



TEXAS STATE BOARD OF PHARMACY

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

November 4, 2013

PUBLIC HEARING

MINUTES¹

President Jeanne D. Waggener, R.Ph., called the meeting to order at 1:04 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.

¹See agenda and corresponding attachments for supporting materials.

President Waggener read an opening statement regarding a public hearing to receive comments on the following rules:

- Amendments Concerning Pharmacist to Technician Ratio
 - §291.32 Concerning Class A Pharmacies
 - §291.53 Concerning Class B Pharmacies
 - §291.153 Concerning Class G Pharmacies
- Amendments Concerning License Fees
 - §291.6 Concerning Pharmacies
 - §295.5 Concerning Pharmacists
 - §297.4 Concerning Pharmacy Technicians and Pharmacy Technician Trainees
- Amendments and New Rules Concerning the Compounding of Sterile Preparations
 - §§291.33 and 291.36 Concerning Class A Pharmacies
 - §§291.54 and 291.56 Concerning Class B Pharmacies
 - §§291.74, 291.76, and 291.77 Concerning Class C Pharmacies
 - §§291.104 and 291.106 Concerning Class E Pharmacies
 - §291.133 Concerning Pharmacies Compounding Sterile Preparations

The following individuals provided verbal testimony concerning proposed amendments §§291.32, 291.53 and 291.153 and, provided written comments at the hearing and prior to the hearing.

<u>Name</u>	<u>Representing</u>
Jeff Carson, R.Ph.	Oakdell Pharmacy
Arden J. Hill, R.Ph.	Self
Michael Wright, R.Ph.	TPBC

The following individuals provided verbal testimony concerning proposed amendments to §§291.32, 291.53 and 291.153 and, provided written comments at the hearing.

<u>Name</u>	<u>Representing</u>
John Carson, R.Ph.	Oakdell Pharmacy
Christopher H. Alvarado, R.Ph.	Bexar County Pharmacy Association and Feik School of Pharmacy Alumni Network

The following individuals provided verbal testimony concerning proposed amendments §§291.32, 291.53 and 291.153 and, provided written comments prior to the hearing.

<u>Name</u>	<u>Representing</u>
Jeff Mesaros, R.Ph.	Florida Board of Pharmacy/CVS/Caremark
Dennis McAlister	Express Scripts
Sheri Roskopf, R.Ph.	Self
Patricia Bergau, R.Ph.	H.E.B.
Mark Comfort, R.Ph.	H.E.B./Texas Pharmacy Association
Scott Lason, R.Ph.	CVS/Caremark
Mary Staples, R.Ph.	National Association of Chain Drug Stores
Jennifer Downing Youkum, Pharm.D.	Alliance of Independent Pharmacists of Texas

The following individuals presented oral testimony to the Board regarding proposed amendments to §§291.32, 291.53 and 291.153, concerning pharmacist to technician ratio.

<u>Name</u>	<u>Representing</u>
Paul Davis, R.Ph.	Texas Society of Health-System Pharmacists
Carol Reagan, R.Ph.	Texas Pharmacy Association
Donna Burkett, R.Ph.	Self
Kay Rider, R.Ph.	Self
Linda McMahon, R.Ph.	Self
Michelle Owens, R.Ph.	Self
Diane Ginsberg, R.Ph.	Self
Bruce McAnally, R.Ph.	Self
Debbie Bartlett, R.Ph.	Self
Lugina Mendez Harper	Prime Therapeutics
Adam Chesler, R.Ph.	Walgreens
Kyle Grimsli, R.Ph.	Walgreens
Ron Jencopale, R.Ph.	DaVita Rx.
Caroline Chavez, R.Ph.	Self

The following State Senators provided written comments concerning proposed amendments to §§291.32, 291.53 and 291.153, prior to the hearing:

Senator Jane Nelson
Senator Charles Schwertner
Senator Leticia Van de Putte, R.Ph.

