

**TENNESSEE BOARD OF PHARMACY  
JUNE 20 - 21, 2007  
ROOM 160 – DAVY CROCKETT TOWER  
NASHVILLE, TN**

**BOARD MEMBERS PRESENT:**

Sheila Mitchell, President  
Robert Mitchell, Vice President  
Monica Franklin, Consumer Member  
Todd Bess, Member  
Bettie Wilson, Member  
Larry Hill, Member  
Julie Frazier, Member

**STAFF PRESENT:**

Terry Grinder, Interim Executive Director  
Alison Z. Cleaves, Chief Legal Counsel  
Martha Agee, Board Administrator  
Tommy Chrisp, Pharmacist II  
Richard Hadden, Pharmacist II  
Ralph Staton, Pharmacist II

The Tennessee Board of Pharmacy convened on Wednesday, June 20, 2007, in Room 160 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. A quorum of the members being present, the meeting was called to order at 9:05 a.m. CDT, by Dr. Sheila Mitchell, President. Interim Executive Director, Dr. Terry Grinder, introduced Assistant Commissioner Christy Allen, Mrs. Sandra Sturgis, Ms. Wilma James and Ms. Lisa Tittle, with the Department of Health, Bureau of Health Licensure and Regulation as the Board of Pharmacy will be transferring to the Department of Health effective July 1, 2007. Dr. Jennifer Dilliard with Walgreens Company introduced several new pharmacy interns and Dr. Todd Bess introduced some students who were participating in the U. T. Interdisciplinary Health Policy Program. President Sheila Mitchell welcomed all the guests with special recognition made to the Department of Health and acknowledged the Board of Pharmacy is very excited with the transition.

**CONSENT ORDERS**

**MARY LOU BOWERS, RT  
2517 Seymour Avenue  
Knoxville, TN 37919**

**JULIA GREENE, RT  
6004 Pamela Lane  
Knoxville, TN 37920**

Mrs. Alison Cleaves, chief legal counsel, presented Consent Orders on behalf of Ms. Mary Bowers and Ms. Julie Greene for the Revocation of their pharmacy technician registrations due to theft and diversion of controlled substances from the pharmacy. Dr. Julie Frazier motioned to **accept** the Consent Orders; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**JOHN N. PHILLIPS, DPH**  
**110 Eagle Trace Road**  
**Covington, TN 38019**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Dr. John Phillips admitted to being addicted to the use of alcohol, narcotic or other drugs. Dr. Julie Frazier motioned to **accept** the Consent Order for the indefinite suspension of his license; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**JIMMY MORGAN, RT**  
**13116 Boyd Station Road**  
**Knoxville, TN 37922**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order whereas Mr. Jimmy Morgan took Ritalin without a prescription from the pharmacy. Mr. Morgan subsequently entered treatment for chemical dependency and agreed to be placed on a five (5) year term of probation and must abide by the following terms and conditions:

- (a) Shall inform the pharmacist in charge at each pharmacy where he is employed that he is on probation with the Board;
- (b) Shall not take controlled substances prescriptions over the telephone;
- (c) Cannot fill any prescriptions for himself or his family;
- (d) Shall inform the Board office of any change in the pharmacist in charge who supervises him or his place of employment;
- (e) Shall enter into a contract with the pharmacist in charge at his place of employment and abide by the terms of that contract which shall be incorporated by reference into this Consent Order for Probation; and,
- (f) Shall abide by all laws and rules relating to the practice of pharmacy and to drugs.

Mrs. Monica Franklin motioned to **accept** the Consent Order for Probation; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**FRED'S PHARMACY #2661**  
**1670 W. College Street**  
**Pulaski, TN 38478**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order whereas Fred's Pharmacy #2661 was in violation of Rule 1140-3-.01 (1) (a) and (f) for the failure to provide patient counseling on a new or refilled prescription. Fred's Pharmacy was assessed a \$500 civil penalty. Dr. Todd Bess motioned to **accept** the Consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

President Sheila Mitchell stressed to the new students of the importance of counseling.

**LARRY J. HARRIS, DPH**  
**105 Scotch Court**  
**Hendersonville, TN 37075**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order on behalf of Dr. Larry Harris who was observed by a pharmacy investigator to be in violation of Rule 1140-2-.02 (6) relevant to the pharmacy technician ratio. Dr. Harris was assessed a \$250 civil penalty. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**K-MART PHARMACY #3348**  
**680 Signal Mountain Road**  
**Chattanooga, TN 37405**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order whereas K-Mart Pharmacy #3348 was in violation of Rule 1140-3-.01 (1) (a) and (f) for the failure to provide patient counseling on a new or refilled prescription. K-Mart Pharmacy #3348 was assessed a \$500 civil penalty. Dr. Todd Bess motioned to **accept** the Consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**ELIZABETH A. LOYD, DPH**  
**1631 Buckingham Drive**  
**Murfreesboro, TN 37129**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Dr. Elizabeth Loyd was in violation of Rules 1140-2-.02 (1) and (6) in regards to allowing a pharmacy technician to work in the pharmacy whose registration had expired and the pharmacy technician ratio. Dr. Loyd was assessed a civil penalty of \$350. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**WALGREENS PHARMACY #2195**  
**3049 Dickerson Pike**  
**Nashville, TN 37207**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order whereas Walgreens Pharmacy #2195 was in violation of Rule 1140-3-.01 (1) (a) for failure to provide or offer patient counseling. A \$500 civil penalty was assessed. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**JOSHUA CHECK, RT**  
**3251 Nina Circle**  
**Lebanon, TN 37087**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the Revocation of Joshua Check's pharmacy technician registration due to the admission of theft and diversion of controlled substances from the pharmacy. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Robert Mitchell. All were in favor and the motion carried.

**GREGORY KIRK JONES, DPH**  
**434 Coralwood Drive**  
**Kingsport, TN 37663**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the Reinstatement of License on behalf of Dr. Kirk Jones. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**PHARMACIST INVESTIGATORS ATTENDANCE AT BOARD MEETINGS  
DEPARTMENT OF HEALTH**

President Sheila Mitchell emphasized it is very important for the investigators to attend the board meetings due to the complaints that are being presented at the meeting and the investigators have knowledge and invaluable resources for the Board to take the appropriate action.

