

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

BOARD MEMBER PRESENT

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

STAFF PRESENT

Lucy A. Shell, Executive Director
Matthew Gibbs, Associate General Counsel
Rita Golden, Pharmacy Investigator
Robert Shutt, Pharmacy Investigator
Larry Hill, Pharmacy Investigator
Andrea Miller, Pharmacy Investigator
Terry Grinder, Pharmacy Investigator
Richard Hadden, Pharmacy Investigator
Derek Johnston, Pharmacy Investigator
Scott Denaburg, Pharmacy Investigator
Patricia Beckham, Pharmacy Investigator
Sheila Bush, Administrator Director

STAFF ABSENT

Rebecca Moak, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday, May 10, 2022, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:02 a.m. with Dr. Rodgers presiding. Dr. Rodgers welcomed Dr. Blane to the board and thanked Dr. Wright for her service to the board.

Minutes

Dr. Breeden made the motion to accept the March 8, 2022, minutes as presented. Dr. McCall seconded the motion. The motion carried.

Legislative Update

SB1859/HB199- As introduced, enacts the "Accessible Prescription Labels Act."

Passed with the following language: The board of pharmacy shall promulgate rules necessary to ensure that an individual who is blind, visually impaired, or otherwise print disabled has appropriate access to prescription labels, bag tags, and medical guides.

Transmitted to the governor for signature

SB2141/HB2216 - As introduced, makes various changes to the prescription drug donation repository program operated by the department of health, including transferring control of the program over to the board of pharmacy and other changes.

- Assigned to the Senate Commerce and Labor Committee and the Health Subcommittee.

- No change as of May 6, 2022.

SB2446/HB2131 - As introduced, permits a pharmacy technician to perform tasks delegated by the pharmacist, including participation in drug, dietary supplement and device selection, storage, distribution

and administration, if the delegated tasks are consistent with the pharmacy technician's education, training, and experience.

- Passed with the following language:

"Pharmacy technician" means an individual who is specifically trained and designated to assist a pharmacist and may perform tasks delegated by the pharmacist, including participation in drug, dietary supplement and device selection, storage, and distribution and administration, consistent with the pharmacy technician's education, training, and experience, as defined by rules promulgated by the board;

- Signed by Governor Lee on April 8, 2022, under Public Chapter 812 (2022).

SB2322/HB2662 - As introduced, reduces the number of years a pharmacist must be licensed in this state to be employed by the board of pharmacy as the executive director from five years to four years.

- Passed with the following language:

(1) The board shall consult with the division in appointing a person to serve as executive director of the board, however the board is not bound by any recommendation of the division. The executive director must have been licensed as a pharmacist in this state for a period of at least five (5) consecutive years immediately preceding such appointment.

(2) The executive director's duties shall be those specified by the board and by the director and may include, but not be limited to, recording and compiling the minutes of the board, supervising the employees assigned by the division to support the board, performing such studies and research as the board or division directs, representing the board at such functions as authorized by the board and the division, and acting as consultant to the division in its enforcement duties on behalf of the board.

(3) The board may dismiss the executive director without having to consult with the division.

- Signed by Governor Lee on April 29, 2022, under Public Chapter 953 (2022).

SB2452/HB2624 - As introduced, changes the date by which the commissioner of health must annually prepare a report comparing price level determinations under the Third-Party Prescription Program Act from January 31 to March 1.

Assigned to General Subcommittee of Senate Health & Welfare Committee. The bill has been placed on the Health Subcommittee calendar for 3/8/2022.

- No change as of May 6, 2022.

SB2188 / HB2746 - As introduced, authorizes ivermectin suitable for human use to be sold or purchased as an over-the-counter medication in this state without a prescription or consultation with a pharmacist or certain other healthcare professional.

- Signed by Governor Lee on April 22, 2022, under Public Chapter 908 (2022).

