



**TEXAS STATE BOARD OF PHARMACY  
REPORT TO THE TEXAS PHARMACY CONGRESS**

**May 2, 2014**

**I. CURRENT ISSUES.**

**A. House Public Health Committee** – The Board was asked to provide testimony at two hearings of the House Public Health Committee as follows.

1. April 7, 2014 – Testimony provided on:

- Charge #1. Assess the prevalence of nonmedical prescription drug use in the state (including opioid analgesics, stimulants, tranquilizers, and sedatives). Identify adverse health impacts. Recommend strategies to curb emerging substance abuse trends among children, pregnant women, and adults, as well as to reduce health care costs and mortality.

2. April 14, 2014 – Testimony provided on:

- Charge #2. Study and make recommendations for improvements to the licensing, regulation, and monitoring of compounding pharmacies, including a review of the joint cooperative efforts between the Texas State Board of Pharmacy, Department of State Health Services, and U.S. Food and Drug Administration. Consider the impact of the passage of SB 1100 (83R), additional appropriations made by the 83rd Legislature to strengthen inspections, and any relevant federal legislation.
- Charge #4. Examine the current practice for dispensation of biologic and follow-on biologic (biosimilar) pharmaceutical products in our state. Review any practices for interchangeability of drugs that might pertain to these particular medicines. Review and make recommendations regarding the substitution of biosimilar and biologic medicines.

**B. Task Force on Pharmacy Technicians** –

1. The Task Force is charged with:

- reviewing the current laws and rules relating to pharmacy technicians in Texas;
- reviewing literature and studies regarding the changing roles and duties of pharmacists and how these changes may impact the role of pharmacy technicians; and
- making recommendations to the Board for any changes to the current pharmacy technician laws and rules to allow pharmacy technicians to assist pharmacists in providing safe and quality pharmaceutical care to the citizens of Texas.

2. The Task Force met twice on January 14, 2014 and March 19, 2014. The Task Force Report will be presented to the Board at their May 6, 2014 meeting. A copy of the Task Force report is included at the end of this report as Attachment A.

**C. May 6, 2014, Board Meeting** (Copy of the agenda is included as Attachment B.)

# TASK FORCE TO REVIEW PHARMACY TECHNICIAN PRACTICE FINAL REPORT

Presented to the Texas State Board of Pharmacy  
May 6, 2014

## INTRODUCTION

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The Task Force was established by the Texas State Board of Pharmacy to:

- (1) review the current laws and rules relating to pharmacy technicians in Texas;
- (2) review literature and studies regarding the changing roles and duties of pharmacists and how these changes may impact the role of pharmacy technicians; and
- (3) make recommendations to the Board for any changes to the current pharmacy technician laws and rules to allow pharmacy technicians to assist pharmacists in providing safe and quality pharmaceutical care to the citizens of Texas.

The Task Force met two times on January 14, and March 19, 2014. The Task Force respectfully submits the following recommendations to the Texas State Board of Pharmacy.

## RECOMMENDATIONS

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1. The Board should continue requiring pharmacy technicians to take and pass one national certification examination.
2. The Board should allow a pharmacy technician trainee to renew their registration once so that their total time as a Technician Trainee will be 4-years rather than the current 2-years.
3. The Board should review the definition of a pharmacy technician to better define what “*non-judgmental*” duties are and seek legislation to amend this definition in the Texas Pharmacy Act.
4. The Board shall establish a training program that the pharmacy technician must complete prior to completing expanded duties. A technician may perform “*expanded duties*” provided the:
  - technician completes Board established on-the-job training;
  - training is documented by the pharmacist-in-charge; and
  - pharmacist on duty allows the technician to perform the expanded duties while that pharmacist is working.
5. The Board should allow training exemptions from required training for expanded duties for technicians in rural areas.

6. The Board should establish a method to grandfather currently registered technicians from the requirement to have completed an American Society of Health-System Pharmacists accredited technician education program after 2020 when Pharmacy Technician Certification Board (PTCB) will require completion of this program prior to taking the PTCB certification exam.
7. The Board should amend rules or seek legislation if necessary to expand the duties of technicians to include:
  - Expanding Tech-Check-Tech in hospital pharmacies and allowing Tech-Check-Tech in community pharmacies for such duties as:
    - stocking medication carts;
    - checking the prepacking of drugs; and
    - stocking automated dispensing systems.
  - Allowing technicians to:
    - transfer refill prescriptions for dangerous drugs.
    - data enter prescriptions in an area other than the prescription department prior to the opening of the pharmacy).
    - perform a final check on a refilled prescription (Note: DUR by pharmacist will still be required).
8. The task force members support the elimination of the ratio of pharmacists to technicians.

