

**TENNESSEE BOARD OF PHARMACY
SEPTEMBER 9 - 10, 2008
227 FRENCH LANDING - POPLAR ROOM
NASHVILLE, TN**

BOARD MEMBERS PRESENT:

Todd Bess, President
Bettie Wilson, Vice President
Monica Franklin, Consumer Member
Larry Hill, Member
Brenda Warren, Member
Robert Mitchell, Member
Charles Stephens, Member

STAFF PRESENT:

Kevin K. Eidson, Executive Director
Alison Cleaves, Chief Legal Counsel
Martha Agee, Board Administrator
Terry Cannada, Pharmacist Investigator
Tommy Chrisp, Pharmacist Investigator
Terry Grinder, Pharmacist Investigator
Ralph Staton, Pharmacist Investigator

The Tennessee Board of Pharmacy convened on Tuesday, September 9, 2008, in the Poplar Room, 227 French Landing, Heritage Place - Metro Center, Nashville, Tennessee. A quorum of the members being present, the meeting was called to order at 9:00 a.m. CDT, by President, Dr. Todd Bess.

Executive Director, Dr. Kevin Eidson, introduced the new president for the Board of Pharmacy, Dr. D. Todd Bess and emphasized that he will do an outstanding job over the next year and one-half. Dr. Eidson also recognized Dr. Bettie Wilson, as Vice President, and appreciates her dedication to the Board.

Dr. Todd Bess, President acknowledge his appreciation to Dr. Kevin Eidson, Executive Director, and Dr. Terry Grinder, pharmacist investigator, who worked during the Labor Day weekend after the Governor declared a state of emergency for Hurricane Gustav under Executive Order #57.

President Bess introduced and welcomed the newest board member, Dr. Charles Stephens. Dr. Stephens stated he appreciates the opportunity to serve on the board for the next six (6) years.

APPROVAL OF THE MINUTES

The minutes of the **July 15 - 16, 2008** board meeting were presented. Mrs. Monica Franklin motioned to **approve** the minutes; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**CUTHBERT, DPH - REQUEST FOR REINSTATEMENT OF LICENSE
DAVENPORT, IA**

Dr. Charles Cuthbert appeared before the Board to request the reinstatement of his pharmacist license. Dr. Kim Roberts with the Tennessee Pharmacist Recovery Network was in attendance to advocate on his behalf and Dr. Cuthbert's former wife. Executive Director, Dr. Kevin Eidson, advised Dr. Cuthbert appeared at the March 12 - 13, 2008 meeting and was instructed to appear before the Board in six (6) months with TPRN advocacy, and attest to the fact that he is in compliance with the recommendations of TPRN and to demonstrate some type of family support is in place. Dr. Kevin Eidson, Executive Director, stated the Iowa Board reinstated his license in April, 2008 with a five (5) year term of probation. Dr. Cuthbert stated from March, 2005 to November, 2005, he began diverting and advised his employer. From November, 2005 to February 2006 he sought treatment at Cornerstone. In May, 2006, his Tennessee license was reinstated. In February, 2007, Dr. Cuthbert failed a urine screen and his license was suspended. From March, 2007 to September 2007, Dr. Cuthbert sought treatment at Bradford Health and then spent four months at a halfway house and in November, 2007, he moved to Iowa. Advocate, Dr. Kim Roberts, advised Dr. Cuthbert was just getting by with TPRN requirements initially but he is now working the steps. Dr. Cuthbert's Iowa sponsor spoke on his behalf and advised the Board that he is doing what he needs to do to reach his goals. After board discussion, Dr. Brenda Warren **motioned to reinstate Dr. Cuthbert's license with a ten (10) year term of probation**; seconded by Dr. Larry Hill. Dr. Robert Mitchell made a friendly amendment to the motion advising this is the last go round meaning there will not be a third chance to come before the Board; seconded by Mrs. Monica Franklin. Chief legal counsel, Mrs. Alison Cleaves did not recommend the amendment as this is the second suspension and is based on a case by case basis. A roll call vote was taken on the amendment.

ROLL CALL VOTE

Bettie Wilson	No
Monica Franklin	Yes
Larry Hill	No
Brenda Warren	No
Robert Mitchell	Yes
Charles Stephens	No

The amendment to the motion did not carry. On the original motion, there were two (2) nay votes. The motion carried.

The Respondent does hereby agree to the reinstatement of license number **22603** with the following probationary conditions. Said probation shall remain in effect for a **period of ten (10) years, from September 9, 2008 to September 9, 2018.**

- 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, Tony Ross, 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 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 a period of three (3) years, however, after a period of two (2) years, the Respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the

same time without the permission of the Board;

- i) If the license has been inactive, delinquent, suspended or revoked:
 - (ii) **One (1) year to not more than five (5) consecutive years, the pharmacist shall:**
 - I. Provide written notice requesting an active license;
 - II. Satisfy all past due continuing pharmaceutical education;
 - III. Successfully complete the Multi-State Pharmacy Jurisprudence Examination (MPJE);
 - IV. Pay all cumulative license renewal fees and any applicable penalties;
 - V. Complete a period of pharmacy internship in Tennessee.
 - A. From one (1) year to not more than three (3) consecutive years, one hundred sixty (160) hours within ninety (90) consecutive days;

CONSENT ORDERS

REVOCAION OF LICENSE/REGISTRATION

JAMES KING, DPH
911 Ashbrooke Way #624
Knoxville, TN 37923

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the revocation of Dr. James King's pharmacist license due to theft and diversion of controlled substances from the pharmacy without a prescription. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

WILLIAM MILTON, DPH
5409 Heather Lane
Brentwood, TN 37027

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the revocation of Dr. William Milton's pharmacist license due to dispensing controlled substances without a prescription. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

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SARAH B. BIVIANO, RT
803 Edmondson Circle
Nashville, TN 37211

SHAWN CASKEY, RT
1713 Old Highway 70
Crossville, TN 38572

JASON B. HITSON, RT
4608 Bob White Road
Knoxville, TN 37920

EMILY HOOKS, RT
2505 Grey Ridge Road
Maryville, TN 37801

BETH ANN RENEAU, RT
7307 Remagen Lane
Knoxville, TN 37920

KELLY L. VANCE, RT
330 Swadis Drive
Sevierville, TN 37876

Mrs. Alison Cleaves, chief legal counsel, presented Consent Orders for the revocation of the above referenced pharmacy technician registrations for theft and diversion of controlled substances from the pharmacy. Mrs. Monica Franklin motioned to **accept** the Consent Orders; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

REINSTATEMENT OF LICENSE

BARRY CRAIG, DPH
1311 Old Williamsport Pike
Columbia, TN 38401

ROBERT HAFNER, DPH
3725 South Ocean Drive
Ft. Lauderdale, FL 33019

DAVID VOORHEES, DPH
2326 Connorcreeks Circle
Knoxville, TN 37832

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Mrs. Alison Cleaves, chief legal counsel, presented three (3) Consent Orders for the Reinstatement of License for the above referenced pharmacists. Mrs. Monica Franklin motioned to **accept** the Consent Orders; seconded by Dr. Brenda Warren. All were in favor and the motion carried.

VIOLATIONS/UNPROFESSIONAL CONDUCT

JAY WYRICK, DPH
7751 Trophy Run Lane
Knoxville, TN 37920

Mrs. Alison Cleaves, chief legal counsel, stated the Consent Order for Dr. Jay Wyrick was presented and accepted by the Board at the May 5 - 6, 2008 meeting for violating Rule 1140-2-.02 (1) and (2) in regards to allowing an unregistered individual to work in the pharmacy and was assessed a civil penalty of \$900. The fee has now been received. Mrs. Monica Franklin motioned to **accept the civil penalty fees of \$900**; seconded by Dr. Larry Hill. All were in favor and the motion carried.