**WILLIAM PATRICK WEST, DPH  
1030 Market Street  
Franklin, TN 37067**

Interim Executive Director, Dr. Terry Grinder stated Dr. William West is requesting a waiver of Rule 1140-1-.07 (3) (b) (5) relevant to completing a period of pharmacy internship for the reinstatement of his pharmacist license. Dr. West has been actively practicing in Texas. Dr. Todd Bess motioned to **waive** the internship hours; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**DEAN BRYANT, DPH  
10061 Riverside Drive #854  
Toluca Lake, CA 91602**

Dr. Terry Grinder, interim executive director, advised Dr. Dean Bryant is requesting a waiver of Rule 1140-1-.07 (3) (c) (3) and (5) relevant to the requirement for the successful completion of the NAPLEX examination and completing a period of pharmacy internship of three hundred twenty (320) hours for the reinstatement of his pharmacist license. Dr. Bryant's license has been in an "inactive" status since May, 1993. Dr. Bryant has been practicing in the field of pharmacy for twenty-eight (28) years and has not had any disciplinary action taken against his license by any other state board of pharmacy. Mrs. Monica Franklin motioned to deny; seconded by Dr. Julie Frazier. After board discussion, Mrs. Franklin withdrew her motion. The Board deferred the waiver request pending additional information on the original state of licensure.

Dr. Grinder noted Dr. Bryant's original state of licensure is Tennessee. Mrs. Monica Franklin motioned Dr. Bryant must comply with the rule; seconded by Dr. Robert Mitchell. A roll call vote was taken:

Robert Mitchell	Yes
Monica Franklin	Yes
Todd Bess	Yes
Bettie Wilson	Yes
Larry Hill	Yes
Julie Frazier	No

The motion carried.

**DEAN BRYANT, DPH – REQUEST TO REOPEN BOARD'S PREVIOUS DECISION ON  
WAIVER REQUEST**

Dr. Bettie Wilson requested to re-open Dr. Bryant's request and the Board's decision; seconded by Dr. Larry Hill. There was one (1) nay vote. The motion carried.

Dr. Julie Frazier noted Dr. Bryant is requesting a waiver of the NAPLEX examination; he has been actively practicing pharmacy; and there is no confirmation that the letter the Board generated in July 1998 relevant to the new rules was received. Dr. Bettie Wilson motioned to **approve** Dr. Bryant's request for a waiver; seconded by Dr. Larry Hill. There was one (1) nay vote and one (1) abstained from voting. A roll call vote was taken:

Robert Mitchell	Abstained
Monica Franklin	No
Todd Bess	Yes
Bettie Wilson	Yes
Larry Hill	Yes
Julie Frazier	Yes

The motion carried.

**T. PATRICK ROWAN, DPH**  
**Family Pharmacy**  
**1715 Hwy. 93**  
**Fall Branch, TN 37656**

Interim executive director, Dr. Terry Grinder, advised Dr. Patrick Rowan is requesting a waiver of Rule 1140-3-.14 (13) on behalf of Dr. Tina Head, relevant to the designated PIC being on duty a minimum of fifty percent (50%) of the hours that the pharmacy is in operation. Dr. Head was formerly the PIC until the birth of her first child and then worked part-time. The full-time pharmacist who replaced Dr. Head is no longer employed at the pharmacy. Dr. Head works three days a week approximately twenty-seven (27) hours per week and occasionally will work four (4) days/week. Dr. Todd Bess motioned to **grant for a six month period until the situation can be resolved**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Dr. Robert Mitchell made an amendment to the motion and requested Dr. Rowan to report their status within the six month period; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**BILLIE J. MINTON, PHARM D**  
**MEDICATION MANAGEMENT CENTER**  
**1000 E. Center Street**  
**Kingsport, TN 37660**

Dr. Terry Grinder, interim executive director, advised Dr. Billie Minton is the founder of Medication Management Center which provides medication counseling and disease management services without any drug dispensing or any stock of drugs. Dr. Minton stated she contact Representative Nathan Vaughn for assistance and was referred to the Board of Pharmacy. Dr. Minton is requesting a waiver of Rule 1140-1-.12 (3) (d) and (e) relevant to the square footage requirement of one hundred eighty (180) square feet and hot and cold running water and refrigeration for a pharmacy as she is having difficulty billing for third party and the insurance company will not pay for these services. The Board noted the rules will allow her to be licensed and would need to request a waiver for the physical requirements of the pharmacy.

Dr. Julie Frazier motioned to **grant a waiver for the physical requirements of a pharmacy but will need to have a licensed PIC and separate key entry.** Dr. Larry Hill seconded the motion. Dr. Frazier amended the motion to include if Dr. Minton decides to stock drugs at the pharmacy she will have to meet the additional requirements of the rule. Dr. Hill seconded the amendment to the motion. All were in favor and the motion carried.

## **PHARMACY BOARD MEMBERS - AREAS OF PRACTICE**

President Sheila Mitchell advised the pharmacy students/interns in the audience of the board member's prospective areas of practice.

Dr. Sheila Mitchell is the Director of Pharmacy Services at Methodist Hospital – Germantown, in Memphis, Tennessee, an acute care hospital setting with all levels of patient care.

Dr. Robert Mitchell has been practicing for over fifty (50) years in a retail setting and advised the main issue is for the safety of your customers and to protect the public health. Admit to your mistakes!

Mrs. Monica Franklin is the consumer member of the Board. Mrs. Franklin advised to be considerate to the public. The Board is not here to punish but to assist and provide guidance.

Dr. Todd Bess has been on the Board for three (3) years and has practiced pharmacy for over twenty (20) years. Dr. Bess initially practiced in a community setting and now is on the quality side and is interested in patient safety and reviews the medical errors reported to the Board. The hospitals are responsible for reporting medical errors to the Department of Health.

Dr. Bettie Wilson has practiced mostly in a hospital setting for the past thirty-five (35) years in Johnson City, Tennessee.

Dr. Larry Hill owns and operates a fully automated community pharmacy and noted communicating with the patient is the most important issue.