The following State Representative provided written comments concerning proposed amendments to §§291.32, 291.53 and 291.153, prior to the hearing:

Representative J.D. Sheffield

The following individuals provided written comments concerning proposed amendments to §§291.32, 291.53 and 291.153, prior to the hearing.

<u>Name</u>	<u>Representing</u>
Anjanette Wyatt, Pharm.D.	Texas Association of Independent Pharmacy Owners
Juliann R. Spier, R.Ph.	Texas Federation of Drug Stores
Joe A. DaSilva, CAE, FACHE	Texas Pharmacy Association
Ronna B. Hauser, Pharm.D.	National Community Pharmacists Association
Doug Read, Pharm.D.	H.E.B.
Becky Annen, R.Ph.	Prime Therapeutics

Joint letter from the Alliance of Independent Pharmacists of Texas, signed by:

Rene Garza, Pharm.D.
Anjanette Wyatt, Pharm.D.
W. David Spence, R.Ph.
Nario Cantu, R.Ph.
Ed Horton, R.Ph.
Joey Maxwell, R.Ph.
Mark Peippo, R.Ph.

Joint letter from American Pharmacies, signed by:

Mike Gohlke
Robert Kinsey, R.Ph.

Joint letters from Walgreens signed by:

Raj Chhadua, Pharm.D.
Amish Patel, R.Ph.
Jerry Padilla, R.Ph.
Susan Ashlock, R.Ph.
Emanuel George, Pharm.D.
A.J. Patel, R.Ph.
Chad Stonecipher, Pharm.D.

Andrew Grisham
Roger Macaulay, R.Ph.
Chester Stevens
Debbie Sayler
Shari McInaney
Jennifer Barnett, R.Ph.

Joint letter from Roberds Pharmacy signed by:

Jodi Roberds, R.Ph.
Sheila Gillette, R.Ph.
Willie Richie, CPhT
Jan Anderson, CPhT
Taylor Fodderie, CPhT
Yen Nguyen-Pham, CPhT
Van Tiffany Tran, R.Ph.

The following individuals provided written comments, concerning proposed amendments to §§291.32, 291.53 and 291.153, prior to the Board meeting, representing themselves:

Sharon Abbey, R.Ph.
Jeffrey Abeldt, R.Ph.
Ace Abitua, R.Ph.
Leejia Abraham, R.Ph.
Tina Abraham, R.Ph.
Phillip Abrahamson, R.Ph.
Gina Adams, R.Ph.
Virgene Adams, R.Ph.
James Addison, R.Ph.
Oyejide Adewoye, R.Ph.
Christa Adhiambo, R.Ph.
Kudirat Alabi, R.Ph.
Carlos Alfaro, R.Ph.
Chidi Amad, R.Ph.
Kalu Amadi, R.Ph.
Christina Amaya, R.Ph.
Zachary Anderson, R.Ph.
Kristi Andrew, R.Ph.
Anonymous
Anonymous
Rumman Anwar, R.Ph.

Sunil Arvishetty, R.Ph.
Sakina Asghar, R.Ph.
Cynthia Ash, C.Ph.T.
Mary Au, R.Ph.
Ricardo Avila, C.Ph.T.
Joyce Awazi, R.Ph.
Jeff Baek, R.Ph.
Cassidy Baker, R.Ph.
Bruce Bakke, R.Ph.
Grey Baldwin, R.Ph.
Carolyn Barfield, R.Ph.
Emily Barnhart, R.Ph.
Sherrie Baumann, R.Ph.
Pam Beadle, R.Ph.
Jeff Beaty, C.Ph.T.
Cheryl Belman, R.Ph.
Tracy Benavides, R.Ph.
Kimberly Bernard, R.Ph.
Creshaun Betts, R.Ph.
Pragna Bhakta, R.Ph.
Kelli Billings, C.Ph.T.
Brandy Blanton, R.Ph.
Monica Boyd, R.Ph.