SB2621/HB2506 - As introduced, authorizes physicians, physician assistants, and advanced practice registered nurses to prescribe and pharmacists to dispense ivermectin via standing order.

Placed on Senate Health and Welfare Committee calendar for 3/9/2022. Placed on Health Subcommittee calendar for 3/8/2022.

- This bill did not pass from the committees of the Senate and House of Representatives.

OGC/Investigative Report

Mr. Gibbs stated that there are currently 92 cases open for discipline within the Office of General Counsel. Of those 92 cases, 17 are eligible for a contested hearing.

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.

The Board's medical device rules received a positive recommendation from the Joint Government Operations Committee on April 25, 2022. The rules became effective on May 2, 2022. There shall be ongoing discussion regarding other rulemaking projects.

Mr. Gibbs informed the board that 53 cases were reviewed between March 8, 2022 and May 10, 2022.

Mr. Gibbs discussed Public Chapter 908, 812 as well as the Prep Act provision relative to pharmacy technician administrations. After discussion, Dr. Breeden and Dr. McCall will meet on the Monday before the board meeting to discuss compounding rules and other rule changes. Dr. Blane will work with the administrative office to work on rules related to Public Chapter 908.

Public Comments

Dr. Sibley appeared before the board to discuss Public Chapter 908. Dr. Blane will work with Mr. Gibbs and Dr. Shell to draft rules for Public Chapter 908.

Application Review/Appearance

Isiah Pigram, RT

Dr. McCall made the motion to **deny** Mr. Pigram's request to reapply for registration as a pharmacy technician. Mr. Pigram voluntarily surrendered (same as revocation) his pharmacy technician registration at the January 7, 2020 board meeting. Dr. Breeden seconded the motion. The motion carried.

Christina Hash, D.Ph.

Dr. Wright made the motion to **approve** Dr. Hash's application for reciprocity with conditions to mirror the Georgia Board of Pharmacy Private Consent Order. Dr. Breeden seconded the motion. The motion carried.

Ragan Webster, D.Ph.

Dr. Wright made the motion to **approve** Dr. Webster's application for reciprocity with the following conditions: she must submit 6 hours of continuing education hours in controlled substances and her license will be issued without the controlled substance modifier for 12 months from the date of issuances. Dr. Webster will also need to have 6 hours of continuing education hours in controlled substances for each renewal cycle. Dr. McKinney seconded the motion. The motion carried.

Sabrina Gilliam, RT

Dr. McKinney made the motion that **Ms. Gilliam** will need to appear before the board for approval of her request to reapply for registration as a pharmacy technician. Ms. Gilliam's pharmacy technician registration was revoked by the board at the December 1, 2020 board meeting. Mr. Bynum seconded the motion. The motion carried.

Kayla Heinz, RT

Mr. Bynum made the motion to **deny** Ms. Heinz's application for registration as a pharmacy technician. Dr. Blane seconded the motion. The motion carried.

Reinstatement

Kyle Humphrey D.Ph.

Dr. Humphrey requested to have his license reinstated. Dr. Humphrey's license was revoked on 03/09/2021. After discussion, Dr. Breeden made the motion to reinstate Dr. Humphrey's license. Dr. McCall seconded the motion. The motion carried. Dr. Humphrey must complete the following

- (a) The Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination
- (b) 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;
- (c) 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;
- (d) 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 thousand (1000) hours.

Presentation

ScriptCo Pharmacy

Board rule 1140-03-.13

ScriptCo Pharmacy appeared before the board to propose a rule change to board rule 1140-03-.13. ScriptCo original appeared at the November 16, 2021 board meeting.

Somatus

Board rule 1140-03-.14 (12)

Dr. McKinney made the motion to waive this rule for 6 months contingent on the pharmacist currently applying for licensure in Tennessee. Dr. Breeden seconded the motion. The motion carried.

