

Tennessee Board of Pharmacy  
Board Meeting  
September 20-21, 2016

TENNESSEE BOARD OF PHARMACY  
665 Mainstream Drive, Iris Room  
Nashville, TN  
September 20-21, 2016

**BOARD MEMBERS PRESENT**

Will Bunch, D.Ph., President  
Kevin Eidson, D.Ph., Vice President  
Michael Dickenson, D.Ph.  
Rissa Pryse, D.Ph.  
Joyce McDaniel, Consumer Member  
Debra Wilson, D.Ph.

**STAFF PRESENT**

Reginald Dilliard, Executive Director  
Stefan Cange, Assistant General Counsel  
Terry Grinder, Pharmacy Investigator  
Tommy Chrisp, Pharmacy Investigator  
Rebecca Moak, Pharmacy Investigator  
Richard Hadden, Pharmacy Investigator  
Larry Hill, Pharmacy Investigator  
Andrea Miller, Pharmacy Investigator  
Sheila Bush, Administrative Manager

**BOARD MEMBER ABSENT**

Nina Smothers, D.Ph.

**STAFF ABSENT**

Scott Denaburg, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday, September 20, 2016, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:05 a.m.

**Minutes**

The minutes from the July 26-27, 2016 were presented. After discussion, Dr. Eidson made the motion to approve the minutes as presented. Dr. Dickenson seconded the motion. The motion carried.

**General Discussion**

Dr. Mutter presented the chronic pain guidelines to the board for approval. After discussion, Dr. Wilson made the motion to accept the chronic pain guidelines as presented as policy. Ms. McDaniel seconded the motion. The motion carried.

**Presentation**

**Enclara Pharmacia**

John Loxterman, VP, Compliance Officer and Loren Brook, EVP, Client Services, with Enclara Pharmacia, appeared before the board to ask for approval of their new software program which will allow nurses to order non-CII patient medication on behalf of prescribers through the nurse's mobile device. After discussion, the Board table this agenda item until the March 14-15, 2017 board meeting.

## **OGC Report**

Mr. Cange informed the board that there are 58 cases for discipline at the Office of General Counsel and 4 of those cases are in litigation.

Mr. Cange stated that the rules from the December 18, 2015 rulemaking hearing were returned to the Attorney General's office on July 25, 2016. The required corrections were made but OGC is still debating a point of law with the Attorney General's Office.

Mr. Cange informed the board that the RFI/RFGP process is still ongoing. He has been in touch with the Procurement Office and the RFGP will be released as soon as possible.

## **Complaint Summary**

### **Case 1.**

The summaries for these cases are attached, they were considered at the prior board meeting and the board requested that Cease and Desist letters be issued to the Respondent facilities. Such letters were sent, and all Respondents are in compliance with them. USP 797 violations alleged in the complaint are being addressed and corrected.

**Prior Discipline:** None at any Respondent facility

### **Recommendation:**

1 (a) Reprimand, costs of investigation, report status of facility improvements and air sampling to the Board office in 120 days.

1 (b) Reprimand, costs of investigation, probation for 1 year, with quarterly monitoring during that time.

1 (c) Reprimand, costs of investigation

1 (d) Reprimand, costs of investigation

1 (e) Letter of Warning

Dr. Eidson made the motion to accept counsel's recommendation on the above cases. Ms. McDaniel seconded the motion. The motion carried.

### **Case 2.**

BOP investigator attempted to perform a periodic inspection in March, 2016 and discovered respondent had relocated without approval in September, 2015. An application for relocation was received at BOP 7/13/16 and relocation inspection was performed on 7/14/16. Respondent had been operating at an unlicensed site for at least 10 months.

**Prior Discipline:** None

**Recommendation:** \$100 per month civil penalty = \$1,000

Dr. Dickenson made the motion to authorize a formal hearing with a \$100.00 civil penalty for each month that the respondent operated at an unlicensed site. Ms. McDaniel seconded the motion. The motion carried.