Stephanie Brandt, C.Ph.T.
Seth Brown, R.Ph.
Sheryll Brown, R.Ph.
Marcia Buck, C.Ph.T.
Jay Bueche, R.Ph.
Steve Buerger, R.Ph.
Sheila Burkhall, R.Ph.
Janelle Burton, C.Ph.T.
Pam Busby-Tice, R.Ph.
Cori Butler, R.Ph.
Julie Caldwell, R.Ph.
Frank Calhoon, R.Ph.
Arnetta Carrington, R.Ph.
Sherrill Carter, Concerned Patient
Ysela Casarez, R.Ph.
John Case, R.Ph.
Victoria Castaneda, C.Ph.T.
Johanna Castillo, R.Ph.
Jennifer Castro, C.Ph.T.
John Cathey, R.Ph.
Ramon Cereceres, R.Ph.
Jose Cervantes, Pharm.D.
Reni Chacko, R.Ph.
DeWayne Chapman, R.Ph.
Prinya Charoennimuang, R.Ph.
Lena Chau, R.Ph.
Meyahnwi Che, R.Ph.
Ramesh Cheruvu, R.Ph.
Chizoba Chinwuba-Ojiogo, Pharm.D.
Nari Choi, R.Ph.
Huan-Ching Chuang, R.Ph.
Ellen Church, R.Ph.
Lauren Clark, R.Ph.
Mitzi Clark, R.Ph.
Bill Coligan, C.Ph.T.
Millicent Collins-Lott, R.Ph.
Valencia Compton, R.Ph.
Concerned Pharmacist
Daniel Contreras, R.Ph.
Joshua Cooke, R.Ph.
Zach Corbell, R.Ph.
Al Corich, R.Ph.

Patricia Corrigan, Concerned Citizen
Chase Cosper, C.Ph.T.
M. Lynn Crismon, Pharm.D.
Danny Cross, R.Ph.
Scott Crumley, R.Ph.
Alma Cruz, C.Ph.T.
Kendall Davis, C.Ph.T.
Alex Del Valle, C.Ph.T.
Thelma Dennis, C.Ph.T.
Nina Diffa, R.Ph.
Larry Doshier, R.Ph.
Gary Drabczuk, R.Ph.
William Draper, R.Ph.
Lana Dunlap, R.Ph.
Lauren Dunnet, R.Ph.
Stacey Dust, R.Ph.
John Dyer, R.Ph.
Ali Esmailji, R.Ph.
Jacqueline Esqueda, R.Ph.
David Estrada, R.Ph.
Janna Evans, R.Ph.
Connie Ewald, R.Ph.
Michael Faeldog, C.Ph.T.
Brian Fagan, R.Ph.
J. D. Fain, R.Ph.
Wendy Faldet, R.Ph.
Abimbola Farinde, R.Ph.
Brandi Fieber, R.Ph.
Dean Flanagan, Pharm.D.
Hilsia Flores, R.Ph.
Tony Flores, C.Ph.T.
John Franklin, R.Ph.
Scott Fredrickson, R.Ph.
Danielle French, Pharmacy Student
Nerissa Frendo, R.Ph.
Paul Friedrichs, R.Ph.
Daniel Garces, C.Ph.T.
Allan Garcia, R.Ph.
Cassandra Garcia, R.Ph.
David Garcia, R.Ph.
Janine Garcia, R.Ph.
Michael Garcia, Pharmacy Student

