



# TEXAS STATE BOARD OF PHARMACY

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TEXAS STATE BOARD OF PHARMACY  
Health Professions Council Board Room  
333 Guadalupe Street, Tower II, Suite 225  
Austin, Texas  
November 4-5, 2013

## MINUTES<sup>1</sup>

### Monday, November 4, 2013

President Jeanne D. Waggener, R.Ph., called the meeting to order at 4:19 p.m. Other Board Members present were Vice President Dennis F. Wiesner, R.Ph.; Treasurer Buford T. Abeldt, Sr., R.Ph.; W. Benjamin Fry, R.Ph.; Alice Mendoza, R.Ph.; L. Suzan Kedron; Joyce A. Tipton, R.Ph.; Charles Wetherbee; Phyllis A. Stine; Christopher M. Dembny, R.Ph., and Bradley A. Miller, Ph.T.R.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Cathy Stella, Director of Licensing and Administrative Services; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Steve Rapp, Director of Information Technology; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Caroline Hotchkiss, Assistant General Counsel; Tyler Vance, Staff Attorney; Stacy Martyak, Staff Attorney; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Melvin Roberts.

#### **A. Announcements**

- President Waggener welcomed new Board members Christopher M. Dembny, R.Ph., and Bradley A. Miller, Ph.T.R., to the meeting.

Mr. Dembny and Mr. Miller were appointed by Governor Perry to fill two new positions on the Board created by the passage of Senate Bill 500.

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

- President Waggener made general announcements.
- Announcements were made concerning Board Members and staff.
- Ms. Benz made an announcement concerning continuing education credit for attending the Board Meeting.

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

Final Adoption of Rules

- Rules Concerning Pharmacist to Technician Ratio (§§291.32, 291.53 and 291.153) (Tab 06)

Ms. Dodson recommended that the Board withdraw the proposed rule changes concerning pharmacist to technician ratio and establish a Task Force to review technician issues which should include a discussion of pharmacy technician duties; training/education levels; and other issues such as ratio of pharmacy technicians to pharmacists.

President Waggener stated she would like for the Board to move forward with Ms. Dodson's recommendation.

Following discussion, the motion was made by Mr. Dembny to withdraw the proposed amendments to §§291.32, 291.53 and 291.153. The motion was seconded by Mr. Wetherbee.

Following additional discussion, the motion was made by Mr. Fry to amend Mr. Dembny's motion to include the establishment of a Task Force as recommended by Ms. Dodson. The motion was seconded by Ms. Mendoza and passed 7-3-0, with Mr. Dembny, Mr. Miller, Mr. Wetherbee, Ms. Mendoza, Mr. Fry and Ms. Kedron in favor and Mr. Wiesner, Ms. Stine and Ms. Tipton opposed.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §§291.32, 291.53 and 291.153, to change pharmacist to technician ratio for Class A and Class B pharmacies from 1:3 to 1:4, and for Class G pharmacies from 1:6 to 1:8. The motion was seconded by Ms. Mendoza and passed 8-1-1, with Mr. Fry, Ms. Mendoza, Ms. Tipton, Mr. Abeldt, Mr. Wetherbee, Ms. Kedron, Mr. Miller and Ms. Stine in favor, Mr. Wiesner opposed, and Mr. Dembny abstained.

President Waggener recessed the meeting at 4:48 p.m.

President Waggener reconvened the meeting at 5:00 p.m.

**B. Discussion and Approval of Minutes of Previous Meetings** (Tab 01)

Following discussion, the motion was made by Ms. Kedron to approve the minutes of the TSBP Board Business Meeting held August 6, 2013; as presented.

The motion was seconded by Ms. Stine and passed unanimously.

President Waggener recessed the Meeting at 5:03 p.m.

**Monday, November 5, 2013**

President Jeanne D. Waggener, R.Ph., called the meeting to order at 9:02 a.m. Other Board Members present were Vice President Dennis F. Wiesner, R.Ph.; Treasurer Buford T. Abeldt, Sr., R.Ph.; W. Benjamin Fry, R.Ph.; Alice Mendoza, R.Ph.; L. Suzan Kedron; Joyce A. Tipton, R.Ph.; Charles Wetherbee; Phyllis A. Stine; Christopher M. Dembny, R.Ph., and Bradley A. Miller, Ph.T.R.

