



TEXAS STATE BOARD OF PHARMACY

**Texas State Board of Pharmacy
Public Hearing and Board Business Meeting
333 Guadalupe Street, Suite 2-225
Austin, Texas**

**Monday, November 9, 2009
Public Hearing – 1:00 p.m. - Conclusion**

A G E N D A

The Board will commence in open session to hear testimony concerning:

- Amendments to §291.31, §291.33, §291.34, and §295.13 Concerning:
 - Placing a Beyond-use Date on the Prescription Label in Class A Pharmacies;
 - Pharmacists Signing Prescriptions; and
 - Administration of Immunizations by Pharmacists to Patients Over Seven Years of Age.
- Amendments to §291.104 Concerning Beyond-Use Dates on the Prescription Labels in Class E Pharmacies.
- Amendments to §§291.72-291.75 Concerning Definitions, Personnel, Operational Standards, and Records in a Class C Pharmacy to Implement the Provisions of H.B. 1924 that Allow Pharmacy Technicians to Perform Certain Duties Without the Direct Supervision of a Pharmacist.

The proposed amendments were published in the October 2, 2009, issue of the *Texas Register*.

Opening Statement: W. Benjamin Fry, R.Ph., President

Public Testimony



TEXAS STATE BOARD OF PHARMACY

**Public Hearing and Board Business Meeting
333 Guadalupe Street, Suite 2-225
Austin, Texas**

Monday, November 9, 2009
1:00 p.m. – 5:00 p.m.

Tuesday, November 10, 2009
8:00 a.m. – Conclusion

A G E N D A

A. BF Announcements

- Meeting Procedures
- Board Members
- Staff
- Continuing Education

B. BF Discussion and Approval of Minutes of TSBP Board Business Meeting, Held August 11-12, 2009 (Tab 01)

C. AB Discussion of and Possible Action Regarding Rules

C.1 Final Adoption of Rules

C.1.1 Amendments to §281.65 Concerning Schedule of Administrative Penalties and Amendments to §281.66 Concerning Fingerprinting of Applicants for Reinstatement (Tab 02)

C.1.2 Amendments to §291.8 Concerning Return of Prescription Drugs (Tab 03)

C.1.3 Amendments to §291.28 Concerning Fees Charged to Third Parties for Providing Copies of Patient's Confidential Records (Tab 04)

C.1.4 Amendments to §291.33 (Class A Pharmacies) and §291.104 (Class E Pharmacies) Concerning Placing a Beyond-Use Date on a Prescription Label to Implement Provisions of H.B. 19, Passed by the 81st Texas Legislature (Tab 05)

C.1.5 Amendments to §§291.72-291.75 Concerning Definitions, Personnel, Operational Standards, and Records in a Class C Pharmacy to Implement the Rural Hospital Provisions of H.B. 1924, Passed by the 81st Texas Legislature (Tab 06)

C.1.6 Amendments to §291.133 Concerning Pharmacies Compounding Sterile Pharmaceuticals to Implement the Recommendations of the Task Force on Class C Pharmacies (Tab 07)

C.1.7 Amendments to §295.13, §291.31, §291.33, and §291.34 Concerning Pharmacists Signing Prescriptions to Implement the Provisions of S.B. 381, Passed by the 81st Texas Legislature (Tab 08)

C.1.8 Amendments to §295.15 Concerning Administration of Immunizations or Vaccinations by a Pharmacist under Written Protocol of a Physician to Implement the Provisions of H.B. 1409, Passed by the 81st Texas Legislature (Tab 09)

AB C.2 Proposal of Rules

C.2.1 Amendments to §291.34 Concerning Requirements for Electronic Prescriptions (Tab 10)

C.2.2 New Rule §291.151 Concerning Free-Standing Emergency Medical Care Centers (Tab 11)

C.2.3 Amendments to §§291.72-291.75 Concerning Class C Rules to Implement the Tech-Check-Tech Provisions of H.B. 1924, Passed by the 81st Texas Legislature (Tab 12)

AB C.3 Rule Reviews in Accordance with Government Code, Section §2001.039 (Tab 13)

C.3.1 For Proposal

C.3.1.1 Chapter 291 Concerning Class B (Nuclear) Pharmacies (§§291.51-291.55) (Tab 14)

C.3.1.2 Chapter 305 Concerning Educational Requirements (§§305.1-305.2) (Tab 15)

C.3.1.3 Chapter 309 Concerning Generic Substitution (§§309.1-309.8) (Tab 16)

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

AB D.1 Update on Task Force on Class B (Nuclear) Pharmacies (Tab 17)

AB D.2 Pilot Projects

D.2.1 Final Report by H-E-B on Pilot Project Concerning Pharmacy Technician Ratios in Contact Center Pharmacies (Tab 18)

D.2.2 Potential Pilot Projects

D.2.2.1 Montgomery County Hospital District (Tab 19)

D.2.2.2 Big Bend Regional Hospital District (Tab 20)