WALGREENS #7285
2240 N. Roan Street
Johnson City, TN 37601

WALGREENS #09678
603 W. Church Street
Lexington, TN 38351

WALMART #10-3660
3550 Cummings Highway
Chattanooga, TN 37419

Chief legal counsel, Mrs. Alison Cleaves, presented the three (3) above referenced Consent Orders for violating Rule 1140-3-.01 (1) (a) and (f) relevant to failure to perform or offer to perform patient counseling and each pharmacy were assessed a civil penalty of \$1,000. Mrs. Monica Franklin motioned to **accept** the Consent Orders; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

WAIVERS

JOANNA SWAIN, DPH
c/o PHYSICIAN'S RX OF CHATTANOOGA
6145 Shallowford Road #102
Chattanooga, TN 37421

Dr. Norman Noffsinger, pharmacist/business consultant, appeared before the Board to request a waiver of Rule 1140-1-.12 (3) (d) (e) relevant to the requirements to occupy a space of not less than 180 square feet and hot/cold running water for a pharmacy. Dr. Noffsinger stated Brackett Rheumatology desires to establish a Tennessee licensed pharmacy within their medical practice and will only be dispensing drugs relating to the specialty practice of rheumatology. Dr. Noffsinger stated the pharmacy will be a closed door entity and the hours of operation will be as needed, probably twenty (20) hours per week. Mrs. Monica Franklin motioned to **grant** the temporary waiver during the expansion of the medical practice; seconded by Dr. Robert Mitchell. Dr. Charles Stephens **made a friendly amendment to the motion to grant for a period of six (6) months**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

LEGAL REPORT/COMPLAINTS

1. **L08-PHR-RBS-200800180**

Complaint alleges that the Respondent (not licensed as a pharmacy, or manufacturer, wholesaler or distributor in TN) is soliciting Tennessee pharmacies to enter business agreements in which a TN pharmacy accepts 100 prescriptions per day or more via a computer internet connection and acts as a fulfillment partner to fill and dispense the medications. Respondent offers to pay the TN pharmacy a specific dollar amount for each prescription filled and also covers drugs costs, shipping and labels. Respondent then pays the TN pharmacy through a wire transfer from the payments that it collects from the patients. The Respondent does not dispense the drugs and does not distribute the drugs to the TN pharmacies or to the patients. The Respondent transmits the prescriptions to the TN pharmacy, which then fills the script and dispenses it to the patient.

Recommendation: Dismiss. While acknowledging that this does not constitute the practice of pharmacy, the business arrangement may require pharmacists to fill prescriptions in which there is not a legitimate doctor patient relationship which may violate Rule 1140-2-.01(7).

Dr. Brenda Warren motioned to **accept counsel's recommendation**; seconded by Dr. Bettie Wilson. Dr. Larry Hill recused from voting. The motion carried.

2. Case No.: L08-PHR-RBS-200800066

Complainant alleges that the individual who had her license revoked for co-dependency (filled forged Rxs for another) in 2007 is engaging in the unlicensed practice of pharmacy. Respondent owns a company that providing pharmacy consulting. She provides pharmaceutical consulting including selecting possible medication alternatives to save money and decrease side effects and working with the patient's insurance preferred drug list. Respondent gives advice on over-the-counter medication, provides diabetes care (monitoring, neuropathy, and foot care), provides asthma care (monitoring and allergy control) and works with the patients to prevent complications from chronic diseases. Respondent states that she is advising patients that have concerns regarding their medication options, cost factors, and disease state questions. She answers the questions and then makes suggestions of what they need to discuss with their physicians.

Prior complaints:
2007- license revoked

Recommendation: Cease and Desist Letter

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

3. Case No.: L07-PHR-RBS-200706430

Complaint involved two (2) dispensing errors. Complainant was dispensed two (2) prescriptions for Restoril when he was prescribed Restoril 15mg and Zoloft 100mg; incorrect dosage instructions were placed on the Complainant's Restoril prescription – prescription label read "take two (2) tablets daily", instead of take one (1) tablet daily as prescribed by the physician. On the first occasion, the Complainant's took a double dose of Restoril and not Zoloft. In the second instance, the Complainant did not consume the incorrect dosage; Complainant caught the error.

Respondent (PIC) that the errors occurred and that he committed both errors. Since the incidents, the Respondent is reviewing operating procedures for filling prescriptions and in the process of making changes that will prevent these types of errors from happening in the future.

Prior complaints:
Pharmacy: None
D.Ph.: Impaired – not still on probation

Recommendation: Letter of Warning

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

4. Case No.: L05-PHR-RBS-200503050

Respondent, PIC was working for a pharmacy that handled only respiratory drugs. Pharmacists only visited the pharmacy approximately every two (2) weeks to prepare and dispense prescriptions. Typically, there were 20 to 50 prescriptions that he filled very two (2) weeks for all respiratory drug orders that were all pre-packaged medications. There were no pharmacy technician working at the pharmacy and all of the pharmacy business was conducted by the office manager, such as payroll, accounting and pharmacy business, including the ordering of the drugs. The owner of the pharmacy was arrested for selling illegal prescription drugs because he was in possession of Xanax, Lortab, Lomotil, and Klonopin without a prescription. The owner obtained the drugs through the pharmacy. Investigation revealed that the Respondent was not aware that the owner or anyone else at the pharmacy was ordering controlled substances through the pharmacy. The Respondent did not order the drugs, did not sign for the orders, and is not sure where the invoices were kept. Respondent did know that the office manager and owner had keys to the pharmacy room because the room as also a fitting room for trusses, prosthetics and mastectomy products. Respondent did not see this as a potential violation because all drugs were locked in the cabinets inside the rooms. Also significant is that the pharmacy is currently closed.

Prior complaints: None

Recommendation: Letter of Warning (PIC) about the key violation/Civil Penalty

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

5. Case No.: L08-PHR-RBS-200708022, 200708021

Complainant, (Respondent's former advocate) (pharmacist #1) states that the pharmacist working for him is engaging in unlicensed practice. Pharmacist #2's license was reinstated in 2005 where she had to take the MPJE and complete an internship period. Pharmacist #2 began working before she took the MPJE and before she completed the internship period. Pharmacist #2 has still not completed the MPJE and is awaiting the Board's decision before she proceeds. While Pharmacist #2 was an impaired pharmacist, impairment is not at issue and the Respondent's performance practicing pharmacy is not at issue either. Respondent worked from 9/06 to March 13, 2007 while unlicensed.

A complaint was also filed against the Respondent's former advocate; however, the Respondent did not work in his store while unlicensed.

Prior complaints:

Dph 1: None

Dph 2: 2000 license revoked for chemical dependency; 2002 license reinstated with five (5) year term of probation; 2003, license revoked relapse; 2005 license reinstated with a ten (10) year term of probation.

Recommendation: Authorize formal hearing (\$700.00 civil penalty) to PIC and DPH #2. Personal appearance (DPH #2) before the Board relative to her reinstatement.

Mrs. Alison Cleaves stated pharmacist #1 is requesting reconsideration from the Board as pharmacist #2 was hired by corporate.

Dr. Larry Hill motioned to **issue a civil penalty to the pharmacy rather than the PIC**; seconded by Mrs. Monica Franklin. Dr. Bettie Wilson motioned to **amend the motion to include issuing a Letter of Instruction to the pharmacy and the PIC**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried. Dr. Robert Mitchell motioned **the PIC shares in the responsibility in regards to the civil penalty**; seconded by Dr. Larry Hill. All were in favor and the motion carried.

6. Case No.: L08-PHR-RBS-200800028

Complainant alleged that patients were not receiving mandated patient counseling for new prescriptions and that the technician to pharmacist ratio was being violated. Investigator reports that he had been to the pharmacy on two (2) separate occasions and that counseling is being performed in accordance with BOP rules and that the ratio was in compliance with rules as well.

Prior complaints:

DPh- None

Pharmacy- 2006, Patient Counseling, Letter of Instruction

Recommendation: Dismiss

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

7. Case No.: L07-PHR-RBS-200708023

Complainant alleges that the Respondent had violated her five (5) year term of probation with the Board by discontinuing her therapy. In 2003, the Respondent's license was reinstated with a five (5) year term of probation from May 15, 2003 to May 15, 2008 with the condition that the Respondent shall "continue her ongoing therapy for co-dependency and the Respondent shall submit quarterly reports from her therapist to the board." In support of the complaint was a letter from the Respondent's therapist stating that on July 30, 2007, her therapy was discontinued because she moved out of the county. Investigator determined that while the Respondent did discontinue therapy with one provider because she moved, she continued her therapy with another provider from fall, 2007 to present.

Prior complaints:

2003- Five (5) year term of probation – convictions of identity theft

Recommendation: Dismiss

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

8. Case No.: L08-PHR-RBS-200800021

Respondent, a pharmacist, altered or falsified prescriptions on at least eight (8) occasions. Respondent admitted the conduct and indicated that he forged the prescriptions for his own mental health drugs (ADHD and depression). Respondent states that he was experiencing a whole litany of personal problems that lead him not to go back to his physician and self-medicate. He claims that he was just trying to keep himself on his medical regimen.

Prior complaints:
DPh- Techs filing prescriptions without supervision
Pharmacy- None

Recommendation: Authorize formal hearing (two (2) year term of probation with the following conditions: don't fill prescriptions for himself or his family members; don't consume non-prescribed drugs; submit quarterly reports from PIC; yearly report from psychiatrist/psychologist/mental health provider; comply with any and all treatment recommendations emanating there from; stay on all medical regimens prescribed by all authorized prescribers seen by Respondent.

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

9. Case No.: L08-PHR-RBS-200800153

Complainant alleges that the Respondent, pharmacy failed to deliver her three (3) months supply of Copaxone. Complainant states that she was informed that she only had one prescription remaining despite her annual prescription.