Staff present were Gay Dodson, R.Ph., Executive Director/Secretary; Cathy Stella, Director of Licensing and Administrative Services; Carol Fisher, R.Ph., M.P.A., Director of Enforcement; Allison Benz, R.Ph., M.S., Director of Professional Services; Kerstin Arnold, General Counsel; Steve Rapp, Director of Information Technology; Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Caroline Hotchkiss, Assistant General Counsel; Tyler Vance, Staff Attorney; Stacy Martyak, Staff Attorney; and Becky Damon, Executive Assistant.

Also present was Pharmacist Intern Melvin Roberts.

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

Final Adoption of Rules

- Rules Concerning Informal Disposition of a Contested Case (§281.22) (Tab 02)

Ms. Benz explained that the Board voted to propose the amendments to §281.22 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.22 and explained that the amendments implement Senate Bill 404 as passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §281.22. The motion was seconded by Mr. Miller and passed unanimously.

- Rules Concerning Remedial Plan (§281.68) (Tab 03)

Ms. Benz explained that the Board voted to propose the amendments to §281.68 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §281.68 and explained the amendments implement Senate Bill 404 as passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §281.68. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Inventory Requirements (§291.17) (Tab 04)

Ms. Benz explained that the Board voted to propose the amendments to §291.17 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.17 and explained that the amendments clarify the time requirements for the notarization of inventories.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Kedron to approve for adoption, by Board Order, amendments to §291.17. The motion was seconded by Mr. Abeldt and passed unanimously.

- Rules Concerning Fees (§§291.6, 295.5 and 297.4) (Tab 05)

Ms. Benz explained that the Board voted to propose the amendments to §§291.6, 295.5 and 297.4 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and comments were received from Jeff Carson, R.Ph, and Kimberley Stengel, Ph.T.R.

Ms. Benz directed the Board's attention to amendments to §§291.6, 295.5 and 297.4 and explained that the amendments will raise pharmacy and pharmacist license fees and pharmacy technician registration fees to increase TSBP revenue to meet the contingency revenue requirements on new appropriations passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Wetherbee to approve for adoption, by Board Order, amendments to §§291.6, 295.5 and 297.4. The motion was seconded by Mr. Dembny and passed unanimously.

- Rules Concerning Auto Refill in Class E Pharmacies (§291.105) (Tab 07)

Ms. Benz explained that the Board voted to propose the amendments to §291.105 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §291.105 and explained that the amendments add requirements for Class E pharmacies using auto-refill programs.

The Board delayed action on the proposed amendments to §291.105 until later in the meeting.

- Rules Concerning Military Spouses (§§283.12 and 297.10) (Tab 08)

Ms. Benz explained that the Board voted to propose the amendments to §§283.12 and 297.10 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and no comments were received.

Ms. Benz directed the Board's attention to amendments to §§283.12 and 297.10 and explained that the amendments implement Senate Bill 162 as passed by the 83<sup>rd</sup> Texas Legislature.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §§283.12 and 297.10. The motion was seconded by Ms. Mendoza and passed unanimously.

- Rules Concerning Compounding of Sterile Preparations (§§291.33, 291.36, 291.54, 291.56, 291.74, 291.76, 291.77, 291.104, 291.106 and 291.133) (Tab 09)

Ms. Benz explained that the Board voted to propose the amendments and new rules §§291.33, 291.36, 291.54, 291.56, 291.74, 291.76, 291.77, 291.104, 291.106 and 291.133 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and comments were received from Jeff Carson, R.Ph.; Richie Ray, R.Ph.; Texas Society of Health-System Pharmacists; Chas. W. Gray, R.Ph; and Texas Pharmacy Association.

Ms. Benz directed the Board's attention to amendments to §§291.33, 291.36, 291.54, 291.56, 291.74, 291.76, 291.77, 291.104, 291.106 and 291.133 and explained that the amendments and new rules outline the requirements for pharmacies that compound sterile preparations, implement recommendations of the TSBP appointment Task Force on Compounding Sterile Preparations (Task Force), and implement Senate Bill 1100 passed by the 83<sup>rd</sup> Texas Legislature regarding compounding pharmacies.

President Waggener recognized Paul Davis, R.Ph., with the Texas Society of Health-System Pharmacists. President Waggener recognized Travis Leech, R.Ph. and Lucinda Van Anglen, R.Ph., who served as members of the Sterile Compounding Task Force, and requested their comments concerning the amendments and new rule.