**Case 3.**

During a periodic inspection on 7/12/16, BOP Investigator observed respondent technician performing technician duties. It was discovered that respondent's technician registration had expired 5/31/16.

**Prior Discipline:** None

**Recommendation:** \$100 civil penalty to tech

Ms. McDaniel made the motion to authorize a formal hearing with a \$100.00 civil penalty to the technician for working on an expired registration. Dr. Pryse seconded the motion. The motion carried.

**Case 4.**

PIC for Case 2 above.

**Prior Discipline:** None

**Recommendation:** \$200 civil penalty as PIC

Dr. Wilson made the motion to authorize a formal hearing with a \$200.00 civil penalty to the pharmacist in charge for allowing the technician to work on an expired registration. Dr. Eidson seconded the motion. The motion carried.

**Case 5.**

BOP Investigators working an unrelated complaint discovered respondent technician had been terminated for misconduct. Respondent allegedly ordered some compounding chemicals without the owner's knowledge or permission. It was also alleged that those compounding chemicals were diverted to respondent's family pharmacy by hiding the chemicals behind a garbage can until someone pulled into the parking lot, at which time respondent would take the chemicals to a person in that car.

Investigators determined the owners of both pharmacies were long-term friends and had, in the past, traded and borrowed products. Investigators were given conflicting information during interviews, however there was a discovery that products were being ordered and transferred without the owner's knowledge. Also, respondent technician admitted that products had recently been taken without the owner's knowledge because of an embarrassing financial situation at respondent's family pharmacy. Respondent acknowledged hiding chemicals in garbage bags placed behind a garbage can, then carrying

them out to meet an accomplice in the parking lot. Respondent stated that a check was brought back to the pharmacy to pay for the products, however, payment could not be definitely confirmed by Investigators. Investigators could also not prove that respondent's family pharmacy owner knew that the chemicals were being ordered without the other pharmacy's owner being aware of the covert way of ordering and paying.

**Prior Discipline:** None

**Recommendation:** 2 years of probation for technician

Dr. Dickenson made the motion to authorize a formal hearing for revocation. Dr. Pryse seconded the motion. The motion carried. Ms. McDaniel voted no.

**Case 6.**

PIC reported controlled substance diversion by respondent technician and provided video showing a total of 21 instances in a 6 week period of respondent pocketing controlled substances. DEA 106 reported the following shortages:

1,345 Hydrocodone APAP 10/325  
961 Hydrocodone APAP 5/325  
394 Hydrocodone APAP 7.5/325  
715 Oxycodone APAP 10/325  
63 Oxycodone APAP 5/325  
513 Oxycodone APAP 7.5/325

Respondent denied theft of controlled substances. Police investigation is ongoing.

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Eidson made the motion to authorize a formal hearing for revocation. Dr. Wilson seconded the motion. The motion carried.

**Case 7. 201601881**

Complaint alleged pharmacy staff did not take time to read a list of medications complainant takes, resulting in filling of lethal doses and EMT's transporting patient to a hospital. No other information was provided although the complaint mentions twice to "see attached."

BOP Investigator believes patient may have meant to send more information which was not included with the complaint. Investigator attempted to contact patient but the phone number was not valid. Investigator discovered patient has moved out-of-state but left no forwarding address. Investigator

contacted respondent pharmacy staff but no staff members had knowledge of this patient or the complaint.

Patient could not be reached. Allegations could not be confirmed.

**Prior Discipline:** None

**Recommendation:** Dismiss

Dr. Wilson made the motion to accept counsel's recommendation. Dr. Dickenson seconded the motion. The motion carried.

**Case 8.**

Complainant patient alleged a failure to counsel after being changed from Eliquis to Xarelto. Complaint alleged that patient asked the pharmacist if there was anything the patient needed to know and also asked about stopping the current blood thinner to start the new one. Patient alleged the pharmacist read the directions, stared blankly at the patient, and nodded in agreement when patient told the pharmacist what the prescriber had said.

