke, Lewis

\*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/August 1, 2023

Page 15

No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
4	Amberley Ann Sahadi	T	ABO	2023-01273	7-0-2	Henke, Lewis
5	Anny Siharaj	T	ABO	2023-01935	7-0-2	Lewis, Montemayor
6	Kozette Vaughn	T	ABO	2023-02179	7-0-2	Henke, Lewis
7	Jett Paul Lee Benedict	T	ABO	2023-01277	7-0-2	Henke, Fernandez
8	Roberta Buenrostro Jr.	T	ABO	2023-02888	7-0-2	Henke, Fernandez
9	Gabriel Espinoza	T	ABO	2023-02397	7-0-2	Henke, Fernandez
10	Victoria Lopez	T	ABO	2022-07187	7-0-2	Henke, Fernandez
11	Laura Najera	T	ABO	2023-03029	7-0-2	Henke, Fernandez
12	Lori J. Anderson	T	ABO	2023-03275	7-0-2	Guerrero, Tijerina
13	Patricia Jean Dominguez	T	ABO	2023-03754	7-0-2	Guerrero, Tijerina
14	Richard Lee Gaitan	T	ABO	2023-03449	7-0-2	Guerrero, Tijerina
15	Morgan Necole Navarrete	T	ABO	2022-07777	7-0-2	Guerrero, Tijerina
16	Courtney Brown	T	ABO	2023-03665	7-0-2	Lewis, Miller
17	Rachel Sheppard	T	ABO	2023-01331	7-0-2	Lewis, Miler
18	Trong N. Tran	T	ABO	2022-06710	7-0-2	Lewis, Miller
19	Claudia Lizai Pedraja	T	DBO	2023-02555	7-0-2	Henke, Fernandez
20	Cynthia Michelle Smith	T	DBO	2023-03033	7-0-2	Henke, Fernandez
21	Ethan Hewlett	T	DBO	2022-01267	8-0-1	Henke
22	CVS/pharmacy #11379	P	ABO	2022-06615	8-0-1	Tijerina
23	CVS/pharmacy #7277	P	ABO	2022-06354	8-0-1	Tijerina
24	CVS/pharmacy #7306	P	ABO	2022-02856	8-0-1	Tijerina
25	Nho Van Nguyen	R	ABO	2022-06321	8-0-1	Tijerina
26	CVS/pharmacy #7704	P	ABO	2022-06342	8-0-1	Tijerina
27	Garcia's Pharmacy	P	ABO	2023-03104	9-0-0	-
28	H&H Family Pharmacy LLC	P	ABO	2023-01848	9-0-0	-
29	Joseph Haley Hall	R	ABO	2023-03392	9-0-0	-
30	Azuh Elvis Ndikum	R	ABO	2023-02413	9-0-0	-
31	Henry Ekwa Njie	R	ABO	2023-02033	9-0-0	-
32	Rx 2 You Inc	P	ABO	2023-01850	9-0-0	-
33	Swift Pharmacy	P	ABO	2023-02571	9-0-0	-
34	Walgreens #3570	P	ABO	2023-01797	8-0-1	Fernandez
35	Walgreens #4078	P	ABO	2022-07806	8-0-1	Fernandez
36	Walgreens #4822	P	ABO	2023-01371	8-0-1	Fernandez

\*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/August 1, 2023

Page 16

No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
37	Stella Addo	R	ABO	2023-02417	8-0-1	Fernandez
38	Walgreens #6517	P	ABO	2022-05093	8-0-1	Fernandez
39	Walgreens #10283	P	ABO	2023-00627	8-0-1	Fernandez
40	Walgreens #11273	P	ABO	2022-07265	8-0-1	Fernandez
41	Walmart Pharmacy 10-3224	P	ABO	2023-01159	9-0-0	-
42	Wellwise Pharmacy Inc	P	ABO	2023-02577	9-0-0	-
43	Westwood Pharmacy Clinical	P	ABO	2023-02980	9-0-0	-
44	CVS/pharmacy #3292	P	ABO	2022-04608	6-0-3	Tijerina, Miller, Montemayor
45	Lifecare Pharmacy LTC LLC	P	ABO	2022-05847	8-0-1	Henke
46	Aries Pharmacy LLC	P	ABO	2022-07846	7-0-2	Henke, Montemayor
47	Jacqueline A.N. Atang	R	ABO	2023-00028	7-0-2	Henke, Montemayor
48	Ashley Michelle Barrett	R	ABO	2022-05475	7-0-2	Henke, Montemayor
49	David Salinas	R	ABO	2022-05959	7-0-2	Henke, Montemayor
50	Archway Apothecary	P	ABO	2023-01405	7-0-2	Henke, Lewis
51	Cattles Pharmacy	P	ABO	2021-05289	8-0-1	Lewis
52	Kerry Ann Clark	R	ABO	2022-01114	8-0-1	Lewis
53	CVS/pharmacy #6824	P	ABO	2022-06633	7-0-2	Tijerina, Lewis
54	Hanan Ali Achi	R	ABO	2023-01263	7-0-2	Tijerina, Lewis
55	CVS/pharmacy #7787	P	ABO	2022-04190	7-0-2	Tijerina, Lewis
56	Glory Mukemfor Ambe	R	ABO	2023-00266	7-0-2	Tijerina, Lewis
57	Steven Wade Gordon	P	ABO	2023-00900	8-0-1	Lewis
58	Ansa Ene Hogan	R	ABO	2023-00084	8-0-1	Lewis
59	Rijo Santhosh	R	ABO	2023-00300	8-0-1	Lewis
60	Lauren Johnson	I	ABO	2023-02590	7-0-2	Guerrero, Tijerina
61	Olutola Akinola Sobande	R	ABO	2023-02590	7-0-2	Guerrero, Tijerina
62	Walgreens #5423	P	ABO	2022-03958	6-0-3	Fernandez, Guerrero, Tijerina
63	Phuong Ho	R	ABO	2023-00071	7-0-2	Lewis, Miller
64	<i>Confidential</i>	R	ABO	2022-03964	8-0-1	Lewis
65	<i>Confidential</i>	R	ABO	2023-02454	7-0-2	Guerrero, Tijerina
66	<i>Confidential</i>	I	ABO	2023-02616	7-0-2	Lewis, Miller
67	Oluwaseum Oluwasolape Adedeji	R	RP	2023-00700	9-0-0	-
68	Reeka Lynn Belton	R	RP	2023-04225	9-0-0	-
69	Aloysius James	R	RP	2023-01863	9-0-0	-
70	Shana Nicole Muhammad	R	RP	2022-06933	9-0-0	-

