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## TEXAS STATE BOARD OF PHARMACY

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1601 Congress Ave, Room 2.013  
Austin, Texas

Tuesday, February 4, 2025

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

### BOARD BUSINESS MEETING

#### Tuesday, February 4, 2025

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

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

Staff present were Daniel Carroll, Pharm.D., R.Ph., Executive Director/Secretary; Megan Holloway, General Counsel; Caroline Hotchkiss, Director of Enforcement; John Griffith, Litigation Counsel; Ruben Leal, Budget Analyst; David Meryman, Ph.T.R., Prescription Monitoring Program Manager; Eamon Briggs, Deputy General Counsel; Sean Leeper, Government Relations Specialist; and Lily Moreno, Executive Assistant.

#### **A. Announcements**

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

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

Following discussion, the motion was made by Mr. Lewis to approve the minutes of the Board Member Training Session held November 4, 2024, and the minutes of the Board Business Meeting held November 5, 2024. The motion was seconded by Mr. Shaw 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**

Proposal of Rules

- Rules Concerning Definitions (§281.2) (Item C.1.1)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning definitions. He explained the proposed amendments to §281.2 correct the chapter range in the definition of the Act.

Following discussion, the motion was made by Mr. Miller to approve for proposal amendments to §281.2, as presented. The motion was seconded by Mr. Martin and passed unanimously.

- Rules Concerning Nuclear Pharmacy (Class B) Records (§291.55) (Item C.1.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning nuclear pharmacy (Class B) records. He explained the proposed amendments to §291.55 update a citation concerning a statutory provision that has been repealed.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §291.55, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

- Rules Concerning Common Ownership (§§291.72 and 291.120) (Items C.1.3.1 and C.1.3.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning common ownership. He explained the proposed amendments to §§291.72 and 291.120 add definitions for the terms "common ownership" and "owner of record."

Following discussion, the motion was made by Mr. Shaw to approve for proposal amendments to §§291.72 and 291.120, as presented. The motion was seconded by Mr. Lewis and passed 7-1-0, with Mr. Martin opposed.

Additionally, the Board directed staff to bring similar suggested amendments to rule language concerning common ownership for community pharmacy (Class A) and nuclear pharmacy (Class B).

- Rules Concerning Non-Resident Pharmacy (Class E) Definitions (§291.102) (Item C.1.4)

Mr. Griffith directed the Board's attention to suggested amendments to

rule language concerning non-resident pharmacy (Class E) definitions. He explained the proposed amendments to §291.102 correct the chapter range in the definition of the Act.

Following discussion, the motion was made by Mr. Shaw to approve for proposal amendments to §291.102, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Official Prescription Form (§315.13) (Item C.1.5)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning official prescription forms. He explained the proposed amendments to §315.13 remove a recordkeeping requirement concerning a statutory provision that has been repealed and remove the effective date from the short title.

Oral comments were received from Jeenu Philip, R.Ph., Director, Pharmacy Affairs, Walgreen Co., seeking clarification on whether the suggested amendments would change the practice of pharmacy with regards to faxed prescriptions for controlled substances. Ms. Holloway clarified that the suggested amendments would not change the practice of pharmacy and would only remove the reference to a repealed statutory provision.

Following discussion, the motion was made by Mr. Shaw to approve for proposal amendments to §315.13, as presented. The motion was seconded by Mr. Martin and passed unanimously.

### Rule Review

Mr. Griffith directed the Board's attention to the Board Rule Review Plan for FY2022-FY2025 (Item C.2).

- For Adoption
  - Chapter 297 Concerning Pharmacy Technicians (§§297.1 – 297.11) (Item C.2.1.1)
  - Chapter 291 Concerning Pharmacies (Services Provided by Pharmacies) (§§291.120 – 291.121, 291.123, 291.125, 291.127, 291.129, 291.131, and 291.133) (Item C.2.1.2)
  - Chapter 291 Concerning Pharmacies (Other Classes of Pharmacy) (§§291.151 and 291.153) (Item C.2.1.3)

President Spier recognized Frank Kratofil, R.Ph., Director of Pharmacy Operations, Empower Pharmacy, however, the comments were not related to the agenda item, and Ms. Holloway clarified that only comments

concerning the Rule Review Plan could be heard.

