

TENNESSEE BOARD OF PHARMACY
SEPTEMBER 21-22, 2010
227 FRENCH LANDING, POPLAR ROOM
NASHVILLE, TN

BOARD MEMBERS PRESENT

Bettie K. Wilson, D.Ph., President
Larry Hill, D.Ph., Vice President
Brenda Warren, D.Ph.
Joyce McDaniel, Consumer Member
Jason Kizer, D.Ph.
Nina Smothers, D.Ph.

STAFF PRESENT

Terry Grinder, Acting Director
Elizabeth Miller, Director of Health Related
Boards
Benjamin Mezer, Assistant General Counsel
Sheila Bush, Administrative Manager
Terry Grinder, Pharmacy Investigator
Tommy Chrisp, Pharmacy Investigator
Scott Denaburg, Pharmacy Investigator
Margaret R. Robertson, Administrative Law
Judge

BOARD MEMBER ABSENT

Charles Stephens, D.Ph.

STAFF ABSENT

Ralph Staton, Pharmacy Investigator
Richard Hadden, Pharmacy Investigator

The Tennessee Board of Pharmacy convened on Tuesday, September 21, 2010, in the Poplar Room, 227 French Landing, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:03 a. m., C.D.T., by Dr. Bettie Wilson.

Dr. Wilson welcomed Dr. Nina Smothers as the newest member of the Board and recognized former board members Diane Drake, Reggie Dilliard, Julie Fraizer and Todd Bess that were in the audience. Dr. Wilson also welcomed students from the University of Tennessee, Belmont University and Lake Erie College of Osteopathy. Dr. Wilson explained to the students that the responsibility of the board is to protect the health, safety and welfare of the citizens in the State of Tennessee.

Dr. Wilson announced that Dr. Terry Grinder will be serving as the Acting Director for the Board of Pharmacy until the Executive Director position has been filled.

CONTESTED CASES

Travis Copeland, RT

Mr. Copeland was not present nor represented by legal counsel. Benjamin Mezer, Assistant General Counsel represented the State. Margaret Robertson was the Administrative Law Judge. Mr. Mezer asked to proceed in default. After discussion, a roll call vote was taken and motion granted to allow the case to proceed in default. Mr. Mezer passed out the Notice of Charges. Mr. Copeland is being charged with removing Hydrocodone from the pharmacy for resale and personal use without authorization from a licensed prescriber. Mr. Copeland also admitted the

same to CVS Loss Prevention Supervisor. After discussion, Dr. Warren made the motion to revoke Mr. Copeland's registration as a pharmacy technician. Ms. McDaniel seconded the motion. A roll call vote was taken. The motion passed. Dr. Warren made a motion to accept the policy statement to indicate that the action taken is to protect the health, safety and welfare of the citizens of the State of Tennessee. Ms. McDaniel seconded the motion. A roll call vote was taken. The motion carried.

Jolynn Y. Castleman, RT

Ms. Castleman was not present nor represented by legal counsel. Benjamin Mezer, Assistant General Counsel represented the State. Margaret Robertson was the Administrative Law Judge. Mr. Mezer asked to proceed in default. After discussion, a roll call vote was taken and motion granted to allow the case to proceed in default. Mr. Mezer passed out the Notice of Charges. Ms. Castleman is being charged with removing Hydrocodone from the pharmacy for resale without authorization from a licensed prescriber. Ms. Castleman also admitted the same to CVS Loss Prevention Supervisor. After discussion, Dr. Warren made the motion to revoke Ms. Castleman's registration as a pharmacy technician. Ms. McDaniel seconded the motion. A roll call vote was taken. The motion carried. Dr. Kizer made the motion to accept the policy statement to indicate that the action taken is to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Hill seconded the motion. A roll call vote was taken. The motion carried.

Kimberly J. Leonard, RT

Ms. Leonard was not present nor represented by legal counsel. Benjamin Mezer, Assistant General Counsel represented the State. Margaret Robertson was the Administrative Law Judge. Mr. Mezer asked to proceed in default. After discussion, a roll call vote was taken and motion granted to allow the case to proceed in default. Mr. Mezer passed out the Notice of Charges. Ms. Leonard is being charged with removing Hydrocodone from the pharmacy for resale without authorization from a licensed prescriber. Ms. Leonard also admitted the same to Walgreens Loss Prevention Supervisor. After discussion, Dr. Hill made the motion to revoke Ms. Leonard's registration as a pharmacy technician. Dr. Warren seconded the motion. A roll call vote was taken. The motion carried. Dr. Hill made the motion to accept the policy statement to indicate that the action taken is to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Kizer seconded the motion. A roll call vote was taken. The motion carried.

AGREED ORDER

Lorena Doris Bogan, RT

Mr. Mezer submitted an Agreed Order signed by Ms. Bogan. Ms. Bogan admitted to removing Hydrocodone, Alprazolam and Lortab from the pharmacy without authorization from a licensed prescriber for her own personal use and agreed to have her registration as a pharmacy technician

revoked. Dr. Hill made the motion to accept the Agreed Order as presented. Dr. Warren seconded the motion. The motion carried.

Application Review

Pharmacist

Christine Anne Doerbecker, D.Ph.

Dr. Doerbecker is applying for license by reciprocity in the State of Tennessee. Dr. Doerbecker answered yes to the question that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Dr. Doerbecker’s Virginia license was disciplined by the Virginia Board of Pharmacy for continuing education violation in May 2000. She has fulfilled the continuing education requirement and paid the fine. The Pennsylvania Board of Pharmacy disciplined Dr. Doerbecker’s license because of the disciplinary action in Virginia. She paid a fine. Dr. Doerbecker’s license in Virginia and Pennsylvania are in good standing. After discussion, Dr. Warren made the motion to approve Dr. Doerbecker’s application for licensure by reciprocity once she has successfully completed the requirements. Dr. Hill seconded the motion. The motion carried.

Gary A. Lupini, D.Ph.

Dr. Lupini is applying for license by reciprocity in the State of Tennessee. Dr. Lupini answered yes to the question that asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” After discussion, Ms. McDaniel made the motion to approve Dr. Lupini’s application for licensure by reciprocity once he has successfully completed the requirements. Dr. Kizer seconded the motion. The motion carried.

Joseph Andrew Gariboldi, D.Ph.

Dr. Gariboldi is applying for licensure by examination in the State of Tennessee. Dr. Gariboldi answered no to the question that asked “Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation?” Dr. Gariboldi provided a statement that he was charged but never convicted of possession of 2 grams of suspect cannabis. The charges have been dismissed. After discussion, Ms. McDaniel made the motion to approve Dr. Gariboldi’s application by examination once he has successfully completed the requirements. Dr. Hill seconded the motion. The motion carried.

Matthew Kolb, D.Ph.

Dr. Kolb is applying for licensure by reciprocity. Dr. Kolb answered yes to the questions that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” and “Are you presently or have you within the past five years ever participated in a chemical substance rehabilitation program?” Dr. Kolb’s Illinois pharmacist license is currently on probation for five (5) years. After discussion, Ms. McDaniel made the motion to approve Dr. Kolb’s application for reciprocity once he has successfully completed the requirements. Dr. Kizer seconded the motion. The motion failed. After further discussion, Ms. McDaniel made the motion to request that Dr. Kolb appear before the board. Dr. Hill seconded the motion. The motion carried.

Brett Duane Hall, D.Ph.

Dr. Hall is applying for licensure by reciprocity in the State of Tennessee. Dr. Hall answered yes to the question that asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” After discussion, Dr. Hill made the motion to approve Dr. Hall’s application for licensure by reciprocity once he has successfully completed the requirements. Dr. Warren seconded the motion. The motion carried.

Michael J. Weber, D.Ph.

Dr. Weber is applying for licensure by reciprocity in the State of Tennessee. Dr. Weber answered yes to the question that asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” After discussion, Dr. Warren made the motion to approve Dr. Weber’s application for licensure by reciprocity once he has successfully completed the requirements. Dr. Hill seconded the motion. The motion carried.

Montgomery Ford Williams, D.Ph.

Dr. Williams is applying for licensure by reciprocity in the State of Tennessee. Dr. Williams answered yes to the question that asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” After discussion, Dr. Hill made the motion to approve Dr. Williams’ application for licensure by reciprocity once she has successfully completed the requirements. Dr. Kizer seconded the motion. The motion carried.