Patricia Garcia, R.Ph.
Tiffany Garcia, C.Ph.T.
Hari Gardimalla, R.Ph.
Jose Garza, R.Ph.
Emanuel George III, R.Ph.
Christal George, R.Ph.
Rashid Ghafoor, R.Ph.
Amy Gillock, R.Ph.
Tamyra Glover, C.Ph.T.
Caitlin Godfrey, C.Ph.T.
Lisa Godfrey, C.Ph.T.
William Goodwin, R.Ph.
Kenneth Green, C.Ph.T.
Antonio Greene, R.Ph.
Yvonne Griffin, R.Ph.
Thomas Guerra, R.Ph.
Rajiv Gujrani, C.Ph.T.
Lisa Gulley, C.Ph.T.
Plenie Gunhuran, R.Ph.
Tim Halfin, R.Ph.
James Hanrahan, R.Ph.
Crystal Harper, R.Ph.
Harvey Hartman, C.Ph.T.
Bentley Hawley, R.Ph.
John Heal, Jr.
Stacie Heath, R.Ph.
Tracy Heimer, R.Ph.
Beau Heskes, R.Ph.
Doyle, High, R.Ph.
Nina Hines, C.Ph.T.
Vu Ho, R.Ph.
Diane Hoenes, R.Ph.
Donna Hornberger, C.Ph.T.
Robyn Howard, R.Ph.
David Huggar, R.Ph.
Michael Hughes, Pharm.D.
Mabel Hunt, R.Ph.
Kim Huynh, R.Ph.
Kennedy Ijje, R.Ph.
Richard Irby, Pharmacy Owner
Lorraine Istre, C.Ph.T.
Obinna Izundu, Pharm.D.

Reni Jacob, R.Ph.
Richard James, R.Ph.
Bolivar Johnson, Pharmacy Owner
Robin Johnson, R.Ph.
Sarah Johnson, C.Ph.T.
Douglas Jones, C.Ph.T.
Michael Jones, R.Ph.
Paul Jones, R.Ph.
Prima Kanu, R.Ph.
Fehmida Karachiwala, R.Ph.
Christine Kautz, R.Ph.
Mary Kavar, R.Ph.
Birdie Kelley, R.Ph.
T.Y. Kemp, C.Ph.T.
Julie Kerslake, Pharm.D.
Wendy Kerth, R.Ph.
Michael Kia, C.Ph.T.
Erica Kieu, R.Ph.
Christine Kim, R.Ph.
Victor Kintz, R.Ph.
Terrie Kirk, R.Ph.
Frank Koen, R.Ph.
David Koon, R.Ph.
Larry Krasner, R.Ph.
Oliver Lancelin, C.Ph.T.
Melissa Landin, Pharmacy Student
Bridget Lang, C.Ph.T.
Anthony Le, R.Ph.
Chuong Le, R.Ph.
Andy Lee, R.Ph.
Helen Lee, C.Ph.T.
B. E. Leissner, R.Ph.
Luis Lester, R.Ph.
Lashuntae Lewis, R.Ph.
Richard Lewis, R.Ph.
Charles Lindhout, C.Ph.T.
Larry Litzman, R.Ph.
Ashley Livings, C.Ph.T.
Norberto Lopez, R.Ph.
Calvin Lott, R.Ph.
Sara Lott, Pharm.D.
Winston Lu, R.Ph.

Bernadette Lujan-Francis, R.Ph.
James Lukose, R.Ph.
Jeff Lurey, R.Ph.
V. R. Mack, R.Ph.
Wilfred Magembe, R.Ph.
Nena Marshall, R.Ph.
Brandi Martinez, C.Ph.T.
Saju Mathew, R.Ph.
Creighton Maynard, R.Ph.
Monida McCubbin, R.Ph.
Patricia McCuin, R.Ph.
John McFadden, Pharmacy Manager
Brady McNulty, Pharmacy Student
Avelino Medel, C.Ph.T.
Maria Medina, R.Ph.
Harry Melnick, R.Ph.
Diana Melton, R.Ph.
Bea Mendoza, C.Ph.T.
Norval Meredith, R.Ph.
Sovong Mey, R.Ph.
Arnold Meza, R.Ph.
Terry Mielke, R.Ph.
Linda Miller, C.Ph.T.
Sandra Miranda, C.Ph.T.
Julie Mitchell, R.Ph.
Suleiman Mohamud, R.Ph.
Manoj Mohanial, R.Ph.
Mirna Mohsen, C.Ph.T.
Lisa Montgomery, C.Ph.T.
Bill Moore, R.Ph.
Robert Mora, R.Ph.
H. Keith Morgan, R.Ph.
Michelle Morgan, R.Ph.
Sarah Morrison, R.Ph.
Lloyd Morvant, R.Ph.
Kellye Moss, R.Ph.
Melvin Musgrove, R.Ph.
Kuna Nagarsheth, R.Ph.
Phillip Nail, R.Ph.
Tiffany Ned, R.Ph.
Austin Negron, C.Ph.T.

