

Tennessee Board of Pharmacy
Board Meeting
March 12, 2024

TENNESSEE BOARD OF PHARMACY
665 Mainstream Dr, Iris Room
Nashville, TN 37243

BOARD MEMBER PRESENT

Richard Breeden, D.Ph., President
Marlin Blane, D.Ph.
Robert Harshbarger, III, D.Ph.
Kyle Phillips, D.Ph.
Rebecca Leinart, D.Ph.
Melissa McCall, D.Ph.
Nichole Foster, RT, Technician Member
Jake Bynum, Consumer Member

BOARD MEMBER ABSENT

Shanae McKinney, D.Ph.

STAFF PRESENT

Lucy A. Shell, Executive Director
Matt Gibbs, Deputy General Counsel
Albert Hill, Pharmacist Investigator
Andrea Miller, Pharmacist Investigator
Rebecca Moak, Pharmacist Investigator
Rita Golden, Pharmacist Investigator
Shannon Kelly, Pharmacist Investigator
Derek Johnston, Pharmacist Investigator
Scott Denaburg, Pharmacist Investigator
Patricia Beckham, Pharmacist Investigator
Terry Grinder, Pharmacist Investigator

STAFF ABSENT

Richard Hadden, Pharmacist Investigator

The Tennessee Board of Pharmacy convened on Tuesday, March 12, 2024, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:01 a.m. with Dr. Breeden presiding.

Kendall Matthew Lynch Award

Dr. Breeden presented the Kendall Matthew Lynch Award to Ms. Sheila Bush.

Minutes

Dr. Breeden made the motion to accept the minutes from the November 14-15, 2023, board meeting as presented. Dr. McCall seconded the motion. The motion carried.

Public Comment

No public comment.

Financial Report

Ms. Emily Godwin, Fiscal Director presented the Mid-Year 2024 Financial Report. Dr. Lucy Shell, Executive Director, and Mr. Matt Gibbs, Deputy General Counsel, incited discussion with the board regarding increases to fees to mitigate net losses.

Waivers

Sarah Dumas appeared before the board to ask for a pharmacy technician license. Upon background check misdemeanors were present. Dr. McCall made the motion to approve a conditional pharmacy technician license. Second. Motion carried.

Veronica Knowles is absent.

Cedar Recovery

Cedar Recovery asked for a revision in their pilot program timeline. Dr. Blane motioned to migrate the two (2) year timeline to begin on April 15, 2024. Second from Dr. McCall. The motion carried.

Genoa Healthcare

Jenny Ryan, Director of Operations and Dale Masten, VP of Regulatory Affairs for Genoa and Dr. Troy Gilson, Senior Medical Director from Volunteer Behavioral Health Care System appeared before the board to ask for a waiver concerning Genoa Healthcare providing emergency kits to Volunteer Behavioral Health Community Services Crisis Stabilization Units. After discussion, the board interprets that their Genoa Health and Volunteer Behavioral Health Community Services model fits as an institutional facility under the current rules.

Dr. Lucy Shell, Executive Director, presented the request to waive internship hours on behalf of **Jasmin Carter**. Dr. Carter's Tennessee license expired in 2022. Dr. Carter has been working as a pharmacist in another state. Motion to waive internship hours by Dr. McCall. Second to Dr. Harshbarger. Motion passes.

Appearances:

Tennessee Pharmacists Association – Policy Update and Practice Disruptions

Olivia Welter, Director of Professional Affairs for the Tennessee Pharmacists Association presented to the board on Policies and Procedures Passed at Winter Meeting, as well as updates regarding Change Health Care cyber-attack.

BPS Board- Approved Specialty Certification Programs

Sarah Cogle, PharmD, BCCP, BCNSP, BPS Nutrition Support Pharmacy Specialty Council, and Sajel Lewis, Senior Manager, Professional Engagement presented to the board regarding BPS certification and continuing education requirements from BPS contrasting with the requirements by the Tennessee Board of Pharmacy in the State of Tennessee (1140-05-.01,-.02,-.03). Presented Ohio state Rule 4729:1-5-02. Proposed update to 1140-05 to include holding BPS as a pathway. Board discussed looking at this as a possibility when rule updates for continuing education requirements take place.

