

Tennessee Board of Pharmacy  
Board Meeting  
July 18-19, 2023

TENNESSEE BOARD OF PHARMACY  
665 Mainstream Dr  
Nashville, TN 37243

**BOARD MEMBER PRESENT**

Richard Breeden, D.Ph., Vice President  
Marlin Blane, D.Ph.  
Adam Rodgers, D. Ph  
Jake Bynum, Consumer Member  
Robert Harshbarger III, D.Ph.

**BOARD MEMBER ABSENT**

Melissa McCall, D.Ph., President  
Shanea McKinney, D.Ph.  
Rebecca Leinart, D. Ph  
.

**STAFF PRESENT**

Lucy A. Shell, Executive Director  
Matthew Gibbs, Deputy General Counsel  
Timothy Peters, Associate General Counsel  
Richard Hadden, Pharmacy Investigator  
Andrea Miller, Pharmacy Investigator  
Larry Hill, Pharmacist Investigator  
Sheila Bush, Administrative Director  
Scott Denaburg, Pharmacy Investigator

**STAFF ABSENT**

Rebecca Moak, Pharmacy Investigator  
Derek Johnston, Pharmacy Investigator  
Terry Grinder, Pharmacy Investigator  
Patricia Beckham, Pharmacy Investigator  
Rita Golden, Pharmacy Investigator  
Shannon Kelly, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday, July 18, 2023, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:04 a.m. with Dr. Breeden presiding. Dr. Breeden welcomed students and interns to the board meeting.

**Minutes**

Mr. Bynum made the motion to accept the minutes as amended. Dr. Blane seconded the motion. The motion carried.

**2023 Legislative Update**

Grayson Carter, Legislative Liaison for the Department of Health, presented the legislative update.

**Pertinent Public Chapters**

[Public Chapter No. 1—SB1/HB1—Johnson/Lamberth](#)

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor’s sex. This bill does not prohibit such medical procedure if the performance or

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administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

[Public Chapter No. 24—SB248/HB66—Johnson/Lamberth](#)

This law authorized the Department of Intellectual and Development Disabilities to provide home health services to outpatients through its administration of the Tennessee Early Intervention System and the home and community-based services provided through such system. This bill was effective on March 10, 2023. *This law was a DIDD legislative initiative.*

[Public Chapter No. 29—SB36/HB202—Roberts/Ragan](#)

This law extends the Controlled Substance Database Committee to June 30, 2027.

[Public Chapter No. 32—SB34/HB200—Roberts/Ragan](#)

This law extends the Board of Pharmacy to June 30, 2027.

[Public Chapter No. 41—SB256/HB75—Johnson/Lamberth](#)

This law allows law enforcement or the district attorney general's office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse's legislative initiative.*

[Public Chapter No. 94—SB679/HB803—Reeves/Marsh](#)

This law authorizes certified medical assistants, pursuant to a physician's or nurses' delegation, to administer or prepare only medications that have been ordered by authorized healthcare provider and that are consistent with policies and procedures of the applicable licensed facility. This law also amends the current list of authorized medications by requiring intramuscular or subcutaneous medications to continue to be in a single dose and adds rectal medications and medications prepared by the certified medical assistant for administration by the provider. This law also prohibits certified medical assistants from preparing the current list of drugs prohibited from delegation by a physician or nurse. This law was effective on March 31, 2023.

[Public Chapter No.114—SB255/HB74—Johnson/Lamberth\](#)

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1, 2023. *This was a Department of Labor and Workforce Development legislative initiative.*

[Public Chapter No.150—SB523/HB495— Jackson/Martin](#)

This bill enacts the "Topical Medical Waste Reduction Act of 2023," which allows facilities, defined as a hospital operating room, hospital emergency room department, or ambulatory surgical treatment center, to offer a patient an unused portion of certain medications required for continuing treatment upon discharge when the medication was ordered at least 24 hours in advance for surgical procedures and is administered to the patient at the facility. If a medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on a medications proper use and administration, and the requirement of pharmacist counseling is waived. This law was effective on April 13, 2023.