Respondent replied that on July 23, 2007 the prescription was written for a ninety (90) day supply with three (3) refills which were dispensed on July, 2007; October, 2007; January, 2008; and March, 2008 – this exhausted all of the refills. On May 5, 2008, a new prescription was received for a thirty (30) day supply with six (6) refills; the prescription was not dispensed; it would have been refilled too soon because a ninety (90) day supply was just dispensed in March, 2008). On May 7, 2008, prescriber issued a new prescription for a thirty (30) day supply with five (5) refills, instead of a ninety (90) day supply. On May 13th, the Respondent received a phone call from the patient asking about a ninety (90) day supply and a year prescription and the Respondent explained to the patient that the Rx was only written for a thirty (30) day supply. After repeated phone calls from the patient about a ninety (90) day supply, Respondent contacted the prescriber who provided a new prescription for a ninety (90) day supply with no refills that was processed. In all of this, the patient always had medication on hand and did not miss any doses.

Prior complaints:
Pharmacy:
2006, out of date drugs, \$250.00 civil penalty;
2007, refused to fill, dismissed

Recommendation: Dismiss

Dr. Robert Mitchell motioned to **accept counsel's recommendation**; seconded by Dr. Larry Hill. Dr. Brenda Warren recused from voting. The motion carried.

10. Case No.: L08-PHR-RBS-200800156

Complainant alleges that her aunt's prescription was misfilled. Complainant does not state the name of the drug, but states that her aunt was in pain for days and that the prescriber verified that the medication was dispensed with the incorrect strength.

In response, the pharmacist who filled the prescription states that it was written for Fentanyl and that it was filled correctly. The only explanation is that the prescription was originally for Fentanyl 75mcg/hr patch, then increased to 100mcg/hr and then back to 75mcg/hr.

Prior complaints:

DPh: None

Pharmacy:

2003, medication error, letter of warning

Recommendation: Dismiss

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

11. Case No.: L08-PHR-RBS-200800159

Complaint alleges that the Respondent employed an unregistered pharmacy technician for approximately eleven (11) months when the technician took medications from the pharmacy without authorization from a prescriber.

Prior complaints:

DPh: 1998, charging brand name price for generic, closed

Pharmacy: None

Recommendation: Authorize formal hearing (\$900.00 civil penalty) (PIC)

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

12. Case No.: L08-PHR-RBS-200800176

Complaint generated from a routine compliance inspection in which several deficiencies were noted as follows: (1) DPh failed to counsel on prescriptions for at least two (2) new patients; pharmacist only asked if there were any questions. (2) DPh had in excess of 545 expired products on the shelves these included 363 oral tabs/cups; 44 bottles of liquid; 11 refrigerated products; 103 compounding products; and approximately 30-35 compounded products). (3) Three (3) Rx vials were found on shelves with patient labels that indicated an expiration date for later than what the stock bottles stated. For example, Rx for Diltiazem was filled on March 28, 2008 and the label stated an expiration of March, 2009; however, the stock bottle expired on October, 2007.

Pharmacist responded stating that the mislabeling was a mistake, but felt that no other expired drugs have been dispensed; however, upon a random sampling, investigator found that of the six (6) drugs randomly selected, four (4) of them were dispensed while expired. Investigator determined that the following expired drugs were dispensed: Hctz 18 times; Prednisone 6 times; Synthroid 2 times; Cefaclor 1 time.

Respondent admitted the violations occurred and pledges to remedy the errors. Since the investigation, the Respondent has completely cleaned up the pharmacy.

Prior complaints: None

Recommendation: Authorize formal hearing (two (2) year term of probation with submitting biennial reporting that Respondent has checked for expired drugs and a \$2,500 civil penalty)

Dr. Brenda Warren motioned to **accept counsel's recommendation with a \$5,000 civil penalty**; seconded by Dr. Robert Mitchell. All were in favor and the motion carried. Mrs. Monica Franklin motioned to **amend the motion for the out of date drugs**; seconded by Dr. Brenda Warren. All were in favor and the motion carried.

In reference to the patient counseling violation, chief legal counsel, Mrs. Alison Cleaves recommended to the Board to issue a \$500 civil penalty to the pharmacist, \$1,000 civil penalty to the pharmacy and a Letter of Instruction to the PIC.

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

13. Case No.: L07-PHR-RBS-200708013

Complaint emanated from pharmacy management alleging that the following deficiencies occurred at the pharmacy: recordkeeping and dispensing early refills of controlled substances. More specifically, there were 214 C-II prescription hard copies missing from the files reviewed; 37 prescriptions were filled under the wrong prescriber name and DEA number; 6 C-II Rx had no prescriber signature, but were filled anyway; 7 C-II Rxs were filled or labeled incorrectly; 2 C-II Rxs were found to have the date written changed but were filled anyway; 6 C-II Rxs had changes made to strength or quantity without documentation by the pharmacist and were filled anyway; 1 C-II prescription filled without a date; 10 C-II Rxs were filled early or before prescriber's instructed fill date; 69 C-II Rxs filled from a physician with an invalid or incomplete DEA number; 1 C-II Rx filled as an emergency order, but no follow-up hard copy was obtained; 3 C-II Rxs were filled which were postdated by the prescriber for the date written; 52 filled C-II were found to have a different address for the prescriber in the pharmacy system; 43 filled that had no address for the prescriber; 39 filled no DEA number for the prescriber on the face of the prescription; 18 filled that do not have a legible prescriber signatures or indications; 1 Rx was changed by a pharmacist to a compounded product containing other ingredients that originally ordered by the prescriber; 64 filled C-II Rxs that had notation of "owe" followed by a quantity.

Respondent, PIC, admits to the disorganization and states that he asked pharmacy management to send him help, but they never did.

Prior complaints: None

Recommendation: Authorize formal hearing (two (2) year term of probation with the following conditions: Submit a biennial report to the Board about recordkeeping for all controlled drugs) and a civil penalty to the PIC. Civil penalty to the pharmacy.

Mrs. Monica Franklin motioned to accept counsel's recommendation. Mrs. Franklin withdrew her motion.

RECOMMENDATION TO PIC: Authorize formal hearing/two (2) year term of probation; No pharmacist in charge for a period of one (1) year + civil penalty @\$10 per violation (roughly 573) + attend course on recordkeeping.

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

RECOMMENDATION TO PHARMACY: Two (2) year term of probation + quarterly reports to the Board and/or for the investigator to review + civil penalty @ \$10 per violation (roughly 573).

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

14. Case No.: L07-PHR-RBS-200708046

Complainant alleges that the PIC is dispensing drugs without a prescription and forging prescriptions in certain doctor's names. Investigation into this matter revealed that the pharmacist filled five (5) Rx's that were after-the-fact authorized by the prescriber. Two (2) were for OTC products; three (3) were for antibiotics.

Prior complaints:

DPh: None

Pharmacy:

2002- absence of pharmacist, civil penalty;

2005, medication storage, dismissed

Recommendation: Letter of Warning

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

15. Case No.: L08-PHR-RBS-200708024

Complaint self-reported in 2007 that she received a DUI and that she received treatment for the incident. I received the case on July 1, 2008 and sent it out for investigation on that day. Given that the conviction happened a year ago, I asked the investigator to determine if the Respondent was staying with treatment and staying with her recovery.

Respondent stated that she successfully completed recovery and is not seeing a psychiatrist, psychologist and attending 12-step meetings. Respondent provided a letter from her psychologist stating that she is attending on a regular basis.

Prior complaints: None

Recommendation: Place copy of conviction in the file.

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

16. Case No.: L08-PHR-RBS-200800078

Complainant alleges that she was placed on an automatic refill program when she did not consent to it. Also, she claims that her prescription for Metformin was misfilled; she was prescribed Metformin HCL ER 500mg tablets, but received Metformin HCL 500mg instead.

Complainant returned to the pharmacy with the incorrect medication and received the ER tablets in exchange. Complainant also claims that another prescription for the same drug was filled on the day and ready for her pick-up.

In response, PIC states that while the automatic refill program is designed to ensure timely refills and to eliminate partial fills, any customer can opt out of the program at any time. Respondent denies that the same prescription was filled twice in the same day because the duplicate claims would have been rejected. Respondent does not address whether the misfill occurred.

Prior complaints: None

Recommendation: Letter of Warning (to the dispensing pharmacist) about the misfill.

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

17. Case No.: L08-PHR-RBS-200800170

Complainant alleges that the Respondent, technician has been terminated for theft and diversion of controlled substances. This file was opened in legal on August 25th at which time I realized the registration expired on October 31, 2007.

