

Tennessee Board of Pharmacy  
Board Meeting  
January 24, 2023

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.  
Marlin Blane, D. Ph  
Shanea McKinney, D.Ph.  
Jake Bynum, Consumer Member

**BOARD MEMBER ABSENT**

Katy Wright, D.Ph.

**STAFF PRESENT**

Lucy A. Shell, Executive Director  
Matthew Gibbs, Deputy General Counsel  
Paul Richardson, Associate 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  
Rebecca Moak, Pharmacy Investigator  
Rita Golden, Pharmacy Investigator  
Richard Hadden, Pharmacy Investigator  
Sheila Bush, Administrator Director

The Tennessee Board of Pharmacy convened on Tuesday, January 24, 2023, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:03 a.m. with Dr. McCall presiding.

**Contested Case**

**Timothy Wilburn, RT**

Mr. Wilburn was not present nor represented by legal counsel. Mr. Richardson represented the State. Mr. Michael Begley was the Administrative Law Judge. Mr. Richardson asked to proceed in default. Dr. Breeden made the motion to proceed in default. Mr. Bynum seconded the motion. The motion carried. Mr. Richardson passed out the Notice of Charges. Mr. Wilburn is charged with violating T.C.A. §63-10-305 (1) and (6). After discussion, Dr. Blane made the motion to revoke Mr. Wilburn's registration as a pharmacy technician. Dr. Breeden seconded the motion the motion. The motion carried. Dr. Blane made the motion that the action taken was to protect, promote and improve the health and prosperity of people in Tennessee and those visiting Tennessee. Dr. McCall seconded the motion. The motion carried.

Dr. Rodgers arrived at 9:30 a.m.

### **Elections**

Dr. Breeden nominated Dr. McCall as president of the Board. Dr. McKinney seconded the motion. The motion carried. Dr. McKinney nominated Dr. Breeden as vice-president of the board. Dr. Blane seconded the motion. The motion carried.

### **Minutes**

Mr. Bynum made the motion to accept the minutes from the November 8, 2022, board meeting. Dr. Breeden seconded the motion. The motion carried.

### **Appearance**

#### **Alysia Hughes, RT**

Ms. Hughes answered “yes” to the question that asked “Have you ever been convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than a minor traffic offense) whether or not sentenced was imposed or suspended. Documentation submitted indicates the Ms. Hughes pled guilty to possession of drug paraphernalia on 6/21/2018. She also has other unrelated charges. After discussion, Dr. Rodgers made the motion to approve Ms. Hughes application for registration as a pharmacy technician. Dr. Breeden seconded the motion. The motion carried.

### **Waiver**

#### **Board rule 1140-04-.15 (7)(b)(1)**

Dr. Rodgers made the made the motion to approve the request from **Ballad Health** to waive the requirement for direct supervision by a pharmacist for filing/stocking of medication to the automated dispensing machines (ADMS) at Hancock County Hospital, Johnson County Community Hospital, and Unicoi County Memorial Hospital for one (1) year. Dr. Breeden seconded the motion. Mr. Bynum seconded the motion. After discussion, Mr. Bynum amended the motion to approve the waiver for Hancock County Hospital, Johnson County Community Hospital, Unicoi County Memorial Hospital and Hawkins County Hospital for one (1) year and Hawkins County Hospital must have the camera install and working. The motion carried.

#### **Board rule 1140-01-.13 (3) (d) & (e)**

Dr. Breeden made the motion to approve the waiver request from **Accredo Nashville Pharmacy** for hot and cold water and refrigeration. Mr. Bynum seconded the motion. The motion carried. Dr. McKinney was recused.

### **Appearance**

#### **Baptist Memorial Hospital Collierville**

Dr. Adam Boucher, D.Ph., pharmacy manager, appeared before the board to ask for a waiver regarding the dispensing of discharge prescriptions to inpatients, outpatient surgery patients and employee prescriptions from the inpatient pharmacy under their pharmacy license. After discussion, the Board decided that no waiver was needed.