\*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)



No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
71	Ahn Tram Nguyen	R	RP	2023-01584	9-0-0	-
72	Demitrius Onuaguluchi	R	RP	2023-02578	9-0-0	-
73	Pediatric Home Service	P	RP	2023-01634	9-0-0	-
74	Cliffic Andrew Guidry Jr.	R	RP	2023-01635	9-0-0	-
75	Brian Steven Verlander	R	RP	2023-02432	9-0-0	-
76	Matthew Wayne Williams	R	RP	2023-02428	9-0-0	-
77	Amishkumar K. Patel	R	RP	2023-01403	7-0-2	Henke, Lewis
78	ReNue Rx #12	P	RP	2023-01402	7-0-2	Henke, Lewis
79	Syed Idress Usman	R	RP	2022-03632	7-0-2	Henke, Lewis
80	Edward Azubuike Anyanwu	R	RP	2022-07484	7-0-2	Guerrero, Tijerina
81	Brandi Cooper-Lewis	R	RP	2023-00277	7-0-2	Guerrero, Tijerina
82	Yusuf Saifuddun Hassanali	R	RP	2022-07020	7-0-2	Guerrero, Tijerina
83	Senait F. Yohanes	R	RP	2023-02608	7-0-2	Guerrero, Tijerina

\*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)

## H. Election of Board Officers

- Election of Vice President and Treasurer (Item H.1)

President Spier called for nominations for the office of Vice President. Ms. Yoakum nominated Mr. Lewis. In the absence of other nominations, a vote was taken, and Mr. Lewis was elected 8-0-1, with Mr. Lewis abstaining.

President Spier called for nominations for the office of Treasurer. Ms. Yoakum nominated Mr. Fernandez. In the absence of other nominations, a vote was taken, and Mr. Fernandez was elected Treasurer unanimously.

## I. Miscellaneous

- Items to be Placed on Agenda for November 7, 2023, Board Meeting (Item I.1):
  - Report concerning issuance of select licenses in July 2023
  - Mental health facility drug administration and e-kits

President Spier requested Board members to submit any additional items for the November 7, 2023, Board meeting to staff.

- Recap of Agency Activities (Item I.2)

President Spier reviewed agency activities since the previous meeting. She introduced Shawn Cambron, who was promoted to the role of Investigation Commander, overseeing field investigations.

- Discussion of and Possible Action on Upcoming Meetings (Item I.3)

President Spier reviewed upcoming meetings and conferences.

- Special Recognition of Service (Item I.4)

President Spier recognized the Board members whose terms would end August 31, 2023, including herself, Mr. Fernandez, Mr. Guerrero, and Ms. Henke. She especially recognized Ms. Henke, who would not be seeking reappointment, and thanked her for her service.

## **J. Consideration of Personnel Matters**

- Consideration of Increase in Salary of Executive Director (Item J.1)

Ms. Holloway directed the Board's attention to an excerpt from the General Appropriations Act. She explained that the excerpt included the maximum amounts authorized for the Executive Director salary for FY2024 (September 1, 2023 – August 31, 2024) and FY2025 (September 1, 2024 – August 31, 2025). She further explained that the Board sets the salary for the Executive Director and would need to approve any increase.

Following discussion, the motion was made by Ms. Henke to increase the salary of the Executive Director/Secretary of the Board to the maximum authorized under the General Appropriations Act. The motion was seconded by Mr. Tisch and passed unanimously.

- Potential Review and Approval of Recommendations from Executive Director Selection Committee (Item J.2)

President Spier provided an update concerning the Executive Director position. She explained that the selection committee had no recommendations at the time and were going to reevaluate the candidates through a second round of interviews. She also explained that a special meeting may be held prior to the November 7, 2023, meeting to review and potentially approve the committee recommendations.

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

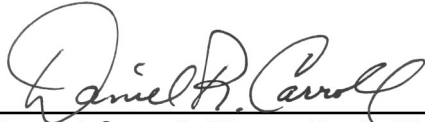
President Spier adjourned the meeting at 1:39 p.m.

APPROVED:



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Julie Spier, R.Ph.  
President



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Daniel Carroll, Pharm.D., R.Ph.  
Executive Director/Secretary

November 7, 2023