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Shaw to approve for adoption, as presented, the review of Chapter 297 Concerning Pharmacy Technicians (§§297.1 – 297.11), Chapter 291 Concerning Pharmacies (Services Provided by Pharmacies) (§§291.120 – 291.121, 291.123, 291.125, 291.127, 291.129, 291.131, and 291.133), and Chapter 291 Concerning Pharmacies (Other Classes of Pharmacy) (§§291.151 and 291.153). The motion was seconded by Mr. Lewis and passed unanimously.

**D. Discussion of and Possible Action Concerning Pilot Projects**

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

President Spier directed the Board's attention to a report from Amazon Pharmacy regarding the pilot project concerning residential delivery of prescription drugs by means of drone delivery service. She also directed the Board's attention to the task force recommendations concerning drone delivery.

President Spier recognized Ehihimen Okogbo, R.Ph., Pharmacist-in-Charge of Amazon Pharmacy #008; and Claire Wulf Winiarek, Ph.D., Director, Healthcare Policy, Amazon Corporate, who reviewed the report, answered questions from the Board, and expressed their support for the task force recommendations.

Ms. Holloway explained that the pilot project task force met on January 16, 2025. She reviewed the task force recommendations, which would allow for the delivery of prescription drugs by means of drone delivery with suggested amendments to §291.9 concerning prescription pick-up locations and to §291.12 concerning delivery of prescription drugs.

Oral comments were received from the following:

- Binita Patel, Vice President-Pharmacy Services, and TraQuenna Smith Branch, Associate Vice President, Ambulatory, Memorial Hermann Health System, in support of the task force recommendations;
- Keval Patel, General Counsel, and Delthia McKinney, Customer Success Lead, US Healthcare, Zipline, with a demonstration of their drone delivery droid mechanism, and in support of the task force recommendations; and
- Shelley Tustison, Senior Director, Pharmacy Practice Compliance, and Grace Collinson, Director, Pharmacy Practice Compliance, Walmart, in support of the task force recommendations and providing information about their drone delivery service pilot

program with Zipline.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §§291.9 and 291.12, as presented. The motion was seconded by Mr. Shaw and passed unanimously.

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

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

Dr. Carroll reported that the PMP Advisory Committee had not met since the previous Board meeting, and that the next meeting has not yet been scheduled.

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

Dr. Carroll reported that the Interagency Prescription Monitoring Program Work Group had not met since the previous Board meeting, and the next meeting had not yet been scheduled.

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

- Financial Report
  - Review of FY2025 First Quarter Expenditures (Item F.1.1)

Mr. Leal reviewed the expenditures for the first quarter of FY2025 (September 1, 2024 – November 30, 2024) for the Board.
  - Review of Board Member Travel Budget (Item F.1.2)

Mr. Leal reviewed the Board Member Travel Budget for the first quarter of FY2025 (September 1, 2024 – November 30, 2024).
  - Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Item F.1.3)

Mr. Leal reviewed the list of updated contracts for goods and services for the first quarter of FY2025 (September 1, 2024 – November 30, 2024).

President Spier recessed the meeting at 10:08 a.m.

President Spier reconvened the meeting at 10:31 a.m.

- Professional Recovery Network (PRN)
  - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the first quarter of FY2025 (September 1, 2024 – November 30, 2024). (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 first quarter of FY2025 (September 1, 2024 – November 30, 2024) and reviewed PRN activities for the Board. (Item F.2.2)

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

Dr. Carroll directed the Board's attention to a draft of the TSBP FY2024 Annual Report.

Following review, a motion was made by Mr. Shaw to approve the TSBP FY2024 Annual Report, as presented. The motion was seconded by Mr. Tisch and passed unanimously.

