



TEXAS STATE BOARD OF PHARMACY

1801 Congress Ave, Room 4.300
Austin, Texas

Tuesday, May 6, 2025

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, May 6, 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.; Heisha Freeman; Donnie Lewis, R.Ph.; Randy Martin, Pharm.D., R.Ph.; Donna Montemayor, R.Ph.; Suzette Tijerina, R.Ph.; and Rick Tisch.

Board member Ian Shaw 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.

President Spier introduced and welcomed new Board Member Heisha Freeman.

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 Business Meeting held February 4, 2025. The motion was seconded by Mr. Martin and passed unanimously.

¹See agenda and corresponding attachments for supporting materials.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Definitions (§§281.2 and 291.102) (Items C.1.1.1 and C.1.1.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§281.2 and 291.102 during its February 4, 2025, meeting. The proposed amendments were published in the March 21, 2025, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §§281.2 and 291.102 and explained that the proposed amendments correct the chapter range in the definition of the Act.

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 §§281.2 and 291.102, as presented. The motion was seconded by Ms. Montemayor and passed unanimously.

- Rules Concerning Prescription Delivery (§§291.9 and 291.12) (Items C.1.2.1 and C.1.2.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§291.9 and 291.12 during its February 4, 2025, meeting. The proposed amendments were published in the March 21, 2025, issue of the *Texas Register*.

Mr. Griffith directed the Board's attention to amendments to §§291.9 and 291.12. He explained that the proposed amendments to §291.9 allow a pharmacist or pharmacy to deliver prescription drugs by means of a contract carrier and certain prescription drugs by use of unmanned aircraft systems and the proposed amendments to §291.12 allow and specify requirements for delivery of prescription drugs by contract carriers and unmanned aircraft systems.

Written comments were received from the following:

- Small UAV Coalition, in support of the amendments;
- Rob Geddes, Pharm.D., with CVS Health, in support of the amendments with suggested changes;
- Memorial Hermann Health System, in support of the amendments with suggested changes; and
- Zipline International Inc., in support of the amendments with suggested changes.

Oral comments were received from the following:

- Binita Patel, Pharm.D., Vice President-Pharmacy Services, and Freddy Warner, Chief Government Relations Officer, with Memorial Hermann Health System, reiterating their organization's written comments; and
- Keval Patel, General Counsel, and Delthia McKinney, Lead, U.S. Healthcare, with Zipline International Inc., reiterating their organization's written comments.

Following discussion, a motion was made by Mr. Tisch to approve for proposal amendments to §§291.9 and 291.12, concerning the delivery location, with the modifications set forth in the discussion. The motion was seconded by Mr. Fernandez and passed unanimously. Following further discussion, a motion was made by Mr. Fernandez to approve for proposal amendments to §§281.2 and 291.102, with additional modifications to the temperature as set forth in the discussion. The motion was seconded by Mr. Martin and passed 8-1-0, with Mr. Miller opposed.

- Rules Concerning Community Pharmacy (Class A) Personnel (§291.32) (Item C.1.3)

Mr. Griffith explained that the Board voted to propose the amendments to §291.32 during its February 4, 2025, meeting. The proposed amendments were published in the March 21, 2025, issue of the *Texas Register*.

Mr. Griffith directed the Board's attention to amendments to §291.32 and explained that the proposed amendments exclude central fill pharmacies that have no patient-facing contact from the required minimum ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

Written comments were received from the following:

- National Association of Chain Drug Stores, in support of the amendments;
- Jeenu Philip, R.Ph., with Walgreen Co., in support of the amendments; and
- Mr. Geddes, in support of the amendments.

Oral comments were received from Mr. Philip, reiterating his written comments.

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 §291.32, as presented. The motion was seconded by Mr. Fernandez and passed 8-1-0, with Ms. Yoakum opposed.

- Rules Concerning form §481.074 of the Texas Controlled Substances Act (§§291.55 and 315.13) (Items C.1.4.1 and C.1.4.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§291.55 and 315.13 during its February 4, 2025, meeting. The proposed amendments were published in the March 21, 2025, issue of the *Texas Register* and no comments were received.

Mr. Griffith directed the Board's attention to amendments to §291.55 and 315.13. He explained that the proposed amendments to §291.55 update a citation concerning a statutory provision that has been repealed and the proposed amendments to §315.13 remove a recordkeeping requirement concerning a statutory provision that has been repealed and the effective date from the short title.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Tijerina to approve for adoption, by Board Order, the amendments to §§291.55 and 315.13, as presented. The motion was seconded by Mr. Lewis and passed unanimously.