Tennessee Department of Mental Health and Substance Abuse Services – Buprenorphine Guidelines

Wesley Gemmin, PharmD, appeared before the board to present an update of the Tennessee Nonresidential Buprenorphine Treatment Guideline. Updates included: removed DATA Waiver, reduced barriers to access to buprenorphine, buprenorphine-naloxone language indications updated, special populations relocated to the body of text rather than appendices, dosing information updated, assessments that are performed upon admission versus assessments that may be deferred were updated, treatment plans expectations were updated, provided language regarding access and

pharmacist procedures, appendices were updated with removals and changes.

Dr. McCall comments to collaborate on clinical considerations regarding an update of the Tennessee Nonresidential Buprenorphine Treatment Guideline in a provided education newsletter.

Dr. Leinart motions to encourage the Tennessee Board of Pharmacy licensees to familiarize themselves with the Tennessee Nonresidential Buprenorphine Treatment Guideline and how they would apply it to their practice and display it on their website. Second by Blane. Motion passes.

Mid-Year Financial Report

Ms. Emily Godwin returned to the board to visualize fee increases to mitigate deficit and target balances. The board would like to increase modifiers that are not the driver of board revenue. Ms. Godwin summarized for the board the repercussions of running in a deficit for two (2) consecutive years. Dr. McCall explored the financial repercussions of licensing outside entities. Dr. Breeden mentioned tabling decisions until a future board meeting and exploring the inclusion of modifiers in projections to be established by Ms. Godwin.

Board Business:

Compounding Rules Implementation

Matt Gibbs, Deputy General Counsel discussed with the Board the results of the Joint Government Operations Committee negative vote on the compounding rules on February 26, 2024. A motion from Mayor Bynum to treat the compounding rules as educational rather than a rule. A second heard. Motion passes. The board wishes to hold a town hall to discuss compounding rules going forward. Motion from Dr. McCall to gauge interest in a town hall and to move forward based on interest and availability. Second by Mayor Bynum. Motion passes.

Screening Panels

Dr. Sheila Mitchell, Dr. Katy Wright, Dr. J. Adams Rodgers, Dr. Melissa Blackburn, and Dr. Rissa Pryse presented with interest in participating on the screening panel and three (3) individuals are needed. Mayor Bynum makes a motion to include all five of the individuals be named to the panel. Second by Dr. Blane. Motion passes.

Continuing Education Violations

Dr. Shell asked the board to review continuing education. Ms. Bush reviewed the current process with the board. Mr. Gibbs introduced the concept of an agreed order. Mayor Bynum motioned to have Mr. Gibbs develop language to implement an agreed order with a probationary period of ninety (90) days, no additional continuing hours, a civil fine of \$250, and no grace after that point. Ms. Foster second. Motion passes.

Date of Rules Review Committee:

Dr. Shell proposed a date for an April rule review committee meeting. The meeting shall be on Friday, April 12, 2024, at 10 AM.

Travel:

TPRN Spring retreat April 9-11, 2024, in Maryville, TN. Motion from Dr. McCall for Dr. Shell to attend this retreat. Ms. Foster second. Motion passes.

NABP Annual Meeting in Fort Worth, TX, May 14-17, 2024. The treasurer candidate's information is included in the board members' packets for review.

MALTAGON, a Professional Association of Boards of Pharmacy across the Southeast meeting will be held Sept 8-11, 2024.

Due to meeting room access and schedule conflicts, July and September Board of Pharmacy meetings will be canceled, and rescheduled to August 20th and 21st, 2024.

Office of General Counsel Report:

Agreed/Consent Orders:

Case 2023019821: WAG 4232 #1970 → Failure to notify the Board of Pharmacy (BOP) of the person in charge (PIC) change resulting in a civil penalty of \$200. Motion from Dr. Blane; Second from Mayor Bynum. Motion carries.

Case 2023028241: Publix 1621 #6264 → Failure to notify the BOP of PIC change resulting in a civil penalty of \$200 Motion from Mayor Bynum, second from Dr. McCall. Motion carries.