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

Mr. Meryman reported on program updates to improve the quality of the data in the Prescription Monitoring Program (PMP) and reviewed the PMP data for the first quarter of FY2025 (September 1, 2024 – November 30, 2024).

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

Ms. Holloway reported 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.

- Discussion Concerning Pharmacist to Pharmacy Technician Ratios in Central-Fill Processing Pharmacies (Item F.6)

President Spier explained that the Board received a petition for a rule change from the Texas Federation of Drug Stores concerning pharmacist

to pharmacy technician ratios in central-fill processing pharmacies.

Oral comments were heard from the following:

- Lauren Paul, Pharm.D., Executive Director, Pharmacy Regulatory Affairs, CVS Health, in support of the petition and suggested changes; and
- Mr. Philip, in support of the petition and suggested changes.

Ms. Holloway directed the Board's attention to suggested amendments to rule language addressing the petition. She explained that the suggested amendments to §291.32, would exclude central fill pharmacies that have no patient-facing contact from the required minimum ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

Following discussion, the motion was made by Mr. Fernandez to approve for proposal amendments to §291.32, as presented. The motion was seconded by Mr. Tisch and passed 7-0-1, with Mr. Martin abstained.

- Discussion Concerning Inventory Requirements

President Spier explained that the Board received a petition for a rule change from CVS Health concerning inventory requirements and requesting to remove the notarization requirement.

Oral comments were heard from the following:

- Ms. Paul, in support of the petition and suggested changes; and
- Mr. Philip, in support of the petition and suggested changes.

Following discussion, the Board directed Board staff to draft suggested amendments to §291.17, removing the notarization requirement and adding a requirement for a signature by the pharmacist-in-charge if the inventory is conducted by someone other than the pharmacist-in-charge.

**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 first quarter of FY2025 (September 1, 2024 – November 30, 2024). 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 FY2025 to the quarterly averages for FY2024, as well as percentage change from FY2024 to FY2025.

- 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 9 Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from November 15, 2024, through January 15, 2025.
  - The Board reviewed 4 Agreed Board Orders concerning pharmacies and pharmacists that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, on November 15, 2024.
  - The Board reviewed 4 Board Orders concerning pharmacies that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period from November 15, 2024, through January 24, 2025.
  - The Board reviewed 1 Confidential Agreed Board Order concerning a pharmacist that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, on January 10, 2025.
- 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;
- 3 proposed Default Board Orders concerning pharmacy technicians who did not appear for an Informal Conference;
- 1 proposed Default Board Order concerning a pharmacy technician (Following State Office of Administrative Hearings);



- 8 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 18 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference;
- 1 proposed Default Board Order concerning a pharmacist who did not appear for an Informal Conference;
- 7 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference;
- 2 proposed Remedial Plans concerning pharmacists (Alternative Resolutions); and
- 1 proposed Remedial Plan concerning a pharmacist who attended an Informal Conference.

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

No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes- No- Abstain)	Abstained Board Members
1	Danny L. Summerson	T	ABO	2023-04111	6-0-2	Fernandez, Lewis
2	Ashley Fulcher	T	ABO	2024-05342	7-0-1	Martin
3	Erica Dana Henry	T	ABO	2024-04144	7-0-1	Martin
4	Quintina Dionne Jackson	T	ABO	2024-05421	7-0-1	Martin
5	Michael T. Pembleton Jr.	T	ABO	2024-05139	7-0-1	Martin
6	Nickowanna Redman	T	ABO	2024-05247	7-0-1	Martin
7	Amy Elizabeth Cox	T	ABO	2024-06010	7-0-1	Tisch
8	Erica C. Garcia	T	ABO	2024-05777	7-0-1	Tisch
9	Garesha N. Jackson	T	ABO	2024-05438	7-0-1	Tisch
10	Celeste Angelica Perez	T	ABO	2024-05368	7-0-1	Tisch
11	Litisha Redman	T	ABO	2024-05206	7-0-1	Tisch
12	Quinton Jackson	T	ABO	2024-06305	6-0-2	Martin, Tijerina
13	Saul Morales	T	ABO	2024-06600	6-0-2	Martin, Tijerina
14	Gilberto Silva	T	ABO	2024-05951	6-0-2	Martin, Tijerina
15	Kwinney Danielle Wilborn	T	ABO	2024-06674	6-0-2	Martin, Tijerina
16	Calanjanae Baker	T	ABO	2024-06507	7-0-1	Yoakum
17	Lela Peterson	T	ABO	2025-00313	7-0-1	Yoakum
18	Sherell Williams	T	ABO	2024-07191	7-0-1	Yoakum
19	Angel Urrutia	T	DBO	2024-04374	7-0-1	Tisch
20	Kylee Michelle Daniels	T	DBO	2024-03101	6-0-2	Martin, Tijerina
21	Geneva Christiana Esters	T	DBO	2024-06607	7-0-1	Yoakum

