

Tennessee Board of Pharmacy  
Board Meeting  
March 14, 2023

TENNESSEE BOARD OF PHARMACY  
665 Mainstream Dr  
Nashville, TN 37243

**BOARD MEMBER PRESENT**

Melissa McCall, D.Ph., President  
Richard Breeden, D.Ph., Vice President  
Marlin Blane, D. Ph.  
Jake Bynum, Consumer Member  
Katy Wright, D.Ph.

**BOARD MEMBER ABSENT**

Adam Rodgers, D.Ph.  
Shanea McKinney, D.Ph.

**STAFF PRESENT**

Lucy A. Shell, Executive Director  
Matthew Gibbs, Deputy General Counsel  
Timothy Peters, Associate General Counsel  
Larry Hill, Pharmacy Investigator  
Andrea Miller, Pharmacy Investigator  
Derek Johnston, Pharmacy Investigator  
Terry Grinder, Pharmacy Investigator  
Scott Denaburg, Pharmacy Investigator  
Patricia Beckham, Pharmacy Investigator  
Rita Golden, Pharmacy Investigator  
Sheila Bush, Administrative Director

**STAFF ABSENT**

Richard Hadden, Pharmacy Investigator  
Rebecca Moak, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday, March 14, 2023, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:05 a.m. with Dr. McCall presiding.

Mr. Bynum made the motion to approve the minutes from the January 24, 2023 board meeting. Dr. Breeden seconded the motion. The motion carried.

**Public Comments**

Bernadette Pager offered comments concerning proposed ivermectin rules.

**Appearance**

**Joshua Wilson, RT**

Mr. Wilson appeared before the board to request to reapply for registration as a pharmacy technician. Mr. Wilson's voluntarily surrendered (same as revocation) his pharmacy technician registration at the March 9, 2021, board meeting. Mr. Wilson violated board rule 1140-02-.02 (10) and T. C.A. §--63-10-305 (6). After discussion, Dr. Wright made the motion to approve Mr. Wilson's request to reapply for registration

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as a pharmacy technician with a 2 -year probation and no ownership in the pharmacy. Dr. Breeden seconded the motion. The motion carried.

**Board rule 1140-01-05(3)**

Dr. Wright made the motion to deny **Bandor Asfari, D.Ph.**, request to waive the FPGEC for foreign graduates. Dr. Blane seconded the motion. The motion carried.

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

Dr. Wright made the motion to approve **Patrick Ford, D.Ph.** request to be the pharmacist in charge of Vanderbilt Health Belle Meade, Nashville, TN and Vanderbilt Surgery Center Pharmacy, Franklin, TN. Dr. Breeden seconded the motion. The motion carried.

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

Dr. Wright made the motion to approve **Joseph Skellie, D.Ph.** request to waive the 320 internship hours and the NAPLEX. Dr. Skellie must successfully take and pass the MPJE. Dr. Blank seconded the motion. The motion carried.

The board made the motion to table **Trevor Izally, D.Ph.**, request until the May 9-10, 2023, board meeting.

**Appearance**

**Cedar Recovery Pilot Program**

Mr. Paul Trivette, Chief Strategy Officer, appeared before the board for a approval of a pilot program Cedar Recovery and waiver of the following board rules: 1140-01-.08 (3)(a)(7); 1140-01-.08(3)(a)(8); 1140-01-.13(2); 1140-01-.13(3)(a) (b)(d) (e) & (g); 1140-01-.13(7); 1140-02-.02(4) (6) (7) & (9); 1140-03-.01(1)(a); 1140-03-.07; 1140-03.08; 1140-03-.10(3) and 1140-03-.14(12). Cedar Recovery is seeking to start a separate and independent pharmacy, CedarRx, that will serve patients being treated exclusively by Cedar Recovery providers. The pilot program will include central fill pharmacies, with no on-site pharmacists, and a retail pharmacy that will be providing telepharmacy services. After discussion, the board decided to table this until the March 14-15, 2023, board meeting.

Dr. Wright made the motion to approve Cedar Recovery Pilot Program with the pharmacy in Lebanon and two central fill pharmacies, one in Mt. Juliet and one in Columbia locations. Cedar Recovery must appear before the board three months after the last central fill pharmacy has been opened to provide an update, all pharmacy technicians must be certified within 1 year of opening, tamper proof packaging must be utilized, a technology failure plan must be in place, quarterly reports outlined in the pilot project proposal and the investigators to visit each site. Dr. Blane seconded the motion. The motion carried. Dr. Breeden voted no.

**Tennessee Pharmacist Recovery Network (TPRN)**

Dr. Black informed the board that her last day as Director of the Tennessee Pharmacist Recovery Network will be March 31, 2023. She will act as a consultant on an as needed basis. Dr. Black informed the board that TPRN has moved their records to an electronic web base tracking platform provided by

Infinity along with geo-tracking for individual attendance at the meetings. It will also allow the facilitator of the meetings to access the records electronically and securely. Dr. Nancy Hooper, Manager of Recovery and Well-Being Services, informed the board members that she had a demo available if they were interested after the meeting to see how it works.

### **Tennessee Department of Mental Health & Substance Abuse**

Dr. Joanna Risby informed the board that the DATA waiver requirement for prescribing Schedule III-V (buprenorphine) medications for maintenance or detoxification treatment outside of a SAMHSA-certified Opioid Treatment Program has been removed and is no longer required to prescribe buprenorphine for Opioid Use Disorder effective December 29, 2022. She reviewed guidance available from their Department for health care practitioners as it relates to other state requirements.