The Board tabled discussion on the proposed amendments and new rules until later in the meeting.

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

- Professional Recovery Network
  - President Waggener recognized Courtney Hulbert, Director of the Professional Recovery Network (PRN). Ms. Hulbert directed the Board's attention to the PRN budget report for FY2013, September 1, 2012, through August 31, 2013, and reviewed current PRN activities for the Board. (Tab 19)

President Waggener recessed the meeting at 10:51 a.m.

President Waggener reconvened the meeting at 11:05 a.m.

**E. Disciplinary Orders**

- Consideration of Proposal for Decision
  - In the Matter of Emmanuel Kanu, R.Ph., License #34077 (Tab 28)

Ms. Arnold advised the Board that a hearing was held before State Office of Administrative Hearings (SOAH) Administrative Judge Sarah Starnes, on May 30, 2013, in the matter of pharmacist Emmanuel Kanu, in which TSBP staff sought to deny the application for reinstatement of the pharmacist license of Emmanuel Kanu.

Ms. Arnold introduced Judge Sarah Starnes, who reviewed the *Proposal for Decision* for the Board. Judge Starnes told the Board that she recommended that Emmanuel Kanu's license be reinstated with a five-year period of probation with restrictions.

Mr. Martyak reviewed the background in the case for the Board. She directed the Board's attention to Board Order #R-12-002, of which there were two proposed versions. She explained that one version would implement the recommendation from SOAH to reinstate Mr. Kanu's pharmacist license with probation; the second version would deny the reinstatement of Mr. Kanu's pharmacist license.

The Board recognized Mr. Emmanuel Kanu who presented a written petition and oral statements requesting the Board to accept the recommendations made by SOAH to grant reinstatement of his pharmacist license.

Following discussion, the motion was made by Mr. Fry to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision*, and approve version two of Board Order #R-12-002, as presented, in the matter of Emmanuel Kanu, to deny reinstatement of Mr. Kanu's pharmacist license. The motion died due to lack of a second.

The motion was made by Ms. Stine to approve version one of Board Order #R-12-002, as presented and to reinstate Mr. Kanu's pharmacist license with probation. The motion was seconded by Mr. Wiesner.

- Executive Session

The motion was made by Mr. Abeldt that the Board go into Executive Session, under the authority of Texas Occupations Code §552.011, to deliberate relating to discipline of a licensee and to consult with counsel. The motion was seconded by Mr. Wetherbee and passed unanimously. President Waggener declared the Board in Executive session at 11:34 a.m.

President Waggener announced the Board would enter Open Session at 11:59 a.m. and announced that no actions were taken and no decision were made during Executive Session.

The motion to reinstate Mr. Kanu's license failed to pass with the vote of 0-7-3, with Mr. Fry, Mr. Wetherbee, Mr. Abeldt, Ms. Mendoza, Ms. Tipton, Mr. Dembny and Ms. Kedron opposed and Mr. Miller, Ms. Stine and Mr. Wiesner abstaining.

Following discussion, the motion was made by Mr. Fry to accept the *Findings of Fact and Conclusions of Law* in the *Proposal for Decision* and approve version two of Board Order #R-12-002, as presented, in the matter of Emmanuel Kanu, to deny reinstatement of Mr. Kanu's pharmacist license. The motion was seconded by Mr. Wetherbee and passed 7-3-0, with Mr. Abeldt, Ms. Kedron, Mr. Fry, Ms. Tipton, Mr. Dembny, Ms. Mendoza and Mr. Wetherbee in favor and Mr. Wiesner, Ms. Stine and Mr. Miller opposed.

President Waggener recessed the meeting at 12:03 p.m.

President Waggener reconvened the meeting at 12:51 p.m.

**C. Discussion of and Possible Action Regarding Rules** (cont'd)

Final Adoption of Rules

- Rules Concerning Sterile Compounding (Tab 09) (cont'd)

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Dembny to approve for adoption, by Board Order, amendments to §291.105; amendments to §§291.33, 291.74, 291.76 and 291.104, as amended, to approve new rules §§291.36, 291.77, and 291.106, as amended; to repeal §291.133 and to approve new rule §291.133, as amended; and to withdraw proposed amendments to §§291.54 and 291.56. The motion was seconded by Ms. Tipton and passed unanimously.