Martin E. Miller, D.Ph.

Dr. Miller is applying for licensure by reciprocity in the State of Tennessee. Dr. Miller answered yes to the question that asked “Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance authority?” Dr. Miller stated that he voluntarily inactivated his New Jersey pharmacist license because he was no longer practicing in that state. Dr. Miller’s pharmacist license in New Jersey is in an inactive status. After discussion, Dr. Kizer made the motion to approve Dr. Miller’s application for licensure by reciprocity once he has successfully completed the requirements. D. Hill seconded the motion. The motion carried.

Robert Edward Neznok, D.Ph.

Dr. Neznok is applying for licensure by reciprocity in the State of Tennessee. Dr. Neznok answered yes to the questions that asked “Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance authority?” “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” and “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise be subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” After discussion, Ms. McDaniel made the motion to request that Dr. Neznok appear before the board. Dr. Warren seconded the motion. The motion carried.

Oluwatosin Fadeyi, D.Ph.

Dr. Fadeyi is applying for licensure by reciprocity. Dr. Fadeyi answered yes to the questions that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Dr. Fadeyi’s pharmacist license in Virginia was disciplined due to a medication error in 2005. He was mandated to complete four (4) additional hours of continuing education. After discussion, Dr. Warren made the motion to approve Dr. Fadeyi’s application for licensure by reciprocity once he has successfully completed the requirements. Dr. Kizer seconded the motion. The motion carried.

Parisa Rafaizadeh, D.Ph.

Dr. Rafaizadeh is applying for licensure by reciprocity. Dr. Rafaizadeh answered yes to the questions that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise be subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Dr. Rafaizadeh’s pharmacist license in California was suspended but stayed with one year probation on September 3, 2004 for failure to maintain current inventory, postdated/antedated prescriptions, unauthorized refills, unauthorized

orally transmitted prescriptions and dispensing drugs without a prescription. Dr. Rafaizadeh's pharmacist license in California is in good standing. After discussion, Dr. Warren made the motion to request that Dr. Rafaizadeh appear before the board. Dr. Smothers seconded the motion. The motion carried.

Darius Edward Arabghani, D.Ph.

Dr. Arabghani is applying for licensure by examination in the State of Tennessee. Dr. Arabghani answered yes to the question that asked "Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation?" After discussion, Dr. Kizer made the motion to defer Dr. Arabghani's application for licensure by examination and request additional information concerning the crimes committed. Dr. Hill seconded the motion. The motion carried.

Ronnie Darrell Tyson, D.Ph.

Dr. Tyson is applying for licensure by reciprocity. Dr. Tyson answered yes to the questions that asked "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise be subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" Dr. Tyson's pharmacist license in South Carolina was placed on probation for one year for diverting OTC medications and non controlled legend drugs for personal use, fined \$250.00, attend a legal course within ninety (90) days and an ethical course within six (6) months. Dr. Tyson completed the terms of his probation and his South Carolina pharmacist license are in good standing. After discussion, Dr. Hill made the motion to approve Dr. Tyson's application for reciprocity once he has successfully completed the requirements. Dr. Kizer seconded the motion. The motion carried.

Oladoyin Eniola Alimi, D.Ph.

Dr. Alimi is applying for licensure by examination in the State of Tennessee. Dr. Alimi answered no to the question that asked "Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation?" Dr. Alimi noted on the Mandatory Practitioner Profile that she had been convicted of Public Intoxication in Des Moines, IA November 2008. Dr. Alimi stated that she was only issued a citation. After discussion, Dr. Warren made the motion to approve Dr. Alimi's application for licensure by examination once she has successfully completed the requirements. Dr. Kizer seconded the motion. The motion carried.

Sadie Jane Cox, D.Ph.

Dr. Cox is applying for licensure by reciprocity in the State of Tennessee. Dr. Cox answered no to the question that asked "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?" Dr. Cox stated on the application that she had a bad check in 1999 but it was taken care of outside of the courts. After discussion, Dr. Kizer made the motion to approve Dr.

Cox's application for licensure by reciprocity once she has successfully completed all the requirements. Dr. Warren seconded the motion. The motion carried.

Abraham M. Walk, D.Ph.

Dr. Walk is applying for licensure by reciprocity in the State of Tennessee. Dr. Walk answered yes to the question that asked "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?" After discussion, Dr. Hill made the motion to approve Dr. Walk's application for licensure by reciprocity once he has successfully completed all the requirements. Dr. Warren seconded the motion. The motion carried.

Vincent Charles DiMaggio, D.Ph.

Dr. DiMaggio is applying for licensure by reciprocity in the State of Tennessee. Dr. DiMaggio answered yes to the question that asked "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?" and "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise be subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" On June 24, 1986, Dr. DiMaggio's pharmacist license in Ohio was suspended for twenty-four (24) months. He was also fined \$2500.00 and required to successfully pass the jurisprudence examination for receiving misbranded drugs and selling them to patients with written and oral prescriptions. After discussion, Dr. Warren made the motion to approve Dr. DiMaggio's application for license by reciprocity once he has successfully completed the requirements. Dr. Smothers seconded the motion. The motion carried.

Dennis Dale Henson, D.Ph.

Dr. Henson is applying for licensure by reciprocity in the State of Tennessee. Dr. Henson answered yes to the question that asked "Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance authority?" Dr. Henson stated that he only practiced in Missouri and dropped his Tennessee license. After discussion, Dr. Warren made the motion to approve Dr. Henson's application for licensure by reciprocity once he has successfully completed the requirements. Dr. Kizer seconded the motion. The motion carried.

Pharmacy Technicians

Bree Ann Redmon, RT

Ms. Redmon is applying for registration as a pharmacy technician in the State of Tennessee. Ms. Redmon answered yes to the question that asked “Are there any charges pending against you in another state?” Ms. Redmon was issued a ticket for “Dog at Large” in Arizona on June 14, 2009 with a court appearance on July 22, 2009. A failure to appear was issued on October 29, 2009. After discussion, Dr. Hill made the motion to approve Ms. Redmon’s application for registration as a pharmacy technician. Dr. Smother’s seconded the motion. The motion carried.

Debra Ann Wallace, RT

Ms. Wallace is applying for registration as a pharmacy technician in the State of Tennessee. Ms. Wallace answered yes to the question that asked “Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens). After discussion, Dr. Warren made the motion to approve Ms. Wallace’s application for registration as a pharmacy technician. Dr. Hill seconded the motion. The motion carried.

Rashad Phillip Douglas, RT

Mr. Doulgas is applying for registration as a pharmacy technician in the State of Tennessee. Mr. Doulgas answered yes to the question that asked “Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens). After discussion, Dr. Hill made the motion to approve Mr. Douglas’ application for registration as a pharmacy technician. Dr. Warren seconded the motion. The motion carried.

Raquel Pleshette Austin, RT

Ms. Austin is applying for registration as a pharmacy technician in the State of Tennessee. Ms. Austin answered yes to the question that asked “Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens). After discussion, Dr. Kizer made the motion to approve Ms. Austin’s application for registration as a pharmacy technician. Dr. Hill seconded the motion. The motion carried.

Kimberly Dawn Vaughn, RT

Ms. Vaughn is applying for registration as a pharmacy technician in the State of Tennessee. Ms. Vaughn answered yes to the question that asked “Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens). After discussion, Dr. Warren made the motion to

approve Ms. Vaughn's application for registration as a pharmacy technician. Dr. Hill seconded the motion. The motion carried.

Sarah Marie Capps, RT

Ms. Capps is applying for registration as a pharmacy technician in the State of Tennessee. Ms. Capps answered yes to the question that asked "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens). After discussion, Dr. Warren made the motion to approve Ms. Capps's application for registration as a pharmacy technician. Dr. Smothers seconded the motion. The motion carried.

Manufacturer/Wholesaler/Distributor

Xttrium Laboratories, Inc.

Xttrium Laboratories, Inc. is applying for licensure as a Manufacturer/Wholesaler/Distributor in the State of Tennessee. Xttrium Laboratories, Inc. license has been disciplined in Missouri, Alabama and Colorado due to shipping into those states without a license. After discussion, Dr. Warren made the motion to grant Xttrium Laboratories, Inc. the license once it has been confirmed that they have a valid license in Missouri, Alabama and Colorado. Dr. Hill seconded the motion. The motion carried. Xttrium has a valid license in all three (3) states.

