



TEXAS STATE BOARD OF PHARMACY

**Held via Videoconference
Tuesday, November 3, 2020**

MINUTES¹

BOARD BUSINESS MEETING

Tuesday, November 3, 2020

President Julie Spier, R.Ph., called the meeting to order at 9:39 a.m. via videoconference in accordance with the Office of the Texas Governor's suspension of applicable sections of Chapter 551 of the Tex. Gov't Code, effective March 16, 2020, in response to the disaster declaration issued March 13, 2020, for the State of Texas. Other Board Members present via videoconference were Vice President Donnie Lewis, R.Ph.; Treasurer Jenny Downing Yoakum, R.Ph.; Rick Fernandez, R.Ph.; Daniel Guerrero; Lori Henke, Pharm.D.; Bradley A. Miller, Ph.T.R.; Donna Montemayor, R.Ph.; Chip Thornsburg; Suzette Tijerina, R.Ph.; and Rick Tisch.

Staff present via videoconference were Allison Vordenbaumen Benz, R.Ph., M.S., Executive Director/Secretary; Kerstin Arnold, General Counsel; Megan Holloway, Deputy General Counsel; Caroline Hotchkiss, Director of Enforcement; Ann Driscoll, Ph.T.R., Team Manager; Lily Moreno, Executive Assistant; and Shayda Bakhshi, Outreach Coordinator.

A. Announcements

- Ms. Benz made general announcements 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 Business Meeting held August 4, 2020. The motion was seconded by Mr. Miller and passed unanimously by roll call vote.

¹See agenda and corresponding attachments for supporting materials.

Following discussion, the motion was made by Ms. Montemayor to approve the minutes of the Temporary Suspension Hearing held September 2, 2020. The motion was seconded by Mr. Tisch and passed unanimously by roll call vote.

C. Discussion of and Possible Action Regarding Rules

Final Adoption of Rules

- Rules Concerning Healthcare Professional Preceptor Definition (§283.2) (Item C.1.1)

Ms. Holloway explained that the Board voted to propose amendments to §283.2 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §283.2 and explained that the amendments remove the reference to a pharmacist intern-trainee to provide clearer regulatory language that accurately reflects the current preceptor supervision duties. Ms. Holloway presented revised language to include suggestions from staff of the *Texas Register* to reorder the definitions alphabetically.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Ms. Henke to approve for adoption, by Board Order, amendments to §283.2, as revised. The motion was seconded by Mr. Lewis and passed unanimously by roll call vote.

- Rules Concerning Pharmacist-Intern Change of Name Requirements (§283.4) (Item C.1.2)

Ms. Holloway explained that the Board voted to propose the amendments to §283.4 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §283.4 and explained that the amendments remove the change of name fee and outdated requirements to reflect current procedures.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §283.4, as presented. The motion was seconded by Ms. Henke and passed unanimously by roll call vote.

- Rules Concerning Pharmacy Technician and Pharmacist-Intern Ratios and Duties

Ms. Holloway explained that the Board voted to propose the amendments concerning pharmacy technician and pharmacist-intern ratios and duties during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*, and written comments were received from the following:

- Dennis Wiesner, R.Ph., in support of the proposed amendments;
- Debbie B. Garza, R.Ph., Chief Executive Officer, Texas Pharmacy Association, in support of the proposed amendments;
- Valentine Duru, R.Ph., Pharmacist-in-Charge and Managing Officer, Medicine Shoppe #1247, in opposition to the proposed amendments allowing pharmacy technicians to receive oral prescription orders;
- Steven C. Anderson, FASAE, CAE, IOM, President and Chief Executive Officer, National Association of Chain Drug Stores, in support of the proposed amendments regarding expansion of technician duties and suggesting a removal of or significant increase to the pharmacist to pharmacy technician ratio;
- Susan Anding, R.Ph., in opposition to the proposed amendments allowing pharmacy technicians to receive oral prescription orders; and
- Sabrina K. Griggs, R.Ph., ACN, Pharmacist-in-Charge and Managing Officer, Apothecary Shoppe, in opposition to the proposed amendments increasing the pharmacist to pharmacy technician ratio and allowing pharmacy technicians to receive oral prescription orders.

Ms. Holloway directed the Board's attention to a summary chart of the proposed amendments.

