

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

**BOARD MEMBER PRESENT**

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

**STAFF PRESENT**

Reginald Dilliard, Executive Director  
Matthew Gibbs, Associate General Counsel  
Rebecca Moak, Pharmacy Investigator  
Robert Shutt, Pharmacy Investigator  
Terry Grinder, Pharmacy Investigator  
Richard Hadden, Pharmacy Investigator  
Andrea Miller, Pharmacy Investigator  
Derek Johnston, Pharmacy Investigator  
Scott Denaburg, Pharmacy Investigator  
Rita Golden, Pharmacy Investigator  
Patricia Beckham, Pharmacy Investigator  
Sheila Bush, Administrator Director

**BOARD MEMBER ABSENT**

Rissa Pryse, D.Ph.

**STAFF ABSENT**

Larry Hill, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday May 4, 2021, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present by the meeting was called to order at 9:04 a.m. with Dr. Wright presiding.

**Minutes**

Dr. McCall made the motion to accept the minutes as presented. Dr. Breeden seconded the motion. A roll call vote was taken. The motion carried.

**OGC**

Mr. Gibbs informed the board that there are currently 40 cases open for discipline within the Office of General Counsel. Of those 40 cases, 4 are eligible for a contested case hearing.

Mr. Gibbs informed the board that 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.

Mr. Gibbs informed the board that the rules pertaining to pharmacy interns, pharmacy technicians and medical devices are currently in internal review. The medical device rules began the internal review process on January 4, 2021.

**Note:**

The first session of the 112<sup>th</sup> General Assembly began on January 12, 2021.

**HB0686** - Health Care - As introduced, authorizes implementation of a statewide collaborative pharmacy practice agreement specific to epinephrine auto-injectors; authorizes pharmacists licensed in, and practicing in, this state to dispense epinephrine auto-injectors; makes other related

changes. - Amends TCA Title 39, Chapter 17; Title 49, Chapter 50, Part 16; Title 53; Title 63 and Title 68.

Assigned to committees of the House of Representatives and Senate on February 20 and February 22, 2021, respectively.

**No update.**

**HB0877** - Pharmacy, Pharmacists - As introduced, makes changes with regard to compounding pharmacies, including allowing out-of-state pharmacy practice sites to provide certain inspections, equivalent to what are currently required, if accepted by the Tennessee board of pharmacy and removing the requirement that pharmacies engaging in sterile compounding have to make certain quarterly reports to the board. - Amends TCA Section 63-10-216.

Assigned to committees of the House of Representatives and Senate on February 20 and February 22, 2021, respectively.

Note – requires a new rule promulgated by the Board.

**Update – Public Chapter 149 signed by Governor Lee on April 13, 2021.**

**SB1253** - Drugs, Prescription - As introduced, requires the board of pharmacy and the board for licensing health care facilities to promulgate rules to establish certain guidelines for pharmacies and facilities to provide for disposal of unused controlled substances and prescription drugs. - Amends TCA Title 4; Title 63 and Title 68.

Assigned to the Senate Health and Welfare Committee February 22, 2021.

**No update**

## Consent Orders

Dr. Rodgers made the motion to accept **Robert B Brockwell, D.Ph.** consent order to voluntarily surrender his pharmacist license (same as revocation). Dr. Brockwell violated T.C.A. § 63-10-305 (6). Dr. McKinney seconded the motion. The motion carried.

Dr. McCall made the motion to accept **Daniella Brown, RT** consent order with a \$100.00 civil penalty. Ms. Brown violated board rule 1140-02-.02 (1). Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Tennessee CVS #3723** consent order with a \$300.00 civil penalty. Tennessee CVS #3723 violated T.C.A. § 63-10-305 (8). Dr. McKinney seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Chevelle Hofmann, RT** consent order to voluntarily surrender her registration as a pharmacy technician (same as revocation). Ms. Hofmann violated board rule T.C.A. § 53-10-104 (b). Dr. McCall seconded the motion. The motion carried.