Quiztime

Dr. Bonnie Miller presented Quiztime to the board. Quiztime is a provider educational program that covers opioids. The Tennessee Department of Health is partnering with Vanderbilt University Medical Center for Quiztime. The Board will put the information concerning Quiztime and its mobile application in its newsletter.

Tennessee Pharmacist Association (TPA)

Dr. Anthony Pudlo, Executive Director of the Tennessee Pharmacists Association (TPA) provided a update of Senate Bill 2458 and House Bill 266.

Dr. Pudlo informed the board that the Association of College of Pharmacy (ACPE) will be having a 2-day summit in different states.

Waivers

Board rule 1140-01-.13(3)(e)

Dr. Breeden mad the motion to approve the waiver request for **Central Shared Services, LLC dba Parallon Supply Chain Solutions** for hot and cold running water. Mr. Bynum seconded the motion. The motion carried.

Board rule 1140-05-.01

Dr. Wright made the motion to approve the waiver request for **Paul Peterson, D.Ph.** of 10 hours of non-ACPE courses. Dr. McCall seconded the motion. The motion carried.

Board rule 1140-01-.03 (6)

Dr. McCall made the motion to approve the waiver request for **Katelyn Phillips, Pharm.D.** waiving the one- year requirement for licensure by reciprocity. Mr. Bynum seconded the motion. The motion carried.

Dr. McKinney made a motion to grant the Executive Director authority to waive the one-year requirement for licensure by reciprocity for PGY2 residents who completed a PGY1 residency in another state. Mr. Bynum seconded the motion. The motion carried.

Board rule 1140-03-.14 (12)

Dr. Breeden made the motion to approve the waiver request for **Sadie J Cox-Hogue, Pharm. D.** to be the pharmacist in charge for Le Bonheur Children’s Hospital, Memphis, TN and the West Tennessee Health in Jackson, TN. Dr. McCall seconded the motion. The motion carried.

Director’s Report

Dr. Grinder gave the investigator report.

Dr. Shell presented the quarterly report from Vanderbilt University Medical Clinic concerning the waiver of board rule 1140-01-13 granted at the December 1, 2020 board meeting.

Dr. Shell asked board members if they have been able to log onto the Professional Pharmacy Technician Academy site to review the tech check tech lesson plan. After discussion, the board granted Professional Pharmacy Technician Academy approval of the tech check tech lesson plan.

Tennessee Board of Pharmacy
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May 10, 2022

Dr. Shell informed the board that she will be presenting the Kendall Lynch Award at the Tennessee Pharmacy Association Summer Meeting scheduled for June 16-19, 2022 and ask that the contact her via email with nominations.

Dr. Shell reminded the board of the waiver of board rule 1140-01-.08 (3) (a) 8 for Walgreens and explained that our regulatory system will not allow a pharmacy license to be issued without a Tennessee license pharmacist added. Dr. Shell has been in contact with Walgreens about this issue and they have selected George Perry to be PIC for all of the out of state pharmacy applications.

Consent Orders

Mr. Bynum made the motion to accept **Walgreens #6738** consent order for \$1000.00 civil penalty for violating T.C.A. 63-10-305 (4). Dr. Breeden seconded the motion . The motion carried.

Mr. Bynum made the motion to accept **Walgreens #9678** consent order for \$150.00 civil penalty for violating T.C.A. 63-10-305 (8). Dr. McCall seconded the motion . The motion carried.

Dr. McCall made the motion to accept **Ashley Custshaw, RT** consent order for revocation of her registration as a pharmacy technician. Ms. Cutshaw violated T.C.A. § 53-10-104 (a). Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Christopher Bryd, D.Ph.** consent order for suspension of his pharmacist license. The suspension stayed, license placed on probation to run concurrent with TPRN contract. Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to adjourn at 3:23 p.m.. Dr. McKinney seconded the motion. The motion carried.

The minutes were approved and ratified at the July 26, 2022 board meeting.

An amendment of the minutes were approved and ratified at the May 9, 2023 board meeting.