- Rules Concerning Pharmacist-Intern Duties (§283.5) (Item C.1.3.1)

Ms. Holloway directed the Board's attention to the amendments to §283.5 and explained the amendments remove the ratio of pharmacists to pharmacist-interns and correct a grammatical error.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Tisch to approve for adoption, by Board Order, amendments to §283.5, as presented. The motion was seconded by Mr. Fernandez and passed unanimously by roll call vote.

- Rules Concerning Class A (Community) Pharmacy (§§291.31, 291.32, 291.33 and 291.34) (Item C.1.3.2)

Ms. Holloway directed the Board's attention to the amendments concerning Class A (Community) Pharmacy. She explained the amendments to §291.31 update the definition of original prescription and correct grammatical errors; the amendments to §291.32 expand the nonjudgmental duties that may be performed by pharmacy technicians, increase the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees, and correct grammatical errors; the amendments to §291.33 expand the nonjudgmental duties that may be performed by pharmacy technician; and the amendments to §291.34 expand the nonjudgmental duties that may be performed by pharmacy technicians and correct grammatical errors.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Guerrero to approve for adoption, by Board Order, amendments to §§291.31, 291.32, 291.33, and 291.34, as presented. The motion was seconded by Mr. Miller. A roll call vote was taken and the motion passed 9-1-0, with Ms. Yoakum opposed.

- Rules Concerning Class B (Nuclear) Pharmacy (§§291.52, 291.53, and 291.55) (Item C.1.3.3)

Ms. Holloway directed the Board's attention to the amendments concerning Class B (Nuclear) Pharmacy. She explained the amendments to §291.52 update the definition of original prescription and correct grammatical errors; the amendments to §291.53 expand the nonjudgmental duties that may be performed by pharmacy technicians, increase the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees, and correct grammatical errors; and the amendments to §291.55 expand the nonjudgmental duties that may be performed by pharmacy technicians and correct grammatical errors.

Ms. Holloway presented revised language to §291.52 to include suggestions from the staff of the *Texas Register* to reorder the definitions alphabetically.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §291.52, as revised, §291.53, as presented, and §291.55, as presented. The motion was seconded by Mr. Guerrero. A roll call vote was taken and the motion passed 9-1-0, with Ms. Yoakum opposed.

- Rules Concerning Remote Pharmacy Services (§291.121) (Item C.1.3.4)

Ms. Holloway directed the Board's attention to the amendments to

§291.121 concerning remote pharmacy services and explained the amendments expand the nonjudgmental duties that may be performed by pharmacy technicians and correct grammatical errors.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §291.121, as presented. The motion was seconded by Mr. Tisch. A roll call vote was taken and the motion passed 9-1-0, with Ms. Yoakum opposed.

- Rules Concerning Satellite Pharmacy (§291.129) (Item C.1.3.5)

Ms. Holloway directed the Board's attention to the amendments to §291.129 concerning Satellite Pharmacy and explained the amendments expand the nonjudgmental duties that may be performed by pharmacy technicians and eliminate the ratio of pharmacists to pharmacy technicians and pharmacy technician trainees.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Fernandez to approve for adoption, by Board Order, amendments to §291.129, as presented. The motion was seconded by Ms. Montemayor. A roll call vote was taken and the motion passed 8-2-0, with Ms. Yoakum and Mr. Thornsburg opposed.

- Rules Concerning Class G (Central Prescription Drug or Medication Order Processing) Pharmacy (§291.153) (Item C.1.3.6)

Ms. Holloway directed the Board's attention to amendments to §291.153 concerning Class G (Central Prescription Drug or Medication Order Processing) Pharmacy and explained the amendments expand the nonjudgmental duties that may be performed by pharmacy technicians.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Ms. Montemayor to approve for adoption, by Board Order, amendments to §291.153, as presented. The motion was seconded by Ms. Tijerina. A roll call vote was taken and the motion passed 8-2-0, with Ms. Yoakum and Mr. Thornsburg opposed.

- Rules Concerning Substitution Requirements (§§309.2 and 309.3) (Item C.1.3.7)

Ms. Holloway directed the Board's attention to amendments to §§309.2 and 309.3 concerning substitution requirements. She explained the amendments to §309.2 update the definition of

original prescription, and the amendments to §309.3 update the language regarding oral prescriptions to allow for expanded pharmacy technician duties and correct grammatical errors.