Dr. Julie Frazier, the existing board member who has served on the Board for six (6) years, has been in practice for twenty-two (22) years. Dr. Frazier has been in a long term care setting for eighteen (18) years servicing nursing homes and assisted care facilities. Prior to this, Dr. Frazier worked in retail at Kroger.

## **LEGAL REPORT/COMPLAINTS**

### **1. Case No.: L07-PHR-RBS-200704672**

Complainant, a physician, alleges that the pharmacy failed to allow him to speak to one of the pharmacists to ask about their failure to fill a prescription and about drug interactions for that patient. Complainant alleges that he was on the phone with the pharmacy for approximately forty-five (45) minutes asking for a pharmacist and his request was refused. Complainant states that he prescribed a ninety (90) day prescription for Pamelor early. She had been on 50 mg per day and that was increased to 100 mg per day at her last appointment. Based on the increased

dosage, the patient had run out of her medication about three (3) weeks too early. When the patient submitted the new prescription to the pharmacy, it was denied as being too early. This prompted the Complainant's phone call to the pharmacy.

Representative of the Respondent pharmacy responded to the complaint stating that pharmacy supervisors spoke to members of the physician's staff and indicated to them that it is their policy to immediately transfer doctors to a pharmacist upon request and that any problems that the physician might have experienced were contrary to that policy. There is no record of the conversation to confirm or disprove the Complainant's allegations.

Another complaint was filed against the same pharmacy under the same complaint number, but different Complainant alleging that the pharmacy filled a prescription for Clopidogrel Bisulfate tablets 75 mg, thirty (30) tablets that his physician did not authorize. Pharmacy states that the physician did prescribe the drug for the Complainant, but as a one time courtesy credit, they credited the Complainant's account.

*Prior complaints: None*

**Recommendation: Dismiss**

Dr. Todd Bess motioned to **dismiss** the complaint; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**2. & 3. Case Nos.: L06-PHR-RBS-200600716, 200600213**

Complaint filed against Respondent, pharmacy, alleges that the PIC at this location has misfilled several prescriptions and that nothing has been done about these incidents. The second complaint filed against the Respondent references the same PIC and alleges that the PIC dispensed Celexa and Hydroxyzine with the incorrect directions on both bottles.

PIC confirmed four (4) misfills.

**Recommendation: Discuss**

After discussion, Dr. Julie Frazier motioned for the **pharmacist to take a continuing education course within sixty (60) days in medication safety and his license is to be placed on a term of probation for two (2) years with conditions that the pharmacist not have any more misfills occur during the probationary term.** The Board suggested taking an ISP course online. Dr. Robert Mitchell seconded the motion. All were in favor and the motion carried.

**4. Case No.: L07-PHR-RBS-200704677**

The Complainant alleges that the pharmacist at the Respondent pharmacy put the pills for her prescription and other patient's prescriptions in his hand to count them before putting them in the bottle. Complainant alleges that this is unsanitary and should put the tablets on a surface to count them and then put them back in the bottle.

Respondent, a pharmacist, responded to the complaint stating that she did touch the Complainant's tablets with her hand to verify that the tablets matched her prescription. Respondent stated that there was nothing unsanitary on the counter or around the terminal.

*Prior complaints:*

**Recommendation: Discuss**

Dr. Julie Frazier motioned to issue a **Letter of Instruction regarding that placing the pills in her hands is not appropriate and referenced Rule 1140-1-.12**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**5. Case No.: L07-PHR-RBS-2007055555**

Complaint provides that the Respondent, technician, assisted another technician in processing a refund and then taking the money herself. The refund was \$92.00.

**Recommendation: Authorize formal hearing; settlement of probation for a period of one (1) year.**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**6. Case No.: L07-PHR-RBS-200706099**

Complaint initiated by the pharmacy who informed the Board of a loss of controlled substances attributed to a pharmacy technician working at the pharmacy. Board staff realized that the technician was not registered with the Board.

*Prior complaints:*

*Pharmacy: 1998- medication error-closed*

**Recommendation: Authorize formal hearing; settlement of \$100.00 civil penalty**

Dr. Robert Mitchell motioned to **accept counsel's recommendation with civil penalty to the pharmacy**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**7. Case No.: L07-PHR-RBS-200602353**

Complaint provides that the Respondent, pharmacist, tested positive for Hydrocodone when he did not have a prescription for the medication. Respondent is currently under a five (5) year term of probation with the Board and under a TPRN contract. A term in the Board's probation with the Respondent provides that the Respondent sh all not consume any nonprescribed drugs.

*Prior complaints:*

*2006- chemical dependency- indefinite suspension and reinstated with a five (5) year term of probation*

**Recommendation: Authorize formal; settlement for revocation of the Respondent's license**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**8. Case No.: L07-PHR-RBS-2007**

Complainant alleges that the pharmacist (owner of the pharmacy) has engaged in unprofessional conduct by allowing the following to occur: allowing non-pharmacists to enter the pharmacy without the supervision of a pharmacist; making his own cough syrup that he sells to the public; refused to reverse charges on a patient's insurance when they did not pick up his/her medication and put the medicine back in stock; pharmacist just estimates his inventory; pharmacist gets reimbursed for coupons when he has not sold the item; pharmacist never checks prescriptions after they are counted.

In response to the complaint, pharmacist states that he has allowed his former bookkeeper to come into the pharmacy, but only with him present. Pharmacist states that he does make a cough mixture with over-the-counter products. Pharmacist states that he did estimate the inventory for 2005. Pharmacist states that a customer brought in bottles of Neurontin and the customer told the pharmacist to give it someone who could use them and the pharmacist gave it to someone else at no charge. In terms of reversing insurance charges, pharmacist claims that he would not reverse them at the first or end of the month, but only in the middle of the month. Pharmacist denies the allegation that a pharmacist does not check the prescriptions before they leave the pharmacy.

*Prior complaints:*

**Recommendation: Discuss**

Dr. Julie Frazier motioned to **send a pharmacy investigator**; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**9. Case No.: L07-PHR-RBS-200706036**

Complainant alleges that his son's prescription for Topamax 25mg, two hundred and ten (210) tablets was shorted fifty-eight (58) tablets. Complainant contacted the pharmacy about the shorted prescription and Complainant was told that their counts for Topamax were only one (1) pill off, so according to their records, she was not shorted fifty-eight (58) pills.