Case 2023034181: CVS 6437 #1703 → No PIC for 1 month resulting in a civil penalty of \$150. Motion from Dr. Blane; Second from Mayor Bynum. Motion carries.

Case 2023034171: CVS 3293 #3399 → No PIC for 1 month resulting in a civil penalty of \$100. Motion from Mayor Bynum; Second from Dr. McCall. Motion carries.

Case 2023034231: PT #76222 → Diversion resulting in revocation of license. Motion to approve Dr. McCall; Second from Dr. Blane. Motion carries.

Case 2023034211: PT #26247 → diversion resulting in revocation of license. Motion to approve Dr. Phillips; Second from Dr. Leinert. Motion carries.

Case 2023031921: CVS 17424 #4475 → No PIC for 1 week resulting in a civil penalty of \$100. Motion to approve Mayor Bynum; Second from Dr. Phillips. Motion carries.

Case 2022028801: WAG 4158 #1015 → Substandard record keeping and unsanitary conditions resulting in one (1) year of probation with quarterly monitoring. Motion to approve Mayor Bynum; Second from Dr. Blane. Motion carries.

Case 2023026921: PT #76017 → Theft resulting in termination of employment and one (1) year license probation. Motion to approve Mayor Bynum; Second from Dr. Leinert. Motion carries.

Repealed Rules:

1140-12: Motion to repeal Mayor Bynum. Second from Ms. Foster.

Roll call vote:

Melissa McCall, D.Ph., President
Richard Breeden, D.Ph. Vice President
Marlin Blane, D.Ph.
Robert Harshbarger, III, D.Ph.
Kyle Phillips, D.Ph.
Rebecca Leinart, D.Ph.
Nichole Foster, RT
Jake Bynum, Consumer Member

1140-13-.04: Motion to repeal Mayor Bynum. Second from Dr. McCall.

Roll call vote:

Melissa McCall, D.Ph., President
Richard Breeden, D.Ph. Vice President
Marlin Blane, D.Ph.
Robert Harshbarger, III, D.Ph.
Kyle Phillips, D.Ph.
Rebecca Leinart, D.Ph.
Nichole Foster, RT
Jake Bynum, Consumer Member

1140-13-.05: Motion to repeal Mayor Bynum. Second from Dr. Blane.

Roll call vote:

Melissa McCall, D.Ph., President
Richard Breeden, D.Ph. Vice President
Marlin Blane, D.Ph.
Robert Harshbarger, III, D.Ph.
Kyle Phillips, D.Ph.
Rebecca Leinart, D.Ph.
Nichole Foster, RT
Jake Bynum, Consumer Member

1140-17: Motion to repeal Mayor Bynum. Second from Dr. Blane.

Roll call vote:

Melissa McCall, D.Ph., President
Richard Breeden, D.Ph. Vice President
Marlin Blane, D.Ph.
Robert Harshbarger, III, D.Ph.
Kyle Phillips, D.Ph.
Rebecca Leinart, D.Ph.
Nichole Foster, RT
Jake Bynum, Consumer Member

Mr. Gibbs informed the board of legislation pertinent to the board and informed the board of Office of General Counsel open cases.

Mr. Gibbs presented the disciplinary report. A total of 61 cases were reviewed between January 30, 2024 and March 5, 2024.

Dismissed:

- 1.) Failure to allege a practice act violation - 29
- 2.) Failure to substantiate allegations – 2
- 3.) Professional judgment- 3

Plan of Correction:

- 1.) Misfill – 2

LOI:

- 1.) Unprofessional Conduct – 1

LOW:

- 1.) Misfill – 1

Civil Penalty:

- 1.) PIC Change/CS Inventory Violation – 3
- 2.) Unlicensed Activity -- 2
- 3.) Record keeping/Practice site Violations -- 1

Probation

- 1.) Record Keeping/Practice Site Violations – 1
- 2.) Theft -- 2

Revocation

- 1.) Drug Diversion – 3
- 2.) Unprofessional Conduct/Records -- 4

Further Investigation – 7

Dr. Breeden made the motion to adjourn at 2:47 p.m. Dr. McCall seconded the motion. The motion carried.

The minutes were approved and ratified at the May 7-8, 2024 board meeting.