Dr. McCall made the motion to accept **Noel Housman, RT** consent order to voluntarily surrender his registration as a pharmacy technician (same as revocation). Mr. Houseman violated board rule T.C.A. § 53-10-104 (a). Dr. Breeden seconded the motion. The motion carried.

Dr. McKinney made the motion to accept **Benjamin Kyker, RT** consent order with a \$100.00 civil penalty. Ms. Brown violated board rule 1140-03-.01 (1) (a) and (f). Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Bobby Lewis, D.Ph.** consent order to suspend his pharmacist license. Suspension stayed upon proof of notification from the Tennessee Pharmacist Recovery Network (TPRN), license will be placed on probation to run concurrently with TPRN contract. Dr. Rodgers seconded the motion. The motion carried.

Dr. McKinney made the motion to accept **Verus Healthcare, LLC** consent order with a \$1000.00 civil penalty. Verus Healthcare LLC violated board rule 1140-09-.01 (1). Dr. McCall seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **TrueCare Pharmacy** consent order for license reprimand. TrueCare Pharmacy violated T.C.A. § 63-10-305 (g). Dr. McCall seconded the motion. The motion carried.

Dr. Rodgers declined the consent order for **Lingerfelt Pharmacy** as presented and made the motion to revoke Lingerfelt Pharmacy license with \$1600.00 civil penalty. Dr. McKinney seconded the motion. The motion carried.

Dr. McKinney declined the consent order for **Michal Lingerfelt, D.Ph.** as presented and made the motion to suspend Dr. Lingerfelt's pharmacist license for 90 days with civil penalty. Mr. Bynum seconded the motion. The motion carried. Dr. McCall voted no.

Dr. Rodgers made the motion to accept **Walgreens #4677** consent order with a \$2000.00 civil penalty. Walgreens #4677 violated board rule 1140-03-.01 (1). Dr. McCall seconded the motion. The motion carried.

Dr. Rodgers made the motion to accept **Walgreens #19623** consent order for license reprimand. Walgreens #19623 violated board 1140-03-.03 (4) (a). Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made the motion to accept **Marian Stewart, RT** consent order to revoke her pharmacy technician registration. Ms. Stewart violated T.C.A. § 63-10-305 (4) & (6). Dr. McCall seconded the motion. The motion carried.

### **Waivers**

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

Dr. Rodgers made the motion to grant the request from **Vanderbilt Surgery Center** to waive the requirement for the pharmacy to have hot and cold water and for the pharmacy to be 180 square feet. Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made the motion to grant the request from **TriStar Southern Hills Medical Center** to waive the requirement for the pharmacy to be 180 square feet. Dr. McKinney seconded the motion. The motion carried.

Dr. Rodgers made the motion to grant the request from **Premient Health** to waive the requirement for the pharmacy to be 180 square feet and hot and cold running water. Dr. Breeden seconded the motion. The motion carried. Dr. McKinney and Mr. Bynum voted no.

**Board rule 1140-01-14 (12)**

Dr. Rodgers made the motion to allow **Grayson K. Peek, D.Ph** to be pharmacist in charge at Vanderbilt Surgery Center, Franklin, TN and VMG Clinic Pharmacy, Nashville, TN. Dr. McCall seconded the motion. Vanderbilt Surgery Center must have real time video and Dr. Peek must visit every 21 days. The motion carried.

**Board rule 1140-01-07**

Dr. McCall made the motion grant **Angel Hise, D.Ph.** request to waive the one hundred and sixty (160) pharmaceutical internship hours in order to reinstate her TN pharmacist license. Dr. Breeden seconded the motion. The motion carried. Dr. Hise must successfully take and pass the MPJE.

Dr. Rodgers made the motion grant **Gary Harris, D.Ph.** request to waive the one hundred and sixty (160) pharmaceutical internship hours in order to reinstate her TN pharmacist license. Dr. McCall seconded the motion. The motion carried. Dr. Harris must successfully take and pass the MPJE.