Pharmacist replied to the complaint stating that while in the process of verifying the prescription, she questioned the technician who counted the order about whether she had counted out two hundred and ten (210) tablets and the technician confirmed that she did. Although there was no evidence of a shortage, the pharmacist gave the Complainant the additional fifty-eight (58) tablets. We also received a statement from the technician who counted out the tablets and she states that there were two hundred and ten (210) tablets because she pulled four (4) bottles of sixty (60) count Topamax 25mg; three (3) bottles were sealed and she counted thirty (30) tablets out of the open bottle.

*Prior complaints:*

*Pharmacy: None*

*PIC: None*

**Recommendation: Dismiss**

Dr. Robert Mitchell motioned to **accept counsel's recommendation**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**10. Case No.: L07-PHR-RbS-200706048**

Complainant alleges that the pharmacy allowed his prescription for Hydrocodone to be filled multiple times and picked up by an unauthorized person. Complainant also indicates that he and his wife later determined that his wife's friend had developed an addiction to pain killers and was calling their various doctors pretending to be the Complainant and his wife and requesting pain medications. Complainant states that after that incident, they asked pharmacy staff to positively identify any individuals picking up prescriptions for them. Complainant's claim that they went to another pharmacy location (other than the one where the incident occurred), and picked up the medication without being positively identified.

Pharmacists involved with this incident indicate that once they became aware that the prescriptions were being picked up by someone other than the Complainants, they contacted the police. Dispensing pharmacist indicate that they did not positively identify the Complainants when they picked up prescriptions following the incident.

*Prior complaints:*

*Pharmacy: 2006 - unprofessional conduct; dismissed; 2006, medication refill issue, dismissed*  
*DPh: None*

**Recommendation: Dismiss/LOI**

Dr. Todd Bess motioned to **issue a Letter of Instruction**; seconded by Dr. Robert Mitchell. A roll call vote was taken:

Robert Mitchell	Yes
Monica Franklin	No
Todd Bess	Yes
Bettie Wilson	No
Larry Hill	No
Julie Frazier	No

The motion did not carry.

Mrs. Monica Franklin motioned to **dismiss** the complaint; seconded by Dr. Julie Frazier. There were two (2) nay votes. The motion carried.

**11. Case No.: L07-PHR-RBS-200705547**

Complaint was previously presented to the Board and the Board found a failure to provide patient counseling in accordance with BOP rules for a new prescription. Complainant alleged that he was dispensed Coreg 6.25mg when it was not prescribed to him. Before the Complainant realized that it wasn't his prescription, he consumed the medication for three (3) days. In response to the complaint, the PIC indicated that patient counseling was offered to the Complainant at the time of sale; the print-outs from the pharmacy indicate that the Complainant's prescriptions were new prescriptions.

When I sent the PIC a settlement offer for a \$100.00 civil penalty, he called stating that when the pharmacy took his statement in response to the complaint, it did not get translated correctly. He states that he clearly recalls counseling the Complainant and that he used the wrong term when explaining what happened to the pharmacy representative. When I spoke to the

Respondent, I asked him if any pharmacy personnel were there when he counseled the patient, and he indicated that there was not. Investigator contacted the Complainant and asked him if he recalls receiving counseling when he picked up his prescriptions and he only recalls the pharmacist telling him "here is your medicine" and then telling him the price.

*Prior complaints:*

**Recommendation: Discuss**

Mrs. Monica Franklin motioned to **re-send the Consent Order with a civil penalty of \$100 to the PIC**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**12. Case No.: L07-PHR-RBS-200705521**

Complainant alleges that the Respondent, pharmacist, was terminated from his employment for forging prescriptions for himself and his mother, for practicing medicine without a license and for insurance fraud. Investigation was conducted and Respondent stated in a written statement that he did fill prescriptions for himself and one (1) for his mother when they were not authorized. Respondent claims that they were all refilled prescriptions and that he could not obtain doctor authorization; the prescriptions that Respondent dispensed to himself were for Bactrim; Medrol; Flovent and Combivent.

*Prior complaints: None*

**Recommendation: Authorize a formal hearing; civil penalty authority; \$500.00 civil penalty and two (2) years probation; and cannot fill prescriptions for oneself or family members**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**13. Case No.: L00-PHR-RBS-20004613**

Complaint provides that upon a compliance inspection, the investigator observed that there was only a technician present while the pharmacy was open and that while the pharmacist was not present, the technician gave a prescription to a patient that was filled the previous day.

In response to the complaint, the pharmacist and the technician both admit that the pharmacist was not present for a period of time while the technician was only present. The technicians, however, deny that they dispensed any medications while the pharmacist was present. They do admit that a man came in and asked them if they could identify a pill that a co-worker had given him. Technician states that she told the man to call the local hospital and they would help him.

*Prior and subsequent complaints: None*

**Recommendation: Letter of Warning about allowing a non-pharmacist access to the pharmacy**

Dr. Julie Frazier motioned to **accept counsel's recommendation and the LOW should address the security of the pharmacy**; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**14. Case No.: L07-PHR-RBS-200705945**

Complaint provides that the Respondent, pharmacist was writing prescriptions for herself and then filling them. Investigation confirmed the allegations showing that Respondent wrote and filled prescriptions for controlled substances and non-controlled substances.

*Prior complaints: None*

**Recommendation: Formal Hearing (Consent Order for Revocation)**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**15. Case No.: L07-PHR-RBS-200706282**

Complaint provides that the Respondent is chemically impaired. Investigation could not confirm the allegations.

*Prior complaints: None*

**Recommendation: Dismiss**

Dr. Larry Hill motioned to **dismiss** the complaint; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**16. Case No.: L07-PHR-RBS-200706109**

Complainant alleges that a cashier at the pharmacy was operating as a pharmacy technician without a license. PIC responded that while the cashier was taking a pharmacy technician training course, yet still not registered with the Board, the cashier would occasionally count pills and punch in refills on the computer. Cashier submitted a technician registration application to the Board in May, 2007 and is currently registered.