Recommendation: Close and flag in case of reapplication

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

18. Case No.: L08-PHR-RBS-200800133

Complainant alleges that although her prescription for Levothyroxine 75mcg was called into the pharmacy, it was not filled by the pharmacy staff. Complainant also claims that the pharmacist told him that he would not fill any more prescriptions for the Complainant because of her friendship with a local sheriff.

Pharmacist states that the Complainant was not denied her medication; however, she was denied service from the pharmacy after she became abusive to the pharmacy employees. Pharmacist told the Complainant that he would transfer her prescriptions to any other pharmacy.

Prior complaints:

DPh: None

Pharmacy: 2005, unprofessional conduct, dismissed

Recommendation: Dismiss

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

19. Case No.: L08-PHR-RBS-200800160

Complaint generated from a routine periodic inspection conducted on August 6, 2008 in which the Board investigator found that there had not been a PIC at this pharmacy location since May, 2008. Pharmacy staff indicated to the investigator that the district manager has been made aware of his obligation to inform the Board of any change in PIC and to get another PIC at this pharmacy practice site.

District Manager replied to the complaint stating that the former PIC was on FMLA with an initial return date of July 20th that was extended to August 21st. In the meantime, the PIC on FMLA decided on August 7th, she would not be returning as PIC and wanted reduced hours. After the BOP inspection, DM obtained another PIC on August 12th and informed the Board office.

Prior complaints: None

Recommendation: Authorize formal hearing (\$250.00 civil penalty) to the pharmacy.

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

20. Case No.: L08-PHR-RBS-200800171

Respondent, pharmacist admitted to falsifying prescriptions for Atenolol 10mg and Amlodipine-Benazepril 36 times over the last three (3) years. Respondent would fill the scripts then cancel them and then take them home for himself. Respondent told loss prevention that he created the Rx's that were cancelled to get pricing for patients using various script discount cards. Loss prevention indicates that a review of the cancelled Rx's supports this claim. Respondent's employment was subsequently terminated.

Prior complaints:
1997- unprofessional conduct, closed;
2004- tech ratio violation, Letter of Instruction

Recommendation: Authorize formal hearing (\$500.00 civil penalty and five (5) year term of probation)

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

21. Case No.: L08-PHR-RBS-200800155

Respondent, pharmacist was disciplined by another Board for inaccurate dosage instructions (Rx stated "take two (2) puff's daily" (Nasacort AQ) and the prescription label stated "use two (2) inhalations by mouth daily". Board assessed the Respondent a five hundred dollar (\$500.00) fine and costs not to exceed one thousand seven hundred dollars (\$1,700.00).

Prior complaints: None

Recommendation: Letter of Warning on improper label

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

22. Case No.: L08-PHR-RBS-200800162

Complaint generated from a compliance inspection in which investigator found that there was an unregistered technician working at the pharmacy and had been working there since June, 2007.

Prior complaints:

D.Ph.: 1999-technicians allowed key access and Rx filled, closed

Recommendation: Authorize formal hearing (1,300.00 civil penalty)

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

23. Case No.: L08-PHR-RBS-200800150 and 200800151

Complainant alleges that the Respondent, pharmacy technician was taking controlled substances from the pharmacy through forged prescriptions for Diazepam and Hydrocodone. It is also alleged that the Respondent, PIC is ignoring the technician's theft and diversion.

Investigator spoke to the technician who denied any wrongdoing. PIC stated that he was conducting an internal investigation and would provide any documentation needed to assist the investigators. Investigator obtained prescriptions, patient print-outs, copies of interviews with the PIC had with pharmacy employees, copies of database reports, and Rx label reprints. One other pharmacy technician indicated that the Respondent, technician admitted to her that one the prescriptions were not legitimate. Another technician stated that the Respondent, technician made her write down a verbal prescription from a provider; this technician claims that the Rx was inputted with her name and without her permission; however, it was authorized by a provider. Two technicians noted that they smelled alcohol on the Respondent, technician's breath. Yet another technician stated that a prescription for Hydrocodone was filled without prescriber authorization.

Investigator spoke to all of the prescribers. One of the prescribers has an inactive medical license; it went inactive on May 31, 2007. The prescription that is allegedly forged is dated June 5, 2007. The other prescribers indicated that the Rxs were authorized.

Investigator also noted that the controlled substances on the Respondent, technician's patient profile for 2007 are absent from the database report.

Prior complaints: None

Recommendation: Letter of Warning to PIC about failing to report the dispensing of controlled substance prescriptions to the database. Refer to BME for the doctor's failures as well.

Dr. Brenda Warren motioned to **accept counsel's recommendation, amending to issue a Letter of Warning to pharmacy as well as the PIC + refer to the Board of Medical Examiners**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

24. Case No.: L08-PHR-RBS-200708093

Complaint generated from the National Practitioner's Databank report about a monetary settlement for an alleged misfill of a prescription for Atenolol with Coumadin. Respondent, pharmacist states that both he and the pharmacy were named in the suit. Respondent states that the settlement was for the entire suit meaning that it was against the pharmacy, while an Order of Voluntary Dismissal was filed by the Plaintiff against the Respondent. Respondent states that the settlement is confidential.

Prior complaints: None

Recommendation: Dismiss

Legal counsel did not present and no action was taken by the Board at this time.

25. Case No.: L08-PHR-RBS-200800134

Complainant alleges that the patient's prescription for Nabumetone was refilled two (2) weeks too early. Prescription directions were to refill twice, but do not refill in thirty (30) days.

Respondent admitted the error occurred because the directions were entered incorrectly.

*Prior complaints:
1998- Rx authorization*

Recommendation: Authorize formal hearing (\$500.00 civil penalty) for failure to perform DUR.

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

26. Case No.: L08-PHR-RBS-200800128

Complaint alleges that the Respondent company is engaging in unlicensed conduct as a m/w/d of medical gases in Tennessee. Respondent has been operating unlicensed since April 30, 2004. Respondent was late in renewing its license in 2004 and then failed to pay the late renewal fee. So, the license expired. The individual in charge of renewing the Respondent's license passed away in 2005 and it went unnoticed until now. Respondent is currently licensed.

Prior complaints: None

Recommendation: Authorize formal hearing (\$5,200.00 civil penalty)

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

27. Case No.: L08-PHR-RBS-200800086

Complainant alleges that the Respondent, pharmacist misfilled a patient's prescription for Methadone 10mg with Methadone 5mg.

Respondent admits that the Rx was misfilled. Respondent did counsel the patient on the new Rx by telling the patient that it could cause drowsiness and that it was for pain, but did not recall mentioning the change in strength to the patient. Respondent states that perhaps the misfill could have been avoided if he had mentioned the strength because the patient had taken the 10mg Methadone in the past.

Prior complaints:

D.Ph.: 2002- unprofessional conduct, dismissed

Recommendation: Letter of Warning

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

28. No.: L08-PHR-RBS-200800046

Complainant (anonymous) alleges that the Respondent, pharmacist, is consuming Hydrocodone and Testosterone without a prescription as well as alcohol. Investigator could not substantiate the allegations. Investigator interviewed the Respondent who appeared alert and oriented; Respondent claimed that the allegations are related to his marital problems. A printout of the Respondent's medications indicated only one controlled drug, Testred on August 4, 2006 and refilled on November 2, 2006. In interviews with other members of the pharmacy staff, they did not observe any behavior or witness the Respondent make any statements indicating that the Respondent was impaired or taking drugs without a prescription.

Prior complaints: None

Recommendation: Dismiss

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

29. No.: L08-PHR-RBS-2007080881

Complaint generated from a National Practitioner's Databank report indicating that there was misfill.

Respondent, a pharmacist, indicated that the misfill occurred; Alprazolam was dispensed to a patient instead of Lorazepam. Respondent indicates that the error was discovered in approximately nine (9) days after dispensing. The factors that contributed to the error are sound alike drugs, same indication and both drugs are Benzodiazepines for anxiety. Respondent indicates that the patient was neither offered nor provided with patient counseling.

Prior complaints: None

Recommendation: Letter of Warning for the misfill. Authorize formal hearing (LOI to PIC; \$500.00 CP to DPh; and \$1,000.00 CP to pharmacy for lack of patient counseling)

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

30. No.: L08-PHR-RBS-200800129

Complaint generated from a compliance inspection in which investigator found the following violations: unregistered technician; pharmacist failed to have his wall certificate displayed; failed to date and sign CS invoices and keep the original at the pharmacy. Respondent stated that a duplicate is kept at the pharmacy, but that the originals are sent to store management.

Prior complaints:

D.Ph. and Pharmacy: 2008, unprofessional conduct, dismissed

Recommendation: Authorize formal hearing (civil penalty for unregistered technician based on the date of hire). A Letter of Warning about the wall certificate and keeping the original invoices at the pharmacy.