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

- CS** E.1 Financial Update
 - E.1.1 Review and Approval of FY2009 Expenditures (Tab 21)
 - E.1.2 Review of Board Member Travel Budget (Tab 22)
- CS** E.2 Update on Request for Qualifications Process for Pharmacy Technician Certification Examination (Tab 23)
- PH** E.3 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students
 - E.3.1 Professional Recovery Network (PRN)
 - E.3.1.1 Update on Number of Individuals Participating in PRN Program (Tab 24)
 - E.3.1.2 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Donna Chamberlain (Tab 25)
- CS** E.4 Discussion Concerning *TSBP FY2011-2015 Strategic Plan* (Tab 26)
 - E.4.1 Comments and Issue Statements
 - E.4.2 Board Member/Staff Assignments
- AB** E.5 Licensing Requirements for Pharmacists Performing Duties Out-of-State (Tab 27)
 - E.5.1 Discussion Concerning Personnel and Operational Standards in a Class A Pharmacy Regarding Remote Verification of Prescription Data Entry (§§ 291.32-291.33)
 - E.5.2 Pharmacist Performing Cognitive Duties Such as Medication Therapy Management, Drug Utilization Review
- GD** E.6 Discussion Concerning Pharmacy Technician Ratios in Class A (Community) Pharmacies (§291.32) (Tab 28)

- GD** E.7 Discussion Concerning Requirements Relating to Font Size on Patient Information (§291.33) (Tab 29)
- GD** E.8 Update on TSBP Action on Legislation Passed During the 81st Texas Legislative Session that has an Impact on TSBP and/or the Practice of Pharmacy (Tab 30)
- GD** E.9 Discussion of Possible Statutory Changes for Consideration During the 82nd Session of the Texas Legislature (Tab 31)

F. CF Consideration of and Possible Action Concerning the Following Enforcement Reports

- F.1 Consideration of Petition(s) to Serve as a Preceptor
- F.2 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 32)
- F.3 Report on Status of Active/Pending Complaints (Tab 33)

G. Disciplinary Orders

- KA** G.1 Consideration of Proposals for Decision
 - G.1.1 In the Matter of Ramesh P. Patel, R.Ph. (Tab 34)
 - G.1.1.1 Executive Session Concerning the Proposal for Decision in the Matter of Ramesh P. Patel, R.Ph.
- KA** G.2 Report on Agreed Board Orders Entered by Executive Director
- KA** G.3 Discussion of and Action on Proposed Agreed Board Orders and Default Orders
- G.4 Executive Session to Consider Confidential Agreed Board Orders

H. Miscellaneous

- BF** H.1 Items to be Placed on Agenda for February 2010 Board Meeting (Tab 35)
- H.2 Discussion of and Possible Action on Recent Conferences and Events
- NABP/AACP District VI, VII, and VIII Annual Meeting, New Orleans, LA, September 30 – October 2, 2009 (Fry, Mendoza, Waggener, Dodson)
 - AMCP Educational Conferences, San Antonio, October 7-10, 2009
 - NCPA Annual Meeting, New Orleans, LA, October 17-21, 2009
- H.3 Discussion of and Possible Action on Upcoming Conferences and Events
- Technician Informal Conferences, Austin, November 17, 2009 (Abeltdt)
 - ASCP Annual Meeting, Anaheim, CA, November 18-21, 2009
 - Informal Conferences, Austin, December 1-2, 2009 (Fry)
 - ASHP Mid-Year Clinical Meeting, Orlando, FL, December 6-10, 2009
 - Technician Informal Conferences, Austin, December 17, 2009 (Fry)
 - Informal Conferences, Austin, January 12-14, 2010 (Combs)
 - Technician Informal Conferences, Austin, January 21, 2010 (Wiesner)
 - TSBP Board Meeting, Austin, February 9-10, 2010
 - Technician Informal Conferences, Austin, February 18, 2010 (Kedron)

- Informal Conferences, Austin, March 2-4, 2010 (Wiesner)
- APhA Annual Meeting, Washington, DC, March 12-15, 2010
- Technician Informal Conferences, Austin, March 25, 2010 (Combs)
- Informal Conferences, Austin, April 5-7, 2010 (Waggener)
- AMCP Annual Meeting, San Diego, CA, April 7-10, 2010
- TSHP Annual Seminar, Galveston, April 7-12, 2010
- Technician Informal Conferences, Austin, April 15, 2010 (Waggener)
- WTPA Annual Meeting, Abilene, April 23-25, 2010
- NACDS Annual Meeting, Palm Beach, FL, April 24-28, 2010

H.4 Consideration of Personnel Matters

H.4.1 Election of Officers

H.4.2 Review of Email and Social Networking Procedures (Tab 36)

THE TEXAS STATE BOARD OF PHARMACY MAY ENTER EXECUTIVE SESSION TO CONSIDER ANY AGENDA ITEM WHEN PERMITTED BY TEXAS LAW.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Cathy Stella at (Voice) 512/305-8000, (FAX) 305-8075, or TDD 1-800/735-2989. Requests for reasonable accommodations should be made five working days prior to the meeting so that appropriate arrangements can be made.