Following discussion and review of the Preambles and Orders Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §§309.2 and 309.3, as presented. The motion was seconded by Mr. Fernandez. A roll call vote was taken and the motion passed 9-1-0, with Ms. Yoakum opposed.

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

President Spier reconvened the meeting at 10:20 a.m.

- Rules Concerning Examination Retake Requirements (§283.11) (Item C.1.4)

Ms. Holloway explained that the Board voted to propose amendments to §283.11 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §283.11 and explained that the amendments clarify the course work requirements for reciprocity applicants retaking the Texas Pharmacy Jurisprudence Examination as only those provided for under section 558.055 of the Texas Pharmacy Act.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Tisch to approve for adoption, by Board Order, amendments to §283.11, as presented. The motion was seconded by Mr. Lewis and passed unanimously by roll call vote.

- Rules Concerning Non-Pharmacist Pharmacy Ownership Training Course (§§291.1 and 291.3) (Items C.1.5.1 and C.1.5.2)

Ms. Holloway explained that the Board voted to propose amendments to §§291.1 and 291.3 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*. Comments were received from R. Cole Knutson, R.Ph., in support of the amendments and requesting the course be made available in an online format. Ms. Holloway explained that the amendments required review by the Office of the Governor Regulatory Compliance Division prior to consideration for adoption.

Ms. Holloway directed the Board's attention to the amendments to §§291.1 and 291.3 concerning a non-pharmacist pharmacy ownership training course. She explained that the amendments to §291.1 add a

requirement for each non-pharmacist individual owner or managing officer of a Class A pharmacy license applicant to attend a pharmacy ownership training course, and the amendments to §291.3 add a requirement for each non-pharmacist individual owner or managing officer of a Class A pharmacy to attend a pharmacy ownership training course within 90 days of notifying the board of a change of managing officer, clarify the change of ownership notification requirements, and correct grammatical errors.

Following discussion, the motion was made by Ms. Henke to table the vote for adoption until after review by the Office of the Governor Regulatory Compliance Division. The motion was seconded by Mr. Guerrero. A roll call vote was taken and the motion passed 9-1-0 with Mr. Thornsburg opposed.

- Rules Concerning Application Requirements (§291.74) (Item C.1.6)

Ms. Holloway explained that the Board voted to propose amendments to §291.74 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §291.74 and explained that the amendments clarify certain application requirements and correct grammatical errors. Ms. Holloway presented revised language to include suggestions from staff of the *Texas Register* to restructure list item formatting.

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, amendments to §291.74, as revised. The motion was seconded by Mr. Tisch and passed unanimously by roll call vote.

- Rules Concerning Definition of Class E Pharmacy License (§§291.101 and 291.102) (Items C.1.7.1 and C.1.7.2)

Ms. Holloway explained that the Board voted to propose amendments to §§291.101 and 291.102 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*, and no comments were received.

Ms. Holloway directed the Board's attention to the amendments to §§291.101 and 291.102 and explained that the amendments permit Class E pharmacies to process prescription drug orders and perform other pharmaceutical services, in accordance with House Bill 2847 of the 86th Legislative Session.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Guerrero to approve for adoption, by

Board Order, amendments to §§291.101 and 291.102, as presented. The motion was seconded by Mr. Lewis and passed unanimously by roll call vote.

- Rules Concerning Electronic Prescribing Waivers (§315.3) (Item C.1.8)

Ms. Holloway explained that the Board voted to propose amendments to §315.3 during its August 4, 2020 meeting. The proposed amendments were published in the October 2, 2020 issue of the *Texas Register*. Comments were received from the Texas Medical Association suggesting the rule reference all statutory exceptions to the electronic prescribing requirement and to include additional waivers for physicians in the rule. Ms. Holloway clarified that the Board does not have the authority to add waivers for physicians, and that eligibility for a waiver will be determined by a prescriber's respective licensing agency pursuant to rules adopted by the licensing agencies for the prescribers to be consistent with §315.3.

Ms. Holloway directed the Board's attention to the amendments to §315.3 and explained that the amendments clarify the circumstances under which a controlled substance prescription is not required to be issued electronically and the procedures for requesting a waiver of the electronic prescribing requirement. Ms. Holloway presented revised language to include the statutory citation for all exceptions to electronic prescribing, as suggested by the Texas Medical Association.