### **Application Review**

Orphalan Malta Limited, appeared before the board via conference call to request approval for wholesale/distributor license in Tennessee. Orphalan Malta Limited was approved for a manufacturer license on 12/22/2022 and will only be shipping the product that they manufacture to Tennessee, which does not require an additional license. After discussion, Dr. Wright made the motion to deny Orphalan Malta Limited wholesale/distributor application. Dr. Breeden seconded the motion. The motion carried.

### **Director's Report**

Dr. Grinder gave the Investigator Report.

Dr. Shell asked the board for clarification on how long the NAPLEX/MPJE scores are valid. The administrative office has been working under the assumption that the scores for both exams are good for one year. After discussion, Dr. Blane made the motion to accept the MPJE passing score for 2 years from the date of passing. Dr. Wright seconded the motion. The motion carried.

Dr. Shell informed the board about that she has had several questions concerning the policy for remote order entry by pharmacy technicians such as does the policy allow pharmacist to do remote order entry and will the policy change since the public health emergency health will be going away. After discussion, Dr. Shell will do additional research on the number of practice sites that have pharmacy technician working remotely and how it would impact patient care if taken away.

Dr. Shell informed the board that the Drug Enforcement Agency (DEA) has some propose rules about telemedicine and butalbital.

Dr. Shell ask for direction form the Board concerning the law that passed last year concerning updating the pharmacy technician scope of practice. After discussion, the board will table this issue for the next board meeting.

### **Office of General Counsel Report**

Mr. Gibbs informed the board that there are currently 66 cases open for discipline within the Office of General Counsel. Of those 66 cases, 26 are eligible for a contested case hearing.

### **Notice:**

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.

**Rules:**

There shall be ongoing discussion regarding other rulemaking projects.

**Proposed legislation:**

**Pharmacy, Pharmacists** - As introduced, authorizes as part of the practice of pharmacy the prescribing of dietary fluoride supplements, certain immunization agents, opioid antagonists, and certain other drugs and products; makes various other changes to pharmacy practice. - Amends TCA Title 33; Title 58; Title 63; Title 68 and Title 71. (HB0282)

- Assigned to Health subcommittee (House) and Senate Health and Welfare Committee

**Sunset Laws** - As introduced, extends the board of pharmacy to June 30, 2027. - Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10. (SB0034)

- Submitted to the governor for signature

**Health Care** - As introduced, permits the services authorized in a collaborative pharmacy practice agreement to include weight management services; requires the bureau of TennCare to make available, or cause to be made available, anti-obesity medication to a recipient if the medication is medically necessary. - Amends TCA Title 63, Chapter 10 and Title 71, Chapter 5. (SB0674)

- Amended in Senate Health and Welfare Committee, referred to Finance, Ways and Means as amended

- Passed Health Committee (House), referred to Insurance Committee

**Drugs, Prescription** - As introduced, makes various changes to the prescription drug donation repository program operated by the department of health. - Amends TCA Title 56; Title 63 and Title 68. (SB0675)

- Passed Senate Commerce and Labor (as amended), referred to Senate Calendar Committee

- Action deferred in the Health subcommittee (House)

**Pharmacy, Pharmacists** - As introduced, vacates the board of pharmacy, adds two pharmacy technician members to the board, and makes various other changes to the board's composition; authorizes the board to employ or retain general counsel. - Amends TCA Title 4, Chapter 29; Title 63, Chapter 1 and Title 63, Chapter 10, Part 3. (SB0753)

- Referred to Senate Government Operations on February 6, 2023

- Action deferred in the Health subcommittee (House) on March 7, 2023

### **Consent Orders**

Mr. Bynum made the motion to accept **Ronnie Danner, D.Ph.**, consent order placing his license on probation for one year for violating . Dr. Danner violated T.C.A. §63-10-305 (6). Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Tritia Townsend, D.Ph.** consent order with a \$1000.00 civil penalty and license reprimand for violating T.C.A. § 63-10-305 (4). Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Victoria Newell, RT.**, consent order of revocation for violating T.C.A 63-10-305 6, 40, (6), & (8). Mr. Bynum seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Brian S. George, D.Ph.** consent order placing his license on suspension for violating T.C.A 63-10-305 6, 40, (6), & (8). The suspension was stayed with proof of TPRN contract, license placed on probation with terms and conditions. Dr. Breeden seconded the motion. The motion carried. Dr. Blane was recused.

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

Dr. Blane made the motion to deny **Union Discount Pharmacy** consent order. Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Terry Moore, D.Ph.**, consent order with a license reprimand, probation for one year and \$1000.00 civil penalty for violating T.C.A. § 39-17-414 (d) & (3). Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Moore Pharmacy, Inc.**, consent order with a license reprimand, probation for one year and \$1000.00 civil penalty for violating T.C.A. § 39-17-414 (d) & (3). Dr. Breeden seconded the motion. The motion carried.

Dr. Blane made the motion to accept **Willoughby Drugs**, consent order with at \$150.00 civil penalty for violated board rule 1140-03-.14 (2)(a), (4) & (6). Mr. Bynum seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Carrie Little, RT**, consent order with revocation for violating T.C.A. 63-30-305 (4)& (6). Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to adjourn at 2:06 p.m. Dr. Wright seconded the motion. The motion carried.

**The minutes were approved and ratified at the May 8-10, 2023 board meeting.**

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