

TENNESSEE BOARD OF PHARMACY
665 Mainstream Dr
Nashville, TN3 37243

MEMBERS PRESENT

Richard Breeden D.Ph., President
Melissa McCall, D.Ph.
Jake Bynum, Consumer Member
Marlin Blane, D.Ph.
Robert Harshbarger, D.Ph.
M. Kyle Phillips, D.Ph.
Rebecca Leinhart, D.Ph.
Nichole Foster, RT

STAFF PRESENT

Lucy A. Shell, Executive Director
Matthew Gibbs, Deputy General Counsel
Derek Johnston, Pharmacist Investigator
Rebecca Moak, Pharmacist Investigator
Andrea Miller, Pharmacist Investigator
Patricia Beckham, Pharmacist Investigator
Rita Golden, Pharmacist Investigator
Shannon Kelly, Pharmacist Investigator
Larry Hill, Pharmacist Investigator
Richard Hadden, Pharmacist Investigator
Terry Grinder, Pharmacist Investigator
Sheila Bush, Administrator Director

MEMBER ABSENT

Shannon McKinney, D.Ph. Vice President

STAFF ABSENT

Scott Denaburg, Pharmacist Investigator

The Tennessee Board of Pharmacy convened on Tuesday, January 30, 2024, in the Iris Room, 665 Mainstream Dr., Nashville, TN. A quorum of members being present, the meeting was called to order at 9:00 a.m. by Dr. McCall.

Elections

Dr. Blane made the motion to elect Dr. Breeden as president. Dr. Harshbarger seconded the motion. The motion carried. Dr. Blane made the motion to elect Dr. McKinney as vice president. Dr. Harshbarger seconded the motion. The motion carried.

Minutes

Mr. Bynum made the motion to approve the minutes as presented. Dr. McCall seconded the motion. The motion carried.

Appearance

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

Dr. Blane made the motion to approve the waiver for the automated dispensing machines at Hancock County Hospital, Johnson City Community Hospital, Unicoi County Hospital and Hawkins County Memorial Hospital that the PIC must visit monthly, report all errors to the board and to have cameras for director supervisor for the filling of the machine. Dr. McCall seconded the motion. The motion carried.

Board rule 1140-02-02. (5)(c)

Ms. Foster made the motion to approve the waiver for Ballad Health robotic pharmacy systems for barcoding unit does packaging instead of a pharmacist checking and/or tech check tech verification. Dr. McCall seconded the motion. The motion carried. Dr. Blane voted no.

Brittany Montanez, RT

Ms. Montanez applied for registration as a pharmacy technician. The Board denied Ms. Montanez application at the November 15, 2010, board meeting for criminal allegations. After discussion, Dr. McCall made the motion to approve Brittany Montanez’s application for registration as a pharmacy technician. Mr. Bynum seconded the motion. The motion carried.

Tennessee Pharmacist Association.

Anthony Pudlo, PharmD., CEO, appeared before the board to present the 2024 legislative and regulatory priorities and position that they will undertaking this year. The state legislative priority will include expanded access to healthcare through pharmacist-provided services; pharmacist roles in medications for opioid use disorder; state legislative position on white-bagging and return medications; and state regulatory positions to modernize the collaborative practice agreement regulations, effective enforcement of PMB reform and advanced roles of pharmacy technicians.

Olivia Welter, PharmD., Director of Professional Affairs, informed the board that TPA’s Board of Directors has written a new business item called “Workplace Solutions” that they will be presenting at the 2024 TPA Winter Meeting House of Delegates.

Tennessee Pharmacy Recovery Network

Nancy Hooper, D.Ph., Director of Tennessee Pharmacy Recovery Network (TPRN) provided an update on recent activities to the Board members.

Unite for Safe Medications

Lorretta Boesing appeared before the board concerning mail order temperature issues.

General Discussion

Mr. Gibbs asked the board to establish a screening panel. Screening panels can be used in an investigative and disciplinary process. Mr. Gibbs explained that the screening panels are confidential and are not sunshine. After discussion, Dr. McCall made the motion for the board to establish and use screening panels for investigate and disciplinary processes. Dr. Blane seconded the motion. The motion carried. The Board nominated Dr. Katy Wright, Dr. Adam Rodgers, Dr. Rissa Pryse, Dr. Melissa Blackburn, and Dr. Sheila Mitchell to the screening panel.