Following discussion and review of the Preamble and Order Adopting Rules, the motion was made by Mr. Lewis to approve for adoption, by Board Order, amendments to §315.3, as revised. The motion was seconded by Mr. Thornsburg and passed unanimously by roll call vote.

Proposal of Rules

- Rules Concerning Non-Pharmacist Pharmacy Ownership Course (§291.14) (Item C.2.1)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning a non-pharmacist pharmacy ownership training course. She explained the proposed amendments to §291.14 add a renewal requirement that each non-pharmacist individual owner or managing officer of a Class A pharmacy attend a pharmacy ownership training course within 90 days of notifying the board of a change of managing officer. She explained that, if proposed, the amendments would be submitted for review by the Office of the Governor Regulatory Compliance Division with the proposed amendments to §§291.1 and 291.3 concerning a non-pharmacist pharmacy ownership training course.

Following discussion, the motion was made by Mr. Guerrero to approve for proposal amendments to §291.14, as presented. The motion was

seconded by Ms. Henke. A roll call vote was taken and the motion passed 9-1-0 with Mr. Thornsburg opposed.

- Rules Concerning Drug Therapy Management Protocol (§295.13) (Item C.2.2)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning the drug therapy management protocol. She explained the proposed amendments to §295.13 update the notification requirements for a pharmacist who signs a prescription for a dangerous drug pursuant to a written protocol and corrects grammatical errors.

Following discussion, the motion was made by Mr. Fernandez to approve for proposal amendments to §295.13, as presented. The motion was seconded by Mr. Lewis and passed unanimously by roll call vote.

- Rules Concerning Prescription Monitoring Program Access Requirements (§315.15) (Item C.2.3)

Ms. Holloway directed the Board's attention to suggested amendments to rule language concerning Prescription Monitoring Program access requirements. She explained the proposed amendments to §315.15 clarify that the duty to consult the Prescription Monitoring Program database before dispensing an opioid, benzodiazepine, barbiturate, or carisoprodol is limited to outpatient prescriptions. Ms. Holloway indicated that the amendments were suggested in a comment by the Texas Society of Health-System Pharmacists during the August 4, 2020 meeting.

Following discussion, the motion was made by Ms. Henke to approve for proposal amendments to §315.15, as presented. The motion was seconded by Mr. Tisch and passed unanimously by roll call vote.

Rule Review

- For Proposal

Ms. Holloway directed the Board's attention to the Board Rule Review Plan for FY 2018-2021 (Item C.3)

- Chapter 297 Concerning Pharmacy Technicians (§§297.1 – 297.11) (Item C.3.1.1)
- 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.3.1.2)
- Chapter 291 Concerning Pharmacies (Other Classes of Pharmacy) (§§291.151, 291.153, and 291.155) (Item C.3.1.3)

Following discussion, in accordance with Government Code §2001.039, the motion was made by Mr. Tisch to approve for proposal as presented, the review of Chapter 297 (§§297.1 – 297.11), Chapter 291 concerning 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 other classes of pharmacy (§§291.151, 291.153, and 291.155). The motion was seconded by Mr. Guerrero and passed unanimously by roll call vote.

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

- Report on Compounding Advisory Group (Item E.1)

Ms. Benz reported that the first Compounding Advisory Group meeting was held September 16, 2020, as a virtual meeting and directed the Board's attention to the meeting minutes. She reported that the next meeting would be held in November 2020.

- Report on Prescription Monitoring Program (PMP) Advisory Committee (Item E.2)

Ms. Benz reported that the PMP Advisory Committee meeting was held virtually on October 20, 2020, and included a presentation from Appriss. The next meeting will be held in January 2021.

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

- Financial Report
 - Review of FY2020 Expenditures (Item F.1.1)

Ms. Benz reviewed the expenditures for FY2020 (September 1, 2019 – August 31, 2020) for the Board.

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

Ms. Benz reviewed the FY2020 Board Member Travel Budget (September 1, 2019 – August 31, 2020). She explained that some of the remaining travel funds were used as part of the 5% budget cut requested from the Governor.

- Review of FY2021 Budget (Item F.1.3)

Ms. Benz reviewed the FY2021 Operating Budget for the Board and answered questions from the Board regarding the differences

in the budget due to increased remote working, including inspections, because of the COVID-19 pandemic. Ms. Benz explained that there have been savings from reduced travel and remote working and that after the disaster declaration is lifted, Board staff will consider continuing some remote inspections.