Darrell Nelson, R.Ph.
Cheryl Newsome, R.Ph.
Cindy Nguyen, R.Ph.
Kim Nguyen, R.Ph.
Phuong Nguyen, R.Ph.
Robert Nguyen, R.Ph.
Van Tuong Nguyen, R.Ph.
Glenda Nieves, R.Ph.
Esther Njoga, R.Ph.
Nancy Notebloom, R.Ph.
Gladys Ntaryike, R.Ph.
Ruth Oberkamp, C.Ph.T.
Othe Ojiogo, Pharm.D.
Chito Okafor, R.Ph.
Michael Oldham, C.Ph.T.
Steve Olson, R.Ph.
Ijeoma Onyekere, R.Ph.
Nicky Otts, R.Ph.
Matt Pacanovsky, R.Ph.
Misty Paddack, R.Ph.
Laura Paik, R.Ph.
Irene Parisi, R.Ph.
Fermin Parra, C.Ph.T.
Amish Patel, R.Ph.
Chaitali Patel, R.Ph.
Deepty Patel, R.Ph.
Mala Patel, R.Ph.
Nihali Patel, R.Ph.
Paresh Patel, R.Ph.
Resham Patel, R.Ph.
Rina Patel, R.Ph.
Shiv Patel, Pharmacy Student
Carolyn Peavey, R.Ph.
Jan Pennal, R.Ph.
Leticia Perez, R.Ph.
Steven Pettit, R.Ph.
Sumer Petty, R.Ph.
Thao Pham, R.Ph.
Malini Pilli, R.Ph.
Bill Poteet, R.Ph.
Barry Powers, R.Ph.
Danette Priest, C.Ph.T.

Jon Pulis, R.Ph.
James Puryear, R.Ph.
Huzeifa Rajabali, R.Ph.
Meikwan Ralston, R.Ph.
Bill Reddell, R.Ph.
Praveen Reddy, R.Ph.
Sandeep Reddy, R.Ph.
Krishiwn Robinson
Janie Robles, R.Ph.
Adrianna Rodriguez, C.Ph.T.
Asisia Rodriguez, Pharmacy Clerk
Hiram Rodriguez, R.Ph.
Nina Rodriguez, Pharmacy Clerk
Phillip Rolland, Pharm.D.
Elizabeth Rosas, Pharm.D.
James Ross, R.Ph.
Kevin Rossler, R.Ph.
Taaron Rubin, C.Ph.T.
Manuel Ruiz, R.Ph.
Maritza Ruiz, R.Ph.
R. Louis Rumsey, R.Ph.
Lisa Russell, R.Ph.
Paula Sabrsula, R.Ph.
Donna Salinas, R.Ph.
Jessi Saucedo, C.Ph.T.
Kimberly Saunders, R.Ph.
Emily Schopf, R.Ph.
Adriena Shelton, R.Ph.
Mitchell Shelton, R.Ph.
Randy Shipp, R.Ph.
Bill Shultz, R.Ph.
Tom Siegenthaler, R.Ph.
Camille Simon, R.Ph.
Ellen Sinatra, R.Ph.
Brian Smith, R.Ph.
Stacy Smith, R.Ph.
Jason Snyder, R.Ph.
Jorge Solis, R.Ph.
Linda Soliz, R.Ph.
Arthur Solomon, R.Ph.
Ebey Soma, R.Ph.
Steve Soman, R.Ph.