- Rules Concerning Common Ownership (§§291.72 and 291.120) (Items C.1.5.1 and C.1.5.2)

Mr. Griffith explained that the Board voted to propose the amendments to §§291.72 and 291.120 during its February 4, 2025, meeting. The proposed amendments were published in the March 21, 2025, issue of the *Texas Register*.

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

Written comments were received from the following:

- Texas Health Resources, expressing concern with the amendments to §§291.72 and 291.120;
- Mr. Geddes, expressing concern with the amendments to §291.120 and suggesting changes; and
- Mr. Philip, expressing concern with the amendments to §291.120 and suggesting changes.

Oral comments were received from Mr. Philip reiterating his written comments.

Following discussion, the Board instructed staff to draft revised language for amendments to §§291.72 and 291.120 to address the concerns from the comments.

- Rules Concerning Pharmacies Compounding Sterile Preparations (§291.133) (Item C.1.6)

President Spier announced that the discussion concerning the proposed amendments to §291.133 was being postponed to a separate open meeting, with the noticed place, date, and time to be posted.

President Spier recessed the meeting at 10:01 a.m.
President Spier reconvened the meeting at 10:28 a.m.

- Rules Concerning Prescription Delivery (§§291.9 and 291.12) (Items C.1.2.1 and C.1.2.2), continued

President Spier announced that a request was received to reconsider the adoption of the proposed amendments to §§291.9 and 291.12. Following consideration, the Board determined not to reconsider the adoption of the amendments and to move forward with the amendments as proposed.

Proposal of Rules

- Rules Concerning Fees (§§291.6, 295.5, and 297.4) (Items C.2.1.1, C.2.1.2, and C.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 and pharmacy technician trainee registration fees based on expected expenses. Mr. Griffith explained that there were placeholders for the fees as the actual amounts were to be determined.

Following discussion, the motion was made by Mr. Lewis to approve for proposal amendments to §§291.6, 295.5, and 297.4, as presented. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Inventory Requirements (§291.17) (Item C.2.2)

Mr. Griffith directed the Board's attention to suggested amendments to rule language concerning inventory requirements. He explained the proposed amendments to §291.17 remove inventory notarization requirements. Additionally, he explained that the proposed amendments were included and considered in the March 2025 Governor's Small Business Freedom Council Report.

Following discussion, the motion was made by Mr. Martin to approve for proposal amendments to §291.17, as presented. The motion was seconded by Mr. Lewis and passed 8-1-0, with Mr. Miller opposed.

Rule Review

- Review and Approval of FY2026 – FY2029 Rule Review Plan in Accordance with Government Code, Section §2001.039 (Item C.3)

Mr. Griffith directed the Board's attention to the proposed Rule Review Plan for FY2026 – FY2029 and explained that state law requires the Board to review the rules on a four-year cycle and the previous plan for rule review was completed at the February 4, 2025, meeting.

Following discussion, the motion was made by Mr. Tisch to approve the Rule Review Plan for FY2026 – FY2029, as presented. The motion was seconded by Mr. Lewis 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)

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 D.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.

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

- Financial Report
 - Review of FY2025 Second Quarter Expenditures (Item E.1.1)

Mr. Leal reviewed the expenditures for the second quarter of FY2025 (December 1, 2024 – February 28, 2025) for the Board.

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

Mr. Leal reviewed the Board Member Travel Budget for the second

quarter of FY2025 (December 1, 2024 – February 28, 2025).

- 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 second quarter of FY2025 (December 1, 2024 – February 28, 2025).

- Update on Legislative Appropriations Request for FY2026 - FY2027 (Item E.1.4)

Mr. Leeper reviewed the status of the Legislative Appropriations Request.

- Review of FY2026 Calendar of Events (Item E.4)

Dr. Carroll reviewed the FY2026 Calendar of Events (September 1, 2025 – August 31, 2026) for the Board.

- Discussion Concerning National Association of Boards of Pharmacy (NABP) Proposed Resolutions (Item E.5)

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

- Report on Prescription Monitoring Program (Item E.6)

Mr. Meryman reviewed the Prescription Monitoring Program (PMP) data for the second quarter of FY2025 (December 1, 2024 – February 28, 2025). He also reported on PMP staffing updates and explained that there were no significant feature enhancements to the PMP.

- Report on Appeals from State Office of Administrative Hearing Cases and Other Court Actions (Item E.7)

Ms. Holloway provided an update 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. She explained that the appellants filed a notice of nonsuit and the matter was dismissed.

Ms. Holloway reported on a matter concerning a pharmacist who has an

agreed board order, entered in February 2017. She explained that Board staff recently received an order of non-disclosure relating to the underlying conduct. The petitioner filed a motion for enforcement of the order of non-disclosure by contempt with the 179th District Court in Harris County. Ms. Holloway explained that an attorney from the Office of the Attorney General (OAG) has been appointed to handle the case. A hearing was held on March 20, 2025, however, the judge found that the petitioner had not properly filed his petition, and the hearing did not move forward. Subsequently, the petitioner renewed the motion for enforcement and the attorney from the OAG filed a response to the new motion.