Pharmacy

Dr. Grinder informed the board of an application submitted by Wal-Mart Pharmacy for relocation in Tennessee and Wal-Mart Corporation answered yes to the questions that asked "Are there any charges involving moral turpitude or violation of pharmacy, or any other laws pending against you?" On October 27, 2009, Wal-Mart Pharmacy #10-5131 in Trovose, PA., the Pennsylvania pharmacy license was suspended due to procedural failure when the store managers failed to timely notifying the Pennsylvania Board of Pharmacy of a PIC change and failure to respond to related notices fines and citations. The suspension was lifted November 4, 2009. Also on February 28, 2008, Wal-Mart Pharmacy #10-0040 in Eldon, MO., was placed on probation by the Missouri Board of Pharmacy due to an investigation by the Missouri Board of Pharmacy which showed that the pharmacy did not maintain accurate and complete record of the controlled substances inventory receipt and disposition. There are no disciplinary actions against the store located in Tennessee. Wal-Mart corporation office disclosed the information because of the question on the application. After discussion, Dr. Warren made the motion to accept the application for relocation. Dr. Hill seconded the motion. The motion carried. Dr. Grinder asked the board if they would like for each application for pharmacy relocation and/or ownership change in Tennessee for chain pharmacies that answers yes to the question "Are there any charges involving moral turpitude or violation of pharmacy, or any other laws pending against you?" to be brought before the board or can the Executive Director along with Legal Counsel makes the decision to approve the application. After discussion, Dr. Warren made the motion to

allow the Executive Director along with Legal Counsel to review and approve the application for relocation and/or ownership change for chain store pharmacies in Tennessee as long as the disciplinary action is not against the pharmacy applying for relocation and/or ownership change in Tennessee. Dr. Hill seconded the motion. The motion carried.

General Discussion

Ms. McDaniel asked about the difference between the application where the question asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” this is on the application for reciprocity through NABP and the question on the application for Pharmacist by Examination that asks “Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?” After discussion, Dr. Warren made the motion to change the question on the Application for Pharmacist by Examination from “Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?” to “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offenses?” Ms. McDaniel seconded the motion. The motion carried.

Ms. McDaniel left the meeting at 11:15 a.m and returned at 1:00 p.m.

Reinstatement

Kim Sturgeon, D.Ph.

Dr. Grinder introduced Dr. Sturgeon to the board. Dr. Sturgeon is requesting to have her license reinstated. Dr. Sturgeon’s license was revoked on February 10, 2010 by the board. After discussion, Dr. Kizer made the motion to reinstate the license. Ms. McDaniel seconded the motion. The motion carried. Dr. Sturgeon’s license will be on five (5) year probation from September 21, 2010 to September 21, 2015, with the following conditions:

- (a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b);
- (b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent’s primary physician, Dr. Jim Williams, except in the case of an emergency or upon proper referral from the Respondent’s primary physician. The Respondent shall immediately notify the Board office of the name of his 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 the 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 Pharmacist Recovery Network for as long as the Respondent is on probation. In the event that the sampling indicates the presence of drugs for which the Respondent does not have the 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 terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network (TPRN). 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) The Respondent shall provide written notice requesting an active license; satisfy all past due continuing pharmaceutical education; and pay all cumulative license renewal fees and applicable penalties.

Teresa Y. Stooksbury, RT

Dr. Grinder introduced Ms. Stooksbury to the Board. Ms. Stooksbury is requesting to have her registration reinstated. Ms. Stooksbury registration was revoked by the board at the March 7-8, 2006 board meeting. After discussion, Ms. McDaniel made the motion to defer action until the next scheduled board meeting and request that Ms. Stooksbury provide documentation of a current evaluation from her physician. Dr. Warren seconded the motion. The motion carried.

Appeal Denial of Waiver Request

Ron Rahe, D.Ph.

Dr. Grinder introduced Dr. Rahe to the Board. Dr. Rahe submitted a request to be PIC at GE Pharmacy Services and EHS Pharmacy Services in Hudson, OH at the July 14-15, 2010 board meeting. The Board voted to defer Dr. Rahe request until he could appear before the board.

Dr. Rahe explained to the Board that both pharmacies are in the same building and that GE Pharmacy Services is a specialty pharmacy and EHS Pharmacy Services will be used for the billing of legend devices. After discussion, Dr. Warren made the motion to approve Dr. Rahe's waiver request to be PIC at GE Pharmacy Services and EHS Pharmacy Services. Ms. McDaniel seconded the motion. The motion carried.

General Discussion

Dual License

Dr. Grinder informed the board that Dr. Douglas York is a dual licensee as a pharmacist and medical doctor. Dr. York wanted to renew his pharmacist license but he did not have enough ACPE ce's but had plenty of CME's for his medical license. While researching this issue, Dr. Grinder found an old policy statement which states "Therefore Be it resolved, that it will be the policy of the Tennessee Board of Pharmacy to grant a permanent waiver of the above cited rule and accept continuing medical education (CME), category (1) in lieu of the hours cited in rule to dual license pharmacists who are not presently actively engaged in the practice of pharmacy but are actively practicing in the disciplines cited in the above rule." Dr. Wilson asked that Dr. Grinder also read the rest of the policy statement which states "Be It Further Resolved, that should any of these dual licensed practitioners decide to return to the active practice of pharmacy, the licensee would have to complete the following requirements. 1. Successfully complete the jurisprudence examination and 2. Complete a period of pharmacy internship of three hundred twenty (320) hours within a period of one hundred eighty (180) consecutive days." Based on this policy, Dr. Grinder and Dr. Wilson called Dr. York to tell him that he did not need to appear before the board.

Medco/Accredo

Dr. Grinder introduced Dr. Sherry Tounsand, Pharmacist in Charge, and Director of Pharmacy Practice for Accredo Pharmacy in Memphis, TN. Medco is appearing before the board because of the discussion at the last board meeting concerning what is the definition of campus, the practice of pharmacy and if the same pharmacy has two different addresses, how do you license them. Dr. Tounsand introduced Dr. Nashawnda Thomas, Senior Manager for Therapeutic Resource Center. Dr. Tounsand stated that they wanted to confirm that the Accredo pharmacy

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site is viewed as one practice site and/or campus. Accredo has two buildings, the 1620 building is used for dispensing and due to Accredo's growth, the 1640 building is considered the overflow building and dispensing does not occur in that building. Dr. Thomas stated that the pharmacy is unique and focuses on specific therapies and diseases. The pharmacists and support staff work very closely with doctors to clinically manager their patients. Dr. Tounsand stated that they have had discussions with different board representatives about whether the 1640 building should be licensed as a pharmacy and was given the impression that the license that Accredo has is for both buildings. Accredo wants to do know if they can still function as one pharmacy with two different buildings. The buildings are about 250 feet apart and there are pharmacists and technicians in both buildings. Dr. Wilson asked Dr. Tounsand what procedures are done in each building. Dr. Tounsand stated that 1620 is the original pharmacy building with a secured limited access and the 1640 building is used for Therapeutic Resource Center and for making contact with the doctors, patients and other health care providers for managing patient care. There are no drugs stored or dispensed out of the 1640 building. Dr. Hill asked if the orders are processed in the 1640 building. Dr. Tounsand stated that this is correct. Dr. Kizer asked if everyone involved with the process has access to orders through a computer. Dr. Tounsand stated that the intake process is limited to only the people who are working within that program. Dr. Wilson stated that at the July meeting the board had a discussion about a campus license and that some hospitals have one license that applies to a series of buildings that are connected and in some cases not connected. The questions that the board had consist of what is the definition of campus license, and if you were not dispensing in one building , does this building need a license? Mr. Mezer asked Dr. Tounsand if the 1640 building is where the medical orders are taken, if DUR's are processed in this building as well as patient counseling and if the only function of the 1620 building is dispensing? What is the security in the 1640 building and is it the same as a regular pharmacy site? Dr. Tounsand stated that there is security in the 1640 building but not the same as in the 1620 building. Mr. Mezer also asked why are prescription orders not accepted in the 1620 building. Dr. Tounsand stated that the fax server is in the 1640 building. Dr. Hill asked Mr. Mezer if he was referring to board rule 1140-3-.03 (9) which states " Medical and prescription orders cannot be accepted, solicited, collected or advertised at a location other than a pharmacy practice site for which a license has been issued by the board and such pharmacy practice site shall be actively engaged in compounding and dispensing medical and prescription orders." Mr. Mezer stated that the rule states that you must dispense from a pharmacy site. Mr. Mezer also directed the board's attention to board rule 1140-3-.02 which states " A pharmacist may compound and dispense prescription drugs and devices and related materials only in a pharmacy practice site which is duly licensed by the board and which operates in compliance with Tennessee and federal laws and rules governing the practice of pharmacy. The practice of that knowledge skills of pharmacy is not pharmacy practice site dependent. However, any person practicing any aspect of the art and science of pharmacy must be licensed by the board." Mr. Mezer believes that the 1640 building would not need to be licensed as a pharmacy since dispensing is not done in this building only DUR's, and medical orders according to the language in this rule and if 1620 building accepted orders then this would not be an issue. Dr. Hill stated that all pharmacists must still be licensed that work in this facility. Dr. Warren recused herself from the vote because she works for Accredo. Dr. Warren stated that technology can place the server anywhere and asked Dr. Tounsand if medical orders were accepted by facsimile, do they accept verbal orders by pharmacist and technicians? Dr. Tounsand stated that the orders are