**Board rule 1140-01-03 (6)**

Dr. McCall made the motion to grant **Joshua Hildebrand, PharmD.** request to waive the twelve (12) month requirements for licensure by reciprocity in Tennessee. Dr. McKinney seconded the motion. The motion carried.

**Presentation**

**Vanderbilt Wilson County Hospital**

James Manfred, D.Ph., Executive Director, VUH Pharmacy, appeared before the board to request to use a pharmacy kiosk for employees at Vanderbilt Wilson County Hospital in Lebanon, TN. After discussion, Dr. Breeden made the motion to allow Vanderbilt Wilson County Hospital to use a pharmacy kiosk for employees only at Vanderbilt Wilson County Hospital in Lebanon, TN. Dr. McCall seconded the motion. The motion carried.

**Appearance**

**Lee Williams, RT**

Mr. Williams answered “no” 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 that Mr. Williams was given pretrial diversion for possession of marijuana with intent to sell. He completed the pretrial diversion on 07/27/2015. After discussion, Dr. Rodgers made the motion to approve Mr. Williams’s application for registration as a pharmacy technician. Dr. Breeden seconded the motion. The motion carried.

**Order Modification**

Travis Sparks, C. Pht and Ramesh Srinivasan, D.Ph. appeared before the board to ask for the probation to lifted from Ram’s Pharmacy #1 license. Mr. Sparks and Dr. Srinivasan are owners of Ram’s Pharmacy #1. Ram’s Pharmacy #1 license was placed on a 3-year probation effective 7/16/2019. After discussion, Dr. Rodgers made the motion to lift the probation on 7/15/2021. Dr. Breeden seconded the motion. The motion carried.

### **Director's Report**

Dr. Dilliard informed the board that the Commissioner of the Department of Health has issued an executive order extended the waiver of the required live hours for continuing pharmaceutical education hours until 12/31/2021.

Dr. Dilliard informed the board that the Executive Order that extended the pharmacist to technician ratio and remote entry would expire on 5/31/2021. After discussion, Dr. Breeden made the motion to extend the pharmacist to technician ratio with a statement from the pharmacist in charge agreeing to the increase. Dr. McCall seconded the motion. The motion carried. The Board delegated the approval of pharmacist to technician ratio to Dr. Dilliard.

Dr. Dilliard presented the Food and Drug Administration (FDA) Memorandum of Understanding Addressing Certain Distributions of Compounded Human Drug Products Between the State Board of Pharmacy or Other Appropriate State Agency and the Food and Drug Administration (MOU) to the board. If the board signs the MOU, it will allow a pharmacy to ship 50% of product across state lines without issue from the FDA. If the board does not sign the MOU, the pharmacies can still ship 5% of products across state lines. After discussion, Dr. McKinney made the motion to sign the FDA MOU pending legislative changes that are needed. Dr. Rodgers seconded the motion. The motion carried.

Dr. Dilliard asked the board for approval to attend the National Association of Boards of Pharmacy Annual Meeting on May 14-15, 2021. The meeting will be virtual. After discussion, the board decided to approve any board member and investigator who wants to attend. Dr. Dilliard is running for President Elect.

Dr. Dilliard explained to the board that Public Chapter 149 was signed by Governor Lee on April 13, 2021. Public Chapter 149 enforces all aspects of sterile compounding. After discussion, Dr. Rodgers made the motion for that inspections conducted by the FDA and VAWD will be accepted by the board. Dr. McKinney seconded the motion. The motion carried. After further discussion, Dr. Breeden made the motion that any pharmacy engaging in compounding shall comply with USP 795, 797, 800, 825, 823 and any subsequent chapters. Dr. Rodgers seconded the motion. The motion carried.

The meeting adjourned at 2:23 p.m.

**The minutes were ratified and approved at the July 13-14, 2021 board meeting.**