[Public Chapter No.156—SB40/HB206—Roberts/Ragan](#)

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

[Public Chapter No.157—SB86HB734—Walley/Rudd](#)

This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a profession. This law was effective on April 17, 2023.

[Public Chapter No. 188—SB277/HB325—Johnson/Lamberth](#)

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of Health legislative initiative.*

[Public Chapter No. 200—SB675/HB667—Reeves/Hicks](#)

This law re-writes the prescription drug donation repository program act. This law creates prescription drug donation repository program where pharmacies may donate prescription drugs that meet certain qualifications. Donation and facilitation of a donation are not considered wholesale distribution, and a person donating or facilitating a donation does not require licensure as a wholesaler. Drugs will be dispensed based on a property system where indigent persons, a person whose income is below 600% of the federal poverty level, are the first to receive them. This law does not authorize the resale of prescription drugs. This law takes effect January 1, 2024.

[Public Chapter No. 201—SB721/HB498—Massey/Martin](#)

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIAA-compliant electronic means. This law was effective on April 24, 2023.

[Public Chapter No. 270—SB859/HB982—Reeves/Terry](#)

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

[Public Chapter No. 300—SB551/HB448—Lowe/Davis](#)

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is

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conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

[Public Chapter No. 306—SB924/HB577—Rose/Parkinson](#)

This law adds as an enhancement factor that can be considered during sentencing if a defendant has been convicted of aggravated assault or attempted first degree murder on the grounds or premises of a healthcare facility. Healthcare facility is defined as a hospital licensed under title 33 or 68. This law takes effect July 1, 2023.

[Public Chapter No. 316—SB1426/HB1004—Roberts/Darby](#)

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

[Public Chapter No. 337—SB269/HB317—Johnson/Lamberth](#)

This law designates June 19th as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives.*

[Public Chapter 386—SB193/HB702—Lundberg/Doggett](#)

This law adds fentanyl, carfentanil, remifentanyl, alfentanil, and thiafentanil to what constitutes a qualifying controlled substance for purposes of certain felony offenses. This law is on July 1, 2023, and applies to offenses after that date.

[Public Chapter No. 412—SB1398/HB1242—Reeves/Powers](#)

This law makes it a Class A misdemeanor to knowingly possess xylazine and makes it a Class C felony to knowingly manufacture, deliver, or sell xylazine, or to knowingly possess xylazine with intent to manufacture, deliver, or sell xylazine. This law exempts veterinarians. This law is effective July 1, 2023.

[Public Chapter No. 423—SB0378/HB0403—Briggs/Lamberth](#)

This law creates the regulation of the production and sale of hemp-derived cannabinoids, including products known as delta-8 and delta-10 under the Department of Agriculture and the Department of Revenue. The sections of this law have varying effective dates, but this law is ultimately effective July 1, 2024.

[Public Chapter No. 426—SB0458/HB0496—Watson/Martin](#)

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

[Public Chapter No. 432—SB702/HB1095—Crowe/Boyd](#)

This law places requirements for registration of a temporary healthcare staffing agency. This law requires a temporary healthcare staffing agency to submit a biannual report to the Health Facilities Commission. This law lays out penalties and disciplinary proceedings for temporary healthcare staffing agency, such as revoking registration, under certain circumstances. Sections of this law have differing effective dates.

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[Public Chapter No. 443—SB296/HB779—Gardenhire/Helton-Haynes](#)

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Board of Applied Behavioral Analysts to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application.

"Completed application" means an application that satisfies all statutory and board rule requirements.

This law takes effect May 17, 2023.

[Public Chapter No. 457—SB753/HB1317—Haile/Kumar](#)

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

[Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan](#)

This law creates the "Mature Minor Doctrine Clarification Act." This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID-19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

*Please note that these are high-level overviews of each public chapter. They do not include every detail or provide all bill information. Please review the text of the bill in its entirety at your own discretion. If you have any questions or need further clarity, please reach out to your attorney.*

## **Order Modification**

Randall Scott Jenkins, D.Ph. appeared before the board to request to be PIC at National Rx. Dr. Jenkins license was placed on probation March 23, 2023, with terms and conditions. After discussion, Dr. Rodgers made the motion approve the order modification. Dr. Blane seconded the motion. The motion carried.