BOP Investigator interviewed respondent pharmacy staff members. PIC provided a sworn statement regarding company policy to counsel on all new prescriptions and believes that the dispensing pharmacist did counsel. Dispensing pharmacist provided a sworn statement of having no direct memory of the events, but pointed out that the patient acknowledged knowing about the change, talking to the pharmacist, telling the pharmacist what the prescriber had said, and that the pharmacist read the directions. Pharmacist believes counseling did occur with a combination of talking and listening to the patient.

Investigator noted that counseling was occurring during his presence at the pharmacy.

**Prior Discipline:** None

**Recommendation:** Dismiss

Dr. Pryse made the motion to accept counsel's recommendation. Dr. Eidson seconded the motion. The motion carried.

**Case 9.**

BOP received information from complainant pharmacy that respondent technician admitted to diverting controlled substances. A signed admission statement was also provided.

Respondent technician admitted in a hand-written statement to taking controlled substances over a several months' period from patients' bottles before dispensing. Statement indicates respondent took as many as 10 to 20 tablets per day from patients she believed were either selling their drugs or misusing

them, and some were taken from patients that usually did not take as many as prescribed. These shortages would not have been discovered by pharmacy audits.

A DEA 106 was filed with only minor shortages:

- 2 Clonazepam 1mg
- 1 Oxycodone APAP 5/325
- 8 Hydrocodone APAP 10/325
- 14 Hydrocodone APAP 7.5/325

However, according to pharmacy documents, when respondent was arrested at the pharmacy, those were the exact amounts found on the respondent.

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Dickenson made the motion to authorize a formal hearing for revocation. Dr. Wilson seconded the motion. The motion carried.

#### **Case 10.**

BOP received information from complainant pharmacy that respondent technician admitted to diverting controlled substances. A signed admission statement was also provided.

Respondent admitted stealing Alprazolam 2mg, 100 at a time, “about” 10 times in a 7 month period, to sell to friends.

DEA 106 showed the following shortage:

- 900 Alprazolam 2mg

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Eidson made the motion to authorize a formal hearing for revocation. Dr. Pryse seconded the motion. The motion carried.

#### **Case 11.**

BOP received information from complainant pharmacy that respondent technician admitted to diverting controlled substances. A signed admission statement was also provided.

Respondent admitted stealing drugs for personal use from June til August. Respondent estimated stealing 15 Alprazolam 0.5 mg, 8 Alprazolam ER 1mg, and 34 Alprazolam 2mg.

DEA 106 showed the following shortages:

45 Alprazolam 0.5mg  
15 Alprazolam ER 1mg  
10 Alprazolam 2mg

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Wilson made the motion to authorize a formal hearing for revocation. Dr. Dickenson seconded the motion. The motion carried.

**Case 12.**

BOP received information from complainant pharmacy that respondent technician admitted to diverting controlled substances. A signed admission statement was also provided.

Respondent admitted stealing drugs beginning in May to sell to random people. Respondent estimated stealing 1,500 Alprazolam 2mg tablets. However, according to pharmacy documents, during the internal investigation, video showed respondent stealing other drugs also, including Codeine cough syrups. Respondent agreed to pay restitution for all the missing drugs.

DEA 106 showed the following shortages:

1,900 Alprazolam 2mg tablets  
12,298 ml of Promethazine-Codeine 10mg-6.25ml/5ml syrup

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Eidson made the motion to authorize a formal hearing for revocation. Dr. Dickenson seconded the motion. The motion carried.

**Case 13.**

BOP Investigator discovered respondent oxygen distributor moved July 1, 2016, however, investigator received the application for relocation on July 15, and inspected the new facility on July 18. Respondent site manager stated the previous landlord would not allow any extension, so the business was moved prior to inspection.

**Prior Discipline:** 2011, \$50 civil penalty

**Recommendation:** Reprimand and \$100 civil penalty for 2<sup>nd</sup> offense.

Dr. Dickenson made the motion to authorize a formal hearing with a \$500.00 civil penalty and reprimand the license for unlicensed practice site. Dr. Eidson seconded the motion. The motion carried.