\*Technician or Technician Trainee (T), Pharmacist Intern (I), Pharmacist (R), 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- Abstain)	Abstained Board Members
22	Roquinethia Antonina Jordan	T	DBO	2024-03202	7-0-1	Lewis
23	Cristina M. Celdran	R	ABO	2024-06124	8-0-0	-
24	CVS/pharmacy #7663	P	ABO	2024-00831	7-0-1	Tijerina
25	CVS/pharmacy #7751	P	ABO	2024-01122	7-0-1	Tijerina
26	CVS/pharmacy #8925	P	ABO	2024-03795	7-0-1	Tijerina
27	CVS/pharmacy #17098	P	ABO	2024-05355	7-0-1	Tijerina
28	Desire Ebot Eyong	R	ABO	2024-02779	8-0-0	-
29	Chikezie Ikenna Iwundu	R	ABO	2024-03278	8-0-0	-
30	Walgreens #00553	P	ABO	2024-01225	7-0-1	Fernandez
31	Bissonnet Discount Pharmacy	P	ABO	2023-07334	6-0-2	Fernandez, Lewis
32	Uzoanuuli Uzoaku WJ Payne	R	ABO	2024-04378	6-0-2	Fernandez, Lewis
33	CVS/pharmacy #4599	P	ABO	2024-03719	6-0-2	Martin, Tijerina
34	CVS/pharmacy #8387	P	ABO	2024-03262	6-0-2	Martin, Tijerina
35	Stephen James Tong	R	ABO	2024-05554	6-0-2	Martin, Tijerina
36	Amish Kordia	R	ABO	2024-05621	7-0-1	Martin
37	Kroger Pharmacy #359	P	ABO	2024-01637	7-0-1	Martin
38	Daniel Ray Bourn	R	ABO	2024-05834	7-0-1	Martin
39	Tien Minh Pham	R	ABO	2025-0626	7-0-1	Martin
40	Walgreens #02445	P	ABO	2024-01018	6-0-2	Fernandez, Martin
41	Walgreens #15966	P	ABO	2024-03938	6-0-2	Fernandez, Martin
42	Susanne Plahuta Wiedeman	R	ABO	2024-05494	7-0-1	Martin
43	Jared Moses Hullaby	R	ABO	2025-00472	6-0-2	Martin, Tijerina
44	Seabrook Family Rx	P	ABO	2024-07143	6-0-2	Martin, Tijerina
45	Vidor Family Pharmacy	P	ABO	2024-04460	6-0-2	Martin, Tijerina
46	Clancie Michelle Grant	R	ABO	2024-06780	6-0-2	Martin, Tijerina
47	Joel Craig Roschke	R	ABO	2024-06781	6-0-2	Martin, Tijerina
48	Walgreens #04647	P	ABO	2023-04913	5-0-3	Fernandez, Martin, Tijerina
49	Olutola Akinola Sobande	R	DBO	2024-04177	6-0-2	Martin, Tijerina
50	Confidential	R	ABO	2024-06822	7-0-1	Martin
51	Confidential	R	ABO	2024-01002	7-0-1	Martin
52	Confidential	R	ABO	2024-06203	6-0-2	Martin, Tijerina
53	Confidential	R	ABO	2025-00428	6-0-2	Martin, Tijerina
54	Confidential	R	ABO	2024-06346	6-0-2	Martin, Tijerina
55	Confidential	R	ABO	2025-00492	6-0-2	Martin, Tijerina
56	Confidential	R	ABO	2025-00017	7-0-1	Yoakum
57	Michael Anthony Consedine	R	RP	2024-06120	8-0-0	-
58	Syeda Madiha Neaz	R	RP	2024-04632	8-0-0	-
59	Thinh V. Pham	R	RP	2024-05323	6-0-2	Martin, Tijerina