- Update on Legislation Being Considered During the 89th Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Item E.8)

Mr. Leeper 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. He reviewed a selection of the bills from the chart.

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 second quarter of FY2025 (December 1, 2024 – February 28, 2025). 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 F.2)

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

G. Disciplinary Orders

- Report on Agreed Board Orders and Board Orders Entered by Executive Director (Item G.2)
 - The Board reviewed 8 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 February 12, 2025, through May 2, 2025.
 - The Board reviewed 1 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 February 27, 2025.

- The Board reviewed 5 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 February 27, 2025, through May 2, 2025.
- The Board reviewed 1 Confidential Agreed Board Order concerning a pharmacist that had been entered by the Executive Director on February 27, 2025.
- 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;
- 1 proposed Default Board Order concerning a pharmacy technician who did not appear for an Informal Conference;
- 5 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 16 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;
- 3 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference;
- 2 proposed Remedial Plans concerning a pharmacy and a pharmacist (Alternative Resolutions); and
- 4 proposed Remedial Plans concerning pharmacists who appeared for an Informal Conference.

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

No.	Name	T, I, R, or P*	ABO, DBO, or RP**	Order # or Plan #	Board Vote (Yes-No- Abstain)	Abstained Board Members
1	Connie Nicole Almaguer	T	ABO	2024-05941	7-0-2	Martin, Tijerina
2	Leslie Paola Gonzalez	T	ABO	2024-06242	7-0-2	Martin, Tijerina
3	Roxanne Caesear	T	ABO	2025-00689	8-0-1	Yoakum
4	Taylor Deboricia Shynelle Ethrige	T	ABO	2024-06976	8-0-1	Yoakum
5	Candice Heath	T	ABO	2024-05453	8-0-1	Yoakum
6	Ashley Martinez	T	ABO	2024-07052	8-0-1	Yoakum
7	Alexandria Reyna	T	ABO	2024-06913	8-0-1	Yoakum
8	Aaron T. Gonzales	T	ABO	2024-04025	7-0-2	Lewis, Miller
9	Jasmine Tinavie Jackson	T	ABO	2024-06306	7-0-2	Lewis, Miller
10	Leah Jeffiers	T	ABO	2025-00019	7-0-2	Lewis, Miller
11	Angerline Olivia Marshall	T	ABO	2023-07288	7-0-2	Lewis, Miller
12	Pablo Andres Soto	T	ABO	2024-05151	7-0-2	Lewis, Miller
13	Elena Vasquez	T	ABO	2024-02807	7-0-2	Lewis, Miller
14	Erica S. Green	T	ABO	2025-00053	7-0-2	Miller, Tijerina
15	Doris Mays	T	ABO	2025-00054	7-0-2	Miller, Tijerina
16	Ashely Anne Street	T	ABO	2024-03113	7-0-2	Miller, Tijerina
17	Donna Sallee	T	ABO	2025-01248	7-0-2	Fernandez, Montemayor
18	Kehinde Olabisi Showunmi	T	ABO	2025-00878	7-0-2	Fernandez, Montemayor
19	Kaylee Danielle Gibson	T	DBO	2024-03927	7-0-2	Fernandez, Montemayor
20	Dexter Pharmacy	P	ABO	2025-00422	9-0-0	-
21	Mariam Hashemi	R	ABO	2025-01383	9-0-0	-
22	H.E.B. Pharmacy #580	P	ABO	2024-03263	8-0-1	Montemayor
23	Veronica Youngman Chang	R	ABO	2024-04723	8-0-1	Montemayor
24	Walgreens #21464	P	ABO	2024-04952	8-0-1	Fernandez
25	Greenhouse Pharmacy	P	ABO	2024-04838	7-0-2	Fernandez, Lewis
26	Atula V. Patel	R	ABO	2024-04842	7-0-2	Fernandez, Lewis
27	Urvashi Ratilal Mukhi	R	ABO	2024-04843	7-0-2	Fernandez, Lewis
28	H.E.B. Pharmacy #373	P	ABO	2024-02620	6-0-3	Martin, Montemayor, Tijerina
29	George Lock Paret	R	ABO	2024-06200	7-0-2	Martin, Tijerina
30	Raff & Hall Family Park	P	ABO	2024-02489	7-0-2	Martin, Tijerina
31	Tarun K. Patel	R	ABO	2024-04634	7-0-2	Martin, Tijerina
32	Kelli Arceneaux	R	ABO	2024-05936	8-0-1	Yoakum
33	Grand Ave Pharmacy	P	ABO	2024-05237	8-0-1	Yoakum
34	Carlos Heath	R	ABO	2024-05504	8-0-1	Yoakum
35	Anh Tram Nguyen	R	ABO	2024-05463	8-0-1	Yoakum
36	Texas Professional Pharmacy Magnolia	P	ABO	2024-04369	8-0-1	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
37	Asif Ali Syed	R	ABO	2024-05572	8-0-1	Yoakum
38	Walgreens #07371	P	ABO	2024-01540	7-0-2	Fernandez, Yoakum
39	Javier Luis Flores, Jr.	R	ABO	2024-06813	7-0-2	Fernandez, Yoakum
40	CVS/pharmacy #6806	P	ABO	2024-03772	6-0-3	Lewis, Montemayor, Tijerina
41	Tory Michelle Taylor	R	DBO	2024-05581	7-0-2	Miller, Tijerina
42	<i>Confidential</i>	R	ABO	2025-02212	7-0-2	Miller, Tijerina
43	<i>Confidential</i>	R	ABO	2025-02025	7-0-2	Lewis, Montemayor
44	<i>Confidential</i>	R	ABO	2025-02022	7-0-2	Lewis, Montemayor
45	Advancecare Dallas	P	RP	2024-02621	9-0-0	-
46	Blessing A. Ajaere	R	RP	2024-04745	9-0-0	-
47	Kaitlyn Tien Khanh Vo	R	RP	2024-04278	7-0-2	Martin, Montemayor
48	Madyson Claire Stubbs	R	RP	2024-04069	7-0-2	Martin, Tijerina
49	Demitrice Levet Venters	R	RP	2024-03201	7-0-2	Martin, Tijerina
50	Chaitanya Koduru	R	RP	2024-02686	7-0-2	Miller, 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)