**Case 14.**

Complainant (mother of minor patient) alleged unprofessional conduct by respondent pharmacy by refusing to fill a post-surgery prescription for 10 Norco 5mg, even though the child had no controlled substance history. Complainant alleged she and the prescription were scrutinized by staff, then she was told that the prescription would not be filled because they did not agree with the doctor's prescribing habits. Complainant deeply resents being made to feel criminal and believes it is wrong for a pharmacy to flippantly decide which prescriptions to fill.

BOP Investigator obtained a typed statement from the pharmacist involved. Pharmacist stated that pharmacy policy and dispensing guidelines were followed. Since there was a recent influx at the pharmacy of several non-established patients presenting very similar prescriptions for the same medication with the same reason and the same sig from the same prescriber, the pharmacist feels she used professional judgment in declining the prescription. She stated her decision was based upon the patient being a non-established patient, wanting to pay cash, and the prescription was very similar to many others received the same day from the same prescriber. She did not feel comfortable that the prescription was issued for a legitimate medical purpose. An intern was sent out to communicate the decision to the patient's mother.

**Prior Discipline:** None

**Recommendation:** Dismiss

Dr. Wilson made the motion to accept counsel's recommendation. Dr. Dickenson seconded the motion. The motion carried.

**Case 15.**

Complaint alleged an out-of-state sterile compounding pharmacy sent an unsolicited sample vial of compounded Methylprednisolone to a Tennessee physician's office. A picture of a non-patient-specific vial was sent with the complaint.

BOP Investigators determined the vial was not a "sample" but instead is a non-patient-specific vial sent by the out-of-state facility which is actually licensed as an Outsourcing facility. The vial was properly labeled for Outsourcer requirements. Investigators also found that the office manager at the physician's office had actually authorized the Outsourcer to send the vial to the physician's office.

**Prior Discipline:** Letter of Warning, 2011, "distributing commercially available drugs and giving the j code for products that do not have an NDC number," 2013, \$100 civil penalty, failure to lock pharmacy while pharmacist not on duty as well as place notification that pharmacist was not on duty

**Recommendation:** Dismiss

Dr. Eidson made the motion to accept counsel's recommendation. Dr. Pryse seconded the motion. The motion carried.



**Case 16.**

Pharmacy management notified BOP of tech diversion and provided copies of DEA 106 and a signed admission statement from the respondent technician. Respondent admitted stealing controlled substances and selling them to a known drug dealer; admitted taking legend drugs for personal use; and admitted taking food and clothing without paying. Respondent estimated taking 5,000 Alprazolam, about 200 Clonazepam, about 60 Prozac, 30 Effexor and 30 Prilosec. Respondent was terminated and then arrested.

DEA 106 showed the following shortages:

672 Clonazepam 2mg  
3,424 Alprazolam 1mg

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Dickenson made the motion to authorize a formal hearing for revocation. Dr. Eidson seconded the motion. The motion carried.

**Case 17.**

BOP Investigator discovered respondent MWD moved without filing a relocation application. Site manager estimated the facility had moved about 3 years ago, however the previous inspection dated 10/1/13 was at the listed address. The current unapproved move, estimated to have occurred around October, 2013 was discovered by BOP investigator 6/29/16. As of 9/13/16, respondent had still not applied for relocation.

BOP Investigator found the firm had previously moved in January, 2011 and did not notify BOP until 4/30/13 and paid a civil penalty of \$1,400.

**Prior Discipline:** 2013, \$1,400 civil penalty

**Recommendation:** Reprimand and increasing penalty dependent upon application arrival

Dr. Eidson made the motion to authorize a formal hearing with a civil penalty of \$200.00 per month for 36 months working in an unlicensed practice site and must be in compliance by the next board meeting. Dr. Dickenson seconded the motion. The motion carried.

