

Tennessee Board of Pharmacy
Board Meeting
November 16, 2021

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

BOARD MEMBER PRESENT

Katy Wright, D. Ph President
Adam Rodgers, D.Ph., Vice President
Richard Breeden, D.Ph.
Rissa Pryse, D.Ph.
Shanea McKinney, D.Ph
Jake Bynum, Consumer Member

STAFF PRESENT

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

STAFF ABSENT

Rita Golden, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday, November 16, 2021, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present by the meeting was called to order at 9:04 a.m. with Dr. Wright presiding.

Minutes

Dr. Pryse made the motion to accept the September 14, 2021 minutes as presented. Mr. Bynum seconded the motion. The motion carried.

OGC/Investigative Report

Mr. Gibbs asked the Board to approve the Medical Devices rules that were presented at the September 14, 2021 board meeting with a roll call vote. After discussion, Dr. Rodgers made the motion to accept the medical device rules as presented. Dr. Breeden seconded the motion. A roll call vote was taken, and the motion carried.

Mr. Gibbs stated that there are currently 47 cases open for discipline within the Office of General Counsel. Of those 47 cases, 7 are eligible for a contested hearing.

Mr. Gibbs stated 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 stated that the Complaint Committee has reviewed 78 complaints.

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Presentation

Tennessee Pharmacist Association (TPA)

Anthony Pudlo Pharm.D., Executive Director of Tennessee Pharmacist Association. Dr. Pudlo explained TPA policy that there is a resolution committee, house of delegate for approval before they can present purposed legislation. Dr. Pudlo stated that TPA current priorities are working on PMB's concerning public chapter 569, the Prep Act, COVID 19 CDC continuing education audit and making sure that the information is current with the CDC requirements. TPA is also working with pharmacist concerning collaborative practice.

Dr. Pudlo explained to the board that the TPA Winter Meeting is scheduled for February 26, 2022 thru March 1, 2022 at the Downtown Hilton Hotel, Nashville, TN.

Dr. Pudlo stated that the tech check tech pilot program has 20 to 25 pharmacies participating in the program.

Financial Report

Matthew McSpadden presented the financial report to the board.

Waiver Request

Board rule 1140-05-.01 (1)

Dr. Pryse made the motion to grant the request from Dr. Denaburg, Dr. Beckham and Dr. Breeden for the course taken at MALATGON be counted as 9.75 live hours. Dr. McKinney seconded the motion. The motion carried.

Dr. Breeden made the motion to grant the request from Robin Williams, D.Ph. for 5 hours of continuing education credit for the 2021 Big 4 Cancer Conference. Dr. Rodgers seconded the motion. The motion carried.

Dr. McKinney made the motion to grant 1 hour continuing education hour for the Therapeutic Anticoagulation to course presented at Memorial Hospital Chattanooga. Dr. Rodgers seconded the motion. The motion carried. This approval will expire in 12 months.

Directors Report

Dr. Grinder asked the board to approve travel authorization for board members and investigators to attend the TPA Winter Meeting. Dr. Pryse made the motion to authorize travel for board members and investigators to attend the TPA Winter meeting scheduled for February 26, 2022 thru March 1, 2022. Dr. Breeden seconded the motion. The motion carried.

Dr. Grinder informed the board that there is outdated information on the board's website and asked if the 2014 Electronic Prescribing Policy could be removed. After discussion, Dr. McKinney made the motion to approve the 2014 Electronic Prescribing Policy. Dr. Rodgers seconded the motion. The motion carried.

Waiver

Board rule 1140-01-.07

Dr. Rodgers made the motion to grant **Sarah Bell, D.Ph.** request to waive the three hundred and twenty (320) internship hours and the NAPLEX. Dr. Breeden seconded the motion. The motion carried. Dr. Bell must successfully take and pass the MPJE.

Dr. Pryse made the motion to grant **Elizabeth Spula, D.Ph.** request to waive the one hundred and sixty (160) internship hours. Mr. McKinney seconded the motion. The motion carried. Dr. Spula must successfully take and pass the MPJE.

Dr. Pryse made the motion to grant **Nehalkumar Patel, D.Ph.** request to waive the one hundred and sixty (160) internship hours. Dr. Breeden seconded the motion. The motion carried. Dr. Patel must successfully take and pass the MPJE.

Consent Order

Dr. Bynum made the motion to accept **Smyrna Pharmacy and Wellness** consent order for a license reprimand with \$6303.70 civil penalty for violating T.C.A. § 63-10-.05. Dr. McKinney seconded the motion. The motion carried.

Dr. McKinney made the motion to deny **Ellen Phillips, D.Ph.** and **Believe Rx** consent order to place Dr. Phillips license on probation for 30 days and 2-year probation with a \$13,000.00 civil penalty for the pharmacy Believe Rx for violated T.C.A § 63-10-305 (4). Dr. Pryse seconded the motion. After discussion, Dr. Rodgers made the motion to suspend the pharmacy for 90 days with no controlled substance modifier. This motion failed. After further discussion, the original motion carried. Dr. Breeden was recused.