taken in the 1620 and the 1640 buildings. After discussion, Ms. McDaniel made the motion defer this discussion to the next board meeting and to give Accredo time to look into changes suggested by the board to their practice site. The changes suggested are to have medical orders, DUR, patient counseling to occur in the 1620 building as well as the 1640 building or to check with the City of Memphis, TN inquiring about have both buildings listed as one address. Dr. Hill seconded the motion. The motion carried.

Legal Report

1. Case No.: L10-PHR-RBS-2010001891

Respondent technician admitted to loss prevention to taking 1,038 Hydrocodone, 327 Oxycodone, and 990 Alprazolam from the pharmacy without authorization from a licensed prescriber. The technician sold the drugs.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Warren seconded the motion. The motion carried.

2. Case No.: L10-PHR-RBS-2010001651

Respondent technician admitted to loss prevention to taking 295 Hydrocodone from the pharmacy without authorization from a licensed prescriber. The technician took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

3. Case No.: L10-PHR-RBS-2010001681

Respondent technician admitted to loss prevention to taking 4,672 Hydrocodone 10/500 and 5 Fentanyl 100MCG patches from the pharmacy without authorization from a licensed prescriber. The technician took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

4. Case No.: L10-PHR-RBS-2010001641

Respondent technician admitted to loss prevention to taking Hydrocodone and Alprazolam from the pharmacy without authorization from a licensed prescriber. The technician did not say what happened to the drugs.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

5. Case No.: L10-PHR-RBS-2010001881

Respondent technician admitted to loss prevention to forging prescriptions for 6,939 Hydrocodone and dispensing them to another person, without authorization from a licensed prescriber. The technician sold the drugs.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

6. Case No.: L10-PHR-RBS-2010001931

Respondent technician admitted to loss prevention to taking 2,285 Hydrocodone 10/325 from the pharmacy without authorization from a licensed prescriber. The technician took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

7. Case No.: L10-PHR-RBS-2010001951

Respondent technician admitted to loss prevention to selling prescriptions from the pharmacy without ringing the prescriptions in the cash register. She would then keep the cash. Once the customer left, she would then go into the computer system, delete the filling of the prescription from the computer, which in turn also reversed the billing to the insurance. It is not clear what type of prescriptions went out in this manner.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Warren made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

8. Case No.: L10-PHR-RBS-2010002111

Respondent technician admitted to loss prevention to taking 40 Oxycodone 80mg from the pharmacy without authorization from a licensed prescriber. The technician took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

9. Case No.: L10-PHR-RBS-2010001991

Respondent pharmacist admitted to loss prevention to taking 7,458 Hydrocodone 10/325 from the pharmacy without authorization from a licensed prescriber. The pharmacist took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Warren made the motion to **authorize a formal hearing** for revocation. Dr. Hill seconded the motion. The motion carried.

10. Case No.: L10-PHR-RBS-2010002051

Respondent technician admitted to loss prevention to taking 50 Hydrocodone 10/500 and 16 Alprazolam 2mg from the pharmacy without authorization from a licensed prescriber. The technician took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Kizer seconded the motion. The motion carried.

11. Case No.: L10-PHR-RBS-2010001961

Respondent technician admitted to loss prevention to adding unauthorized refills to her prescriptions over a two year period. In total, 41 prescriptions were dispensed without authorization. They were for Tegretol, Gabapentin, Amlodipine, and Hydrocodone. The technician took the drugs for personal use.

Prior discipline: none

Recommendation: authorize formal hearing, revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Warren seconded the motion. The motion carried.

12. Case No.: L10-PHR-RBS-2010001901

Complainant alleges that his percocet 5/325 was filled and dispensed as 10/325.

Respondent pharmacist admitted that the misfill occurred and stated that counseling was offered by the pharmacist for this new prescription.

Prior discipline: none

Recommendation: LoW for misfill

Dr. Hill made the motion to issue a **Letter of Warning**. Dr. Kizer seconded the motion. The motion carried.

13. Case No.: L09-PHR-RBS-2009002031

Case was previously presented to the Board. Complaint alleges that respondent oxygen distributor is filling tanks for an unlicensed distribution facility. The company had an out-of-state Tennessee wholesaler/manufacturer/distributor license, for its out-of-state facilities shipping into Tennessee. The Tennessee facility was never inspected by pharmacy board investigators and has been operating in its Tennessee location without an in-state license since July 1, 2005. They ceased operations at the end of October, 2009.

Respondent replied that they do not see the problem with this since the unlicensed, in-state entity had an out-of-state Tennessee license. The respondent replied that “this is a licensing classification issue and not a problem arising from the lack of a license. Furthermore, the application and licensing distinction between in-state and out-of-state manufacturer/wholesaler/distributors is not significant.”

After discussion with the company and their attorney, it was discovered that the respondent would fill tanks at their own facility for the company with an out-of-state license and not an instate one. Therefore, it was not possible for the respondent to know which facility the trucks were going to and since the company had a license to ship into Tennessee, it was assumed that the trucks were from the KY facility picking up the oxygen here and delivering it here.

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel recommendation**. Ms. McDaniel seconded the motion. The motion carried.

14. Case No.: L10-PHR-RBS-2010001521

Complaint alleges that respondent tested positive for opiates during one of his TPRN drug screens. After further investigation, it was determined that the respondent ate numerous poppy seed bagels that morning and after further tests and experiments were done, the TPRN was satisfied and this individual still has advocacy.

Recommendation: dismiss

Dr. Warren made the motion to **accept counsel recommendation**. Dr. Hill seconded the motion. The motion carried.

15. Case No.: L10-PHR-RBS-2010001841

Complaint alleges that respondent pharmacy dispensed her prescription for 20 Lortab with only 10 pills in the bottle. Respondent pharmacist replied that the quantity was circled by her, indicating that she double counted the pills.

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Kizer seconded the motion. The motion carried.

16. Case No.: L10-PHR-RBS-2010002081

Complaint arises from a routine inspection. Pharmacy board investigator observed a patient pick up an rx at the drive through when the pharmacist was outside of the pharmacy area on a cell phone. He was paged twice to return to the pharmacy but only returned when he noticed the investigator standing at the window. Pharmacy board investigator also observed a patient pick up a prescription at the register without an offer to counsel.

Recommendation: authorize formal hearing, \$1,000 cp to pharmacist for failure to counsel, \$1,000 cp to pharmacy for counseling violation, LoI to PIC for counseling violation. LoW to pharmacist for not being in pharmacy when drugs were dispensed.

Dr. Hill made the motion to **authorize a formal hearing** with a \$1,000.00 civil penalty to the pharmacist for failure to counsel, a \$1,000.00 civil penalty to the pharmacy for the counsel violation, a Letter of Instruction to the PIC for the counseling violation and a Letter of Warning to the pharmacist for not being in the pharmacy when drugs are being dispensed. Dr. Warren seconded the motion. The motion carried.