## **Regional One Health**

Dr. Matthew Currie, Director of Inpatient Pharmacy, appeared to request a waiver to be allowed to use New 797 as their standard specifically for our hazardous area during the construction process for expanding their hazardous ISO negative pressure clean room. After discussion, Dr. Breeden made the motion to waive USP 797 standards that are required by Board of Pharmacy rule 1140-07 for a period of 6 months. The specific USP standards being waived are regarding the allowance of non-hazardous 12-hour beyond-use-date and use of the USP 2022 USP 797 and USP 800 version regarding 12-hour beyond-use-date at room temperature or 24-hour beyond-use-date at refrigerated temperature for Regional One Health Inpatient Pharmacy provided that the following occurs:

All certification reports are sent to the investigator with acceptable limits of growth including documentation of the following:

- Viable surface sampling for the BSC and the Containment Segregated Compounding Area (C-SCA) monthly;
- Viable air sampling for the first two months to ensure quality assurance during the remodel, then every 6 months thereafter if applicable;
- Non-viable air sampling for the BSC and the room for the first two months to ensure quality assurance during the remodel, then every 6 months thereafter if applicable;
- Negative pressure room between 0.01 and 0.03 inches of water column relative to adjacent areas;
- Twelve air changes per hour; and
- Other required certifications for the PEC, i.e. unidirectional air flow, dynamic conditions, etc. at each visit.

This waiver also provides allowance to use sink that is 40 feet away.

Regional One Health is to contact the investigator once temporary is in place and operational and when the remodel is completed.

Dr. Rodgers seconded the motion. The motion carried.

## **Reinstatement**

### **Joshua Johnson, D.Ph.**

Dr. Johnson requested to have his licensed reinstated. Dr. Johnson's license was revoked on 05/05/2020. After discussion, Dr. Breeden made the motion to reinstate Dr. Johnson's license with 5 year probation. 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 hundred and sixty (160) within one hundred and eighty (180) days.

**Order Modification**  
**Randall Scott Jenkins, D.Ph.**

Dr. Jenkins appeared before the Board to ask to be pharmacist in charge at Cornerstone of Recovery in Louisville, TN. After discussion, Dr. Rodgers made the motion to allow Dr. Jenkins to be the pharmacist in charge at Cornerstone of Recovery in Louisville, TN. Dr. Breeden seconded the motion. The motion carried.

**Appearance**  
**Cedar Recovery**

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, will serve patients being treated exclusively by Cedar Recovery providers; patients with any other morbidity from any other practice outside of Cedar Recovery will not have access to this pharmacy. The pilot program will include a central fill and a retail pharmacy. After discussion, the board decided to table this until the March 14-15, 2023, board meeting.

**Eversana**

Dr. Shell spoke to the board about Eversana request to have a campus license. Eversana currently has one license for 2 buildings, 4550 and 4580 Mendenhall Rd., Memphis, TN. They are wanting to enclose fencing to include the building that is located at 4500 Mendenhall Rd, Memphis, TN. All entrances and exist will be contained within the fencing. After discussion, the Board that the principal place of business function is operated within the fenced in area of Eversana.

**Tennessee Pharmacist Association (TPA)**

Dr. Pudlo, Executive Director, Tennessee Pharmacist Association and Dr. Olivia Welter, Director of Professional Affairs appeared before the board.

Dr. Pudlo stated that TPA has been working to modernize the law concerning the drug donation depository program and have been working closely with the current program in the State to make changes.

Dr. Pudlo stated that TPA were working on having pharmacy technician representation on the board but have learned that a legislative bill has already been drafted with this information included. Dr. Pudlo stated that TPA has had conversation with the Senator that drafted the bill with their concerns.

Dr. Pudlo spoke to the board about the Tennessee Trigger Law and how this may affect pharmacist. TPA want to make sure that their will be some liability protection for pharmacist who may dispense medication that can also be used for chemical induce abortions.

Dr. Pudlo spoke to the board about medical cannabis and informed the board that there is a Medical Cannabis Commission that have pharmacist representation.

Dr. Pudlo informed the board that TPA is looking forward to working with other health professional coalition concerning decriminalizing medical errors.

Dr. Pudlo stated that TPA is working with their membership concerning collaborative practice in the state and the current rules.

Dr. Pudlo informed the board that Public Chapter 1070 went into effective January 1, 2023. The Department of Commerce and Insurance have drafted emergency rules concerning this public chapter.

Dr. Welter gave an update on the grant that TPA received from the State concerning COVID 19 vaccines and other immunizations. TPA has seventy-five pharmacies that are enrolled in the program for conversations about the vaccines and patients vaccines histories.