Dr. Rodgers made the motion to accept **Walmart Pharmacy #10-0659** consent order with a \$500.00 civil penalty for violating T.C.A. § 63-10-305(8). Mr. Bynum seconded the motion. The motion carried.

Presentation

Professional Pharmacy Technician Academy

Rico Powell, Program Director, Sadie Cox, Pharm.D., Executive Director, Shaquille Fuller, Director of Technology, appeared before the board to request approval of their online course for basic and advanced pharmacy technician training. Professional Pharmacy Technician Academy want to offer courses for pharmacy technician to advance their careers. The courses will be online, and the students will receive certificates of completion once they have completed and pass the course. Professional Pharmacy Technician Academy has approval from the Pharmacy Certification Technician Board for their foundation course but would like to be an approved course for Technician Product Verification. After discussion, Professional Pharmacy Technician Academy will give the board access to the training course before that can give their approval of the course.

Reinstatement

Collis Campbell, Pharm.D.

Dr. Campbell requested to have his license reinstated. Dr. Campbell's license was revoked on 04/06/2021. After discussion, Dr. Breeden made the motion to reinstate Dr. Campbell's license. Dr. Campbell's license will be placed on probation until February 2022. Dr. Rodgers seconded the motion. The motion carried.

- (a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in;
- (b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, except in the case of an emergency or upon proper referral from the Respondent's primary physician. The Respondent shall immediately notify the Board office in writing of the name of the Respondent's primary physician each time the Respondent changes primary physicians;
- (c) The Respondent shall not obtain or attempt to obtain any prescriptions in the Respondent's name for any legend drugs, controlled substances or devices containing same from the physician other than the Respondent's primary physician or from any other health care provider, such as a nurse practitioner, physician's assistant or psychiatrist;
- (d) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment;
- (e) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement);
- (f) The Respondent shall submit to random sampling of urine, blood or bodily tissues for the presence of drugs and alcohol, at the Respondent's own expense, by agents of the Board, such as the Tennessee Pharmacist Recovery Network for as long as the Respondent has an active license. In the event that the sampling indicates the presence of drugs for which the Respondent does not have a valid prescription, or the sampling indicates the presence of alcohol, then formal disciplinary charges may be brought against the Respondent which could result in the revocation of the Respondent's remaining term of probation or the suspension or revocation of the Respondent's license to engage in the practice of pharmacy. Prior to such disciplinary charges being heard by the Board, the Respondent's license may be summarily suspended;
- (g) The Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination
- (h) The Respondent shall not serve as pharmacist-in-charge the respondent's pharmacist-in-charge shall submit to the Board quarterly reports detailing Respondent's work performance for a period of three (3) years from the state date of Probation; the Respondent may not work more than 40 hours over a 5-day period; however, the Respondent may petition the Board for a modification of this time limitation after (2) years from the start date of Probation;
- (i) Respondent shall not work as a "floater" for a period of three (3) years from the start of Probation, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without permission of the Board;
- (j) Respondent shall satisfy all past due continuing pharmaceutical education, successfully complete the Multi-State Pharmacy Jurisprudence Examination (MPJE), pay all cumulative license renewal fees and any applicable penalties; complete a period of pharmacy internship for a minimum of one hundred and sixty (160) hours and must be completed within ninety (90) consecutive days.

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Waivers

Board rule 1140-03-.14

Dr. McKinney made the motion to approve the request from **Vanderbilt Children's Hospital Outpatient Pharmacy** to allow the PIC to work 30 hours that the pharmacy is open. Dr. Pryse seconded the motion. The motion carried.

Dr. Pryse made the motion to approve the request from **Cara Marvin, D.Ph.** to be PIC Kenton Drug Company and Kenton Compounding Pharmacist for 6 months. Dr. Pryse seconded the motion. The motion carried.

Board rule 140-03-.13

The Board made the motion to deny the request from **ScriptCo Pharmacy**. ScriptCo Pharmacy is a membership-based mail order pharmacy.

Presentation

Walmart

Steve Sparks, D.Ph. appear before the board for waivers of the use of pharmacy software at offsite locations and curbside delivery with face-to-face counseling. After discussion, the board decided that the face-to-face counseling cannot be waived. The Board will discuss this issue at the January 11-12, 2022 board meeting.

Tennessee Vaccination Services

Dr. Vandenberg, owner of Tennessee Vaccination Services, appeared before the board at the July 16, 2021 board meeting to request a waiver of the regulations concerning dispensing medication in patient's homes. After discussion, Dr. Breeden denied the request with the documentation that was submitted. Dr. McKinney seconded the motion. The motion carried. A pilot program was suggested. Dr. Vandenberg stated that she wanted to let the board know that she has not started the pilot program due to limited funds.

Dr. Pryse made the motion to adjourn at 4:25 p.m. Dr. McKinney seconded the motion. The motion carried.

The minutes were approved at the January 12, 2022 board meeting.