17. Case No.: L10-PHR-RBS-2010001911

Complaint alleges that respondent pharmacy shorted his fentanyl patches. He claims that the sealed box had 2 less patches. The patient brought the box back to the store so that the pharmacist could get the lot number to report this to the manufacturer. The store received a manufacturer reimbursement and the doctors provided her with another prescription for the missing two. Complainant then came back 10 days later and stated that another box had been tampered with and that it did not have any patches inside. The pharmacist checked the lot number and then checked other boxes in the pharmacy with the same lot number which all contained the stated number of patches.

Complainant also alleges insurance fraud. Respondent replied that they incorrectly entered into the system a 37 day supply and not a 30 day one of his 150mg Androgel. He was prescribed #120 and instructed to use 4 pumps a day. The pharmacy for some reason figured the number of days supply by dividing 150 by 4 and not 120 by 4. They corrected this error when it was brought to their attention and then did not charge her for the next refill.

Complaint also alleges a misfill/counseling error. Complainant had a prescription for Gentamicin 0.3% ophthalmic drops for use in his ear. The pharmacist wrote on the directions to place in eye and instructed the patient of this.

Recommendation: LoW to dispensing for ear/eye drop mistake. Dismiss the rest

Dr. Hill made the motion to issue a **Letter of Warning** to the dispensing pharmacist for the ear/eye drop mistake and to dismiss the rest of the complaint. Dr. Warren seconded the motion. The motion carried.

18. Case No.: L10-PHR-RBS-2010001761

Complaint alleges that respondent pharmacy dispensed her prescription for 120 Meperidine 50mg with only 40 pills in the bottle. Respondent pharmacist replied that the misfill did occur and when the patient called the pharmacy to complain, they found the extra 80 pills. They did not make it from the counting tray to the bottle.

Recommendation: LoW for misfill

Dr. Kizer made the motion to issue a **Letter of Warning** for the misfill. Dr. Smothers seconded the motion. The motion carried.

19. Case No.: L10-PHR-RBS-2010002071

Complaint arises from a routine inspection. Pharmacy board investigator observed one technician working on an expired registration. She worked for one month. New PIC info had not been updated by pharmacy since 8/1/08.

Recommendation: authorize formal hearing, \$100 cp to PIC for unregistered tech. \$2,400 cp to pharmacy for not notifying of PIC change.

Dr. Warren made the motion to **authorize a formal hearing** with a \$100.00 civil penalty to the PIC for the unregistered technician and \$2,400.00 civil penalty to the pharmacy for not notifying the board of the PIC change. Dr. Hill seconded the motion. The motion carried.

20. Case No.: L10-PHR-RBS-2010000141

Complaint was previously presented and alleged that respondent failed to notify the board office of a change in address. After speaking with the respondent and looking at the physical file, she did notify the board, but the change was not entered into the system.

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

21. Case No.: L10-PHR-RBS-2010001791

Complaint alleges that her Vimpat prescription was short 20 pills. Complainant stated that she had some medication left over and that she did not need to come back right away. She alleges that when she went back to the pharmacy later in the month, she was told that she had to pay the full cash price for the medicine.

Respondent replied that they gave the patient a partial fill, as evident by the "P" before the 10 on the pharmacy's computer print out. However, the patient's information sheet/receipt did not indicate that it was a partial fill. When the patient came back to the pharmacy 22 days after the 5 day partial fill was given, the PIC stated that they were not able to bill TENCARE for it. The pharmacy's policy is to cancel the prescription if it is not picked up in 10 days. PIC stated that their automated system called the complainant to tell her that her prescription was ready and that the technician called and told her that her prescription would be deleted if she did not pick it up, but the PIC alleges that the complainant stated that she did not know that she needed to come in immediately. The respondent did not mention any phone calls in her complaint.

Recommendation: dismiss

Dr. Warren made the motion to **accept counsel's recommendation**. Dr. Smothers seconded the motion. The motion carried.

22. Case No.: L10-PHR-RBS-2010001731

Complaint alleges that the pharmacy gave her son 3 prescriptions instead of the 2 she normally receives. When she got home she realized that 2 of them were different than what he normally takes. She gave him all 3 prescriptions for one month. It was then discovered that 2 of the 3 were not for him.

Respondent replied that the misfill did occur and that 2 of the prescriptions were for the complainant's other son, but had the wrong label put on them. Respondent stated that counseling was offered but refused.

Recommendation: LoW to dispensing

Dr. Hill made the motion to issue a **Letter of Warning** to the dispensing pharmacist. Dr. Warren seconded the motion. The motion carried.

23. Case No.: L10-PHR-RBS-2010001661

During a relocation inspection, investigator discovered that respondent had been shipping oxygen out of the new facility before obtaining an inspection for the relocation. The new facility was in operation for 2 months without being inspected.

Recommendation: authorize formal hearing, \$200 cp for unlicensed practice

Dr. Hill made the motion to **authorize a formal hearing** with a \$200.00 civil penalty for unlicensed practice. Dr. Warren seconded the motion. The motion carried.

24. Case No.: L10-PHR-RBS-2010001621

Complaint alleges that pharmacist was rude, appeared impaired and failed to fill her B&O suppository prescription to “teach her a lesson.”

Respondent replied that the complainant came in on the day of her surgery asking for her suppository. He asked her if the doctor told her to come in prior to this so that they would have time to compound it. She then became angry and rude and her sister called him an a-hole. At this point he refused to fill her prescription.

Prior complaints: refused to fill: 2000, 2006, 2009...all dismissed.

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel’s recommendation**. Dr. Kizer seconded the motion. The motion carried.

25. Case No.: L07-PHR-RBS-2007080631

Complaint alleges that the pharmacist and the pharmacy have been engaged in fraud, kickbacks, fraudulent billing, compounding violations and have been leaving prescriptions at an unlicensed facility.

After the investigation by the FDA and medicare came up with no violation, BoP investigators investigated and also found no violation.

Prior complaints: 2004 counseling violation, dismissed

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel’s recommendation**. Dr. Kizer seconded the motion. The motion carried.

26. Case No.: L10-PHR-RBS-2010001741

Complaint alleges that respondent pharmacy refused to fill her controlled substance prescriptions (and Soma).

Respondent replied that after the first fill for Soma, the prescribing physician called to check on some rx's that were allegedly written by him. Respondent checked the patient profile and confirmed with the doctor several forged prescriptions. The doctor told the pharmacy to cancel all prescriptions written by him for this patient...assuming that all had been forged.

It was latter discovered that this patient was a victim of identity theft and the forged prescriptions and complaint to the BoP were made by the thief.

Recommendation: dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Hill seconded the motion. The motion carried.

27. Case No.: L10-PHR-RBS-2010001081

Complaint alleges that respondent pharmacy employed an unregistered technician. Respondent replied that the person in question only worked as a cashier and performed no tech duties.

Prior discipline: 2008, counseling violation, pharmacy, dismissed

Recommendation: dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Hill seconded the motion. The motion carried.

28. Case No.: L10-PHR-RBS-2010001071

Complaint was previously presented to the board. Complaint alleges that respondent mail-order pharmacy substituted generic medications without informing the patient which name drug the generic was replacing. The patient is on 9 different medications. The respondent received a new prescription for Bystolic Tabs Fl/5 5mg and it was filled and mailed out. The patient at one point had a prescription for Metoprolol Tartrate Tabs C73 25mg that was transferred from respondent pharmacy in 2009.

When the patient called the help number, the pharmacist stated that Bystolic was probably the generic for Metoprolol Tartrate since they were in the same class of

medication. When the patient complained of cold extremities, the pharmacist stated that this might be a side effect of the Bystolic and that even though they were in the same class, they might have different side effects.

After speaking to the respondent, the pharmacist had no way to know what medicine the Bystolic replaced and that it is questionable whether or not the pharmacist stated that Bystolic was generic. Without calling the doctor and other pharmacy, the respondent did not know what the Bystolic replaced.

Prior discipline: med shortage, dismissed 2009

Recommendation: dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Hill seconded the motion. The motion carried. Dr. Warren was recused.

29. Case No.: L10-PHR-RBS-2010000981

Respondent failed to properly renew her registration and as a result, worked on an expired license for 21 months. She failed to update the board office as to her new address, and as a result, did not receive the letter from the office indicating that she did not provide evidence of 30 hours of CPEs. She only provided 15 in her renewal application.