- Update on Legislative Appropriations Request for FY2022-2023 (Item F.1.5)

Ms. Benz gave a report concerning the Legislative Appropriations Request. Ms. Benz explained that a large part of the request was to fund the agency move and provided an update on current details about the new George H.W. Bush Building where the agency will move. She also clarified that the request did not include replacement funds for items, including travel funds, which were part of the 5% budget cut.

- Consideration of Material Changes to Contracts for Goods and Services Awarded Under Chapter 2155 of Texas Government Code (Item E.1.3)

Ms. Benz directed the Board's attention to the list of updated contracts for goods and services and explained that several contracts were renewed for the new fiscal year FY2021.

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

Ms. Benz presented a report on the Prescription Monitoring Program regarding data for the fourth quarter of FY2020 (June 1, 2020 – August 31, 2020).

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

Ms. Arnold provided an update concerning a lawsuit filed in district court in Travis County that seeks to invalidate the restriction that licensed Texas physicians cannot dispense prescriptions to patients at their offices without a pharmacy license. Ms. Arnold advised the Board that currently there are competing motions for summary judgment, which will be heard at a scheduled hearing on December 9, 2020, and if the matter is not resolved, it will proceed to trial.

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

FY2020 (September 1, 2019 – August 31, 2020). 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 FY2020 to the quarterly averages for FY2019, as well as percentage change from FY2019 to FY2020.

- 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 Entered by Executive Director (Item H.1)
 - The Board reviewed 14 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 August 27, 2020, through October 28, 2020.
 - The Board reviewed 8 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, during the period from August 28, 2020, through October 21, 2020.
- Discussion of and Action on Proposed Agreed Board Orders and Proposed Default Board Orders, Executive Session to Consider Discussion of and Action on Disciplinary Orders and Discussion of and Action on Proposed Remedial Plans (Items H.2, H.3, and H.4)

The Board reviewed the alleged violations, as well as the recommended sanctions for each of the following:

- 13 proposed Agreed Board Orders concerning pharmacy technicians and pharmacy technician trainees who appeared for an Informal Conference;
- 5 proposed Default Board Orders concerning pharmacy technicians and pharmacy technician trainees who did not appear for an Informal Conference;
- 13 proposed Agreed Board Orders concerning pharmacies and pharmacists (Alternative Resolutions);
- 2 Temporary Suspension Orders concerning pharmacies and pharmacists (Following Temporary Suspension Hearing);

- 9 proposed Agreed Board Orders concerning pharmacies and pharmacists who appeared for an Informal Conference;
- 2 proposed Default Board Orders concerning pharmacies and pharmacists who did not appear for an Informal Conference;
- 7 proposed Confidential Agreed Board Orders concerning pharmacists who appeared for an Informal Conference;
- 1 proposed Remedial Plans concerning a pharmacist (Alternative Resolutions); and
- 7 proposed Remedial Plans concerning pharmacies and pharmacists following 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. Guerrero and passed as follows:

No.	Name	T, R, or P*	ABO or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
1	Susan Michelle Catron	T	ABO	2020-02757	9-0-1	Yoakum
2	Latoya Annette Craft	T	ABO	2020-01213	9-0-1	Yoakum
3	Jessica Dyan Easley	T	ABO	2020-02713	9-0-1	Yoakum
4	Kim Jennings	T	ABO	2020-01650	9-0-1	Yoakum
5	Pamela McDermott	T	ABO	2019-04111	9-0-1	Yoakum
6	Catherine Verastigue	T	ABO	2020-02809	9-0-1	Yoakum
7	Tara Volovar	T	ABO	2019-05265	9-0-1	Yoakum
8	Anthony Duane Baker	T	ABO	2020-02551	8-0-2	Henke, Montemayor
9	Diane April Campos	T	ABO	2020-04493	8-0-2	Henke, Montemayor
10	Blake Lindsey	T	ABO	2020-01377	8-0-2	Henke, Montemayor
11	Valencia Obi	T	ABO	2019-02608	8-0-2	Henke, Montemayor
12	Claudia Lizai Pedraja	T	ABO	2020-03094	8-0-2	Henke, Montemayor
13	Eleanor Jessica Seeton	T	ABO	2020-04229	8-0-2	Henke Montemayor
14	Chelsey Nelson	T	DBO	2020-02445	9-0-1	Yoakum
15	Nicole Hayden	T	DBO	2019-02605	9-0-1	Yoakum
16	Robert Leyton Gunn, Jr.	T	DBO	2020-04913	8-0-2	Henke, Montemayor
17	Steven Daniel Martinez	T	DBO	2019-05009	8-0-2	Henke, Montemayor