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

31. Case No.: L07-PHR-RBS-200708054

Complainant alleges that the Respondent, pharmacist was filling prescriptions written by a doctor that were not valid prescriptions. It is further alleged that the Respondent fills the scripts and then sends them to TennCare for reimbursement and then also receives cash for filling the Rx's.

Investigation revealed that the Respondent filled prescriptions from the doctor from August 1, 2007 to November 3, 2007 – a total of 1,039 Rx's all controlled substances (58% of Oxycodone products). Respondent filled the prescriptions under a strict protocol involving checking the CSDB, pain management contracts, intervention sheets, recommendations to the prescriber and extensive patient counseling. Respondent also required the doctor to provide a diagnosis for each patient. Respondent refused to fill Rx's for many patients – 15 due to a CSDB report and dismissed 6 other patients. In response to the allegation that many of the patients were paying cash, Respondent stated that he extensively questioned those patients who were paying cash and also checked the database on those patients. He noted that the patients were not using multiple pharmacies and the most of the patients were new patients to the doctor and did not have insurance or TennCare. Respondent indicated that he felt comfortable with the explanations given by the patients about the cash payments, such as they borrowed money, got help from relatives, or were in between jobs. In addition to the protocol that the Respondent put in place, the Respondent indicates that he has had many conversations with the doctor about identifying drug seekers and felt comfortable with the doctor's response, that being that the doctor used criminal background checks, drug screens and pill counts on his patients.

Prior complaints:

D.Ph.: Impaired pharmacist

Pharmacy: None

Recommendation: Dismiss

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

32. Case No.: L08-PHR-RBS-200800093

This case was presented at the July meeting and the Board requested some additional information. Here is the background:

Respondent, pharmacy, was sending Schedule II Controlled Substances to hospice patients prior to or without receiving a physician's signature in accordance with federal regulations. Respondent entered into a Settlement Agreement with the US Attorney's Office and agreed to pay a civil penalty in the amount of \$540,000. According to the DEA report, there were approximately 7,000 Schedule II Controlled Substances that had already been sent to hospice patients, but were still awaiting a physician's signature.

Since the July Board meeting, the investigators contacted the Respondent stated that the 7,000 number was extrapolated by DEA based on the Respondent's volume, so it is not an actual count. Respondent stated that they are a high volume pharmacy and the prescriptions are for Schedule II pain medications that are urgently needed, so the Respondent overnights them to the patient. Prior to the DEA visit, some CS II Rx's were considered emergencies and filled and shipped while waiting for the original signed prescription to be sent to the Respondent. The DEA's visit was during the first week of January so many of the Rx's did not arrive within seven (7) days because of the holidays. So, the DEA's findings (according to the Respondent) may appear worse than what they really are. Regardless, Respondent stated that its P & P have been rewritten; that no emergency CII Rx's are accepted; no CII Rx's are filled on verbal order; that only a few CII Rx's were never signed; and the DEA has been notified of those physician's names.

Prior complaints: None

Recommendation: Discuss

Mrs. Monica Franklin motioned to **place license on a five (5) year term of probation with periodic routine inspections and to send policy and procedures**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

33. Case No.: L08-PHR-RBS-200800139

Complainant alleges that the Respondent was operating as a pharmacy without a license. Investigators visited the site and determined that while it was operating as a dispensary within a physician's office, it is now closed and out of business. It appeared that while it was in business, it was operating in accordance with BOP and BME laws and rules.

Prior complaints: None

Recommendation: Dismiss

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

34. Case No.: L08-PHR-RBS-200708038

Complainant alleges that the Respondent pharmacist is responsible for losses of controlled substances at the pharmacy. Respondent tested positive for those drugs in which there was a

loss at the pharmacy – Clonazepam, Oxazepam, Mordiazepam, Alprazolam, Temazepam and Tramadol. Respondent provided prescriptions for Klonopin, Alprazolam and Ultram ER.

Prior complaints: None

Recommendation: Dismiss

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

35. Case No.: L08-PHR-RBS-200800103

Complainant alleges that the Respondent pharmacist filled forged prescriptions for his wife.

Investigation revealed that the Respondent admitted to forging prescriptions for his wife for Tussionex, Lortab and Darvocet. It appears that Respondent filled nine (9) prescriptions.

Prior complaints: None

Recommendation: Authorize formal hearing (\$500 civil penalty and two (2) year term of probation – shall not fill any prescriptions for himself or his family members).

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

36. Case No.: L08-PHR-RBS-200800074

Complainant alleges that the Respondent is operating as a pharmacy in Tennessee without a license.

Investigator found that the Respondent is licensed as a pharmacy in Tennessee. Board staff could not find the Respondent because the pharmacy name was hyphenated.

Prior complaints: None

Recommendation: Dismiss

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

37. Case No.: L08-PHR-RBS-200708085

Complainant alleges that the following violations occurred at the Respondent pharmacy: unlicensed individuals interpreting prescriptions; unlicensed individual informing patients that certain drugs were the brand names for generics; improperly transferring prescriptions; and enrolling patient information in the Medicare program without their consent. I presented this complaint to the Board at a previous meeting, but the Board requested some additional information, particularly about how the Respondent remedied the situation.

Investigators found out the following: Respondent has new P & P on what call center associates may and may not say to members regarding prescription medications; new P & P

defining patient counseling specifically for pharmacists; concurrent quality improvement programs (regulatory governance committee meetings at the call center and pharmacy; improved documented policies and procedures; and overall corporate governance operations.

Prior complaints: None

Recommendation: Letter of Warning

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

38. Case No.: L08-PHR-RBS-200800034

Complainant alleges that the Respondent filled unauthorized prescriptions. Respondent attempted to manage her chronic pain condition on her own. From 2002 to present, the Respondent had been taking propoxyphene napsylate with acetaminophen. In the Fall of 2007, Respondent was prescribed Lyrica for additional pain control. Respondent then changed from Lyrica to Neurontin to save money. Also during that time, the Respondent increased her daily amount of propoxyphene napsylate with acetaminophen from an average of six (6) daily to ten (10) daily while the switch to the generic Neurontin was attempted and her pain was increased.

Respondent has submitted to an evaluation. Evaluator found no evidence of addictive behavior. Respondent is now seeing a pain management specialist.

Prior complaints: None

Recommendation: Authorize formal hearing (2 year term of probation; do not fill prescriptions for yourself or others; continue to see a medical doctor who specializes in pain management to treat and monitor Respondent's condition and follow any and all treatment regimens).

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

**CHRISTY THOMPSON, DPH - REQUEST FOR REINSTATEMENT OF LICENSE
MARTIN, TN**

Dr. Christy Thompson appeared before the Board along with her fiancé, to request the reinstatement of her pharmacist license. Dr. Jennifer Spivey with the Tennessee Pharmacist Recovery Network (TPRN) advocated on her behalf. Dr. Thompson stated she suffered a head injury as a child and began diverting in May, 1996 due to severe headaches. In May, 1999, Dr. Thompson went to Charter for a four-day evaluation but did not fulfill their recommendation for 90/90 and to follow TPRN guidelines. Dr. Thompson stated her abuse pattern continued from May, 1999 until she entered treatment in November, 2007. Dr.

Thompson stated she has completed her 90/90 meetings, attends Caduceus and A/A meetings and contacts her sponsor everyday. Dr. Thompson's parents are helpful and supportive of her recovery as well as her fiancé. Dr. Thompson indicated she has a voluntary contract with TPRN. Executive director, Dr. Kevin Eidson, stated he received a telephone call from Dr. Vance Argo with TPRN, who stated Dr. Thompson's work ethics are very good. Dr. Jennifer Spivey stated Dr. Thompson is compliant with TPRN recommendations and she demonstrates a humble attitude. Dr. Spivey mentioned the TPRN contract stipulates she cannot be treated by members of her family. President, Dr. Todd Bess discussed the conditions outlined in Section "h" of the Board's reinstatement contract relevant to "floating" and recommends that she only work at one (1) pharmacy practice site. After discussion, Dr. Brenda Warren motioned to reinstate Dr. Thompson's license with a five (5) year term of probation with the following terms and conditions; seconded by Dr. Robert Mitchell.

Respondent does hereby agree to the reinstatement of license number **9126** with the following probationary conditions. Said probation shall remain in effect for a **period of five (5) years, from September 9, 2008 to September 9, 2013.**

- 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, John Hale, 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 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 a period of three (3) years, however, after a period of two (2) years, the Respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a “floater” for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board;
- i) If the license has been inactive, delinquent, suspended or revoked:
 - (ii) One (1) year to not more than five (5) consecutive years, the pharmacist shall:
 - I. Provide written notice requesting an active license;
 - II. Satisfy all past due continuing pharmaceutical education;
 - III. Successfully complete the Multi-State Pharmacy Jurisprudence Examination (MPJE);
 - IV. Pay all cumulative license renewal fees and any applicable penalties;
 - V. Complete a period of pharmacy internship in Tennessee.
 - A. For more than three (3) consecutive years but not more than five (5) consecutive years, three hundred twenty (320) hours within one hundred eighty (180) consecutive days.

