

TENNESSEE BOARD OF PHARMACY  
WEBEX MEETING  
665 Mainstream Dr.  
Nashville, TN 37243

**BOARD MEMBER PRESENT**

Rissa Pryse, D. Ph President  
Katy Wright, D.Ph., Vice President  
Adam Rodgers, D.Ph.  
Melissa McCall, D.Ph.  
Richard Breeden, D.Ph.  
Dr. Shanae McKinney, D.Ph.  
Jake Bynum, Consumer Member

**STAFF PRESENT**

Reginald Dilliard, Executive Director  
Matthew Gibbs, Associate General Counsel  
Larry Hill, Pharmacy Investigator  
Rebecca Moak, Pharmacy Investigator  
Robert Shutt, Pharmacy Investigator  
Terry Grinder, Pharmacy Investigator  
Richard Hadden, Pharmacy Investigator  
Andrea Miller, Pharmacy Investigator  
Derek Johnston, Pharmacy Investigator  
Scott Denaburg, Pharmacy Investigator  
Rita Golden, Pharmacy Investigator  
Patricia Beckham, Pharmacy Investigator  
Sheila Bush, Administrator Director

The Tennessee Board of Pharmacy convened on Tuesday March 9, 2021, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present by WebEx, the meeting was called to order at 8:04 a.m. with Dr. Wright presiding. Dr. Dilliard asked that public comments be sent via email.

**Minutes**

Dr. McKinney made the motion to accept the minutes as presented. Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

**OGC**

Mr. Gibbs informed the board that there are currently 47 cases open for discipline within the Office of General Counsel. Of those 47 cases, 5 are eligible for a contested case hearing.

Mr. Gibbs informed the board that the Tennessee Board of Pharmacy along with the Tennessee Department of Health has been named as two of the defendants contained in the master docket for the National Prescription Opiate Litigation. The Office of the Attorney General is aware of this litigation.

Mr. Gibbs informed the board that the rules pertaining to pharmacy interns, pharmacy technicians and medical devices are currently in internal review. The medical device rules began the internal review process on January 4, 2021.

Mr. Gibbs presented the following bills currently being introduced to the 112<sup>th</sup> General Assembly.

**HB0686** - Health Care - As introduced, authorizes implementation of a statewide collaborative pharmacy practice agreement specific to epinephrine auto-injectors; authorizes pharmacists

licensed in, and practicing in, this state to dispense epinephrine auto-injectors; makes other related changes. - Amends TCA Title 39, Chapter 17; Title 49, Chapter 50, Part 16; Title 53; Title 63 and Title 68.

Assigned to committees of the House of Representatives and Senate on February 20 and February 22, 2021, respectively.

**HB0877** - Pharmacy, Pharmacists - As introduced, makes changes with regard to compounding pharmacies, including allowing out-of-state pharmacy practice sites to provide certain inspections, equivalent to what are currently required, if accepted by the Tennessee board of pharmacy and removing the requirement that pharmacies engaging in sterile compounding have to make certain quarterly reports to the board. - Amends TCA Section 63-10-216.

Assigned to committees of the House of Representatives and Senate on February 20 and February 22, 2021, respectively.

Note – requires a new rule promulgated by the Board.

**SB1253** - Drugs, Prescription - As introduced, requires the board of pharmacy and the board for licensing health care facilities to promulgate rules to establish certain guidelines for pharmacies and facilities to provide for disposal of unused controlled substances and prescription drugs. - Amends TCA Title 4; Title 63 and Title 68.

Assigned to the Senate Health and Welfare Committee February 22, 2021.

Mr. Gibbs informed the board that the complaint committee investigated 23 cases for the board.

### **Consent Orders**

Dr. McCall made the motion to accept **Heather R. Atkinson, D.Ph.** consent order to voluntarily surrender her pharmacist license (same as revocation). Dr. Atkinson violated T.C.A. §53-11-402 (a) (3). Dr. Pryse seconded the motion. A roll call vote was taken. The motion carried.

Dr. Pryse made the motion to accept **Bradley Drug Company** consent order with a \$2300.00 civil penalty. Bradley Drug Company violated T.C.A §63-10-305 (4). Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

Dr. Breeden made the motion to accept **Stacy Lynn Edgin, RT.** consent order to voluntarily surrender her pharmacy technician registration (same as revocation). Ms. Edgin violated T.C.A. §53-10-104 (a). Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

Dr. Pryse made the motion to accept **Pamela Frazier, D.Ph.** consent order with a \$1200.00 civil penalty. Dr. Frazier violated board rule 1140-02-.02 (3). Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

Dr. McKinney made the motion to accept **Kyle Humphrey, D.Ph.** consent order to voluntarily surrender his pharmacist license (same as revocation). Dr. Humphrey violated board rule 1140-02-.01 (17). Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

Dr. Breeden made the motion to accept **Randall S Jenkins, RT.** consent order to voluntarily surrender her pharmacy technician registration (same as revocation). Mr. Jenkins violated T.C.A. §53-10-104 (a). Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

Dr. McCall made the motion to accept **Lott Family Pharmacy** consent order placing their license on probation for six (6) months. Lott Family Pharmacy violated T.C.A. §63-10-305 (4). Dr. Pryse seconded the motion. A roll call vote was taken. The motion carried.