## **Waivers**

### **Board rule 1140-01-07 (3) (c)**

Dr. Blane made the motion to approve the request for Michael Brown to waive the NAPLEX, the 320 pharmaceutical internship hours and the past due continuing education requirement needed to reinstate. Dr. Brown must successfully take and pass the MPJE. Mr. Bynum seconded the motion. The motion carried.

### **Board rule 1140-1-13 (3)(d)**

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Dr. Rodgers made the motion approve the waiver request for **Parkridge Medical Center, East Ridge, TN** of the 180 square feet, pending approval from Dr. Hadden, Pharmacist Investigator. Dr. Harshbarger seconded the motion. The motion carried.

**Board rule 1140-03-03(8)(a)(b) and 1140-03-.10 (3)**

Dr. Rodgers made the motion to deny the **Tennessee Oncology Park Pharmacy** request that would have allowed medication to be returned to the pharmacy to be redispensed. Dr. Blane seconded the motion. The motion carried.

**General Discussion**

Tennessee Pharmacist Association provided an update.

**Consent Order**

Mr. Bynum made the motion to approve the consent order for **CVS #5636**, lic #1420 with a license reprimand and a \$1000.00 civil penalty for violating T.C.A. 63-10-305 § (4) & (8). Dr. Rodgers seconded the motion. The motion carried.

Mr. Bynum made the motion to approve the consent order for **CVS #6429**, lic #125 with a \$1000.00 civil penalty for violating T.C.A. 63-10-305 § (4) & (8). Dr. Harshbarger seconded the motion. The motion carried. Dr. Blane voted no.

Dr. Blane made the motion to deny the consent order for **Cynthia Hudson, RT**. Mr. Bynum seconded the motion. The motion carried.

Dr. Blane made the motion to approve the consent order for **Union Discount Pharmacy, Inc** with license reprimand for violating T.C.A. 63-10-305 § (4), (6) & (8). Mr. Bynum seconded the motion. The motion carried.

Mr. Bynum made the motion to approve the consent order for **Michael Richards, RT** with a license reprimand and a \$100.00 civil penalty for violating board rule 1140-03-.01 (1)(f). Dr. Blane seconded the motion carried.

**July 19, 2023**

The Tennessee Board of Pharmacy convened on Wednesday July 19, 2023, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:06 a.m. with Dr. Breeden presiding.

**Contested Cases**

**Regina Murphy, RT**

Ms. Murphy was present and represented by Chase Rudd, Attorney. Mr. Timothy Peters represented the State. Mr. Phillip Hilliard was the Administrative Law Judge. Ms. Murphy is charged with violating T.C.A. §53-10-104 (b); T.C.A. §53-10-105(a); and T.C.A. §63-10-305(4) & (6). After discussion, Dr. Rodgers made the motion to revoke Ms. Murphy's pharmacy technician registration. Dr. Blane seconded the motion. The motion carried. Dr. Harshbarger made the motion to accept the policy statement as written. Mr. Bynum seconded the motion. The motion carried.

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**Candace Watkins, RT**

Ms. Watkins was not present and not represented by an Attorney. Mr. Timothy Peters represented the State. Mr. Phillip Hilliard was the Administrative Law Judge. After discussion, Mr. Peters asked to proceed in default. Mr. Bynum made the motion to proceed in default. Dr. Blane seconded the motion. The motion carried. Mr. Peters passed out the Notice of Charges. After further discussion, Mr. Bynum made the motion to revoke Ms. Watkins' pharmacy technician registration and assess case cost. Dr. Rodgers seconded the motion. The motion carried. Dr. Rodgers made the motion to accept the policy statement as written. Mr. Bynum seconded the motion. The motion carried.

The meeting adjourned at 3:37p.m.

**The minutes were approved and ratified at the November 14-15, 2023 board meeting.**

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