*Prior complaints:*

*Pharmacy: None*

*PIC: 2002- Dismissed*

**Recommendation: Letter of Warning to PIC**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Bettie Wilson. Mrs. Franklin **amended the motion to issue a civil penalty of \$100 for the unlicensed pharmacy technician**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**17. Case No.: L07-PHR-RBS-200706182**

Complainant alleges that he was not given any written warning that his prescription for Darvocet can cause him to be drowsy. It appears that the prescription was a new prescription. Complainant states that he asked the pharmacy staff if the drug causes drowsiness and staff indicated to him that it did not.

In response, PIC states that the Complainant was not provided with patient counseling by a pharmacist in accordance with laws and rules and that he reprimanded the technician for not getting the pharmacist to provide counseling. Also as a part of the response, the PIC provided a copy of his pharmacy policy relative to patient counseling which provides the following: "When checking out make sure they have been counseled by a pharmacist unless he/she declines."

*Prior complaints:*  
*Pharmacy: None*  
*PIC: None*

**Recommendation: Authorize a formal hearing; \$500.00 civil penalty to PIC and a Letter of Warning to PIC about revising his policy to accurately reflect BOP rules and to the PIC about instructing pharmacy staff about patient counseling**

Dr. Julie Frazier motioned to **accept counsel's recommendation**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**18. Case No.: L07-PHR-RBS-200706473**

Respondent pharmacy technician admitted to taking Hydrocodone from the pharmacy without a prescription to have her boyfriend sell the tablets to others. DEA 106 form showed a loss of 300 tablets of Hydrocodone 10/325. Respondent's employment was terminated and law enforcement was involved.

*Prior complaints: None*

**Recommendation: Authorize a formal hearing (revocation)**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**19. Case No.: L07-PHR-RBS-200706477**

Respondent pharmacy technician admitted to taking Hydrocodone, Alprazolam, Lorazepam, and Clonazepam from the pharmacy without a prescription to have her boyfriend sell the tablets to others. DEA 106 form confirmed the loss. Respondent's employment was terminated and law enforcement was involved.

*Prior complaints: None*

**Recommendation: Authorize a formal hearing (revocation)**

Dr. Bettie Wilson motioned to **accept counsel's recommendation**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**20. Case No.: L07-PHR-RBS-8440 (947586)**

Complainant alleges that the Respondent pharmacist has his TPRN advocacy removed because he passed out at work and tested positive for Benzodiazepine. Respondent was diagnosed with transient confusion secondary to benzodiazepines. Respondent was also found

to be falsifying his TPRN meeting attendance sheets. Respondent refused to go for a re-evaluation and stopped participating in the meetings.

*Prior complaints:*

*1998- License surrendered for chemical impairment;  
2003 – License reinstated with five (5) year term of probation*

**Recommendation: Authorize formal hearing (revocation)**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**21. Case No.: L07-PHR-RBS-8719 (948370)**

Complainant alleges that Respondent pharmacist was arrested for driving under the influence and for possession of cocaine and methamphetamines.

*Prior complaints:*

*1998- License revocation for chemical impairment;  
1999- License reinstated with five (5) year term of probation*

**Recommendation: Authorize formal hearing (revocation)**

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**22. Case No.: L07-PHR-RBS-200312511**

Complainant alleges that Respondent pharmacist tested positive for ethanol and his TPRN advocacy was terminated.

*Prior complaints:*

*License revoked and reinstated twice before in 2003 and 2005; Respondent's last probation commenced in November, 2006 and was for a 10 year period*

**Recommendation: Authorize formal hearing**

Dr. Todd Bess motioned to **accept counsel's recommendation**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**23. Case No.: L07-PHR-RBS-200706455**

During a June 13, 2007 compliance inspection, investigator found that there had not been a pharmacist in charge at this pharmacy practice site for three (3) months.

*Prior complaints:*

*Pharmacy: None*

*PIC:*

*2000- Medication error; LOW;  
2004- Medication refill; LOW*

**Recommendation: Letter of Warning**

Dr. Julie Frazier motioned to **issue a Consent Order to the Pharmacy with a \$250 civil penalty plus has thirty (30) days to find a PIC or request a waiver.** Dr. Robert Mitchell seconded the motion. All were in favor and the motion carried.

**24. Case No.: L07-PHR-RBS-200706468**

During a June 14, 2007 compliance inspection, investigator observed a patient drop off a new prescription without counseling being performed. Investigator also observed reconstitutes a powder and dispensed it without a final check by the pharmacist.

*Prior complaints:*

*Pharmacy:*

*1999- LOW;*

*2003- Medication error; LOI;*

*2004- Dismissed*

*PIC: None*

**Recommendation: Authorize formal hearing; \$500 civil penalty to the pharmacy; \$100.00 civil penalty to the dispensing DPh and LOI to the PIC. Discuss the issue of reconstituting the powder without a final check**

Dr. Todd Bess motioned to **accept counsel's recommendation plus issue a Letter of Warning relevant to counseling and the reconstitution of the powder.** All were in favor and the motion carried. Dr. Julie Frazier mentioned the pharmacist is to check the final product!

**25. Case No.: L07-PHR-RBS-200705707**

Complainant alleges unlicensed conduct occurred at the pharmacy in that a cashier and not a pharmacy technician mixed her son's medication. Complainant also alleges that a pharmacist did not check the prescription before it was dispensed.

DM denies the allegations of unlicensed conduct. DM confirmed that it is the store policy that once the product is reconstituted, it is not then checked again by a pharmacist.

*Prior complaints:*

*Pharmacy: 2006- Unauthorized substitution; dismissed;*

*DPh: Same as above*

**Recommendation: Discussion on the issue of a final check on a reconstituted product**

Dr. Larry Hill motioned to **accept counsel's recommendation;** seconded by Dr. Todd Bess. All were in favor and the motion carried.

**26. Case No.: L07-PHR-RBS-200706137**

Complainant alleges that an unlicensed individual was filling prescriptions at the pharmacy. Complainant also indicates that there was as loss of Hydrocodone noted that was attributed to the unlicensed individual.