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

**Agreed Board Order (ABO), Default Board Order (DBO), Temporary Suspension Order (TSO) and Remedial Plan (RP)

TSBP Board Business Meeting

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No.	Name	T, R, or P*	ABO or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
18	Tayde Alejandro Solis	T	DBO	2019-01999	8-0-2	Henke, Montemayor
19	Amber Jar Pharmacy	P	ABO	2019-04864	10-0-0	-
20	DCA Pharmacy	P	ABO	2020-01408	10-0-0	-
21	Lan Kim Trinh Dusek	R	ABO	2020-02496	10-0-0	-
22	Express Specialty Pharmacy LLC	P	ABO	2020-01509	10-0-0	-
23	Kietrich Terron Johnson	R	ABO	2020-02561	10-0-0	-
24	Hesperia Pharmacy	P	ABO	2020-02274	10-0-0	-
25	Olajuwon A. Abijo	R	ABO	2020-02428	10-0-0	-
26	Kayleigh Marx	R	ABO	2020-00926	10-0-0	-
27	Sunny Boy Pharmacy	P	ABO	2020-01583	10-0-0	-
28	Jacob Michael Talavera	R	ABO	2020-03359	10-0-0	-
29	Jeffrey Scott Terry	R	ABO	2020-04007	10-0-0	-
30	Vascore Pharmacy, LLC	P	ABO	2020-02701	10-0-0	-
31	Mwambo Burnley Luma	R	ABO	2020-02711	10-0-0	-
32	Jay's City Pharmacy	P	TSO	2020-02261	8-0-2	Yoakum, Montemayor
33	John James Kotzur	R	TSO	2020-05239	8-0-2	Yoakum, Montemayor
34	Aria Pharmacy LLC	P	ABO	2019-04859	8-0-2	Tijerina, Tisch
35	Uzoamaka Ann Ezeokeke	R	ABO	2020-03588	9-0-1	Yoakum
36	Keith Marcell Hudson	R	ABO	2020-00939	9-0-1	Montemayor
37	Anne-Melanie B. Marin	R	ABO	2020-01520	8-0-2	Henke, Montemayor
38	Charles Jude Mitchell	R	ABO	2019-06006	8-0-2	Henke, Montemayor
39	Sandra Strong-Humphrey	R	ABO	2020-02437	8-0-2	Henke, Montemayor
40	Christopher V. Tita	R	ABO	2020-04327	9-0-1	Yoakum
41	Walgreens #03881	P	ABO	2019-01178	7-0-3	Fernandez, Tijerina, Tisch
42	Shimitre Rachelle Williams	R	ABO	2020-01163	8-0-2	Tijerina, Tisch
43	Godson Chukuemeka Brown	R	DBO	2020-01140	9-0-1	Yoakum
44	NA Pharmacy Group LLC	P	DBO	2019-05147	8-0-2	Henke, Montemayor
45	<i>Confidential</i>	R	ABO	2020-05073	8-0-2	Henke, Montemayor
46	<i>Confidential</i>	R	ABO	2019-06114	8-0-2	Henke, Montemayor
47	<i>Confidential</i>	R	ABO	2019-05986	8-0-2	Henke, Montemayor
48	<i>Confidential</i>	R	ABO	2020-03991	8-0-2	Henke, Montemayor
49	<i>Confidential</i>	R	ABO	2020-03338	8-0-2	Henke, Montemayor