**Case 18.**

While conducting a periodic inspection on 7/13/16, BOP Investigator discovered respondent's MWD license had expired 5/31/16. Respondent distributes injectable chemotherapy agents and glucose test strips. Respondent does not perform any sterile compounding. Respondent has now renewed the license.

**Prior Discipline:** None

**Recommendation:** \$200 civil penalty for 2 months of expired license

Dr. Dickenson made the motion to authorize a formal hearing with a \$200.00 civil penalty for unlicensed practice site. Ms. McDaniel seconded the motion. The motion carried.

**Case 19.**

Pharmacy management notified BOP of tech diversion and provided a copy of a signed admission statement from the respondent technician. Respondent admitted stealing 8 Oxycodone 40mg, 6 to 10 Hydrocodone 7.5/325, and 20 to 30 Hydrocodone 10/325 for personal use.

**Prior Discipline:** None

**Recommendation:** Revoke tech registration

Dr. Wilson made the motion to authorize a formal hearing with a revocation. Dr. Eidson seconded the motion. The motion carried.

**Case 20.**

During a periodic inspection, BOP Investigator discovered respondent tech had worked on an expired registration from 2/1/16 to 6/14/16.

**Prior Discipline:** None

**Recommendation:** \$100 civil penalty

Ms. McDaniel made the motion to authorize a formal hearing with \$100.00 civil penalty to the technician for working on an expired registration. Dr. Eidson seconded the motion. The motion carried.

**Case 21.**

PIC for Case 19 above.

**Prior Discipline:**

**Recommendation:** \$500 civil penalty for allowing tech to work approx. 5 months on an expired registration.

Ms. McDaniel made the motion to authorize a formal hearing with \$500.00 civil penalty to the pharmacist in charge for allowing the technician to work on an expired registration. Dr. Eidson seconded the motion. The motion carried.

## **Reinstatement**

### **Robin Terrero, D.Ph.**

Dr. Terrero requested to have her license reinstated. Dr. Terrero's license was revoked on January 28, 2015. After discussion, Dr. Eidson made the motion to deny Dr. Terrero's request to reinstate and required that she be evaluated by the Tennessee Pharmacy Recovery Network. Ms. McDaniel seconded the motion. The motion carried.

### **Marcia Jones, D.Ph.**

Dr. Jones requested to have her licensed reinstated. Dr. Jones' license was revoked on 01/12/2016. After discussion, Dr. Wilson made the motion to reinstate Dr. Jones' license. Dr. Jones' license will be on five (5) year probation once he has completed all the necessary requirements for reinstatement with the following conditions. Ms. McDaniel 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);

(b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, Dr. David Kickliter, except in the case of an emergency or upon proper referral from the Respondent's primary physician. Upon ratification of this order, the Respondent shall immediately notify the Board office in writing of the name of the Respondent's primary care 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 a 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 comply with all of the terms and conditions of the extended aftercare contract he entered into with the Tennessee Pharmacist Recovery Network. Respondent shall return a copy of said contract with this consent order to the Board Office.

(h) The Respondent shall not serve as pharmacist-in-charge for a period of three (3) years from the start date of probation; however, after a period of two (2) years' probation the respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon show of good causes. The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without permission of the Board;

(i) Respondent shall complete all provisions required for the reinstatement of her license listed in Board Rule 1140-01-.07 (3) (a):

1. Provide written notice to the board requesting an active license;
2. Satisfy all past due continuing pharmaceutical education as required by the board;
3. Pay all cumulative license renewal fees and any applicable penalty fees for the period during which the license was inactive, delinquent, suspended or revoked;

## **Appearance**

### **Shakael Rucker, RT**

Ms. Rucker answered no to the question that asked "Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than a minor traffic offenses) whether or not sentence was imposed, suspended, or expunged, or whether you were pardoned from any such offense?" Documentation submitted indicates that Ms. Rucker was charged with Obstructing Highway/Passageway on May 30, 2012 and liquor violation Class C on July 27, 2012. After discussion, Ms. McDaniel made the motion to approve Ms. Rucker's application for registration as a pharmacy technician. Dr. Wilson seconded the motion. The motion carried.