Juan Soto, R.Ph.
Juliann Spier, R.Ph.
Jeanne Stasny, R.Ph.
Kimberley Stengel, C.Ph.T.
Richard Stephens, R.Ph.
Susan Stewart, R.Ph.
Alan Strickland, Concerned Citizen
Robert Summers, C.Ph.T.
Tam Ta, R.Ph.
Claudia Taylor, R.Ph.
Kevin Taylor, R.Ph.
George Teel, R.Ph.
Brent Thacker, R.Ph.
Van Thammasithiboon, R.Ph.
Joyce Thomas, R.Ph.
Keith Thomas, R.Ph.
N. Thomas, R.Ph.
Tyrice Thomas, R.Ph.
Mikki Thompson, R.Ph.
Juli Tipton, C.Ph.T.
Kim Tran, R.Ph.
Van Tran, R.Ph.
Gaurang Trivedi, R.Ph.
Nga Truong, R.Ph.
Tyler Tucker, R.Ph.
Abdul Turay, C.Ph.T.
Isatta Turay, R.Ph.
Larry Turrentine, R.Ph.
Mary Beth Tuttle, R.Ph.
Erik Uhl, Pharm.D.
Virginia Uthurusame, R.Ph.
Luke Vaughan, R.Ph.
LaBrell Veal, C.Ph.T.
Albert Vega, C.Ph.T.
Haydee Velasco, C.Ph.T.
Debbie Veselka, R.Ph.
Joan Villanueva, R.Ph.
Lauralie Vinton, C.Ph.T.
Erica Vixama, C.Ph.T.
Tran Vu, R.Ph.
Sherrie Wade, R.Ph.
Elroy Watson, R.Ph.

Martin Waugh, R.Ph.
Chien-Wey Wei, R.Ph.
Ava Wheatley, R.Ph.
Lorene Wheeler, C.Ph.T.
Christopher White, R.Ph.
Jennifer Wilbanks, R.Ph.
Chonda Williams, R.Ph.
Steve Williford, R.Ph.
Nina Willis, C.Ph.T.
Quinne Wilson, R.Ph.

Veronica Winter, R.Ph.
Virginia Wright, C.Ph.T.
Anjanette Wyatt, Pharm.D.
Diana Yescas, C.Ph.T.
Mark Zamutt, R.Ph.
Erika Zezulka, R.Ph.
Lian Zheng, R.Ph.
Randy Zimmerman, C.Ph.T.
Quratulain Zulfiqar, R.Ph.

The following individual provided written comments concerning proposed amendments to §291.6, 295.5, and 297.4, prior to the hearing.

<u>Name</u>	<u>Representing</u>
Jeff Carson, R.PH.	Oakdell Pharmacy
Kimberley Stengel, Ph.T.R.	Self

The following individuals provided verbal testimony concerning proposed amendments to §§291.33, 291.36, 291.54, 291.56, 291.74, 291.76, 291.77, 291.104, 291.106, and 291.133

<u>Name</u>	<u>Representing</u>
Sidney Phillips	Texas Society of Health-System Pharmacists

The following individuals provided written comments concerning proposed amendments to §§291.33, 291.36, 291.54, 291.56, 291.74, 291.76, 291.77, 291.104, 291.106, and 291.133, prior to the hearing.

<u>Name</u>	<u>Representing</u>
Jeff Carson, R.Ph.	Oakdell Pharmacy
Richie Ray, R.Ph.	Richie's Specialty Pharmacy
Paul Davis, R.Ph.	Texas Society of Health-System Pharmacists
Chas. W. Gray, R.Ph.	Self
Joe A. DaSilva, CAE, FACHE	Texas Pharmacy Association

President Waggener adjourned the Public Hearing at 4:18 p.m.

APPROVED:

Jeanne Waggener, R.Ph.
President

Gay Dodson, R.Ph.
Executive Director/Secretary

February 11, 2014