Recommendation: authorize formal hearing, \$2,100 cp

Dr. Warren made the motion to **authorize a formal hearing** with a \$2,100.00 civil penalty. Dr. Kizer seconded the motion. The motion carried.

30. Case No.: L10-PHR-RBS-2010000681

Complaint was previously presented. Respondent M/W/D was alleged to not notify the board office of a closing of one of their facilities. After speaking with the respondent and having them send in evidence, they did notify the office, but it was not entered into the system.

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

31. Case No.: L10-PHR-RBS-2010001721

During a relocation inspection, investigator discovered that respondent had been shipping legend drugs out of the new facility before obtaining an inspection for the relocation. The new facility was operation for 11 months without being inspected.

Recommendation: authorize formal hearing, \$1,100 cp for unlicensed practice

Dr. Hill made the motion to **authorize a formal hearing** with a \$1,100.00 civil penalty for unlicensed practice. Dr. Kizer seconded the motion. The motion carried.

32. Case No.: L09-PHR-RBS-20090000931

Respondents were being investigated by BCBS and the FDA based on the fact that respondent pharmacy is billing BCBA \$300,000 per month for the owner's Hemo Factor prescriptions. BoP investigators found the site to be well secured, clean and within Board regulatory compliance. Files were readily retrievable, and prescription copies were obtained for the Hemo Factor prescribed to patients including pharmacy owners and family members, as well as other patients.

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

33. Case No.: L10-PHR-RBS-2010001561

Complainant alleges that when he got home from the pharmacy, he found 2 bottles that were prescribed to another patient.

Respondent replied that the medication error did occur and that the patient had the correct labels on the bag, but the wrong bottles went into it. Counseling was performed on the medications listed on the labels on the bag.

Recommendation: LoW to dispensing

Ms. McDaniel made the motion to issue a **Letter of Warning** to the dispensing pharmacists. Dr. Hill seconded the motion. The motion carried.

34. Case No.: L10-PHR-RBS-2010000531

During a periodic inspection, investigator discovered that respondent had been closed and they did not notify the board office of the closing.

Recommendation: authorize formal hearing, \$500 cp

Dr. Warren made the motion to **authorize a formal hearing** with a \$500.00 civil penalty. Dr. Hill seconded the motion. The motion carried.

35. Case No.: L10-PHR-RBS-2010001821

Complaint alleges that respondent pharmacy will not give her the information required for her to submit to her secondary payer.

Respondent replied that when they received her request, they sent her the normal Statement of Benefits Assignment. The complainant called the respondent and informed them that the “date element” was missing. Respondent then sent her that information as well. Respondent still did not have all of the information needed by her secondary payer. She then filed this complaint. Since then, the respondent has sent her the information needed, which had to be manually entered because it is not on the normal “SOBA”.

Prior complaints: 2007, out of date drugs, \$250cp; 2008, refused to fill, dismissed; 2008 med error, dismissed; 2009 insurance issue, dismissed; 2010 discipline in another state, dismissed; 2010 unprofessional conduct, open; 2010 med refill issue, open; 2010

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel’s recommendation**. Dr. Kizer seconded the motion. The motion carried. Dr. Warren was recused.

36. Case No.: L10-PHR-RBS-2010001781

Complaint alleges that his son received another patient’s medication. The complainant stated that his son’s pediatrician called in a prescription for an antibiotic and he was dispensed another patient’s Finasteride 5mg.

Respondent replied that the medication error did occur. The respondent stated that the father came in to the pharmacy while talking on his cell phone. The cashier asked the date of birth of the patient and entered it into the system. She asked if the name was and the father said yes. It was a refill for that patient and both the PIC and the pharmacist on duty stated that counseling was offered...although the technician’s letter stated that “there was no need for a consultation because the prescription was a refill for the assumed patient.”

Recommendation: LoW for misfill

Dr. Hill made the motion to issue a **Letter of Warning** for the misfill. Dr. Kizer seconded the motion. The motion carried.

37. Case No.: L10-PHR-RBS-2010001551

Complaint alleges that respondent pharmacy's webpage to refill prescriptions is flawed, they are soliciting customers to refill and then it generates multiple notifications that it is too soon to refill.

Respondent replied that they were asked by the respondent's physician for prior approval for Enbrel. PA was given, but the prescription was not written. The respondent received several medications, but did not receive the Enbrel. When he called to enquire, the pharmacy stated that he did not have a prescription. The next day they received a prescription and sent him a 3 month supply. One month later, the physician called and doubled the dose. When the pharmacy called the complainant to tell him about his options, he stated that he would take the extra pill and then get the double dose when he ran out. The computer system did not cancel the refill for the first prescription and when the computer generated a call to the complainant, he told them it was the wrong medication.

Prior complaints: Prior complaints: 2007, out of date drugs, \$250cp; 2008, refused to fill, dismissed; 2008 med error, dismissed; 2009 insurance issue, dismissed; 2010 discipline in another state, dismissed; 2010 insurance issue, open; 2010 med refill issue, open; 2010

Recommendation: dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Ms. McDaniel seconded the motion. The motion carried. Dr. Warren was recused.

38. Case No.: L10-PHR-RBS-2010000861

Complaint was previously presented. Respondent mail order pharmacy shipped 160 maintenance prescriptions to residents in Tennessee without authorization from a licensed prescriber. The patients were all on those medications but were out of authorized refills. Respondent also failed to perform 203 DURs.

You authorized; quarterly reporting from PIC; \$50 cp to PIC for each unauthorized medication dispensed; \$500 cp to pharmacy for each prescription shipped that was not authorized; \$125 cp to pharmacy for each failure to perform a DUR; and a detailed plan of correction. (the penalties were ½ of the usual based on the self reporting)

After speaking with the respondent and their attorneys, they agreed to all terms except the fine against the PIC. After discussions with the immediate past executive director and investigators, the situation was similar to an input error by a technician.

Prior discipline: none

Recommendation: keep the other discipline the same, no civil penalty to the PIC. LoW to PIC for misfill.

Dr. Hill made the motion to **authorize a formal hearing** with quarterly reporting from the PIC, a \$500.00 civil penalty to the pharmacy for each prescription shipped that was not authorized, a \$125.00 civil penalty to the pharmacy for each failure to perform a DUR, a detailed plan for correction and a Letter of Warning to the PIC for the misfill. Ms. McDaniel seconded the motion. The motion carried.

39. Case No.: L10-PHR-RBS-2010000391

Complaint arises from a routine inspection. New PIC info had not been updated by pharmacy for 13 months.

Prior complaints: 2009, substitution issue—LoI

Recommendation: authorize formal hearing, \$1,300 cp to pharmacy for not notifying of PIC change.

Dr. Hill made the motion to **authorize a formal hearing** with a \$1,300.00 civil penalty to the pharmacy for not notifying the board of the PIC change. Dr. Kizer seconded the motion. The motion carried.

40. Case No.: L10-PHR-RBS-2010001691

Complaint arises from a routine inspection. New PIC info had not been updated by pharmacy for 22 months.

Recommendation: authorize formal hearing, \$2,200 cp to pharmacy for not notifying of PIC change.

Dr. Hill made the motion **authorize a formal hearing** with a \$2,200.00 civil penalty for not notifying the board for the PIC change. Dr. Warren seconded the motion. The motion carried.

41. Case No.: L08-PHR-RBS-2008002351

Complaint alleges that respondent pharmacy did not have a PIC for 2 months. After speaking with the respondent and looking at the file, it was determined that they did have a PIC, it was not entered in at the board office.

Prior complaints: 2001, counseling; 2006 med error; 2008 tech reg

Recommendation: dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

General Discussion

Mr. Mezer asked the board to allow him and Dr. Grinder to dismiss complaints that pertain to pharmacist and pharmacy technicians not notifying the board of an address change, if during the investigation, it is found that they did submit the address change but it was never keyed into the system but filed instead. After discussion, Dr. Kizer made the motion to allow Mr. Mezer and Dr. Grinder to dismiss complaints that pertain to pharmacist and pharmacy technicians not notifying the board of an address change, if during the investigation, it is found that they did submit the address change but it was never keyed into the system but filed instead. Dr. Hill seconded the motion. The motion carried.

Dr. Hill made the motion to dismiss at 4:55 p.m. Ms. McDaniel seconded the motion. The motion carried.