### **Medisca, Inc.**

Medisca, Inc., is applying as new business license for wholesaler/distributor in TN. They have two additional licenses in TN that are on indefinite probation beginning May 15, 2013 for violating T.C.A. § 53-10-305 (1), (2), (4) & (5). Documentation submitted shows that one of the owners was found guilty of federal perjury before a grand jury May 7, 1998. He was given 1 day probation and fined \$1000.00. He also pled guilty to "causing the introduction into interstate commerce of a misbrand drug" on Marcy 14, 2012 and was ordered to pay a \$5000.00 fine. After discussion, Dr. Smothers made the motion to deny Medisca's application for new business as a wholesaler/distributor. Dr. Dickenson seconded the motion. The motion carried. After discussion, Dr. Wilson made the motion to approve Medisca, Inc.'s

application for new business as a wholesaler/distributor in Tennessee. Ms. McDaniel seconded the motion. The motion carried.

### **Consent Orders**

Dr. Eidson made the motion to accept the following consent orders as presented. Dr. Dickenson seconded the motion. The motion carried.

#### **REPRIMANDED**

Jeffrey A. Mithcell, D.Ph.

#### **VOLUNTEER SURRENDER (revocation)**

Christopher Pittman, D.Ph.

#### **REVOCATION**

Michelle Bonifield, RT

### **Director's Report**

Dr. Dilliard spoke to the board about his trip to NABP/District III meeting. Dr. Dilliard stated that the some of the topics discussed were pharmacy technician registration, 3PL licensing and the passing rate of the NAPLEX. The passing rate for first time testing has increased from 91% to 94% and the overall passing rate is 91.1% up from 83%. Dr. Dilliard also explained to the board that the nomination for the executive committee must be two members instead of one. Dr. Dilliard was nominated as well as Lee Ann Bundrick from the South Carolina Board of Pharmacy.

Dr. Dilliard informed the board that the Top 50 prescriber's letters have been mailed and that there have been an 11% decrease in the morphine equivalent from last year.

Dr. Dilliard stated that he will be meeting with the Drug Task Force at East Tennessee State University to discuss communication issues between pharmacies and physicians concerning suboxone.

### **Application Review**

#### **Cipher Pharmaceuticals, Inc.**

Cipher Pharmaceuticals, Inc., is applying for a manufacturer license in Tennessee. Documentation submitted indicates that the President of the company pled guilty in Federal Court to 1 count of conspiracy to commit a misdemeanor violation of the Food, Drug, and Cosmetic Act. He agreed to a 3 year probation, \$5000.00 fine, in lieu of restitution, a \$25,000.00 payment to the Crime Victims Fund and a \$25.00 special assessment on May 1, 2008. His probation was terminated on April 30, 2011. After discussion, Dr. Eidson made the motion to have Cipher Pharmaceuticals, Inc. to appear before the board. Dr. Dickenson seconded the motion. The motion carried.

## **USP 797 Waiver Requests**

Dr. Eidson made the motion to deny the request from **Triad Isotopes, Memphis, TN** to grant a twelve (12) month waiver to become compliant with UPS 797 but granted a six (6) month waiver to become USP 797 compliant with monthly reports submitted to the board concerning environmental viable sampling. Dr. Dickenson seconded the motion. The motion carried.

Dr. Eidson made the motion to approve the request from **Music City Nuclear Pharmacy** to grant a ninety (90) day waiver to become compliant with UPS 797. Dr. Wilson seconded the motion. The motion carried.

## **Waivers**

### **Board rule 1140-01-.13 (d) & (e )**

Dr. Eidson made the motion to approve the request from **Signature Westmoreland** for an automated dispensing machine that the pharmacy to be 180 square feet and the requirement for hot and cold running water and to notify the board if the business model changes. Dr. Dickenson seconded the motion. The motion carried.