PIC responded to the complaint stating that this individual who was an employee in another part of the store was cross-trained to work in the pharmacy. PIC indicates that she thought that the employee was registered with the Board because when she started as PIC in October, 2006, she was told that she was registered with the Board. It appears from the PIC's response that the individual was working in the pharmacy performing technician duties for approximately two (2) years.

*Prior complaints:*

*Pharmacy:*

*1999- Medication error; LOW;*

*2001- Medication error; dismissed*

*2004- Refused to fill; dismissed*

*DPh: None*

**Recommendation: Authorize formal hearing; \$2,400 civil penalty**

Dr. Robert Mitchell motioned to **accept counsel's recommendation with a civil penalty of \$2,400 to the pharmacy**; seconded by Dr. Todd Bess. Dr. Julie Frazier motioned to **amend the motion to issue a civil penalty of \$400 (8 months @\$50 per/month) for the unlicensed individual**; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**27. Case No.: L07-PHR-RBS-200706260**

Complainant alleges the following misconduct on the part of the pharmacy: she was fired for being late for work; she has witnessed unlicensed conduct at the pharmacy in that unregistered individuals have been filling and distributing drugs at the pharmacy with pharmacist consent; pharmacy manager allowed a retired doctor to write his own prescriptions and does not call to verify the prescriptions for controlled drugs; she has been the subject of racial discrimination.

PIC responded to the complaint and stated that he has a cashier and an uncertified technician in his employ who are both registered with the Board. PIC states that he verifies all of CII prescriptions and denies the allegations about the retired doctor and racial discrimination.

*Prior complaints:*

*Pharmacy: None*

*DPh: None*

**Recommendation: Dismiss**

Mrs. Monica Franklin motioned to **dismiss** the complaint; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**28. Case No.: L07-PHR-RBS-200706264**

Complainant alleges that the pharmacy staff is rude to her and that they gave her prescription for Tramadol to an unauthorized person.

PIC responded to the complaint stating that the person who came and picked up the Complainant's prescription knew the Complainant's correct date of birth and address and was identified as the Complainant's daughter. PIC indicates that the Complainant has a past history of trying to get her Ultram filled too early.

*Prior complaints:*

*Pharmacy:*

*1998- Pharmacy hours; closed;*

*1998 – Patient confidentiality; closed.*

*PIC: None*

**Recommendation: Dismiss**

Mrs. Monica Franklin motioned to **dismiss** the complaint; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**29. Case No.: L07-PHR-RBS-200706275**

Complainant alleges that the pharmacy misfilled her prescription for Fluconazole 150mg by giving her one (1) tablet instead of two (2). Complainant further states that when she called back to the pharmacy to inform them of the misfill, pharmacy staff was unconcerned and did not offer to make it right. Complainant also alleges that the pharmacy staff kept a list of medications that she did not want filled immediately by the pharmacy.

PIC responded to the complaint stating that the Complainant provided the pharmacy with a written discharge prescription and not a list of medications. Complainant wanted only three (3) prescriptions filled and the technician explained to the Complainant that they would be a hold on the rest and transfer them to another pharmacy. Complainant named the other pharmacy; however, the other pharmacy would not allow them to be transferred and then put a hold on them there.

PIC admits that they gave the Complainant only one (1) tablet of Fluconazole 150mg.

*Prior complaints:*

*Pharmacy:*

*2000- Medication error; Closed;*

*2002- Medication error; Closed;*

*2006- Customer service; Dismissed;*

*2007- Violation of Technician Ratio; Civil penalty*

*PIC: same 2002, 2006 and 2007 violations as above.*

**Recommendation: Letter of Instruction**

Dr. Julie Frazier motioned to **dismiss**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**JAMES MONROE DAVIS - NAPLEX CANDIDATE  
Crossville, TN**

Interim Executive Director, Dr. Terry Grinder, introduced Mr. James Davis, who is seeking licensure as a NAPLEX candidate in the State of Tennessee. Mr. Davis, who is licensed as an intern by the Alabama Board of Pharmacy, had two (2) DUI convictions. One in 2002 prior to entering pharmacy school; and in 2005 during his second year of pharmacy school at Auburn. In

accordance with T.C.A. §63-10-305, Mr. Davis reported that he entered into a contract with the Alabama Board of Pharmacy in August, 2004 for a period of five (5) years in which he was allowed to continue pharmacy school and then graduated in May, 2007. Mr. Davis stated he attends A/A meetings three nights per week in Tennessee and submits to random urine screens.

Dr. Julie Frazier motioned to **grant Mr. Davis the ability to take the NAPLEX and to be licensed in the State of Tennessee** with the following probationary period, term and conditions:

Said probation shall remain in effect for a period of **three (3) years**, from **June 20, 2007 to June 20, 2010.**

- a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b).
- b) Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, Satyanarayan Vish, MD, except in the case of an emergency or upon a proper referral from the Respondent's primary physician. The Respondent shall immediately notify the Board office in writing of the name of the Respondent's primary physician each time the Respondent changes primary physicians;
- c) The Respondent shall not obtain or attempt to obtain any prescriptions in the respondent's name for any legend drugs, controlled substances or devices containing same from a physician other than the Respondent's primary physician or from any other health care provider, such as a nurse practitioner, physician's assistant or psychiatrist;
- d) The Respondent shall destroy any unused controlled substances

- prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment;
- e) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement);
- f) The Respondent shall submit to random sampling of urine, blood or bodily tissues for the presence of drugs and alcohol, at the Respondent's own expense, by agents of the Board, such as the Tennessee Pharmacists Recovery Network for as long as the Respondent has an active license. In the event that the sampling indicates the presence of drugs for which the Respondent does not have a valid prescription or the sampling indicates the presence of alcohol, then formal disciplinary charges may be brought against the Respondent which could result in the revocation of the Respondent's remaining term of probation or the suspension or revocation of the Respondent's license to engage in the practice of pharmacy. Prior to such disciplinary charges being heard by the Board, the Respondent's license may be summarily suspended;
- g) The Respondent shall seek and comply with all of the terms and conditions of the extended aftercare contract he or she entered into with Tennessee Pharmacists Recovery Network. Respondent shall return a copy of said contract with this Consent Order to the Board office;
- h) The Respondent shall not serve as pharmacist-in-charge for the

entire period of probationary period and shall not work as a floater  
for three (3) years.