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

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

**I. Miscellaneous**

- Items to be Placed on Agenda for May 6, 2025, Board Meeting (Item I.1)  
  
President Spier requested Board members to submit any additional items for the May 6, 2025, Board meeting to staff.
- Discussion of and Possible Action on Upcoming Conferences and Events (Item I.2)  
  
President Spier reviewed upcoming meetings and conferences.

President Spier recessed the meeting at 11:18 a.m.  
President Spier reconvened the meeting at 1:00 p.m.

**H. Disciplinary Orders, continued**

- Consideration of Proposal for Decision in the Matter of Kazim Oladotun Oyenuga, Pharmacist License #48288 (Item H.1.1)  
  
Mr. Griffith 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 an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings, a Proposal for Decision was issued on October 15, 2024, in the matter of Kazim Oladotun Oyenuga. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2022-07653, which would impose an administrative penalty of \$4,000.00, consistent with precedent and the schedule of administrative penalties in Board Rule §281.65, 22 Tex. Admin. Code, and as recommended by the ALJ and Board staff.  
  
Following discussion, the motion was made by Mr. Shaw to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and to approve the entry of Board Order #2022-07653, as presented, in the matter of Kazim Oladotun Oyenuga. The motion was seconded by Mr. Fernandez and passed unanimously.
- Consideration of Proposal for Decision in the Matter of Ramachandran Raju, Applicant for Reinstatement of Pharmacist License #40669 (Item H.1.2)  
  
Mr. Griffith directed the Board's attention to the Proposal for Decision and the corresponding proposed Board Order options. He advised the Board that following a hearing held before an ALJ with the State Office of Administrative Hearings, a Proposal for Decision was issued on November 7, 2024, in the matter of Ramachandran Raju. Mr. Griffith

reviewed the background in the case for the Board. He directed the Board's attention to two options for Board Order #2023-05190, one with recommendations from the ALJ, which would grant Mr. Raju's application for reinstatement with conditions and impose a five-year probationary period, and the other with Board staff's recommendations, which would deny Mr. Raju's application for reinstatement, as recommended by the informal conference panel.


President Spier recognized Mr. Raju and his attorney, Rodney Montes, who explained his position.

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 to approve the entry of Board Order #2023-05190, as recommended by Board staff, in the matter of Ramachandran Raju. The motion was seconded by Mr. Lewis and failed 3-5-0, with Mr. Fernandez, Mr. Martin, Mr. Miller, Ms. Tijerina, and Ms. Yoakum opposed. The motion was made by Mr. Fernandez to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and to approve the entry of Board Order #2023-05190, as recommended by the ALJ, in the matter of Ramachandran Raju. The motion was seconded by Mr. Martin and passed 6-2-0, with Mr. Lewis and Mr. Tisch opposed.

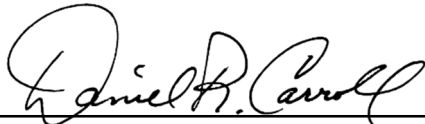
Mr. Miller made a motion to adjourn the meeting. The motion was seconded by Mr. Fernandez and passed unanimously.

President Spier adjourned the meeting at 1:25 p.m.

APPROVED:



Julie Spier, R.Ph.  
President



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

May 6, 2025