All were in favor and the motion carried.

**KAREN LONG, DPH - REQUEST FOR REINSTATEMENT OF LICENSE
GREENEVILLE, TN**

Dr. Karen Long appeared before the Board along with TPRN advocate, Dr. John Bonnell, her mother, Mrs. Long and an aunt and uncle to request the reinstatement of her pharmacist license. Executive Director, Dr. Kevin Eidson, noted Dr. Long had some personal issues in 1998 and stated she is presently working as an intern at Cave's Drugs in Kingsport, Tennessee. Dr. Long is a graduate of Mercer University College of Pharmacy. Dr. Long stated in 1998, she began self-medicating in order to treat depression and entered Ridgeview in December, 2000. Dr. Long completed treatment and was discharged in March, 2001. In November, 2001, Dr. Long stated her license was reinstated with a five (5) year term of probation by the Georgia Board. In July, 2002, Dr. Long noted she relapsed and entered Talbott Recovery in August, 2002. Dr. Long completed treatment and was discharged in February, 2003. In January, 2006 she moved to Greeneville, Tennessee and obtained advocacy with the TPRN in July, 2006. TPRN advocate, Dr. John Bonnell, stated Dr. Long has six (6) years of sobriety, attends Caduceus, A/A, and N/A meetings, complies with drug screens and is compliant with TPRN recommendations. Dr. Bonnell said Dr. Long has set an example for new recovery individuals. Dr. Long was issued a pharmacy technician registration in October, 2006 and has been employed at Cave's Drugs since February, 2007. Dr. Long has a very supportive family network system. After board discussion, Dr. Bettie Wilson motioned to reinstate Dr. Long's pharmacist license #9874 with a term of probation for five (5) years and the following terms and conditions:

The Respondent does hereby agree to the reinstatement of license number **9874** with the following probationary conditions. Said probation shall remain in effect for a **period of five (5) years, from September 9, 2008 to September 9, 2013.**

The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b).

- a) Respondent shall be able to consume legend drugs or controlled

substances prescribed by the Respondent's primary physician, Allen Soloman, 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;

- b) 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;
- c) 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;
- d) 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);
- e) 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;

- f) The Respondent shall 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;
- g) The Respondent shall not serve as pharmacist-in-charge for a period of three (3) years, however, after a period of two (2) years, the Respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board;
- h) If the license has been inactive, delinquent, suspended or revoked:
 - (iii) More than five (5) consecutive years, the pharmacist shall:**
 - I. Provide written notice requesting an active license;
 - II. Satisfy all past due continuing pharmaceutical education;
 - III. Successfully complete the NAPLEX and the Multi-State Pharmacy Jurisprudence Examination (MPJE);
 - IV. Pay all cumulative license renewal fees and any applicable penalties;
 - V. Complete a period of pharmacy internship of three hundred (320) hours within one hundred eighty (180) consecutive days.

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

PROPOSED RULES - PUBLIC CHAPTER 1028 - TELEPHARMACY

Chief legal counsel, Mrs. Alison Cleaves, advised the Board Chapter 1028 of the Public Acts of 2008 created a telepharmacy pilot program in a federally qualified health center ("FQHC") for the dispensing of medications from a satellite pharmacy where there is no pharmacist physically present, but would be present by video/audio link to communicate with the patient or patient's caregiver. The Act required that on or after July 1, 2008, the Department of Health and the Board shall identify one (1) federally qualified health center located in the eastern grand division of the state that will voluntarily participate in the program. Mrs. Cleaves, chief legal counsel, has recommended Cherokee Health Systems as a "FQHC". The Board tabled the matter until the draft rules were reviewed.

Dr. Bettie Wilson motioned based on our constraints, there is only one (1) entity that meets the requirement of the law and have based on our current knowledge, it is Cherokee Health Systems, seconded by Dr. Larry Hill. All were in favor and the motion carried.

KIMBERLY DAWN GARLAND, RT
113 Betsy Kay Drive
Elizabethton, TN 37643

Mrs. Alison Cleaves, chief legal counsel, stated at the July 12 - 13, 2005 board meeting, the board voted to close the complaint and to flag the file in case of reapplication. Ms. Garland was charged with obtaining controlled substances by fraud and the charge has now been expunged. Mrs. Cleaves received a letter from Ms. Garland's attorney, Mr. Bill Hampton, along with an Order for the Expungement of Criminal Offender Record from the General Sessions Court of Carter County, Tennessee at Elizabethton. Mr. Hampton, attorney, noted Ms. Garland has completed her probationary period and has paid all charges relating to this matter. Dr. Robert Mitchell motioned for **Ms. Garland to appear before the Board**, seconded by Dr. Larry Hill. Mrs. Monica Franklin made a **friendly amendment to the motion to have her employer appear with her**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

APPROVAL OF NAPLEX CANDIDATE

BRANDON P. HOBBS
914 Collier Road NW #2214
Atlanta, GA 30318

Executive Director, Dr. Kevin Eidson, presented Mr. Brandon Hobbs' NAPLEX application in which he had marked "yes" to being convicted of a felony or misdemeanor offense other than a routine traffic violation. On September 1, 2003, Mr. Hobbs was cited with a failure to yield and a DWI. Mr. Hobbs has paid all fines, court costs and completed probation. Mrs. Monica Franklin motioned to **grant approval for licensure**; seconded by Dr. Brenda Warren. All were in favor and the motion carried.

STEVEN D. PERRY
13463 Dreamcatcher Way
Hixson, TN 37343

Chief Legal Counsel, Mrs. Alison Cleaves, presented a NAPLEX application on behalf of Mr. Steven Perry in which he checked "yes" to being convicted of a felony or misdemeanor offense for a DUI conviction in 1991. Mr. Perry has met all the requirements imposed by the courts and paid fines and court costs. Mrs. Monica Franklin motioned to **grant approval for licensure**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

DAVID VALENTINE
2920 Boright Drive
Knoxville, TN 37917

Dr. Kevin Eidson, Executive Director, presented a NAPLEX application for Mr. David Valentine who had marked "yes" to being convicted of a felony or misdemeanor offense for a DWI in 1999, as well as underage consumption. Mr. Valentine has fulfilled the requirements placed upon him and paid fines, court costs, completed probationary term and attended an alcohol program. Mrs. Monica Franklin motioned to **grant approval for licensure**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

APPROVAL OF RECIPROCITY CANDIDATE

ALFRED E. HEGWOOD, DPH
1907 9th Street
Atlanta, GA 30341

Chief legal counsel, Mrs. Alison Cleaves, presented Dr. Alfred Hegwood's reciprocity application in which he answered "yes" to the following three questions. #1 "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action?"; #2 "Have you ever been charged or convicted of a felony or misdemeanor whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?"; and #3 "Are you presently or have you within the past five years ever participated in a chemical substance rehabilitation program?" Dr. Hegwood stated on July 23, 1999, he pled guilty under Georgia's first offender status for a misdemeanor charge of "Theft By Receiving" (textbooks) and was required to complete community service, pay fines and serve a probationary period. In December, 1999, Dr. Hegwood entered into Ridgeview for an evaluation for chemical impairment and began a one (1) year in-patient treatment with St. Jude's in January, 2000 and also entered into a Private Interim Consent Order with the Georgia Board of Pharmacy for the suspension of his pharmacy intern license. On July 25, 2001, the Georgia Board approved the reinstatement of his intern license after successfully completing treatment and signing a five (5) year contract with Ridgeview. Dr. Hegwood graduated from Mercer University School of Pharmacy on May 7, 2005 and in February, 2006, the Georgia Board voted to lift probation for his Georgia license. Dr. Bettie Wilson motioned to **grant** reciprocity; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

QUENTON B. MCENTEE, DPH
47191 Clubhouse Road
Sioux Falls, SD 57108

Dr. Kevin Eidson, Executive Director, presented a reciprocity application on behalf of Dr. Quenton McEntee in which he answered "yes" to having been charged or convicted of a felony

or a misdemeanor offense for a DUI in January, 2001. Dr. McEntee paid a fine of \$350, court costs and his driver's license was revoked for thirty (30) days. Dr. McEntee has met all the criteria imposed by the courts. Mrs. Monica Franklin motioned to **grant** approval; seconded by Dr. Brenda Warren. All were in favor and the motion carried.