## **TASK FORCE MEMBERSHIP**

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### **Chair**

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Jeanne D. Waggener, R.Ph.

### **Members**

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Jeff Abeldt, R.Ph.  
Jon T. Albrecht, R.Ph.  
Don Bowman, R.Ph.  
Jeff Carson, R.Ph.  
Adam Chesler, R.Ph.  
Sandra Clark, Ph.T.R.  
Mark Comfort, R.Ph.  
David Dubose, R.Ph.  
Lisa McCartney, Ph.T.R.  
Linda McMahon, R.Ph.  
Jason Mills, R.Ph.

Rebekah Modisette, Ph.T.R.  
Doug Read, R.Ph.  
Kim Stengel, Ph.T.R.  
Julie Spier, R.Ph.  
Sunil Varghese, Ph.T.R.  
Jeffrey L. Wagner, R.Ph.  
Angela Watson, Ph.T.R.  
April Weeks, Ph.T.R.  
Leonard White, Ph.T.R.  
Stephen Wyatt, R.Ph.

### **Board Member Liaison**

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L. Suzan Kedron

## **TSBP Staff**

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Gay Dodson, R.Ph.  
Executive Director/Secretary

Kerstin Arnold  
General Counsel

Allison Benz, R.Ph., M.S.  
Director of Professional Services



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# TEXAS STATE BOARD OF PHARMACY

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Texas State Board of Pharmacy

333 Guadalupe Street, Suite 2-225  
Austin, Texas

## Board Business Meeting

Tuesday, May 6, 2014  
9:00 a.m. – Conclusion

### A G E N D A

**A. JW Announcements**

- Meeting Procedures
- Board Members
- Staff
- Continuing Education

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

- TSBP Board Business Meeting, Held February 11, 2014
- Temporary Suspension Hearings

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

C.1 Final Adoption of Rules

- C.1.1 Amendments to §281.64 Concerning Sanctions for Criminal Offenses (Tab 02)

C.2 Proposal of Rules

- C.2.1 Amendments to §291.133 Concerning Pharmacies Compounding Sterile Preparations (Tab 03)

- C.2.2 Amendments to §§291.31 and 291.34 Concerning Advanced Practice Registered Nurses (Tab 04)
- C.2.3 Amendments to §291.32 Concerning Personnel (Tab 05)
- C.2.4 Amendments to §291.33 Concerning Substitution of Dosage Form (Tab 06)
- C.2.5 Amendments to §§291.76 and 291.151 Concerning Labeling and Compounding of Sterile Preparations (Tab 07)
- C.2.6 Amendments Concerning License Fees (Tab 08)
  - C.2.6.1 §291.6 Concerning Pharmacies
  - C.2.6.2 §295.5 Concerning Pharmacists
  - C.2.6.3 §297.4 Concerning Pharmacy Technicians and Pharmacy Technician Trainees
- C.3 Rule Reviews in Accordance with Government Code, Section §2001.039 (Tab 09)
  - C.3.1 For Proposal
    - C.3.1.1 Chapter 281 Concerning Administrative Practices and Procedures (§§281.1 - 281.13, 281.15, 281.17 - 281.23, 281.30-281.34, 281.60 - 281.67) (Tab 10)
    - C.3.1.2 Chapter 311 Concerning Code of Conduct (§§311.1 – 311.2) (Tab 11)
- D. AB **Discussion of and Possible Action Concerning Reports of Committees/Task Forces**
  - D.1 Task Force to Review Pharmacy Technician Practice (Tab 12)
- E. **Discussion of and Possible Action Concerning the Following Reports and Discussions**
  - CS E.1 Financial Update
    - E.1.1 Review of FY2014 Expenditures (Tab 13)
    - E.1.2 Review of Board Member Travel Budget (Tab 14)
    - E.1.3 Approval of Executive Director's Across-the-Board Salary Increase (Tab 15)