- i) No number (i).

Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

**JIM LEWIS, DPH**  
**Director of Pharmacy**  
**Grandview Medical Center**  
**1000 Highway 28**  
**Jasper, TN 37347**

Dr. Jim Lewis with Grandview Medical Center personally appeared before the Board to discuss nurse order entry after pharmacy hours. Dr. Lewis stated in February, 2007, Grandview implemented a program for the nursing staff to enter orders into the pharmacy computer system after pharmacy hours. Prior to this date, Grandview was serviced by COE, a company of pharmacists who serve hospitals throughout Tennessee. COE received scanned orders and was able to perform the required appropriate dose screens for order that were written after pharmacy hours. Accudose, the automated dispensing system utilized by Grandview, was then activated by this pharmacist's entry to allow nurses to retrieve the necessary medications until the pharmacy opened the next morning. Non-emergency orders were reviewed by a pharmacist before dispensing. Capella Healthcare, the owner of Grandview, cancelled the contract with COE and started the program requiring nurses to enter after-pharmacy-hours orders into the pharmacy program. Each participating nurse is set up to act as a pharmacist at night.

The Board advised a nurse can not administer a prescription to a patient without that order being verified by a pharmacist.

#### **Approval of Pharmacy Technician Registrations**

**WILLIAM R. HENSON, JR.**  
**725I West Commerce Street**  
**Lewisburg, TN 37091**

Interim executive director, Dr. Terry Grinder, noted Mr. William Henson indicated he had been charged with a felony on his pharmacy technician registration. Mr. Henson furnished a copy of

is Probation Orders which indicated on January 4, 2006, he was convicted of theft and placed on a three (3) year term of probation, which will end on January 4, 2009. Dr. Robert Mitchell motioned to have Mr. Henson **reapply after the probationary term has ended and attach a copy of the notice.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

**KENDYLL L. LAWS**  
**2811 N. Mill Place**  
**Bowling Green, KY 42104**

Dr. Terry Grinder, interim executive director, stated Ms. Kendyll Laws provided court documents from the Commonwealth of Kentucky relevant to a DUI conviction. In September, 2004, Ms. Laws' driver license was suspended for ninety (90) days and she had to attend driver education classes. In October, 2004, Ms. Laws was granted a hardship license and on December 21, 2004, received a notice of compliance from the courts. Dr. Grinder noted Ms. Laws is not on any type of probation and this is her first DUI. Mrs. Monica Franklin motioned to **grant** the pharmacy technician registration; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**JAMES REEVES**  
**601 Old Hickory Blvd. #3**  
**Brentwood, TN 37027**

Interim executive director, Dr. Terry Grinder stated Mr. James Reeves indicated "yes" to a DUI violation in Kentucky approximately twelve (12) years ago on his pharmacy technician registration. On January 22, 2007, the Board requested additional information and Mr. Reeves noted in a letter dated May 22, 2007, that after several weeks he has been unsuccessful in obtaining information from the State of Kentucky for the 1995 violation. Dr. Todd Bess motioned to see if Mr. Reeves has a criminal record and if it does not reveal any history, OK to approve; seconded by Dr. Robert Mitchell. During discussion, Dr. Todd Bess withdrew his motion and Dr. Robert Mitchell withdrew the second. Dr. Julie Frazier motioned to **grant** the registration; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**CHARITABLE CLINIC PHARMACY RULES  
ROLL CALL VOTE**

Chief legal counsel, Mrs. Alison Cleaves, noted a rulemaking hearing was conducted on March 29, 2007 to consider the proposed rules for the Charitable Clinic Pharmacies. Mrs. Cleaves requested a roll call vote be taken by the Board.

Robert Mitchell	Yes
Monica Franklin	Yes
Todd Bess	Yes
Bettie Wilson	Yes
Larry Hill	Yes
Julie Frazier	Yes

All were in favor and the motion carried.

Mrs. Cleaves noted the public necessity rules do not need to be reaffirmed since there is no participation in the program.

**RULEMAKING HEARING – PHARMACY TECHNICIAN RULES**

Mrs. Alison Cleaves advised a rulemaking hearing will be conducted by the Department of Health on August 28, 2007, at 227 French Landing, Nashville, Tennessee relevant to the pharmacy technician rules.

**PHARMACY BOARD MEETINGS**

The Board of Pharmacy has scheduled the following dates for the September and November, 2007 board meetings to be conducted at 227 French Landing, Iris Room, in Nashville, Tennessee.

September 11 - 12, 2007  
November 8 - 9, 2007

The Board will not conduct any meetings during the months of July and August, 2007.

**ADJOURNMENT**

Dr. Robert Mitchell motioned to adjourn the board meeting on Wednesday, June 20, 2007 at 3:45 p.m. CDT; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

## **RECONVENED**

The Board of Pharmacy reconvened on Thursday, June 21, 2007 at 9:00 a.m. CDT in Room 160 of the Davy Crockett Tower, Nashville, Tennessee. A quorum of the members being present, President Sheila Mitchell called the meeting to order.

## **DIRECTOR'S REPORT**

### **SHEILA MITCHELL, PHARM D FOUNDING DEAN OF UNION UNIVERSITY**

Dr. Terry Grinder, interim executive director, expressed congratulations to Dr. Sheila Mitchell, who will become the Dean of Union University School of Pharmacy effective August 1, 2007.

## **BOARD OF PHARMACY RELOCATION PLANS**

Interim Executive Director, Dr. Terry Grinder, stated there is no definite office space designated for the Board of Pharmacy at MetroCenter and the second floor of the Davy Crockett Tower is in the process of being renovated, which may require the Board office to relocate prior to the move at MetroCenter. On July 1, 2007, Dr. Grinder advised the mail will be delivered to Commerce and Insurance and all renewal and licensing fees will be hand carried to the cashier's office at the Department of Health and then courier service will deliver the documents to the Board's office for further processing.