Board Business

Dr. Shell asked the board for its opinion concerning board rule 1140-02-.01(16) and 1140-02-.02 (10) concerning the display of license/certificate in the pharmacy. After discussion, the board stated that the proof of the license (actual or copy) or the certification letter from the board's website is acceptable.

Dr. Shell informed the board that she is in the process of updating the community inspection forms. The Investigators will continue to use the National Association of Boards of Pharmacy (NABP) sterile compounding inspection form for sterile inspections.

Director's Report

Dr. Shell asked the board for to approve travel and registration for the investigators to attend a Compounding Summit hosted by the North Carolina Board of Pharmacy on March 6-8, 2024, in Chapel Hill, NC. Dr. McCall made the motion to approve travel and registration for pharmacy investigators to attend the Compounding Summit. Dr. Blane seconded the motion. The motion carried.

Dr. Shell asked the board to approve travel and registration to board members, executive director, and staff to attend the 120th NABP Annual Meeting scheduled for May 14-17, 2024, in Fort Worth, TX. Ms. Foster made the motion to approve travel and registration for board members, executive director, and staff to attend the 120th NABP Annual Meeting. Dr. Blane seconded the motion. The motion carried. Dr. Shell explained that the board need to pick a delegate. Dr. McCall made the motion to nominate Dr. Leinart as the delegate. Ms. Foster seconded the motion. The motion carried.

Dr. Shell informed the board of the University of Tennessee upcoming updates. February 18, 2024, Knoxville, TN; March 3, 2024, Nashville, TN and April 7, 2024, Memphis, TN.

Dr. Shell informed the board that Accreditation Council for Pharmacy Education (ACPE) will be conducting an on-site evaluation for the Doctor of Pharmacy program at East Tennessee State University on March 19-21, 2024, and would like for the board to designate and member to participate on the site visit as an observer.

Dr. Shell informed the board that she and Dr. Breeden have worked on the remote work policy and gave it to Mr. Gibbs for review. Upon review, Mr. Gibbs felt that some of the items in the policy will need to be in rules instead of the policy. After discussion, Mr. Gibbs stated that policies are not enforceable. The Board decided to work on the policy and to draft rules.

Dr. Shell informed the board that the rules that are scheduled to be in effect on March 14, 2024, but they will still need to go before the Government Operation Committee will meet in February 2024 and she would like to have board members to help support the rules and regulations.

Rules

Mr. Gibbs informed the board that 2021 General Assembly passed as statute that required every government agency in the state to review the rules to determine if the rules should be amended or repealed or to be further reviewed or continue in affect without an amendment. Mr. Gibbs stated that he and Dr. Shell have reviewed the board rules and have designated 3 for possible repeal.

The rules are either outdated or no longer necessary. **1140-03-.13 Ambulatory Dispensing Devices for Ambulatory Pharmacy Practice.** This rule is outdated and is listed in section of the rules. After discussion, it was suggested to amend the title and not repeal the rule. **1140-06 Nuclear Pharmacy Sites.** It is covered in the new rules that are scheduled to be effective March 14, 2024. Ms. Foster made the motion to repeal this rule 1140-06. Dr. Harshbarger seconded the motion. The motion carried. **1140-13-.04 and 1140-13-.05.** These rules are listed in other areas. Dr. McCall made the motion to repeal rule 1140-13-.04 and 1140-13-.05. Mr. Bynum seconded the motion. The motion carried.

Mr. Gibbs stated that these are the only rules going through purposed rule path.

OGC Report

Mr. Gibbs stated that there are currently 71 cases open for discipline within the Office of General Counsel. Of those 71 cases, 19 are eligible for a contested 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:

The rule packets heard during the May 2023 meeting of the Board are scheduled to become effective on March 14, 2024. There shall be ongoing discussion regarding other rulemaking projects.