September 22, 2010

The Tennessee Board of Pharmacy convened on Wednesday, September 22, 2010 in the Poplar Room, 227 French Landing, Nashville, TN. A quorum of the members being present, the meeting was called to order at 8:36 a.m. by Dr. Wilson, president. Dr. Wilson welcomed students from Belmont University.

Minutes

The minutes from the July 14-15, 2010 board meeting were presented. After discussion, Dr. Warren made the motion to accept the minutes as amended. Dr. Hill seconded the motion. The motion carried. The minutes will be re-presented at the November 15-16, 2010 board meeting.

Ms. McDaniel made the motion to defer sending the question to the Attorney General's Office until the November 15-16, 2010, since Dr. Stephens was not at this meeting and he was the one requesting an opinion. Mr. Mezer will contact Dr. Stephens for clarification concerning his request and bring the letter to the board for review. Dr. Warren seconded the motion. The motion carried.

Waivers

Board rule 1140-1-.07

Dr. Warren made the motion to approve the request from **Jocquelyn Hill, D.Ph.**, to waive the internship hours and the MPJE. Ms. McDaniel seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **Bhavana K. Desai, D.Ph.**, to waive the internship hours. Dr. Hill seconded the motion. The motion carried.

Dr. Warren made the motion to deny the request from **David L. Loesch RPH**, to waive the MPJE. Dr. Hill seconded the motion. The motion carried.

Dr. Hill made the motion to approve the request from **Teresa Togni Papadimitriou, D.Ph.**, to waive the internship hours but Dr. Papadimitriou must successfully take and pass the MPJE. Dr. Warren seconded the motion. The motion carried.

Dr. Hill made the motion to approve the request from **Mark S. Kelley, D.Ph.**, to waive the internship hours but Dr. Kelley must successfully take and pass the MPJE and submit thirty (30) live hours of continuing education hours. Dr. Warren seconded the motion. The motion carried.

Ms. McDaniel made the motion to deny the request from **Nancy E. Lee, D.Ph.**, to waive the internship hours and the MPJE. Dr. Lee must submit the required one hundred and sixty (160) internship hours and successfully take and pass the MPJE. Dr. Hill seconded the motion. The motion carried.

Board rule 1140-4-.03

Ms. McDaniel made the motion to approve the request from **Jeff Tunney, D.Ph.**, for Staywell, LLC to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet and hot and cold running water. Dr. Hill seconded the motion. The motion carried. Dr. Tunney must notify the board if the model of practice changes.

Ms. McDaniel made the motion to defer the request from **James Axmacher, D.Ph.**, for PharmDax, LLC., to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet and hot and cold running water until it has been inspected. Dr. Kizer seconded the motion. The motion carried.

Board rule 1140-3-.14(12)

Dr. Kizer made the motion to approve the request from **Jacqueline M. Encalade, D.Ph.**, to be PIC at Christ Community Health Services Third Street Pharmacy and Christ Community Health Hickory Hill Center for six (6) months. Dr. Hill seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **Martha Ann Bryant, D.Ph.**, to be PIC at Riddle Express Pharmacy effective November 3, 2010. Dr. Kizer seconded the motion. The motion carried.

Consent Orders

VIOLATED BOARD RULE 1140-2-.02(1) and (2)

Dr. Warren made the motion to accept the consent orders as presented. Dr. Hill seconded the motion. The motion carried.

Billy R. Willoughby-\$300.00 civil penalty-paid
Nishi Geetha-\$1400.00 civil penalty-paid
James H. Floyd-\$5,100.00 civil penalty-paid
Justin Ray Garrett-\$100.00 civil penalty-paid
Mollie Lynn Allen-\$400.00 civil penalty-paid
Glen R. Bonifield, Jr.-\$400.00 civil penalty-paid
Lesley Bryn Rine-\$300.00 civil penalty-paid
Christopher S. Gilbert-\$200.00 civil penalty-paid
Stephen C. Lawrence-\$500.00 civil penalty-paid
Julie H. Roberson-\$1,700.00 civil penalty-paid
Rhonda Robinson-\$1,400.00 civil penalty-paid
Terry M. Cole-\$1,100.00 civil penalty-paid
Bharat S. Zaver-\$200.00 civil penalty-paid
Marcus Ashley Wattenbarger-\$2100.00 civil penalty-paid
Benjamin A. Robertson-\$400.00 civil penalty-paid
Jack A. Mayfield-\$400.00 civil penalty-paid

VIOLATED BOARD RULE 1140-2-.02(1)

Dr. Hill made the motion to accept the consent orders as presented. Dr. Warren seconded the motion. The motion carried.

Dora Murphy, RT-\$100.00 civil penalty-paid
Stephanie Michelle Theuns-\$100.00 civil penalty-paid
Amy Nichole Lee-\$100.00 civil penalty-paid
Kenneth David Tacchi-\$100.00 civil penalty-paid
April Michelle Cook-\$100.00 civil penalty-paid
Jennifer Lynn Searcy-\$100.00 civil penalty-paid
Misty Dawn McDonald-\$100.00 civil penalty-paid
Maria E. Cruz-\$100.00 civil penalty-paid
Julie Ann Cruzen-\$100.00 civil penalty-paid

Keri King-\$100.00 civil penalty-paid
Shantrelle Nicole Coleman-\$100.00 civil penalty-paid

REVOCATION

Dr. Warren made the motion to accept the consent orders as presented. Dr. Hill seconded the motion. The motion carried.

Dustin Vo, RT
Robert Safford, D.Ph.
Robert Hafner, D.Ph.
Ronald K. Gray, D.Ph.
Amy D. Cochrane, RT
Cassie A. Walker, RT
Mary Martha Shaffer, RT
Brandi Nichole Luttrell, RT
Sarah Marie Birchfield, RT
Carla Echols, RT
Jennifer Kitts, RT
Tonya Patrice Steele, RT

VIOLATED BOARD RULE 1140-9-.02(1) and (2)

Dr. Hill made the motion to accept the consent orders as presented. Dr. Kizer seconded the motion. The motion carried.

SPC Home Medical Supply-\$500.00 civil penalty-paid
Smith & Nephew \$12,000.00 civil penalty-paid

VIOLATED BOARD RULE 1140-3-14(2)

Dr. Warren made the motion to accept the consent orders as presented. Dr. Hill seconded the motion. The motion carried.

Kroger Pharmacy #544-\$100.00 civil penalty-paid
CVS Pharmacy #6417-\$100.00 civil penalty-paid
CVS Pharmacy #6417-\$100.00 civil penalty-paid

VIOLATED BOARD RULE 1140-3-11

Dr. Kizer made the motion to accept the consent orders as presented. Dr. Hill seconded the motion. The motion carried.

Mehr Drug Store-\$200.00 civil penalty-paid

VIOLATED BOARD RULE 1140-3-.01(3) (a) and (b)

Dr. Kizer made the motion to accept the consent orders as presented. Dr. Hill seconded the motion. The motion carried.

Victoria Powers-\$500.00 civil penalty-paid
Denise Lynette McConnell-\$500.00 civil penalty-paid
Grover Harrison Rivenbark-\$500.00 civil penalty-paid
Robert Irwin Fulford-\$500.00 civil penalty-paid
Vikki Jacob-\$500.00 civil penalty-paid

VIOLATED BOARD RULE 1140-2-.02(1) and (11)

Dr. Hill made the motion to accept the consent orders as presented. Dr. Warren seconded the motion. The motion carried.

Curtis Smith-\$200.00 civil penalty-paid
Tyrell Davis Black-\$100.00 civil penalty-paid

VIOLATED BOARD RULE 1140-6-.05(2) (a) (1) and (3) (b)

Dr. Warren made the motion to accept the consent order as presented. Ms. McDaniel seconded the motion. The motion carried.

Terry L. Stevens-\$2000.00 civil penalty-paid

VIOLATED BOARD RULE 1140-02-01(1), (2), (13) (b)

Dr. Smothers made the motion to accept the consent order as presented. Dr. Kizer seconded the motion. The motion carried.

Amanda Kincade-\$100.00 civil penalty-paid

VIOLATED BOARD RULE 1140-2-.01(15)

Dr. Smothers made the motion to accept the consent orders as presented. Dr. Kizer seconded the motion. The motion carried.