Dr. Grinder announced the release of phase II of the Controlled Substance Monitoring Program, which will allow authorized users to access the database to track the prescribing and dispensing of controlled substances. On June 19, 2007 a notification was sent to the pharmacists concerning this program which will be phased in by county starting with Middle Tennessee, then West Tennessee and finally, East Tennessee.

**SCOTT RICHARDSON**  
**Attorney at Law**  
**Boult • Cummings • Conners • Berry**  
**1600 Division Street #700**  
**Nashville, TN 37203**

Dr. Terry Grinder, Interim Executive Director, advised Mr. Scott Richardson an attorney with Boult • Cummings • Conners • Berry has submitted a proposed distribution center on behalf of his client, Dispensary of Hope. The center will be a warehouse-like facility that will store “unused” prescription pharmaceuticals, i.e., drug samples donated by physicians or drug companies. No controlled substances will be maintained at or distributed through the Center. The Center will then distribute these donated pharmaceuticals to licensed pharmacies and dispensing practitioners who will dispense the drugs through their indigent and charitable pharmaceutical programs. The recipient pharmacies will order drugs from the Center and the Center will maintain inventories of these drugs and records of the financial eligibility of the patient that receive dispensary drugs. These records will be provided to the manufacturer or other donor agencies as proof that drugs distributed through the Center are being dispensed on a charitable basis. Chief legal counsel, Mrs. Alison Cleaves noted it does not fall within the jurisdiction of the Charitable Clinic Pharmacies. Dr. Julie Frazier noted the Dispensary of Hope is receiving donation of drugs and they have no mechanism to disburse the medications. Dr. Julie Frazier motioned the Center would have to be licensed as a manufacturer, wholesale distributor; and if the Center provides drugs directly to indigent patients, they would have to be licensed as a pharmacy. Dr. Bettie Wilson seconded the motion. All were in favor and the motion carried.

**EUGENE J. FRANZ**  
**MEDIVORX**  
**593 Adam Lane**  
**Carol Stream, IL 60188**

Dr. Terry Grinder, interim executive director, advised the Board Mr. Eugene Franz wants legislation introduced to assist the elderly, blind, visually impaired, chronically ill, illiterate,

minorities, non-English speaking or individuals who for any reason cannot read or understand their prescription label information with a device called "Rex" the Talking Prescription Bottle. Dr. Julie Frazier advised the Board is not going to endorse a product nor support legislation.

### **WALGREENS "STICKERLESS" PROGRAM**

Dr. Terry Grinder, interim executive director, advised he had received some concerns as the prescription labels do not scan legible and compromises patient care and safety. At the January 30 - 31, 2007 board meeting,

Dr. Phil Burgess appeared before the Board to request approval of Walgreen's "Stickerless" program which would no longer require the prescription label to be placed on the back side of the prescription. Dr. Burgess noted by eliminating this step in the workflow, it would allow more time for pharmacists and pharmacy technicians to do other tasks and provide a higher level of patient care. Dr. Burgess stated there would be no changes made to CII's prescriptions and would be handled in the normal procedure. A new report would be generated the following morning for the CIII - CV prescriptions that were product reviewed the previous day. The report would contain a copy of the image, any comments or clarifications previously placed on the back of the hard copy and then signed by the pharmacist on duty. In order to comply with DEA regulations for Controlled Substances in Schedules 3, 4, and 5, Walgreens proposes to have one (1) record, an electronic record and it is permanent. The prescription is not lost and the consumer can go into any pharmacy to receive prescription information. Chief legal counsel, Mrs. Alison Cleaves noted an interpretation of the current rules would not require a waiver. Dr. Julie Frazier quoted in Rule 1140-3-.03 (4), "As an alternative to recording refill information on the back of medical and prescription orders, an automated data processing system may be used for the storage and retrieval of refill information for medical and prescription orders.....", it meets the intent of the rule; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Dr. Todd Bess noted the pharmacy board approved this system and now Walgreens is awaiting approval from Tenn Care. Dr. Julie Frazier expressed to communicate to Walgreens that they appear to discuss the Board's concern with the safety of this program. Mrs. Monica Franklin motioned **to have Walgreens appear before the Board to address these concerns;** seconded by Dr. Robert Mitchell. Dr. Julie Frazier motioned **to amend the motion that the Board did not approve the "system" but that it meets the intent of the rule in regards to recordkeeping.** Dr. Robert Mitchell seconded the amendment to the motion. All were in favor and the motion carried.

**WILLIAM HAMILTON, DPH  
7055 Masonville-Habit Road  
Philpot, KY 42366**

Dr. Terry Grinder, interim executive director, advised Dr. William Hamilton submitted a request to appear before the Board to discuss procedures for the reinstatement of his Tennessee pharmacist license. At the May 26, 2004 board meeting, a formal hearing was conducted which resulted in the revocation of Dr. Hamilton's license based upon action taken by the Commonwealth of Kentucky Board of Pharmacy for submitting falsified insurance claims. Dr. Grinder noted the felony charges have not been expunged. Dr. Hamilton may not petition the Kentucky Board of Pharmacy for reinstatement of his license for not less than five (5) years and one (1) day from the date of the entry of the Agreed Order, which was dated March 5, 2005. Dr. Robert Mitchell **motioned Dr. Hamilton can not appear before the Tennessee Board until the actual probation is completed, (March 6, 2008).** Dr. Bettie Wilson seconded the motion. All were in favor and the motion carried.

#### **BOARD OF PHARMACY DIRECTOR APPOINTMENT**

Assistant Commissioner Christy Allen notified the Board that the Department of Health is confident that a director will be appointed soon. Assistant Commissioner Allen expressed her appreciation to Dr. Terry Grinder and the office staff and to Mrs. Alison Cleaves, chief legal counsel for their assistance.

**ADJOURNMENT**

President Sheila Mitchell entertained for a motion to adjourn. Dr. Robert Mitchell motioned to adjourn the Board of Pharmacy meeting on Thursday, June 21, 2007 at 9:55 a.m. CDT; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

Respectfully submitted,

---

Sheila Mitchell, Pharm D  
President

---

Terry W. Grinder, DPH  
Interim Executive Director