

TENNESSEE BOARD OF PHARMACY
CONTROLLED SUBSTANCE MONITORING DATABASE COMMITTEE
TELECONFERENCE
JANUARY 25, 2010
2:00 p.m.

MEMBERS PRESENT

David Todd Bess, D.Ph.
John M. Douglass, D.D.S.
Jonathan White, P.A.
Regine A. Webster
Richard C. Orgain OD.
George Eckles, MD
Rosemarie Otto, Executive Director
Board of Medical Examiners

STAFF PRESENT

Sheila Bush, Administrative Manager
Benjamin Mezer, Assistant General Counsel

MEMBERS ABSENT

James Lyons, DVM
Donald Polk, DO
Cheryl Stegbauer, PhD., RN., APN
Joyce McDaniel, Consumer Member
Kevin Eidson, Executive Director
Elizabeth Miller, Director Health Related Boards

Mr. Ben Mezer opened the teleconference and informed the committee that in order to ensure all requirements are met to have a valid teleconference there are several formalities that must be first accomplished, each of which will require a roll call. Mr. Mezer asked that each member introduce themselves for the record. All the members of the Board appeared by telephone. Mr. Mezer asked Dr. Douglass, Vice President, if this constitutes a quorum of the committee? Dr. Douglas affirmed that a quorum was present.

Mr. Mezer informed the committee that this is an electronic meeting as provided for in Tennessee Code Annotated 8-44-108(b)(1), which states that a governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law. Therefore, pursuant to Tennessee Code Annotated 8-44-108(b)(2), in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances of which it was based, must be included in the minutes of the meeting. Dr. Bess made the motion that the necessity exists based on the fact that the Controlled Substance Monitoring Database report must be submitted to the legislature by February 1, 2010 and a physical quorum is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic means of communication is necessary to vote on this

issue. Ms. Otto seconded the motion. The motion carried. A roll call vote was taken with each member voting in the affirmative.

Mr. Mezer stated that this meeting satisfies the requirements Tennessee Code Annotated 53-10-303(c) which calls for the committee to meet at least annually. Pursuant to Tennessee Code Annotated 53-10-309 the committee shall report annually on the outcome of the program with respect to its effect on distribution and abuse of controlled substances, including recommendations for improving control and prevention of diversion of controlled substances in this state. The Committee shall also file an annual report with the general welfare, health and human resources committee of the senate and the health and human resources committee of the house of representatives starting on or by February 1, 2008, and each year thereafter to include a monthly analysis about tracking the individuals or entities that access the database and the security measures taken to ensure that only authorized persons or entities access the database.

Mr. Mezer informed the committee that issue presented today is whether or not to approve and submit the annual report that was published and emailed to each member. After discussion, Dr. Bess made the motion to accept the report as presented. Mr. White seconded the motion. The motion carried. A roll call vote was taken with each member voting in the affirmative.

Dr. Long made the motion to adjourn. Mr. White seconded the motion. The motion carried.

These minutes were ratified at the July 28, 2010 committee meeting.