H. Miscellaneous

- Items to be Placed on Agenda for August 5, 2025, Board Meeting (Item H.1)

President Spier requested Board members to submit any additional items for the August 5, 2025, Board meeting to staff.

- Discussion of and Possible Action on Upcoming Conferences and Events (Item H.2)

President Spier reviewed upcoming meetings and conferences. Additionally, she acknowledged Mr. Lewis for his University of Houston Golden Cougar recognition.

President Spier recessed the meeting at 11:05 a.m.
President Spier reconvened the meeting at 1:00 p.m.

G. Disciplinary Orders, continued

- Consideration of Proposal for Decision in the Matter of Emily Ferdin, Pharmacy Technician Registration #273367 (Item G.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 April 9, 2025, in the matter of Emily Ferdin. Mr. Griffith reviewed the background in the case for the Board and reviewed Board Order #2024-00097, which would revoke Ms. Ferdin's registration, as recommended by the ALJ and Board staff.

Following discussion, the motion was made by Mr. Lewis to accept the Findings of Fact and Conclusions of Law in the Proposal for Decision and to approve the entry of Board Order #2024-00097, as presented, in the matter of Emily Ferdin. The motion was seconded by Mr. Tisch and passed unanimously.

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

- Review of FY2025 Annual Internal Audit Report (Item E.3)

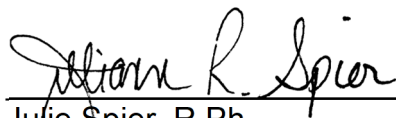
President Spiers recognized Daniel Graves, with Weaver and Tidwell, LLP, who provided a status report for the FY2025 Annual Internal Audit over internal agency compliance processes. He also reviewed the follow-up procedures over enforcement processes. Mr. Graves reported that the follow-up procedures over IT services were in process and would be reported at the August 5, 2025, Board meeting, along with a draft of the FY2025 Annual Internal Audit Report.

- Professional Recovery Network (PRN)
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for the second quarter of FY2025 (December 1, 2024 – February 28, 2025). (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 second quarter of FY2025 (December 1, 2024 – February 28, 2025) and reviewed PRN activities for the Board. (Item E.2.2)

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

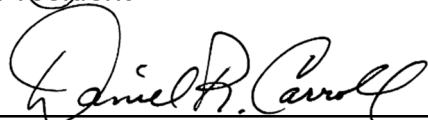
President Spier adjourned the meeting at 1:12 p.m.

APPROVED:

A handwritten signature in cursive script, appearing to read "Julie Spier", written over a horizontal line.

Julie Spier, R.Ph.

President

A handwritten signature in cursive script, appearing to read "Daniel P. Carroll", written over a horizontal line.

Daniel Carroll, Pharm.D., R.Ph.

Executive Director/Secretary

August 5, 2025