- Rules Concerning Pharmacist Certification Programs (§295.12) (Tab 10)

Ms. Benz explained that the Board voted to propose the amendments to §295.12 during its August 6, 2013, meeting. The proposed amendments were published in the September 27, 2013, issue of the *Texas Register*, and comments were received from the Texas Pharmacy Association.

Ms. Benz directed the Board's attention to amendments to §295.12 and explained that the amendments update and clarify the requirements for the recognition and approval of pharmacist certification programs.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fry to approve for adoption, by Board Order, amendments to §295.12. The motion was seconded by Mr. Wetherbee and passed unanimously.

### Proposal of Rules

- Rules Concerning Labeling in Pharmacies Utilizing Central Prescription Dispensing (§291.125) (Tab 11)

The President recognized Jeff Mesaros, R.Ph., with the Florida Pharmacy Board.

Ms. Benz directed the Board's attention to suggested amendments to rule language concerning centralized prescription dispensing labeling requirements.

Following discussion, the motion was made by Mr. Fry to approve for proposal amendments to §291.125, as presented. The motion was seconded by Ms. Mendoza and passed unanimously.

### Rule Review

- For Proposal

Ms. Benz directed the Board's attention to the TSBP Rule Review Plan for FY2014-2017 (Tab 12)

- Chapter 291 Concerning Pharmacies (Nuclear Pharmacy (Class B)) (§§291.51-291.55) (Tab 13)
- Chapter 305 Concerning Educational Requirements (§§305.1-305.2) (Tab 14)
- Chapter 309 Concerning Generic Substitution (§§309.1-309.4, 309.6-309.8) (Tab 15)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Wetherbee to approve for proposal, as presented, the review of Chapter 291 (§§291.51-291.55); Chapter 305 (§§305.1-305.2); and Chapter 309 (§§309.1-309.4, 309.6-309.8). The motion was seconded by Mr. Dembny and passed unanimously.

### **D. Discussion of and Possible Action Concerning the Following Reports and Discussions (cont'd)**

- Financial Update
  - Review and Approval of FY2013 Operating Budget (Tab 16)

Ms. Stella reviewed the expenditures for all four quarters of FY2013 (September 1, 2012 - through August 31, 2013) for the Board.

Following discussion the motion was made by Ms. Mendoza to approve the FY2013 expenditures as presented. The motion was seconded by Mr. Dembny and passed unanimously.

- Review of Board Member Travel Budget (Tab 17)

Ms. Stella reviewed the Board Member FY2013 Travel Budget.

- Discussion Concerning *TSBP's FY2015-2019 Strategic Plan* (Tab 20)

Ms. Dodson directed the Board's attention to comments concerning the *TSBP's FY2015-2019 Strategic Plan* received from National Healthcareer Association; National Association of Chain Drug Stores; Academy of Managed Care Pharmacy; Pharmacy Technician Certification Board; and the Texas Department of State Health Services.

Ms. Dodson explained that the Board staff would review the issues and present a draft of the *TSBP FY2015-2019 Strategic Plan* at the February Board meeting.

- Discussion Concerning Draft of the Texas Pharmacy Congress Texas Pharmacy Vision to Enhance Patient Care (Tab 21)

Ms. Dodson presented a draft of the Texas Pharmacy Congress (TPC) Vision to Enhance Patient Care. Ms. Dodson explained that TPC was a coordinating body designed to serve as a forum on matters of common interest to its members who include representatives from: the Pharmacy Board; the Texas colleges of pharmacy; the Texas Pharmacy Association; the Texas Federation of Drug Stores; and the Texas Society of Hospital-System Pharmacist.

- Discussion Concerning the Status of a Prescription After a Physician Dies (Tab 22)

Ms. Arnold stated the Medical Board did not discuss this issue at their last board meeting and she would continue to monitor and report back.

- Discussion Concerning Alternative Methods for Posting of Required Notifications to Consumers (Tab 23)

Mr. Wiesner explained there was certain signage required in a pharmacy concerning, complaints, substitution and pharmacist counseling. He explained that California has rules that allows pharmacies to display information by video, with certain restrictions as to the size of the video screen and the timing of the video.

In response to a question Ms. Dodson stated that the generic sign, though still required by law, may no longer be needed and that the complaint information signage was also required by statute.