Proposed legislation:

The General Assembly opened the second session of the 113th General Assembly on Tuesday, January 9, 2024. Presently, the following bills have been proposed which pertain to the practice of pharmacy:

Senate Bill 1765 / House Bill 1956:

Drugs, Prescription - As introduced, requires the department of finance and administration, in collaboration with the department of health and the bureau of TennCare, to apply for federal approval to import prescription drugs from Canada; requires the department to notify the governor, speaker of the house of representatives and speaker of the senate upon receipt of federal approval; requires the department of finance and administration to develop a plan to implement a program within six months of federal approval. - Amends TCA Title 8; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71.

Status: passed on First Consideration in the Senate; filed for introduction in the House of Representatives

Senate Bill 2048 / House Bill 1825

Controlled Substances - As introduced, increases the limit on the amount of products containing ephedrine or pseudoephedrine base, or their salts, isomers, or salts of isomers that a pharmacy may sell or a person may purchase in a 30-day period from 5.76 grams to 7.2 grams; removes the limit on the amount of such products that may be purchased or sold within a one-year period. - Amends TCA Title 39, Chapter 17, Part 4.

Status: Committee assignment House of Representatives. (Criminal Justice subcommittee); filed for introduction in the Senate.

House Bill 2144

Pharmacy, Pharmacists - As introduced, allows the board of pharmacy to license ambulatory surgical treatment centers engaged in the practice of pharmacy. - Amends TCA Title 63 and Title 68.

Status: Filed for introduction in the House of Representatives

Senate Bill 2031 / House Bill 2123

Health, Dept. of - As introduced, requires the commissioner study laws in contiguous states concerning requirements for prescribing and dispensing medication and submit a report of findings to the chair of the health and welfare committee of the senate, the chair of the health committee of the house of representatives, and the legislative librarian on or before December 31, 2024. - Amends TCA Title 4; Title 8; Title 9; Title 20; Title 33; Title 39; Title 47; Title 53; Title 56; Title 63; Title 68 and Title 71.

Status: Filed for introduction in both the Senate and House of Representatives.

Appearance

Brad Medling, Pharm.D.

Dr. Medling appear before the board to request approval of his collaborative practice agreement. After discussion, the board cannot waive board 1140-03-.17.

Board rule 1140-01-.04 (1)

Dr. Blane made the motion to grant Abdelsami Zalloum request to reduce the number of internship hours needed for licensure in Tennessee. Dr. Zalloum must complete a total of 1450 internship hours. The 500 pharmaceutical internship hours required for foreign graduates to complete in Tennessee has been reduced to 250. Ms. Foster seconded the motion. The motion carried.

Consent Orders

Dr. McCall made the motion to accept **Amerita Inc**, consent order with a \$1000.00 civil penalty for violating board rule 1140-03-.14(2)(a). Mr. Bynum seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **CVS Pharmacy #6414**, lic #1424 consent order with a \$600.00 civil penalty for violating board rule 1140-03-.14(2)(a). Dr. Phillips seconded the motion. The motion carried. Dr. Leinhart was recused.

Mr. Bynum made the motion to accept **Walgreens #6353**, lic #3661 consent order with a \$500.00 civil penalty for violating board rule 1140-03-.14(2)(a). Dr. McCall seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **CVS Pharmacy #8427**, lic #4788 consent order with a \$6000.00 civil penalty for violating rule 1145-01-.02. Ms. Foster seconded the motion. The motion carried. Dr. Leinhart was recused.

Mr. Bynum made the motion to accept **Edward Hooper, D.Ph.**, consent order placing his pharmacist license on suspension for violating §T.C.A. 63-10-309 (1). Dr. McCall seconded the motion. The motion carried.

Mr. Bynum made the motion to accept **Rende Bechtel, D.Ph.** consent order with a 1- year probation for violating T.C.A. §63-10-309 (5) & (7). Ms. Foster seconded the motion. The motion carried.

Dr. Shell informed the board that the Complaint Committee would like them to consider raising the civil penalty for not reporting the change of PIC. Mr. Bynum made the motion to increase the fine to \$500.00 per month to pharmacies for not reporting the change in the pharmacist in charge.

Mr. Bynum asked that public comments that are concerning the items on the agenda be address at the beginning of the meeting not at the end.

Mr. Bynum made the motion to adjourn at 2:47 p.m. Dr. McCall seconded the motion. The motion carried.

The minutes were approved and ratified at the March 12, 2024 board meeting.