CHRISTOPHER SURBER, DPH
315 Wytheview Drive
Wytheville, VA 24382

Chief legal counsel, Mrs. Alison Cleaves, presented Dr. Christopher Surber's NABP reciprocity application in which he responded "yes" to having been charged or convicted of a felony or misdemeanor offense in 2004. Dr. Surber was charged with unlawful entry and trespassing on posted property. Dr. Surber paid fines, court costs and was placed on unsupervised probation for a period of two (2) years. Mrs. Monica Franklin motioned to **grant** approval; seconded by Dr. Larry Hill. All were in favor and the motion carried.

APPROVAL OF SCORE TRANSFER CANDIDATE

RICHARD R. KENNEDY
4740 Hwy 51 N. #9-104
Southaven, MS 38671

Dr. Kevin Eidson, Executive Director, stated Mr. Richard Kennedy marked "yes" on his score transfer application to being convicted of a felony or misdemeanor offense of a DUI in October, 2002 in Itawamba County, Mississippi. Mr. Kennedy pled guilty, paid fines and court costs and has satisfied his obligation to the courts. Mrs. Monica Franklin motioned to **grant** approval; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

PAUL LAUCKA
1102 Beaujolais Square
Johnson City TN 37604

Executive Director, Dr. Kevin Eidson, stated Mr. Paul Laucka initially applied as a NAPLEX candidate on November 8, 2006. On April 14, 2007, Mr. Laucka successfully completed the NAPLEX. On June 23, 2007, he failed the MPJE and then successfully passed the exam on June 14, 2008. On March 20, 2008 Mr. Laucka had submitted a \$50 fee to extent the

application until a favorable test score was attained. Dr. Larry Hill motioned to **accept** the application; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

APPROVAL OF PHARMACY TECHNICIAN REGISTRATIONS

MITCHELL ANDERSON
356 Old Lexington Hwy.
Parsons, TN 38363

Mrs. Alison Cleaves, chief legal counsel, presented Mr. Mitchell Anderson's pharmacy technician registration application in which he answered "yes" to being convicted of a misdemeanor offense for assault on June 28, 2005 and was placed on probation for two (2) years. Dr. Brenda Warren inquired if there were any other instances. Dr. Brenda Warren motioned to request a background check be conducted; seconded by Dr. Bettie Wilson. After discussion, Dr. Warren withdrew her motion and Dr. Wilson withdrew the second. Dr. Larry Hill motioned to **grant** the pharmacy technician registration; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

JOSHUA R. DAVIS
720 Big Hollow Road
Blountville, TN 37617

Executive Director, Dr. Kevin Eidson, presented a pharmacy technician registration application on behalf of Mr. Joshua Davis in which he marked "yes" to, "Are there any charges pending against you?" Mr. Davis was charged with speeding (37 mph in a 25 speed zone); paid a fine of \$61 and completed a driver improvement program. Dr. Bettie Wilson motioned to **approve** the application; seconded by Dr. Brenda Warren. All were in favor and the motion carried.

AMY DUNAWAY
3333 Towne Ridge Drive
Antioch, TN 37013

Mrs. Alison Cleaves, chief legal counsel, stated Ms. Amy Dunaway noted on her pharmacy technician application, "I have an old DUI charge several years back. It is not pending and was taken care of in 2004." Mrs. Cleaves noted this was Ms. Dunaway's 2nd DUI and she paid fines + court costs, placed on probation, loss of driver's license for one (1) year and attended alcohol

school. Mrs. Cleaves stated all requirements have been met that were imposed by the courts. Mrs. Monica Franklin motioned to **grant**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

ANN ELLIS
P. O. Box 1683
Elizabethton, TN 37644

Dr. Kevin Eidson, Executive Director, presented Ms. Ann Ellis' pharmacy technician registration application in which she marked "yes" to being convicted of a misdemeanor for a DUI nine (9) years ago. The fines and fees have been paid and Ms. Ellis furnished a letter of commendation from Dr. Steve Lane with Wilson's Pharmacy. Mrs. Monica Franklin motioned to **grant**; seconded by Dr. Robert Mitchell. Dr. Bettie Wilson recused herself. The motion carried.

DOUGLAS FLANAGAN
1110 Binford Court
Murfreesboro, TN 37130

Chief legal counsel, Mrs. Alison Cleaves, presented a pharmacy technician application for Mr. Douglas Flanagan in which he responded "yes" to being convicted of a misdemeanor in 2000 for a DUI and underage consumption in Madison County, Tennessee. Mr. Flanagan's driver's license was revoked for one (1) year. Mrs. Monica Franklin motioned to **grant** approval; seconded by Dr. Bettie Wilson. Dr. Robert Mitchell abstained from voting. The motion carried.

JESSICA GRANDERSON
2124 Burns Street #A
Nashville, TN 37216

Executive Director, Dr. Kevin Eidson, presented Ms. Jessica Granderson's pharmacy technician application to the Board in which she acknowledged being convicted of a misdemeanor for disorderly conduct involving a police officer. Ms. Granderson provided a Criminal Conviction document which does not show the incident on her record. Mrs. Monica Franklin motioned to **grant** the registration; seconded by Dr. Brenda Warren. All were in favor and the motion carried.

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KEVIN KNISBECK
2190 Memorial Drive #A28
Clarksville, TN 37043

Mrs. Alison Cleaves, chief legal counsel, presented Mr. Kevin Knisbeck's pharmacy technician registration application in which he responded "yes" to a DUI conviction on May 15, 2008. Mr. Knisbeck paid the appropriate fines/court costs and was placed on probation and his driver's license suspended for one (1) year. Dr. Larry Hill motioned to **deny** the application; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

ELIZABETH MAYES
7403 Tate Road
White House, TN 37188

Dr. Kevin Eidson, Executive Director, noted Ms. Elizabeth Mayes marked "yes" to being convicted of a misdemeanor on her pharmacy technician application. In 2003, Ms. Mayes was convicted of possession of alcohol under age 21. Ms. Mayes pled guilty, was fined \$50, loss of her driver's license and received 11/29. In February, 2005, Ms. Mayes was charged with disorderly conduct; paid a \$50 fine and sentenced to serve 30 days in jail. Dr. Robert Mitchell motioned to **deny until further information is received and will need to appear before the Board to discuss**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

RONALD CUNNINGHAM
4952 Cloverhill Drive
Murfreesboro, TN 37128

Chief legal counsel, Mrs. Alison Cleaves, presented a pharmacy technician application on behalf of Mr. Ronald Cunningham who checked "yes" to questions regarding being convicted of a misdemeanor, charges pending and a DUI. On November 18, 2007, Mr. Cunningham received 2nd DUI offense, with no disposition. On December 16, 2000, he pled guilty to possession of marijuana; paid \$250 fine + costs; 11/29 supervised probation. On May 25, 2003 received first DUI, pled guilty and paid \$350 fine + court costs; 11/29 probation with time served of 28 days. On May 25, 2003, charged with possession of marijuana, fined \$250 + court costs; and 11/29 probation. On January 23, 2003, possession of marijuana, fined \$250 + court costs

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with violation of probation - agreed revocation entered and to serve 28 days in jail and placed back on probation for 11/29. On August 5, 2004, charged with domestic assault. Dr. Bettie Wilson motioned to **deny** registration; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

LYNNESHA DRENNON
1620 Battleground Drive #B-19
Murfreesboro, TN 37129

Dr. Kevin Eidson, Executive Director, presented Ms. Lynnesha Drennon's pharmacy technician registration application to the Board, whereas she acknowledged being convicted of a misdemeanor and had charges pending. Dr. Eidson noted court documents indicate on September 29, 2007, Ms. Drennon was caught on CCTV stealing merchandise without paying for it and was sentenced to "criminal thinking" or ten (10) days. Mrs. Monica Franklin motioned to **deny** the registration; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

BRIAN TINDELL
330 Knollcrest Drive
Sparta, TN 38583

Mrs. Alison Cleaves, chief legal counsel, noted Mr. Brian Tindell marked "yes" to being convicted of a misdemeanor offense on his pharmacy technician registration. On July 20, 1998, Mr. Tindell pled guilty to a charge of "worthless check". Mr. Tindell paid a \$15 fine + court costs + restitution. Mrs. Monica Franklin motioned to **grant** the registration; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

ADJOURNED

Dr. Bettie Wilson motioned to adjourn the Board of Pharmacy meeting on Tuesday, September 9, 2008 at 4:50 p.m. CDT; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

RECONVENED

The Board of Pharmacy reconvened on Wednesday, September 10, 2008 at 9:00 a.m. CDT in the Poplar Room, 227 French Landing, Nashville, Tennessee. A quorum of the members being present, President, Dr. Todd Bess called the meeting to order. Dr. Brenda Warren was not present.