Mr. Wiesner agreed that certain signage would be required but there could be options available concerning how information is displayed. The Board asked the staff to review the issue before the next meeting.

- Professional Recovery Network
  - Dr. Holder discussed performance measures regarding the number of individuals participating in the peer assistance program for the past three fiscal years (FY2010-2012) as well as the quarterly report on the number of pharmacists participating in the program during FY2013. (Tab 18)

- Report on Shared Regulatory Data Base Project (Tab 24)

Mr. Rapp reported on the TSBP website re-design. He explained that work had begun on the website and that it was scheduled to be completed by March 2014.

- Report on Appeals from State Office of Administrative Hearing Cases (Tab 25)

Ms. Arnold presented information concerning the appeal of cases from the State Office of Administrative Hearing.

- Update on Legislation Filed During the 83<sup>rd</sup> Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 26)

Ms. Dodson directed the Board's attention to an action chart concerning legislation that was passed during the 83<sup>rd</sup> Session of the Texas Legislature that has an impact on TSBP and/or the practice of pharmacy. The chart contains the bill number, action required of TSBP, the effective date of the bill, TSBP's internal deadline, and the current status of TSBP's implementation of the bill.

- Discussion of Possible Statutory Changes for Consideration During the 84<sup>th</sup> Session of the Texas Legislature (Tab 27)

Ms. Dodson presented a report on items recommended for the 83<sup>rd</sup> Texas Legislature that were not passed and may need to be added back for consideration during the 84<sup>th</sup> Texas Legislature.

**E. Disciplinary Orders (cont'd)**

- Report on Agreed Board Orders Entered by Executive Director (Tab 29)
  - The Board reviewed 42 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 August 13, 2013, through October 30, 2013.
  - The Board reviewed 22 Agreed Board Orders concerning pharmacists, pharmacies, and pharmacist-interns that had been entered by the Executive Director on behalf of the Board, in accordance with the Board's directives, during the period August 9, 2013, through October 29, 2013.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders (Tab 30)
  - The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 12 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 12 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference.

**Agreed Board Orders**

- |                             |                 |
|-----------------------------|-----------------|
| 1. Jacquelyn Sonyette Perry | ABO #T-13-381   |
| 2. Christy Ann Dickerson    | ABO #T-12-593   |
| 3. Forrescee Markey Owens   | ABO #T-13-164   |
| 4. Mary DeMartini           | ABO #T-12-524   |
| 5. Edmon Reyes Faustino     | ABO #T-12-597   |
| 6. Xavier Flim              | ABO #T-13-281-N |
| 7. Rebecca Angela Garcia    | ABO #T-13-207   |
| 8. Richard Ruiz             | ABO #T-13-209-N |
| 9. Sandra Saucedo           | ABO #T-13-155-N |
| 10. Wendy Michelle Walker   | ABO #T-13-195-N |
| 11. Nathan Adrain Walters   | ABO #T-13-278   |
| 12. Reginald Wiley          | ABO #T-13-320   |

**Default Board Orders**

- |                          |                 |
|--------------------------|-----------------|
| 13. Mary Elizabeth Hicks | ABO #T-12-549   |
| 14. Ryon Jonathan Rhue   | ABO #T-13-247   |
| 15. Jill Ellen Alexander | ABO #T-13-236   |
| 16. Tanquanek Fleming    | ABO #T-13-296   |
| 17. Laurie Alina Lopez   | ABO #T-12-605-N |

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|-----|-----------------------|-----------------|
| 18. | Stephanie Ann Lunt    | ABO #T-12-561   |
| 19. | Kendra Rene McKendall | ABO #T-13-237   |
| 20. | Mark Daniel Romero    | ABO #T-12-555   |
| 21. | Katrina Dawn Rowell   | ABO #T-12-543-N |
| 22. | Robert Leonard Santos | ABO #T-12-602   |
| 23. | Whitney Brooke Smith  | ABO #T-13-035   |
| 24. | Nikki Dyan Woods      | ABO #T-13-279   |

- The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following: 14 proposed Agreed Board Orders (Alternative Resolutions); 3 proposed Agreed Board Orders following a Medicated Settlement Conference; and 19 proposed Agreed Board Orders concerning pharmacists, pharmacies, and a technician, following an Informal Conference.

