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## TEXAS STATE BOARD OF PHARMACY

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1801 Congress Ave, Room 4.300  
Austin, Texas

Tuesday, June 17, 2025

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

### BOARD BUSINESS MEETING

#### Tuesday, June 17, 2025

President Julie Spier, R.Ph., called the meeting to order at 10:00 a.m. Other Board Members present were Vice President Bradley A. Miller, Ph.T.R.; Treasurer Jenny Downing Yoakum, R.Ph.; Donnie Lewis, R.Ph.; Randy Martin, Pharm.D., R.Ph.; Donna Montemayor, R.Ph.; Suzette Tijerina, R.Ph.; and Rick Tisch.

Board Members Rick Fernandez, R.Ph.; Heisha Freeman; and Ian Shaw were 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; Eamon Briggs, Deputy General Counsel; Sean Leeper, Government Relations Specialist; and Lily Moreno, Executive Assistant.

#### **A. Announcements**

President Spier made general announcements and reviewed the meeting procedures.

#### **B. Discussion of and Possible Action Regarding Rules**

##### Final Adoption of Rules

- Rules Concerning Pharmacies Compounding Sterile Preparations (§291.133) (Item B.1.1)

Mr. Briggs explained that the Board voted to propose the amendments to

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

§291.133 during its November 5, 2024, meeting. The proposed amendments were published in the December 27, 2024, issue of the *Texas Register*.

Mr. Briggs directed the Board's attention to amendments to §291.133 and explained that the proposed amendments update the personnel, environment, compounding process, cleaning and disinfecting, beyond-use dating, cleansing and garbing, environmental testing, sterility testing, recall procedure, and recordkeeping requirements for pharmacies compounding sterile preparations. Mr. Briggs also explained that on February 24, 2025, the Board submitted the proposed amendments to the Office of the Governor Regulatory Compliance Division for review and on May 2, 2025, the division issued a determination letter that found that the proposed amendments are a reasonable exercise of the Board's authority to protect public health, safety, and welfare by ensuring that pharmacies engaged in sterile compounding operate in a safe and sanitary environment. The division determined that the proposed amendments are consistent with state policy and approved the amendments for final adoption and implementation.

Written comments were received from the following:

- Texas Society of Health-System Pharmacy (TSHP), in support of the amendments with suggested changes;
- Texas Hospital Association, in support of some of the amendments with suggested changes;
- Alliance for Pharmacy Compounding, in support of some of the amendments with suggested changes;
- John Daniel, R.Ph., with suggested changes; and
- Empower Pharmacy, with suggested changes.

Oral comments were received from the following:

- Jonathan Head, Pharm.D., R.Ph., with Las Colinas Pharmacy, expressing concern with the proposed amendments and suggesting changes;
- Frank Kratofil, R.Ph., Jordan Cuccia, R.Ph., and Jules D'Souza, with Empower Pharmacy, reiterating their organization's written comments;
- Matthew Lester, with PCCA, expressing concern with the proposed amendments and suggesting changes;
- Stephen Snow, with Bendin Sumrall & Ladner, LLC, in opposition to the proposed amendments, expressing concerns and suggesting changes;
- Clint Narver, with McGuireWoods LLP, in opposition to the proposed amendments and suggesting changes;
- Cole Knutson, R.Ph., on behalf of Aaron Reich, Pharm.D., R.Ph., President, with TSHP, reiterating TSHP's written comments; and
- Mr. Knutson, on behalf of himself, in support of some of the

amendments and suggesting the amendments align with the task force recommendations.

President Spier recessed the meeting at 11:09 a.m.  
President Spier reconvened the meeting at 11:18 a.m.

President Spier led Board Members in a review and discussion of the proposed amendments by section.

President Spier recessed the meeting at 1:03 p.m.  
President Spier reconvened the meeting at 1:15 p.m.

Following discussion, the motion was made by Ms. Yoakum to approve for proposal the amendments to §291.133, with the modifications set forth in the discussion. The motion was seconded by Ms. Montemayor and passed unanimously.

**C. Review of Fee Recommendations**

Dr. Carroll reviewed three potential fee increase options to account for the appropriations made to TSBP under the General Appropriations Act of the 89th Legislature: 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.

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

Proposal of Rules

- Rules Concerning Fees (§§291.6, 295.5, and 297.4) (Items B.2.1.1, B.2.1.2, and B.2.1.3)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning fees. He explained the proposed amendments to §291.6 increase pharmacy license fees based on expected expenses, the proposed amendments to §295.5 increase pharmacist license fees based on expected expenses, and the proposed amendments to §297.4 increase pharmacy technician registration fees based on expected expenses.

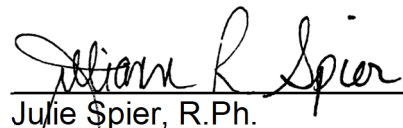
Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §§291.6, 295.5, and 297.4, with Fee

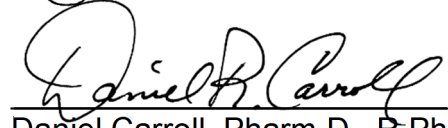
Recommendation Option #2, as presented. The motion was seconded by Mr. Martin and passed unanimously.

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

President Spier adjourned the meeting at 1:51 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

August 5, 2025