Dr. Pryse made the motion to accept **Kathy McClain, D.Ph.** consent order with a \$1200.00 civil penalty. Dr. McClain violated board 1140-02-.02 (3). Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

Dr. Breeden made the motion to accept **Vital Care of Dickson** consent order reprimanding their pharmacy license with a \$1000.00 civil penalty. Vital Care of Dickson violated T.C.A. §63-10-305 (8). Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

Dr. Pryse made the motion to accept **Christian Winters, RT.** consent order to voluntarily surrender her pharmacy technician registration (same as revocation). Ms. Winters violated T.C.A. §63-10-305 (6). Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

Dr. Breeden made the motion to accept **Keystone Community Pharmacy** consent order for license reprimand. Keystone Community Pharmacy violated T.C.A. § 63-10-305 (4) (a). Dr. Rodgers seconded the motion. A roll call vote was taken. The motion carried.

Dr. Rodgers made the motion to accept **Joshua Wilson, RT.** consent order to voluntarily surrender his pharmacy technician registration (same as revocation). Mr. Wilson violated T.C.A. §56-10-305 (6). Dr. Pryse seconded the motion. A roll call vote was taken. The motion carried.

Dr. Breeden made the motion to accept **Denise Dubay, RT** consent order with a \$100.00 civil penalty. Ms. Dubay violated board 1140-01-.09 (1). Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

Dr. Breeden made the motion to accept **Walgreens Pharmacy #11113** consent order with a \$1000.00 civil penalty. Walgreens Pharmacy #11113 violated board rule 1140-03-.01 (1)(a) and (f). Dr. McKinney seconded the motion. The motion carried.

### **Financial Report**

Ms. Alicia Grice, Fiscal Director, gave the mid-year financial report to the Board.

### **Waivers**

#### **Board rule 1140-01.13 (3) (e)**

Dr. Breeden made the motion to accept the request from Performance Health to waive the requirement for the pharmacy to have hot and cold water. Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

**Board rule 1140-01-.07 (3)**

Dr. Breeden made the motion to approve the request from **Andrew Hicks, D.Ph.** to waive the one hundred and sixty (160) internship hours but he must successfully take and pass the MPJE. Dr. Pryse seconded the motion. A roll call vote was taken. The motion carried.

**Board rule 1140-04-.15 (7)(b) (1)**

Dr. Breeden made the motion to approve the request from Ballad Health to waive the requirement for direct supervision by a pharmacist for filing/stocking of medication to the automated dispensing machines (ADMS) at Hancock County Hospital, Johnson City Community Hospital and Unicoi County Memorial Hospital for one (1) year. Dr. Pryse seconded the motion. A roll call vote was taken. The motion carried.

**Order Modification  
Kevin Brown, D.Ph.**

Dr. Brown appeared before the board to request to be PIC at National Rx, Inc. Dr. Brown signed a consent order on 06/19/2019 placing his pharmacist license on 10-year probation. After discussion, Dr. Pryse made the motion to modify Dr. Brown's consent order to be PIC at National Rx, Inc. Dr. McCall seconded the motion. A roll call vote was taken. The motion carried.

**James Catron, D.Ph.**

Dr. Catron appeared before the board to request to be PIC at NPS Pharmacy at Positively Living. Dr. Catron signed a consent order on 03/27/2019 placing his pharmacist license on lifetime probation. After discussion, Dr. Breeden made the motion to modify Dr. Catron's consent order to be PIC at NPS Pharmacy at Positively Living. Dr. Rodgers seconded the motion. A roll call vote was taken. The motion carried.

**Order of Compliance  
Benjamin Veksler, D.Ph.**

Dr. McKinney made the motion to accept the order of compliance for Benjamin Veksler, D.Ph. Dr. Veksler's license was disciplined by the board at the April 6, 2020 board meeting. Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

**Director's Report**

Dr. Dilliard presented the Food and Drug Administration (FDA) Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the State Board of Pharmacy or Other Appropriate State Agency and the Food and Drug Administration (MOU) to the board. If the board signs the MOU, it will allow a pharmacy to ship 50% of product across state lines without issue from the FDA. If the board does not sign the MOU, the pharmacies can still ship 5% of products across state lines. After discussion, this issue will be presented at the May meeting to determine

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The meeting adjourned at 12:13 p.m.

**The minutes were approved and ratified at the May 4, 2021 board meeting.**