**Agreed Board Orders** (Alternative Resolutions)

- |     |                           |                 |
|-----|---------------------------|-----------------|
| 1.  | CVS/pharmacy #5388        | ABO #H-13-041-B |
| 2.  | Ronald David Parker       | ABO #H-13-041-A |
| 3.  | CVS/pharmacy #5844        | ABO #H-12-054-B |
| 4.  | Howard E. Darby           | ABO #H-12-054-A |
| 5.  | CVS/pharmacy #6959        | ABO #H-12-048-B |
| 6.  | George Earl Shankle Jr.   | ABO #H-12-048-A |
| 7.  | CVS/pharmacy #7287        | ABO #H-12-051-B |
| 8.  | Richard Rodney Roper      | ABO #H-12-051-A |
| 9.  | Charles Robert Sullivan   | ABO #L-12-029   |
| 10. | Walgreen Co. #4293        | ABO #H-12-079-B |
| 11. | Jerline Shunte Washington | ABO #H-12-079-A |
| 12. | Walgreen Co. #4424        | ABO #K-13-001-B |
| 13. | Mark Allen Everett        | ABO #K-13-001-A |
| 14. | Walgreen Co. #6335        | ABO #H-13-028   |

**Agreed Board Orders** (Following a Mediated Settlement Conference)

- |     |                     |                 |
|-----|---------------------|-----------------|
| 15. | Robin M. Elliott    | ABO #B-11-012   |
| 16. | Wheatland Pharmacy  | ABO #A-11-012-B |
| 17. | Lynn Michelle Clark | ABO #A-11-012-A |

**Agreed Board Orders** (Following an Informal Conference)

- |     |                            |                 |
|-----|----------------------------|-----------------|
| 18. | Coburn's Pharmacy          | ABO #K-12-037-B |
| 19. | Jennifer Diane Coburn      | ABO #K-12-037-A |
| 20. | Louis Vincent Colca Jr.    | ABO #B-09-022-A |
| 21. | Charles Scott Crouse       | ABO #L-13-022   |
| 22. | CVS/pharmacy #5965         | ABO #H-12-062-B |
| 23. | Christina T. Le            | ABO #H-12-062-A |
| 24. | Socorro Sibrian            | ABO #T-13-214   |
| 25. | EntirelyPets Pharmacy, LLC | ABO #L-13-023   |
| 26. | Rochelle Audrain Guyse     | ABO #H-12-047-A |

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|---|-----------------|
| 27. H.E.B. Pharmacy #544                                  | ABO #H-12-033-B |
| 28. Keith Michael Wiley                                   | ABO #H-12-033-A |
| 29. Harris County Sheriff's Department<br>Clinic Pharmacy | ABO #K-13-011-B |
| 30. Robinson A. Cherian                                   | ABO #K-13-011-A |
| 31. Target Store T-1784                                   | ABO #H-13-031   |
| 32. Shaunda Monique Thomas                                | ABO #G-12-035   |
| 33. Walgreen Co. #3224                                    | ABO #H-13-027-B |
| 34. Glenn Thompson Howard Jr.                             | ABO #H-13-027-A |
| 35. Walgreen Co. #5613                                    | ABO #H-13-016-B |
| 36. Sim T. Kongdara                                       | ABO #H-13-016-A |

The motion was made by Mr. Wetherbee to approve the 12 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference; and 12 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference; 14 proposed Agreed Board Orders (Alternative Resolutions); three proposed Agreed Board Orders following a Mediated Settlement Conference; and 19 proposed Agreed Board Orders concerning pharmacists, pharmacies, and a technician following an Informal Conference.

The motion was seconded by Ms. Mendoza and passed as follows.

**Technician Agreed Board Orders**

1. 9-0-1 Mr. Wetherbee abstained
2. 9-0-1 Mr. Wiesner abstained
3. 9-0-1 Mr. Wetherbee abstained
4. 10-0-0
5. 10-0-0
6. 10-0-0
7. 10-0-0
8. 10-0-0
9. 10-0-0
10. 10-0-0
11. 10-0-0
12. 10-0-0

**Technician Default Board Orders**

13. 9-0-1 Mr. Wetherbee abstained
14. 9-0-1 Mr. Wetherbee abstained
15. 10-0-0
16. 10-0-0
17. 10-0-0
18. 10-0-0
19. 10-0-0