Milton Davis, Jr., D.Ph.-\$100.00 civil penalty-paid
Tonja M. Smith, D.Ph.-\$100.00 civil penalty-paid
Michael R. Trent, D.Ph.-\$100.00 civil penalty-paid
Brandi Lynne Allen, D.Ph.-\$100.00 civil penalty-paid

REINSTATEMENT

Dr. Hill made the motion to accept the consent orders as presented. Dr. Kizer seconded the motion. The motion carried.

Kara Michelle Watts, D.Ph.
Raquelle Woodard, D.Ph.

VIOLATED BOARD RULE 1140-2-.02(11)

Dr. Hill made the motion to accept the consent orders as presented. Dr. Warren seconded the motion. The motion carried.

Yvonne Lea Roach, RT-\$100.00 civil penalty-paid
Ashley Jean Musgrove, RT-\$100.00 civil penalty-paid
Tina Marise Gass, RT-\$100.00 civil penalty-paid
Crystal Amber Swain, RT-\$100.00 civil penalty-paid
Kasey Darlene Gregory, RT-\$100.00 civil penalty-paid
Jonathan Brooks, RT -\$100.00 civil penalty-paid

VIOLATED BOARD RULE 1140-2-.02(6)

Dr. Hill made the motion to accept the consent orders as presented. Dr. Warren seconded the motion. The motion carried.

Michael R. Trent, D.Ph-\$250.00 civil penalty-paid

VIOLATED T.C.A. 53-10-310(a)

Dr. Kizer made the motion to accept the consent orders as presented. Dr. Hill seconded the motion. The motion carried.

Tennessee CVS Pharmcies-\$108,150.00 civil penalty-paid

VIOLATED BOARD RULE 1140-9-05(9) (a)

Dr. Kizer made the motion to accept the consent orders as presented. Dr. Warren seconded the motion. The motion carried.

Smith & Nephew-\$1000.00 civil penalty-paid

General Discussion

Dr. Wilson asked about the number of consent orders presented and the number of contested cases that come before the board. The number of contested cases has increased in the last year. Mr. Mezer stated that most of the consent orders presented were from the June and July 2010 legal reports. Ms. Miller asked the board if they would like some report to see how the process works. After discussion, Ms. McDaniel asked for a report of the number of open complaints under investigation.

Directors Report

Dr. Grinder informed the board about verbal statements that Dr. Eidson supposedly gave to Carpenter Law Firm. Mr. Mezer stated that this questionnaire is from an attorney in the State of Arizona that gives advice to several pharmaceutical companies and different pharmacies throughout the country and have decided to write a book on pharmacy law. Mr. Mezer asked the board for their opinion. After discussion, Dr. Hill made the motion that The Board of Pharmacy rules and statutes speak for themselves and that no interpretation beyond what is already in the policy statements is needed. Dr. Kizer seconded the motion. The motion carried.

Dr. Grinder informed the board that they needed to appoint a member to the Controlled Substances Monitoring Database Committee, pursuant to T.C.A. 53-10-303. Dr. Bess previously held the position. After discussion, Ms. McDaniel nominated Dr. Kizer to the Committee. Dr. Hill seconded the motion. The motion carried.

Dr. Grinder informed the board about a request for excelleRX dba Hospice Pharmacia to use automated dispensing machines at Baptist Trinity Hospice, Methodist Alliance Hospice in Memphis, TN and Alive Hospice in Nashville, TN. After discussion, Ms. McDaniel made the motion to approve the request. Dr. Kizer seconded the motion. The motion carried.

Dr. Wilson informed the board about a discussion that she had with an employer who wanted to rehire a pharmacy technician that has not worked as a technician in three or four years and whose registration has expired. The technician was informed by the board's administrative office that they would have to pay roughly six hundred dollars (\$600.00) in late fees. Dr. Wilson stated that she thought that this issue was resolved at the last board meeting concerning board rule 1140-1-.10 (12) which states "If a any person fails to renew a license or registration certificate, such license or registration certificate may be reinstated upon complying with rule 1140-1-.07 and upon the payment of the appropriate renewal fee plus a penalty fee of ten dollars (\$10.00) for each month or fraction thereof that payment for renewal is delinquent. In the event such renewal is not procured within six (6) months from the date on which the last renewal became delinquent, the board may refuse to issue the renewal." Dr. Grinder stated that the policy of the board is that if a technician license has been expired for less than six months, they will be assessed the ten dollar late fee per month. If it has been more than six months, we would ask if they have been working. If they have been working on an expired registration after six months, the ten dollar late fee per month applies but if it has been more than six months and they have not been working, we usually ask for a new application. After discussion, Ms. McDaniel made the suggestion to

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issue a policy statement that states that if a technician has not been working more than six months on an expired registration that they may submit a new application, however this does not apply to a technician that has been working on an expired registration. Mr. Mezer stated that he can submit a draft of the policy statement at the next board meeting.

Dr. Wilson asked the board for the input for articles for the newsletter. The articles will need to be submitted by November 1, 2010 to Dr. Denaburg or Dr. Wilson. The Newsletter will be published on December 1, 2010. Dr. Kizer asked if the instruction for subscribing to the newsletter in the newsletter? Dr. Kizer stated that some pharmacists don't know how to receive the newsletter. The link is on the board's website to subscribe to the newsletter.

Dr. Wilson suggested that the board think about electronic capabilities for the investigators to use during their inspection where the forms can be processed electronically. Dr. Warren stated that other states use some type of electronic technology to record the inspections with the option of printing. Ms. Miller stated that wireless cards have been order for the investigators to use with their laptops.

Dr. Grinder stated that the investigators, legal counsel and Dr. Eidson reviewed the inspection forms to make sure that they were current and up to date. The inspection forms check list has to have a rule or law to back up each item on the check list. The question has been added concerning access to the controlled substance monitoring database.

Dr. Wilson asked Ms. Miller about the search for a new executive director. Ms. Miller stated that they have submitted the request to have the position released by the Human Resource Department and that she has already received eight applications for the position. Dr. Warren asked Ms. Miller, if she will be interviewing each applicant that applied or is there a screening process that's applied first before the interviewing process? Ms. Miller stated that since only eight applicants have applied, she will interview them all. Dr. Warren asked if the applicants will be brought before the board? Ms. Miller stated that the board voted at the last meeting to have Dr. Bess and Dr. Wilson to be involved in the process. Ms. McDaniel suggested that Dr. Stephens be involved in the process since Dr. Bess is no longer on the Board. Dr. Warren also suggested Dr. Hill since he is the vice-president. After discussion, Ms. McDaniel made the motion that Dr. Wilson, Dr. Stephens and Dr. Hill participate in the interview process and make a recommendation to Ms. Miller. Dr. Warren seconded the motion. The motion carried.

Ms. McDaniel left the meeting at 10:50 a.m.

Dr. Wilson asked Ms. Miller about the budget update. Ms. Miller passed out the final financial report for 2009 fiscal year and the preliminary figures for the end of the 2010 fiscal year. Final 2010 year end figures will be mailed to board members when available.

Dr. Kizer asked about the controlled substance monitoring database. Dr. Kizer states that he has experience some problems with the database. Dr. Grinder stated that each problem reported to the board after researching the issues, it has usually been the software that the pharmacist have

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been using that causes the problem. Dr. Grinder also stated that pharmacists still need to inform the board of any problems that they have with the database.

Dr. Kizer stated that he and other pharmacists are having problems with discharge prescription from hospitals. The prescription pads do not have the correct information on them including what hospital the prescription is from or the phone numbers. They only have a signature that is usually illegible. Mr. Mezer stated that a complaint can be filed with Health Care Facilities against the facility and if it is a physician that is using the incorrect prescription pad, a complaint can be made to the Board of Medical Examiners. Dr. Smothers stated that part of the problem is lies with the prescription form. Ms. Miller suggested that Mr. Mezer speak with the legal counsel for Health Care Facility to see if we can structure some type of resolution. Dr. Smothers volunteered to speak with the Director of Pharmacy at Jackson Medical Center, flagship hospital of West Tennessee Healthcare, about a possible process review at the health system related to this issue.

Dr. Kizer made the motion to adjourn at 11:15a.m. Dr. Hill seconded the motion. The motion carried.

Amended and ratified at the November 15-16, 2010 board meeting.