- CS** E.2 Review TSBP Revenue Projections and Fee Recommendations (Tab 16)
- CS** E.3 Review and Approval of Exceptional Item Request for FY2016-2017 (Tab 17)
- CS** E.4 Report on Internal Risk Assessment (Tab 18)
- CS** E.5 Board Decision on Recommendations for the Pharmacy Technician Certification Testing Request for Qualifications (Tab 19)
- PH** E.6 Update Concerning Program to Aid Impaired Pharmacists and Pharmacy Students
  - E.6.1 Update on Number of Participating Individuals (Tab 20)
  - E.6.2 Professional Recovery Network (PRN)
    - E.6.2.1 Presentation and Discussion Concerning PRN Expenditures and Activities by PRN Director Courtney Hulbert (Tab 21)
- GD** E.7 Review and Approval of *TSBP FY2015-2019 Strategic Plan* (Tab 22)
- GD** E.8 Report on Customer Service Survey (Tab 23)
- GD** E.9 Review and Approval of *FY2015 Calendar of Events* (Tab 24)
- GD** E.10 Update on Federal Compounding Legislation and Implementation and Report on Testimony Presented at the House Public Health Committee Hearings Held April 7, 2014, and April 14, 2014 (Tab 25)
- KA** E.11 Report on Appeals from State Office of Administrative Hearings Cases and Other Court Actions (Tab 26)
- GD** E.12 Report on Shared Regulatory Data Base Project and Update on TSBP Website (Tab 27)
- AB** E.13 Discussion and Possible Rule Amendments to §291.72 Concerning Electronic Supervision of Pharmacy Technicians in a Class C Pharmacy in a Facility With 101 Beds or More (Tab 28)
- GD** E.14 Presentation and Discussion Concerning a New Class of Pharmacy Located in a Physician's Office with Limited Dispensing (Tab 29)

- DW/** E.15 Discussion Concerning Patient Counseling (Tab 30)
- GD**
- KA** E.16 Discussion Concerning the Increasing Numbers of Telemedicine and Telehealth Services Available to Patients (Tab 31)
- DW** E.17 Discussion Concerning Federal Prescription Transfer Rules (Tab 32)
- BF** E.18 Discussion Concerning Pharmacies Operating Without a Pharmacist-in-Charge (Tab 33)
- GD** E.19 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 34)
- GD** E.20 Discussion of Possible Statutory Changes for Consideration During the 84<sup>th</sup> Session of the Texas Legislature (Tab 35)
- F. KA Disciplinary Orders**
  - F.1 Consideration of Proposals for Decision
    - F.1.1 In the Matter of Isaac Simeon Achobe, Pharmacist License #27139 (Tab 36)
      - F.1.1.1 Executive Session Concerning the Proposal For Decision in the Matter of Isaac Simeon Achobe, Pharmacist License #27139
  - F.2 Report on Agreed Board Orders Entered by Executive Director (Tab 37)
  - F.3 Discussion of and Action on Proposed Agreed Board Orders and Default Orders (Tab 38)
  - F.4 Executive Session to Consider Confidential Agreed Board Orders (Tab 39)
- G. CF Consideration of and Possible Action Concerning the Following Enforcement Reports**
  - G.1 Report on Complaints Closed and Dismissed During the Previous Quarter (Tab 40)
  - G.2 Report on Status of Active/Pending Complaints (Tab 41)



**H. JW Miscellaneous**

H.1 Items to be Placed on Agenda for August 2014 Board Meeting  
(Tab 42)

H.2 Discussion of and Possible Action on Recent Conferences and Events

- American Pharmacists Association (APhA)  
Annual Meeting, Orlando, FL  
March 28-31, 2014
- Academy of Managed Care Pharmacy (AMCP)  
Annual Meeting, Tampa, FL  
April 1-4, 2014
- Texas Pharmacy Association (TPA)  
Spring Leadership Symposium, Austin, TX  
April 3-5, 2014
- Texas Society of Health System Pharmacists (TSHP)  
Annual Seminar, Houston, TX  
April 11-13, 2014
- West Texas Pharmacy Association (WTPA)  
Convention and Seminar, Lubbock, TX  
April 24-27, 2014

H.3 Discussion of and Possible Action on Upcoming Conferences and Events

- National Association of Boards of Pharmacy (NABP)  
Annual Meeting, Phoenix, AZ  
May 17-20, 2014
- Technician Informal Conference, Austin, May 22, 2014  
(Stine)
- Informal Conference, Austin, June 3-4, 2014  
(Mendoza)
- Technician Informal Conference, Austin, June 19, 2014  
(Mendoza)
- Informal Conference, Austin, July 8-10, 2014  
(Abeltdt)

AGENDA, Board Business Meeting

May 6, 2014

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- Technician Informal Conference, Austin, July 17, 2014  
(Kedron)
- National Pharmaceutical Association (NPhA)  
Annual Meeting, Arlington, VA  
July 18-21, 2014
- Texas Pharmacy Association (TPA)  
Conference & Expo, San Marcos, TX  
July 30 – August 2, 2014
- TSBP Board Business Meeting, Austin, TX  
August 5, 2014

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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) 512/305-8075, 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.