20. 10-0-0
21. 10-0-0
22. 10-0-0
23. 10-0-0
24. 10-0-0

**Agreed Board Orders (Alternative Resolutions)**

1. 10-0-0
2. 10-0-0
3. 10-0-0
4. 10-0-0
5. 10-0-0
6. 10-0-0
7. 10-0-0
8. 10-0-0
9. 10-0-0
10. 10-0-0
11. 10-0-0
12. 10-0-0
13. 10-0-0
14. 10-0-0

**Agreed Board Orders** (Following a Mediated Settlement Conference)

15. 10-0-0
16. 9-0-1 Mr. Fry abstained
17. 9-0-1 Mr. Fry abstained

**Agreed Board Orders** (Following an Informal Conference)

18. 9-0-1 Mr. Fry abstained
19. 9-0-1 Mr. Fry abstained
20. 9-0-1 Mr. Wetherbee abstained
21. 9-0-1 Mr. Fry abstained
22. 9-0-1 Mr. Wetherbee abstained
23. 9-0-1 Mr. Wetherbee abstained
24. 9-0-1 Mr. Wetherbee abstained
25. 9-0-1 Mr. Fry abstained
26. 10-0-0
27. 8-0-2 Mr. Wiesner and Mr. Fry abstained
28. 8-0-2 Mr. Wiesner and Mr. Fry abstained
29. 9-0-1 Mr. Wiesner abstained
30. 9-0-1 Mr. Wiesner abstained
31. 9-0-1 Mr. Wetherbee abstained
32. 9-0-1 Mr. Fry abstained
33. 9-0-1 Mr. Wiesner abstained
34. 9-0-1 Mr. Wiesner abstained
35. 9-0-1 Mr. Wiesner abstained
36. 9-0-1 Mr. Wiesner abstained

- Confidential Agreed Board Orders (Tab 31)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following eight proposed Confidential Agreed Board Orders following an Informal Conference

**Agreed Board Orders** (Following an Informal Conference)

1. ABO #N-13-026
2. ABO #N-13-035
3. ABO #S-13-005
4. ABO #G-13-005
5. ABO #N-13-039
6. ABO #N-13-038
7. ABO #N-13-037
8. ABO #G-12-038

The motion was made by Ms. Kedron to approve the eight proposed Confidential Agreed Board Orders following an Informal Conference.

The motion was seconded by Ms. Stine and passed as follows:

1. 9-0-1 Mr. Fry abstained
2. 9-0-1 Mr. Wiesner abstained
3. 10-0-0
4. 9-0-1 Mr. Wiesner abstained
5. 9-0-1 Mr. Fry abstained
6. 9-0-1 Mr. Wetherbee abstained
7. 9-0-1 Mr. Fry abstained
8. 9-0-1 Mr. Wiesner abstained

**F. Consideration of and Possible Action Concerning Enforcement Reports**

- Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 32)

The Board received a report on complaints dismissed and closed during FY2013 (September 1, 2012 – August 31, 2013). The report also included quarterly averages for FY2012 as compared to FY2013, as well as percentage change from FY2012 to FY2013.

Ms. Fisher reviewed the report for the Board.

- Report on Status of Active/Pending Complaints (Tab 33)

The Board received a Report on *Status of Active/Pending Complaints*.

Ms. Fisher reviewed the report for the Board.

**G. Miscellaneous**

- Items to be Placed on Agenda for February Board Meeting (Tab 34)
  - Discussion concerning *TSBP FY2015-2019 Strategic Plan*.
  - Discussion concerning alternative methods for the posting of required notifications to consumers.

- Discussion of and Possible Action on Recent Conferences and Events

The Board discussed Board Member and Executive Director attendance at recent conferences and events.

- Discussion of and Possible Action on Upcoming Conferences and Events

The Board discussed Board Member and Executive Director attendance at upcoming conferences and events.

- Consideration of Personnel Matters

- Election of Officers (Tab 35)

President Waggener called for nominations for the office of Vice President and Treasurer. Mr. Fry moved to retain Mr. Wiesner as Vice President and Mr. Abeldt as Treasurer. The motion was seconded by Ms. Mendoza and passed unanimously.

President Waggener adjourned the meeting at 2:32 p.m.

APPROVED:

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Jeanne D. Waggener, R.Ph.  
President

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Gay Dodson, R.Ph.  
Executive Director/Secretary

February 11, 2014