Dr. Welter stated that TPA had a webinar with the membership to discuss the Board's rule review process and their priorities.

Dr. Welter reminded the board of the TPA Winter Meeting scheduled for February 25-26, 2023 at the Hilton Downtown Nashville, TN.

Dr. Welter spoke to the board about drug shortage and Tamiflu, the national strategic stockpile and the states stockpile. Dr. Welter stated that there is more concern about antibiotics than Tamiflu.

Dr. Black informed the board that she will be retiring as the executive director of the Tennessee Pharmacist Recovery Network and introduced Dr. Nancy Hooper as the new director of the Tennessee Pharmacist Recovery Network (TPRN).

### **Director's report**

Dr. Grinder gave the investigative report.

Dr. Shell informed the board that the National Association of Boards of Pharmacy (NABP) will have their annual meeting in Nashville, TN at the Renaissance Nashville Hotel, May 10-12, 2023. NABP asked the board to select a charity after discussion, the board agreed for the charity to be St. Jude's Children's Hospital. Dr. Shell asked the board to select a delegate to attend the meeting. Dr. Rodgers nominated Dr. Blane. Mr. Bynum seconded the nomination. The motion carried.

Dr. Shell informed the board that the rule package is in its final review. The rule package includes pharmacy technician rules as well as the compounding rules.

Dr. Shell asked the board for approval for her and Dr. Hadden to attend the MPJE Item Writing Workshop scheduled for March 8-9, 2023. The board gave approval for Dr. Shell and Dr. Hadden to attend the MPJE Item Writing Workshop.

Dr. Shell informed the board of TPA Winter Meeting scheduled for February 25-28, 2023 in Nashville, TN and the UT updates.

Dr. Shell asked the board to consider giving the Executive Director approval to waive board rule 1140-01-.13(3)(e) in case of a natural disaster. After discussion, Dr. Rodgers made the motion to give the Executive Director approval to waive board rule 1140-01-.13(e) in the case of a natural disaster. Dr. Breeden seconded the motion. The motion carried.

Dr. Shell asked the board for nominations for the Kendall Lynch award. The Board nominated Dr. Baeteena Black for the Kendall Lynch award.

Dr. Shell informed the board that MALTAGON will be held at the Marriott Hotel, Knoxville, TN on October 15-18, 2023. Dr. Breeden and Dr. Rogers will help with the meeting.

### **OGC Report**

Mr. Gibbs informed the board that there are currently 67 cases open for discipline within the Office of General Counsel. Of those 67 cases, 27 are eligible for a contested case hearing.

## **Consent Orders**

Mr. Bynum made the motion to accept **Sean Fugate, RT.**, consent order with a \$100.00 civil penalty for violating board rule 1140-03.01 (f). Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Courtney Hedgepath, D.Ph.**, consent order with a \$1000.00 civil penalty for violating board rule 1140-03-.01(a) (e ) & (f). Dr. McKinney seconded the motion. The motion carried.

Dr. Rodgers made the motion to accept **Walgreens Pharmacy #5065**, consent order with a \$1000.00 civil penalty for violating board rule 1140-03-.01(a)(e ) & (f) with a corrective action plan within 6 months to the Executive Director. Dr. Breeden seconded the motion. The motion carried.

Dr. Rodgers made the motion to accept **Justin Anderson, D.Ph.**, consent order for suspension of his pharmacist license for violating T.C.A. §63-10-305 (4) (6) (7) & (8). Dr. Breeden seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Brianne Gonzales, RT**, consent order with a reprimand and her pharmacy technician registration on probation for one (1) year for violating board rule T.C.A. §63-10-305 (4) (6) & (8). Dr. Blane seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Andrew Grant, D.Ph.**, consent order with a \$1000.00 civil penalty for violating board rule 1140-03-.01(a) (e ) & (f). Dr. Rodgers seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Edward R Breslow, D.Ph.** consent order for revocation of his pharmacist license for violating T.C.A. §63-10-305 (3) (4) (6) (7) & (8). Dr. Blane seconded the motion. The motion carried.

Mr. Bynum made the motion to adjourn at 4:00 p.m. Dr. Breeden seconded the motion. The motion carried.

**The minutes were approved and ratified at the March 14, 2023 board meeting.**