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

**Agreed Board Order (ABO), Default Board Order (DBO), Temporary Suspension Order (TSO) and Remedial Plan (RP)

No.	Name	T, R, or P*	ABO or RP**	Order # or Plan #	Board Vote (Yes-No- Recuse)	Recused Board Members
50	<i>Confidential</i>	R	ABO	2020-04642	8-0-2	Henke, Montemayor
51	<i>Confidential</i>	R	ABO	2020-01918	8-0-2	Henke, Montemayor
52	Raj Milan Chhadua	R	RP	2020-02406	10-0-0	-
53	Care 101 Pharmacy	P	RP	2020-02489	9-0-1	Yoakum
54	Marie Sader Awad	R	RP	2020-02492	9-0-1	Yoakum
55	E-Med Pharmacy 2 LLC	P	RP	2019-03941	9-0-1	Yoakum
56	Joziph Tadrous	R	RP	2020-00380	9-0-1	Yoakum
57	Henry Stephen Jefferson	R	RP	2020-02419	9-0-1	Yoakum
58	The Mercy Pharmacy	P	RP	2019-04631	8-0-2	Tijerina, Tisch
59	Ola M. Ghunmat	R	RP	2020-00560	8-0-2	Tijerina, Tisch

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

**Agreed Board Order (ABO), Default Board Order (DBO), Temporary Suspension Order (TSO) and Remedial Plan (RP)

President Spier recessed the meeting at 11:23 a.m.
President Spier reconvened the meeting at 1:00 p.m.

D. Discussion of and Possible Action Concerning Pilot Projects

- Report on Pilot Project Concerning Automated Dispensing and Delivery (Item D.1)

Ms. Benz directed the Board's attention to a report from Sam's Club and MedAvail regarding the pilot project concerning Automated Dispensing and Delivery Systems. Edward Rickert, Quarles & Brady LLP, Counsel representing Sam's Club and MedAvail; Cherie Mallett, Sam's Club; and Seema Siddiqui, MedAvail, answered questions from the Board concerning the pilot project, and explained that low usage was due to access being limited by requiring a QR barcode which has now been removed. Mr. Rickert also explained that COVID-19 delayed progress with moving the project from the first phase, where the system is only located outside the pharmacy, to the next phase, where the system will be placed in a location without a pharmacy, but they are ready now to progress to the second phase.

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

- Professional Recovery Network
 - Ms. Hotchkiss discussed performance measures regarding the number of individuals participating in the peer assistance program for FY2020 (September 1, 2019 – August 31, 2020). (Item F.3.1)
 - President Spier recognized Debbie B. Garza, R.Ph., Chief Executive Officer, Texas Pharmacy Association. Ms. Garza

reviewed staff changes within the Professional Recovery Network (PRN) including that Eden Males, who had previously served as Program Director, had resigned. Ms. Garza introduced new PRN Program Director Abraham Minjarez, LPC, MBA. Mr. Minjarez directed the Board's attention to the PRN expense report for FY2020 (September 1, 2019 – August 31, 2020) and reviewed PRN activities for the Board. (Item F.3.2)

- Review of Board's Mission Statement (Item F.2)

President Spier directed the Board's attention to the mission statement at the beginning of the agenda and reviewed the legislative purpose of the Board from the Texas Pharmacy Act. President Spier recognized Mr. Guerrero, who gave a presentation regarding mission and vision statements and guided a discussion and review of the Board's mission statement.

Mr. Thornsburg left the meeting at 2:01 p.m.

Following discussion, President Spier summarized that the Board members appear to be in agreement to update the Board's mission statement to be more forward thinking and that protecting the public and looking at the public healthcare needs should be included in the Board's mission statement going forward.

I. Miscellaneous

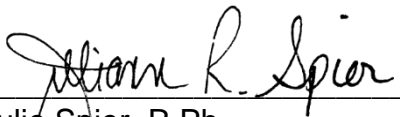
- Items to be Placed on Agenda for February 2, 2021 Board Meeting
 - Review of Board's Mission Statement
 - In response to Ms. Henke's request to add allowing technicians to immunize to the agenda for the next meeting, Ms. Benz explained that under the PREP Act technicians will be allowed to provide immunizations and vaccinations, including the COVID-19 vaccination. She explained that the Texas Medical Board clarified that under applicable statutes and rules pharmacists are not permitted to delegate to technicians to provide immunizations and vaccinations outside of the PREP Act. Ms. Benz indicated that information from the PREP Act will be posted on the Board website.
- Discussion of and Possible Action on Upcoming Meetings

Ms. Benz reminded Board Members about upcoming informal conferences and that the evaluation of the Executive Director will take place at the February 2, 2021 Board Meeting.

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

President Spier adjourned the meeting at 2:29 p.m.

APPROVED:



Julie Spier, R.Ph.
President



Allison Vordenbaumen Benz, R.Ph., M.S.
Executive Director/Secretary

February 2, 2021