Dr. Eidson made the motion to approve the request from **Anovo Rx** for the pharmacy to be 180 square feet and the requirement for hot and cold running water and to notify the board if the business model changes. Dr. Wilson seconded the motion. The motion carried.

Dr. Eidson made the motion to approve the request from **Wellmont Hospice House** for an automated dispensing machine that the pharmacy to be 180 square feet and to notify the board if the business model changes. Dr. Dickenson seconded the motion. The motion carried.

Dr. Eidson made the motion to approve the request from **Princeton Transition Care** for an automated dispensing machine that the pharmacy to be 180 square feet and the requirement for hot and cold running water and to notify the board if the business model changes. Dr. Dickenson seconded the motion. The motion carried.

Dr. Wilson made the motion to approve the request from **BHC Martin Pharmacy** for an automated dispensing machine that the pharmacy to be 180 square feet and the requirement for hot and cold running water and to notify the board if the business model changes. Dr. Pryse seconded the motion. The motion carried.

Dr. Wilson made the motion to approve the request from **BHC Columbia Pharmacy** for an automated dispensing machine that the pharmacy to be 180 square feet and the requirement for hot and cold running water and to notify the board if the business model changes. Dr. Pryse seconded the motion. The motion carried.

Dr. Wilson made the motion to approve the request from **BHC Clarksville Pharmacy** for an automated dispensing machine that the pharmacy to be 180 square feet and the requirement for hot and cold

running water and to notify the board if the business model changes. Dr. Pryse seconded the motion. The motion carried.

**Board rule 1140-03-.14 (12)**

Dr. Eidson made the motion to approve the request from **Eve Elias, Pharm.D.** to be the pharmacist in charge of the automated dispensing machines at Signature Westmoreland and Signature Wedgewood. Ms. McDaniel seconded the motion. The motion carried.

Dr. Eidson made the motion to approve the request from **Nelson Burford, D.Ph.** to be the pharmacist in charge at Anovo Rx, Ste. 1 and Anovo Rx, Ste. 5. Ms. McDaniel seconded the motion. The motion carried.

Dr. Wilson made the motion to approve the request from **Jacob Duke, Pharm. D.** to be the pharmacist in charge of the automated dispensing machines at BHC Martin Pharmacy, BHC Columbia Pharmacy, and BHC Clarksville Pharmacy. Dr. Pryse seconded the motion. The motion carried.

Dr. Dickenson made the motion to approve the request from **Tiriza Saziru, Pharm. D.** to be the pharmacist in charge of the two automated dispensing machines at Newport Health and Rehabilitation. Dr. Wilson seconded the motion. The motion carried.

Dr. Dickenson made the motion to approve the request from **Cameron James, Pharm.D.** to be the pharmacist in charge of the automated dispensing machines at Cumberland Heights, Nashville, TN, Claiborne Hughes and Rehabilitation and Hillcrest Healthcare Center. Dr. Eidson seconded the motion. The motion carried.

The meeting adjourned at 3:48 p.m.

**September 21, 2016**

The Tennessee Board of Pharmacy reconvened on Wednesday, September 21, 2016 in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members were present, the meeting was called to order at 9:14 a.m., by Dr. Bunch, president.

**Contested Case**

**Carli Ferrara, RT**

Ms. Ferrara was not present but was represented by Jennifer Mitchell, Attorney. Mr. Matthew Gibbs represented the State. Mr. Tom Stovall was the Administrative Law Judge. Ms. Ferrara is charged with violated board T.C.A. §63-10-305 and board rule 1140. After discussion, Dr. Wilson made the motion to revoke Ms. Ferrara's pharmacy technician registration and assess cost. Ms. McDaniel seconded the motion. The motion carried. Dr. Dickenson made the motion that the action taken was to protect, promote and improve the health and prosperity of people in Tennessee. Dr. Wilson seconded the motion. The motion carried.

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Dr. Wilson made the motion to adjourn at 4:15 p.m.. Ms. McDaniel seconded the motion. The motion carried.