JOHN PHILLIPS, DPH
Professional Care Services of West Tennessee
1997 Hwy. 51 S.
Covington, TN 38019

Dr. John Phillips appeared before the Board along with Dr. Jim Causey, Executive Director of Professional Care Services of West Tennessee, to request a modification of the Consent Order he entered into with the Board on November 8 - 9, 2007 in regards to the PIC restriction. Dr. Janet Hicks, advocate with the TPRN appeared on behalf of Dr. Barry Williams who was unable to attend personally. Dr. Hicks advised Dr. Phillips is compliant with TPRN recommendations and he has the support of his family. Dr. Phillips is currently working a few days per week at the closed-door pharmacy which handles a limited inventory of controlled substances. Dr. Causey stated Dr. Phillips is not able to work a full time schedule without being allowed to be PIC and he has no reservations with Dr. Phillips being the PIC. After discussion, Dr. Larry Hill motioned to grant the modification to the Consent Order under # (h) "after a period of two years", will allow to be PIC for (1) year from today's date (September 10, 2008) and to appear before the Board to evaluate Dr. Phillips recovery status and he shall be limited to this location only at PCS Covington; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

TELEPHARMACY

Chief legal counsel, Mrs. Alison Cleaves advised the Board the rules for telepharmacy were comprised by other state boards of pharmacy. The Board expressed concern with recordkeeping; video-link, in the event if it were to fail; and patient counseling. Mrs. Cleaves stated a rulemaking hearing will be conducted in November, 2008, and the Board will hear

comments from all concerned parties. The Board reviewed, discussed and made appropriate changes to the proposed telepharmacy rules.

DIRECTOR'S REPORT

**TENNESSEE BOARD OF PHARMACY
2009 BOARD CALENDAR**

January	12 - 13 13 19	<u>Board Meeting - Iris Room</u> 106th Tennessee General Assembly Convenes Martin Luther King, Jr. (Holiday)
February	7 - 8 16 23 - 24 28 - 29	Murfreesboro Update Seminar President's Day (Holiday) TPA Midyear Meeting Nashville Update Seminar
March	7 - 8 11 - 12 14 - 15 21 - 22 28 - 29	Jackson Update Seminar <u>Board Meeting - Poplar Room</u> Knoxville Update Seminar Cookeville Update Seminar Memphis Update Seminar
April	10 18 - 19 25 - 26	Good Friday (Holiday) Chattanooga Update Seminar Johnson City Update Seminar
May	Dates Not Confirmed 16 - 19 25	<u>Board Meeting</u> NABP 105th Annual Meeting, Miami, FL Memorial Day (Holiday)
July	3 14 - 15 20 - 23	Independence Day (Holiday) <u>Board Meeting - Poplar Room</u> TPA 122nd Annual Convention - Hilton Head, SC
August		District III
September	7 Dates Not Confirmed	Labor Day (Holiday) <u>Board Meeting</u>
October		Tripartite -Franklin, TN MALTAGON -
November	11 Dates Not Confirmed 26 - 27	Veteran's Day (Holiday) <u>Board Meeting</u> Thanksgiving (Holiday)
December	25	Christmas (Happy Holidays!!)

BOARD OF PHARMACY FINANCIAL REPORT

After reviewing the financial report provided to the members, Dr. Robert Mitchell motioned to **request an explanation of the Board's financial statement ending September 30, 2008 and fiscal year July 1, 2007 thru June 30, 2008**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Dr. Robert Mitchell motioned to **request Assistant Commissioner Christy Allen to appear before the Board at the November, 2008 meeting**, to ask some questions; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

FLORIDA BOARD OF PHARMACY ENACTS NEW LEGISLATION - RECIPROCITY

Dr. Kevin Eidson, Executive Director, stated the Florida legislature passed and signed into law in June, 2008, a bill deleting the previous barriers to allow reciprocating a license to practice pharmacy to the State of Florida. Dr. Bettie Wilson motioned **to remove the restrictions if Florida allows reciprocity from Tennessee**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**UNIVERSITY OF ARIZONA COLLEGE OF PHARMACY
1295 N. Martin Avenue
Tucson, AZ 85718**

Executive Director, Dr. Kevin Eidson noted the University of Arizona College of Pharmacy has submitted a pharmacy application for licensure in order to provide consultation services. Dr. Larry Hill motioned based on the application, the Board does not require a pharmacy license but the pharmacist in charge would be required to be licensed; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**ACCREDITATION COUNCIL FOR PHARMACY EDUCATION (ACPE) - SITE EVALUATION
UNIVERSITY OF TENNESSEE COLLEGE OF PHARMACY
SEPTEMBER 29 - OCTOBER 1, 2008**

Executive Director, Dr. Kevin Eidson advised an evaluation team of the ACPE will evaluate the Doctor of Pharmacy program at the University of Tennessee College of Pharmacy on September 29 - October 1, 2008 and will visit both the Knoxville and Memphis campuses.

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ACPE extends the Tennessee Board an opportunity to participate as an observer. Mrs. Monica Franklin motioned to allow the investigators and the Director to attend; seconded by Dr. Larry Hill. The motion did not carry. Mrs. Monica Franklin motioned to allow the Director + one investigator's travel to be included; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**NATIONAL ASSOCIATION OF STATE CONTROLLED SUBSTANCES AUTHORITIES
(NASCSA) 24th ANNUAL CONFERENCE
FT. LAUDERDALE, FL
OCTOBER 21 - 24, 2008**

Dr. Kevin Eidson, Executive Director, informed the Board Ms. Kolleen Matthews will be leaving her statistician position with the Board effective September 17, 2008 as she has accepted a position with Meridian Health Care. Mr. Walter Philpot is to be assuming the CSMDB responsibilities and has expressed an interest in pursuing the CSMDB. Dr. Bettie Wilson motioned to allow Mr. Philpot to attend the conference; seconded by Mrs. Monica Franklin. President, Dr. Todd Bess suggested travel expenses be included. Dr. Wilson concurred with Dr. Bess' suggestion, seconded by Mrs. Franklin. All were in favor and the motion carried.

**NADDI 2008 19TH NATIONAL CONFERENCE
NASHVILLE, TENNESSE
NOVEMBER 11 - 14, 2008**

Executive Director, Dr. Kevin Eidson, advised the National Association of Drug Diversion Investigators will be conducting their 19th annual national conference on November 11 - 14, 2008 at the Millennium Maxwell House Hotel in Nashville, Tennessee and is requesting the pharmacy board investigators and he be granted permission to attend. NADDI's conference topics will include prescription drug abuse, commonly abused pharmaceutical drugs, doctor shoppers and forged prescriptions. Mrs. Monica Franklin motioned to **send the director and pharmacy investigators with the stipulation that travel be included for each individual and since this is a board function, registration fees also be included**; seconded by Dr. Larry Hill. Dr. Terry Grinder suggested for a board member and legal counsel to attend. Mrs.

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Franklin **amended the motion to include legal counsel and the possibility of a board member attending**; seconded by Dr. Hill. All were in favor and the motion carried.

**2008 SOUTHEASTERN PRN CONFERENCE
ATLANTA, GEORGIA
NOVEMBER 14 - 16, 2008**

Dr. Kevin Eidson, Executive Director, advised the 2008 Southeastern Pharmacy Recovery Network Conference will be held at the Simpsonwood Conference Center in Atlanta, Georgia on November 14 - 16, 2008 and he plans to attend. Dr. Robert Mitchell motioned to **allow the Executive Director to attend and requests travel expenses to be included and paid**; seconded by Ms. Monica Franklin. All were in favor and the motion carried.

**NABP 2008 SYMPOSIUM
TUCSON, ARIZONA
DECEMBER 4 - 5, 2008**

The National Association of Boards of Pharmacy will be conducting a symposium on December 4 - 5, 2008 at the JW Marriott Starr Pass Hotel in Tucson, Arizona to discuss solutions in the fight against counterfeit drugs and to explore the logistics of establishing a behind-the-counter drug class. The Board will discuss at the November 3 - 4, 2008 board meeting.

BOARD OF PHARMACY NEWSLETTER

Dr. Kevin Eidson, Executive Director, discussed with Ms. Elizabeth Miller, the Board's decision to allow the Board of Pharmacy to pay for the newsletter. Dr. Eidson noted Ms. Miller will check with Assistant Commissioner Christy Allen on her decision. Mrs. Monica Franklin wants a response to the Board's request at the November, 2008 meeting.

BOARD MEETINGS

Dr. Robert Mitchell has requested all of the investigators to attend all of the board meetings. President, Dr. Todd Bess, thanked Dr. Baeteena Black with her assistance of the legislative issues pertaining to telepharmacy and the history of this legislation.

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ADJOURNED

Mrs. Monica Franklin motioned to adjourn the Board of Pharmacy meeting on Wednesday, September 10, 2008 at 12:30 p.m. CDT; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

The Board of Pharmacy approved the September 9 - 10, 2008 minutes at the November 3 -4, 2008 board meeting.